



ZONING BY-LAW 2004-90

Town of Midland



Town of Midland
Planning and Building Services
OFFICE CONSOLIDATION
July 22, 2025

TOWN OF MIDLAND
BY-LAW 2004-90

A By-law to regulate the use of lands and the character, location, and the use of
buildings and structures in the Town of Midland.

WHEREAS the Town of Midland's urban area Zoning By-law is twenty-five years old and in need of an update;

AND WHEREAS as a result of County Restructuring, certain lands formerly within the Townships of Tay and Tiny were transferred to the Town of Midland along with the accompanying Zoning By-laws, applicable to the aforementioned lands;

AND WHEREAS the Municipal Council of The Corporation of the Town of Midland now deems it expedient, pursuant to the authority given to it under Section 34 of the *Planning Act*, R.S.O. 1990, to regulate the development and use of the lands within the Town of Midland and to implement a Zoning By-law which is in keeping with the purpose and intent of the new Official Plan as adopted and approved by the County of Simcoe.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF MIDLAND HEREIN ENACTS AS FOLLOWS:



Town of Midland Zoning By-law 2004-90

LOG OF AMENDMENTS

Includes all amendments to July 22, 2025

By-law No.	Date of Passing	Purpose
2004-94	December 13, 2004	Lands at 232 Ruby Street rezoned from Residential Zone - R-3 to Residential Zone - R-4
2005-27	April 25, 2005	Removal of Holding "H" Symbol from lands at 948 Sumac Lane
2005-43	June 27, 2005	Rezone lands at 224 Seventh Street from Residential - R3 to Residential Apartment - RA-D4 to permit a multi dwelling building
2005-44	June 27, 2005	Rezone lands at 543 Yonge Street from Residential Zone – R3 to Residential Office Zone – RO (Exception RO-4)
2005-45	June 27, 2005	Rezone lands at 8870 County Road 93 to permit a machine shop (Exception RU-11)
2005-46	June 27, 2005	To zone certain lands on Aberdeen Boulevard to Residential to permit single family homes and two apartment buildings (Exception R2-1, R2-2 though Consolidation 2010-13 RA-7-D122.BH38, as per By-law 2009-31, RA-4-D156.BH51, MC-2, as per By-law 2009-41)
2005-47	June 27, 2005	To zone certain lands on Aberdeen Boulevard to permit 145 single family homes
2005-59	August 22, 2005	To permit a Bed and Breakfast at 8970 County Road 93 (Exception RU-9 (b))
2005-66	September 26, 2005	To zone certain lands on Marina Park Avenue to permit a 55 Dwelling Unit Apartment Building (Exception RA – D65.BH15)
2005-67	September 26, 2005	To zone lands located at 832 to 850 Hartman Drive to permit five lots for semi-detached dwelling units (Exception R3-5)
2006-5	January 24, 2006	To remove Holding "H" Symbol from 515 Islandview Lane
2006-18	March 27, 2006	Removal of Holding "H" Symbol from Tiffin By The Lake lands
2006-19	March 27, 2006	To zone certain lands on Aberdeen Boulevard to Open Space Zone - OS
2006-20	March 27, 2006	To remove Holding "H" Symbol from the lands located at 1671 Golf Link Road
2006-40	June 26, 2006	To rezone the lands at 621 Yonge Street from Residential Zone Apartment Zone – RA-D53 to Residential Zone – R2 and Residential Apartment Zone – RA-D65
2006-67	August 28, 2006	To zone certain lands at 1249 Angela Schmidt Foster Road to permit Dwelling Units and/or a



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By-law No.	Date of Passing	Purpose
		Professional Office (Exception RU-12 (a))
2006-74	September 25, 2006	To amend Minimum Lot Requirements for 444, 438 and 434 Elizabeth Street and 310, 314, 316, and 318 Queen Street (Exceptions R2-11, R2-12, R2-13, R2-14, R3-6, R3-7)
2007-9	February 28, 2007	To remove Holding "H" Symbol on the land located at 1650 Golf Link Road
2007-14	March 26, 2007	To remove Holding "H" Symbol from the lands located at 605 Trailwood Lane
2007-15	March 26, 2007	To increase the Maximum Number of Guest Rooms for a Bed and Breakfast from 3 to 4 on the lands at 670 Hugel Avenue (Exception R3-2 (a))
2007-18	April 23, 2007	To remove Holding "H" Symbol from 605 Trailwood Lane and to repeal By-law 2007-14
2007-41	July 23, 2007	To reduce the Minimum Interior Side Yard Setback for a Deck on a Townhouse from 0.61 m to 0.31 m on Southwinds Crescent and Coral Springs Lane (Exception RT-5 (c))
2007-42	July 23, 2007	To zone certain lands at 600 Hugel Avenue Residential Office (Exception RO-5)
2007-56	OMB approved June 2, 2009	To amend Section 3.7.3 Home Occupations
2007-65	October 22, 2007	To amend the permitted uses for the lands at 935 Yonge Street (Exception HC-5)
2007-67	November 26, 2007	To amend the Permitted Uses of the lands at 935 Yonge Street To add definitions to section 2.0 Definitions (Exception HC-5)
2008-9	February 28, 2008	To zone certain lands at 860 Yonge Street to Residential Townhouse Zone – RT to permit six lots for residential townhouse units (Exception RT-6)
2008-14	March 25, 2008	To zone certain lands at 846 and 850 Hartman Drive to Residential Apartment Zone – RA-D61 to permit the development of a transition residence (Exception RA-6-D61)
2008-39	August 18, 2008	To zone certain lands at 860 Yonge Street to Neighbourhood Commercial Zone – NC to permit the construction of a two storey office building (Exception NC-3)
2008-40	August 18, 2008	To increase Lot Coverage within Registered Plan 51M-848 to 35% (Exception R1-2)
2008-41	August 18, 2008	To amend the permitted uses of the Highway



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By-law No.	Date of Passing	Purpose
		Commercial Zone – HC at 562 King Street to include a Day Care Centre (Exception HC-6)
2008-49	September 22, 2008	To allow the entire Gross Floor Area to be used for Residential Dwellings at 336 First Street (Exception DC-2)
2008-50	September 22, 2008	To Rezone the lands at 105 Pillsbury Drive from Industrial Zone – M2 to Institutional Zone - I
2008-65	October 27, 2008	To zone certain lands on Yonge Street to permit 163 single family homes Draft Plan MD-T-0208 (Exceptions R2-15, R3-8, RT-8, RT-11, OS-3)
2008-74	November 24, 2008	To remove Holding “H” Symbol and repeal By-law 2008-62 from 569 Islandview Lane
2008-75	November 24, 2008	To remove Holding “H” Symbol and repeal By-law 2008-61 from 597 Islandview Lane
2008-79	December 15, 2008	To rezone the lands at 519 Yonge Street from Residential Zone – R3 to Residential Zone – R4
2009-13	March 23, 2009	To rezone lands at 251, 311, and 353 Fuller Avenue from Open Space –OS and Residential Exception R1-1 to Open Space –OS and Residential Zoning update due to Redline revision to Draft Plan
2009-19	April 27, 2009	To rezone certain lands located at 823 King Street to permit the development of a Residential Plan of Subdivision (Exception R2-16, R2-17, RT-9)
2009-30	May 25, 2009	To amend Section 2.0 Definitions to insert the term “Model Home” and to insert new subsection 3.35 “Model Homes”
2009-31	May 25, 2009	To change the permitted uses and the lot requirements for the lands at 699 Aberdeen Boulevard (Exception RA-7-D122.BH38)
2009-41	June 29, 2009	To change the permitted uses for the lands at 725 Aberdeen Boulevard (Exception MC-2)
2009-42	June 29, 2009	To change the permitted uses, Landscaped Buffer Area Requirements, and the Parking requirement for the lands at 537 King Street (Exception RO-6)
2009-43	July 29, 2009	To zone certain lands located at 165 Marina Park Drive to permit the development of a Residential Plan of Subdivision (Exception R2-18, R2-19, RT-10, OS-4, OS-5)
2009-53	July 27, 2009	To remove Holding “H” Symbol on 330 Curry Road
2009-58	August 24, 2009	To rezone the lands at 520 Hugel Avenue from Downtown Core Commercial to Downtown Core Commercial Exception Holding Zone (Exception DC-



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By-law No.	Date of Passing	Purpose
		3(H))
2009-77	October 26, 2009	To Rezone Snake Island from Environmental Protection to Residential Zone and Environmental Protection (Exceptions R5-3, EP-2, EP-3)
2009-78	October 26, 2009	To zone certain lands on Yonge Street as part of Redline Revisions to Draft Plan of Subdivision MD-T-0208 (Exemption R2-20, RT-11)
2010-2	January 25, 2010	To rezone the lands at 120 Penetanguishene Road from Rural Zone to Residential Zone – (R3-H)
2010-13	March 22, 2010	Major Housekeeping Amendment
2010-14	March 22, 2010	To change the permitted uses of the lands located at 1001 Beamish Road (Exception M1-2)
2010-15	March 22, 2010	To change the permitted uses of the lands located at 408 Galloway Boulevard (Exception HC-7)
2010-16	March 22, 2010	To change the Lot Requirements of the lands at 204 Gianetto Drive (Exception R5-4)
2010-30	April 26, 2010	To permit Secondary Suites in single-detached dwelling units Changes made to Section 2.0 Definitions and Section 3 General Provisions
2010-65	July 26, 2010	To Rezone 251 Fuller Avenue, 311 Fuller Avenue and 353 Fuller Avenue (Exception R1-1)
2010-72	August 23, 2010	To reduce Minimum Lot Frontage from 30.48 m to 30.0 m at 251 Fuller Avenue, 311 Fuller Avenue and 353 Fuller Avenue (Exception R1-1)
2010-84	Sept 27, 2010	To remove Holding “H” symbol from 990 Sumac Lane
2010-85	Sept 27, 2010	To alter the setback from Provincial Highways and County Roads
2010-93	Oct 18, 2010	To Rezone 845 Yonge Street (Exception HC-8)
2010-94	Oct 18, 2010	To Rezone 384 Hugel Avenue (Exception RA-9-D36-H)
2011-20	April 26, 2011	To Rezone 1001 Franke Kindred Rd (Exception M2-2)
2011-21	April 26, 2011	To Rezone 422 King Street from RO-1 to RO
2011-23	April 26, 2011	To remove Holding “H” symbol from 982 Sumac Lane
2011-38	May 24, 2011	To remove Holding “H” symbol from 972 Sumac Lane
2011-53	July 25, 2011	To remove Holding “H” symbol from 423 Mundy’s Bay Road
2011-61	September 26, 2011	To rezone 519 King Street (Exception HC-9)



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By-law No.	Date of Passing	Purpose
2011-62	September 26, 2011	To add the definition for Transitional Housing
2011-75	December 19, 2011	To rezone 860 Yonge Street (Exception RA-10 D127.BH16)
2012-15	March 26, 2012	To rezone a portion of 382 King Street from Open Space Zone – OS to Residential Office Exception Zone –RO-1, and to add a new sub-clause to the following: a Professional Office may include an office for a Real Estate Agent and a Mortgage Broker as one Professional Office
2011-22	April 23, 2012	To rezone a portion of 1165 Brunelle Sideroad from Rural Zone – RU to Residential Zone – R5
2012-36	June 24, 2012	Rezoning to refine the performance standards of the RT-3 Zone
2012-55	September 24, 2012	To rezone the lands at 419, 421 and 423 Shewfelt Crescent from Residential Townhouse Exception Zone – RT-4 to Residential Townhouse Exception Zone – RT-20, to rezone the lands at 814, 816, 818, 820, 822, 824, 826, 828 Jane Boulevard from Residential Townhouse Exception Zone – RT-4 to Residential Townhouse Exception Zone – RT-21 and to rezone the lands at 817, 819, 821, 823, 825, 827, and Jane Boulevard and 828, 830, 832, 834, and 836 Sarah Boulevard from Residential Townhouse Exception Zone – RT-4 to Residential Townhouse Exception Zone – RT-22.
2012-56	September 24, 2012	To rezone the lands at 743 Midland Point Road from Rural Zone – RU to Residential Zone – R5 and to rezone the balance of the lands from Rural Zone – RU to Rural Zone with Holding “H” Symbol – RU-H.
2012-76	October 22, 2012	To rezone the lands at 486 Forest Hill Court from Institutional Zone – I to Residential Zone – R5 and to rezone the lands at 487 Forest Hill Court from Residential Zone – R5 to Open Space Exception Zone – OS-6.
2013-24	May 27, 2013	To rezone the lands at 289 and 293 Penetanguishene Road from Residential Zone – R1 to Residential Zone with Holding “H” Symbol – R1-H, to rezone the lands at 297 Penetanguishene Road from Open Space – OS to Open Space Exception Zone – OS-7, to rezone the lands at 305 and 309 Penetanguishene Road from Residential Zone with Holding “H” Symbol – R1-H to Open Space Exception Zone – OS-7 and to rezone the



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		lands at Lot 92 RP 1158 from Open Space Zone – OS to Residential Zone with Holding “H” Symbol – R1-H.
2013-42	June 24, 2013 OMB Approval June 16, 2014	To rezone the lands at 1081 MacDonald Road from Environmental Protection Zone – EP and Industrial Zone with Holding “H” Symbol – M1-H to the Industrial Exception Zone with Holding “H” Symbol – M2-3-H and to add article 3.37.2 to subsection 3.37 Holding Symbol – H.
2013-46	July 22, 2013	To rezone the lands at 263 Midland Avenue from Residential Zone – R2 to Downtown Core Commercial Zone – DC-F2.
2013-73	November 25, 2013	To rezone the lands at 340 Lakewood Drive from Open Space Zone – OS to Residential Exception Zone – R5-5.
2013-74	November 25, 2013	To rezone the lands at 808 Birchwood Drive from Open Space Zone – OS to Residential Zone – R2.
2014-3	January 27, 2014	To rezone the lands at 845 Yonge Street from Highway Commercial Exception Zone – HC-8 to Institutional Exception Zone – I-4
2014-5	January 27, 2014	To rezone the lands at 422 King Street from Residential Office Zone – RO to Residential Office Exception Zone – RO-7
2014-37	June 4, 2014 OMB Approval November 26, 2014	To add a Definition for “Emergency Housing Shelter”. And to rezone the lands at 522 Elizabeth Street from Downtown Core Commercial Zone – DC-F2 to Downtown Core Commercial Exception Zone – DC-4.
2014-42	May 26, 2014	To remove the Holding “H” Symbol from 520 Hugel Avenue.
2014-63	August 26, 2014	To remove the Holding “H” Symbol from 529 Islandview Lane.
2014-84	November 24, 2014 OMB Approved, as amended, February 2, 2018	Source Protection regulations and mapping.
2015-17	March 23, 2015	To remove the Holding “H” Symbol from 1081 MacDonald Road.
2015-48	July 27, 2015	To rezone the lands for the Hanson Subdivision (File No. 43T-95021).
2015-67	September 28, 2015	To rezone 1.1 hectares of land at 287 Bayshore Drive from Open Space Zone - OS and Residential Zone – R3 to Institutional Zone – I.



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By-law No.	Date of Passing	Purpose
2015-77	October 26, 2015	To rezone 1099 MacDonald Road from Environmental Protection – EP and Industrial Zone with Holding – M1-H to Industrial Zone Exception Zone – M2-4 for the Town's new Operations Centre.
2016-10	March 29, 2016	To remove the Holding "H" Symbol from 293 and 297 Penetanguishene Road.
2016-28	May 24, 2016	To repeal the text of Section 3.39 Secondary Suites and replace it with Section 3.39 Second Units.
2016-29	May 24, 2016	To amend the text of Section 3 General Provisions to include Section 3.39 Second Units.
2016-32	May 24, 2016	To rezone 711 Aberdeen Boulevard from RA-4-D156-BH51 to RA-4-D241-BH51.
2016-42	June 27, 2016	To revise the Home Occupation regulations and remove Home Industry from the By-law and replace the term "Day Care Centre" with the new term "Child Care Centre".
2017-2	January 23, 2017	To rezone 283 Barnett Avenue from Residential Zone – R3 to the Residential Exception Zone – R3-9, R3-10, R3-11, R3-12, and R3-13.
2017-16	March 27, 2017	To rezone 438 Hugel Avenue from Residential Zone R2 to Residential Zone R4-2.
2017-29	April 24, 2017	To rezone 9220 County Road 93 and 9226 County Road 93 from Highway Commercial Zone – HC to Highway Commercial Zone – HC-10.
2017-46	June 26, 2017	To rezone 226 and 230 Queen Street from Residential Zone R2 to Residential Exception Zones R4-3-H and R4-4-H.
2017-48	June 26, 2017	To rezone 447 Mundy's Bay Road from Rural Zone - RU and Residential Zone - R5 to the Residential Exception Zone - R5-6.
2017-64	September 25, 2017	To remove the Holding "H" Symbol from 226 and 230 Queen Street.
2017-65	September 25, 2017	To remove the Holding "H" Symbol from 281 Lakewood Drive.
2017-73	November 14, 2017	To rezone 536 Dominion Avenue from Downtown Core Commercial Zone – DC-F2 to Downtown Core Commercial Exception Zone – DC-5.
2017-84	November 27, 2017	To rezone 658 King Street from the Open Space Zone – OS and Residential- R1-H Zone to the Environmental Protection Zone – EP and from the Open Space Zone – OS and Residential- R1-H Zone to the Institutional Zone Exception – I-5.



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By-law No.	Date of Passing	Purpose
2018-1	January 22, 2018	To amend Residential Townhouse Zone Exception – RT-2, Residential Apartment Zone Exception – RA-11, Neighborhood Commercial Zone Exception – NC-4 and Open Space Exception – OS-8. To revise Section 2 Definitions for Structure.
2018-2	January 22, 2018	To rezone 344 Fuller Avenue from Rural Zone – RU to Residential Zone – R5.
2018-3	January 22, 2018	To rezone 281 Midland Avenue (now 459 Hugel Avenue) from Downtown Commercial Zone – DC-F2 to Downtown Core Zone Exception DC-6.
2018-4	January 22, 2018	To rezone 1000 Wye Valley Road from Industrial Zone-M2 to Industrial Zone Exception - M2-5
2018-35	May 28, 2018	To rezone part of the lands at 640 Bayport Boulevard from the OPEN SPACE ZONE – OS to the RESIDENTIAL TOWNHOUSE – RT-10 ZONE and from the RESIDENTIAL TOWNHOUSE – RT-10-H ZONE to the RESIDENTIAL TOWNHOUSE ZONE – RT-10 and from the RESIDENTIAL TOWNHOUSE and RESIDENTIAL APARTMENT ZONE - RT-H & RA-H to the RESIDENTIAL TOWNHOUSE – RT-10 ZONE.
2018-34	May 28, 2018	To remove the Holding “H” Symbol from 960 Sumac Lane.
2018-46	June 25, 2018	To rezone 786 William Street from the RESIDENTIAL TOWNHOUSE ZONE – RT-19 to the RESIDENTIAL APARTMENT ZONE – RA-12 D73.BH18 ZONE.
2019-22	April 17, 2019	To remove the Holding “H” Symbol from 978 Sumac Lane.
2019-54	July 10, 2019	To remove the Holding “H” Symbol from parts of the lands at 16821 Highway 12.
2019-61	August 14, 2019	To rezone part of the lands at 640 Bayport Boulevard from Residential Townhouse and Residential Apartment (RT-H & RA-H), Residential Apartment (RA-H D121.BH30), Open Space (OS), and Open Space (OS-5) to Residential – R4 Exception (R4-5-H), Residential - R4 Exception (R4-6-H), Residential Townhouse Exception (RT-23-H), Residential Townhouse Exception (RT-24-H), Residential Townhouse Exception (RT-25-H), Residential Apartment Exception (RA-13-H D121.BH37.5), and Open Space (OS).
2019-58	August 14, 2019	To remove Holding “H” Symbol from 710 Balm Beach Road.



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By-law No.	Date of Passing	Purpose
2019-72	October 2, 2019	To rezone the lands at 219 Queen Street from the RESIDENTIAL ZONE – R2 to the RESIDENTIAL -R4 EXCEPTION ZONE – R4-7(H). To add “Dwelling, Fourplex” as a new definition.
2019-65	October 2, 2019	To rezone the lands located at 16928 Highway 12 from Industrial Zone-M1-H to Industrial Zone Exception Zone- M1-3 and to remove the holding symbol.
2019-73	October 2, 2019	Zoning By-law Housekeeping Amendment
2020-32	May 20, 2020	To rezone the lands at 319 Gervais Street from Residential Zone – R1-H to Residential Zone – R3, Residential Exception Zone – R3-14, Residential Exception Zone – R3-15, Residential Exception Zone – R3-16, Residential Exception Zone – R3-17, and Open Space Exception Zone – OS-10.
2020-43	August 12, 2020	To rezone the lands at 611 Midland Point Road from Rural Zone – RU to Residential Zone – R5 and to Environmental Protection Zone – EP.
2020-52	October 7, 2020	To rezone the lands at 743 Midland Point Road from Rural Zone – RU-H to Residential Zone – R5, Residential Exception Zone – R5-7, and Environmental Protection Zone – EP.
2020-64	November 18, 2020	To rezone the lands at 808 Birchwood Drive from Residential Zone – R2 to Residential Exception Zone – R3-18.
2021-12	March 17, 2021	To correct an administrative error by replacing “Transitional Housing” with “Supportive Housing” under Section 5.7.4.10 respecting 860 Yonge Street.
2021-16	April 21, 2021	To allow a Temporary Use to permit a “Child Care Centre” at 174 Pillsbury Drive for a period of 3 (three) years.
2021-41	September 15, 2021	To remove Holding “H” Symbol from 860 Yonge Street.
2021-53	December 8, 2021	To rezone the lands at 9457 County Road 93 from Highway Commercial Zone – HC to Highway Commercial Exception Zone – HC-11.
2022-37	June 15, 2022	To remove the Holding “H” Symbol from 517, 523, 529, 535, 541, 547, 553, 559, 565, 589, 595, 601, 607, and 613 Taylor Drive.
2023-30	May 24, 2023	To rezone the lands at 422, 424, 426 Yonge Street from Residential Zone – R2 to Residential Townhouse Exception Zone – RT-26.
2023-36	June 14, 2023	To remove Holding “H” Symbol from 219 Queen Street



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2023-41	June 14, 2023	To rezone the lands at 311 Second Street from Residential Zone – R4 to Residential Exception Zone – R4-8.
2023-55	October 18, 2023	To remove the Holding “H” Symbol from Phase 2 of the lands known as 640 Bayport Boulevard.
2024-1	January 10, 2024	To rezone the lands at 710 Balm Beach Road from Highway Commercial Zone – HC to Highway Commercial Exception Zone – HC-12.
2024-11	February 14, 2024	To rezone the lands at 1144 Hugel Avenue from Highway Commercial Zone – HC to Highway Commercial Exception Zone – HC-13.
2025-16	February 26, 2025	To rezone the lands at 16728 Highway 12 from Highway Commercial Zone – HC to Highway Commercial Exception Zone – HC-14 and to amend Section 2.0 Definitions to insert the term “Automotive Rental Agency”
2025-17	February 26, 2025	To remove Holding “H” Symbol from 233 Midland Point Road
2025-18	February 26, 2025	Zoning By-law Housekeeping Amendment

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SECTION 1 TITLE AND ADMINISTRATION

1.1 TITLE

This By-law may be cited as "The Zoning By-law of the Town of Midland."

1.2 DEFINED AREA

This By-law applies to all land and waters within the boundaries of the Town of Midland.

1.3 ZONE AND GENERAL PROVISIONS

The provisions of this By-law shall be held to be the "minimum" requirements except where the word "maximum" is used in which case the "maximum" requirement shall apply.

1.4 ADMINISTRATION

This By-law is to be administered by the Director of Planning and Development, or other such person designated by Council, and in the event of absence by such other employee of the Corporation, as Council designates from time to time.

1.5 PERMITS

No permit for the **use** of land or for the erection of any building or structure or approval of any municipal license within the jurisdiction of Council, shall be issued where a proposed **use**, building or structure, would be in violation of any provisions of the By-law.

1.6 CERTIFICATE OF OCCUPANCY

1.6.1 No **building** or **structure** which has been erected or altered is to be changed in **use**, in whole, or in part, until a Certificate of Occupancy has been issued by the Chief Building Official.

1.6.2 No permit for the **use** of any land, no building permit or other permit for the **use**, alteration or erection of any **building** or **structure**, no Certificate of Occupancy, and no approval of an application for any municipal license is to be issued or given where the **use**, **building** or **structure** is contrary to the provisions of this By-law except as may be provided for in Sections 3.6 and 3.7.

1.6.3 For the purpose of this paragraph "**use**" means **use** of the land, **building** or **structure**, as of the effective date of this By-law.

1.7 MEASUREMENT

- 1.7.1 The Metric system of measurement shall be the only standard to be applied in this By-law which is noted in metres as the preferred form of measurement. Parking and loading calculations resulting in a decimal will be rounded up to the nearest whole number.

1.8 ABBREVIATIONS

- 1.8.1 The following abbreviations, where used in this By-law, shall have the same meaning as if the word were printed in full:

d.u. - dwelling unit
ha - hectare
sq. m. - square metre
m - metre
min. - minimum
max. - maximum
GFA - gross floor area
C.G.S. - Canada Geodetic Survey Datum

1.9 TECHNICAL CHANGES

- 1.9.1 Revisions may be made to this By-law without the need for a Zoning By-law amendment in the following cases:

1.9.1.1 Corrections of grammar, spelling, punctuation or typographical errors or revisions to format in a manner that does not change the intent of a provision.

1.9.1.2 Adding or revising technical information on maps or schedules that does not change zone boundaries or affect the zoning of lands including, but not limited to, matters such as updating and correcting parcel fabric, infrastructure information, keys, labels, legends or title blocks.

1.9.1.3 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.

1.10 BOLDDED TERMS

- 1.10.1 Any **bold** term in the Zoning By-law is a defined term as per Section 2 of this Zoning By-law.

SECTION 2 DEFINITIONS

Accessory Building

Shall mean a dwelling unit which is incidental and subordinate to the permitted commercial use and is located in the same building or structure as the permitted commercial use.

Accessory Use

Shall mean a use normally incidental, subordinate, exclusively devoted to and located on the same lot as the principal use of land or building.

Additional Residential Unit

Shall mean a dwelling unit that is located within, attached to, or detached from the existing dwelling unit on a lot.

Adult Entertainment Parlour

Shall mean any premise or part thereof in which is provided, in pursuance of a trade, calling, business, or occupation, services designed to appeal to the erotic or sexual appetites or inclinations; of which a principal feature or characteristic is the nudity or partial nudity of any person, or in respect of the word “nude”, “naked,” “topless,” “bottomless,” “sexy,” or any other word or picture, symbol or representation having the meaning implication is used in any advertisement.

Adult Learning Centre

Shall mean a building or part of a building where individual and group teaching in reading, writing and spelling is provided to adults who are not otherwise engaged in formal study and may include instruction for those wishing to complete their Ontario Secondary School Diploma, prepare for post-secondary education, or gain job related training.

Ambulance Depot

Means a building designed for the storage and minor repair of specially designed and equipped motor vehicles used to transport sick or injured persons to hospital or other locations for medical care and may include accessory offices and staff rooms.

Animal Hospital

Shall mean a building where one or more licensed veterinarians and any associated staff provide medical, surgical, grooming, boarding or similar services on site solely for household pets, but does not include a kennel.

Apartment Building

Shall mean a building containing more than four dwelling units that share a common external access to the outside through a common vestibule and have a common corridor system.

Apartment Building, Mixed Use

Shall mean a building containing more than four dwelling units that share a common external access to the outside through a common vestibule and have a common corridor system. Residential uses shall not be located on the ground floor of an Apartment Building, Mixed Use.

Asphalt Batching Plant

Shall mean a building and equipment used for the manufacture of asphalt, macadam and other forms of coated road stone, sometimes collectively known as blacktop.

Auction Centre

Shall mean any building or structure or lands used for the temporary storage of goods and materials which are to be sold on the premises by public auction and for the sale of the said goods and materials by public auction and on an occasional basis. This does not include the one time auction of personal household goods or farm equipment of the property owner or legitimate tenant of the property.

Automobile Body Shop

Shall mean a building or structure used for the painting or repairing of motor vehicle bodies, but shall not include a motor vehicle wrecking yard or salvage yard.

Automobile Car Wash

Shall mean a building or structure containing facilities for washing motor vehicles for a fee.

Automobile Gas Bar

Shall mean a building or place where gasoline or other motor fuels and vehicle accessories may be kept for sale and for delivery directly into a motor vehicle, and the sale to the motoring public of goods usual to the trade are performed, but shall not include an Automobile Sales Agency. The sale of associated sundry items and the sale of prepared foods for consumption of the premises may be allowed in conjunction therewith.

Automobile Sales Agency

Shall mean a building and/or lot used for the display and sale of new and/or used motor vehicles including trucks and may include as an accessory use, the servicing, repairing, cleaning, polishing, greasing, body repairing and repainting of motor vehicles, the sale of automobile accessories and related products, and the leasing or renting of motor vehicles.

Automobile Service Station

Shall mean a building or place where gasoline or other motor fuels and vehicle accessories may be kept for sale and for delivery directly into a motor vehicle, and may also include a building or place where running repairs essential to the operation of motor vehicles and the sale to the motoring public of goods usual to the trade are performed, but shall not include an Automobile Sales Agency or Salvage Yard.

Automotive Rental Agency

Shall mean a building and/or lot where utility trailers, motor vehicles and/or commercial motor vehicles (excluding dump trucks, ambulances, hearses, fire apparatus, buses, road building equipment, and tractors used for the hauling purposes on highways) are stored, leased and/or rented to the travelling public.

Bakery

Shall mean a building for producing, mixing, compounding or baking bread, biscuits, cakes, pies and any other bakery product of which flour or meal is the principal ingredient and includes a shop where the products of the bakery are sold or offered for sale.

Balcony

Shall mean a structure attached to or projecting from a permitted use, cantilevered or supported by columns or brackets and usually surrounded by a balustrade or railing, that is located at a height greater than the bottom of the first floor ceiling joists and does not provide direct access to grade via a staircase.

Band Shell

Shall mean an outdoor performing structure open on three sides typically used by bands and orchestras for public concerts. The roof and the one wall of the band shell protect musicians from the elements and reflect sound through the open sides and out towards the audience.

Banquet Hall

Shall mean a building or part of a building used for the purposes of catering to banquets, weddings, receptions or similar functions for which food and beverages are served on the premises. Full service or a serving kitchen may be provided on the premises.

Basement

Shall mean a storey or storeys of a building located below the main floor and, for the purpose of this By-law, the main floor is defined as the floor of a building at or immediately above the established grade.

Bed and Breakfast Establishment

Shall mean a detached dwelling in which guest rooms are provided for hire or pay, with or without meals, for the travelling or vacationing public, but does not include a Hotel or Motel.

Block

Shall mean the blocks as shown on approved Draft Plan of Subdivision 43T-95021 (Hanson).

Boathouse

Shall mean a building or structure or part thereof used for the storage of private boats and equipment accessory to their use.

Boat Dock

Shall mean a structure for the mooring of boats or other marine vessels attached to or anchored at the mainland and used in conjunction with a permitted use on the mainland.

Boat Launch

Shall mean a ramp on the shore by which boats or other marine vessels can be moved to and from the water and may include parking areas for motor vehicles and boat trailers.

Boat Slip

Shall mean a single mooring space for a boat or other marine vessel formed by a dock, boathouse or other mooring facility.

Boat Storage Facility

Shall mean a building or structure that is specifically designed for the storage of boats and other marine watercraft.

Builder's Supply Outlet

Shall mean a building and/or lot used for the display and sale of materials and tools used in the construction, maintenance and repair of a building or dwelling and may include a landscaping or nursery component and other household accessory products and materials.

Building

Shall mean a structure used, whether temporary or permanent, for the shelter or accommodation of persons, animals, goods or chattels or equipment, having a roof which is supported by columns or walls and including any tents, awnings and carports.

Bulk Aggregate Storage and Processing

Shall mean lands used for the bulk storage of stone, sand or other aggregate materials and buildings where the aggregate materials are further processed and may include accessory office space and facilities for the loading and unloading of the aggregate and processed materials.

Bus Passenger Depot

Shall mean a building for the transient housing and parking of commercial bus vehicles and for the pick up and discharge fare-paying passengers and may include associated uses such as ticket offices, luggage checking facilities and similar and related uses.

Business or Professional Office

Shall mean a building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally

qualified persons and their staff serve clients or patients who seek advice, consultation or treatment and shall include the administrative office for a non-profit or charitable organization, a branch office for a bank, trust company or other financial institution.

Campground

Shall mean a lot, managed as a unit, providing short-term accommodation for tents, tent trailers, trailers, motor homes, cabins, recreational vehicles or campers.

Catering Establishment

Shall mean an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out, but does not include any type of Eating Establishment.

Cemetery

Shall mean a cemetery, ossuary or columbarium within the meaning of the *Cemeteries Act* of Ontario, R.S.O. 1990, as amended and may include a chapel and/or accessory vault.

