

Corporation of the Town of Newmarket

By-law 2018-50

A By-law to amend By-law number 2010-40 being a Zoning By-law.

Whereas it is deemed advisable to amend By-Law Number 2010-40;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That By-law Number 2010-40, be and the same is hereby further amended by the following:

Amend Exception 119 * where it reads:

*Notwithstanding Section 4.1.2v), lots with dwellings 1.5 or 2 storeys are permitted to have the lesser of 10% of the total lot area or 75% of the ground floor area of the main building, for roofed accessory buildings or structures in addition to the 20% lot coverage for main dwellings.

To instead read:

*Notwithstanding Section 4.1.2v), lots with *buildings* 1.5 or 2 storeys in height are permitted to have the lesser of

- 10% of the total lot area or
- 75% of the ground floor area of the main *building*,

for roofed accessory buildings or structures in addition to the 25% lot coverage for the main *building*.

Amend Section 5.3.2 to add:

| | |
|-----------------------------------|--|
| Motor Vehicle Sales Establishment | 1 <i>parking space</i> per 25m ² of gross floor area dedicated to showing, repairing, displaying, and retailing vehicles plus 1 <i>parking space</i> per 45m ² of gross floor area to be reserved for visitor/customer parking to a maximum requirement of 10 spaces |
|-----------------------------------|--|

Amend Section 5.8.2 ii to read:

No *recreational vehicle* or utility trailer is permitted to park in the front *yard*, or between the principal *structure* and the *front lot line*, unless it is on a *driveway*, subject to the provisions listed below.

Add to Section 4.19:

x. Human Habitation Not Within Main Buildings
No truck, bus, coach, street car body, railway car, mobile home, trailer or other vehicle shall be used for human habitation whether or not the same is mounted on wheels or other forms of mounting or foundations.

Amend Section 6.5.1 (*1) for Accessory Outdoor Storage:

(*1) Subject to 4.19.X Accessory Outdoor Storage

Add to section 4.19: Specific Use Provisions

4.19.X Accessory Outdoor Storage

Where permitted, Accessory Outdoor Storage shall:

- not exceed 30% of the lot area;
- not be visible from a street;
- be screened by an opaque fence;
- only be located in a side and/or rear yard;
- be located no nearer to a lot line than 1.5 metres or to a street line than 4.5 metres;
- not be located in any landscaped area or required parking area; and
- not exceed 4.5m in height.

Amend the definitions to include:

Micro-Industrial use

Means the small-scale production, processing, packaging and storage of food or beverages, and/or other goods produced in limited quantities, where such an establishment includes an ancillary restaurant, retail food store or retail store use through which such goods are sold or served to the public on-site, and which goods may be sold or distributed wholesale to off-site users or resellers.

Amend the permitted uses listed in 6.3, 6.4, and 6.5 to include Micro-Industrial use as a permitted use in the following zones:

- CS
- CR-1
- CR-2
- UC-D1
- UC-D2
- EM
- EG
- EH

Add to section 4.19: Specific Use Provisions

Add section 4.19.X: Micro-Industrial uses

Where a *Micro-Industrial* use is permitted, the following requirements shall apply:

- A *Micro-Industrial* use is only permitted when accompanied by a *retail* and/or *restaurant* use retailing products produced on-site.
- All production, retailing, and distribution associated with a *Micro-Industrial* use must take place within a *building* and no outdoor storage is permitted. Outdoor areas for consumption are permitted subject to all requirements of this by-law.
- Where permitted in an EG zone, *retail* associated with a *Micro-Industrial* use shall not exceed 40% of the GFA of the *premises* in which it is located. Where permitted in an EH zone, *retail* associated with a *Micro-Industrial* use shall not exceed 20% of the GFA of the *premises* in which it is located.

Delete the existing CO-1-4 zone on 482 Queen Street and replace it with the following.

| Exception | Zoning | Map | By-Law Reference | File Reference |
|-----------|---|-----|--------------------------------|----------------|
| 146 | CO-146 | 12 | 1983-71 1988-138 2018-50 | |
| i) | Location: 482 Queen Street | | | |
| ii) | Development standards: | | | |
| | a. The permitted commercial floor area shall not be less than forty-five square metres. | | | |
| iii) | Permitted uses: | | | |
| | a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i> in conjunction with a <i>dwelling unit</i> . | | | |

Delete the CO-1 zone where it applies to for 64-66 Prospect Street and replace it with the following.

| Exception | Zoning | Map | By-Law Reference | File Reference |
|---|---------|-----|--------------------|----------------|
| 147 | CO1-147 | 12 | 1983-70 2018-50 | |
| i) Location: 64-66 Prospect Street ii) Development standards: a. Where a residential use is combined with a commercial use, the minimum floor area of any residential dwelling unit shall be 77m ² . iii) Permitted uses: a. Only the following uses are permitted: <i>Medical Office</i> or <i>Office</i> ; and b. Not more than two <i>dwelling units</i> . | | | | |

Amend the following sections to replace the word ramp with driveway or the word ramps with driveways:

- 5.5
- Exception 57
- Exception 62
- Exception 65
- Exception 92
- Exception 108
- Exception 111
- Exception 116

Amend the following sections to replace the word ramp with underground parking driveway ramp:

- Exception 51
- Exception 119

Add definition:

Food Vehicle

Food Vehicle means the *accessory use* that is an outdoor vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food and/or refreshments are provided for sale or sold, and includes a motorized, self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled, but can be towed (i.e. food trailer) and a vehicle moved by human exertion (i.e. food cart).

