



City of Orillia Zoning By-law 2014-44

Consolidation – January 6, 2016

Passed by Orillia City Council on June 2, 2014

Approved by Ontario Municipal Board on February 20, 2015

Updated to Amendment #21

***NOTE:** Zoning By-law 2014-44 is under appeal to the Ontario Municipal Board (Case PL140660) with respect to the following property. Until such time as the appeal has been disposed of by the Ontario Municipal Board, the following property is not subject to any of the provisions of Zoning By-law 2014-44 and continues to be subject to all provisions of Zoning By-law 2005-72:

Location	Issue	OMB Order
493 and 511 Atherley Road	Objection to the Shoreline Buffer Overlay Zone (Section 15.1)	Pending

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HOW TO USE THIS BY-LAW

INTRODUCTION

Pages i to v explain the purpose of this Zoning By-law and how it should be used. These pages do not form part of the Zoning By-law passed by Council and are intended only to make the Zoning By-law more understandable and easier to reference.

PURPOSE OF THIS ZONING BY-LAW

The purpose of this Zoning By-law is to implement the policies of the City of Orillia Official Plan. The Official Plan contains policies that affect the use of land throughout the City. These policies specify where certain land uses are permitted and, in some instances, specify what regulations should apply to the Development of certain lands.

The Official Plan is a general document that is not intended to regulate every aspect of the City's built-form. In the Province of Ontario, this is the role of the Zoning By-law. Once an Official Plan is in effect, any Zoning By-law passed by Council must conform to the Official Plan. For example, if the Official Plan stated that lands in the vicinity of a Significant natural feature are to remain in their natural state, the Zoning By-law would prohibit the Erection of Buildings or Structures on those lands.

The statutory authority to Zone land is granted by the Ontario *Planning Act*. The *Planning Act* specifies what a Zoning By-law can regulate. A Zoning By-law can:

- prohibit the use of land or Buildings for any use that is not specifically permitted by the By-law;
- prohibit the Erection or siting of Buildings and Structures on a Lot except in locations permitted by the By-law;
- regulate the type of construction and the Height, location, size, floor area, spacing, and use of Buildings or Structures;
- regulate the minimum frontage and depth of a parcel of land;
- regulate the proportion of a Lot that any Building or Structure may occupy;
- regulate the minimum elevation of doors, windows or other openings in Buildings or Structures;
- require that parking and loading facilities are provided and maintained for a purpose permitted by the By-law; and,
- prohibit the use of lands and the Erection of Buildings or Structures on land that is:
 - subject to flooding;
 - the site of steep slopes;
 - rocky, low-lying, marshy or unstable;
 - contaminated;

- a sensitive groundwater recharge area or head water area;
- the location of a sensitive aquifer;
- a Significant wildlife habitat area, wetland, woodland, valley or area of natural and scientific interest;
- a Significant corridor or Shoreline of a lake, river or stream; or,
- the site of a Significant archaeological resource.

HOW TO USE THIS BY-LAW

In order to reference this By-law easily, a property owner should follow each of the steps listed below to determine what permissions apply to their particular property.

1. Locate the Property on the Zoning By-law Schedule

Maps in a Zoning By-law are called 'Schedules'. The first step to using this By-law is to refer to the Zone Schedules that are contained at the back of the By-law to determine in which Zone category your property is located. The Zone category will be indicated on the Schedules by a symbol or abbreviation. For example, you may see a symbol such as "R2" beside your property. This would indicate that your property is within the "Residential Two" Zone. The Zone symbols or abbreviations are listed on the first page of Section 3 of the By-law.

Section 3 also provides assistance to help you identify the Zone boundaries on the Schedules. For example, if your property appears close to a Zone boundary and you are not sure how to determine exactly where that boundary is located, refer to Subsection 3.5 of the By-law.

2. By-law Amendments

A Zoning By-law is not a static document; it is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of an earlier Zoning By-law amendment. While the City strives to keep this By-law up-to-date, more recent amendments may not be included in the version of the By-law you are using. City Planning staff will be able to assist you to confirm if your property has been subject to a more recent By-law amendment.

3. Zone Provisions

The next step to using this By-law is to determine what uses are permitted on your property. Subsection 3 in Sections 7 to 13 of the By-law identifies the Permitted Uses and Zone Provisions for each Zone in the City. Where the permitted use is followed by the symbol 'i', that use is only permitted in Zones with the corresponding 'i' symbol on the Schedules to the By-law, which indicate that the area is a planned Intensification Area.

The definitions in Section 4 can clarify the nature of a permitted use or how it has been defined for the purposes of this By-law. Uses which are not identified as permitted uses within a particular Zone are not permitted in that Zone.

You have now identified the Zone in which your property is located and have identified what uses are permitted on your property. The next step is to determine what standards apply to the uses on your property. Subsection 4 in Sections 7 to 13 of the By-law identifies the Zone Provisions for each of the Zone categories in the City.

4. General Provisions

Now that you are aware of the uses permitted on your property and the specific Zone Provisions that apply to those uses, reference should be made to Section 5 of this By-law. Section 5 contains a more general set of standards known as 'General Provisions' that apply to all properties in all Zones throughout the City. For example, the general provisions contain standards that regulate the location of Accessory Structures on a Lot, height exceptions, and Non-Conforming/Non-Complying uses that apply to all properties regardless of the applicable Zone the property is located.

5. Parking and Loading

Section 6 provides the parking and loading requirements for all uses permitted in the City. If you are considering changing the use of your property or adding a new use to your property, you should review Section 6 to ensure that you are aware of the parking requirements for the proposed use.

6. Exceptions, Holding Zones and Temporary Uses

As noted in #2 above, By-laws are not static documents and lands may be subject to a Zone exception, a Holding Zone and/or a Temporary Use Zone. If a Zone symbol is followed by a dash (-) and a number, the lands are subject to a site specific exception. These can be found in Subsection 5 of the relevant Section. If the Zone symbol is followed by an (H) or a (T), the lands are subject to a Holding Zone or a Temporary Use Zone, respectively, the particulars of which can be found in Section 14.

For example, if a property is Zoned R4-3i(H6), it would be written out in full as “Residential Four Exception Three – Intensification Area (Holding Six)”.

7. Overlay Zones

In addition to the permitted uses and zoning regulations for each Zone there are a number of Overlay Zones in this By-law that further restrict the use of lands. The Overlay Zones include a Shoreline Buffer Overlay Zone, Waste Disposal Assessment Overlay Holding Zone, Wellhead Protection and Intake Protection Overlay Zones, Flood Hazard Overlay Zone and Downtown Area Overlay Zones. The Overlay Zones are found in Section 15 of the By-law.

DESCRIPTION OF BY-LAW COMPONENTS

This By-law contains sixteen Sections which, together, provide the land uses and standards applicable to all lands within the City. These Sections are as follows:

Section 1	- Interpretation
Section 2	- Administration
Section 3	- Establishment of Zones
Section 4	- Definitions
Section 5	- General Provisions
Section 6	- Parking and Loading Standards
Section 7	- Residential Zones
Section 8	- West Ridge Residential Zones
Section 9	- Commercial Zones
Section 10	- Downtown Shoulder Zones
Section 11	- Institutional and Health Care Zones
Section 12	- Industrial Zones
Section 13	- Open Space, Rural and Environmental Protection Zones
Section 14	- Holding Zones, Temporary Use Zones and Interim Control Zones
Section 15	- Overlay Zones
Section 16	- Enactment

The purpose of each of these Sections is described below.

Sections 1 and 2 - Interpretation and Administration

These Sections of the By-law specify:

- what lands are covered by the By-law;
- that every parcel of land in the area covered by the By-law is to conform and comply with the By-law; and,
- what penalties can be levied against a Person or a corporation if they contravene any provision in the By-law.

Section 3 - Establishment of Zones

This Section establishes the Zones that apply to the lands covered by the By-law. This Section also describes how to determine the location of the Zone boundaries on the Schedules.

Section 4 - Definitions

It is necessary to define words in a Zoning By-law because it is a legal document. A By-law must be drafted so that it can be enforced in a court of law. These definitions will help provide clarity in the By-law and ensure that the By-law and its intent are applied consistently.

Section 5 - General Provisions

This Section contains a number of regulations that apply to certain types of uses, Buildings or Structures regardless of where in the City or in what Zone they are located. For example, this Section contains provisions dealing with the construction of Accessory Buildings in any Zone, and provisions to regulate the operation of Home Occupations and home industries.

Section 6 - Parking and Loading Standards

Parking and loading facilities are Required for almost all uses within the City. This Section provides the requirements for these facilities including such regulations as the number of spaces Required for residential and commercial uses, minimum Driveway width, minimum Parking Space size and the location of parking facilities on a Lot.

Sections 7 to 13 - Zone Provisions

Sections 7 to 13 identify the uses that are permitted in each Zone category. The effect of these Zones is to only permit certain uses in various parts of the City. The only uses permitted in a Zone are those that are specified in the By-law. If a use is not specifically mentioned as a permitted use in a Zone then it is not permitted. Similarly, if a use is defined in Section 4 of the By-law but does not appear as a permitted use in any Zone, then it is not a use permitted by the By-law.

Where the permitted use is followed by the symbol ‘i’, that use is only permitted in Zones with the corresponding ‘i’ symbol on the Schedules to the By-law, which indicate that the area is a planned Intensification Area.

Sections 7 to 13 also contain a number of regulations that control the placement, bulk and height of a Building on a Lot. This includes regulations such as minimum Lot size, minimum frontage, maximum Building height or the maximum coverage of a Building on a Lot.

Section 14 - Holding Zones, Temporary Use Zones and Interim Control Zones

This Section provides a consolidated list of properties that are subject to Holding Zones, Temporary Use Zones and Interim Control Zones.

Section 15 - Overlay Zones

This Section includes secondary Zones that place additional restrictions on the use of lands. The use restrictions in Section 15 take precedence over the use provisions elsewhere in this By-law

Section 16 - Enactment

This Section contains the signatures of the Mayor and the Clerk who signed the By-law when it was passed by Council in accordance with Sections 34, 36 and 39 of the *Planning Act*, R.S.O. 1990 c. P. 13.

OFFICE CONSOLIDATION

COMPREHENSIVE ZONING BY-LAW 2014-44, AS AMENDED

CAUTION:

All persons making use of this consolidation are reminded that this document has no legal status, that the amendments to By-law 2014-44 which have been incorporated herein are so incorporated only for convenience of reference, and that the original By-law (2014-44) and all original amendments thereto or certified copies thereof, should be consulted for all purposes of interpretation and application of the law.

NOTES:

1. This consolidation includes all amendments up to and including Number 21 (By-law 2015-105) which was passed December 7, 2015.

CORPORATION OF THE CITY OF ORILLIA

BY-LAW NUMBER 2014-44

WHEREAS it is considered desirable to prohibit the use of land and the Erection and use of Buildings or Structures except for certain purposes, and to regulate the type of construction and the height, bulk location, size, floor area, character and use of Buildings in accordance with the provisions of Sections 34, 36 and 39 of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended;

NOW THEREFORE the Council of the Corporation of the City of Orillia enacts a Zoning By-law for the City of Orillia as follows:

SECTION 1 INTERPRETATION

1.1 TITLE

This By-law may be referred to as the “City of Orillia Zoning By-law” and applies to all lands within the City of Orillia.

1.2 ADMINISTRATION

This By-law shall be administered and enforced by municipal staff as appointed by the Council of the Corporation of the City of Orillia.

1.3 CONFORMITY AND COMPLIANCE WITH BY-LAW

No land, Building or Structure may be used or permitted to be used, Erected or Altered except in accordance with the provisions of this By-law. With respect to any lands to which this By-law applies, all uses are prohibited unless specifically permitted in this By-law.

No land, Building or Structure may be located or used such that the uses, Buildings or Structures on other lands would no longer comply with the provisions of this By-law.

1.4 COMPLIANCE WITH OTHER LEGISLATION OR POLICIES

Nothing in this By-law shall serve to relieve any Person from any obligation to comply with the requirements of any other By-law of the City of Orillia or any requirement of the Province of Ontario or Government of Canada that may affect the use of lands, Buildings or Structures in the City.

1.5 PERMITS AND MUNICIPAL LICENSES

No permit for the use of land or for the Erection or use of any Building or Structure and no zoning compliance or approval of application for any municipal license within the jurisdiction of the Council shall be issued or given where the proposed Building, Structure or use is in violation of any provisions of this By-law.

Zoning compliance is Required to permit any change in use of a Lot, Building or Structure.

1.6 LEVEL OF ACCURACY

All calculations of the regulations in this By-law shall be to one decimal place, and in no case shall there be rounding to such decimal place.

In the event of any conflict between the Zone Provisions provided in this By-law, the more restrictive performance standard(s) shall apply.

1.7 ILLUSTRATIONS

Appendix 1 to this By-law contains a number of illustrations that are intended to assist in the interpretation of some of the regulations in the By-law. The illustrations do not form part of this By-law.

1.8 DEFINED TERMS

All defined terms are capitalized throughout this By-law.

1.9 ABBREVIATIONS

Abbreviations used throughout this By-law are as follows:

m – metre(s)
cm – centimetre(s)
m² – square metre(s)
% - percent
l – litre(s)
G.F.A. – Gross Floor Area
I.P.Z. – Intake Protection Zone
kW – Kilowatt(s)
C.G.S. – Canadian Geodetic Survey

SECTION 2 ADMINISTRATION

2.1 ENFORCEMENT

Any Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to the fine(s) as provided for under the *Planning Act*, R.S.O. 1990, c. P. 13 as amended.

2.2 SEVERABILITY

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

2.3 EFFECTIVE DATE

This By-law shall come into force the day it is passed if no appeals are received. If an appeal(s) is received, this By-law, or portions thereof, shall come into force upon the approval of the Ontario Municipal Board and in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

2.4 REPEAL OF FORMER BY-LAWS

By-law No. 2005-72, as amended, of the City of Orillia is hereby repealed and replaced with this By-law with the exception that the provisions of By-law 2005-72 shall continue to apply to the property municipally known 493/511 Atherley Road, which is subject to appeal to the Ontario Municipal Board until such time the appeal has been disposed of by the Board.

2.5 TECHNICAL REVISIONS TO THE ZONING BY-LAW

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

- a) Correction of grammar or typographical errors or revisions to format in a manner that does not change the intent of a provision.
- b) Adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updated and correcting infrastructure information, keys, legends or title blocks.
- c) Changes to appendices, headings, indices, marginal notes, table of contents, illustrations, historical or reference information, page

numbering, footers and headers, which do not form a part of this By-law and are editorially inserted for convenience of reference only.

- d) Minor adjustments to the boundary of an Environmental Protection Zone on a property may be made, without amendment to the Zoning By-law, where the Director of Development Services, or his/her designate, for the City of Orillia is satisfied that the mapping of the Environmental Protection Zone on a Schedule is in obvious error.

2.6 TRANSITION PROVISIONS

2.6.1 Complete Applications

- a) Notwithstanding Subsection 1.5, this By-law does not apply to prevent the issuance of a building permit for a project for which a Complete Application for a:
 - i) Building Permit;
 - ii) Committee of Adjustment approval;
 - iii) Site Plan Control Approval;
 - iv) Part Lot Control Exemption Approval; or
 - v) Approval of Draft Plan of Subdivision or Draft Plan of Condominium

was received on or prior to the day before this By-law was passed by Council.

- b) For the purposes of subsection a), “Complete Application” means an application which could have been approved or granted on the day before this By-law was passed by Council, had it been processed or disposed of on that day as determined in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, and the Regulations, thereunder, the policies of the City of Orillia Official Plan, and the applicable Guidelines and Policies of the City of Orillia.
- c) Where a project qualifies under Subsection 2.6.1 a), the building permit for that project may be issued, or the Committee of Adjustment approval, the Site Plan Control Approval, the Part Lot Control Exemption Approval, and the Approval of the Draft Plan of Subdivision or Draft Plan of Condominium may be granted if the project in question complies with the provisions of Zoning By-law 2005-72 of the City of Orillia as it read on the day before this By-law was passed by Council.
- d) Nothing in this By-law applies so as to continue the exemption provided by this Subsection beyond the issuance of the permit or other approval under Subsection a) upon which the exemption is founded; and in no case does the exemption mentioned in Subsection c) continue beyond the repeal of this subsection.

- e) Once the permit or approval under Subsection a) has been granted, the provisions of this By-law apply in all other respects to the land in question.
- f) Section 2.6 is repealed in its entirety three years from the date of enactment of this By-law.

2.6.2 Minor Variances

- a) All minor variances applied for prior to the enactment of this By-law and finally approved pursuant to Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or its predecessor continue to apply and remain in force as if they are variances to this By-law.

**SECTION 3
ESTABLISHMENT OF ZONES**

3.1 ZONES

The Provisions of this By-law apply to all lands within the limits of the City of Orillia. All lands in the City are within one or more of the following Zones:

ZONE	SYMBOL
Residential Zones	
Residential One	R1
Residential Two	R2
Residential Three	R3
Residential Four	R4
Residential Five	R5
Residential Six	R6
West Ridge Residential Zones	
West Ridge Residential One	WRR1
West Ridge Residential Two	WRR2
West Ridge Residential Three	WRR3
West Ridge Residential Four	WRR4
West Ridge Residential Five	WRR5
West Ridge Residential Six	WRR6
Commercial Zones	
Main Street Commercial	C1
Neighbourhood Commercial	C2
Arterial Commercial	C3
Mixed Use Intensification	C4
Community Commercial	C5
Downtown Shoulder Zones	
Downtown Shoulder One	DS1
Downtown Shoulder Two	DS2
Institutional and Health Care Zones	
Institutional One (School Zone)	I1
Institutional Two (Place of Worship)	I2
Institutional Three (Major Institutional)	I3
Health Care One (Hospital Zone)	HC1
Health Care Two (Health Care)	HC2

Industrial Zones

Industrial One (Light Industrial)	M1
Industrial Two (General Industrial)	M2
Industrial Three (Business Park Industrial)	M3
Industrial Four (Extractive Industrial)	M4
Industrial Five (Waste Disposal)	M5

Open Space, Rural and Environmental Protection Zones

Open Space One (Public Park)	OS1
Open Space Two (Private Open Space)	OS2
Rural	RU
Environmental Protection	EP

Overlay Zones

Shoreline Buffer Overlay Zone
Waste Disposal Assessment Overlay Holding Zone
Wellhead Protection and Intake Protection Overlay Zones
Flood Hazard Overlay Zone
Downtown Area Overlay Zones

3.2 LANDS UNDER WATER

All lands under water of the lakes and watercourses within the City are subject to this By-law in addition to the requirements of both federal and provincial legislation. All lands under water not Zoned Environmental Protection (EP) shall be Zoned Open Space (OS1), and may be used in accordance with the zoning of Abutting and appertaining lands and the regulations of this By-law and specifically Subsection 5.1.4.

3.3 ZONE SYMBOLS

The Zone symbols may be used in this By-law, and on the Schedules to this By-law, to refer to the Zone in which the lands are located and to the use of Lots, Buildings and Structures permitted by this By-law.

3.4 ZONE SCHEDULES

The Zones and Zone boundaries are shown on Schedule 'A' (Maps 1 to 40), Schedule 'B' and Schedule 'C', which form part of this By-law.

3.5 DETERMINING ZONE BOUNDARIES

When determining the location of Zone boundaries as shown on any Schedule forming part of this By-law, the following provisions shall apply:

- i) a boundary indicated as following a Highway, Street, Lane, railway Right-of-Way, Utility Corridor or Watercourse shall be the edge of such Highway, Street, Lane, railway Right-of-Way, Utility Corridor or Watercourse;

- ii) a boundary indicated as following a Shoreline shall follow such Shoreline, and in the event of change in the Shoreline, the boundary shall be construed as moving with the actual Shoreline;
- iii) a boundary indicated as following Lot Lines shown on a registered Plan of Subdivision, or the municipal boundaries of the City of Orillia shall follow such Lot Lines;
- iv) where a Lot falls into two or more Zones the Zone boundary dividing the Lot shall be deemed to be a Lot Line for purposes of implementing this By-law in accordance with the provisions for the applicable Zone of this By-law and the provisions of Subsection 5.16;
- v) where none of the above provisions apply, the Zone boundary shall be scaled from the legally approved Schedule(s);
- vi) for purposes of the conveyance or lease by the City of a portion of a Public Street, an unopened road allowance or a reserve, the zoning of the said portion shall be deemed to be the same as the benefitting Abutting parcel.

3.6 SITE SPECIFIC ZONES

Where a Zone symbol on the Attached Schedule(s) is followed by a dash, and a number, such as R1-17 or Residential One Exception Seventeen, the symbol refers to a site-specific exception that applies to the lands noted. Site-specific exceptions are listed in Subsection 5 of Sections 7 to 13 of this By-law.

3.7 HOLDING ZONES

Notwithstanding any other provision in this By-law, where a Zone symbol is followed by the letter (H), no Person shall use or permit the land to which the Hold applies for any use other than the use which legally Existed on the date the By-law applying the Holding provision came into effect. No Person shall expand an Existing use, Building or Structure, as the case may be until the Hold is removed in accordance with the policies of the Official Plan and the provisions of this By-law and/or the requirements of any amending By-law, and the requirements of the Planning Act, as amended. Holding Zones in this By-law include a number such as (H3) and are included in Section 14. Where a property has both an exception and a Holding Zone (R1-17(H3)), reference to both the Exceptions tables and the Holding tables will be Required.

3.8 TEMPORARY USE ZONES

The *Planning Act* enables Council to pass By-laws that permit a use for a specified period of time after which the use is no longer permitted. Temporary uses can be permitted for up to three years and may be renewed for a further three years. Temporary uses for Garden Suites can be in place for 20 years. The Temporary Use Zones are included in Section 14 of this By-law.

3.9

OVERLAY ZONES

Overlay Zones place a second layer of zoning regulation on lands and are shown on Schedules 'A', 'B' and 'C' to this By-law. There are five types of Overlay Zones in this By-law:

- Shoreline Buffer Overlay Zone;
- Waste Disposal Assessment Overlay Holding Zone;
- Wellhead Protection and Intake Protection Overlay Zone;
- Flood Hazard Overlay Zone; and,
- Downtown Area Overlay Zones.

These Overlay Zones are included in Section 15 of the By-law.

SECTION 4 DEFINITIONS

1.	Abattoir means a slaughter house designed for the purpose of killing animals, skinning, dressing and cutting up of carcasses, wrapping for sale for human consumption with cooler and freezer storage and includes Indoor confinement of animals while awaiting slaughter but shall not include any cooking or process related to processing plants such as smoking, curing or the manufacturing of meat by-products or any process related to rendering plants such as the manufacture of tallow, grease, glue, fertilizer or any other inedible product.
2.	Abut or Abutting means directly and immediately contiguous, physically touching, or sharing a common wall or Lot Line and does not include parcels of land that touch at a point.
3.	Accessory Building or Structure means a detached Building or Structure that is temporary or permanent, other than a Swimming Pool, hot tub, or Deck, on the same Lot as the main Building, which is devoted exclusively to an Accessory Use. This includes a Building covered with cloth, canvas or similar flexible material.
4.	Accessory Use or Accessory means a Use subordinate and naturally, customarily and normally incidental to, which aids or contributes in a secondary way to the functioning of, and is exclusively devoted to, a Principal Use on the same Lot.
5.	<p>Adult Entertainment Parlour means any Premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal to erotic or sexual appetites or inclinations, and for the purposes of this definition, the following terms and phrases shall be interpreted as follows:</p> <ul style="list-style-type: none"> a) "To provide", when used in relation to services includes to furnish, perform, solicit, or give such services and "providing" and "provision" have corresponding meanings; b) "Services" includes activities, facilities, performances, exhibitions, viewings and encounters, but does not include "goods" including books, clothing, magazines, pictures, slides, and audio and/or video recordings; c) "Services designed to appeal to erotic or sexual appetites or inclinations" includes: <ul style="list-style-type: none"> i) Services of which a principal feature or characteristic is the nudity or partial nudity of any Person; or ii) Services in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or picture, symbol or representation having like meaning or implication is used in any advertisement.
6.	<p>Adverse Effects as defined in the <i>Environmental Protection Act</i>, means one or more of:</p> <ul style="list-style-type: none"> a) impairment of the quality of the natural environment for any use that can be made of it; b) injury or damage to property or plant or animal life; c) harm or material discomfort to any Person;

	<ul style="list-style-type: none"> d) a negative impact on the health of any Person; e) impairment of the safety of any Person; f) rendering any property or plant or animal life unfit for human use; g) loss of enjoyment of normal use of property; and h) interference with normal conduct of business.
7.	Aggregate Crushing, Processing and Screening Plant means lands and/or Premises used for blending, crushing, grading, sorting, screening or otherwise processing aggregate but shall not include a concrete or asphalt batching plant.
8.	<p>Agricultural Use means an area of land used for:</p> <ul style="list-style-type: none"> a) The cultivation or tillage of soil; b) The growing and harvesting of vegetables, fruits, grains, seed crops, mushrooms, berries, trees, sod, flowers or Landscaping materials; c) The Erection and use of greenhouses; d) The grazing, breeding, raising, boarding or training of Livestock of all kinds, including, without limiting the generality of the foregoing, cattle, swine, sheep, goats, rabbits, poultry, fish, horses, ponies, donkeys, mules and fur-bearing animals; e) Dairying; f) Syrup collecting; g) Beekeeping; or, h) Any other operation normally associated with farming, with or without Accessory Buildings, Structures or uses including, without limiting the generality of the foregoing, a Farm Implement Sales Outlet.
9.	<p>Alter means:</p> <ul style="list-style-type: none"> a) When used in reference to a Building or Structure or part thereof: <ul style="list-style-type: none"> i) To change any one or more of the external dimensions thereof; ii) To make any change in the supporting members or to the type of construction of the exterior walls or roof thereof; or, iii) To alter the Use thereof. b) When used in reference to a Lot: <ul style="list-style-type: none"> i) To change the Lot Area, Lot Depth, Lot Frontage, water frontage or Lot Coverage thereof; ii) To change the width, depth or area of any Yard, Court, Setback, Landscaped Open Space or Parking Area thereon; iii) To change the location of any boundary of such Lot, whether such Alteration is made by conveyance or alienation of any portion of such Lot or otherwise; or, iv) To alter the Use thereof. c) When used in reference to a Use: <ul style="list-style-type: none"> i) To discontinue and replace, in whole or in part, a Use specifically defined herein with any other Use specifically defined herein or with any Use not specifically defined herein; ii) In the case of an industrial Use, to change the mode of operation thereof or the type of commodity being produced or processed; iii) In the case of a residential Use, to change the number of Dwelling Units or guest rooms in a Dwelling or rooming house, or to change the number of Mobile Home Dwelling Dwellings in a Mobile Home Dwelling park; or, iv) In the case of a Use not specifically defined herein, to change in any way the

	<p>type or scale thereof.</p> <p>‘Altered’ and ‘Alteration’ have corresponding meanings.</p>
10.	Ancillary Use or Ancillary means a listed, permitted land use that is additional, secondary and complementary to a permitted Principal Use.
11.	Angular Plane means the terminal line of an angle, where both the initial and terminal line of the angle project from the vertex. <i>(Refer to Illustration A1.1 – Angular Planes, Appendix 1)</i>
12.	Animal Shelter means lands and Premises used for the keeping of Domestic Pets for temporary Indoor shelter or treatment and accommodation and includes, without limiting the generality of the foregoing, a Public pound, and may include the Premises of a veterinarian but does not include a Pet Grooming Establishment or any establishment engaged primarily in the retail sale of animals or in breeding or training animals for gain or profit.
13.	Aquifer Vulnerability means an aquifer’s intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality.
14.	Architectural Features means non-structural elements of a Building including sills, belt courses, cornices, chimneys, bay windows, cantilevered floor areas, pilasters or parapets, eaves and gutters, external stairs and other decorative features of a Building.
15.	Arena means a Recreational Establishment housing ice making equipment and Infrastructure capable of enclosing an artificial ice surface intended for year round recreational use and may include uses such as special events and competitions, circuses, concerts, conventions, weddings/banquets/anniversaries, auctions, Restaurants, flea markets and trade shows or exhibits with a retail component.
16.	Art Gallery means Premises used for the preservation of collections of paintings or other works of art and devoted primarily to the recreation and/or education of the Public, and may include the exhibition and sale of paintings and other works of art, whether by the proprietor or others.
17.	Assembly Hall means Premises where facilities are provided for such purposes as meeting for civic, educational, musical, recreational, theatrical, political or social events, including, without limiting the generality of the foregoing, a Community Centre, a Private Club, a Public Museum, and a convention centre, but does not include any Place of Amusement, Fitness Centre or Club, or Place of Worship as defined herein, or any Retail Store or Restaurant except where permitted as an Accessory Use.
18.	Attached means a Building otherwise complete in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent Building or Buildings.
19.	Attic means the top most Storey of a Building, situated within a roof, where 50 % or more of the horizontal space within such roof has less than 2.0 m vertical clearance from the base of such Storey.
20.	Auctioneer’s Establishment means lands and Premises used for the 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 on an occasional basis.

21.	Audio/Visual Studio means a Business, Professional or Administrative Office wherein audio or visual materials are recorded, produced or broadcast and includes, without limiting the generality of the foregoing, radio or television broadcasting stations, cable television studios, sound recording studios, video recording studios, motion picture studios and auditoriums.
22.	Bakery means Premises used primarily for the production, distribution and sale of breads, cakes and similar baked products and may include an Accessory Restaurant.
23.	Balcony means a raised platform or Structure projecting above Finished Grade from the main Building, not supported by the ground, with or without steps to provide access to the ground.
24.	Barrier-Free means that which can be approached, entered and used by Persons with physical or sensory disabilities.
25.	Basement means one or more Storeys of a Building located below the First Storey.
26.	Bed and Breakfast Establishment means Premises where sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) are provided for the traveling or vacationing Public within a Single Detached Dwelling that is the principal residence of the proprietor of the establishment.
27.	Bedroom means a Habitable room located within a Dwelling Unit and used primarily for sleeping.
28.	Berm means a landscaped mound of earth.
29.	Bicycle Parking Space means a designated area for the exclusive parking of bicycles equipped with a rack/stand designed to lock the wheel and/or frame of a bicycle.
30.	Billiard Lounge means a Place of Amusement where the game of billiards is played.
31.	Bingo Hall means a Place of Amusement where the game of Bingo is played which may include a licensed Restaurant or snack bar.
32.	Biosolid Disposal means the spreading or placement of biological waste that has been partially treated in a Sewage Treatment Facility or waste vegetable materials including food waste or by products of food production on lands.
33.	Blank Wall means an exterior wall of a Building where such wall does not contain any windows or doors.
34.	Boarding Lodging or Rooming House means a Building in which lodging with or without meals is supplied for gain to more than four Persons other than the lessee, tenant or owner of said Building, but does not mean or include a Motel, Hotel, short term accommodation, Bed and Breakfast Establishment, group home, Hospital, similar commercial or institutional use or Apartment Dwelling.
35.	Boathouse means a Building or Structure used for the storage of boats and equipment Accessory thereto including a Boatport, but shall not include Habitable living space, the commercial storage of boats, the sale of fuel or marine products, or a Marina.
36.	Boatport means an Accessory Structure, which is not enclosed by more than one wall, and which is designed and used only for the sheltering of boats or other forms of water transportation.
37.	Body Rub Parlour means any Premises or part thereof where a body-rub is performed, offered or solicited in pursuance of a trade, calling, business, or occupation, but does not include any Premises or part thereof where the services

	performed are for the purpose of medical or therapeutic treatment and are performed or offered by Persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.
38.	Bottling Plant means a Medium Industry where the primary operation contained within the Building is the transfer of bulk liquids to smaller containers for subsequent distribution.
39.	Breezeway means a roofed or covered Outdoor passageway.
40.	Brewery or Winery means a Building used primarily for the manufacturing, processing and distribution of beer, cider or wine.
41.	Building means a Structure consisting of wall(s), roof(s) and a floor(s), or a structural system serving the same purpose, as defined in <i>The Building Code Act</i> , S.O. 1992, Chapter 23.
42.	Building By-law means any by-law of the City passed pursuant to the <i>Building Code Act</i> , S.O. 1992, Chapter 23, as amended.
43.	Building, Main means the largest Building in which the Principal Use of the Lot is conducted.
44.	Building Inspector means the officer or employee of the City of Orillia who has the duty of administering the <i>Building Code Act</i> , S.O. 1992, Chapter 23, as amended.
45.	Building Mechanical Equipment means equipment used for the heating, air conditioning, utility connections or electrical connections.
46.	Building Official, Chief means the Person duly appointed by Council as the Chief Building Official and charged with the duty of enforcing the provisions of the <i>Building Code Act</i> , S.O. 1992, Chapter 23, as amended, together with any regulations thereunder, and of the Building By-law.
47.	Building Permit means a permit Required by the Building By-law.
48.	Building Supply Outlet means lands and/or Premises wherein the wholesale or retail sale of Building, or construction or other home improvement supplies, or accessories occurs, including, without limiting the generality of foregoing, lumber, millwork, cement, siding, roofing, plumbing or electrical supplies and heating, cooling or ventilating systems, and may include the Premises of a construction contractor and an Outdoor Storage area but does not include any Retail Store engaged primarily in the Indoor retail sale of furnishings, appliances, stoves, fireplaces, windows, paints, wall coverings, floor coverings, plumbing supplies or items normally associated with a Hardware Store.
49.	Bulk Storage Tank means a tank or container for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane, or flammable liquid or fluid, but does not include a container for flammable liquid, gas or fluid legally and properly kept in a Retail Store or a tank for storage incidental to some other Use of the Premises where the such tank or container is located.
50.	Bus Terminal means lands and/or Premises where commercial passenger Vehicles pick up and discharge fare-paying passengers, with or without Accessory business offices, Retail Stores, Restaurants, refreshment rooms, bus maintenance or bus storage.
51.	By-law Enforcement Officer means a Person duly appointed by Council as a By-law Enforcement Officer and charged with the duty of enforcing the by-laws of the City.
52.	Cabin, Private means an Accessory Building used for temporary human habitation but containing no cooking facilities.

53.	Call Centre means a Business, Professional or Administrative office where the primary activity is telecommunication between the business and clients for the purpose of sales and customer support.
54.	Carnival means a temporary use of land, Buildings or Structures for the purpose of providing or locating facilities for commercial entertainment and participatory amusement activities, including games and rides, and includes, without limiting the generality of the foregoing, an itinerant circus or midway, but does not include an amusement park or other Use where such facilities are located or made available for use by the general Public for more than 14 days per year.
55.	Carport means an Accessory Private Garage, either Attached to or detached from the main Building, which is partially enclosed with a roof but open at each end and on at least one side except for any necessary structural roof supports.
56.	Cemetery means an area of land reserved or used for interring the dead or placing or burying the remains or ashes of human corpses, and includes a Crematorium, columbarium or mausoleum, but does not include an undertaker's establishment.
57.	Children's Home means: a) An approved agency designated as a "children's aid society" under the <i>Child and Family Services Act</i> , R.S.O. 1990, c. C. 11, as amended; b) An "institution" as defined in Part II of the <i>Child and Family Services Act</i> , R.S.O. 1990, c. C. 11, as amended; or c) A "children's residence" as defined in Part IX of the <i>Child and Family Services Act</i> , R.S.O. 1990, c. C. 11, as amended.
58.	City means The Corporation of the City of Orillia.
59.	Classroom, Portable means a temporary Building or Structure designed to serve as a classroom on a Lot that is also the site of a Public School or a Private School.
60.	College or University means a College or University designated by the Ontario Ministry of Colleges and Universities.
61.	Commercial Fertilizer means a synthetic substance containing nitrogen, phosphorus, potassium or other plant food intended for uses as a plant nutrient.
62.	Commercial Self-Storage Facility means Premises used, rented or leased to Persons for the storage of goods, including Motorized Recreational Vehicles and Motor Vehicles, within separate units forming part of a wholly enclosed Building.
63.	Committee of Adjustment means the Committee of Adjustment of the City of Orillia, as constituted by Council under the <i>Planning Act</i> , R.S.O. 1990, C.P.13, as amended.
64.	Community Benefits means capital facilities and/or cash contributions toward specific capital facilities provided to the City in exchange for an increase in height and/or density, as permitted by Section 37 of the <i>Planning Act</i> and the City's Official Plan. Community Benefits may include, but are not limited to the following: a) conservation of heritage resources; b) provision of child care facilities; c) provision of public art; d) provision of other non-profit arts, cultural, community or institutional facilities; e) provision of enhanced parkland dedication and/or parkland improvements; f) provision of streetscape improvements beyond the site; g) provision of affordable housing; h) provision of land for municipal and/or community purposes; and, i) provision of other local improvements identified through Community Improvement Plans, Secondary Plans, Heritage Conservation District Plans.

65.	Community Centre means a Publicly owned Assembly Hall that is used for community activities.
66.	Community Garden means a garden located on public or private property dedicated to growing produce for distribution to the local community.
67.	Concrete or Asphalt Plant means lands and/or Premises used to process aggregate material into concrete or asphalt for distribution.
68.	Conforming means conforming to all applicable provisions or requirements of this By-law. 'Conformity' has a corresponding meaning.
69.	Conservation Authority means the Lake Simcoe Region Conservation Authority, as constituted by the <i>Conservation Authorities Act</i> , R.S.O. 1990, c. C. 27, as amended.
70.	Conservation Use means an area of land that is generally left in its natural state and which is used to preserve, protect and/or improve components of the natural heritage system of other lands for the benefit of man and the natural environmental and which may include, as an Accessory Use, hiking trails and/or cross country ski trails, Buildings and Structures such as nature interpretation centres and Public information centres.
71.	Contractor's Yard means an area of land used for the storing of equipment and materials used in the construction, restoration and/or renovation industries and may include Premises where a contractor performs shop or assembly work but does not include any other Yard or establishment otherwise defined or classified herein.
72.	Corporation means the Corporation of the City of Orillia.
73.	Council means the Council of the Corporation of the City of Orillia.
74.	Court means an open, uncovered yard bounded on two or more sides by one or more main Buildings on the same Lot.
75.	Crematorium means an establishment devoted to the cremation of corpses.
76.	Crisis Residence means a single Housekeeping Unit licensed or funded by the Province of Ontario for the short term (averaging 30 days or less) accommodation of three to nine Persons, exclusive of staff, living under supervision and who, by reason of either emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being.
77.	Cross Country Ski Facility means lands and/or Premises with trails used by skiers and which may include, as Accessory Uses, a Restaurant, a clubhouse, a Retail Store selling ski equipment and accessories, a fitness centre, a Dwelling Unit for an owner/caretaker, and other Buildings or Structures devoted to the maintenance, administration and operation of the Cross Country Ski Facility.
78.	Crown Land means land held under the ownership of the Crown in right of the Province of Ontario, but does not include land in the actual use or occupation of the Crown, or of a Public department of the Government of Canada or of the Province of Ontario, or of an officer or servant thereof, or under lease or license of occupation from the Crown, or set apart or appropriated by lawful authority for a Public purpose or vested in the Ontario Northland Transportation Commission.
79.	Custom Workshop means Premises used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes or articles and shall include upholstery, repair, refinishing of antiques and other art objects, but shall not include refinishing of antique automobiles or any factory production or any shop or factory otherwise classified or defined in the By-law.
80.	Day Nursery means Premises duly licensed by the Province of Ontario as a Day

	Nursery under the <i>Day Nurseries Act</i> , R.S.O. 1990, C. D. 2.
81.	Day Spa means a Personal Service Shop for therapeutic or relaxation purposes are performed by certified aestheticians or registered massage therapists and may include such services as aromatherapy, massage therapy and aesthetics/beauty services.
82.	Deck means a roofless, unenclosed Structure, either Attached to or detached from a main or Accessory Building, consisting of a platform raised more than 0.3 m or more above Finished Grade, supported by the ground with or without steps to provide access to the ground.
83.	Dense Non-Aqueous Phase Liquid (DNAPL) means chemicals that are more dense than water and general do not dissolve in water, but remain as a separate phase liquid in surface or ground waters as referenced in O. Reg. 287/07 made under the <i>Clean Water Act</i> , R.S.O. 2006, c. 22.
84.	Development means the Erection of one or more Buildings or Structures on land or the making of an addition or Alteration to a Building or Structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking Lot or a Mobile Home Dwelling park, or a change in land use, or the construction of Buildings and Structures, any of which require approval under the <i>Planning Act</i> , R.S.O. 1990, c.P.13, as amended, or the <i>Ontario Heritage Act</i> , R.S.O. 1990.
85.	Development Agreement means an agreement entered into between the owner of a Lot or Lots and the City stipulating the details for the Development fo the Lot or Lots including, but not limited to, a Subdivision, Condominium and/or Site Plan Agreement.
86.	Dining Room means that part of a Restaurant, refreshment room, Hotel or other non-Residential Use which is used specifically for the consumption of food or beverages by Persons seated at booths, counters or tables, or a combination thereof.
87.	Dock means a Structure temporarily or permanently Attached to lands under water used to provide access to the water for Persons and Watercraft.
88.	Domestic Pet means cats, dogs, caged birds, aquarium fish, non-poisonous, non-venomous and non-constricting arthropods, reptiles and amphibians, and small mammals such as rabbits, gerbils, hamsters, guinea pigs, fancy mice and fancy rats.
89.	Dormitory means a Building or Structure where residents have exclusive use of a Bedroom but common washroom and/or kitchen facilities, and where each resident individually compensates the owner for providing the accommodation.
90.	Downtown Area means the area delineated on the map attached hereto as Schedule 'C', which forms part of this By-law.
91.	Drive-Through Service Facility means Premises where goods, materials and/or services directly related to a permitted Use are provided or dispensed through an attendant, window or automated machine to the Public located within a parked or stationary Vehicle that is in a designated Queuing Lane. Without limiting the generality of the foregoing, a Drive-Through Service Facility may include a Restaurant or Financial Institution. Kiosks within a Parking Structure or associated with a surface Parking Area are not considered to be Drive-Through Service Facilities.
92.	Driveway means a defined area that provides vehicular access to Parking Areas, Parking Lots, Loading Spaces, Carports, Private Garages, Buildings or Structures on a Lot, from an Improved Public or Private Street.
93.	Dry Cleaning Depot means Premises used for receiving, and subsequently

	returning, articles, goods or fabrics for dry cleaning, dyeing, cleaning, laundering or pressing, in a place other than the Premises.
94.	Dry Cleaning Establishment means Premises used for the purpose of dry cleaning, dyeing, cleaning, laundering or pressing articles, goods or fabrics, with or without a Dry Cleaning Depot as an Accessory Use.
95.	Dry Land Marina means commercial Premises which provides boat services or supplies primarily to boaters and boat-related commercial uses including, but not necessarily restricted to, a boat sales or rental establishment, boat storage and boat repairs.
96.	Dwelling means a Building or part of a Building containing one or more Dwelling Units occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more Persons either continuously, permanently, temporarily or transiently, but does not include a Hotel, rooming house or institutional use. <i>(Refer to Illustration A1.5 – Dwelling Types, Appendix 1)</i>
97.	Dwelling, Apartment means a Building containing five or more Dwelling Units that share a common external access to the outside through a common vestibule and a common corridor system or a combination thereof.
98.	Dwelling, Converted means an Existing Building that contains, or once contained, a Single Detached Dwelling and within which the interior has been Altered to make more than two (2) and not more than four (4) Dwelling Units.
99.	Dwelling, Double Duplex means two (2) Duplex Dwellings Attached to each other.
100.	Dwelling, Duplex means a Dwelling in which one Dwelling Unit is located above another, each of which has an independent entrance either directly or through a common entrance.
101.	Dwelling, Four-Unit means a Dwelling containing four (4) Dwelling Units. For the purpose of this By-law, a Four-Unit Dwelling may include a Double Duplex Dwelling, and shall not include a Converted Dwelling.
102.	Dwelling, Multiple means a Dwelling that contains three (3) or more Dwelling Units, but shall not include any other Dwelling defined herein.
103.	Dwelling, Semi-Detached means a Dwelling containing two (2) Dwelling Units which are located beside one another, which are Attached above or below Grade along at least 80% of the length of either the garage and/or the main common wall and/or the foundation.
104.	Dwelling, Single Detached means a freestanding Dwelling containing not more than one (1) Dwelling Unit, but does not include a Mobile Home Dwelling.
105.	Dwelling, Stacked Townhouse means a Townhouse Dwelling in which Dwelling Units are located above one another, either in whole or in part, no more than three (3) Storeys in Height with no common enclosed corridor system.
106.	Dwelling, Three-Unit means a Dwelling containing three (3) Dwelling Units, and shall not include a Converted Dwelling.
107.	Dwelling, Townhouse means a Dwelling containing a minimum of three (3) Dwelling Units which are located beside one another, which are Attached above or below Grade along at least 80 % of the length of either the garage and/or the main common wall and/or the foundation.
108.	Dwelling, Two-Unit means a Dwelling containing two (2) Dwelling Units. For the purpose of this By-law a Two-Unit Dwelling may include a Semi-Detached Dwelling or a Duplex Dwelling, but shall not include a Converted Dwelling or a Dwelling

	containing a Secondary Dwelling Unit.
109.	Dwelling Unit means one or more inter-connected Habitable rooms which: a) Is designed, used or intended for use in common by one or more Persons as a single, distinct and self-contained Housekeeping Unit; b) Contains kitchen and bathroom facilities for the exclusive common use of the occupants thereof; c) Has access provided by a Private entrance from outside the Building or from a common hallway or stairway inside the Building; and, d) Is not Recreational Equipment or any Vehicle.
110.	Dwelling Unit, Accessory means a Dwelling Unit Accessory to and located within or Attached to a main Building used for a permitted non-Residential Use on the same Lot.
111.	Dwelling Unit, Apartment means a Dwelling Unit in an apartment Building.
112.	Dwelling Unit, Secondary means a self-contained Dwelling Unit that is located within a new or Existing Single Detached Dwelling, Semi-Detached Dwelling or Townhouse Dwelling that is subordinate to the principal Dwelling Unit on a property.
113.	Educational Establishment means Public or Private Schools licensed by the Province of Ontario and may include colleges, universities and Trade Schools.
114.	Electric Power Generation Station means a facility that generates electricity, but does not include a solar farm or wind farm.
115.	Emission means any corrosive or toxic gases, dust, fly ash, soot, vapours, noise, vibrations, electro-magnetic fields, heat, glare, odours, smoke or radiation issuing from a Building, Structure or Lot.
116.	Erect means to build, place, construct, reconstruct, relocate or Alter by means of an addition, enlargement or extension, and includes any preliminary physical operation preparatory to such work including, but not so as to limit the generality of the foregoing, excavating, filling or draining, or structurally Altering any Existing Building or Structure by an addition, deletion, enlargement or extension.
117.	Established Building Line means that where one Lot Exists between two Lots containing Existing Buildings, which are not more than 90 m apart on the same Street frontage of the same block, the established Building line shall be the line connecting the front Main Walls of the said Existing Buildings. (Refer to Illustration A1.6 – Established Building Line, Appendix 1)
118.	Existing means legally Existing as of the date of the enactment of this By-law. ‘Exist’ ‘Existence’ and ‘Existed’ shall have corresponding meanings. For further clarity, in the case of a multiple unit building in a Commercial or Industrial Zone, any Use legally existing in any unit in the building on the date of enactment of this By-law is permitted in any other unit in the building.
119.	Farm Implement Sales Outlet means lands and/or Premises used for the commercial sale, storage or repair of equipment and machinery directly associated with the farming operations and activities.
120.	Fence means a construction which forms a barrier for enclosing, bounding, delineating or protecting land. For the purposes of this By-law, a Fence is not a structure.
121.	Financial Institution means Premises in which financial services are offered to the Public and includes a bank, credit union, trust company, savings office, investment advising or any other retail banking or investing operation.