Child Care Centre

Shall mean “child care centre” as defined and regulated by the *Child Care and Early Years Act*, as amended or replaced, but shall not include Home Child Care.

Clinic

Shall mean a building, or part thereof, used by one or more qualified medical practitioners, dentists, osteopaths or other drugless practitioners, for public or private medical, surgical, physiotherapeutic or human health purposes and may include a pharmaceutical dispensary.

Club, Private

Shall mean the premises owned or occupied by the members of such an association within which the activities of the members are conducted and may be used by an organization or association of persons, whether incorporated or not, united with some common interest in undertaking or supporting social, cultural and recreational programs.

Commercial Entertainment Establishment

Shall mean a building or part of a building which includes a motion picture or other theatre, arena, auditorium, public hall, billiard or pool rooms, bowling alley, indoor golf, ice, in-line or roller skating rink, and all places of amusement but shall not include a drive-in theatre.

Commercial School

Shall mean a building or part of a building used as a school conducted for gain or profit, including a studio of a dancing teacher or a music teacher, an art school, a golf school, business or trade school and any other such specialized school.

Commercial/Industrial School

Shall mean a school conducted for hire or gain such as a studio of dancing, art school, drama school or callisthenics, business or trade school or any other specialized school, but shall not include a private academic, religious or philanthropic school.

Community Centre

Shall mean any tract of land, or building or buildings or any part of any buildings used for community activities, including recreational and institutional uses, with commercial uses incidental thereto, and the control of which is vested in the municipality, local board or agent thereof.

Concrete Mixing Plant

Shall mean a building and equipment that combines the various ingredients to form concrete and may include mixers (either tilt-up or horizontal or in some cases both), cement batchers, aggregate batchers, conveyors, radial stackers, aggregate bins, cement bins, heaters, chillers, cement silos, batch plant controls, and dust collectors.

Conference Centre

Shall mean a formal meeting area comprised of meeting rooms, banquet facilities and/or lodging for groups of civic, professional, educational, political, religious or social purposes.

Conservation Use

Shall mean a use which preserves, protects or improves any feature of the natural environment through a program of maintenance and management administered by a public authority, private groups or individuals.

Construction Equipment Rental Business

Shall mean lands and building where construction equipment is stored, repaired and offered for sale and rent to the general public.

Contractors Shop

Shall mean lands and buildings used for any building trade or general contractor, where equipment and materials are stored, or where a contractor performs shop or assembly work, but does not include any establishment defined or classified herein.

Convenience Retail Store

Shall mean a retail commercial establishment which deals primarily in goods such as food, beverages, sundries, tobacco products, periodicals and household supplies, required by the inhabitants of nearby residential areas to meet their day to day or occasional needs.

Corporation

Shall mean the Corporation of the Town of Midland.

Council

Shall mean the Council of the Corporation of the Town of Midland.

County

Shall mean the Corporation of the County of Simcoe.

Court House

Shall mean a building or part of a building used as a formal meeting area for the hearing of judicial cases and comprised of courtrooms, waiting areas, interview rooms, holding areas and associated office uses.

Covered Parking Structure

Shall mean a structure that contains parking spaces and aisles used for the parking of motor vehicles. Parking structures may include driveways, stairwells and ramps for pedestrian and motor vehicle access.

Crisis Care Facility

Shall mean a building or structure containing facilities for the care and short term housing of abused persons and their children in need of shelter or support, facilities for counselling for such persons and children, appropriate indoor and outdoor living and recreational amenities and office administration facilities. The Crisis Care Facility is licensed or approved under Provincial Statutes in compliance with other municipal By-laws.

Data Processing Centre

Shall mean a premise for the processing or conversion of data by a computer and may include a series of operations on the data in order to retrieve or transform or classify information to be sold or offered for sale.

Deck

Shall mean a structure abutting or attached to a building or structure with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above grade for non-habitable use and may have direct access via a staircase to grade.

Detached Dwelling Unit with Professional Office

Shall mean a single detached dwelling unit, structurally built to be independent of any other dwelling units, and may contain one (1) Professional Office as defined by this by-law on the ground floor.

Drive-In Theatre

Shall mean a lot which is used commercially for the purpose of showing motion pictures which are viewed by patrons from the confines of motor vehicles. Accessory uses include a snack bar, projector building and ticket office.

Drive Through Facility

Shall mean premises used to provide or dispense products or services, through an attendant, or window or an automated machine, to persons remaining in vehicles that are in a designated stacking aisle.

Driveway

Shall mean area of land which provides vehicular access from a street to a parking aisle or space located on the same lot.

Dry Cleaning Establishment

Shall mean a building where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and in which only non-flammable solvents are or can be used which emit no odours or fumes and in which no noise or vibration causes a nuisance or inconvenience.

Dry Cleaning Depot

Shall mean a building where items are dropped off or picked up for dry cleaning, laundering, or mending, but shall not include any on-site dry cleaning, treatment, dry dyeing or pressing.

Dwelling

Shall mean a building, occupied or capable of being occupied as a home, residence or sleeping place by one or more persons.

Dwelling Unit

Shall mean one or more habitable rooms that may be used as a single independent housekeeping unit or permanent residence having cooking and sanitary facilities. This definition shall not include a motor home or a travel trailer or any commercial accommodation.

Dwelling Unit, Accessory

Shall mean a dwelling unit which is incidental and subordinate to the permitted commercial use and is located in the same building or structure as the permitted commercial use.

Dwelling, Apartment Building

Shall mean a dwelling in a building divided vertically and/or horizontally and containing five or more dwelling units.

Dwelling Unit, Detached

Shall mean a single dwelling unit in one building, structurally built to be independent of any other dwelling units.

Dwelling, Duplex

Shall mean a building that is used for the purpose of two principal dwelling units that are divided horizontally, located fully above grade, each with an independent access or through a common vestibule.

Dwelling, Fourplex

Shall mean a building that is divided both horizontally and vertically into four dwelling units each with independent entrance, either directly or through a common vestibule

Dwelling, Semi-Detached

Shall mean a building on a single foundation divided vertically into two dwelling units and above grade, may be either physically separated or separated by a common wall.

Dwelling, Street Townhouse

Shall mean a dwelling in a row of dwelling units which may or may not share common walls but which are attached through a common foundation. Each dwelling unit has a separate entrance at grade. The units shall have frontage on a public street and may be freehold tenure.

Dwelling, Triplex

Shall mean a single residential building on a lot that is used for the purpose of three dwelling units, internally divided horizontally or vertically, or a combination therein, accessed from an independent entrance or a common vestibule.

Dwelling, Townhouse

Shall mean a dwelling unit in a building divided vertically into three and not more than eight dwelling units, where each unit is separated vertically from any other unit in the building and where each dwelling unit has a separate entrance at grade. The units will front onto a private road and may be condominium tenure.

Eating Establishment

Shall mean a building or part of a building where food is offered for sale or sold to the public for consumption therein. A drive-through food dispensary may be permitted as a principal or as an accessory use.

Erect

Shall mean to build, construct, reconstruct or relocate and, without limiting the generality of the foregoing also includes:

- (a) any preliminary physical operation, such as excavation, filling or draining, preparatory to any building or construction;
- (b) altering any existing building or structure by an addition, enlargement, extension or other structural change; and

(c) any work which requires a building permit under the Ontario Building Code.

Emergency Housing Shelter

Shall mean a building or structure containing facilities to provide board, lodging and personal needs to people in crisis seeking temporary housing and supports on a short term infrequent basis. An Emergency Housing Shelter may also include facilities for counselling such persons, appropriate indoor living and recreational amenities and office administration facilities. The Emergency Housing Shelter is to be licensed by the County of Simcoe in accordance with Ontario Statutes/Regulations and shall operate in compliance with all applicable Municipal by-laws.

Existing

Shall mean existing on the date this By-law has come into effect.

Factory Outlet

Shall mean a building or part of a building where the products manufactured by an industry, located on the same lot, are kept for wholesale or retail sale, and which does not exceed fifteen percent of the gross floor area of the building within which the industry is located.

Farm

Shall mean farming or agricultural use and includes apiaries, aviaries, berry or bush crops, breeding, raising, training or boarding of horses or cattle, commercial greenhouses, federally licensed cannabis cultivation and processing facility, farms devoted to the hatching, raising and marketing of chickens, turkeys or other fowl or game birds, animals, fish or frogs, farms for grazing, flower gardening, field crops, goat or cattle dairies, growing, raising, picking, treating and storage of vegetables and fruit produced on the premises, nurseries, orchards, riding stables, the raising of sheep or goats, the raising of swine, tree crops, market gardening, bee keeping, wood lots, such uses or enterprises as are customarily carried on in the field of general agriculture not including specialized farms. Farm includes a detached dwelling unit and such principal or main buildings and structures as a barn or silo, as well as accessory buildings and structures that are incidental to the operation of the farm as well as a seasonal fruit, vegetable, flower or farm produce sales outlet in association with a farm.

Financial Institution

Shall mean a building or part of a building in which financial services are offered to the public and includes a bank, credit union, trust company, savings office or any other retail banking operation.

Fire Station

Shall mean a building or structure designed for the storage of firefighting apparatus including fire engines and related vehicles, personal protective equipment, fire hose, fire extinguishers, and other fire extinguishing equipment and may also include offices, dormitory living facilities and work areas such as meeting rooms, workshop, or laundry.

Fitness Club

Shall mean a place of business with equipment and facilities for exercising and improving physical fitness and other related recreational athletic activities and may include related facilities such as a lounge, office space and accessory retail shop.

Floor Area, Gross

Shall mean the sum of the horizontal areas of the floors of a building, including the basement, measured between the exterior faces of the exterior walls or from the centre line of any common or party wall, with a floor to ceiling height of at least 1.95 metres. Floor Area does not include stairs, landings, cold cellars, attics, private garages, breezeways, porches, verandas, balconies or similar appurtenant structures.

Floor Area, Total

Shall mean the sum of the floor area of each storey of a building, measured from the exterior faces of the exterior walls or from the centerline of a common wall separating two buildings.

Floor Space Index

Shall mean an index that, when multiplied by the total land area of a lot, indicates the maximum permissible gross floor area for all buildings on the lot, excluding underground or covered parking structures and floor space located in the basement.

Florist

Shall mean a retail store where plants and flowers, along with associated accessory items, are offered for sale and such use may include the incidental raising and arranging of flowers and plants for sale in the store.

Food Processing Plant

Shall mean a commercial operation that manufactures, packages, labels or stores food for human consumption but does not sell or offer for sale food directly to a general public.

Fueling Facility

Shall mean a facility including gas pumps and related equipment for the fueling of boats and marine vessels docked in a commercial marina.

Funeral Home

Shall mean a building used for furnishing funeral supplies and services to the general public and includes facilities intended for the preparation of the human body for internment and may include a chapel.

Garage, Attached

Shall mean a private garage accessory to a dwelling in a Residential or Rural Zone on the same lot and attached thereto by a common wall and/or common roof structure; provided, however, for the purposes of determining line of setback and side yard, an attached garage will be considered part of the main building. Also for the purposes of

this definition, a wall or roof between a house and attached garage may be considered common as long as a minimum of forty percent (40%) of the length of the garage wall or roof is common with the dwelling wall or roof.

Garage, Detached

Shall mean a detached accessory building for the purposes of parking and storage of vehicles and other incidental uses in a Residential or Rural Zone.

Garden and Nursery Supply Outlet

Shall mean a building, structure or lot for the growing or displaying of flowers, fruits, vegetables, plants, shrubs, trees or other vegetation which is sold to the public at retail and shall also include the sale or rental of such goods, products or equipment normally associated with gardening or landscaping.

Golf Course

Shall mean a public or private area operated for the purpose of playing golf, and includes a club house, restaurant, banquet hall and recreational facilities, accessory driving ranges, pro-shop and miniature golf courses and accessory uses.

Golf Driving Range

Shall mean an open air recreation facility where the sport of golf is practiced from individual tees and which may include accessory structures to house the tees, a kiosk for golf balls and golf club rentals, a structure from which the golfers tee off, mini-golf and other recreational pursuits.

Grade, Finished

Shall mean the average elevation of the finished surface of the ground at the centre of all walls of a building or structure or of the main front wall of the building or structure exclusive of any embankment in the lieu of steps.

Group Home

Shall mean a single housekeeping unit in a residential dwelling in which not less than three (3) to not more than ten (10) unrelated residents, excluding staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under Provincial statute in compliance with other municipal by-laws.

Habitable

Shall mean a building or part of a building that is designed and used or intended to be used for living, sleeping, and eating or food preparation.

Habitable Room

Shall mean a room in a dwelling used or intended to be used primarily for human occupancy and shall include any room designed for living, sleeping, eating or preparing food, including a den, library, sewing room or enclosed sunroom.

Health Care Practitioner

Shall mean a physiotherapist, massage therapist and/or a mid-wife.

Height, Building

Shall mean the vertical distance measured from the finished grade level to:

- a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is greater; and,
- b) in the case of a pitched roof, a point midway between the eaves and the ridge.

Home Child Care

Shall mean “home child care” as defined and regulated by the *Child Care and Early Years Act*, as amended or replaced.

Home Occupation

Shall mean a business conducted within a dwelling unit and/or within an accessory building on the same lot and functions as an accessory use to the dwelling unit.

Hospital

Shall mean a hospital as defined by the *Private Hospitals Act*, R.S.O. 1990, a Sanatorium as defined by the *Private Sanatoria Act*, R.S.O. 1990, or a hospital as defined by the *Public Hospitals Act*, R.S.O. 1990, as amended from time to time.

Hotel

Shall mean one or more buildings used mainly for the purposes of catering to the needs of the travelling public by supplying an eating establishment, conference and athletic facilities and furnished overnight accommodations and includes all premises licensed under the *Liquor License Act*, but does not include any other establishment defined or classified in this By-law.

Indoor Athletic Courts

Shall mean a building or part of a building containing hard surfaced playing areas for the playing of athletic games such as tennis, squash, racquetball, basketball, volleyball and similar court games.

Indoor Recreational Facility

Shall mean a building, structure or part thereof, designed and equipped to be used for athletic and leisure activities and may include such facilities as a fitness centre, racquet club, billiard hall, bowling alley, arena, curling rink, indoor facility used for golf, baseball or soccer, indoor playground.

Kennel

Shall mean a place, whether enclosed or not, where dogs or cats are kept for purposes of breeding, boarding for commercial purposes.

Kiosk/Tuck Shop

Shall mean a retail store in which limited food and sundries are sold.

Laboratory

Means a facility that provides controlled conditions utilizing specialized processes or equipment in which research, experiments, and measurement may be performed.

Lane

Shall mean a public right-of-way which affords a secondary means of access to the lot abutting thereon, but which is not intended for general traffic circulation.

Landscaping

Shall mean the combination of trees, flowers, shrubs, grass or other horticultural elements together with decorative stone work, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent lands.

Landscaped Open Space

Shall mean the open, unobstructed space at grade on a lot, accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping and including any surfaced walk, patio, or similar area, but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area, or any open space beneath or within any building or structure.

Laundromat

Shall mean a building where coin-operated washing and drying machines, using only water, detergents and additives are utilized and which emit no odour or fumes, noise or vibration which may cause a nuisance or inconvenience and shall include a self-service laundry or a business where only washing or ironing is done.

Library

Shall mean a building, structure or part thereof, operated by or on behalf of a public authority, containing materials in various mediums for study, reference and reading.

Liquor or Beer Store

Shall mean a retail store that sells alcoholic beverages, including liquor and/or beer, for consumption elsewhere.

Loading Space

Shall mean an unencumbered area of land which is provided and maintained on the same lot upon which the principal use is located and which area is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle.

Lot

Shall mean a parcel or tract of land which:

- a) is a whole lot as shown on a registered plan of subdivision, but a registered plan of subdivision for the purpose of this paragraph does not include a registered plan of subdivision deemed not to be a plan of subdivision under a By-law passed pursuant to the *Planning Act*, R.S.O. 1990, as amended from time to time, or
- b) the description of which is the same as in a Deed which has been given consent pursuant to the *Planning Act*, R.S.O. 1990, as amended from time to time, or
- c) is the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to the *Planning Act*, R.S.O. 1990, as amended from time to time.

For the purpose of this definition, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or had been conveyed to or acquired by the Corporation, the County of Simcoe, Her Majesty the Queen in Right of Ontario or Her Majesty the Queen in Right of Canada.

Lot Area

Shall mean the total horizontal area within the lot lines of a lot, including the horizontal area of such lot covered by water, or marsh or between the rim of the banks of a river or watercourse, provided that only the lot area lying within the zone in which a proposed use is permitted may be used in calculating the minimum lot area under the provisions of this By-law for such permitted use.

Lot, Corner

Shall mean a lot situated at the intersection of two or more streets or lanes, or a lot abutting on one or more parts of the same street, in which an interior angle of less than one hundred and thirty-five (135) degrees is contained, between the front and side lot lines abutted by the said street or streets.

Lot Coverage

Shall mean the calculated percentage of the lot area covered by main and accessory buildings or structures and at-grade decks; excluding parking areas, driveways, balconies, landscaping elements and swimming pools.

Lot Depth

Shall mean the horizontal distance between the front and rear lot lines but where the front and rear lot lines are not parallel, the lot depth is the length of a line joining the mid points of such lines. In the case of a four-sided lot where the front and rear lot lines are not parallel, the distance measured along each side lot line being 25% of the lot depth and extending the lines parallel to the adjacent rear lot line until their point of intersection. If there is no rear lot line, lot depth shall mean the length of a street line

joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

Lot Frontage

Shall mean the horizontal distance between the side lot lines measured along the front lot line but where the front lot line is not a straight line, or where the side lot lines are not parallel, the frontage is to be measured on a line 7.5 metres back from and parallel to the chord of the frontage and, for the purpose of this paragraph, the chord of the frontage is a straight line joining the two points where the side lot lines intersect the front lot lines.

Lot, Interior

Shall mean a lot other than a corner lot.

Lot Line

Shall mean any boundary of a lot.

Lot Line, Front

Shall mean the lot line that abuts the street, but

- a) in the case of a corner lot or through lot the shorter lot line that abuts a street shall be deemed to be the front lot line and the longer lot line that abuts a street shall be deemed the side lot line, but
- b) in the case of a corner lot or through lot with two lot lines of equal length abutting streets, the lot line that abuts the wider street shall be deemed to be the front lot line and if both streets are the same width, the Owner of such corner lot may designate either street as the front lot line.
- c) in the case of a waterfront lot with access from a private road, the lot line that abuts the private road shall be deemed front lot line, unless the lot is bisected by the private road, in which case the Front Lot Line shall be the lot line furthest away from the shoreline.

Lot Line, Exterior

Shall mean a lot line of greatest length which abuts the street on a corner lot.

Lot Line, Rear

Shall mean the lot line farthest from, or opposite to, the front lot line. In the case of a lot having five or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has fewer than four lot lines, the rear lot line shall be deemed to be the apex formed by the side of the lot line.

Lot Line, Side

Shall mean a lot line other than a front or rear lot line.

Lot, Through

Shall mean a lot, other than a corner lot, having separate frontages on two municipal streets, however, if any lot qualifies as being a “corner lot” and a “through lot” as defined, such lot shall be deemed to be a corner lot.

Lumber Mill

Shall mean a building, structure or area where timber is cut, sawed or milled, and temporarily stored either to finish lumber or as an intermediary step and may include facilities for kiln drying of lumber and may or may not include the distribution of such products on a wholesale or retail basis.

Main Building

Shall mean the building in which is carried on the principal use for which the lot is used.

Maintenance Agreement

Shall be defined as a reciprocal agreement between abutting land owners whereby each agrees to permit the other to enter upon their respective side yards to carry out any and all necessary maintenance and repairs to their respective buildings and to facilitate such agreement and undertake to keep the side yard free of all obstructions.

Manufacturing Facility

Shall mean a building, structure or part thereof, used for altering, assembling, fabricating, finishing, inspecting, making, processing, producing, treating or repairing, items either by hand or through the use of machinery and may include the temporary on-site storage of commercial motor vehicles (ie. trucks, tractors and/or trailers) for freight handling including the pick-up, delivery and transitory storage of goods incidental to motor freight shipment directly related to the permitted use(s) and may also included accessory offices.

Marina

Shall mean a site containing docking facilities and located on a navigable waterway, where boats, personal watercraft and accessories thereto are stored, serviced, repaired or kept for sale or hire and where facilities for “grey” and “black water” pump outs, sale of fuels and lubricants may be provided. Accessory uses such as laundry, washroom and shower facilities associated with the marina use are permitted.

Marina, Dry Land

Shall mean a site where boats and boat accessories are stored, serviced, repaired or kept for sale or hire.

Medical Laboratory

Shall mean a building or part of a building where scientific tests are done on clinical specimens in order to get information about the health of a patient as pertaining to the diagnosis, treatment, and prevention of disease.

Medical Practitioner

Shall mean a doctor, dentist, denturist, ophthalmologist, chiropractor, chiropodist, optometrist, psychologist or psychiatrist being licensed to practise in Ontario, but shall not include a veterinarian.

Microbrewery

Shall mean a facility licensed under the *Liquor Licence Act* (or its replacement) and used for the manufacture and retail sale of beer, cider, wine or spirits, produced exclusively for consumption on or off site and may operate in combination with a restaurant

Mobile Fast Food Facility

Shall mean a trailer or vehicle which has been modified, in accordance with the requirements of the Simcoe County District Health Unit or appropriate health authority, for the purposes of the preparation and sale of fast foods.

Mobile Home

Shall mean a dwelling unit which is designed to be made mobile, and is constructed or manufactured in accordance with the Ontario Building Code as amended, to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer otherwise designed.

Mobile Home Park

Shall mean a parcel of land under single ownership or condominium which has been planned and improved for the placement of mobile homes for non-transient uses together with ancillary facilities to which the following specific definitions shall apply:

- a) **Accessory Buildings** shall mean a separate building or structure, normally incidental, subordinate, exclusively devoted to and located on the same Mobile Home Site as the principal use and may include a garage for the sheltering of a private motor vehicle and the storage of household equipment incidental to the residential occupancy, but shall not include a building or structure used for human habitation or as a facility used for remuneration or commercial uses.
- b) **Administration Office** shall mean a building or structure or part thereof where the daily administration, including the rental of Mobile Home Sites and the sales of Mobile Homes, within the Mobile Home Park is conducted.
- c) **Mobile Home Site** shall mean an area of land within a Mobile Home Park intended to be occupied by only one Mobile Home.
- d) **Recreational Building** shall mean a building or structure, not a Mobile Home, which shall be used for recreational purposes such as, and not limited to indoor racquet courts, games room, pool facilities, weight and whirlpool/sauna room and changing facilities.
- e) **Retail Store** shall mean a building or structure or part thereof in which goods, wares,

merchandise, substances, articles or things are offered or kept for retail sale, and may include an area for a laundromat.

- f) Service Depot shall mean a building or structure or part thereof, not a Mobile Home, which shall be used for the storage and maintenance of grounds keeping equipment for the Mobile Home Park and may also include an area of the building or structure to be used as an Administration Office.
- g) Storage Compound shall mean a maximum area of 1,858 m² within the Mobile Home Park where items such as recreational vehicles, snowmobiles and boats may be stored and shall be surrounded by a 2.0 metre high solid fence.

Model Home

Shall mean a "display" version of manufactured homes or houses within a Draft Plan of Subdivision that are used to show the living space and features of different models of homes available to the consumer.

Motel

Shall mean a building containing therein, three or more guest rooms that may include culinary facilities and individual sanitary facilities for each guest room with a parking space on the lot for each lodging unit and having a separate entrance directly from outside the building together with an office serving the patrons of the tourist establishment. Accessory uses may include accommodation for permanent staff and one or more beverage rooms, dining rooms, meeting rooms or similar uses. No guest room within the establishment shall be occupied by the same guest for a period of time exceeding thirty-one (31) consecutive days.

Motor Home

Shall mean a self-propelled vehicle capable of being used for the temporary living, sleeping, eating or the accommodation of persons.

Motor Vehicle

Shall mean a vehicle designed to transport people, goods or objects, and without limiting the generality of the foregoing, shall include automobiles, motorcycles, trucks, buses, and recreation oriented vehicles such as snowmobiles, all terrain vehicles and boats within the meaning of the *Highway Traffic Act*, R.S.O. 1990, as amended.

Motor Vehicle, Commercial

Shall mean any motor vehicle having been designed and/or used in conducting a commercial business or operation and without limiting the generality of the foregoing includes: delivery trucks, commercial vans, dump trucks, ambulances, hearses, fire apparatus, buses, road building equipment, and tractors used for hauling purposes on highways.

Motor Vehicle Repair Shop

Shall mean a building or structure other than a private garage where motor vehicles are repaired, parked or stored for remuneration, kept for hire or sale, service, and where gasoline, lubricants, and automobile parts and accessories are kept for sale, but does not include the repair of motor vehicle bodies.

Motor Vehicle, Unlicensed

Shall mean a motor vehicle which is unregistered for the current year under the *Highway Traffic Act*, R.S.O. 1990, as amended.

Movie and Video Rental Store

Shall mean a building where movies, digital videodiscs, videocassettes, computer or video games are offered for sale, trade or rent.

Multi Occupancy Industrial Building

Shall mean a building located within an industrial zone wherein a combination of two or more industrial tenants occupying separate floor space areas and where no individual occupant is identifiable as a dominant occupant of the building.

Museum

Shall mean a building used for the preservation of a collection of paintings and/or other works of art and/or objects of natural or human history and/or mechanical scientific and/or philosophical inventions, instruments, models and/or designs and which may also include a library, reading rooms, laboratories and accessory offices.

Non-Complying

Shall mean that the building or structure does not meet the setback, yard or other provisions or requirements contained herein for the zone in which the building or structure is located, as of the date of passing of this By-law.

Non-Conforming Use

Shall mean that permitted use, building or structure for a purpose which is not included with the permitted uses herein for the zone in which such land, building or structure is located, as of the date of passing of this By-law.

Noxious Use

Shall mean when used with reference to any use or activity in respect of any land, building or structure or a use or activity which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason or destructive gases or fumes, dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious as regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use or activity in respect to any land, building or structure.

Nursing Home

Shall mean a building in which the proprietor supplies for hire or gain, lodging with meals and, in addition, provides nursing, medical or similar care and treatment.

Operations Centre

Shall mean any land, building or structure primarily used for the maintenance, repair, and storage of equipment, vehicles and other goods and materials used by, or on behalf of, the Town of Midland, Province of Ontario or Government of Canada in the delivery of its services, and may include professional offices, repair garage, vehicle and equipment depot, or storage facilities used in connection with operations such as transportation uses and parks.

Outdoor Athletic Courts

Shall mean hard surfaced playing areas for the playing of athletic games such as tennis, basketball and similar court games and may be made of asphalt, blacktop or concrete or similar surfaces.

Outdoor Display and Sales Area

Shall mean an area set aside outside a building or structure, used in conjunction with a business located within the building or structure on the same lot for the display or sale of products.

Outdoor Recreational Facility

Shall mean an outdoor playing area specifically designed to be used for athletic and leisure activities.

Park, Private

Shall mean a park other than a public park.

Park, Public

Shall mean a recreational area owned or controlled by the Corporation or by a Board, Commission or other Authority established under any statute of the Province of Ontario.

Parking

Shall mean an area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principal use is located for the purpose of the temporary parking of motor vehicles.

Parking Area

Shall mean an open area of land not located on a public street, private street or lane which is used for the parking of four or more motor vehicles, but shall not include any area where motor vehicles for sale or repair are kept or stored.

Parking Space

Shall mean a space, exclusive of driveways, ramps or columns, to park one motor vehicle for purposes other than the display or offering for sale of commodities.

Pergola

Shall mean a horizontal trellis or framework supported on posts that support cross-beams and may include an open lattice and that may or may not be attached to a building or structure.

Person

Shall mean an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and the heirs, executors or legal representatives of the person to whom the context can apply according to law.

Personal Service Establishment

Shall mean a building or part of a building wherein services are provided to the public such as barbershops, hairdressing establishments, beauty salons and shoe repair shops including accessory uses.

Pharmacy

Shall mean a retail establishment where prescription and non-prescription drugs are dispensed and sold and may include additional and ancillary sales.

Pit or Quarry

Shall mean any pit or quarry as defined under the *Aggregate Resources Act* or any excavation made for the purpose of searching for, or the removal of any soil, earth, clay, marl, sand, gravel or rock for commercial purposes and licensed under the *Aggregate Resources Act*, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation, an excavation incidental to the construction of any public works, way side pit or a stump dump.

Place of Assembly

Shall mean a building, or part thereof, and its appurtenant land or part thereof, used for activities shared in by the general public whether operated by the Corporation or other public authority or by a group of persons or service club and, without limiting the generality of the following, shall include such activities as the arts, crafts, recreational, physical, social, political, theatrical, religious, charitable and educational activities and uses associated thereto and the administration of such. Wholesale and/or retail commercial vendor activities and participation shall be strictly prohibited. Notwithstanding the foregoing, general consumer product information shows and exhibitions shall be permitted provided that they are conducted not more often than annually. Auction Sales shall also be permitted.

Place of Worship

Shall mean any building or buildings dedicated to religious worship and includes a church, synagogue, mosque, or assembly hall, and may include such accessory uses as a school of religious education, a convent, a monastery or parish hall.

Point of Intersection

Shall mean the point at which street lines abutting a corner lot intersect or, if the street lines do not intersect at a point, then the point of intersection shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents of the street lines.

Police Station

Shall mean a building or part thereof which serves to accommodate police officers and other members of staff containing offices and accommodation for personnel and vehicles, along with locker rooms, exercise room, temporary holding cells and interview/interrogation rooms.

Porch

Shall mean a structure used as an outdoor living area abutting or attached to a dwelling having a roof but with walls that are open and unenclosed to the extent of at least 50% thereof except for removable screens and storm sashes or awnings.

Post Office

Shall mean a building or part thereof that is capable of receiving and sending mail, and selling stamps. The building may be government or privately owned but must be operated by a government approved operator.

Post Secondary Education Facility and Campus

Shall mean a building, structure or part thereof, operated as a college, university or other educational institution which provides academic instruction in a full range of the subjects of study, including continuing education and any other educational activities.

Printing Establishment

Shall mean a building or part thereof that provides duplicating services using photocopy, blue print, or offset printing and similar equipment including the collating and binding of the printed materials.

Private Club

Shall mean a premises used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social or cultural purposes. This definition does not include uses that are normally carried out as a commercial enterprise.

Private Commercial Recreational Facility

Shall mean the use of land, building or structure by a private organization for gain or profit that has been designed and equipped for the conduct of sports and leisure activities such as a public hall, billiard or pool room, bowling alley, ice/curling or roller skating rink, miniature golf or driving range, an establishment offering three or more electronic video games for public use and other similar uses, but shall not include a Fitness Club, adult entertainment parlour, any use entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment

accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling use, or any other sports or leisure time use otherwise defined in this By-law.

Private Cultural Facility

Shall mean a building or structure operated by a private organization which may contain meeting rooms, kitchen and dining facilities, a religious sanctuary, and offices accessory to the cultural centre.

Private Materials Recovery and Reclamation Facility and Transfer Station

Shall mean a waste material recovery and reclamation facility that shall include a specialized building that receives, separates and prepares recyclable materials for marketing to end-user manufacturers for reuse and a transfer station which is used for the temporary storage of waste materials for shipment and reuse or disposal off-site. The operation may include both indoor storage and outdoor storage (in trailers/bins) of packaged and bailed material along with trucks and related equipment, as well as a weight scale and station and an accessory office building. A Private Materials Recovery and Reclamation Facility does not include the on-site disposal of waste materials and does not include the receipt, handling or treatment of liquid industrial or hazardous waste as defined by the Environmental Protection Act and/or its regulations.

Professional Office

Shall mean a building or part thereof designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or where not conducted on the site thereof the administration of an industry, but shall not include a retail use, manufacturing facility, or places of amusement or assembly. In the case of the "RO" Zone, shall mean a building, structure or part thereof, used for the practise of a profession including and limited to an Osteopath, Lawyer, Planner, Engineer, Architect, Land Surveyor, Accountant, Financial Planner, Insurance Agent, Medical Practitioner and a Health Care Practitioner that may include administrative and clerical functions.

Public Hall

Shall mean a portion of building that is used as a concert hall and other public assembly uses.

Public Swimming Beach

Shall mean an area of land along the shoreline of a body of water, usually consisting of loose particles such as sand, pebbles or cobblestones that is open to the general public for the purposes of swimming.

Public Use

Shall mean a building, structure or lot used for public services by the Corporation or the County, any Local Board of either the Corporation or the County, any Conservation Authority established by the Government of Ontario, any Ministry or Commission of the Government of Ontario or Canada, and any telephone, natural gas, hydro electric transmission or distribution or telecommunication company.

Public Walkway

Shall mean a path or trail that is designed to accommodate pedestrian traffic.

Public Washroom

Shall mean a public toilet facility which may include bathing facilities or showers, changing rooms and baby facilities.