Add to section 4.19: Specific Use Provisions

Add Section 4.19.X: Food Vehicles

- i) Notwithstanding Section 4.1.1, a *Food Vehicle* as an *accessory use* is not permitted in a Residential zone, save and except the R5 zone.
- ii) Notwithstanding Section 5, no parking is required for a *Food Vehicle*.

Amend section 5.3.2, 4.15, 6.3, 6.4, 6.5 to:

- delete Motor Vehicle Repair Facility

Amend the definitions to:

- delete the definition of Motor Vehicle Repair Facility

Amend the definitions of Motor Vehicle Service Shop to read:

Means a *premises* used to conduct repairs of *motor vehicles* of a mechanical or structural nature and may include an associated towing service, and *motor vehicle* rentals but does not include a *motor vehicle body shop* or impound yard. May also include a *premises* used to conduct diagnostic services, minor

repairs, equipping of *motor vehicles* or in which the replacement of incidental parts and services to *motor vehicles* are completed while the customer waits.

Amend the Section 5.3.2 for the row Motor Vehicle Service Shop and Motor Vehicle Body Shop to:

- delete the word “including” and replace it with the word “excluding”

Amend Section 6.5.1 to add Motor Vehicle Service Shop as a permitted use in the following zones:

- EG
- EH

Amend section 5.3.2 to:

- delete the row for Place of Entertainment

Amend the definitions to:

- delete the definition of *Place of Entertainment*

Amend the definitions of *Commercial Athletic Centre* to read:

Commercial Recreation Centre

Means a commercial establishment in which facilities are provided for recreational athletic activities and may include associated facilities such as a sauna, *office* space, yoga studio, retail shop and related lounge facilities but shall not include a *private club*. May also include a *premises* where leisure activities are offered for gain or profit such as a cinema, arts theatre, billiard or pool rooms, bowling alley, or similar activity for the enjoyment of the public but shall not include an *adult entertainment parlour* or a *nightclub*.

Amend the by-law to:

- delete all reference to *Place of Entertainment*
- replace all references to Commercial Athletic Centre with Commercial Recreation Centre
- add Commercial Recreation Centre as a permitted use in UC-D1 and UC-D2 zones
- implement a parking requirement of 1 *parking space* per 20m² of gross floor area for use by the public.

Amend Exception 102 to:

- replace Place of Entertainment with Commercial Recreation Centre

Amend Exception 61 to read:

iii) Uses: Only permitted use is as a landscaped buffer and no buildings or structures shall be permitted.

Amend Section 6.2.3 (*3) and (*4) to read:

(*3) 6 metres between blocks of row or townhouses or 3 metres from *lot line*.

(*4) 3.6 metres between pairs of link dwellings or 1.8 metres from *lot line*.

Add to Section 4.2:

Where an encroachment is permitted, it is subject to the following conditions:

- i) Decks or patios that are permitted to encroach may have a deck, balcony, gazebo, pergola, or awning above them provided that:
 - a. Any deck is constructed of a floor with slats and spaces between them and not a solid floor
 - b. Any awning is retractable, is not a permanently extended fixture, and does not extend farther from the structure than the deck or patio
 - c. Any pergola or gazebo complies with the requirements of a Residential Accessory Structure concerning required setbacks and maximum height from grade, regardless of whether they are attached to the deck or main structure or they are detached from same.
- ii) Where the existing side-yard setback of the principal structure is less than the required side-yard setback for a deck, a deck that is attached to the main structure may be located as close to the side lot line as the principal structure.

Amend Section 5.3.2 as follows:

| | |
|--------------------------------|--|
| <i>Long Term Care Facility</i> | 0.33 <i>parking space</i> per licensed patient bed plus 1 space per 100m ² of <i>gross floor area</i> used for all other purposes |
|--------------------------------|--|

Amend Section 5.2.2 to read:

5.2.2 Parking Space Design

- i) The minimum required size of a *parking space* shall be as follows:

| Number of required spaces | Parking space configuration | Minimum size |
|---------------------------|-----------------------------|--------------|
| Fewer than 5 | Parallel | 2.6m by 6.7m |
| | Perpendicular | 2.6m by 5.0m |
| 5 or More | Parallel | 2.6m by 6.7m |
| | Perpendicular | 2.7m by 5.5m |