122.	<p>Finished Grade means:</p> <p>a) When used in reference to a wall of a Building, the average elevation of the finished surface of the ground adjoining the base of such wall;</p> <p>b) When used in reference to a Building or Structure, the average elevation of the finished surface of the ground where it meets the exterior walls of such Building or Structure; exclusive of any wells providing light or ventilation to Basement areas and exclusive of any embankments, planters, or any other such Structure placed or constructed along the base of any wall, Building or Structure.</p> <p><i>(Refer to Illustration A1.7 – Finished Grade, Appendix 1)</i></p>
123.	<p>Fitness Centre or Club means commercial Premises in which facilities are provided for recreational or athletic activities such as body-building and exercise classes and may include associated facilities such as a Sauna, a Swimming Pool, a solarium, a cafeteria and Accessory retail uses.</p>
124.	<p>Flood Plain means an area of land susceptible to flooding due to an overflow of a Waterbody in the event of a Regional Storm as defined by the Lake Simcoe Region Conservation Authority and/or the Province of Ontario.</p>
125.	<p>Floor Area, Gross means the aggregate of the horizontal areas of each floor whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor.</p>
126.	<p>Floor Area, Gross Leasable means the total floor area designed for commercial or industrial tenant occupancy and exclusive use, including Basements, mezzanines, and upper floors, if any, measured from the centre line of joint partitions and from outside wall faces. Gross Leasable Floor Area shall not include mechanical rooms, stairwells and washrooms or non-Habitable space.</p>
127.	<p>Floor Area, Net means the aggregate of the floor areas of a Building above or below established Grade, but excluding car Parking Areas within the Building, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, a Public concourse or common hallway, any space with a floor to ceiling height of less than 1.8 m, or any part of a Basement that is unfinished and is not accessible to the Public.</p>
128.	<p>Food Processing Plant means Premises where agricultural products are prepared, processed, preserved, graded or stored, and includes, without limiting the generality of the foregoing, a flour mill, dairy, Bakery, catering establishment, grain elevator or egg grading station, but does not include a Restaurant, or Abattoir except where such uses are specifically permitted herein.</p>
129.	<p>Food Supermarket means a Grocery Store.</p>
130.	<p>Fuel Depot means lands and/or Premises where the bulk storage, bulk sale or bulk delivery of combustible or inflammable solids, liquids or gases occurs, with or without one or more tanks used for the bulk storage of such substances, but not including retail sales except key lock operations.</p>
131.	<p>Funeral Home means Premises used for furnishing funeral supplies and service to the Public and includes facilities wherein human corpses are preserved or otherwise prepared for interment or cremation.</p>
132.	<p>Garage, Detached means a fully enclosed Building which is not dependent on any other Building for structural support or enclosure that is designed and used for storage.</p>
133.	<p>Garage, Private means a fully enclosed Building used for storage..</p>

134.	Garage, Public means a Motor Vehicle Use engaged primarily in the storage, repair and maintenance of commercial or Public Vehicles.
135.	Garden and Nursery Supply Outlet means lands and/or Premises wherein both the propagation and retail sale of garden and Landscaping supplies occurs, including, without limiting the generality of the foregoing, trees, shrubs, flowers, plants, seeds and bulbs, and the retail sale of garden and Landscaping accessories including, without limiting the generality of the foregoing, fertilizers, weed-killers, Pesticides, garden tools and lawn furnishings.
136.	Garden Suite means a one unit detached residential Structure containing bathroom and kitchen facilities that is ancillary to an Existing Single Detached Dwelling and that is designed to be temporary and/or portable.
137.	Gazebo means a freestanding roofed Building which is not enclosed, except for screening or glass and which is utilized for the purposes of relaxation in conjunction with a residential Dwelling but shall not include any other use or activity otherwise defined or classified in this By-law.
138.	Golf Course means a Public area or a Private Recreational Establishment operated for the purpose of playing golf, club house and recreational facilities, pro shop, Accessory Dining Room, Golf Driving Ranges and miniature Golf Courses, and similar uses.
139.	Golf Driving Range means an Indoor or Outdoor Public or Private Recreational Establishment dedicated to the driving of golf balls from fixed golf tees.
140.	Government Offices means a Business, Professional or Administrative Office used exclusively for the City, Provincial or Federal or First Nations government or their agents.
141.	Grade means the level of the ground adjacent to the outside wall of a Building or Structure.
142.	Grocery Store means a retail establishment with a Gross Leasable Floor Area greater than 1,000 m ² , engaged primarily in the sale of a general line of food, such as canned, dry and frozen foods, fresh fruits and vegetables, fresh and prepared meats, fish, poultry, dairy products, baked products and snack foods; and which also retails a range of non-food products, such as household paper products, toiletries and non-prescription drugs, and in which a minimum of 51% of the total sales floor area of the total sales floor area of the establishment is devoted to the sale of food. A Grocery Store shall have the same meaning as a Food Supermarket.
143.	Gross Vehicle Weight means the total weight in kilograms transmitted to the highway by a vehicle, or combination of vehicles, including any load carried therein or thereon.
144.	Group Home Type 1 means a single Housekeeping Unit in a Single Detached Dwelling in which residents live under responsible supervision consistent with the requirements of its residents and includes a home licensed or approved under the Provincial statute as a Special Care Residential Home, Supportive Housing Program, Adult Community Mental Health Program, Children's Home, Accommodation Services for the Developmentally Handicapped, Satellite Residences for Seniors and Homes for Physically Disabled Seniors, and a Crisis Residence in compliance with City By-laws.
145.	Group Home Type 2 means a single Housekeeping Unit in a Single Detached Dwelling or Dwelling Unit within a commercial Building which shall be maintained and

	<p>operated primarily for:</p> <p>(a) Persons who have been placed on probation under the provisions of the <i>Probation Act</i>, the Criminal Code of Canada, or any similar successor legislation; and/or</p> <p>(b) Persons who have been released on parole under the provisions of the <i>Ministry of Correctional Services Act</i>, or Parole Board of Canada or any similar successor legislation; and/or</p> <p>(c) Persons who have been charged under the <i>Young Offenders Act</i> but who have been placed in open or secure custody.</p>
146.	Habitable means any floor space within a Building or Structure designed and intended to be used for living, sleeping, cooking or eating purposes as defined under the <i>Building Code Act</i> , S.O. 1992, Chapter 23, as amended.
147.	Hardware Store means a Retail Store engaged primarily in the Indoor sale of hardware and home maintenance and improvement supplies.
148.	Hazardous Waste has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.
149.	Heavy Equipment Repair Shop means Premises where service is performed or executed exclusively on commercial Vehicles, heavy machinery and equipment for compensation, but shall not include any other Motor Vehicle Use defined in this By-law, except as otherwise permitted.
150.	Heavy Equipment Sales and Rental means Premises in which commercial Vehicles, heavy machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation, and may include Accessory repairs but shall not include any other establishment defined or classified in this By-law.
151.	<p>Height means, when in reference to a Building or Structure, the vertical distance measured between the Finished Grade of the wall of such Building or Structure facing the Front Lot Line and:</p> <p>(a) the highest point of the roof surface or parapet, whichever is greater, of a flat roof; or</p> <p>(b) the decline of a mansard roof; or</p> <p>(c) the mean level between the eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof.</p> <p>Height shall be exclusive of those Structures exempt from the height restrictions in accordance with this By-law.</p> <p>(Refer to Illustration A1.8 – Height, Appendix 1)</p>
152.	Height Overlay means an area within the Downtown Area Overlay Zone that is subject to specific Angular Plane requirements, as shown on Schedule 'C'.
153.	High Water Mark means the mark made by the action of water under natural conditions on the shore or bank of any Waterbody, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark. For the purpose of this By-law, the elevations for the High Water Mark of Lake Simcoe and Lake Couchiching is 219.15 m G.S.C Datum.
154.	Highway means an Improved Public Street.
155.	Home Improvement Supply Outlet means a Retail Store or a Wholesale Warehouse for the sale of home improvement products and accessories within a

	wholly enclosed Building, having an Accessory Outdoor Display and Sales Area.
156.	Home Industry means a business, secondary to a Residential Use, which includes fabrication, Light Manufacturing, processing, assembly or repair of goods that is Accessory to a Single Detached Dwelling.
157.	Home Occupation means an occupation, business, trade or craft conducted for gain or profit as an Accessory Use to a Dwelling Unit by one or more Persons residing therein.
158.	Hospital means; a) A "Hospital" as defined in the <i>Community Psychiatric Hospitals Act</i> , R.S.O. 1990, c.C.21, as amended; b) An "institution" or "sanitarium" as established by the provisions of the <i>Ontario Mental Health Foundation Act</i> , R.S.O. 1990, c.D.26, as amended; c) A "Private Hospital" or "house" as defined in the <i>Private Hospitals Act</i> , R.S.O. 1990, c.P.24, as amended; or, d) A "Hospital" or "medical department" as defined in the <i>Public Hospitals Act</i> , R.S.O. 1990, c.P.40, as amended.
159.	Hotel means Premises that provide sleeping accommodation for the traveling Public or for recreational purposes, with or without Accessory Restaurants, Assembly Halls, facilities for the temporary exhibition and sale of goods on an intermittent basis, Dining Rooms, Premises licensed under the <i>Liquor License Act</i> , and includes any establishment containing guest rooms which is defined as a "Hotel" in the <i>Hotel Registration of Guests Act</i> , R.S.O. 1990, c.H.17, and shall also include a Motel or hostel, but does not include any residential or rooming house use.
160.	Housekeeping Unit means a Dwelling Unit that has a single kitchen, washroom facilities and entrance available for use by all of the occupants of the Dwelling.
161.	Indoor or Indoors means fully enclosed within a Building.
162.	Industry, Heavy means an industry, assembly, manufacturing or processing plant which is land intensive or predominantly conducted in an open or unenclosed space or which by its nature, including volume of truck traffic, use of hazardous or flammable materials, discharge of noise, smoke, odour, or particulate matter, requires extensive buffering. Without limiting the generality of the foregoing, Heavy Industry may include, but is not limited to, the following: a) The manufacturing, assembling, making, producing, blending, roasting, smelting, forging, preparing, milling, refining, inspecting, grading, sorting, classifying, screening, ornamenting, finishing, treating, tanning, cleaning, washing, drying, Altering, repairing, restoring, processing, polishing, refinishing, packing, adapting, sawing, warehousing, stockpiling, storing, distributing, shipping, breaking up, crushing, demolishing, reprocessing, repairing, servicing or recycling of goods, substances, or articles and similar uses, including ores, minerals, aggregates and agricultural produce, or any part or parts thereof; or b) The production or storage of Building or construction equipment or materials, but does not include an extractive use, a Salvage Yard or any activity primarily associated with either a commercial use or an Motor Vehicle Use or with the supplying of Personal services; or c) A Heavy Industrial use as defined by Guidelines under the <i>Environmental Protection Act</i> , RSO 1990 as amended.
163.	Industry, Light means an industry which is conducted and wholly contained within an enclosed building, the operation of which does not produce Emissions which are

	<p>detectable beyond any Lot Line. Without limiting the generality of the foregoing, Light Industry may include, but is not limited to, the following:</p> <ul style="list-style-type: none"> a) Producing apparel and finished textile products, other than the production of synthetic fibres; b) Warehousing or storing goods or materials Indoors; c) Printing, duplicating or bookbinding; d) Manufacturing finished paper and allied products other than processing wood pulp; e) Producing cosmetics, drugs and other pharmaceutical supplies including legal medical marijuana production; or f) Manufacturing finished lumber products, light metal products, light machinery, computer software, electronic products, finished plastic-ware, porcelain, earthenware, glassware or similar articles including, without limiting the generality of the foregoing, furniture, housewares, monuments, toys, musical instruments, jewellery, watches, precision instruments, filters, radios and electronic components, but does not include a tannery or any industrial use Accessory to an extractive use.
164.	<p>Industry, Medium means an industrial Use that may include a Light Industry as defined herein and may also include Open storage of raw materials used in the processing or manufacturing on site and as otherwise defined in Guidelines under the <i>Environmental Protection Act</i>, RSO 1990, as amended, and shall include manufacturing and processing entirely within a Building but shall not include a Heavy Industry as defined herein. Without limiting the generality of the foregoing, Medium Industry may include, but is not limited to, sheet metal, plastic, fibreglass or wood fabricating.</p>
165.	<p>Infrastructure means physical Structures (facilities and corridors) that form the foundation for Development. Infrastructure includes storm and sanitary sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission facilities, communication/telecommunications facilities, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.</p>
166.	<p>Institutional Use means Premises providing a service to the community which fosters health, safety, educational, cultural and social awareness.</p>
167.	<p>Intake Protection Zone means the area around a surface water intake that is defined to protect the source water for a municipal residential drinking water system</p>
168.	<p>Intensification Area means lands that have been identified to accommodate intensification.</p>
169.	<p>Kennel means Premises where dogs, cats or other small domestic animals or household pets are bred or raised primarily for the purpose of sale, or are trained or boarded for gain or profit, but does not include a Veterinary Clinic.</p>
170.	<p>Landscaped Buffer Area means an area of continuous vegetation that is designed to separate adjacent land uses.</p>
171.	<p>Landscaped Open Space means the Open Space at Grade on a Lot accessible by walking, from the Street on which the Lot is located, and used exclusively for Landscaping and includes any surfaced walk, Patio, raised planter, or similar area but does not include any Driveway or ramp, any curb, Retaining Wall, Parking Space or any Open Space contained within or upon any Building or Structure unless it is</p>

	located on a Parking Structure and is accessible from the Street. For the purpose of this By-law: a) Landscaped Open Space may include the Landscaped Buffer Area and/or the Landscaped Screening Strip; b) Landscaped Open Space shall not include an Outdoor Display and Sales Area and/or an Outdoor Storage area.
172.	Landscaped Screening Strip means a row of coniferous vegetation that is designed to screen adjacent land uses. For the purpose of this By-law, a Landscaped Screening Strip may include, or be replaced by, an opaque Fence.
173.	Landscaper's Yard means an area of land used by a landscaping contractor for the storing of equipment and materials.
174.	Landscaping means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening, fencing, or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land. For the purposes of this definition a Deck that is 0.3 m or less above Grade at its highest point shall be considered Landscaping.
175.	Lane or Laneway means a subsidiary thoroughfare that is not intended for general traffic circulation and which provides a Public or Private means of vehicular access to an Abutting property.
176.	Launching Ramps means an inclined/declined surface designed for the launching boats or other marine Vehicles into water.
177.	Laundromat means a self-serve clothes washing establishment containing one or more washers and drying, ironing, finishing or other incidental equipment, and laundry receiving depot.
178.	Library means Premises containing printed, electronic and pictorial material for Public Use for purposes of study, reference and recreation.
179.	Light Equipment Sales and Rental Establishment means lands and/or Premises in which light machinery and equipment such as air compressors and related tools and accessories; augers; Motor Vehicle tools; cleaning equipment; light compaction equipment; concrete and masonry equipment; electric tools and accessories; fastening devices such as staplers and tackers; floor and carpet tools; gasoline generators; jacks and hydraulic equipment; lawn and garden tools; ladders; moving equipment; painting and decorating equipment; pipe tools and accessories; plumbing tools and accessories; pumps; hoses; scaffolding; welding equipment; and, other similar tools and appurtenances are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.
180.	Liquid Industrial Waste has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.
181.	Livestock includes dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds and other animals identified in Table 1 of the Minimum Distance Separation Implementation Guidelines, as developed by the Ontario Ministry of Agriculture and Rural Affairs, as amended from time to time.
182.	Live-Work Unit means a unit under single ownership, either free-standing or part of a condominium or mixed use Building, that shall contain Habitable area, and may also

	contain a business operated by the resident which may share the washroom and kitchen facilities.
183.	Loading Bay Door means the entrance to a Building used exclusively for the loading and unloading of goods and materials from a Loading Space.
184.	Loading Space means an off-Street space or berth located on the same Lot as a permitted use and used for the parking of a Vehicle, loading or unloading merchandise or materials pertinent to such use.
185.	Lodge means a Building or Structure consisting of one or more rooms and may include facilities for the preparation of food and overnight accommodation on a temporary basis but shall not include any other establishment or use as may be defined or classified in this By-law.
186.	Long Term Care Facility means Premises licensed as a long-term care home under the <i>Long-Term Care Homes Act, S.O. 2007, c. 8</i> .
187.	Lot means a parcel or tract of land, the title of which is legally conveyable as a separate parcel.
188.	Lot Area means the total horizontal area within the Lot Lines of a Lot, excluding any part of a navigable Waterbody.
189.	Lot Coverage means that proportion of the Lot area covered by all Buildings and Structures which are above ground level excluding Patios, balconies, landings, steps, ramps, Swimming Pools, Retaining Walls, Root Cellars and hot tubs. For the purposes of the By-law, any cantilevered floor areas not previously excluded shall be incorporated into the calculation of Lot Coverage. <i>(Refer to Illustration A1.9 – Lot Coverage, Appendix 1)</i>
190.	Lot Depth means the horizontal distance between the midpoints of the Front and Rear Lot Lines, and where there is no Rear Lot Line means the length of a line within the Lot between the midpoint of the Front Lot Line and the apex of a triangle formed by the Side Lot Lines.
191.	Lot Frontage means the horizontal distance between the Side Lot Lines of a Lot measured along the Front Lot Line as follows: a) In the case of a Lot having parallel Side Lot Lines, along a straight line perpendicular to the Side Lot Lines; b) In the case of a Corner Lot having a bent corner, but where the Side Lot Lines are parallel except for such bend, along a straight line perpendicular to the Side Lot Lines where the exterior Lot Line shall be deemed to extend to its hypothetical point of intersection with the Front Lot Line for the purposes of calculating frontage; or, c) In any other case, along a straight line which is parallel to, and 6.0 m back from, each of the two points of intersection of the Side Lot Lines with the Front Lot Line; and d) a Sight Triangle shall be considered part of the Lot for the purposes of calculating Lot Frontage. <i>(Refer to Illustration A1.10 – Lot Frontage, Measuring, Appendix 1)</i>
192.	Lot Line means any boundary of a Lot. In the case of a Lot Line that has a bend or a series of bends, if the sum of the interior angle or angles of such bend or bends is 130 degrees or greater, then they shall be deemed to form part of the same Lot Line. <i>(Refer to Illustration A1.11 – Lot Lines, Appendix 1)</i>
193.	Lot Line, Exterior Side means the Side Lot Line of a Corner Lot which is also a

	Street Line.
194.	<p>Lot Line, Front means:</p> <p>a) In the case of an interior Lot other than a Through Lot, the Street Line of such Lot.</p> <p>b) In the case of a Corner Lot or Through Lot where:</p> <ol style="list-style-type: none"> 1. The Street Lines are not of equal length, the shorter Street Line; 2. Where the Street Lines are of equal length, the Street Line over which primary access to the Lot is gained shall be deemed a Front Lot Line. <p>c) In the case of a Corner Lot Abutting a 0.3 m Reserve, the Lot Line Abutting the 0.3 m Reserve shall be deemed an Exterior Side Lot Line and the other line Abutting the Street shall be deemed the Front Lot Line;</p> <p>d) In the case of a Lot with a Lot Line on the Shoreline and a Street, the Shoreline of the Lot;</p> <p>e) In the case of a Through Waterfront Lot, the longest Shoreline of such Lot.</p>
195.	Lot Line, Interior Side means a Side Lot Line which is not a Street Line.
196.	Lot Line, Rear means the Lot Line farthest from, and opposite to the Front Lot Line. In the case of a Lot with no Rear Lot Line, the point where two Side Lot Lines intersect shall be the Rear Lot Line.
197.	Lot Line, Side means a Lot Line which is not a Front Lot Line or Rear Lot Line.
198.	Lot, Corner means a Lot located directly adjacent either to an intersection of two or more improved Public and/or Private Streets, an intersection of a Street and an unopened Road allowance of the City, or to a bend in a Street, where the said intersection or bend has an interior angle, measured along the Street Lines of such Lot, of not more than 135 degrees.
199.	Lot, Interior means any Lot which Abuts an improved Public Street, but which is not a Corner Lot.
200.	Lot, Resultant means in applications for consent, the Lot which is enhanced by a Lot addition.
201.	Lot, Serviced means a Lot which is serviced by both a Municipal Water System and a Municipal Sewer System.
202.	Lot, Through means an interior Lot Abutting two or more Improved Public and/or Private Streets.
203.	Lot, Through Waterfront means a waterfront Lot having two or more separate Shorelines.
204.	Lot, Unserviced means a Lot which is not a Serviced Lot.
205.	Lot, Waterfront means a Lot which Abuts a Public Road and also has a Shoreline.
206.	Manufacturing, Light means an industrial Use wherein the assembly or repair or fabrication of goods and materials utilizing materials which have been manufactured in another location is undertaken, and which does not produce waste water in excess of 4500 litres per day, produce chemical by-products, or utilize an area for Outdoor Storage of goods or materials except as specified elsewhere in this By-law.
207.	Marina means a commercial establishment, located adjacent to a navigable Waterbody, which provides services or supplies primarily to boaters and which consists of boat docking, launching or storage facilities or mooring slips together with one or more boat-related commercial uses including, but not necessarily restricted to, a boat sales or rental establishment, a boat house or boat storage shed, a boat service station, a boat repair shop and may include gasoline pump facilities for the fuelling of marine crafts.

208.	Marine Facility means Premises used for launching, docking, or storage of boats/Vessels and accessory equipment but shall not include any facilities for the servicing or repairing of such boats or Watercraft nor may any Building or Structure be used for human habitation.
209.	Massage Parlour means Premises used for the practice of massage therapy by a Registered Massage Therapist. For the purposes of this By-law, massage therapy means the assessment of the soft tissue and joints of the body and the treatment and prevention of physical dysfunction and pain of the soft tissues and joints by manipulation to develop, maintain, rehabilitate or augment physical function, or relieve pain.
210.	Medical Clinic means Premises used by one or more Medical Practitioners for the purpose of consultation, diagnosis, or treatment of patients and which may include administrative offices, waiting rooms, or treatment rooms, but shall not include accommodation for in-patient care or facilities for major surgical practice. Uses such as Scientific or Medical Laboratories, dispensaries or Pharmacies may be permitted as Accessory Uses to a Medical Clinic subject to satisfying any additional requirements herein including parking. A Veterinary Clinic is not a Medical Clinic.
211.	Medical Practitioner means a Person licensed by the Province of Ontario to provide medical services including but not limited to a medical doctor, dentist, registered massage therapist, psychologist or chiropractor.
212.	Mobile Home Dealership means Premises where Mobile Home Dwellings are offered or displayed for sale to the general Public.
213.	Mobile Home Dwelling means any Structure built and designed to be made mobile on its own chassis and wheel system that is intended to be hauled to a permanent site for use with or without a permanent foundation, as a residence for one or more Persons, but does not include a travel Trailer, tent Trailer, or Motor Home otherwise designed.
214.	Mobile Home Park means a parcel of land used for the parking or storage of Mobile Home Dwellings and includes all Accessory Buildings necessary to the operation of said park.
215.	Mobile Home Site means an area of land within a Mobile Home Park that is used as the site of, and pertains to, not more than one Mobile Home Dwelling.
216.	Model Home means a Dwelling Unit that is used on a temporary basis to sell and/or display Dwelling Units that are for sale, but is not used for human habitation.
217.	Motel means an establishment that consists of one or more connected or adjacent Buildings that, throughout all or part of a calendar year, caters to the needs of the Public by furnishing guest rooms for a fee, including all such establishments as defined from time to time by the <i>Hotel Registration of Guests Act</i> , R.S.O. 1990, c.H.17, as amended, but not including any other establishment otherwise defined or classified in this By-law. A Motel may include Accessory Uses such as a Restaurant, meeting rooms, Swimming Pools and/or recreational facilities for the use of guests, but shall not include any adult entertainment establishment.
218.	Motor Vehicle means an automobile, truck, motorcycle and any other Vehicle propelled or driven otherwise than by muscular power, but does not include Vehicles running only upon rails, Farm Vehicles, road building machines within the meaning of the <i>Highway Traffic Act</i> , R.S.O. 1990, as amended, or Recreational Equipment as defined in this By-law.

219.	Motor Vehicle Accessories Store means a Retail Store where Vehicle parts, Vehicle accessories and Vehicle tools are offered for sale with or without an Accessory Motor Vehicle Repair Shop.
220.	Motor Vehicle Body Shop means Premises used for the painting or repairing of Motor Vehicle bodies, exteriors and undercarriages, and in conjunction with which there may be a Motor Vehicle Towing Service and Motor Vehicle rentals for customers while the Motor Vehicle is under repair, and which may include a Motor Vehicle Repair Shop, but shall not include any other Motor Vehicle Use defined in this By-law, except as otherwise permitted.
221.	Motor Vehicle, Commercial means a Vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, tow trucks, buses, tractors used for hauling purposes on the Highways and construction equipment which is self-propelled or designed to be towed.
222.	Motor Vehicle Fuel Bar means Premises where Vehicle fuels and lubricants are offered for retail sale, and may include an Accessory Convenience Store, but shall not include any other Motor Vehicle Use defined in this By-law, except as otherwise permitted.
223.	Motor Vehicle, Non-Commercial means a Vehicle having a specified capacity of not more than 1 tonne or, in the case of a passenger Vehicle, not more than 12 Persons, but does not include a Commercial Motor Vehicle or Farm Vehicle.
224.	Motor Vehicle Parts Shop means a Retail Store where the merchandise is primarily Motor Vehicle related goods and shall not include a Motor Vehicle Body Shop.
225.	Motor Vehicle Rental Establishment means lands and/or Premises used for the leasing or renting of Motor Vehicles, and utility and boat Trailers, and may include the display and sale of used Motor Vehicles, but shall not include any other Motor Vehicle Use defined in this By-law, except as otherwise permitted.
226.	Motor Vehicle Repair Shop means Premises where the exclusive service performed or executed on Motor Vehicles for and in conjunction with which there may be a Motor Vehicle Towing Service, and the display and sale of used Motor Vehicles as an Accessory Use, but shall not include any exterior storage of parts or materials, or any other Motor Vehicle Use defined in this By-law, except as otherwise permitted.
227.	Motor Vehicle Sales Establishment means lands and/or Premises used for the display and sale of new and/or used Motor Vehicles, the sale of Motor Vehicle accessories and related products, the leasing or renting of Motor Vehicles, and utility and boat Trailers, but shall not include any other Motor Vehicle Use defined in this By-law, except as otherwise permitted.
228.	Motor Vehicle Towing Service means lands and/or Premises used exclusively for the storage of Motor Vehicles and Vehicles designed to tow and service Vehicles.
229.	Motor Vehicle, Unlicensed means a Motor Vehicle which does not have attached to it a valid license plate and currently valid validation tag.
230.	Motor Vehicle Use means lands and/or Premises where Vehicles are sold, rented, serviced, fuelled, maintained, repaired or cleaned for compensation and/or remuneration and includes, without limiting the generality of the foregoing, any Use defined herein which contains the term "Motor Vehicle".
231.	Motor Vehicle Washing Establishment means Premises containing manual or automated facilities for washing or cleaning Vehicles, but shall not include any other Motor Vehicle Use defined in this By-law, except as otherwise permitted.

232.	Motorized Recreational Vehicle means a Non-Commercial Motor Vehicle so constructed as to be a self-contained, self-propelled unit, capable of being utilized for the temporary living, sleeping or eating accommodation of Persons and used primarily for recreational or vacation purposes.
233.	Motorized Snow Vehicle means a self-propelled Vehicle designed to be driven primarily on snow. Recreation Equipment having not more than three independent wheels or sets of wheels, or having a track and skis, and which is not capable of being used for human living accommodation.
234.	Municipal Sewer System means a series of Underground conduits and related appurtenances, operated by the City or other Public Authority, which carries sanitary sewage or industrial waste to a Sewage Treatment Facility.
235.	Municipal Water System means a distribution system for potable water consisting of pipes and related pumping stations, treatment and purification facilities, reservoirs, stand pipes, water towers, hydrants and other appurtenances, owned and operated by the City of Orillia or other Public Authority.
236.	Museum means Premises used for the preservation of a collection of paintings or other works of art, or of objects of natural history, or of mechanical, scientific or philosophical inventions, instruments, models or designs, and dedicated to the recreation of the Public, together with any libraries, reading rooms, laboratories and other offices and Premises used or to be used in connection therewith.
237.	Natural Self-Sustaining Vegetation means self-sustaining vegetation dominated by native plant species.
238.	Nightclub means Premises that provide alcoholic refreshments and dancing for any period of time during its hours of operation. This shall include establishments which for a majority of their operational hours function as Restaurants and convert to offer alcoholic beverages and dancing but shall not include an Adult Entertainment Parlour.
239.	Non-Complying means a Lot, Building, or Structure which does not comply with one or more of the provisions of this By-law.
240.	Non-Conforming means when used in reference to a Use, Lot, Building or Structure, an Existing use or activity that is not within the list of Permitted Uses as set out in this By-law.
241.	Non-Profit or Charitable Institution means an institution or organization which is incorporated as a “Non-Profit or Charitable Institution” under the <i>Business Corporations Act</i> , R.S.O. 1990, c.C.38, as amended, or to which the <i>Charitable Institutions Act</i> , R.S.O. 1990, c.C.9, as amended, applies, or the Premises of any such institution.
242.	Non-Residential Building means a Building that does not contain a Dwelling Unit.
243.	Obnoxious Use means a Use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the Emission of gas, fumes, dust or objectionable odour, or by reason of the matter, waste or other material generated by the use, and without limiting the generality of the foregoing, shall include any Uses which may be declared to be a noxious or offensive trade or business.
244.	Off-Street Parking Space means a portion of a Building or Lot designated by the occupant or owner for use for the parking of a Motor Vehicle.
245.	Office, Business, Professional or Administrative means a Building or part thereof in which one or more Persons is employed in administering, consulting, managing,

	directing or conducting a Public or Private agency, a brokerage or a labour or fraternal organization, and includes, without limiting the generality of the foregoing, an office Accessory to a permitted non-Residential Use, a data processing establishment, a Medical Clinic, a Wellness Centre, a non-governmental or not-for-profit organization, the Premises of a courier service, a newspaper publisher or a real estate or insurance agent, but does not include a Veterinary Clinic.
246.	Open Space means unoccupied space open to the sky on the same Lot with a Building.
247.	Open Span means a section of a Dock, Boathouse or Boatport that: <ul style="list-style-type: none"> a) has no underlying support structure; or b) is supported only by posts having diameter of less than 16 cm, spaced no less than 1.5 m apart.
248.	Open Storage Area means an area of an Extractive Industrial (M4) or Waste Disposal (M5) Lot used for the unenclosed storage of aggregates or waste. An Open Storage Area does not constitute Outdoor Storage as defined in this By-law.
249.	Organic Solvent means a petroleum based solvent capable of dissolving another substance to form a solution. Organic solvents contain carbon as their base and include but are not limited to carbon tetrachloride, chloroform, dichloromethane and pentachlorophenol.
250.	Organic Waste Recycling means the processing of organic waste materials into re-usable products including composted earth.
251.	Outdoor Display and Sales Area means an Open Space area where produce or merchandise is displayed and/or sold, and/or where services are provided in conjunction with a business located within a Building or Structure on the same Lot.
252.	Outdoor Amenity Area means a common area of Landscaped Open Space which is available for the shared use by the residents or occupants of a Private complex and/or condominium development for active or passive recreational purposes, and may include play areas, parkettes, and Recreational Amenities, but does not include any Indoor part of a Dwelling Unit or Building, any part of a Required Landscaped Buffer Area, any part of a Required Yard for an individual Dwelling Unit, any part of a Parking Area, any part of a Driveway or any part of a Stormwater Management Facility. <i>(Refer to Illustration A1.2 – Amenity Area, Appendix 1)</i>
253.	Outdoor Living Area means an Outdoor area with direct access from an adjacent Dwelling Unit which area is defined by an opaque Fence having a height of at least 1.8 m to provide a Private area for the exclusive use of the residents in the adjacent Dwelling Units.
254.	Outdoor Recreation Area means land used for the commercial or non-commercial purposes of skiing, hiking and other sports activities that rely on the natural landscape but shall not include a Golf Course, Golf Driving Range or the racing of animals, Motor Vehicles, Motorized Snow Vehicles or the use of any other motorized Vehicles.
255.	Outdoor Storage means the storage of good and materials outside a Building or Structure on the same Lot. Outdoor Storage does not include an Open Storage Area as defined in this By-law.
256.	Outdoors, Outdoors or Open means outside a Building and/or not Underground.
257.	Outlet, Retail means a single Retail Store in excess of 1,000 m ² of Gross Leasable Floor Area where the entire floor area of the use is occupied by a single user selling one or a variety of products.

258.	Park, Public means any Open Space or recreational area used primarily for active or passive recreational purposes of any kind that is owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein neighbourhood, community, regional and special parks, conservation areas or other areas and may include one or more athletic fields, field houses, Community Centres, bleachers, Swimming Pools, greenhouses, botanical gardens, zoological gardens, Community Gardens, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fairgrounds, Arenas, Golf Courses, or similar uses, including any Buildings and Structures Accessory thereto, but for the purpose of this By-Law shall not include a camping establishment.
259.	Parking Aisle means that part of a Parking Area which provides on-site access to Parking Spaces, but does not include a Driveway.
260.	Parking Area means an area of land which is provided on a Lot for the parking of five (5) or more Motor Vehicles, and includes Parking Aisles, but does not include Driveways or any area where Vehicles for sale or repair are kept or stored.
261.	Parking Lot means a Parking Area which constitutes a Principal Use on a Lot and where Vehicles are parked for remuneration.
262.	Parking Space means that portion of a Parking Area, exclusive of any Driveway or Parking Aisle, which is rectangular in shape and used for the parking of not more than one Vehicle.
263.	Parking Space, Tandem means a Parking Space which has direct access to a Street or Lane and which is located directly behind another Parking Space which does not have direct access to a Street or Lane.
264.	Parking Structure or Garage means a Building or Structure above or below Finished Grade which contains a Parking Area as the main Use thereof or which may be Accessory to a Building on the same Lot.
265.	Patio means a platform or surfaced area without a roof, the surface of which is 0.3 m or less above Finished Grade, which is designed and intended to be Accessory to a residential or a commercial Use.
266.	Pergola means an open-roofed Structure of parallel columns placed at regular intervals supporting girders and cross-rafters.
267.	Person means an individual, association, firm, partnership, corporation, trust, incorporated company, corporation created under the <i>Condominium Act</i> , organization, trustee or agent, and the heirs, executors or other legal representatives of a Person to whom the context can apply according to law.
268.	Personal Service Shop means Premises wherein a personal service is performed, including, but not necessarily restricted to, a barber shop, a beauty salon, a shoe repair shop, a Tailor or Dressmaking Shop, a Dry Cleaning Depot, a photographic studio or the Premises of an optician.
269.	Pervious Paving Material means a hardened surface capable of supporting Motor Vehicles, constructed of cast-in-place concrete or precast modular concrete pavers, which contains voids that are filled with pervious materials such as sand or grass turf.
270.	Pesticide means any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or of altering the growth, development or characteristics of any plant life that is not a pest and includes any

	organism, substance or thing registered under the <i>Pest Control Products Act</i> (Canada).
271.	Pet Grooming Establishment means Premises wherein cleaning, clipping and other grooming services are provided for Domestic Pets, but shall not include a Veterinary Clinic or Kennel.
272.	Pharmacy means a Retail Store in which the Principal Use is the preparation and/or dispensing of drugs and pharmaceutical products.
273.	Pit, Sand and Gravel means any lands where unconsolidated gravel, stone, sand, earth, clay, fill, peat or other earthen material is being or has been removed by means of an excavation as defined in the <i>Aggregate Resources Act</i> , R.S.O. 1990, c. A. 8, as amended, but does not include a wayside pit.
274.	Place of Amusement means commercial Premises where Indoor facilities are provided for participatory entertainment and amusement activities, or where exhibits are displayed for gain or profit, and includes, without limiting the generality of the foregoing, a bowling alley, pool hall, Billiard Lounge, arcade or game establishment, pinball arcade and wax Museum.
275.	Place of Worship means Premises owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious social and charitable activities, including churches, chapels, temples, parish halls and synagogues including Assembly Halls, offices for the administration of the religious institution, convents, seminaries, monasteries, rectories, parsonages and parish houses recognized in the Province of Ontario.
276.	Point of Service means a Queuing Space within a Queuing Lane for a Drive-Through Service Facility where the goods, money, materials and/or service are physically provided or exchanged.
277.	Porch means a Structure with a roof and at least one side that is open and unenclosed, that is accessed by stairs from Grade and which provides access to the First Storey of a Dwelling Unit.
278.	Portable Asphalt Plant means a temporary facility, to be dismantled at the completion of a construction project, where: a) Equipment is used to heat and dry mineral aggregate and to mix it with bituminous asphalt to produce asphalt paving material; and, b) Bulk materials used in the process described in clause (a) are kept.
279.	Premises means all or part of a Building occupied or used by a business, enterprise or Public Authority. In a multiple tenancy Building occupied by more than one (1) business, each business area shall be considered separate Premises. Each individual unit proposed and/or registered in a draft Plan of Condominium shall also be considered as individual Premises.
280.	Principal Structure has the same meaning as Main Building.
281.	Principal Use means the primary purpose for which a Lot, Building or Structure is used, or is intended to be used.
282.	Print Shop means a Retail Store that provides duplicating services using photocopying, blueprint and offset printing equipment including collating of booklets and reports.
283.	Printing or Publishing Establishment means a Light Industry in which the business of producing books, newspapers or periodicals, by mechanical means and reproducing techniques, such as Xeroxing, is carried on.