Radio and Communication Use

Shall mean a building or part thereof that is used to operate a broadcasting or radio station licensed by the Canadian Radio-television and Telecommunications Commission.

Recreational Vehicle and Vessel Sales and Rental Agency

Shall mean a building and/or lot used for the display, sale or lease of recreational vehicles and vessels including boats and motors, personal watercraft, snowmobiles, bicycles, wind surfers, paddle boats and motorcycles and may include as an accessory use the service, repair and painting of same and the sale of accessory and related products.

Rent-All Shop

Shall mean a building or part of a building where residential, industrial and commercial equipment is kept for rental to the general public and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools.

Retail Store

Shall mean a building or part of a building in which goods, wares, merchandise, substances or articles are offered or kept for retail sale, but does not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

Retirement Home

Shall mean a residence providing accommodation primarily for private persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food is provided, and common lounges, recreation rooms and medical care facilities may be provided.

Riding Stable

Shall mean lands and buildings where horsemanship is taught and practiced and may include an indoor riding arena, outdoor riding arena, outdoor path areas and stables for the boarding, grooming, feeding, cleaning, shoeing and training of horses.

Salvage Yard

Shall mean an establishment where goods, wares, merchandise, articles or things are processed for further use, and where such goods, wares, merchandise, articles or

things are stored wholly or partly in the open and includes a junk or scrap metal yard and an automobile wrecking yard or premises.

School

Shall mean a school as defined by the *Education Act* under the jurisdiction of a public, separate, a college or university, or any other school whether or not the same is also a boarding school, and includes any dormitory building accessory to such school.

School, Private or Religious

Shall mean a school not under the jurisdiction of a Board as defined in the *Education Act*, as amended.

Sea Container

Shall mean a reusable shipping container originally designed for intermodal trans-shipments typically used in ocean and rail shipping and re-purposed as a building or structure subject to the provisions and regulations of this By-law.

Second Unit

Shall mean a self-contained second dwelling unit that is contained within a Detached Dwelling, Semi-Detached Dwelling, Street Townhouse Dwelling, Townhouse Dwelling or in an **Accessory Building** located on a Corner Lot, Through Lot, or a lot abutting a public Lane and located on the same lot as a Detached, Semi-Detached, Street Townhouse, or Townhouse Dwelling. A Second Unit must comply with Sub-Section 3.38 of this By-law.

Self Storage Units

Shall mean a building or structure comprised of individual storage facilities, available for rent by the public, for the storage of non-hazardous property, goods, materials or substances.

Senior Citizens' Home

Shall mean any residence accommodation for senior citizens sponsored and administered by any public agency or any service club, place of worship or other non-profit organization which may obtain its financing from Federal, Provincial or municipal governments or agencies, or by public subscription or donation, or by any combination thereof and such homes may include accessory uses such as recreational and lounge facilities usually associated with a senior citizens' development.

Service Shop

Shall mean a building or part thereof used primarily for the repair of household articles and shall include electronic equipment, household machinery and tools, and appliance repair shops, but shall not include industrial, manufacturing or motor vehicle repair shops.

Setback

Shall mean the shortest horizontal distance measured from and at right angles to the boundary lot line to the nearest part of any building or structure on the lot or any open storage use on the lot.

Setbacks, Front, Rear, Side Yard

Shall mean the shortest horizontal distance measured at right angles, between the foundation wall of the building or structure and the boundary of the parcel, lot or block of land.

Shared Accommodation Housing

Means a building,

- a) that has a height not exceeding three storeys and an area not exceeding 600m²,
- b) in which lodging is provided for more than four persons in return for remuneration or the provision of services or for both, and
- c) in which the rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual tenants.

Shopping Centre

Shall mean a group of commercial establishments designed, developed and owned as a unit, as opposed to a business area comprising of unrelated individual commercial establishments.

Sight Distance

Shall mean a length of distance measured along a street line from the point of intersection of two street lines.

Sight Triangle

Shall mean a triangular space, free of buildings, structures and obstructions other than those expressly permitted by this By-law, formed by the street lines abutting a corner lot and a third line drawn from a point on a street line to another point on a street line, each such point being the required sight distance from the point of intersection of the street lines.

Skateboard Facility

Shall mean a purpose-built recreational environment for skateboarders, rollerbladers and BMX riders to ride and develop their technique and may contain half-pipes, quarter pipes, handrails, funboxes, vert ramps, pyramids, banked ramps, full pipes, stairsets, and any number of other objects.

Snow Skiing Facility

Shall mean an area of land with slopes and trails used by persons who may or may not require a ski lift facility to ski, snow board, snow tube or undertake similar activities and which may include buildings or structures or parking and storage areas devoted to the maintenance and operation of the snow facility.

Specialty Food Store

Shall mean a store carrying a specific type or class of foods (to the exclusion of other types or classes) such as a bakery, butcher shop, delicatessen, fish shop, produce store, gourmet or cheese shop, frozen food store, or bulk food store.

Storey

Shall mean that portion of a building, other than an attic or a basement, included between any floor level and the floor, ceiling or roof next above it.

Street

Shall mean a highway as defined under the *Highway Traffic Act*, R.S.O., 1990, as amended, and the *Municipal Act*, S.O. 2001, as amended, from time to time and which has been assumed for a public use.

Street Line

Shall mean the limit of the street or road allowance, whether public or private, and the dividing line between a lot and a street.

Street, Private

Shall mean a road or right-of-way other than a public street which provides the primary means of access to a lot.

Structure

Shall mean anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by or incorporated within the soil and/or any other structure and, without limiting the generality of the foregoing, a swimming pool either above or below ground is a structure. A structure does not include pavements, curbs, walks, fences less than 2.0 metres in height or open air surfaced areas and for the purposes of this By-law shall not include a vehicle or trailer as defined in the *Highway Traffic Act*, R.S.O., as amended.

For further clarification, a noise attenuation barrier constructed between townhouse blocks, attaching fully across the interior side yard from unit-wall to unit-wall are deemed for the purposes of the Zoning By-law not to be a Structure.

Studio

Shall mean a building or structure or part thereof used as the workplace of a photographer or artist, or for the instruction of art, music, dance, languages or similar disciplines.

Supportive Housing

Shall mean rental housing units that are combined with case managed support services aimed at helping individuals and/or families to transition to long-term and permanent housing, self-sufficiency and independence. Supportive housing is usually longer term than transitional housing and service intensive and offers a range of support services including, but not limited to health and community support referrals, employment and

education services, health and mental health services, job and life skills training, and counselling and outreach services. Supportive Housing shall not include a facility that is licensed, funded or approved by the Province of Ontario or Federal Government for persons who have been placed on probation, who have been released on parole, who are admitted to the facility for correctional or rehabilitation purposes or who are awaiting trial or for the treatment and education of persons with alcohol or drug related problems and/or dependencies.

Tavern

Shall mean a building or part thereof where, in consideration of payment, liquor, beer, or wine, or any combination thereof, are served for consumption on the premises without food.

Taxi Stand

Shall mean a building or part of a building wherein a business office is contained for the administration and dispatching of taxi vehicles for gain or hire, but does not include the servicing or repair of such vehicles.

Temporary Building

Shall mean a building or structure intended for the removal or demolition within a prescribed time as set out in the building permit application.

Theatre

Shall mean a premises that is used for the showing of motion pictures or for dramatic, musical or live performances. For the purposes of this definition, an adult entertainment parlour is not considered to be a theatre.

Tow Truck Depot and Storage Yard

Shall mean land and building where vehicles used to transport motor vehicles to another location are stored and where the recovered motor vehicles are stored in an enclosed compound but shall not include any form of motor vehicle repairs.

Tourist Entertainment Park

Shall mean a commercial business operation for recreational and tourism destination purposes and may include providing elements, but not limited to, campground, outdoor recreational facilities, amphitheatre, art gallery, place of assembly, retail stores and interpretive display areas.

Trailer

Shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn by the said motor vehicle and capable of being used for living, sleeping or eating accommodation or the transport of a boat, tent or recreational or hobby vehicle notwithstanding that such vehicle may be jacked up or that its running gear may be removed. A trailer shall not be used as a principal residence and shall not include a mobile home.

Trailer, Utility

Shall mean any portable unit so constructed as to be suitable for attachment to a *motor vehicle* or a *commercial motor vehicle* and capable of being used for the transportation of goods and/or equipment, but does not include a *trailer*.

Training and Rehabilitation Centre

Shall mean a facility providing educational, pre-vocational, vocational and life-skill training to individuals.

Transitional Housing

Shall mean temporary or interim accommodation for homeless or at-risk of homelessness individuals and/or families that are combined with case managed support services, aimed at helping these individuals to transition to long-term and permanent housing, self-sufficiency and independence. Transitional housing is usually longer term and more service intensive than emergency shelter, and is time limited. It is not a facility for persons who have been placed on probation, who have been released on parole, who are admitted to the facility for correctional or rehabilitation purposes or who are awaiting trial or for the treatment and education of persons with alcohol or drug related problems and/or dependencies, that is licensed, funded or approved by the Province of Ontario or Federal Government.

Transportation Terminal

Shall mean the use of land, buildings or structures for the purpose of storing goods and materials and the storage, servicing, repairing or loading trucks, transport trailers and/or buses, but does not include automobile service stations or transportation sales or rental outlets.

Tree Crops

Shall mean the planting, care and harvesting of a wide range of trees for fruit, nut and landscaping purposes.

Use

Shall mean when used as a noun, the purpose for which any land, building, structure or premises, or part or combination thereof, is arranged, designed, or intended to be used and "uses" shall have a corresponding meaning. "Use" when used as a verb or "to use" shall have a corresponding meaning.

Veterinary Clinic

Shall mean a building where one or more licensed veterinarians and any associated staff provide medical, surgical, grooming or similar services on site solely for household pets, but does not include a kennel.

Warehouse

Shall mean a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances or articles and may include the facilities for

wholesale or retail commercial outlets and may include facilities for a truck or transportation terminal or yard.

Wayside Pit or Quarry

Shall mean a temporary pit or quarry opened and used by public road authorities solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

Welding and Metal Fabrication Plant

Shall mean a building where pieces of metal are welded and where metal is carved, cut, dressed or shaped for sale or offered for sale.

Yard

Shall mean an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures, except as may be expressly permitted in this By-law and in determining yard measurements the minimum horizontal distance from the respective lot lines is to be used.

Yard, Exterior Side

Shall mean a side yard immediately adjacent to a street.

Yard, Front

Shall mean a yard extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot.

Yard, Interior Side

Shall mean a yard extending from the front yard to the rear yard of a lot and between a side lot line and the nearest main wall of any building or structure on the lot.

Yard, Rear

Shall mean a yard extending across the full width of a lot between the rear lot line and the nearest main wall of any main building or structure on the lot.

Zone

Shall mean a designated area of land use and the corresponding provisions as shown on the schedules of this By-law.

SECTION 3 GENERAL PROVISIONS

3.1 ESTABLISHMENT OF ZONES

The following zones are hereby established and are set out on the Schedules and text of this By-law:

3.1.1 Residential

R1	-	Residential
R2	-	Residential
R3	-	Residential
R4	-	Residential
R5	-	Residential
RT	-	Residential Townhouse
RA	-	Residential Apartment
RM	-	Residential Mobile Home
RO	-	Residential Office

3.1.2. Commercial

DC	-	Downtown Core
HC	-	Highway Commercial
NC	-	Neighbourhood Commercial
MC	-	Marine Commercial

3.1.3 Industrial

M1	-	Industrial
M2	-	Industrial

3.1.4. Other

OS	-	Open Space
EP	-	Environmental Protection
I	-	Institutional
RU	-	Rural

3.2 INTERPRETATION

3.2.1 **Buildings, structures**, lands, **uses** and regulations may herein be referred to as R1, R2, R3, R4, R5, RT, RA, RM, RO, DC, HC, NC, MC, M1, M2, OS, EP, I and RU **buildings, structures**, lands, **uses** and regulations respectively.

3.2.2 The expressions R1 Zone, R2 Zone, R3 Zone, R4 Zone, R5 Zone, RT Zone, RA Zone, RM Zone, RO Zone, DC Zone, HC Zone, NC Zone, MC Zone, M1

Zone, M2 Zone, OS Zone, EP Zone, I Zone, and RU Zone as **used** herein, mean respectively a Zone designated by the symbols R1, R2, R3, R4, R5, RT, RA, RM, RO, DC, HC, NC, MC, M1, M2, OS, EP, I and RU as shown on the Zoning Map Schedules forming part of this By-law. The **buildings, structures, uses**, regulations and zones may herein be called residential, commercial, institutional or industrial **buildings, structures, uses**, regulations and zones.

3.2.3 Where a Zone symbol on the attached Schedule(s) is followed by a dash and a number, such as HC-28, the symbol refers to a site-specific exception that applies to the lands notes. Site-specific exceptions are listed in the relevant Zone Sub-sections and in the clause Zone Exceptions of this By-law. Unless specifically amended by the Zone Exception, all other provisions of the parent Zone apply.

3.2.4 For the purposes of determining compliance with this By-law, all numerical figures shall be rounded to the same number of decimal places as the stated By-law requirement.

3.2.5 PERMITTED AND ACCESSORY USES

3.2.5.1 Any **use** that is identified as a permitted **use** in any zone is considered a primary **use** unless otherwise specified.

3.2.5.2 A **lot** may be **used** for one or more permitted **uses** unless otherwise specified in this by-law.

3.2.5.3 All permitted **uses** may have **accessory uses**. **Accessory uses** shall be subordinate and incidental to a permitted **use**.

3.2.5.4 **Accessory uses** are only permitted in conjunction with a permitted **use** and shall not be permitted if a primary **use** is not yet established.

3.3 DETERMINING ZONING BOUNDARIES

3.3.1 A zone boundary shown approximately at a **lot, street** or **lane** is at the boundary of the **lot, street** or **lane**.

3.3.2 A zone boundary shown approximately in the centre line of a **street** or **lane** is at the centre line of the **street** or **lane**.

3.3.3 Unless the location of a zone boundary is specified by dimensions on the zoning map, a zone boundary which lies within a **lot** shall be fixed by the scale of the zoning map.

3.3.4 A creek, stream or channel shall be deemed to follow the shoreline or centre line and moves with any change in such shore line.

3.4 ZONING MAP SCHEDULES

The **Corporation** is divided into the zones as shown on the Zoning Map Schedules, which are attached as Zoning Map Schedules SCHEDULE “A” Zoning Maps “Index” and Maps “1” to “50” inclusive to this By-law and hereby declared to form part of this By-law.

3.5 COMPLIANCE WITH ZONING BY-LAW

No **person** shall **use** land, undertake any development, construct, reconstruct, or **use** any **building** or **structure** except in conformity with the regulations controlling the **use**, this By-law and the *Planning Act*, R.S.O. 1990.

3.6 NON-COMPLYING BUILDINGS, STRUCTURES AND LOTS

3.6.1 Nothing in this By-law shall prevent the enlargement, reconstruction, renovation or repair of an **existing non-complying building** or **structure** or the enlargement, reconstruction, renovation or repair of an **existing building** or **structure** on a **non-complying lot** provided such enlargement, reconstruction, renovation or repair shall not further contravene any **existing** non-compliance and any other zone provisions.

3.6.2 Nothing in this By-law shall prevent the **use** of an **existing** vacant **lot** which has a lesser **lot area** or **lot frontage** than the applicable minimum **lot area** or minimum **lot frontage** required herein provided the proposed **use** of such **lot** is a permitted **use** and the proposed **use**, **building** or **structure** shall not contravene any other zone provisions.

3.6.3 No **person** shall be deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any **lot** has or have been or is or are conveyed to or acquired by the **Corporation**, the **County**, any local board of the **Corporation** or the **County**, any Authority, Board, Commission or Ministry established under any statute of Ontario or Canada, any telephone or telegraph company, or any public utility corporation. Where an **existing non-complying building, structure** or **lot** is the subject of a planning application or approval, no **building, structure** or **lot** shall be deemed to be in contravention of any provision of this By-law if the amount of the non-compliance is not being increased.

3.7 NON-CONFORMING BUILDINGS AND STRUCTURES

3.7.1 Nothing in this By-law shall prevent the **use** of any **lot, building** or **structure** for any purpose prohibited by this By-law if such **lot, building** or **structure** was lawfully **used** for such purpose on the date of the passing of this By-law and for so long as it continues to be **used** for that purpose.

- 3.7.2 Nothing in this By-law shall prevent the rebuilding or repair of an **existing** non-conforming **building** or **structure** that is damaged or destroyed subsequent to the date of passing of this By-law, provided that rebuilding or repair will not change the location of the original **building** or **structure** and the external dimensions of the original **building** or **structure** are not increased and the **use** of the **building** or **structure** is not altered, unless altered to a permitted **use**.
- 3.7.3 Nothing in this By-law shall prevent the replacement or strengthening to a safe condition of an **existing** non-conforming **building** or **structure**, provided that the external dimensions of the original **building** or **structure** are not increased and the strengthening will not change the location of the **building** or **structure** and the **use** of the **building** or **structure** is not altered, unless altered to a permitted **use**.
- 3.8 ACCESSORY BUILDINGS AND STRUCTURES**
- 3.8.1 No **accessory building** shall be **used** for human habitation, except where specifically permitted in this By-law.
- 3.8.2 No **accessory building** shall be located in a required **Front, Interior Side** or **Exterior Side Yard**. Where an **accessory building** is **erected** in the **Rear Yard** on a **corner lot**, the **accessory building** shall not exceed the **exterior side yard setback** of the **main building** on the **lot**. Where an **accessory building** is **erected** in a **Rear Yard** it shall be set back a minimum of 1.22 metres from **rear lot line**. Swimming pools are not considered to be accessory **structures**.
- 3.8.3 No **accessory building**, in a Residential Zone, shall exceed 4.0 m in **height**.
- 3.8.4 **Accessory buildings** shall be set back a minimum of 1.5 m from any **main building**.
- 3.8.5 a) **Lot Coverage** for all **accessory buildings** on a **lot** in any zone shall not exceed 8%, unless otherwise specifically permitted in this By-law.
- b) Notwithstanding 3.8.5 a), **Lot Coverage** for **accessory buildings** on a **lot** in all Residential Zones shall not exceed 12%, but in no case shall the total **lot coverage** of the **dwelling** and all accessory **structures** exceed the Maximum **Lot Coverage** of the respective Residential Zone.
- 3.8.6 Air Conditioners and Heat Pumps shall be permitted in either a **rear** or **interior side yard** provided they are located no closer than 0.6 metres from any **lot line**.
- 3.8.7 Notwithstanding any provision of this By-law to the contrary, a **Sea Container** shall not be permitted as an accessory **structure** in any Residential Zone.

Where a **Sea Container** is proposed to be repurposed as an accessory **structure** in any other zone, it shall be subject to the full provisions of this By-law and to the requirements of the Ontario Building Code.

3.9 PUBLIC USES

This By-law permits the **use** of land or the **use**, construction or reconstruction, of any **building** or **structure** for the purpose of the provision of public services by the **Corporation** or of any telephone company, any transportation or public utility owned, operated or authorized by or for the Town of Midland, the **County** of Simcoe, any department of the Federal or Provincial Government, or any Conservation Authority established by the Government of Ontario provided that:

- 3.9.1 In a Residential Zone such **use**, **building** or **structure** shall comply with the provisions of that zone;
- 3.9.2 In all zones such **building** or **structure** is to be designed and maintained in general harmony and character of the **buildings** or **structures** in that zone; and
- 3.9.3 In a Residential Zone there shall be no exterior storage of goods, materials or equipment.

3.10 HOME OCCUPATIONS

Home Occupation uses shall comply with the following provisions:

- 3.10.1 The **Home Occupation use** shall be contained within the **dwelling unit** and/or **accessory building(s)**.
- 3.10.2 The **Home Occupation** shall be secondary to the **use** of the **dwelling** and shall not change the external residential character of the **dwelling** or **lot**, with the exception of a permitted sign.
- 3.10.3 The **home occupation** shall be conducted only by members of the household residing on the premises but not more than two (2) employees who do not reside on the property may be engaged in, and working for, the **Home Occupation** business on site;"
- 3.10.4 A **home occupation** shall be a maximum of 25% of the **gross floor area** of the **dwelling unit**. A **home occupation** operating within a detached **accessory building** shall be a maximum of 20 m² of the floor area of the detached **accessory building**, or to a maximum of 50% of the **gross floor area**, whichever is greater. Only one **home occupation** is permitted on a **lot**.

- 3.10.5 The **Home Occupation** shall not become offensive or obnoxious or create a public nuisance by reason of hours of operation or emission of odour, dust, smoke, noise, gas, glare, fumes, light, vibration, radiation, debris, heat, humidity or refuse which is apparent from adjacent properties and/or which exceed limits established by Town by-laws and Provincial legislation.
- 3.10.6 The **Home Occupation** shall not result in volumes of vehicular traffic, on-street parking, or deliveries of goods, materials or equipment which interfere with the use and enjoyment of residential properties in the neighbourhood.
- 3.10.7 The **Home Occupation** shall not interfere with communications reception or electrical service of others on adjacent properties.
- 3.10.8 The **parking** of vehicles on the property containing the **Home Occupation** shall only occur on the surfaced **driveway**.
- 3.10.9 There shall be no outside storage or display of goods, equipment, materials or supplies associated with the **Home Occupation**.
- 3.10.10 Retail sales shall not be permitted unless otherwise specified herein. The sale or rental of goods produced or repaired on the premises is permitted. The sale or rental of goods not produced or repaired on the premises is permitted only where the sale or rental of the goods is accessory to the service provided by the **Home Occupation**. Direct sales conducted by telephone, internet, mail order or similar approach are permitted.
- 3.10.11 The following shall not be permitted as a **Home Occupation**:
- (a) **Adult Entertainment Parlour**
 - (b) **Automobile Body Shop**
 - (c) **Automobile Car Wash**
 - (d) **Automobile Gas Bar**
 - (e) **Automobile Sales Agency**
 - (f) **Automobile Service Station**
 - (g) **Dry Cleaning Establishment**
 - (h) **Eating Establishment**
 - (i) **Funeral Home**
 - (j) **Kennel**
 - (k) **Storage Yard**
 - (l) **Salvage Yard**
 - (m) **Tavern**
 - (n) **Veterinary Clinic**

3.11 **WAYSIDE PITS**

Nothing in this By-law shall prevent a **wayside pit or quarry** or asphalt plant used in conjunction with a public road authority contract.

3.12 SIGHT TRIANGLE

On any **corner lot** in all zones except Commercial and Industrial Zones, no fence or **structure** shall be **erected**, and no hedge, shrub, bush, tree or other plant shall be permitted to grow, to a height greater than 1.0 m above grade of the **streets** that abut the **lot**, within the triangular area bounded by the **street lines** and a line joining points on the **street lines** a distance of 6.0 m from their **point of intersection**.

3.13 PERMITTED YARD ENCROACHMENTS

The following **yard** encroachments shall be permitted:

- 3.13.1 Unenclosed **porches**, steps, windowsills, cornices, chimneys, pilasters, eaves, gutters and similar non-structural architectural features may project no more than 0.5 m into any minimum **yard**.

Notwithstanding the above, a complying unenclosed **porch** may be enclosed provided it does not further contravene any other provisions of the By-law.

- 3.13.2 Fire escapes may project no more than 1.5 m into any minimum **Side** or **Rear Yard**.

- 3.13.3 In all zones, except Residential and Institutional Zones, there shall be no restriction on the encroachments listed in this Section except in cases where there is an abutting residentially zoned **lot**. In such case all the provisions of this Section must be met insofar as they apply to the **Side Yard** or **Rear Yard** between the non-residential **use** and a residentially zoned **lot**.

- 3.13.4 Notwithstanding any other provisions of this By-law to the contrary, patios and walkways that are at grade level may project into any required **yard**.

- 3.13.5 Accessibility ramps are permitted in any **yard** and are not subject to the **setback** requirements of the zone in which they are located. The barrier free access shall not encroach onto municipal lands as per provincial regulations.

3.14 DECKS

- 3.14.1 **Decks** shall be permitted to encroach 3.05 m into the required minimum **Rear Yard setback** in all Residential Zones, provided that they shall be located no closer than 1.22 m from the rear property line.

- 3.14.2 **Decks** on a **Dwelling, Semi-detached** shall maintain a minimum Interior **Side Yard setback** of 0.61 m from the common wall to maintain a minimum distance between **decks** of 1.22 m.

- 3.14.3 **Decks** on a **Townhouse Dwelling** Unit shall maintain a minimum Interior **Side Yard setback** of 0.61 m from the common wall to maintain a minimum distance between **decks** of 1.22 m.
- 3.14.4 **Decks** on a **Street Townhouse Dwelling** Unit shall maintain the required minimum maintenance easement width of 0.61 m per **Interior Side Yard**.
- 3.14.5 Steps to a **deck** may further encroach from the edge of the conforming **deck** into the **Rear Yard, Side Yard** or **Exterior Side Yard** a maximum of 0.91 metres.
- 3.14.6 **Decks** and **porches** are included when calculating maximum **lot coverage** in all Residential Zones. An additional 4% **lot coverage** shall be permitted in all Residential Zones for the construction of **decks** and **porches**.
- 3.14.7 For purposes of establishing **deck** height from grade, measurements shall be taken at the point on the **deck** furthest from the main **structure** and measured from that grade to the top of the **deck**.
- 3.14.8 Accessibility ramps are permitted in any **yard** and are not subject to the **setback** requirements of the zone in which they are located. The barrier free access shall not encroach onto municipal lands and shall conform to all other **yard** requirements as per provincial regulations.

3.15 **SWIMMING POOLS**

A swimming pool is permitted as an **accessory use** to a permitted Residential or Rural **use** provided that it complies with the following:

- 3.15.1 No pool shall be permitted in the **front yard** in any zone.
- 3.15.2 No pool shall be permitted closer than 1.5 m to the **side** or **rear lot line**.
- 3.15.3 The maximum height of any required fencing shall not exceed 2.0 m above the average finished grade of the pool.
- 3.15.4 Any required **building** or **structure**, other than a **dwelling**, **used** for the changing of clothes or for a pumping or filtering facility or other singular **accessory uses** shall comply with the provisions of this By-law respecting **accessory buildings**.
- 3.15.5 No water circulating or treatment equipment shall be located closer than 1.5 m to any **side** or **rear lot line**.
- 3.15.6 The pool and a 1.0 m apron around the perimeter of a swimming pool shall be exempt in the calculations of **Lot Coverage**.

3.16 EXISTING UNDERSIZED LOTS

- 3.16.1 Vacant undersized **lots**, held in distinct and separate ownership on the effective date of this By-law, shall be deemed to meet the **Lot Frontage** and **Lot Area** requirements of the applicable zone. A building permit may be issued provided that the **Side** and **Rear Yards** are not less than 75% of the applicable requirements for **Side** and **Rear Yards** and provided that all other applicable provisions of this By-law are complied with.
- 3.16.2 **Existing lots** shall not be reduced in **Lot Area** or **lot Frontage** unless the remaining property conforms to the requirements of the zone in which it is situated, except where such a reduction is caused by expropriation or purchase by a public authority.

3.17 DWELLINGS ON EXISTING UNDERSIZED LOTS

Where a single detached **dwelling unit** or a **semi-detached dwelling** has been **erected** on a **lot** having less than the minimum frontage and/or **lot area** required by this By-law, the said **dwelling** may be enlarged provided that the **Side** or **Rear Yards** are not less than 75% of the requirements for **Side** and **Rear Yards** for the zone in which the **building** is situated and further provided that all other applicable provisions of the By-law are complied with.

3.18 HEIGHT OF FENCES AND HEDGES

No fence shall be **erected** and no hedge shall be permitted to grow, to a height greater than 2.0 m above ground level in any residential zone except those where a residential zone is abutting a non-residential zone, in which case the maximum height of a fence or hedge on the **lot line** abutting the non-residential zone shall be 3.0 metres above ground level, subject to the provisions of Section 3.8.

3.19 ONE DETACHED DWELLING UNIT PER LOT

Notwithstanding any other provision of this By-law, not more than one **detached dwelling unit** may be **erected** on any one **lot**.

3.20 TRAILERS AND CAMPERS

Only a maximum of one **trailer**, motorized **mobile home**, truck camper or camper **trailer** shall be permitted to be parked or stored, on a seasonal basis, on a **lot** in any Residential Zone. The **use** of vehicles, such as **trailers**, motorized **motor homes**, truck campers and camping **trailers** for living accommodations shall be prohibited in all zones, except in private, municipal or provincial trailer camp areas established and zoned for such **use**. The use

of highway tractor trailers for the purpose of on site storage of materials, product or merchandise in excess of 21 consecutive days shall be prohibited in all zones, except those lands zoned industrial.

3.21 MULTIPLE USES

Notwithstanding any other provision of this By-law where any land, **building** or **structure** is **used** for more than one purpose, all provisions of this By-law shall be complied with except in the case of **Lot Area**, **Lot Frontage**, **Lot Coverage** and **Yard** Requirements, in which case the most restrictive requirement shall apply.

3.22 SHALLOW LOT REVERSE YARDS

Where the depth of a **lot** is less than half of the Minimum **Lot Frontage**, the **Side Yard** requirement may be applied to the **Rear Yard** provided that the width of one **Side Yard** is not less than half of the applicable **Rear Yard** requirement.

3.23 HEIGHT LIMITS

The maximum **Building Height** in all zones shall be 11.0 m unless otherwise specified in this By-law and shown on the Zoning Map Schedules. The **Building Height** shall be calculated in metres and shown on the Zoning Map Schedules suffixing the land use letters with the symbol BH.

3.24 HEIGHT EXCEPTIONS

Notwithstanding the Height Limits established for each zone, nothing in this By-law shall apply to prevent the **erection** of an air conditioner duct, a church spire, a belfry, a clock tower, a chimney, a barn, a corn crib, a drying elevator, a farm implement shed, a feed or bedding storage use, a water tank, a communications tower or satellite dish, an antenna, a silo, a windmill, a drive-in movie theatre screen, a forestry tower, an aid to navigation, a flag pole, a ventilator, an elevator enclosure or mechanical penthouse, a fire hose tower, a skylight, a utility plant, a water tower or ornamental roof construction.

3.25 DENSITY LIMITS

The maximum number of **dwelling units** per hectare on any **lot** shall be determined by the applicable **use** Zone Requirements unless otherwise specified in this By-law and shown on the Zoning Map Schedules.

3.26 FLOOR SPACE INDEX

The maximum **floor space index** in any Commercial or Industrial Zone shall

be 1.0 unless otherwise specified in this By-law and shown on the Zoning Map Schedules by the letter “F” followed by the index number, e.g. “F2”. The **Floor Space Index** shall be determined as follows:

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

3.27 SETBACK FROM PROVINCIAL HIGHWAYS AND COUNTY ROADS

Notwithstanding any other **setback** provisions in this By-law, the minimum **setback** from the property line for lands fronting onto a Provincial Highway or County Road shall be 15.0 metres or whichever **setback** is determined by the particular governing authority.

- 3.27.1 For those lands zoned RT-2 and RA-11 on Schedule A to this By-law and denoted with the symbol “*”, the **setback** from Provincial Highway 12 shall be 14.0 metres.

3.28 DUAL ZONE

A Dual Zone is a zoning in which two Zone categories apply to the one parcel of land with a Holding Zone provision. Dual Zones may be developed as either one or the other of the two Zone categories shown, subject to the removal of the Holding Zone – H symbol and on the provision that the second zoning shall be repealed.

3.29 THROUGH LOTS

A **through lot** shall be subject to the Front Yard setback and other requirements contained herein on each **street** in accordance with the provisions of the zone or zones in which such **lot** is located. In the case of a **Through Lot** having **lot lines** of equal length on each **street**, **accessory buildings** may be located in only one **yard** adjoining a **street**, but no closer to the **street line** than the minimum **Front Yard** requirement for that zone.

3.30 TEMPORARY USES PERMITTED

Except as provided elsewhere, nothing in this By-law shall prevent the **use** of land or the **use** or **erection** of a **building** or **structure** for a seasonal sales use, or for a scaffold or other **temporary building** or **structure** including storage sheds, sales or rental offices or trailer, incidental to a proposed development or construction in progress until such construction is ready for occupancy. In the case of temporary sales or rental offices, **parking** shall be provided in accordance with Section 3.13 hereof. A seasonal sales use shall only be permitted in a Commercial Zone that permits retail sales and shall comply with all applicable Licensing By-laws of the **Corporation** and any Site Plan

approved pursuant to the provisions of the *Planning Act*, R.S.O. 1990. Temporary uses shall have a minimum **setback** of 1.5 m from any **lot line** and a minimum of 3.0 m from any public **street**.

3.31 REDUCTION OF REQUIREMENTS

No **person** shall change the purpose for which any land or **building** is **used** or **erect** any new **building** or addition to any **existing building** if the effect of such action is to cause the original, adjoining or remaining **buildings** or **structures** to be in contravention of this By-law.

