

*City of Kingston*

Ontario

**BY-LAW NO. 97-102**

**THE CATARAQUI NORTH  
ZONING BY-LAW**

**PASSED:** November 4, 1997

AMENDED BY: Please See Following Pages

Updated as of October 2, 2007

*(Office Consolidation)*

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

**AMENDMENTS TO BY-LAW 97-102**

The following approved Amendments have been included in this consolidation document.

<b>BY-LAW NUMBER</b>	<b>DATE OF COUNCIL APPROVAL (DD/MMY/Y)</b>	<b>NAME OF APPLICANT</b>	<b>EFFECT OF PROJECT</b>
97-116	07/11/97	Twp. of Kingston	To repeal and replace Schedule "A"
97-270	20/10/98	City of Kingston	Zone Change to MU1-H on Schedule "A"
99-28	15/12/98	City of Kingston, Part Lots 12 & 13, Concession 3, Development (D)	Zone Change to LDR-1-H and OS1-H on Schedule "A"; Table B1 Special Provisions amended to add new Section 8
99-54	09/02/99	City of Kingston	Remove zone symbol MU2-H from Schedule "A"
99-58	09/02/99	City of Kingston	Zone Change to LDR-1-H; LDR-2-H; MDR-1-H; MU1-H; OS1-H on Schedule "A"; Table B1, Special Provisions amended to add new Section 9; Table B4, Special Provisions amended to add new Section 7
99-298	21/09/99	G. Binnington In Trust, Binnington Phase 1 Subdivision	NOT PROCEEDED WITH
99-315	28/09/99	G. Binnington In Trust, Binnington Phase 1 Subdivision	Removal of -H Holding symbol, Schedule "A"
99-336	19/10/99	Braebury Homes Corp., Kings Landing Phase 1 Subdivision, Part Lots 12 & 13, Concession 3	Removal of -H Holding symbol, Schedule "A"
2000-101	18/04/00	J.A. Pye Ontario Ltd. (Lyndenwood Subd.), Lots 1-79 inclusive, Reg. Plan 13M-21	Removal of -H Holding symbol, Schedule "A"
2000-112	18/04/00	City of Kingston, Lot 44, Reg. Plan 13M-18, Emerald St.	Zone Change to LDR-1*1; Add new Section 7.1
2001-76	21/02/01	City of Kingston, N/S Princess St. west of Andersen Drive and south of Ellesmeer Ave.	Zone change to C2-54-H on Schedule "A"
2001-93	20/03/01	Dacon Corp. (Pinehill II Subdivision)	Zone change to LDR*1-H and LDR*1-H on Schedule "A"; Add new Subsection 7.2
2002-52	19/02/02	Frontline Worship Centre/Former Cataraqui Public School	Zone change to LDR/1*1; Add new Subsection 7.3
2002-186	16/07/02	City of Kingston	Administrative amendments for Parking provisions
2002-212	03/09/02	Walnut Grove Subdivision, Stages 1 & 2, Part Lots 14 & 15, Concession 3	Removal of -H Holding symbol, Schedule "A"
2002-221	01/10/02	Lyndenwood Subdivision, Phase 1, Stage 2, Part Lots 14 & 15, Concession 3	Removal of -H Holding symbol, Schedule "A"

