



## THE CORPORATION OF THE TOWN OF ERIN

### By-Law # 2022– XX

**Being a By-law to amend By-law 07-67, as amended, being a By-law to regulate the use of lands and the character, location and use of buildings and to prohibit certain buildings and structures in various defined areas of the Corporation of the Town of Erin.**

**Whereas**, the Council of the Corporation of the Town of Erin deems it desirable to amend By-law 07-67, as amended, pursuant to Section 34 of the Planning Act R.S.O. 1990, c.P.13, as amended;

**And Whereas** pursuant to Section 34(17) of the Planning Act, R.S.O., 1990, c.P.13, as amended, Council determines that no further notice is required in respect of the proposed By-law;

**And Whereas** the amendment is in conformity with the Corporation of the Town of Erin Official Plan;

**NOW THEREFORE** the Council of the Corporation of the Town of Erin hereby enacts as follows:

1. That **SECTION 1 – TITLE AND ADMINISTRATION** is amended by adding the following provision and renumbered accordingly:

#### **1.17 Illustrations**

Illustrations included in this By-law are for illustrative purposes only and do not form part of this By-law.

2. That **SECTION 2 - DEFINITIONS** is amended by deleting the following definitions in its entirety and replacing with the following:

#### **Lot Frontage**

shall mean the width of a lot between the *side lot lines*, measured perpendicular to the line joining the mid-point of the *front lot line* and mid-point of the *rear lot line*, at a point 7.5 m from the *front lot line*.

#### **Hobby Farm**

shall mean a parcel of *land* having a maximum area of 4.0 hectares which is used primarily for *residential* purposes and which may also be used for the raising of specialty crops and *farm* animals for the private *use* of the owner or tenant.

#### **Parking Lot**

shall mean a *parking area* forming the principal *use* of a *lot*. Any non-residential *parking area* may include an Electric Vehicle Charging Station.

#### **Townhouse or Townhouse Dwelling**

shall mean a *building* containing three or more *dwelling units* divided vertically and, which have independent entrances to the front and *rear yard*. Townhouse dwellings shall not occupy freehold lots.

3. That **SECTION 2 – DEFINITIONS** is amended by adding the following definitions under the definition for *dwellings*, as follows:

**Back-to-back Townhouse**

shall mean a *townhouse* containing six or more *dwelling units* divided by vertical common walls and a common rear wall. Each *dwelling unit* is accessed from the outside, by an independent entrance, either through the *front yard* or an *exterior side yard*.

**Stacked Townhouse**

shall mean a *townhouse* consisting of at least six *dwelling units*, where individual *dwelling units* are separated both vertically and horizontally from other attached *dwelling units* and access to each upper level unit shall be from an independent interior or exterior stairway.

**Street Townhouse**

shall mean a *building* containing three or more *dwelling units* divided vertically by common walls from the base of the foundation to the roof. Each dwelling unit shall have an independent entrance to the outside and shall be situated on a freehold lot.

4. That **SECTION 2 - DEFINITIONS** is amended by adding the following definitions, as follows:

**Amenity Area**

shall mean indoor or outdoor space designed and maintained for active recreational uses or passive recreational uses for residents of a *dwelling* or *building* within residential *uses*.

**Angular Plane**

shall mean an imaginary plane extending from a *lot line* and above the entirety of a *lot* at an inclined angle that is specified by this By-law. Where an *angular plane* requirement applies, no portion of a *building* or *structure* shall be permitted to encroach above the *angular plane* unless an encroachment is expressly permitted by this By-law.

**Balcony**

shall mean a horizontal platform, with or without a foundation, that is attached and projects from a main wall of a *building* and is accessed exclusively from within a *building*.

**Barrier-free Access Aisle**

shall mean an area abutting a *barrier-free accessible parking space* to provide unobstructed pedestrian access to and from a *barrier-free accessible parking space*.

### **Barrier-free Accessible Parking Space**

shall mean an unobstructed rectangular area for the exclusive use of temporary parking of a motor vehicle for persons with disabilities, but shall not include a *driveway* or aisle.

### **Driveway Width**

shall mean the measurement of the line drawn perpendicular to the path of travel of a motor vehicle at the *driveway's* widest point and includes any portion of hard landscaping or pavement contiguous to a *driveway* or *parking space* where parking or storage of a *motor vehicle* could be accommodated.

