

Community Planning Permit By-law

City of Peterborough

Draft CPP By-law

January 2026



Table of Contents

1	Definitions	1
2	Administration	54
2.1	Application of the By-law	54
2.1.1	Lands subject to this by-law.....	54
2.1.2	Permit required.....	54
2.1.3	Vegetation removal	54
2.1.4	Compliance with other legislation	54
2.2	Exemptions.....	54
2.2.1	Development exempt from community planning permit requirement.....	54
2.2.2	Development subject to development standards of this by-law, but which are exempt from Community Planning Permit requirement.....	55
2.3	Enforcement	56
2.3.1	Conformity with Community Planning Permit By-law	56
2.3.2	Offence	56
2.3.3	Penalties	56
2.3.4	Effect of invalid provisions.....	56
2.4	Repeal of existing By-laws.....	57
2.5	Transition provisions.....	57
2.5.1	Transition clauses.....	57
2.5.2	Transition clause related to building permit applications	57
2.5.3	Transition clause related to site plan applications.....	57
2.5.4	Transition clause related to minor variances and permissions granted.....	58
2.5.5	Transition clause related to previous zoning approvals (Comprehensive Zoning By-law 1997-123).....	58
2.5.6	In-process applications made prior to the effective date of the Community Planning Permit By-law	58
2.6	Community Planning Permit classes and approvals	59

2.6.1	Community Planning Permit classes	59
2.6.2	Delegating approvals.....	59
2.6.3	Notification requirements	59
2.6.4	Referrals to council	61
2.7	Discretionary uses	61
2.7.1	Discretionary use requirements.....	61
2.7.2	Adding a permitted or discretionary use	61
2.8	Variations	61
2.8.1	Class 2 or 3 permit variations	61
2.8.2	General standards variations process.....	61
2.8.3	Variation amounts and percentages	62
2.8.4	Permit application requirements.....	62
2.8.5	Class 2 permit staff variations.....	62
2.8.6	Class 3 permit council variations.....	62
2.9	Criteria for discretionary uses and variations	63
2.9.1	Criteria for discretionary uses, variations from standards and class 2 or 3 building heights63	
2.10	Agreements.....	63
2.10.1	Agreements	63
2.10.2	Agreements and provision of facilities, services and matters.....	64
2.10.3	Agreement registration on title	64
2.10.4	Applicant responsibility for additional approvals.....	64
2.10.5	Delegation of authority to City staff	64
2.10.6	Pre-existing development agreements.....	64
2.11	Application process	64
2.11.1	Community Planning Permit review process	64
2.11.2	Pre-consultation.....	66
2.11.3	Requirements for a complete application	66
2.11.4	Required information, materials, studies and reports.....	66

2.11.5	Decision.....	67
2.12	Conditions attached to approval.....	67
2.12.1	Conditional approval of permit applications.....	67
2.12.2	Limitations on conditions of approval	67
2.12.3	Types of approval conditions.....	68
2.13	Provisional approval	68
2.13.1	Provisional approval conditions.....	68
2.13.2	Fulfillment of provisional conditions	68
2.13.3	Validity period of provisional approval	69
2.13.4	Extension requests for provisional approval.....	69
2.14	Facilities, services and matters.....	69
2.14.1	Maximum building height permitted through a Class 1 Community Planning Permit	69
2.14.2	Maximum building height permitted through a Class 2 Community Planning Permit	69
2.14.3	Additional building heights and densities and the provision of facilities, services, and matters for a residential use.....	70
2.14.4	Application requirements.....	72
2.14.5	Provision for alternative facilities, services, and matters.....	72
2.14.6	Class 3 maximum building height	72
2.14.7	Exemptions for the provision of facilities services and matters	73
2.15	Notice of decision	74
2.15.1	Decision time frame	74
2.15.2	Refusal of an application	75
2.16	Appeals.....	75
2.16.1	Appeal of decision to Tribunal	75
2.16.2	Appeal of non-decision to Tribunal.....	75
2.16.3	Appeal process compliance.....	75
2.17	Modifications to provisional approvals.....	75

2.17.1 Modifications to provisional or conditional approval.....75

2.17.2 Review of proposed modifications.....75

2.17.3 Additional submission requirements.....75

2.17.4 Fees for modifying applications76

2.18 By-law Amendment Process.....76

2.18.1 By-law amendment requirements76

2.18.2 Initiating By-law amendment process.....76

2.18.3 Additional submission requirements.....76

2.18.4 Supporting documents76

2.19 Existing uses, lots, buildings, and structures.....77

2.19.1 Legal non-conforming uses77

2.19.2 Restoration to a safe condition.....77

2.19.3 Existing non-complying building and lots.....77

2.19.4 Municipal land taking78

3 Interpretation 79

3.1 How to read this by-law.....79

3.2 Precinct citations.....79

3.3 By-law schedules80

3.4 Precinct boundaries.....80

3.5 Precinct overlays & special policy areas.....81

3.5.1 Natural areas overlay81

3.5.2 ORCA floodplain overlay81

3.5.3 Jackson Creek Special Policy Area81

3.6 Multiple precincts on a Lot.....82

3.7 Holding provisions.....82

3.8 Interpretation of irregular lot lines.....82

3.9 Other applicable laws.....83

3.10 Conflicting regulations83

3.11 Measuring height	83
3.12 Metric clause and rounding	83
3.13 Statutory elements of the By-law	84
3.14 Technical revisions.....	84
3.15 Defined terms	84
4 General Provisions	85
4.1 Procedural provisions	85
4.1.1 Variations to a general provision.....	85
4.1.2 Dwelling units on subdivided lots.....	85
4.1.3 Municipal services	85
4.1.4 Change of use or alteration of building	86
4.1.5 Undersized lot.....	86
4.1.6 Overlays.....	86
4.1.7 Vegetation protection zone.....	87
4.2 Prohibited uses in all precincts.....	88
4.2.1 Prohibited uses.....	88
4.3 Specific use provisions and regulations.....	89
4.3.1 Accessory uses.....	89
4.3.2 Accessory buildings or structures	89
4.3.3 Accessory buildings or structures, neighbourhood precincts.....	90
4.3.4 Additional dwelling units in the central area and existing units created before November 16, 1995	90
4.3.5 Additional residential units.....	91
4.3.6 Agricultural-related uses	92
4.3.7 Automobile-focused uses	92
4.3.8 Frontage on a street.....	93
4.3.9 Group homes with no more than 6 persons.....	93
4.3.10 Home-based business	93
4.3.11 Model homes.....	94

4.3.12	Neighbourhood supportive use	95
4.3.13	Municipal uses and utilities	95
4.3.14	Outdoor storage	96
4.3.15	Railways.....	96
4.3.16	Temporary construction buildings and uses	96
4.4	Built-form and site design provisions.....	97
4.4.1	Active frontage	97
4.4.2	Building setback – lot without rear lot line	97
4.4.3	Common walls	97
4.4.4	Fences in neighbourhood precinct.....	97
4.4.5	Garbage, refuse and storage.....	97
4.4.6	No open display of goods or merchandise.....	98
4.4.7	Number of buildings per lot in the neighbourhood precinct.....	98
4.4.8	Planting strip	98
4.4.9	Projections and overhangs	99
4.4.10	Rooftop projections, mechanicals and elevator penthouses	99
4.4.11	Sight line triangles – corner lots.....	99
4.4.12	Towers - general provisions.....	99
5	Parking	101
5.1	Definitions	101
5.1.1	Definition of areas.....	101
5.1.2	Occupancy load.....	101
5.2	Motor vehicle parking requirements	101
5.2.1	Residential use.....	101
5.2.2	Commercial use.....	104
5.2.3	Exemptions from parking requirements for non-residential uses	106
5.3	Motor vehicle parking regulations.....	109
5.3.1	Parking space size and access	109

5.3.2	Residential parking	110
5.3.3	Shared parking rates	111
5.3.4	Residential bicycle parking space requirements	112
5.4	Accessible parking requirements for vehicles	115
5.4.1	Number of required accessible parking spaces	115
5.4.2	Size of accessible parking space.....	117
5.4.3	Signage for accessible parking spaces.....	118
5.5	Passenger bus parking requirements	118
5.5.1	Size of passenger bus parking space.....	118
5.5.2	Setbacks – passenger bus parking space.....	118
5.6	Loading requirements.....	118
5.6.1	Dimensions of loading space.....	118
5.6.2	Loading space.....	119
5.7	Loading regulations.....	120
5.8	Driveway regulations.....	120
5.9	Surface treatment.....	122
5.10	On same lot	122
5.11	More than one land use.....	122
5.12	Fraction of requirements	122
5.13	Walkways and Pedestrian Paths of Travel.....	123
5.14	Parking Lot Configuration	123
6	Central Area Precincts	124
6.1	Precincts Overview	124
6.2	Permitted and Discretionary Uses.....	124
6.3	Development Standards	128
6.4	Height Transition.....	138
7	Mixed-Use Corridor Precincts.....	139
7.1	Precincts Overview	139

7.2 Permitted and Discretionary Uses..... 139

7.3 Development Standards 142

7.4 Height Transition..... 146

8 Neighbourhood Precinct..... 148

8.1 Precincts Overview 148

8.2 Permitted and Discretionary Uses..... 148

8.3 Development Standards 149

9 Employment Precincts..... 153

9.1 Precincts Overview 153

9.2 Permitted and Discretionary Uses..... 153

9.3 Development Standards 155

10 Institutional Precincts..... 157

10.1 Precincts Overview 157

10.2 Permitted and Discretionary Uses..... 157

10.3 Development Standards 160

10.4 Height Transition..... 164

11 Open Space Precincts 165

11.1 Precincts Overview 165

11.2 Permitted and Discretionary Uses..... 165

11.3 Development Standards 166

12 Transition Precinct 167

12.1 Precincts Overview 167

12.2 Permitted and Discretionary Uses..... 167

12.3 Development Standards 169

12.3.1 Agri-Tourism Uses 170

12.3.2 Home Industries and On-Farm Diversified Uses 170

13 Site Specific Provisions..... 172

DISCLAIMER: This document is a draft provided for discussion and public consultation only. It has not been adopted or enacted and has no legal effect. The content is subject to change without notice. No rights or obligations should be inferred from this draft. If and when a by-law is approved by Council, only the final enacted version as published will govern. In this draft, not all defined terms are bolded and some materials are intended to be added to the final version, as an outcome of the public consultation process.

1 Definitions

– A –

Accessible parking space means a parking space designed and signed in compliance with the Accessibility for Ontarians with Disabilities Act, as amended, and exclusively reserved for motor vehicles used by or transporting persons holding a valid accessible parking permit issued by the Province of Ontario or recognized jurisdiction.

Accessory building/structure means a detached **building** or structure, the use of which is accessory and subordinate to the principal use, **building**, or structure located on the same lot. An **accessory building or structure** shall not be used for human habitation, except where permitted as a detached **additional residential unit** under this **by-law**.

Accessory use means a use that is clearly incidental, subordinate and exclusively devoted to a permitted use and carried on within the same lot.

Active entrance means a door, or a set of doors, that is designed, constructed, and regularly utilized as the principal pedestrian access point for a **building's** primary use, specifically intended for permanent entry and exit by residents and visitors in the case of a residential **building**; or by customers, employees, and other **building** users during all regular business operating hours in the case of a non-residential **building**. Such entrance shall directly front onto and be visibly oriented towards a street, public park, or public square. For the purpose of this **by-law**, an **active entrance** shall explicitly exclude emergency egress doors, garage doors, loading doors, service doors, sliding patio doors, and doors providing access solely to storage or utility areas.

Active frontage means a portion of a **building** oriented to, and directly abutting a public street, or publicly accessible open space, and that is designed to promote visual interest, pedestrian activity, and safety through features such as frequent entrances, transparent glazing, active-uses at grade, and minimal blank wall conditions. Streets subject to active frontage regulations are illustrated on [Schedule F \(Non-Residential Uses At-Grade and Active Frontage Requirements\)](#) and are subject to the provisions under [Section 4.4.1 \(Active Frontage\)](#).

Active transportation means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

Additional dwelling unit means a self-contained dwelling unit created within a **building** located in the Central Area and used exclusively for residential purposes or a self contained dwelling unit that legally existed on or before November 16, 1995, in accordance with Ontario Regulation 384/94 Apartments in Houses.

Additional residential unit means a self-contained dwelling unit which is located on a lot and contained within a **principal dwelling unit** that is a detached dwelling, semi-detached dwelling, or street townhouse dwelling or which is located within an **accessory building** on the same lot that contains a **principal dwelling unit** that is a detached dwelling, semi-detached dwelling, or street townhouse dwelling.

Adequate means the necessary capacity is available for municipal services.

Adult entertainment parlour means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations. For the purpose of defining **adult entertainment parlour** as prescribed above, the following definitions are applicable:

- a) "To provide" when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings.
- b) "Services" includes activities, facilities, performances, exhibitions, viewings and encounters.
- c) "Services designed to appeal to erotic or sexual appetites or inclinations" includes:
 - (i) Services of which a principal feature or characteristic is the nudity or partial nudity of any person, or
 - (ii) Services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or picture, symbol or representation having like meaning or implication is used in any advertisement.

Affordable housing means in the case of:

- a) Ownership housing, the least expensive of:
 - (iii) Housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low and moderate income households; or
 - (iv) Housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area;
- b) In the case of rental housing, the least expensive of:
 - (i) A unit for which the rent does not exceed 30 per cent of gross annual household income for low and moderate income households; or
 - (ii) A unit for which the rent is at or below the average market rent of a unit in the regional market area.

Agricultural source material includes a variety of materials that may be sources of nutrients or pathogens such as:

- a) Manure produced by farm animals, including bedding materials.
- b) Runoff from farm-animal yards and manure storages.
- c) Wash water that has not been mixed with human body waste.

- d) Organic materials produced by intermediate operations that process the above materials (e.g., mushroom compost).
- e) Anaerobic digestion output that does not include sewage biosolids or human body waste.
- f) Materials produced by aquaculture.
- g) Regulated compost that is derived from compost containing dead farm animals.

Agricultural-related uses means farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support **agriculture**, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

Agriculture means the cultivation of the soil and animal husbandry, but does not include the slaughter, processing or packing of animals.

Alter means a structural change to a **building** such as an addition to the area or height or the removal of a part thereof, or any change thereto such as construction of, cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change to or closing of any means of egress or a change to the exterior cladding or trim.

Amenity area - common means an area on a lot provided for the active or passive recreation and shared enjoyment of the residential occupants of a **building**, excluding a driveway or any other parking area. Located inside or outside a structure, **common amenity areas** will be common to all dwelling units within a residential or mixed-use **building** and may include open landscaped areas, **building** rooftops, patios, terraces, above ground decks, swimming pools, party rooms, tennis courts and the like.

Amenity area - private means an outdoor area on a lot provided for the exclusive use, recreation (active or passive) and enjoyment of the occupants of a dwelling unit. It must be accessory to and directly accessible from the dwelling unit, and excludes a driveway, parking area, or walkway.

Angular plane means an imaginary inclined plane, rising over a lot, drawn at a specified height and angle from the horizontal, which together with other **building** regulations and lot size requirements, delineates the maximum **building** bulk and height. Where applied, the base of this plane shall be coincidental with a specified reference point.

Apartment dwelling/building means a **building** containing five (5) or more dwelling units each with a private entrance from outside or a private entrance from a common internal hallway or internal stairway. An **apartment dwelling** will share common facilities such as amenity space, parking areas and driveways and does not include an **additional dwelling unit** or **additional residential unit**.

Approval authority means the person or body who can make a decision on a Community Planning Permit application, as outlined in [Table 2.1](#) of this **by-law**.

Archaeological resources includes artifacts, archaeological sites, marine archaeological sites, as defined under the Ontario Heritage Act, as amended. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

Areas of natural and scientific interest (ANSI) means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Art gallery means a premises used for any combination of the preservation, production, exhibition, or sale of sculptures, paintings, photographs, or other works of art.

Arterial street means an **arterial street** as designated on the Road Network Plan attached as Schedule "D" to the Official Plan.

Artisan studio means a premises used as the workplace of an artist and includes but is not limited to a photographer, artist, craftsman, sculptor, or potter, but does not include a repair service or manufacturing, and may include an area for displaying and/or selling of goods provided that such area is accessory to the production process.

Assembly area means that portion of a **building** or lot capable of being used for the assembly of persons, including, dance floors, arena floors, grandstands, ballrooms, outdoor patios, and other such facilities.

Attic means the unfinished space between the roof and the ceiling of the top storey or between a dwarf wall and sloping roof.

Automobile-focused uses means a **building** or business, or portion thereof, which caters primarily to the needs of automobiles, including, but not limited to the provision of fuel/gas, parts or products, repairs or servicing, facilities or services for washing, drive-throughs and the sale, lease or rental of automobiles of all types.

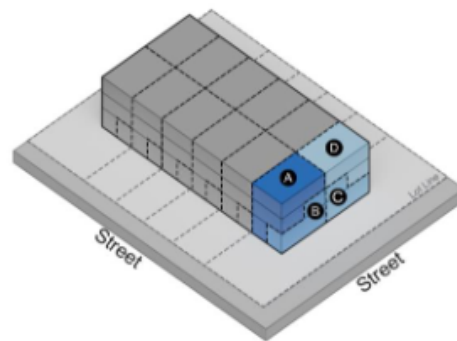
Average grade means the average elevation of the finished ground level measured at the corners and midpoints of all exterior walls of a **building** or structure.

– B –

Bachelor dwelling unit means a dwelling unit containing a bathroom and not more than two habitable rooms and providing therein living, sleeping and cooking facilities.

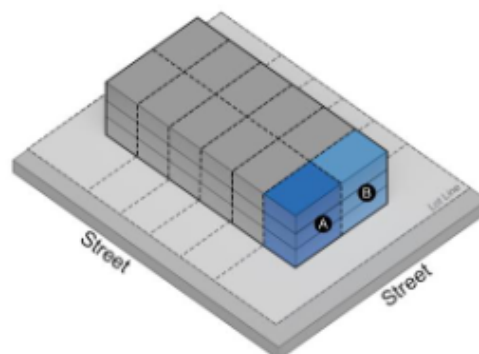
Back-to-back stacked townhouse unit means a two (2) to four (4) storey **building**, or a portion of a **building**, with a minimum of three (3) and a maximum of four (4) dwelling units that are divided both vertically and/or horizontally and whereby units share a common rear wall and accessed via private entrance from outside or a private entrance from a common internal hallway or internal stairway. A series of two (2) or more consecutive (attached) back-to-back stacked townhouse units constitutes an **apartment building**.

Figure 1.1: Visual representation of a back-to-back stacked townhouse unit, illustrating vertical and horizontal unit separation and shared rear wall configuration for up to four (4) dwelling units



Back-to-back townhouse unit means a two (2) to four (4) storey **building**, or a portion of a **building**, consisting of two (2) dwelling units divided by a common rear wall and accessed via private entrance from outside or a private entrance from a common internal hallway or internal stairway. When located on the same **lot**, a series of two (2) back-to-back townhouse units constitutes a four-unit dwelling, and a series of three (3) or more back-to-back townhouse units constitutes an **apartment building**.

Figure 1.2: Visual representation of a back-to-back townhouse unit, illustrating the common rear wall and independent exterior access for two (2) dwelling units



Balcony means an unenclosed or partially enclosed attached platform projecting from the **main wall** of a **building**, located above the ground floor, accessible only from within the **building**. A **balcony** is typically enclosed only as required by railings or guards, and does not have direct access to grade.

Bank, financial institution or loan company means an establishment used predominantly for financial transactions, including the borrowing, depositing and exchanging of currency and shall include **banks**, trust companies, credit unions, savings and loan offices and similar establishments, but does not include insurance companies, mortgage companies or investment dealers.

Barrier free access ramp means an uncovered, inclined ramp providing access to the main floor/entry level of a **building** designed to provide a continuous, unobstructed path of travel for persons with disabilities, in accordance with standards out under the Accessibility for Ontarians with Disabilities Act, as amended.

Basement means that portion of a **building** situated wholly or partly below the first storey.

Bed and breakfast establishment means a home-based business offering short term lodging for compensation to the travelling and vacationing public. Guest rooms or suites may include a private bath, but does not include cooking facilities. Breakfast and other meals, services, facilities or amenities may be offered exclusively to guests. A **bed and breakfast** does not include a hotel, lodging house type 1, group home or any other home licensed, approved or supervised under any general or special act.

Bedroom means a room, or area in a dwelling unit, or lodging house, equipped, used or designed with the intended use for sleeping.

Bicycle parking, long term means an enclosed area, for use by **building** occupants, that is equipped with a bicycle rack or locker that is accessible, secure, and weather protected.

Bicycle parking, short term means an area for the purpose of parking and securing bicycles to a rack or stand that is accessible for visitors of a **building**.

Buffer strip means an area of land consisting of soft landscaping such as grass, flowers, trees and shrubbery, and can include a fence. A **buffer strip** can be located within a required yard.

Building means a fully enclosed structure, whether temporary or permanent, used or intended for supporting or sheltering any use or occupancy by persons, animals or property. For greater clarity, the following items are excluded from this definition: mobile homes; trailers; and vehicles.

Building area means the area of the part of a **lot** covered by **buildings** and any horizontal projections; therefrom, in excess of 0.6 metres from the foundation of the **building**, but not including a platform, deck or verandah.

Building coverage means the ratio of the **building area** to the area of the **lot**.

Building floor area means the total of the horizontal areas of all storeys in a **building** as calculated by using the exterior dimensions of the **building**.

Building height means the vertical distance between the average finished grade of a **building** and the top of such **building**. The top is considered:

- a) In the case of a flat roof, the highest point of the roof's surface or parapet, whichever is greater;
- b) In the case of a mansard roof, the deck roof line;
- c) In the case of a gable, hip, gambrel or one- slope roof, the average height between the eaves and ridges; or
- d) Where an exterior wall, other than a required fire wall, extends above the top of the roof of a **building**, the topmost part of such exterior wall.

Building setback means the minimum distance from a lot line in which a **building** may not be located.

Building supply means the wholesale or retail sale of **building** or construction supplies and accessories, including the outdoor storage of **building** materials which may include lumber, millwork, cement, siding, roofing, plumbing or electrical supplies, heating, cooling or ventilating construction supplies, fireplaces, windows, paints, wall coverings, and floor coverings, but does not include the sale of appliances, audio-visual equipment, home furnishings or furniture, or a home improvement warehouse.

Built heritage resources means a **building**, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an indigenous community. **Built heritage resources** are generally located on property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, Provincial and/or Federal registers.

Business service establishment means an establishment servicing primarily the operational needs of the business community including: employment services, customs services, marketing services, collection and credit services, appraisal services, advertising and graphic services, accounting and bookkeeping services, research and training services, office equipment and computer services, data processing services, courier services, property management services, security services, janitorial services, and studio and communication services.

By-law means this Community Planning Permit By-law and any amendments thereto including any and all schedules forming any part of this **by-law** and any amendments thereto.

– C –

Campground means a parcel of land used for the temporary accommodation of people by means of tents, travel trailers or recreational vehicles, or similar portable shelters, and may include accessory facilities such as washrooms, laundry facilities, and recreational amenities, but does not include permanent residential dwellings or temporary accommodation directly associated with a construction project.

Car wash means a **building** or structure, or portion thereof, used for the washing, cleaning, polishing, or detailing of motor vehicles, and may include automatic (drive through), self-serve, or full-service **car wash** facilities.

Car wash, automatic means a premises used for the automated washing or drying of a vehicle. A **car wash, automatic** is a drive-through facility, and includes stacking lanes.

Car wash, self serve means a premises used for the washing of a vehicle by means of a hand operated pressurized wand connected to the water system of the premises.

Carport means a partially enclosed structure intended for parking, having a roof supported by columns, piers or walls and in which the total area of all closures around the perimeter does not exceed 60% of the total area of all sides of said **carport**.

Cash-in-lieu of parking means a monetary payment made to the **City** by an owner or applicant, in lieu of providing some or all of the required parking spaces on a **lot**, in accordance with the applicable City By-law and pursuant to provision 40 and any additional requirements under the Planning Act.

Cash-in-lieu of parkland means a monetary payment made to the **City** by an owner or applicant, in lieu of the conveyance of parkland as otherwise required under the Planning Act.

Centre line means the point which equally divides the width of the original road allowance of a street.

City means the Corporation of the City of Peterborough.

Clinic means a **building** or part thereof used by a physician, dentist, chiropractor, osteopath, podiatrist, pharmacist, optometrist, optician, denturist, chiropractist, and other medical and drugless practitioner and their associated staff and services, but not by a veterinarian.

Collector street means a collector street as designated on the Road Network Plan attached as [Schedule "D"](#) to the Official Plan.

Commercial dog kennel means a place or premises where a dog or dogs are sold or offered for sale or kept for gain, show or race events.

Commercial fertilizer means synthetic substances containing nitrogen, phosphorus, potassium or other chemicals intended for use as a plant nutrient or other substances that are intended to improve the physical condition of soils or to aid in plant growth or crop yields.

Commercial vehicle means a motor vehicle having attached to it a truck or delivery body, and may include a food truck, bus, cube van, tow truck, tilt and load trucks or trailers, dump trucks, tractor trailers, semitrailers, or construction equipment that is self-propelled or designed to be towed.

Communications & broadcasting establishment means an establishment for the production, reception, and/or transmission of information by electronic means, and may include related administrative and customer services.

Community centre means a multi-purpose facility, typically operated by a public authority or non-profit organization, providing or hosting a range of recreational, cultural, social, educational, or community support programs, services, and events primarily for area residents or the general public. It may include associated facilities such as meeting rooms, gymnasiums, swimming pools, arenas, libraries, arts spaces, seniors' centres, youth clubs, accessory administrative offices, and small-scale food services related to the centre's operation, but does not include a school or primarily commercial operations such as a fitness centre.

Community energy plan means a strategic plan developed with the objectives of attracting investment in the energy sector, ensuring a reliable energy supply, and reducing the environmental impacts associated with energy generation and consumption.

Community hub means a central access point for a range of needed health and social services, along with cultural, recreational, and open spaces. Every community hub is unique and is defined by local needs, services and resources.

Community planning permit area means an area within a municipality that is subject to the regulations and provisions of a Community Planning Permit By-law as adopted by Council.

Community planning permit system means a land use planning tool under The Planning Act that combines the Zoning By-law, Site Plan Control, and Minor Variance approvals into a single permit application and approval process. The Community Planning Permit System establishes regulations, permitted uses, standards, and criteria for variations for development within a Community Planning Permit Area.

Compatible development does not mean development that is the same as, or even similar to existing development in the vicinity. Compatible development means development that enhances the character of the surrounding community without causing any undue, adverse impacts on adjacent properties including, but not limited to, consideration of provincial guidelines relating to land use compatibility and environmental noise.

Complete communities means places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age- friendly and may take different shapes and forms appropriate to their contexts.

Complete streets means streets planned to balance the needs of all road users, including pedestrians, cyclists, transit-users, and motorists.

Concrete plant means a premises used for the production of concrete including the storage of equipment and materials used to form concrete such as sand, aggregate and cement.

Condominium means a **building** or project registered in accordance with Condominium Act, R.S.O., Chapter 84.

Conference and convention facility means a **building**, or part thereof, which is not a hotel, and in which facilities are provided for a lecture auditorium or meeting room facility for the exclusive use of conference or convention participants.

Conservation area means an area set aside for the preservation, protection and improvement of the natural environment through the management and maintenance of natural components and features found therein. A conservation area use may include natural based recreation, recreation trails, outdoor education and non-destructive research.

Conservation authority means the Otonabee Region Conservation Authority or its successors.

Conservation use means the use of land, water, and/or structures for the protection, management, and conservation of the natural heritage system. Natural heritage conservation may include the preservation, maintenance, sustainable utilization, restoration, and/or enhancement of the natural environment, and may include forest, fish, and wildlife management. Conservation may also include accessory low impact scientific and educational activities and passive recreation activities that have no negative impacts on the conservation use.

Conserved means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and **archaeological resources** in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

Construction trailer means a temporary structure, **building**, or trailer used in connection with construction, demolition, or site alteration on the **lot**, and which is ancillary to a permitted use. A construction trailer may be used for the temporary accommodation of offices, storage, staff facilities, or security purposes related to the construction project, and shall be removed from the **lot** upon completion of the work or expiration of the associated permit.

Convenience store means a retail store serving the day-to-day needs of the immediate neighbourhood, typically characterized by extended hours of operation and which primarily sells a range of frequently needed consumer goods such as groceries, beverages, snacks, confectionery, tobacco products, newspapers/periodicals, and household supplies.

Conveyance includes a mortgage or lease.

Council means the Council of The Corporation of the City of Peterborough.

Courtyard means an open space, enclosed on at least three sides, unoccupied from the ground or intermediate level to the sky, contiguous to the **building**.

Converted dwelling means a **building** originally consisting of one or more dwelling units the interior of which has been altered in accordance with this **by-law** to provide one or more **additional dwelling units**.

Cultural heritage landscape means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an indigenous community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, Heritage Conservation Districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, main streets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by Federal or international designation authorities (e.g., a National Historic Site or District designation, or a UNESCO World Heritage Site).

Cultural heritage resources means built heritage resources, cultural heritage landscapes and **archaeological resources** that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people. While some cultural heritage resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

– D –

Day care centre means a premises licensed or required to be licensed as a child care centre under the Child Care and Early Years Act, 2014, as amended, providing temporary care or supervision for children. This term also includes premises providing similar temporary day-time care or supervision for more than five adults, where overnight accommodation is not provided for persons receiving care.

Day care, private home means a home occupation providing temporary care or supervision of children, for a continuous period of time not exceeding twenty-four hours, including licensed day care in accordance with the Child Care and Early Years Act, 2014.

Day nursery means a **building** or part thereof which receives for temporary custody for a continuous period not exceeding twenty-four hours, more than three children under ten years of age and not of common parentage.

Deck means an uncovered and unenclosed structure (except for a railing/guard) abutting an exterior wall of a dwelling, the surface of which is more than 1.5 metres above grade, not more than 3.0 metres above grade, and not more than 5.0 metres above the grade of any point in a lot line which is to the rear of the dwelling.

Delineated built boundary means the limits of the developed urban area as defined by the Minister in consultation with affected municipalities for the purpose of measuring the minimum intensification target in A Place to Grow: Growth Plan for the Greater Golden Horseshoe.

Designed electric vehicle parking space means a parking space designed and constructed to be electric vehicle ready, allowing for the future installation of electronic vehicle supply equipment that conforms to Section 86 of the Electrical Safety Code.

Designated heritage property means **buildings**, structures and properties designated by the **City** under Part IV of the Ontario Heritage Act or within a Heritage Conservation District designated under Part V of the Ontario Heritage Act.

Development means:

- a) The construction, erection or placing of one or more **buildings** or structures on lands;
- b) The making of an addition or alteration to a **building** or structure that has the effect of substantially increasing its size or usability,
- c) The laying out and establishment of,
 - (i) A commercial parking lot,
 - (ii) Sites for the location of three or more mobile homes as defined in subsection 46 (1) of the Planning Act,
 - (iii) Sites for the construction, erection, or location of three or more land lease community homes as defined in subsection 46 (1) of the Planning Act, or
 - (iv) Sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, 2001,

- d) site alteration, including but not limited to,
 - (i) alteration of the grade of land, and
 - (ii) placing or dumping fill, or
- e) the removal of vegetation.

Dog boarding kennel means a place or premises where payment is received by the keeper of a dog or dogs thereof for lodging.

Drinking water threat means an activity or condition that adversely affects or has the potential to adversely affect the quality or quantity of any water that is or may be used as a source of drinking water, and includes an activity or condition that is prescribed by the regulations as a drinking water threat under the Clean Water Act, 2006.

Drive aisle shall mean an unencumbered vehicle passageway or manoeuvrability area within a parking area used for the movement of vehicles to and from parking spaces and is located directly adjacent to a vehicle parking and loading spaces. A driveway is considered a drive aisle once it directly abuts a vehicular parking space or loading space, excluding tandem parking spaces. A vehicular ramp providing access to parking stalls may be considered a drive aisle.

Drive-through facility means the part of a premises used to provide or dispense products or services through an attendant, a pick-up window, or an automated machine to persons remaining in vehicles in designated stacking lanes(s), which may or may not include an order station and menu boards, but does not include a parking facility, parking area or a **building**.

Driveway shall mean an unencumbered passageway providing vehicle access between a Street and a parking area used for the parking, loading, or storage of a motor vehicles. A driveway shall be considered a drive aisle once it directly abuts a vehicle parking or loading space.

Dry cleaning establishment means a **building** or part thereof used for the purpose of receiving articles or goods for dry cleaning, dyeing, cleaning or laundering elsewhere, and for the purpose of pressing and distributing such articles or goods, which may include Class 1 establishments which use all solvent types, or Class 2 establishments which only non-flammable solvents that permit no odour or fumes are used.

Dwelling Width means the length of the **building** façade of a **principal dwelling unit** facing a front yard or exterior side yard, measured at the ground level. In the case of a dwelling unit with a shared vertical wall, the dwelling width is measured at the ground level of an exterior wall and or a shared wall between units.

– E –

Ecological function means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.

Effective date The date on which this **by-law** was passed by Council, or in the case of any part of this **by-law** which, on appeal, is amended by an order of the Ontario Land Tribunal pursuant to Section 34 (26) of the Planning Act, on the day of coming into force of such order.

Electric vehicle parking space means a vehicle parking space constructed with a minimum Level 2 Electric Vehicle Charging Device.

Electrical transformer station means a premises used to control the transmission and distribution of electrical power that is provided to the public.

Emergency shelter means a premises in which short-term emergency accommodation and associated support services are provided and supervised.

Endangered species means a species that is listed or categorized as an "Endangered Species" on the official Provincial species at risk list or Schedule 1 of the Federal Species at Risk Act, as amended from time to time.

Environmental Assessment (EA) means a planning process to determine the potential impacts of an infrastructure project as determined by the Environmental Assessment Act, R.S.O. 1990.

Environmental Impact Study (EIS) means the form or product a study used in the context of natural heritage features and areas where development provisions on or adjacent to a natural heritage feature have been established through a rigorous ecosystems-analysis approach. This will usually take the form of a (sub) watershed study or environmental overview based on a landscape scale review of a natural features and functions of an area.

Ephemeral watercourse means water flows for a short period of time in response to localized precipitation (e.g., spring freshet or storm events). Surface water channel is above the local groundwater table.

Erect means to build, construct, reconstruct, locate, relocate, assemble or repair and includes any preliminary site preparation excavating, filling, grading, draining, in connection therewith.

Established use means use lawfully existing on the day of the passing of this **by-law** or a lawful intended use in a **building** or structure the plans for which have, prior to the day of the passing of this **by-law**, been approved by the Building Inspector, 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 erection of such **building** or structure is commenced within 2 years after the day of the passing of this **by-law** and such **building** or structure is completed within a reasonable time after the erection thereof is commenced.

Established building line means the average setback of the **main wall** of the **principal dwelling unit** located on adjacent **lots** fronting the same street and within 20 metres of the subject property, which establishes a consistent street edge for new development.

– F –

Farm-animal yard means an enclosure for livestock, deer, elk or game animals that is not an outdoor confinement area.

Fence means a barrier erected for the purpose of enclosing or screening all or part of a **lot**, or marking a boundary, typically constructed of posts and wire, wood, metal, or masonry, individually or in combination. This includes associated gates, but excludes retaining walls or landscape features such as trellises or arbours unless they form an integral part of the fence structure itself.

Financial establishment means a premises where financial transactions including the borrowing, depositing, exchanging of currency and credit occurs and includes an automated banking machine.

Finished grade means the average elevation of the finished surface of the ground, excluding any artificial embankment, immediately adjoining the base of the exterior walls or supports of a **building** or structure.