<b>BY-LAW NUMBER</b>	<b>DATE OF COUNCIL APPROVAL (DD/MMY/Y)</b>	<b>NAME OF APPLICANT</b>	<b>EFFECT OF PROJECT</b>
2002-228	17/09/02	City of Kingston, Block 71, 13M-16	Zone change to LDR-1-H on Schedule "A"
2002-229	17/09/02	City of Kingston, 2392 Princess Street	Zone change to LDR-1-H on Schedule "A"
2003-85	01/04/03	Braebury Homes Corporation, King's Landing Subdivision, Phase 3, Part Lot 13, Concession 3	Removal of -H Holding symbol, Schedule "A"
2003-182	15/07/03	Braebury Homes Corporation, Block 71, Reg. Plan 13M-16 – Jennifer Court, west of Augusta Drive	Removal of -H Holding symbol, Schedule "A"
2003-197	15/07/03	City of Kingston, S/E corner of Cataraqui Woods Drive and Centennial Drive; 7.9 hectare parcel - Part Lots 12 & 13, Conc. 3 2.75 hectare parcel – Part Lots 12 & 13, Conc. 3	Zone change to MU*1-H Zone change to LDR-1*2-H Zone change to OS1
2003-199	15/07/03	J. A. Pye (Ontario) Limited, Part Lot 14, Concession 1	Zone change to OS1-H; LDR/I-H; MDR*1-H; and MDR*2-H; Add new Subsections 7.6 and 7.7
2003-206	15/07/03	Taylor Chev Olds Cadillac Limited, Part Lots 12 & 13, Concession 3	Zone change to OS1; LDR-1*2-H; MU1*1-H; Add new Subsections 7.4 and 7.5
2003-378	16/09/03	Dacon Corporation	Zone change to LDR*1-H
2003-382	16/09/03	City of Kingston	Administrative amendments for Model Homes and to Maintain Development Potential where lands are required by municipality for Road Widening, Daylighting Triangles, etc.
2004-63	02/03/04	J.A. Pye (Ontario) Ltd. - Lyndenwood Subdivision, Phase 2, Stage 1, Lots 23 to 37, inclusive Augusta Drive; Lots 3 to 22 inclusive Chadwick Court; and Lots 1 & 2 Anderson Drive, Part Lot 14, Concession 3	Removal of -H Holding symbol on Schedule "A"
2004-120	18/05/04	Dacon Construction Ltd. - Walnut Grove Subdivision, Stages 3A and 3B, Blocks 4 & 5, Part Blocks 6 and 13, Plan 13M-39, 28-43 Ellesmeer Avenue; 1176-1181 Richwood Court and 1166-1176 Anderson Drive	Removal of -H Holding symbol on Schedule "A"
2004-125	18/05/04	Lyndenwood Subdivision, Phase 4	Zone change to MDR*1-H and LDR-H on Schedule "A"
2004-181	15/06/04	City of Kingston, 9.5 hectare parcel on Part Lots 12 & 13, Concession 3	Zone change to MU1*2-H and OS1 on Schedule "A"
2004-182	15/06/04	Jerome Taylor, Part Lots 12 & 13, Concession 3	Zone change to MU1*2-H; OS1 and OS1; Add new Subsection 7.8
2005-106	03/05/05	J.A. Pye (Ontario) Ltd. – Part Lots 14 & 15, Concession 2, Lyndenwood Subdivision, Phase 3	Removal of -H Holding symbol on Schedule "A"
2005-198	02/08/05	City of Kingston - Part Lot 15, Concession 3	Zone Change to LDR-H on Schedule "A"
2005-209	23/08/05	City of Kingston	Administrative Amendments
2005-243	21/09/05	Lyndenwood Subdivision, Phase 3, Reg. Plan 13M-58, Lots 135-144 inclusive, Seale Court	Zone change to LDR*2 on Schedule "A"; Add new Subsection 7.9

BY-LAW NUMBER	DATE OF COUNCIL APPROVAL (DD/MMY/Y)	NAME OF APPLICANT	EFFECT OF PROJECT
2006-31	Oct. 1, 2006	City of Kingston	Zoning Administration
2006-43	Jan. 26, 2006	City of Kingston	Administrative Amendments
2006-189	Aug. 23, 2006	Taggart (Cataraqi North) Subdivision Part of Lots 12 & 13, Concession 3	Remove The '-H' Holding Symbol Related To The 'LDR-1*2-H' Zones (Map change only)
2006-190	Aug. 23, 2006	Lyndenwood Subdivision Phase 4	Remove The '-H' Holding Symbol Related To The 'LDR-H', 'MDR*1-H' And MDR-H' Zones (Map change only)
2007-97	Apr. 17, 2007	King's Landing Subdivision Phase 2 and 4	Remove The '-H' Holding Symbol Related To The 'LDR-1-H' and 'MDR-1-H' Zones (Map change only)
2007-107	May 1, 2007	471 Cataraqi Woods Drive	Modify The Existing Holding Special Mixed Use 'MU1*1-H' Zone
2007-160	Aug. 14, 2007	City of Kingston	Administrative Amendments
2007-188	Oct. 2, 2007	471 Cataraqi Woods Drive	Remove The '-H' Holding Symbol Related To The 'MU1*1-H' Zone (Map change only)

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# THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102

## THE PURPOSE OF THIS BY-LAW AND HOW SHOULD IT BE USED

### INTRODUCTION

These pages 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 Amendment Number 97 to the Township of Kingston Official Plan. The Amendment contains general policies that affect the use of land throughout the area covered by the Amendment. These policies specify where certain land uses are permitted and in some instances, specify what regulations are to apply to the development of certain lands.