284.	Private means not Public.
285.	Private Club means an Assembly Hall used for the purposes of a non-profit, non-commercial organization which includes social, cultural, athletic or recreational activities.
286.	Private Home Daycare means the use of a Dwelling Unit for the temporary care and/or guidance of five children or five senior citizens or less, for a continuous period not exceeding 24 hours. A Private Home Daycare may be a Home Occupation.
287.	Private Sewage Disposal System means a sewage treatment service or facility that is approved under the <i>Building Code Act</i> , S.O. 1992, C. 23, as amended, and is not owned and operated by a Public Authority or an organization acceptable to the Director responsible for issuing a Certificate of Approval under the <i>Ontario Water Resources Act</i> , R.S.O. 1990, c.o.40, as amended.
288.	Private Water System means a water supply system that is not owned and operated by a Public Authority including a Private well or lake water intake.
289.	Public means (when used in reference to a Building, Structure, use or Lot), a Building, Structure, use or Lot that is owned, occupied, used or administered by a Public Authority.
290.	Public Authority means any ministry, department, commission, corporation, authority, board, utility or other agency established from time to time by the Government of Canada, Government of Ontario, the City of Orillia or any other municipal corporation.
291.	Public Use means any use of land, Buildings or Structures by or on behalf of a Public Authority.
292.	Public Utility means: a) Any agency, corporation, board or commission, or any department of a Public Authority providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage or sewage or refuse collection and disposal services to the general Public, and includes, without limiting the generality of the foregoing, any railway company subject to the <i>Railway Safety Act</i> , R.S.C. 1985, c.32 (4th Suppl.), as amended; or, b) Any use, other than an office, pertaining directly to the provision of such services by any such agency, corporation, board, commission or department, and includes, without limiting the generality of the foregoing, any Public Works Yard or Motor Vehicle Use associated therewith.
293.	Public Works Yard means lands and/or Premises owned by a Public Authority and used for the storage, maintenance and/or repair of material, equipment, machinery and/or Motor Vehicles used in connection with civic works.
294.	Qualified Person means a person who may conduct or supervise an Environmental Site Assessment (ESA Phase 1 and/or 2) to be used in support of the submission of a Record of Site Condition as defined under Ontario Regulation 153/04 as someone: a) who holds a licence, limited licence or temporary licence under the <i>Professional Engineers Act</i> , or, b) who holds a certificate of registration under the <i>Professional Geoscientists Act, 2000</i> and is a practising member, temporary member or limited member of the Association of Professional Geoscientists of Ontario.
295.	Quarry means a "Quarry" as defined in the <i>Aggregate Resources Act</i> , R.S.O. 1990, c. A. 8, as amended, but does not include a wayside Quarry.

296.	Queuing Lane means an area of land that is used exclusively for Motor Vehicles whose occupants are waiting to be provided with goods, materials or services at a Drive-Through Service Facility and is comprised of Queuing Spaces.
297.	Queuing Space means a portion of a Queuing Lane which provides standing room for Motor Vehicles in a queue for a Drive-Through Service Facility while the occupants are awaiting service.
298.	Reconstruction/Renovation/Restoration means to build, Erect, place, reconstruct, relocate, repair or restore a Building to Habitable conditions which may include complete replacement, and may also include: a) any preliminary operation such as excavating, filling or draining; or b) Altering any Existing Building or Structure by an addition, enlargement, extension or other structural change; or c) any work which requires a Building Permit. 'Reconstructed' and 'Reconstruction' shall have corresponding meanings. For the purpose of this definition, Reconstruction/Renovation/Restoration may include the complete replacement of a Building or Structure.
299.	Recreational Amenities means such facilities as common television rooms, common card rooms, common assembly rooms, hobby rooms, billiard rooms, table tennis rooms, racquet ball courts, Swimming Pools, fitness clubs, Sauna rooms and sun Decks.
300.	Recreational Equipment means a portable Structure, Vessel or Vehicle that is designed and built to be carried by a Motor Vehicle, or a unit designed and built to be transported or operated under its own power or propelled power, for the purposes of providing temporary recreational living accommodations, recreation enjoyment or travel, and may include but not be limited to Motorized Recreational Vehicles, Tourist Trailers, Watercraft, all-terrain Vehicles and Motorized Snow Vehicles.
301.	Recreational Equipment Service Establishment means a Building or part of a Building, Structure or part of a Structure, facility or part of a facility and associated lands where a dealer displays new and used Recreational Equipment and accessories for sale or for rental, and may include the service or repair of Recreational Equipment.
302.	Recreational Establishment means lands and/or Premises where facilities are provided primarily for athletic or recreational activities or events, and may include, without limiting the generality of the foregoing, an Arena and a Public Swimming Pool.
303.	Recreational Trail means a strip of land used for passive recreational uses, seasonal recreational uses, or snowmobiling which connects to different areas in the City.
304.	Recycling Depot means Premises within which used materials are separated and/or processed and then shipped to other users that will then use those materials to manufacture new or recycled products.
305.	Refreshment Pavilion means Premises that are, designed, intended or used for the sale of food or refreshments to the general public and from which food or refreshment is made available to the customer within the Building. In addition, no provision is made for consumption of the food or refreshment by the customer within the Building.
306.	Rental Store means a Retail Store where goods are kept for the purpose of temporary loan to the Public and shall include a Light Equipment Sales and Rental Establishment. A Rental Store shall not include a Motor Vehicle Leasing Establishment or Heavy Equipment Sales and Rental.

307.	Required means required by this By-law. ‘Requirement’ has a corresponding meaning.
308.	Research and Development Facility means Premises which may contain a Scientific or Medical Laboratory and also includes the development of materials, processes, equipment and products.
309.	Reserve means a strip of land Abutting a Public Road and owned by the authority having jurisdiction over such Public Road.
310.	Residential Building means a Building containing one or more Dwelling Units as the main use thereof excluding any Building which is located in a Commercial Zone and contains a non-Residential Use as a Principal Use on the ground floor.
311.	Residential Density means the number of Dwelling Units per hectare of Lot Area.
312.	Residential Lot means a Lot containing a permitted Residential Building as the Principal Use thereof.
313.	Residential Use means the use of land and Buildings for human habitation.
314.	Restaurant means Premises in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the Building and which may include the preparation of food in a ready-to-consume state for consumption outside of the Premises. For the purposes of this by-law, a Restaurant may include a Tavern.
315.	Restaurant, Take-out means a Restaurant where food and drinks are prepared and offered for sale to the public but does not necessarily provide facilities for consumption thereof on the Premises other than in Parking Areas.
316.	Retaining Wall means a wall built serving the function of grade separation.
317.	Retirement Home means Premises that provide guest rooms primarily designed for retired persons or residents thereof who require nursing and/or homecare 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 are provided, and where common lounges, recreation rooms, Ancillary Personal Service Shop and medical care facilities may also be provided.
318.	Right-of-Way means an area of land that is legally described in a registered deed for the provision of private access on which there is usually a Lane.
319.	Road, Street and Highway shall have corresponding meanings.
320.	Root Cellar means a structure built Underground or partially Underground and used to store vegetables, fruits, and nuts or other foods.
321.	Salvage Yard means lands and/or Premises where Motor Vehicles are wrecked or disassembled and resold; a place where second-hand goods, including waste paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and a place where used lumber and used Building materials are collected, stored for sale or resale.
322.	Sauna means an Accessory Building or Structure wherein facilities are provided for the purpose of a Sauna bath, either dry or wet, and may include a change/relaxation room, storage areas and a washroom but not a kitchen or sleeping facilities.
323.	School means a Commercial School, an Elementary School, a Post-Secondary School, a Private School, a Secondary School, and a Trade School.
324.	School, Commercial means a School conducted for gain or profit such as a studio of dancing, art school, music school, drama school, school of calisthenics, business or Trade School, training centre or any other specialized school but shall not include a

	school as defined in this By-law or a Private academic, religious, or philanthropic school.
325.	School, Elementary means a school under the jurisdiction of a Public Authority, which may include a Day Nursery as an Accessory Use.
326.	School, Post-Secondary means Premises where post-secondary education is provided under the guidelines of the Ontario Ministry of Education, Colleges and Universities, and may include Accessory Dormitory facilities for staff and students, and/or an Accessory Day Nursery.
327.	School, Private means a School, other than a Public School or a Commercial School, under the jurisdiction of a Private non-profit board of trustees or governors, a bona fide religious organization or a Non-Profit or Charitable Institution.
328.	School, Secondary means a Public or separate School, a high school, Private School, continuation school, technical school, vocational school or other educational institution, authorized by the Province of Ontario, but not a Commercial School, and includes without limiting the generality of the foregoing, an Accessory Day Nursery or a boarding school having Accessory Dormitory facilities.
329.	School, Trade means a Public School, Private School or Commercial School where the courses of instruction relate primarily to industrial arts and vocational and technical subjects, with or without the Accessory wholesale or retail sale or articles manufactured on the Premises or the supplying or non-Personal services or crafts to the Public in the manner of a Service Trade or a repair shop, provided that such articles, services or crafts are directly related to a course of instruction conducted by the said school.
330.	Scientific or Medical Laboratory means Premises wherein scientific or medical experiments, tests, research or investigations are systematically conducted and where drugs, chemicals, glassware or other substances or articles pertinent to such experiments, tests or investigations are manufactured or otherwise prepared for use on the Premises.
331.	Screened means to be treated with a Landscaped Screening Strip.
332.	Seasonal Sales Use means the use of lands and/or Premises for the sale of seasonal products such as farm produce and Christmas trees but does not include the sale of non-perishable products.
333.	Sensitive Land Use means Buildings, amenity areas, or Outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more Adverse Effects from contaminant discharges generated by a nearby major facility. Sensitive Land Uses may be a part of the natural or built environment. Examples include, but are not limited to Residential Uses, Day Nurseries, Schools and health facilities.
334.	Service or Repair Shop means Premises wherein articles or goods, other than Vehicles or industrial equipment, are repaired or serviced, or where replacement parts for such articles or goods are offered for sale.
335.	Setback means the shortest distance between a Lot Line or High Water Mark and the nearest Main Wall of any Building or Structure, as indicated in the context in which the term is used.
336.	Setback, Waterbody means the shortest horizontal dimension between a Waterbody and the nearest part of a building or Structure on a lot.
337.	Sewage Treatment Facility means lands and/or Premises used for the storage,

	treatment and disposal of sanitary sewage.
338.	Shipping Container means an article of transportation equipment that is specifically designed or used to carry goods or freight on a truck, train or boat for use in intermodal transportation.
339.	Shopping Centre means a group of commercial establishments having a minimum Gross Floor Area of 4,650 m ² , designed, developed and managed as a unit by a single owner or tenant, or group of owners and tenants, for which parking is provided in common off-Street areas, and which may include, as an Accessory Use, a Motor Vehicle Repair Shop.
340.	Shoreline means the line at which the normal or controlled High Water Mark of where either Lake Simcoe or Lake Couchiching meet the land.
341.	Shoreline Buffer Zone means a natural area, adjacent to a Shoreline, maintained or re-established in its natural pre-Development state, with the exception of minimal pruning of vegetation and the removal of trees for safety reasons, for the purpose of protecting natural habitat and water quality and minimizing the visual impact of Buildings or Structures on a Lot.
342.	Shoreline Structure means a Building or Structure Erected at the Shoreline or within the Required Front Yard Setback from a Waterbody. For the purposes of this By-law Shoreline Structures shall include Buildings and Structures that are on the Lot and/or Attached to the land that forms the bed of a Waterbody adjacent to the Lot.
343.	<p>Sight Triangle means that triangular area formed on a portion of a Lot which:</p> <ol style="list-style-type: none"> a) is situated at Grade and adjacent to an intersection of two or more Roads, or of a Street and a Public or Private Driveway; and, b) is delineated by: <ol style="list-style-type: none"> 1. The two intersecting Street Lines, or the intersection of such Street Line and the Public or Private Driveway; and, 2. A straight line drawn to connect a pair of points, one point of which is located on a Street Line, and the second point of which is located on another Street Line or along the Public or Private Driveway at a distance from their point of intersection as specified further herein. <p>Provided that where the said Lot Lines do not intersect at a point, their point of intersection shall be deemed, for the purposes of this definition, to be the point of intersection of the projected Lot Lines.</p> <p>(Refer to Illustration A1.15 – Sight Triangles)</p>
344.	Sign means a Sign within the meaning of the City of Orillia Sign By-law.
345.	Site, Developed means a Lot containing Existing Premises and/or an Existing Use.
346.	Site Plan Control Agreement means any agreement entered into by an owner of land and pursuant to a site plan control by-law.
347.	Snow Storage and Disposal Facility means an area of land designated for the storage and disposal of snow which has been removed from another Public or Private site.
348.	Solar Collector means a device, including a solar panel that is designed to convert the energy of the sun into electricity for experimental or ornamental purposes or for the purposes of converting such energy for heating, lighting, water production or any other domestic or commercial use that may be obtained from such source.
349.	Source Materials, Agricultural means any of the following treated or untreated materials, other than compost that meets the Ministry of the Environment “Interim

	<p>Guidelines for the Production and Use of Aerobic Compost in Ontario” (2004) guidelines, or a commercial fertilizer, if they are capable of being applied to land as nutrients:</p> <ol style="list-style-type: none"> 1. Manure produced by farm animals, including associated bedding materials; 2. Runoff from farm-animal yards and manure storages; 3. Wash waters from agricultural operations that have not been mixed with human body waste; 4. Organic materials produced by intermediate operations that process materials described in paragraph 1, 2 or 3; 5. Anaerobic digestion output, if, <ol style="list-style-type: none"> i. the anaerobic digestion materials were treated in a mixed anaerobic digestion facility; ii. at least 50%, by volume, of the total amount of anaerobic digestion materials were on-farm anaerobic digestion materials; and iii. the anaerobic digestion materials did not contain sewage biosolids or human body waste. 6. Regulated compost as defined in subsection 1 (1) of Ontario Regulation 106/09 (Disposal of Dead Farm Animals) made under the <i>Clean Water Act</i>, 2006, S.O. 2006, c.22.
350.	<p>Source Materials, Non-Agricultural means any of the following materials, other than compost that meets the Ministry of the Environment “Interim Guidelines for the Production and Use of Aerobic Compost in Ontario” (2004) guidelines, or a commercial fertilizer, if the materials are intended to be applied to land as nutrients:</p> <ol style="list-style-type: none"> 1. Pulp and paper biosolids; 2. Sewage biosolids; 3. Anaerobic digestion output, if less than 50%, by volume, of the total amount of anaerobic digestion materials that were treated in the mixed anaerobic digestion facility were on-farm anaerobic digestion materials; and 4. Any other material that is not from an agricultural source and that is capable of being applied to land as a nutrient.
351.	<p>Staff Facilities means areas intended for the exclusive use of staff employed on a Premises including, but not limited to, kitchens, offices, laundry facilities and staff rooms.</p>
352.	<p>Stockyard means lands, Buildings and Structures used for the sale and distribution of Livestock.</p>
353.	<p>Stoop means a roofless, unenclosed Outdoor Structure, with or without steps, consisting of a platform or Deck and connecting to an exterior door on the ground floor of a Dwelling, regardless of whether or not a Basement or part thereof is located beneath such Structure.</p>
354.	<p>Store, Accessory Retail means a Retail Store that is Accessory to the Principal Use on a property and where the products sold are primarily and directly associated with the Principal Use of the property.</p>
355.	<p>Store, Convenience means a Retail Store wherein various convenience goods and items of day-to-day Personal or household use or necessity including, without limiting the generality of the foregoing, food, beverages, pharmaceutical drugs, light hardware products, tobacco products and periodicals, are offered for sale primarily to the immediate neighbourhood.</p>
356.	<p>Store, Retail means lands and/or Premises, where goods, wares, merchandise,</p>

	commodities, substances, foodstuffs, articles or things of any kind are stored, kept, offered or displayed for retail sale or rental to the general Public including Accessory processing of goods sold on site and also includes any Use defined herein as a form of Retail Store, but does not include any other Use defined herein.
357.	Storey means a horizontal division of a Building from a floor to the ceiling directly above such floor, regardless of whether or not such floor constitutes an overhanging mezzanine, a gallery or a Balcony, and includes an Attic or Basement, but does not include any crawl space or other area that is, for all intents and purposes, unusable by virtue of its inaccessibility.
358.	Storey, First means the Storey having: <ul style="list-style-type: none"> a. a finished ceiling located at least 1.8 m above Finished Grade; and, b. a finished floor level situated closer to Finished Grade than that of any other such Storey in the same Building.
359.	Storey, Half means the portion of a Building situated within the roof or having its floor level not lower than four feet below the line where the roof and interior enclosing walls meet.
360.	Storm Sewer System, Public means a system of conduits, ditches and related appurtenances, under the jurisdiction of the City of Orillia, or other Public Authority, which carries storm surface water and storm drainage but not sanitary sewage or industrial waste.
361.	Stormwater Management Facilities means facilities that are used to improve the quality of stormwater and may include ditches, or ponds that temporarily store collected stormwater runoff and release it at a controlled rate.
362.	Street Line means a dividing line between a Lot and a Street.
363.	Street, Improved Public means a Public thoroughfare for vehicular and pedestrian traffic which is assumed and maintained year-round by and under the jurisdiction of the City of Orillia or the Province of Ontario.
364.	Street, Private means a Private thoroughfare legally registered on title of lands for vehicular and pedestrian traffic and not under the jurisdiction of the City of Orillia or the Province of Ontario, and does not include a Private Driveway or a Right-of-Way.
365.	Street, Road or Highway means a thoroughfare for vehicular and pedestrian traffic which is assumed and maintained year-round by and under the jurisdiction of the City of Orillia or the Province of Ontario and includes any unimproved portion of a road allowance.
366.	Street, Seasonal means a Public thoroughfare for vehicular and pedestrian traffic which is assumed and maintained, but not year-round, by and under the jurisdiction of the City of Orillia or the Province of Ontario.
367.	Street, Un-Assumed means a Public thoroughfare for vehicular and pedestrian traffic under the jurisdiction of the City of Orillia or the Province of Ontario but which is not assumed by either body for maintenance purposes.
368.	Structure means anything that is Erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something have a fixed location in or on the ground, either permanently or temporarily. For the purpose of this By-law, a Retaining Wall, a light standard, a Private Sewage Disposal System, a Fence and a Sign shall be deemed not to be Structures.
369.	Suite means a single room or series of rooms of complementary use, operated under a single tenancy, and includes:

	<ul style="list-style-type: none"> a) Dwelling Units; b) Individual guest rooms in Bed and Breakfast Establishments, Motels, Hotels, Boarding, Lodging or Rooming Houses and Dormitories; and, c) Individual stores and individual or complementary rooms for business and Personal Service occupancies.
370.	Swimming Pool means an artificial body of water having a water depth of 0.6 m or more, which is located on or in or above the ground, or within a Building, and which is intended primarily for swimming, wading, diving or recreational bathing, but shall not include a natural dug or dammed pond primarily intended for aesthetic or agricultural purposes.
371.	Tailor or Dressmaking Shop means a Personal Service Shop Premises which is used primarily for the custom manufacture, alteration or repair of articles of clothing for individual clients, but does not include any establishment primarily engaged in the retail sale of clothing manufactured elsewhere or the manufacture of clothing for distribution to Retail Stores, or where clothes are altered primarily by dyeing or the addition of appliqués.
372.	Tavern means Premises primarily used for the sale and service of alcoholic beverages with or without food and/or entertainment.
373.	Taxi Stand or Dispatch Office means lands and/or Premises where chauffeured passenger automobiles are kept for hire.
374.	Temporary Building means a Building or Structure intended for removal or demolition within a prescribed time as set out in a Building Permit application.
375.	Theatre means Premises intended for the production and viewing of the performing arts or the screening and viewing of motion pictures and consisting of an auditorium with permanently fixed seats solely for a viewing audience.
376.	Tourist Trailer means any Trailer which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities and which has running gear and towing equipment permanently attached and a current license and is not permanently affixed to the ground.
377.	Trailer means a Vehicle that is at any time drawn upon a Highway by a Motor Vehicle, except a farm implement, a Mobile Home Dwelling, another Motor Vehicle or any device or apparatus not designed to transport Persons or property, temporarily drawn, propelled or moved upon such Highway, and except a side car attached to a motorcycle, and shall be considered a separate Vehicle and not part of the Motor Vehicle by which it is drawn.
378.	Trailer Camp means an area of land in which space and facilities are provided specifically for the temporary accommodation of Persons in tents or recreation Vehicles for vacation or recreational purposes, and Accessory Uses and facilities such as administrative Offices, sanitary facilities, recreational facilities and an Accessory Convenience Store.
379.	Transit Station means lands and/or Premises that are used for the temporary parking of transit Vehicles and the picking up and dropping off of passengers using a Public transit system.
380.	Transport Terminal means any Premises where commercial Vehicles are kept for hire, rental or lease, or are stored or parked for remuneration, or from which commercial Vehicles are dispatched for hire as common carriers.
381.	Truck Camper means a unit that is constructed in a manner such that it may be

	Attached to a Motor Vehicle, as a separate unit, and is capable of being temporarily utilized for living, sleeping or eating.
382.	Underground means below the finished surface of the ground, excluding artificial embankments or terraces.
383.	Urban Square means an Outdoor area containing landscaping, which is designated for use by the general public.
384.	Use means: a) Any purpose for which a Building or other Structure or a parcel of land may be designed, arranged, intended, maintained, or occupied; or, b) Any activity, occupation, business or operation carried on, or intended to be carried on, in a Building or other Structure or on a parcel of land. For the purposes of this By-law, Alteration or change in Use shall mean a change from one Permitted Use to another Permitted Use.
385.	Utility Corridor means natural gas transmission pipelines (such as TransCanada Pipelines) and telecommunications trunk facilities.
386.	Vehicle means a Motor Vehicle, Trailer, traction engine, farm tractor, a road-building machine within the meaning of the <i>Highway Traffic Act</i> , R.S.O. 1990, as amended, a bicycle and any Vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a a street car.
387.	Vehicle, Farm means a Vehicle, self-propelled or drawn, which directly and specifically and exclusively relates to the operation of an agricultural Use.
388.	Vehicle, Public means a Vehicle owned and operated by a Public Authority.
389.	Vehicle, Refreshment means a Motor Vehicle that is used as a take-out Restaurant and is not permanently affixed to the ground.
390.	Vessel means a craft designed to float on the water including a boat, barge or ship.
391.	Veterinary Clinic means lands and/or Premises wherein animals of all kinds are treated or kept for treatment by a registered veterinarian, but does not include a Kennel.
392.	Wall, Main means an outside wall of a Building which supports a roof and shall include a wall under a gable end and an exterior Wall on a cantilevered floor area.
393.	Wall, Shared means a wall shared by two or more Buildings.
394.	Warehouse means Premises used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, foodstuffs, substances, articles or things, other than Livestock, but does not include a commercial Self-Storage Facility, Fuel Depot, Transport Terminal or Stockyard.
395.	Warehouse, Wholesale means a Warehouse or portion thereof in which goods, wares, merchandise or articles are stored or kept for sale in large bulk or quantity for supply from the Premises primarily to a Person other than the ultimate consumer. For greater clarity, the display of items for sale is permitted provided it is Accessory to a Warehouse or Wholesale Use..
396.	Waste Disposal Site means: a) any land upon, into, in or through which, or Building or Structure in which waste is deposited, disposed of, handled, stored, treated or processed; and, b) Any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing referred to in clause (a).
397.	Waste Transfer Station means lands used for the placement of containers that are

	used to hold solid waste for eventual transfer to another location.
398.	Waterbody means Lake Simcoe or Lake Couchiching, including any man-made channels connecting thereto.
399.	Watercourse means the natural channel for a perennial or intermittent stream of water, which shall not include a Waterbody.
400.	Watercraft means any Vehicle or Vessel designed to move across or through the water.
401.	Waterway, Navigable means a Waterbody sufficiently deep and wide to give a passage to a boat.
402.	Water Taking, Commercial means the extraction of water from ground or surface water sources in excess of 50,000 litres per day for resale.
403.	Wayside Pit or Quarry means a temporary pit or Quarry opened and used by a Public Road authority solely for the purpose of a particular project or contract of Road construction and not located on the Road Right-of-Way.
404.	Wellhead Protection Area means the surface and subsurface area surrounding a water well or well field that supplies a Public water system and through which contaminants are reasonably likely to move so as to eventually reach the water well or well field.
405.	Wellness Centre means Premises where services for therapeutic purposes are provided and may include acupuncture, diet counseling and psychotherapy.
406.	Wholesale Use means Premises where the purpose of the business is the buying of goods only for resale to other employment, commercial, institutional, or agricultural business users including other wholesalers, and includes distribution.
407.	Wind Turbine means a single nacelle and generator, blades, supporting tower and associated control and conversion electronics that are used for the production of electrical power where the wind is the energy source and should be designed, erect, and maintained with a nameplate capacity not exceeding 50 kW.
408.	Wine Making/Brew Shop means Premises used for the making of beer and wine by customers for their own consumption off site.
409.	Yard means an area of land which: a) is appurtenant to, and located on the same Lot as, a main Building or Structure; and b) is open, uncovered and unoccupied from the ground to the sky, except for those uses specifically permitted thereon elsewhere in this By-law. <i>(Refer to Illustration A1.16 – Yards, Appendix 1)</i>
410.	Yard, Exterior Side means a Side Yard of a Corner Lot which Side Yard extends from the Front Yard to the Rear Yard between the Exterior Lot Line and the nearest part of any Main Wall of the Building or Structure on such Lot.
411.	Yard, Front means a Yard extending across the full width of a Lot between the front Lot Line of such Lot and the nearest part of any Main Wall of the Building or Structure on such Lot.
412.	Yard, Interior Side means a Yard extending from the Front Yard to the Rear Yard of a Lot between the Interior Side Lot Line of such Lot to the nearest part of any Main Wall of the Building or Structure on such Lot.
413.	Yard, Maximum means the maximum distance of a Yard from a Lot Line. In calculating the Maximum Yard, the maximum horizontal distance from the respective Lot Line shall be used.

414.	Yard, Minimum means the minimum distance of a Yard from a Lot Line. In calculating the Minimum Yard, the minimum horizontal distance from the respective Lot Line shall be used.
415.	Yard, Required means a Yard measured using the horizontal distances from respective Lot Lines as specified in the applicable Zone Provisions.
416.	Yard, Rear means a Yard extending across the full width of a Lot between the rear Lot Line of such Lot and the nearest part of any main Building or Structure on such Lot.
417.	Yard, Side means an Interior Side Yard or Corner Side Yard.
418.	Yard, Waterbody means any Yard which Abuts the water's edge of a Waterbody.
419.	Zone means a designated area of land Use(s) shown on the Zone Maps of this By-law.
420.	Zone Maps means the set of maps Attached hereto as Schedule "A", Schedule "B" and Schedule 'C' which form part of this By-law.
421.	Zone Provisions means the minimum and/or maximum performance standards Required for lands, Buildings and Structures as provided herein, including but not limited to minimum area and dimensions of Lots, the minimum and maximum dimensions of Yards, the maximum Lot Coverage, the minimum and maximum Setbacks, the minimum Landscaped Open Space, and the minimum and maximum Height of Buildings.

SECTION 5 GENERAL PROVISIONS

5.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

5.1.1 Permitted Uses (Residential Zones)

5.1.1.1 Where this By-law provides that land may be used or a Building or Structure may be Erected or used for a purpose, that purpose shall include any Accessory Building or Accessory Use, but shall not include the following Buildings and uses:

- a) any occupation for gain or profit conducted within or Accessory to a Dwelling Unit or on the Lot, except as specifically permitted in this By-law; or,
- b) any Building containing one or more Habitable rooms, except as specifically permitted in this By-law.

5.1.1.2 Legal Non-Conforming uses shall be permitted to have Accessory Uses in accordance with the provisions in this Section of the By-law and the provisions of the applicable Zone.

5.1.1.3 This Subsection shall apply to Buildings covered with cloth, plastic or similar flexible materials.

5.1.1.4 No Accessory Building or Structure shall be Erected on any Lot until the Main Building has been Erected, with the exception of:

- Temporary construction uses during the term of an active Building Permit; or
- A Private Sewage Disposal System; or
- A Dock on a property that is accessed by water only, provided that a Building Permit for a Main Building has been issued and has not expired or been revoked.

5.1.2 Location

5.1.2.1 Minimum Required Yards for Accessory Buildings or Structures shall be in accordance with Table 5.1:

Table 5.1 – Minimum Required Yards for Accessory Buildings or Structures

Minimum Required Yard	Accessory Building Floor Area	
	Exceeding 10.0 m ²	Up to and including 10.0 m ²
Front	Minimum standard for applicable Zone (subject to Subsection 5.33)	
Interior Side	Minimum standard for applicable Zone	0.5 m
Exterior Side	Minimum standard for applicable Zone	
Rear (where the Front Lot Line is not a Shoreline)	1.5 m	0.5 m
Rear (where the Front Lot Line is a Shoreline)	6.5 m	

5.1.3 Lot Coverage and Height

5.1.3.1 The floor area for any one Building or Structure Accessory to the Residential Use on a Lot shall not exceed 68.0 m² or 10% of the total Lot Area, whichever is the lesser.

5.1.3.2 The maximum Height of an Accessory Building or Structure shall be 5.0 m. An Accessory Building or Structure shall be limited to one Storey.

5.1.3.3 A maximum of three (3) Accessory Buildings or Structures shall be permitted on a Lot in any Residential Zone.

5.1.3.4 Setback for Carport

- a) A Carport which is Attached to a Main Building or Structure shall comply with the setback provisions for the Main Building in the applicable Zone.
- b) A Detached Carport shall comply with the provisions for Accessory Buildings or Structures.

5.1.4 Shoreline Structures

Notwithstanding the provisions of Subsections 5.1.1, 5.1.2 and 5.1.3, the following provisions apply to Shoreline Structures:

5.1.4.1 General

- a) Shoreline Structures located on Commercially Zoned lands shall be treated as Principal Structures in the Zone in which they are located.
- b) Shoreline Structures shall meet the requirements of Subsection 15.1.2.

5.1.4.2 Boathouses

A Boathouse may be Erected and used in the Shoreline Buffer Overlay Zone provided:

- a) Boathouses shall not exceed a single Storey;
- b) a minimum Setback of 4.5 m is maintained from the Side Lot Lines and/or the straight line projection of the Side Lot Line into the water;
- c) The following provisions apply only to Boathouses located within or partially within a Waterbody:
 - i) a minimum 3.0 m Open Span along the Shoreline is Required;
 - ii) the maximum total footprint of supporting Structures, being cribs, poles or piles, shall not exceed 15.0 m²;
 - iii) a minimum of 50% of total length of supporting Structure that extends from the Shoreline, must be one or more Open Spans; and
 - iv) the maximum Height of a Boathouse shall be 5.0 m, measured from the highest portion of the roofline to the High Water Mark.

5.1.4.3 Docking Facilities

A Dock, boatlift, launch ramp or marine railway may be Erected and used in the Shoreline Buffer Overlay or the Open Space One (OS1) Zone in accordance with the following provisions:

- a) a maximum of one Dock is permitted per Lot. This shall be in addition to a Dock Attached to a Boathouse.
- b) the length of a Dock shall not exceed 15.0 m from the Shoreline;
- c) the width of a Dock shall not exceed 3.0 m;
- d) a minimum Setback of 4.5 m shall be maintained from the side Lot Lines and/or the straight line projection of the Lot Line into the water from the Shoreline;
- e) the first 3.0 m of Dock adjacent to the shore shall be Open Span;
- f) boatlifts shall not have walls;
- g) Gazebos, Pergolas, plastic or canvas tents or other like or similar Structures shall not be permitted on a Dock.

5.1.4.4 Gazebo

One freestanding Gazebo may be located fully or partially within the Shoreline Buffer Overlay Zone, provided that:

- a) the Gazebo shall not exceed 15.0 m² in area;

- b) the Gazebo shall be set back at least 4.0 m from the Shoreline; and,
- c) the Gazebo shall be set back at least 2.0 m from any Side Lot Line.

5.1.4.5 Pumphouse

A pumphouse may be Erected and used in the Shoreline Buffer Overlay Zone provided its location complies with the minimum Required Side Yard. A free standing pumphouse shall not exceed a Height of 2.0 m, measured to the highest point, and a floor area of 9.0 m².

5.1.4.6 Detached Deck

Notwithstanding any other provisions of this By-law related to Decks, a Detached Deck is permitted to be located fully or partially within the Shoreline Buffer Overlay Zone, provided that the Detached Deck:

- a) shall not exceed 30.0 m² in area;
- b) shall be located no closer than 5.0 m to the Shoreline;
- c) shall be located no closer than 2.0 m to any side Lot Line; and
- d) the floor of the Detached Deck shall be no more than 0.6 m higher than the Grade below it.

5.1.4.7 Stairs and Ramps

Notwithstanding any other provisions of this By-law, stairs and ramps are permitted to be located fully or partially within the Shoreline Buffer Overlay Zone, provided that:

- a) the stairs and/or ramps shall not exceed 3.0 m in width.
- b) the combined area of all Decks, stairs and ramps shall not exceed 30.0 m².

5.1.4.8 Other Shoreline Structures

An Accessory Structure, other than a Boathouse, Docking Facilities, a Gazebo, a Pumphouse or a Detached Deck, having a G.F.A. of 15.0 m² or less, is permitted to be located fully or partially within the Shoreline Buffer Overlay Zone, provided that the Accessory Structure:

- a) shall be located no closer than 4.0 m to the Shoreline;
- b) shall be located no closer than 2.0 m to any Side Lot Line; and
- c) shall have a Height of not greater than 5.0 m.

5.2 ANGULAR PLANES

Notwithstanding the Height provisions of this By-law, all Development in excess of three Storeys shall be subject to an Angular Plane in accordance with the following:

- a) a 45 degree Angular Plane shall be established with its vertex 7.5 m directly above the Abutting property line and its initial and terminal sides extending toward the Building for the following:
 - i) Development located in an Intensification Area, as identified with the symbol 'i' on Schedule 'A' and adjacent to a Main Street Commercial (C1), Downtown Shoulder One (DS1) or Downtown Shoulder Two (DS2) or Residential One, Two or Three (R1, R2 or R3) Zone;
 - ii) Development in the Downtown Shoulder One (DS1) or Downtown Shoulder Two (DS-2) Zone and adjacent to a Residential One, Two or Three (R1, R2 or R3) Zone; and,
 - iii) Development located within the Height Overlay in the Downtown Area Overlay Zones as shown on Schedule 'C'.
- b) Development located within the Height Overlay in the Downtown Area Overlay Zones as shown on Schedule 'C' shall also have an Angular Plane on building walls that provide views to Lake Couchiching. A 45 degree Angular Plane shall be established with its vertex 7.5 m directly above the respective property line or lines.

Notwithstanding the foregoing, Angular Planes shall not apply to a property line Abutting a Public Road allowance.

(Refer to Illustration A1.1 - Angular Planes, Appendix 1)

5.3 BED AND BREAKFAST ESTABLISHMENT

Bed and Breakfast Establishments are subject to the following regulations:

- a) The Bed and Breakfast Establishment shall have the operator residing on the Premises; and
- b) A Bed and Breakfast Establishment shall only be permitted in a Single Detached Dwelling and shall not contain more than three (3) rooms for hire; and
- c) The Bed and Breakfast Establishment shall be a secondary Use to the main Residential Use of a Single Detached Dwelling and shall maintain the residential character of the Dwelling; and
- d) No external display or advertising shall be permitted on the site, other than in accordance with the Home Occupation provisions of the City of Orillia Sign By-law, as amended, or its successor; and

- e) Bed and Breakfast Establishments must front on a Public Road and be fully serviced by a Municipal Sewer System and a Municipal Water System.

5.4 BUILDING PERMIT ISSUED

The provisions of this By-law shall not apply to prevent the Erection or Use of any Building or Structure, for a purpose prohibited by this By law, provided a Building Permit has been issued by the Chief Building Official prior to the date of passing of this By-law and as long as the Building or Structure when Erected is used and continues to be used for the purpose for which it was Erected and provided the Building Permit has not been revoked.

5.5 DECKS

5.5.1 Setback Requirements:

Decks shall comply with the following Setback requirements:

- a) Where a Deck is Attached to a Principal Structure:
 - i) if located on a waterfront property, the provisions of Subsection 15.1.5 shall apply; or,
 - ii) if not located on a waterfront property, the Deck may encroach into the Front, Exterior Side or Rear Minimum Required Yard by a distance equal to half of the Minimum Required Yard for the Principal Structure; and
- b) Where a Deck is Attached to an Accessory Structure, the Deck shall comply with the Setback provisions for the Accessory Structure; and
- c) Where the Deck is a detached, stand-alone Deck:
 - i) if located on a waterfront property, the provisions of Subsection 5.1.4.6 shall apply; or,
 - ii) if not located on a waterfront property, the Setback provisions for Accessory Structures in the applicable Zone shall apply.

5.5.2 Lot Coverage Requirements:

- a) Decks more than 0.3 m above Finished Grade Attached to a Principal Structure shall be included in the calculation of Lot Coverage for the Principal Structure; and

- b) A Deck which is Attached to an Accessory Structure, or a detached, stand-alone Deck shall be included in the calculation of Lot Coverage for Accessory Buildings and Structures if the surface of the Deck is over 0.6 m from the Finished Grade below it; and,
- c) A detached, stand-alone Deck in the Required Front Yard of a waterfront property shall comply with the provisions of Subsection 5.1.4.6 (a) herein.

5.6 ESTABLISHED BUILDING LINE

Notwithstanding the Front Yard provisions of this By-law, where a permitted Building or Structure is to be Erected on a Lot where there is an Established Building Line, such permitted Building or Structure may be Erected closer to the Street Line than Required by this By-law provided such permitted Building or Structure is not Erected closer to the Street Line than the Established Building Line.

Where a Lot fronts onto a Provincial Highway, or an arterial Road as shown by the City of Orillia Official Plan that does not contain the Required Right-of-Way identified in the Official Plan, the provisions of this Section shall not apply.

Where a Lot fronts onto a Waterbody and the Front Yard is the Yard adjacent to the Waterbody, the provisions of this Subsection shall not apply.

(Refer to Illustration A1.6 - Established Building Line, Appendix 1)

5.7 FENCES

The maximum Height for any Fence shall be 2.0 m except in an Industrial Zone. The Height of Fences may be further restricted in a Sight Triangle in accordance with Subsection 5.35.

5.8 FRONTAGE ON A PUBLIC STREET OR NAVIGABLE WATERWAY

No Person shall Erect any Building or Structure in any Zone after the date of passing of this By-law, unless the Lot upon which such Building or Structure is to be Erected has frontage upon an Improved Public Street.

Notwithstanding the foregoing, where an Existing Lot does not front onto an Improved Public Street, a Building Permit may be issued for a Building or Structure provided that:

- a) the Lot upon which the Building or Structure is proposed to be located is within a registered plan of subdivision in which the Street has not been assumed by the City but in which the Street is to be assumed under the terms of a subdivision agreement; or

- b) the Building or Structure is located on a Lot having frontage on a Private Street which has been, or will be, created through the registration of a plan of condominium, provided that a Development Agreement satisfactory to the City is in place; or
- c) the Lot upon which the Building or Structure is proposed to be located is accessed only by water; or
- d) the Lot upon which the Building or Structure is proposed to be located has access by way of a registered Right-of-Way; or
- e) The applicant, prior to a Building Permit being issued, enters into a Private Road Agreement with the City. This Agreement shall indicate that:
 - i) the owner acknowledges and agrees that the Lot in question does not front on an improved Public Street;
 - ii) the owner acknowledges and agrees that the City does not maintain or snow plow the Private Street;
 - iii) the owner acknowledges and agrees that the City will not take over or assume a Private Street as a Public Street unless it has been built according to provincial standards and in accordance with City policy; and,
 - iv) the owner acknowledges and agrees not to request the City to assume or take over the Private Street.

5.9 HEIGHT EXCEPTION

Notwithstanding the Height provisions of this By-law to the contrary, nothing in this By-law shall prevent the Erection, Alteration, or use of a silo, a church spire, a belfry, a flag pole, a chimney, a water tank, a communication tower or antenna, a satellite dish, an air conditioner duct, a mechanical penthouse, roof access staircase Structures, a cupola, a steeple, a Wind Turbine or Solar Collector, or other ornamental roof Structures, incidental equipment required for processing, external equipment associated with internal equipment or machinery and conveying equipment, which exceeds the maximum Height requirements provided the main or Principal Use is permitted.

5.10 HOME INDUSTRY

Where a Home Industry established after the effective date of this By-law is permitted, the following provisions shall apply:

- a) Any Lot upon which a Home Industry is located shall be occupied as a residence by the operator of the business; and
- b) Not more than two (2) employees who do not reside on the property may be engaged in, and working for, the Home Industry business; and

- c) The Home Industry may be conducted within a Single Detached Dwelling or in an Accessory Building provided that the Gross Floor Area occupied by the Home Industry does not exceed 25% of the Gross Floor Area of the Dwelling; and
- d) Only the sale of goods that are manufactured, assembled, processed, fabricated, or produced on the Premises is permitted; and
- e) No Home Industry shall create or become a public nuisance, particularly with regard to noise, odours, traffic, parking, Emissions or radio or television interference: and
- f) The following uses are not permitted as Home Industry Uses:
 - i) Veterinary Clinic
 - ii) Heavy Equipment Repair Shop
 - iii) Heavy Equipment Sales and Rental
 - iv) Kennel
 - v) Motor Vehicle Body Shop
 - vi) Place of Amusement
 - vii) Restaurant
 - viii) Retail Store
 - ix) Warehouse
 - x) Wholesale Use; and
- f) Outdoor Storage of goods or materials related to a Home Industry shall be permitted in the Rear Yard and Interior Side Yards only, provided that the area occupied by such Outdoor Storage of goods or materials does not exceed 50% of the Gross Floor Area of the Home Industry; and
- g) No Outdoor Display and Sales Area shall be permitted on the Lot; and
- h) No advertising shall be permitted on the Lot, other than in accordance with the Home Industry provisions of the City of Orillia Sign By-law, as amended, or its successor.