- ii) The width of the drive aisle adjacent to a parking space shall be in accordance with the following standards:

| Angle of Parking Space | Minimum Aisle Width | Direction |
|------------------------|---------------------|-----------|
| 45 degrees | 4.5 metres | One Way |
| 90 degrees | 6.0 metres | Two Way |

- iii) Barrier-free parking spaces will be provided in two types, and in the quantities stated in Section 5.3.6:

- i) Type A (“Van”): Minimum size of 3.4m by 5.5m
- ii) Type B: Minimum size of 2.6m by 5.5m

Every accessible parking space must have an access aisle adjacent to the space. An access aisle may be shared by two adjacent accessible parking spaces. The minimum width of an access aisle is 1.5m.

- i) Access aisles must be demarcated with high tonal contrast diagonal lines to discourage vehicles from parking in them.

Amend Section 5.5 under Required Parking Spaces: 5 or more to add:

- xi) A continuous, uninterrupted pedestrian connection of a minimum of 1.5m in width and a material type visually and physically distinct from the *parking*

lot surface shall be provided from a *sidewalk* to the principal entrance of each *building*. If no sidewalk abuts the property, the connection will be provided from the abutting *street*. Where parking spaces are configured such that the front or rear of parked vehicles will be adjacent to a pedestrian connection, the pedestrian connection shall be 1.8m in width.

Amend the following sections to replace the terms as follows:

| Section | To remove | To replace with |
|----------------|---|--|
| 4.1.2, 4.2, | Urban Centre | Downtown |
| 4.14.1 | Urban Centre | - Delete section |
| 4.21 | Urban Centre | Downtown Zone or Urban Centres Secondary Plan zone |
| 5.3.3 | Urban Centre | Delete section outside of UCSP |
| 5.3.4 | Historic Downtown Urban Centre Zone | Downtown Zones |
| 5.4.1 | Urban Centre and Commercial Zones | Downtown and Commercial Zones |
| 5.4.1 | Urban Centre Zones | - Delete section |
| 5.4.3 | Urban Centre Zone | Downtown |
| 5.6.1 | Urban Centre Zones | Downtown Zones |
| 5.6.3, 5.6.4 | Urban Centre | Downtown |
| 5.7.5 | Urban Centre Zones | Downtown Zones |
| 6.1 | Urban Centre Zones | Downtown Zones |
| 6.4 | Urban Centre Zones | Downtown Zones |
| 6.4.1 | Historic Downtown Urban Centre Zone (UC-D1) | Historic Downtown Zone (UC-D1) |
| 6.4.1, 6.4.2 | Downtown Urban Centre Zone (UC-D2) | Downtown Zone (UC-D2) |

Amend section 5.81 to read:

- i) On any *lot* within a Residential Zone, the parking or storage of any *commercial motor vehicle* is not permitted unless wholly located within an enclosed garage. Only one such *vehicle* may be stored or parked within a garage on a lot in a Residential Zone.

Add definition:

Commercial motor vehicle

A motor vehicle, equipment, or trailer designed to be used for commercial purposes that includes but is not limited to: catering or canteen trucks, a *food vehicle*, buses, cube vans, tow trucks, tilt and load trucks or trailers, dump trucks, tractor trailers, semitrailers, or construction equipment that is self-propelled or designed to be towed. For greater clarity, this definition does not include vehicles that are used for commercial purposes but are otherwise of a physical form that does not meet this definition.

**Delete permitted encroachment for Canopies/Porticoes.
Amend permitted encroachment for Porches to include Porticoes, reading:**

| Permitted Structure or Feature | Applicable Required Yard(s) | Required Setback or Permitted Encroachment |
|--|--------------------------------------|---|
| <i>Porches, Porticoes</i> Open, Uncovered or Covered with a platform no higher than the first storey of the building above established grade. | <i>Front and exterior side yards</i> | May encroach 2.4 metres into the required yard including eaves, cornices and steps but no closer than 1.5 metres to the lot line. |

Amend Exception 119 Section ii) a) to read:

Maximum Height: 10.0 metres

For the purposes of this exception, height shall be measured from the average front grade of the dwelling to the highest portion of the roof.

Amend Section 4.8 to read:

4.8 LEGAL NON-CONFORMING USES

This By-Law shall not prevent the *use* of any land, *building* or *structure* for any purpose prohibited by this By-Law if such land, *building* or *structure* was lawfully used for such purpose on the day of passing of this By-Law, and provided that such land, *building* or *structure* continues to be used for that purpose.

4.8.1 Restoration to a Safe Condition

Nothing in the By-Law shall prevent the strengthening to a safe condition or the reconstruction of any *building* or *structure* or part of any such *building* or *structure* that is used for a legally *non-conforming use* as provided for in Section 4.8, provided such alteration or repair does not increase the *height*, size or volume or change the *use* of such *building* or *structure*.