The Official Plan is a general document that is not intended to regulate every aspect of the built-form on a private lot. 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 Planning Act. Section 34 of the Planning Act specifies what a by-law passed under this Section can regulate. A zoning by-law can:

- Prohibit the use of land or buildings by 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, bulk, location, size, floor area, spacing, character 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 or in any class or classes of buildings or structures;
- Require the owners or occupants of buildings or structures to be erected or used for a purpose permitted by the by-law to provide and maintain loading or facilities; and,
- Prohibit the use of lands and the erection of a class or classes 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, ravine, valley or area of natural and scientific interest
  - a significant corridor or shoreline of a lake, river or stream; and,
  - the site of a significant archaeological resource.

# **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

## **HOW YOU SHOULD USE THIS BY-LAW**

The following six steps describe what a property owner should do to determine what can be done with a property.

1. Every property owner should first find the map, which in this by-law is called a schedule, that applies to their property, locate their property and determine what Zone their property is in. The maps for this by-law are found immediately following Section 8.0 of this by-law.
2. The property owner should then verify whether an Amendment to the By-law affecting the property exists. Such an Amendment may not be incorporated in the version of the By-law referenced by the property owner.
3. Reference should then be made to Section 3.0 – Permitted Uses to determine what uses are permitted in that Zone. The majority of the uses in the Permitted Uses table are also defined in Section 6.0 of the by-law.
4. Once the permitted use is known, reference should then be made to Section 4.0 – Use Standards to determine what standards apply to any buildings or structures associated with the permitted use on the lot. The Use Standards are also contained on tables and the majority of these standards are also defined in Section 6.0 of this by-law.
5. After determining what standards may apply to a permitted use on the property, reference should then be made to the General Provisions section of the by-law to determine what provisions in that section may apply to the property.
6. The drawings provided in an appendix to the by-law should then be referenced to assist the reader in interpreting the by-law. The appendices are solely for illustration purposes only and do not form part of the by-law.

An explanation of each of the sections of the by-law is found in the next section.

## **DESCRIPTION OF COMPONENTS OF BY-LAW**

### **SECTION 1.0 ADMINISTRATION**

This section of the by-law specifies:

- What lands are covered by the by-law; and,
- That every parcel of land in the area covered by the by-law is to conform and comply with the by-law.

### **SECTION 2.0 ESTABLISHMENT OF ZONES**

This section establishes the Zones that are to apply to the lands covered by the by-law. The section also describes how to determine the location of the Zone boundaries on the schedules.

### **SECTION 3.0 PERMITTED USES**

This section lists the uses that are permitted in each Zone. The effect of these Zones is to only permit certain uses in various parts of the municipality. Because of the nature of the Planning Act, zoning by-laws are prohibitive. That is, the only uses that are permitted are those that are specified in the by-law. If a use is not specifically mentioned as a permitted use in a Zone, or if it is defined in Section 6.0 of the by-law and not listed as a permitted use, then it is not permitted.

# **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

## **SECTION 4.0 – USE STANDARDS**

This Section contains a number of regulations that control the placement, bulk and height of a building on a lot. Many of these regulations are described in the appendices that are attached to this by-law. Some of the regulations dealt with by the by-law are described below:

Minimum lot frontage - This regulation specifies what the minimum width of a *lot* must be on the street.

Minimum required front yard - This regulation specifies how far the main building on the lot must be set back from the front lot line. The front lot line is usually the *lot* line that separates the lot from the street. For example, if the minimum required front yard is 4.5 metres, the building must be set back a minimum of 4.5 metres from the front lot line.