5.11 HOME OCCUPATION

Where a Home Occupation is permitted in the By-law, it shall be subject to the following provisions:

- a) A Home Occupation shall be conducted as an Indoor Accessory Use within a permitted Dwelling Unit without changing the primary residential character thereof; and
- b) Not more than two (2) employees who do not reside on the property may be engaged in, and working for, the Home Occupation business; and

- c) No goods, wares or merchandise shall be displayed for sale or rent in conjunction with a Home Occupation, except for arts, crafts and antiques, or goods produced or repaired on site; and
- d) No Outdoor Storage shall be permitted in conjunction with a Home Occupation.
- e) The Home Occupation shall not occupy more than 25% of the G.F.A. of the Dwelling Unit; and
- f) No Outdoor Display and Sales Area shall be permitted on the Lot; and
- g) No advertising shall be permitted on the Lot, other than in accordance with the Home Occupation provisions of the City of Orillia Sign By-law, as amended, or its successor; and
- h) No Home Occupation shall create or become a public nuisance, particularly with regard to noise, odours, traffic, parking, Emissions or radio or television interference; and
- i) The following uses are not permitted as Home Occupation uses:
 - i) Motor Vehicle Body Shop or Motor Vehicle Repair Shop
 - ii) Restaurant
 - iii) Medical Clinic
 - iv) Veterinary Clinic
 - v) Day Spa
 - vi) Retirement Home
 - viii) Bed and Breakfast Establishment; and
- j) The Home Occupation shall not involve the use of the Premises as a base of operations for Persons who are employed by or associated with the Home Occupation off-site, nor shall the Premises be used to assemble or rally such Persons for transportation to a work site.

5.12 LANDSCAPING REQUIREMENTS

Table 5.2 establishes the minimum requirements for Required Landscaped Buffer Areas and Landscaped Screening Strips Required based on the Abutting land Use or Zone.

Table 5.2 – Minimum Requirements for Landscaped Buffer Areas and Screening Strips

ZONE TYPES (OR USE PROPOSED)	Landscaped Buffer Area (Minimum Required Width)			Landscaped Screening Strip (Minimum Required Height)	
	Abutting a Residential or Open Space Zone or Use	Abutting any other Zone or Use	Abutting an Improved Public Street	Abutting a Residential or Open Space Zone or Use	Abutting any other Zone or Use
Multiple Residential (containing 5 or more Parking Spaces)	2.0 m (1)(2)	1.0 m (1)(2)	1.5 m (1)(2)	2.0 m (3)	n/a
Commercial, Institutional and Industrial	2.0 m (1)(2)	1.0 m (1)(2)	1.5 m (1)(2)	2.0 m (3)	n/a
Open Space	n/a	n/a	n/a	2.0 m	n/a

Footnotes for Table 5.2:

- 1) The Required Landscaped Buffer Area shall also be provided abutting the Front and/or Exterior Side Lot Line, but is not required in the C1 Zone.
- 2) The Required Landscaped Buffer Area shall be provided along property lines exclusive of entrances, shared access points and shared Parking Areas.
- 3) The Required Landscaped Screening Strip may be located within the Required Landscaped Buffer Area, provided the Minimum Required Width is met.

5.13 MOTOR VEHICLE SALES ESTABLISHMENTS

Regulations for Outdoor Display and Sales Areas in Subsection 5.24 and Outdoor Storage in Subsection 5.25 shall not apply to Motor Vehicle Sales Establishments. Where a Motor Vehicle Sales Establishment is permitted by this By-law, it shall be subject to the Yard and Setback regulations of the Zone in which the Use is located, in addition to the following provisions:

- a) The Outdoor display and sales of Vehicles shall be permitted within a Required Yard and are subject to Table 5.2, however no areas of Required Landscaped Open Space or Sight Triangle may be used for an Outdoor Display and Sales Area;
- b) An Outdoor Display and Sales Area shall not occupy any Required Parking Spaces.

5.14 MOTOR VEHICLE FUEL BARS

- a) No part of any pump island shall be located closer than 9.0 m to any Street Line.

- b) No part of any canopy used to cover a pump island shall be located closer than 6.0 m to any Street Line.

5.15 MULTIPLE USES ON A LOT

Where a Building or Lot is used for more than one purpose, all of the provisions of this By-law relating to each Use shall respectively be complied with.

5.16 MULTIPLE ZONES ON A LOT

5.16.1 Applicable Provisions

Where a Lot is divided into more than one Zone under the provisions of this By-law, each such portion of the Lot shall be used in accordance with the Permitted Uses and Zone Provisions of the applicable Zone as if it were a separate Lot. However, for the purposes of calculating Lot Frontage, Lot Area, Landscaped Open Space, and Lot Coverage, the dimension of the entire Lot Frontage and the area of the entire Lot shall apply.

5.16.2 Environmental Protection and Open Space Zones

In the case of a Lot which is partially Zoned Environmental Protection (EP) or Open Space (OS), the Yard requirements of such Lot shall be the greater of:

- a) the minimum Yard Required; or
- b) the inner limit of the Environmental Protection Zone (EP) or the Open Space Zone (OS) boundary.

5.16.3 Holding Zones

This Subsection does not apply to a portion of a Lot that is subject to a Holding Zone (H).

5.16.4 Angular Planes

Notwithstanding Subsection 5.2 herein, the Angular Plane provisions shall not apply to a zone boundary contained within a Lot.

5.17 MUNICIPAL SERVICES

Unless otherwise specifically permitted herein, no Person shall change the Use of any Building, Structure or land or Erect, expand or use any Building or Structure in any Zone unless such Building or Structure is connected to a Municipal Water System and a Municipal Sewer System.

Notwithstanding any other provision herein, where a property is not connected to a Municipal Water System and a Municipal Sewer System on the date of passing of this By-law and where such municipal services are available adjacent to the Street Line, any Reconstruction, Alteration, expansion or change of Use with respect to such property shall require connection to such municipal services.

Where a property is permitted to be developed or a Building is permitted to be Altered or reconstructed on a Private Sewage Disposal System and/or a Private Water System, the following restrictions shall apply:

- a) the Use shall be restricted to low effluent producing Uses which do not generate more than 4,500 litres per day of liquid sewage effluent or discharge effluent which would be an environmental hazard or present a threat to ground or surface water; and
- b) the authority having jurisdiction shall be satisfied that a Private Sewage Disposal System can be accommodated on the Lot; and
- c) the owner shall enter into an agreement with the City to require connection to full municipal services when they become available; and
- d) where an on-site sewage system or subsurface sewage works are proposed to be located within 100.0 m of the Lake Simcoe Shoreline, the system shall be Required to provide tertiary treatment that will reduce phosphorous levels in the effluent to levels satisfactory to the City.

5.18 NON-COMPLIANCE AS A RESULT OF EXPROPRIATION

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a Public Authority, such acquisition results in a contravention of this By-law relating to Minimum Yards and/or Setbacks, Lot Coverage or Landscaped Open Space, then the lands so acquired shall be deemed to continue to form part of the Lot upon which the Building or Buildings are located in determining compliance with this By-law, and will be deemed to comply with this By-law.

5.19 NON-COMPLYING BUILDINGS, STRUCTURES AND DEVELOPED SITES

- a) Nothing in this By-law shall prevent the enlargement, repair, renovation, Reconstruction, or structural Alteration of a Building or Structure that Existed one day prior to this By-law coming into effect, and which does not comply with the Zone requirements or other requirements of this By-law, provided:
 - i) the enlargement, repair, renovation, Reconstruction, or structural Alteration does not increase the situation of non-compliance; and
 - ii) the enlargement, repair, renovation, Reconstruction, or structural Alteration does not pose a threat to Public health or safety; and,
 - iii) all other applicable provisions of this By-law are complied with.
- b) Legally Existing Non-Complying Buildings shall be deemed to comply with this By-law.

- c) Notwithstanding any provision of this By-law to the contrary, upon the Alteration of a Developed Site, provided that the Use is permitted in the Zone:
- i) non-complying Aisle Width, Driveway Location, Driveway Width, Landscaped Buffer Areas, Landscaped Open Space, Landscaped Screening Strips, Lot Coverage, snow storage areas and surface treatment are permitted provided that:
- there is no expansion to the Gross Floor Area of the Main Building by more than 15%; and
 - the situation of non-compliance is not increased.

5.20 NON-COMPLYING LOTS

A Non-Complying Lot that Existed on the date of passing of this By-law, and which does not comply with the Minimum Lot Frontage and/or Minimum Lot Area regulations of this By-law, may be used and Buildings Erected thereon for a purpose permitted in the applicable Zone.

A Non-Complying Lot that Existed on the date of passing of this By-law, and which does not comply with the minimum Lot Frontage and/or Minimum Lot Area regulations of this By-law, may be enlarged by Lot addition, and the Resultant Lot shall be deemed to comply with all of the provisions of this By-law including Minimum Lot Frontage and Minimum Lot Area. All Zone Provisions applicable to any Existing Buildings on the Resultant Lot shall thereafter be deemed to comply with the provisions of this By-law.

5.21 NON-COMPLYING PARKING AND LOADING FACILITIES, AND ENTRANCES

Parking and loading facilities and entrances which do not comply with the provisions of this By-law may continue to be used provided that no changes are made resulting in an increase in any situation of non-compliance with this By-law.

5.22 NON-CONFORMING USES

The provisions of this By-law shall not prevent the Use of any Existing Lot, Building or Structure for any purpose prohibited by this By-law if such Existing Lot, Building or Structure was lawfully used for such purpose, prior to the effective date of this By-law and provided that the Lot, Building or Structure continues to be used for that purpose. Where the Use ceases, the Use will be deemed to have been discontinued.

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition or Reconstruction of any Building or Structure containing a Non-Conforming Use which Existed on the date of passing of this By-law, provided

that the strengthening, restoration or Reconstruction does not increase the Building Height, size or volume or change the Use of such Building or Structure, except such minor changes as may be expressly required for the restoration of the Building or Structure to a safe condition.

5.23 NUMBER OF DWELLINGS PER LOT

Except as specifically provided for herein, a maximum of one Dwelling per Lot shall be permitted.

Notwithstanding the foregoing, a Secondary Dwelling Unit shall be permitted in a Single Detached Dwelling Unit, a Semi-Detached Dwelling Unit or a Townhouse Dwelling Unit in accordance with the provisions of Sections 7, 8 and 9 of this By-law.

5.24 OUTDOOR DISPLAY AND SALES AREA

Where an Outdoor Display and Sales Area is permitted as an Accessory Use, the following provisions apply:

- a) The Minimum Setback for an Outdoor Display and Sales Area from a Residential Zone boundary shall be 10.0 m; and,
- b) An Outdoor Display and Sales Area shall not occupy any Required Parking Space, Required Loading Space, Driveway and/or any Required Landscaped Open Space, including a Landscaped Buffer Area, on the Lot; and
- c) The Minimum Setback for an Outdoor Display and Sales Area from a Lot Line at a Street shall be:
 - i) if Screened, 6.0 m; or
 - ii) if not Screened, 12.0 m.

5.25 OUTDOOR STORAGE

Where Outdoor Storage is Accessory to a Permitted Use, the following provisions apply:

- a) Outdoor Storage shall only be permitted in a Rear or Interior Side Yard and is subject to the Setback and Lot Coverage provisions of the respective Zone; and
- b) The height of stored materials shall not exceed 4.5 m; and
- c) A Landscaped Screening Strip with a Minimum Required Height of 2.0 m shall be provided along the Rear Lot Line and the Interior Side Lot Line adjacent to the Outdoor Storage on a Lot; and

- d) Outdoor Storage shall not be located within 10.0 m of the boundary of a Residential Zone or an Institutional Zone.

5.26

PARKING AND STORAGE OF COMMERCIAL AND RECREATIONAL EQUIPMENT

No Person shall in any Residential Zone, use any Lot for parking or storage of any Commercial Motor Vehicle or any Recreational Equipment, except as provided below:

- a) The owner or occupant of any Lot, Building or Structure in any Residential Zone, may:
- i) use any Attached or Detached Private Garage located on the Lot for the parking or storage of one (1) Commercial Motor Vehicle operated by the owner or occupant; and/or
 - ii) use a Private Driveway for the parking or storage of Commercial Motor Vehicles or Trailers operated by the owner or occupant provided that:
 - no Commercial Motor Vehicle or Trailer exceeds 4500.0 kg Gross Vehicle Weight; or
 - no Commercial Motor Vehicle or Trailer and any attached equipment exceeds 2.3 m in height above the ground surface on which it is located.
- b) In a Residential Zone, Recreational Equipment may be stored in accordance with the following provisions:
- i) No storage of any Recreational Equipment shall be permitted unless a Main Building has been constructed; and
 - ii) The owner or occupant of any Lot, Building or Structure may use an Accessory Attached or Detached Private Garage on the Lot for the housing or storage of Recreational Equipment; and
 - iii) The maximum number of articles of Recreational Equipment permitted to be stored Outdoors on a Lot shall be one (1). Where Recreational Equipment is kept on a Trailer, the Recreational Equipment and the Trailer together shall be counted as one (1) article of Recreational Equipment; and
 - iv) The owner or occupant of any Lot, Building or Structure may use the Interior Side Yard or Rear Yard of the Lot for the storage of Recreational Equipment in accordance with the Yard requirements for

Accessory Buildings and Structures as set out in Subsections 5.1.2 and/or 5.1.4 of this By-law; and

- v) The owner or occupant of any Lot, Building or Structure may use the Front Yard or Exterior Side Yard for the storage of Recreational Equipment provided:
 - the Lot has a Minimum Lot Frontage of 15.0 m;
 - the Recreational Equipment is stored on a Driveway and does not occupy a Required Parking Space; and
 - no part of the Recreational Equipment crosses a Lot Line; and
- vi) The maximum Height of any stored Recreational Equipment on a Lot shall be 3.2 m measured from the ground to the highest fixed point of the Recreational Equipment; and
- vii) The maximum overall length of any stored Recreational Equipment on a Lot shall be 7.5 m, excluding the towing tongue of any trailer, any motor, stern drive, bow sprint or rudder; and
- viii) The parking and storage of Recreational Equipment shall comply with the provisions of Subsection 5.35.

5.27 PERMITTED YARD ENCROACHMENTS

Notwithstanding the Minimum Yard provisions of this By-law, the following Structures and Setbacks may be permitted provided that no Structure shall project beyond a Lot Line:

- a) Architectural Features, excluding stairs, ramps, and associated landings, may project into any Required Yard a distance of not more than 0.5 m.
- b) Stairs and associated Decks may project into any Required Yard provided they are no closer than 0.5 m to any Lot Line.
- c) Ramps and/or devices that are designed and intended to provide access for Persons with disabilities may project into any Required Yard provided they are no closer than 0.5 m to any Lot Line.
- d) Balconies, canopies, or Porches may project into any Required Front, Rear or Exterior Side Yard, a distance of not more than 2.5 m, but shall not be closer than 1.2 m to any Lot Line. In an Interior Side Yard, the Setback requirements for the Main Building shall apply.

- e) Free-standing walls, flag poles, antennae, satellite dishes, light standards, garden trellises, air conditioners, hot tubs, Retaining Walls and similar Accessory Structures and appurtenances shall be permitted in any Yard provided their location complies with the provisions for Accessory Structure Setbacks in Subsection 5.1 of this By-law and the provisions for Sight Triangles in Subsection 5.35 of this By-law.

(Refer to Illustration A1.3 – Balcony, Deck, Patio, Porch, Appendix 1)

5.28 PHASED CONDOMINIUMS

Where a Plan of Condominium has received Draft Plan Approval and where registration of the Plan of Condominium is intended to occur in phases, the Plan of Condominium shall be deemed to be one Lot for purposes of applying the provisions of this By-law. Zone Provisions shall apply only to the external limits of the Plan of Condominium, not to interior boundaries resulting from the registration of each phase.

5.29 PROHIBITED USES

The following uses are prohibited in any Zone, unless otherwise permitted by this By-law:

- a) Adult Entertainment Parlours and Body Rub Parlours; and
- b) The use of any tent, Trailer or Motor Vehicle for human habitation, except where such tent, Trailer or Motor Vehicle is located in a Trailer Camp or in a Mobile Home Park; and
- c) The use of any Accessory Building or Structure, Boathouse or Shipping Container for human habitation; and
- d) The use of Bulk Storage Tanks for storage purposes on any Lot; and
- e) The use of a truck, bus, coach body or rail car for human habitation or for storage purposes; and
- f) The storage of inoperative rail cars, Streetcars, buses, truck bodies or Trailers without wheels; and
- g) The parking or storage of Trailers, Commercial Motor Vehicles, and/or farm Vehicles on a vacant Lot; and
- h) The Outdoor Storage of partially dismantled and/or unlicensed Motor Vehicles or Trailers or Motor Vehicle or Trailer parts; and
- i) Obnoxious Uses; and
- j) Smelters or ethanol plants; and

- k) The manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, coal oil, creosote, explosives, fireworks, glue, petroleum, tar or any other gas; and
- l) The bulk storage of industrial chemicals, Hazardous Waste or Liquid Industrial Waste as defined under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended; and
- m) Except where permitted elsewhere in this By-law, the use of Shipping Containers for storage is prohibited.

5.30 PUBLIC USES

5.30.1 Public Parks

The following uses are permitted in Public Parks:

- a) passive forms of recreational uses which may include a picnic area, walking trail, swimming area, greenhouse, zoological gardens, botanical garden, Community Garden or like or similar uses; and
- b) active forms of recreational uses which may include a baseball diamond, soccer pitch, Docks, tennis courts, Outdoor ice rinks, Swimming Pool, fair grounds, athletic fields, field houses, bleachers, bandstands, or other like or similar uses; and
- c) special events which may include, without limiting the generality of the foregoing, social or cultural events, and the temporary display of goods, wares, merchandise, substances, foodstuffs, commodities or articles of a similar kind and the temporary retail sale of goods, wares, merchandise, substances, foodstuffs, commodities or articles of a similar kind to the general Public.

5.30.2 Streets and Infrastructure

5.30.2.1 The provisions of this By-law shall not apply to prevent the use of land for Streets, Recreational Trails and Infrastructure or to prevent the construction, maintenance or repair of such Streets, Recreational Trails or Infrastructure nor shall the provisions of this By-law apply to the Use of any land or to the Erection or Use of any Building or Structure for the purpose of Public service by the Corporation of the City of Orillia and/or any Public Authority, the Orillia Power Corporation, any department or Ministry of the Government of Ontario or of Canada including Hydro One Networks Inc. or any telecommunication or utility company, provided that where such land, Building or Structure is located in any Zone:

- a) No goods, materials or equipment shall be stored in the Open, except as permitted in such Zone; and

- b) The General Provisions of this By-law and the Lot Coverage, Setback and Yard requirements prescribed for such Zone shall be complied with; and,
- c) Provided that any such facility or installation, or any Lot so used, is designed and landscaped in a manner that is considered to be compatible with neighbouring uses in the sole discretion of the City.

5.30.2.2 Temporary Uses that are duly authorized by the City of Orillia shall be permitted on Public lands provided the Use complies with the Zone Provisions of the applicable Zone.

5.30.2.3 Temporary Uses on Public lands shall not be subject to the parking or loading requirements of this By-law

5.30.2.4 Notwithstanding the provisions of Subsections 5.24 and 5.25 of this By-law, the use of a Public Park or Road for a special temporary sale shall be permitted, provided that such a Use is duly authorized by the City of Orillia.

5.31 SETBACK FROM SENSITIVE LAND USES

Industrial Uses which are established after the date of passage of this Bylaw, including the construction of Main Buildings and/or Accessory Buildings and/or the placement of Open Storage, shall be separated from Sensitive Land Uses based upon the following Minimum Setbacks:

- i) Light Industry (Class I) – 20.0 m
- ii) Medium Industry (Class II) – 70.0 m
- iii) Heavy Industry (Class III) - 300.0 m

For the purposes of this Subsection, Ministry of Environment D-6 Guidelines shall be used to establish the classification of an industry and how the Setbacks shall be measured.

5.32 SETBACK FROM TRANS-CANADA PIPELINE

All Buildings, Structures and excavations shall be set back a minimum distance of 7.0 m from the Right-of-Way of TransCanada Pipeline. Accessory Structures shall have a minimum Setback of at least 3.0 m from the limit of the Right-of-Way. No Building or Structure shall be permitted within 3.0 m of the Right-of-Way.

5.33 SETBACK FROM WATERBODIES AND ENVIRONMENTAL PROTECTION LANDS

5.33.1 Setback from Waterbodies

Unless otherwise specified in this By-law, the following Setbacks from waterbodies and watercourses shall apply to all Buildings and Structures, except a Boathouse and a Dock:

Table 5.3 – Setbacks from Waterbodies and Watercourses

Type of Water Feature	Minimum Required Setback
Lake Simcoe	30.0 m (1)
Lake Couchiching	15.0 m (1)
Watercourse (in Environmental Protection Zone)	15.0 m (2)
Watercourse (not in Environmental Protection Zone)	7.5 m (3)

Footnotes to Table 5.3:

- (1) The provisions of Subsection 15.1 shall apply to legal Non-Complying Buildings.
- (2) The setback from a Watercourse in an Environmental Protection Zone shall be measured from the Boundary of the Environmental Protection Zone.
- (3) The setback from a Watercourse in an Environmental Protection Zone shall be measured from top of bank as established by an Ontario Land Surveyor or other qualified party.

5.33.2 Setback from Environmental Protection Zone Boundary

No Building or Structure, with the exception of those specifically permitted in this By-law, shall be located within 15.0 m from the boundary of an Environmental Protection (EP) Zone.

5.34 SHIPPING CONTAINERS

Shipping Containers shall only be permitted Accessory to a permitted Light, Medium and/or Heavy Industry Use and shall comply with the provisions for the applicable Zone and with the provisions of Subsection 5.25 with respect to Outdoor Storage.

5.35 SIGHT TRIANGLES

Notwithstanding any other provision of this By-law, in all Zones on a Lot Abutting two or more intersecting Streets, a Sight Triangle measuring 7.5 m along the Street Lines or projected Lot Lines shall be maintained. There shall be no placement of Buildings or Structures, Landscaping or any other visual impediment (including items stored or displayed on a property), within this Sight

Triangle, unless such visual impediment is less than 1.0 m in height above the surface of the adjacent Street.

Notwithstanding any other provision of this By-law, in all Zones where a Private or Public Driveway intersects with any Street, a Sight Triangle measuring 3.0 m along the Private or Public Driveway and 3.0 m along the projected Lot Line that Abuts a Street shall be maintained. There shall be no placement of Buildings or Structures, Landscaping or any other impediment, within this Sight Triangle, unless those items mentioned herein are less than 1.0 m in height above the surface of the adjacent Street.

(Refer to Illustration A1.15 - Sight Triangles, Appendix 1)

5.36 SNOW STORAGE AREAS

An area equivalent to 2% of Parking Areas, Loading Spaces, Private Streets and Driveways shall be Required for snow storage for commercial, industrial or Institutional Uses, and Residential Uses where five (5) or more Parking Spaces are Required.

5.37 SWIMMING POOLS

Where a Swimming Pool is located Outdoors, the following provisions shall apply:

- a) a Swimming Pool shall not be located in the Required Front or Exterior Side Yard of a non-waterfront property;
- b) a Swimming Pool shall not be located closer than 1.5 m to any Lot Line; and
- c) a Swimming Pool shall not be located within 10.0 m of the average High Water Mark of a property Abutting a Waterbody.

5.38 TEMPORARY LAND USES

Except as provided below, 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 including a storage shed, sales or rental office or Trailer or Parking Area, incidental to a proposed Development or construction in progress until such construction is ready for occupancy.

In the case of a temporary sales or rental office, an agreement must be entered into to the satisfaction of the City and parking shall be provided in accordance with parking requirements of this By-law.

Seasonal Sales Uses shall only be permitted in a Commercial Zone that permits retail sales.

The following setback provisions shall apply to Temporary sales or rental offices and Seasonal Sales Uses:

- b) Minimum Setback from a Street Line - 3.0 m, except when the Street Line is Abutting a Provincial Highway, in which case the Setback shall be 14.0 m, and
- c) Minimum Setback from any Lot Line - 1.5 m

**SECTION 6
PARKING AND LOADING STANDARDS**

6.1 APPLICABILITY OF THIS SECTION

No Person shall use any land, Building or Structure in any Zone for any purpose permitted by this By-law, unless Parking Spaces are provided in accordance with the provisions of this Section of the By-law.

6.2 PARKING

6.2.1 Restriction on the Use of Land, Buildings and Structures

The Parking and Loading Space requirements of this Section of the By-law shall not apply to any Building in Existence at the date of passing of this By-law so long as the floor area, as it Existed at such date, is not increased nor the Building or Structure is used for a purpose that requires more Parking Spaces.

Regardless of the amount of parking and Loading Spaces in Existence, if an addition is made to the Building that increases the floor area, additional parking and Loading Spaces shall be provided for the additional floor area only as Required by the regulations of this By-law unless otherwise specified in this By-law.

If the Use of a Building changes, the net increase in the number of parking or Loading Spaces Required shall be provided in addition to the Existing supply of parking or Loading Spaces. This provision shall not apply to the C1 Zone.

The parking requirements in this Section shall be reduced by 50% in the Downtown Area Overlay Zones as shown on Schedule 'C'.

Subsection 5.19 of this By-law applies to Developed Sites.

6.2.2 Residential Parking Requirements

6.2.2.1 Motor Vehicle Parking Requirements

The number of Parking Spaces Required for Residential Uses shall be calculated in accordance with the standards set out in Table 6.1 (Special regulations are listed in the Footnotes below Table 6.1):

Table 6.1 – Parking Requirements for Residential Uses

Column 1	Column 2
Type or Nature of Use	Minimum Off-Street Parking Requirements
Residential Building containing not more than 3	2 spaces for the first Dwelling Unit, plus 1 space for each additional Dwelling Unit

Column 1	Column 2
Type or Nature of Use	Minimum Off-Street Parking Requirements
Dwelling Units	including a Secondary Dwelling Unit. Tandem parking shall be permitted.
Residential Building containing more than 3 Dwelling Units (1)	1.5 spaces per Dwelling Unit of which 25% shall be for visitor parking
Dwelling Units in a non-Residential Building	1 space per Dwelling Unit
Boarding, Lodging, or Rooming House	1 space per room
Dormitory	0.25 Parking Space per bed
Residential Other than Specified Herein	1 Parking Space per Dwelling Unit
Group Home (Type 1 or Type 2)	1 Parking Space per three (3) supervised residents plus two (2) Parking Spaces per Dwelling Unit

Footnotes for Table 6.1:

- 1) For Townhouse Dwelling Units developed as Private complexes and/or Condominium Developments, a separate designated visitor Parking Area shall be provided containing 25% of the required Parking Spaces.

6.2.2.2 Bicycle Parking Requirements

Where more than 10 Parking Spaces are Required by this By-law, for a Residential Use, one Bicycle Parking Space shall be provided for every ten (10) Parking Spaces.

6.2.3 Non-Residential Parking Requirements

The number of Parking Spaces Required for non-Residential Uses shall be calculated in accordance with the standards set out in Table 6.2:

Table 6.2 – Parking Requirements for Non-Residential Uses

Column 1	Column 2
Type or Nature of Use	Minimum Off-Street Parking Requirements
Assembly Hall	1 Parking Space per 3 occupants permitted under the Building code or LLBO license
Bed and Breakfast Establishment	1 Parking Space per Suite in addition to the standard residential requirement.
Business, Professional or Administrative Office (excluding Medical Clinics)	1 Parking Space per 30 m ² G.F.A.
Cemetery	1 Parking Space per 30 m ² of Office space, with a minimum of 5 Parking Spaces for visitors
Commercial Self Storage Facility	1 Parking Space per 100 storage units

Column 1	Column 2
Type or Nature of Use	Minimum Off-Street Parking Requirements
Crematorium	5 Parking Spaces per Crematorium
Day Nursery	1 Parking Space per classroom with a minimum of 3 Parking Spaces
Financial Institution	1 Parking Space per 20m ²
Funeral Home	1 Parking Space per 9 m ²
Golf Course	8 Parking Spaces per golf hole
Grocery Store	1 Parking Spaces per 20.0 m ²
Home Industry	1 Parking Space per employee not residing on the property, plus 1 Parking Space if the Use serves patrons who visit the property
Home Occupation	1 Parking Space per employee not residing on the property, plus 1 Parking Space if the Use serves patrons who visit the property
Hotel or Motel	1.25 Parking Spaces per Suite
Industrial Use	1 Parking Space per 30 m ² for the first 1,000.0 m ² 1 Parking Space per 100.0 m ² between 1,000.0 and 5,000.0 m ² 1 Parking Space per 200.0 m ² in excess of 5,000.0 m ²
Library	1 Parking Space per 30.0 m ²
Long Term Care Facility	0.75 Parking Spaces per bed
Marina	1 Parking Space per Watercraft slip, 1 Parking Space per 5.0 m ² of Office space and 1 Parking Space per 20.0 m ² of showroom space
Medical Clinic	1 Parking Space per 15.0 m ² Gross Floor Area
Motor Vehicle Sales Establishment	1 Parking Space per 20.0 m ²
Museum	1 Parking Space per 30.0 m ² Gross Floor Area
Park, Public or Private	8 spaces per ha
Place of Amusement	3 Parking Spaces per bowling lane and 1 Parking Space per 20.0 m ² for all other Uses
Place of Worship	1 Parking Space per 3 occupants
Recreational Establishment	1 Parking Space per 3 occupants
Restaurant and/or Nightclub	1 Parking Space per 9.0 m ²
Retail Store, Personal Service Shop, Service or Repair Shop	1 Parking Space per 30.0 m ²
Retirement Home	1.0 Parking Space per Private Bedroom or living unit, 1.0 Parking Space per 20 Private Bedrooms/living units, 1.0 Parking Space per 30.0 m ² of Staff Facilities and 1.0 Parking Space per Ancillary Retail or medical facility.

Column 1	Column 2
Type or Nature of Use	Minimum Off-Street Parking Requirements
School, Elementary	1 Parking Space per classroom, plus 1 Parking Space per 30.0 m ² of Office space
School, Post-Secondary	1 Parking Space per classroom, plus 1 Parking Space per 30.0 m ² of Office space, plus 1 Parking Space per 10 students (based on enrolment capacity)
School, Secondary	1 Parking Space per classroom, plus 1 Parking Space per 30.0 m ² of Office space, plus 1 Parking Space per 20 students (based on enrolment capacity)
Theatre	1 Parking Space per 3 occupants
Veterinary Clinic	1 Parking Space per 30.0 m ²
Warehouse	1 Parking Space per 1,000.0 m ²
Wholesale Warehouse	1 Parking Space per 50.0 m ²
All other uses	1 Parking Space per 30.0 m ²

NOTE: Unless otherwise specified, all areas are in reference to Net Floor Area.
(1 Parking Space per 20.0 m² means 1 Parking Space per 20.0 m² of Net Floor Area.)

6.2.3.1 Bicycle Parking

Within all Commercial, Industrial and Institutional Zones bicycle parking facilities shall be provided at a rate of one (1) Bicycle Parking Space for each 300.0 m² Net Floor Area.

6.2.4 Calculation of Parking and Loading Requirements

Where the minimum number of parking and Loading Spaces is calculated on the basis of a rate or ratio, the Required number of spaces shall be rounded to the next higher whole number.

6.2.5 Parking Based on Occupancy

Where parking provisions in Table 6.2 relate to spaces per Person, this shall be calculated based on the maximum number of Persons which can be accommodated within the Use according to the Ontario Building Code, as amended, unless otherwise specified.

6.2.6 More Than One Use on a Lot

Unless otherwise noted, the parking requirements for a Lot containing multiple uses shall be the sum total of the parking requirements for each of the component uses.

6.2.7 Barrier-Free Parking

Barrier free Parking Spaces shall be included in the calculation of Required parking where ten (10) or more Parking Spaces are Required and shall be provided in accordance with the following standards:

Table 6.3 – Barrier-Free Parking Requirements

Column 1	Column 2
Number of Required Parking Spaces	Number of Barrier-Free Parking Spaces (min)
For the first 10 to 100 Required Parking Spaces	4% of Required parking, with a minimum of 2 spaces
For every additional 100 (or part thereof) Parking Spaces	1% additional

6.2.8 Exclusive Use of a Parking or Loading Space

Any Required parking or Loading Space shall be unobstructed and available for parking purposes and used exclusively for that purpose at all times, unless otherwise specified in this By-law.

6.2.9 Location of Required Parking Spaces and Loading Spaces

Required Parking Spaces and Loading Spaces shall be located on the same Lot as the Use that requires the parking. Notwithstanding the above, Required Parking Spaces for any Use within the Downtown Area Overlay Zones as shown on Schedule ‘C’ may be located on another Lot within 150.0 m of the Lot on which parking would be Required for a Use, provided the off-site parking is located on a Lot Zoned to permit a Parking Lot and subject to the applicant/proponent executing an Off-site Parking Agreement with the City.

6.2.10 Cash-In Lieu of Parking

In the event that it is not possible or feasible to provide the Parking Spaces Required by this By-law, cash-in-lieu of some or all of the Required parking may be provided in accordance with the City of Orillia Policy Manual.

6.2.11 Parking Required For Outdoor Patios

Parking spaces are not Required for any Outdoor Patio that occupies less than 40% of the Net Floor Area of the Restaurant it serves. The Required Restaurant parking Requirements shall apply to any Patio area over 40% of the Net Floor Area of the Restaurant it serves.

6.2.12 Location of Parking on a Lot Used For Residential Purposes

The parking of Motor Vehicles associated with a Residential Use is only permitted within a Parking Structure or Garage, Parking Area, Parking Lot, Private Garage, Carport or on a Driveway accessing an individual Dwelling Unit.

(Refer to Illustration A1.12 - Parking, Setbacks & Frontages, Appendix 1)

6.2.13 Size of Parking Spaces

Parking spaces Required by this By-law shall meet the following minimum size Requirements

Table 6.4 – Required Size of Parking Spaces

Column 1	Column 2	Column 3
Type	Width	Length
Standard (90 degrees)	2.7 m	6.0 m
Angle (less than 90 degrees)	2.7 m	6.0 m
Parallel	2.4 m	7.0 m
Barrier-Free (individual)	4.1 m	6.0 m
Barrier-Free (shared)	2.6 m, plus a 1.5 m hatched aisle strip which may be shared by two adjacent Barrier-free spaces	6.0 m
Barrier-Free (parallel)	4.1 m	7.0 m

6.2.14 Width of Aisles

The minimum width of an aisle providing access to a parking or Loading Space shall be 6.0 m, except in the case of angled off-Street parking accessed by a one-way aisle, which shall be a minimum width of 4.5 m.

6.2.15 Width of Access Ramps and Driveways

Access ramps and Driveways accessing a parking or loading area shall be provided as follows:

Table 6.5 – Required Width of Access Ramps and Driveways

Column 1	Column 2	Column 3	Column 4	Column 5
Use	Width of Driveway			
	One-way (minimum)	One-way (maximum)	Two-way (minimum)	Two-way (maximum)
Residential (4 units or less)	3.0 m	Lesser of 4.3 m or 50% of Lot Frontage	6.0 m	Lesser of 7.3 m or 50% of Lot Frontage
Residential (Apartment Dwelling), Light or Medium Industry, Commercial, Institutional, or Parking Lot	4.5 m	7.5 m	7.2 m	12.0 m
Heavy Industry	5.0 m	9.0 m	9.0 m	15.0 m

6.2.16 Location of Driveways

On a Corner Lot, no Driveway shall be located closer than 15.0 m to the edge of the travelled portion of a local Road or 20.0 m to the edge of the travelled portion of a collector Road, arterial Road or provincial Highway. Notwithstanding the foregoing, where Lot size or topographical limitations preclude the provision of the Required separation distances noted above, the Driveway shall be located as far away from the Road or Highway as possible and the location shall be subject to approval by the City.

6.2.17 Surface Treatment and Pavement Marking

All Parking Areas, Loading Areas and associated Driveways shall have a surface of cement or asphaltic binder or any other permanent type of surfacing including permeable paving. For the purpose of this By-law, Parking Areas shall include a poured concrete barrier curb. A Parking Area shall have visible boundaries and the Parking Spaces shall be clearly defined with the layout of spaces appropriately marked on the ground or signed.

Notwithstanding the above, where four (4) or fewer Parking Spaces are Required to serve a Use on a Lot, the Parking Spaces and the associated Driveway may be constructed and maintained with a stable surface which is treated to prevent the raising of dust or loose particles; and marking or signing of the Parking Spaces shall not be required, with the exception of signage for Barrier-Free Parking Spaces.

6.2.18 Parking Garages

The Minimum Required Yards for Parking Structures or Garages, including any associated stairways or other architectural features, shall be as follows:

- a) For all portions located above Grade – the Minimum Required Yards in the applicable Zone; or
- b) For all portions located completely below Grade – 1.0 m.

6.2.19 Illumination

Where lighting facilities are provided in conjunction with any Parking and Loading Spaces, such lighting shall be so arranged as to deflect light onto the Parking Spaces and away from Abutting properties or Streets.

6.2.20 Queuing Lane Requirements

Where Drive-Through Service Facilities are permitted, Queuing Lanes are Required and shall be exclusive of any other Parking Space, Loading Space and/or Parking Aisle Requirements contained within this By-law and shall be provided in accordance with the provisions of this Section.

6.2.20.1 Queuing Space Requirements

The minimum ingress Queuing Space Requirements within a designated Queuing Lane (including the first Point of Service) and the minimum egress Queuing Space Requirements shall be as set out in Table 6.6.

Table 6.6 – Queuing Space Requirements

Column 1	Column 2	Column 3
Use Associated with Drive-Through Service Facility	Minimum Required Ingress Queuing Spaces (including the first Point of Service)	Minimum Required Egress Queuing Spaces
Financial institution	3	1
Restaurant	12	2
Motor Vehicle fuel bar	3	1
Motor Vehicle washing establishment (automated)	4	2
All other uses	3	1

6.2.19.2 Location of Ingress Queuing and Egress Spaces

Required ingress Queuing Spaces shall be located both at and before the first Point of Service and Required egress spaces shall be located after the final Point of Service.

6.2.19.3 Length of Queuing Lane

The length of the Queuing Lane associated with the Drive-Through Service Facility shall be the total number of Required ingress spaces and egress spaces.

6.2.19.4 Multiple Queuing Lane Requirements

Where multiple Queuing Lanes are proposed on a Lot, the minimum number of Queuing Spaces may be divided between the lanes.

6.2.19.5 Size of Queuing Space

All Queuing Spaces shall be rectangular in shape, with a minimum length of 6.0 m and a minimum width of 2.7 m.

6.2.19.6 Setbacks for Order Boxes and Queuing Lanes

Queuing Lanes and all order boxes using voice communication shall be located no closer than 15.0 m to any Residential Zone. The Required Setback shall be

reduced to a minimum of 7.5 m provided that a noise wall certified by a professional engineer, and no higher than 2.0 m exclusive of decorative elements, is installed prior to occupancy of the Drive-Through Service Facility.

6.2.19.7 Delineation of Queuing Lane Requirements

Queuing Lanes shall be clearly delineated by continuous pavement markings and/or physical barriers, and shall function independently of the balance of the Parking Area and Loading Spaces.

6.2.19.8 Queuing Lane Setback from Driveways

The minimum straight line distance between the final ingress Queuing Space and the closest portion of a Driveway entrance at the property line shall be a minimum of 6.0 m.

(Refer to Illustration A1.4 – Drive-Through Service Facility, Appendix 1)

6.3 PARKING AREA LOCATION ON A LOT

Parking areas will be permitted in any Required Yard in accordance with the following provisions:

Table 6.7 – Parking Area Location

Column 1	Column 2
Zone	Yard in Which Required Parking Permitted
Residential Zones, including those within an Intensification Area (i)	<p>For Apartment Dwellings, the Parking Areas shall only be permitted in a side or rear Yard.</p> <p>For all other Residential Uses the Parking Area and Driveway shall not cover more than 50 % of the Front or Rear Yard.</p> <p>For Corner Lots, no part of any Parking Spaces shall be located closer than 7.5 m to the point of intersection of the two Street Lines.</p> <p>Where a Lot borders on a Waterbody, no Parking Area shall be permitted in the Yard Abutting the Waterbody.</p>
Commercial, Downtown Shoulder, Health Care, Institutional, and Industrial, including those within an Intensification Area (i)	<p>Parking Areas shall only be permitted in a Side or Rear Yard.</p> <p>Save and except where a 2.0 m Landscape Buffer Area is Required in accordance with Table 5.2, no part of any Parking Area, other than the ingress or egress points used for access from the Street, shall be located closer than 1.5 m to any other Lot Line.</p>

Column 1	Column 2
Zone	Yard in Which Required Parking Permitted
Open Space, Rural and Environmental Protection Zones	All Yards provided that no part of any Parking Area, other than the ingress and egress points used for access from the Street, is located closer than 7.5 m to any Street Line and no closer than 5.0 m to any other Lot Line.

(Refer to Illustration A1.12 – Parking, Setbacks & Frontages, Appendix 1)

6.4 MOTOR VEHICLE STORAGE AND DISPLAY

Where a Permitted Use involves the storage and/or display of operational Motor Vehicles, such as a Motor Vehicle Sales Establishment, such storage and/or display shall be subject to the same provisions that would apply to any Parking Area Required by this By-law.

6.5 LOADING SPACE REQUIREMENTS

6.5.1 Off-Street Loading Spaces

No Person shall Use any land, Building or Structure in any Commercial, Industrial, or Institutional Zone for any purpose permitted by this By-law, unless Off-Street Loading Spaces are provided in accordance with the provisions of this Section of the By-law. Required Loading Spaces shall be provided as follows:

Table 6.8 – Loading Space Requirements

Column 1	Column 2
Total Net Leasable Floor Area	Minimum Loading Space Requirements
Less than 370.0 m ²	0 Loading Spaces
Greater than or equal to 370.0 m ² and less than 2,325.0 m ²	1 Loading Space
Greater than or equal to 2,325.0 m ²	2 Loading Spaces

6.5.2 Size of Loading Spaces

Each Loading Space shall be a minimum of 12.0 m long, 3.5 m wide and have a vertical clearance of at least 4.2 m.

6.5.3 Location of Loading Spaces

- a) Required Loading Space(s) shall be provided on the same Lot for the Use or Building for which they are Required; and
- b) Required Loading Space(s) shall not be located in a Front or Exterior side Yard; and

- c) Loading Space(s) shall not obstruct any Required Parking Spaces or vehicular movement on the Lot; and
- d) Loading spaces and Loading Bay Doors shall not be permitted adjacent to a Street unless there is a Landscaped Screening Strip between the door and the Street Line.

6.5.4 Access to Loading Spaces

Access to a Required Loading Space shall be provided by means of a Driveway that is a minimum of 6.0 m wide in the Industrial Zones and Institutional Zones, and a minimum of 3.5 m wide in a Commercial Zone.

SECTION 7 RESIDENTIAL ZONES

7.1 ESTABLISHMENT OF ZONES

The Residential Zones established in Section 3 of this By-law are as follows:

R1	Residential One
R2	Residential Two
R3	Residential Three
R4	Residential Four
R5	Residential Five
R6	Residential Six

7.2 GENERAL PROHIBITION

No Person shall, within any Residential Zone, Use any land, or Erect, Alter or Use any Building or Structure except as specified in this Section and in accordance with all other applicable provisions of this By-law.