Amend the following definitions to read:

Floor Area, Gross

Means the aggregate of all floor areas of a *building* or *structure*, which floor areas are measured between the exterior faces of the exterior walls of the *building* at each floor level but excluding any *porch*, veranda, *cellar*, mechanical room or penthouse, or areas dedicated to parking within the *building*. For the purposes of this definition, the walls of an inner court shall be deemed to be exterior walls. For the purposes of calculating required parking spaces, all common areas within buildings including hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, amenity space and any space with a floor to ceiling height of less than 1.8 metres shall be excluded.

Floor Area, Net

Means the aggregate of the floor areas of a *building*, but excluding common hallways, stairways, elevator shafts, service/mechanical rooms, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading areas, areas dedicated to parking within the *building*, and any space with a floor to ceiling height of less than 1.8 metres.

Amend the section of the encroachment table in Section 4.2 related to Porches to read:

Porches - Open, Uncovered or Covered with a platform no higher than the floor of the first storey of the building above established grade

Add section 4.4 vii:

In the Floodplain and Other Natural Hazards (FP-NH) zone as delineated by the Lake Simcoe Region Conservation Authority, swimming pools are permitted subject to the requirements of the LSRCA.

Amend Section 4.4 iii):

Any *patio, deck, residential structure, accessory, or other structure* associated with a *pool* shall be constructed in accordance with the provisions contained in this Zoning By-law including Section 4.2.

Amend Section 1.9 a) i)

Subject to 2003-121 (Oak Ridges Moraine)

Add to section 4.19: Specific Use Provisions

Add section 4.19.X: Single Detached Dwellings

For greater clarity, unless otherwise specified in this by-law, where a *dwelling, detached* is permitted as a use only one *dwelling, detached* is permitted on the *lot*.

Delete Section 6.5.1 (*6).

Amend Section 7.1.1 to read:

Prohibited Uses

The following *uses* are not permitted within the Floodplain and Other Natural Hazards (FP-NH) Zone as determined by the Lake Simcoe Region Conservation Authority:

- Group Home;*
- Special Needs Facility;*
- Accessory Dwelling Unit; and,*
- All other *uses* in accordance with Section 3.1.5 of the Provincial Policy Statement, or its successor thereto.

Amend the zoning by-law maps to show the addition of the EG-11 zone exception as follows:



Amend the zone for 852 Gorham Street to add an exception as follows:

| Exception | Zoning | Map | By-Law Reference | File Reference |
|-----------|----------|-----|--------------------|----------------|
| 148 | R1-B-148 | 14 | 2018-50 2018-50 | |

- i) Location: 852 Gorham Street
- ii) Permitted uses:
 - a. In addition to uses otherwise permitted, the following uses are permitted:
 - b. a *Veterinary Clinic*
 - a. a *Veterinary Hospital*

Amend the zone for 820 Gorham Street to I-B.

Add definition of Retirement Residence:
Retirement Residence means a building or part of a building licensed in accordance with applicable provincial legislation that is designed and used to provide accommodation primarily to retired persons or couples where each private bedroom or suite of rooms comprising a 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 and medical care facilities may also be provided.

Amend Section 6 to permit a Retirement Residence in the following zones:
 UC-R, UC-D1, UC-D2, I-A, I-B

Amend Section 5 to add the following parking requirement:
 Retirement Residence:
 0.5 parking space per unit plus 0.25 parking spaces per unit for visitors

Amend Section 4.2 provision for Eaves to read:

| Permitted Structure or Feature | Applicable Required Yard(s) | Required Setback or Permitted Encroachment |
|---|-----------------------------|--|
| Eaves, eavestroughs, gutters, or similar features | Any Yard | May encroach into a required yard a maximum of 0.7 metres, and may be no closer to a lot line than 0.3 metres. |

Amend the introduction to Section 5.3.1 to read:
 The minimum, off-street parking requirements for *residential uses* shall be as follows:

Add (*x) to the requirement in Section 5.3.1 for Dwelling, Detached; Dwelling, Link; Dwelling, Semi-Detached; Dwelling, Duplex; and Dwelling, Townhouse.
 (*x) Required *parking spaces* shall be provided exterior of any *garage* unless otherwise permitted by this by-law.

Add Section 4.X : Garbage and Waste Management
 Garbage containment shall be located within either a *building*, or a garbage enclosure surrounded by an opaque fence no less than 1.8m in height, in the following *zones* or where the following *uses* are being undertaken:

- Any Commercial zone;
- Any Employment zone;
- Any Institutional zone;
- Any Open Space zone; or
- Any lot containing an *Apartment Building*.

A *structure* primarily used for garbage containment or a garbage enclosure shall not be located:

- In a front yard;
- In an exterior side yard;
- In any minimum yard abutting a Residential, Institutional, Urban Centre, or Open Space Zone; or
- Within any required landscaped areas.

A *building* used for garbage containment or a garbage enclosure shall be located in accordance with an approved site plan.