### **Live-work Unit**

shall mean a *dwelling unit* that contains an ancillary business, which is conducted only by an individual that lives in the dwelling, and which is restricted to the ground floor area of the live-work unit, and shall be limited to the following uses:

- *Business or professional office*, excluding the office of a *medical practitioner* or *veterinarian*
- *Personal service shop*, excluding health clinic, dry cleaners, laundromat, pet grooming
- *Service or repair shop*, limited only to the servicing or repairing of small household appliances and home computers.

### **Model Home**

shall mean a *building* erected as a model of the *dwelling units* to be constructed in the plan of subdivision, used in the interim for the sole purpose of an office and/or show room and/or sales centre, to promote the sale of residential *units*.

### **Private Road**

shall mean a private right-of-way providing a means of access to *lots* abutting thereon, and is not owned by a *public authority*.

### **Temporary Sales Office**

shall mean a *building* or *structure* used for the sole purpose of selling or leasing *land* or *buildings* associated with a Draft Plan of Subdivision.

5. That **Section 4.1.1** is amended by deleting the existing provision in its entirety and replacing with the following:

**.1 Accessory Dwelling Units** shall not be permitted on *lots* located within the boundary of the Natural Heritage System (NHS) within the *Greenbelt Plan*. Within the boundary of the Protected Countryside, but outside of the NHS, second *dwelling units* are permitted within *single dwellings* permitted in accordance with

sections 4.5.1 and 4.5.2 of the *Greenbelt Plan* or within *existing accessory structures* on the same *lot*. Where permitted by this Bylaw, one *accessory dwelling unit* is permitted per *lot* by way of issuance of a change of *use* permit and subject to the following:

- .1 Each *dwelling unit* shall comply with the Ontario Building Code in regard to, but not limited to fire separation, provision of potable water, provision of adequate waste water disposal.
  - .2 Each *dwelling unit* shall have a separate private entrance with a visible house number followed by an "A" denoting the accessory dwelling unit entrance, stairways or stairwells providing entrance to a *dwelling unit* above or below the main floor shall be enclosed from the elements.
  - .3 The maximum *floor area* shall not exceed the lessor of 45 percent of the *floor area* of the *principal dwelling unit* or 92.9 m<sup>2</sup> (1000 ft<sup>2</sup>).
  - .4 All other requirements of this By-law including parking and amenity area, shall be complied with.
6. That **Section 4.2.1.2** is amended by deleting the existing provision in its entirety and replacing it with the following:
- .2 An *accessory dwelling unit* is not permitted in an *accessory structure* except where permitted by Section 4.1.
7. That **Section 4.8** is amended by deleting the existing provision in its entirety, replacing it with the following and renumbering accordingly:

**4.8 Daylight Triangle**

- .1 On every *corner lot*, a *daylight triangle* shall be observed.
- .2 The size of the *daylight triangle* at the intersection of two streets shall be in accordance with Table 1, and the greater provision shall apply:

Table 1 – Daylight Triangle Requirements

	Subject Lot has access onto a:	
	Local Street	Collector Street or Arterial Road
Local	6.0 m	9.0 m
Collector Street or Arterial Road	9.0 m	9.0 m

- .3 No obstruction to sight lines shall be permitted within the *daylight triangle*, including the erection of any building or structure, the planting of any trees or

shrubs, or the placement of any other object with an ultimate height greater than 0.75 m above the top of the road surface of the abutting *street*.

- .4 The provisions of this Section shall not apply to *land* within the Central Commercial (C1) Zone.
- 8. That **Section 4.26.5** is amended by deleting the existing provision in its entirety and renumbering accordingly.
- 9. That following **Section 4.26**, the following new section be added:

**4.26.1 Barrier-free Accessible Parking Space**

- .1 A *barrier-free accessible parking space* shall be included in the calculation of the total *parking space* requirements of this By-law.
- .2 A *barrier-free accessible parking space* shall be accessible by a *barrier-free access aisle*, marked with high tonal contrast diagonal lines, free of any encroachment.
- .3 A *barrier-free access aisle* shall be permitted to be shared between two *barrier-free accessible parking spaces*.
- .4 A *barrier-free accessible parking space* shall be required for the following uses:
  - .1 Where a visitor parking space is required for a residential use; and,
  - .2 For all non-residential uses.
- .5 The minimum dimensions of a *barrier-free accessible parking space* shall be provided in accordance with the following:

Minimum Dimension	Type A Space* (m)	Type B Space* (m)
Minimum width (m)	3.4	2.4
Minimum length (m)	6.0	6.0
Minimum vertical clearance (m)	2.0	
Minimum barrier-free access aisle width (m)	1.5	
Minimum barrier-free access aisle length (m)	6.0	

\* As per the Accessibility for Ontarians with Disabilities Act (AODA)

- .6 The required minimum number of *barrier-free accessible parking spaces* shall be in accordance with the following:

Total Required <i>Parking Spaces</i>	Required <i>Barrier-free Accessible Parking Spaces</i>
12 or less	1 of total required parking spaces
13 to 100	4% of total required parking spaces
101 to 200	1, plus 3% of the total required parking spaces

<b>Total Required <i>Parking Spaces</i></b>	<b>Required <i>Barrier-free Accessible Parking Spaces</i></b>
201 to 1,000	2, plus 2% of the total required parking spaces
Over 1,000	11, plus 1% of the total required parking spaces

- .7 Where one *barrier-free accessible parking space* is required, it shall be a Type A *barrier-free accessible parking space*.
- .8 Where an even number of *barrier-free accessible parking spaces* are required, an equal number of Type A and Type B *barrier-free accessible parking spaces* shall be provided.
- .9 Where an odd number of *barrier-free accessible parking spaces* are required, the number of *barrier-free accessible parking spaces* must be divided equally between a Type A and a Type B *barrier-free accessible parking space*, while the remainder may be provided as a Type B *barrier-free accessible parking space*
- .10 Where there is a potential conflict in the calculation of *Barrier-free Accessible Parking Spaces*, the Accessibility for Ontarians with Disabilities Act (AODA) applies.

10. That following **Section 4.26.1**, the following new section be added:

**4.26.2 Parking & Driveway Provisions for Urban Residential Zones**

- .1 The minimum width of a *driveway*, free of projections shall be 3.0 metres, with a maximum width of 6.0 metres at the *street* line.
- .2 The maximum width for a single *driveway* and the combined maximum width where more than one driveway is permitted shall be:
  - .1 3.0 metres for a lot having a *lot frontage* less than 6.0 metres
  - .2 6.0 metres for a lot having a *lot frontage* between 6.0 metres and 18.0 metres
  - .3 9.0 metres for a lot having a *lot frontage* greater than 18.0 metres

11. That **Table 1** within **Section 4.27** is amended by providing separate *parking space* requirements for residents and visitors, for “Apartment or townhouse dwelling, or any other multiple unit residential building or portion of a building containing 5 or more dwelling units”, as follows:

**TABLE 1 - OFF STREET PARKING REQUIREMENTS**

A) TYPE OF USE / BUILDING	B) MINIMUM PARKING REQUIRED
2. <i>Apartment or townhouse dwelling, or any other multiple unit residential building or portion of a building containing 5 or more dwelling units</i>	1 space per <i>dwelling unit</i> , plus 0.5 visitor <i>parking space per dwelling unit</i>
12. That <b>SECTION 4.27.5</b> is amended by deleting the existing provision in its entirety and replacing it with the following:	
.5 The <i>parking area</i> shall be <i>setback</i> a minimum of 3.0 m from the <i>street line</i> and a minimum of 1.5 m from all other <i>lot lines</i> , and the area between the <i>street line</i> and the <i>parking area</i> shall be used for no purpose other than landscaping.	
13. That <b>Section 4.27</b> is amended by adding the following provisions:	
<b>Section 4.27.1 Parking Structures</b>	
.1 Above-grade Parking Structures	
.1 Any portion of a parking structure located above established grade shall be subject to the minimum <i>lot</i> and <i>building</i> requirements of the zone in which the <i>lot</i> is located.	
.2 Below-grade Parking Structures	
.1 A below-grade parking structure shall be permitted to encroach into any required <i>yard</i> .	
.2 The minimum setback of a below-grade parking structure shall be subject to the following requirements:	
.1 The minimum setback from a street line shall be 1.8 m; and,	
.2 The minimum setback from an interior side lot line or rear lot line shall be 0.0 m.	
.3 Notwithstanding any other requirements of this By-law, an <i>accessory building</i> or <i>structure</i> that is incidental to a below-grade parking <i>structure</i> , such as air ventilation or an access staircase, shall be permitted anywhere on the same <i>lot</i> as the parking <i>structure</i> is located subject to the following requirements:	
.1 The <i>accessory building</i> or <i>structure</i> shall not be located in a minimum required <i>front yard</i> or <i>exterior side yard</i> .	
.2 The <i>accessory building</i> or <i>structure</i> shall have a minimum setback of 3.0 m from any <i>lot line</i> .	