Minimum required rear yard - This regulation specifies how far the main building on the lot must be set back from the rear lot line. The rear lot line is the lot line that is usually opposite and farthest from the front line.

Minimum required interior side yard - This regulation specifies how far the main building on the lot must be set back from the interior side lot line. The interior side lot line is usually the lot line that separates the lot from an abutting lot.

Minimum required exterior side lot yard - This regulation specifies how far the main building on the lot must be set back from the exterior side lot line. The exterior side lot line is the lot line that separates the lot from a street on a corner lot.

## **SECTION 5.0 – GENERAL PROVISIONS**

This section contains a number of regulations that apply to certain types of uses, buildings or structures in the area covered by the By-Law. For example, this section contains provisions dealing with the construction of decks in any Zone, provisions dealing with the minimum number of parking spaces required for a use and a section regulating where detached accessory buildings are permitted. The General Provisions also include regulations dealing with:

- The size of attached private garages;
- Permitted encroachments of balconies, porches and eaves into required yards;
- Home occupations; and,
- Width of driveways.

## **SECTION 6.0 – 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. All words in this by-law that are italicized are defined in Section 6.0 in order for a law to be effective, it must be capable of being easily interpreted. Often the most common usage of a word is not exactly what is intended by a zoning by-law. Therefore, many common words are defined so that their meaning is perfectly clear.

## **SECTION 7.0 EXCEPTIONS**

This section contains regulations which are specific to one property or a group of properties in the Township. For example, the minimum front yard in a Zone may be 4.5 metres. This required front yard may be reduced to a lesser number if deemed appropriate and the mechanism to accomplish this reduction is by amending the By-law and excepting the property from the general standard. Exceptions are denoted on the schedules by a number following the (\*) symbol.

## **SECTION 8.0 – ENACTMENT**

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

# **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

## **CONTRAVENTION OF THE BY-LAW**

Section 67 of the Planning Act describes what could happen if a person or corporation is convicted of a violation of this by-law.

Any person convicted of a violation of this by-law is liable, at the discretion of the convicting justice, on first conviction to a fine of not more than \$25,000.00 and on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

Any corporation convicted of a violation of this by-law is liable, at the discretion of the convicting justice, on first conviction to a fine of not more than \$50,000.00 and on a subsequent conviction to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

## **EFFECTIVE DATE OF BY-LAW**

Sections 34(2.1) and 34(3.0) of the Planning Act states that a by-law comes into effect on the date it is passed if no appeals are received or, if they are received, they are disposed of by the Ontario Municipal Board. However, if the Ontario Municipal Board repeals a portion of the By-law or amends a portion of the By-law, the amended portion comes into effect on the date of the Board's order. Other portions of the by-law that were not subject to an appeal would then be in effect on the date the by-law was passed.

# **EXPLANATION OF WHERE THE ZONES APPLY**

## **INTRODUCTION**

Below is a description of where the zones contained in this By-law apply. This description does not form part of the zoning by-law passed by Council and is intended only to make the zoning by-law more understandable and easier to reference.

## **THE RESIDENTIAL ZONES**

There are four residential zones in this by-law, as described below:

1. The Low Density Residential (LDR) Zone applies to lands that are to be developed primarily with low density residential uses, such as single detached, semi-detached, duplex dwellings and four-unit townhouse buildings. The majority of the lands subject to this by-law are in the LDR Zone.
2. The Low Density Residential/Institutional (LDR/I) Zone permits all of the uses in the LDR Zone and institutional uses such as schools, places of worship and community centres. The LDR/I Zone applies to lands located to the northwest of the traffic circle that serves as the community focus for the Cataraqui North Community.
3. The Low Density Residential/Neighbourhood Commercial (LDR/NC) Zone permits all of the uses in the LDR Zone and small-scale retail and personal service uses in selected locations.
4. The Medium Density Residential (MDR) Zone applies to lands that are to be developed primarily with medium density uses such as townhouses, apartments and multiples. The MDR Zone generally applies to some of the lands fronting on the major north-south and east-west roads in Cataraqui North.