Amend Section 6.2.1 to:

Include Private Home Daycare as a permitted use in R1, R2, R3, R4, and R5 zones.

Amend Section 6.2.1 to:

Amend (5) to read:

(*) A Private Home Daycare must adhere to the requirements of the Child Care and Early Years Act or its successor legislation. For greater clarity, this act limits the number of children who may be supervised at any one time in a private home daycare.

Amend the definition of Private Home Daycare to read:

Private Home Daycare

Means the *use of a dwelling unit* for temporary care of six or fewer children in exchange for compensation for a continuous period not exceeding 24 hours.

Amend Section 6.2.2 to:

Add an Exterior Side Lot Line setback of 3.0m for G, K, and N lots and 2.4m for L & M lots.

Amend Section 6.2.2 to:

Include 50% as maximum lot coverage for P & R lots.

Amend definition of Domestic Animal Care Facility to read:

Domestic Animal Care Facility

Means a service commercial establishment in which domestic animals are cared for on a short term daily basis in an open setting and may include accessory grooming and training facilities but excludes a *kenne*l.

Add definition

Kennel:

Means premises used for boarding, training, or breeding of dogs, cats, or other domestic animals. For greater clarity, does not include a *Domestic Animal Care Facility*.

Amend section 4.1.5 to read:

4.1.5 Satellite Dishes and Antennas

Satellite dishes with a maximum width of 1.0 metre each are permitted in any *zone* provided they are mounted on an exterior wall, roof or chimney of a *building* of the *lot* on which it is located.

Antennae with a maximum height of 1.5 metres greater than the permitted maximum height for the building to which they are affixed are permitted in any *zone* provided they are mounted on an exterior wall, roof or chimney of a *building* of the *lot* on which it is located.

In a Residential *Zone*, not more than 2 cumulative satellite dishes and antennae shall be permitted per *dwelling unit* on the *lot*.

Amend Section 4.2 to add:

Accessory Structures:

| | | | |
|---|--------------------------------|---|--|
| Antennae or satellite dishes (Wall mounted in accordance with Section 4.1.5 of this By-law) | Permitted in any <i>yard</i> . | Not closer than 0.2m from any <i>lot line</i> . | |
|---|--------------------------------|---|--|

Add definition for Structure, Attached:
Any structure that is attached to another structure by a common wall or by a common roof structure.

Amend 5.3.3 to include:
iv) Shall be located in accordance with Section 5.4.1.

Add definition:
Carpool space or *High Occupancy Vehicle Space*
A designated parking space for vehicles to be used only by vehicles carrying more than one occupant.

Amend section 5.3.7 to read:
Carpool parking spaces shall be provided in conjunction with developments involving *financial institution, hospital, library, medical clinic, medical office, medical laboratory, office, elementary school, secondary school, or postsecondary school* uses and shall be included as part of the overall parking requirement as the lesser of:

- i) 5% of the total required parking supply for any of these non-residential uses, or
- ii) 2.0 parking spaces

For each required *carpool parking space* provided the total parking requirement may be reduced by 2 spaces. *Carpool parking spaces* shall be located in immediate proximity to the principal entrance of the building, second only to parking spaces reserved as barrier-free *parking spaces*.

iii) *Carpool spaces* are to be reserved for the exclusive use of vehicles carrying more than one occupant. *Carpool spaces* are to be indicated with Town-approved signage.

Add the definitions:
Bicycle Parking Space, Long-term
Long-term bicycle parking are spaces that are located in a building, enclosed in a lockable locker, or enclosed in a secured area with controlled access.

Bicycle Parking Space, Short-term
Short-term bicycle parking are spaces that are located outdoors, on a bicycle rack, or in an easily accessible location.

Amend Section 5.3.8 to read:
i) *Bicycle parking spaces* shall be provided as follows:

| Use | Required Bicycle |
|---|---|
| Retail, Service Commercial, Office, Institutional | 2 Long-Term Bicycle Parking Spaces and 5 Short-Term Bicycle Parking Spaces space for every 1000m ² of gross floor area |

| | |
|---------------------------------|---|
| <i>Manufacturing/Industrial</i> | 2 Long-Term Bicycle Parking Spaces and 2 Short-Term Bicycle Parking Spaces space ² for every 1000m ² of <i>gross floor area</i> |
| <i>School</i> | 0.06 Long-Term Bicycle Parking Spaces and 0.06 Short-Term Bicycle Parking Spaces for each 100 square metres of <i>gross floor area</i> |
| <i>Apartment Building</i> | 0.5 Long-Term Bicycle Parking Spaces per dwelling unit and 0.1 short-term spaces per dwelling unit |

Where required *bicycle parking spaces* are located internal to a *building*, they shall be located:

- a. on the ground floor; or
- b. on the second floor or the first level below the ground floor if the bicycle parking spaces are accessible via an elevator or ramp.