14. That **SECTION 4.33.1.2** is amended by deleting the existing provision in its entirety and replacing it with the following:

- .2 On *lands* zoned or used for any commercial or *industrial use* where the interior side or *rear lot line* abuts *lands* zoned for residential, institutional or *parks and open space uses*;

15. That **SECTION 4.47** is amended by deleting the existing provision in its entirety and replacing it with the following:

Unless otherwise expressly required by this By-law, no portion of any required yard shall be permitted to be encroached or otherwise obstructed by any *building, structure* or feature or part thereof except where a portion of a *building, structure* or feature is permitted to encroach into a required *yard*, in accordance with Table 2, except as provided in Section 4.8 *Daylight Triangle*.

<b>Table 2 - Permitted Yard Encroachments</b>		
<b>Structure or Feature</b>	<b>Yards In Which Projection is Permitted</b>	<b>Maximum Projection into the Minimum Required Yard</b>
Awnings and canopies	<i>Any yard</i>	0.6 m
Sills, Belt Courses, Cornices, Eaves, Gutters, Chimneys, Pilasters	<i>any yard</i>	0.45 m
Window Bays	<i>any yard</i>	1.0 m
Fire Escapes Exterior Staircases	<i>rear yard</i>	1.5 m
Air Conditioners	<i>rear, interior side yard</i>	1.5 m
Balconies	<i>front, rear, exterior side yard</i>	1.8 m
Uncovered Steps, Porch or <i>Deck</i>	<i>front, rear, exterior side yard</i>	2.5 m
Ornamental <i>building</i> feature	<i>Any yard</i>	0.6 m

16. That **SECTION 4** is amended by adding the following new provisions:

**4.49 Model Homes**

- .1 A model home shall only be permitted on lands that have received draft plan of subdivision or draft plan of condominium approval under the provisions of the Planning Act or the Condominium Act, or site plan approval, as applicable.
- .2 A model home shall comply with the applicable requirements of this By-law for the type of *dwelling* the model home represents.



- .3 A model home shall only be permitted on a *lot* defined by a draft approved plan.
- .4 The total number of model homes for any draft approved plan of subdivision shall not exceed 6 *dwelling units*, or 10% of the total number of *lots*, whichever is less. Where the calculation of the total number of model homes permitted results in a fraction, the total number of model homes permitted shall be determined by rounding up to the nearest whole number.
- .5 Occupancy of a model home is prohibited prior to the date of registration of the draft plan of subdivision or draft plan of condominium.

**4.50 Temporary Sales Office**

- .1 A temporary sales office shall only be permitted in conjunction with lands that have received draft plan of subdivision or draft plan of condominium approval under the provisions of the Planning Act or the Condominium Act, or site plan approval, as applicable.
- .2 A temporary sales office shall only be permitted subject to the following requirements:
  - .1 Where draft plan approval has been granted and the *lot* on which the temporary sales office is located is zoned to permit the *use* and the zoning is in full force and effect; or,
  - .2 In a zone where office is a permitted *use*.
- .3 A temporary sales office shall only be permitted if it complies with the requirements of the zone in which the *lot* is located.
- .4 A temporary sales office shall be subject to Site Plan Approval.

17. That **SECTION 6** is amended by deleting **TABLE 5** in its entirety and replacing with the new Table below:

**TABLE 5 – PERMITTED USES IN RESIDENTIAL ZONES**

PERMITTED USE ✓ indicates use is permitted in zone	ZONE R1 Residential One	ZONE R2 Residential Two	ZONE R3 Rural Residential	ZONE R4 Multiple Residential	Zone UR1 Urban Residential One	Zone UR2 Urban Residential Two
detached <i>dwelling</i>	✓	✓	✓		✓	✓
<i>uses accessory</i> to a permitted <i>use</i> , including an <i>accessory dwelling unit</i>	✓	✓	✓		✓ (1)	✓ (1)
<i>semi-detached dwelling</i>		✓			✓	✓
<i>duplex dwelling</i>		✓			✓	✓