Fish habitat means as defined in the Fisheries Act, means spawning grounds and any other areas, including nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Fitness centre means a premises, operated for gain or profit, where facilities and activities are provided to obtain physical fitness and includes weightlifting and exercise equipment, and may include exercise classes, personal fitness training and associated facilities such as lounge facilities, sauna and office space.

Flooding hazard means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water related hazards;
- b) Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:
 - (i) The flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;

The one hundred year flood; and

A flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources and Forestry; except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources and Forestry as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

Floodplain stream and small inland lake systems means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

Floodway means the channel of a watercourse and the inner portion of the Regulatory Flood Plain required for the safe passage of flood flows, where depths and/or velocities are generally high and pose a significant threat to life or property, as delineated by Otonabee Conservation.

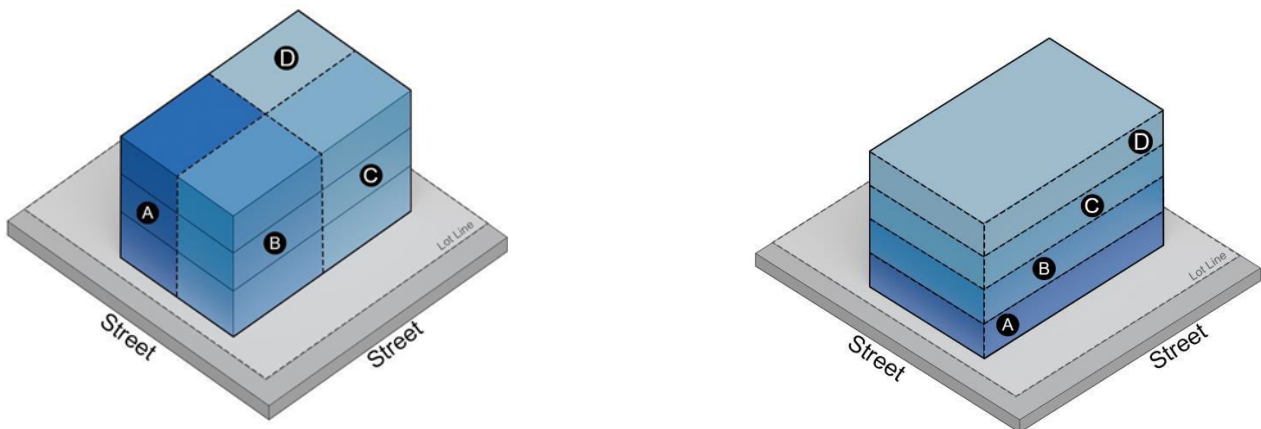
Floor area/ground floor area means the area of a **building** measured to the outside walls at finished grade, excluding in the case of a residential **building**, any garage, **carport**, porch, sun room that is not habitable at all seasons of the year, unfinished **attic**, or basement.

Floorplate means the gross horizontal floor area of a single floor measured from the exterior walls of a **building**, structure or **building tower**, not including balconies.

Food vehicle means a vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food intended for immediate consumption is provided for sale or sold, and includes a motorized, self-propelled vehicle (e.g., food truck), a vehicle that is not self-propelled, but can be towed (e.g. food trailer) and a vehicle moved by human exertion (e.g., food cart).

Four unit dwelling means a **building** on a **lot**, divided horizontally and/or vertically to contain four (4) dwelling units, each with a private entrance from outside or a private entrance from a common internal hallway or internal stairway. A four unit dwelling will share common facilities such as amenity space, parking areas and driveways.

Figure 1.3: Example of unit layouts for four (4) unit dwellings



Fuel storage facility means a facility for the bulk storage of fuels.

Funeral home means a premises used for the care and preparation of human remains, excluding a crematorium, and may include an ancillary visitation centre and chapel for funeral services.

– G –

Gaming establishment means an establishment primarily engaged in the playing of games of chance, or of mixed chance and skill, licensed by the Province of Ontario, such as slot machines, card games, dice games, video lottery terminals and other casino style games, machines, devices, or lottery scheme for money or other items of value, and may also include ancillary uses such as the sale of food and beverages, live music and other performing acts and associated offices, but shall not include a Place of Assembly, Place of Amusement, a Place of Entertainment or a Bingo Hall.

Gaming position means a seat or standing location in which a person participates in a casino gaming activity, such as slots and video machines or table games.

Garage means an enclosed, detached **accessory building or structure** or an enclosed portion of a residential **building** used for the parking of vehicles.

Garage sale means the sale of household goods belonging to the occupant of the dwelling unit where the sale is held.

Garage width means the width of the garage opening measured from the inside walls of the garage door frame. In the case of a multiple door garage including a divider between the garage doors, the width will include all garage openings and the divider.

Garden centre means a premises where trees, shrubs or plants are grown or stored for the purpose of transplanting, for use as stocks for building or grafting, or for the purpose of retail or wholesale, together with the sale of soil, planting materials, fertilizers or similar materials and includes a nursery or greenhouse.

Garden suite means a temporary self-contained detached residential structure that is accessory to a single detached dwelling unit and that is designed to be portable.

Gas bar means one or more fuel pumps for the sale of motor fuels and related products for motor vehicles, together with the necessary pump islands, light standards, kiosk, concrete aprons, canopy, storage tanks and related facilities required for the dispensing of fuel.

Golf course means an area of land used for the purpose of playing golf and may include a club house and curling arena as **accessory uses**.

Great Lakes - St. Lawrence River System The major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario.

Green building means a **building** that, in its design, construction or operation, reduces or eliminates negative impacts, and can create positive impacts, on the climate and natural environment.

Green infrastructure means natural and human-made elements that provide ecological and hydrologic functions and processes. Green infrastructure can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

Green roof means an extension of an above grade roof on top of a **building** or structure, which allows vegetation to grow on top. Green roofs may act as a **common amenity area** while also providing a stormwater function and other environmental benefits.

Gross floor area (GFA) means the total area of a **building** or structure across all floors above grade measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the **centre line** of firewalls, except that, in any occupancy other than a residential occupancy, where an access or a service penetrates a firewall, measurements shall not be taken to the **centre line** of such firewall.

Gross leasable area means any area of a commercial **building** designated for exclusive occupancy and use by tenants.

Group dwelling means a **building** consisting solely of four or more dwelling units, each dwelling unit having at least one private entrance, at grade, from a separate yard.

Group home means a dwelling unit designed and used to provide supervised living accommodation as per the requirements of its residents, licensed and/or funded by the Province of Ontario or the Government of Canada, limited to 10 persons or fewer, exclusive of staff, living together as a single housekeeping unit.

– H –

Habitable floor space means any area in a residential or mixed-use **building** or the like, including a hotel, or **bed and breakfast** which is designed to be used for living, sleeping or the preparation of food.

Habitable room means a room within a dwelling unit used or intended for use for living, sleeping, eating, or cooking. This excludes a bathroom, water closet compartment, laundry room, pantry, corridor, stairway, closet, lobby, private garage, basement/cellar primarily used for storage/utility, non-habitable **attic**, sunroom not usable year-round, or any space used for building services or common access.

Habitat of endangered species and/or of threatened species

- a) Habitat within the meaning of Section 2 of the Endangered Species Act, as amended; and/or,
- b) Habitat for aquatic species or migratory birds species listed as threatened or endangered on Schedule 1 of the Species at Risk Act on non-federal lands.

Hazardous lands property means lands that could be unsafe for development due to naturally occurring processes. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

Hazardous sites property means lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

Highly vulnerable aquifer means a type of vulnerable area defined under the Clean Water Act, as amended, that identifies an aquifer on which external sources have or are likely to have a significant adverse effect, and includes the land above the aquifer.

Home improvement warehouse means a premise used for the storage, distribution, sale or wholesaling of home improvement goods or materials such as lumber, furniture, appliances, audio-visual equipment, garden centre, but does not include a building supply.

Home occupation means an occupation, business, trade or craft conducted as an additional use carried out within a residential dwelling unit by a person who is the occupant of such dwelling unit or the occupant of the **principal dwelling unit**, and includes a day care, private home and a **bed and breakfast**.

Home-based business means an **accessory use** of a dwelling unit and any associated **accessory buildings** to conduct a business activity.

Hospice means a building or part thereof used to provide a combination of active and compassionate programs and accommodation intended to provide support and enhance the comfort, dignity, and quality of life of individuals and their families who are living with or dying from advanced illness or are bereaved.

Hospital means a premises that is approved under the Public Hospitals Act as a public hospital.

Hotel means a premises in which rooms are provided for overnight accommodation of the travelling public and includes a motel. A hotel does not include a **bed and breakfast** or short-term rental.

Hydro corridor means a utility corridor used for the transmission and distribution of electricity.

– | –

Industrial office means the offices of a permitted industrial use.

Infill housing means any project that builds new housing in an already established neighbourhood, such as:

- a) Demolishing one single-family home and building a new one on the same **lot**;
- b) Building a duplex where a single-family home once stood;
- c) Putting up a row of townhouses where one or more single-family homes stood previously; or,
- d) Constructing a new building on a vacant **lot**.

Infrastructure physical means structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Intake protection zone means a type of vulnerable area defined under the Clean Water Act, as amended, that is related to a surface water intake and within which it is desirable to regulate or monitor drinking water threats.

Intermittent watercourse means water flows for several months during the year because of a connection with seasonally high groundwater table or flow contributions from wetlands. Typically flow typically ceases during the summer months (July and August).

– L –

Landscaped open space means that portion of the **lot area** which is required by this **by-law** to be used for landscaping, and which excludes the area occupied by: **buildings, driveways, parking areas, parking spaces, walkways** and **loading spaces**. For clarity, **landscaped open space** includes areas defined as soft landscape areas, required landscape buffers, and may include green roofs and approved low impact development or stormwater management features when integrated as landscape elements, subject to any specific provisions elsewhere in this **by-law**.

Lane means a right-of-way not intended for general traffic circulation that provides motor vehicle access to an abutting lot but does not include a street, private or a street, public.

Large-scale food store means a retail establishment specializing in food products with a **gross floor area** greater than 1,500 square metres. This definition includes warehouse membership clubs, department stores and other retailers with more than 1,500 square metres of selling area devoted to food and grocery items.

Licensed establishment means a premises, including a restaurant, nightclub, micro-brewery and micro-distillery that sells, provides, or serves liquor, wine, spirits, beer and any combination thereof pursuant to a licence issued by the Alcohol and Gaming Commission of Ontario or a successor agency/board thereto, but does not include a premises for which only a special occasion permit or permits are issued, or a premises owned and operated by the **City**.

Linkage/corridor means a linear area intended to provide connectivity, supporting a complete range of community and ecosystem processes, enabling plants and smaller animals to move between core areas and other larger areas of habitat over a period of generations.

Live work unit means a dwelling unit that may be partially used for the operation of a small scale business and the remainder of the unit is a dwelling unit where an owner or tenant resides and whereby each “live” and “work” component within a portion of the unit has an independent entrance from the outside and an interior access between the “live” and “work” components.

Loading space means an off-street space for the temporary parking of vehicles while loading or unloading merchandise or materials.

Lodging house means a type of dwelling unit containing five (5) or more individual **bedrooms** offered for rent to a lodger, whereby **bedrooms** do not include bathroom and kitchen facilities for the exclusive use of individual occupants. A lodging house shall have a private entrance from outside or a private entrance from an internal hallway or internal stairway. A lodging house shall be the sole use of a building and shall not constitute a multi-suite residence, nursing home, hospice, hotel, hostel, group home, **bed and breakfast** establishment or an emergency shelter.

Lodging unit means a room used to provide living accommodation which does not have the exclusive use of both a kitchen and a bathroom.

Long term care facility means a premises regulated by the Ontario Long-Term Care Homes Act, as amended, that provides residential accommodations and a broad range of personal care,

support and health services to meet the physical, psychological, social, spiritual and cultural needs of persons.

Lot means a parcel of land which:

- a) Is the whole of a lot or block on a registered plan of subdivision so long as such registered plan of subdivision is not deemed, pursuant to Section 50 of the Planning Act, as amended from time to time or any successor thereof, not to be a registered plan of subdivision for subdivision control purposes;
- b) Is all land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land;
- c) The description of which is the same as in a deed which has been given consent pursuant to Section 53 of the Planning Act, as amended from time to time or any successor thereof; or
- d) Is the whole remnant remaining to an owner or owners after conveyance made with consent pursuant to Section 53 of the Planning Act, as amended from time to time or any successor thereof.

Lot area means the total horizontal area within the lot lines of a lot.

Lot coverage means the percentage of the lot area covered by all roofed structures and buildings above grade excluding eave projections to a maximum of 0.6 metres and balconies. Uncovered porches and decks may be excluded from the lot coverage calculation provided there is no floor area above them.

Lot depth means the horizontal distance between the front lot line and rear lot line, except where the front lot line and rear lot line are not parallel, the lot depth is the length of a line joining the midpoints of such lines; and where two or more rear lot lines exist, lot depth shall be the average of the distance from the front lot line to each point where the angle changes measured at right angles to the front lot line.

Lot frontage means the horizontal distance between the side lot lines measured along the front lot line, except where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage means the distance measured in a straight line between the points where the side lot lines meet the setback line.

Lot grade means the average elevation of the finished surface of the ground, excluding window wells;

- a) At the exterior walls, for residential buildings containing a maximum of four (4) dwelling units; or
- b) On a line drawn parallel with the exterior walls of a building and located the lessor of 2.4 metres from such walls, or the distance between the wall and the **lot line**, for all other buildings.

Lot line means any boundary of a **lot**.

Lot line, exterior means the **lot line** abutting a street that is not the front **lot line** or rear **lot line**.

Lot line, front means the lot line dividing a **lot** from a street. On a corner **lot**, the shorter **lot line** abutting a street is the **front lot line**; if such lines are equal, the **front lot line** shall be designated by the **City**. On a through **lot**, the **front lot line** is typically the one providing primary vehicular access to the principal use, but may be otherwise designated by the **City**.

Lot line, interior side means a **lot line** other than the **front lot line**, **rear lot line** or exterior side **lot line**.

Lot line, rear means the **lot line** furthest from and opposite to the **front lot line**. On a through **lot**, the **lot line** that is not the **front lot line** shall be deemed the **rear lot line**. Where a lot is triangular, the rear **lot line** shall be the point of intersection of the **side lot lines**.

Lot line, side means an exterior **side lot line** or an interior **side lot line**.

Lot width means the horizontal straight-line distance measured along the building line between the **side lot lines** at the minimum **building setback** from the street line unless the lot has two or more intersecting street lines.

Lot, corner means a **lot** situated at the intersection of and abutting two or more streets or parts of the same street, including any reserve area, where the inside angle of intersection or projected angle at intersection of the tangents of the street lines is less than 135 degrees, except for a lot located at the commencement of a cul-de-sac where the angle exceeds 135 degrees.

Lot, through means a lot bounded on two opposite sides by streets, or a street and a lane, provided; however, that if any lot qualifies as being both a corner lot and a through lot as herein defined, such lot is deemed a corner lot for purposes of this **by-law**.

Lot, through corner means a lot abutting three or more separate streets, or abutting two streets and a lane, or a lot that is a corner lot and a through lot.

Low and moderate income households means:

- a) In the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the municipality; or
- b) In the case of rental housing, household with incomes in the lowest 60 percent of the income distribution for renter households for the municipality.

Low impact development means an approach to stormwater management that seeks to manage rain and other precipitation as close as possible to where it falls to mitigate the impacts of increased runoff and stormwater pollution. It typically includes a set of site design strategies and distributed, small-scale structural practices to mimic the natural hydrology to the greatest extent possible through infiltration, evapotranspiration, harvesting, filtration, and detention of stormwater. Low impact development can include, for example: bio-swales, vegetated areas at the edge of paved surfaces, permeable pavement, rain gardens, green roofs, and exfiltration systems. Low impact development often employs vegetation and soil in its design; however, that does not always have to be the case and the specific form may vary considering local conditions and community character.

– M –

Main building means a building located at a premises and in which is contained the permitted use of a precinct and does not include an **additional dwelling unit**.

Main wall means any exterior wall of a building or structure, including all structural members essential to the support of a roof over a fully or partly enclosed area.

Major institutional means significant institutional facilities which are generally included within the major institutional designation.

Major office means freestanding office buildings of approximately 4,000 square metres of floor space or greater..

Major retail facilities means large-scale or large-format stand-alone retail stores or retail centres with over 5,000 square metres of **gross floor area** that have the primary purpose of commercial activities.

Major transit station area (MTSA) means the area including and around any existing or planned higher order transit station or stop within a settlement area; or the area including and around a major bus depot in an urban core. Major transit station areas generally are defined as the area within an approximate 500 to 800 metre radius of a transit station, representing about a 10-minute walk.

Manufacturing means a premises used for the production, compounding, processing, packaging, crating, bottling, packing, recycling, or assembling of raw or semi-processed or fully-processed goods or materials and includes indoor agricultural based manufacturing uses, bakery, and catering service.

Medical clinic means premises used for the consultation, examination, diagnosis, or therapeutic treatment of human patients primarily on an out-patient basis by one or more physicians, dentists, or other health professionals governed by the Regulated Health Professions Act, as amended. A medical clinic may include an associated medical laboratory, diagnostic imaging facility, pharmacy, or dispensary as an **accessory use**, but does not include a hospital or provide overnight accommodation for patient care.

Medical professional means an individual who practices any of the health disciplines regulated under a Provincial Act, including physicians, dentists, optometrists, pharmacists, physiotherapists, chiropractors, and psychologists.

Medical treatment facility means a premise in which in-patient and out-patient medical treatment and overnight accommodation and meals for sick, injured or infirm persons is provided, excluding a hospital.

Mezzanine means an intermediate floor assembly between the floor and ceiling of any room or **storey**, which may be enclosed or open to the room or **storey** below, and includes an interior **balcony**. For the purposes of calculating **gross floor area** and the number of **storeys** in this By-law, a mezzanine shall be included in **gross floor area** and considered a separate **storey** if:

- a) It is enclosed by walls (other than required railings or guards) and its floor area exceeds 10% of the floor area of the room or storey in which it is located; or
- b) It is not enclosed by walls and its floor area exceeds 40% of the floor area of the room or storey in which it is located.

Micro-brewery/distillery means a premise used for the small scale and independent manufacturing and sale of specialty or craft beer, wine, or spirits.

Mine hazard means any feature of a mine as defined under the Mining Act, or any related disturbance of the ground that has not been rehabilitated.

Mineral aggregate operation means:

- a) Lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act;
- b) For lands not designated under the Aggregate Resources Act, established pits and quarries that are not in contravention of municipal zoning By-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and
- c) Associated facilities used in extraction, transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete, or the production of secondary related products.

Mineral mining operation means mining operations and associated facilities, or past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.

Mixed use building means a building combining residential dwelling units with at least one non-residential use, featuring independent or shared entrances.

Mobile home means a dwelling designed to be mobile, constructed on a permanent foundation and connected to municipal utility services. Mobile homes will provide year-round permanent residence for one or more persons in accordance with the applicable Canadian standards.

Multi-modal means relating to the availability or use of more than one form of transportation, such as automobiles, walking, cycling, buses, rapid transit, rail (such as commuter and freight), trucks, air, and marine.

Multi-suite residence means an apartment style **building** featuring four (4) or more residential rooms with multiple living configurations and limited kitchen facilities that includes shared common dining facilities and individual support services.

Multi-unit building means a **building** or group of **buildings** which are planned, developed, managed, and operated as a unit in which each **building** contains two or more units or spaces for lease or occupancy.

Municipal services means sanitary sewers, storm sewers and drains, water mains, electric power, and roads.

Museum means a premises open to the public, in which a collection of objects illustrating science, art, history, and related types of information is kept for display and storage.

– N –

Natural heritage system means a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. The system can include natural heritage features, hydrologic features, Federal and Provincial parks and conservation reserves, other natural heritage features and areas, lands that have been restored or have the potential to be restored to a natural state, associated areas that support hydrologic functions, and working landscapes that enable ecological functions to continue.

Naturally occurring waterbodies (lakes/ponds) means waterbodies that occur and persist without anthropogenic influence (i.e., was not constructed and does not require on-going maintenance).

Negative impact means:

- a) In regard to water, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities; and,
- b) In regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

Neighbourhood supportive uses means uses which are complementary, serve the needs of local residents, and support the development of a walkable and complete community and which do not create an adverse impact on the surrounding residential uses.

Nightclub means a premises used or designed to be used for the gathering of persons in which liquor, wine, spirits, or beer is offered for sale or sold and includes a bar and a restaurant in which liquor is offered for sale or sold beyond 12:01 a.m.

No net loss means where unavoidable habitat, environmental and/or resource losses are balanced with the replacement of those features, such as through site restoration.

Non-provincially significant wetlands means wetlands that are evaluated using the Ontario Wetland Evaluation System (OWES) and confirmed by the Ministry of Natural Resources and Forestry to not be provincially significant. This may be because they were evaluated and do not score sufficient points or because they were purposefully not included in an OWES evaluation.

Noxious use means the use of any premises which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, liquid, vibration or refuse matter.

Nursery means a place where trees, shrubs and plants are propagated and sold.

– O –

Occasional use means a temporary use which occurs for a limited time period including an auction, bake sale, craft sale, plant and produce sale, a special event such as a charity event, social event, carnival, midway and garage sale.

Office means premises used primarily for conducting the affairs of a business, profession, service, industry, or government, including administration, clerical work, management, consulting, or the practice of a profession. This use does not include a **medical clinic, retail store, personal service use**, or industrial activities such as manufacturing or warehousing, unless otherwise specifically defined or permitted as accessory.

Official Plan means the Official Plan of the City of Peterborough, as amended.

Oil, gas and salt hazards means any feature of a well or work as defined under the Oil, Gas and Salt Resources Act, or any related disturbance of the ground that has not been rehabilitated.

One hundred (100) year flood means the flood based upon analysis of precipitation, snow melt or a combination thereof, which has a return period of 100 years on average or which has a 1 percent chance of occurring or being exceeded in any given year, as determined by the Conservation Authority.

One hundred (100) year flood level means:

- a) For the shorelines of the Great Lakes, the peak instantaneous still water level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equaled or exceeded in any given year;
- b) In the connecting channels (St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers), the peak instantaneous still water level which has a 1% chance of being equaled or exceeded in any given year; and
- c) For large inland lakes, lake levels, and wind setups that have a 1% chance of being equaled or exceeded in any given year, except that, where sufficient water level records do not exist, the one hundred year flood level is based on the highest known water level and wind setups.

Outdoor confinement area means an enclosure for livestock, deer, elk, or game animals that has the following characteristics:

- a) It has no roof, except as described in paragraph 3.
- b) It is composed of fences, pens, corrals or similar structures.
- c) It may contain a shelter to protect the animals from the wind or another shelter with a roof of an area of less than 20 square metres.
- d) It has permanent or portable feeding or watering equipment.
- e) The animals are fed or watered at the enclosure.
- f) The animals may or may not have access to other buildings or structures for shelter, feeding or watering.

Outdoor display and sales area means an outdoor area used in conjunction with an established use located in an adjacent permanent building or an occasional use for the display and sale of fresh produce and new goods or merchandise.

Outdoor patio means an outdoor area accessory to a permitted non-residential use, such as a restaurant or licensed establishment, equipped and used for the seating of patrons.

Outdoor storage area means an outdoor area used in conjunction with an established use for the storage of goods, materials or equipment on a lot outside of a building.

Owner includes a **person** who, alone or with others, owns premises or would receive instalments of the purchase price of the premises if they were sold.

– P –

Parapet means an extension of the **main wall** of a building above the roof line that forms a barrier at the edge of the roof.

Park means an area of open space, generally characterized by its natural, historic or landscape features, which is used for passive or active recreation purposes, and may include facilities and buildings that would be ancillary, incidental and support the pursuit of outdoor recreation activity as the primary use of the property.

Parking aisle means that portion of a parking area which provides vehicular access to a parking space.

Parking area means a parking aisle and parking space but does not include any part of a street.

Parking facility means a premises, other than a street, used for the parking of vehicles for a fee.

Parking space means an area provided for the parking of a vehicle.

Parking space – accessible means a parking space designed and signed for the exclusive use of motor vehicles pursuant to the Accessibility for Ontarians with Disabilities Act, as amended.

Parking space – bicycle means a **bicycle parking space, long term** and/or a **bicycle parking space, short term**.

Parking Space - bicycle, long Term means an area that is equipped with a bicycle rack or locker that is accessible, secure, weather protected and for use by occupants of a building and is not provided within a dwelling unit, suite, or on a **balcony**.

Parking space – bicycle, short term means an area for the purpose of parking and securing bicycles with a bicycle rack that is accessible for visitors to a building and is located outdoors or indoors but not within a commercial suite, dwelling unit, secured room, enclosure, or bicycle locker.

Parking structure means a building or structure, or part thereof, used for the parking or storage of motor vehicles designed to be accessed by multiple dwellings, **apartment dwellings**, or by non-residential units. A parking structure can be located above or below grade.

Permanent watercourse means a continuous year-round surface flow occurs in most years. Baseflow conditions are supported by year-round groundwater discharge and/or wetland/surface storage areas.

Person means an individual, sole proprietorship, partnership, unincorporated association, organization, including a charitable organization, or a corporation.

Personal service commercial means a building or part thereof used for the furnishing of personal services to individual persons, including a barber, hairdresser, beautician, tailor, dressmaker, shoemaker, self-service laundry, self-service dry cleaning establishment, dry cleaning depot – Class 2 or suntanning shop, but specifically excluding a use as a body massage parlour or an **adult entertainment parlour**.

Personal service use means any building or part thereof used for the furnishing of personal services to individual persons, including a barber, hairdresser, beautician, tailor, dressmaker, shoemaker, self-service laundry, self-service dry cleaning establishment, dry cleaning depot – Class 2 or suntanning shop, but specifically excluding a use as a body massage parlour or an **adult entertainment parlour**.

Place of amusement means any land, building or part of land, building or structure, but not including a **gaming establishment** / casino, open for use to the public, containing therein three (3) or more amusement devices even though such devices may not be operational.

Place of assembly means a building or part thereof used for gatherings of persons for civic, educational, political, religious, recreational, cultural, social, or other purposes, but does not include a cinema, or a **gaming establishment** / casino.

Place of entertainment means the use of a premises, for a fee, for the provision of entertainment or amusement with or without the necessity of active participation by the user and includes a cinema, live theatre, auditorium, bowling alley, billiard or pool hall, concert hall, bingo hall, arcade, bowling alley, indoor miniature golf, indoor paintball, laser game or the like, but does not include a parlour, **adult entertainment**, or gaming establishment.

Place of worship means a premises owned or occupied by a religious organization or congregation which is dedicated exclusively to worship and related social and charitable activities but does not include a **gaming establishment**.

Placemaking means a planning and urban design process which seeks to create communities that offer a distinct character, a strong sense of community, a context for healthy lifestyles and a high quality of life.

Platform means an uncovered and unenclosed structure (except for a railing/guard not exceeding 1 metre in height), abutting an exterior wall of a dwelling, the surface of which is more than 0.15 metres above grade and not more than 1.5 metres above grade.

Podium means the lower portion or base of a **building**, including the ground floor and storeys above measured from average grade to the extent of the established street wall to a maximum of six (6) storeys which is clearly differentiated from the building portions vertically above it, and is designed to define and frame the street edge and public realm at an appropriate scale.

Podium height means the vertical distance measured from grade to the highest point of the main roof surface of the **podium**.

Population-related employment means employment that exists in response to a resident population that is primarily not located in employment districts or major office jobs. This category includes retail, education, health care, local government and work at home employment.

Porch means a roofed platform attached to a **building**, providing access to an entrance, which has direct access to Grade and is open on at least one or more sides (except for required guards or railings).

Precinct means an area where the specific provisions within Section 6, 7, 8, 9, 10, 11 and 12 of this **by-law** apply, as outlined in Section 3.2 and on Schedule B of this **by-law**.

Premises means the whole or part of lands, lots, buildings, structures, places or any part or combination thereof.

Prescribed instrument means an instrument that is issued or otherwise created under a provision prescribed by the regulations of:

- a) The Aggregate Resources Act;
- b) The Conservation Authorities Act;
- c) The Crown Forest Sustainability Act, 1994;
- d) The Environmental Protection Act;
- e) The Mining Act;
- f) The Nutrient Management Act, 2002;
- g) The Oil, Gas and Salt Resources Act;
- h) The Ontario Water Resources Act;
- i) The Pesticides Act; or,
- j) Any other Act or regulation prescribed by the regulations.

Principal dwelling unit means a dwelling unit identified as a permitted use in a **precinct**.

Principal entrance means the front entrance designed to be used as the primary entrance to a building facing a street.

Private garage means a wholly enclosed detached **accessory building or structure**, or a space within a **building** with one or more wall in common with a dwelling unit located on a parcel of land designed or used for the sheltering of vehicles and/or the storage of household equipment accessory to the principle residential use. A private garage does not include a parking structure as defined.

Professional office means a building or structure used for the purpose of providing accommodation for the offices of a barrister, solicitor, accountant, engineer, architect, Ontario Land Surveyor, insurance broker, mortgage broker, and for any purpose incidental thereto.

Propane retail outlet means a premises where propane is stored, warehoused and/or kept for retail sale to the public at premises such as a vehicle service station.

Provincially significant wetland means a provincially significant wetlands (PSW) meeting the point scoring threshold through an Ontario Wetland Evaluation System valuation and designated by the Ministry of Natural Resources and Forestry.

Public garage means any land, building or part thereof used as a motor vehicle repair shop.

Public hall means a premises where facilities are provided for public assembly.

Public realm means all spaces to which the public has unrestricted access, such as streets, parks and sidewalks.

Public service facilities means lands, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.

Public use means the use of any land, building, or structure by or on behalf of Federal or Provincial governments, the Conservation Authority, or the **City**.

– R –

Recreation facility or use means a premises used for participatory athletic, recreational, physical fitness, leisure or social activity including a health centre, rink, arena, racquet court, swimming pool, billiard parlour, gymnasium, training room and bowling alley, but does not include a school, commercial; parlour, **adult entertainment**; or a **gaming establishment**.

Redevelopment means the removal of a building or structure from land and the construction of a new building or structure on the said land or the rehabilitation and renewal of an existing building or structure.

Regional market area refers to an area that has a high degree of social and economic interaction. The upper or single-tier municipality, or planning area, will normally serve as the regional market area. However, where a regional market area extends significantly beyond these boundaries, then the regional market area may be based on the larger market area. Where regional market areas are very large and sparsely populated, a smaller area, if defined in an official plan, may be utilized.

Regional scale office facility means an office with a minimum floor area of 1,500 square metres.

Regulatory flood means the flood standard applied by Otonabee Conservation Authority for regulatory purposes, based on the level of flooding during the greater of the regional storm or the 100-year storm utilized for a particular area.

Renovation means the improvement, alteration, or addition of less than 50 per cent of the total ground floor area of an existing building or structure.

Rent means the remuneration or the provision of services, or both, paid or required to be paid by a **tenant** or lodger.

Residential floor area means the floor area of a building measured from the interior walls, but does not include any floor area of a basement, **attic**, garage, porch or any floor area used for parking, or any floor area which does not have a clear floor to ceiling height of 2.15 metres.

Residential, low-rise means a residential or mixed-use building with a maximum **building height** of three (3) storeys, including:

- a) Single unit dwelling and semi-detached dwelling;
- b) Two, three, and four-unit dwellings;
- c) Street townhouse dwelling, block townhouse dwelling, and back-to-back townhouse dwelling; and
- d) **Apartment dwelling**, stacked townhouse dwelling, and stacked back-to-back townhouse dwelling; and
- e) Additional residential units.

Residential, mid-rise means a residential or mixed-use building greater than three (3) storeys in height and not exceeding six (6) storeys in height, including:

- a) Stacked townhouse dwelling, and stacked back-to-back townhouse dwelling;
- b) Apartment dwelling; and
- c) Other multiple unit dwellings.

Residential, high-rise means a residential or mixed-use building greater than six (6) storeys in height, including:

- a) Apartment dwelling; and
- b) Other multiple unit dwellings.

Restaurant means premises where food or beverages are prepared and offered for sale to the public for immediate consumption either on or off the premises. This use may include accessory take-out service and may have an associated **outdoor patio** or be combined with a **drive-through facility** where permitted by this **by-law**.

Restaurant, take out means a restaurant which provides less than 10 per cent of the **gross floor area** of the restaurant for the consumption of food by patrons on the premises of the restaurant.

Retail means the sale of goods directly to the consumer.

Retail Establishment means a premise which displays, sells, or rents goods or materials.

Retirement residential facility means a premise providing accommodation primarily for retired persons or persons who require services in a semi-independent living environment, support and health services may be provided which may include accessory personal service, retail, and recreational uses for the residents, but does not include a long-term care facility or hospital.

River, stream and small inland lake systems means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.

Rooftop mechanicals means an enclosed or partially enclosed area located on the roof of a building and contains equipment that functions to provide normal and everyday operation and maintenance of a building, and may include heating, cooling, ventilation, electrical, fire suppression, elevators, or stair towers.

Row dwelling akin to street townhouse dwelling defined herein, except three (3) or more separate units can be located on one **lot** and legal frontage on a **public street** is not required.

– S –

Salvage yard means a premises used for the storage, handling, disassembly, buying, exchange, and sale of scrap metal such as vehicles and parts, machinery, or building materials.

School means a premises used primarily for elementary or secondary academic instruction that meets the requirements of the Education Act, R.S.O. 1990, c. E.2, as amended. This includes public schools and private schools offering curriculum approved by the Province of Ontario, but does not include a school, commercial or school, post-secondary.

School, commercial means premises used for providing private instruction or training in a particular skill, trade, art, or subject, operated primarily for profit or gain. Examples may include, but are not limited to, schools for business, computer training, driving, language, music, dance, or arts & crafts, but does not include a school, school, post-secondary, or fitness centre.

School, post-secondary means premises used for post-secondary education and instruction, such as a university or a college of applied arts and technology, authorized by the Province of Ontario to grant degrees, diplomas, or certificates, and may include associated research facilities, student residences, and other **accessory uses**.

Secondary suite means a dwelling unit, including a **bachelor dwelling unit**, which is self contained, accessory to, and situated within a **principal dwelling unit** or within a residential **accessory building**.

Semi-detached dwelling means a **building** that is divided vertically by a common wall into two **principal dwelling units**, each with independent access.

Semi-natural features means natural features that require human management to persist in the current form.

Sensitive in regard to surface water features and ground water features, means areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

Service commercial use means a building or structure or part thereof where clerical, business, professional and administrative services such as banking, accounting, insurance, investment and financial planning, land use planning, engineering or architectural services or the services of other consultants are provided and may include personal service uses such as florists, dry cleaning, tailors, travel agents, hair salons, day spas, and shoe repair, but shall not include any **adult entertainment use**.

Service establishment means a premises providing services related to the grooming of persons (including a hair salon or registered massage therapist), a premises providing the cleaning, maintenance or repair of personal articles and accessories (including dry cleaning and laundromat), small appliances or electronics, or a premises providing services related to the maintenance of a residence or business (including a private mail box, photocopying, courier, or custodial services).

Service station means any land, building, or part thereof used as a retail outlet for the sale of gasoline and oil and, if in conjunction therewith,

- a) As a retail store for the sale of new motor vehicle parts and accessories, or
- b) For servicing of motor vehicles and making minor running repairs thereto.

Setback means the horizontal distance between a lot line or other specified boundary, and the nearest point of the **main wall** of any building or structure on the **lot**, measured perpendicular to the lot line or boundary.