Bicycle parking spaces as required by this by-law shall not be located:

- a. in a dwelling unit; or
- b. on a balcony.

- ii) The minimum dimension of a bicycle parking space is:
 - a. minimum length of 1.8 metres;
 - b. minimum width of 0.6 metres; and
 - c. minimum vertical clearance from the ground of 1.9 metres; and
- iii) the minimum dimension of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device is:
 - a. minimum length or vertical clearance of 1.9 metres;
 - b. minimum width of 0.6 metres; and
 - c. minimum horizontal clearance from the wall of 1.2 metres; and
- iv) A bicycle parking space must be on the same *lot* as the *use* for which it is required.

Amend Section 4.14.2 to read:

In addition to the requirements of Section 4.14.1, in all Employment Zones, *landscape buffers* shall be provided adjacent to *street lines* except for land used to accommodate pedestrian and vehicular access to the *lot*. Such buffers shall be established as follows:

| | |
|------------------------------------|-----------------------------------|
| Location of Landscape Buffer | Minimum Width of Landscape Buffer |
| <i>Front Yard</i> | 6.0 metres |
| Exterior Side and <i>Rear Yard</i> | 3.0 metres |

Amend Section 4.14.3 (iv) to re-number it to:

- 4.14.X.

Amend section 4.14.1 (iii) to read:

Any required planting in a buffer strip shall have a minimum height of 1500mm for coniferous vegetation, a minimum diameter measured at a height of 1.4m from grade of 60mm for deciduous vegetation, and a minimum height or spread of 450mm for shrubs, but shall not be permitted to exceed a height of 1.0 metres within a *daylighting triangle*.

Add definitions:

Accessibility Ramp

An inclined plane installed in addition to or instead of stairs that permits users to access a ground *floor* from *grade*.

Accessibility Lift

A vertical platform lift that is not enclosed or covered, designed to raise a user to access a ground *floor* from *grade*.

Amend Section 4.2:

| Permitted Structure or Feature | Applicable Required Yard(s) | Required Setback or Permitted Encroachment |
|--|------------------------------|--|
| Accessibility Ramps or Wheelchair Lifts (*2) | Permitted in any <i>yard</i> | No required setback |

Add (*2)

An *Accessibility Ramp* shall have a maximum gradient of 1 to 12. A *Wheelchair Lift* is permitted to elevate no higher than the first *storey* of the *building*, and have a maximum area no greater than 3.0 square metres.

Amend all references to wheelchair ramps :

To refer to them as accessibility ramps.

Add definition:

Shipping Container

Means a container or structure designed for storage of goods and materials while under transport by boat, truck or rail, notwithstanding that it may not ever be used for such a purpose.

Amend Section 4.1.2 to add:

When an accessory building is made up in whole or in part of *shipping container(s)*, the accessory building shall be clad with exterior design materials similar to those used for the main building located on the lot.

Amend Section 6.2.3 to add:

(*#) for a Dwelling Unit, the elevation of the lowest point of an opening to an area that may be used for parking or storage of a vehicle located inside or abutting the dwelling shall be:

(A) higher than the elevation of the street the lot abuts measured at its centerline directly across from the driveway leading to the parking space; or

(B) higher than the elevation of a public lane that the lot abuts measured at its centerline directly across from the driveway leading to the parking space; except as provided for in an approved site plan agreement.

Delete Section 5.5 iii).

Amend definition of Residential Structure, Accessory to read:

Residential Structure, Accessory

Means *accessory structures* that are not used for human habitation, but the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal *residential use* or dwelling and located on the same *lot* therewith. Residential accessory structures may include, but are not limited to: a change house/cabana; *private play structure*; gazebo; dog house or dog run; private greenhouse; shed; *patio* shelter; portable tent structures; standalone antennae or satellite dishes; and, standalone *solar panels*; but shall not include a detached garage or any mechanical equipment as defined under *air conditioner* or privacy screens erected on the ground.

Amend Section 4.2 encroachment provision to read:

| Permitted Structure or Feature | Applicable Required Yard(s) | Required Setback or Permitted Encroachment |
|--|------------------------------|--|
| Drop awnings, clothes poles, flag poles, ornamental light poles, basketball nets, retaining walls, fences or other similar <i>accessory structures</i> | Permitted in any <i>yard</i> | No required setback |

Amend definition of Carport to read:

Carport

Means a *building* or *structure* attached to the principal or *main building*, which is not more than 60% enclosed by area of its walls, and may be used for the parking or storage of one or more *motor vehicles*.