PERMITTED USE ✓ indicates use is permitted in zone	ZONE R1 Residential One	ZONE R2 Residential Two	ZONE R3 Rural Residential	ZONE R4 Multiple Residential	Zone UR1 Urban Residential One	Zone UR2 Urban Residential Two
<i>triplex or fourplex dwelling</i>				✓	✓	✓
<i>townhouse dwelling</i>				✓	✓	✓
<i>back-to-back townhouse</i>				✓	✓	✓
<i>stacked townhouse</i>				✓	✓	✓
<i>street townhouse</i>				✓	✓	✓
<i>apartment dwelling</i>				✓	✓	✓
<i>nursing home or home for the aged (2)</i>				✓	✓	✓
<i>retirement residential facility (2)</i>				✓	✓	✓
<i>home occupation in accordance with Section 4.18</i>	✓	✓	✓		✓ (1)	✓ (1)
<i>B&amp;B (Class 1) in accordance with Section 4.3</i>	✓	✓	✓		✓	✓
<i>B&amp;B (Class 2) in accordance with Section 4.3</i>			✓		✓	✓
<i>existing institutional</i>	✓	✓	✓		✓	✓
<i>live-work Unit within a street townhouse block</i>				✓	✓	✓

Notes:

- (1) Permitted for a *detached* or *semi-detached dwelling* only
- (2) Subject to a site-specific amendment to this By-law

18. That **SECTION 6** is amended by adding the following new sections, and renumber reference to tables in the sections which follow:

**6.5 Urban Residential Zones**

No person shall use land, or erect or use a building or structure in a UR1 and UR2 Zones except in accordance with the following regulations:

.1 Permitted Uses – See TABLE 6

.2 Lot Requirements– See TABLE 7, 8, 9 & 10

**TABLE 7 – LOT REQUIREMENTS FOR SINGLE DETACHED DWELLINGS**

<b>Standard</b>	<b>UR1</b>	<b>UR2</b>
Minimum <i>Lot Area</i>	280 sq. m.	350 sq. m.
Minimum <i>Lot Frontage</i>	10 m	12 m
Minimum <i>Front Yard</i> (1)	4.0 m	
Minimum <i>Rear Yard</i>	7.0 m	
Minimum <i>Interior Side Yard</i>		
One Side	1.2 m	
Other Side	0.6 m (1)	
Minimum <i>Exterior Side Yard</i>	4.0 m (2)	
Maximum <i>Building Height</i>	11.0 m	
Minimum landscaped area of <i>front yard</i> or <i>exterior side yard</i>	33%	
<b>Notes:</b>		
(1) The minimum required <i>interior side yard</i> on one side shall be 3.5 m if a detached <i>garage</i> is located in the <i>rear yard</i> and accessed by a <i>driveway</i> that crosses the <i>front lot line</i> .		
(2) The wall of an attached <i>garage</i> that contains a motor vehicle door shall be set back a minimum of 6.0 m from the lot line that the driveway crosses to access the <i>garage</i> .		

**TABLE 8 – LOT REQUIREMENTS FOR SEMI-DETACHED & DUPLEX/TRIPLEX/FOURPLEX DWELLINGS within UR1 and UR2 Zones**

<b>Residential Lots</b>	<b>Semi-Detached (1)</b>	<b>Duplex/Triplex/ Fourplex</b>
Minimum <i>Lot Area</i>	n/a	n/a
Minimum <i>Lot Frontage</i>	7.5 m per unit	15.0 m
Minimum <i>Front Yard</i> (1)	4.0 m	4.0 m
Minimum <i>Rear Yard</i>	7.5 m	7.5 m

<b>Residential Lots</b>	<b>Semi-Detached (1)</b>	<b>Duplex/Triplex/ Fourplex</b>
Minimum Interior <i>Side Yard</i>		
One Side	1.2 m	3.0 m
Other Side	0.0 m (2)	0.6 m
Minimum Exterior <i>Side Yard</i>	4.0 m (1)	4.0 m (1)
Maximum <i>Building Height</i>	11.0 m	11.0 m
Minimum landscaped area of <i>front yard or exterior side yard</i>	33%	33%
<b>Notes:</b>		
(1) Semi-detached provisions are per dwelling unit.		
(2) The wall of an attached <i>garage</i> that contains a motor vehicle door shall be set back a minimum of 6.0 m from the <i>lot line</i> that the driveway crosses to access the <i>garage</i> .		
(3) Where <i>semi-detached dwellings</i> on abutting <i>lots</i> share a common wall, no interior <i>side yard</i> shall be required, but where <i>dwellings</i> do not share a common wall, a setback of 1.2 metres shall be required.		