Shipping container means a standardized, reusable container designed for the transport of goods by one or more modes of transportation (such as ship, rail, or truck), and sometimes used for accessory storage or other purposes as permitted by this **by-law**. For the purposes of this **by-law**, this term may also include a detached transport trailer body or truck box primarily used for storage, but does not include a **building**, structure, or vehicle otherwise defined or regulated.

Shopping centre means two or more commercial establishments, planned, designed, developed and managed as a unit.

Short-term rental means any part of a building that is used to provide sleeping accommodation that is provided in exchange for payment for a continuous period of less than thirty (30) nights, and shall be limited to a dwelling unit, additional residential unit, additional dwelling unit, and/or a **bed and breakfast**.

Significant groundwater recharge area means a type of vulnerable area defined under the Clean Water Act, 2006, within which it is desirable to regulate or monitor drinking water threats that may affect the recharge of an aquifer.

Significant valleyland means a valleyland which is ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. These are to be identified using criteria established by the Province.

Significant wildlife habitat means habitat of seasonal concentrations of animals, rare vegetation communities or specialized habitat for wildlife, habitat for Species of Conservation Concern and animal movement corridors that meets the criteria found in the Significant Wildlife Habitat Ecoregional Criteria Schedules.

Significant woodland means:

- a) Woodlands 2 hectares or greater in extent; or
- b) Woodlands 0.5 hectares or greater in extent and that:
 - (i) Directly supports threatened or endangered species, with the exception of specimens deemed not requiring protection by the Province (e.g., as is sometimes the case with Butternut); or,
 - (ii) Are within 30 metres of a provincially significant wetland or permanent watercourse or intermittent watercourse; or,

- (iii) Are identified as part of an ecologically functional corridor or linkage between natural heritage features; or,
- (iv) Are dominated by native trees older than 100 years and having late successional characteristics.

Single unit dwelling means a building consisting solely of one dwelling unit.

Site alteration means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Small-scale food store means a retail establishment, known as supermarkets and grocery stores, primarily engaged in retailing an array of food, such as canned, dry and frozen foods; fresh fruits and vegetables; fresh and prepared meats; fish, poultry, dairy products, baked products and snack foods with a maximum **gross floor area** of 1,500 square metres.

Social housing dwelling units means a dwelling unit which is owned and/or operated by:

- a) The Corporation of the City of Peterborough (the "**City**");
- b) A municipal services corporation, established under Section 203 of the Municipal Act, as amended, which is 1) wholly owned by the **City**; or 2) for which the **City** is the majority shareholder; or
- c) A Local Housing Corporation for which the **City** is the majority shareholder.

Social service establishment means a premises in which clerical, administrative, consulting, counselling and recreation functions for a nonprofit social service agency are conducted but does not include facilities in which overnight accommodation is provided or any other type of office.

Source protection plan means a drinking water source protection plan prepared under the Clean Water Act, as amended.

Special Needs means any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for older persons.

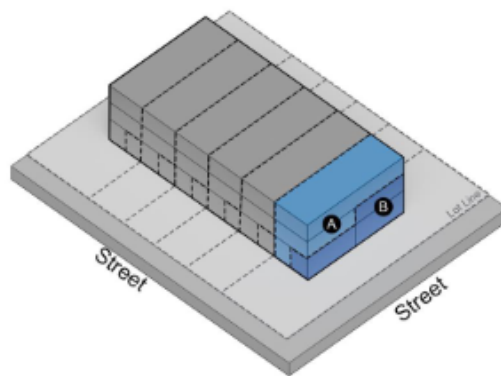
Special policy area means an area within a community that has historically existed in the flood plain and where site-specific policies, approved by both the Ministers of Natural Resources and Forestry and Municipal Affairs and Housing, are intended to provide for the continued viability of existing uses (which are generally on a small scale) and address the significant social and economic hardships to the community that would result from strict adherence to provincial policies concerning development. The criteria and procedures for approval are established by the Province.

A **special policy area** is not intended to allow for new or intensified development and site alteration, if a community has feasible opportunities for development outside the flood plain.

Specific industrial use means an establishment for the processing of chemicals, cement, plaster, lime, asphalt petroleum, gasoline, glue, explosives, fireworks or ammunition; a slaughter or meat packing house; an incinerator; or a salvage yard.

Stacked townhouse unit means a two (2) to four (4) storey building, or a portion of a building, with a minimum of two (2) and a maximum of four (4) dwelling units that are divided/stacked vertically, and whereby units may share side or back walls, and where all units are accessed by an independent entrance. For the purpose of this **by-law**, when located on the same lot, a series of two (2) or more **stacked townhouse units** may constitute a four-unit dwelling (4 units) or an **apartment building** (more than 4 units).

Figure 1.4: Visual representation of a stacked townhouse unit, illustrating vertical unit separation, shared wall configurations, and independent unit access



Stacking lane means a continuous on-site queuing lane that includes stacking spaces for vehicles separated from other vehicular traffic and pedestrian circulation by barriers, markings, or signs and does not include an exit lane.

Stacking space means a rectangular space designed to be used for the temporary queuing of a vehicle in a stacking lane.

Stepback means the horizontal recess of an exterior **main wall** of an upper building or **tower** from the exterior **main wall** of the **podium** or **storey(s)** immediately below.

Storey means the portion of a building, other than a basement, that is situated above the first storey and is located between the top surface of any floor and the top surface of the floor or ceiling above it.

Storey, first means the storey that has its floor closest to the established grade and its ceiling more than 1.8 metres above grade. For the purpose of determining the height of the first storey, measurement shall be taken from the building's **average grade**.

Stormwater management facility means a premises used for the temporary storage and treatment of stormwater runoff.

Strategic growth areas means within settlement areas, nodes, corridors, and other areas that have been identified by municipalities or the Province to be the focus for accommodating intensification and higher-density mixed-uses in a more compact built form. **Strategic growth areas** include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas.

Street means a **street**, private and a **street**, public.

Street line means lot line separating a **lot** from a **street**, or a 0.3 metre reserve which abuts a **street**.

Street townhouse dwelling means a **building** consisting of three (3) or more dwelling units, each on a separate **lot**, separated by vertical party walls, that have private entrance(s) from outside and legal frontage on a public **street**. This definition includes lots that gain vehicular access across the rear **lot line**, opposite the public **street**, via a public or private **street**/lane or have shared (common element) parking lots.

Street, private means a right-of-way or roadway providing access for vehicles to individual free hold lots and is maintained by a condominium corporation as a private road.

Street, public means a right-of-way or roadway that is used by vehicles and is maintained by a public authority but does not include a public lane.

Street wall means the predominant continuous vertical plane, generally occurring between the second and fourth **storeys**, formed by a series of building façades located along and generally parallel to a public **street**, with a consistent stepback or vertical building termination.

The street wall height shall be established as the average height of the façades of the adjacent and flankage buildings located within 20 metres of the **lot**, fronting onto the same **street**, and measured from average grade to the lesser of:

- a) The vertical terminus of the building; or
- b) The first building stepback.

Structure means anything that is constructed, erected, or placed on land, or affixed to something located on land, requiring a fixed location on the ground or attachment to something having a fixed location on the ground, but specifically excludes: (a) **buildings**; (b) signs; (c) **fences**; (d) swimming pools and hot tubs; (e) uncovered decks, platforms, or patios with a floor height less than 0.6 metres above adjacent grade; (f) walkways, driveways, patios, sports courts, and similar surfaces constructed essentially at grade; (g) minor accessory landscape, recreational or decorative elements such as residential play equipment, planters, flagpoles, solar panels attached to a building, or garden ornaments; (h) retaining walls having an exposed height less than 1.0 metre; and (i) components of a utility installation such as individual poles, lines, pipes, or pedestals located within a public right-of-way or registered easement.

Support care bachelor units means a group of self-contained bachelor units including a common room designed for single adults and supervised as a residential care facility.

Supportive housing means the use of a building with dwelling units, suites, or **bedrooms** in a shared setting, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Support functions may include, but are not limited to, collective dining facilities, laundry facilities, counseling, educational services, and life skills training.

Surface water feature means water-related features on the Earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

– T –

Tandem parking space means a parking space that can only be accessed by passing through another parking space from a street, lane or driveway.

Temporary building means a building which is not permanently affixed to land, or for the placement of which on land a building permit is not required, but does not include a trailer less than 2.5 metres in length.

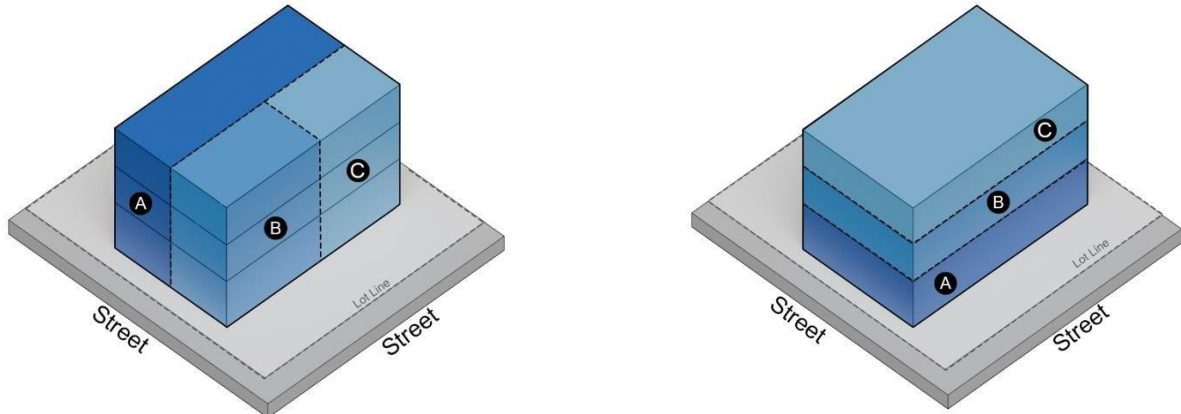
Tenant means a person who rents and occupies space within a building or land.

Terrace / rooftop terrace means an outdoor space located on the roof of a building which is improved and intended for use as private or common **amenity area**.

Threatened species means a species that is listed or categorized as a “Threatened Species” on the official Provincial species at risk list or Schedule 1 of the Federal Species at Risk Act, as amended from time to time.

Three unit dwelling means a **building** on a **lot**, divided horizontally and/or vertically to contain three (3) dwelling units, each with a private entrance from outside or a private entrance from a common internal hallway or internal stairway. A three unit dwelling will share common facilities such as amenity space, parking areas and driveways.

Figure 1.5: Example of unit layouts for three unit dwelling



Tower means the portion of a **building** located above the podium characterized by reduced floorplate sizes, increased setbacks and vertical massing.

Tower floorplate means the average floor area of all storeys within that portion of a building or structure or part thereof located above the podium, measured to the exterior faces of the exterior walls of each storey of a building or structure.

Townhouse means a **building** containing three or more dwelling units, each divided from the others primarily by vertical common walls extending generally from foundation to roof, and each having an independent entrance accessible directly from grade or via an exterior stair. This definition applies unless a more specific type of townhouse defined in this **by-law** is applicable.

Trade school means a premises registered as a private career college under the private career Colleges Act, 2005, as amended, where instruction in a specific trade, business, or vocation is provided for commercial purposes. For the purposes of this **by-law**, a Trade School is distinct from and shall not be considered a school, post-secondary.

Trail means pedestrian and nature trails, bicycle trails, multi-use trails, fitness trails, nature trails for the disabled, or cross-country skiing trails.

Transit terminal means a premises where buses or trains are boarded or disembarked by fare-paying passengers but does not include a bus stop or transportation depot.

Transit-oriented means development which is designed to be well connected and integrated with transit systems, helps to make transit use more efficient, comfortable and attractive, provides quality pedestrian amenities to support the walk to and from transit services and generates ongoing demand for transit ridership.

Transparent window means a window that is not tinted and provides clear visibility of the interior of the building.

Transport pathway means a condition of land resulting from human activity that increases the vulnerability of a raw water supply of a drinking water system. Transport pathways may include, but are not limited to, the following: For groundwater systems:

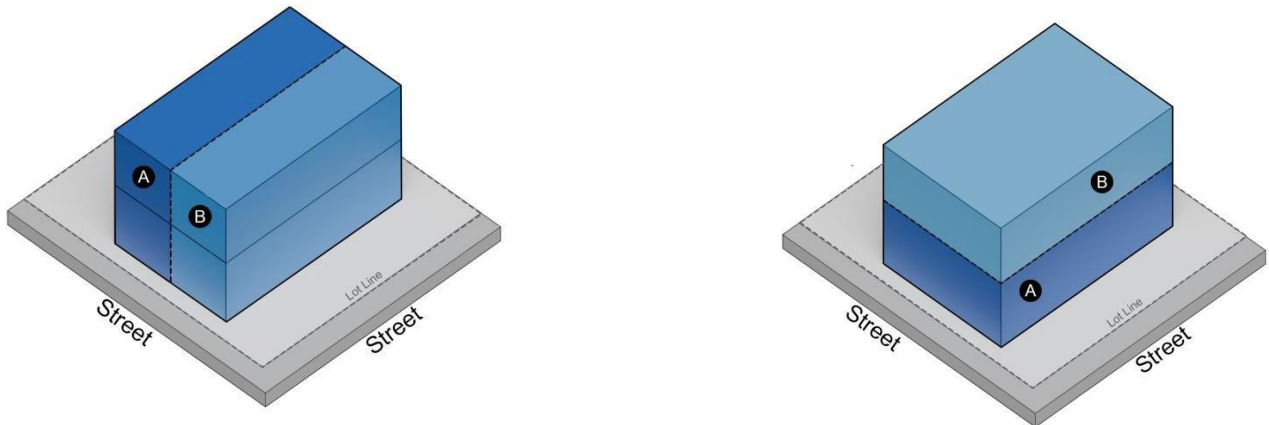
- a) Wells or boreholes;
- b) Unused or abandoned wells;
- c) Pits and quarries;
- d) Mines;
- e) Construction activities involving deep excavations (such as building foundations, basements, parking garages);
- f) Underground storm sewer, sanitary sewer & water distribution system infrastructure.

Recreational trailer means a vehicle capable of being used for the living, sleeping, or eating accommodation of persons and either self-propelled or designed to be mounted on or towed by a motor vehicle.

Tree means woody vegetation that can grow to a minimum of 4.5 metres in height and a minimum diameter at breast height (DBH) of 7.5 centimetres at maturity. Excluded are: European Buckthorn (*Rhamnus cathartica*), Glossy Buckthorn (*Rhamnus frangula*), Staghorn Sumac (*Rhus typhina*) and Common Lilac (*Syringa vulgaris*).

Two unit dwelling means a **building** on a lot, divided horizontally and/or vertically to contain two (2) dwelling units, each with a private entrance from outside or a private entrance from a common internal hallway or internal stairway. A two (2) unit dwelling will share common facilities such as amenity space, parking areas and driveways.

Figure 1.6: Example of unit layouts for two (2) unit dwelling



– U –

Unevaluated wetland means wetlands that have not been evaluated using the Ontario Wetland Evaluation System or that have been considered for inclusion in an evaluation and rejected.

Universal design means the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

Urban agriculture means the growing of fruits, vegetables, herbs, or ornamental plants, and potentially the keeping of small livestock where permitted by other By-laws (e.g., hens), within an urban area, primarily for non-commercial community use or limited commercial sale. Examples include community gardens, market gardens, rooftop farms, and indoor growing facilities, but excludes large-scale commercial farming operations or cannabis production facilities.

Urban forest means a collection of trees that grow within an urban area or any human settlement. Trees may be naturally occurring or planted and may exist as mixtures of individual trees, woodlots or forest, riparian complexes and fields in various stages of succession toward a tree-dominated landscape.

Urban growth centre means existing or emerging downtown areas shown in Schedule 4 of A Place to Grow: Growth Plan for the Greater Golden Horseshoe and as further identified by the Minister on April 2, 2008.

Use means:

- a) When used as a noun, the purpose for which land, a building, or a structure is designed, arranged, intended, occupied, or maintained; and
- b) When used as a verb ("to use" or "using"), the act of utilizing land, a **building**, or a structure for a purpose.

Utilities means an essential commodity or service such as water, sewer, electricity, gas, oil, television, or communications/telecommunications that is provided to the public by a regulated company or government agency.

Utility service installation means any facility established for the production, generation, transmission or provision of utilities or services, including electricity, water, gas, oil, sanitary sewer and waste collection and disposal, but excluding an incinerator.

– V –

Valleylands means a natural area that occurs in a depression within the landscape that has two sides and that has water flowing through or standing for some period of the year. For the purposes of the policy of this Official Plan, significant valleylands and valleylands exclude built-up valleyland areas within the City of Peterborough. These areas may still be subject to Conservation Authority regulations.

Vegetation protection zone means a vegetated buffer area surrounding a natural heritage feature that is intended to protect the feature and their ecological and hydrological functions from the negative impacts of adjacent land uses.

Vehicle means an automobile, truck, or any other vehicle, including motorized construction equipment or farm equipment, motor home, motorcycle, snowmobile, boat, vehicle, recreational, a trailer or farm implement or any other device which is capable of being driven, propelled or drawn by any kind of power, but does not include a bicycle or any other device powered solely by means of human effort.

Vehicle rental establishment means a premises where vehicles are stored and rented to the public, but does not include vehicle, commercial, farm equipment, vehicle, recreational, trailer, snowmobile, motorized boat or a vehicle sales establishment.

Vehicle repair establishment means a premises where the general repair or service of vehicles is conducted.

Vehicle service station means a premises where motor fuel is sold and may include the general repair or service of vehicles including oiling, greasing, washing, ignition adjustments and tire inflation, the sale of vehicle parts, oils and fluids associated with operation of a vehicle may occur in relation to such repair or service and may include a gas bar and any other vehicle repair establishment, other than a vehicle body shop, or a vehicle sales establishment.

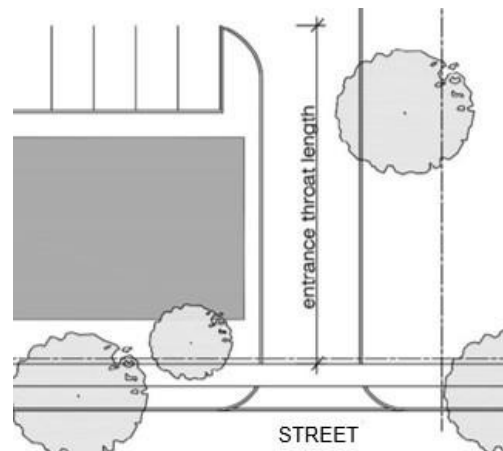
Vehicle, accessible means a motor vehicle designed and manufactured, or converted, for the purpose of transporting persons who use mobility aids.

Vehicle, commercial means any vehicle on which is displayed commercial lettering or commercial licence plates and includes construction equipment which is designed to be towed.

Vehicle, recreational means a vehicle which is used for temporary recreational travel or accommodation including a motor home, camper trailer, converted bus or the like.

Vehicular clear throat May 2025 revision includes the following means the distance from a street line to the first drive aisle, parking space, or other conflict point within a parking lot.

Figure 1.7: Visual representation of a vehicle clear throat, being the distance from the street line to the first drive aisle, parking space or other conflict point in the parking lot



Verandah means a structure abutting an exterior wall of a dwelling and having a roof and open sides (except for a railing/guard), the surface of which is not more than 1.5 metres above grade, which has no habitable living space above or below, and is located between the dwelling and the street line.

Veterinary service means a building, structure, or part thereof, where domesticated animals, excluding livestock, are given medical and/or surgical treatment, grooming or care by a veterinarian licenced by the Province of Ontario. Overnight boarding of animals shall be for medical reasons only.

Video rental establishment means a building or part thereof used for the rental of video tapes and equipment. **Accessory uses** may include the sale of video tapes and equipment or convenience foods, restricted to an area not to exceed 10 square metres.

Visitor parking space means a portion of a **building** or lot designated for motor vehicle parking, intended exclusively or use by individuals who do not reside in a dwelling unit on the lot.

Vulnerable area means an area defined under the Clean Water Act, 2006, for the purpose of protecting the quality and quantity of drinking water sources, now and in the future.

– W –

Walkway means a barrier-free path of travel with a hard surface intended for pedestrian use, which is unencumbered and clearly distinguished from a driveway, drive aisle, or parking area through physical separation or, at a minimum, distinct visual markings and surface treatment.

Warehouse means an establishment where goods, excluding fuel, are stored.

Warehouse membership club means a building or part thereof, having a minimum **building floor area** of 7,500 square metres, in which goods, wares and merchandise, including food, are displayed, stored and sold in the same area, and may include accessory retail and personal services, and automotive repair uses, but does not include a department store, building supply store, or a home improvement centre use.

Waste reclamation plant means a plant that process and re-use building materials or supplies. This includes the processing of concrete, masonry, metal, wood, bricks, and other mixed construction materials for the purpose of recovering and re-using such materials in new buildings or structures.

Waste transfer station means a premises used for the collection and storage of waste or hazardous waste for shipment, and which may include limited sorting or preparation of that waste to facilitate shipment for final disposal or transfer to a waste processing facility but does not include a waste management facility or municipal works yard.

Watercourse means an identifiable depression in the ground in which a flow of water regularly or continuously occurs.

Watershed means an area that is drained by a river and its tributaries.

Watershed planning means that provides a framework for establishing goals, objectives, and direction for the protection of water resources, the management of human activities, land, water, aquatic life, and resources within a watershed and for the assessment of cumulative, cross-jurisdictional, and cross-watershed impacts.

Watershed planning typically includes: watershed characterization, a water budget, and conservation plan; nutrient loading assessments; consideration of climate change impacts and severe weather events; land and water use management objectives and strategies; scenario modelling to evaluate the impacts of forecasted growth and servicing options, and mitigation measures; an environmental monitoring plan; requirements for the use of environmental best management practices, programs, and performance measures; criteria for evaluating the protection of quality and quantity of water; the identification and protection of hydrologic features, areas, and functions and the inter-relationships between or among them; and targets for the protection and restoration of riparian areas.

Watershed planning is undertaken at many scales, and considers cross-jurisdictional and cross-watershed impacts. The level of analysis and specificity generally increases for smaller geographic areas such as sub-watersheds and tributaries.

Wave uprush means the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.

Wellhead protection area means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats.

WHPA – A means a wellhead protection area which includes a 100 metre radius around the municipal well.

WHPA – B means a wellhead protection area which includes the distance between WHPA-A and the calculated 2-year time-of-travel to a municipal well.

Wetlands 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. Four main categories of wetland are swamps, marshes, bogs and fens. Periodically soaked or wetlands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands.

Wholesale means selling of goods, wares, or merchandise in bulk to a business.

Wholesale establishment means an establishment for the sale of commodities to manufacturers, retailers or contractors for the purpose of carrying on any trade or business.

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 or life cycle; and areas which are important to migratory or non-migratory species.

Woodland means all treed areas greater than 0.2 hectares determined by dripline, includes woodlots and forested areas, including treed wetlands, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees or nursery stock. The following Ecological Land Classification (ELC) community classes and series are also considered woodland:

- a) Forest – coniferous forest (FOC), mixed forest (FOM) or deciduous forest (FOD);
- b) Swamp – coniferous swamp (SWC), mixed swamp (SWM) or deciduous swamp (SWD); and,
- c) Cultural – cultural woodland (CUW) or cultural plantation (CUP).

Treed areas separated by more than 20 metres or bisected by a roadway will be considered to be separate woodland areas. When determining the limit of a woodland, continuous agricultural hedgerows and woodland fingers or narrow woodland patches will be considered part of a woodland if they have a minimum average width of at least 40 metres and narrower sections have a length to width ratio of 3 to 1 or less (i.e., no more than three (3) times longer than the average width of the narrow section). Internal undeveloped openings 20 metres or less in width are included in the calculation of woodland area. Internal undeveloped openings more than

20 metres wide but less than 0.2 hectare in area would be included in the calculated woodland area.

Woodworking shop means an establishment for the processing of lumber or wood products into a finished product.

– Y –

Yard means that part of a lot extending from a lot line to the nearest foundation wall of a main building measured at right angles to the lot line.

Yard, front means a yard that extends across the full width of a lot measured at right angles to the front lot line extending back to the nearest foundation wall of the main building facing the street.

Yard, rear means a yard that extends across the full width of a lot measured at right angles to the rear lot line from the nearest rear foundation wall of the main building and, in the case of a corner lot, a yard extending from the exterior side yard abutting a street to the side lot line.

Yard, side exterior means a yard that extends from the front yard to the rear lot line measured at right angles to the side lot line abutting a street line.

Yard, interior means a yard that extends from the front yard to the rear yard between the interior side lot line and any part of any building on the lot.

2 Administration

2.1 Application of the By-law

2.1.1 Lands subject to this by-law

The provisions of this **by-law** apply to all lands in the **Community Planning Permit Area** in the City of Peterborough as shown on [Schedule A](#) of this **by-law**.

2.1.2 Permit required

- a) All **development** or changes to use within a **Community Planning Permit Area** to which this by-law applied shall require a **Community Planning Permit**.
- b) No building permit or change of use permit shall be issued where the proposed **building, structure** or **use** would be in violation of any of the provisions of this **by-law**, and a Community Planning Permit has not been issued unless the proposed construction is exempt from the requirements of a Community Planning Permit, in accordance with [Section 2.2](#) of this by-law.

2.1.3 Vegetation removal

For the purposes of this **by-law**, removal of any vegetation not defined as a tree shall not require a Community Planning Permit, except where such vegetation removal is within the Open Space Precinct or within the Environmental Protection Precinct.

2.1.4 Compliance with other legislation

- a) This **by-law** should be read and interpreted in conjunction with the City of Peterborough Official Plan, as amended.
- b) Nothing in this **by-law** shall be construed to exempt any person from complying with the requirements of any other by-law of the **City** or any other government statute and/or regulation that may otherwise affect the **use** of land, **buildings**, or **structures**.

2.2 Exemptions

2.2.1 Development exempt from community planning permit requirement

Notwithstanding any provision in this **by-law**, the following types of **development** shall not require a Community Planning Permit.

- a) **Development** that has been lawfully established, or for which a still valid and binding site plan agreement has been entered into, pursuant to the **City's** Site Plan Control By-law, as amended.

- b) **Development** approved through an issued building permit.
- c) Interior renovations, provided there is no change in use.
- d) Solar panels attached to a **building**, pursuant to the Green Energy Act.
- e) An activity involving only site alteration on lands outside of the Natural Areas Overlay, subject to the **City's** Site Alteration By-law, as amended.
- f) An activity involving only tree removal on lands outside of the Natural Areas Overlay, subject to the **City's** Tree By-law, as amended, or the Woodland Conservation By-law, as amended.
- g) Placement of portable classrooms on district school board school sites existing on January 1, 2007, as per Ontario Regulation 173/16.
- h) Repair or rebuilding of an existing lawfully established building or structure if:
 - (i) The development is solely limited to the repairing or rebuilding of a building or structure which constitutes a legal non-conforming use;
 - (ii) The building or structure is situated in the same location; and
 - (iii) Does not increase the height, size, volume or change the use of the building or structure.

2.2.2 Development subject to development standards of this by-law, but which are exempt from Community Planning Permit requirement

Subject to complying with the provisions and standards set out in this **by-law**, the following types of **development** shall not require a Community Planning Permit.

- a) Change of a lawfully existing use to one that is permitted within the applicable Community Planning Permit Precinct.
- b) Residential development with 4 or less dwelling units.
- c) Solar panels detached from a building.
- d) Use of any land or the erection, alteration or use of any building or part thereof by:
 - (i) City of Peterborough
 - (ii) Municipal services corporation, established under provision 203 of the Municipal Act, 2001 and which is wholly owned by the **City** or for which the **City** is the majority shareholder.
 - (iii) Local Housing Corporation for which the **City** is the majority shareholder.
 - (iv) Peterborough Police Services Board (By-law No. 24-040).
- e) Developments exempt from the provisions of the Planning Act, limited to the extent provided by the Planning Act.

2.3 Enforcement

2.3.1 Conformity with Community Planning Permit By-law

Notwithstanding the exemptions under Section 2.2, no person shall erect, alter, enlarge, reconstruct, or use any building or structure in whole or in part, nor use any land in whole or in part, except in conformity with this **by-law**.

2.3.2 Offence

Any person who uses land contrary to any provision of this **by-law** and any person who owns land which is used contrary to any provision of this by-law is guilty of an offence. This **by-law** shall be administered and enforced by such person or persons as shall be appointed from time to time by By-law of The Corporation of the City of Peterborough as " Officer" or "Municipal Law Enforcement Officers".

2.3.3 Penalties

- a) Any person convicted of an offence under any provision of this **by-law** shall be liable to a penalty as set out in Section 67 (1) of the Planning Act, as amended.
- b) Any corporation convicted of an offence under any provision of this **by-law** shall be liable to a penalty as set out in Section 67 (2) of the Planning Act as amended.
- c) Every person who erects, alters or uses any **building**, structure or lot, or part thereof, in a manner contrary to any provision or requirement of this **by-law**, or who causes or permits any such erection, alteration or use or in any other way violates any provisions hereof or causes or permits such a violation, shall be guilty of an offence and, upon conviction therefor, shall be liable to pay a penalty as prescribed by the Planning Act, as amended; thereto, where the fine may be recoverable pursuant to the Provincial Offences Act, as amended.
- d) Each day of violation of any provision of this **by-law** shall constitute a separate offence.
- e) Where a conviction is entered for a violation of this **by-law**, in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction; thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

2.3.4 Effect of invalid provisions

If any section or provision of this **by-law**, including anything contained in any schedule attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this **by-law** as a whole or any part hereof, other than the section or provisions so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections and provisions of this **by-law** shall remain in full force and effect until repealed, notwithstanding that one or more sections or provisions hereof shall have been declared to be invalid.

2.4 Repeal of existing By-laws

On the **effective date** of this **by-law**, the Comprehensive Zoning By-law 1997-123, where applicable, and Site Plan Control By-law 1985-211, where applicable, will be deemed to no longer apply to lands within the **Community Planning Permit Area** as identified and delineated on Schedule A to this **by-law**.

2.5 Transition provisions

2.5.1 Transition clauses

The provisions of this section expire and are repealed effective two (2) years after the **effective date** of this **by-law** with the exception of provision 2.5.3(a)(i) which expires and is repealed five (5) years after the **effective date** of this by-law. The relief provided by provisions 2.5.2 to 2.5.5 of this **by-law** shall not continue beyond the issuance of a permit, approval, or agreement upon which the exemption is founded, unless otherwise provided for in this **by-law**.

2.5.2 Transition clause related to building permit applications

- a) Nothing in this **by-law** shall prevent the erection or use of a **building** or structure for which an application for a building permit was deemed complete on or prior to the **effective date** of this **by-law**, provided the building permit application satisfies the following requirements:
- (i) Complies with the provisions of the applicable zoning By-law as it read on the day before the **effective date** of this **by-law**;
 - (ii) All planning approvals have been obtained; and
 - (iii) Complies with the approved site plan, where applicable.

2.5.3 Transition clause related to site plan applications

- a) Nothing in this **by-law** shall prevent the erection or use of a **building** or **structure** for which a complete application for site plan approval under provision 41 of the Planning Act was deemed complete on or prior to the **effective date** of this **by-law** provided that:
- (i) Both
 - The erection or use of a **building** or **structure** complies with the approved site plan that results from the complete application for site plan approval, as referenced in Provision 2.5.3(a), and
 - The Building Permit Application for said development complies with the approved site plan and the provisions of the applicable zoning By-law as it read on the day before the **effective date** of this **by-law**.
 - b) The Building Permit application referenced in provision 2.5.3 a) (i) is issued after the **effective date** of this **by-law**. Or, in the case of a Building Permit Application for development referenced in provision 2.5.3 a) (i) which has multiple building phases, the Building Permit

application for the first building phase has been issued within 90 days of site plan approval, to a maximum of two (2) years after the effective date of this by-law. The Building Permit application or applications, for any subsequent building phase, or phases, must be issued within five (5) years of the **effective date** of this **by-law**.

- c) Notwithstanding provision 2.5.3 a), if Site Plan Approval, or Conditional Site Plan Approval was approved prior to the **effective date** of this **by-law**, nothing shall prevent the erection or **use** of the **building** or **structure** in accordance with the approved site plan. Building Permits associated with said approval shall be accepted within and up to two (2) years after the **effective date** of this **by-law**, unless otherwise stipulated in an existing site plan agreement.

2.5.4 Transition clause related to minor variances and permissions granted

Nothing in this **by-law** shall prevent the erection or **use** of a **building** or **structure** which has been approved either by the City of Peterborough Committee of Adjustment before the **effective date** of this **by-law**, or, on appeal, by the Ontario Land Tribunal or its predecessor, before or after the **effective date** of this **by-law**.

2.5.5 Transition clause related to previous zoning approvals (Comprehensive Zoning By-law 1997-123)

- a) Nothing in this **by-law** shall prevent the erection or **use** of a **building** or **structure** which conforms to the provisions or uses as provided in a special zoning district or exception (provision 3.9) of the **City's** Comprehensive Zoning By-law 1997-123, conditional on the following:
- (i) The special zoning district or exception came into force and effect within ten years preceding the **effective date** of this **by-law**; and,
 - (ii) The application for a building permit is deemed complete on or prior to the tenth anniversary of the approval date of the special zoning district or exception.
- b) Notwithstanding subsections i) and ii) above, if the proposed development deviates from the provisions or uses as provided in a special zoning district or exception (Section 3.9), as approved and in-effect under Comprehensive Zoning By-law 1997-123, a new Community Planning Permit application is required.

2.5.6 In-process applications made prior to the effective date of the Community Planning Permit By-law

- a) Any site-specific applications that are deemed a complete application under the requirements of Sections 34, 41, or 45 of the Planning Act and are in process at the time of the passing of this **by-law**, and which are subsequently approved prior to the effective date of this **by-law**, shall prevail over the provisions of this **by-law** in the event of any conflict, and shall be incorporated into this **by-law** as a site-specific amendment or a Community Planning Permit.

- b) Any site-specific applications that are subject to a Tribunal appeal at the time of the passing of this **by-law** and subsequently approved by the Tribunal shall prevail over the provisions of this **by-law** in the event of any conflict, and shall be incorporated into this **by-law** as a site-specific amendment or Community Planning Permit.

2.6 Community Planning Permit classes and approvals

2.6.1 Community Planning Permit classes

- a) There are three classes of Community Planning Permits: Class 1 – Standards Met, Class 2 – Staff Variation, and Class 3 – Council Variation, as outlined in [Table 2.1](#) and summarized below:
- (i) Class 1 Community Planning Permits capture developments that meet all development standards of this **by-law** and the **City's** Official Plan, as amended; and
 - (ii) Class 2 and Class 3 Community Planning Permits capture developments that propose a discretionary use and/or do not comply with the development standard limits for a Class 1 Planning Permit, and are subject to additional requirements as outlined in [Sections 2.7, 2.8, 2.9, and 2.10](#) of this **by-law**, as applicable.

2.6.2 Delegating approvals

City Council delegates development powers and duties on behalf of the **City** to the approval authority, as set out in this **by-law** and in accordance with [Table 2.1](#). Council may withdraw or amend this delegation at any time.

2.6.3 Notification requirements

The **City** will provide public notice of a Community Planning Permit Application in accordance with [Table 2.1](#). The **City** may update the application public notice procedures without an amendment to this **by-law**. A Notice of Decision will be provided for all Community Planning Permits in accordance with [Section 2.15 \(Notice of decision\)](#).