# **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

## **THE RETAIL AND MIXED-USE ZONES**

1. The Neighbourhood Commercial (NC) Zone applies to lands at the northeast corner of the traffic circle that service as the community focus for the Cataraqui North Community.
2. The Mixed-Use One (MU1) Zone applies to lands fronting on Princess Street and permits a wide range of commercial and residential uses.
3. The Mixed-Use Two (MU2) Zone applies to a small area of land located on Sydenham Road and also permits a wide range of commercial and residential uses at a lower density than in the MU1 Zone.

## **OTHER ZONES**

The Open Space (OS) Zone applies to lands that are to be the site of a public park.

## **EXPLANATORY NOTE**

### **LANDS AFFECTED**

By-Law No. 97-102 is a Comprehensive Zoning By-law that applies to a portion of the lands located within the area covered by Official Plan Amendment Number 97 as shown on the key map below.

### **EXISTING ZONING**

The lands subject to this By-Law were zoned in accordance with By-law 76-26 of the Township of Kingston.

### **PURPOSE**

The purpose of By-law No. 97-102 is to prohibit the use of land and the erection of buildings and structures except for such purposes as set out in this By-Law and to regulate the type of construction, height, bulk, location, size, floor area, spacing, character and use of buildings or structures on the lands covered by this By-law. It is intended that this By-law implement the policies contained within Official Plan Amendment Number 97.

### **EFFECT OF BY-LAW**

The effect of By-law 97-102 is to place all lands within Zones that will lead to the development of a residential community with complementary commercial, institutional and open space uses consistent with the policies of Official Plan Amendment Number 97.

# THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102

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# **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

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# **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

## **THE CORPORATION OF THE TOWNSHIP OF KINGSTON**

**WHEREAS** it is considered desirable for the control of development within a portion of the area covered by Official Plan Amendment Number 97, 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 Section 34 of the Planning Act, R.S.O. 1990, as amended;

**NOW THEREFORE** the Council of the Corporation of Township of Kingston enacts as follows:

### **SECTION 1 ADMINISTRATION**

#### **1.1 TITLE**

This By-Law shall be known as the "Cataraqui North Zoning By-Law".

#### **1.2 ZONING SCHEDULES**

A schedule showing the application of Zones to all lands covered by this By-Law is attached as Schedule 'A' to this By-Law.

#### **1.3 COMPLIANCE WITH ZONING BY-LAW**

No land, building or structure shall be used and no building or structure shall be erected, altered or enlarged after the passage of this By-Law except in conformity with the provisions of this By-Law. Any person or corporation contravening this by-law may be subject to the provisions of Section 67 of The Planning Act, R.S.O. 1990 c.p. 13, as amended.

#### **1.4 BUILDING PERMITS, CERTIFICATES OF OCCUPANCY AND MUNICIPAL LICENCES**

No permit for the use of land or for the erection or use of any building or structure and no Certificate of occupancy or approval of application for municipal licence within the jurisdiction of Council shall be issued or given, where the proposed building, structure or use is in violation of any provision contained in this By-Law.

#### **1.5 SEVERABILITY**

A decision of a Court that one or more of the provisions of this By-Law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-Law.

#### **1.6 REPEAL OF FORMER BY-LAWS**

The provisions of By-law 76-26 of the Township of Kingston, and amendments thereto, are hereby repealed insofar as they affect the lands covered by this By-law.

#### **1.7 ADMINISTRATION**

Unless otherwise stated, this By-Law shall be administered and enforced by the Director of Planning and Development, or in the absence of the Director, the Manager of Development Approvals or the Manager of Policy Planning or any other authorized member of the Department of Planning and Development.

(By-Law No. 2006-31)

**ESTABLISHMENT OF ZONES**

**2.1 ZONES**

For the purposes of this By-law, the following *Zones* are established and they may be referred to by the name or by the symbol set opposite the name of the *zone* below:

**Residential Zones**

LDR	Low Density Residential Zone
LDR/1	Low Density Residential/Institutional Zone
LDR-NC	Low Density Residential/Neighbourhood Commercial Zone
MDR	Medium Density Residential Zone

**Retail and Mixed-Use Zones**

NC	Neighbourhood Commercial Zone
MU1	Mixed Use One Zone
MU2	Mixed Use Two Zone

**Open Space Zone**

OS1	Open Space Zone
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**2.2 LOCATION OF ZONES**

The Zones and Zone boundaries are shown on the schedules which are attached and form part of this By-law.