**TABLE 9 – LOT REQUIREMENTS FOR TOWNHOUSE DWELLINGS within UR1 and UR2 Zones**

<b>Requirements</b>	<b>Provisions</b>
Minimum <i>Lot Area</i>	170 m <sup>2</sup> per unit
Minimum <i>Lot Frontage</i>	6.0 m per unit on an <i>interior lot</i> and 7.0 m per end unit or <i>corner lot</i> (1)
Minimum <i>Front Yard</i>	3.0 m (2)
Minimum <i>Rear Yard</i> on a <i>lot</i> not accessed by a <i>private road</i>	7.0 m (3)
Minimum <i>Rear Yard</i> on a <i>lot</i> accessed by <i>private road</i>	4.5 m (3)(4)
Minimum Interior <i>Side Yard</i>	0.0 m for an interior unit and 1.2 m for an end unit
Minimum Exterior <i>Side Yard</i> (1)	3.0 m
Minimum separation distance between buildings	Side yard: 3.0 m Front-to-front of main wall: 12.5 m for <i>stacked townhouse</i> and 11.0 m for all other

Requirements	Provisions
Maximum <i>Building Height</i>	12.5 m for <i>stacked townhouse</i> and 11.0 metres for all other
Minimum Private Outdoor Amenity Area	10 sq. m. per unit
Minimum Common Outdoor Amenity Area	10 sq. m. per unit

**Additional requirements to Table 9:**

- .1 *Townhouse dwellings* are not required to abut a public street.
- .2 Where an attached garage faces a street or an exterior side lot line, the minimum setback to the attached garage shall be 6.0 m.
- .3 The minimum *rear yard* for a *back-to-back townhouse* shall be 0.0 m where the *dwelling units* share a common wall
- .4 The minimum *rear yard* shall be 0.6 m where the garage is accessed from a rear laneway.

**.3 Additional Provisions for Townhouses**

- a) Minimum depth of a *lot* for *back-to-back townhouse dwellings* shall be 13.0 metres
- b) The minimum distance for any two *block townhouse buildings* on the same *lot* shall be 2.4 metres between the *interior side yards*, 12.0 metres for rear yards; and, 13.5 metres for front yards.

**.4 Provisions for Live-work Units**

- a) Permitted non-residential uses may only be permitted as part of a *live-work unit*

**TABLE 10 – LOT REQUIREMENTS FOR APARTMENT DWELLINGS**

Requirements	Provisions
Minimum <i>Lot Area</i>	n/a
Minimum <i>setback</i> to a <i>lot line</i>	4.5 metres (1)
Maximum <i>setback</i> to a <i>street line</i>	6.0 metres
Minimum setback for below grade parking structures	minimum: 0.0 metres
Maximum <i>building height</i>	20 metres (6 Storeys)
Maximum <i>Lot Coverage</i>	25%

Requirements	Provisions
Minimum <i>Landscaped Area</i>	30%
Minimum landscape strip	3.0 metres abutting a <i>street line</i> , any <i>interior side lot line</i> or <i>rear lot line</i>
Continuous length of buildings along a street line (minimum)	60 percent of the street frontage of a <i>lot</i> must be occupied by a <i>building</i>
Minimum <i>Amenity Area</i>	
Common	A minimum of 4 square metres per unit, of which 50% must be indoor
Private	2 square metres per unit

**Additional requirements to Table 10:**

.1 Where an *apartment dwelling* abuts a single *detached dwelling*, the *side yard* shall be a minimum of 6.0 metres

**.5 Additional Provisions for Apartments**

- a) Rooftop mechanical equipment shall be screened or enclosed within a rooftop mechanical penthouse.
- b) A rooftop mechanical penthouse shall be excluded from the calculation of height.