Table 2-1: Community Planning Permit Classes, Delegated Authority, and Public Notice Procedure

Class of Community Planning Permit	Description	Approval Authority	Issuance of Provisional Approval of Community Planning Permit	Public Notice Procedures
Class 1	Application meets all development standards of this by-law . No variation is required.	The City's Director of Planning, Development and Urban Design and/or delegate.	The City's Director of Planning, Development and Urban Design and/or delegate.	No notification required.
Class 2	<p>Application generally meets the intent, standards, and provisions of this by-law but requires a Staff Variation based on:</p> <ul style="list-style-type: none"> • One or more development standards within the established Class 1 Variation Limits in Sections 6, 7, 8, 9, 10, 11, or 12 of this by-law are not met; • Approval of a listed Discretionary Use in Sections 6, 7, 8, 9, 10, 11, or 12 of this by-law; and/or; • One or more standards in the General Provisions Section 4; Parking Section 5; or the Site Specific Provisions Section 13 are not met. 	The City's Director of Planning, Development and Urban Design and/or delegate.	The City's Director of Planning, Development and Urban Design and/or delegate.	Notification on the City's website for public access. A public notice sign shall be displayed on the subject property, in accordance with the City's public notice sign requirements.
Class 3	<p>Application generally meets the intent, standards and provisions of this by-law but requires a Council Variation based on:</p> <ul style="list-style-type: none"> • One or more development standards beyond the Class 2 Variation Limit are not met, as identified in the development standards sections 6, 7, 8, 9, 10, 11, or 12 or this by-law; and/or • Application proposes an alternative under Section 2.14.5 (Provision for Alternative Facilities, Services and Matters) of this by-law. 	Council	The City's Director of Planning, Development and Urban Design and/or delegate.	Notification on the City's website for public access, and notice will be mailed to residents within 120 metres of the subject property. A public notice sign shall be displayed on the subject property, in accordance with the City's Public Notice sign requirements.

2.6.4 Referrals to council

- a) **City** staff may refer a complete application to Council at any time prior to the decision on an application.
- b) The Owner may refer an application to Council at any time prior to the decision on an application. Similarly, at the time of submission, an applicant may request that a Class 2 Community Planning Permit application be processed as a Class 3 permit if they believe the application would benefit from Council review and decision.

2.7 Discretionary uses

2.7.1 Discretionary use requirements

A discretionary **use** may only be allowed if the criteria set out in this **by-law** and any footnotes associated with the discretionary **use**, as identified in this **by-law**, have been addressed to the satisfaction of the **approval authority**.

2.7.2 Adding a permitted or discretionary use

A **use** shall not be added as a permitted **use** or a discretionary **use** through a Community Planning Permit. Any proposed new **use** within any precinct will require an amendment to this By-law in accordance with [Section 2.18 \(By-law Amendment Process\)](#).

2.8 Variations

2.8.1 Class 2 or 3 permit variations

Variations to standards of this **by-law** may be considered through the Class 2 or Class 3 Community Planning Permit process, in accordance with the requirements and objectives of this **by-law**, and the City's Official Plan, as amended.

2.8.2 General standards variations process

Variations to the general standards of this **by-law** found in [Section 4 \(General Provisions\)](#) and parking provisions found in [Section 5 \(Parking\)](#) may be considered through a Class 2 or Class 3 Community Planning Permit process, in accordance with the requirements and objectives of this **by-law** and the **City's** Official Plan, as amended.

2.8.3 Variation amounts and percentages

Variations are applied as set out in the corresponding regulations table included in the relevant precinct and could include an amount or percentage of an eligible standard. The amount or percentage referred to is the amount of the regulations' standard that may be varied. See [Section 3.2](#) for provisions on conversion and rounding.

2.8.4 Permit application requirements

A Community Planning Permit Application for a Class 2 or Class 3 permit that requests a variation shall be subject to all requirements of this **by-law**.

2.8.5 Class 2 permit staff variations

- a) For a Class 2 Community Planning Permit, staff may approve or provisionally approve variations from the standards in the following sections of this **by-law**, where the criteria in [Section 2.9.1 \(Criteria for Discretionary Uses, Variations from Standards and Class 2 or 3\)](#) are met, the variation remains within an established Class 2 variation limit as identified in this By-law, and the proposal conforms with the Official Plan (as amended), applicable Provincial Policy, and all other relevant legislation:
- (i) Section 4 (General Provisions);
 - (ii) Section 5 (Parking);
 - (iii) Section 6 (Central Area Precincts);
 - (iv) Section 7 (Mixed-Use Corridor Precincts);
 - (v) Section 8 (Neighbourhood Precinct);
 - (vi) Section 9 (Employment Precincts);
 - (vii) Section 10 (Institutional Precinct);
 - (viii) Section 11 (Open Space Precincts);
 - (ix) Section 12 (Transition Precinct); and
 - (x) Section 13 (Site Specific Provisions)

2.8.6 Class 3 permit council variations

- a) For a Class 3 Community Planning Permit, Council may approve or provisionally approve developments which vary beyond the Class 2 variation limits identified in the following sections of the By-law, subject to the criteria in [Section 2.9.1 \(Criteria for Discretionary Uses, Variations from Standards and Class 2 or 3\)](#), and subject to conformity with the **City's** Official Plan, as amended, Provincial Policy and any other applicable legislation:
- (i) Section 4 (General Provisions);
 - (ii) Section 5 (Parking);
 - (iii) Section 6 (Central Area Precincts);
 - (iv) Section 7 (Mixed-Use Corridor Precincts);

- (v) Section 8 (Neighbourhood Precinct);
 - (vi) Section 9 (Employment Precincts);
 - (vii) Section 10 (Institutional Precinct);
 - (viii) Section 11 (Open Space Precincts);
 - (ix) Section 12 (Transition Precinct); and
 - (x) Section 13 (Site Specific Provisions)
- b) Notwithstanding provision 2.8.6 (a), council shall not permit development through a Class 3 permit with maximum building heights beyond the following limits:
- (i) *TBD (will be added to final by-law)*

2.9 Criteria for discretionary uses and variations

2.9.1 Criteria for discretionary uses, variations from standards and class 2 or 3 building heights

Where a Class 2 or Class 3 Community Planning Permit is required, the proposed development or a discretionary use will only be permitted if the following criteria are addressed to the satisfaction of the **approval authority** prior to the issuance of a Community Planning Permit and in accordance with the provisions of [Section 2.11.5 \(Decision\)](#), subject to conditions of approval in accordance with [Section 2.12 \(Conditions Attached to Approval\)](#):

- a) The proposed development conforms to the **City's** Official Plan;
- b) The proposed development does not result in significant off-site adverse effects or negative impacts, or any potential significant off-site adverse effects or negative impacts can be mitigated;
- c) The proposed development has regard for provincial and municipal guidelines and technical studies;
- d) The proposed development conforms with provincial plans and is consistent with the Provincial Planning Statement; and,
- e) The proposed development complies with other provincial regulations and standards, as amended.

2.10 Agreements

2.10.1 Agreements

Where a Community Planning Permit is required, an applicant may be required, at the discretion of the **approval authority**, to enter into one or more agreements with the **City**, including but not limited to, agreements to address conditions of approval as outlined in [Section 2.12 \(Conditions Attached to Approval\)](#).

2.10.2 Agreements and provision of facilities, services and matters

An applicant may be required, at the discretion of the **approval authority**, to enter into one or more agreements registered on title with the **City** or another agency, for the provision of facilities, services and matters

2.10.3 Agreement registration on title

The agreement referred to in [Section 2.10.1](#) and [2.10.2 \(Agreements\)](#) shall be registered on title to the owner's property at the owner's expense.

2.10.4 Applicant responsibility for additional approvals

Notwithstanding any other provision in this **by-law**, the applicant is responsible for obtaining all required approvals and permits beyond those provided as part of a Community Planning Permit.

2.10.5 Delegation of authority to City staff

Council delegates the authority to **City** staff to prepare, approve, execute and to amend any Community Planning Permit Agreement required by the Community Planning Permit By-law, in accordance with [Section 2.8 \(Variations\)](#) and the approval authorities outlined in [Table 2.1 \(Community Planning Permit Classes, Delegated Authority, and Public Notice Procedure\)](#).

2.10.6 Pre-existing development agreements

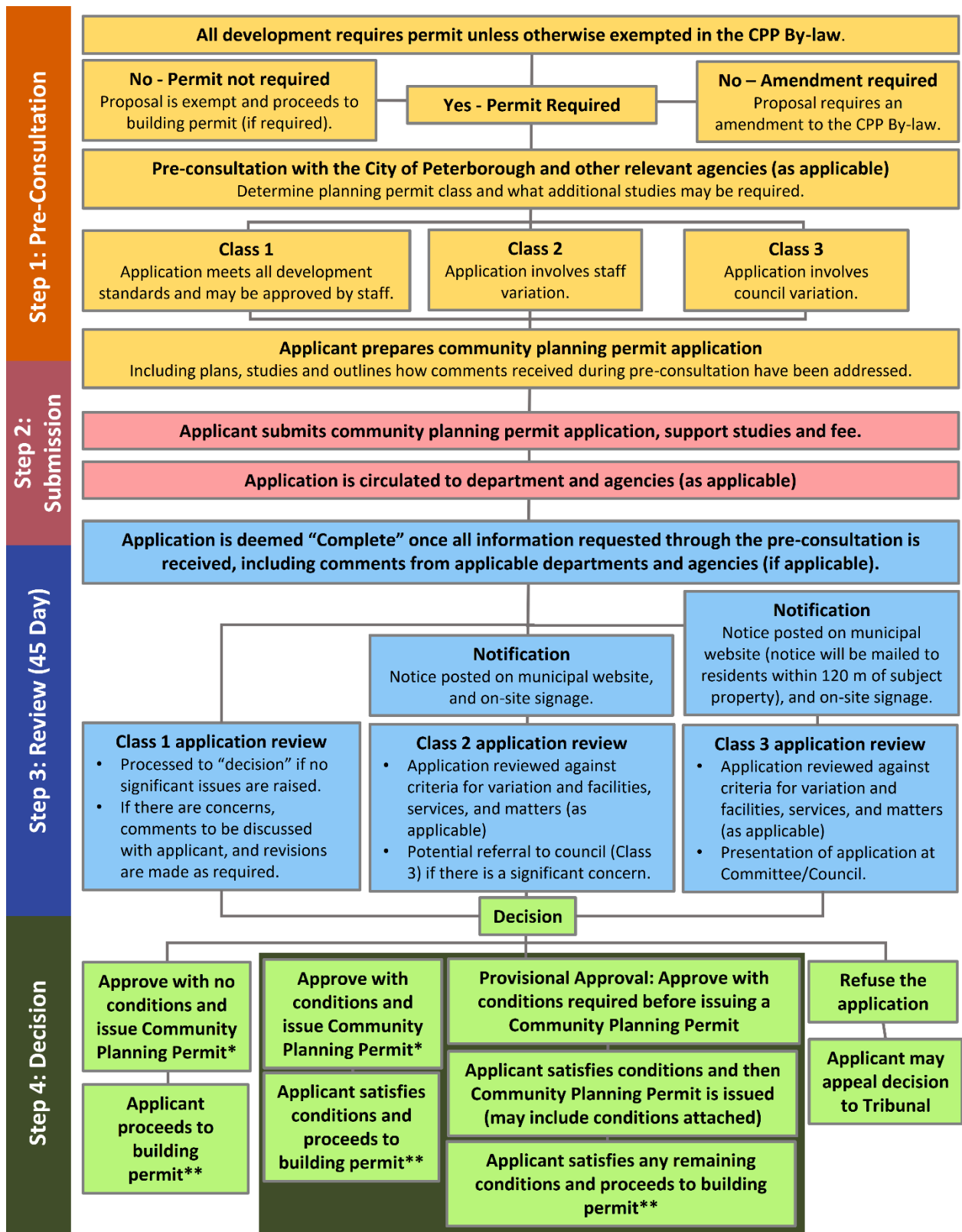
Pre-existing development agreements continue to be valid and binding and may be amended under this **by-law**, if subject to a Community Planning Permit.

2.11 Application process

2.11.1 Community Planning Permit review process

The Community Planning Permit review process generally consists of the steps illustrated in [Figure 2.1 \(Community Planning Permit Application Process\)](#), which includes pre-consultation, submission, review, and decision. All applications are subject to a 45-day decision period as specified in the Planning Act.

Figure 2.1: Community Planning Permit Application Process



*Agreement to be Registered on Title (if required)

**Other permits may need to be obtained from the Ministry of Transportation and Otonabee Region Conservation Authority.

2.11.2 Pre-consultation

- a) Prior to the submission of a Community Planning Permit Application, the applicant shall meet with **City** staff through a formal pre-consultation meeting to obtain the requirements for a complete Application, unless exempt from a permit as outlined in [Section 2.2 \(Exemptions\)](#) of this **by-law** or otherwise waived by the approval authority.
- b) The **City** shall require that pre-consultation occur in consultation with applicable agencies and First Nations occurs prior to the submission of a Community Planning Permit Application, where appropriate.
- c) Where a technical study or report is required in support of a Community Planning Permit Application, the extent of the issues to be addressed will be identified by applicable agencies and/or **City** staff, based on the **City's** Official Plan, as amended, and any terms of reference.
- d) Where appropriate and in consultation with applicable agencies, the **City** will strongly encourage that technical studies related to natural hazards and **archaeological resources** be submitted by the applicant, and reviewed by the **City** staff and applicable agencies, prior to the submission of a Community Planning Permit Application.

2.11.3 Requirements for a complete application

A complete application for a Community Planning Permit shall include:

- a) A fully completed and signed Community Planning Permit Application Form;
- b) Submission of the required application fees;
- c) The application submission requirements identified on Schedule 1 of Ontario Regulation 173/16, as amended;
- d) All requirements identified through pre-consultation, in accordance with the **City's** Official Plan, as amended, and subject to the provisions in [Sections 2.11.2 \(Pre-Consultation\)](#), [2.11.3 \(Requirements for a Complete Application\)](#) and [2.11.4 \(Required Information, Materials, Studies and Reports\)](#); and
- e) Any applicable agency approvals or permits required to be provided to the approval authority as determined during the pre-consultation meeting.

2.11.4 Required information, materials, studies and reports

- a) The **City's** Official Plan, as amended, identifies a list of technical studies and reports that may be required when submitting a Community Planning Permit Application. Additional technical reports/studies may also be required and requested by applicable agencies at the time of pre-consultation. Any technical reports or studies identified through pre-consultation shall be required at the time of submission for a complete Community Planning Permit application.
- b) All required technical reports and studies shall be prepared by a qualified person, as identified or defined in the study's terms of reference, and shall be retained by, and at the sole cost of, the applicant.

- c) At the discretion of the **approval authority**, any required technical studies and reports may be subject to peer review at the applicant's expense.

2.11.5 Decision

Upon review of a complete application the approval authority may:

- a) Approve the application without conditions and issue a Community Planning Permit;
- b) Approve the application and issue a Community Planning Permit with conditions attached, subject to provision 2.10 (Agreements) and [Section 2.12 \(Conditions Attached to Approval\)](#);
- c) Approve the application subject to conditions being met before the issuance of a Community Planning Permit, in accordance with [Section 2.13 \(Provisional Approval\)](#);
- d) Approve the application in principle in accordance with [Section 2.13 \(Provisional Approval\)](#) and subject to conditions being met before the issuance of a Community Planning Permit, subject to [Section 2.12 \(Conditions Attached to Approval\)](#), with conditions attached subject to [Section 2.10 \(Agreements\)](#); or
- e) Refuse to approve the application.

2.12 Conditions attached to approval

2.12.1 Conditional approval of permit applications

Where a Community Planning Permit is required in accordance with the provisions of this **by-law**, the **City** may approve an application with conditions which may be registered on title in accordance with [Section 2.10 \(Agreements\)](#). All conditions must be satisfied within an agreed upon timeframe to the satisfaction of the approval authority. A condition may be imposed if:

- a) The condition is clear, precise, and quantifiable; and
- b) The condition includes a clear statement of whether it must be complied with before the construction, **renovation**, demolition, or certain changes to the **use of buildings/structures**.

2.12.2 Limitations on conditions of approval

A condition of approval shall not deal with the following aspects of **buildings** and **structures**:

- a) Interior design;
- b) The layout of interior areas, other than interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent **buildings**; and
- c) The manner of construction and construction standards.

2.12.3 Types of approval conditions

The **City** may impose the following types of conditions as a condition of approval:

- a) A condition that is permitted by sections 34, 40, 41 or 42 of the Planning Act;
- b) A condition related to site alteration;
- c) A condition related to the removal or restoration of vegetation;
- d) A condition related to ongoing monitoring requirements that are considered necessary for the protection of public health and safety or the natural environment;
- e) A condition related to water, wastewater servicing and transportation network capacity and the phasing of development;
- f) A condition related to easements, and any legal agreement with the **City**, including but not limited to, cost-sharing agreements, encroachment agreements, **cash-in-lieu of parking** agreements and crane swing agreements;
- g) A condition related to infrastructure upgrades and construction management including but not limited to ground shoring, silt and tree-protection fencing;
- h) A condition requiring the submission of confirmation of review, approvals and/or permits from other agencies, levels of government;
- i) A condition requiring the submission of confirmation of consultation with First Nations;
- j) A condition related to the provision of **affordable housing**;
- k) A condition requiring the provision of specified facilities, services and matters in exchange for a specified height or density of development as identified in the Community Planning Permit By-law [Section 2.14 \(Facilities, Services and Matters\)](#), in accordance with the Official Plan, as amended; and,
- l) A condition that is related to the matters that would otherwise be prohibited pursuant to paragraphs 3, 3.1, or 3.2 of subsection 34(1) of the Planning Act, as amended.

2.13 Provisional approval

2.13.1 Provisional approval conditions

Provisional approval of a Community Planning Permit provides approval in principle, subject to certain conditions being met prior to issuance of a Community Planning Permit, as stipulated in this **by-law**.

2.13.2 Fulfillment of provisional conditions

- a) The applicant shall fulfill the conditions associated with the provisional approval in advance of Community Planning Permit issuance, to the satisfaction of the **approval authority**.

- b) Provisional approval does not guarantee the ultimate issuance of a Community Planning Permit. If one or more conditions of provisional approval have not been cleared to the satisfaction of the approval authority, a Community Planning Permit shall not be issued. Changes to the development's design to address one or more conditions may result in the need to re-circulate the application to review agencies for review.

2.13.3 Validity period of provisional approval

Provisional approval shall be valid for a period of one (1) year. If a Community Planning Permit is not issued within one year of issuance the provisional approval will lapse.

2.13.4 Extension requests for provisional approval

Notwithstanding provision 2.13.3 ([Validity Period of Provisional Approval](#)), the applicant may request an extension to satisfy a condition of a provisional approval by submitting a formal request to the City's Director of Planning, Development and Urban Design.

An extension of a provisional approval of Community Planning Permit may be granted in one (1) year intervals, up to a maximum of three (3) times (culminating in a 3-year extension), subject to the provisions of this **by-law**, as amended.

2.14 Facilities, services and matters

2.14.1 Maximum building height permitted through a Class 1 Community Planning Permit

The maximum building heights permitted through a Class 1 Community Planning Permit are identified on [Schedule C](#) (Class 1 Maximum Building Heights) and are subject to the provision of facilities, services and matters in accordance with [provision 2.14.3](#) and [Table 2.2](#) and [Table 2.3](#) of this **by-law**.

2.14.2 Maximum building height permitted through a Class 2 Community Planning Permit

The maximum **building heights** that may be permitted through a Class 2 Community Planning Permit are shown in [Schedule D](#) (Class 2 Maximum Building Heights) and are subject to the provision of facilities, services and matters in accordance with the [provision 2.14.3](#) and [Table 2.2](#) and [Table 2.3](#) and the criteria outlined in [Section 2.9](#) ([Criteria for Discretionary Uses and Variations](#)) of this **by-law**.

2.14.3 Additional building heights and densities and the provision of facilities, services, and matters for a residential use

- a) In exchange for the approval of additional **building height** for a development with a residential use, the **City** will require the provision of facilities, services and matters as outlined in the [Table 2.2](#) and [Table 2.3](#) below, and as follows:
 - (i) For a development containing multiple **buildings**, the required facilities, services, and matters will be calculated per unit for all residential units above the Class 1 maximum **building height** threshold.
 - (ii) The required complete community benefits charge shall be calculated based on all residential units in the **building**.
- b) For clarity, development that requires a Class 2 or Class 3 Community Planning Permit as a result of variations to development standards or other provisions of this **by-law** that does not include development above the Class 1 maximum building height limit on Schedule C of this **by-law**, shall only be subject to Class 1 facilities, services and matters identified in [Table 2.2](#).

Table 2-2: Overview of required facilities, services, and matters in exchange for additional building height

Required facilities, services and matters	Residential development within Class 1 maximum building height threshold (Schedule C)	Residential development within Class 2 building height threshold (Schedule D)	Residential development above Class 2 building height threshold
	<p>Complete community charge per Table 2.3 for development with 5 or more storeys and 10 or more residential units.</p>	<p>Complete community charges per Table 2.3 for development with 5 or more storeys and 10 or more residential units.</p> <p>AND</p> <p>Option 1: A minimum of 20% of all residential units of ownership tenure and or 10% of residential units of rental tenure above the maximum Class 1 building height threshold, in Schedule C but within the maximum Class 2 building height threshold, must be provided as affordable dwelling units, per Appendix A5.1.</p> <p>OR</p> <p>Option 2: A cash-in-lieu contribution for the required Affordable Dwelling Units as identified in Option 1, per Appendix A5.2.</p> <p>OR</p> <p>Option 3: A mix of affordable dwelling units and cash-in lieu contribution for the required affordable dwelling units identified in Option 1.</p>	<p>Complete community charges per Table 2.3 for development with 5 or more storeys and 10 or more residential units.</p> <p>AND</p> <p>Additional facilities, services and matters to be greater than the value of applying Class 2 facilities, services and matters, in accordance with provision 2.14.6.</p>

Table 2-3: Required complete community charge amount

	Required Contribution Amount
Complete Community Charge	4 per cent of the value of the land that is the subject of development.

2.14.4 Application requirements

Where the **City** is authorized to permit and collect facilities, services and matters through a Class 3 permit, an application proposing a **building height** that exceeds the Class 2 maximum identified in [Schedule D \(Class 2 Maximum Building Heights\)](#) the applicant shall, as part of a complete application, demonstrate that the proposed facilities, services and matters are proportional, whether by quantity or monetary value, to the number of **additional dwelling units** proposed.

2.14.5 Provision for alternative facilities, services, and matters

Notwithstanding the required facilities, services and matters of [Table 2.2](#), the **City** may accept the provision of alternative facilities, services and matters in lieu or partially in lieu of those that would otherwise be required by [Table 2.2](#), subject to:

- a) Any application seeking consideration of in-kind contributions shall be processed as a Class 3 Community Planning Permit.
- b) The application proposing in-kind contributions must include supporting documentation demonstrating the suggested value of the contribution and be submitted no less than 180 days prior to the issuance of the first building permit for the proposed development or change of use. This documentation shall form part of the complete Community Planning Permit Application, and intent to provide in-kind contributions must be identified by the proponent during pre-consultation stage.
- c) In-kind contributions shall only be accepted where approved by Council, at Council's sole discretion. Council's decision to approve in-kind contributions, in whole or in part, in satisfaction of this subsection is final and binding.
- d) The value attributed to an in-kind contribution shall be determined by Council, and may require peer-review by one or more third-party valuations to the satisfaction of Council, or their delegate. The value attributed to any in-kind contribution, as determined by Council, shall be final and binding.

2.14.6 Class 3 maximum building height

Where a development proposal exceeds the Class 2 maximum **building height** established in [Schedule D \(Class 2 Maximum Building Heights\)](#), Council may authorize a variation provided the proposal provides additional facilities, services, and matters that meet the **City's** identified needs, such as:

- a) Land to be conveyed to the **City** for municipal purposes;
- b) Accessible dwelling units;
- c) Additional affordable dwelling units, beyond those required in [Appendix 5.1](#);
- d) Public Service Facilities or Institutional uses;
- e) Public transportation infrastructure, facilities, and services;
- f) **Active transportation** infrastructure and facilities, including improvements identified as a Proposed Long Term Transportation Network Improvement on [Appendix 4a-g \(Strategic Growth Area Transportation\)](#);
- g) Public parking and improvements to existing public parking supply or infrastructure;
- h) Public art;
- i) Electric vehicle parking;
- j) Neighbourhood serving commercial uses in underserved areas;
- k) Indigenous placemaking measures;
- l) Urban forestry and woodland preservation;
- m) Parkland and improvements to existing parks beyond what is required under Section 42 of the Planning Act and the **City's** Parkland Dedication By-law, as amended. Areas underserved by existing parks and open space are identified in [Appendix 3a-g \(Strategic Growth Areas Parks and Open Spaces\)](#);
- n) Conservation, protection, and preservation of cultural heritage resources and landscapes, **built heritage resources** or natural heritage features and systems;
- o) Implementation of voluntary sustainability measures above and beyond the energy, water and sustainability policies of the **City's** Official Plan in force and effect on the effective date of this **by-law**; and
- p) Any other in-kind contribution as approved by Council.

2.14.7 Exemptions for the provision of facilities services and matters

Notwithstanding the provisions 2.14.1 through 2.14.6, facilities, services, and matters shall not be required with respect to:

- a) Development or a change in use of a **building** or structure intended for use as a long-term care home inclusive of a Group Home within the meaning of subsection 2(1) of the Fixing Long-Term Care Act, as amended;
- b) Development or a change in use of a **building** or structure intended for use as a retirement home within the meaning of subsection 2(1) of the Retirement Homes Act, as amended;
- c) Development or a change in use of a **building** or structure intended for use by any of the following post-secondary institutions for the objects of the institution:

- (i) A university in Ontario that receives direct, regular and ongoing operating funding from the Government of Ontario;
 - (ii) A college or university federated or affiliated with a university described in subparagraph (i); or,
 - (iii) An Indigenous Institute prescribed for the purposes of section 6 of the Indigenous Institutes Act, as amended.
- d) Development or a change in use of a **building** or structure intended for use as a memorial home, clubhouse or athletic grounds by an Ontario branch of the Royal Canadian Legion;
- e) Development or a change in use of a **building** or structure intended for use as a hospice to provide end-of-life care;
- f) Development or a change in use of a **building** or structure intended for use as residential premises by any of the following entities:
- (i) A corporation to which the Not-for-Profit Corporations Act, as amended, applies that is in good standing under that Act and whose primary object is to provide housing;
 - (ii) A corporation without share capital to which the Canada Not-for-Profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or,
 - (iii) A non-profit housing co-operative that is in good standing under the Co-operative Corporations Act. A corporation without share capital to which the Canada Not-for-Profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
 - (iv) A non-profit housing co-operative that is in good standing under the Co-operative Corporations Act.
- g) Development that conforms to the **building height** as set out in a special zoning district or exception pursuant to the transition clause related to previous zoning permissions in [provision 2.5.5](#) of this **by-law**. If development exceeds the **building height** as set out in a special zoning district or exception, this exemption does not apply to the additional height.

2.15 Notice of decision

2.15.1 Decision time frame

- a) The **City** shall issue a written Notice of Decision to the applicant and to each person or public body that filed a written request to be informed of the decision with the clerk of the municipality within 15 days of the date of decision in accordance with the Planning Act.
- b) The Notice of Decision shall:
- (i) Include reasons for the decision; and,
 - (ii) Give reasons for any conditions imposed and include any imposed conditions.

2.15.2 Refusal of an application

Despite provisions in this **by-law**, if in the opinion of the approval authority, the Community Planning Permit By-law criteria for variation from a standard are not met, the Community Planning Permit Application may be denied.

2.16 Appeals

2.16.1 Appeal of decision to Tribunal

In accordance with the Planning Act, an applicant may appeal a decision on a Community Planning Permit Application in writing to the Ontario Land Tribunal, no later than 20 days after the day the Notice of Decision is given.

2.16.2 Appeal of non-decision to Tribunal

In accordance with the Planning Act, an applicant may appeal a non-decision on a Community Planning Permit Application in writing to the Ontario Land Tribunal if no decision was made within 45 days of an application being deemed complete.

2.16.3 Appeal process compliance

Appeals must be made in accordance with the Planning Act and Ontario Regulation 173/16.

2.17 Modifications to provisional approvals

2.17.1 Modifications to provisional or conditional approval

At the request of the applicant, and where considered appropriate by the approval authority, modifications to a Community Planning Permit with provisional or conditional approval, including changes to the development concept and supporting materials, or to the conditions of provisional approval, may be made at any time, subject to the provisions within this **by-law** and the City's Official Plan, as amended.

2.17.2 Review of proposed modifications

Proposed modifications to a Community Planning Permit with provisional approval will be reviewed in accordance with the relevant sections of this **by-law**.

2.17.3 Additional submission requirements

Proposed modifications may be subject to additional submission requirements to support the application, to the satisfaction of the **approval authority**. A pre-consultation meeting, in accordance with provision 2.11.2 may also be required to confirm and scope these requirements.

2.17.4 Fees for modifying applications

Where an applicant applies to modify a Community Planning Permit with provisional approval, the fee should be equal to that which would be charged if the application was new. At the discretion of the **approval authority**, the required fee(s) may be waived or reduced if the change is minor, and in accordance with the **City's** User Fees By-law.

2.18 By-law Amendment Process

2.18.1 By-law amendment requirements

An amendment to this **by-law** shall be required:

- a) Where a proposal includes a use that is not explicitly listed as a permitted or discretionary use (in this case, an amendment to the **City's** Official Plan may also be required), or
- b) Where a proposal includes an amendment to the Community Planning Permit Area and/or an amendment to the boundary of a precinct (in this case, an amendment to the **City's** Official Plan may also be required).

2.18.2 Initiating By-law amendment process

- a) An amendment to this **by-law** may be initiated by the **City** or by an applicant.
- b) In accordance with the Planning Act, applications to amend this **by-law** shall not be made before the fifth anniversary of the effective date of this **by-law** unless in compliance with Ontario Regulation 173/16, s. 17 (5). In accordance with the Planning Act, amendments to this **by-law** are permitted through a Council resolution before the fifth anniversary of the effective date of this **by-law**.

2.18.3 Additional submission requirements

Any amendment to this **by-law** shall:

- a) Be supported by a comprehensive planning rationale that evaluates the application in the context of the goals, objectives, and intent of this **by-law** and conformity with the City of Peterborough Official Plan;
- b) Provide an engagement plan including details for providing public notification, open houses and statutory public meetings in accordance with the Planning Act; and
- c) Additional information, materials or studies may be required, as identified through the pre-consultation process and in accordance with the **City's** Official Plan.

2.18.4 Supporting documents

The planning rationale to support any amendment to this **by-law** must evaluate the application in the context of the goals, objectives, guiding principles and intent of this **by-law** and conformity with the **City's** Official Plan as amended, and applicable provincial plans and legislation.

2.19 Existing uses, lots, buildings, and structures

2.19.1 Legal non-conforming uses

- a) Nothing in this **by-law** shall apply to prevent the use of any land, **building** or structure for any purpose prohibited by the By-law if such land, **building**, or structure was lawfully used for such purpose prior to the effective date of this **by-law**, provided that the use continues for that same purpose.
- b) The expansion of a **building** or structure that is a legal non-conforming use may be permitted, subject to the issuance of a Class 2 permit in accordance with this **by-law**.

2.19.2 Restoration to a safe condition

Nothing in this **by-law** shall apply to prevent the repair, strengthening, altering, or restoration to a safe condition of a **building** or structure or any part thereof that is legal non-complying, provided such an alteration or repair does not increase the building's height and/or size.

Notwithstanding anything to the contrary, nothing in this **by-law** shall apply to prevent the alteration of a roof on a **building** or structure or any part thereof that is legal non-complying with respect to this **by-law**, including the construction of dormers, so long as such alteration does not extend beyond the existing footprint of the roof.

2.19.3 Existing non-complying building and lots

- c) A lot in existence prior to the effective date of this **by-law** that does not meet the minimum lot area or lot frontage requirements of the applicable precinct is permitted to be used and **buildings** and structures thereon be erected, enlarged, rebuilt, repaired or renovated, provided the use conforms with this **by-law** and the **buildings** and structures comply with all other provisions of this **by-law**.
- d) Any expansions to a legal non-complying **building** shall require a Community Planning Permit to demonstrate that the development will meet the intent of this **by-law**. A structure which existed legally prior to the effective date of this **by-law** may be enlarged, repaired, renovated or reconstructed through a Class 2 permit application, provided that the works do not further increase an existing deficiency or where a variance to a standard is approved subject to a Class 2 or 3 permit.
- e) Where a legal non-complying **building** is damaged, destroyed, or demolished, the reconstruction of the **building** is permitted such that it does not increase an existing legal non-complying deficiency or complies with the regulations as set out in this **by-law**.
- f) Submission of an application for a building permit to replace a legal non-complying **building** or structure considered under subsection c) must occur within two (2) years of the damage or destruction, otherwise it shall not be permitted without a Class 2 permit.

2.19.4 Municipal land taking

Where, as a result of taking of land by the **City**, any land, existing **building** or existing structure becomes non-complying to this **by-law**, such land, existing **building** or existing structure shall be deemed to comply with this **by-law**.

3 Interpretation

3.1 How to read this by-law

The interpretation rules set out in this section apply to all **by-law** provisions herein, unless the text of the **by-law** expressly states otherwise. This **by-law** shall be read in its entirety to be properly understood. Unless otherwise stated, the provisions of this **by-law** are to be interpreted as the minimum requirements that must be met. Words shall be interpreted according to their ordinary and plain meaning, unless they are a defined term within this **by-law**.

3.2 Precinct citations

Precinct citations are identified using a letter or a group of letters, as labeled on the schedule(s) of this **by-law**. A precinct citation may be followed by a number, a suffix, or a combination of both. The Precinct Map attached hereto as [Schedule B1-4](#) delineates the **precincts** established under this **by-law** and, together with all notations, references, and other information shown thereon, is hereby incorporated into and declared to form part of this **by-law** as set out herein. The following **precincts** are hereby established:

Precinct	Symbol
Central Area Precincts	
• Downtown Core Area	DCA
• Business District	BD
• Industrial Conversion Area	ICA
• Little Lake South – Sub Area 1	LLS1
• Little Lake South – Sub Area 2	LLS2
Mixed-Use Corridor Precincts	
• Major Mixed-Use Corridor	MUC1
• Minor Mixed-Use Corridor	MUC2
Neighbourhood Precinct	
• Neighbourhood	N
Employment Precincts	
• Prestige Employment	PE
• General Employment	GE
Institutional Precincts	
• Major Institutional	MI
• Institutional	I

Precinct	Symbol
Open Space Precincts	
• Open Space	OS
• Environmental Protection	EP
Transition Precinct	
• Transition	T

3.3 By-law schedules

The Precinct Maps attached hereto as [Schedule B1-4](#) delineate the precincts established under this **by-law** and, together with all notations, references, and other information shown thereon, are hereby incorporated into and declared to form part of this **by-law** as fully set out herein. The following schedules are included and form part of this **by-law**:

- a) Schedule A: Community Planning Permit Area
- b) Schedules B1-4: Precincts
- c) Schedules C1-4: Class 1 Maximum Building Heights
- d) Schedules D1-4: Class 2 Maximum Building Heights
- e) Schedule E1-5: Parking Areas
- f) Appendix 1a-d: Natural Areas and Natural Hazard Overlay
- g) Appendix 2a-d: Holding Provisions Overlay
- h) Appendix 3a-g: Strategic Growth Area Parks and Open Spaces
- i) Appendix 4a-g: Strategic Growth Area Transportation Network
- j) Appendix 5: Affordable Housing Threshold and Cash-in-lieu of Affordable Dwelling Unit

3.4 Precinct boundaries

When determining the boundary of any precinct as shown on [Schedule B1-4](#) of this **by-law** the following provisions apply:

- a) Where a **precinct** boundary is indicated as following a street, lane, unopened road allowance, railway right-of-way or utility corridor, the boundary is the edge of such street, lane, unopened road allowance, railway right-of-way or utility corridor;
- b) Where a **precinct** boundary is indicated as substantially following lot lines, the precinct boundary follows such lot lines;
- c) Where a **precinct** boundary is indicated as following flooding hazard limits established by the Otonabee Region Conservation Authority, the precinct boundary shall be the flooding hazard limits as determined by the Otonabee Region Conservation Authority;

- d) Where a boundary line is shown as the shoreline of the Otonabee River, Trent Canal, Little Lake, or other watercourse, such boundary line shall be deemed to be at the location of the watercourse's seasonal high-water mark;
- e) Where a public authority has expropriated part of a lot for the widening of a street, the precinct boundary shall move such that it corresponds to the location of the new lot line; and
- f) Where none of the above provisions apply, the precinct boundary or overlay boundary is to be scaled from [Schedule B1-4](#) of this **by-law**.