3.32 USE OF VACANT LANDS

No vacant lands shall be **used** for the purpose of the storage of **motor vehicles**, machinery, materials or equipment, **trailers** or other similar objects which are not incidental to the expeditious construction of a **building** on such lands, and where otherwise specifically permitted by the provisions of this By-law.

3.33 SERVICING REQUIREMENT

Where municipal sanitary sewers and/or water supply are available to service the land, **building** or **structure**, or where alternative servicing can be provided to the satisfaction of the municipality Chief Building Official and/or the Ministry of Environment, no land may be **used** and no **building** or **structure** may be **erected** unless connected to such services.

3.34 MEASUREMENT OF SETBACK AND YARD REQUIREMENTS

Where the Zone Requirements include a requirement that the minimum **yard** of a **lot** or parcel of land shall be a specific number of metres, such minimum **yard** shall be determined by measuring at right angles from the foundation of the **building** or **structure** to either the property line abutting a public **street** and all the **lot line** abutting an adjacent **yard**.

Notwithstanding certain specific definitions of this By-law or the above, in the case of a zone boundary which is located between the **lot line** and the **use** to which the **setback** applies, the **setback** shall be calculated from the zone boundary.

3.35 FRONTAGE ON A PUBLIC STREET

No **building** or **structure** shall be **erected**, extended or enlarged on any **lot** unless such **lot** has frontage onto and access to a **street** constructed to Provincial, **County** or **Corporation** standards, whichever is the case.

3.36 HOLDING SYMBOL – H

Unless otherwise specified within the applicable zone provisions, where a zone symbol is shown on the Zoning Map Schedules and is followed by a holding symbol - H, the **use** of lands so zoned shall be limited to **existing uses**, a permitted **accessory use**, a permitted temporary **use** and conservation or forestry uses exclusive of **buildings** or **structures**. At such time as a holding symbol is removed by amendment to this By-law, the **lot** may be **used** in accordance with the applicable zone provisions. For more detailed information in regard to the possible future **uses** which may occur within these Zones, reference should be made to the Official Plan of the Town of Midland.

3.36.1 For the lands at 289 Penetanguishene Road and zoned “R1-H”, the requirement for removal of the Holding “H” Symbol shall be:

1. The payment to the Municipality of the front ending servicing costs for the sanitary sewer main, water main, service laterals, road and storm sewer for the subject lots as incurred by the Town and the developer of Registered Plan 51M-989 (LRG Midland Inc.).
2. That Penetanguishene Road is open to the public.

3.36.2 For the lands at 1081 MacDonald Road and Zoned M2-3-H, the requirement for removal of the Holding “H” Symbol shall be:

1. The approval of a Site Plan and Site Plan Agreement, pursuant to Section 41 of the Planning Act.

3.36.3 For the lands described as Part of Lots 101 and 102, Concession 1 (former Tay), and more particularly described as Parts 1 to 17 inclusive, Reference Plan 51R-33691 (Hanson Subdivision Lands), the requirements for the removal of the Holding “H” Symbol shall be:

1. The registration of the Draft Plan of Subdivision or the appropriate phase of the Plan of Subdivision.
2. The approval of a Site Plan and Site Plan Agreement for the Block within the Plan of Subdivision.

3.36.4 For the lands at 287 Whitfield Crescent, 947 William Street, 16621 and 16601 Highway 12, 349, 361, 374, 375, 380, and 381 Olive Street, 353 Sixth Street, 548 Easy Street, 650, 658, 666 and 676 William Street, the requirement for removal of the Holding “H” Symbol shall be:

1. That the property connects to municipal water and sewer services.

- 3.36.5 For the lands at 517, 523, 529, 535, 541, 547, 553, 559, 565, 589, 595, 601, 607, and 613 Taylor Drive the requirement for removal of the Holding “H” Symbol shall be:

1. That a Record of Site Condition (RSC) is submitted to the Municipality.

- 3.36.6 For those lands described as the Part Lot 9 on Registered Plan 166 and zoned R4-7(H), the requirements for the removal of the Holding “H” Symbol shall be the approval of a Site Plan Control Application pursuant to Section 41 of the *Planning Act*.

3.37 MODEL HOMES

Notwithstanding any other provisions of this By-law to the contrary, **Model Homes** shall be permitted subject to the following:

- 3.37.1 The lands on which the **model homes** are to be constructed have received draft plan approval under the provisions of the *Planning Act*.
- 3.37.2 That a Subdivision Agreement and/or a Model Home Agreement has been executed.
- 3.37.3 That the **use** shall be permitted in the zone in which the **model homes** are to be located.
- 3.37.4 That each **building** shall be **used** for the purpose of a **model home** only and shall not be occupied as a **dwelling unit** prior to the date of the registration of the plan of subdivision.
- 3.37.5 That the maximum number of **model homes** shall not exceed four (4) and that each of the **model homes** shall be unique model types.
- 3.37.6 That the **buildings** shall comply with the Zoning performance standards of the By-law as though the units were constructed on the **lot** within the future plan of subdivision.
- 3.37.7 That the **model homes** shall not be located further than 90.0 metres from a public **street** and/or a fire hydrant.
- 3.37.8 That the **model homes** shall be located in a manner that provides for adequate fire separation to the satisfaction of the Municipality.
- 3.37.9 That the design for the access, **parking** and grading to the **model homes** has been constructed to a standard to the satisfaction of the Municipality.

3.38 ADDITIONAL RESIDENTIAL UNITS (ARU)

All **Additional Residential Units** shall be developed in accordance with the following provisions:

- 3.38.1
- a) A maximum of two (2) **additional residential units** are permitted on any **lot** in a residential zone, as defined in this By-law, that is serviced by the Town's municipal water and wastewater systems.
 - b) Where full municipal water and wastewater services are not available, only one (1) **additional residential unit** is permitted on a **lot**.
 - c) Where full municipal water and wastewater services are not available, the **additional residential unit** shall be connected to private services subject to Ontario Building Code approval.
 - d) An **additional residential unit** on a **lot** that is serviced by the Town's water and wastewater services shall connect to same via the **existing dwelling unit**. Direct connections to the Town's water and wastewater infrastructure for the purpose of servicing an **additional residential unit** is not permitted.
 - e) Notwithstanding any **lot coverage** regulations provided for in this by-law, where an **additional residential unit** is provided on a **lot** serviced by the Town's municipal water and wastewater services, the maximum **lot coverage** for all **buildings** and **structures** shall be 45%.
- 3.38.2
- Additional residential units** are permitted on a **lot** with an **existing dwelling unit, detached, dwelling, semi-detached, dwelling, duplex, or dwelling, townhouse/dwelling, street townhouse**. In the event that an **additional residential unit** is established in a detached **building** the following regulations apply:
- a) No detached **additional residential unit** is permitted within the minimum required front, interior and exterior setbacks of the respective Zone;
 - b) Where a detached **additional residential unit** is located within the **rear yard**, said **building** is required to be **setback** a minimum of 3.0 metres from the **rear lot line**.
 - c) The maximum **height** of a detached **additional residential unit** shall not exceed 4.6 metres.
 - d) Any **existing** detached **building** which is to be converted to an **additional residential unit** is required to comply with the above noted regulations.

- 3.38.3 No additional **parking** is required for any **additional residential unit**. Any **parking** that is voluntarily provided shall comply with any applicable **parking** provisions in this By-law.
- 3.38.4 Access to an ARU shall be provided as follows:
- a) An additional entrance to an **additional residential unit** is not permitted along the front façade of the **existing dwelling unit**.
 - b) An **existing** entrance on the **existing dwelling unit** may be converted into a common vestibule that provides access to one or more **dwelling units** on a **lot**.
 - c) A walkway with a minimum unobstructed width of 0.6 meters shall be provided between the **street** and any **additional residential unit** with an independent external entrance. Walkways shall not be obstructed by chimneys, gas meters, air conditioning units, heat pump units, garbage or recycling receptacles, or any other permanent or non-permanent **structures**.

3.39 SOURCE PROTECTION

- 3.39.1 This Section applies to lands within the Well Head Protection Area (WHPA) Overlay Zones (WHPA-A, WHPA-B, WHPA-C). The regulations set forth in this section shall apply to the applicable overlay zone and shall be in addition to those regulations set forth in the underlying zone. In the event of a conflict between the provisions of the regulations of this overlay zone and the provisions of the underlying zone, the provisions of the overlay zone shall prevail.
- 3.39.1.1 Within the WHPA-A overlay zones, any non-residential **use** that is listed below is prohibited.
- a) Storage facilities for agricultural source material.
 - b) Storage facilities for non-agricultural source material.
 - c) Commercial fertilizer storage facilities.
 - d) Pesticide storage facilities.
 - e) Road salt storage facilities.
 - f) Snow storage facilities.
- 3.39.1.2 Within the WHPA-A overlay zones any residential fuel storage over 250 litres is prohibited
- 3.39.1.3 Within the WHPA-A, WHPA-B or WHPA-C overlay zones, the non- residential **use** listed below is prohibited.
- a) Storage facilities for dense non-aqueous phase liquids (DNAPLS).

SECTION 4 PARKING AND LOADING

4.1 PARKING REQUIREMENTS

- 4.1.1 When any new development is commenced or when any **existing** development is enlarged, or **use** changed, provision shall be made for off-**street** vehicular **parking spaces** in accordance with the standards of this Section.
- 4.1.2 The **parking** requirements for a single **lot** or a **building** containing a number of **uses** shall be the sum total of the **parking** requirements for each of the component **uses**, except in the case of a **shopping centre** for which the standards cited specifically for **shopping centres** shall apply. All **parking spaces** must be provided on the site for the specific **use**.
- 4.1.3 Notwithstanding the requirements of Section 4.1.1, there shall be no minimum number of **parking spaces** required for all the Permitted **Uses** of the Downtown Core Zone - DC in the geographic area of the downtown core bounded by the centre line of Elizabeth Street on the south, the centre line of Bayshore Drive on the north, the centre line of Midland Avenue on the east and the centre line of First Street on the west.
- 4.1.4 For the purposes of determining school **parking** requirements, "School on the ground" capacity per student shall mean the school capacity as approved by the Ministry of Education which reflects all permanent bricks and mortar space available for institutional purposes on an ongoing basis. For the purposes of calculating **parking** requirements, portable classrooms (non bricks and mortar) are exempt.

4.1.5 Number of Spaces Required

Table 4.1	
Column 1	Column 2
Use of Building or Site	Minimum Number of Parking Spaces
Detached, Semi-Detached, Duplex, Triplex, Street, Townhouse and Dwelling Units	1 per dwelling unit
Multiple Dwelling unit including Block Townhouses	1.5 per dwelling unit of which 25% shall be for designated visitor parking
Apartment Dwelling Unit	1.5 per dwelling unit of which 25% shall be for designated visitor parking
Senior Citizens' Home	1 per dwelling unit, plus 0.5 per employee

Table 4.1	
Column 1	Column 2
Use of Building or Site	Minimum Number of Parking Spaces
Nursing Home	0.75 for every bed plus 0.5 per employee
Group Home, Crisis Care Facility	1.5 per employee
Mobile Home	1 per mobile home
School, Elementary	0 – 400 students 35 401-500 students 45 501 – 600 students 50 601 – 700 students 60 701 – 800 students 70 801 – 900 students 75 901 – 1000 students 85 Plus 1 bus space for every 4 classrooms
School, secondary, college, university	0 - 600 students 60 601 – 700 students 70 701 – 800 students 80 801 – 900 students 90 901 – 1000 students 100 1001 – 1100 students 110 1101 – 1200 students 120 1201 – 1300 students 130 1301 – 1400 students 140 1401 - 1500 students 150 Plus 1 bus space (secondary school only) for every 4 classrooms
Hospital	3 for every 4 beds
Medical Practitioner	5 per practitioner
Church, church hall, auditorium, arena, theatre , cinema, banquet hall and other places of public assembly	1 for every 4 persons seating capacity
Museum, library and art gallery	2 per 50m ² GFA
Bowling Alley	3 per bowling lane
Curling Rink	5 per curling ice sheet
Hotel and Motel	1.25 per guest room plus 1 for each 4 persons that can be accommodated at any one time in a dining room, licensed beverage room, banquet room

Table 4.1	
Column 1	Column 2
Use of Building or Site	Minimum Number of Parking Spaces
Bed and Breakfast	1 per guest room plus 1 per proprietor
Eating Establishment	1 per every 4 persons seating capacity
Business or Professional Office	1 per 30 m ² GFA
Bank or Financial Institution	1 per 30 m ² GFA
Manufacturing and Office	1 per 46 m ² GFA
Warehousing with manufacturing	1 per 100m ² GFA
Self-Storage Units	1 per 300m ² GFA
Child Care Centre	1.5 for each classroom or teaching area
Retail store, personal service establishment, service shop, studio	5 per 90 m ² GFA
Funeral Home	8 per viewing parlour
Commercial Entertainment Establishment	1 for every 4 persons capacity
Automobile Service Station	4 per service bay
Automobile Body Shop	3 per service bay
Automobile Gas Bar and Sales Agency	1 per 20 m ² with a minimum of 5
Animal Hospital	1 per 100 m ² GFA
Shopping Centre	5 per 90 m ² of GFA
Marina, Wet and Dry	1 per 20 m ² of GFA of building plus 1.0 for each wet berth
Marina, Stacking Storage	1 for each stacking slip
Commercial uses not specifically listed in this Section	1 for each 20 m ² of GFA
Industrial uses not specifically listed in this Section	1 for each 40 m ² of GFA
Institutional uses not specifically listed in this Section	1 for each 75 m ² of GFA
Note: GFA – Gross Floor Area	

4.1.6 Parking Area Regulations

Where in this By-law **parking** is required in support of a **use** on a **lot** within the Town, the following regulations shall apply:

- 4.1.6.1 The parking lot shall have visible boundaries and the **parking spaces** clearly defined with the layout of spaces appropriately marked on the ground or signed.
- 4.1.6.2 The **parking spaces** shall be provided on the same **lot** or parcel as the **building** or **use** for which it is required or intended.
- 4.1.6.3 The parking lot shall be maintained with a stable surface treated to prevent the raising of dust and be suitably drained. **Parking spaces**, parking lots and driveway aisles intended for more than three vehicles or intended to serve institutional, industrial or commercial **uses**, shall, before being **used** as such, be constructed of asphalt, interlocking paving stones, concrete or similar material.

Notwithstanding the above, **parking spaces**, loading areas, and truck storage areas in Industrial Zones that does not abut a **street** may be constructed with a stable surface of crushed stone, slag, gravel, crushed brick or tile, cinders, asphalt, concrete or portable cement cinder, which have been treated so as to prevent the raising of dust or loose particles.

All vehicular access connecting these areas with a **street** shall be paved with an asphaltic or concrete surface from the **lot line** to the traveled portion of the **street**. In all cases provisions shall be made for adequate drainage facilities.”

- 4.1.6.4 Each **parking space** shall be rectangular in shape, be clearly demarcated and be of a minimum width of 2.8 m and a minimum length of 5.8 m. In the case of angle parking, each angle **parking space** shall have a minimum width of 3 m and a minimum length of 6 metres.
- 4.1.6.5 The minimum width of a driveway or aisle leading to any **parking space** shall be 6.0 m from two-way traffic and 3.6 m from one-way traffic.
- 4.1.6.6 Where a **parking area** is adjacent to a Residential Zone, the lighting facilities from that **lot** shall be arranged so as to direct and/or reflect the light away from the residentially zoned lands.
- 4.1.6.7 Where the calculation of the required number of **parking spaces** results in a fraction, one full **parking space** shall be provided to represent that fraction.
- 4.1.6.8 Where school bus **parking** is required in a school yard, the bus **parking space** shall not be less than 3.0 m in width and not less than 11.0 m in length.

Where in this By-law **parking** facilities are required for **detached**, **semi-detached**, **duplex** and **triplex uses** the following regulations shall apply:

- 4.1.6.9 The **parking** of **motor vehicles** associated with a residential **use** is only

permitted within a parking garage, surface **parking area**, private garage, carport or on a driveway accessing an individual **dwelling unit**, a private garage or a carport.

- 4.1.6.10 No commercial **motor vehicle** exceeding a Gross Vehicle Weight of 8000 kilograms shall be parked or stored on any **lot** in a Residential Zone except for purposes of temporary loading or unloading, unless located within a wholly enclosed **building**.

4.1.7 Private Driveways

- 4.1.7.1 The width of a driveway accessing a residential **lot** shall be in accordance with Table 4.2 as follows:

Table 4.2	
Lot Frontage	Maximum Width
9 metres or less	3.5m
<i>Greater than 9 metres</i>	50% of the lot frontage to a maximum of 8.5 m

- 4.1.7.2 One driveway per **dwelling unit** is permitted on a block designated for **semi-detached**, **townhouse**, back-to-back townhouse, and **duplex dwellings**.
- 4.1.7.3 For commercial, industrial, institutional properties and residential property with more than three (3) **dwelling units**, the width of the driveway shall be established through the Site Plan Control Approval process.
- 4.1.7.4 Number of Entrances

Every **lot** in a Residential or Rural Zone shall be limited to the following number of driveway entrances in accordance with Table 4.1.7.4 (a), entitled Number of Entrances.

(a)

Lot Frontage	Number of Driveway Entrances
20 metres or less	A maximum of one (1) driveway entrance.
More than 20 metres but no more than 100 metres	A maximum of two (2) driveway entrances provided that the combined entrance width of the two (2) entrances is not greater than 30% of the lot frontage or a maximum width of 8.5 metres whichever is lesser, or the lot

	frontage and exterior side lot line combined if the lot is a corner lot or through lot .
Greater than 100 metres	Two (2) driveway entrances are permitted, plus one (1) additional driveway entrance for every additional 100 metres of lot frontage thereafter.

4.1.7.5 Where a **lot** is a **corner lot** or **through lot**, the length of an **exterior lot line** may be included as a **lot frontages** for the purposes of determining the number of driveway entrances permitted.

4.1.7.6 Any driveway in a Residential or Rural Zone shall have a minimum length of 6.0 metres from the **street line** to the **dwelling unit** or **attached garage** or detached **accessory building**. The **parking** of a **motor vehicles** shall be restricted to a driveway only.

4.1.7.7 The minimum distance of a driveway entrance from an intersection shall be 15.0 metres as measured from the tangent curb line of the adjacent road intersection and no portion of the driveway entrance shall be located within a **sight triangle**.

4.1.8 Barrier Free Parking Regulations

4.1.8.1 Every owner or operator of a public **parking area** shall provide designated **parking spaces** for the exclusive **use** of vehicles operated by or conveying physically disabled persons, upon which vehicles shall be properly displayed a disabled person parking permit as issued by Ministry of Transportation of Ontario. The minimum number of designated **parking spaces** which must be provided shall be calculated in accordance with the Table 4.3:

Table 4.3	
Capacity of Parking Area, No. Spaces	No. of parking Spaces Required
1 – 10	0
11 – 100	1
101 – 200	2
201 – 300	3
301 – 400	4
401 – 500	5
501 or more	6

4.1.8.2 Notwithstanding 4.1.6.3 and 4.1.6.4, reserved barrier free **parking spaces** shall be hard surfaced, level and be rectangular in shape having a minimum width of 3.4 metres and a minimum depth of 5.8 metres.

- 4.1.8.3 Reserved barrier free **parking spaces** shall be located in proximity to the **building** entrances and accessible ramps, walkways and elevators.
- 4.1.8.4 Reserved barrier free **parking spaces** shall be identified by signs conforming to the requirements of the Ontario Regulation made under the *Highway Traffic Act*.
- 4.1.8.5 Reserved barrier free **parking spaces** shall be kept free from obstructions, kept clear of snow, ice and slush and otherwise maintained to the same standards as all other **parking spaces** in the same **parking area**.

4.1.9 Additions or Change in Use of Buildings

The **parking space** requirements referred to in the Parking Regulations Table 4.1 shall not apply to any **building** or **structure** lawfully **used** on the date of the passing of this by-law so long as:

- a) The **gross floor area**, as it existed at such date, is not increased; or
- b) There is no change in **use**; and
- c) The number of **parking spaces** is not reduced.

Notwithstanding the above, the following shall apply with respect to the provision of off-**street** parking.

- 4.1.9.1 Where a change in **use** of a **building** or **structure** lawfully **used** on the date of the passing of this by-law occurs, and the **parking space** requirements for the new **use** are the same as or less than the prior lawful **use**, the provisions of this by-law shall not be effective to require additional off-**street parking spaces**, provided that no addition to the **gross floor area** of the **building** or **structure** is made.

Notwithstanding the above, where a change in **use** of a **building** or **structure** lawfully **used** on the date of the passing of this by-law is made and the **parking space** requirement for the new **use** are greater than the prior lawful **use**, additional **parking spaces** shall be provided based upon the difference between the requirements for the prior **use** and the new **use** in the Table 4.1, provided that no addition is made to the **gross floor area** of the **building** or **structure**.

- 4.1.9.2 Where an addition is made to a **building** or **structure** lawfully **used** on the date of the passing of this by-law which increases the **gross floor area**, then additional **parking spaces** for the floor area associated with the addition shall be provided in accordance with the requirements of Table 4.1.

- 4.1.9.3 Where a change in **use** of a **building** or **structure** lawfully **used** on the date of the passing of this by-law occurs and an addition is made which also increases the **gross floor area** of the **building** or **structure**, then additional **parking spaces** shall be provided based upon the additional **parking spaces** required for the new **use** in accordance with subsection 4.1.9.1 plus the additional **parking spaces** required for the addition in accordance with 4.1.9.2.
- 4.1.9.4 For the purposes of section 4.1.9, a change in **use** includes any change in a **building** or **structure** or its **use**, other than by an addition, that would increase the **parking space** requirements of Table 4.1.

4.1.10 Loading Provisions

- 4.1.10.1 Where any new development occurs in a commercial or industrial zone, save and except for the DC Zone, or when any **existing use** is changed, enlarged or increased in capacity, off-street vehicular **loading spaces** shall be provided and maintained in accordance with the following:
- (a) The minimum width of an off-street **loading space** shall be 4.0 m and the minimum length 21.0 metres with a minimum clear height of 4.5 metres.
 - (b) **Loading spaces** must be located either within or abutting the **building** containing the **use**.
 - (c) No **loading spaces** may be provided within any required **yards**.
 - (d) Every **loading space** shall be surfaced or treated to prevent the raising of dust.
- 4.1.10.2 The minimum required off-street **loading spaces** required shall be in accordance with Table 4.4:

Table 4.4	
Floor Area of Building	Minimum Number of Loading Spaces
Non-Residential	
500 m ² or less	0
501 m ² up to and including 2000m ²	1
2001 m ² and greater	1 space for each 2000 m ² of gross floor area
Residential	
Apartment Buildings Containing 50 Dwelling Units or More	1

4.1.11 Queuing Lane Requirements

- 4.1.11.1 Where drive-through service facilities are proposed, queuing lanes are required and shall be exclusive of any other **parking space** and aisle requirements contained within this By-law and shall be provided in accordance with the following provisions:
- 4.1.11.2 The minimum queuing space requirements within a designated queuing lane shall be in accordance with Table 4.5:

Table 4.5		
Drive-Through Facility	Minimum Required Ingress Spaces	Minimum Required Egress Spaces
Drive-Through facility associated with a financial institution	3	1
Drive-Through Restaurant	10	2
Drive-Through facility associated with convenience retail and service kiosk	5	1
Motor vehicle washing establishment	10	2
All Other Drive-Through Facilities	3	1

Note to Table 4.5: The queuing lane associated with the drive-through service **use** shall be the total number of required ingress spaces and egress spaces.

- 4.1.11.2 Where multiple queuing lanes are required on a **lot**, the queuing space requirements shall be provided for each individual queuing lane in compliance with the provisions of Table 4.5.
- 4.1.11.3 All queuing spaces shall be rectangular in shape, with a minimum length of 6.0 metres and a width of 3.0 metres.
- 4.1.11.4 Queuing lanes and all order boxes using voice communication to order shall be located no closer than 7.5 metres from any **street line** or any Residential Zone.
- 4.1.11.5 Queuing lanes shall be unobstructed and shall be clearly delineated by pavement markings or physical barriers and shall be independent of the balance of the **parking area**.

SECTION 5 RESIDENTIAL ZONES

5.1 RESIDENTIAL – R1

5.1.1 General Prohibition

Within a Residential Zone – R1, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

5.1.2 Permitted Uses

Accessory Building
Additional Residential Units
Dwelling Unit, Detached
Home Occupation
Public Use

5.1.3 Zone Requirements

- | | | |
|---------|---|--------------------|
| 5.1.3.1 | Minimum Lot Area | 610 m ² |
| 5.1.3.2 | Minimum Lot Frontage | 18.0 m |
| 5.1.3.3 | Maximum Lot Coverage | 25% |
| 5.1.3.4 | Minimum Yard Setbacks | |
| | (a) Front | 8.0 m |
| | (b) Rear | 9.0 m |
| | (c) Interior Side | 1.22 m |
| | (d) Exterior Side | 4.5 m |
| 5.1.3.5 | Maximum Building Height | 11.0 m |
| 5.1.3.6 | Notwithstanding Section 3.36 for existing lots on a private street that are zoned Residential Zone – R1, no person shall use any land, erect , alter, enlarge, use or maintain any building or structure for any use other than as permitted by this Section and in accordance with the Zone Requirements of Section 5.1.3 and shall be: | |
| | (a) Connecting to the available municipal services, and | |
| | (b) Entering into a Private Road Agreement with the Town. | |

5.1.4 Zone Exceptions

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular R1 Zone except as noted.

5.1.4.1 R1-1

Notwithstanding Section 5.1.3 the following shall apply to the lands described as Part 1, Plan 51R-30323 (Christiane Midprop Resorts Inc. – 251 Fuller Avenue, 311 Fuller Avenue, and 353 Fuller Avenue) and Zoned R1-1:

- | | |
|---------------------------------|----------------------|
| (a) Minimum Lot Area | 929.0 m ² |
| (b) Minimum Lot Frontage | 30.0 m |
| (c) Maximum Lot Coverage | 20% |
| (d) Minimum Yard Setbacks | |
| i) Front | 7.5 m |
| ii) Rear | 11.0 m |
| iii) Interior side | 4.0 m |

5.1.4.2 R1-2

Notwithstanding Section 5.1.3 the following shall apply to those lands generally described as all of those lands located on the south side of Yonge Street, west of Cornell Drive and being all the residential **lots** within Plan of Subdivision 51M-848, excluding Block 70 and Zoned R1-2:

- | | |
|---------------------------------|-----|
| (a) Maximum Lot Coverage | 35% |
|---------------------------------|-----|

5.2 RESIDENTIAL – R2

5.2.1 General Prohibition

Within a Residential Zone – R2, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

5.2.2 Permitted Uses

Accessory Building
Additional Residential Units
Dwelling Unit, Detached
Home Occupation
Public Use

5.2.3 Zone Requirements

5.2.3.1	Minimum Lot Area	460 m ²
5.2.3.2	Minimum Lot Frontage	15.0 m
5.2.3.3	Maximum Lot Coverage	33%
5.2.3.4	Minimum Yard Setbacks	
	(a) Front	6.0 m
	(b) Rear	7.6 m
	(c) Interior Side	1.22 m
	(d) Exterior Side	4.5 m
5.2.3.5	Maximum Building Height	11.0 m

5.2.4 Zone Exceptions

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular R2 Zone except as noted.

5.2.4.1 R2-1

Notwithstanding Section 5.2.3 the following Maximum **Building Height** and Minimum **Yards** shall apply to those lands described as Lots 1 to 27 inclusive, Plan 51M-657, Lots 14 to 34 inclusive, Plan 51M-666 and Lots 22 to 35 inclusive, Plan 51M-800 and Zoned R2-1:

(a) Maximum Building Height	6.2 m
(b) Minimum Front Yard	5.46 m
(c) Minimum Rear Yard	10.67 m from Sidewalk Easement
(d) Accessory Building	1.22 m from Sidewalk Easement

5.2.4.2 R2-2

Notwithstanding Section 5.2.3, Minimum Yard Setbacks; the following shall apply to Lots 1 to 27 inclusive, Plan M-657, Lots 14 to 34 inclusive, Plan M-666 and Lots 1 to 35, Plan M-51-657 (313 to 511 inclusive Aberdeen Boulevard) and Zoned R2-2:

(a) Minimum Front	5.46 m
(b) Minimum Rear	10.67 m from Sidewalk Easement
(c) Accessory Building	1.22 m from Sidewalk Easement

5.2.4.3 R2-3

Notwithstanding Section 5.2.3 the Minimum **Lot frontage** and Minimum **Lot Area** shall apply to **lots** 77-87, 89-100, 102-112, 114-132, 189-194, 197-204, 252-304, 306-325, 341-352, 354, 366-372, 385-394, 406-412, 424-431, 434-446, 481-508 and 510-523, Draft Plan 43T-95021 (Hanson Lands) and Zoned R2-3:

(a) Minimum Lot Frontage	12.1 m
(b) Minimum Lot Area	370 m ²

5.2.4.4 R2-4

Notwithstanding Section 5.2.3 the Minimum **Lot Frontage** and Minimum **Lot Area** shall apply to **lots** 2-14, 17-29, 32-44, 47-59, 62-74, 133-180, 207-216, 219-228, 231-239, 242-250, 376-383, 469-480, 526-541 and 544-570, Draft Plan 43T-95021 (Hanson Lands) and Zoned R2-4:

(a) Minimum Lot Frontage	10.5 m
(b) Minimum Lot Area	350 m ²

5.2.4.5 R2-5

Notwithstanding Section 5.2.3 the following shall apply to those lands described as Parts 1, 2, 4, 6, 8, 10, 12, 14 and 15, Plan 51R-3095 (Whitney Crescent) and Zoned R2-5:

(a) Minimum Lot Frontage	12.0 m
(b) Minimum Lot Area	320 m ²

(c) Maximum Coverage	35%
(d) Minimum Yards	
(i) Front	4.6 m
(ii) Rear	25% of Lot Depth

5.2.4.6 R2-6

Notwithstanding Section 5.2.3 the following shall apply to those lands described as Parts 16 to 20 inclusive, 24 to 31 inclusive, 34 to 36 inclusive and 38 to 42 inclusive, Plan 51R-3095 (Whitney Crescent) and Zoned R2-6:

(a) Minimum Lot Frontage	3.6 to 4.5 m; providing that no adjacent dwelling has the identical setback
(b) Minimum Lot Area	320 m ²
(c) Maximum Coverage	35%
(d) Minimum Yards	
(i) Front	4.6 m
(ii) Rear	25% of Lot Depth

5.2.4.7 R2-7

Notwithstanding Section 5.2.3 the following shall apply to those lands described as Part 3, Plan 51R-3095 (Whitney Crescent) and Zoned R2-7:

(a) Minimum Lot Frontage	12.0 m
(b) Minimum Lot Area	320 m ²
(c) Maximum Coverage	35%
(d) Minimum Yards	
(i) Front	4.6 m
(ii) Interior (East Side)	0.92 m
(iii) Rear	25% of Lot Depth

5.2.4.8 R2-8

Notwithstanding Section 5.2.3 the following shall apply to those lands described as Parts 5, 7, 9, 11 and 13, Plan 51R-3095 (Whitney Crescent) and Zoned R2-8:

(a) Minimum Lot Frontage	12.0 m
(b) Minimum Lot Area	320 m ²
(c) Maximum Coverage	35%
(d) Minimum Yards	
(i) Front	4.6 m
(ii) Interior (West Side)	0.92 m

(iii) **Rear**

25% of **Lot Depth**

5.2.4.9 R2-9

Notwithstanding Section 5.2.3 the following shall apply to those lands described as Parts 21 to 23 inclusive, and 33, Plan 51R-3095 (Whitney Crescent) and Zoned R2-9:

- | | |
|---|--|
| (a) Minimum Lot Frontage | 3.6 to 4.5;
providing that no adjacent dwelling has the identical setback |
| (b) Minimum Lot Area | 320 m ² |
| (c) Maximum Coverage | 35% |
| (d) Minimum Yards | |
| (i) Front | 4.6 m |
| (ii) Interior (Pt 21- East Side) | 0.86 m |
| (iii) Interior (Pts22,23,33 E/S) | 0.73 m |
| (iv) Rear | 25% of Lot Depth |

5.2.4.10 R2-10

Notwithstanding Section 5.2.3 the following shall apply to those lands described as Parts 32 and 37, Plan 51R-3095 (Whitney Crescent) and Zoned R2-10:

- | | |
|---|--|
| (a) Minimum Lot Frontage | 3.6 to 4.5 m;
providing that no adjacent dwelling has the identical setback |
| (b) Minimum Lot Area | 320 m ² |
| (c) Maximum Coverage | 35% |
| (d) Minimum Yards | |
| (i) Front | 4.6 m |
| (ii) Interior (Pt 32- West Side) | 0.73 m |
| (iii) Interior (Pt 37 W/S) | 0.93 m |
| (iv) Rear | 25% of Lot Depth |

5.2.4.11 R2-11

Notwithstanding Section 5.2.3, the Minimum **Lot Frontage**, Minimum **Lot Area** and Minimum **Rear Yard** shall apply to the lands described as Part 2, Plan 51R-34881 (444 Elizabeth Street) and Zoned R2-11:

- | | |
|-------------------------------|--------------------|
| (a) Minimum Front Yard | 6.3 m |
| (b) Minimum Lot Area | 390 m ² |
| (c) Minimum Rear Yard | 6.3 m |

5.2.4.12 R2-12

Notwithstanding Section 5.2.3, the Minimum **Lot Frontage**, Minimum **Front Yard**, Minimum **Interior Yards** and Minimum **Lot Area** shall apply to the lands described as Part 3, Plan 51R-34881 (438 Elizabeth Street) and Zoned R2-12:

(a) Minimum Lot Frontage	9.0 m
(b) Minimum Front Yard	5.6 m
(c) Minimum Interior Yard	1.1 m West
(d) Minimum Interior Yard	1.1 m East
(e) Minimum Lot Area	216 m ²

5.2.4.13 R2-13

Notwithstanding Section 5.2.3, the Minimum **Lot Frontage**, Minimum **Front Yard**, Minimum **Interior Yard**, Minimum **Lot Area** and Maximum **Lot Coverage** shall apply to the lands described as Parts 6 and 7, Plan 51R-34881 (314 Queen Street) and Zoned R2-13:

(a) Minimum Lot Frontage	8.7 m
(b) Minimum Front Yard	2.1 m
(c) Minimum Interior Yard	0.3 m
(d) Minimum Lot Area	276 m ²
(e) Maximum Lot Coverage	35%

5.2.4.14 R2-14

Notwithstanding Section 5.2.3, the Minimum **Lot Frontage**, Minimum **Front Yard**, Minimum **Lot Area** and Maximum **Lot Coverage** shall apply to the lands described as Parts 8, 9 10 and 11, Plan 51R-34881 (310 Queen Street) and Zoned R2-14:

(a) Minimum Lot Frontage	9.1 m
(b) Minimum Front Yard	0.4 m
(c) Minimum Lot Area	281 m ²
(d) Maximum Lot Coverage	34%

5.2.4.15 R2-15

Notwithstanding Section 5.2.3, the following shall apply to Lots 1, 5, 8, 12, 14, 20, 23, and 26, inclusive, Draft Plan MD-T-0208 and zoned R2-15:

(a) Minimum Lot Area	320.0 m ²
(b) Minimum Lot Frontage	12.0 m
(c) Minimum Rear Yard Setback	6.0 m

- (d) Minimum **Exterior Side Yard Setback** 3.0 m
- (e) Maximum **Lot Coverage** 56%
- (f) Notwithstanding Section 3.14 **Decks**, a **deck** or **porch** as defined by this By-law shall not be permitted an additional 4% **lot coverage**. Notwithstanding Section 3.7.6, **accessory buildings** and **structures** shall only be permitted in accordance with the Maximum **Lot Coverage** permitted in this exception.

