



ZONING BY-LAW 2004-90

Town of Midland



Town of Midland
Planning and Building Services
OFFICE CONSOLIDATION
April 27, 2022

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 April 27, 2022

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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		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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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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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.
2018-45	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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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

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SECTION 2 DEFINITIONS

Accessory Building

Shall mean a separate building or structure, normally incidental, subordinate, or exclusively devoted to and located on the same lot as the principal use, building or structure but not including a building or structure used for human habitation except where specifically permitted.

Accessory Dwelling Unit

Shall mean a self-contained dwelling unit accessory to the main use of the property and contained within or attached to a main use building.

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.

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.

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.

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 Building

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 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.

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.

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/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.

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.

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 usually incidental, subordinate and exclusively devoted to and located in the same building or structure as the principal use, but not including a building or structure which is used as a dwelling unless specifically permitted.

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 divided horizontally into two dwelling units.

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 dwelling divided vertically and/or horizontally into three dwelling units, each of which has a separate entrance into 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 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.

Floor Area, Interior

Shall mean the area of a dwelling unit, measured from the inside walls of the unit, including all of the space occupied by the interior walls of the dwelling unit, but not including mechanical/furnace rooms; storage rooms external to the unit; hallways, stairways, landings and/or laundry rooms to which the occupants of more than one unit have access; private garages; attics; cold cellars; and porches, balconies, verandas, breezeways or similar appurtenant structures.

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 interment 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.

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 greatest vertical distance measured from the 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 any occupation or business that is carried on as a use accessory to the residential use of a dwelling unit and is conducted in accordance with the provisions of this By-law. A Home Occupation may include Home Child Care.

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.

Pharmacist

Shall mean a health professional who practices the science of pharmacy including but not limited to taking requests for medicines from a prescribing health care provider in the form of a medical prescription, evaluating the appropriateness of the prescription, dispensing the medication to the patient and counseling them on the proper use and adverse effects of that medication.

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 Heath 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 transshipments 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.

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 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.

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.

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.

3.3 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 USES

- 3.8.1 Any lawful use accessory to a lawful use is a permitted use.
- 3.8.2 No accessory building shall be used for human habitation, except where specifically permitted in this By-law.
- 3.8.3 No accessory building shall be located in a minimum Front, Interior Side or Exterior Side Yard. Where an accessory building is erected in the Rear Yard on a corner lot, it shall not be located closer to a street than the minimum setback for the main building from that street. Where an accessory building is erected in a Rear Yard it shall be set back from the rear property line a minimum of 1.22 m. Swimming pools are not considered to be accessory structures.
- 3.8.4 No accessory building, in a Residential Zone, shall exceed 4.0 m in height.
- 3.8.5 Accessory buildings shall be set back a minimum of 1.5 m from any main building.
- 3.8.6 Lot Coverage for an Accessory building shall not exceed 8%, unless otherwise specifically permitted in this By-law. Lot Coverage for accessory buildings 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.
- 3.8.7 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.
- 3.8.8 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 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.
- 3.10.4 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.
- 3.10.5 The Home Occupation shall not interfere with communications reception or electrical service of others on adjacent properties.
- 3.10.6 The parking of vehicles on the property containing the Home Occupation shall only occur on the surfaced driveway.
- 3.10.7 There shall be no outside storage or display of goods, equipment, materials or supplies associated with the Home Occupation.
- 3.10.8 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.

3.10.9 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.

3.14 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 may project into the Interior Side Yard setback no more than a distance of 0.61 m where there is a common wall between Semi-detached Dwelling Units.
- 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 An unenclosed barrier free access ramp structure shall be permitted in all zones and may encroach into the required Front Yard providing it does not extend more than 3.2 m beyond the face of the main building. The unenclosed structure shall be permitted to encroach no more than 1.5 m into the minimum Exterior Side Yard. On corner lots, a 1.5 m radius will also be permitted around the corner of the building where the Front Yard and Exterior Side yards meet. The barrier free access shall not encroach onto municipal lands and shall conform to all other yard requirements.

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 SECOND UNITS

All Second Units shall be developed in accordance with the following provisions:

- 3.38.1 A Second Unit shall only be permitted 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 and where permitted by this By-law.
- 3.38.2 A maximum of one (1) Second Unit shall be permitted per lot. In the case of a condominium, only one (1) Second Unit shall be permitted per condominium unit.
- 3.38.3 A Second Unit must be connected to municipal services where such services are available. However, where municipal services are not available, a Second Unit may be connected to private services subject to Ontario Building Code approval.

- 3.38.4 No additional parking is required for a Second Unit. However, the creation of a Second Unit must not eliminate a required parking space for the principal dwelling unit. Where parking is provided, parking must be in conformity with the parking provisions of this By-law. Tandem parking is permitted.
- 3.38.5 The maximum Floor Area of a Second Unit shall not exceed 40% of the total Floor Area of the Dwelling, to a maximum of 80 square metres in Floor Area, whichever is less, or if the second unit is located in the basement of the dwelling unit it may include the entire basement.
- 3.38.6 The external appearance of the front façade of the principal dwelling unit or any other façade facing a street on which the lot has frontage shall be preserved and entrances for a Second Unit in a dwelling unit shall not be permitted on the front main wall of the main building facing a public street.