Amend Section 4.1.2 to read:

4.1.2 Accessory Buildings and Structures

Accessory buildings, structures and *uses* are permitted in all *zones* subject to the following provisions:

- i. The principle *use, building* or *structure* must already be established on the same *lot*.
- ii. No detached *accessory building* or *structure* may be used for human habitation or an occupation for gain, unless specifically permitted by this By-Law.
- iii. Unless otherwise specified, *accessory buildings* and *structures* shall comply with the following requirements.
- iv. *Accessory buildings* and *structures* are not permitted additional encroachments under Section 4.2 for structural or ornamental features.

| Permitted feature or structure | Measure | Requirement |
|--------------------------------|---------|-------------|
|--------------------------------|---------|-------------|

| | | |
|--|---|---|
| Detached garage in a residential zone | Location | Comply with all applicable yard requirements of the zone in which they are located |
| | Height | Lesser of 4.6m or the height of the main building on the lot |
| Residential accessory structures (RAS) | Location and height | In accordance with Section 4.2 |
| Accessory buildings or structures | Total lot coverage | Residential zones: Lesser of 15% of the total lot area or 75% of the ground floor area of the main building on the lot |
| | | All other zones: 15% of the lot area |
| | Height | Residential, UC, and C zones: Lesser of 4.6m or the height of the main building on the lot |
| | | All other zones: The maximum permitted height of the zone in which the accessory structure is located |
| Corner lot location | Commercial or Employment Zone abutting any Residential Zone: Distance equal to the minimum required front yard of the abutting residential zone | |

- iv) Notwithstanding Section 4.1.2 (iii) above, *accessory structures* in a residential zone shall be setback from the *lot line* in accordance with the requirements of Section 4.2 of this By-Law.
- v) The total *lot coverage* of all *Accessory Buildings and Structures* on a *lot* shall be as follows:

| Zone | Maximum Total Lot Coverage |
|-------------------|---|
| Residential Zones | the lesser of 15% of the total <i>lot area</i> or 75% of the ground floor area of the <i>main</i> |
| All Other Zones | 15% of the <i>lot area</i> |

vi) *The maximum height of an accessory building or structure shall be as follows:*

| | Zone | Maximum Height of Accessory Structures |
|------|--|---|
| vii) | Residential, Urban Centre and Commercial Zones | the lesser of 4.6 metres or the <i>height</i> of the <i>main building</i> on the <i>lot</i> |
| | All Other Zones | the maximum permitted <i>height</i> of the <i>zone</i> in which the accessory <i>structure</i> is located |

Notwithstanding any other provision of this By-Law, the setback for *accessory buildings or structures* on a *corner lot* shall be as follows:

| Zones | Applicable Yards | Minimum Required Setback |
|---|--|--|
| Residential Zones | <i>Rear Yard or Exterior Side Yard</i> | 4.5 metres from flanking <i>street line</i> |
| Commercial or Employment Zone Abutting any Residential Zone | <i>Exterior Side Yard</i> | Distance equal to the depth of the minimum required <i>front yard</i> of the abutting Residential Zone |

Amend Section 4.2 related to Residential Accessory Structures:

| Permitted structure or feature | Applicable Yards | Required setback of Permitted Encroachment |
|--|--------------------------|---|
| <i>Residential Accessory Structures</i> up to 2.8 metres in height* | Rear or Side <i>Yard</i> | No closer than 1.0 metre from rear or <i>side lot line</i> |
| <i>Residential Accessory Structures</i> greater than 2.8 up to 4.6 metres in height (*1) | Rear or Side <i>Yard</i> | No closer than 2.4 metres from rear or <i>side lot line</i> |

Add the definition of Residential Structure, Accessory to add the following words to the list of examples included:
fuel tank with a capacity of less than 1500L

Add to section 4.19: Specific Use Provisions

4.19.x Fuel Tanks

Where fuel tanks are permitted, the following standards shall apply to their location:

- i) In a residential zone, be located in accordance with the provisions of Residential Structure, Accessory.
- ii) In any other zone, be located in accordance with an approved site plan.
- iii) In any zone, be located in accordance with the requirements of the Technical Standards and Safety Authority and the Fire Code, as applicable.

Amend Section 4.2 to add:

| Permitted Structure or | Applicable Required | Required Setback or Permitted Encroachment |
|---|---|---|
| Barbeque, chiminea, fireplace, fire pit, or similar structure | Permitted in any <i>yard</i> of a residential <i>zone</i> | No closer than 4 metres from the edge of the area capable of holding a flame to any lot line, building, structure, deck, hedge, tree, fence, right-of-way, or overhead wire, subject to the Town's By-law to Regulate Outdoor Burning 2009-64 or its successor by-law, as applicable. |

Amend Section 5.3.6 to read:

5.3.6 Barrier Free Parking Spaces

Off-street barrier free *parking spaces* shall be provided in accordance with the following. Provided barrier-free parking spaces are included within, and not additional to, required non-barrier-free parking spaces.