7.3 PERMITTED USES

Uses permitted in a Zone are noted by the symbol '✓' in the column applicable to that Zone and corresponding with the row for a specific Permitted Use in Table 7.1. A number(s) following the symbol '✓', Zone heading or identified permitted use, indicates that one or more special regulations apply to the Use noted or, in some cases, to the entire Zone. Special regulations are listed in the Footnotes below the Permitted Use Table, Table 7.1.

Where the Permitted Use or Exception Tables indicates that a Use is permitted with the symbol '*i*', that Use is only permitted in Zones with the corresponding '*i*' symbol on the Schedules to this By-law which indicates that the area is a planned Intensification Area.

Table 7.1 – Permitted Uses in Residential Zones

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	RESIDENTIAL ZONES					
Permitted Uses	R1	R2	R3	R4	R5	R6
Residential Uses						
Accessory Dwelling Unit		<i>i</i>	<i>i</i>	<i>i</i>	<i>i</i>	
Apartment Dwelling		<i>i</i>	<i>i</i>	<i>i</i>	✓	
Bed and Breakfast Establishment	✓	✓	✓			

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	RESIDENTIAL ZONES					
Permitted Uses	R1	R2	R3	R4	R5	R6
Boarding, Lodging or Rooming House				✓		
Converted Dwelling (legally Existing only)	✓					
Four-Unit Dwelling		<i>i</i>	✓	✓	✓	
Group Home Type 1	✓	✓	✓			
Home Occupation	✓	✓	✓	✓	✓	
Legally Existing Uses	✓	✓	✓	✓	✓	
Mobile Home Park (legally Existing only)						✓
Multiple Dwelling		<i>i</i>	<i>i</i>	✓	✓	
Public Use	✓	✓	✓	✓	✓	✓
Secondary Dwelling Unit	✓	✓(1)	✓(1)	✓	✓	
Single Detached Dwelling	✓	✓(2)	✓(2)			
Stacked Townhouse Dwelling				<i>i</i>	✓	
Three-Unit Dwelling		<i>i</i>	✓	✓	✓	
Townhouse Dwelling		<i>i</i>	<i>i</i>	✓	✓	
Two-Unit Dwelling	✓	✓(3)	✓(3)			
Non-Residential Uses						
Business, Professional or Administrative Office (4)		<i>i</i>	<i>i</i>	<i>i</i>	<i>i</i>	
Day Nursery		<i>i</i>	<i>i</i>	<i>i</i>	<i>i</i>	
Convenience Store (4)		<i>i</i>	<i>i</i>	<i>i</i>	<i>i</i>	
Financial Institution (4)		<i>i</i>	<i>i</i>	<i>i</i>	<i>i</i>	
Hotel		<i>i</i>	<i>i</i>	<i>i</i>	<i>i</i>	
Live-Work Units		<i>i</i>	<i>i</i>	<i>i</i>	<i>i</i>	
Motel		<i>i</i>	<i>i</i>	<i>i</i>	<i>i</i>	
Personal Service Shop (4)		<i>i</i>	<i>i</i>	<i>i</i>	<i>i</i>	
Place of Worship		<i>i</i>	<i>i</i>	<i>i</i>	<i>i</i>	
Restaurant (4)		<i>i</i>	<i>i</i>	<i>i</i>	<i>i</i>	
Retail Store (4)		<i>i</i>	<i>i</i>	<i>i</i>	<i>i</i>	
Retirement Home		<i>i</i>	<i>i</i>	<i>i</i>	✓	

Footnotes for Table 7.1:

(1) In an Intensification Area, as identified with an ‘*i*’ on Schedule ‘A’, a Secondary Dwelling Unit shall only be permitted in an Existing Single Detached Dwellings, an Existing Semi-Detached Dwelling and an Existing Townhouse Dwelling

(2) New Single Detached Dwellings are prohibited in an Intensification Area, as identified with an ‘*i*’ on Schedule ‘A’.

(3) New Two-Unit Dwellings are prohibited in an Intensification Area, as identified with an 'i' on Schedule 'A'.

(4) Each Use must be less than 250.0 m² in G.F.A. per Premises, to a maximum of 750.0 m² G.F.A. per Building and/or Lot.

7.4 ZONE PROVISIONS

No Person shall within any Residential Zone Use any Lot or Erect, Alter, Use any Building or Structure except in accordance with the following Zone Provisions. A number(s) following the Zone Provision, Zone heading or description of the provision, indicates an additional Zone Provision. These additional provisions are listed in the Footnotes at the end of each Table.

Table 7.2 – Zone Provisions for Residential Zones

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
ZONE						
ZONE REQUIREMENTS	R1 Residential One	R2 Residential Two	R3 Residential Three	R4 Residential Four	R5 Residential Five	R6 Residential Six
Lot Area (Minimum)						
Semi-Detached Dwellings	300.0 m ² per unit (1)	250.0 m ² per unit (1)	200.0 m ² per unit (1)	n/a	n/a	n/a
Townhouse Dwellings	n/a	185.0 m ² per unit (1)	185.0 m ² per unit (1)	185.0 m ² per unit (1)	185.0 m ² per unit (1)	n/a
For all other Residential units	550.0 m ²	460.0 m ²	300.0 m ² (for the first Dwelling Unit, plus 90.0 m ² for each additional unit) (1)	185.0 m ² per unit (1)	1000.0 m ²	2.0 ha
Non-Residential Uses	N/A	(7)	(7)	(7)	(7)	N/A
Lot Frontage (Minimum)						
Semi-Detached Dwellings	7.5 m per unit (1)	7.0 m per unit (1)	6.5 m per unit (1)	n/a	n/a	n/a
Townhouse Dwellings	n/a	6.0 m per unit (1) (2)	6.0 m per unit (1) (2)	6.0 m per unit (1) (2)	6.0 m per unit (1) (2)	n/a
For all other Residential units	15.0 m	15.0 m	12.0 m (for the first Dwelling Unit, plus 2.0 m for each additional	20.0 m	30.0 m	135.0 m

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
ZONE						
ZONE REQUIREMENTS	R1 Residential One	R2 Residential Two	R3 Residential Three	R4 Residential Four	R5 Residential Five	R6 Residential Six
			Dwelling Unit) (1)			
Non-Residential Uses	N/A	(7)	(7)	(7)	(7)	N/A
Lot Coverage (Maximum)	35%	45%	45%	45%	45%	50%
Required Yards:						
Front (minimum)	6.0 m	6.0 m	6.0 m	6.0 m	5.0 m	15.0 m
Front (maximum)	N/A	(3)	(3)	(3)	(3)	N/A
Interior Side (minimum)	1.2 m	1.2 m	1.5 m	1.8 m	6.0 m	7.5 m
	(0 m between shared Main Wall or foundation of units that are Attached)					
Exterior Side (minimum)	4.5 m	4.5 m	4.5 m	3.0 m	5.0 m	15.0 m
Exterior Side (maximum)	N./A	(3)	(3)	(3)	(3)	N/A
Rear (minimum)	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
	(0 m between shared Main Wall or foundation of units that are Attached)					
Building Height (Minimum) (4)	n/a	6.0 m	6.0 m	6.0 m	6.0 m	n/a
Building Height (Maximum)(5)	11.0 m	11.0 m	11.0 m	11.0 m	12.5 m	11.0 m
Landscaped Open Space (Minimum)(6)	30%	30%	30%	30%	40%	45%

Footnotes For Table 7.2:

- (1) The per unit Requirement does not apply to a Secondary Dwelling Unit.
- (2) End Townhouse Dwelling Units shall have a Minimum Lot Frontage of 8.0 m.
- (3) For all Buildings and Structures located within the Downtown Area Overlay Zones as shown on Schedule 'C', or located within the Intensification Area as identified with an 'I' on Schedule 'A', the Required Front and Exterior Side Yards shall be as follows:

Zone	Minimum Front	Maximum Front	Minimum Exterior Side	Maximum Exterior Side
R2 and R3	2.5 m	6.0 m	2.5 m	4.5 m
R4	2.5 m	6.0 m	2.5 m	3.0 m
R5	2.5 m	5.0 m	2.5 m	5.0 m

- (4) Minimum Building Height applies only in an Intensification Area, as identified with an ‘i’ on Schedule ‘A’.
- (5) Angular Plane provisions apply in the Intensification Areas, as identified with an ‘i’ on Schedule ‘A’.
- (6)
- i) No Outdoor Living Area shall be Required for freehold Townhouse Dwelling Units. All other Townhouse Dwelling Units shall have an Outdoor Living Area of 12.0 m² (min) per unit.
 - ii) Common Outdoor Amenity Areas are Required for Townhouse Dwellings that are part of a private complex and/or condominium project and Apartment Dwellings located outside of the Downtown Area on Schedule ‘C’.
- (7) Non-Residential Uses are permitted in accordance with the Zone Requirements of the C4 Zone outlined in Table 9.2. The Intensification Area Requirements continue to apply.

7.5 RESIDENTIAL ZONE EXCEPTIONS

The provisions of this By-law are modified as set out in Tables in Subsection 7.4 below.

- Column 1 sets out the exception number.
- Column 2 sets out the exception.

Unless specifically modified or amended by this Subsection, all other provisions of this By-law continue to apply to the lands subject to this Subsection.

Table 7.3 – Residential One (R1) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
R1 EXCEPTIONS	
R1-1	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • a reception area within the Existing Building used in conjunction with the adjacent Funeral Home • Parking Area located to the rear of the Existing Building.
R1-2	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Dwelling, Single Detached (one Storey) <p>Additional Provisions:</p> <ul style="list-style-type: none"> • No Accessory Buildings or Structures shall be permitted in the easterly 4.5 m of the area Zoned R1-2 or the rear 4.5 m of any Lot.
R1-3	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Dwelling, Single Detached serviced by either municipal services or a Private Sewage Disposal System and a Private water system.

Column 1	Column 2
Exception Number	Exception
R1-4	Zone Provisions: <ul style="list-style-type: none"> • Lot Coverage (max) - 48.0% • Lot Coverage within Shoreline Buffer Overlay Zone - 35.0% • Setback from Waterbody - 18.0 m (min)
R1-4A	Additional Permitted Uses: <ul style="list-style-type: none"> • Dwelling, Multiple with a maximum of five (5) Dwelling Units Zone Provisions: <ul style="list-style-type: none"> • Minimum of seven (7) Parking Spaces, of which two (2) shall be reserved for visitors.

Table 7.4 – Residential Two (R2) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
R2 EXCEPTIONS	
R2-1	Zone Provisions: <ul style="list-style-type: none"> • no Buildings or Structures including Fences shall be permitted in the rear 7.5 m of a Lot Abutting an EP Zone. <p>See Holding Zone H3 Table 14.1</p>
R2-2	Zone Provisions: <ul style="list-style-type: none"> • Lot Area (min) – 405.0 sq. m • Lot Frontage (min) - 12.2 m • Lot Coverage (max) - 40% for one Storey and one and a Half Storey Dwellings; 35% for two Storey Dwellings.
R2-3	Permitted Uses: <ul style="list-style-type: none"> • Dwelling, Linked Semi-Detached Zone Provisions: <ul style="list-style-type: none"> • Lot Frontage (min.) - 20.0 m or 10.0 m per unit • Lot Area (min.) – 640.0 m² or 320.0 m² per unit • Interior Side Yard (min.) – 1.2 m • Lot Coverage (max) – 35% per unit • No Buildings or Structures, including Fences, shall be permitted in the rear 7.5 m of a Lot Abutting an EP Zone. <p>See Holding Zone H3 in Table 14.1</p>
R2-4	Additional Permitted Uses: <ul style="list-style-type: none"> • Dwelling, Multiple with a maximum of three (3) Dwelling Units Zone Provisions: <ul style="list-style-type: none"> • the Existing 4.5 m Driveway width shall be deemed to comply with this By-law.
R2-5	Permitted Uses: <ul style="list-style-type: none"> • Dwelling, Linked Semi-Detached

Column 1	Column 2
Exception Number	Exception
R2-5 (continued)	<p>Zone Provisions:</p> <ul style="list-style-type: none"> • Lot Frontage (min.) – 18.0 m • Lot Area (min.) – 610.0 m² • Interior Side Yards (min.) – 1.2 m • Rear Yard Abutting an Arterial Road – 10.0 m
R2-6	<p>Zone Provisions:</p> <ul style="list-style-type: none"> • Lot Frontage (min.) - 11.3 m • Lot Area (min.) - 370.3 m²
R2-7	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Dwelling, Three-Unit (Main Building only) <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Driveway Width for Two-Way Access to Parking Area for Residential Use (min) - 3.0 meters • Landscaped Buffer Area (min) and Landscaped Screening Strip (min) between Multiple Residential Use and Abutting Residential Zone - less than 2.0 m • Parking Area shall not require a continuous barrier curb • The following Definition shall apply to the property subject to the R2-7 Zone Exception: Parking Area means an Outdoor area of land which is provided on a Lot for the temporary parking of Motor Vehicles, and includes Parking Aisles, but does not include Driveways or any area where Vehicles for sale or repair are kept or stored.
R2-8	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Dwelling, Four-Unit <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Landscaped Buffer Area (min) and Landscaped Screening Strip (min) between Multiple Residential Use and Abutting Residential Zone - less than 2.0 m • Parking Area shall not require a continuous barrier curb”
R2-9 <i>i</i>	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Multiple Dwelling containing five Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Landscaped Buffer Area (min) and Landscaped Screening Strip (min) between Multiple Residential Use and Abutting Residential Zone - less than 2.0 metres for 50% of the property boundary along the Rear and Side Lot Lines. • Parking Area shall not require a continuous barrier curb • Parking Area and Driveway shall not cover more than 52% of the Front Yard

Table 7.5 – Residential Three (R3) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
R3 EXCEPTIONS	

Table 7.6 – Residential Four (R4) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
R4 EXCEPTIONS	
R4-1 <i>i</i>	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Maximum of fifteen (15) Townhouse Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Lot Frontage (min.) – 15.0 m • Exterior Side Yard Setback for a Garage on a Corner Lot (min.) – 1.5 m • East Exterior Side Yard (main Building) (min.) – 1.5 m • West Exterior Side Yard (min.) – 3.0 m • Privacy screens shall not be Required.
R4-2	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Single Detached Dwellings developed in accordance with the provisions of the “Second Density Residential (R2) Zone”; • Semi-Detached Dwellings or Link Semi-Detached Dwellings developed in accordance with the provisions of the “Third Density Residential (R3) Zone”; or • A maximum of three (3) Double Duplex Dwellings or Fourplex Dwellings developed in accordance with the provisions of the “Fourth Density Residential (R4) Zone”; or • A maximum of 14 Townhouse Dwelling Units developed in accordance with the provisions of the “First Density Multiple Residential (RM1) Zone” <p>Zone Provisions: For Townhouse Dwelling Units:</p> <ul style="list-style-type: none"> • Lot Frontage per unit (min.) - 6.0 m • Interior End Unit Side Yard (min.) – 4.0 m • A privacy Fence extending a minimum of 2.4 m from the main Building shall be provided for each unit.

Column 1	Column 2
Exception Number	Exception
R4-3 <i>i</i>	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • A maximum of 24 Townhouse Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • A Yard adjacent to a blank end wall shall have a minimum depth of 2.0 m plus 0.5 m for each Storey above the Storey or partial Storey at Grade except where two (2) blank end walls face each other, in which instance the minimum distance between such walls shall be 3.0 m • Landscaped Open Space of not less than 0.7 m in width, shall be provided around the periphery of any Parking Area designed to accommodate more than 6 Vehicles. This shall not prevent the provision of entrances and exits to the said Parking Area across the strip • No portion of a Townhouse Dwelling Unit shall be more than 106.0 m from the front Lot Line
R4-4	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • A maximum of 28 Townhouse Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • No Accessory Structures shall be permitted with the exception of a sanitary sewage pumping station
R4-5	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • A Multiple Dwelling containing not more than seven (7) Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Front Yard (min.) – 3.0 m • Rear Yard (min.) – 3.0 m • Minimum Easterly Side Yard Abutting Detached Accessory Building – Nil • No Landscaping buffer Required on Easterly Side Yard Abutting Parking Spaces
R4-6	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • a maximum of 36 Townhouse Dwelling Units • an associated Recreational Establishment with pool <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Projection of open or roofed Porch into Required front Yard (max.) – 2.6 m • Length of Parking Space (min.) – 5.5 m • Lot Area (min.) – 245.0 m²/unit • Lot Frontage (min.) – 9.0 m/unit • Front Yard (min.) – 3.0 m • Interior Side Yard – end unit (min.) – 0.61 m

Column 1	Column 2
Exception Number	Exception
R4-6 (continued)	<ul style="list-style-type: none"> • Exterior Side Yard (min.) – 1.8 m • Rear Yard (min.) – 1.0 m • Lot Coverage for all Dwelling Units, Recreational Establishment, and All Accessory Buildings and Structures shall not exceed 44% of the total area of the Private land Zoned R4-6 • A minimum of 12 visitor Parking Spaces shall be provided. • Private Outdoor Living Areas and associated privacy Fences shall not be Required. • The property line separating a Lot associated with an individual townhouse Dwelling Unit from the Private interior Laneway which is intersected by the Driveway for that unit shall be deemed to be the front Lot Line. • The property line separating a parcel of land associated with an individual townhouse Dwelling Unit from a Private Laneway extending between the front and Rear Lot Lines shall be deemed to be an exterior Lot Line.
R4-7	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • A maximum of 9 Townhouse Dwelling Units.
R4-8 <i>i</i>	<p>Zone Provisions:</p> <ul style="list-style-type: none"> • Minimum Lot Area per Townhouse Dwelling Unit – 164.0 m² • Maximum Lot Coverage for all Structures – 100.0 m² per Townhouse Dwelling Unit
R4-9 <i>i</i>	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • a maximum of 178 Townhouse Dwelling Units • a Stormwater Management Facility to accommodate the subject lands as well as the lands Zoned “R5-9<i>i</i>” and “C4-2<i>i</i>”. <p>Zone Provisions</p> <ul style="list-style-type: none"> • Fence Height (max.) - 2.2 m • Lot Frontage (min.) per unit - 5.5 m • Front Yard (min.) - 6.5 m • Rear Yard (min.) - 7.0 m • Setback from Provincial Highway (min.) - 14.0 m • Lot Coverage (max.) - 35% • Building Height (min.) - 2 Storeys or equivalent • A Dwelling with a minimum Height of 6.0 m shall be deemed to be the equivalent of 2 Storeys. • No opaque privacy Fence shall be Required in conjunction with an Outdoor Living Area. • Lot Frontage and Yard Requirements shall not apply to the block(s) on which the Stormwater Management Facility is located. • “Landscaped Open Space” means the Open Space at Grade on the total area of lands Zoned “R4-9<i>i</i>” used exclusively for

Column 1	Column 2
Exception Number	Exception
R4-9 <i>i</i> (continued)	<p>Landscaping and includes any surfaced walk, Patio or similar area but does not include any Driveway or ramp, any curb, Retaining Wall, Parking Space or any Open Space contained within or upon any Building or Structure.</p> <ul style="list-style-type: none"> • “Lot Coverage” means the percentage of the total area of lands Zoned “R4-9<i>i</i>” that is covered by all Buildings or Structures or portions thereof above ground level. <p>See Holding Zone H3 in Table 14.1</p>
R4-10	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Multiple Dwelling • Townhouse Dwelling • Park • Duplex Dwelling or Single Detached Dwelling in accordance with the provisions of the R1 Zone. <p>See Holding Zone H7 in Table 14.1</p>

Table 7.7 – Residential Five (R5) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
R5 EXCEPTIONS	
R5-1	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Apartment Dwelling containing not more than 32 Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Setback from Borland Street (min.) – 60.0 m • Building Height (max.) – 12.5 m
R5-2 <i>i</i>	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Three (3) Apartment Dwellings containing a combined total of 106 Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • West side Setback (front Yard) (min.) - 7.5 m • East side Waterbody Setback (Rear Yard) (min.) - 22.5 m • North side Setback (side Yard) (min.) - 10.0 m • South side Setback (side Yard) (min.) - 7.5 m • Building Height (max.) - 28.5 m • Lot Coverage (max.) - 20% • The Underground Parking Structure shall be set back 7.0 m from Orchard Point Road, 7.0 m from Driftwood Road, 20.0 m from the Shoreline of the Atherley Narrows, and 0.5 m from Atherley Road.

Column 1	Column 2
Exception Number	Exception
R5-2 <i>i</i> (continued)	See Holding Zone H9 in Table 14.1
R5-3 <i>i</i>	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Apartment Dwellings containing not more than 122 Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Front Yard (min.) <ul style="list-style-type: none"> - Parking Garage - 7.0 m - Main Building - 8.0 m • Northwest Side Yard (min.) <ul style="list-style-type: none"> - Parking Garage - 7.8 m - Main Building - 7.8 m • Southeast Side Yard (min.) <ul style="list-style-type: none"> - Parking Garage - 8.0 m - Main Building - 9.7 m • Lake Setback (min.) <ul style="list-style-type: none"> - Parking Garage - 27.0 m - Main Building - 35.0 m • Building Height (max.) - 28.0 m • A Landscape Buffer Area containing a contiguous strip of coniferous plantings shall be constructed and maintained along the northwest property line so as to, in conjunction with supplemental plantings, provide visual screening of the Apartment Dwellings and the related Parking Areas for the adjacent residential Dwellings. • The Required 1.5 m landscape Open Space area Abutting the front Lot Line, exclusive of entrances, may be reduced from 1.5 m to 0 m for a length of 45.0 m along the front Lot Line. • Minimum of 1.5 Parking Spaces per unit of which 20% shall be for visitor parking
R5-4	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • a maximum of two (2) three Storey apartment Dwellings containing up to a maximum of 65 Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Lot Frontage (min) - 26.0 m <p>See Holding Zone H8 in Table 14.1</p>
R5-5	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • two (2) Apartment Dwellings containing not more than 68 Dwelling Units subject to the following additional Requirements: <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Front Yard (min.) - 14.0 m

Column 1	Column 2																																							
Exception Number	Exception																																							
R5-5 (continued)	<ul style="list-style-type: none"> • South Interior Side Yard (min.) - 12.0 m • Building Height (max.) - 11.5 m 																																							
R5-6 <i>i</i>	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Apartment Dwelling containing not more than 27 Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Visitor Parking Spaces (min.) – 6 • Minimum Width of 90 Degree Parking Space - 2.6 m • Front Yard (min.) – 7.0 m • West Interior Side Yard – (min.) 5.0 m • East Interior Side Yard (min.) – 9.0 m • Building Height (max.) – 24.0 m • Landscaped Open Space (min.) – 32% 																																							
R5-7	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • A maximum of 60 Apartment Dwelling Units and a maximum of 7 Townhouse Dwelling Units <p>Zone Provisions:</p> <table border="1"> <thead> <tr> <th>Provision</th> <th>Apartment</th> <th>Townhouses</th> </tr> </thead> <tbody> <tr> <td>Lot Area (min)</td> <td>3700 m²</td> <td>180 m²/unit</td> </tr> <tr> <td>Lot Frontage (min)</td> <td>64.0 m</td> <td>5.4 m/Lot (if subdivided)</td> </tr> <tr> <td>Front Yard (min)</td> <td>7.5 m</td> <td>6.0 m</td> </tr> <tr> <td>Interior Side Yard (min)</td> <td>12.5 m</td> <td>1.8 m</td> </tr> <tr> <td>Exterior Side Yard (min)</td> <td>5.0 m</td> <td>3.8 m</td> </tr> <tr> <td>Rear Yard (min)</td> <td>5.6 m</td> <td>7.5 m</td> </tr> <tr> <td>Lot Coverage (max)</td> <td>36%</td> <td>38%</td> </tr> <tr> <td>Outdoor Living Area (min)</td> <td>n/a</td> <td>44.1 m²/unit</td> </tr> <tr> <td>Privacy Fence Height</td> <td>n/a</td> <td>0 m</td> </tr> <tr> <td>Landscaped Open Space (min)</td> <td>36% (excludes balconies)</td> <td>50% overall</td> </tr> <tr> <td>Parking Spaces (min)</td> <td>76 spaces (55 Basement, 21 surface, 1 Barrier-free, 16 visitor)</td> <td>2/unit (1 in garage, 1 surface)</td> </tr> <tr> <td>Building Height (max)</td> <td>27.7 m</td> <td>8.0 m</td> </tr> </tbody> </table> <p>See Holding Zone H10 in Table 14.1</p>	Provision	Apartment	Townhouses	Lot Area (min)	3700 m ²	180 m ² /unit	Lot Frontage (min)	64.0 m	5.4 m/Lot (if subdivided)	Front Yard (min)	7.5 m	6.0 m	Interior Side Yard (min)	12.5 m	1.8 m	Exterior Side Yard (min)	5.0 m	3.8 m	Rear Yard (min)	5.6 m	7.5 m	Lot Coverage (max)	36%	38%	Outdoor Living Area (min)	n/a	44.1 m ² /unit	Privacy Fence Height	n/a	0 m	Landscaped Open Space (min)	36% (excludes balconies)	50% overall	Parking Spaces (min)	76 spaces (55 Basement, 21 surface, 1 Barrier-free, 16 visitor)	2/unit (1 in garage, 1 surface)	Building Height (max)	27.7 m	8.0 m
Provision	Apartment	Townhouses																																						
Lot Area (min)	3700 m ²	180 m ² /unit																																						
Lot Frontage (min)	64.0 m	5.4 m/Lot (if subdivided)																																						
Front Yard (min)	7.5 m	6.0 m																																						
Interior Side Yard (min)	12.5 m	1.8 m																																						
Exterior Side Yard (min)	5.0 m	3.8 m																																						
Rear Yard (min)	5.6 m	7.5 m																																						
Lot Coverage (max)	36%	38%																																						
Outdoor Living Area (min)	n/a	44.1 m ² /unit																																						
Privacy Fence Height	n/a	0 m																																						
Landscaped Open Space (min)	36% (excludes balconies)	50% overall																																						
Parking Spaces (min)	76 spaces (55 Basement, 21 surface, 1 Barrier-free, 16 visitor)	2/unit (1 in garage, 1 surface)																																						
Building Height (max)	27.7 m	8.0 m																																						

Column 1	Column 2
Exception Number	Exception
R5-8 <i>i</i>	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • a maximum of three (3) Apartment Buildings with a maximum of 144 Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Waterbody Setback (min.) - 13.6 m • Front Yard – west side (min.) - 7.4 m • Rear Yard – east side (min.) - 6.3 m • Building Height (max.) - 27.0 m • Setback for Accessory Buildings (min.) - 2.0 m • in addition to other permitted rooftop constructions, a rooftop construction comprised of a mechanical penthouse and a shared common amenity space is permitted to cover no more than 50% of the rooftop area. <p>See Holding Zone H2 in Table 14.1</p>
R5-9	<p>Zone Provisions:</p> <ul style="list-style-type: none"> • Parking Spaces (min.) – 1.36 spaces per Dwelling Unit (68 spaces) <p>See Holding Zone H3 in Table 14.1</p>
R5-10 <i>i</i>	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • a maximum of 120 Apartment Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Fence Height (max.) - 2.2 m • Lot Frontage (min.) - 9.0 m • Southerly Yard (Setback from “R4-10<i>i</i>” Zone) (min.) - 7.5 m • Southerly Yard (Setback from “R4-10<i>i</i>” Zone) (max.) - 15.0 m • Westerly Yard (min.) - 14.0 m • Northerly Yard (min.) - 14.0 m • Easterly Yard (min.) - 8.0 m • Lot Coverage (max.) - 35% • Building Height (max.) - 28.0 m • “Lot” means the whole of the area Zoned R5-10<i>i</i> despite any future subdivision thereof as a result of an approval under the <i>Condominium Act</i>, 1998. The provisions of the By-law, as amended, shall continue to apply to the whole of the area Zoned R5-10<i>i</i> as if such division had not occurred. • “Lot Frontage” means the horizontal distance along and Abutting a Private Road providing vehicular access to the lands Zone R5-10<i>i</i>. <p>See Holding Zone H3 in Table 14.1</p>

Column 1	Column 2
Exception Number	Exception
R5-11 <i>i</i>	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Apartment Dwellings <p>Zone Provisions: Apartment Dwellings:</p> <ul style="list-style-type: none"> • 1.25 Parking Spaces per Apartment Dwelling Unit of which 22.0% shall be for visitor parking • A Parking Space shall be 2.5 m (min) in width and 6.0 m (min) in length • Building Height (max) - 14.0 m • Interior Side Yard (min) – 3.5 m • Landscaped Open Space (min) - 35% • For the purposes of interpreting the provisions of this by-law, the lot line adjacent to Barrie Road shall be deemed to be the Front Lot Line <p>See Holding Zone H5 in Table 14.1</p>
R5-12	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Boarding, Lodging or Rooming House • Multiple Dwelling • Park, Public <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Lot Area (min.) – 151.0 m² per unit • Lot Frontage (min.) – 10.0 m • Northerly Rear Yard (min.) – 7.0 m • Easterly Rear Yard (min.) – 7.5 m • Stacked Townhouse Outdoor Living Area (min.) – 12.0 m² for ground floor units only • Privacy Fence Height (min.) – 1.8 m for ground floor units only • “Stacked Townhouse Dwelling” shall mean a Building or Structure containing townhouses divided horizontally and vertically with each unit having its own Private entrance from the exterior.
R5-13 <i>i</i>	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Apartment Dwelling containing not more than 70 Dwelling Units <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Exterior Yard (min.) (West side) – 1.5 m • Exterior Yard (min.) (North side) – 2.1 m • Permitted Yard Encroachment – North side balcony may project not more than 0.25 m into Exterior Yard (North side) • Building Height (max.) – 25.7 m

Column 1	Column 2
Exception Number	Exception
	<ul style="list-style-type: none"> • Landscaped Open Space (min.) – 32.0% • Minimum Off-Street Parking Spaces for Residential Building Containing more than 3 Dwelling Units – 1.3 spaces per Dwelling Unit (96 Parking Spaces) of which 25% shall be for visitor parking

Table 7.8 - Residential Six (R6) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
R6 EXCEPTIONS	

SECTION 8 WEST RIDGE RESIDENTIAL ZONES

8.1 ESTABLISHMENT OF ZONES

The West Ridge Residential Zones established in Section 3 of this By-law are as follows:

WRR1 West Ridge Residential One
 WRR2 West Ridge Residential Two
 WRR3 West Ridge Residential Three
 WRR4 West Ridge Residential Four
 WRR5 West Ridge Residential Five
 WRR6 West Ridge Residential Six

8.2 GENERAL PROHIBITION

No Person shall, within any West Ridge Residential Zone, Use any land, or Erect, Alter or Use any Building or Structure except as specified in this Section and in accordance with all other applicable provisions of this By-law.

8.3 PERMITTED USES

Uses permitted in a Zone are noted by the symbol '✓' in the column applicable to that Zone and corresponding with the row for a specific Permitted Use in Table 8.1. A number(s) following the symbol '✓', Zone heading or identified Permitted Use, indicates that one or more special provisions apply to the Use noted or, in some cases, to the entire Zone. Special provisions are listed in the Footnotes below the Permitted Use Table, Table 8.1.

Table 8.1 – Permitted Uses in West Ridge Residential Zones

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	WEST RIDGE RESIDENTIAL ZONES					
Permitted Uses	WRR1	WRR2	WRR3	WRR4	WRR5	WRR6
Apartment Dwelling					✓	✓
Four Unit Dwelling					✓	✓(1)
Home Occupation	✓	✓	✓	✓	✓	✓(1)
Group Home Type 1	✓	✓	✓			
Legally Existing Uses	✓	✓	✓	✓	✓	✓(1)
Multiple Unit Dwelling					✓	✓(1)
Public Use	✓	✓	✓	✓	✓	✓(1)
Retirement Home					✓	✓
Secondary Dwelling Unit	✓	✓	✓	✓	✓	✓

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
WEST RIDGE RESIDENTIAL ZONES						
Permitted Uses	WRR1	WRR2	WRR3	WRR4	WRR5	WRR6
Semi Detached Dwelling				✓		
Single Detached Dwelling	✓	✓	✓	✓		
Townhouse Dwelling					✓	✓(1)

Footnotes for Table 8.1:

(1) Uses are subject to the Zone Provisions of the WRR5 Zone in Table 8.2.

8.4 ZONE PROVISIONS

No Person shall within any West Ridge Residential Zone Use any Lot or Erect, Alter, Use any Building or Structure except in accordance with the following Zone Provisions. A number(s) following the Zone Provision, Zone heading or description of the provision, indicates an additional Zone Provision. These additional provisions are listed in the Footnotes at the end of each Table.

Table 8.2 – Zone Provisions for West Ridge Residential Zones

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
WEST RIDGE RESIDENTIAL ZONE						
ZONE PROVISIONS	WRR1	WRR2	WRR3	WRR4	WRR5	WRR6
Lot Area (Minimum)	460 m ²	400 m ²	300 m ²	300 m ² /unit	185 m ² /unit	1000 m ²
Lot Frontage (Minimum) (4)	15.0 m	12.0 m	10.0 m or 12.0 m on corner Lot	9.0 m/unit or 11.0 m for a corner Lot	22.0 m or 6.0 m/ Unit for a Townhouse	30.0 m
Lot Coverage (Maximum)	40% for 2 Storey 45% for less than 2 Storeys	45%	45%	45% (5)	45%	45%
Minimum Required Yards (1):						
Front Main Building Garage	4.5 m 6.0 m	4.5 m 6.0 m	4.5 m 6.0 m	4.5 m 6.0 m	4.5 m 6.0 m	7.5 m 7.5 m
Interior Side	1.2 m	1.2 m	0.6 m on one side, 1.2 m on other side	(2)	0 m except 1.8 m on end unit	6.0 m (6)
Exterior Side	3.0 m	3.0 m	3.0 m	3.0 m	3.0 m	6.0 m (6)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
WEST RIDGE RESIDENTIAL ZONE						
ZONE PROVISIONS	WRR1	WRR2	WRR3	WRR4	WRR5	WRR6
Rear	7.0 m	7.0 m	7.0 m	7.0 m	7.0 m	6.0 m (6)
Building Height (Maximum)	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m	25.0 m
Landscaped Open Space (Minimum)	N/A	N/A	N/A	N/A	(3)(7)	40% (7)
Driveway Width (Maximum)	40% of Lot Frontage	50% of Lot Frontage	Greater of 40% of Lot Frontage or 4 m	Greater of 40% of Lot Frontage or 4 m	Greater of 40% of Lot Frontage or 4 m	See Section 6

Footnotes for Table 8.2:

- (1) All Development shall be set back a minimum of 10.0 m from the TransCanada Pipeline Right-of-Way.
- (2) In the WRR4 Zone, the Minimum Interior Side Yard shall be 0 m on one side and 1.2 m on the other side where the units are Attached. Where the units are not Attached the Minimum Interior Side Yard shall be 0.6 m on one side and 1.2 m on the other side.
- (3) Townhouses shall have an Outdoor Living Area of 12.0 m² per unit, except in the case of freehold ownership
- (4) On Lots Zoned WRR1, WRR2, WRR3, WRR4, WRR5 and WRR6, where the front Lot Line is not a straight line or the side Lot Lines are not parallel, the Lot Frontage shall be calculated 7.5 m back from the front Lot Line.
- (5) On Lots 27 to 69 inclusive on Plan 51M-843 only, the Maximum Lot Coverage for a Dwelling shall be 45%, with additional Lot Coverage to a maximum of 50% being permitted for Attached Decks and/or Accessory Structures provided the Maximum Lot Coverage for the Dwelling does not exceed 45%.
- (6) Where an Interior, Exterior or Rear Yard in a WRR6 Zone Abuts a residential Lot, the Required Yard shall be the greater of 6 m or ½ of the Building Height.
- (7) Common Outdoor Amenity Areas are Required for Apartment Dwellings and Townhouse Dwellings that are part of a private complex and/or condominium project.

8.5 WEST RIDGE RESIDENTIAL ZONE EXCEPTIONS

The provisions of this By-law are modified as set out in the Tables in Subsection 8.4 below.

- Column 1 sets out the exception number.

- Column 2 sets out the exception.

Unless specifically modified or amended by this Subsection, all other provisions of the By-law continue to apply to the lands subject to this Subsection.

Table 8.3 – West Ridge Residential One (WRR1) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
WRR1 EXCEPTIONS	

Table 8.4 – West Ridge Residential Two (WRR2) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
WRR2 EXCEPTIONS	

Table 8.5 – West Ridge Residential Three (WRR3) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
WRR3 EXCEPTIONS	

Table 8.6 – West Ridge Residential Four (WRR4) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
WRR4 EXCEPTIONS	
WRR4-1	Zone Provisions: <ul style="list-style-type: none"> • Driveway access shall be restricted to the Rear Yard from Block 122 on Plan 51M-843.
WRR4-2	Zone Provisions: <ul style="list-style-type: none"> • Lot Frontage (Minimum) - 8.6 m per unit

Table 8.7 – West Ridge Residential Five (WRR5) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
WRR5 EXCEPTIONS	
WRR5-1	Zone Provisions: <ul style="list-style-type: none"> • a Fence shall not be Required in conjunction with an Outdoor Living Area • Minimum Required length of parallel Parking Space – 6.0 m

Table 8.8 – West Ridge Residential Six (WRR6) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
WRR6 EXCEPTIONS	

SECTION 9 COMMERCIAL ZONES

9.1 ESTABLISHMENT OF ZONES

The Commercial Zones established in Section 3 of this By-law are as follows:

- C1 Main Street Commercial
- C2 Neighbourhood Commercial
- C3 Arterial Commercial
- C4 Mixed Use Intensification
- C5 Community Commercial

9.2 GENERAL PROHIBITION

No Person shall, within any Commercial Zone, Use any land, or Erect, Alter or Use any Building or Structure except as specified in this Section and in accordance with all other applicable provisions of this By-law.

9.3 PERMITTED USES

Uses permitted in a Zone are noted by the symbol '✓' in the column applicable to that Zone and corresponding with the row for a specific Permitted Use in Table 9.1. A number(s) following the symbol '✓', Zone heading or identified Permitted Use, indicates that one or more special regulations apply to the Use noted or, in some cases, to the entire Zone. Special regulations are listed in the Footnotes below the Permitted Use Table, Table 9.1.

Where the Permitted Use Table indicates that a Use is permitted with the symbol 'i', that Use is only permitted in Zones with the corresponding 'i' symbol on the Schedules to this By-law which indicates that the area is a planned Intensification Area.

Table 9.1 – Permitted Uses in Commercial Zones

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
COMMERCIAL ZONES					
Permitted Uses	C1	C2	C3	C4	C5
Art Gallery	✓		✓	✓	✓
Assembly Hall	✓		✓	✓	✓
Bakery	✓	✓ (1)	✓	✓	✓

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
COMMERCIAL ZONES					
Permitted Uses	C1	C2	C3	C4	C5
Bed and Breakfast Establishment		✓			
Brewery or Winery (6)	✓		✓	✓	✓
Building Supply Outlet			✓	✓	✓
Business, Professional or Administrative Office	✓	✓ (1)	✓	✓	✓
Commercial School	✓		<i>i</i>	<i>i</i>	✓
Convenience Store	✓	✓ (1)	✓	✓	✓
Day Nursery	✓	✓	✓	✓	✓
Drive-Through Service Facility			✓ (2)	✓ (2)	✓
Dry Cleaning Depot	✓	✓ (1)	✓	✓	✓
Existing Uses	✓	✓	✓	✓	✓
Financial Institution	✓	✓ (1)	✓	✓	✓
Fitness Centre or Club	✓		✓	✓	✓
Funeral Home	✓				
Garden and Nursery Supply Outlet			✓	✓	✓
Grocery Store				<i>i</i>	
Hotel	✓		✓	✓	✓
Laundromat (6)	✓	✓ (1)	✓	✓	✓
Library	✓				
Live-Work Unit			<i>i</i>	<i>i</i>	
Medical Clinic	✓	✓ (1)	✓	✓	✓
Motel	✓		✓	✓	✓
Motor Vehicle Fuel Bar			✓		✓
Motor Vehicle Repair Shop			✓		✓
Motor Vehicle Sales Establishment			✓		✓
Motor Vehicle Washing Establishment (6)			✓		✓
Museum	✓				
Nightclub	✓				✓
Outdoor Display and Sales Area, Accessory			✓	✓	✓
Parking Lot			✓ (5)	✓ (5)	✓
Parking Structure or Garage			✓ (5)	✓ (5)	
Personal Service Shop	✓	✓ (1)	✓	✓	✓
Place of Amusement	✓			✓	✓
Place of Worship		✓		✓	✓
Public Park or Urban Square	✓		✓	✓	✓
Public Use	✓	✓	✓	✓	✓
Recreational Establishment	✓		✓	✓	✓
Recreational Equipment Service Establishment			✓		✓

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
COMMERCIAL ZONES					
Permitted Uses	C1	C2	C3	C4	C5
Restaurant	✓	✓(1)	✓	✓	✓
Restaurant, Take-Out	✓	✓(1)	✓	✓	✓
Retail Outlet				<i>i</i>	✓
Retail Store	✓(11)	✓(1)	✓(4)	✓(4)	✓(7)
Service or Repair Shop		✓(1)	✓	✓	✓
Taxi Dispatch Office or Taxi Stand	✓		✓		
Theatre	✓		✓	✓	✓
Veterinary Clinic			✓		
Warehouse			✓		
Residential Uses					
Accessory Dwelling Unit	✓(3)	✓	<i>i</i>	<i>i</i>	
Apartment Dwelling (8)		<i>i</i>	<i>i</i>	<i>i</i>	
Four Unit Dwelling (9)		<i>i</i>	<i>i</i>	<i>i</i>	
Multiple Dwelling (9)				<i>i</i>	
Three Unit Dwelling (9)		<i>i</i>	<i>i</i>	<i>i</i>	
Townhouse Dwelling (10)		<i>i</i>	<i>i</i>	<i>i</i>	

Footnotes for Table 9.1:

- (1) Use must be less than 250.0 m² in Gross Floor Area per Premises, to a maximum of 750.0 m² Gross Floor Area per Building and/or Lot.
- (2) Drive-through service facilities shall not be permitted in the Downtown Area Overlay Zones as shown on Schedule 'C'.
- (3) Accessory Dwellings units at Grade and/or below Grade shall not be permitted in the C1 Zone if the entrance to the unit is on Mississauga Street.
- (4) A Retail Store selling primarily apparel, housewares, electronics or sporting goods is only permitted in a C3 or C4 zone which is located within an Intensification Area as identified with an 'i' on Schedule 'A' and which is also located within the Downtown Area Overlay Zones as shown on Schedule 'C'.
- (5) Parking Lots and Parking Structures are only permitted on lands that are located within the Downtown Area Overlay Zone as shown on Schedule 'C'.
- (6) The Use shall only be permitted subject to the City being satisfied that adequate sewage and water services are available to service the Use.
- (7) Use must be greater than 500.0 m² G.F.A. per Premises.