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 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

Table 4.1																					
Column 1	Column 2																				
Use of Building or Site	Minimum Number of Parking Spaces																				
	designated visitor parking																				
Senior Citizens' Home	1 per dwelling unit, plus 0.5 per employee																				
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	<table border="0"> <tr><td>0 – 400 students</td><td>35</td></tr> <tr><td>401-500 students</td><td>45</td></tr> <tr><td>501 – 600 students</td><td>50</td></tr> <tr><td>601 – 700 students</td><td>60</td></tr> <tr><td>701 – 800 students</td><td>70</td></tr> <tr><td>801 – 900 students</td><td>75</td></tr> <tr><td>901 – 1000 students</td><td>85</td></tr> </table> <p>Plus 1 bus space for every 4 classrooms</p>	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						
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																				
School, secondary, college, university	<table border="0"> <tr><td>0 - 600 students</td><td>60</td></tr> <tr><td>601 – 700 students</td><td>70</td></tr> <tr><td>701 – 800 students</td><td>80</td></tr> <tr><td>801 – 900 students</td><td>90</td></tr> <tr><td>901 – 1000 students</td><td>100</td></tr> <tr><td>1001 – 1100 students</td><td>110</td></tr> <tr><td>1101 – 1200 students</td><td>120</td></tr> <tr><td>1201 – 1300 students</td><td>130</td></tr> <tr><td>1301 – 1400 students</td><td>140</td></tr> <tr><td>1401 - 1500 students</td><td>150</td></tr> </table> <p>Plus 1 bus space (secondary school only) for every 4 classrooms</p>	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
0 - 600 students	60																				
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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																				
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																				

Table 4.1	
Column 1	Column 2
Use of Building or Site	Minimum Number of Parking Spaces
	each 4 persons that can be accommodated at any one time in a dining room, licensed beverage room, banquet room
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	1 for each 75 m ² of GFA

Table 4.1	
Column 1	Column 2
Use of Building or Site	Minimum Number of Parking Spaces
Section	
Note: GFA – Gross Floor Area	

4.1.6 Parking Area Regulations

Where in this By-law parking facilities are required for other than single detached, semi-detached, duplex and triplex uses 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 single 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:

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 For all residential lots, a maximum of one driveway per lot is permitted.
- 4.1.7.3 Notwithstanding section 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.
- 4.1.7.4 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.

4.1.8 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
- Detached Dwelling Unit
- Home Occupation
- Public Use
- Second Unit

5.1.3 Zone Requirements

- 5.1.3.1 Minimum Lot Area 610 m²
- 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 m²
- (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
Detached Dwelling Unit
Home Occupation
Public Use
Second Unit

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 m²
- (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 m²
- (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 m²
- (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
 - 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
Detached Dwelling Unit
Duplex Dwelling Unit
Home Occupation
Public Use
Second Unit
Semi-Detached Dwelling Unit

5.3.3 Zone Requirements

	<u>Single Detached 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 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 Yard 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 m²/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
Detached Dwelling Unit
Duplex Dwelling Unit
Home Occupation
Public Use
Second Unit
Semi-Detached Dwelling Unit
Triplex Dwelling Unit

5.4.3. Zone Requirements

	<u>Single</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
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 Single 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) and Zoned R4-4:

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

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>Single</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>Single</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 m²/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

5.5 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
Boat Dock
Boat House
Boat Slip
Detached Dwelling Unit
Home Occupation
Public Use
Second Unit

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 Dwelling Unit with an Attached Garage or a Detached Garage may be erected in an Interior Side Yard or Rear Yard provided that it shall be no closer than 1.0 m to the Interior Side or Rear Lot Line.		
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 Mundy’s 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
Home Occupation
Public Use
Second Unit
Street Townhouse Dwelling Unit
Townhouse Dwelling Unit

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) Single-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 m²/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.”

5.6.4.25 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.

5.7 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 |
| Rear Yard – from sheet wall | 1.95 m to parking structure
8.87 m to apartment |
| (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 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

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 m ² |
| (iv) Maximum Storage Compound Area | 1858 m ² |
| (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 m ² |
| (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 m ² |
| (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
Detached Dwelling Unit with or without one Professional Office
Public Use

5.9.3 Zone Requirements

- | | | |
|---------|---|--------------------|
| 5.9.3.1 | Minimum Lot Area | 460 m ² |
| 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.

5.9.3.10 Signs shall be restricted to one Lawn Sign with the maximum height of 1.06 m and a Sign Face Area of 0.46 m² per side. One sign shall be permitted on the building with a Sign Face Area of 0.37m².

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** For those lands zoned DC and which do not front on King Street, the following additional uses are permitted; “Apartment Building”, “Home Occupation”, “Dwelling, Duplex”, “Dwelling, Triplex”, “Dwelling, Townhouse”.

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

6.1.3.6 Residential use shall be located above the main floor of a commercial use, and may permit multiple Dwelling Units provided that the Gross Floor Area of the multiple Dwelling Units does not exceed the Gross Floor Area per floor of the principal main floor commercial use.

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**:

(a) Notwithstanding Section 6.1.3, an Emergency Housing Shelter use shall be restricted to the lower 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 anywhere within the building.

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
Automotive Rental Agency
Automobile Sales Agency
Automobile Service Station
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 Center
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
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(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.

6.2.4.9 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
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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 m ²
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

Attached Accessory Dwelling Unit
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 m ² |
| 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

Adult Entertainment Parlor
Ambulance Depot
Animal Hospital
Attached Accessory Dwelling Unit
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 Center
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 m²
- 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
Parking Area
Private Commercial Recreational Facility
Private Cultural Facility
Public or Private Park
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
 Animal Hospital
 Conservation Use
 Detached Dwelling Unit
 Farm
 Garden and Nursery Supply Outlet
 Golf Course including Banquet Hall, Conference Facility, Eating Establishment
 Home Occupation
 Kennel
 Lumber Mill
 Public Use
 Riding Stable
 Second Unit
 Snow Skiing Facility

9.1.3 Zone Requirements

	<u>Single 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 Single 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) Single 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 m²
- (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