**2.3 DETERMINING ZONE BOUNDARIES**

Where the boundary of any Zone is shown on the schedules forming part of this By-Law, the following provisions shall apply:

- a) Where a Zone boundary is indicated as following a street or lane, the boundary shall be the centre line of such street or lane.
- b) Where a Zone boundary is indicated as approximately following lot line shown on a registered Plan of Subdivision or lots registered in a registry office or land titles office, the boundary shall follow such lot lines.
- c) Where a street, lane or railway right-of-way, electrical transmission line right-of-way, or watercourse is included on the schedules to this By-law and serves as a boundary between two or more different Zones, a line midway on such street, lane, right-of-way or watercourse shall be considered the boundary between Zones unless specifically indicated otherwise.
- d) Where a Zone boundary is indicated as following the limits of the Township of Kingston, the limits of the Township of Kingston shall be the boundary.
- e) Where none of the above provisions apply, the Zone boundary shall be scaled from the attached schedule(s).

# THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102

## **2.4 EXCEPTION ZONES**

Where a Zone symbol on the attached schedule(s) is followed by one or more numbers following the asterisk (\*) symbol, such as LDR\*1 or NC\*7, the number following the asterisk (\*) symbol refer to subsections in Section 7 (Exceptions) of this By-law that apply to the lands noted.

## **2.5 HOLDING PROVISIONS**

Notwithstanding any other provision in this By-Law, where a Zone symbol is followed by 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.

Notwithstanding the above provision, temporary and permanent buildings and structures used for the sale of dwelling units are permitted on lands subject to a Holding Provision provided that the permanent buildings comply with the yard and setback requirements of this By-Law.

## **2.6 DEFINITIONS**

For the convenience of the reader, all terms that are italicized in this By-law are defined in Section 6.0 of this By-law.

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

**SECTION 3  
PERMITTED USES**

**3.1 ZONES**

Uses which are permitted in the following Zones are identified on the following tables:

<b>ZONE</b>	<b>TABLE</b>
Residential Zones	Table A1
Retail and Mixed-Use Zones	Table A2
Open Space One Zone	Table A3

Permitted uses in a Zone are noted by the letter 'X' in the column for that Zone corresponding with the row for a specific permitted use. A number or numbers following the symbol 'X', or following the Zone heading, or following the name of a permitted use, indicates that one or more special provisions apply to the noted use or Zone. Special provisions are listed at the end of the table.

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

**TABLE A1  
RESIDENTIAL ZONES  
PERMITTED USES**

ZONE USE		LDR	LDR/I	LDR/NC	MDR
A	Single detached dwellings	X	X	X	
B	Semi-detached dwellings	X	X	X	X
C	Duplex dwellings	X	X	X	
D	Townhouse dwellings	X	X	X	X
E	Multiple dwellings				X
F	Apartment dwellings				X
G	Business offices			X(1)(2)	
H	Clinics			X(1)(2)	
I	Community centres		X	X	
J	Convenience retail store			X(1)(2)	
K	Day nursery		X	X	
L	Dry cleaning or laundry outlet			X(1)(2)	
M	Home occupations	X	X	X	X
N	Personal service shop			X(1)	
O	Places of worship		X		
P	Private home daycare	X	X	X	X
Q	Public parks	X	X	X	X
R	Public school		X		
S	Retirement homes				X

(By-law No. 97-102; 2007-160)

<b>SPECIAL PROVISIONS ( )</b>	
1	Only two uses subject to this Special Provision are permitted on a lot, provided the maximum gross floor area per premises is 185 metres.
2	The uses subject to this Special Provision are only permitted in a building containing no less than two dwelling units.