- (8) Apartment Dwellings are permitted in accordance with the Zone Requirements of the R5 Zone outlined in Table 7.2. The Intensification Area Requirements continue to apply.
- (9) Three Unit Dwellings, Four Unit Dwellings, and Multiple Dwellings are permitted in accordance with the Zone Requirements of the R2 Zone outlined in Table 7.2. The Intensification Area Requirements continue to apply.
- (10) Townhouse Dwellings are permitted in accordance with the Zone Requirements of the R4 Zone outlined in Table 7.2. The Intensification Area Requirements continue to apply. Secondary Dwelling Units are permitted within Townhouse Dwelling Units as set out in Section 5.23 herein.
- (11) A Retail Store shall only be permitted as part of a Building containing another Permitted Use and shall not exceed 1,000 m² per Premises.

9.4 ZONE PROVISIONS

No Person shall, within any Commercial Zone, Use any Lot or Erect, Alter, Use any Building or Structure except in accordance with the following Zone Provisions. A number(s) following the Zone Provision, Zone heading or description of the provision, indicates an additional Zone Provision. These additional provisions are listed in the Footnotes at the end of each Table.

Table 9.2 – Zone Provisions for Commercial Zones

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
COMMERCIAL ZONES					
Zone Provisions	C1	C2	C3	C4	C5
Lot Area (Minimum)	25.0 m ²	200.0 m ²	200.0 m ²	300.0 m ²	1.0 ha
Lot Frontage (Minimum)	2.5 m	10.0 m	10.0 m	7.5 m	90.0 m
Lot Coverage (Maximum) (1)	60%	40%	40%	40%	30%
Required Yards:					
Front (Minimum)	0 m (2)	6.0 m	7.5 m (2)	7.5 m (2)	10.0 m
Front (Maximum)	(2)	N/A	(2)	(2)	N/A
Interior Side (Minimum)	0 m	3.0 m	6.0 m	2.0 m	6.0 m
Exterior Side (Minimum)	0 m (2)	6.0 m	7.5 m (2)	7.5 m (2)	7.5 m
Exterior Side (Maximum)	(2)	N/A	(2)	(2)	N/A
Rear (Minimum)	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
Building Height (Minimum)	6.0 m	N/A	6.0 m (3)	6.0 m (3)	N/A
Building Height	12.5 m	8.0 m	12.5 m	12.5 m	14.0 m

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
COMMERCIAL ZONES					
Zone Provisions	C1	C2	C3	C4	C5
(Maximum)					(6)
Landscaped Open Space (Minimum)	0%	25%	15% (4)	15% (4)	15%
Additional Lot Coverage for an Accessory Outdoor Display and Sales Area (5)	0%	0%	10%	10%	10%

Footnotes for Table 9.2:

- (1) Notwithstanding the provisions of Section 5.16, where a Development proposal encompasses lands within more than one Commercial Zone, the least restrictive Commercial Zone provisions shall apply.
- (2) For all Buildings and Structures located within the Downtown Area Overlay Zones as shown on Schedule 'C' or the Intensification Area as identified with an 'i' on Schedule 'A', both the Required Front and Exterior Side Yards shall be as follows:
 - C1 Zone: 0 m (min.) and 2.5 m (max.)
 - C3 and C4 Zones: 2.5 m (min.) and 7.5 m (max.)
- (3) Minimum Building Height applies only in an Intensification Area, as identified with an 'i' on Schedule 'A'.
- (4) i) With the exception of freehold Townhouse Dwelling Units on a Public Street, a common Outdoor Amenity Area is Required for Townhouse Dwellings that are part of a private complex and/or condominium project and Apartment Dwellings located outside of the Downtown Area Overlay Zones as shown on Schedule 'C'.
 - ii) With the exception of properties in the Main Street Commercial (C1) Zone, Urban Squares are Required as part of a Development on sites greater than 0.2 hectares in size located within the Downtown Area Overlay Zones as shown on Schedule 'C'.
- (5) The provisions for an Outdoor Display and Sales Area in Subsection 5.24 apply.
- (6) The Maximum Height for a Motel or Hotel shall be 24.0 m.

9.5 COMMERCIAL ZONE EXCEPTIONS

The provisions of this By-law are modified as set out in the Tables in Subsection 9.4 below.

- Column 1 sets out the exception number.

- Column 2 sets out the exception.

All other provisions of the By-law, unless specifically modified or amended by this Subsection, continue to apply to the lands subject to this Subsection.

Table 9.3 – Main Street Commercial (C1) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
C1 EXCEPTIONS	
C1-1	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Live-Work Unit • Dwelling Unit <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Minimum Yard Requirements: <ul style="list-style-type: none"> i. Rear Yard (min.) – 2.5 m (Colborne St. E.) ii. For Parking Garage located completely below Grade (min.) – 0.0 m • Maximum Lot Coverage – 91.0% • Maximum Building Height – 14.5 m / 4 Storeys • Maximum Building Height – 18.5 m / 5 Storeys on the southerly 93.0 m of the lands zoned C1-1 only • Sight Triangles at the intersection of two Public Streets (as set out in Section 5.35 of this By-law) shall not be required • Loading Spaces shall not be required • Live-Work Units shall only be permitted on the southerly 93.0 m of the lands zoned C1-1 • Dwelling Units shall only be permitted on the second Storey and above on the northerly 32.0 m of the lands zoned C1-1 <p>See Holding Zone H16 in Table 14.1</p>

Table 9.4 - Neighbourhood Commercial (C2) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
C2 EXCEPTIONS	
C2-1	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Accessory Dwelling Unit • Commercial School • Day Nursery • Financial Institution • Fitness Centre or Club • Office, Business, Professional or Administrative • Personal Service Shop • Place of Amusement

Column 1	Column 2
Exception Number	Exception
C2-1 (continued)	<ul style="list-style-type: none"> • Place of Worship • Private Club • Recreational Establishment • Restaurant • Retail Store (not to exceed 250 m² per Premises) • Service or Repair Shop (Use must be less than 250.0 m² in Gross Floor Area per Premises, to a maximum of 750.0 m² Gross Floor Area per Building and/or Lot.) <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Minimum Lot Area - 300.0 m² • Minimum Lot Frontage - 15.0 m • Minimum Yard Requirements <ul style="list-style-type: none"> (i) Front - 6.0 m (ii) Interior Side - 6.0 m (iii) Exterior Side and Rear - 5.0 m • Minimum Setback from Trans Canada Pipeline Right-of-Way - 10.0 m • Maximum Lot Coverage - 50% • Maximum Building Height - 11.0 m • Minimum Landscaped Open Space - 20% <p>See Holding Zone H3 in Table 14.1</p>

Table 9.5 - Arterial Commercial (C3) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
C3 EXCEPTIONS	
C3-1	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • a Parking Lot serving the residential Development located at 135 West Street North.
C3-2	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Motor Vehicle Washing Establishment (subject to Footnote (6) in Table 9.1) <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Northerly Interior Side Yard (min) - 4.8 m
C3-3	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Commercial School • Convenience Store • Custom Workshop • Day Nursery

Column 1	Column 2
Exception Number	Exception
C3-3 (continued)	<ul style="list-style-type: none"> • Dwelling Units (Existing) • Glass and Mirror Shop • Office, Business, Professional or Administrative • Private Club • Rental Store • Restaurant • Retail Store
C3-4 <i>i</i>	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Motor Vehicle Sales Establishment • Motor Vehicle Service Station • Motor Vehicle Fuel Bar • Motor Vehicle Repair Shop • Office, Business, Professional or Administrative • Parking Lot • Recreational Equipment Service Establishment • Retail Establishment within a wholly enclosed Building for the sale of: <ul style="list-style-type: none"> ○ Furniture, Home Furnishings, Electronics and Home Decorating Supplies ○ Major Appliances ○ Motor Vehicle, marine, Recreational and Tourist Trailer Accessories ○ Liquor, Wine and Beer • Retail Sales Establishments with Accessory Outdoor Storage and Outdoor display areas as follows: <ul style="list-style-type: none"> ○ Building Supply Outlet ○ Dry Land Marina ○ Equipment Rental ○ Farm Implements and Machinery ○ Garden and Nursery Supplies ○ Recreational and Sports Equipment ○ Trailers, Tourist Trailers and Truck Campers, Motorized Mobile Homes, Motor Vehicles, Motorized Snow Vehicles, All Terrain Vehicles (A.T.V.'s) <p>See Holding Zone H1 in Table 14.1</p>

Table 9.6 – Mixed Use Intensification (C4) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
C4 EXCEPTIONS	
C4-1 <i>i</i>	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Retirement Home.

Column 1	Column 2
Exception Number	Exception
C4-2 <i>i</i>	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • Commercial School • Convenience Store • Custom Workshop (in enclosed Building only) • Day Nursery • Dry Cleaning Depot • Dwelling Units as part of a Building containing a permitted non-Residential Use on the ground floor • Financial Institution • Funeral Home • Hotel Apartment • Laundromat (subject to Footnote (6) to Table 9.1) • Library • Museum • Park • Personal Service Shop • Place or Worship • Private Club • Retail Store • Service or Repair Shop <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Fence Height (max) - 2.2 m • Westerly Yard (Setback from Laclie Street) (min) - 4.5 m • Westerly Yard (Setback from Laclie Street) (max) - 15.0 m • South-westerly Yard (Setback from Sundial Drive/Hughes Road) (min) - 7.5 m • Southerly Yard (Setback from “M2” Zone) (min) - 6.0 m • Northerly Yard (Setback from “RM1-34” Zone) (min) - 6.0 m • Easterly Yard (Setback from Ferguson Road (min) - 7.5 m • Building Height (min) - 2 Storeys or equivalent • Building Height (max) - 12.5 m • Landscaped Open Space (min) - 15% • Lot Coverage including Outdoor Storage and Display Areas (max) - 55% • A minimum 1.5 m landscaped buffer is also Required along both the easterly property boundary and the southerly property boundary of the “C4-2” Zone. A 1.8 m high opaque Fence shall also be placed along the southerly boundary of the “C3-27” Zone • Lot Frontage shall be measured as the horizontal distance along and Abutting Laclie Street and Sundial Drive <p>For the purposes of the “C4-2” Zone only, a Building with a minimum Height of 5.0 m shall be deemed to be the equivalent</p>

Column 1	Column 2
Exception Number	Exception
C4-2 <i>i</i> (continued)	of 2 Storeys. See Holding Zone H3 in Table 14.1
C4-3 <i>i</i>	Additional Permitted Uses: <ul style="list-style-type: none"> • Motor Vehicle Repair Shop
C4-4 <i>i</i>	Additional Permitted Uses: <ul style="list-style-type: none"> • a maximum of 13 independent living units in the form of Townhouse Dwelling units, a maximum of 60 independent living units in the form of an Apartment Dwelling, a Retirement Home with a maximum of 66 units, and a two-storey Retail and/or Business, Professional or Administrative Office Building Zone Provisions: <ul style="list-style-type: none"> • Front Yard (min) – 14.0 m • Southerly Side Yard (min) – 20.0 m • Westerly Side Yard for 4-storey independent living building (min) – 7.5 m • Westerly Side Yard (retail/office building)(min) – 0.9 m • Easterly Side Yard (min) – 4.5 m • Rear Yard (min) – 3.0 m • Building Height (max) – 18.0 m • Number of Parking Spaces (including parking for townhouse dwelling units) (min) – 118 See Holding Zone H2 in Table 14.1

Table 9.7 - Community Commercial (C5) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
C5 EXCEPTIONS	
C5-1	Zone Provisions: <ul style="list-style-type: none"> • Front Yard (min.) - 7.5 m • Off-Street Parking Spaces shall be provided on the basis of 1 space for each 22.0 sq. m of Gross Floor Area. •
C5-2	Additional Permitted Uses: <ul style="list-style-type: none"> • Dry Cleaning Establishment and/or Depot • Home Improvement Supply Outlet with Minimum Gross Floor Area of 300.0 m² • Laundromat in the Building municipally known as 3280 Monarch Drive • Personal Service Shop with a Minimum G.F.A. of 167.0 m², of which a maximum of 117.0 m² may be used for an Accessory Retail Store.

Column 1	Column 2
Exception Number	Exception
C5-2 (continued)	<ul style="list-style-type: none"> • Print Shop • Rental Store • Small Retail Uses • Wholesale Warehouse <p>Zone Provisions:</p> <ul style="list-style-type: none"> • “Small Retail Uses” shall mean Retail Stores having a Gross Floor Area ranging from 230.0 m² to 465.0 m². • Maximum total Gross Leasable Floor Area for “Small Retail Uses” - aggregate total of 1,309.0 m² (Shared between C5-2, C5-6 and C5-7 Exception Zones)
C5-3	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Dry Cleaning Establishment and/or Depot • Print Shop • Rental Store • Small Retail Uses • Wholesale Warehouse <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Maximum total Gross Leasable Floor Area for “Small Retail Uses” – aggregate total of 1,017.0 m² (Shared between C5-3 and C5-5 Exception Zones) • “Small Retail Uses” shall mean Retail Stores having a Gross Floor Area ranging from 230.0 m² to 465.0 m² • Off-Street Parking Spaces shall be provided on the basis of 1 space for each 20.0 m² of Gross Floor Area, of which 3% shall be for Barrier-free parking
C5-4	<p>Zone Provisions:</p> <ul style="list-style-type: none"> • A minimum of 80% of the total floor area of Buildings shall be for Retail Outlets with a floor area of not less than 3,700.0 m². Within the balance of the total permitted floor area, the minimum floor area of a Retail Store shall be 465.0 m². • The maximum floor area per Lot shall be 10,500.0 m² for a main Building and 1,860.0 m² for ancillary seasonal retail space.
C5-5	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Dry Cleaning Establishment and/or Depot • Print Shop • Rental Store • Small Retail Uses • Wholesale Warehouse <p>Zone Provisions:</p> <ul style="list-style-type: none"> • maximum total Gross Leasable Floor Area for “Small Retail Uses” – aggregate total of 1,017.0 m² (Shared between C5-3

Column 1	Column 2
Exception Number	Exception
C5-5 (continued)	<p>and C5-5 Exception Zones)</p> <ul style="list-style-type: none"> • “Small Retail Uses” shall mean Retail Stores having a Gross Floor Area ranging from 230.0 sq. m to 465.0 m². • Off-Street Parking Spaces shall be provided on the basis of 1 space for each 20.0 m² of Gross Floor Area, of which 3% shall be for Barrier-free parking.
C5-6	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Dry Cleaning Establishment and/or Depot • Home Improvement Supply Outlet with Minimum Gross Floor Area of 300.0 m² • Print Shop • Rental Store • Small Retail Uses • Wholesale Warehouse <p>Zone Provisions:</p> <ul style="list-style-type: none"> • “Small Retail Uses” shall mean Retail Stores having a Gross Floor Area ranging from 230.0 m² to 465.0 m² • The maximum total Gross Leasable Floor Area for “Small Retail Uses” - aggregate total of 1,309.0 m² (shared between C5-2, C5-6 and C5-7 Exception Zones) • Lot Frontage (min) – 20.0 m • “Lot Frontage” may be on Mulcahy Court or on a registered Private Right-of-Way •
C5-7	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Dry Cleaning Establishment and/or Depot • Print Shop • Rental Store • Small Retail Uses • Wholesale Use <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Lot Frontage (min) – 20.0 m • “Lot Frontage” may be on Mulcahy Court or on a registered Private Right-of-Way • The maximum total Gross Leasable Floor Area for “Small Retail Uses” - aggregate total of 1,309.0 m² (shared between C5-2, C5-6 and C5-7 Exception Zones) • “Small Retail Uses” shall mean Retail Stores having a Gross Floor Area ranging from 230.0 m² to 465.0 m²
C5-8	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Dry Cleaning Establishment and/or Depot • Home Improvement Supply Outlet with a Minimum Gross

Column 1	Column 2
Exception Number	Exception
C5-8 (continued)	Floor Area of 300.0 m ² <ul style="list-style-type: none"> • Print Shop • Rental Store
C5-9	Zone Provisions: <ul style="list-style-type: none"> • Off-Street Parking Spaces shall be provided on the basis of 1 space for each 18.5 m² of Gross Leasable Floor Area, of which 3% shall be for Barrier-free parking.

SECTION 10 DOWNTOWN SHOULDER ZONES

10.1 ESTABLISHMENT OF DOWNTOWN SHOULDER ZONES

The Downtown Shoulder Zones established in Section 3 of this By-law are as follows:

- DS1 Downtown Shoulder One
- DS2 Downtown Shoulder Two

10.2 GENERAL PROHIBITION

No Person shall, within any Downtown Shoulder Zone, Use any land, or Erect, Alter or Use any Building or Structure except as specified in this Section and in accordance with all other applicable provisions of this By-law.

10.3 PERMITTED USES

Uses permitted in a Zone are noted by the symbol '✓' in the column applicable to that Zone and corresponding with the row for a specific Permitted Use in Table 10.1. A number(s) following the symbol '✓', Zone heading or identified Permitted Use, indicates that one or more special regulations apply to the Use noted or, in some cases, to the entire Zone. Special regulations are listed in the Footnotes below the Permitted Use Table, Table 10.1.

Table 10.1 – Permitted Uses in Downtown Shoulder Zones

Column 1	Column 2	Column 3
DOWNTOWN SHOULDER ZONES		
Permitted Uses	DS1	DS2
Accessory Dwelling Units	✓	✓
Art Gallery	✓	
Bed and Breakfast Establishment	✓	✓
Commercial School	✓	✓
Converted Dwelling	✓	✓
Day Nursery	✓	✓
Detached Dwelling	✓	✓
Fitness Centre or Club	✓	✓
Four Unit Dwelling	✓	✓
Funeral Home	✓	✓
Home Occupation	✓	✓
Hotel		✓
Institutional Uses	✓	✓
Legally Existing Uses	✓	✓

Live-Work Unit	✓	✓
Motel		✓
Multiple Dwelling		✓
Museum	✓	
Office, Business, Professional or Administrative (1)	✓	✓
Park or Urban Square	✓	✓
Personal Service Shop (1)	✓	✓
Place of Worship	✓	✓
Public Use	✓	✓
Restaurant (1)	✓	✓
Retail Store (1)		✓
Single Detached Dwelling	✓	✓
Theatre	✓	
Three Unit Dwelling	✓	✓
Two-Unit Dwelling	✓	✓

Footnotes for Table 10.2:

(1) Use must not exceed 500.0 m² G. F. A. per Premises.

10.4 ZONE PROVISIONS

No Person shall, within any Downtown Shoulder Zone, Use any Lot or Erect, Alter, Use any Building or Structure except in accordance with the following Zone Provisions. A number(s) following the Zone Provision, Zone heading or description of the provision, indicates an additional Zone Provision. These additional provisions are listed in the Footnotes at the end of each Table.

Table 10.2 – Zone Provisions for Downtown Shoulder Zones

Column 1	Column 2	Column 3
DOWNTOWN SHOULDER ZONES		
Zone Provisions	DS1	DS2
Lot Area (Minimum)	200 m ²	200 m ²
Lot Frontage (Minimum)	10.0 m	10.0 m
Lot Coverage(Maximum) (1)	40%	40%
Required Yards		
Front Yard (Minimum)	0 m	2.5 m
Front Yard (Maximum)	2.5 m	6.0 m
Interior Side Yard (Minimum)	1.5 m	1.5 m
Exterior Side Yard (Minimum)	0 m	2.5 m
Exterior Side Yard (Maximum)	2.5 m	6.0 m
Rear Yard (Minimum)	7.5 m	7.5 m
Building Height (Maximum)	11.0 m	11.0 m
Building Height (Minimum)	6.0 m	6.0 m
Landscaped Open Space (Minimum)	0% (2)	10% (2)

Footnotes for Table 10.2:

- (1) Where a lot is located within more than one Downtown Shoulder Zone, the Maximum Lot Coverage shall be calculated based on the Lot Area within the respective Downtown Shoulder Zone.
- (2) Urban Squares shall be required as part of a Development on sites greater than 0.2 hectares in size located within the Downtown Area Overlay Zone as shown on Schedule “C”.

10.5 DOWNTOWN SHOULDER ZONE EXCEPTIONS

The provisions of this By-law are modified as set out in the Tables in Subsection 10.4 below.

- Column 1 sets out the exception number
- Column 2 sets out the exception.

Unless specifically modified or amended by this Subsection, all other provisions of this By-law -continue to apply to the lands subject to this Subsection.

Table 10.3 – Downtown Shoulder One (DS1) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
DS-1 EXCEPTIONS	
DS1-1	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • All uses permitted in the DS1 and DS2 Zones • Accessory Dwelling Units • An Existing Building exceeding 500 m² of Gross Floor Area • Retail Stores exceeding 500 m² of Gross Floor Area within the Existing Building • One (1) or more Restaurants exceeding 500 m² of Gross Floor Area within the Existing Building • Medical Clinic • Recreational Establishment • Parking Lot • Private Club • Place of Worship • Dwelling, Apartment • Dwelling, Townhouse • Dwelling, Stacked Townhouse <p>Zone Provisions: (applying to all listed uses except Apartment Dwelling, Townhouse Dwelling and Stacked Townhouse Dwelling)</p> <ul style="list-style-type: none"> • Lot Coverage (max.) - 60% • Building Height (max.) – 12.5 m • Interior Side Yard (min.) – 0 m

Column 1	Column 2
Exception Number	Exception
DS1-1 (continued)	<ul style="list-style-type: none"> • Required Parking Spaces shall be reduced by 50% • Table 5.2 shall not apply <p>Zone Provisions: (applying to Apartment Dwelling, Townhouse Dwelling and Stacked Townhouse Dwelling)</p> <ul style="list-style-type: none"> • Lot Coverage (max.) - 60% • Building Height (max.) - 12.5 m • Setback to a Street - 2.5 m (min.) - 6.0 m (max.) • Interior Side Yard (min.) - 1.5 m • Landscaped Open Space - 15% • Required Parking Spaces shall be reduced by 50% • Urban Square required as part of a Development <p>Zone Provisions: (applying to all Permitted Uses in the DS1-1 Zone)</p> <ul style="list-style-type: none"> • The following Definitions shall apply to the property subject to the DS1-1 Zone Exception: <p>Dwelling, Apartment means a Building containing five (5) or more Dwelling Units that share a common external access to the outside through a common vestibule and a common corridor system or a combination thereof.</p> <p>Dwelling, Four-Unit means a Dwelling containing four (4) Dwelling Units. For the purpose of this By-law, a Four-Unit Dwelling may include a Double Duplex Dwelling, and shall not include a Converted Dwelling.</p> <p>Dwelling, Multiple means a Dwelling that contains three (3) or more Dwelling Units, but shall not include any other Dwelling defined herein.</p> <p>Dwelling, Stacked Townhouse means a Townhouse Dwelling in which Dwelling Units are located above one another, either in whole or in part, with no common enclosed corridor system.</p> <p>Dwelling, Townhouse means a Dwelling containing a minimum of three (3) Dwelling Units which are located beside one another, which are Attached above or below Grade along at least 80 % of the length of the garage and/or the main common wall and/or the foundation.</p> <p>Dwelling Unit, Apartment means a Dwelling Unit in an apartment Building.</p>
DS1-2	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Apartment Dwelling • Multiple Dwelling

Table 10.4 - Downtown Shoulder Two (DS2) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
DS-2 EXCEPTIONS	

SECTION 11 INSTITUTIONAL AND HEALTH CARE ZONES

11.1 ESTABLISHMENT OF ZONES

The Institutional and Health Care Zones established in Section 3 of this By-law are as follows:

- I1 Institutional One (School Zone)
- I2 Institutional Two (Place of Worship)
- I3 Institutional Three (Major Institutional)
- HC1 Health Care One (Hospital Zone)
- HC2 Health Care Two (Health Care Zone)

11.2 GENERAL PROHIBITION

No Person shall, within any Institutional and Health Care Zones, Use any land, or Erect, Alter or Use any Building or Structure except as specified in this Section and in accordance with all other applicable provisions of this By-law.

11.3 PERMITTED USES

Uses permitted in a Zone are noted by the symbol '✓' in the column applicable to that Zone and corresponding with the row for a specific Permitted Use in Table 11.1. A number(s) following the symbol '✓', Zone heading or identified Permitted Use, indicates that one or more special regulations apply to the Use noted or, in some cases, to the entire Zone. Special regulations are listed in the Footnotes below the Permitted Use Table, Table 11.1.

Table 11.1 – Permitted Uses in Institutional and Health Care Zones

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
INSTITUTIONAL AND HEALTH CARE ZONES					
Permitted Uses	I1	I2	I3	HC1	HC2
Accessory Dwelling Units	✓(1)				✓
Bed and Breakfast Establishment					✓
College or University			✓		
Community Garden	✓	✓			
Day Nursery	✓	✓	✓	✓	✓
Dormitory			✓		
Existing Uses	✓	✓	✓	✓	✓
Four-Unit Dwelling					✓
Government Offices			✓		
Home Occupation					✓
Hospital				✓	
Library				✓	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
INSTITUTIONAL AND HEALTH CARE ZONES					
Permitted Uses	I1	I2	I3	HC1	HC2
Live-Work Unit					✓
Long-Term Care Facility			✓		✓
Museum				✓	
Office, Business, Professional or Administrative			✓	✓(3)	✓(3)
Personal Service Shop				✓	✓
Pharmacy				✓	✓
Place of Worship	✓	✓			
Public Use	✓	✓	✓	✓	✓
Recreational Establishment			✓		
Restaurant				✓(2)	✓(2)
Retail Store				✓(2)	✓(2)
Retirement Home			✓		
School	✓				
Scientific or Medical Laboratory				✓	✓
Secondary Dwelling Units					✓
Semi-Detached Dwelling					✓
Single Detached Dwelling					✓
Three-Unit Dwelling					✓

Footnotes for Table 11.1:

(1) Permitted Accessory to a Place of Worship.

(2) Uses must be less than 500.0 m² in G. F. A. per Premises.

(3) New Business, Professional or Administrative Offices shall only be those associated with or ancillary to the health care industry.

11.4 ZONE PROVISIONS

No Person shall, within any Institutional and Health Care Zone, Use any Lot or Erect, Alter, Use any Building or Structure except in accordance with the following Zone Provisions. A number(s) following the Zone Provision, Zone heading or description of the provision, indicates an additional Zone Provision. These additional provisions are listed in the Footnotes at the end of each Table.

Table 11.2 – Zone Provisions for Institutional and Health Care Zones

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
INSTITUTIONAL AND HEALTH CARE ZONES					
Zone Provisions	I1	I2	I3	HC1	HC2
Lot Area (Minimum)	3,700.0 m ²	3,700.0 m ²	3,700.0 m ²	3,700.0 m ²	3,700.0 m ²
Lot Frontage (Minimum)	45.0 m	45.0 m	45.0 m	45.0 m	45.0 m
Lot Coverage (Maximum)	40%	40%	40%	40%	40%

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
INSTITUTIONAL AND HEALTH CARE ZONES					
Zone Provisions	I1	I2	I3	HC1	HC2
Required Yards					
Front (Minimum)	7.5 m (1)	7.5 m (1)	7.5 m (1)	2.5 m	2.5 m
Front (Maximum)	(1)	(1)	(1)	7.5 m	7.5 m
Interior Side (Minimum)	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
Exterior Side (Minimum)	7.5 m (1)	7.5 m (1)	7.5 m (1)	2.5 m	2.5 m
Exterior Side (Maximum)	(1)	(1)	(1)	7.5 m	7.5 m
Rear Yard (Minimum)	7.5 m	7.5 m	7.5 m	7.5 m	7.5 m
Building Height (Maximum)	15.0 m	15.0 m	15.0 m	15.0 m	15.0 m
Building Height (Minimum)	N/A	N/A	N/A	6.0 m	6.0 m
Landscaped Open Space (Minimum)	15%	15%	15%	15% (2)	15% (2)

Footnotes for Table 11.2:

- (1) For all Buildings and Structures located within the Downtown Area Overlay Zones as shown on Schedule 'C', or located within the Intensification Area as identified with an 'i' on Schedule 'A', both the Required Front and Exterior Side Yards shall be as follows:
- 2.5 m (min.) and 7.5 m (max.)
- (2) Urban Squares shall be required as part of a Development on sites greater than 0.2 hectares in size located within the Downtown Area Overlay Zone as shown on Schedule "C".

11.5 INSTITUTIONAL AND HEALTH CARE ZONE EXCEPTIONS

The provisions of this By-law are modified as set out in the Tables in Subsection 11.4 below.

- Column 1 sets out the exception number.
- Column 2 sets out the exception.

Unless specifically modified or amended by this Subsection, all other provisions of this By-law continue to apply to the lands subject to this Subsection.

Table 11.3 - Institutional One (I1) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
I1 EXCEPTIONS	

Table 11.4 - Institutional Two (I2) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
I2 EXCEPTIONS	

Table 11.5 Institutional Three (I3) Zone Exceptions

Column 1	Column 2
Exception Number	Exception
I3 EXCEPTIONS	
I3-1	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • A Retirement Home containing not more than 116 Suites with a maximum of 150 beds. <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Southerly Interior Side Yard (min.) - 6.0 m • Rear Yard (min.) – 7.0 m • Building Height (max.) – 24.0 m <p>See Holding Zone H2 in Table 14.1</p>
I3-2	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • an Adult Living Building <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Skywalk Interior Side Yard (min.) - 0 m • East Interior Side Yard Setback for 24 Simcoe Street (min.) - 5.5 m • “Adult Living Building” shall mean a Building containing Dwelling Units which may contain kitchen facilities and are rented to senior citizens who receive meal, laundry and/or maid services • “Skywalk” shall mean an enclosed walkway intended for pedestrian Use between two Buildings with sufficient above-Grade clearance to allow the flow of vehicular traffic.
I3-3	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Agricultural Use Incidental to a College or University Use • Commercial Use Incidental to a College or University Use • Community Centre, Private • Park, Private • Research and Development Facility <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Building Height (max.) - 40.0 m • Fence Height (max.) - 3.5 m • a “Commercial Use Incidental to a College or University Use” shall mean the Use of land, Building or Structures that are

Column 1	Column 2
Exception Number	Exception
I3-3 (continued)	subordinate, customarily and normally incidental to and exclusively devoted to the College or University Use located on the same Lot for the purpose of buying and selling commodities and/or supplying services but shall not include a Drive-Through Service Facility, Motor Vehicles Sales Establishment, Motor Vehicle Fuel Bar, Motor Vehicle Repair Shop, and/or Adult Entertainment Parlour.
I3-4	<p>Zone Provisions</p> <ul style="list-style-type: none"> • A Minimum of 101 Parking Spaces shall be provided for the Retirement Home, Long Term Care Facility and Medical Clinic.

Table 11.6 - Health Care One (HC1) Exception Zones

Column 1	Column 2
Exception Number	Exception
HC1 EXCEPTIONS	

Table 11.7 - Health Care Two (HC2) Exception Zones

Column 1	Column 2
Exception Number	Exception
HC2 EXCEPTIONS	
HC2-1	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Parking Lot • Drive-through Convenience Store not exceeding 55 sq. m of Gross Floor Area, supplying groceries and other daily household goods to the general Public by way of walk-in and/or drive-through ordering and pick-up.
HC2-2	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Parking Lot • Motor Vehicle Repair Shop
HC2-3	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Home Industry for the production and sale of baked goods <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Maximum Floor Area for the Bakery Use - 33 m² • Two tandem Parking Spaces shall be provided for the Home Industry.
HC2-4	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Dwelling, Converted (including one Dwelling Unit in the Basement) <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Driveway Width for two-way traffic (min.) - 5.0 m • Front Yard (min.) – 5.5 m

Column 1	Column 2
Exception Number	Exception
HC2-4 (continued)	<ul style="list-style-type: none"> (Interior Side Yard (min.) – 0.58 m

SECTION 12 INDUSTRIAL ZONES

12.1 ESTABLISHMENT OF ZONES

The Industrial Zones established in Section 3 of this By-law are as follows:

- M1 Industrial One (Light Industrial)
- M2 Industrial Two (General Industrial)
- M3 Industrial Three (Business Park Industrial)
- M4 Industrial Four (Extractive Industrial)
- M5 Industrial Five (Waste Disposal)

12.2 GENERAL PROHIBITION

No Person shall, within any Industrial Zone, Use any land, or Erect, Alter or Use any Building or Structure except as specified in this Section and in accordance with all other applicable provisions of this By-law.

12.3 PERMITTED USES

Uses permitted in a Zone are noted by the symbol '✓' in the column applicable to that Zone and corresponding with the row for a specific Permitted Use in Table 12.1. A number(s) following the symbol '✓', Zone heading or identified Permitted Use, indicates that one or more special regulations apply to the Use noted or, in some cases, to the entire Zone. Special regulations are listed in the Footnotes below the Permitted Use Table, Table 12.1.

Table 12.1 – Permitted Uses in Industrial Zones

Column 1	Column 2	Column 3	Column 5	Column 7	Column 8
INDUSTRIAL ZONES					
Permitted Uses	M1	M2	M3	M4	M5
Aggregate Crushing, Processing and Screening Plant				✓	
Assembly Hall	✓		✓		
Bottling Plant (1)			✓		
Brewery or Winery (1)			✓		
Commercial Self Storage Facility	✓				
Concrete or Asphalt Plant				✓	
Contractor's Yard		✓		✓	
Custom Workshop	✓	✓			
Day Nursery			✓(2)		

Column 1	Column 2	Column 3	Column 5	Column 7	Column 8
INDUSTRIAL ZONES					
Permitted Uses	M1	M2	M3	M4	M5
Dry Cleaning Establishment	✓	✓			
Dry-land Marina		✓			
Existing Uses	✓	✓	✓	✓	✓
Fitness Centre or Club	✓	✓(2)	✓(2)		
Food Processing Plant		✓			
Heavy Industry		✓			
Hotel	✓		✓		
Landscaper's Yard	✓	✓		✓	
Light Industry	✓	✓	✓		
Medium Industry			✓		
Motel	✓		✓		
Motor Vehicle Body Repair Shop	✓	✓			
Motor Vehicle Fuel Bar	✓				
Motor Vehicle Parts Shop	✓				
Motor Vehicle Rental Establishment	✓				
Motor Vehicle Repair Shop	✓				
Motor Vehicle Washing Establishment in association with Motor Vehicle Sales and Service	✓				
Office, Business, Professional or Administrative	✓	✓	✓	✓	✓
Organic Waste Recycling					✓
Outdoor Storage Accessory to a Permitted Use	✓	✓	✓	✓	✓
Public Use	✓	✓	✓	✓	✓
Recreational Establishment	✓				
Recycling Depot				✓	✓
Research and Development Facility	✓	✓	✓		
Retail Store, Accessory (4)	✓	✓	✓		
Retail Store (4)		✓(2)	✓(2)		
Salvage Yard					✓
Sand and Gravel Pit				✓	
Service or Repair Shop	✓				
Sewage Treatment Facility					✓
Transport Terminal		✓			
Warehouse	✓	✓	✓		
Waste Disposal Site					✓

Column 1	Column 2	Column 3	Column 5	Column 7	Column 8
INDUSTRIAL ZONES					
Permitted Uses	M1	M2	M3	M4	M5
Waste Transfer Station					✓
Wholesale Use		✓ (3)	✓ (3)		

Footnotes for Table 12.1:

- (1) The Use shall only be permitted subject to the City being satisfied that adequate sewage and water services are available to service the Use.
- (2) Use must be an Ancillary Use to a Principal Use.
- (3) Use must be Accessory to a permitted service, supply or manufacturing Use, but not Accessory to a Warehouse.
- (4) A Retail Store or an Accessory Retail Store is not permitted on a Lot containing a Landscaper's Yard.

12.4 ZONE PROVISIONS

No Person shall, within any Industrial Zone, Use any Lot or Erect, Alter, Use any Building or Structure except in accordance with the following Zone Provisions. A number(s) following the Zone Provision, Zone heading or description of the provision, indicates an additional Zone Provision. These additional provisions are listed in the Footnotes at the end of each Table.

Table 12.2 – Zone Provisions for Industrial Zones

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
INDUSTRIAL ZONES					
Zone Provisions	M1	M2	M3	M4	M5
Lot Area (Minimum)	100.0 m ²	400 m ²	200.0 m ²	10.0 ha	1.0 ha
Lot Frontage (Minimum)	30.0 m	30.0 m	30.0 m	120.0 m	45.0 m
Lot Coverage (Maximum) (1)	55%	60%	50%	20%	20%
Required Yards (2)(4)					
Front (Minimum)	10.0 m	7.5 m	6.0 m	50.0 m	30.0 m
Interior Side (Minimum)	4.5 m	3.0 m	3.0 m	30.0 m	30.0 m
Exterior Side (Minimum)	10.0 m	7.5 m	6.0 m	50.0 m	30.0 m
Rear (Minimum)	7.5 m	7.5 m	7.5 m	50.0 m	30.0 m
Excavation Setbacks (Minimum)					

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
INDUSTRIAL ZONES					
Zone Provisions	M1	M2	M3	M4	M5
From any Lot Line	N/A	N/A	N/A	50.0 m	N/A
From any Street Line	N/A	N/A	N/A	50.0 m	N/A
From Residential Zone or Use	N/A	N/A	N/A	300.0 m	N/A
From any Watercourse	N/A	N/A	N/A	30.0 m	30.0 m
Open Storage Area Setbacks (Minimum):					
From any Lot Line	N/A	N/A	N/A	30.0 m	30.0 m
From any Lot Abutting a Residential Zone	N/A	N/A	N/A	90.0 m	90.0 m
Building Height (Maximum)	15.0 m	20.0 m	15.0 m	12.0 m	15.0 m
Landscaping Area (Minimum) (3)	10%	10%	20%	5%	20%

Footnotes for Table 12.2:

- (1) Includes a combination of all Buildings, Structures and Outdoor Storage.
- (2) Outdoor Storage provisions are located in Subsection 5.25.
- (3) Additional Landscaping provisions are located in Table 5.2.
- (4) Where a Lot Abuts University Avenue, for the purposes of Outdoor Storage as set out in Subsection 5.25, the Lot Line Abutting University Avenue shall be considered the Front Lot Line.

12.5 INDUSTRIAL ZONE EXCEPTIONS

The provisions of this Section are modified as set out in the Tables in Subsection 12.4 below.

- Column 1 sets out the exception number.
- Column 2 sets out the exception.

Unless specifically modified or amended by this Subsection, all other provisions of this By-law continue to apply to the lands subject to this Subsection.

Table 12.3 - Light Industrial (M1) Exception Zones

Column 1	Column 2
Exception Number	Exception
M1 EXCEPTIONS	
M1-1	<p>Permitted Uses: On the easterly 100.0 m of the lands, uses are restricted to the following:</p> <ul style="list-style-type: none"> • Dry-land Marina • Outdoor Storage Accessory to a Permitted Use • Contractor's Yard • The sales of Motor Vehicle, marine and/or Recreational Equipment, parts and accessories • Commercial Self-Storage Facility <p>On the westerly 101.0 m of the lands the uses permitted in the M1 Zone apply.</p> <p>Zone Provisions:</p> <ul style="list-style-type: none"> • Landscaped Open Space (min.) – 17% • Watercraft may be displayed for sale in the Front Yard, but Watercraft storage shall not be permitted in the Front Yard.
M1-2	<p>Permitted Uses:</p> <ul style="list-style-type: none"> • The Use of that portion of the northerly most 9.0 metres of the interior side yard to the north (identified as Part 1, Plan 51R-39430) is limited to pedestrian and vehicular ingress and egress. <p>Zone Provisions: Interior Side Yard (min.) – 15.0 m (from northerly interior side lot line)</p>

Table 12.4 – General Industrial (M2) Exception Zones

Column 1	Column 2
Exception Number	Exception
M2 EXCEPTIONS	
M2-1	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Day Nursery Accessory to a Permitted Use • Heavy Equipment Sales and Rental • Rental Store • School, Commercial • Store, Accessory Retail (not exceeding 250m²) <p>Zone Provisions:</p> <ul style="list-style-type: none"> • A maximum of two (2) Accessory Buildings or Structures shall be permitted in the Front Yard • Height of Accessory Building or Structure (max.) - 7.4 m

Column 1	Column 2
Exception Number	Exception
M2-1 (continued)	<ul style="list-style-type: none"> • Number of Parking Spaces (min.) - 64 • The area dedicated for Outdoor Storage of heavy equipment is not Required to be paved • Outdoor Storage is permitted for the display of heavy equipment and shall not require Screening • Loading Spaces shall only be permitted in a Rear or Side Yard except that no loading door shall be permitted in any Building wall that faces a Street
M2-2	<p>Zone Provisions:</p> <ul style="list-style-type: none"> • That portion of the northeasterly Lot Line of the subject property that directly abuts a private Right-of-Way shall be deemed to be the Front Lot Line. • Development of the property that is accessed by way of a private Right-of-Way shall be permitted.