5.2.4.16 R2-16

Notwithstanding Section 5.2.3, the following Maximum **Lot Coverage** shall apply to lands zoned R2-16 (Subdivision MD-T-0108, 823 King Street):

- (a) Maximum **Lot Coverage** 40%

5.2.4.17 R2-17

Notwithstanding Section 5.2.3, the following Minimum **Lot Area**, Minimum **Lot Frontage** and Maximum **Lot Coverage** shall apply to lands zoned R2-17 (Subdivision MD-T-0108, 823 King Street):

- (a) Minimum **Lot Area** 400 m²
- (b) Minimum **Lot Frontage** 12.0 m
- (c) Maximum **Lot Coverage** 40%

5.2.4.18 R2-18

Notwithstanding Section 5.2.3, the following shall apply to all lots zoned R2-18:

- (a) Maximum **Lot Coverage** 51%
- (b) **Front Yard**
 - (i) Minimum **setback** to **Dwelling Unit** 2.45 m
 - (ii) Minimum **setback** to **Attached Garage** 5.8 m
 - (iii) Minimum **Rear Yard**:
 - Lots 1 – 28, 49 - 55, 57 – 63 7.5 m
 - Lot 48 5.4 m
 - Lot 56 6.0 m
 - Lot 29 from west side of Sidewalk Easement 6.0 m
 - 6.0 m
 - Lots 30 to 31 from west side of Sidewalk Easement 6.3 m
 - Lots 32 to 47 from west side of Sidewalk Easement 7.5 m
- (c) **Exterior Side Yard** 3.5 m
- (d) Maximum **Building Height**
 - Lots 1-54 and 61-63 9.2 m
 - Lots 55-60 10.2 m

- (e) The maximum width of a driveway shall not exceed 0.6 m beyond the width of the interior of the garage.
- (f) Notwithstanding Section 3.8.6, **accessory buildings** and **structures** shall only be permitted in accordance with the Maximum **Lot Coverage** permitted in this exception.

5.2.4.19 R2-19

Notwithstanding Section 3.15 Decks and Section 5.2.3, the following shall apply all lots zoned R2-19:

- (a) **Decks** shall be permitted in that portion of the **Rear Yard** located between the waterside edge of the sidewalk easement (east side) and the high water mark of Georgian Bay provided they meet the following **setback** requirements:
 - (i) From Waterside of Sidewalk Easement (east side) 0.61 m
 - (ii) From **Interior Side Yard** 1.22 m
 - (iii) From **Rear Yard** 0.0 m
 - (iv) Maximum Area 13.5 sq. m

5.2.4.20 R2-20

Notwithstanding Section 5.2.3, the following shall apply to Block 55, inclusive, Draft Plan MD-T-0208 and zoned R2-20:

- (a) Minimum **Lot Area** 300.0 m²
- (b) Minimum **Lot Frontage** 11.0 m
- (c) Minimum **Rear Yard Setback** 6.0 m
- (d) Minimum Exterior Side Yard Setback 3.0 m
- (e) Maximum **Lot Coverage** 56%
- (f) Notwithstanding Section 3.14, a **deck** or **porch** as defined by this by-law shall not be permitted an additional 4% **lot coverage**. Notwithstanding Section 3.14, **accessory buildings** and **structures** shall only be permitted in accordance with the Maximum **Lot Coverage** permitted in this exception.

5.3 RESIDENTIAL – R3

5.3.1 General Prohibition

Within a Residential Zone – R3, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

5.3.2 Permitted Uses

Accessory Building
Additional Residential Units
Dwelling Unit, Detached
Dwelling, Duplex
Home Occupation
Public Use
Dwelling, Semi-detached

5.3.3 Zone Requirements

	<u>Detached Dwelling and Duplex Dwelling Units</u>	<u>Semi Detached Dwelling Units</u>
5.3.3.1 Minimum Lot Area	460 m ²	320 m ² /DU
5.3.3.2 Minimum Lot Frontage	15.0 m	10.5 m/DU
5.3.3.3 Maximum Lot Coverage	33%	33%
5.3.3.4 Minimum Yard Setbacks		
(a)Front	6.0 m	6.0 m
(b)Rear	7.6 m	7.6 m
(c)Interior Side	1.22 m	1.22m
(i) Common Wall	N/A	0.0 m
(ii) Separated Units	N/A	0.6 m
(d)Exterior Side	4.5 m	4.5 m
5.3.3.5 Maximum Building Height	11.0 m	11.0 m
5.3.3.6 Notwithstanding the Minimum Interior Side yard requirements of 5.3.3.4, where the semi-detached dwelling units are designed as separate units above grade and which do not share a common wall above grade, a		

maintenance easement of 1.22 m must be provided between the above grade walls of the units.

5.3.4 Zone Exceptions

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular R3 Zone except as noted.

5.3.4.1 R3-1

Notwithstanding Section 5.3.3, the Minimum **Lot Frontage** and the following Minimum **Lot Area** shall apply to Lots 13 to 23, inclusive, Plan 51M-644 (383 to 405, inclusive, Irwin Street) and Zoned R3-1:

- | | |
|---------------------------------|--------------------|
| (a) Minimum Lot Frontage | 12.1 m |
| (b) Minimum Lot Area | 369 m ² |

5.3.4.2 R3-2

Notwithstanding Section 5.3.2, Bed and Breakfast operations shall be permitted at the following properties Zoned R3-2:

Municipal Address	Maximum No. of Rooms
(a) 670 Hugel Avenue	4
(b) 290 Second Street	3
(c) 78 Victoria Street	2
(d) 591 Yonge Street	2
(e) 669 Yonge Street	4
(f) 431 King Street	3

5.3.4.3 R3-3

Notwithstanding Section 5.3.2, the land described as Part of Lot 20, Concession 3, formerly in the Township of Tay, now in the Town of Midland shall permit the following additional **use** (527 William Street) and Zoned R3-3:

- (a) Early Intervention Centre, which for the purposes of this By-law is a **use** operated by a social agency for child and family services.

5.3.4.4 R3-4

Notwithstanding Section 5.3.3, the following shall apply to the lands described as Lots 12, 13, 25 and 26, Plan 537 (365, 367, 370 and 372 Fitton Street) and Zoned R3-4:

- | | |
|---------------------------------|---------|
| (a) Minimum Lot Frontage | 18.28 m |
|---------------------------------|---------|

5.3.4.5 R3-5

Notwithstanding Section 5.3.3 the following Minimum **Lot Frontage** and Minimum **Lot Area** shall apply to the lots described as Parts 1 to 8 inclusive, Plan 51R-22231 (307 to 321 Ellen Street inclusive) and Zoned R3-5:

- | | |
|---------------------------------|--------------------|
| (a) Minimum Lot Frontage | 9.6 m |
| (b) Minimum Lot Area | 320 m ² |

5.3.4.6 R3-6

Notwithstanding Section 5.3.3, the Minimum **Lot Frontage**, Minimum **Front Yard**, Minimum **Lot Area** and Maximum **Lot Coverage** shall apply to the lands described as Part 4, Plan 51R-34881 (318 Queen Street) and Zoned R3-6:

- | | |
|---------------------------------|--------------------|
| (a) Minimum Lot Frontage | 7.0 m |
| (b) Minimum Front Yard | 1.2 m |
| (c) Minimum Lot Area | 118 m ² |
| (d) Maximum Lot Coverage | 39% |

5.3.4.7 R3-7

Notwithstanding Section 5.3.3., the following Minimum **Lot Frontage**, Minimum **Front Yard**, Minimum Interior Yard, Minimum **Lot Area** and Maximum **Lot Coverage** shall apply to the lands described as Part 5, Plan 51R-34881 (316 Queen Street) and Zoned R3-7:

- | | |
|----------------------------------|--------------------|
| (a) Minimum Lot Frontage | 6.0 m |
| (b) Minimum Front Yard | 1.3 m |
| (c) Minimum Interior Yard | 0.3 m |
| (d) Minimum Lot Area | 112 m ² |
| (e) Maximum Lot Coverage | 41% |

5.3.4.8 R3-8

Notwithstanding Section 5.3.2, for those lands Zoned R3-8, Semi Detached Dwelling Units only shall be permitted.

Notwithstanding Section 5.3.3 for Semi Detached Dwelling Units only, the following shall apply to Lots 2-4, 6, 7, 9-11, 13, 15-19, 21, 22, 24, 25, 27 & 28, inclusive, Draft Plan MD-T-0208 and zoned R3-8:

- | | |
|--|----------------------------|
| (a) Minimum Lot Area | 270.0 m ² /unit |
| (b) Minimum Lot Frontage | 10.0 m |
| (c) Minimum Rear Yard Setback | 6.0 m |
| (d) Minimum Exterior Side Setback | 3.0 m |

(e) Maximum **Lot Coverage** 56%

Notwithstanding Section 3.15 Decks, a **deck** or **porch** as defined by this By-law shall not be permitted an additional 4% **lot coverage**. Notwithstanding Section 3.8.6, **accessory buildings** and **structures** shall only be permitted in accordance with the Maximum **Lot Coverage** permitted in this exception.

5.3.4.9 R3-9

Notwithstanding Sections 5.3.3.1, 5.3.3.2 and 5.3.3.3, the following zone provisions shall apply to the lands described as Parts of Lots 1 and 2 East of George Street, all of Lots 3, 4, and 5 East of George Street and Part of Lots 1, 2, 3, 4 and 5 West of Lindsay Street on Registered Plan 349 (283 Barnett Avenue) and zoned R3-9:

(a) Minimum Lot Area	440m ²
(b) Minimum Lot Frontage	11.5m
(c) Maximum Lot Coverage	35%

5.3.4.10 R3-10

Notwithstanding Sections 5.3.3.1, 5.3.3.2 and 5.3.3.3, the following zone provisions shall apply to the lands described as Parts of Lots 1 and 2 East of George Street, all of Lots 3, 4, and 5 East of George Street and Part of Lots 1, 2, 3, 4 and 5 West of Lindsay Street on Registered Plan 349 (283 Barnett Avenue) and zoned R3-10:

(a) Minimum Lot Area	300m ²
(b) Minimum Lot Frontage	10m
(c) Maximum Lot Coverage	40%

5.3.4.11 R3-11

Notwithstanding Sections 5.3.3.1, 5.3.3.2 and 5.3.3.3, the following zone provisions shall apply to the lands described as Parts of Lots 1 and 2 East of George Street, all of Lots 3, 4, and 5 East of George Street and Part of Lots 1, 2, 3, 4 and 5 West of Lindsay Street on Registered Plan 349 (283 Barnett Avenue) and zoned R3-11:

(a) Minimum Lot Area	300m ²
(b) Minimum Lot Frontage	10m
(c) Maximum Lot Coverage	35%

5.3.4.12 R3-12

Notwithstanding Sections 5.3.3.1, 5.3.3.2 and 5.3.3.3, the following zone provisions shall apply to the lands described as Parts of Lots 1 and 2 East of George Street, all of Lots 3, 4, and 5 East of George Street and Part of Lots 1, 2, 3, 4 and 5 West of Lindsay Street on Registered Plan 349 (283 Barnett Avenue) and zoned R3-12:

- (a) Minimum **Lot Area** 300m²
- (b) Minimum **Lot Frontage** 10m
- (c) Maximum **Lot Coverage** 35%
- (d) No fence or hedge shall be permitted along the **side lot lines**.

5.3.4.13 R3-13

Notwithstanding Sections 5.3.3.1, 5.3.3.2 and 5.3.3.3, the following zone provisions shall apply to the lands described as Parts of Lots 1 and 2 East of George Street, all of Lots 3, 4, and 5 East of George Street and Part of Lots 1, 2, 3, 4 and 5 West of Lindsay Street on Registered Plan 349 (283 Barnett Avenue) and zoned R3-13:

- (a) Minimum **Lot Area** 440m²
- (b) Minimum **Lot Frontage** 11.5m
- (c) Maximum **Lot Coverage** 35%
- (d) No fence or hedge shall be permitted along the **side lot lines**.

5.3.4.14 R3-14

Notwithstanding Section 5.3.3, the following regulations shall apply to those lands zoned R3-14 (319 Gervais Street):

- (a) Minimum **Lot Area** 408 m²/DU
- (b) Minimum **Lot Frontage** 12.1 metres

5.3.4.15 R3-15

Notwithstanding Section 5.3.3, the following regulations shall apply to those lands zoned R3-15 (319 Gervais Street):

- (a) Minimum **Lot Area** 296 m²/DU

5.3.4.16 R3-16

Notwithstanding Section 5.3.3, the following regulations shall apply to those lands zoned R3-16 (319 Gervais Street):

- | | |
|-------------------------------|------------------------|
| (a) Minimum Lot Area | 408 m ² /DU |
| (b) Front Yard Setback | 3.0 metres |
| (c) Rear Yard Setback | 6.0 metres |

5.3.4.17 R3-17

Notwithstanding Section 5.3.3, the following regulations shall apply to those lands zoned R3-16 (319 Gervais Street):

- | | |
|-----------------------------|------------------------|
| (a) Minimum Lot Area | 408 m ² /DU |
|-----------------------------|------------------------|

5.3.4.18 R3-18

Notwithstanding Section 5.3.3 Zone Requirements, **semi-detached dwellings** shall be permitted and the following provisions shall apply to lands zoned R3-18 (808 Birchwood Drive):

- | | |
|---------------------------------|--------------------|
| (a) Minimum Lot Area | 230 m ² |
| (b) Minimum Lot Frontage | 7m |
| (c) Maximum Lot Coverage | 50% |
| (d) Minimum Rear Yard | 7m |

5.4 RESIDENTIAL – R4

5.4.1 General Prohibition

Within a Residential Zone – R4, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

5.4.2 Permitted Uses

Accessory Building
Additional Residential Units
Dwelling Unit, Detached
Dwelling, Duplex
Home Occupation
Public Use
Dwelling, Semi-detached
Dwelling, Triplex

5.4.3. Zone Requirements

		<u>Detached</u>	<u>Semi</u>	<u>Duplex</u>	<u>Triplex</u>
5.4.3.1	Minimum Lot Area	460 m ²	320 m ² /DU	230 m ² /DU	200 m ² /DU
5.4.3.2	Minimum Lot Frontage	15.0 m	10.5 m/DU	15.0 m	18.0 m
5.4.3.3	Maximum Lot Coverage	33%	33% / DU	33%	33%
5.4.3.4.	Minimum Yard Setbacks				
	(a) Front	6.0 m	6.0 m/DU	6.0 m	5.5m
	(b) Rear	7.6 m	7.6 m/DU	7.6 m	7.6 m
	(c) Interior Side	1.22 m	1.22 m	1.22 m	m
	(i)Common Wall	N/A	0.0 m	N/A	N/A
	(ii)Separated Units	N/A	0.6 m/DU	N/A	N/A
	(d) Exterior Side	4.5 m	4.5 m/DU	4.5 m	4.5 m

5.4.3.5	Maximum Building Height	11.0 m	11.0 m	11.0 m	11.0 m
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- 5.4.3.6 Notwithstanding the Minimum **Interior Side yard** requirements where the semi-detached units are designed as separate units above grade and which do not share a common wall above grade, a maintenance easement of 1.22 m must be provided between the above grade walls of the units.

5.4.4 Zone Exceptions

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular R4 Zone except as noted.

5.4.4.1 R4-1

Notwithstanding any other provisions of this By-law for the lands described as Part of Lot 10, Plan 349 and more particularly described as Part 1, Plan 51R-14798 and Zoned R4-1 may be **used** for the purpose of a **Detached Dwelling Unit**, limited to one **storey** in **height** above finished grade, excluding any **basement**, cellar or foundation and a 0.3m, one (1) foot reserve shall be conveyed to the Town along the Bayshore Drive property line concurrent with the issuance of a building permit (244 Frank Street).

5.4.4.2 R4-2

Notwithstanding Sections 5.4.3.1 and 5.4.3.2 with respect to **Triplexes**, the following zone provisions shall apply to the lands described as Parts of Lot 1 and 2 on the West Side of Queen Street on Registered Plan 166 (438 Hugel Avenue) and Zoned R4-2:

- | | |
|---------------------------------|-------------------|
| (a) Minimum Lot Area | 574m ² |
| (b) Minimum Lot Frontage | 16.7m |

5.4.4.3 R4-3

Notwithstanding Sections 4.1.5, 5.4.3.1 and 5.4.3.2 with respect to **Triplexes**, the following zone provisions shall apply to the lands described as Part of Lot 6 on the West Side of Queen Street on Registered Plan 166 (226 Queen Street) and Zoned R4-3:

- | | |
|---------------------------------|-------------------|
| (a) Minimum Parking | 2 spaces |
| (b) Minimum Lot Area | 383m ² |
| (c) Minimum Lot Frontage | 10m |

5.4.4.4 R4-4

Notwithstanding Sections 5.4.3.1 and 5.4.3.2 with respect to **Triplexes**, the following zone provisions shall apply to the lands described as Part of Lots 5 and 6 on the West Side of Queen Street on Registered Plan 166 being Part 1 on Reference Plan 51R-13461 (230 Queen Street – By-law #2017-46) and Zoned R4-4:

- | | |
|---------------------------------|-------------------|
| (a) Minimum Lot Area | 383m ² |
| (b) Minimum Lot Frontage | 13.8 m |

5.4.4.5 R4-5

Notwithstanding Sections 3.13.1, 5.4.2 and 5.4.3 of By-law 2004-90, as it pertains to those lands zoned R4-5 (640 Bayport Boulevard), permitted **uses** shall include **Accessory Building, Detached Dwelling Unit, Home Occupation, Public Use, Second Unit, and Street Townhouse Dwelling Unit**. The following zone provisions shall apply:

	<u>Street Townhouse</u>	<u>Detached</u>
(a) Minimum Lot Area	171 m ²	330 m ²
(b) Minimum Lot Frontage	5.4 m	11.0 m
(c) Maximum Lot Coverage	50%	50%
(d) Minimum Yard Setbacks		
- Front	4.5 m	4.5 m
- Rear	7.5 m	7.5 m
- Interior Side	1.22 m	1.22 m
- Common Wall	0.0 m	N/A
- Exterior Side	2.5 m	4.0 m
(e) Min. Setback - Attached Garage	5.8 m	6.0 m
(f) Maximum Building Height	11.0 m	11.0 m
(g) Porches may project no more than a distance of 1.5 m into any minimum front or rear yard.		
(h) Steps or stairs to a landing or Porch may encroach a maximum of 2.1 m into any minimum front or rear yard or further encroach from the edge of the conforming Porch in the Front Yard, Rear Yard, Side Yard or Exterior Side Yard to a maximum of 0.6 metres.”		

5.4.4.6 R4-6

Notwithstanding Sections 3.13.1, 5.4.2 and 5.4.3 of By-law 2004-90, as it pertains to those lands zoned R4-6 Zone (640 Bayport Boulevard), permitted **uses** shall include **Accessory Building, Detached Dwelling Unit, Home Occupation, Public Use, Secondary Suite, and Street Townhouse Dwelling Unit**. The following zone requirements shall apply:

	<u>Street Townhouse</u>	<u>Detached</u>
(a) Minimum Lot Area	171 m ²	330 m ²
(b) Minimum Lot Frontage	5.4 m	11.0 m
(c) Maximum Lot Coverage	50%	50%
(d) Minimum Yard Setbacks		
- Front	4.5 m	4.5 m
- Rear	7.5 m	7.5 m
- Interior Side	1.22 m	1.22 m
- Common Wall	0.0 m	N/A
- Exterior Side	2.5 m	4.0 m
(e) Min. Setback - Attached Garage	5.8 m	6.0 m
(f) Maximum Building Height	13.0 m	13.0 m
(g) Porches may project no more than a distance of 1.5 m into any minimum front or rear yard .		
(h) Steps or stairs to a landing or Porch may encroach a maximum of 2.1 m into any minimum front or rear yard or further encroach from the edge of the conforming Porch in the Front Yard, Rear Yard, Side Yard or Exterior Side Yard to a maximum of 0.6 metres.		

5.4.4.7 R4-7

Notwithstanding Section 5.4.2, the following additional **use** shall be permitted on those lands zoned R4-7 and having a municipal address of 219 Queen Street:

Dwelling, Fourplex

Notwithstanding Section 5.4.3, the following regulations shall apply to those lands zoned R4-7 and having a municipal address of 219 Queen Street:

(a) Minimum Lot Area	139 m ² /DU
Minimum Lot Frontage	18.29 m
Maximum Lot Coverage	33%
Minimum Yards	
(i) Front	6.0 m
(ii) Rear	7.6 m
(iii) Interior	0.8 m
(b) Maximum Building Height	11 m
(c) Minimum Parking Spaces	4 spaces
(d) Minimum Parking Space Dimension	2.5 m x 5.8 m
(e) Maximum Driveway Width	10.2 m

5.4.4.8 R4-8

- (a) Notwithstanding Section 4.1.5 - Table 4.1 - Number of **Parking Spaces**, the following shall apply to the lands described as Tay Concession 1 N Part Lot 106 (311 Second Street and Zoned R4-8):

Minimum Number of **Parking Spaces** 0.75 per **dwelling unit** – no requirement for visitor **parking** to be provided onsite.

- (b) Notwithstanding Section 4.1.7.2, the following shall apply to the lands described as Tay Concession 1 N Part Lot 106 (311 Second Street and Zoned R4-8):

Recognize and permit two (2) private driveways.

- (c) Notwithstanding Section 5.4.3.1, the following shall apply to the lands described as Tay Concession 1 N Part Lot 106 (311 Second Street and Zoned R4-8):

Minimum **Lot Area** 159.1 sq. m per **dwelling unit**

- (d) Notwithstanding Section 5.4.3.4 (a), the following shall apply to the lands described as Tay Concession 1 N Part Lot 106 (311 Second Street and Zoned R4-8):

Minimum **Front Yard Setback** 2.84 metres

- (e) Notwithstanding Section 5.4.3.4 (d), the following shall apply to the lands described as Tay Concession 1 N Part Lot 106 (311 Second Street and Zoned R4-8):

Minimum **Exterior Side Yard Setback** 0.65 metres

5.5 RESIDENTIAL – R5

5.5.1 General Prohibition

Within a Residential Zone – R5, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

5.5.2 Permitted Uses

Accessory Building
Additional Residential Units
Boat Dock
Boat House
Boat Slip
Dwelling Unit, Detached
Home Occupation
Public Use

5.5.3 Zone Requirements

	<u>Public Water</u> <u>Private Septic</u>	<u>Private Water</u> <u>Private Septic</u>
5.5.3.1 Minimum Lot Area	1500 m ²	2000 m ²
5.5.3.2 Minimum Lot Frontage	25.0 m	30.0 m
5.5.3.3 Maximum Lot Coverage	35%	35%
5.5.3.4 Minimum Yard Setbacks		
(a) Front	8.0 m	8.0 m
(b) Rear	11.0 m	11.0 m
(c) Interior Side	3.0 m	3.0 m
(d) Exterior Side	8.0 m	8.0 m
5.5.3.5 Maximum Building Height	11.0 m	11.0 m
5.5.3.6	Notwithstanding any other provisions of this By-law, a garage, detached or garage, attached may be erected in an interior side yard or rear yard provided that the garage is no closer than 1.0 metres from the interior and rear lot lines . A 3.0 metre setback is required from the interior and rear lot lines where habitable space be provided above of a garage, attached or garage, detached .	

- 5.5.3.7 In the case of waterfront properties on Midland Bay, no **building** or **structure** shall be located within 15.0 metres of the 178.0 m elevation as established by the Geodetic Surveys of Canada, North American Datum, 1983 adjacent to Georgian Bay. In addition, any openings to any **building** or **structure** on a waterfront **lot** shall be located not less than the 178.5 m elevation as established by the Geodetic Surveys of Canada, North American Datum, 1983. This provision shall not apply to **boat houses**, pump houses, **boat slips** and docks or structural works required for flood and/or erosion control or sedimentation control. This provision shall not apply to **decks** and/or stairs attached to a main **dwelling** provided that the encroachment meets the applicable zone regulations for the required minimum **Rear Yard**.
- 5.5.3.8 **Boat Houses**, Pump Houses and **Boat Docks** are permitted in any **yard** of a waterfront **lot**, except the **Front Yard**, provided they are located no closer than 1.0 m **setback** from a **Interior Lot Line** and 3.0 m from an **Exterior Lot Line**.
- 5.5.3.9 Notwithstanding Section 3.36, Frontage on a Public **Street**, for **lots** on **private streets** that are zoned R5, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted by this Section and in accordance with the Zone requirements of this Section. The Holding Provision - H may be removed providing the following information is submitted and approved by the **Corporation**:
- (a) Obtaining a Private Septic System Use Permit, Final Inspection Report or equivalent from the Chief Building Official or appropriate agency,
 - (b) Entering into a Private Street Agreement with the **Corporation**.

5.5.4 **Zone Exceptions**

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular R5 Zone except as noted.

5.5.4.1 **R5-1**

Notwithstanding Section 5.5.3, the Minimum **Lot Area** and the **Lot Area** for the lands described as Lots 17 and 18, Plan 1326, may, for calculation purposes, include those lands within the Environmental Protection Zone-EP (884 Midland Point Road) and Zoned R5-1.

5.5.4.2 **R5-2**

Notwithstanding Section 5.5.2 an **Accessory Dwelling Unit** shall be permitted with a Maximum Area of 50.17 m² on the lands described as Lot 4, plus the lands to the rear of Lot 4, Plan 1102 (392 Curry Road) and Zoned R5-2

5.5.4.3 R5-3

Notwithstanding Sections 5.5.2 and 5.5.3 the following shall apply to those lands zoned R5-3 and known as Snake Island:

- (a) The Only Permitted **Use** shall be: Seasonal Cottage **Dwelling** and related **accessory buildings** and sewage disposal system.
- (b) **Lot Area** (Minimum) 1.2 hectares
- (c) **Lot Frontage** (Minimum) N/A
- (d) All **Yards** (Minimum) N/A
- (e) **Height** (Maximum) 7.0 m or a maximum 1 ½ **storey for dwelling**
- (f) Required **Parking** 0 spaces
- (g) For those lands zoned “R5-3(H)”, the Holding Symbol (H) shall be removed upon approval of a development plan and agreement for the island.
- (h) Section 5.5.3.7 shall apply, save and except that the provision shall not apply to **decks** and/or stairs attached to the **dwelling** provided that the encroachments shall all be within the lands zoned R5-3.

5.5.4.4 R5-4

Notwithstanding Section 5.5.3, the Minimum **Lot Frontage**, Minimum **Lot Area**, Minimum **Interior Side Yard** and Minimum **Exterior Side Yard**, the following shall apply to those lands known municipally as 204 Gianetto Drive and Zoned R5-4:

Minimum Lot Area	750.0 m ²
Minimum Lot Frontage	15.2 m
Minimum Interior Side Yard Setback	2.0 m
Minimum Exterior Side Yard Setback	4.0 m

5.5.4.5 R5-5

Notwithstanding Section 5.5.3, the Minimum **Lot Area**, the following shall apply to those lands known municipally as 340 Lakewood Drive and Zoned R5-5:

Minimum Lot Area	1497 m ²
-------------------------	---------------------

5.5.4.6 R5-6

Notwithstanding Sections 5.5.3 and 5.5.4, the following shall apply to the lands described as Part of Lot 75, Registered Plan 96, and Part of the Water Lot in front

of Lot 75, Registered Plan 96 known municipally as 447 Mundy's Bay Road and zoned Residential Exception R5-6:

- Lot Frontage Minimum – 27.0 metres measured at Mundys Bay Road
- a) Shoreline Vegetated Buffer Minimum 20.0 metres
 - b) **Dwelling Setback** from High Water Mark 25.0 metres
 - c) Shoreline Structure Maximum Length 11.0 metres
 - d) Shoreline Structure Maximum Width 7.0 metres
 - e) Shoreline Structure % of Shoreline Frontage Maximum 40%
 - f) Shoreline Structure **Setback** from Side Lot Line Projections
1.5metres Minimum

5.5.4.7 R5-7

Notwithstanding Section 5.5.3, the following regulations shall apply to those lands zoned R5-7 (743 Midland Point Road):

- a) Minimum **Lot Frontage** 20.0 metres

5.6 RESIDENTIAL TOWNHOUSE - RT

5.6.1 General Prohibition

Within a Residential Townhouse Zone – RT, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

5.6.2 Permitted Uses

Accessory Building
Additional Residential Units
Home Occupation
Public Use
Dwelling, Street Townhouse
Dwelling, Townhouse

5.6.3 Zone Requirements

		<u>Townhouse</u>	<u>Street Townhouse</u>
5.6.3.1	Minimum Lot Area	150 m ² /DU	220 m ² /DU
5.6.3.2	Minimum Lot Frontage	30.0 m	7.6 m
5.6.3.3	Maximum Lot Coverage	35%	36%
5.6.3.4	Minimum Yard Setbacks		
	(a) Front	9.0 m	5.5 m
	(b) Rear	7.6 m	7.6 m
	(c) Interior Side	7.6 m	1.22 m
	(i)Common Wall	0.0 m	0.0 m
	(d) Exterior Side	7.6 m	4.5 m
5.6.3.5	Maximum Building Height	11.0 m	11.0 m
5.6.3.6.	Notwithstanding the Section 5.6.3.4 (c) requirements where the Townhouse Dwelling units are designed as separate units above grade and which do not share a common wall above grade, a maintenance easement of 1.22 m must be provided between the above grade walls of the units.		

5.6.4 Zone Exceptions

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular RT Zone except as noted.