3.5 Precinct overlays & special policy areas

3.5.1 Natural areas overlay

- a) The Natural Areas overlay is carried forward from the Official Plan and is shown on [Appendix 1a-d](#). The boundaries of the natural areas overlay depicted on [Appendix 1a-d](#) to this **by-law** are general and may not align with property lines. The precise limit and interpretation of an overlay as it applies to a specific property shall be established to the satisfaction of the **City** and the Otonabee Region Conservation Authority, where applicable.
- b) Where any part of a lot is subject to the natural areas overlay identified in this **by-law**, the use of such land, and the erection, alteration, or use of any **building** or structure thereon, shall be subject to the specific provisions of the overlay, as outlined in [Section 4 \(General Provisions\)](#), in addition to the provisions of the underlying precinct. Where there is a conflict between the provisions of the Natural Areas Overlay and those of the underlying precinct, the provisions of the Natural Areas Overlay shall prevail.
- c) Where a parcel includes lands within the natural areas overlay, specific studies may be required to determine the requirements for development or site alteration.

3.5.2 ORCA floodplain overlay

- a) The ORCA floodplain overlay is shown on [Appendix 1a-d \(Natural Areas and Natural Hazards Overlay\)](#). The overlay includes floodplains delineated by Otonabee Region Conservation Authority that are not subject to a Special Policy Area.

3.5.3 Jackson Creek Special Policy Area

- a) The Jackson Creek Special Policy Area is carried forward from the Official Plan and is shown on [Appendix 1a-d \(Natural Areas and Natural Hazards Overlay\)](#) of this **by-law**. The boundaries of the Jackson Creek Special Policy Area depicted on [Appendix 1a-d](#) are general and may not align with property lines. The precise limit and interpretation of the Jackson Creek Special Policy Areas it applies to a specific property shall be established to the satisfaction of the **City** and the Otonabee Region Conservation Authority, where applicable.
- b) Where any part of a lot is subject to the Jackson Creek Special Policy Area, as depicted on [Schedule 1a-d \(Natural Areas and Natural Hazards Overlay\)](#) of this **by-law**, the use of such land, and the erection, alteration, or use of any **building** or structure thereon shall be subject

to the specific provisions of the Jackson Creek Special Policy Area as outlined in under [Section 4 \(General Provisions\)](#), in addition to the provisions of the underlying Precinct. Where there is a conflict between the provisions of the Jackson Creek Special Policy Area and the underlying Precinct, the provisions of the Jackson Creek Special Policy Area shall prevail.

- c) The purpose of the Jackson Creek Special Policy Area is to identify lands along Jackson Creek that are susceptible to flooding. Where a parcel includes lands within the Jackson Creek Special Policy Area, specific studies may be required and requested at pre-consultation, to determine the requirements for development or site alteration.

3.6 Multiple precincts on a Lot

- a) Where a lot is divided into more than one **precinct**, each portion of the lot shall be used in accordance with the provisions of the applicable **precinct** that applies to that portion of the lot; however, the **precinct** boundary is not to be treated as a lot line.
- b) Lot area and coverage shall be calculated within the limits of the **precinct**, unless otherwise specified.

3.7 Holding provisions

- a) Where a holding symbol prefix "(H)" is applied to a precinct governed by this **by-law**, no person shall erect, alter, enlarge, reconstruct, or change the use of any **building** or structure in whole or in part, nor change the use of any land in whole or in part, until the prefix "(H)" is removed by amendment to this **by-law**, except:
 - (i) For any interim use specified in the By-law that established the holding symbol; and
 - (ii) For any legal use existing on the lot on the date of the passing of the By-law that established the holding symbol.
- b) Where lands were deemed to be subject to a Holding provision of a by-law passed pursuant to Section 36 of the Planning Act on the day that this **by-law** comes into force and effect, the conditions associated with the applicable Holding provision shall be deemed to continue to apply.
- c) Previous Holding provisions are noted on [Appendix 2a-d](#) to this **by-law** and will be maintained and form part of this **by-law** until such time that the conditions outlined have been fulfilled to the satisfaction of the **approval authority**, and/or applicable agency. [Appendix 2a-d](#) will be updated by the **approval authority** once the conditions have been met without formal amendment to this **by-law**.

3.8 Interpretation of irregular lot lines

- a) Where a side lot line is not a continuous straight line, a theoretical straight line shall be established for the purpose of determining the minimum required side yard. This theoretical side lot line shall be drawn between the point where the side lot line intersects the front lot

line and the point where it intersects the rear lot line. The required side yard shall be measured from this theoretical line.

3.9 Other applicable laws

- a) Nothing in this **by-law** shall relieve any person from the obligation to comply with the requirements of the Ontario Building Code Act, any other By-laws of the City of Peterborough and provincial and federal legislation.
- b) Any reference to legislation or regulations or sections thereof shall include any amendments to or successions thereof.

3.10 Conflicting regulations

Where two or more provisions are equally applicable, all provisions must be complied with or, where it is not possible to comply with all the applicable provisions, the most restrictive provisions must be complied with.

3.11 Measuring height

Any height measurement or standard required in this **by-law** shall be measured from the average ground elevation.

3.12 Metric clause and rounding

- a) All measurements in this **by-law** appear in metric.
- b) All studies and technical reports submitted as part of a complete Community Planning Permit application shall include figures and/or measurements in metric and follow the rounding conventions outlined below:
- c) To determine By-law compliance, any figure or measurement containing two (2) or more decimal places shall be rounded to the nearest tenth (one (1) decimal place) in accordance with the rounding conventions outlined as follows:
- d) All measures of length or area used in the By-law are subject to the following:
 - (i) For measurements where the the hundredth decimal place (second decimal place) is equal to or less than the number four (4), the tenth decimal number (first decimal place) shall remain the same. For example, the number 2.449 is rounded to 2.4).
 - (ii) For measurements where the hundredth decimal place (second decimal place) is equal to, or greater than, the number five (5), the tenth decimal place (first decimal place) shall be rounded up to the next whole number. For example, the number 2.45 is rounded to 2.5.

3.13 Statutory elements of the By-law

The text, tables, and schedules are statutory elements of the By-law. Any changes to them require an amendment to the By-law per the requirements of the Planning Act under Section 34.

3.14 Technical revisions

Technical revisions may be made to this **by-law** without the need to amend this **by-law** in the following cases:

- a) Correction of grammar or typographical errors or revisions to format in a manner that does not change the intent of a permitted use or provision;
- b) Adding or revising technical information on maps or schedules that does not affect the precinct of lands including, but not limited to, matters such as updating and correcting infrastructure information, and map/figure keys, legends or title blocks;
- c) Changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this **by-law** and are editorially inserted for convenience of reference only;
- d) The addition or removal of holding symbols, or precinct prefixes/suffixes applied to a precinct governed by this **by-law**, or as specified through an Appendix to this **by-law**; and
- e) Changes to schedules to incorporate site specific amendments and correct drafting errors where appropriate in accordance with this **by-law**.

3.15 Defined terms

Bolded terms are defined in [Section 1.0 \(Definitions\)](#) of this **by-law**. Defined terms are intended to capture both the singular and plural forms of these terms. For non-bolded terms, the grammatical and ordinary meaning of the word applies. Terms may be bolded only in specific regulations; for these terms, the defined meaning applies where they are bolded and the grammatical and ordinary meaning applies where they are not bolded. Defined terms have not been bolded in headers and titles.

4 General Provisions

4.1 Procedural provisions

4.1.1 Variations to a general provision

Any variation to a general provision as outlined in Section 4.0 (General Provisions) will be classified as a Class 2 variation and will require a Community Planning Permit Application, unless otherwise noted.

4.1.2 Dwelling units on subdivided lots

In any precinct that permits a residential use and, where a lot which contains two (2) or more dwelling units (excluding **additional residential units**) is subdivided into lots which contain only one principal dwelling unit (excluding **additional residential units**), each such subdivided lot shall comply with all of the regulations of this **by-law**, excepting that there shall be no minimum requirement for:

- a) Lot area per dwelling unit;
- b) Lot width per dwelling unit; and
- c) **Building setback** from any side lot line which separates the subdivided lots, for so long as the subdivided lot contains only one principal dwelling unit.

4.1.3 Municipal services

- a) No land shall be built upon and no **building** or structure shall be erected, expanded or used for any purpose unless all municipal services including sanitary sewers, storm sewers and drains, water mains, electric power lines and roads are available, **adequate** and connected.
- b) Despite provision 4.1.3 a), the following uses may be permitted without full municipal services:
 - (i) Any use, **building** or structure permitted by a By-law which existed on the effective date of this **by-law**, or any predecessor thereof, and for which prior approval had been obtained from the **City's** Building Division, the Local Health Unit, the Ministry of the Environment, Conservation and Parks (MECP), or any combination thereof, to permit the use of a private sewage disposal system;
 - (ii) Any legally existing agricultural, municipal parkland or conservation use on a lot with a minimum size of four (4) hectares;
 - (iii) Additions and **accessory buildings or structures** to existing legal non-conforming single detached dwellings are permitted, provided they meet all established building setbacks and comply with all other regulations of the precinct in which the principal dwelling unit is located;

- (iv) Partial services shall be permitted to address a failed individual on-site water service or individual on-site sewage services on an existing lot of record, only where municipal services are not available or are not expected to be available within two (2) years; and
- (v) When the owner of a property proposes to develop, redevelop, and/or sever a property, whether or not it has an existing **building** on it, the owner will be obligated to connect to **City** services if the municipal services are within 50 metres of a front lot line. Furthermore, the piping from the private well and/or septic tank must be disconnected and the well and septic tank must be decommissioned to the satisfaction of the Chief Building Official.

4.1.4 Change of use or alteration of building

4.1.4.1 Lawfully existing use

Nothing in this **by-law** shall apply to prevent the change of a lawfully existing use to a use which is permitted by this **by-law**, provided that the extent of any non-conformity to the provisions of this **by-law** will not increase as a result of the change of use.

4.1.5 Undersized lot

- a) Where a lot has less than the lot width, lot width per dwelling unit, depth, area or lot area per dwelling unit required in the land use precinct in which it is located, and has existed and been continuously held in separate ownership in its entirety since prior to January 1, 1991, such lot may be used, and a building may be erected, altered or used thereon, for a purpose permitted in the precinct provided that:
 - (i) All other regulations are complied with; and
 - (ii) Such lot has at least 80% of the required lot width, lot width per dwelling unit, depth, area or lot area per dwelling unit.
- b) Where a lot in a registered plan of subdivision, registered after January 1, 1991, has less than the lot width, lot width per dwelling unit, depth, area or lot area per dwelling unit required in the land use district in which it is located, such lot may be used, and a building may be erected, altered or used thereon, for a purpose permitted in the district provided that:
 - (i) All other regulations are complied with; and
 - (ii) Such lot has at least 95% of the required lot width, lot width per dwelling unit, depth, area, or lot area per dwelling unit.

4.1.6 Overlays

4.1.6.1 Natural areas overlay

- a) Development shall not be permitted within the Natural Areas Overlay, as depicted on [Appendix 1a – 1d \(Natural Areas and Natural Hazards Overlay\)](#), unless it is in accordance with applicable policies of the City's Official Plan and the following:

- (i) Where development, redevelopment or site alteration is proposed on lands within the Natural Areas Overlay, or within 120 metres, then the need for an Environmental Impact Study is triggered. This study shall be required as part of a complete Community Planning Permit application.
- (ii) Notwithstanding, provision 4.1.6.1 i) where any proposed development, redevelopment or site alteration is exempt under the City's site-alteration By-law, an Environmental Impact Study may not be required as a complete Community Planning Permit application, subject to the requirements set out through Pre-consultation.
- (iii) Notwithstanding the Natural Areas Overlay and the foregoing, nothing in provision 4.1.6.1 i) and ii) shall prevent the City from requesting a Preliminary Natural Heritage Feature Screening at pre-consultation to determine the need for an Environmental Impact Study and to assess the presence, or suspected presence, of any on-site or adjacent Natural Heritage Features for any property located within the City.
- (iv) Notwithstanding the foregoing, nothing in provisions 4.1.6.1 i) and ii) shall prevent the City from imposing the satisfactory completion of a Preliminary Natural Heritage Feature Screening and/or Environmental Impact Assessment as a condition of Community Planning Permit approval.

4.1.6.2 ORCA Floodplain and Jackson Creek Special Policy Area Overlay

- a) All **buildings** will be flood proofed to the regulatory flood level where practical. Where it is not technically or economically feasible or practical to flood proof to the regulatory flood level, the minimum flood proofing level will be the average of the 100 year flood level and the regulatory flood level.
- b) All **buildings** or structures shall be designed such that their structural integrity is maintained during a regional storm.
- c) Land uses involving chemical, hazardous or toxic substances that may pose an unacceptable risk to public safety if damaged as a result of flooding or the failure of flood proofing measures shall not be permitted below the Regulatory Flood level.
- d) Flood storage loss compensation will not be required for development, redevelopment or site alteration within the Special Policy Area. Notwithstanding this, any technical reports requested at pre-consultation must demonstrate, to the satisfaction of the **approval authority**, that the proposed development, redevelopment or site alteration will not adversely impact existing properties upstream or downstream as a result of increasing flood levels and/or velocities.

4.1.7 Vegetation protection zone

- a) Permitted uses within a vegetation protection zone may include the following, subject to an assessment of negative impacts undertaken through an Environmental Impact Study:
 - (i) Conservation uses;
 - (ii) Trails and other associated passive recreational opportunities and facilities that do not require substantial site alterations;
 - (iii) **Buildings** or structures necessary for flood or erosion control;

- (iv) Existing lawful uses, restricted to their geographic location as of the date of the passing of this **by-law**;
 - (v) The extension of existing municipal infrastructure projects where the alignments or locations of those facilities have been established in the Official Plan, approved Secondary Plans, Plans of Subdivision and/or approved Environmental Assessments; and
 - (vi) Limited engineering components, such as stormwater management pond outlets (stormwater management ponds are not permitted within the vegetation protection zone).
- b) The location and width of a vegetation protection zone shall be determined by a site-specific Environmental Impact Study and shall not be less than the minimum width in [Table 4.1](#). Where a site-specific Environmental Impact Study establishes the need for a vegetation protection zone that exceeds the minimum width specified in [Table 4.1](#), the larger recommended vegetation protection zone shall be established.

Table 4-1: Minimum Vegetation Protection Zones

Feature	Minimum Vegetation Protection Zone width
Provincially Significant Wetlands or Unevaluated Wetlands	30 metres
Non-Provincially Significant Wetlands or Unevaluated Wetlands that have been excluded from a wetland evaluation as per the Ontario Wetland Evaluation System for Southern Ontario	15 metres
Woodlands	10 metres from dripline
Valleylands	10 metres
Permanent and Intermittent Watercourses (Cool/Cold Water)	30 metres
Permanent and Intermittent Watercourses (Warm Water)	15 metres
Naturally Occurring Waterbodies	15 metres
Significant Wildlife Habitat	To be determined through an Environmental Impact Study
Provincially or Regionally Significant Life Science or Earth Science Areas of Natural and Scientific Interest	To be determined through an Environmental Impact Study
Habitat for Threatened or Endangered Species	To be determined through application of the appropriate legislation

4.2 Prohibited uses in all precincts

4.2.1 Prohibited uses

- a) Any use not specifically permitted by this **by-law** shall not be permitted in the Community Planning Permit Area. A use, whether defined or not defined by this **by-law**, that is not either (1) identified within a permitted use table in any precinct, or (2) permitted by a site-specific provision, is prohibited. For clarity and transparency, but without limit to the foregoing, the

following uses are prohibited in all precincts, either alone or in conjunction with other uses, unless specifically permitted by this **by-law**:

- (i) Abattoir;
- (ii) Bulk fuel depot;
- (iii) Concrete plant;
- (iv) Gaming establishment;
- (v) The incineration or disposal of biomedical wastes, organic or inorganic chemical wastes, or radioactive wastes;
- (vi) Salvage yard;
- (vii) Waste transfer station;
- (viii) Recreation trailers used as a dwelling unit; and
- (ix) The making or establishment of pits and quarries.

4.3 Specific use provisions and regulations

4.3.1 Accessory uses

Where this **by-law** provides that land may be used or a **building** may be erected, altered or used for a purpose, that purpose shall include **accessory uses** or **accessory buildings**.

4.3.2 Accessory buildings or structures

The erection, alteration, enlargement, maintenance and use of **accessory buildings or structures** shall comply with the regulations of the applicable precinct, except as otherwise provided for in this Section.

4.3.2.1 General regulations

- a) No **accessory building or structure** shall be used for human habitation, except as provided for in provision 4.3.5 (additional residential unit).
- b) The following regulations apply to **accessory buildings or structures** on a lot:
 - (i) An **accessory building or structure** is not permitted in a yard between a principal dwelling and a public or private street;
 - (ii) The maximum lot coverage for **accessory buildings or structures** is 30 per cent. This lot coverage shall count towards the maximum permitted lot coverage as allowed for in each precinct;
 - (iii) An **accessory building or structure** shall be setback a minimum of 0.6 metres from any side lot line or and setback a minimum of 1.0 m from a rear lot line, except where two adjoining property owners choose to erect an **accessory building or structure** with a common party wall;

- (iv) **Accessory buildings or structures** will be setback a minimum of 1.2 metres from the rear of a dwelling located on the same lot;
- (v) The maximum height of an **accessory building or structure** located outside of the Neighbourhood precinct is 4.5 metres measured from average finished lot grade; and
- (vi) For the purpose of interpretation, solar panels detached from a **building** shall be considered an accessory structure in this **by-law**.

4.3.3 Accessory buildings or structures, neighbourhood precincts

- a) The maximum total ground floor area of all **accessory buildings or structures** shall be in accordance with provision 4.3.2.1 (General Regulations) or 70 square metres, whichever is less.
- b) The maximum height of an **accessory building or structure** within the Neighbourhood precinct is 4.3 metres.

4.3.3.1 Swimming pools and hot tubs

- a) No outdoor swimming pool or hot tub shall be located in any part of a front yard or exterior side yard, unless it is located behind the rear wall of the main **building**.
- b) A swimming pool or hot tub shall be setback a minimum of 1.5 metres from any lot line.
- c) Any decking surrounding the swimming pool or a portion of the swimming pool that is above 0.6 metres from finished grade, shall be setback a minimum of 1.5 metres from a lot line.
- d) Despite provision 4.3.3.1 c), any decking located between the main **building** and the swimming pool shall be setback a minimum of 0.6 metres from all lot lines.

4.3.4 Additional dwelling units in the central area and existing units created before November 16, 1995

Notwithstanding anything contained in this **by-law**, one **additional dwelling unit** shall be permitted in any **building** used exclusively for residential purposes within the Central Area (lands included on Schedule C of the City's Official Plan) except for a principal dwelling unit that is a single unit dwelling, semi-detached dwelling, or a street townhouse dwelling, provided that such **additional dwelling unit** complies with the following regulations:

- a) Maximum number of additional dwelling units per building – 1;
- b) Maximum floor area - 55 square metres; and
- c) Notwithstanding Section 5.0 (Parking), one (1) motor vehicle parking space shall be required for an **additional dwelling unit**.

In the Central Area (lands included on Schedule C of the **City's** Official Plan), an **additional residential unit** within a single unit dwelling, semi-detached dwelling or street townhouse dwelling shall be subject to the regulations under Section 4.3.5. An **additional dwelling unit** that legally existed or before November 16, 1995 continues to be permitted, in accordance with Ontario Regulation 384/94 Apartments in Houses, as amended.

4.3.5 Additional residential units

Notwithstanding anything contained in this **by-law**, **additional residential units** shall be permitted subject to the following regulations:

- a) A maximum of two (2) **additional residential units** on a parcel of land shall be permitted within the following types of Principal Dwelling Units, whereby a maximum of one (1) said **additional residential unit** is located within a residential **accessory building** on a parcel of land associated therewith:
 - (i) A single unit dwelling
 - (ii) A semi-detached dwelling; or,
 - (iii) A street townhouse dwelling.
- b) **Additional residential units** shall not be permitted within a floodway as defined in the Provincial Planning Statement, 2024, or any successor thereof.
- c) An additional residential unit located in an accessory **building** shall comply with [provision 4.3.2 \(accessory buildings or structures\)](#).
- d) An access route for firefighting shall be provided so that:
 - (i) A fire department pumper vehicle can be located so that the length of the access route from a hydrant to the vehicle plus the unobstructed path of travel for the firefighter from the vehicle to the primary entrance to the **additional residential unit** shall not exceed 90 metres, and the unobstructed path of travel for the firefighter from the vehicle to the primary entrance of the secondary suite shall not exceed 45 metres, or
 - (ii) An alternative is proposed that is acceptable to the Peterborough Fire Services and the City of Peterborough, Building Services Division.
 - (iii) An unobstructed walkway, from the public sidewalk/street, to the primary entrance to the **additional residential unit** shall be a minimum of 0.9 metres wide with a maximum crossfall of 5% and a maximum longitudinal slope of 8%.
- e) **Additional residential units** shall be serviced by public water distribution and wastewater collection facilities. Where municipal water distribution and wastewater collection services are not otherwise required by this **by-law** for a principal dwelling unit, the use of private services to support **additional residential units** will be permitted.
- f) Maximum floor area for an **additional residential unit**: Less than the floor area of the principal dwelling unit.
- g) Maximum number of bedrooms for an **additional residential unit**: 2
- h) Motor vehicle parking for the principal dwelling unit and **additional residential unit** shall be cumulative and provided and maintained in accordance with [Table 5.1](#) under [Section 5.2 \(Motor Vehicle Parking Requirements\)](#) of this **by-law**.
- i) Notwithstanding the provisions under [Section 5.3.1 \(Parking Space Size and Access\)](#) to the contrary, tandem parking spaces to facilitate additional residential units, sized in accordance with [Table 5.6](#), shall be permitted.

- j) Notwithstanding any other provisions under this **by-law**, minimum lot area per dwelling unit, minimum lot width per dwelling unit, and minimum floor space per dwelling unit requirements shall not apply to additional residential units.

4.3.6 Agricultural-related uses

- a) Where **agricultural-related uses** are permitted in this **by-law**, such uses shall meet the following criteria, as established in the Official Plan, to the satisfaction of the **approval authority**:
- (i) The agricultural-related uses shall be secondary to the subject land's principal farm operations;
 - (ii) The **agricultural-related uses** shall not be permitted in the areas identified on the Natural Areas Overlay on [Appendix 1](#), except an expansion of an existing **building** or structure, where it is demonstrated there is no alternative development site, associated development, redevelopment or site alteration directed away from the Natural Heritage Feature to the maximum extent possible, and the where any impact to any on-site or adjacent Natural Heritage Features are minimized and mitigated to the maximum extent possible;
 - (iii) A vegetation protection zone is provided in accordance with [Table 4.1](#);
 - (iv) The maximum lot coverage for an **agricultural-related use** shall not exceed 30% of the total lot area of the subject lands;
 - (v) The **agricultural-related use** is demonstrated to be compatible with and not hinder surrounding agricultural operations and other existing land uses; and
 - (vi) The proposed **agricultural-related use** is compliant with Province of Ontario's Minimum Distance Separation Guidelines.

4.3.7 Automobile-focused uses

- a) Automobile gas station fuel service pumps shall be set back a minimum six metres (6m) from the street line.
- b) Automobile gas station fuel storage tanks shall be set back a minimum four point-five metres (4.5m) from any lot line.
- c) Notwithstanding anything to the contrary, for an automobile gas station, the maximum width of the driveway shall be 9 metres, measured at the street line.
- d) No outside storage associated with an automobile-focused use is permitted.
- e) No more than two automobile-focused uses shall locate at the same intersection, within 200 metres of the intersecting street lines;
- f) Car wash facilities are only permitted in a rear, or interior side yard;
- g) Automobile-focused uses shall not be located within 120 metres of the Otonabee River or Little Lake;

-
- h) Automobile-focused uses shall not be located within 200 metres of the intersecting streetlines at the following intersections:
- (i) George Street South, Roger Neilson Way and Lansdowne Street West; and
 - (ii) Lansdowne Street West and Edwards Street
- i) Propane storage handling, transportation, retailing, and/or dispensing facilities shall be permitted as an ancillary use to an automobile-focused use and where authorized by the Technical Standards and Safety Authority (TSSA).

4.3.8 Frontage on a street

- a) No person shall erect any **building** or structure in any precinct unless:
- (i) The lot upon which the **building** or structure is to be erected has frontage on a public or private street. This provision shall not restrict the erection of any **building** on a lot in a registered plan of subdivision where a subdivision agreement has been entered into but the streets will not be assumed until the end of the maintenance period.

4.3.9 Group homes with no more than 6 persons

- a) A Group Home in which not more than 6 persons exclusive of supervisory or attendant staff, reside shall be permitted in all dwelling units subject to the following:
- (i) The Group Home shall comprise the sole occupancy of the dwelling unit.
 - (ii) A group home shall comply with all applicable yard and building standards of the precinct in which it is located.
 - (iii) A Group Home in which 7 to 10 persons – exclusive of supervisory or attendant staff, reside shall only locate within a precinct in which it is listed as a permitted or discretionary use.

4.3.10 Home-based business

- a) Notwithstanding any other provisions contained in this **by-law**, home-based business shall be permitted subject to the following:
- (i) Up to one person who is not a resident of the dwelling unit may be engaged in a home-based business;
 - (ii) Except as provided in paragraph (c) there shall be no display of goods, exterior storage, or any other external evidence (including noise, glare or odour) associated with a home-based business;
 - (iii) Signage shall be permitted to identify a home-based business provided that such signage is non-luminous, is attached to the dwelling unit or any associated **accessory buildings**, and that the total sign area of such signage for all home-based businesses within the dwelling unit does not exceed 0.2 square metres;

- (iv) The total **building floor area** of all home-based businesses within a dwelling unit and any associated **accessory buildings** shall not exceed 46 square metres of which no more than 28 square metres may be located within an **accessory building**;
- (v) Retail sales and excepting customer ordered sales shall be limited to those goods or articles that are produced within the dwelling unit or associated **accessory building**;
- (vi) Any home-based business involving instructional activity shall be limited to a maximum of five (5) students at any one time;
- (vii) The following shall not be permitted as a home-based business:
 - A restaurant
 - A home day care that is required to be licensed pursuant to the Day Nurseries Act
 - A veterinarian office
 - A taxi service
 - A public garage
 - A dog boarding kennel
 - A commercial dog kennel
 - A salvage yard

4.3.11 Model homes

- a) The following regulations shall apply to model homes:
 - (i) Model homes shall be permitted in any precinct that permits residential uses.
 - (ii) Model homes shall only be permitted as a:
 - Single detached dwelling
 - Semi-detached dwelling
 - Three-unit dwelling (e.g., stacked townhouse dwelling)
 - Four-unit dwelling (e.g., Stacked, or Back-to-back stacked townhouse Dwellings)Row dwelling or street townhouse dwelling

Whereby one of the following applies:

- Approved draft plan of subdivision
 - Approved draft plan of vacant land condominium
 - Registered plan of subdivision
 - Registered plan of vacant land condominium
- b) The model home shall be permitted as an interim use of land, and comply with all precinct regulations applicable to the permanent residential **building**. The model home's building occupancy shall only be granted through a change of use permit under the Ontario Building Code.
- c) A model home shall not be used for human habitation or occupied as a residence until occupancy is granted through a change of use permit under the Ontario Building Code.
- d) Model homes shall be connected to hydroelectric services.
- e) Model homes shall have direct access to a:

- (i) Street or common element road constructed with a base course of asphalt;
 - (ii) Proposed municipal street on an approved draft plan of subdivision constructed with a base course of asphalt; and/or
 - (iii) Proposed common element road on an approved draft plan of vacant land condominium constructed with a base course of asphalt.
- f) The maximum number of model homes permitted shall be five (5) per approved Draft Plan of Subdivision or Draft Plan of Condominium.

4.3.12 Neighbourhood supportive use

- a) Where a **neighbourhood supportive use** is listed as discretionary use, under any **precinct** within the permitted use tables in [Section 6, 7, 8, 9, 10, 11 and 12](#) of this **by-law**, the following criteria will be used when evaluating a Class 2 Community Planning Permit application:
- (i) Whether the use will contribute to a walkable and complete community;
 - (ii) The size and scale of the proposed use;
 - (iii) The extent of front yard parking required. It shall be demonstrated that front yard parking will not negatively impact the streetscape, or on-street parking. Rear yard parking and servicing areas are preferred.
 - (iv) Whether the use fronts onto an Arterial or Collector Road as outlined in [Appendix 4](#). Where the use does not front, the use should be within 200 metres of an intersection of a Collector or Arterial Road with direct access to the Collector or Arterial Road.
- b) Where a **neighbourhood supportive use** abuts a residential use, the City shall require that impacts be mitigated through site design including appropriate fencing, screening and landscape treatments.

4.3.13 Municipal uses and utilities

- a) None of the provisions of this **by-law** prevents the use of any land or the erection, alteration or use of any **building** or part thereof by:
- (i) **City** of Peterborough;
 - (ii) Municipal services corporation, established under Section 203 of the Municipal Act, 2001 and which is wholly owned by the **City** or for which the **City** is the majority shareholder;
 - (iii) Local Housing Corporation for which the **City** is the majority shareholder;
 - (iv) Peterborough Police Services Board.
- b) Unless otherwise regulated herein, utilities may be permitted in any **precinct** provided that the utility uses, **buildings** and structures comply with the regulations.

4.3.14 Outdoor storage

- a) The following shall apply to any **outdoor storage area**, where permitted:
- (i) An **outdoor storage area** is limited to the rear yard. Outdoor storage may be permitted in an exterior or interior side yard with appropriate screening, subject to the satisfaction of the **approval authority** as part of a Class 2 permit.
 - (ii) An **outdoor storage area** shall be screened from any **street** and from any adjacent **lot** that is not within the General Employment or Prestige Employment **precincts**. The **outdoor storage areas** shall be screened by a wood privacy fence with a minimum height of 2 metres. Alternatively, landscaping with a minimum 3 metre wide **buffer strip** and with a minimum height of 2 metres, located between an **outdoor storage area** and a public **street** may function as screening.
 - (iii) Where a **lot** containing outdoor storage abuts a **lot** within the Environmental Protection or Open Space precincts, or on a **lot** within a **precinct** that permits residential uses, the **outdoor storage area** shall be no greater than 2 metres in height and shall be screened by a wood privacy fence with a minimum height of 2 metres.
- b) Every **outdoor storage area** shall be provided and maintained with a stable surface that has been treated to prevent the raising of dust or loose particles and has proper drainage.
- c) No **outdoor storage area** shall be considered part of any landscaped open space or as part of a buffer strip.
- d) No required parking space, parking aisle, snow storage or loading space shall be used for outdoor storage purposes.
- e) The outdoor storage of portable toilets is not permitted in an outdoor storage area within 250 metres of any **precinct** that permits residential uses.

4.3.15 Railways

Notwithstanding anything to the contrary, no person shall erect, enlarge, or reconstruct any **building** in whole or in part within fifteen metres (15 m) of a railway right-of-way.

4.3.16 Temporary construction buildings and uses

A **building**, construction trailer, sign, scaffold, or material incidental to construction on the lot where it is situated may be located in a minimum yard while work is in progress and shall be removed from the lot upon completion of the work or expiration of the associated permit.

4.4 Built-form and site design provisions

4.4.1 Active frontage

- a) Where an active frontage is required under this **by-law** it shall comply with the following regulations:
- (i) A minimum depth of 10 metres measured inward from the **building** main wall shall be occupied by commercial, institutional, office, public service, or residential communal uses (e.g., communal amenity space, residential lobby space).
 - (ii) Above grade parking structure for **apartment dwelling** is prohibited to locate on the ground floor of a **building** within the first 10 metres of the depth of the **building** measured in from the **building** main wall along a street line abutting active at grade frontage.
 - (iii) The active frontage shall include an **active entrance**.
 - (iv) Windows along an active frontage shall have a minimum of 60% clear glazing between 0.6 metres and 3.0 metres above grade.

4.4.2 Building setback – lot without rear lot line

No **building** or part thereof shall be erected, altered or used within 4.5 metres of the point of intersection of two side lot lines on a lot which does not have a rear lot line.

4.4.3 Common walls

Side yard setback regulations in this **by-law** shall not apply to common walls of a Street Townhouse or Row Dwelling **buildings**.

4.4.4 Fences in neighbourhood precinct

- a) The maximum height of a fence located in the front yard is 0.8 metres in height;
- (i) Despite provision 4.4.4 a), on a corner lot where the principal entrance of a single detached dwelling or semi-detached dwelling faces the exterior side lot line, a fence located in the front yard shall not exceed 1.9 metres in height from the face of the principal dwelling to the rear lot line.
- b) The maximum height of a fence located in the exterior side yard shall;
- c) The maximum height of a fence located in the interior side yard is 1.9 metres in height.
- d) The maximum height of a fence located in the rear yard is 2.5 metres in height.

4.4.5 Garbage, refuse and storage

- a) No garbage or refuse shall be stored on any lot in any precinct except within the **building** or within an enclosed garbage or refuse structure on such lot located in the lot's interior side yard or rear yard.

- b) Every garbage or refuse storage area required by this **by-law**, including any garbage loading or unloading area, which is visible from an adjoining precinct or lot, shall have a visual screening consisting of a solid wood fence with a minimum height of 1.8 metres.
- (i) Despite provision 4.4.5 b) an enclosed in-ground waste container is not required to have visual screening.
- c) A garbage enclosure, refuse, dumpster or garbage container shall be regulated in the same manner as an **accessory building or structure** in accordance with provision 4.3.2 in the **precinct** in which it is located.
- d) Standard residential garbage containers provided by the **City** for low-rise residential uses are exempt from the provisions of [Section 4.4.5](#) when an individual container is less than 1 cubic metre in size.

4.4.6 No open display of goods or merchandise

Except as otherwise provided in this **by-law**, there shall be no open display of goods or merchandise on a lot.

4.4.7 Number of buildings per lot in the neighbourhood precinct

In the Neighbourhood precinct, no more than one **building**, as permitted under [Table 8.1](#) shall be located on a lot, unless expressly permitted within the precinct, with the exception of an **accessory building or structure**, and as specifically permitted in this **by-law**.

4.4.8 Planting strip

- a) A planting strip required by this **by-law** shall consist of a continuous hedgerow of suitable evergreens or perennial shrubs and shall conform to the following regulations:
- (i) Minimum width of planting strip: 1.5 metres
- (ii) Minimum planned height of hedgerow at vegetation maturity: 1.8 metres
- (iii) A planting strip may form part of any required landscaped open space
- (iv) A planting strip may be interrupted where a driveway or walkway crosses to a maximum distance of
- 3 metres from a driveway,
 - 1.5 metres from a walkway.