Table 12.5 – Business Park Industrial (M3) Exception Zones

Column 1	Column 2
Exception Number	Exception
M3 EXCEPTIONS	
M3-1	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Commercial Self-Storage Facility in an Existing Building only • Custom Workshop • Day Nursery (Existing) • Dry Cleaning Establishment • Heavy Equipment Repair Shop • Heavy Equipment Sales and Rental • Outdoor Display and Sales Area Accessory to a permitted manufacturing Use • Printing or Publishing Establishment • School, Commercial • Veterinary Clinic • Any combination of the following, up to a total maximum aggregate Building footprint area of 7,344 m²: <ul style="list-style-type: none"> ○ Bottling Plant ○ Brewery or Winery (subject to Footnote (1) to Table 12.1) ○ Building Supply Outlet ○ Light Equipment Sales and Rental Establishment ○ Motor Vehicle Body Repair Shop ○ Motor Vehicle Fuel Bar ○ Motor Vehicle Accessories Store ○ Motor Vehicle Parts Shop

M3-1 (continued)	<ul style="list-style-type: none"> ○ Motor Vehicle Rental Establishment ○ Motor Vehicle Repair Shop ○ Motor Vehicle Washing Establishment (subject to Footnote (1) to Table 12.1) ○ Recreational Equipment Service Establishment ○ Recreational Establishment ○ Service or Repair Shop <ul style="list-style-type: none"> ● Any combination of the following, up to a total maximum aggregate Building footprint area of 7,344 m²: <ul style="list-style-type: none"> ○ Convenience Store ○ Dry Cleaning Depot ○ Drive Through Service Facility ○ Financial Institution ○ Personal Service Shop ○ Print Shop ○ Restaurant ○ Retail Stores, less than 250.0 m² per Premises, catering to business supply and service <p>See Holding Zone H6 in Table 14.1</p>
M3-2	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> ● All uses permitted in the M3-1 Exception Zone ● Outside Storage provided that such Outside Storage: <ul style="list-style-type: none"> ○ Shall be Accessory to a permitted “Light Industry” Use; ○ Shall be located no closer than 100 m to the Lot Line dividing the subject property from Highway 11; ○ Shall not exceed 20% of the Lot; ○ Shall not contain product stored in a manner that cumulatively exceeds the elevation of the Existing Building; and, ○ Shall have an Interior Side Yard Setback of 0 m, for the Interior Side Yard adjacent to the property known municipally as 100 Hunter Valley Road
M3-3	<p>Permitted Uses:</p> <ul style="list-style-type: none"> ● Assembly Hall ● Commercial School ● Commercial Self-Storage Facility in an Existing Building only ● Custom Workshop ● Day Nursery (Existing, or Ancillary to a Permitted Use) ● Dry Cleaning Establishment ● Existing Uses ● Fitness Centre or Club (Ancillary to a Permitted Use) ● Hotel ● Light Industry ● Medium Industry ● Motel

M3-3 (continued)	<ul style="list-style-type: none"> • Office, Business, Professional or Administrative • Outdoor Display and Sales Area (Accessory to a Permitted Industrial Use) • Outdoor Storage (Accessory to a Permitted Use) • Printing and Publishing Establishment • Public Use • Recreational Establishment (Private) • Research and Development Facility • Retail Store (Accessory to a Permitted Use) • Retail Store (Ancillary to a Principal Use) • Retail Warehouse • Veterinary Clinic • Warehouse • Wholesale Use (Accessory to a permitted service, supply or manufacturing Use, but not Accessory to a Warehouse) • Any combination of the following Uses up to a total maximum aggregate building footprint area of 7,344.0 m², with the exception that such Uses shall not be permitted on a lot which contains a Retail Warehouse: <ul style="list-style-type: none"> ○ Bottling Plant (subject to confirmation of municipal servicing capacity) ○ Brewery or Winery (subject to confirmation of municipal servicing capacity) ○ Building Supply Outlet ○ Contractor Sales / Yard ○ Heavy Equipment Repair Shop ○ Heavy Equipment Sales and Rental ○ Light Equipment Sales and Rental Establishment ○ Motor Vehicle Accessories Store ○ Motor Vehicle Body Repair Shop ○ Motor Vehicle Fuel Bar which is not part of a Retail Warehouse Use ○ Motor Vehicle Parts Shop ○ Motor Vehicle Rental Establishment ○ Motor Vehicle Repair Shop ○ Motor Vehicle Washing Establishment (subject to confirmation of municipal servicing capacity) ○ Recreational Equipment Service Establishment ○ Service or Repair Shop • Any combination of the following Uses up to a total maximum aggregate building footprint area of 7,344.0 m², with the exception that such Uses shall not be permitted on a lot which contains a Retail Warehouse: <ul style="list-style-type: none"> ○ Convenience Store ○ Drive-Through Service Facility ○ Dry Cleaning Depot ○ Financial Institution ○ Personal Service Shop
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M3-3 (continued)	<ul style="list-style-type: none"> ○ Print Shop ○ Restaurant ○ Retail Store catering to business supply and service and not to exceed 250.0 m² per Premises <p>Zone Provisions:</p> <ul style="list-style-type: none"> • For the purposes of the M3-3 Zone, a “Retail Warehouse” shall mean a Retail Store comprised of a stand-alone Principal Structure with a minimum G.F.A. of 9,290.0 m² up to a maximum G.F.A. of 18,850.0 m², together with an Outdoor Display and Sales Area, and with Ancillary commercial Uses such as a Motor Vehicle Fuel Bar and propane dispensing facility, with such Uses being restricted to a maximum Lot Area of 7.0 ha. • The following provisions apply to a Retail Warehouse Use in the M3-3 Zone: <ul style="list-style-type: none"> ○ Landscaped Open Space (min.) - 11.0% ○ Driveway Width (max.) - 12.3 m ○ Parking Space length (min.) where Parking Space abuts landscaping only - 5.5 m ○ Parking Spaces may be located in a Front or Side Yard provided a minimum 4.0 m wide Landscaped Buffer Area divides the Parking Area from the Street Line ○ Loading Spaces may be located in the exterior side yard, and loading doors shall be permitted on a building wall facing a street, provided they are buffered by a minimum 4.0 m wide Landscaped Buffer Area located along the Street Line ○ Bicycle Parking Spaces (min.) - 20
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Table 12.6 - Extractive Industrial (M4) Exception Zones

Column 1	Column 2
Exception Number	Exception
M4 EXCEPTIONS	

Table 12.7- Waste Disposal (M5) Exception Zones

Column 1	Column 2
Exception Number	Exception
M5 EXCEPTIONS	

SECTION 13
OPEN SPACE, RURAL AND ENVIRONMENTAL PROTECTION ZONES

13.1 ESTABLISHMENT OF ZONES

The Open Space, Rural and Environmental Protection Zones established in Section 3 of this By-law are as follows:

- OS1 Open Space One (Public Park)
- OS2 Open Space Two (Private Open Space)
- RU Rural
- EP Environmental Protection

13.2 GENERAL PROHIBITION

No Person shall, within any Open Space Zone, Rural Zone and Environmental Protection Zone, Use any land, or Erect, Alter or Use any Building or Structure except as specified in this Section and in accordance with all other applicable provisions of this By-law.

13.3 PERMITTED USES

Uses permitted in a Zone are noted by the symbol '✓' in the column applicable to that Zone and corresponding with the row for a specific Permitted Use in Table 13.1. A number(s) following the symbol '✓', Zone heading or identified Permitted Use, indicates that one or more special regulations apply to the Use noted or, in some cases, to the entire Zone. Special regulations are listed in the Footnotes below the Permitted Use Table, Table 13.1.

Table 13.1 – Permitted Uses in Open Space, Rural and Environmental Protection Zones

Column 1	Column 2	Column 3	Column 4	Column 5
OPEN SPACE, RURAL AND ENVIRONMENTAL PROTECTION ZONES				
Permitted Uses	OS1	OS2	RU	EP
Agricultural Uses			✓	
Bed and Breakfast Establishment			✓	
Cemetery		✓		
Community Centre	✓	✓		
Community Park	✓	✓		
Conservation Use	✓			✓
Day Nursery		✓		
Dwelling, Detached			✓	
Dwelling Unit, Accessory			✓	
Existing Uses			✓	

Column 1	Column 2	Column 3	Column 4	Column 5
OPEN SPACE, RURAL AND ENVIRONMENTAL PROTECTION ZONES				
Permitted Uses	OS1	OS2	RU	EP
Golf Course		✓		
Home Industry			✓	
Home Occupation			✓	
Marine Facility	✓	✓		
Open Space	✓	✓		
Park, Public	✓	✓		
Public Use	✓	✓	✓	✓
Recreational Establishment	✓	✓		
Recreational Trail	✓	✓		✓

Footnotes for Table 13.1:

(n/a)

13.4 ZONE REQUIREMENTS

No Person shall, within any Open Space Zone, Rural Zone or Environmental Protection Zone Use any Lot or Erect, Alter, Use any Building or Structure except in accordance with the following Zone Provisions. A number(s) following the Zone provision, Zone heading or description of the provision, indicates an additional Zone provision. These additional provisions are listed at the end of each Table.

Table 13.2 – Zone Provisions for Open Space, Rural and Environmental Protection Zones

Column 1	Column 2	Column 3	Column 4	Column 5
OPEN SPACE, RURAL AND ENVIRONMENTAL PROTECTION ZONES				
Zone Provisions	OS1	OS2	RU	EP
Lot Area (Minimum)	NIL	2.0 ha	0.4 ha	1.0 ha
Lot Frontage (Minimum)	NIL	150.0 m	60.0 m	45.0 m
Lot Coverage (Maximum)	35%	5%	25%	5%
Required Yards:				
Front (Minimum)	10.0 m	20.0 m	7.5 m	7.5 m
Interior Side (Minimum)	5.0 m	6.0 m	7.5 m	7.5 m
Exterior Side (Minimum)	6.5 m	15.0 m	7.5 m	7.5 m
Rear (Minimum)	7.5 m	15.0 m	15.0 m	15.0 m
Building Height (Maximum)	12.0 m	12.0 m	12.0 m (1)	12.0 m
Landscaping Area (Minimum)	30%	30%	N/A	N/A

Footnotes for Table 13.2:

(1) Buildings used exclusively for agricultural purposes are exempt from the maximum Height.

13.5 OPEN SPACE, RURAL AND ENVIRONMENTAL PROTECTION ZONE EXCEPTIONS

The provisions of this By-law are modified as set out in the Tables in Subsection 13.4 below.

- Column 1 sets out the exception number.
- Column 2 sets out the exception.

Unless specifically modified or amended by this Subsection, all other provisions of this By-law continue to apply to the lands subject to this Subsection.

Table 13.3 – Open Space One (OS1) Exception Zones

Column 1	Column 2
Exception Number	Exception
OS1 EXCEPTIONS	

Table 13.4 – Open Space Two (OS2) Exception Zones

Column 1	Column 2
Exception Number	Exception
OS2 EXCEPTIONS	
OS2-1	<p>Additional Permitted Uses:</p> <ul style="list-style-type: none"> • Recreational Uses • Landscaping associated with Development located in the Abutting Residential Zone subject to the following exceptions: <p>Zone Provisions:</p> <p>(a) Dock Size (max.) 139 sq. m</p> <p>(b) Width of Dock at Shoreline (max.) 21 m</p> <p>For the purposes of the OS1-1 Zone, “Dock” shall mean a Structure built at or Attached to the shore for the purpose of mooring of non-motorized Vessels and/or Watercraft.</p>

Table 13.5 – Rural (RU) Exception Zones

Column 1	Column 2
----------	----------

Exception Number	Exception
RU EXCEPTIONS	
RU-1	Zone Provisions: (a) Parking Spaces (min.) – 1.36 spaces per Dwelling Unit (68 spaces) See Holding Zone H3 in Table 14.1

Table 13.6 – Environmental Protection (EP) Exception Zones

Column 1	Column 2
Exception Number	Exception
EP EXCEPTIONS	

SECTION 14
HOLDING ZONES, TEMPORARY USE ZONES AND INTERIM CONTROL ZONES

14.1 HOLDING ZONES

Notwithstanding any other provision in this By-law, where a Zone symbol is followed by the letter “H” and a number (for example M2-(H1) or R1-(H2) no Person shall Use the land to which the letter (H) applies for any Use other than the Use which Existed on the date this By-law was passed, until the (H) is removed in accordance with the policies of the Official Plan and the *Planning Act*, as amended.

Council may pass a By-law pursuant to Section 36 of the *Planning Act* to remove the Holding (H) Symbol, thereby placing the lands in the Zone indicated by the Zone symbol, when all of the applicable Requirements have been met.

Zones with Holding Provisions are identified in Table 14.1 below.

14.1.2 List of Holding Zones

The following holding provisions apply to the properties specified:

Table 14.1 – Holding Zones

Column 1	Column 2	Column 3	Column 4	Column 5
Hold Number	Property	Conditions of Hold Removal	By-law (if applicable)	By-law Removing “H”
H1	Various	Removal of the Hold is conditional upon: 1. Remediation of the site to address and mitigate any known or suspected human made hazards; and 2. Submission of a Record of Site Condition, filed in the Environmental Registry in accordance with the provisions of the <i>Environmental Protection Act</i> , at the sole discretion of the City.		2015-46 2015-87 2015-92
H2	Various	Removal of the Hold is conditional upon: 1. availability of servicing capacity; 2. Site Plan Approval; 3. the submission and approval of acceptable Environmental and Archaeological studies, if deemed necessary by the City; and, 4. remediation of the site to address and mitigate any known or suspected human made hazards.		

Column 1	Column 2	Column 3	Column 4	Column 5
Hold Number	Property	Conditions of Hold Removal	By-law (if applicable)	By-law Removing "H"
H3	Stone Ridge Subdivision Inch Farm Subdivision	Removal of the Hold is conditional upon the City being satisfied that an appropriate Development Agreement has been executed. Where a Red Line Revision of the Draft Approved Plan is requested, a Scoped Environmental Impact Study may be Required at the City's discretion.		2015-74 (part) 2015-89 (part)
H4	79 West St South	Removal of the Hold and the commencement of the other permitted uses shall be subject to further environmental analysis undertaken to the satisfaction of the City and relevant agencies.	2009-59	
H5	75 Barrie Road	Removal of the Hold is conditional upon: 1. The City being satisfied, at the City's discretion, that a record of Site Condition(s), filed in the Environmental Registry in accordance with the provisions of the <i>Environmental Protection Act</i> , has been completed to include all of the applicable lands; and/or confirmation by a Qualified Person that the lands do not require any additional environmental investigation and/or remediation.	2015-104	
H6	827 Memorial Avenue, 845 Memorial Avenue and 50 Woodland Drive 9 Ferguson Road 3210 Bass Lake Sideroad East 4510 Uhthoff Line 560 & 600 Harvie Settlement Road CON 3 PT LOT 7 RP 51R20648	Removal of the Hold is conditional upon: 1. Where the property is being developed under a Plan of Subdivision, a Plan of Condominium, or Site Plan Control, the City being satisfied that an appropriate Development Agreement has been executed, which may address, where warranted: archaeological potential; environmental sensitivity; servicing availability; and/or phasing; OR 2. Where the property is being developed by Consent pursuant to Section 53 of the <i>Planning Act</i> , the City being satisfied that the Conditions of the Consent Decision have been complied with.		

Column 1	Column 2	Column 3	Column 4	Column 5
Hold Number	Property	Conditions of Hold Removal	By-law (if applicable)	By-law Removing "H"
H7	50 Penetang St. and 50 Westmount Drive North	Removal of the Hold is conditional upon submission of the following to the satisfaction of the City, in accordance with the City's Official Plan policies: 1. a Comprehensive Development Plan 2. a Streetscape Plan 3. a Traffic Impact Study and Entrance Analysis 4. a Stormwater Management Plan	2012-40 2012-146	
H8	395 Barrie Road	Removal of the Hold is conditional upon: 1. Submission of an archaeological assessment satisfactory to the City, including, if Required, a Clearance Letter from the appropriate provincial Ministry; and 2. Submission of a current Ecological Site Assessment, or equivalent study, to address any potential Species at Risk to the satisfaction of the City and/or the appropriate provincial Ministry.	2012-115	
H9	679 Atherley Road	Removal of the Hold is conditional upon: 1. the availability of servicing capacity; 2. Ministry of Transportation and City of Orillia approval of access improvements at the intersection of Orchard Point Road and Atherley Road including the provision of traffic Signals; 3. Execution of a Site Plan Agreement with the City with respect to items such as payment of cash-in-lieu of parkland, Landscaping, servicing, Required traffic improvements, paving and the provision of storm water management and erosion control to a Level 1 standard for quality control; and 4. Ministry of Natural Resources approvals, permits or licenses for the portion of the site occupied by the Existing Docks and the proposed Accessory recreational Structures.	2002-112	
H10	85 Fittons Road West	Removal of the Hold is conditional upon the City being satisfied or an agreement being entered into satisfying the Requirements of the City with respect to Site Plan Approval.	2006-172	

Column 1	Column 2	Column 3	Column 4	Column 5
Hold Number	Property	Conditions of Hold Removal	By-law (if applicable)	By-law Removing "H"
H11	135 West Street South	<p>The Hold shall not apply to:</p> <ol style="list-style-type: none"> 1. A Permitted Use that it is not a Sensitive Land Use; 1. Interior Alterations; 2. Additions to the gas station kiosk Building to a maximum footprint area of 14.0 m² and the Existing Building on the west side of the Lot to a maximum footprint area of 46.0 m² for exterior Alterations, minor excavations to accommodate architectural bump-outs and vestibule additions; and, 3. Signage footings, minor Parking Area re-stripping and curb adjustments. <p>Any re-development of the site is subject to removal of the Hold and is conditional upon:</p> <ol style="list-style-type: none"> 1. Remediation of the site to address and mitigate any known or suspected human made hazards; and, 2. Submission of a Record of Site Condition, filed in the Environmental Registry in accordance with the provisions of the Environmental Protection Act. 		
H12	West Orillia Lands - North	<p>Removal of the Hold is conditional upon the City being satisfied that:</p> <ol style="list-style-type: none"> 1. an environmental impact study has been completed to identify an Significant natural heritage features and functions, and if so, address the boundaries, buffers and Setbacks for any Significant natural heritage features and functions, and that an appropriate Development Agreement has been executed that addresses: <ol style="list-style-type: none"> (a) a neighbourhood plan; and (b) archaeological potential; and/or (c) environmental sensitivity; and/or (d) servicing availability; and/or (e) phasing. 		

Column 1	Column 2	Column 3	Column 4	Column 5
Hold Number	Property	Conditions of Hold Removal	By-law (if applicable)	By-law Removing "H"
H13	West Orillia Lands - South	Removal of the Hold is conditional upon the City being satisfied that: <ol style="list-style-type: none"> 1. an environmental impact study has been completed to identify any Significant natural heritage features and functions, and if so, address the boundaries, buffers and Setbacks for any Significant natural heritage features and functions; 2. a Scoped Environmental Impact Study has been completed to identify any potential environmental linkages, and if so, address the boundaries, buffers and Setbacks to any environmental linkages; and 3. an appropriate Development Agreement has been executed that addresses: <ol style="list-style-type: none"> (a) a neighbourhood plan; and (b) archaeological potential; and/or (c) environmental sensitivity; and/or (d) servicing availability; and/or (e) phasing 		
H14	458 Forest Avenue South	The Hold shall be lifted subject to the completion of an Environmental Impact Study to the satisfaction of the City and the completion of a Site Plan Agreement to implement the recommendations of the Study and address access and servicing to the Building site.		
H15	PIN: 58642-0024 Part of Lot 11, Concession 4, geographic Twp. of South Orillia (499 West Street South)	Removal of the Hold is conditional upon: <ol style="list-style-type: none"> 1. availability of servicing capacity; 2. Site Plan Approval; 3. the submission and approval of acceptable Environmental and Archaeological studies, if deemed necessary by the City; and, 4. remediation of the site to address and mitigate any known or suspected human made hazards. 5. At the discretion of the City, the removal of the "Holding Exception Seven" (H-7) may also be conditional upon the submission to the City of one or more of the following plans, studies, and/or assessments, to the satisfaction of the City and agencies: <ol style="list-style-type: none"> a) D4 Assessment Study, b) Environmental Impact Study, 	2014-54	

Column 1	Column 2	Column 3	Column 4	Column 5
Hold Number	Property	Conditions of Hold Removal	By-law (if applicable)	By-law Removing "H"
H15 (continued)		<ul style="list-style-type: none"> c) Functional Servicing Plans (Sewer and Water), d) Lighting Plan/Photometric Analysis, e) Stormwater Management Plan, f) Traffic Impact Study. 		
H16	21 Matchedash Street South	Removal of the Hold is conditional upon the City being satisfied or an agreement being entered into satisfying the requirements of the City with respect to the provision of Community Benefits to the City.	2015-68	

14.2 TEMPORARY USE ZONES

Where on Schedules to this By-law, a Zone symbol is preceded by the letter "T" and a dash, and followed by a Zone designation and a number (for example T-SR3-1), one or more additional uses are permitted on the lands noted until the permission granted by the Site Specific Temporary Use By-law expires. Table 14.2 identifies the Temporary Use Zones within the City.

14.2.1 List of Temporary Use Zones

Table 14.2 – Temporary Use Zones

Column 1	Column 2	Column 3	Column 4	Column 5
Municipal Address	Temporary Use Number	Temporary Uses Permitted	Date Enacted	Date Expires

14.3 INTERIM CONTROL ZONES

14.3.1 List of Interim Control Zones

Table 14.3 – Interim Control Zones

Column 1	Column 2	Column 3	Column 4
Property Description	Restriction	Date Enacted	Date Expires

SECTION 15 OVERLAY ZONES

15.1 SHORELINE BUFFER OVERLAY ZONE

15.1.1 General

- a) For the purposes of this By-law, a Shoreline Buffer Zone having the following perpendicular width relative to the Shoreline is established on properties with frontage on a Waterbody:
- i. for properties fronting on Lake Couchiching – 15.0 m
 - ii. for properties fronting on Lake Simcoe – 30.0 m
- b) Existing Dwellings located fully or partly within the Shoreline Buffer Overlay Zone may be expanded in accordance with the following table:

Table 15.1 – Permitted Expansion of Dwellings in Shoreline Buffer Overlay Zone

Existing Dwelling Distance from Shoreline	Maximum Ground Floor Area Increase
< 5.0 m	None
≥ 5.0 m & <10.0 m	23.0 m ²
≥10.0 m & <15.0 m	32.5 m ²
≥15.0 m	46.0 m ²

(Refer to Illustration A1.13 – Permitted Expansion in Shoreline Buffer Overlay Zone, Appendix 1)

- c) Where a vacant Lot Existed as of June 1, 2009, Development of the Lot shall be permitted in accordance with the provisions of Table 15.2 and Footnote below:

Table 15.2 – Permitted Development on Vacant Lots Existing as of June 1, 2009

Distance from Shoreline (1)	Maximum Ground Floor Area (2)
≥7.5 m & <10.0 m	23.0 m ²
≥10.0 m & <15.0 m	46.0 m ²
≥15.0 m & < 20.0 m	46.0 m ²
≥20.0 m	as permitted in Zone

Footnote for Table 15.2:

- (1) The Minimum Required Rear Yard shall be 6.0 m on properties affected by this Subsection.
- (2) Any unused portion of the Permitted ground floor area within a range that is closer to the Shoreline may be added to the next closest range. For example, if a Structure is proposed having ground floor area of only 10.0 m² in the ≥7.5 m & <10.0 m range, the permitted ground floor area in the ≥10.0 m & <15.0 m range would then be 59.0 m² (calculated based upon remnant 13.0 m² in ≥7.5 m & <10.0 m range + 46.0 m² in next closest (≥10.0 m & <15.0 m) range).

(Refer to Illustration A1.14 – Permitted Development on Vacant Lots Existing as of June 1, 2009, Appendix 1)

15.1.2 Accessory Structures and Uses Permitted in Shoreline Buffer Zone

Subject to the provisions of this By-law, Shoreline Structures including Boathouses, Boatports, Dock, boatlifts, Launching Ramps, marine railways, pumphouses, Detached Decks, stairs, ramps, Gazebos, Saunas or hot tubs, and plastic or canvas tent Structures, are permitted to be located in the Shoreline Buffer Zone or Attached to the Shoreline in accordance with Subsection 5.1.4.

15.1.3 Maximum Lot Coverage in Shoreline Buffer Zone

Notwithstanding the Lot Coverage Provisions as set out in Tables 15.1 and 15.2 in Subsection 15.1.1, in no case shall more than 25% of the Required Shoreline Buffer Zone be occupied with Buildings or Structures.

15.1.4 Maintenance and Restoration of Shoreline Buffer Zone

Where a Building Permit is issued for a Shoreline Structure, with the exception of the area permitted for Shoreline Structures as set out herein, the Required Shoreline Buffer Zone shall be restored and maintained. Where the Shoreline Buffer Zone is Required to be restored, Natural Self-Sustaining Vegetation shall be utilized. Where the natural Shoreline of a property is a natural beach or is a rock outcropping with little or no soil, no maintenance or restoration shall be required.

15.1.5 Decks Attached to Dwellings in Shoreline Buffer Zone

Notwithstanding any other provision of this By-law, a new or enlarged Deck may be constructed onto a Dwelling that is located fully or partly within the Shoreline Buffer Overlay Zone provided that:

- a) the Deck is no closer than 5.0 m to the Shoreline at the closest point; and
- b) the Maximum Lot Coverage in the Shoreline Buffer Zone complies with the provisions of Subsection 15.1.3; and
- c) the overall Maximum Lot Coverage and Side Yards comply with the applicable zone provisions.

15.1.6 Access to Shoreline

The Shoreline Buffer Overlay Zone may be interrupted for a width of no more than 4.0 m to provide for a pathway to the Shoreline.

15.2 WASTE DISPOSAL ASSESSMENT OVERLAY HOLDING ZONE

15.2.1 Applicability and Exceptions

Lands shown within the Waste Disposal Assessment Holding Overlay on Schedules 'A' and "B" shall be subject to a Holding Provision pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended. No Development shall be permitted in a Waste Disposal Assessment Overlay Holding Zone unless it can be demonstrated to the satisfaction of the City in consultation with the Ministry of Environment that there will be no Adverse Effects to Persons and property from the active or closed Waste Disposal Site.

Prior to the City passing a By-law under Section 36 of the *Planning Act* to lift the Hold on the lands, studies shall be completed in accordance with the Ministry of Environment's Guideline D4 - Land Use on or Near Landfills and Dumps, as amended or replaced from time to time and potential risks to Public health and safety associated with the proposed land Use and the evaluated former Waste Disposal Site(s) can be mitigated to the satisfaction of the City, in consultation with the Ministry of Environment.

Notwithstanding the provisions of this Subsection, the holding provision shall not apply to the following:

- a) interior Alterations to Existing Structures; and/or
- b) exterior Alterations that do not expand the footprint of an Existing Structure by more than 46.0 m²; and/or
- c) new Structures or Alterations to Existing Structures which are not Habitable and where such Structures are without floors; and/or
- d) any Structure that does not require a Building Permit.

15.2.2 Properties Removed from the Waste Disposal Assessment Overlay Holding Zone

Table 15.3 – Properties Removed from the Waste Disposal Assessment Overlay Holding Zone

Column 1	Column 2
Property Address	By-law Removing "H"
52 & 56 Western Avenue	2015-28
298/300 Memorial Avenue and 9 James Court	2015-47
21 Matchedash Street South	2015-68
182 Cedar Island Road	2015-70
189 Mississauga Street East	2015-87
62 Barrie Road	2015-90
5 King Street	2015-92

15.3

WELLHEAD PROTECTION AND INTAKE PROTECTION OVERLAY ZONES

Notwithstanding the permitted uses that are permitted in any Zone, the following uses are prohibited on the lands identified as Wellhead Protection Zones and Intake Protection Zones on Schedules 'A' and 'B':

- a) generation, handling or storage of Hazardous Waste or Liquid Industrial Waste;
- b) Waste Disposal Site and facilities, organic soil conditions sites, and Snow Storage and Disposal Facilities;
- c) Underground and above-ground storage tanks that are not equipped with an approved secondary containment device;
- d) storage of contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990;
- e) manufacturing or storage of agricultural source material;
- f) handling, manufacturing or storage of any of the following:
 - i) commercial fertilizer;
 - ii) Pesticide;
 - ii) road salt;
 - iv) fuel; or,
 - v) Organic Solvent.

15.4

FLOOD HAZARD OVERLAY ZONE

No exterior opening to any Habitable Building shall be permitted below a minimum opening elevation equal to 220.5 m C.G.S. datum in the Flood Hazard One (FH1) or Flood Hazard Two (FH2) Overlay Zones as shown on Schedule "B" to this By-law. For lands affected by the Flood Hazard Two (FH2) Overlay – Mill Creek Regional Floodplain as shown on Schedule "B" to this By-law, no exterior opening shall be permitted below a minimum opening elevation of 0.5 m above the highest flood elevation on the affected Lot. Buildings located within a floodplain shall also incorporate flood-proofing provisions in accordance with the Ontario Building Code.

15.5

DOWNTOWN AREA OVERLAY ZONES

Schedule 'C' delineates the boundary of the Downtown Area Overlay Zone. Lands within the Downtown Area Overlay Zone are subject to specific Requirements as set out in this By-law, including specific Height Requirements.

**SECTION 16
ENACTMENT**

16.1 FORCE AND EFFECT

This By-law shall come into force and effect on the date it is passed by the Council of the Corporation of the City of Orillia subject to the applicable provisions of the *Planning Act*, R.S.O. 1990, c. P. 13 as amended.

16.2 READINGS BY COUNCIL

This By-law read a first time on the 2nd day of June, 2014.

This By-law read a second time on the 2nd day of June, 2014.

This By-law read a third time and finally passed on the 2nd day of June, 2014.

PRESIDING OFFICER: "Andrew Hill"

CLERK: "Gayle Jackson"

16.3 CERTIFICATION

I hereby certify that the foregoing is a true copy of Zoning By-law No. 2014-44 as enacted by the Council of the Corporation of the City of Orillia, on the 2nd day of June, 2014.

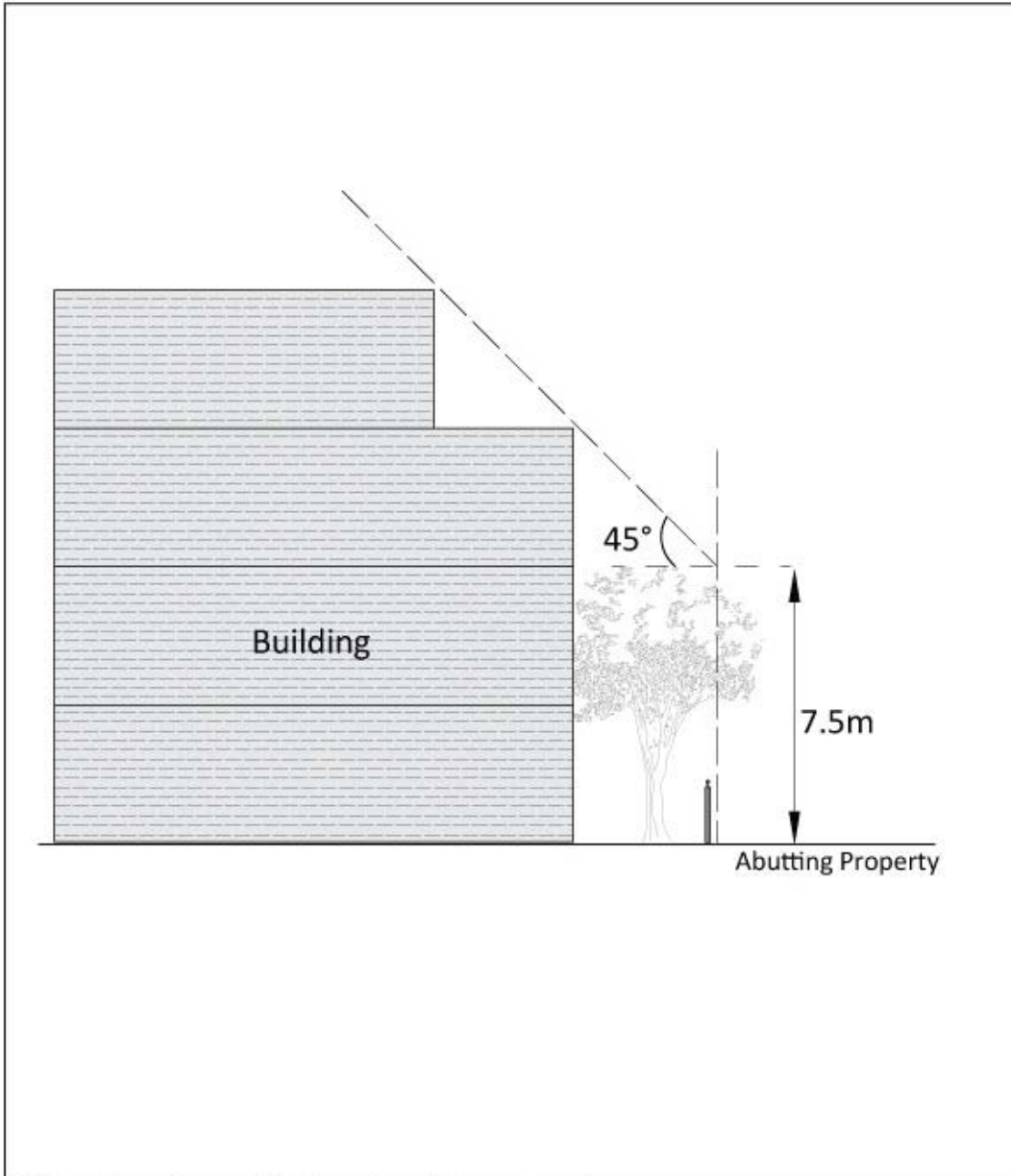
CLERK: "Gayle Jackson"

APPENDIX 1 ILLUSTRATIONS

The following illustrations are intended to assist in the interpretation of certain regulations in the By-law. The illustrations do not form part of this By-law.

Illustration A1.1 – Angular Planes

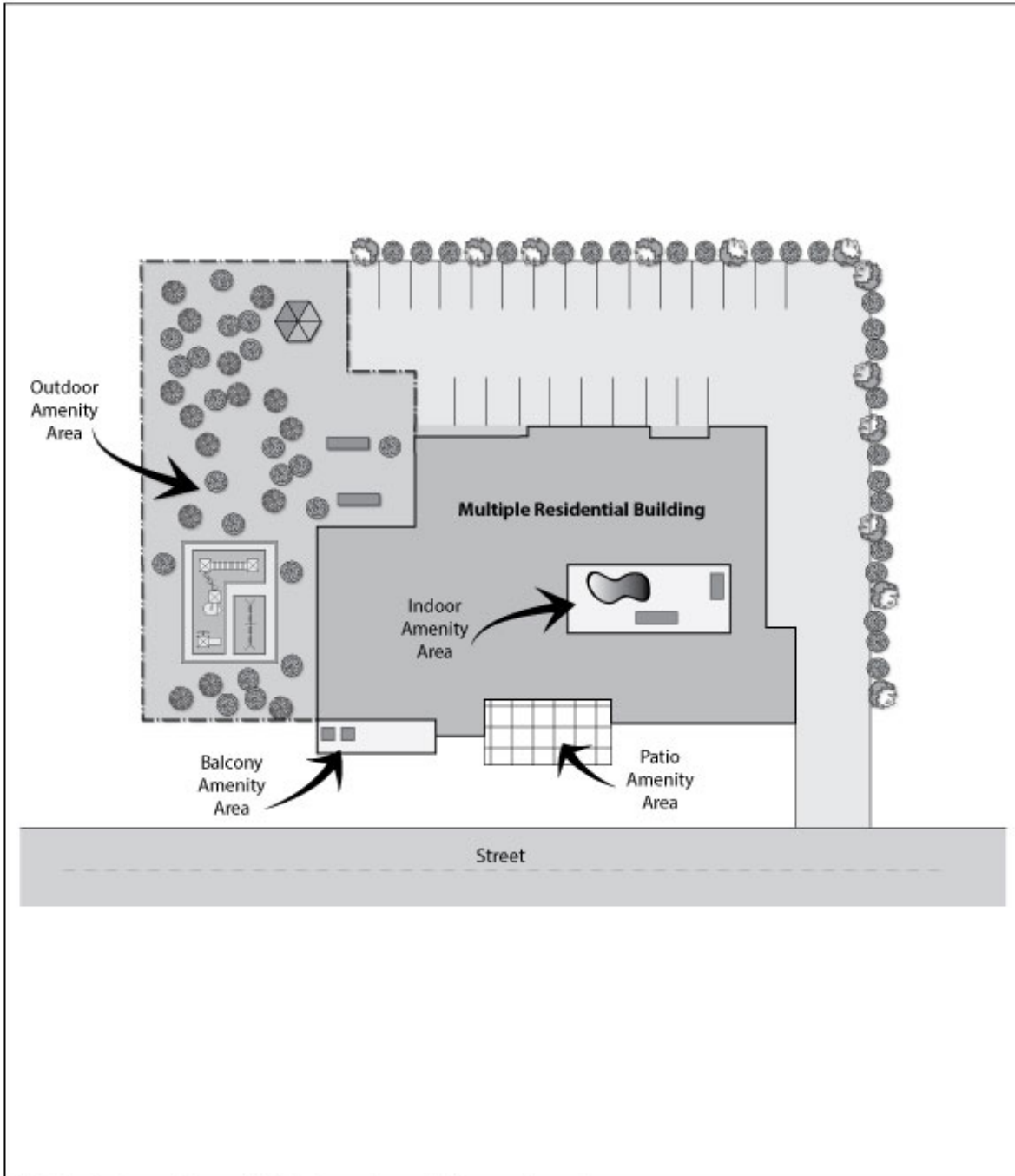
Angular Planes



*This illustration does not form part of this By-law and is provided for convenience only.
City of Orillia Zoning By-law*

Illustration A1.2 – Amenity Area

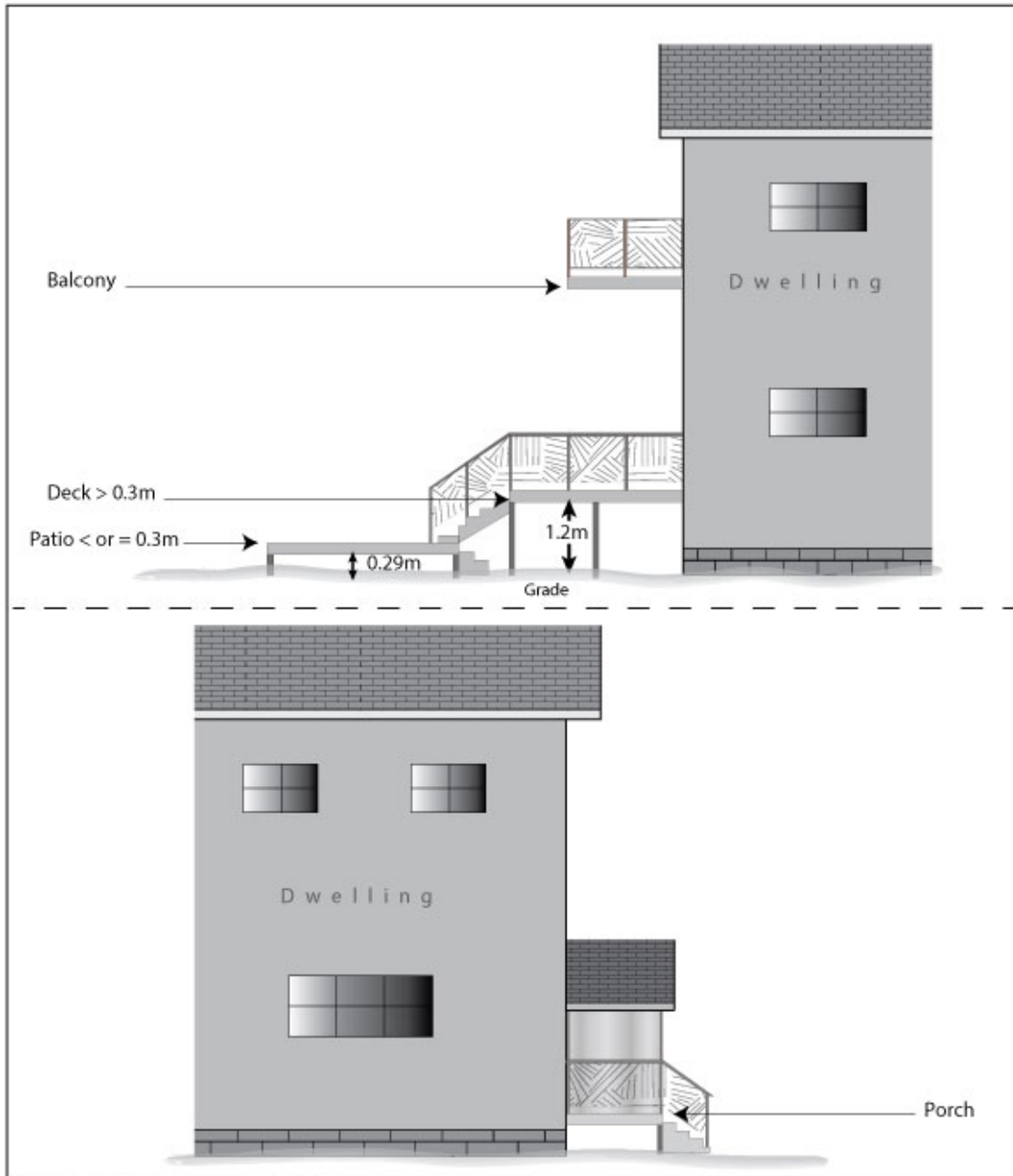
Amenity Area



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City of Orillia Zoning By-law

Illustration A1.3 – Balcony, Deck, Patio, Porch

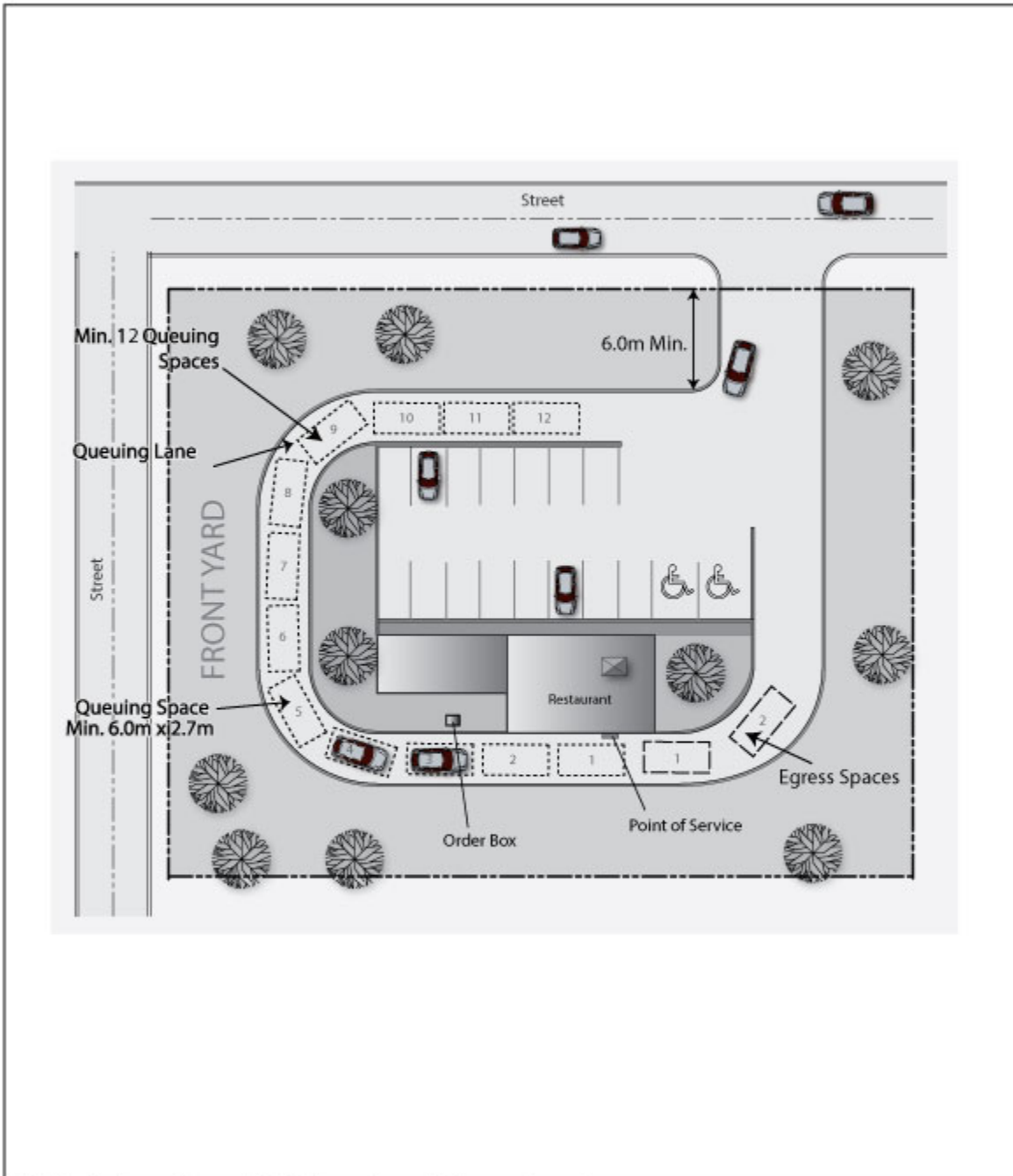
Balcony, Deck, Patio, Porch



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Illustration A1.4 – Drive-Through Service Facility