5.6.4.1 RT-1

Notwithstanding Section 5.6.3, the following shall apply to the lands described as Parts 1 to 26, inclusive, Plan 51R-16817 “A” (85 to 101, inclusive, Penetanguishene Road) and Zoned RT-1:

- (a) Maximum **Lot Coverage** 36%

5.6.4.2 RT-2

Notwithstanding Section 5.6.2, the following additional **uses** shall also be permitted on those lands described as Part of Lots 101 and 102, Concession 1 (former Tay), and more particularly described as Parts 1 to 17 inclusive, Reference Plan 51R-33691 (Hanson Subdivision Lands) and zoned RT-2:

- (a) **Detached Dwelling Unit**
- (b) **Duplex Dwelling Unit**
- (c) **Semi-Detached Dwelling Unit**
- (d) **Triplex Dwelling Unit**
- (e) Stormwater Management Facility

Notwithstanding Section 5.6.3, the following standards shall apply to the Blocks as shown on approved Draft Plan of Subdivision 43T-95021 (Hanson) and zoned RT-2:

- (a) Minimum Block Area

Block	Minimum Area (ha)
Block 1	2.1
Block 2	3.2
Block 3	0.8
Block 4	1.5
Block 5	1.3
Block 6	4.5
Block 7	1.0
Block 8	3.7
Block 9	2.4
Block 10	4.0
Block 11	2.6
Block 12	3.3

Block	Minimum Area (ha)
Block 13	1.8
Block 14	4.0
Block 15	0.8
Block 16	1.7
Block 17	3.6
Block 29	1.2

- (b) Minimum and Maximum Density per Block shall be 22 units per hectare and 30 units per hectare respectively
- (c) Notwithstanding any future subdivision or division of the lands by way of vacant land, common elements, or other condominium approvals, the Blocks shall be deemed to continue to form the blocks as set out on the Draft Plan of Subdivision 43T-95021 (Hanson) as approved by the Town on October 20, 2014 for the purposes of this by-law.
- (d) No Block shall be developed with less than the percentage of the **dwellings** being **Townhouse dwelling units** as set out below:

Block	Minimum Percentage
Block 1	70
Block 2	70
Block 3	60
Block 4	60
Block 5	50
Block 6	70
Block 7	35
Block 8	90
Block 9	90
Block 10	50
Block 11	40
Block 12	35
Block 13	35
Block 14	40
Block 15	65
Block 16	65
Block 17	65
Block 29	65

- (e) Minimum Block Frontage NA
- (f) Maximum Block **Lot Coverage** 35%
- (g) Minimum **Setback** from **Street Line** 5.5 m
- (h) Minimum **Setback** to any Open Space Zone 3.0 m
- (i) Minimum **Setback** to any **use** in NC zone 4.5 m
- (j) Minimum **Setback** in all other **Yards** 3.0 m
- (k) Minimum **Landscaped Open Space** 30%

- (l) Maximum number of **Storeys** 3
- (m) Driveways shall only be permitted onto a private condominium road
- (n) No **parking areas** shall be permitted in the **Front** or **Exterior Side Yards**
- (o) **Decks** and **Porches** shall not be included in the maximum **lot coverage** permitted and clause 3.15.6 shall not apply. **Decks** are permitted subject to the following maximum dimension standards:
 - (i) **Semi-Detached Dwelling Unit** 3.66 m x ½ width of unit rear wall
 - (ii) **Detached Dwelling Unit** 3.66 m x full width of unit rear wall
 - (iii) **Townhouse Dwelling Unit** 3.66 m x ½ width of unit rear wall
- (p) Notwithstanding sub-sections 3.14 and 3.15, unenclosed **porches**, **decks**, bay windows and similar non-structural architectural features may project a maximum of 1.5 metres into any required **Interior Side** or **Rear Yard** provided that they shall be no closer than 2.0 metres from the Block line. Unenclosed **porches**, bay windows and similar non-structural architectural features may project a maximum of 3.0 metres into a required Minimum **setback** from a **Street Line**. Steps or stairs appurtenant to an unenclosed **porch** or **deck** may further project into any **Yard** or **Setback** to a maximum of 1.0 metres.
- (q) Notwithstanding the definition for “Grade, Finished” in Section 2 DEFINITIONS, the following definition shall apply to those lands Zoned RT-2:
 Grade, Finished: Shall mean the average level of finished ground adjoining a **building** at all exterior walls. For **Townhouse Dwelling Units**, Finished Grade shall be measured in relation to each individual unit in the **building**.
- (r) Notwithstanding Table 4.1 in subsection 4.1.5, the minimum Visitor Parking standards for Multiple **Dwelling units** including Block Townhouses, and **Apartment Dwelling Units**, shall be at a rate of 1.25 residential **parking spaces** per unit and 0.25 visitor **parking spaces** per **dwelling unit**.
- (s) Notwithstanding subsection 4.1.6.5, the minimum width of a driveway or aisle leading to any **parking space** shall be 6.0 m for two-way traffic and 3.0 m for one-way traffic.
- (t) Notwithstanding subsection 4.1.6.10, the following definition shall apply to those lands Zoned RT-2: The **parking** of **motor vehicles** associated with a residential **use** is only permitted within a parking garage, surface **parking area**, private garage, carport on a driveway in tandem accessing an individual **dwelling unit**, a private garage or a carport.

5.6.4.3 RT-3

Notwithstanding Section 5.6.3, the following shall apply to the lands described as Parts 1 to 15 inclusive and Part 19, Reference Plan 51R-27513 and known as 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 438 and 440 Shewfelt Crescent and Zoned RT-3:

- (a) Maximum **Lot Coverage**
 - i. Parts 2 to 7 (410, 412, 414, 416, 418, 420 Shewfelt Crescent) 41%
 - ii. Parts 10 to 13 (426, 428, 430, 432 Shewfelt Crescent) 46%
 - iii. Part 15 (438 Shewfelt Crescent) 37%
- (b) Minimum **Yard Setbacks**
 - a) **Rear Yard**
 - i. Parts 14,15 and 19 (438 and 440 Shewfelt Crescent) 0.0 m

Notwithstanding Section 3.15.6, a **Deck** is permitted as additional **Lot Coverage** as follows:

- (a) **Lot Coverage for a Deck**
 - i. Parts 1 to 8 (408, 410, 412, 414, 416, 418, 420 and 422 Shewfelt Crescent) 10%
 - ii. Part 9 to 15, and Part 19 (424, 426, 428, 430, 432, 438 and 440 Shewfelt Crescent) 7%

5.6.4.4 RT-4

Notwithstanding Section 5.6.3, the following shall apply to the lands described as Parts 1, 3, 4, 10 – 13, 15, 17 – 19, 22 and 23, Plan 51R-27513 (Shewfelt Crescent, Jane Boulevard and Sarah Boulevard, Condominium Plan No. 251) and Zoned RT-5:

- (a) Minimum **Front Yards**
 - (i) Unit 30 5.0 m
 - (ii) Unit 39 1.4 m
 - (iii) Unit 58 4.06 m
- (b) Minimum **Rear Yard** 8.0 m
- (c) Minimum **Interior Side Yard**
 - (i) Part 1 and 15 2.9 m
 - (ii) Part 4 1.65 m north and 7.0 m east
 - (iii) Part 12 2.56 m
 - (iv) Part 17 8.1 m south and 3.0 m west
 - (v) Part 18 8.5 m
- (d) Minimum **Lot Area** 1.911 ha
- (e) Maximum **Lot Coverage** 33.0 %
- (f) Maximum Gross Density 21 units per hectare

5.6.4.4 RT-5

Notwithstanding Section 5.6.3, the following shall apply to the lands described as Parts 1, 2, 3 and 4, Plan 51R-18938 (791 William Street) and Zoned RT-5:

- (a) Minimum **Lot Area** 200.0 m²/DU
- (b) Minimum **Lot Frontage** 6.0 m
- (c) Minimum **Interior Side Yard setback** for a **deck** shall be 0.31 metres only on the side where the patio door is located

5.6.4.6 RT-6

Notwithstanding Section 5.6.3, the following shall apply to the lands generally described as Part of Lot 106, Concession 1, formerly in the Township of Tay, now in the Town of Midland and more particularly described as Parts 2 to 7, Plan 51R-35887, and having a municipal address of 860 Yonge Street and Zoned RT-6:

- (a) That Parts 3 and 4 will have a Maximum **Lot Coverage** of 40%
- (b) That Parts 3, 4, 5 and 6 will have a Minimum **Lot Frontage** of 7.0 m

5.6.4.7 RT-7

Notwithstanding Section 5.6.2, for those lands zoned RT-7, **Street Townhouse Dwelling Units** only shall be permitted and notwithstanding, the following shall apply to Blocks 29-34, 36, 39, 41, 43, 46, 49-52, and Part of Block 48, inclusive, Draft Plan MD-T-0208 and zoned RT-7:

- (a) Minimum **Lot Area** 216.0 m²/DU
- (b) Minimum **Rear Yard Setback** 6.0 m
- (c) Minimum **Exterior Side Yard Setback** 3.0 m
- (d) Maximum **Lot Coverage** 56%

Notwithstanding Section 3.14, a **deck** or **porch** shall not be permitted an additional 4% **lot coverage**. Notwithstanding Section 3.7.6, **accessory buildings** and **structures** shall only be permitted in accordance with the Maximum **Lot Coverage** permitted in this exception.

5.6.4.8 RT-8

Notwithstanding Section 5.6.2 for those lands zoned RT-8, **Street Townhouse Dwelling Units** only shall be permitted and notwithstanding, the following shall apply to Blocks 35, 37, 38, 40, 42, 44, 45, 47 and Part of 48, inclusive, Draft Plan MD-T-0208 and zoned RT-8:

- (a) Minimum **Lot Area** 160.0 m²/DU
- (b) Minimum **Lot Frontage** 6.0 m

- | | |
|---|-------|
| (c) Minimum Rear Yard Setback | 6.0 m |
| (d) Minimum Exterior Side Yard Setback | 3.0 m |
| (e) Maximum Lot Coverage | 56% |

Notwithstanding Section 3.15, a **deck** or **porch** shall not be permitted an additional 4% **lot coverage**. Notwithstanding Section 3.8.6, **accessory buildings** and **structures** shall only be permitted in accordance with the Maximum **Lot Coverage** permitted in this exception.

5.6.4.9 RT-9

Notwithstanding Section 5.6.3, the following Maximum **Lot Coverage** and **Minimum Yard Setback** shall apply to those lands zoned RT-9 (Subdivision MD-T-0108, 823 King Street):

- | | |
|--|---------|
| (a) Maximum Lot Coverage | 40% |
| (b) Minimum Building setback for a Yard Abutting an Industrial (M1) Use | 20.0 m. |

5.6.4.10 RT-10

Notwithstanding Section 5.6.3, the following shall apply to all Blocks zoned RT-10 (640 Bayport Boulevard):

- | | |
|--|------------------------|
| (a) Minimum Lot Area | 238 m ² /DU |
| (b) Maximum Lot Coverage | 54% |
| (c) Yard Setbacks | |
| (d) Front Yard | |
| (i) Minimum setback to Dwelling Unit | 3.0 m |
| (ii) Minimum setback to Attached Garage | 5.8 m |
| (e) Rear Yard | 5.8 m |
| (f) Interior Side Yard | 1.22 m |
| (i) Common Wall | 0.0 m |
| (g) Exterior Side Yard | 2.5 m |
| (i) To Edge of Block adjacent to Private Road | 2.5 m |
| (h) The maximum width of a driveway shall not exceed 0.6 m beyond the width of the interior of the garage. | |

Notwithstanding Section 3.8.6, **accessory buildings** and **structures** shall only be permitted in accordance with the Maximum **Lot Coverage** permitted in this exception.

5.6.4.11 RT-11

Notwithstanding Section 5.6.2, for those lands Zoned RT-11 **Street Townhouse Dwelling Units** only shall be permitted.

Notwithstanding Section 5.6.3, the following shall apply to Block 54, Draft Plan MD-T-0208 and Zoned RT-12:

- (a) Minimum **Exterior Side Yard Setback** 3.0 m
- (b) Maximum **Lot Coverage** 56%
- (c) Notwithstanding Section 3.15, a **deck** or **porch** shall not be permitted an additional 4% **lot coverage**. Notwithstanding Section 3.8.6, **accessory buildings** and **structures** shall only be permitted in accordance with the Maximum **Lot Coverage** permitted in this exception.

5.6.4.12 RT-12

For those lands known municipally as 155 William Street and Zoned RT-12 the following shall apply:

- (a) Maximum Gross Density of 12 units per hectare.

5.6.4.13 RT-13

For those lands known municipally as 696 King Street and Zoned RT-13, the following shall apply:

- (a) Maximum Gross Density of 22 units per hectare.

5.6.4.14 RT-14

For those lands known municipally as 317 Barnett Avenue and Zoned RT-14 the following shall apply:

- (a) Maximum Gross Density of 24 units per hectare.

5.6.4.15 RT-15

For those lands known municipally as 778 William Street and Zoned RT-15, the following shall apply:

- (a) Maximum Gross Density of 37 units per hectare.

5.6.4.16 RT-16

For those lands known municipally as 362-382 Fitton Street and Zoned RT-16 the following shall apply:

- (a) Maximum Gross Density of 38 units per hectare.

5.6.4.17 RT-17

For those lands known municipally as 374-382 Fitton Street and Zoned RT-17 the following shall apply:

- (a) Maximum Gross Density of 39 units per hectare.

5.6.4.18 RT-18

For those lands known municipally as 661 King Street and Zoned RT-18 the following shall apply:

- (a) Maximum Gross Density of 41 units per hectare.

5.6.4.19 RT-19

Section intentionally left blank.

5.6.4.20 RT-20

Notwithstanding Section 5.6.3, the following shall apply to the lands having the municipal addresses of 419, 421, and 423 Shewfelt Crescent and Zoned RT-20:

- (a) Maximum **Lot Coverage** (421 Shewfelt Crescent) 41%

Notwithstanding Section 3.15.6, a **Deck** is permitted having additional **Lot Coverage** as follows:

- (a) **Lot Coverage** for a **Deck**
 - i. Parts (419, 421, 423 Shewfelt Crescent) 8%

5.6.4.21 RT-21

Notwithstanding Section 5.6.3, the following shall apply to the lands located in the Town of Midland having the municipal addresses of 814, 816, 818, 820, 822, 824, 826, 828 Jane Boulevard and Zoned RT-21:

- a) Minimum **Lot Area** 3,255.0 m²

b) Minimum Lot Frontage	22.0 m
c) Minimum Yard Setbacks	
(i) Front Yard	
to Deck	5.8 m
to Building	8.2 m
(ii) Rear Yard	8.0 m
(iii) Interior Side Yard	
826 and 828 Jane Boulevard (north property line)	1.7 m
814 to 824 Jane Boulevard (north property line)	3.2 m
814 to 824 Jane Boulevard (south property line)	5.0 m
From Jane Boulevard to garage	5.8 m
d) Maximum Gross Density	26 units per hectare

5.6.4.22 RT-22

Notwithstanding Section 5.6.3, the following shall apply to the lands located in the Town of Midland having the municipal addresses of 817, 819, 821, 823, 825, 827, and Jane Boulevard and 828, 830, 832, 834, and 836 Sarah Boulevard and Zoned RT-22:

a) Minimum Lot Area	3,688 m ²
b) Minimum Lot Frontage	20.7 m
c) Maximum Lot Coverage	43%
d) Minimum Yard Setbacks	
(i) Front Yard	4.05 m
(ii) Interior Side Yard	
828 to 836 Sarah Boulevard	4.0 m
817 to 829 Jane Boulevard	6.0 m
Jane Boulevard to garage	5.8 m
Sarah Boulevard to garage	5.8 m
e) Maximum Gross Density	33 units per hectare

5.6.4.23 RT-23

Notwithstanding Sections 3.13.1 and 5.6.3 of By-law 2004-90, as it pertains to those lands zoned Residential Townhouse Exception RT-23 Zone (640 Bayport Boulevard) the following shall apply:

- | | |
|---|-------------------------|
| a) Minimum Lot Area | 171 m ² /DU; |
| b) Minimum Lot Frontage | 5.4 m |
| c) Maximum Lot Coverage | 50% |
| d) Minimum Exterior Side Yard | 2.5 m |
| e) Porches may project no more than a distance of 1.5 m into any minimum front or rear yard . | |
| f) Steps or stairs to a landing or Porch may encroach a maximum of 2.1 m into any minimum front or rear yard or further encroach from the edge of | |

the conforming **Porch** in the **Front Yard, Rear Yard, Side Yard or Exterior Side Yard** to a maximum of 0.6 metres.

5.6.4.24 RT-24

Notwithstanding Sections 3.13.1 and 5.6.3 of By-law 2004-90, as it pertains to those lands zoned RT-24 (640 Bayport Boulevard), the following shall apply:

- a) Minimum **Lot Area** 171 m² /DU;
- b) Minimum **Lot Frontage** 5.4 m
- c) Maximum **Lot Coverage** 50%
- d) Minimum **Exterior Side Yard** 2.5 m
- e) Minimum **Front Yard** 3.7 m
- f) Minimum **Rear Yard** 6.5 m
- g) **Porches** may project no more than a distance of 1.5 m into any minimum **front or rear yard**.
- h) Steps or stairs to a landing or **Porch** may encroach a maximum of
- i) 2.1 m into any minimum **front or rear yard** or further encroach from the edge of the conforming **Porch** in the **Front Yard, Rear Yard, Side Yard or Exterior Side Yard** to a maximum of 0.6 metres."

5.6.4.26 RT-25

Notwithstanding Sections 3.13.1 and 5.6.3 of By-law 2004-90, as it pertains to those lands zoned Residential Townhouse Exception RT-25 (640 Bayport Boulevard) Zone, the following shall apply:

- a) Minimum **Lot Area** 110 m² /DU;
- b) Minimum **Lot Frontage** 4.5 m
- c) Maximum **Lot Coverage** 75%
- d) Minimum **Yard Setbacks**
 - i. **Front** 3.0 m
 - ii. **Rear** 3.0 m
 - iii. **Interior Side** 1.5 m
 - Common Wall 0.0 m
- e) **Porches** may project no more than a distance of 1.5 m into any minimum **front or rear yard**.
- f) Staircases for access to a rooftop terrace may extend an additional 1.5 metres beyond the maximum permitted **building height**.

5.6.4.25 RT-26

- a) Notwithstanding Section 5.6.3.1, the following shall apply to the lands described as Part Lot 20, Registered Plan 169A (422, 424, 426 Yonge Street and Zoned RT-26:

Minimum **Lot Area** 121.6 m² (Lot 2 – 424 Yonge Street)
212.3 m² (Lot 3 – 426 Yonge Street)

- b) Notwithstanding Section 5.6.3.2, the following shall apply to the lands described as Part Lot 20, Registered Plan 169A (422, 424, 426 Yonge Street and Zoned RT-26:

Minimum **Lot Frontage** 6.1 metres (Lot 2 – 424 Yonge Street)

- c) Notwithstanding Section 5.6.3.3, the following shall apply to the lands described as Part Lot 20, Registered Plan 169A (422, 424, 426 Yonge Street and Zoned RT-26:

Maximum **Lot Coverage** 47.6% (Lot 2, 424 Yonge Street)

- d) Notwithstanding Section 5.6.3.4 (b), the following shall apply to the lands described as Part Lot 20, Registered Plan 169A (422, 424, 426 Yonge Street and Zoned RT-26:

Minimum **Rear Setback** 4.9 metres (Lots 1, 2, 3 – 422, 424, 426 Yonge Street)

- e) Notwithstanding Section 3.8.3 the following shall apply to the lands described as Part Lot 20, Registered Plan 169A (422, 424, 426 Yonge Street and Zoned RT-26:

Existing accessory **structures** are permitted within a required **interior side yard setback**:

Lot 1 (422 Yonge Street)	0.56 metres
Lot 2 (424 Yonge Street)	0.57 metres

Existing accessory **structures** are permitted within a required **rear yard setback**:

Lot 3 (426 Yonge Street)	0.30 metres
--------------------------	-------------

- f) Notwithstanding Section 3.8.5 the following shall apply to the lands described as Part Lot 20, Registered Plan 169A (422, 424, 426 Yonge Street and Zoned RT-26:

Existing Accessory **Structure**
Accessory **structure setback**
from **main building** 0.0 metres (424 Yonge Street)

- g) Notwithstanding Section 3.14.1 the following shall apply to the lands described as Part Lot 20, Registered Plan 169A (422, 424, 426 Yonge Street and Zoned RT-26:

Existing Rear Yard Decks

Rear Yard Setback

3.7 metres (Lot 1 – 422 Yonge Street)

2.5 metres (Lot 2 – 424 Yonge Street)

3.7 metres (Lot 3 – 426 Yonge Street)

- h) Notwithstanding Section 3.14.4 the following shall apply to the lands described as Part Lot 20, Registered Plan 169A (422, 424, 426 Yonge Street and Zoned RT-26:

Interior Side Setback

0.2 metres (Lot 1 – 422 Yonge Street)

0.0 metres (Lot 2 – 424 Yonge Street)

0.1 metres (Lot 3 – 426 Yonge Street)

5.7 RESIDENTIAL APARTMENT - RA

5.7.1 General Prohibition

Within a Residential Apartment Zone – RA, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

5.7.2 Permitted Uses

Accessory Building
Accessory Use
Apartment Building
Child Care Centre
Covered Parking Structure
Home Occupation
Public Use
Retail Store

5.7.3 Zone Requirements

5.7.3.1	Minimum Lot Area	100 m ² / dwelling unit
5.7.3.2	Minimum Lot Frontage	40 m
5.7.3.3	Maximum Lot Coverage	40 %
5.7.3.4	Minimum Yard Setbacks	
	(a) Front	12.0 m
	(b) Rear	½ the Building Height or 7.5 m whichever is greater
	(c) Interior side	½ the Building Height or 6.0 m whichever is greater
	(d) Exterior side	6.0 m
	(e) Waters edge	10.0 m
	(f) Parking structure	1.0 m below grade or if above grade, 1.0 m per storey
5.7.3.5	Maximum Building Height	11.0 m or as permitted on the Zoning Map Schedules

5.7.3.6 Where more than one **apartment building** is located on the same **lot**, the minimum distance between **buildings** shall not be less than the height of the highest **building**.

5.7.3.7 The density for the individual sites shall be calculated with the number of **dwelling units** divided by the site area and depicted as **i.e.**: D96. **EXAMPLE** The Maximum **Building Height** shall be depicted as **i.e.**: BH20. A typical zoning notation on a Zoning Map Schedule may appear as: RA – D96.BH20.

5.7.4 Zone Exceptions

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular RA Zone except as noted.

5.7.4.1 RA-1-D62

Notwithstanding Section 5.7.3, the 30 **Dwelling Unit Apartment Building** permitted on the lands described as Parts 2 and 9, Plan 51R-22490 (742 Birchwood Drive) and Zoned RA-1-D62 shall have the following:

(a) Minimum Yards (all)	7.5 m
(b) Maximum Lot Coverage	20%
(c) Maximum Parking Spaces	38
(d) Maximum Building Height	17.0 m

5.7.4.2 RA-2-D71

Notwithstanding Section 5.7.3, the following shall apply to the lands described as Part 1, Plan 51R-8147 (810 Bay Street) and zoned RA-2-D71:

(a) Minimum Rear Yard	4.5 m
(b) Minimum Parking Required	20 spaces

5.7.4.3 RA-3-D165

Notwithstanding Section 5.7.3, the following shall apply to the lands described as Part of lots 17 and 18, West side of Charles Street, Plan 349 (174 Charles Street) and Zoned RA-3-D165:

(a) Minimum Rear Yard	6.2 m
(b) Minimum Lot Area per Dwelling Unit	96.0 m ²

5.7.4.4 RA-4-D241.BH51

Notwithstanding Section 5.7.3, the following Zone Requirements shall apply to the lands described as part of Block 66, Plan 51M-800 (711 Aberdeen Boulevard) and Zoned RA-4-D241.BH51:

- | | | |
|-----|---|--|
| (a) | Minimum Lot Area | 0.7371 ha |
| (b) | Minimum Landscaped Open Space | 10% |
| (c) | Maximum Lot Coverage | 25% - Excluding Parking Structure |
| (d) | Minimum Yard Setbacks | |
| | Front | 28.0 m |
| | Interior Yard – North | 0.0 m to parking structure
7.05 m to apartment building |
| | Interior Yard – South | 20.66 m to parking structure
24.56 m to apartment building |
| | Rear Yard – from sheet wall | 1.95 m to parking structure
8.87 m to apartment building |
| (e) | Minimum Distance between Apartment Buildings | 15.0 m |
| (f) | Maximum Building Height (BH51) | 51 m |
| (g) | Maximum Density per Hectare (D241) | 241 units |

5.7.4.5 RA-5-D97.BH13

Notwithstanding Section 5.7.3, the following Minimum **Lot Frontage**, Minimum **Front Yard**, Minimum **Exterior Yard**, Minimum **Interior Yard**, Minimum **Rear Yard**, Minimum **Lot Area** and Minimum **Parking** shall apply to the lands described as Parts 1 and 12, Plan 51R-34881 (434 Elizabeth Street) and Zoned RA-5-D97.BH13:

- | | | |
|-----|------------------------------|----------------------|
| (a) | Minimum Lot Frontage | 22.3 m |
| (b) | Minimum Front Yard | 0.09 m |
| (c) | Minimum Exterior Yard | 0.1 m |
| (d) | Minimum Interior Yard | 1.5 m |
| (e) | Minimum Rear Yard | 0.3 m |
| (f) | Minimum Lot Area | 1,559 m ² |
| (g) | Minimum Parking | 16 spaces |

5.7.4.6 RA-6-D61

Notwithstanding Section 5.7.3, the following shall apply to the lands described as Part of Lot 106, Concession 1, formerly in the Township of Tay, now in the Town of Midland and more particularly described as Parts 2 and 3, Plan 51R-23834 (850 Hartman Drive) and Zoned RA-6-D61:

- (a) Minimum **Front Yard** 10.0 m
- (b) Notwithstanding Section 5.7.2 the following shall be permitted:
Professional Offices not to exceed 600 square metres.

5.7.4.7 RA-7-D122.BH38

Notwithstanding Section 5.7.2, the following additional **uses** shall be permitted on those lands zoned RA-7-D122.BH38 and described as part of Block 66, Registered Plan 51M-800 (Tiffin Phase 3) and more particularly described as Parts 4, 5, 6 and 7, Reference Plan 51R-35431 and having the municipal address 699 Aberdeen Boulevard:

- (a) **Professional Office**
- (b) **Eating Establishment**
- (c) **Personal Service Establishment**

Notwithstanding Section 5.7.3, the following shall apply to those lands zoned RA-7-D122.BH138:

- (d) **Lot Area** (Minimum) 0.73 hectares
- (e) **Lot Coverage** (Maximum) 88%
- (f) **Yards** (Minimum)
 - (i) Front – to Parking Structure 1.2 m
 - (ii) Rear – to Parking Structure 5.0 m
 - to **Apartment Building** 11.6 m
 - (iii) Interior (North) – to Parking Structure 0.2 m
 - to **Apartment Building** 18.5 m
 - (iv) Interior (South) – to Parking Structure 0.0 m
 - to **Apartment Building** 3.2 m
- (g) Minimum Distance between **Apartment Buildings** 8.3 m
- (h) **Height** (Maximum) 38.0 m
- (i) Permitted **Yard** Encroachments – **Rear Yard**
for Stair Case 2.5 m

5.7.4.8 RA-8-D4

Notwithstanding Section 5.7.3, the following shall apply to those lands zoned RA-8-D4 having a municipal address of 224 Seventh Street:

- (a) Minimum **Lot Frontage** 15.0 m
- (b) Maximum **Lot Coverage** 28%
- (c) Minimum **Yards**
 - (i) **Front** 9.81 m
 - (ii) **Interior** (North) 3.57 m
 - (iii) **Interior** (South) 2.16 m

5.7.4.9 RA-9-D36-H

Notwithstanding SECTION 5.7.3, the following regulations shall apply to those lands zoned RA-9-D36-H (384 Hugel Avenue):

- (a) Minimum **Lot Area** 280 m²/**dwelling unit**
- (b) Maximum Gross Density 14 **dwelling units**
- (c) Holding Symbol (H) shall only be removed on the approval of a Site Plan Control Application and Agreement pursuant to Section 41 of the *Planning Act*.

5.7.4.10 RA-10-D127.BH16-H

Notwithstanding Section 5.7.2, the following additional **uses** shall be permitted on those lands zoned RA-10-D127.BH16-H and described as Part Lot 16 on Registered Plan 904, further described as Parts 1, 2, 3, 4, 5, 6, and 7 on Reference Plan 51R-35887 and having a municipal address of 860 Yonge Street:

- a) **Professional Office**
- b) **Supportive Housing**

Notwithstanding Section 5.7.3, the following regulations shall apply to those lands zoned RA-10-D127.BH16:

- a) Minimum **Lot Area** 78.9 m²/**dwelling unit**
- b) Maximum Gross Density 38 **dwelling units**
- c) Maximum **Gross Floor Area**
for **Professional Office** 75.0 m²
- d) **Height** (Maximum) 16.0 m

Notwithstanding Section 4.1.5, the following regulations shall apply to those lands zoned RA-10-D127.BH16:

Minimum **Parking** 28 spaces

5.7.4.11 RA-11

Notwithstanding Section 5.7.2, the following additional **uses** shall also be permitted on those lands described as Part of Lots 101 and 102, Concession 1 (former Tay), and more particularly described as Parts 1 to 17 inclusive, Reference Plan 51R-33691 (Hanson Subdivision Lands) and zoned RA-11:

- **Townhouse Dwelling Unit**

Notwithstanding Section 5.7.2, the following non-residential **uses** shall also be permitted on those lands described as Part of Lots 101 and 102, Concession

1 (former Tay), and more particularly described as Parts 1 to 17 inclusive, Reference Plan 51R-33691 (Hanson Subdivision Lands) and zoned RA-11:

- **Clinic**
- **Convenience Retail Store**
- **Fitness Club**
- **Florist**
- **Personal Service Establishment**
- **Professional Office**
- **Service Shop**

Notwithstanding Section 5.7.3, the following shall apply to the Blocks as shown on approved Draft Plan of Subdivision 43T-95021 (Hanson) and zoned RA-11:

(a) Minimum Block Area

Block	Minimum Area (ha)
Block 18	2.3
Block 19	2.9

- (b) Minimum and Maximum Density per Block shall be 50 units per hectare and 70 units per hectare respectively
- (c) Notwithstanding any future subdivision or division of the lands by way of vacant land, common elements, or other condominium approvals, the Blocks shall be deemed to continue to form the blocks as set out on the Draft Plan of Subdivision 43T-95021 (Hanson) as approved by the Town on October 20, 2014 for the purposes of this by-law.
- (e) No Block shall be developed with more than 20% of the dwellings being **Townhouse dwelling units**
- | | |
|---|---|
| (f) Minimum Block Frontage | NA |
| (g) Maximum Block Lot Coverage | 40% |
| (h) Minimum Setback from Street Line | 6.0 m |
| (i) Minimum Landscaped Open Space | 20% |
| (j) Minimum Setback to in all other Yards | 6.0 m or ½ building height
whichever is greater |
| (k) Maximum Building Height | 20.0 m |
| (l) Maximum number of Storeys | 6 |
- (m) Permitted non-residential **uses** shall be restricted to the ground floor of an **apartment building** or **structure** and shall have a total **Gross Floor Area** for all **uses** of 375 square metres.
- (n) No **parking areas** shall be permitted in the **Front** or **Exterior Side Yards**
- (o) **Decks** and **Porches** for **Townhouse Dwelling Units** shall not be included in the maximum **lot coverage** permitted and clause 3.15.6 shall not apply. **Decks** are permitted for **Townhouse Dwelling Units** subject to the following maximum standards:

- (i) **Townhouse Dwelling Unit** 3.66 m x ½ width of unit rear wall
- (p) Notwithstanding sub-sections 3.14 and 3.15, for permitted **Townhouse Dwelling Units**, unenclosed **porches**, **decks**, bay windows and similar non-structural architectural features may project a maximum of 1.5 metres into any required **Interior Side** or **Rear Yards** provided that they shall be no closer than 2.0 metres from the Block line. Unenclosed **porches**, bay windows and similar non-structural architectural features may project a maximum of 3.0 metres into a required Minimum **setback** from a **Street Line**. Steps or stairs appurtenant to an unenclosed **porch** or **deck** may further project into an **Interior** or **Rear Yard** to a maximum of 1.0 metres.
- (q) Notwithstanding the definition for “Grade, Finished” in Section 2 DEFINITIONS, the following definition shall apply to those lands Zoned RA-11:
Grade, Finished: Shall mean the average level of finished ground adjoining a **building** at all exterior walls. For **Townhouse Dwelling Units**, Finished Grade shall be measured in relation to each individual unit in the **building**.
- (r) Notwithstanding Table 4.1 in subsection 4.1.5, the minimum Visitor Parking standards for Multiple **Dwelling units** including Block Townhouses, and **Apartment Dwelling Units** shall be at a rate of 1.25 residential **parking spaces** per unit and 0.25 visitor **parking spaces** per **dwelling unit**.
- (s) Notwithstanding subsection 4.1.6.5, the minimum width of a driveway or aisle leading to any **parking space** shall be 6.0 m for two-way traffic and 3.0 m for one-way traffic.
- (t) Notwithstanding subsection 4.1.6.10, the following provision shall apply to those lands Zoned RA-11: The **parking** of **motor vehicles** associated with a residential **use** is only permitted within a parking garage, surface **parking area**, private garage, carport or on a driveway in tandem accessing an individual **dwelling unit**, a private garage or a carport.”