4.4.9 Projections and overhangs

- a) Notwithstanding any provisions of this **by-law** to the contrary:
- (i) Eaves, cornices, canopies, awnings, roofs and chimneys, having a maximum width of 2.4 metres, may extend a distance no more than 0.6 metres into a **building setback**.
 - (ii) In a Neighbourhood precinct, a platform may extend not more than 3 metres into a **building setback** from a rear lot line, not more than 1.5 metres into a **building setback** from a street line and not more than 0.9 metres into a **building setback** from a side lot line.
 - (iii) In a Neighbourhood precinct, within a **building** with up to a maximum of three dwelling units, an open external fire escape or stairway may project a distance of not more than 1.5 metres into a **building setback** from a side lot line.
 - (iv) In a Neighbourhood precinct, a deck, with or without stairs, may extend not more than 3.0 metres into a minimum **building setback** from a rear lot line.

4.4.10 Rooftop projections, mechanicals and elevator penthouses

- a) A flag-pole, railing, steeple, aerial, chimney, satellite dish, rooftop stair enclosure or other projection above the roof may extend beyond the maximum permitted height of a **building** provided the area of the base of the projection does not exceed 5 per cent of the **building area** in accordance with the following provisions:
- (i) Rooftop mechanicals shall be setback a minimum of 5 metres from the **building** edge; or,
 - (ii) Rooftop mechanicals shall be setback a minimum of 1.5 metres from the **building** edge and shall be enclosed on all four sides, screened with screening equal to the height of rooftop mechanical unit. Screening may be perforated to allow for ventilation.
 - (iii) Rooftop mechanicals shall not exceed 3 metres in height.
 - (iv) Elevator penthouses shall not exceed 6 metres in height.

4.4.11 Sight line triangles – corner lots

- a) No person shall place, locate or grow any tree, shrub or plant or place or construct any earth embankment, fence, wall or other obstruction on land abutting two intersecting streets and within 21.3 metres of the intersection of the centre lines of such streets to a height in excess of 0.76 metres above the elevation of the point of intersection of the centre lines.

4.4.12 Towers - general provisions

- a) Notwithstanding anything to the contrary, there shall be a minimum 3 metre tower setback above the podium, including balconies, on an open space **building** façade.
- b) Notwithstanding anything to the contrary, for an interior lot, one (1) tower separation setback to a side lot line may be reduced to a minimum 6 metres provided that the tower setbacks to both side lot lines combined equals a minimum 22 metres.

- c) Notwithstanding anything to the contrary, balconies shall be excluded from the measurement of a horizontal tower dimension.
- d) For the purpose of measuring tower separation, a **balcony** shall be considered part of the exterior face of the **building**.

5 Parking

- a) The parking and loading requirements of Section 5.0 may be varied in accordance with this **by-law** and the following:
- (i) Any variation to the required number and dimension of parking, driveways and parking aisles and loading spaces, except **accessible parking space** requirements, shall be considered a Class 2 permit.
 - (ii) Notwithstanding provision a) above, within the Major Mixed Use Corridor (MUC1), Minor Mixed Use Corridor (MUC2), and Central Area (DCA, BD, ICA, LLS1, LLS2) precincts, any variation to the required number of parking spaces will require the provision of **cash-in-lieu of parking** and shall be considered a Class 2 permit. Any development that seeks a reduction in parking spaces and no **cash-in-lieu of parking** will be considered a Class 3 permit.
 - (iii) Where a dwelling unit qualifies as an affordable dwelling unit, the minimum number of required resident parking spaces for the dwelling units may be reduced at the discretion of the **approval authority**.

5.1 Definitions

5.1.1 Definition of areas

For the purposes of this section, the **City** shall be divided into the five (5) parking areas designated on [Schedule E](#) of this **by-law**.

5.1.2 Occupancy load

For purposes of this Section, occupancy load shall be as provided for in the Ontario Building Code.

5.2 Motor vehicle parking requirements

No person shall use any land, or erect, alter, or use any **building** or part thereof for any purpose unless motor vehicle parking space is provided and maintained or unless cash-in-lieu of the required parking has been approved where applicable and an agreement is registered on title in accordance with this **by-law**.

5.2.1 Residential use

- a) Excluding **accessible parking spaces**, any required parking space, as required per [Table 5.1](#) of this **by-law**, may be located within a private garage provided the parking space(s) remain unobstructed and comply with the size requirements under [Section 5.3.1](#) of this **by-law**.

- b) Excluding **accessible parking spaces**, in parking Area 1, Area 2, and Area 3, as outlined in [Schedule E](#) of this **by-law**, **buildings** with more than 10 dwelling units may reduce the minimum required vehicle parking spaces by:
- (i) one (1) resident (non-visitor) parking space for every two (2) **long-term bicycle parking spaces** provided beyond the minimum requirements specified in [Table 5.1](#) of this **by-law**, to a maximum parking space reduction of 10%.
 - (ii) one (1) resident (non-visitor) parking space for every one (1) bike-share spaces provided, to a maximum parking space reduction of 10%.
 - (iii) four (4) resident (non-visitor) or visitor parking spaces, up to a maximum reduction of 50% of the minimum visitor parking spaces, for every dedicated car share space provided, to a maximum parking space reduction of 10%.
 - (iv) when calculating the maximum parking space reduction, if the calculated reduction ratio results in a fraction, the number of parking spaces permitted for reduction shall be rounded down to the nearest whole number.
 - (v) the initial calculation of required visitor parking spaces shall be made in accordance with [Table 5.1](#) before the above noted reductions are applied.

When the residential parking supply on a **lot** exceeds the requirements specified in [Table 5.1](#), one dedicated car share space shall be allocated for every 10 surplus parking spaces. If the calculation results in a fraction, the number of required car share spaces shall be rounded up to the next whole number.

Table 5-1: Motor Vehicle Parking Requirements for Residential Uses

Residential Land Use Category	A1	A2	A3	A4	A5
Single Unit Dwelling, Semi-Detached Dwelling, Two Unit Dwelling	1 / unit	1 / unit	1 / unit	2 / unit	2 / unit
Three Unit Dwelling, Street Townhouse Dwelling, Row Dwelling	1 / building	1 / unit	1 / unit	1 / unit	1 / unit
Four Unit Dwelling	2 / building	1 / unit	1 / unit	1 / unit	1 / unit
Apartment Dwelling	0.5 / unit + 0.10 / unit for visitors	0.5 / unit + 0.10 / unit for visitors	1 / unit + 0.10 / unit for visitors	1 / unit + 0.20 / unit for visitors	1 / unit + 0.20 / unit for visitors
Additional Residential Unit	0 / unit	0.5 / unit	1 / unit	1 / unit	1 / unit
Multi-Suite Residence	1 / 3 room + 0.1 / room for visitors	1 / 3 room + 0.1 / room for visitors	1 / 2 room + 0.1 / room for visitors	1 / 2 room + 0.1 / room for visitors	1 / room + 0.1 / room for visitors
Social Housing Dwelling Units	40% of required based on land use category	40% of required based on land use category	50% of required based on land use category	50% of required based on land use category	50% of required based on land use category
Lodging House	1 / 4 beds	1 / 4 beds	1 / 3 beds	1 / 3 beds	1 / 2 beds
Group Home	1 + 0.5 / staff	1 + 0.5 / staff	2 + 0.5 / staff	2 + 0.5 / staff	2 + 0.5 / staff
Emergency Shelter	1 / 4 beds	1 / 4 beds	1 / 3 beds	1 / 3 beds	1 / 2 beds

5.2.2 Commercial use

- a) In accordance with [Schedule E](#), and notwithstanding the foregoing in [Table 5.2](#), the minimum parking space requirements for a commercial **building** or **buildings** located on a **lot** and containing a total floor area in excess of 745 square metres and at least four (4) retail purposes, shall be as follows:
- (i) Area 1 1/35 square metres of gross leasable area
 - (ii) Area 2 1/28 square metres of gross leasable area
 - (iii) Area 3, 4 & 5 1/20 square metres of gross leasable area
- b) In addition, notwithstanding the foregoing, the minimum parking space requirement for dwelling units located on any **lot** in a commercial land use district located within the area designated as the Regional Centre/Central Business District Area on [Schedule E](#) to this **by-law**, shall be:
- (i) for the first four dwelling units – None
 - (ii) for each dwelling unit in excess of four – 0.5

Table 5-2: Motor Vehicle Parking Requirements for Commercial Uses

Purpose	Area		
	1	2	3, 4 and 5
a) Major office, office, personal service, or laboratory	1/45 square metres of floor area	1/37 square metres of floor area	1/28 square metres of floor area
b) Healthcare office/clinic, or veterinarian office	the greater of 1/37 square metres of floor area or 3/practitioner	the greater of 1/28 square metres of floor area or 4/practitioner	the greater of 1/18 square metres of floor area or 5/practitioner
c) Retail including small-scale food store, rental or service commercial establishment	1/35 square metres of floor area	1/23 square metres of floor area	1/18 square metres of floor area
d) Retail establishment for the sale of furniture, major appliances or agricultural supplies and equipment	1/90 square metres of floor area	1/75 square metres of floor area	1/75 square metres of floor area
e) Restaurant	the greater of 6 or 1/5 seats, plus 1/9 square metres of assembly area	the greater of 8 or 1/4 seats, plus 1/6.5 square metres of assembly area	the greater of 10 or 1/3 seats, plus 1/4 square metres of assembly area
f) Laundromat	1/8 washing machines	1/6 washing Machines	1/4 washingmachines
g) Service station, public garage, autobody repair, muffler or other motor vehicle repair establishment, or automobile-focused uses	the greater of 1/4 service bays or 1/9 square metres of service area	the greater of 1/4 service bays or 1/9 square metres of service area	the greater of 1/4 service bays or 1/9 square metres of service area
h) Car wash	0.5/staff plus the following minimum spaces in advance of each washing stall: i) self-service - 3 ii) automatic - 10 iii) conveyor - 15	0.5/staff plus the following minimum spaces in advance of each washing stall: i) self-service - 3 ii) automatic - 10 iii) conveyor - 15	0.5/staff plus the following minimum spaces in advance of each washing stall: i) self-service - 3 ii) automatic - 10 iii) conveyor - 15
i) Bank, loan company or financial institution	1/45 square metres of office floor area	1/37 square metres of office floor area plus 1/9 square metres of other floor area	1/28 square metres of office floor area plus 1/9 square metres of other floor area

Purpose	Area		
	1	2	3, 4 and 5
j) Retail establishment for the sale of motor vehicles	1/35 square metres of indoor display floor area plus 1/9 square metres of service area	1/23 square metres of indoor display floor area plus 1/9 square metres of service area	1/18 square metres of indoor display floor area plus 1/9 square metres of service area
k) Hotel or motel	1/guest room plus the requirement for any other purposes	1/guest room plus the requirement for any other purposes	1/guest room plus the requirement for any other purposes
l) Place of entertainment, place of amusement, conference / convention facility, or adult entertainment parlour	0.5/staff plus 1/9 square metres of assembly area	0.5/staff plus 1/6.5 square metres of assembly area	1/staff plus 1/4 square metres of assembly area
m) Warehouse Membership Club	1/23 square metres of building floor area	1/20 square metres of building floor area	1/20 square metres of building floor area

5.2.3 Exemptions from parking requirements for non-residential uses

- a) Notwithstanding anything contained in this **by-law**, no motor vehicle parking spaces shall be required in connection with any non-residential use of any property located within the portion of Area 1(a) on [Schedule E](#) of this **by-law**, provided such use:
- (i) Was permitted as of January 1, 1995; and
 - (ii) Is carried on within a **building** which existed on January 1, 1995. In the event that any such **building** is expanded, after January 1, 1995, the parking requirements provided in this **by-law** shall apply to the expanded portion of such **building**.

Table 5-3: Motor Vehicle Parking Requirements for Institutional Uses

Purpose	Area		
	1	2	3, 4 and 5
1) Elementary school (JK-8)	1.5/classroom	2/classroom	2/classroom
2) Secondary school	1.5/classroom	2/classroom plus 1/20 students	2/classroom plus 1/20 students
3) Day care facilities	0.5/staff	0.5/staff	2/staff
4) Library, museum, art gallery , artisan studio and associated retail sales facilities, music, dance or fine arts school, recreation hall, public or commercial recreational facilities, such as gymnasium, tennis club, skating rink, curling rink, arena, place of assembly, club house, lodge hall or funeral home	0.5/staff plus 1/9 square metres of assembly area	0.5/staff plus 1/6.5 square metres of assembly area	1/staff plus 1/4 square metres of assembly area
5) Place of worship	1/9 square metres of assembly area	1/6.5 square metres of assembly area	1/4 square metres of assembly area
6) Long-term care facility	0.5/staff	0.25/resident plus 0.5/staff	0.25/resident plus 1/staff
7) Police station, jail or fire hall	1/staff	1/staff	1.5/staff
8) Monastery, convent or other religious establishment	0.5/staff and/or resident plus 1/9 square metres of assembly area	0.5/staff and/or resident plus 1/6.5 square metres of assembly area	1/staff and/or resident plus 1/4 square metres of assembly area
9) Hospital or hospice	1/bed plus 0.5/staff	1/bed plus 0.5/staff	1/bed plus 1/staff

Table 5-4: Motor Vehicle Parking Requirements for Open Space Uses

Purpose	Area		
	1	2	3, 4 and 5
1) Golf course	100/18 holes plus the requirement for any other purposes	100/18 holes plus the requirement for any other purposes	100/18 holes plus the requirement for any other purposes
2) Golf driving range or miniature golf	minimum of 20	minimum of 20	minimum of 20
3) Camping ground (tent or trailer)	1/site	1/site	1/site
4) Fairground race course	0.5/fixed spectator seat plus the requirement for any other purposes	0.5/fixed spectator seat plus the requirement for any other purposes	0.5/fixed spectator seat plus the requirement for any other purposes
5) Armoury or defence establishment	0.5/staff plus 1/9 square metres of assembly area	0.5/staff plus 1/6.5 square metres of assembly area	1/staff plus 1/4 square metres of assembly area
6) Riding stable	the greater of 4 or 1/stall	the greater of 4 or 1/stall	the greater of 4 or 1/stall
7) Cemetery	minimum of 10	minimum of 10	minimum of 10
8) Park:			
a) community	40/field plus the requirement for any other purposes	40/field plus the requirement for any other purposes	40/field plus the requirement for any other purposes
i) active			
ii) passive	20 minimum plus the requirement for any other purposes	20 minimum plus the requirement for any other purposes	20 minimum plus the requirement for any other purposes
b) neighbourhood	0	0	0

Table 5-5: Motor Vehicle Parking Requirements for Institutional Uses

Purpose	Area		
	1	2	3, 4 and 5
University, college of other post-secondary institution	4/classroom plus 1/9 square metres of other assembly area , and 0.25/ resident student	6/classroom plus 1/6.5 square metres of other assembly area , and 0.25/ resident student	8/classroom plus 1/4 square metres of other assembly area , and 0.25/resident student

5.3 Motor vehicle parking regulations

5.3.1 Parking space size and access

- a) Notwithstanding [Section 5.4 \(accessible parking spaces\)](#) of this **by-law**, parking spaces must have a minimum length and width in accordance with [Table 5.6](#), and in general accordance with the following:
 - i. where five (5) or more parking spaces are required on a lot, they shall be located within a designated parking area, with access provided in accordance with the minimum drive aisle widths specified in [Table 5.6](#).
 - ii. notwithstanding the foregoing, angled parking spaces shall be limited to drive aisles with one-way operation, in accordance with the drive aisle widths specified in [Table 5.6](#). Angled parking shall be prohibited on fire access routes unless otherwise shown on an approved Site Plan, pursuant to Section 41 of the *Planning Act*.
 - iii. when a two-way drive aisle terminates in a dead end on a lot, a 2.0 m deep turnaround area shall be provided at the end of the drive aisle, extending the full width of the aisle.
- b) Within parking Area 1 and Area 2, on any lot used exclusively for residential purposes, a maximum of two (2) tandem parking spaces, as defined (accommodating four (4) motor vehicles), shall be permitted, provided the tandem parking space are accessed from an aisle that conforms with the requirements under [Table 5.6](#).
- c) Within parking Area 3, Area 4 and Area 5 on [Schedule E](#) of this **by-law**, a maximum of one (1) tandem parking space, as defined (accommodating two (2) motor vehicles) shall be permitted on a lot containing a single detached unit, two unit dwelling, or boarding house.
- d) Notwithstanding the parking requirements under [Table 5.6](#), parallel parking spaces shall conform to the following:
 - 1. minimum width of 2.7 metres and a minimum length of 7 metres.
 - 2. be accessed by a drive aisle with a minimum width of 3 metres when the aisle is one-way.
 - 3. Be accessed by a drive aisle with a minimum width of 6 metres when the aisle is two-way.

- e) Notwithstanding the parking requirements under [Table 5.6](#), for parking spaces located within a private garage the parking space shall have a minimum width of 3.0 metres and minimum length of 6.0 metres.
- f) Angled parking, as specified in [Table 5.6](#) and oriented between 1 and 89 degrees relative to the drive aisle, shall be limited to one-way traffic operation only.

Table 5-6: Parking Space Dimensions and Drive Aisle Width

Parking Space Type and Area	Width (metres)	Length (metres)	Drive Aisle Width (metres) Less than 45 degrees	Drive Aisle Width (metres) 45-60 degrees	Drive Aisle Width (metres) 61-90 degrees
i. Residential parking spaces in Area 1 & 2	2.5 m	5.5 m	3.6 m	4.8 m	6.0 m
ii. Non-residential parking spaces and Residential parking spaces in Area 3, 4 & 5.	2.7 m	5.7 m	3.6 m	4.8 m	6.4 m
iii. Tandem parking space	2.7 m	11.0 m	3.6 m	4.8 m	6.0 m

5.3.2 Residential parking

In a Residential **precinct**:

- a) on any lot containing a single or two unit dwelling not more than two motor vehicles shall be parked within 6 metres of a street line.
- b) (i) in parking Area 1 and Area 2 on [Schedule E](#), where a lot contains five (5) or more motor vehicle parking spaces, such spaces and the driveway thereto shall not be located within 1.5 metres of a street line, side lot line or a rear lot line.
(ii) in parking Area 3, Area 4 and Area 5 on [Schedule E](#), where a lot contains five (5) or more motor vehicle parking spaces, such spaces and the driveway thereto shall not be located within 3.0 metres of a street line, or side lot line, or located within 1.5 metres of a rear lot line.
- c) a motor vehicle parking space or driveway shall not be located within 3.0 metres of a window to a habitable room in an **apartment dwelling** or group dwelling.
- d) the parking of a commercial or industrial vehicle weighing in excess of 2,725 kilograms shall be prohibited on any lot.
- e) commercial or industrial vehicles weighing less than 2,725 kilograms may be parked on a lot providing that the operator of the vehicle resides in a dwelling on the lot.

- f) no person shall park in the open any boat, trailer, or travel trailer in excess of 7.6 metres within 1.2 metres of any side or rear lot line, or within any front yard.
- g) no person shall park any boat, trailer, or travel trailer, regardless of length, within 0.3 metres of any side or rear lot line.
- h) the width of a parking space, including accessible spaces and access aisles but excluding parking spaces in a private garage or **carport**, must be increased by 0.25 metres when one side of the space is next to a wall or column.
- i) in **buildings** with six (6) or more dwelling units, no more than 10% of the required parking spaces may be located between the dwelling and the street line. This does not apply to parking spaces within a private garage or within parking structures.

5.3.3 Shared parking rates

Where a property contains both residential units and one or more of the non- residential land uses listed in [Table 5.7](#) the required parking spaces shall be calculated as follows:

- 1) calculate the minimum parking requirement for each individual use within the mixed-use development in accordance with [Section 5.2](#) of this **by-law**.
- 2) apply the parking rate (percentage) for each time period to each land use category, as outlined in [Table 5.7](#), to determine the estimated parking demand for each time period per use.
- 3) sum the estimated parking demand for all land uses within each time period to determine the total parking demand for that period.
- 4) the highest cumulative total parking demand across all uses in any single time period shall determine the total number of parking spaces required for the mixed-use development.
- 5) only the land uses listed in [Table 5.7](#) are eligible for shared parking rates.

Table 5-7: Shared Parking Percentage of Peak Period

Land Use	Morning 6:01 AM – 11:00 AM	Midday 11:01 AM – 4:30 PM	Evening 4:31 PM – 11:00 PM	Overnight 11:01 PM – 6:00 AM
Multi-Unit Residence	75%	65%	100%	100%
Clinic	100%	100%	10%	0%
Assembly Area /Place of Assembly/Place of Entertainment	50%	80%	100%	10%
Office	100%	100%	10%	0%
Retail	60%	100%	75%	0%
Restaurant	40%	75%	100%	10%

5.3.4 Residential bicycle parking space requirements

General provisions for **bicycle parking spaces** are as follows:

- a) The minimum residential **bicycle parking space** requirements shall comply with the provisions outlined in [Table 5.8](#), and in general accordance with the following:
 - (iii) the minimum **bicycle parking** requirements in [Table 5.9](#) do not apply to lawfully existing **buildings** permitted on or before January 27, 2024, if **bicycle parking spaces** were not required at the time of their construction, or otherwise shown on an approved Site Plan, pursuant to Section 41 of the Planning Act.
 - (iv) **building** additions to lawfully existing **buildings**, or changes to the use of a lawfully existing **building** as described in subsection (a) above, must comply with the **bicycle parking** requirements in [Table 5.9](#).

Table 5-8: Bicycle Parking Rates for Residential Use

Residential Land Use Category	Short Term Bicycle Parking Spaces	Long Term Bicycle Parking Spaces
Single Unit Dwelling, Street Townhouse Dwelling, Two Unit Dwelling, Additional Residential Unit	N/A	N/A
Three Unit Dwelling, Four Unit Dwelling	the greater of: two (2) or 0.25 / unit	N/A
Apartment Dwelling	the greater of five (5) or 0.1 / unit	the greater of seven (7) or 0.80 / unit
Multi-Suite Residence	five (5) minimum	1 space / 1000 square metres of floor area
Social Housing Dwelling Units	same requirement based on building type	same requirement based on building type
Lodging House	0.2 spaces / bedroom	0.5 spaces / bedroom
Group Home	0.2 spaces / bedroom	0.5 spaces / bedroom
Emergency Shelter	two (2) + 0.1 spaces / bed	two (2) + 0.1 spaces / bed

- b) horizontal, vertical, and stacked bicycle spaces must meet the minimum dimensions specified in Table 5.9, Table 5.10, and Table 5.11, respectively, and as illustrated in Figure 5.1.

Table 5-9: Horizontal Bicycle Space Dimensions

Criteria	Dimension
1. width	0.6 metres
2. length	1.8 metres
3. vertical clearance from the floor	1.9 metres
4. unencumbered adjacent access aisle width	1.5 metres

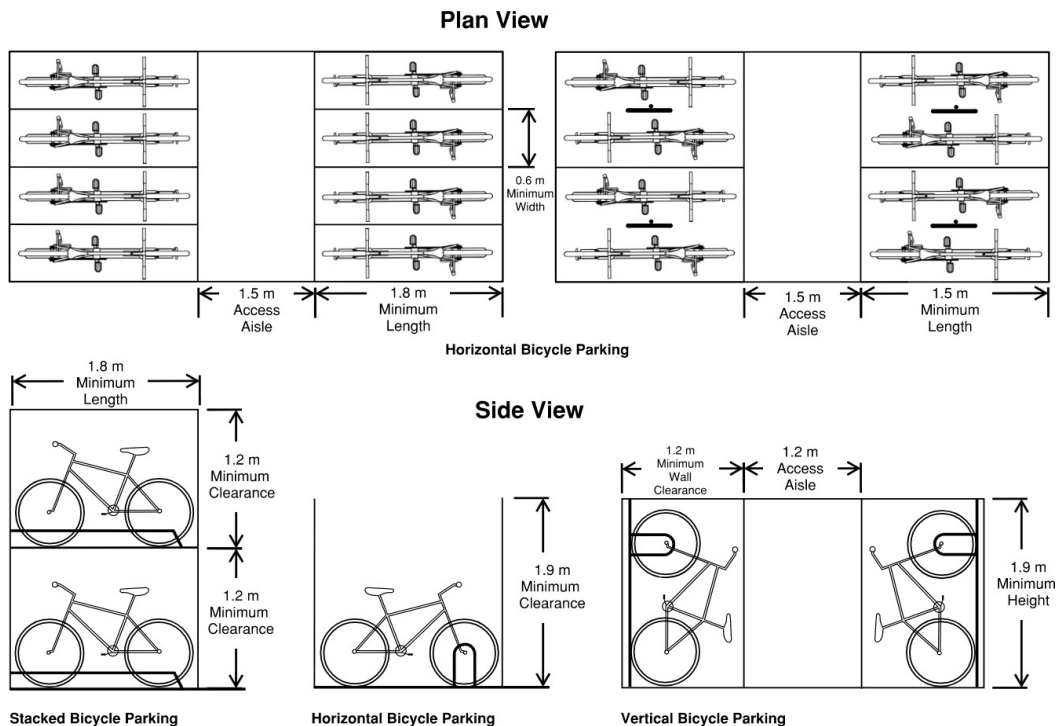
Table 5-10: Vertical Bicycle Space Dimensions


Criteria	Dimension
1. width	0.6 metres
2. height	1.9 metres
2. minimum clearance from the wall	1.2 metres
3. unencumbered adjacent access aisle width	1.2 metres

Table 5-11: Stacked Bicycle Space Dimensions

Criteria	Dimension
1. width	0.6 metres
2. length	1.8 metres
3. vertical clearance from the floor	1.2 metres
4. unencumbered adjacent access aisle width	1.2 metres

Figure 5.1: Plan and side views of horizontal, vertical, and stacked bicycle space dimensions



- 
- c) The following requirements apply to long-term bicycle storage:
 - i. when located within a **building, long-term bicycle parking spaces** must be provided at grade or on the first storey, in a location accessible to **building** residents, with direct access to a **building** exit that includes a continuous accessible walkway to the street.
 - ii. notwithstanding subsection "i" above, **bicycle parking spaces** may be located one (1) level above or below grade provided a suitable connection via a walkway, ramp or elevator is provided to the **building** exit.
 - iii. where outdoor **bicycle parking** is provided, it must be located at grade, within 15 metres of a **building** entrance, and connected to the street by a barrier-free walkway.
 - d) The following requirements apply to short-term bicycle storage:
 - i. **short-term bicycle parking** must be located at grade or on the first storey of a **building**, within 15 metres of a **building** entrance.
 - ii. all **short-term bicycle parking spaces** must be horizontal bicycle spaces.

5.4 Accessible parking requirements for vehicles

5.4.1 Number of required accessible parking spaces

A minimum proportion of the total required parking spaces in all zones, excluding lots with residential dwellings containing 8 or fewer units (provided these units are not specifically designed for persons with disabilities), must be designated as **accessible parking spaces**, as outlined in [Table 5.12](#) and in general accordance with the following:

- a) where the number of **accessible parking spaces**, calculated in accordance with [Table 5.12](#), is an even number, the number of parking spaces must be divided equally between Type A parking spaces and Type B parking spaces.
- b) where the number of **accessible parking spaces**, calculated in accordance with [Table 5.12](#), is an odd number, the number of parking spaces must be divided equally between Type A parking spaces and Type B parking spaces, but the additional parking space, the odd-numbered space, may be a Type A or a Type B parking space.
- c) the following land uses shall provide 10% more accessible parking than the minimum required under [Section 5.2](#):
 - i. Medical Clinics
 - ii. Hospitals
 - o Multi-Suite Residence

Table 5-12: Accessible Parking Space Rate

Total number of required parking spaces (as per Section 5.2)	Number of off-street accessible parking spaces
1 to 25	1 (Type A)
26 to 50	2 (1 Type A, 1 Type B)
51 to 75	3 (1 Type A, 2 Type B) ¹
76 to 100	4 (2 Type A, 2 Type B)
101 to 133	5 (2 Type A, 3 Type B) ¹
134 to 166	6 (3 Type A, 3 Type B)
167 to 250	7 (3 Type A, 4 Type B) ¹
251 to 300	8 (4 Type A, 4 Type B)
301 to 350	9 (4 Type A, 5 Type B) ¹
351 to 400	10 (5 Type A, 5 Type B)
401 to 450	11 (5 Type A, 6 Type B) ¹
451 to 500	12 (6 Type A, 6 Type B)
501 to 550	13 (6 Type A, 7 Type B) ¹
551 to 600	14 (7 Type A, 7 Type B)
601 to 650	15 (7 Type A, 8 Type B) ¹
651 to 700	16 (8 Type A, 8 Type B)
701 to 750	17 (8 Type A, 9 Type B) ¹
751 to 800	18 (9 Type A, 9 Type B)
801 to 850	19 (9 Type A, 10 Type B) ¹
851 to 900	20 (10 Type A, 10 Type B)
901 to 950	21 (10 Type A, 11 Type B) ¹
951 to 1000	22 (11 Type A, 11 Type B)
More than 1,000	11 plus an additional 1% of total parking spaces (rounded up to the next whole number), to be divided equally between Types A and B. ¹

¹Refer to Section 5.4.1(b)

5.4.2 Size of accessible parking space

- a) Each required Type A **accessible parking space** shall have the following minimum dimensions, and signage that identifies the space as “van accessible”. For this section, the vertical clearance shall remain unencumbered across the entire parking space area, excluding a wheel stop with a maximum height of 180 mm.

Criteria	Minimum requirement (metres) for all parking areas (Parking Area 1-5)
1. width	3.4 m
2. length	5.7 m
3. vertical clearance from the floor	3.6 m for exterior spaces 2.75 m for interior or covered parking spaces, including the route to the space.

- b) Each required Type B **accessible parking space** shall have the following minimum dimensions:

Criteria	Minimum Requirement (Metres) for all parking areas (Parking Area 1-5)
1. width	2.7 m
2. length	5.7 m
3. vertical clearance from the floor	2.1 m

- c) Accessible parking access aisles, that is the space between **accessible parking spaces**, must be provided for all parking spaces for the use of persons with disabilities. Access aisles may be shared by two **accessible parking spaces**, and must meet the following minimum requirements:

Criteria	Minimum Requirement (Metres) for all parking areas (Parking Area 1-5)
1. width	1.5 m
2. length	Full length of associated parking space

5.4.3 Signage for accessible parking spaces

- a) an **accessible parking space** shall be marked with an accessible parking permit sign in accordance with regulations under the Highway Traffic Act.
- b) Type A **accessible parking spaces** shall include a “van accessible sign in addition to the accessible parking permit sign.

5.5 Passenger bus parking requirements

Passenger bus parking spaces shall be required for any **assembly area** having an occupancy load of or more than 500 persons, in accordance with the following:

Occupancy Load	Number of Spaces
501 to 1,000 persons	1
1,001 to 1,500 persons	2
1,501 to 2,000 persons	3
2,001 or more persons	3 plus 1 space for each 1,000 persons

5.5.1 Size of passenger bus parking space

Each required passenger bus parking space shall be at least 3.6 metres by 12 metres, and shall have a minimum vertical clearance of 4.3 metres, and that such space shall be readily accessible and useable at all times.

5.5.2 Setbacks – passenger bus parking space

A minimum set back of a passenger bus parking space of 6 metres, shall be required along any lot line abutting a residential or development district.

5.6 Loading requirements

5.6.1 Dimensions of loading space

- a) For the purpose of this section, a vehicle loading space shall have a vertical clearance of at least 4.3 metres and the following minimum dimensions, unless otherwise shown on an approved Site Plan, pursuant to Section 41 of the *Planning Act*.

Loading Space Type	Dimensions (length x width)
A	20 metres x 3.6 metres
B	9.0 metres x 3.6 metres

5.6.2 Loading space

- a) No person shall use any land, or erect, alter or use any **building** or part thereof for any purpose unless vehicle loading space is provided and maintained in accordance with the requirements in [Table 5.14](#) and/or [Section 5.6.2 \(d\)](#).
- b) Where a property contains a mix of uses the minimum required loading spaces shall be the sum of the requirements for each separate purpose.

Table 5.14: Loading Space Requirements by Land Use

Land Use	Number and Type of Required Loading Spaces in all Parking Areas
Residential	
Less than 20 dwelling units	0
Greater than or equal to 20 dwelling units	1, Type B
Commercial	
Gross area less than 140 square metres	0
Gross area between 140 – 280 square metres	1, Type B
Gross area between 281 – 2,323 square metres	1 Type B & 1 Type A
Gross area between 2,324 – 7,432 square metres	1 Type B & 2 Type A
Gross area greater than 7,432 square metres	1 Type B & 1 Type A, Plus 1 Additional Type A per 2,785 square metres of additional GFA
Industrial	
Gross area less than 225 square metres	1 Type B
Gross area between 225 – 550 square metres	1 Type A
Gross area between 550 - 2,323 square metres	1 Type B & 2 Type A
Gross area between 2,323 - 7,432 square metres	1 Type B & 3 Type A
Gross area greater than 7,432 square metres	1 Type B & 3 Type A Plus 1 Additional Type A per 1,860 square metres of additional GFA

- c) Notwithstanding the foregoing, the minimum loading space requirements for a commercial **building** or **buildings** located on a lot and containing a total floor area exceeding 745 square metres and at least four (4) retail purposes, shall be as follows:
 - i. Area 1
 - One (1) Type A loading space for up to 1,860 square metres of gross leasable area plus one (1) additional Type A space for every 2,785 square metres or less of gross leasable area.

- ii. Area 2, Area 3, Area 4 & Area 5

One (1) Type A loading space, plus one (1) additional Type A loading space for every 1,860 square metres or less of additional gross leasable area.

- d) For the purpose of this section, public service and institutional loading spaces shall be provided and maintained in accordance with the following:

Purpose	All Parking Areas (1-5)
1) special care or long-term care facility i) fewer than 100 bed facility ii) 100 or greater bed facility	i) 1 – Type B ii) 1 – Type A
2) Hospital	2 – Type A
3) school (elementary or secondary)	1 – Type B
4) library, museum, art gallery , music, dance or fine arts school, recreation hall, gymnasium, tennis club, skating rink, curling rink, arena, place of assembly, club house, lodge hall, funeral home or other place of assembly	1 - Type A for occupancy load of up to 1,000 persons plus 1 additional 'A' space for each additional occupancy load of 1,500 persons or fewer

5.7 Loading regulations

- a) No loading space shall be located within 3 metres of a street line;
- b) No loading space or driveway thereto, shall be located within the following distances of any lot line abutting a residential or development district:
 - i. Type A – 6 metres
 - ii. Type B – 3 metres

5.8 Driveway regulations

Motor vehicle access from a **lot** to a **street** shall be over a driveway conforming with the following:


- 1) The maximum driveway width at a street line shall comply with the following:
 - i) in addition to the maximum lot coverage by open parking areas, driveways and vehicle movement area provisions of the applicable residential district, for a lot with a single unit dwelling, two unit dwelling, three unit dwelling or four unit dwelling with direct access to a street or lane, the total width of a residential driveway shall not exceed the criteria under [Table 5.15](#).

Table 5.15: Maximum Driveway Width

Street Line Length	Maximum Driveway Width
For lots with street lines less than 9 metres	The greater of 3 metres or 50% of the street line length
For lots with street lines equal to or greater than 9 metres, but less than 20 metres	Driveway width at the street line = 6 metres Driveway width set back 1 metre or greater from the street line = 50% of the street line length
For lots with street lines 20 metres or greater	Driveway width at the street line = 6 metres Driveway width set back 1 metre or greater from the street line = 50% of the street line length, to a maximum width of 8.5 metres.