Drive-Through Service Facility



This illustration does not form part of this By-law and is provided for convenience only.
City of Orillia Zoning By-law

Illustration A1.5 – Dwelling Types

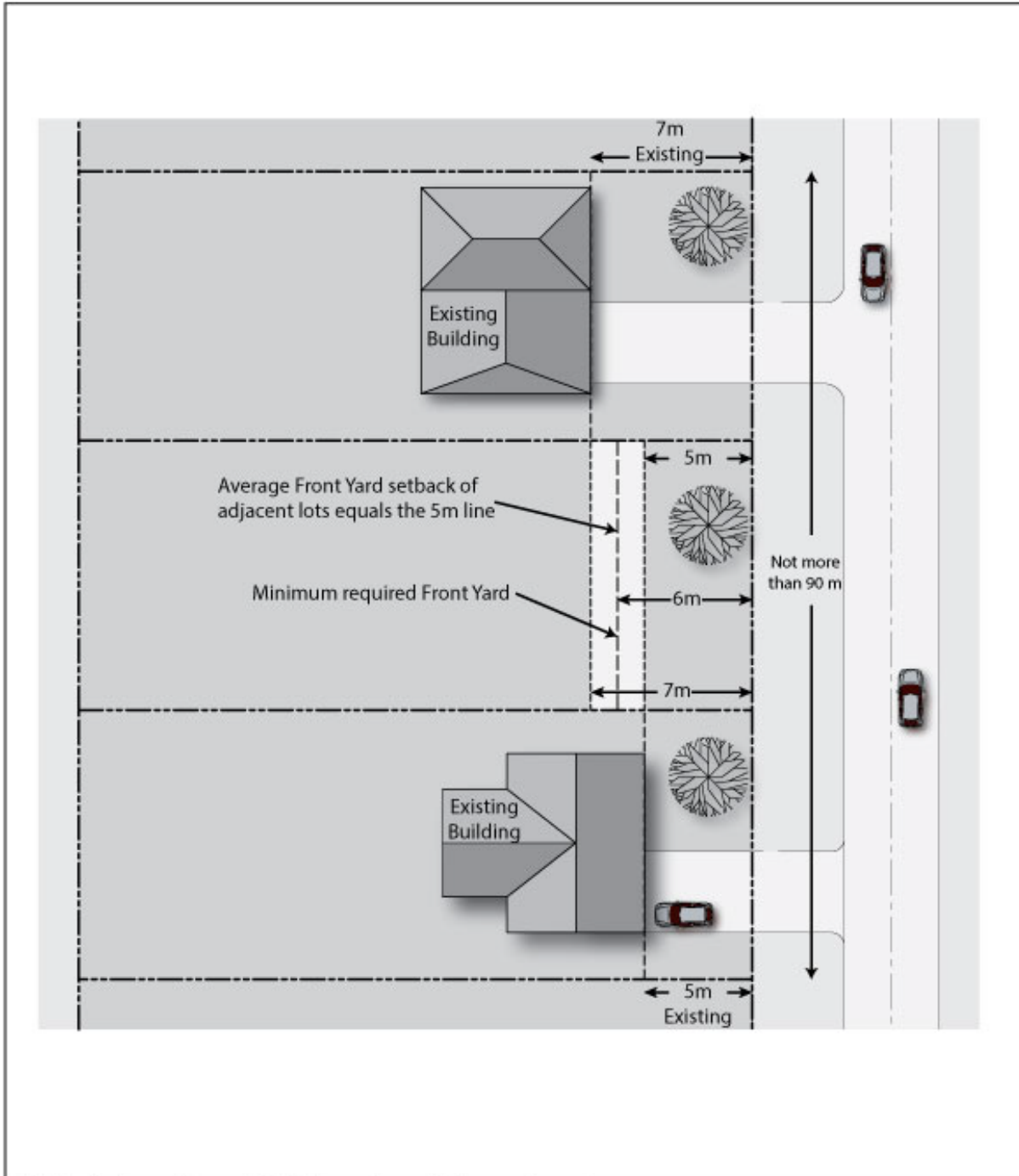
Dwelling Types



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Illustration A1.6 – Established Building Line

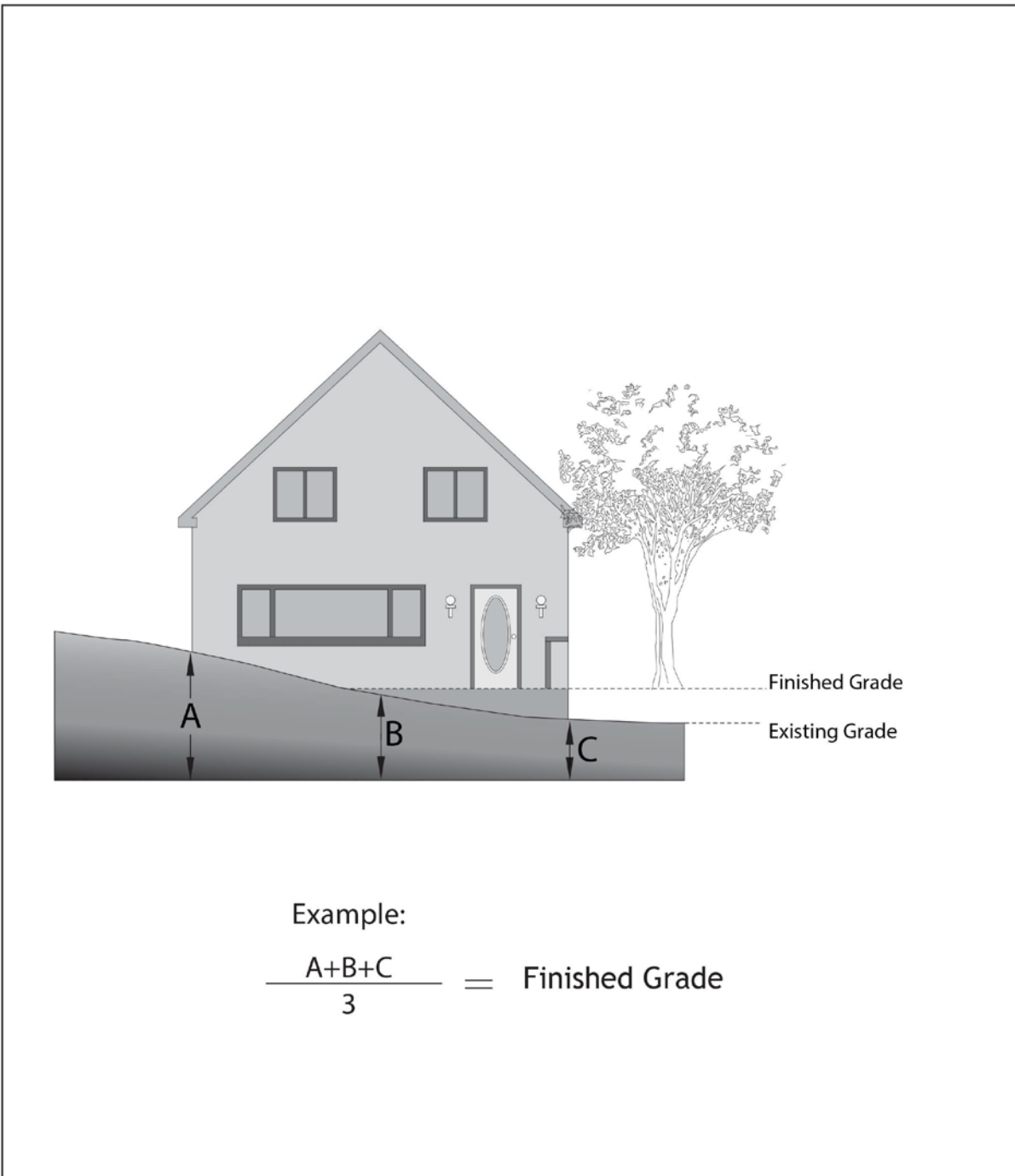
Established Building Line



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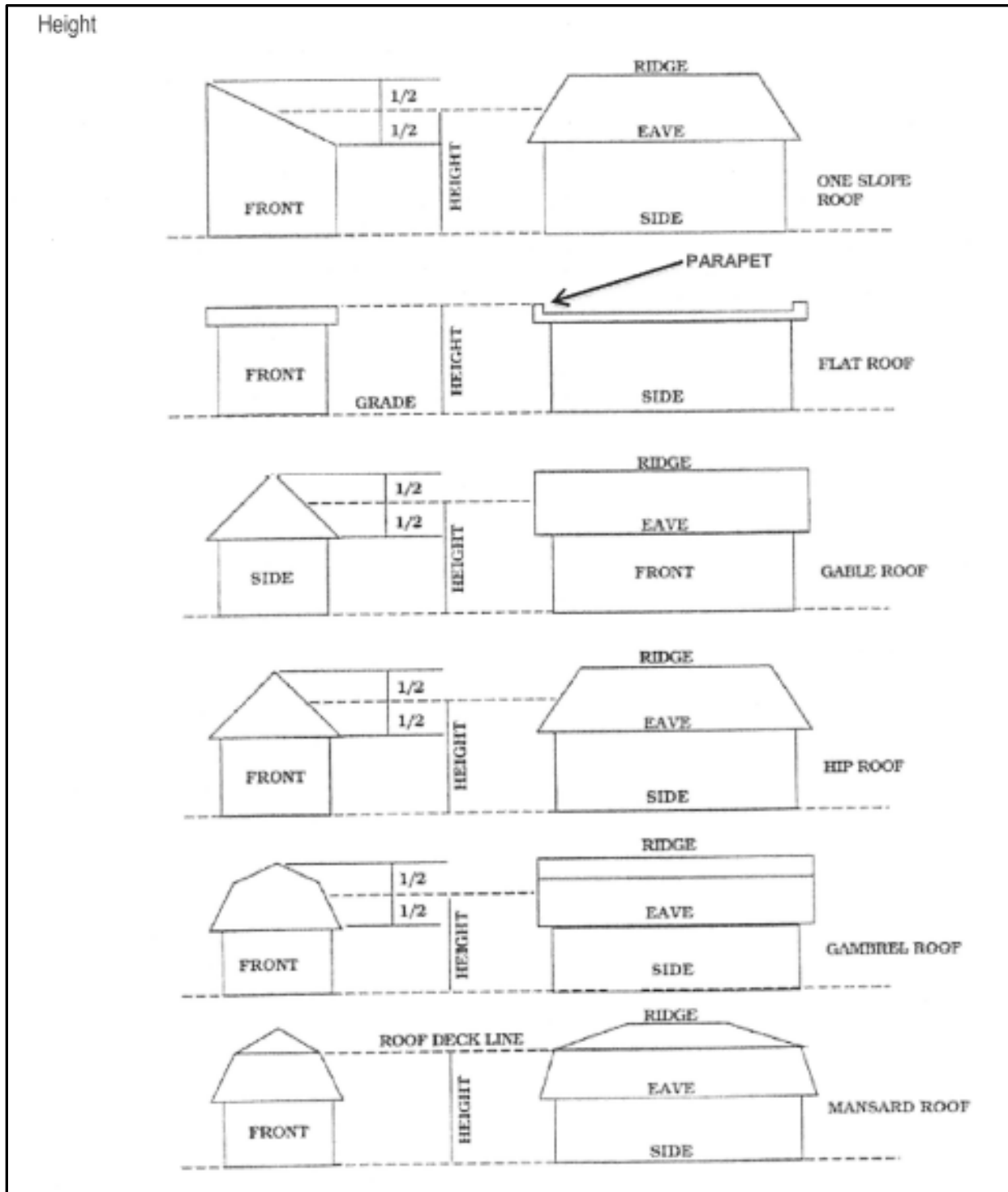
Illustration A1.7 – Finished Grade

Finished Grade



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City of Orillia Zoning By-law

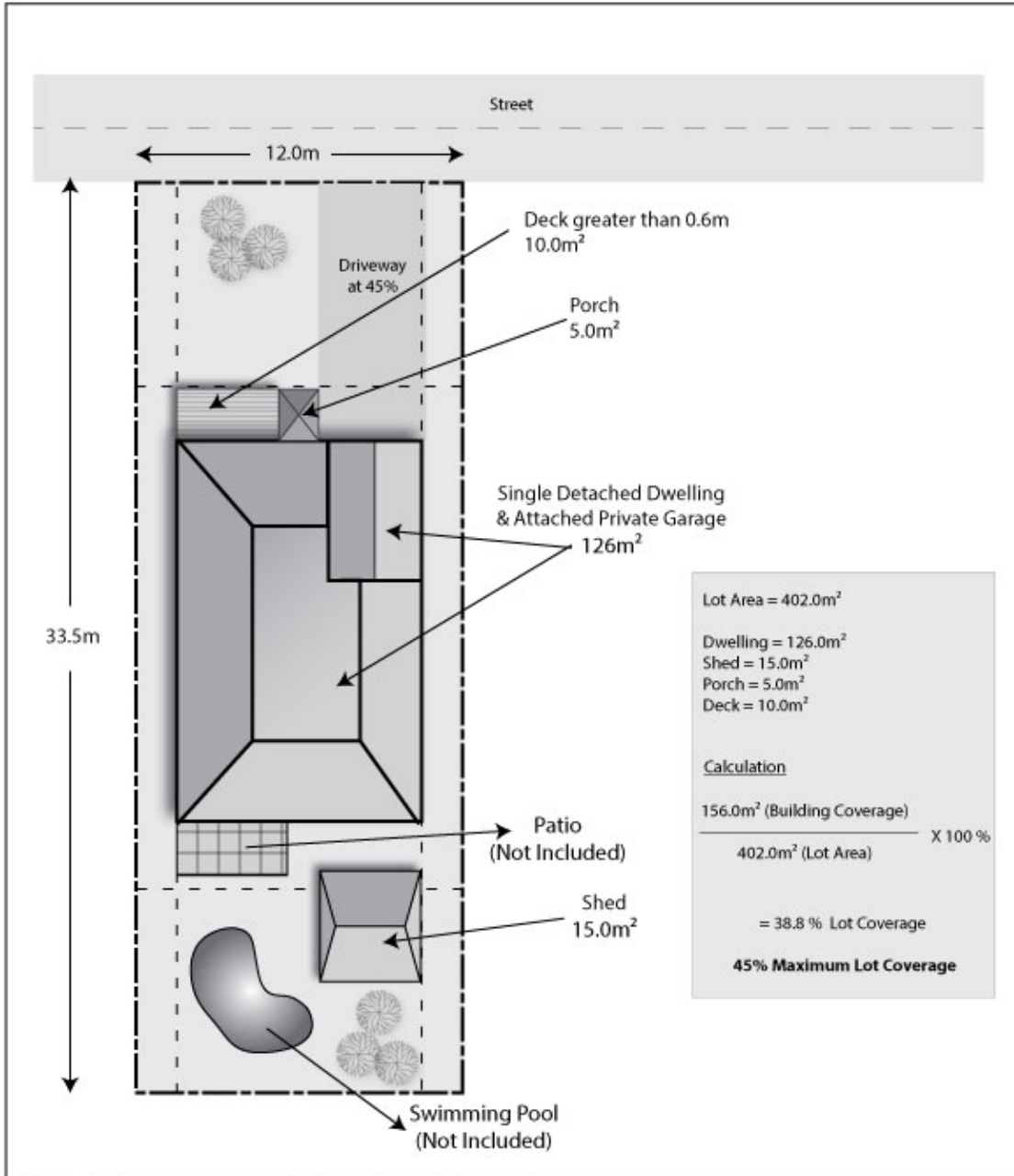
Illustration A1.8 – Height



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City of Orillia Zoning By-law*

Illustration A1.9 – Lot Coverage

Lot Coverage

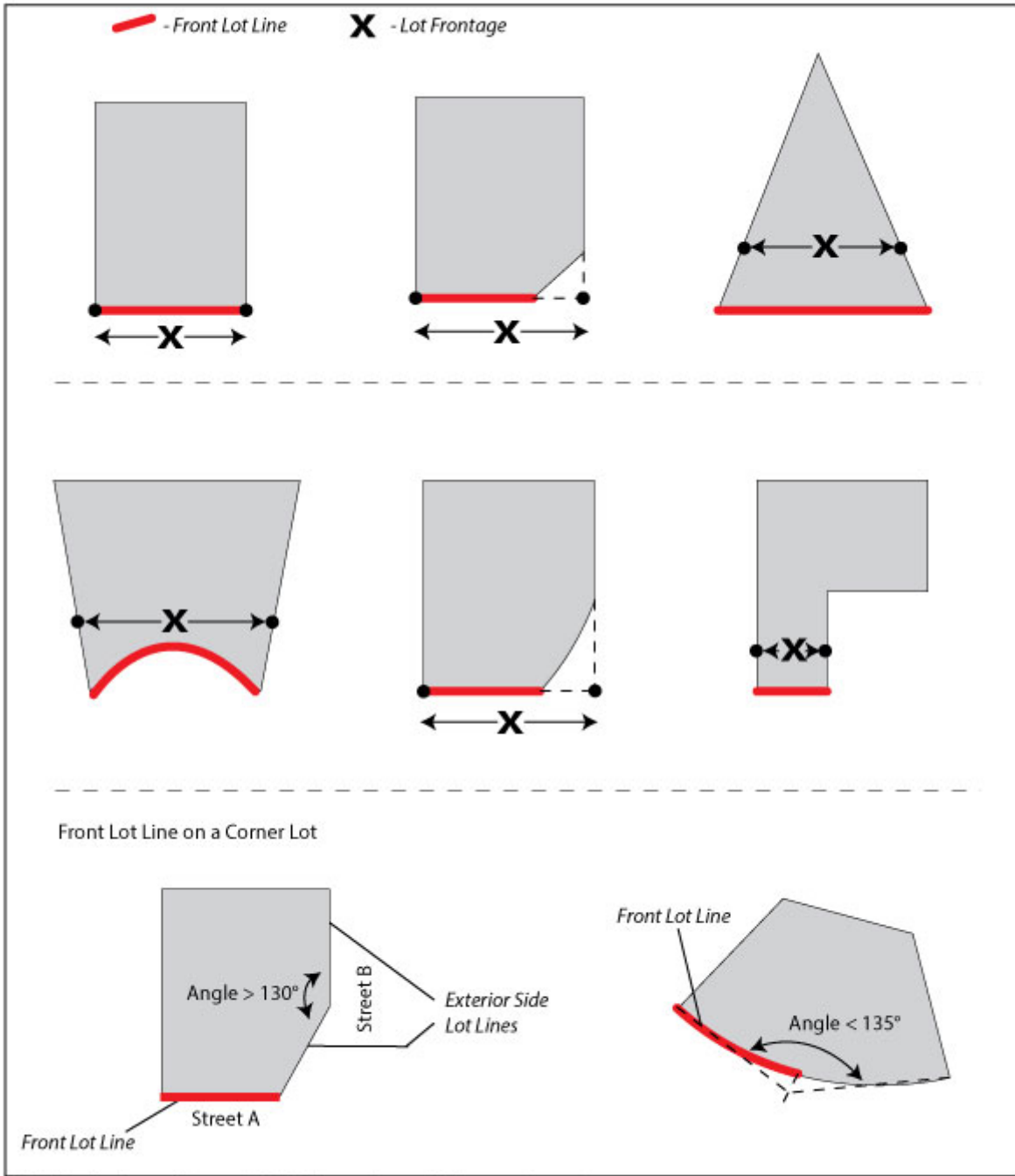


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City of Orillia Zoning By-law

Appendix 4

Illustration A1.10 – Lot Frontage, Measuring

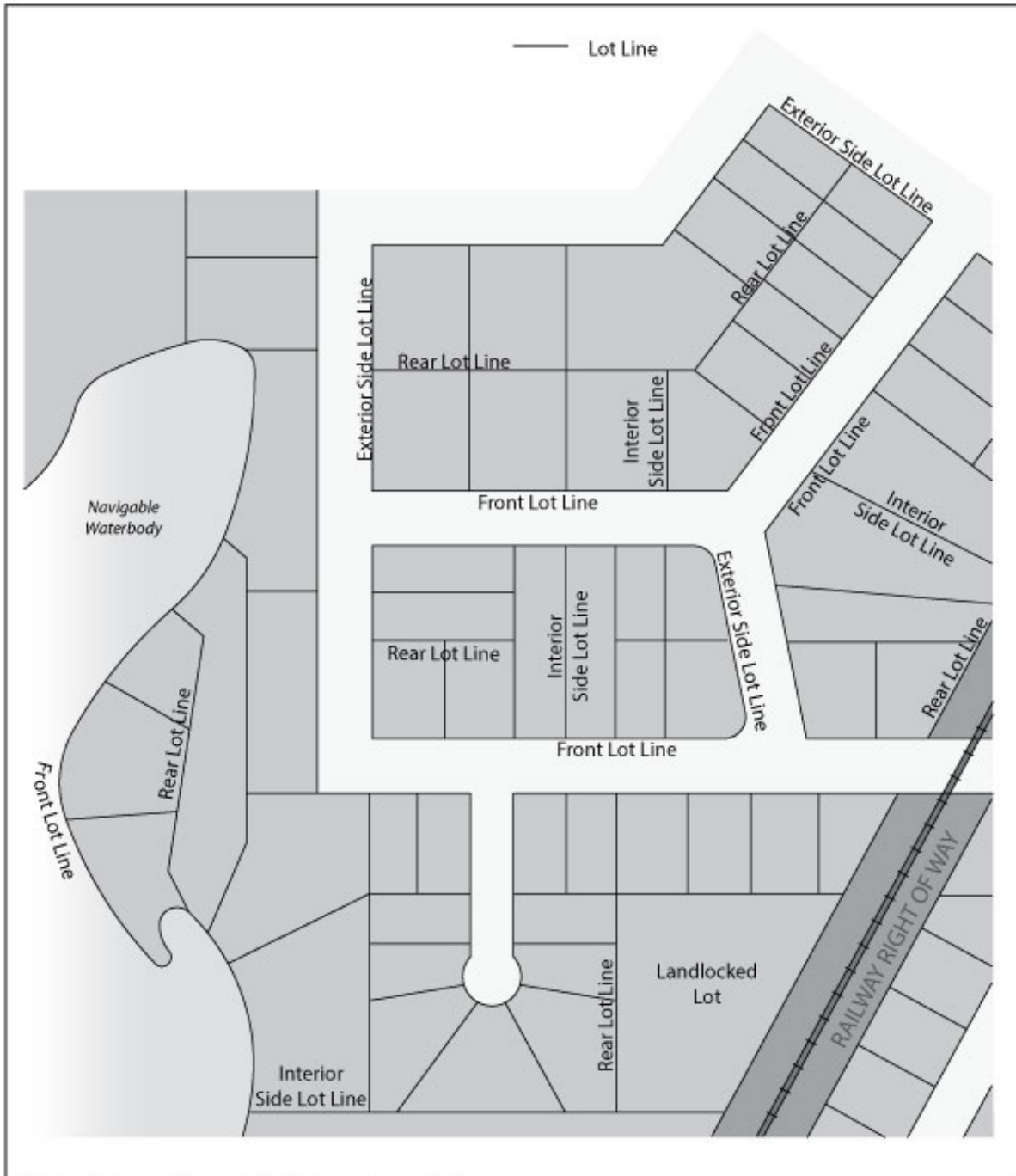
Measuring Lot Frontage



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 City of Orillia Zoning By-law*

Illustration A1.11 – Lot Lines

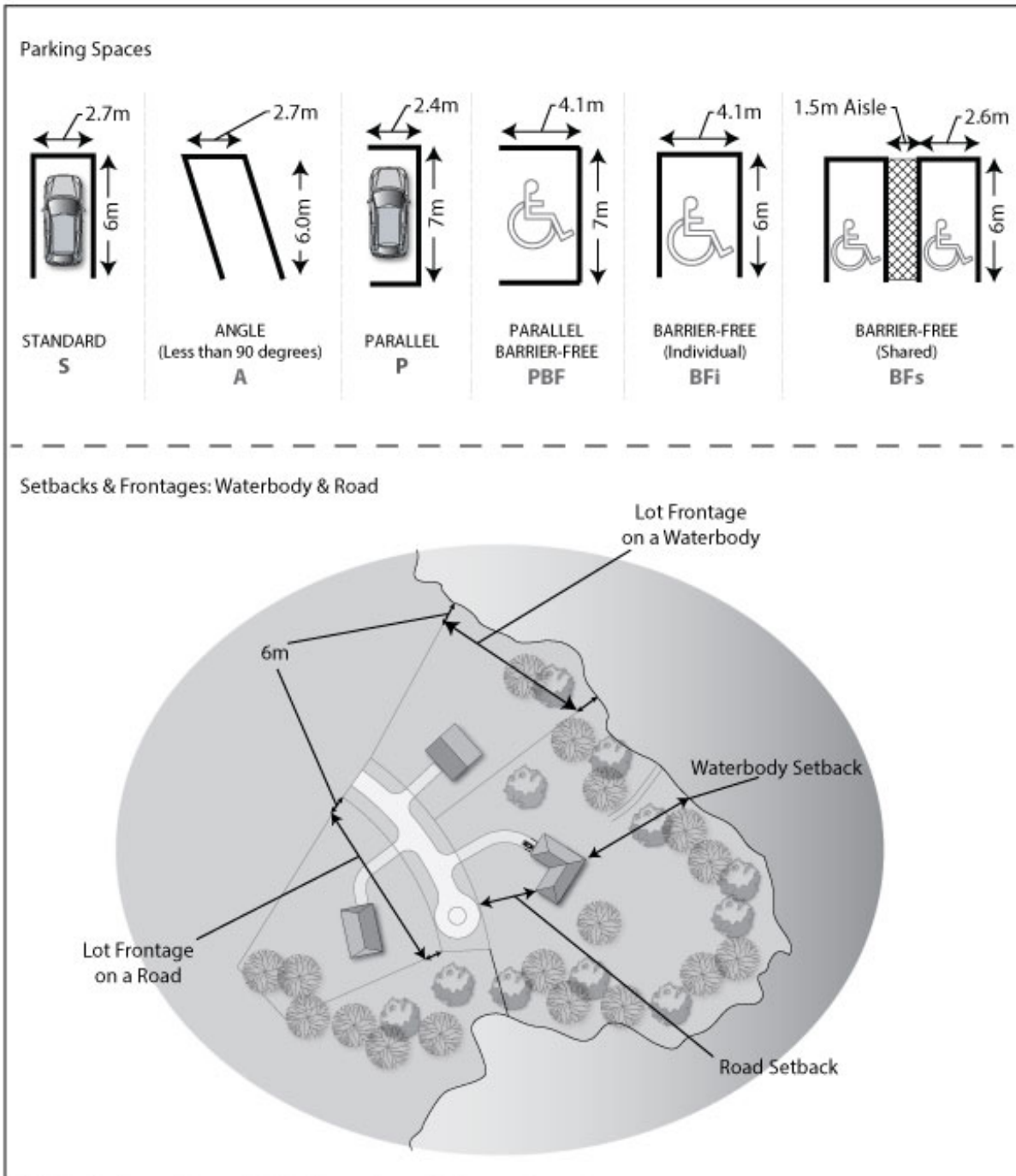
Lot Lines



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City of Orillia Zoning By-law

Illustration A1.12 – Parking, Setbacks & Frontages

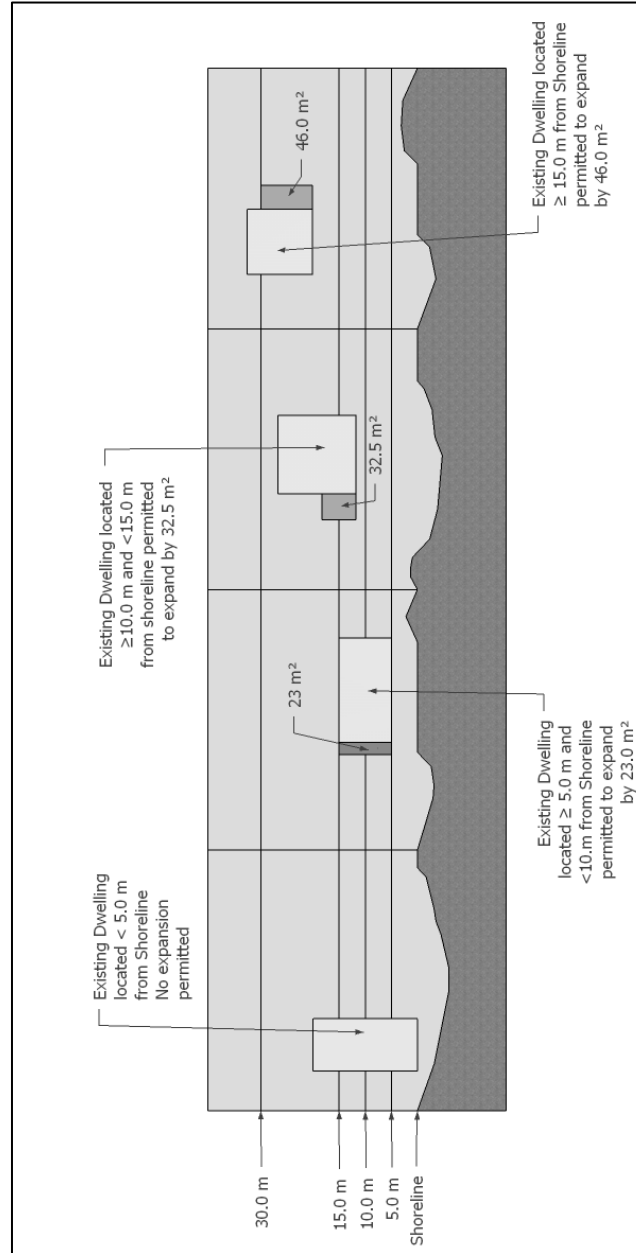
Parking, Setbacks & Frontages



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Illustration A1.13 – Permitted Expansion in Shoreline Buffer Overlay Zone

Permitted Expansion in Shoreline Buffer Overlay Zone

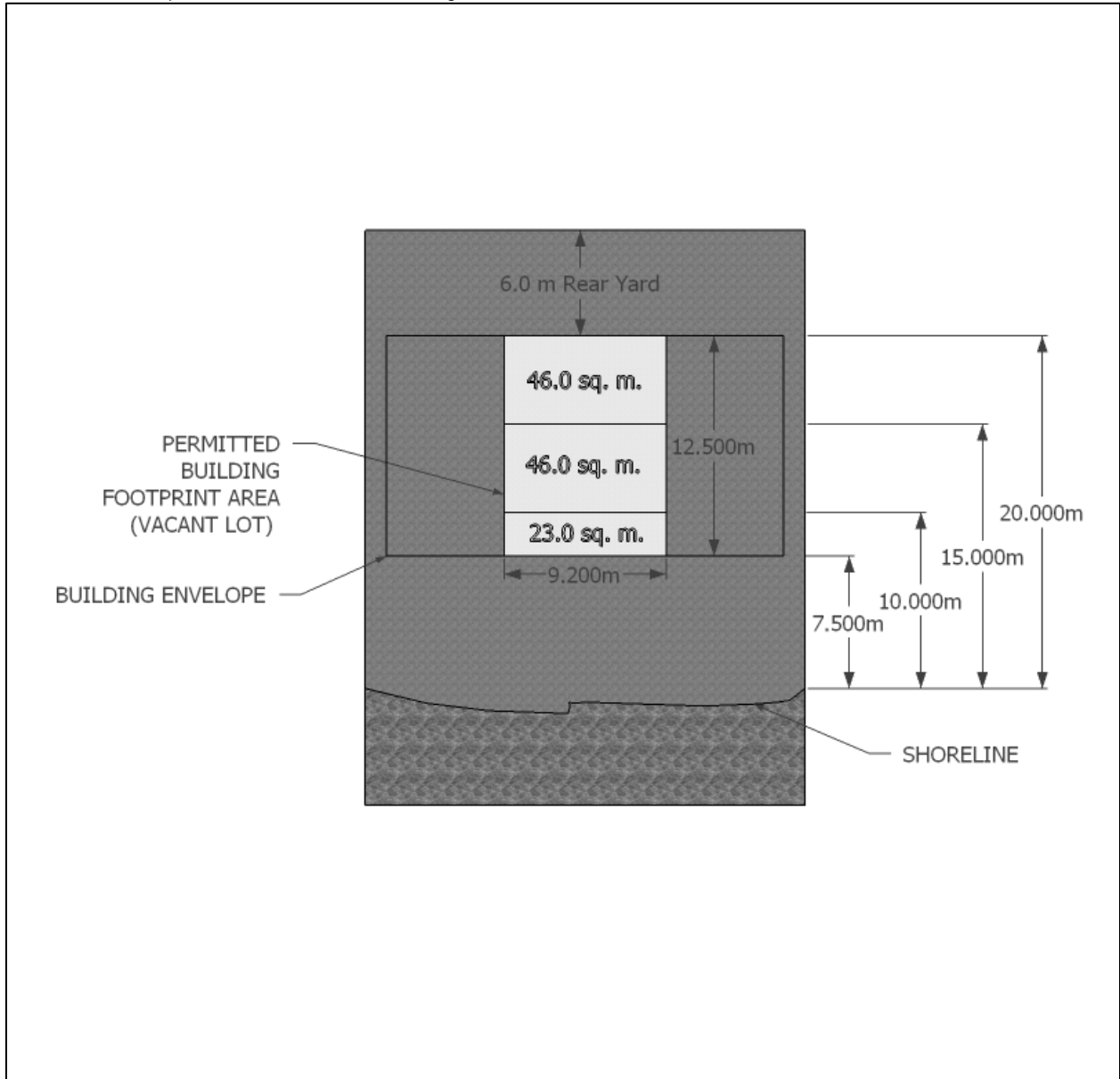


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NOTE: In no case shall more than 25% of the Required Shoreline Buffer Zone be occupied with Buildings or Structures (refer to Subsection 15.1.3).

Illustration A1.14 – Permitted Development on Vacant Lots Existing as of June 1, 2009

Permitted Development on Vacant Lots Existing as of June 1, 2009

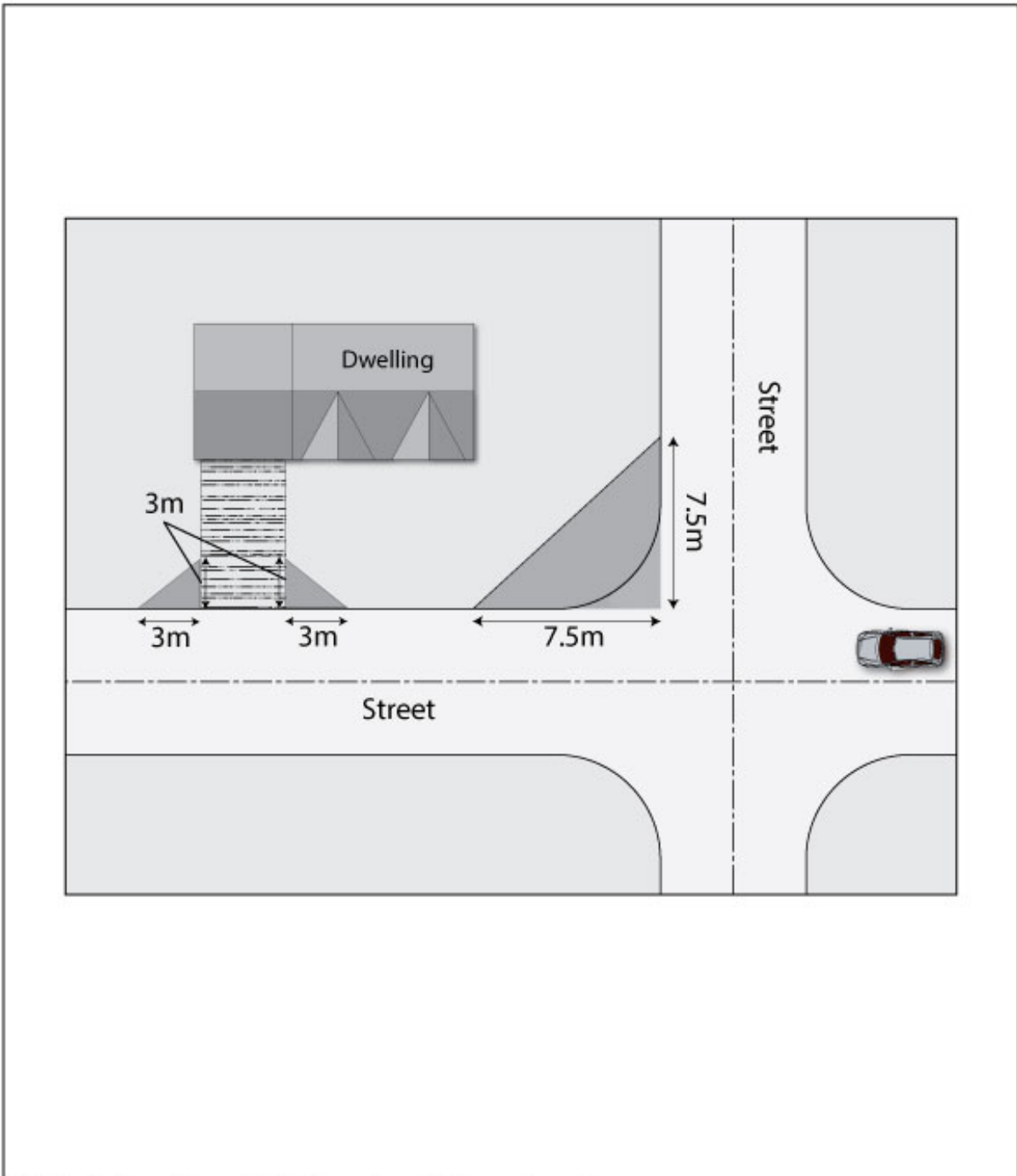


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NOTE: In no case shall more than 25% of the Required Shoreline Buffer Zone be occupied with Buildings or Structures (refer to Subsection 15.1.3).

Illustration A1.15 – Sight Triangles

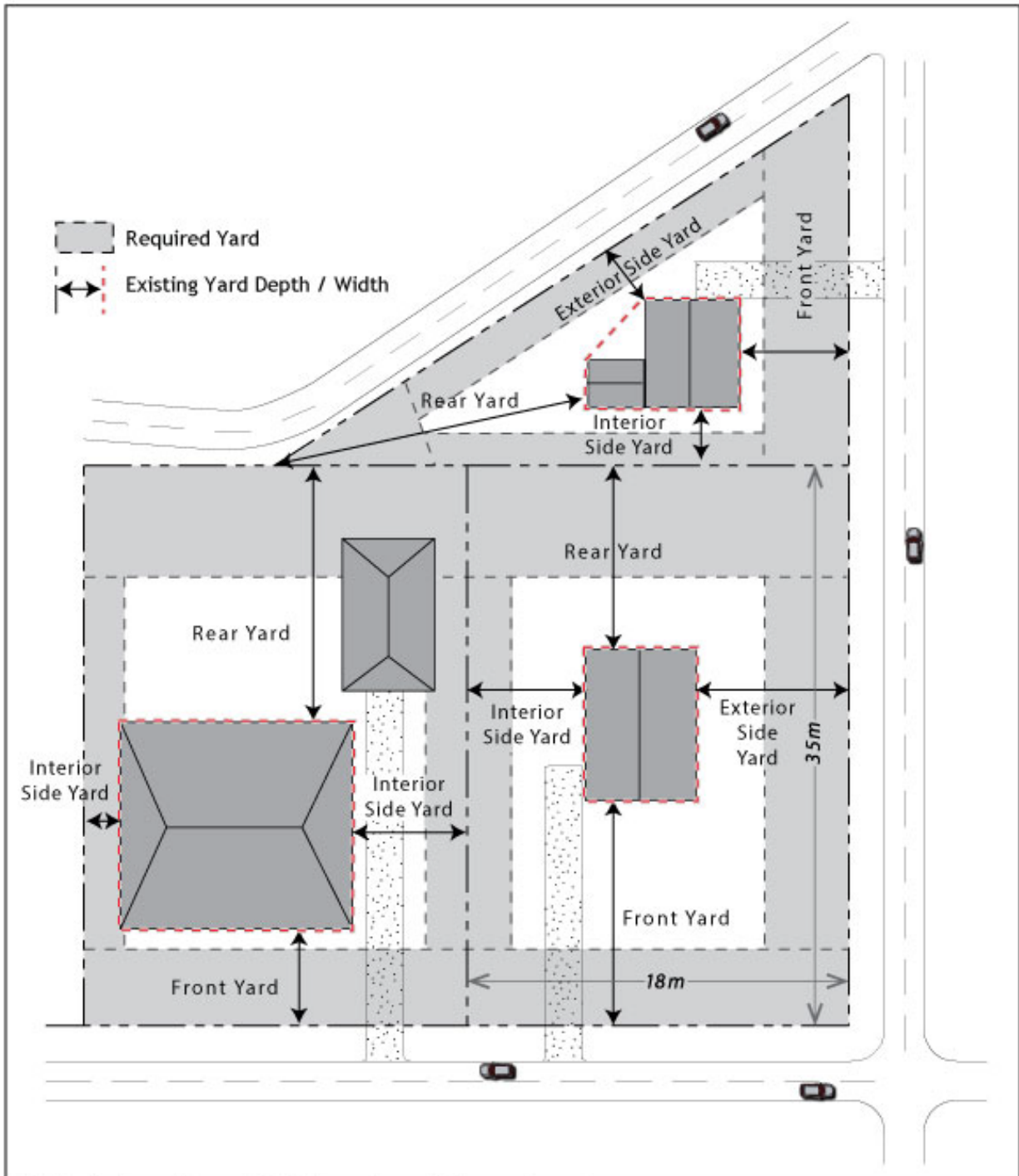
Sight Triangles



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Illustration A1.16 - Yards

Yards



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