5.7.4.12 RA-12 D73.BH18

- | | | |
|-----|------------------------------|-----------------------------|
| (a) | Minimum Yards | |
| | (i) Front | 6.0 m |
| | (ii) Interior (North) | 4.9 m |
| (b) | Height (Maximum) | 18.0 m |
| (c) | Minimum Landscaped Area | 30% Lot Coverage |
| (d) | Minimum Amenity Area | 10 m ² per Unit” |

5.7.4.13 RA-13-D121.BH37.5

Notwithstanding Sections 5.7.3.4(b), 5.7.3.4(c) and 5.7.3.5 of By-law 2004-90, as it pertains to those lands zoned Residential Apartment Exception (RA-13-D121.BH37.5) Zone, the following shall apply:

- | | |
|---|--|
| (a) Minimum Rear Yard Setback | 10.0 m |
| (b) Minimum Interior Side Yard Setback | 10.0 m |
| (c) Maximum Building Height | 37.5 m or 12 storeys
whichever is less |
| (d) Maximum Number of Storeys | 12 |
| (e) Minimum First Floor Height | 4.0 m |

In calculating the **height** of a **building**, roof constructions such as bulkheads, penthouses and similar constructions enclosing equipment or stairs and which are less than 6 metres in height and do not occupy more than 30 percent of the area of the roof upon which they are located, and accessory roof constructions such as chimneys, towers, steeples or television antennas, shall be excluded. The height requirements of this By-law shall also not apply to parapets with a maximum wall height of 1.5 metres.

5.8 RESIDENTIAL MOBILE HOME - RM

5.8.1 General Prohibition

Within a Residential Mobile Home Zone – RM, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

5.8.2 Permitted Uses

Accessory Building
Accessory Dwelling Unit
Administration Office
Campground
Home Occupation
Mobile Home
Mobile Home Park
Public Use
Recreational Building
Retail Store
Service Depot and Storage Compound

5.8.3 Zone Requirements

5.8.3.1 Mobile Home Park

- | | |
|--|-------------------------------|
| (a) Minimum Park Area | 14 ha |
| (b) Minimum Property Frontage | 15.0 m |
| (c) Maximum Floor Area – Administration Building | 46.0 m ² |
| (d) Maximum Floor area – Service Depot | 280.0 m ² |
| (e) Maximum Floor Area – Recreational Building | 930.0 m ² |
| (f) Maximum Floor Area – Retail Store | 280.0 m ² |
| (g) Maximum Storage Compound | 1858.0 m ² |
| (h) Mobile Home Site setbacks from
Mobile Home Park boundary; All Yards | 3.0 m |
| (i) Maximum Park Density | 12 Mobile Homes per ha |

5.8.3.2 Mobile Home Site

- | | |
|----------------------------------|--------------------|
| (a) Minimum Site Area | 460 m ² |
| (b) Minimum Site Frontage | 15.0 m |
| (c) Maximum Site Coverage | 35% |
| (d) Minimum Yard Setbacks | |
| (i) Front | 6.7 m |

(ii) Rear	3.35 m
(iii) Interior side	1.22 m
(iv) Exterior side	4.5 m
(v) Floor Area Minimum	70 m ²
(e) Maximum Building Height	7.0 m

5.8.3.3 **Campground**

(a) Minimum Area	7.0 ha
(b) Minimum Frontage	N/A
(c) Maximum Coverage	50%
(d) Minimum Yard Setbacks	
(i) Front	7.6 m
(ii) Rear	7.6 m
(iii) Interior side	7.6 m
(iv) Exterior side	7.6 m
(e) Maximum Building Height	7.0 m

5.8.3.4. A minimum of 30% of the **Mobile Home Park** area shall be **used** for **landscaped open space** and **private park** recreational **uses**. Notwithstanding the foregoing, Administration Office, Service Depot, Recreational **Building**, **Retail Store** and Storage Compound may be constructed within the aforementioned 30% area.

5.8.3.5 Notwithstanding the Minimum **Front Yard** and Minimum **Rear Yard setback** requirements, any additions to a **Mobile Home** shall be **setback** an additional 1.5 m from the front and/or rear wall of the **Mobile Home** except carports which may be placed in line with the front or rear walls of the **Mobile Home**.

5.8.3.6 **Detached Garages** and/or **Accessory Buildings** shall be set back a minimum of 11.0 m from the Front Site Line and a minimum of 1.22 m from the Rear Site Line and shall conform to all other **yard setback** requirements and further, shall be a minimum of 3.0 m from any **Mobile Home**. Only one **Detached Garage** and/or **Accessory Building** shall be permitted on a **Mobile Home Site**. Maximum Site Coverage for a **Detached Garage** or **Accessory Building** shall be 5%.

5.8.4 **Zone Exceptions**

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular RM Zone except as noted.

5.8.4.1 **RM-1**

Notwithstanding Section 5.8.3, the following shall apply to the lands described as Part of Lot 74, Plan 69 (525 Midland Point Road) and Zoned RM-1:

- (a) **Mobile Home Park**
- (i) Minimum Park Area 4 ha
 - (ii) Minimum Property Frontage 135 m
 - (iii) Maximum Floor Area – Administration Building 46 m²
 - (iv) Maximum Storage Compound Area 1858 m²
 - (v) Mobile Home Site **setbacks** from
Mobile Home Park boundary; All **Yards** 3.0 m
 - (vi) Maximum Park Density 15 **Mobile Homes** per ha
- (b) **Mobile Home Site**
- (i) Minimum Site Area 900 m²
 - (ii) Minimum Site Frontage 15 m
 - (iii) Maximum Site Coverage 35%
 - (iv) **Minimum Yard Setbacks**
 - **Front** 6.7 m
 - **Rear** 3.35 m
 - **Interior side** 1.22 m
 - **Exterior side** 4.5 m
 - Floor Area Minimum 70.0 m²
 - (v) Maximum **Building Height** 7.0 m

5.9 RESIDENTIAL OFFICE - RO

5.9.1 General Prohibition

Within a Residential Office Zone – RO, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

5.9.2 Permitted Uses

Accessory building
Dwelling Unit, Detached with or without one **Professional Office**
Public Use

5.9.3 Zone Requirements

5.9.3.1 Minimum **Lot Area** 460 m²

5.9.3.2 Minimum **Lot Frontage** 12.0 m

5.9.3.3 Maximum **Lot Coverage** 20%

5.9.3.4 Minimum **Yard Setbacks**

(a) Front	13.0 m
(b) Rear	22.0 m
(c) Interior side	2.0 m
(d) Exterior side	4.5 m

5.9.3.5 Maximum **Building Height** 11.0 m

5.9.3.6 The **building** shall consist in part, of a **dwelling unit** and the character and architectural character of the **structure** must not be jeopardized. Additions to the sides and rear of the **building** will be permitted providing that the character and architectural vernacular of the **structure** are retained.

5.9.3.7 Notwithstanding any **landscaping** provision contained in this By-law, a Landscaped Open Area of 5.0 m in width shall be maintained along all directly abutting residentially zoned lands. The Buffer Area shall be comprised of a sodded area and planted with trees and shrubs. A solid wood board fence, constructed to the Town's specifications, shall be **erected** on the common boundary line of abutting residentially zoned properties. **Parking** shall not be permitted in the required Buffer Area.

5.9.3.8 **Accessory Buildings** shall not be **used** for a **Professional Office**.

- 5.9.3.9 **Parking** shall be restricted to the **Rear Yard** behind the **building** and shall not be permitted in the **Front Yard**, being that area for the purposes of this Zone, between the front **building** face to the front property line nor shall **parking** be permitted in the **Side Yard** between the front of the **building** and the rear of the **building**. Parking stalls, turning circles and circular driveways shall not be permitted in the required **Front Yard**. Only one access to the property shall be permitted.

5.9.4 **Zone Exceptions**

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular RO Zone except as noted.

5.9.4.1 **RO-1**

Notwithstanding Section 5.9.2 and 5.9.3, the following shall apply to the lands described as Part 1, Plan 51R-14329 (382 King Street) and Zoned RO-1:

- (a) No Buffer Zone required.
- (b) That a **Professional Office** may include an office for a Real Estate Agent and a Mortgage Broker as one **Professional Office**.

5.9.4.2 **RO-2**

Notwithstanding Section 5.9.3, the following shall apply to the lands described as Lot 9, Plan 258 (437 King Street) and Zoned RO-2:

- (a) A Buffer Zone shall not be required along the north and south **side lot lines**.
- (b) A Lawn Sign having a maximum height of 1.38 m shall be permitted.

5.9.4.3 **RO-3**

Notwithstanding Sections 5.9.2 and 5.9.3, the following shall apply to the lands described as Part of Lot 105, Concession 1 and as Part of Block "A", Plan 464 (386 King Street) and Zoned RO-3:

- (a) That the **Professional Office** shall include an office for a Non-profit Organization.
- (b) That the **Professional Office** may occupy the entire **structure**.

5.9.4.4 **RO-4**

Notwithstanding Sections 5.9.2 and 5.9.3 the following shall apply to the lands described as Part of Lots 1 and 2, east side of Frederick Street, Plan 464 (543 Yonge Street) and Zoned RO-4:

- (a) A **Professional Office** shall be permitted to occupy the entire **structure**.
- (b) A Buffer Zone shall not be required along the east and south **lot lines**.
- (c) That **parking** shall be permitted in the **Rear Yard**.
- (d) That a solid wood board fence or **landscaping** equivalent be placed on the south and east **lot lines** to screen the **parking**.

5.9.4.5 RO-5

Notwithstanding Sections 5.9.2 and 5.9.3, the following shall apply to the lands described as Lots 7 and 8, west side of Third Street, Plan 306 (600 Hugel Avenue) and Zoned RO-5:

- (a) Only a **Professional Office** for an Accounting Business shall be permitted to occupy the **structure**.
- (b) That **parking** shall be permitted in the west of the **structure** with access to the municipal **lane**.

5.9.4.6 RO-6

Notwithstanding Section 5.9.3, the following shall apply to the lands described the West Part of Lot 7, Registered Plan 173 known Municipally as 537 King Street and Zoned RO-6:

- (a) That a **Professional Office** shall be permitted to occupy the entire **structure**.
- (b) That a Landscaped Buffer Area shall not be required along the south and east property lines; however, a solid wood board fence, constructed to the Town's specifications, shall be **erected** on the common boundary line of abutting residential zone properties.
- (c) That the required **parking** will be permitted in the **Front Yard**.

5.9.4.7 RO-7

Notwithstanding the Permitted **Uses** of Section 5.9.2, a **Professional Office use** shall not be permitted.

Notwithstanding Sections 4.1.5, 4.1.7 and 5.9.3, the following site specific requirements shall apply to the lands described as Part of Block A, Registered Plan 464 (422 King Street) and Zoned RO-7:

- (a) Minimum **Lot Frontage** 28 m
- (b) Maximum **Lot Coverage** 21%
- (c) Maximum Density 43 units per hectare (10 units in a new **structure** and 3 units in the heritage home – 13 units maximum)
- (d) Minimum **Yards**

- i) **Rear** 18.0 m
- ii) **Interior side (south)** 3.6 m
- iii) **Interior side (north)** 9.0 m
- (e) **Minimum Parking Spaces** 16, including 1 Barrier Free Space
- (f) **Parking Area** Permitted in a Side Yard a
minimum of
31.0 m from **Front Lot Line**
- (g) **Minimum Standard - Barrier Free Parking Spaces**
 - i) **Width** 4.6 m
 - ii) **Depth** 5.8 m
- (h) **Buffer Area** 1.0 m
- (i) **Minimum Yards (Accessory Buildings)**
 - i) **Rear** 7.5 m
 - ii) **Interior side (north)** 2.0 m
 - iii) **Interior side (south)** 3.6 m

Note: Please refer to By-law 2014-5 passed pursuant to Section 37 of the Planning Act for the bonusing provisions.

SECTION 6 COMMERCIAL ZONES

6.1 DOWNTOWN CORE COMMERCIAL – DC

6.1.1 General Prohibition

Within a Downtown Core Commercial Zone – DC, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

6.1.2 Permitted Uses

Accessory Dwelling Units
Bakery
Bus Passenger Depot
Catering Establishment
Child Care Centre
Commercial Entertainment Establishment
Commercial School or Adult Learning Centre
Eating Establishment excluding a **Drive Through Facility**
Financial Institution
Fitness Club
Funeral Home
Hotel or Motel
Laundromat or Dry Cleaning Establishment
Liquor or Beer Store
Medical Laboratory
Medical Practitioner
Microbrewery
Mobile Fast Food Facility
Parking Area
Personal Service Establishment
Pharmacist
Place of Assembly
Place of Worship
Private Club
Professional Office
Public Use
Retail Store
Retirement Home
Senior Citizens' Home
Service Shop
Taxi Stand

Theatre

- 6.1.2.1 An **Apartment Building, Home Occupation, Dwelling, Duplex, Dwelling, Triplex, Dwelling, Fourplex, Dwelling, Townhouse**, are permitted on any **lot** in the DC zone that does not have frontage on King Street.
- 6.1.2.2 **Accessory dwelling units** are permitted in the Downtown Core (DC) zone and shall:
- (a) only be located within an **existing building** or **structure** on a **lot** with frontage onto King Street. Additional floors can be constructed in accordance with the maximum **height** and other regulations of the DC Zone,
 - (b) not be located at grade,
 - (c) have dedicated access that is separate from other **uses** on a **lot** and,
 - (d) not exceed, per floor, the floor area of the principle non-residential **uses** at grade.
 - (e) Notwithstanding 6.1.2.2 (d), dedicated access and **uses** accessory to the **accessory dwelling units**, such as but not limited to a mail room and foyer, shall be permitted at grade but shall not exceed 10% of the ground floor area.

6.1.3 Zone Requirements

- | | | |
|---------|------------------------------|-------|
| 6.1.3.1 | Minimum Lot Area | 0.0 m |
| 6.1.3.2 | Minimum Lot Frontage | 0.0 m |
| 6.1.3.3 | Minimum Yard Setbacks | |

(a) Front

For all lands in the DC Zone, save and except those listed below, the Minimum **Front Yard** shall be 0.0 metres and the Maximum **Front Yard** shall be 1.0 metres.

For all lands in the DC Zone where Residential **uses** are permitted at grade (first floor), the Maximum **Front Yard** shall be 3.0 meters and the Minimum **Front Yard** shall be 1.5 metres.

- | | |
|--------------------------|-------|
| (b) Rear | 0.0 m |
| (c) Interior side | 0.0 m |
| (d) Exterior side | 0.0 m |

6.1.3.4 Maximum **Building Height**

For all lands in the DC Zone, save and except those listed below, the Maximum **Building Height** shall be 13 metres and the Minimum **Building Height** shall be 7 metres.

For those lands in the DC Zone that front onto Bayshore Drive, the Maximum **Building Height** shall be 17 metres and the Minimum **Building Height** shall be 10 metres.

6.1.3.5 Notwithstanding SECTION 6.1.3, when a DC zoned property abuts a property zoned Residential, Institutional or Open Space the following **Yard setbacks** shall apply:

- | | |
|-----------------------------|-------|
| (a) Minimum Rear | 3.0 m |
| (b) Minimum Interior | 3.0 m |

6.1.4 **Zone Exceptions**

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular DC Zone except as noted.

6.1.4.1 **DC-1**

Notwithstanding SECTION 6.1.2, the following shall be permitted on the lands described as Lots 5 and 6, Plan 169 A and including Parts 1, 2 and 3, Plan 51R – 1985 (303 Midland Avenue) and Zoned DC-1:

- (a) **Dwelling Units** on the main floor in conjunction with other permitted **uses**.

6.1.4.2 **DC-2**

Notwithstanding SECTION 6.1.3, the following shall apply to those lands generally described as East Part of Lot 1 & Part of Lot 2, PLAN 188 and having a municipal address 336 First Street and Zoned DC-2:

- (a) The entire **Gross Floor Area** of the **building** may be **used** for residential **Dwelling Units**.

6.1.4.3 **DC-3**

Notwithstanding SECTIONS 6.1.2 and 6.1.3 the following shall apply on those lands zoned DC-3 and described as Part Lots 1 & 2, Registered Plan 306 and more particularly described as Part 1, Reference Plan 51R-9450 with a municipal address of 520 Hugel Avenue:

- (a) **Dwelling Units** on the main floor (maximum 3 units) in conjunction with permitted commercial **uses**.
- (b) **Gross Floor Area** for the **Dwelling Units** may exceed the **Gross Floor Area** per floor of the main floor commercial **use**.

6.1.4.4 DC-4

Notwithstanding the Permitted **Uses** of Section 6.1.2, the following additional **use** shall be permitted on the lands known as 522 Elizabeth Street and Zoned **DC-4**:

(a) **Emergency Housing Shelter**

Notwithstanding the Zone Requirements of Section 6.1.3, the following additional regulations shall apply to those lands known as 522 Elizabeth Street and Zoned **DC-4**:

- (b) Notwithstanding Section 6.1.3, the temporary housing portion of the **Emergency Housing Shelter use** shall be restricted to the third or top floor of the **building** and having a floor area of 335 square metres. Office and related administrative **uses** for the **Emergency Housing Shelter** may be located elsewhere within the **building** in accordance with the provisions and regulations of this section.

6.1.4.5 DC-5

Notwithstanding Sections 6.1.2 and 6.1.3.7, for the lands described as Lot 4, Plan 306 and having a municipal address of 536 Dominion Avenue and zoned DC-5, one (1) residential **dwelling** shall be permitted on the ground floor and the other provisions of section 6.1.3.7 shall not apply. The entire **structure** may be **used** for residential purposes with a maximum of two (2) **dwelling units** permitted.

6.1.4.6 DC-6

Notwithstanding Sections 6.1.3 and 4.1.6.4, the following zone provisions shall apply to the lands described as West Part Lot 1 and the North Part Lot 2, Registered Plan 169A and having a municipal address of 281 Midland Avenue (now 459 Hugel Avenue) and zoned DC-6:

- a) Maximum **Building Height** 13 metres
- b) Minimum Driveway width - 2-way traffic 6.0 metres
- c) Residential **uses** may occupy the whole **building**

6.2 HIGHWAY COMMERCIAL - HC

6.2.1 General Prohibition

Within a Highway Commercial Zone – HC, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

6.2.2 Permitted Uses

Adult Entertainment Parlour
Adult Learning Centre
Animal Hospital
Auction Centre
Automobile Body Shop
Automobile Car Wash
Automobile Gas Bar
Automobile Sales Agency
Automobile Service Station
Automotive Rental Agency
Builders Supply Outlet
Campground
Childcare Centre
Commercial Entertainment Establishment
Commercial School
Drive-in Theatre
Dry Cleaning Establishment
Eating Establishment
Financial Institution
Fitness Club
Funeral Home
Garden and Nursery Supply Outlet
Golf Driving Range
Hotel or Motel
Laundromat
Liquor or Beer Store
Marina Dry Land
Medical Laboratory
Medical Practitioner
Microbrewery
Mobile Fast Food Facility
Outdoor Display and Sales Area
Personal Service Establishment
Pharmacist

Professional Office
Public Hall
Public Use
 Recreational Vehicles and Vessel Sales and Rental Agency
Rent-all Shop
Retail Store
Service Shop
Shopping Centre
Taxi Stand
Theatre

6.2.3 Zone Requirements

- | | | |
|---------|--|-----------------------|
| 6.2.3.1 | Minimum Lot Area | 3000.0 m ² |
| 6.2.3.2 | Minimum Lot Frontage | 30.0 m |
| 6.2.3.3 | Maximum Lot Coverage | 50 % |
| 6.2.3.4 | Minimum Yard Setbacks | |
| | (a) Front | 7.5 m |
| | (b) Rear | 3.3 m |
| | (c) Interior side | 0.0 m |
| | (d) Exterior side | 4.5 m |
| 6.2.3.5 | Maximum Building Height | 11.0 m |
| 6.2.3.6 | Where a HC zoned property abuts a property zoned Residential, Institutional or Open Space the following Yard setbacks shall apply: | |
| | (a) Minimum Rear | 4.5 m |
| | (b) Minimum Interior | 3.0 m |

6.2.4 Zone Exceptions

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular HC Zone except as noted.

6.2.4.1 HC-1

Notwithstanding SECTION 6.2.3, the following shall apply to the lands described as Part 1, Plan 51R-23834 (854 Yonge Street) and Zoned HC-1:

- | | |
|----------------------------------|-------|
| (a) Minimum Front Yard | 1.8 m |
| (b) Minimum Interior Yard | 3.1 m |

- | | |
|----------------------------------|--------|
| (c) Minimum Exterior Yard | 5.8 m |
| (d) Exterior Side Yard | 3.11 m |

6.2.4.2 HC-2

Notwithstanding SECTION 6.2.2, the following additional **use** shall be permitted on the lands described as Parts 1 to 11, inclusive, Plan 51R-31106 (640 Balm Beach Road) and Zoned HC-2:

- (a) **Tourist Entertainment Park**

6.2.4.3 HC-3

Notwithstanding SECTIONS 6.2.2 and 6.2.3 the following shall apply to the lands described as Part 1, Plan 51R-31391 (230 Aberdeen Boulevard) and Zoned HC-3:

- | | |
|--|----------------------------------|
| (a) Minimum Exterior Yard | 7.1 m (along Aberdeen Boulevard) |
| (b) Individual Self Storage Units | |

6.2.4.4 HC-4

Notwithstanding SECTIONS 6.2.2 and 3.36, the following **use** shall be permitted on the lands described as Part 1, Plan 51R-20847 (9797 County Road 93) and Zoned HC-4:

- (a) **Golf Driving Range**

6.2.4.5 HC-5

Notwithstanding SECTIONS 6.2.2 and 6.2.3, only the following PERMITTED **USES** shall apply to the lands described as Block 70, Plan 51M-848 (935 Yonge Street) and Zoned HC-5:

- (a) Unlicensed **Eating Establishment**
- (b) **Business or Professional Office**
- (c) **Taxi Stand**
- (d) Bank or **Financial Institution**
- (e) **Medical Practitioner** or **Laboratory** or Dispensing Pharmacist
- (f) **Health Care Practitioner**
- (g) Health or **Fitness Club**
- (h) **Veterinary Clinic**
- (i) **Commercial School** or **Adult Learning Centre**
- (j) **Personal Service Establishment**
- (k) **Laundromat**
- (l) **Dry Cleaning Depot**

- (m) **Shopping Centre**
- (n) The following Retail **uses**:
 - (i) **Convenience Retail Store**
 - (ii) Drug Store or **Pharmacy**
 - (iii) **Florist**
 - (iv) **Movie and Video Rental Store**
 - (v) **Specialty Food Store**
 - (vi) Retail **uses**, other than those listed herein, having a maximum **gross floor area** of 200 square metres.
- (o) **Public Use**
- (p) Outdoor storage of waste and recyclable materials, other than ordinary garbage receptacles intended for **use** by members of the public is prohibited.
- (q) No illuminated pylon sign will be permitted on the eastern half of the subject property.
- (r) Illuminated or non-illuminated fascia signs shall be permitted on the north face of a commercial **building**.
- (s) Only non-illuminated fascia signs will be permitted on the east face of a commercial **building**.

6.2.4.6 HC-6

Notwithstanding SECTION 6.2.2, the following shall apply to the lands described as Part of Lot 104, Concession 1 (562 King Street) and Zoned HC-6:

- (a) **Child Care Centre**

6.2.4.7 HC-7

Notwithstanding Section 6.2.2 the following additional **use** shall also be permitted on those lands known municipally as 408 Galloway Boulevard and Zoned HC-7:

Enclosed storage (two 30 square metre units) which are accessory to the Commercial **Use** at 701 King Street legally described as Block 92 and Part of Block 91, Registered Plan 51M-454 and more particularly described as Parts 2 and 3, Plan 51R-219254.

6.2.4.8 HC-9

Notwithstanding Section 6.2.3.7, the following shall apply to the lands described as Lots 4 to 5, Registered Plan 173 (519 King Street) and Zoned HC-9:

- a) A residential **use** shall be permitted to occupy the first floor and second floor of the **building**.

6.2.4.9 HC-10

In addition to the Permitted **Uses** listed in Section 6.2.2, the following additional **use** shall also be permitted on those lands described as Concession 1, Part Lot 106, Parts 1, 2, 3 & 12 on Reference Plan 51R-25375 (9220 County Road 93) and Concession 1, Part Lot 106, Parts 2 – 11 on Reference Plan 51R-10292 (9226 County Road 93) and zoned HC-10 subject to the following site specific requirements:

(a) Warehouse

(b) For the purposes of the “HC-10” Zone, a “Warehouse” shall mean a **building** or part of a **building used** for the bulk storage of goods, wares, merchandise, substances or articles, and shall not include **Self Storage Units** and shall not permit storage outside of a **building**. Any “Warehouse” **use** for **Motor Homes, Motor Vehicles, Commercial Motor Vehicles, Trailers** and/or Boat Storage shall have controlled access to such vehicles and equipment and shall not permit any maintenance or repair activities in respect to the stored **Motor Homes, Motor Vehicles, Commercial Motor Vehicles, Trailers** and/or Boats. Any “Warehouse” will not be **used** for the purpose of handling or storage of hazardous substances, except those **used** incidentally in the ordinary course of business and in compliance will all applicable laws. “Hazardous substance” means any substance or material that is prohibited, controlled or regulated by any applicable governmental authority. For further clarification, the handling or storage of Dense Non-Aqueous Phase Liquids (DNAPLs) shall not be permitted.

(c) The **Gross Floor Area** for Warehouse **uses** shall not exceed 17,400 square metres.

(d) Warehouse **uses** shall not be permitted to be located within 130 metres of the **lot line** abutting County Road 93.

(e) **Parking** for Warehouse **uses** shall be provided at a rate of 1 space per 1000 square metres of **Gross Floor Area**.

6.2.4.10 HC-11

Notwithstanding Section 6.2.2 Permitted **Uses**, the following additional **use** shall also be permitted on the lands zoned HC-11 (9457 County Road 93):

Single **Detached Dwelling** – as shown in Schedule “B” of By-law 2021-53

Notwithstanding Section 6.2.3 Zone Requirements, the following standards shall apply to the lands zoned HC-11 (9457 County Road 93):

Minimum Lot Area	1,600m ²
-------------------------	---------------------

6.2.4.11 HC-12

That despite the minimum number of **parking spaces** required in Table 4.1 of Section 4.1.5 Number of Spaces Required, the minimum number of **parking spaces** for all non-residential **uses** shall be 290.

That despite the minimum number of **parking spaces** required in Table 4.1 of Section 4.1.5 Number of Spaces Required, **parking** shall be shared amongst the required residential visitor **parking** and non-residential **uses parking**.

That despite the minimum number of **loading spaces** required in Table 4.4 of Section 4.1.10 Loading Provisions, the minimum number of **loading spaces** for all **uses** shall be 3.

That only non-residential **uses** shall be permitted within the Ground Floor of Buildings “C” and “D” as shown on Schedule “A” of By-law 2024-1.

That in addition to the permitted **uses** in Section 6.2.2 Permitted **Uses** of the Highway Commercial – HC Zone, an **Apartment Building, Mixed Use**, as defined herein, shall be permitted in Buildings “C” and “D” as shown on Schedule “A” of By-law 2024-1.

6.2.4.12 HC-13

Notwithstanding Section 4.1.5 of this By-law, a minimum of 101 **parking spaces** shall be provided onsite for the **existing** 65 hotel guest rooms and an **eating establishment** with a maximum seating capacity of up to 127 persons.

Notwithstanding Section 4.1.10.1 (a) of this By-law, that the minimum width of an off-**street** loading shall be 4.0 metres with a minimum length 9.50 metres with a minimum clear height of 4.5 metres.

That conference facilities, permitted as part of a **hotel use**, as defined in section 3 of the Town Zoning By-law #2004-90, be limited to and for the exclusive **use** of patrons of the **hotel use** on the property zoned HC-13 (1144 Hugel Avenue).

That the property zoned HC-13 (1144 Hugel Avenue) be required to construct a decorative metal fence with a minimum height of 1.5 metre along the **lot line** of 9303 County Road 93.

6.2.4.13 HC-14

Notwithstanding Section 6.2.2 and 6.2.3 of this By-law, the following shall apply to the lands described as Part North 1/2 Lot 100, Concession 1, Part 2, Plan 51R21949 & Part 2, Plan 51R23843, and municipally known as 16728 Highway 12:

- (a) That the following additional **uses** be permitted:
 - **Self Storage Units**
 - **Automotive Rental Agency**
- (b) A retail **use** is required to be provided in conjunction with the **uses** permitted in 6.2.4.13.a)
- (c) The retail **use** required by 6.2.4.13.b) shall be oriented towards Prospect Boulevard or Highway 12;
- (d) Maximum **building height** shall be 12.5 metres;
- (e) That site plan approval shall not be given until such time that the Town is satisfied that the removal of any butternut trees has been approved by the appropriate authority and in compliance with the Endangered Species Act;
- (f) Vegetation removal and site alteration shall only be permitted to take place outside the breeding bird season (April 1 to August 31) and the active roosting period for bats (April 1 – September 30) until such time that the Town is satisfied that, appropriate mitigation measures, as required under the Endangered Species Act, are implemented as part of Site Plan approval; and
- (g) That a Stormwater Management Plan and Erosion and Sediment Control Plan be prepared to the satisfaction of the Town as part of a Site Plan approval.

6.3 NEIGHBOURHOOD COMMERCIAL - NC

6.3.1 General Prohibition

Within a Neighbourhood Commercial Zone – NC, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure**, shall be in accordance with the regulations contained or referred to in this Section.

6.3.2 Permitted Uses

Child Care Centre
Dry Cleaning Establishment
Eating Establishment
Laundromat
Personal Service Establishment
Professional Office
Public Use
Retail Store
Service Shop
Shopping Centre
Studio

6.3.3 Zone Requirements

6.3.3.1 Minimum **Lot Area** 3000.0 m²

6.3.3.2 Minimum **Lot Frontage** 30.0 m

6.3.3.3 Maximum **Lot Coverage** 40%

6.3.3.4 Minimum **Yard Setbacks**

(a) Front	7.5 m
(b) Rear	3.3 m
(c) Interior side	1.5 m
(d) Exterior side	4.5 m

6.3.3.5 Maximum **Building Height** 11.0 m

6.3.3.6 Where a Neighbourhood Commercial Zone abuts a Residential Zone, the abutting **yards** shall be screened with a 2.0 m high board fence, no site or **building** lighting shall be directed on to the residential property and **Loading Spaces** shall not be permitted in the abutting **yards**.

6.3.4 Zone Exceptions

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular NC Zone except as noted.

6.3.4.1 NC-1

Notwithstanding SECTION 6.3.2 the following additional **use** shall apply to the lands described as Parts 1, 2 and 3, Plan 51R-14605 and Part 2, Plan 51R-16531 (755 William Street) and Zoned NC-1:

(a) Automobile Gas Bar in conjunction with a **Retail Store**

6.3.4.2 NC-2

Notwithstanding SECTION 6.3.3, the following shall apply to the lands described as Part of lot 1, Plan 504: (413 Yonge Street) and Zoned NC-2:

(a) Minimum **Front Yard** 6.4 m

6.3.4.3 NC-3

Notwithstanding SECTION 6.3.3, the following shall apply to the lands described as Part of Lot 15, Registered Plan 904, and more particularly described as Part 1, Plan 51R-35887 (860 Yonge Street) and Zoned NC-3:

(a) Minimum **Lot Area** 1205.0 sq. m.

6.3.4.4 NC-4

Notwithstanding Section 6.3.2, the following additional **uses** shall also be permitted on those lands described as Part of Lots 101 and 102, Concession 1 (former Tay), and more particularly described as Parts 1 to 17 inclusive, Reference Plan 51R-33691 (Hanson Subdivision Lands) and zoned NC-4:

- **Accessory Dwelling Units**
- **Bakery**
- **Clinic**
- **Club, Private**
- **Commercial Entertainment Establishment**
- **Commercial School or Adult Learn Centre**
- **Community Centre**
- **Convenience Retail Store**
- **Florist**
- **Fitness Club**

- **Medical Practitioner**
- **Mobile Fast Food Facility**
- **Museum**
- **Outdoor Display and Sales Area**
- **Outdoor Athletic Courts**
- **Outdoor Recreational Facility**
- **Pharmacy**
- **Place of Assembly**
- **Place of Worship**
- **Post Office**
- Stormwater Management Facility
- **Taxi Stand**
- **Theatre**

Notwithstanding Section 6.3.3, the following standards shall apply to the Blocks as shown on approved Draft Plan of Subdivision 43T-95021 (Hanson) and zoned NC-4:

(a) Minimum Block Area

Block	Minimum Area (ha)
Block 20	0.7
Block 21	0.7

- (b) Accessory Residential **Uses** shall be located in the 2nd **storey** and above the main floor of the commercial **uses** and may permit multiple **Dwelling Units**.
- (d) Minimum Block Frontage NA
- (e) Maximum Block **Lot Coverage** 50%
- (f) Minimum **Setback** from **Street Line** 0.0 m
- (g) For the Block frontages along “Street C” as shown on approved Draft Plan of Subdivision 43T-95021 (Hanson) and zoned NC-4, a minimum of 25% of block frontage shall contain a building wall within 0.0 m and 3.0 m of the “Street C” **Street Line**
- (h) Minimum **Setback** to any Open Space Zone 3.0 m
- (i) Minimum **Landscaped Open Space** 15%
- (j) Minimum **Setback** to in all other **Yards** 3.0 m or ½ **building height** whichever is greater
- (k) Maximum **Building Height** 14.0 m
- (l) Maximum number of **Storeys** 3
- (m) No **parking areas** shall be permitted in a **Front** or **Exterior Side Yard** save and except of a maximum of two (2) Barrier Free **parking spaces** shall be permitted in a **Front** or **Exterior Side Yard** immediately adjacent to the principle entrance of any **buildings**.