- ii) unless otherwise shown on an approved Site Plan, pursuant to Section 41 of the Planning Act, a lot with more than four (4) dwelling units with direct access to a street, or a block forming part of a condominium, the maximum driveway width shall be 7.5 metres at the street line.
 - iii) the maximum driveway width for non-residential lots shall be 7.5 metres at the street line, unless otherwise shown on an approved Site Plan, pursuant to Section 41 of the Planning Act.
- 2) Any driveway may have a width at the street line in excess of 8.5 metres if shown on an approved Site Plan, pursuant to Section 41 of the Planning Act.
 - 3) Minimum distance between a driveway and intersecting local street lines is 6 metres.
 - 4) Minimum distance between a driveway and all other intersecting street lines is 6 metres, or as required by an approved Site Plan Agreement, pursuant to Section 41 of the Planning Act.
 - 5) Minimum angle of the intersection between a driveway and street line is 80 degrees.
 - 6) i) The maximum number of driveways for lots with one (1) street line:

Street Line Length	Maximum Number of Driveways
Street line length less than 20 metres	1 driveway, or As permitted by an approved Site Plan pursuant to Section 41 of the Planning Act.
Street line length 20 metres or greater	2 driveways, or As permitted by an approved Site Plan pursuant to Section 41 of the Planning Act.

- 
- ii) the maximum number of driveways for lots with more than one (1) street line: one (1) driveway per street line, or as permitted by an approved Site Plan pursuant to Section 41 of the Planning Act.
- 6) The following minimum vehicular clear throat requirements apply to parking lots serving the specified land uses:
- i. for residential and mixed-use residential/commercial properties with parking lots containing 30 or more parking spaces, a vehicular clear throat distance of 6.0 metres is required.
 - ii. for non-residential properties with parking lots containing 1 to 30 parking spaces, a vehicular clear throat of 6.0 metres is required.
 - iii. for non-residential properties with parking lots containing between 31 and 50 parking spaces, a vehicular clear throat of 9.0 metres is required.
 - iv. for non-residential properties with parking lots containing more than 50 parking spaces, a vehicular clear throat of 15.0 metres is required.

5.9 Surface treatment

The surface of all areas used for motor vehicle parking or vehicle loading purposes, and the access thereto, shall be **adequately** drained and treated to prevent the raising of dust. Surfaces within 3 metres of collector and **arterial street** shall be covered by an impervious material such as asphalt, concrete or equivalent.

5.10 On same lot

All motor vehicle parking and vehicle loading spaces required by this By-law shall be located on the same lot as the purpose in connection with which it is required.

5.11 More than one land use

When more than one land use is located on a lot, the minimum required motor vehicle parking space or loading spaces shall be the sum of the requirements for each such separate purpose, except as provided in [Sections 5.2.2, 5.3.3 and 5.6.2\(b\)](#) of this **by-law**.

5.12 Fraction of requirements

Unless otherwise specified, when calculating the minimum required motor vehicle parking spaces, **accessible parking spaces**, vehicle loading spaces, or **bicycle parking spaces**, a calculation that results in a fraction shall be rounded up to the next whole number.

5.13 Walkways and Pedestrian Paths of Travel

- a) For the purpose of this section, a walkway must have a minimum width of 1.5 metres.
- b) Unless otherwise shown on an approved site plan, pursuant to Section 41 of the Planning Act, four-unit dwellings, **apartment dwellings**, multi-suite residences, lodging houses, group homes, and emergency shelters must provide access via a walkway, from the principal **building** entrance to an abutting street frontage or public sidewalk.

5.14 Parking Lot Configuration

- a) For lots with thirty (30) or more outdoor parking spaces, landscape islands, meeting the following criteria shall be provide at the end of parking rows:
 - i. minimum width – 3.0 metres
 - ii. minimum area – ten (10) square meters
- b) Where permitted, drive-through facilities shall comply with the following requirements. For the purpose of this section, the minimum vehicle queuing space size shall be 2.6 metres wide by 6.5 metres long.
 - i. a queuing drive aisle shall not be located within a side yard or between a **building** and street line, unless otherwise approved through Site Plan, pursuant to Section 41 of the Planning Act.
 - ii. drive-through lanes shall not impact or impede any parking spaces and shall have a minimum street line setback of 20 metres.
 - iii. restaurants and other fast-food facilities shall provide a minimum of twelve (12) vehicle queuing spaces, unless otherwise approved through Site Plan, pursuant to Section 41 of the Planning Act.
 - iv. automatic **car wash** facilities shall provide a minimum of ten (10) vehicle queuing spaces.
 - v. all other facilities shall provide a minimum of four (4) vehicle queuing spaces.

6 Central Area Precincts

6.1 Precincts Overview

- a) This section includes provisions for the following **precincts** in the Central Area:
- Downtown Core Area (DCA)
 - Business District (BD)
 - Industrial Conversion Area (ICA)
 - Little Lake South – Sub Area 1 (LLS1)
 - Little Lake South – Sub Area 2 (LLS2)
- b) Provisions for the following **precincts** that are also in the Central Area can be found in other sections of this **by-law** as outlined below:
- Neighbourhood (N) - see Section 8 (Neighbourhood precinct)
 - Institutional (I) – see Section 10 (Institutional precincts)
 - Open Space (OS)- see Section 11 (Open Space precincts)
 - Environmental Protection (EP) – see Section 11 (Open Space precincts)

6.2 Permitted and Discretionary Uses

Table 6.1 identifies the permitted and discretionary uses and associated criteria and conditions for Central Area precincts as follows:

- a) Permitted uses are denoted by the letter “P”;
- b) Discretionary uses are denoted by the letter “D”; and
- c) Criteria and conditions are listed as footnotes below [Table 6.1](#).

Table 6.1: Permitted and Discretionary Uses for Central Area Precincts


Uses	Downtown Core Area (DCA)	Business District (BD)	Industrial Conversion Area (ICA)	Little Lake South Sub Area 1 (LLS1)	Little Lake South Sub Area 2 (LLS2)
Residential Uses					
Single unit dwellings, semi-detached dwellings, street townhouse dwellings	D(1)	P(2, 3, 14)	D(1)	P(2, 3)	P(2, 3)
Two unit dwellings	D(1)	P(2, 3)	D(1)	P(2, 3)	P(2, 3)
Three unit dwellings	D(1)	P(2, 3)	D(1)	P(2, 3)	P(2, 3)
Four unit dwellings	D(1)	P(2, 3)	D(1)	P(2, 3)	P(2, 3)
Stacked or block townhouse dwellings	P(2, 3)	P(2, 3)	P(2, 3)	P(2, 3, 4)	D(2, 3)
Apartment dwellings	P(2, 3)	P(2, 3)	P(2, 3)	D(2, 3)	D(2, 3)
Lodging Houses	P(2, 3)	P(2, 3)	P(2, 3)		
Multi-suite Residences, Group Homes, Emergency Shelters, Transitional Housing and Hospice Care Facilities	P(5)	P(5)	P(5)	P(5)	P(5)
Neighbourhood Supportive Uses					
Artisan studios, galleries and associated retail sales facilities	P	P	P	P(6, 7)	P(6, 7)
Healthcare offices and clinics	P	P	P	P(6, 7, 8)	P(6, 7, 8)
Recreational uses, Commercial	P	P	P	P(6, 7)	P(6, 7)
Recreational uses, Public	P	P	P	P	P
Day care facilities	P	P	P	P(6, 7)	P(6, 7)
Small scale food stores	P	P	P	P(6, 7, 8)	P(6, 7, 8)
Restaurants	P(9)	P(9)	P(9)	P(6, 7, 8, 9)	P(6, 7, 8, 9)
Retail and service commercial uses	P	P	P	P(6, 7)	P(6, 7)
Places of assembly	P	P	P	P(6, 7)	P(6, 7)



Uses	Downtown Core Area (DCA)	Business District (BD)	Industrial Conversion Area (ICA)	Little Lake South Sub Area 1 (LLS1)	Little Lake South Sub Area 2 (LLS2)
Other Commercial Uses					
Automobile-focused uses		D(10)			
Conference/convention facilities	P		P		
Entertainment uses	P	P	P		
Large-scale food stores	D(13)	D(13)	D(13)		
Home-based businesses	P(11)	P(11)	P(11)	P(11)	P(11)
Hotels and other tourism facilities	P	P	P		
Offices	P	P	P		
Major offices	P	P	P		
Commercial parking facilities	P	P	P		
Employment Uses					
Micro-breweries and micro-distilleries	P(12)	P(12)	P(12)		
Institutional Uses					
Schools licensed by the Province	P	P	P	P	P
Post-secondary institutions	P	P	P		
Places of worship	P(7)	P(7)	P(7)	P(7)	P(7)
Other public service facilities	P	P	P	P	P
Other Uses					
Flood protection structures or buildings	P	P	P	P	P
Other similar uses	D	D	D	D	D
Accessory uses	See Section 4.3.1 (Accessory Uses) as accessory uses are permitted in all precincts, except in the Environmental Protection Precinct				

Footnotes:

1. Permitted as part of a larger comprehensively planned development in conjunction with and incidental to a high-density mixed-use development

- 
2. Subject to the provisions of [Sections 6.4 and 7.4 \(Height Transitions\)](#), and [Schedule C1-4 \(Class 1 Building Heights\)](#).
 3. Subject to provisions of [Tables 6.3 through 6.7](#) of the **by-law** regarding development standards for residential uses.
 4. Mid-rise **buildings** may be permitted, subject to transition in height from a maximum of 6 storeys along George and Lake Streets, to a maximum of 3 storeys at the corner of Lock and Romaine Streets.
 5. Subject to the provisions of [Section 4.3.9 \(Group Homes\)](#) of this **by-law**, if applicable.
 6. Uses are permitted at grade, along Lake Street and Crescent Street, in conjunction with a permitted residential use and not permitted as a standalone use. May also be permitted elsewhere in the Little Lake South District, subject to land use compatibility and potential traffic impact study.
 7. Subject to [Section 4.3.12 \(Neighbourhood Supportive Use\)](#) of this **by-law**.
 8. To a maximum of 350 square metres per individual use on a specific site.
 9. **Drive-through facilities** are not permitted in the Central Area.
 10. **Automobile-focused uses** limited to no more than two at any intersection and in accordance with [Section 4.3.7 \(Automobile-focused uses\)](#) of this **by-law**. Car washing facilities to be located and designed to minimize visual and noise impacts on adjacent properties. **Automobile-focused uses** shall not be located within 120 metres of Otonabee River/Little Lake or 200 metres of the following intersections:
 - a. George Street South, Roger Neilson Way, and Lansdowne Street West; and,
 - b. Lansdowne Street West and Edwards Street.
 11. Subject to the provisions of [Section 4.3.10 \(Home-based business\)](#) of this **by-law**.
 12. Permitted to occupy a maximum floor area of 200 square metres, if the use is associated with a restaurant.
 13. Subject to demonstration of conformity with policy 4.4.1 of the Official Plan regarding Food Store Distribution in the Urban Structure.
 14. Single unit dwellings are not permitted.

6.3 Development Standards

Table 6.2 provides the yard and lot standards for the precincts located in the Central Area, notwithstanding the Neighbourhood precinct, for which development standards are set out in Section 8.0 of this **by-law**. Table 6.3 provides the development standards for **buildings** located within the Downtown Core Area (DCA) precinct. Table 6.4 provides the development standards for **buildings** located within the Business District (BD) precinct. Table 6.5 provides the development standards for **buildings** located within the Industrial Conversion (IC) precinct. Table 6.6 provides the development standards for **buildings** located within the Little Lake Sub Area 1 (LLS1) precinct. Table 6.7 provides the development standards for **buildings** located within the Little Lake Sub Area 2 (LLS2) precinct.

Table 6.2: Lot and Yard Standards for Central Area Precincts

Development Standard	Downtown Core Area (DCA)	Business District (BD)	Industrial Conversion Area (ICA)	Little Lake South Sub Area 1 (LLSA)	Little Lake South Sub Area 2 (LLS2)	Class 2 Staff Variation
Lot Standards						
Maximum Lot Coverage	The greater of 70% or existing lot coverage as of [Effective Date]	The greater of 70% or existing lot coverage as of [Effective Date]	The greater of 70% or existing lot coverage as of [Effective Date]	60%	50%	20%
Minimum Lot Width	--	--	--	9.0 m	9.0 m	20%
Minimum Lot Depth	--	--	--	30.0 m	30.0 m	20%
Yard Standards						
Minimum Building Setback: Front Lot Line	1.5 m	3 m, or up to 8 m on Lansdowne St W, where the existing Right-of-Way is 20 m wide	1.5 m	3.0 m, except 6.0 m to a garage	3.0 m, except 6.0 m to a garage	The greater of 20% or the established building line

6 Central Area Precincts

Development Standard	Downtown Core Area (DCA)	Business District (BD)	Industrial Conversion Area (ICA)	Little Lake South Sub Area 1 (LLSA)	Little Lake South Sub Area 1 (LLS2)	Class 2 Staff Variation
Maximum Building Setback: Front Lot Line	The lesser of 3.0 m or the established building line	The lesser of 3.0 m or the established building line	The lesser of 3.0 m or the established building line	4.5 m	4.5 m	20% For DCA, BD and ICA 35% for LLS1 and LLS2
Minimum Building Setback: Interior Side Lot Line: Low-Rise Residential	3.0 m, or 0.0 m where no building openings facing the interior side lot line abutting a property within the DCA, ICA or BD precincts	1.2 m or 0.0 m where a common wall is shared with an abutting property	3.0 m, or 0.0 m where no building openings facing the interior side lot line abutting a property within the DCA, ICA or BD precincts	1.2 m on one side and 0.9 m on the other, or 0.0 m where a common call is shared with an abutting property	1.2 m on one side and 0.9 m on the other, or 0.0 m where a common call is shared with an abutting property	20%
Minimum Building Setback: Interior Side Lot Line: Mid-Rise Residential	3.0 m, or 0.0 m where no building openings facing the interior side lot line abutting a property within the DCA, ICA or BD precincts	3.0 m, or 0.0 m where no building openings facing the interior side lot line abutting a property within the DCA, ICA or BD precincts	3.0 m, or 0.0 m where no building openings facing the interior side lot line abutting a property within the DCA, ICA or BD precincts	3.0 m or 0.0 m where a common wall is shared with an abutting property	3.0 m or 0.0 m where a common wall is shared with an abutting property	20%

6 Central Area Precincts

Development Standard	Downtown Core Area (DCA)	Business District (BD)	Industrial Conversion Area (ICA)	Little Lake South Sub Area 1 (LLSA)	Little Lake South Sub Area 1 (LLS2)	Class 2 Staff Variation
Minimum Building Setback: Interior Side Lot Line: High-Rise Residential	3.0 m, or 0.0 m where no building openings facing the interior side lot line abutting a property within the DCA, ICA or BD precincts	5.0 m, or 0.0 m where no building openings facing the interior side lot line abutting a property within the DCA, ICA or BD precincts	3.0 m, or 0.0 m where no building openings facing the interior side lot line abutting a property within the DCA, ICA or BD precincts	5.0 m or 0.0 m where a common wall is shared with an abutting property	--	20%
Minimum Building Setback: Interior Side Lot Line: All Other Uses	3.0 m	5.0 m	3.0 m	5.0 m	5.0 m	20%
Minimum Building Setback: Exterior Side Lot Line	3.0 m	3.5 m	3.0 m	4.5 m	4.5 m	20%
Minimum Building Setback: Rear Lot Line	3.0 m; 7.5 m when the rear lot line abuts a property in the LLS1, LLS2 or N precinct; 5.0 m when the rear lot line abuts a property in the OS precinct.	5.0 m; 7.5 m when the rear lot line abuts a property in the LLS1, LLS2 or N precinct; 5.0 m when the rear lot line abuts a property in the OS precinct.	3.0 m; 7.5 m when the rear lot line abuts a property in the LLS1, LLS2 or N precinct; 5.0 m when the rear lot line abuts a property in the OS precinct.	7.5 m	7.5 m	20%



Development Standard	Downtown Core Area (DCA)	Business District (BD)	Industrial Conversion Area (ICA)	Little Lake South Sub Area 1 (LLSA)	Little Lake South Sub Area 1 (LLS2)	Class 2 Staff Variation
Minimum Landscape Buffer	3.0 m along rear and interior side lot lines abutting the LLS1, LLS2 or N precincts	3.0 m along rear and interior side lot lines abutting the LLS1, LLS2 or N precincts	3.0 m along rear and interior side lot lines abutting the LLS1, LLS2 or N precincts	1.2 m along rear and interior side lot lines	1.2 m along rear and interior side lot lines	Subject to the intent of the standard being achieved through an alternative method to the satisfaction of the approval authority
Minimum Front Yard Landscape Open Space for Permitted Low-Rise Residential Uses	--	30%	--	40%	40%	30%
Maximum Lot Coverage for Open Parking, Driveway and Vehicle Movement Areas for Permitted Low-Rise Residential Uses	--	30%	--	30%	30%	30%

6 Central Area Precincts

Table 6.3: Development Standards for Buildings in the Downtown Core Area (DCA) Precinct, per Table 6.1

Development Standard	Low-Rise Residential	Mid-Rise Residential	High-Rise Residential	All Other Uses	Class 2 Staff Variation
Maximum Building Height	See Schedule C1-4: (Class 1 Maximum Building Heights)				See Schedule D1-4 (Class 2 Maximum Building Heights)
Minimum Building Height	--	4 storeys	7 storeys	2 storeys	No variation
Minimum First Floor Height where Non-Residential Use is Required at Grade (1)	--	4.25 m	4.25 m	4.25 m	May be reduced to 3.2 m, subject to Provision 4.4.1.
Minimum Portion of First Floor Gross Floor Area (GFA) Devoted to Non-Residential Use (1)	--	75% of GFA	75% of GFA	75% of GFA	20%
Minimum Active Frontage (% of Building Frontage) (1)	--	80%	80%	80%	25%
Maximum Tower Floorplate	--	--	850 sq. m	850 sq. m	20%
Minimum Tower Separation Distance (between towers on the same or adjacent property)	--	--	25.0 m	25.0 m	20%
Minimum Building Stepback Between the 2nd and 4th Storey (from the main wall facing a public street)	--	3.0 m	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Building Stepback above the 6th Storey (from the main wall facing a public street)	--	--	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Common Outdoor Amenity Space	--	2.0 sq. m / unit (2)	2.0 sq. m / unit (2)	--	20%

6 Central Area Precincts

Development Standard	Low-Rise Residential	Mid-Rise Residential	High-Rise Residential	All Other Uses	Class 2 Staff Variation
Minimum Common Indoor Amenity Space	--	2.0 sq. m / unit (3)	2.0 sq. m / unit (3)	--	20%
Maximum Number of Attached Townhouse Dwelling Units (if applicable)	8	8	8	--	No variation

Footnotes:

- (1) Non-residential uses at grade and active frontage requirements are required on streets identified on [Schedule F \(Non-Residential Uses At-Grade and Active Frontage Requirements\)](#) and in accordance with [Section 4.4.1 \(Active frontage\)](#).
- (2) For townhouse typologies the minimum required indoor and outdoor amenity space can be private.
- (3) Applicable for apartment dwellings only.

Table 6.4: Development Standards for Buildings in the Business District (BD) Precinct, per Table 6.1

Development Standard	Low-Rise Residential Uses	Mid-Rise Residential Uses	High-Rise Residential Uses	All Other Uses	Class 2 Staff Variation
Maximum Building Height	See Schedule C1-4: (Class 1 Maximum Building Heights)				See Schedule D1-4 (Class 2 Maximum Building Heights)
Minimum Building Height	2 Storeys	4 Storeys	7 Storeys	2 Storeys	No Variation
Minimum First Floor Height	--	4.25 m	4.25 m	4.25	May be reduced to 3.2 m, subject to provision 4.4.1.
Maximum Tower Floorplate	--	--	850 sq. m	850 sq. m	20%
Minimum Tower Separation Distance (between towers on the same or adjacent property)	--	--	25.0 m	25.0 m	20%
Minimum Building Stepback Between the 2nd and 4th Storey (from the main wall facing a public street)	--	3.0 m	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Building Stepback above the 6th Storey (from the main wall facing a public street)	--	--	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Common Outdoor Amenity Space	--	2.0 sq. m / unit (1)	2.0 sq. m / unit (1)	--	20%
Minimum Common Indoor Amenity Space	--	2.0 sq. m / unit (2)	2.0 sq. m / unit (2)	--	20%
Maximum Number of Attached Townhouse Dwelling Units (if applicable)	8	8	8	--	No Variation

Footnotes:

- (1) For townhouse typologies the minimum required indoor and outdoor amenity space can be private.
- (2) Applicable for apartment dwellings only.

Table 6.5: Development Standards for Buildings in the Industrial Conversion (IC) Precinct, per Table 6.1

Development Standard	Low-Rise Residential Uses	Mid-Rise Residential Uses	High-Rise Residential Uses	All Other Uses	Class 2 Staff Variation
Maximum Building Height	See Schedule C1-4: (Class 1 Maximum Building Heights)				See Schedule D1-4 (Class 2 Maximum Building Heights)
Minimum Building Height	2 Storeys	4 Storeys	7 Storeys	2 Storeys	No Variation
Minimum First Floor Height	--	4.25 m	4.25 m	4.25	May be reduced to 3.2 m, subject to Provision 4.4.1.
Maximum Tower Floorplate	--	--	850 sq. m	850 sq. m	20%
Minimum Tower Separation Distance (between towers on the same or adjacent property)	--	--	25.0 m	25.0 m	20%
Minimum Building Stepback Between the 2nd and 4th Storey (from the main wall facing a public street)	--	3.0 m	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Building Stepback above the 6th Storey (from the main wall facing a public street)	--	--	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Common Outdoor Amenity Space	--	2.0 sq. m / unit (1)	2.0 sq. m / unit (1)	--	20%
Minimum Common Indoor Amenity Space	--	2.0 sq. m / unit (2)	2.0 sq. m / unit (2)	--	20%
Maximum Number of Attached Townhouse Dwelling Units (if applicable)	8	8	8	--	No Variation

Footnotes:

- (1) For townhouse typologies the minimum required indoor and outdoor amenity space can be private.
- (2) Applicable for apartment dwellings only.

Table 6.6: Development Standards for Buildings in the Little Lake Sub Area 1 (LLS1) Precinct, per Table 6.1

Development Standard	Low-Rise Residential Uses	Mid-Rise Residential Uses	High-Rise Residential Uses	All Other Uses	Class 2 Staff Variation
Maximum Building Height	See Schedule C1-4: (Class 1 Maximum Building Heights)				See Schedule D1-4 (Class 2 Maximum Building Heights)
Minimum Building Height	--	4 Storeys	7 Storeys	2 Storeys	No Variation
Maximum Building Depth	16.0 m	16.0 m	--	--	20%
Maximum Tower Floorplate	--	--	850 sq. m	850 sq. m	20%
Minimum Tower Separation Distance (between towers on the same or adjacent property)	--	--	25.0 m	25.0 m	20%
Minimum Building Stepback Between the 2nd and 4th Storey (from the main wall facing a public street)	--	3.0 m	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Building Stepback above the 6th Storey (from the main wall facing a public street)	--	--	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Common Outdoor Amenity Space	--	2.0 sq. m / unit (1)	2.0 sq. m / unit (1)	--	20%
Minimum Common Indoor Amenity Space	--	2.0 sq. m / unit (2)	2.0 sq. m / unit (2)	--	20%
Maximum Number of Attached Townhouse Dwelling Units (if applicable)	6	6	6	--	No Variation

Footnotes:

- (1) For townhouse typologies the minimum required indoor and outdoor amenity space can be private.
- (2) Applicable for apartment dwellings only.

Table 6.7: Development Standards for Buildings in the Little Lake Sub Area 2 (LLS2) Precinct, per Table 6.1

Development Standard	Low-Rise Residential Uses	Mid-Rise Residential Uses	High-Rise Residential Uses	All Other Uses	Class 2 Staff Variation
Maximum Building Height	See Schedule C1-4: (Class 1 Maximum Building Heights)				See Schedule D1-4 (Class 2 Maximum Building Heights)
Minimum Building Height	1 Storey	4 Storeys	--	1 Storey	No Variation
Maximum Building Depth	16.0 m	16.0 m	--	16.0 m	
Minimum Building Stepback Between the 2nd and 4th Storey (from the main wall facing a public street)	--	3.0 m	--	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Common Outdoor Amenity Space	--	2.0 sq. m / unit (1)	--	--	20%
Minimum Common Indoor Amenity Space	--	2.0 sq. m / unit (2)	--	--	20%
Maximum Number of Attached Townhouse Dwelling Units (if applicable)	6	6	--	--	No Variation

Footnotes:

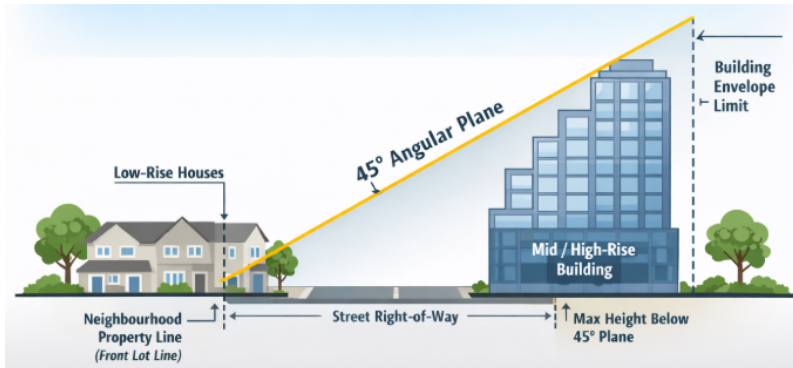
- (1) For townhouse typologies the minimum required indoor and outdoor amenity space can be private.
- (2) Applicable for apartment dwellings only.

6.4 Height Transition

A mid-rise **building** or high-rise **building** that abuts a low-rise residential use in the Neighbourhood Precinct shall be subject to the following height transition requirements:

- a) For lands located within a Central Area precinct (DCA, ICA, BD, LLS1 or LLS2) that front onto a public street separating a mid-rise or high-rise residential use/**building** from the low-rise residential use in the Neighbourhood (N) precinct, a maximum 45-degree angular plane shall be applied. The angular plane will be measured at grade from the Neighbourhood (N) precinct property line at grade on the opposite side of the public street, as shown on Figure 6.1.

Figure 6.1: Visual representation of a 45 degree angular plane for Central Area Precincts



- b) For lands located in a Central Area precinct (DCA, ICA, BD, LLS1 or LLS2) that have a side or rear **lot line** that abutting lands within the Neighbourhood (N) precinct with a **low-rise residential** use, a maximum 45-degree angular plane shall apply. The angular plane will be measured at grade from the shared lot line abutting the Neighbourhood Precinct.
- c) Where the intent of the 45-degree angular plane can be met through alternative approach, one (1) or more of the following transition methods shall be incorporated to the satisfaction of the **approval authority** through a Class 2 permit:
 - d) Increased yard setbacks;
 - e) Additional/enhanced **building** setbacks;
 - f) Reduction in **building** massing;
 - g) Introduction of intervening ground-oriented dwelling or built form; or
 - i) Other approaches informed by relevant **City** approved urban design guidelines may be accepted through a Class 3 permit.

7 Mixed-Use Corridor Precincts

7.1 Precincts Overview

Precincts in the Mixed-Use Corridors include:

- Major Mixed-Use Corridor (MUC1)
- Minor Mixed-Use Corridor (MUC2)

7.2 Permitted and Discretionary Uses

Table 7.1 identifies the permitted and discretionary uses and associated criteria and conditions for each Mixed-Use Corridor precinct as follows:

- Permitted uses are denoted by the letter "P";
- Discretionary uses are denoted by the letter "D"; and
- Criteria and conditions are listed as footnotes below Table 7.1.


Table 7.1: Mixed-Use Corridor Precincts

Uses	Major Mixed-Use Corridor (MUC1)	Minor Mixed-Use Corridor (MUC2)
Residential Uses		
Single unit dwellings, semi-detached dwellings, street townhouse dwellings	D(1)	P(2,3, 12)
Two unit dwellings	D(1)	P(2,3)
Three unit dwellings	D(1)	P(2,3)
Four unit dwellings	D(1)	P(2,3)
Stacked or block townhouse dwellings	P(2,3)	P(2,3)
Apartment dwellings	P(2,3)	D(2,3)
Lodging Houses	P(2,3)	P(2,3)
Multi-suite Residences, Group Homes, Emergency Shelters, Transitional Housing and Hospice Care Facilities	P(4)	P(4)
Neighbourhood Supportive Uses		
Artisan studios , galleries and associated retail sales facilities	P	P(5)
Healthcare offices and clinics	P	P(5, 6)
Recreational uses, Commercial	P	P(5)
Recreational uses, Public	P	P
Day care facilities	P	P(5)
Small scale food stores	P	P(5)
Restaurants	P	P(5, 6)

Uses	Major Mixed-Use Corridor (MUC1)	Minor Mixed-Use Corridor (MUC2)
Retail and service commercial uses	P	P(5, 6)
Places of assembly	P	P(5, 7)
Other Commercial Uses		
Automobile-focused uses	P(8)	
Large scale food stores	D(11)	D(11)
Home-based businesses	P(9)	P(9)
Hotels and other tourism facilities	P	
Offices	P	P(6)
Commercial parking facilities	P	
Employment Uses		
Micro-breweries and micro-distilleries	P(10)	
Institutional Uses		
Schools licensed by the Province	P	P
Places of worship	P	P(5, 7)
Other public service facilities	P	P
Other Uses		
Flood protection structures or buildings	P	P
Other similar uses	D	D
Accessory uses	See Section 4.3.1 (accessory uses) as accessory uses are permitted in all precincts, except for Environmental Protection	

Footnotes:

1. May be permitted as part of a larger comprehensively planned development in conjunction with and incidental to a high-density mixed-use development
2. Subject to the provisions of [Sections 6.4 and 7.4 \(Height Transitions\)](#), and [Schedule C1-4 \(Class 1 Building Heights\)](#)
3. Subject to provisions of [Table 7.3 and 7.4](#) of the **by-law** regarding development standards for Residential Uses.
4. Subject to the provisions of [Section 4.3.9](#) of this **by-law** regarding Group Homes.
5. Subject to [Section 4.3.12 \(Neighbourhood Supportive Uses\)](#) of the **by-law**.
6. To a maximum of 350 square metres per individual use on a specific site.
7. Must front onto an Arterial or Collector Road, as per [Appendix 4](#).
8. **Automobile-focused uses** limited to no more than two at any intersection. Outside storage associated with an automobile-focused use is permitted where it is located behind the main **building** and appropriately screened from view from the street and from any adjacent residential and/or open space uses. Car washing facilities should be located and designed to minimize visual and noise impacts on adjacent properties. **Automobile-focused uses** shall not be located within 120 metres of Otonabee River/Little Lake or 200 metres of the following intersections:
 - a. Lansdowne Street West and Clonsilla Avenue;

- 
- A vertical decorative graphic on the left side of the page, consisting of three downward-pointing arrow shapes stacked vertically. The top arrow is blue, the middle one is green, and the bottom one is orange.
- b. Lansdowne Street West and Monaghan Road;
 - c. Lansdowne Street West and Park Street South;
 - d. Lansdowne Street West and Spillsbury Drive;
 - e. Lansdowne Street East and Ashburnham Drive;
 - f. Clonsilla Avenue and Sherbrooke Street;
 - g. Parkhill Road West, Water Street and George Street North;
 - h. Chemong Road and Towerhill Road; and,
 - i. Chemong Road and Wolsely Street.
9. Subject to the provisions of [Section 4.3.10 \(Home-based Business\)](#) of this **by-law**.
 10. Permitted if the use is associated with a restaurant to a maximum floor area of 200 square metres.
 11. Subject to demonstration of conformity with Policy 4.4.1 of the Official Plan regarding Food Store Distribution in the Urban Structure.
 12. Single unit dwellings are not permitted.

7.3 Development Standards

Tables 7.2 provides the yard and lot standards for the Major Mixed-Used Corridor (MUC1) and the Minor Mixed-Use Corridor (MUC2) precincts. Table 7.3 provides the development standards for buildings in the Major Mixed-Use Corridor precinct (MUC1). Table 7.4 provides the development standards for buildings in the Minor Mixed-Use Corridor precinct (MUC2).

Table 7.2: Lot and Yard Standards for Mixed-Use Precincts

Development Standard	Major Mixed-Use Corridor (MUC1)	Minor Mixed-Use Corridor (MUC2)	Class 2 Staff Variation
Lot Standards			
Maximum Lot Coverage	The greater of 65% or existing lot coverage as of the effective date of this by-law .	The greater of 55% or existing lot coverage as of the effective date of this by-law .	20%
Minimum Lot Width	30.0 m	25.0 m	20%
Minimum Lot Depth	40.0 m	30.0 m	20%
Lot Standards			
Minimum Building Setback: Front Lot Line	3.0 m, except 6.0 m to a garage	3.0 m, except 6.0 m to a garage	The greater of 20% or the established building line
Maximum Building Setback: Front Lot Line	5.0 m	4.5 m	20%
Minimum Building Setback Interior Side Lot Line: Low-Rise Residential	1.2 m or 0.0 m where a common wall is shared with an abutting property	1.2 m on one side and 0.9 m on the other, or 0.0 m where a common call is shared with an abutting property	20%
Minimum Building Setback Interior Side Lot Line: Mid-Rise Residential	3.0 m	3.0 m	20%
Minimum Building Setback Interior Side Lot Line: High-Rise Residential	5.0m	--	20%

7 Mixed-Use Corridor Precincts

Development Standard	Major Mixed-Use Corridor (MUC1)	Minor Mixed-Use Corridor (MUC2)	Class 2 Staff Variation
Minimum Building Setback Interior Side Lot Line: All Other Uses	5.0 m	5.0 m	20%
Minimum Building Setback: Exterior Side Lot Line	3.5 m	4.5 m	20%
Minimum Building Setback: Rear Lot Line	5.0 m; 7.5m when the rear lot line abuts a property in the N precinct; 5.0m when the rear lot line abuts a property in the OS precinct	7.5 m; 5.0m when the rear lot line abuts a property in the OS precinct	20%
Minimum Landscape Buffer	3.0 m along rear and interior side lot line abutting the N precinct	1.2 m along rear and interior side lot line abutting the N precinct	Subject to the intent of the standard being achieved through an alternative method to the approval authority
Minimum Front Yard Landscape Open Space for Permitted Low-Rise Residential Uses	30%	40%	30%
Maximum Lot Coverage for Open Parking, Driveway and Vehicle Movement Areas for Permitted Low-Rise Residential Uses	30%	30%	30%

7 Mixed-Use Corridor Precincts

Table 7.3: Development Standards for Buildings in the Major Mixed-Use Corridor (MUC1) Precinct, per Table 7.1.

Development Standard	Low-Rise Residential	Mid-Rise Residential	High-Rise Residential	All Other Uses	Class 2 Staff Variation
Maximum Building Height	See Schedule C1-4: (Class 1 Maximum Building Heights)				See Schedule D1-4 (Class 2 Maximum Building Heights)
Minimum Building Height	2 storeys	4 storeys	7 storeys	2 storeys	No variation
Minimum First Floor Height	--	4.25 m	4.25 m	4.25 m	May be reduced to 3.2 m, subject to provision 4.4.1.
Maximum Tower Floorplate	--	--	850 sq. m	850 sq. m	20%
Minimum Tower Separation Distance (between towers on the same or adjacent property)	--	--	25.0 m	25.0 m	20%
Minimum Building Stepback between the 2nd and 4th Storey (from the main wall facing a public street)	--	3.0 m	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Building Stepback above the 6th Storey (from the main wall facing a public street)	--	--	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Common Outdoor Amenity Space	--	4.0 sq. m / unit (1)	4.0 sq. m / unit (1)	--	20%
Minimum Common Indoor Amenity Space	--	2.0 sq. m / unit (2)	2.0 sq. m / unit (2)	--	20%

7 Mixed-Use Corridor Precincts

Development Standard	Low-Rise Residential	Mid-Rise Residential	High-Rise Residential	All Other Uses	Class 2 Staff Variation
Maximum Number of Attached Townhouse Dwelling Units (if applicable)	8	8	8	--	No Variation

Footnotes:

- (1) For townhouse typologies the minimum required indoor and outdoor amenity space can be private.
- (2) Applicable for apartment dwellings only.