- i) The minimum barrier free parking requirement shall be as follows:

| Total number of parking spaces provided | Required Type A Spaces (Van) | Required Type B Spaces |
|---|------------------------------|------------------------|
| 1 to 12 | 1 | 0 |
| 13 to 25 | 0 | 1 |
| 26 to 50 | 1 | 1 |
| 51 to 75 | 1 | 2 |
| 76 to 100 | 2 | 2 |
| 101 to 133 | 2 | 3 |
| 134 to 166 | 3 | 3 |
| 167 to 250 | 3 | 4 |

| | | |
|---|--|----|
| 251 to 300 | 4 | 4 |
| 301 to 350 | 4 | 5 |
| 351 to 400 | 5 | 5 |
| 401 to 450 | 5 | 6 |
| 451 to 500 | 6 | 6 |
| 501 to 550 | 6 | 7 |
| 551 to 600 | 7 | 7 |
| 601 to 650 | 7 | 8 |
| 651 to 700 | 8 | 8 |
| 701 to 750 | 8 | 9 |
| 751 to 800 | 9 | 9 |
| 801 to 850 | 9 | 10 |
| 851 to 900 | 10 | 10 |
| 901 to 950 | 10 | 11 |
| 951 to 1000 | 11 | 11 |
| 1001 and over | 11 spaces plus 1% of the total number of spaces (rounded up to the next whole number), to be divided equally between Types A and B. If an odd number of spaces is required, the extra space may be Type B. | |
| Note: Where an uneven number of accessible parking spaces are required, the extra Type B space may be changed to a Type A space. | | |
| Notwithstanding subsection i) above, the minimum barrier free parking requirement for <i>medical offices</i> , clinics and facilities providing outpatient services shall be the greater of the requirement of subsection i) above or 10% of the total minimum parking requirement for the <i>use</i> , providing at least 40% of the required barrier free spaces of each type of Type A and Type B. | | |
| Amend definition of Lot Coverage to read: Means the percentage of the <i>lot</i> area covered by all <i>buildings, structures</i> or parts thereof, at or above <i>average grade</i> or <i>established grade</i> , exclusive of uncovered <i>decks</i> , uncovered <i>porches</i> , pergolas, ornamental structures such as mailboxes or birdhouses, and outdoor swimming <i>pools</i> . | | |
| Amend Section 5.3.5 i) to read, and delete sections a, b, c, and d of the same section: A shared parking formula may be used for the calculation of required parking for a mixed <i>use</i> development. A mixed <i>use</i> development means any combination of uses provided for in the tables in this section. Where a use is not provided for in the tables, its requirement at each time period is one hundred percent of its requirement. | | |
| Amend the tables in Section 5.3.5 i) to include: | | |
| Type of Use | Percentage of Peak Period (Weekday) | |

| | Morn | Aft | Even |
|----------------------|------|------|------|
| Industrial or office | 100% | 100% | 10% |
| Recreational | 25% | 80% | 100% |
| Hotel | 80% | 80% | 100% |
| Assembly | 10% | 25% | 100% |

| Type of Use | Percentage of Peak Period (Weekend) | | |
|----------------------|-------------------------------------|------|------|
| | Morn | Aft | Even |
| Industrial or office | 10% | 10% | 10% |
| Recreational | 90% | 100% | 100% |
| Hotel | 80% | 80% | 100% |
| Assembly | 90% | 90% | 100% |

For the purposes of this section: a Recreational use includes Commercial Athletic Centres, Places of Entertainment, Studios, and similar uses; an Industrial or Office use includes Medical Offices, Manufacturing, and similar uses; and Assembly uses include Places of Worship, Banquet Facilities, and similar uses.

Amend Section 5.3.5 i) c) to read:

a building or group of *buildings* on the same *lot* containing a mix of *office* or *medical office*, *commercial uses* and *dwelling units*; or,

Amend Section 5.3.2 to add:

| Type or Nature of Use | Minimum Off-Street Parking Requirements |
|---|--|
| Multiple-Unit Buildings within Employment Zones | The aggregate of: <ul style="list-style-type: none"> • 1 <i>parking space</i> per 45 m² of <i>gross floor area</i> up to 1860 m² GFA; • 1 <i>parking space</i> per 90 m² of <i>gross floor area</i> from 1861 m² to 3720 m² GFA; • 1 <i>parking space</i> per 185 m² of <i>gross floor area</i> greater than 3720 m² GFA |

Add within Section 5.5:

Notwithstanding any other provision of this By-law, a driveway or an access shared across two lots shall be permitted. Compliance with any regulations of this By-law for a driveway or an access permitted by this section shall be based upon the entire width of the applicable access.

Amend Section 6.5.1 to:

Delete *Accessory Office* as a listed use

Amend Section 6.5.1 (*8) to read:

Permitted as a principal use in the EM and EG zones. Within the EH zone, is permitted only as an accessory use and shall not exceed 25% of the GFA of the premises.

Amend the definition of Day Nursery to read:

Day Nursery

Means a *premises* where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding 24 hours and is licensed in accordance with the Child Care and Early Years Act or its successor legislation.

Enacted this 24th day of September, 2018.

Tony van Bynen, Mayor

Lisa Lyons, Clerk