- (n) Parking ratio for a **Club, Private** shall be 1 space for every 75 square metres of **gross floor area**; for all other non-residential **uses** in this zone, a ratio of 1 space for every 25 square metres of **gross floor area** shall apply.
- (o) Notwithstanding Table 4.1 in subsection 4.1.5, the minimum Visitor Parking standards for Multiple **Dwelling Units** including Block Townhouses, and Apartment Dwelling Units shall be at a rate of 0.25 visitor **parking spaces** per **dwelling unit**.”
- (p) Notwithstanding subsection 4.1.6.5, the minimum width of a driveway or aisle leading to any **parking space** shall be 6.0 m for two-way traffic and 3.0 m for one-way traffic.”
- (q) Notwithstanding subsection 4.1.6.10, the following provision shall apply to those lands Zoned NC-4: The **parking** of **motor vehicles** associated with a residential **use** is only permitted within a parking garage, surface **parking area**, private garage, carport or on a driveway in tandem accessing an individual **dwelling unit**, a private garage or a carport.”

6.4 MARINE COMMERCIAL - MC

6.4.1. General Prohibition

Within a Marine Commercial Zone – MC, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

6.4.2 Permitted Uses

Additional Residential Units

Boat Docking

Boat Storage Facility

Commercial Entertainment Establishment

Eating Establishment

Fueling Facility

Marina

Mobile Fast Food Facility

Public Use

Recreational Vehicles and Vessel Sales and Rental Agency

Retail Sale of Marine Equipment, Accessories, Fishing Gear and Bait

6.4.3 Zone Requirements

6.4.3.1 Minimum **Lot Area** 1000 m²

6.4.3.2 Minimum **Lot Frontage** 45 m

6.4.3.3. Maximum **Lot Coverage** 50%

6.4.3.4 Minimum **Yard Setbacks**

(a) **Front** 12.0 m

(b) **Rear** 8.0 m

(c) **Interior side** 6.0 m

(d) **Exterior side** 4.5 m

(e) Water side 15.0 m

(f) **Marina** water side 0.0 m

6.4.3.5 Maximum **Building Height** 8.0 m

6.4.3.6 The Minimum **Yard Setbacks** shall be **used** when locating all **buildings** other than a Marina **Building** that requires a launch ramp directly in to the water. In

the water, boat slips and launch ramp structures are exempt from the Section 6.4.3.

- 6.4.3.7 Notwithstanding Section 6.4.3.6 no **building** or **structure** shall be located within 15.0 m of the 178.0 m elevation, as established by the Geodetic Surveys of Canada, North American Datum, 1983, adjacent to Georgian Bay. In addition, any openings to any **building** or **structure** shall be located no lower than 178.5 m as established by the Geodetic Surveys of Canada, North American Datum, 1983, adjacent to Georgian Bay.

6.4.4. Zone Exceptions

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular MC Zone except as noted.

6.4.4.1 MC-1

Notwithstanding SECTION 6.4.3, the following shall apply to the lands known as Bay Port Marina (156 Marina Park Avenue) and Zoned MC-1:

- (a) Maximum **Building Height** for the Boat Stacking Storage **Building** - 15.0 m

6.4.4.2 MC-2

Notwithstanding SECTIONS 6.4.2 and 6.4.3, the following shall be the only permitted **uses** and the zone requirements on those lands zoned MC-2 and known as the Tiffin Marina (725 Aberdeen Blvd.):

- (a) **Boat docking** and mooring for up to a maximum of 94 slips.
- (b) **Private Park**
- (c) **Private Club**
- (d) Public Pedestrian Walkway
- (e) **Lot Area** (Minimum) 1 hectare
- (f) **Lot Frontage** (Minimum) 1.8 metres
- (g) **Boat Slips** (Maximum) 94
- (h) All Yards (Minimum) 0 metres
- (i) **Height** (Maximum) 11.0 metres
- (j) Required **Parking** 0 spaces

SECTION 7 INDUSTRIAL ZONES

7.1 INDUSTRIAL ZONE – M1

7.1.1 General Prohibition

Within an Industrial Zone – M1, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure**, shall be in accordance with the regulations contained or referred to in this Section.

7.1.2 Permitted Uses

Additional Residential Units
Adult Entertainment Parlor
Ambulance Depot
Animal Hospital
Auction Centre
Automobile Body Shop
Automobile Car Wash
Automobile Gas Bar
Automobile Sales Agency
Automobile Service Station
Banquet Hall
Catering Establishment
Commercial Entertainment Establishment
Commercial School
Conference Centre
Contractors Shop
Data Processing Centre
Eating Establishment
Enclosed Warehouse and Storage
Factory Outlet
Fitness Club
Laboratory
Manufacturing Facility
Marina Dry Land
Mobile Fast Food Facility
Multi Occupancy Industrial Building
Office Uses Accessory to a Permitted Use
Place of Assembly
Printing Establishment
Private Club
Professional Office
Public Use

Radio and Communication Use
Recreational Vehicle and Vessel Sales and Rental Agency
Rent-all Shop
Self Storage Units
Training and Rehabilitation Centre
Welding and Metal Fabrication Plant

7.1.3 Zone Requirements

- | | | |
|----------|---|---------------------|
| 7.1.3.1 | Minimum Lot Area | 4000 m ² |
| 7.1.3.2 | Minimum Lot Frontage | 30 .0 m |
| 7.1.3.3 | Maximum Lot Coverage | 60% |
| 7.1.3.4 | Minimum Yard Setbacks | |
| | (a) Front | 7.5 m |
| | (b) Rear | 8.8 m |
| | (c) Interior side | 6.0 m |
| | (d) Exterior side | 7.5 m |
| 7.1.3.5 | Maximum Building Height | 11.0 m |
| 7.1.3.6. | Outside storage is permitted but it shall be concealed from sight from all adjacent streets and residential zones. | |

7.1.4 Zone Exceptions

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular M1 Zone except as noted.

7.1.4.1 M1-1

Notwithstanding Section 7.1.3.5 the following shall apply to the lands described as Part Lots 107 and 108, Concession 2 (Tay) and more particularly described as Parts 1 to 7, 9 to 11, Plan 51R-21160 and known municipally as 420 Bayshore Drive and Zoned M1-1:

- | | |
|------------------------------------|-----------|
| (a) Maximum Building Height | 30 metres |
|------------------------------------|-----------|

7.1.4.2 M1-2

Notwithstanding Section 7.1.2 the following additional **use** shall also be permitted on those lands know municipally as 1001 Beamish Road and Zoned M1-2:

Hotel

7.1.4.3 M1-3

Notwithstanding Sections 7.1.2 and 7.1.3.5, of By-law 2004-90, as it pertains to those lands zoned M1-3 (16928 Highway 12), permitted **uses** shall include a “**Hotel**” and the following zone provision shall apply:

Maximum **Building Height** 19 metres or 5 **storeys**, whichever is less

7.2 INDUSTRIAL ZONE – M2

7.2.1 General Prohibition

Within an Industrial Zone – M2, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure**, shall be in accordance with the regulations contained or referred to in this Section.

7.2.2 Permitted Uses

Asphalt Batching Plant
Automobile Body Shop
Automobile Service Station
Bulk Aggregate Storage and Processing
Concrete Mixing Plant
Construction Equipment Rental Business
Eating Establishment
Enclosed Warehousing and Storage
Factory Outlet
Food Processing Plant
Manufacturing Facility
Multi Occupancy Industrial Building
Pit and Quarry
Public Use
Radio and Communications Use
Tow Truck Depot and Storage Yard
Transportation Terminal
Welding and Metal Fabrication Plant

7.2.3 Zone Requirements

7.2.3.1	Minimum Lot Area	2.0 ha
7.2.3.2	Minimum Lot Frontage	60 .0 m
7.2.3.3	Maximum Lot Coverage	60%
7.2.3.4	Minimum Yard Setbacks	
	(a) Front	7.5 m
	(b) Rear	8.8 m
	(c) Interior side	6.0 m
	(d) Exterior side	7.5 m

- 7.2.3.5 Maximum **Building Height** 11.0 m
- 7.2.3.6 Outside storage of material or product is permitted, but it shall be concealed from sight from all adjacent **streets** and residential zones.
- 7.2.3.7 Pits and quarries shall be regulated by those requirements specified from time to time under the *Aggregate Resources Act*, R.S.O. 1990, or any subsequent legislation.
- 7.2.3.8 **Asphalt Batching Plants, buildings and structures**, shall be located no closer than 75.0 m from any zone boundary.

7.2.4 Zone Exceptions

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular M2 Zone except as noted.

7.2.4.1 M2-1

Notwithstanding Section 7.2.3.5 the following shall apply to the lands described as Part Lot 108, Concession 1, being Part Lots 17, 18 and 22, Plan 306 and known municipally as 202 First Street and Zoned M2-1:

- (a) Maximum **Building Height** 30 metres

7.2.4.2 M2-2

Notwithstanding Section 7.2.3.1, the following shall apply to the lands described as Part of Lots 16 & 17, Con 3 (former Tay), and further described as Parts 1, 2 and 3, Reference Plan 51R-4067 (1001 Franke Kindred Road) and Zoned M2-2:

- a) Minimum **Lot Area** 1.47 ha

Notwithstanding Section 7.2.2 the following additional **use** shall also be permitted on those lands known municipally as 1001 Franke Kindred Road and Zoned M2-2:

Private Materials Recovery and Reclamation Facility and Transfer Station

7.2.4.3 M2-3

Notwithstanding Section 7.2.2 the following additional **use** shall also be permitted on the lands zoned M2-3:

- a) **“Private Materials Recovery and Reclamation Facility and Transfer Station”**

Notwithstanding the provisions of Section 7.2.3, the following shall apply to the lands zoned M2-3:

- a) Minimum **Lot Frontage**: 41.0 m

Notwithstanding the provisions of Section 7.2.3.4, the following shall apply to the lands zoned M2-3:

Minimum **Yard Setbacks**

- a) Rear (West) 4.0 m
- b) Interior Side 3.0 m

Minimum **Yard Setbacks** to Recycling Warehouse:

- a) **Interior side** (North) 88.0 m

Minimum **Yard Setbacks** to Admin & Shop Structure

- a) **Interior side** (North) 37.0 m
- b) **Interior side** (East) 46.0 m

Outdoor Storage Area

- a) Minimum **Setback** from North interior **Side Lot Line**: 110m;
- b) This minimum **setback** does not apply to **parking** of vehicles, trucks and **trailers**.

Notwithstanding the definition for “**Private Materials Recovery and Reclamation Facility and Transfer Station**” in Section 2:

- a) The site will only process, handle and store non-hazardous solid waste (including municipal, construction and demolition waste).
- b) Outdoor storage is restricted to material that is packaged, bailed or contained in trailers or bins; trucks and related equipment.
- c) Mechanical shredding, crushing of aggregate or grinding is not permitted; d) The temporary storage of non- recyclable materials for shipment and reuse or disposal off-site shall occur within the Recycling Warehouse;
- e) The receiving, separating and sorting of materials shall occur within the Recycling Warehouse.

In all other respects, the provisions of Section 7.2 apply.

7.2.4.4 M2-4

In addition to the Permitted **Uses** listed in Section 7.2.2, the following additional **use** shall also be permitted on those lands described as the North Part of Lot 99, Concession 1, formerly in the Township of Tay and further described as part of Parts 3 -5 on Reference Plan 51R-36898 (1099 MacDonald Road):

Operations Centre

7.2.4.5 M2-5

In addition to the Permitted **Uses** listed in Section 7.2.2, the following additional **use** shall also be permitted on lands described as Part Lot 17 and Part Lot 18, Concession 3 (1000 Wye Valley Road) and Zoned M2-5:

Professional Office or Offices having a **total floor area** no larger than 1700 square metres shall be permitted, only at the Southeast corner of the **building existing** on the date of the passing of the By-law, being the 22nd day of January, 2018.

SECTION 8 INSTITUTIONAL AND OPEN SPACE ZONES

8.1 INSTITUTIONAL ZONE - I

8.1.1 General Prohibition

Within an Institutional Zone – I, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure**, shall be in accordance with the regulations contained or referred to in this Section.

8.1.2 Permitted Uses

Child Care Centre
Crisis Care Facility
Fire Station
Hospital
Library
Museum
Nursing Home
Place of Worship
Post Office
Post Secondary Education Facility and Campus
Public Use
Retirement Home
School, Public
Senior Citizens' Home

8.1.3 Zone Requirements

8.1.3.1	Minimum Lot Area	0.4 ha
8.1.3.2	Minimum Lot Frontage	30.0 m
8.1.3.3	Maximum Lot Coverage	60%
8.1.3.4	Minimum Yard Setbacks	
	(a) Front	15.0 m
	(b) Rear	15.0 m
	(c) Interior side	6.0 m
	(d) Exterior side	15.0 m
8.1.3.5	Maximum Building Height	11.0 m

- 8.1.3.6 Notwithstanding Section 8.1.3.5, the Maximum **Building Height** for an Elementary or Secondary **School** or **Post Secondary Education Facility and Campus** may be 14 m.

8.1.4 **Zone Exceptions**

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular I Zone except as noted.

8.1.4.1 **I-1**

Notwithstanding Section 8.1.3, the following shall apply to the lands described as Parts 1 and 2, Plan 51R-22276 (649 Prospect Boulevard) and Zoned I-1:

- (a) Maximum **Building Height**, Machine Dome 15.0 m

8.1.4.2 **I-2**

Notwithstanding Section 4 PARKING AND LOADING, the following shall apply to the lands described as Parts 1, 2 and 3, Plan 51R-2297 (750 King Street) and Zoned I-2:

- (a) Minimum Number of **Parking Spaces** 40

8.1.4.3 **I-3**

Notwithstanding anything else in this By-law to the contrary, the maximum accommodations shall be limited to 21 residents on the property described as East Part of Lots 7 and 8, Plan 306 (582 Hugel Avenue) and Zoned I-3.

8.1.4.4 **I-4**

Notwithstanding the Permitted **Uses** of Section 8.1.2, a maximum of two (2) accessory residential units shall be permitted within the principal **building** below the main floor of an institutional **use** provided that the **Gross Floor Area** of each residential unit does not exceed 90 square metres.

Notwithstanding Section 8.1.3.4, the following shall apply to the lands described as Part Lot 105 Concession 1, Being Part 3, Plan 51R-26930, Except Part 1, Plan 51R-28529 (845 Yonge Street) and Zoned I-4:

- (a) Minimum Exterior Side Yard Setback 4.13

8.1.4.5 I-5

1. In addition to the **uses** listed in **Section 8.1.2 Permitted Uses**, the following clarifications and additional **uses** shall also be permitted on those lands described as East Part Lot 103, Concession 1 (formerly Tay) now Town of Midland and known municipally as 658 King Street and zoned “I-5”:
 - A **Nursing Home** shall include a ‘Long-Term Care Home’ as defined in the *Long-Term Care Homes Act*, 2007 S.O. 2007, Chapter 8 as amended or replaced from time to time and may also include the corporate offices of the Long-Term Care Home operator.
 - A **Seniors’ Health Hub** shall mean a facility or facilities providing a range of holistic health related services for Seniors that may include, but not limited to physician services, nurse practitioner services, social work, nutrition and podiatry services, together with other health and wellness services in support of Seniors’ health.
 - A **Post Secondary Education Facility and Campus** shall include a Centre of Excellence for Gerontology, Geriatric and Seniors’ Health Studies through partnerships with academic bodies either at the college and/or university level.
 - **Apartment Buildings** for Seniors
2. Notwithstanding **Section 8.1.3 Zone Requirements** the following site specific regulations and standards shall apply to those lands Zoned I-5:
 - a) Minimum Yard Setbacks
South Interior Side 6.0 metres
 - b) Maximum **Building Height - Retirement Home** 18.0 metres
All other **buildings** 15.0 metres”

8.2 OPEN SPACE - OS

8.2.1. General Prohibition

Within an Open Space Zone – OS, no **person** shall **use** any land, **erect**, alter, enlarge, **use** or maintain any **building** or **structure** for any **use** other than as permitted in this Section and also such **use**, **building** or **structure**, shall be in accordance with the regulations contained or referred to in this Section.

8.2.2 Permitted Uses

Band shell
Boat Launch
Cemetery
Community Hall
Conservation Use
Dock and Access Staircase
Eating Establishment
Fairground
Indoor or Outdoor Athletic Courts
Indoor or Outdoor Recreational Facility
Mobile Fast Food Facility
Not For Profit Athletic or Cultural Facility
Park, Public or Private
Parking Area
Private Commercial Recreational Facility
Private Cultural Facility
Public Swimming Beach
Public Use
Public Walkway
Public Washroom
Skateboard Facility

8.2.3 Zone Requirements

8.2.3.1	Minimum Lot Area	1.0 ha
8.2.3.2	Minimum Lot Frontage	15.0 m
8.2.3.3	Maximum Lot Coverage	30%
8.2.3.4	Minimum Yard Setbacks	
	(a) Front	8.0 m
	(b) Rear	8.0 m
	(c) Interior Side	8.0 m

(d) **Exterior Side** 8.0 m

8.2.3.5 Maximum **Building Height** 11.0 m

8.2.4 **Zone Exceptions**

The following Zone Exceptions shall have the same permitted **uses** and zone provisions as the regular OS Zone except as noted.

8.2.4.1 **OS-1**

Notwithstanding Section 8.2.2, the following additional **use** shall apply to the lands described as Part of Lot 97, Concession 1 (1097 Brebeuf Road) and Zoned OS-1:

(a) **Detached Dwelling Unit**

8.2.4.2 **OS-2**

Notwithstanding Sections 8.2.2 and 8.2.3 the following shall apply to the lands described as Part 6, Plan 51R-17237 (Hanson Lands) and Zoned OS-2:

- (a) **Kiosk/Tuck Shop** in addition to the permitted **uses**
- (b) Maximum **Gross Floor Area** 450 m²
- (c) Maximum **Height** 4.0 m
- (d) Maximum **Setback** from Little Lake 35.0 m

8.2.4.3 **OS-3**

Notwithstanding Section 8.2.3, the following shall apply to Blocks 53 to 57, inclusive, Draft Plan MD—T-0208 and zoned OS-3:

(a) Minimum **Lot Area** 0.2 ha

8.2.4.4 **OS-4**

Notwithstanding Sections 8.2.2 and 8.2.3, the following Permitted **Uses** and Zone Regulations shall apply to all lands zoned OS-4 only:

- (a) Fixed Dock and/or Floating Dock and Access Staircase
 - (i) Maximum length of dock (from shoreline) 15 m
 - (ii) Maximum total combined foot print of cribs 15 sq. m.
 - (iii) Maximum total surface area of dock 50 sq. m
 - (iv) Maximum combined width of all shoreline structures - 25% of shoreline width of **lot**

- (v) Minimum **side lot line setback** based on a straight line Projection into the water 3 m

8.2.4.5 OS-5

Notwithstanding Section 8.2.3, the following shall apply to the **Private Commercial Recreational Facility** zoned OS-5:

- (a) Minimum **Lot Area** 0.5 ha
- (b) Maximum **Lot Coverage** 35%
- (c) Minimum **Yard Setbacks**
 - (i) **Front** 6.0 m
 - (ii) **Rear** 4.5 m
 - (iii) **Interior Side** 4.5 m
- (d) Minimum Required **Parking Spaces** for the **Private Commercial Recreational Facility** located on Block 77, Draft Plan MD-T-0602, shall be ten (10).

8.2.4.6 OS-6

Notwithstanding Section 8.2.3, the following shall apply to the lands zoned OS-6 (487 Forest Hill Court):

- (a) Minimum **Lot Area** 663.0 sq. m
- (b) Minimum **Lot Frontage** 5.2 m

8.2.4.7 OS-7

Notwithstanding Section 8.2.3, the following shall apply to the lands zoned OS-7:

- Minimum **Lot Area** 2,074.0 sq. m

8.2.4.8 OS-8

Notwithstanding Section 8.2.2, the following additional **uses** shall also be permitted on those lands described as Part of Lots 101 and 102, Concession 1 (former Tay), and more particularly described as Parts 1 to 17 inclusive, Reference Plan 51R-33691 (Hanson Subdivision Lands) and zoned OS-8:

- (a) **Kiosk/Tuck Shop**
- (b) Stormwater Management Facility

Notwithstanding Section 8.2.3, the following requirements shall apply to the Blocks as shown on approved Draft Plan of Subdivision 43T-95021 (Hanson) and zoned OS-8:

- (a) Minimum **Lot Area** 0.22 ha
- (b) Minimum **Lot Frontage** 12.0 m
- (c) Maximum **Gross Floor Area** 30 square metres
- (d) Maximum **Building Height- Kiosk/Tuck Shop** 4.0 m
- (e) Notwithstanding subsection 4.1.6.5, the minimum width of a driveway or aisle leading to any **parking space** shall be 6.0 m for two-way traffic and 3.0 m for one-way traffic."

8.2.4.9 OS-9

Notwithstanding Section 8.2.2, the following additional **uses** shall also be permitted on those lands described as Part of Lots 101 and 102, Concession 1 (former Tay), and more particularly described as Parts 1 to 17 inclusive, Reference Plan 51R-33691 (Hanson Subdivision Lands) and zoned OS-9:

- (a) **Kiosk/Tuck Shop**
- (b) Stormwater Management Facility

Notwithstanding Section 8.2.3, the following requirements shall apply to the Blocks as shown on approved Draft Plan of Subdivision 43T-95021 (Hanson) and zoned OS-9:

- (a) Minimum **Lot Area** 0.49 ha
- (b) Minimum **Lot Frontage** 12.0 m
- (c) Maximum **Gross Floor Area** 30 square metres
- (d) Maximum **Building Height- Kiosk/Tuck Shop** 4.0 m

8.2.4.10 OS-10

Notwithstanding Section 8.2.3, the following regulations shall apply to those lands zoned OS-10 (319 Gervais Street):

- (a) Minimum **Lot Area** 0.14 ha

SECTION 9 RURAL AND ENVIRONMENTAL PROTECTION ZONES

9.1 RURAL – RU

9.1.1 General Prohibition

Within a Rural Zone – RU, no **person** shall use any land, **erect**, alter, enlarge, use or maintain any **building** or **structure** for any use other than as permitted in this Section and also such use, **building** or **structure** shall be in accordance with the regulations contained or referred to in this Section.

9.1.2 Permitted Uses

Accessory Building
Additional Residential Unit
Animal Hospital
Conservation Use
Dwelling Unit, Detached
Farm
Garden and Nursery Supply Outlet
Golf Course including **Banquet Hall**, Conference Facility, **Eating Establishment**
Home Occupation
Kennel
Lumber Mill
Public Use
Riding Stable
Snow Skiing Facility

9.1.3 Zone Requirements

	<u>Detached Dwelling Unit</u>	<u>Other Uses</u>
9.1.3.1 Minimum Lot Area	2000 m ²	20.0 ha
9.1.3.2 Minimum Lot Frontage	35.0 m	152 m
9.1.3.3 Maximum Lot Coverage	35%	N/A
9.1.3.4 Minimum Yard Setbacks		
(a) Front	9.0 m	8.0 m
(b) Rear	8.0 m	8.0 m
(c) Interior Side	6.0 m	8.0 m
(d) Exterior Side	9.0 m	8.0 m

9.1.3.5 Maximum **Building Height** 11.0 m N/A

9.1.4 Zone Exceptions

The following Zone Exceptions shall have the same permitted uses and zone provisions as the regular RU Zone except as noted.

9.1.4.1 RU-1

Notwithstanding Section 9.1.2 the following additional use shall be permitted on lands described as Parts 3, 4 and 5, Plan 51R-4517 and Parts 1 and 2, Plan 51R-4746 (9782 County Road 93) and Zoned RU-1:

- (a) Two Detached Dwelling Units
- (b) Antique Shop
- (c) Wood Working Shop

9.1.4.2 RU-2

Notwithstanding Section 9.1.2, the following additional use shall be permitted on the lands described as Parts 1, 2 and 3, Plan 51R-15621 (8993 County Road 93) and Zoned RU-2:

- (a) **Recreational Vehicle and Vessel Sales and Rental Agency**

9.1.4.3 RU-3

Notwithstanding Section 9.1.3, the following shall apply to the lands described as Part 4, Plan 51R-15097 (8859 County Road 93) and Zoned RU-3:

- (a) Minimum **Lot Frontage** 56.26 m
- (b) Minimum **Lot Area** 6.18 ha

9.1.4.4 RU-4

Notwithstanding Section 9.1.2, the following additional use shall be permitted on the lands described as Part 1, Plan 51R-7606 (8945 County Road 93) and Zoned RU-4:

- (a) Retail Sales of Roofing Material and Siding

9.1.4.5 RU-5

Notwithstanding Section 9.1.2, the following additional use shall be permitted on the lands described as Part of Lot 102, Concession 1, OS (8892 County Road 93) and Zoned RU-5:

(a) Storage of Equipment and Material for Aluminum Installation Business

9.1.4.6 RU-6

Notwithstanding Section 9.1.2, the following additional use shall be permitted on the lands described as Part of Lot 103, Concession 1, OS (8963 County Road 93) and Zoned RU-6:

(a) Electrical Contractor's **Service Shop** including Retail Sales

9.1.4.7 RU-7

Notwithstanding Section 9.1.2, the following additional use shall be permitted on the lands described as North Part of Lot 100, Concession 1, WPR (1299 Angela Schmidt Foster Road) and Zoned RU-7:

(a) **Drive-in Theatre**

9.1.4.8 RU-8

Notwithstanding Section 9.1.2, the following additional use shall be permitted on lands described as Part of Lot 103, Concession 1, O.S. (9000 County Road 93) and Zoned RU-8:

(a) Wood Working Shop

9.1.4.9 RU-9

Notwithstanding Section 9.1.2 Bed and Breakfast operations shall be permitted at the following properties and Zoned RU-9:

<u>Address</u>	<u>Maximum No. of Rooms</u>
(a) 128 Midland Point Road	3
(b) 8970 County Road 93	4

9.1.4.10 RU-10

Notwithstanding Section 9.1.2, the following shall apply to the land described as Parts 1, 2 and 3, Plan 51R-7213 (1017 Vindin Street) and Zoned RU-10:

- (a) Any Three (3) Permitted Uses of Section 9.1.2 of the Industrial Zone - M1
- (b) Maximum **Gross Floor Area** 929 m²
- (c) Maximum **Height** 6.1 m

9.1.4.11 RU-11

Notwithstanding Section 9.1.2, the following additional use shall be permitted on lands described as Part of Lot 102, Concession 1, W.P.R., formerly in the Township of Tiny, now in the Town of Midland (8870 County Road 93) and Zoned RU-11:

- (a) Machine Shop

9.1.4.12 RU-12

Notwithstanding Section 9.1.2 the following additional use shall be permitted on lands described as part of Lot 100, Concession 1, WPR, formerly in the Township of Tiny, now in the Town of Midland and more particularly described as Parts 1, 2 and 3, Plan 51R-15572 (1249 Angela Schmidt Foster Road) and Zoned RU-12:

- (a) Four (4) **Dwelling Units** or three (3) **Dwelling Units** and one **Professional Office** to be used for only a solicitor

9.2 ENVIRONMENTAL PROTECTION - EP

9.2.1 General Prohibition

Within an Environmental Protection Zone – EP, no **person** shall use any land, **erect**, alter, enlarge, use or maintain any **building** or **structure** for any use other than as permitted in this Section and also such use, **building** or **structure**, shall be in accordance with the regulations contained or referred to in this Section.

9.2.2 Permitted Uses

Accessory Building

Conservation Uses

Pedestrian Walkway

Private Park

Public Park

Public Use

Trans Canada Trail

Tree Crops

9.2.3 Zone Requirements

9.2.3.1 Minimum **Lot Area** 5.0 ha

9.2.3.2 Minimum **Lot Frontage** 30.0 m

9.2.3.3 Maximum **Lot Coverage** 1 %

9.2.3.4 Minimum **Yard Setbacks**

(a) **Front** 9.0 m

(b) **Rear** 9.0 m

(c) **Interior side** 9.0 m

(d) **Exterior side** 9.0 m

9.2.3.5 Maximum **Building Height** 3.0 m

9.2.3.6 Notwithstanding Section 9.2.3.3, the surface area of a Public Pedestrian Walkway shall not be included in the Maximum **Lot Coverage** calculations.

9.2.4 Zone Exceptions

The following Zone Exceptions shall have the same permitted uses and zone provisions as the regular EP Zone except as noted.

9.2.4.1 EP-1

Notwithstanding Section 9.2.2 the following additional use shall apply to the lands described as Parts 1 and 2, Plan 51R-23910 (1176 King Street) and zoned EP-1:

(a) Detached Dwelling Unit

9.4.2.2 EP-2

Notwithstanding Sections 9.2.2 and 9.2.3 the following shall apply to those lands zoned EP-2 and known as Snake Island:

(a) The Only Permitted Uses shall be: Accessory dock and **boathouse** to a permitted Seasonal Cottage **Dwelling**

- | | |
|---|-----------------------|
| (b) Lot Area (Minimum) | N/A |
| (c) Lot Frontage (Minimum) | N/A |
| (d) Maximum Lot Coverage | N/A |
| (e) Boathouse GFA (Maximum) | 50 m ² |
| (f) Fixed Dock and/or Floating Dock
and Access Staircase (Maximum) | 15 m (from shoreline) |
| (g) Total foot print of cribs (Maximum) | 15 sq. m. |
| (h) Total surface area of dock (Maximum) | 50 sq. m |
| (i) All Yards (Minimum) | N/A |
| (j) Height (Maximum) | 4.0 metres |

9.4.2.3 EP-3

Notwithstanding Sections 9.2.2 and 9.2.3 the following shall apply to those lands zoned EP-3 and known as Snake Island:

- | | |
|---------------------------------------|-------------------------|
| (a) The Only Permitted Uses shall be: | Conservation Use |
| (b) Lot Area (Minimum) | N/A |
| (c) Lot Frontage (Minimum) | N/A |
| (d) Maximum Lot Coverage | N/A |
| (e) All Yards (Minimum) | N/A |

SECTION 10 ENACTMENT, ENFORCEMENT AND PENALTIES

10.1 INSPECTION OF PREMISES

The Director of Planning and Development, or any officer designated by **Council** to enforce the provisions of the Zoning By-law shall have the powers authorized by Section 49 of the *Planning Act*, R.S.O. 1990, as amended.

10.2 ENFORCEMENT

Any **person** or corporation convicted of a breach of any of the provisions of this By-law shall be liable to a penalty within the limits permitted in the *Planning Act*, R.S.O. 1990 as amended from time to time, exclusive of costs.

10.3 FEES

Fees, as may be established by **Council**, may be charged to any **person** to offset the cost associated with the administration and enforcement of this By-law.

10.4 OBLIGATION

Nothing in this By-law shall relieve any **person** from the obligation to comply with the requirements of the Ontario Building Code or regulations there under, as amended, or any other provincial statutes or regulations or other such By-laws of the **Corporation** or the County of Simcoe, where the obligation to obtain any permit, licence, authority or approval is otherwise lawfully required.

10.5 SEVERABILITY

A decision of a Court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this By-law.

10.6 REPEAL OF EXISTING BY-LAWS

The following By-laws are hereby repealed:

- 10.6.1 By-laws 79-40 and 98-100 of the Town of Midland and all amendments thereto.
- 10.6.2 All land use control By-laws passed by the Township of Tiny (By-law 30-77) on lands now in the Town of Midland by reason of Bill 51, An Act respecting the Restructuring of the County of Simcoe.

10.7 EFFECTIVE DATE

- 10.7.1 This By-Law shall take effect and shall come into force pursuant to the provisions of and regulations made under the *Planning Act*, R.S.O. 1990.
- 10.7.2 This By-law shall come into force on the day it was passed, except where one or more appeals have been filed under Sub-section 19 of Section 34 of the *Planning Act*, R.S.O. 1990 the By-law does not come into force until all such appeals have been finally disposed of whereupon the By-law, except for such parts thereof as are repealed or amended in accordance with the direction of the Ontario Municipal Board, as provided for in Sub-section 26 of Section 34 of the *Planning Act*, R.S.O. 1990, shall be deemed to have come into force on the day it was passed.

BY-LAW READ a FIRST, SECOND and THIRD time, and finally PASSED at a meeting of the Municipal Council of The Corporation of the Town of Midland on this Twenty-second day of November, 2004.

“Original signed by”

Mayor

“Original signed by”

Clerk