Table 7.4: Development Standards for Buildings in the Minor Mixed-Use Corridor (MUC2) Precinct, per Table 7.1

Development Standard	Low-Rise Residential Uses	Mid-Rise Residential Uses	High-Rise Residential Uses	All Other Uses	Class 2 Staff Variation
Maximum Building Height	See Schedule C1-4: (Class 1 Maximum Building Heights)				See Schedule D1-4 (Class 2 Maximum Building Heights)
Minimum Building Height	--	4 Storeys	7 Storeys	--	No Variation
Maximum Building Depth	16.0 m	16.0 m	--	16.0 m	20%
Maximum Tower Floorplate	--	--	850 sq. m	850 sq. m	20%
Minimum Tower Separation Distance (between towers on the same or adjacent property)	--	--	25.0 m	25.0 m	20%
Minimum Building Stepback Between the 2nd and 4th Storey	--	3.0 m	3.0 m	3.0 m	20% or greater if the design has regard for

7 Mixed-Use Corridor Precincts

Development Standard	Low-Rise Residential Uses	Mid-Rise Residential Uses	High-Rise Residential Uses	All Other Uses	Class 2 Staff Variation
(from the main wall facing a public street)					an established street wall
Minimum Building Stepback above the 6th Storey (from the main wall facing a public street)	--	--	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Common Outdoor Amenity Space	--	4.0 sq. m / unit (1)	4.0 sq. m / unit (1)	--	20%
Minimum Common Indoor Amenity Space	--	2.0 sq. m / unit (2)	2.0 sq. m / unit (2)	--	20%
Maximum Number of Attached Townhouse Dwelling Units (if applicable)	6	6	6	--	No Variation

Footnotes:

- (1) For townhouse typologies the minimum required indoor and outdoor amenity space can be private.
- (2) Applicable for apartment dwellings only.

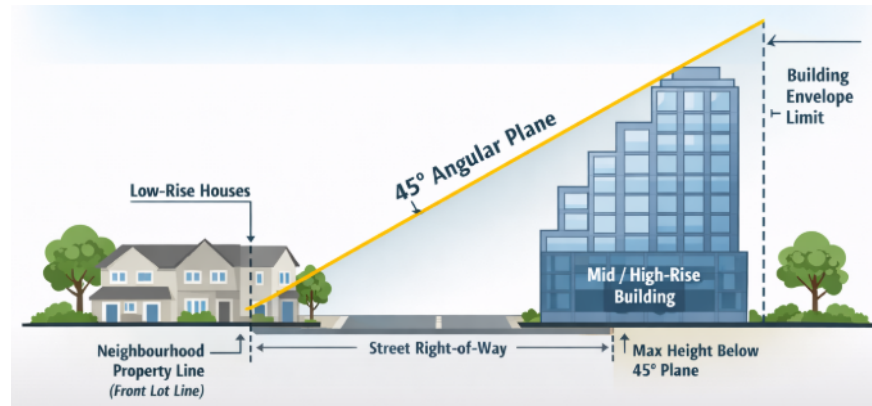
7.4 Height Transition

A mid-rise **building** or high-rise **building** that abuts a **low-rise residential** use in the Neighbourhood (N) precinct shall be subject to the following height transition requirements:

- a) For lands located within a Mixed-Use Corridor precinct (MUC1 and MUC2) that fronts onto a public street separating a mid-rise or high-rise residential use/building from the **low-rise residential** use in the Neighbourhood Precinct, a maximum 45-degree angular plane shall apply. The angular plane will be measured at grade from the Neighbourhood precinct property line on the opposite side of the public street, as shown on [Figure 7.1](#).

7 Mixed-Use Corridor Precincts

Figure 7.1: Visual representation of a 45 degree angular plane for Mixed Use Precincts



- b) For lands located in a Mixed-Use Corridor precinct (MUC1 and MUC2) that have a side or rear **lot line** abutting lands within the Neighbourhood (N) precinct with a **low-rise residential** use, a maximum 45-degree angular plane shall apply. The angular plane will be measured at grade from the shared lot line abutting the Neighbourhood (N) precinct.
- c) Where the intent of the 45-degree angular plane can be met through an alternative approach, one (1) or more of the following transition methods shall be incorporated to the satisfaction of the **approval authority** through a Class 2 permit:
 - i) Increased yard setbacks;
 - ii) Additional/enhanced building setbacks;
 - iii) Reduction in building massing;
 - iv) Introduction of intervening ground-oriented dwelling or built form; or
 - v) Other approaches informed by relevant City approved urban design guidelines may be accepted through a Class 3 permit.

8 Neighbourhood Precinct

8.1 Precincts Overview

There is one Neighbourhood (N) precinct.

8.2 Permitted and Discretionary Uses

Table 8.1 identifies the permitted and discretionary uses and associated criteria and conditions for the Neighbourhood (N) precinct as follows:

- Permitted uses are denoted by the letter "P";
- Discretionary uses are denoted by the letter "D"; and
- Criteria and conditions are listed as footnotes below Table 8.1.

Table 8.1: Neighbourhood (N) Permitted and Discretionary Uses

Uses	Neighbourhood (N)
Residential Uses	
Single unit dwellings, semi-detached dwellings, street townhouse dwellings	P(1, 2)
Two unit dwellings	P(1, 2)
Three unit dwellings	P(1, 2)
Four unit dwellings	P(1, 2)
Stacked or block townhouse dwellings	P(1, 2), D(1, 2, 3)
Apartment dwellings	P(1, 2), D(1, 2, 3)
Multi-suite Residences, Group Homes, Emergency Shelters, Transitional Housing and Hospice Care Facilities	P(4)
Neighbourhood Supportive Uses	
Artisan studios , galleries and associated retail sales facilities	P(5)
Healthcare offices and clinics	P(5, 6)
Recreational uses, Commercial	P(5)
Recreational uses, Public	P
Day care facilities	P(5)
Small scale food stores	P(5)
Restaurants	P(5, 6)
Retail and service commercial uses	P(5, 6)
Places of assembly	P(5, 7)
Other Commercial Uses	
Large scale food stores	D(7, 8)
Home-based businesses	P(9)
Tourism facilities	D(10, 11)

Uses	Neighbourhood (N)
Offices	D(5, 6)
Institutional Uses	
Schools licensed by the Province	P
Places of worship	P(5, 7)
Other public service facilities	P
Other Uses	
Flood protection structures or buildings	P
Other similar uses	D
Accessory uses	See Section 4.3.1 (accessory uses) as accessory uses are permitted in all precincts, except for Environmental Protection

Footnotes:

1. Subject to the provisions of [Sections 6.4 and 7.4 \(Height Transitions\)](#), and [Schedule C1-4 \(Class 1 Building Heights\)](#)
2. Subject to provisions of [Table 8.3](#) of the **by-law** regarding development standards for residential uses.
3. May be permitted if they are located outside of the Central Area, as per Schedule B (Land Use) in the Official Plan.
4. Subject to the provisions of [Section 4.3.9 \(Group Homes\)](#) of this **by-law**.
5. Subject to [Section 4.3.12 \(Neighbourhood Supportive Use\)](#) of the **by-law**.
6. To a maximum of 350 square metres per individual use on a specific site.
7. Must front onto an Arterial or Collector street, as per [Appendix 4](#).
8. Subject to demonstration of conformity with Policy 4.4.1 of the Official Plan regarding Food Store Distribution in the Urban Structure.
9. Subject to the provisions of [Section 4.3.10 \(Home-based Business\)](#) of this **by-law**.
10. Permitted only on lands located in the Central Area, as per Schedule C (Central Area Plan) in the Official Plan.
11. Tourism facility is permitted, up to a maximum size of 350 square metres. Hotel is not permitted.

8.3 Development Standards

[Table 8.2](#) provides the yard and lot standards for the Neighbourhood (N) precinct and [Table 8.3](#) provides the development standards for buildings in the Neighbourhood (N) precinct.

Table 8.2: Lot and Yard Standards for the Neighbourhood (N) Precinct, per Table 8.1

Development Standard	Neighbourhood (N) Precinct Class 1 Standard	Class 2 Staff Variation
Lot Standards		
Maximum Lot Coverage: In Parking Area 1 to 4	55% or existing lot coverage as of the effective date of this by-law	20%
Maximum Lot Coverage: In Parking Area 5	45% or existing lot coverage as of the effective date of this by-law	20%
Minimum Lot Width: Low-Rise Residential Use	9.0 m	20%
Minimum Lot Width: Mid-Rise Residential Use	25.0 m	20%
Minimum Lot Depth	27 m	20%
Lot Standards		
Minimum Building Setback: Front Lot Line	3.0 m, except 6.0 m to a garage	The greater of 20% or the established building line
Maximum Building Setback: Front Lot Line	The greater of either 6.0 m or the established building line	20%
Minimum Building Setback Interior Side Lot Line: Low-Rise Residential	1.2 m on one side and 0.9 m on the other, or 0.0 m where a common call is shared with an abutting property	20%
Minimum Building Setback Interior Side Lot Line: Mid-Rise Residential	3.0 m	20%
Minimum Building Setback Interior Side Lot Line: All Other Uses	5.0 m	20%

Development Standard	Neighbourhood (N) Precinct Class 1 Standard	Class 2 Staff Variation
Minimum Building Setback: Exterior Side Lot Line	3.5 m	20%
Minimum Building Setback: Rear Lot Line	7.5 m or 5.5 m when the rear lot line abuts the OS Precinct	20%
Minimum Landscape Buffer: Low-Rise Residential	--	--
Minimum Landscape Buffer: Mid-Rise Residential	1.2 m along rear and interior side lot lines	Subject to the intent of the standard being achieved through an alternative method to the satisfaction of the approval authority
Minimum Front Yard Landscape Open Space	30%	30%
Maximum Lot Coverage for Open Parking, Driveway and Vehicle Movement Areas	30%, or 45% when parking is located between the principal dwelling unit's main wall and either: 1) the interior side lot line or 2) the rear lot line	20%

Table 8.3: Development Standards for Buildings in the Neighbourhood (N) Precinct, per Table 8.1

Development Standard	Low-Rise Residential Uses	Mid-Rise Residential Uses	All Other Uses	Class 2 Staff Variation
Maximum Building Height	See Schedule C1-4: (Class 1 Maximum Building Heights)			See Schedule D1-4 (Class 2 Maximum Building Heights)
Minimum Building Height	--	4 storeys	--	No variation
Maximum Building Depth	16.0 m	16.0 m	16.0 m	20%
Minimum Common Outdoor Amenity Space	--	4.0 sq. m / unit (1)	--	20%
Minimum Common Indoor Amenity Space	--	2.0 sq. m / unit (2)	--	20%
Maximum Number of Attached Townhouse Dwelling Units (if applicable)	6	6	--	No variation

Footnotes:

- (1) For townhouse typologies the minimum required indoor and outdoor amenity space can be private.
- (2) Applicable for apartment dwellings only.

A vertical decorative bar on the left side of the page, consisting of three downward-pointing arrow shapes in blue, green, and orange colors.

9 Employment Precincts

9.1 Precincts Overview

The Employment Precincts include:

- Prestige Employment (PE)
- General Employment (GE)

9.2 Permitted and Discretionary Uses

Table 9.1 identifies the permitted and discretionary uses and associated criteria and conditions for each precinct as follows:

- a) Permitted uses are denoted by the letter "P";
- b) Discretionary uses are denoted by the letter "D"; and
- c) Criteria and conditions are listed as footnotes below Table 9.1.

Table 9-1: Employment Precincts Permitted and Discretionary Uses

Uses	Prestige Employment (PE)	General Employment (GE)
Commercial Uses		
Artisan studios, galleries and associated retail sales facilities		P
Automobile-focused uses		P
Recreational uses, Commercial		P
Day care facilities		D
Offices	P(1)	P(1)
Retail and service commercial uses		P
Employment Uses		
Contractor and construction premises	P	P
Distribution centres	P	P
Processing and manufacturing in wholly enclosed buildings	P	P
Micro-breweries and micro-distilleries	P	P
Research and development facilities, including data processing businesses	P	P
Warehousing facilities	P	P
Transportation terminal and logistics	P	P
Outdoor storage	D(2)	D(2)
Commercial greenhouses	D(3)	D(3)
Other Uses		
Flood protection structures or buildings	P	P
Other similar uses	D	D
Accessory uses	See Section 4.3.1 (accessory uses) as accessory uses are permitted in all precincts, except for Environmental Protection	

Footnotes:

- (1) Office uses are permitted if associated with a permitted employment use.
- (2) May be permitted subject to [provision 4.3.14 \(Outdoor Storage\)](#) of this **by-law**. **Outdoor storage** as a standalone use shall not locate on lands with water and sewer servicing.
- (3) Vertical agricultural uses may be permitted.

9.3 Development Standards

Tables 9.2 identifies the development standards and provisions for employment uses in stand-alone **buildings** within the Prestige Employment (PE) and General Employment (GE) Precinct.

Table 9.2: Lot, Yard, and Building Standards for Employment Uses in Stand-alone Buildings in the Prestige Employment (PE) and General Employment (GE) Precincts

Development Standard	Prestige Employment (PE)	General Employment (GE)	Class 2 Staff Variation
Lot Standards			
Maximum Lot Coverage	60% or existing lot coverage as of [Effective Date]	60% or existing lot coverage as of [Effective Date]	20%
Minimum Lot Width	60.0 m	30.0 m	20%
Minimum Lot Area	8,000 sq. m	900 sq. m	20%
Yard Standards			
Minimum Building Setback: Front Lot Line	6.0 m	6.0 m	20%
Minimum Building Setback: Side Lot Line	6.0 m; the greater of 15.0 m or 4.25 m per storey when the side lot line abuts a property in any non-employment precinct.	6.0 m; the greater of 12.0 m or 4.25 m per storey when the side lot line abuts a property in any non-employment precinct.	20%
Minimum Building Setback: Rear Lot Line	15.0 m; the greater of 15.0 m, or 4.25 m per storey when the side lot line abuts a property in any non-employment precinct; 6.0 m when the rear lot line abuts a property in the OS precinct	6.0 m; the greater of 12.0 m, or 4.25 m per storey when the side lot line abuts a property in any non-employment precinct; 6.0 m when the rear lot line abuts a property in the OS precinct	20%



Development Standard	Prestige Employment (PE)	General Employment (GE)	Class 2 Staff Variation
Minimum Landscape Buffer	10.0 m when the side or rear lot line abuts a property in the N, I, MUC1 or MUC2 precinct; 6.0 m when the side or rear lot line abuts a property in the OS precinct; 3.0 m when the side or rear lot line abuts any other precinct; 6.0 m When the side or rear lot line abuts an Arterial Road or Highway; 3.0 m When the side or rear lot line abuts a Local or Collector Road	10.0 m when the side or rear lot line abuts a property in the N, I, MUC1 or MUC2 precinct; 6.0 m when the side or rear lot line abuts a property in the OS precinct; 3.0 m when the side or rear lot line abuts any other precinct; 6.0 m When the side or rear lot line abuts an Arterial Road or Highway; 3.0 m When the side or rear lot line abuts a Local or Collector Road	20%
Maximum Outdoor Storage Area	5% of lot area (1)	10% of the lot area (1)	Up to 20% of the lot area (1)
Building Standards			
Minimum Building Size	400 sq. m	400 sq. m	20%
Maximum Building Height	See Schedule C1-4: (Class 1 Maximum Building Heights)	See Schedule C1-4: (Class 1 Maximum Building Heights)	See Schedule D1-4 (Class 2 Maximum Building Heights)

Footnote:

- (1) No **outdoor storage** area shall be permitted between the **building** and the front **lot line**. The **outdoor storage** area shall be screened from view from all public roads and highways by a 2.5 m high privacy fence or landscape buffer to the satisfaction of the **approval authority**. Where a commercial use is permitted per [Table 9.1](#), up to 50% of the area between the building and streetline is permitted as merchandise display area.

10 Institutional Precincts

10.1 Precincts Overview

The Institutional Precincts include:

- Major Institutional (MI)
- Institutional (I)

10.2 Permitted and Discretionary Uses

Table 10.1 identifies the permitted and discretionary uses and associated criteria and conditions for each precinct as follows:

- Permitted uses are denoted by the letter "P";
- Discretionary uses are denoted by the letter "D"; and
- Criteria and conditions are listed as footnotes below Table 10.1.


Table 10.1: Institutional Precincts Permitted and Discretionary Uses

Uses	Major Institutional (MI)	Institutional (I)
Residential Uses		
Single unit dwellings, semi-detached dwellings, street townhouse dwellings	D(1, 2, 3)	D(4)
Two unit dwellings	D(1, 2, 3)	D(4)
Three unit dwellings	D(1, 2, 3)	D(4)
Four unit dwellings	D(1, 2, 3)	D(4)
Stacked or block townhouse dwellings	D(1, 2, 3)	D(4)
Apartment dwellings		
Multi-suite Residences, Group Homes, Emergency Shelters, Transitional Housing and Hospice Care Facilities	D(1,5)	P(5)
Neighbourhood Supportive Uses		
Artisan studios, galleries and associated retail sales facilities	P(1)	P
Healthcare offices and clinics	P(1)	P
Recreational uses, Commercial	P(1)	P
Recreational uses, Public	P	P
Day care facilities	P(1)	P
Small scale food stores	P(1)	
Restaurants	P(1)	
Retail and service commercial uses	P(1)	

Uses	Major Institutional (MI)	Institutional (I)
Places of assembly	P(1)	P
Other Commercial Uses		
Conference/convention facilities	P(1)	
Entertainment uses	P(1)	
Home-based businesses	P(6)	P(6)
Hotels and other tourism facilities	P(1)	
Offices	P(1)	
Major offices	P(1)	
Commercial parking facilities	P(1)	
Employment Uses		
Processing and manufacturing in wholly enclosed buildings	P(7)	
Research and development facilities, including data processing businesses	P	
Institutional Uses		
Hospitals	P	P
Schools licensed by the Province	P	P
Post-secondary institutions	P	
Places of worship	P	P
Other public service facilities	P	P
Other Uses		
Agricultural uses / agricultural related uses	P(1)	
Cemeteries		D(8)
Conservation, forestry and wildlife management uses	P(1)	P
Flood protection structures or buildings	P	P
Other similar uses	D	D
Accessory uses	See Section 4.3.1 (accessory uses) as accessory uses are permitted in all precincts, except for Environmental Protection	

Footnotes:

1. Provided they primarily serve the needs of those persons associated with a major institution.
2. Subject to the provisions of [Sections 6.4 and 7.4 \(Height Transitions\)](#), and [Schedule C1-4 \(Class 1 Building Heights\)](#).
3. Subject to provisions of [Table 10.2](#) of the **by-law** regarding development standards for residential uses.
4. Residential dwelling units may be permitted if they are **affordable housing**, co-operative housing, supportive housing, or other forms of community housing. The residential use must be wholly within the primary institutional **building** or be adjacent to the primary institutional **building**.
5. Subject to the provisions of [provision 4.4.8 \(Group Homes\)](#) of this **by-law**.

- 
- A vertical decorative bar on the left side of the page, consisting of three downward-pointing arrow shapes. The top arrow is blue, the middle is green, and the bottom is orange.
6. Subject to the provisions of [provision 4.4.9 \(Home-based Business\)](#) of this **by-law**.
 7. Manufacturing uses related to a research and development facility is permitted.
 8. Cemeteries, campgrounds, and golf courses shall not locate in the Strategic Growth Areas, as per Schedule A (Urban Structure) in the Official Plan.

10.3 Development Standards

Tables 10.2 provides the yard and lot standards for the Major Institutional (MI) precinct and Institutional (I) precinct and Table 10.3 provides the development standards for the Major Institutional (MI) and Institutional (I) precincts.

Table 10.2: Lot and Yard Standards for the Major Institutional (MI) and Institutional (I) Precincts, per Table 10.1

Development Standard	Major Institutional (MI) Precinct	Institutional (I) Precinct	Class 2 Staff Variation
Lot Standards			
Maximum Lot Coverage	The greater of 60% or existing lot coverage as of [Effective Date]	The greater of 60% or existing lot coverage as of [Effective Date]	20%
Minimum Lot Width	30.0 m	18 m	20%
Minimum Lot Depth	30.0 m	30.0 m	20%
Yard Standards			
Minimum Building Setback: Front Lot Line	3.0 m, except 6.0 m to a garage	3.0 m, except 6.0 m to a garage	The greater of 20% or the established building line
Minimum Building Setback Interior Side Lot Line: Low-Rise Residential	1.2 m or 0.0 m where a common wall is shared with an abutting property	1.2 m on one side and 0.9 m on the other, or 0.0 m where a common call is shared with an abutting property	20%
Minimum Building Setback Interior Side Lot Line: Mid-Rise Residential	3.0 m	3.0 m	20%

10 Institutional Precincts

Development Standard	Major Institutional (MI) Precinct	Institutional (I) Precinct	Class 2 Staff Variation
Minimum Building Setback Interior Side Lot Line: High-Rise Residential	5.0 m	--	20%
Minimum Building Setback Interior Side Lot Line: All Other Uses	3.0 m, or 9.0 m where the lot abuts the N precinct	3.0 m, or 9.0 m where the lot abuts the N precinct	--
Minimum Building Setback: Exterior Side Lot Line	4.5 m	4.5 m	20%
Minimum Building Setback: Rear Lot Line	5.0 m; 7.5 m when the rear lot line abuts a property in the N precinct; 5.0 m when the rear lot line abuts a property in the OS precinct	7.5 m; 5.0 m when the rear lot line abuts a property in the OS precinct	20%
Minimum Landscape Buffer	3.0 m along rear and interior side lot line	3.0 m along rear and interior side lot line	Subject to the intent of the standard being achieved through an alternative method to the approval authority
Maximum Lot Coverage for Open Parking, Driveway and Vehicle Movement Areas	40%	40%	30%

10 Institutional Precincts

Table 10.3: Development Standards for Buildings in the Major Institutional (MI) or Institutional (I) Precincts, per Table 10.1

Development Standard	Low-Rise Residential	Mid-Rise Residential	High-Rise Residential	All Other Uses	Class 2 Staff Variation
Maximum Building Height	See Schedule C1-4: (Class 1 Maximum Building Heights)				See Schedule D1-4 (Class 2 Maximum Building Heights)
Minimum Building Height	--	4 Storeys	7 Storeys	--	No variation
Minimum First Floor Height where Non-Residential Use is Required at Grade (1)			4.25	4.25	May be reduced to 3.2 m, subject to provision 4.4.1.
Maximum Tower Floorplate	--	--	850 sq. m	850 sq. m	20%
Minimum Tower Separation Distance (between towers on the same or adjacent property)	--	--	25.0 m	25.0 m	20%
Minimum Building Stepback between the 2nd and 4th Storey (from the main wall facing a public street)	--	3.0 m	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Building Stepback above the 6th Storey (from the main wall facing a public street)	--	--	3.0 m	3.0 m	20% or greater if the design has regard for an established street wall
Minimum Common Outdoor Amenity Space	--	2.0 sq. m / unit (2)	2.0 sq. m / unit (2)	--	20%
Minimum Common Indoor Amenity Space	--	2.0 sq. m / unit (3)	2.0 sq. m / unit (3)	--	20%

10 Institutional Precincts

Development Standard	Low-Rise Residential	Mid-Rise Residential	High-Rise Residential	All Other Uses	Class 2 Staff Variation
Maximum Number of Attached Townhouse Dwelling Units (if applicable)	8	8	8	--	No variation

Footnotes:

- (1) Non-residential uses at grade and active frontage requirements are required on streets identified on [Schedule F \(Non-Residential Uses At-Grade and Active Frontage Requirements\)](#) and in accordance with [Section 4.4.1 \(Active frontage\)](#).
- (2) For townhouse typologies the minimum required indoor and outdoor amenity space can be private.
- (3) Applicable for apartment dwellings only.



10.4 Height Transition

- a) A mid-rise building or high-rise building that abuts a low-rise residential use in the Neighbourhood Precinct shall be subject to the following height transition requirements:
- i) For lands located within the Major (MI) Institutional or Institutional (I) precinct and that fronts onto a public street separating a mid-rise or high-rise residential use/building from the low-rise residential use in the Neighbourhood Precinct, a maximum 45-degree angular plane shall apply. The angular plane will be measured at grade from the Neighbourhood precinct property line on the opposite side of the public street.
 - ii) For lands located in a Major Institutional (MI) or Institutional (I) precinct that have a side or rear lot line abutting lands within the Neighbourhood Precinct with a low-rise residential use, a maximum 45-degree angular plane shall apply. The angular plane will be measured at grade from the shared lot line abutting the Neighbourhood precinct.
 - iii) Where the intent of the 45-degree angular plane can be met through an alternative approach one (1) or more of the following transition methods shall be incorporated to the satisfaction of the **approval authority** through a Class 2 permit:
 - a. Increased yard setbacks;
 - b. Additional/enhanced building setbacks;
 - c. Reduction in building massing;
 - d. Introduction of intervening ground-oriented dwelling or built form; or
 - e. Other approaches informed by relevant City approved urban design guidelines may be accepted through a Class 3 permit.

11 Open Space Precincts

11.1 Precincts Overview

The Open Space Precincts include:

- Open Space (OS)
- Environmental Protection (EP)

11.2 Permitted and Discretionary Uses

Table 11.1 identifies the permitted and discretionary uses and associated criteria and conditions for each precinct as follows:

- Permitted uses are denoted by the letter "P";
- Discretionary uses are denoted by the letter "D"; and
- Criteria and conditions are listed as footnotes below Table 11.1.

Table 11.1: Open Space Precincts Permitted and Discretionary Uses

Uses	Open Space (OS)	Environmental Protection (EP)
Neighbourhood Supportive Uses		
Recreational uses, Commercial	D(1, 2)	
Recreational uses, Public	P	
Other Uses		
Campgrounds	D(2)	
Cemeteries	D(2)	
Conservation, forestry and wildlife management uses	P(3)	D(3)
Flood protection structures or buildings	P	P
Other similar uses	D	D
Accessory uses	See Section 4.3.1 (accessory uses) as accessory uses are permitted in all precincts, except for Environmental Protection	

Footnotes:

- Active and passive recreational uses.
- Cemeteries, campgrounds, and golf courses shall not locate in the Strategic Growth Areas, as per Schedule A (Urban Structure) in the Official Plan.
- Excludes site alteration and passive recreational uses.



11.3 Development Standards

Tables 11.2 provides the yard and lot standards for the Open Space (OS) and Environmental Protection (EP) Precincts.

Table 11.2: Lot, Yard and Building Standards for the Open Space (OS) and Environmental Protection (EP) Precincts, per Table 10.1

Development Standard	Open Space (OS)	Environmental Protection (EP)	Class 2 Staff Variation
Lot Standards			
Maximum Lot Coverage	10% or existing lot coverage as of [Effective Date]	--	30%
Yard Standards			
Minimum building setback from all lot lines	9.0 m	--	20%
Building Standards			
Maximum Building Height	See Schedule C1-4 (Class 1 Maximum Building Heights)		See Schedule D1-4 (Class 2 Maximum Building Heights)



12 Transition Precinct

12.1 Precincts Overview

There is one Transition (T) Precinct, and it includes lands that generally comprise larger parcels located toward the periphery of the City that are not targeted for immediate growth. Some of these lands may not have access to municipal water and wastewater servicing or may currently be on private services. These areas may require additional studies, reports, or secondary plans to establish a vision to guide future growth.

12.2 Permitted and Discretionary Uses

Table 12.1 identifies the permitted and discretionary uses and associated criteria and conditions for each precinct as follows:

- a) Permitted uses are denoted by the letter "P";
- b) Discretionary uses are denoted by the letter "D"; and
- c) Criteria and conditions are listed as footnotes below Table 12.1.

Table 12-1: Transition (T) Precinct Permitted and Discretionary Uses

Uses	Transition (T)
Residential Uses	
Single unit dwellings, semi-detached dwellings, street townhouse dwellings	P(1, 9)
Other Commercial Uses	
Home-based businesses	D(3)
Hotels and other tourism facilities	D(4)
Employment Uses	
Commercial greenhouses	P(7)
Other Uses	
Agricultural uses / agricultural related uses	P(7)
Flood protection structures or buildings	P
Home Industries and on-farm diversified uses	D(6, 7)
Other similar uses	D
Accessory uses	See Section 4.3.1 (accessory uses) as accessory uses are permitted in all precincts, except for Environmental Protection

Footnotes:

1. Single detached dwellings on existing lots of record with servicing.
2. May be permitted as part of a larger comprehensively planned development in conjunction with and incidental to a high-density mixed-use development
3. Subject to the provisions of [Section 4.3.10 \(Home-based Business\)](#) of this **by-law**.
4. Agri-tourism related use may be permitted, subject to [Section 12.3.1 \(Agri-Tourism Uses\)](#) of this **by-law**.
5. May be permitted as an **accessory use**, subject to [Section 4.3.6 \(agriculture-related uses\)](#) of this **by-law**.
6. May be permitted as an **accessory use**, subject to [Section 12.3.2 \(Home Industries and On-Farm Diversified Uses\)](#) of this **by-law**.
7. Limited to lands within the Rural Transitional Area designation as per Schedule A: Urban Structure of the Official Plan and lands with a minimum lot area of 10 hectares.
8. May be permitted subject to the provisions of [Section 4.3.14](#) of the **by-law**. **Outdoor storage** as a standalone use in the Transition precinct shall only locate on lands with water and sewer servicing.
9. Permitted subject to the provisions of [Section 4.3.5](#) of this **by-law** regarding **additional residential units**.

12.3 Development Standards


Tables 12.2 provides the yard and lot standards for the Transition (T) precinct.

Table 12.2: Lot, Yard and Building Standards for the Transition (T) Precinct per Table 12.1

Development Standard	Agricultural, Employment, Agricultural-Related and On-farm Diversified Uses (1)	Residential, Commercial and All Other Uses (1)	Class 2 Staff Variation
Lot Standards			
Maximum Lot Coverage	5% (2)	20%	20% for Low-Rise Residential Use 50% for all other uses
Minimum Lot Area	10.0 ha	1.0 ha	20%
Minimum Lot Width	300.0 m	30.0 m	20%
Yard Standards			
Minimum Building Setback: Front Lot Line	15.0 m	10.0 m	The greater of 20% or the established building line
Minimum Building Setback: Side Lot Line	7.5 m	7.5 m	20%
Minimum Building Setback: Exterior Side Lot Line	15.0 m	10.0 m	20%
Minimum Building Setback: Rear Lot Line	15.0 m	10.0 m	20%
Maximum Outdoor Storage	10% of the lot area (3)	--	Up to 20% of the lot area (1)
Building Standards			
Maximum Building Height	See Schedule C1-4: (Class 1 Maximum Building Heights)	See Schedule C1-4: (Class 1 Maximum Building Heights)	See Schedule D1-4 (Class 2 Maximum Building Heights)

Footnotes:

- (1) Agri-tourism uses are also subject to the provisions of [Section 12.3.1 \(Agri-Tourism Uses\)](#) of this **by-law**. Home industries and on-farm diversified uses are also subject to the provisions of [Section 12.3.2 \(Home Industries and On-Farm Diversified Uses\)](#).
- (2) Subject to the provisions of [Section 12.3.2 d\) \(Home Industries and On-Farm Diversified Uses\)](#), and notwithstanding anything in this **by-law** to the contrary, one hundred percent (100%) of the area needed for parking areas and outdoor storage for the proposed use shall be included in the maximum lot coverage area calculation.

- 
- (3) No outdoor storage area shall be permitted between the building and the front lot line. The outdoor storage area shall be screened from view from all public roads and highways by a 2.5 m high privacy fence or landscape buffer to the satisfaction of the **approval authority**. Where an agricultural, employment, agricultural-related or on-farm diversified uses is permitted per [Table 12.1](#), up to 5% of the area between the building and streetline is permitted as merchandise display area.

12.3.1 Agri-Tourism Uses

The following regulations apply to agri-tourism uses that may be permitted through a Class 2 permit within the Transition (T) precinct, to the satisfaction of the **approval authority**:

- a) The proposed agri-tourism use shall be directly related to the principle agricultural use.
- b) Notwithstanding [Table 12.2](#), the use and activity area associated with the use shall be setback a minimum of 7.5 metres from the side lot line and 15.0 metres from the rear yard line.
- c) The type and level of traffic generated by the use is compatible with the character of the area and the function of adjacent roads; and,
- d) The operator of the agri-tourism use permanently resides on the property, however a limited number of employees of seasonal or permanent nature may be permitted.

12.3.2 Home Industries and On-Farm Diversified Uses

The following regulations apply to home industries and on-farm diversified uses that may be permitted through a Class 2 permit within the Transition (T) precinct, to the satisfaction of the **approval authority**:

- a) The proposed use shall only be permitted accessory to a farm operation on the same lot.
- b) The proposed use shall not be permitted in the Natural Areas Overlay as identified on Appendix 2 except for expansions to existing buildings and structures, where it is demonstrated there is no alternative, the expansion into the feature is minimized and is directed away from the feature to the maximum extent possible and the impact is minimized and mitigated to the maximum extent possible.
- c) The proposed use shall not exceed a combined total of either one (1) hectare or two percent (2%) of the area of the lands on which the use is proposed, whichever is lesser.
- d) One hundred percent (100%) of the area needed for parking areas and outdoor storage for the proposed use shall be included in the area calculation identified in provision 12.3.2.c).
- e) The building housing the use is located within the existing farm-building cluster;



- f) The building housing the use has a floor area that is limited in size and is in keeping with the size of the parcel and secondary to the principal farm operation;
- g) Services required for the use proposed are provided on the same lot, to the satisfaction of the **approval authority**, and shall not have any negative impacts on neighbouring and surrounding land uses.
- h) The use and any activity area associated with the use is suitably set back from all lot lines;
- i) The type and level of traffic generated by the use is compatible with the character of the area and the function of adjacent roads;
- j) The operator of the home industry or on-farm diversified use permanently resides on the property, however a limited number of employees of seasonal or permanent nature may be permitted;
- k) All machinery and equipment, with the exception of motor vehicles required for the use, is located within enclosed buildings;
- l) Any permitted open storage associated with the use is screened from view and located within a fenced compound; and,
- m) Any retail component of the use is clearly accessory to the home industry and does not detract from the primary use of the property or adjacent properties.

A vertical decorative graphic on the left side of the page, consisting of three downward-pointing chevrons in blue, green, and orange colors.

13 Site Specific Provisions

- a) Notwithstanding the permitted and discretionary uses for the Downtown Core Area precinct, the permitted uses in the rear portion of the properties known municipally as 184, 188 and 192 Dalhousie St within the Jackson Creek Special Policy shall be limited to parking facilities.
- b) The permitted uses for the south portion of the property known municipally as 300 The Parkway shall include service commercial uses, restaurants, retail commercial uses requiring large sites for display or storage areas, hotels, and other hospitality and tourism services in addition to the permitted uses of the General Employment precinct.
- c) The permitted uses for the property known municipally as 485 The Parkway shall include a **membership warehouse club** in addition to the permitted uses of the General Employment precinct.
- d) The permitted uses for the property known municipally as 3800 Fisher Drive shall include **gaming establishments** and other performing acts ancillary to the operation of the **gaming establishment** in addition to the permitted uses of the General Employment precinct. Such **gaming establishment** shall not include a live performance venue or theatre.