19. That **SECTION 7.1.4** is amended by deleting the following provision in its entirety:

**.4 Residential Units within Commercial Buildings**

A *building* used for a permitted commercial *use* may also contain one or more residential *dwelling* units in combination with a permitted *use* and in accordance with the following provisions:

- .1 Each *dwelling* unit shall form part of the *main building* and shall be located on the second or higher floors;
- .2 Each *dwelling* unit shall be fully self-contained;
- .3 Each *dwelling* unit shall have a separate private entrance from the commercial use.
- .4 Stairways providing entrance to a dwelling unit above or below the main floor shall be enclosed from the elements.
- .5 All other requirements including parking and outdoor amenity area of this By-law shall be complied with.

20. That **SECTION 7 – REQUIREMENTS FOR COMMERCIAL ZONES** is amended by adding the following provision and renumbering the Sections accordingly:

**7.1 Residential Units within Commercial Buildings**

A *building* used for a permitted commercial *use* may also contain one or more residential *dwelling* units in combination with a permitted *use* and in accordance with the following provisions:

- .1 Each *dwelling* unit shall form part of the *main building* and shall be located on the second or higher floors;
- .2 Each dwelling unit shall be fully self-contained;
- .3 Each dwelling unit shall have a separate private entrance from the commercial use.
- .4 Stairways providing entrance to a dwelling unit above or below the main floor shall be enclosed from the elements.
- .5 All other requirements including parking and outdoor amenity area of this By-law shall be complied with.

21. That **Section 13.1.1** is amended by adding the following use:

- *accessory dwelling unit* in accordance with Section 4.1

22. That **Section 14 – Special Provisions** and **Schedule A** is amended, by correcting the following site-specific zone codes:

<p><b>A-139</b> Leitch By-Law 11-52 Lot 13, Con 5 Roll# 04-02700</p>	<p>Notwithstanding the provisions of the Agricultural Zone, the lands to which A-139 applies maybe used only for agricultural uses, residential and all uses accessory to residential uses are prohibited.</p>
<p><b>A-140</b> Leitch By-Law 11-52 Lot 13, Con 5 Roll# 04-02700</p>	<p>Notwithstanding the provisions of the Agricultural Zone, the lands to which A-140 applies shall not permit the housing of livestock.</p>
<p><b>A-158(T) Temp)</b> By-law 21-25 Expires May 18th, 2041 Coulson 5656 Trafalgar Rd North Pt Lot 19, Con 7 E</p>	<p>Notwithstanding Sections 5.1 and 4.13, the provisions of the Agricultural (A) Zone or any other provisions in By-law 07-67 to the contrary, the land zoned A-158(T) on Schedule 'A' may also be permitted one garden suite subject to the following provisions:</p> <ul style="list-style-type: none"> <li>a) Minimum side yard setback from the north property line of 5.0 metres</li> <li>b) That pursuant to Section 39(3) of the Planning Act, R.S.O. 1990, cP.13 as amended, the garden suite it permitted until May 18th 2041.</li> </ul>

<p><b>R1-116</b> By-law 21-23 Hill Pt Lot 15, Con 11</p>	<p>Notwithstanding the provisions of the Residential One (R1) Zone or any other provisions in By-law 07-67 to the contrary, the land zoned R1-116 on Schedule 'A' is subject to the following special provisions:</p> <ul style="list-style-type: none"> <li>a) For purposes of calculating lot area and lot frontage, but not lot coverage, the lot shall be considered all of the lands including the R1-116 and EP1 zones.</li> <li>b) Minimum Lot Area 3000.0 m<sup>2</sup></li> <li>c) Minimum Lot Frontage 48.0 m</li> <li>d) Maximum Building Coverage 25.0%</li> <li>e) Section 4.36 of the By-law shall not apply</li> <li>f) Building setback from EP1 Zone 0.0 m</li> </ul>
--	--

23. That **Section 14 – Special Provisions** is amended, by correcting the following definition for the MU-3(H) site-specific zone:

“Dwelling, Townhouse” means: A dwelling unit within a building divided vertically by a common vertical wall above grade of at least 3.0 metres in length and at least 2.0 metres in height adjoining dwelling units or private garages, into three or more dwelling units, each having a private access.

24. That 2 Churchill Lane is rezoned from Village Environmental Protection '(EP1)' to **Residential Two '(R2)'**, as shown on Schedule "A" to this By-law.

**Passed in Open Council on Month x, 2022**

---

**Mayor, Allan Alls**

---

**Clerk, Lisa Campion**