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

**TABLE A2  
RETAIL AND MIXED-USE ZONES  
PERMITTED USES**

	<b>ZONE USE</b>	<b>NC</b>	<b>MU1</b>	<b>MU2</b>
A	Apartment dwellings	X	X(3)(4)	X(5)
B	Multiple dwellings		X(3)(4)	X(5)
C	Home occupations	X	X	X
D	Business offices	X(2)	X	X
E	Clinics	X(2)	X	X
F	Commercial fitness centres	X(2)	X	X
G	Commercial schools	X(2)	X	X
H	Community halls	X(2)	X	X
I	Convenience retail stores	X(1)(2)	X	X
J	Day Nurseries	X(2)	X	X
K	Dry cleaning or laundry outlet	X(1)(2)	X	X
L	Financial institutions	X(1)(2)	X	X
M	Gas bars		X	X
N	Hotels		X	X
O	Personal service shops	X(1)(2)	X	X
P	Places of worship	X(2)	X	X
Q	Private clubs		X	X
R	Recreational uses		X	X
S	Private schools		X	X
T	Repair shops	X(1)(2)	X	X
U	Restaurants, take-out	X(1)(2)	X	X
V	Restaurants	X(1)(2)	X	X
W	Retail stores	X(1)(2)	X	X
X	Supermarkets	X(1)(2)	X	X

<b>SPECIAL PROVISIONS ( _ )</b>	
1	The maximum permitted gross floor area per premises is 185 square metres
2	The maximum permitted gross floor area of all uses subject to this Special Provision in the NC Zone is 1,110 square metres.
3	Permitted only on any floor above the first story of buildings that are located on lots that front on Princess Street. If the lot does not front on Princess Street, residential uses are permitted on any floor.
4	The maximum number of dwelling units per hectare on a lot is 125.
5	Permitted only on any floor above the first storey. The maximum number of dwelling units per hectare on a lot is 75.

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

**TABLE A3  
OPEN SPACE ZONES  
PERMITTED USES**

<b>ZONE USE</b>		<b>OS1</b>
A	Community centres	X
B	Parks, public	X
C	Schools, public	X
D	Stormwater management facilities	X

# THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102

## SECTION 4 USE STANDARDS

### 4.1 ZONES

Standards for the following *Zones* are shown on the following *Zone* Standards tables:

<b>ZONE</b>	<b>TABLE</b>
Low Density Residential Zone	Table B1
Low Density Residential/Institutional Zone	Table B2
Low Density Residential/Neighbourhood Commercial zone	Table B3
Medium Density Residential Zone	Table B4
Retail and Mixed-Use Zones	Table B5
Open Space One Zone	Table B6

A number or numbers following the *Zone* standard, the *Zone* heading or the description of the standard indicate that a special provision applies to the noted *Zone* or requirement. Special provisions are listed at the end of the table.

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

**TABLE B1  
STANDARDS FOR THE LDR ZONE**

	<b>ZONE PROVISIONS</b>	<b>Single Detached Dwellings</b>	<b>Semi-Detached Dwellings</b>	<b>Duplexes</b>	<b>Triplexes</b>	<b>Townhouse Buildings (7)(8)(9)</b>
A	Minimum lot frontage: ▪ on a lot accessed by a lane	7.0	6.5 m per unit	9.0 m	16.5m	5.5 m per unit (1)
	▪ on a lot <b>not</b> accessed by a lane	9.0m	7.5 m per unit	11.0m	16.5 m	6.5 m per unit (2)
B	Minimum required front yard: ▪ on a lot accessed by a lane	3.0 m (3)	3.0 m (3)	3.0 m (3)	3.0 m (3)	3.0 m (3)
	▪ on a lot <b>not</b> accessed by a lane	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)
C	Maximum driveway width on a lot that is not accessed by a lane	6.0 metres or 50% of the lot frontage, whichever is the lesser	6.0 metres or 50% of the lot frontage, whichever is the lesser	35% of lot frontage	35% of lot frontage	3.5 m
D	Maximum garage width on a lot that is not accessed by a lane	6.0 metres or 50% of the lot frontage whichever is the lesser	6.0 metres or 50% of the lot frontage, whichever is the lesser	35% of lot frontage	35% of lot frontage	3.5 m
E	Minimum required exterior side yard	2.4 m(4)	2.4 m(4)	2.4 m(4)	2.4 m(4)	2.4 m(4)
F	Minimum required interior side yard	1.2 m and 0.3m (6.)	1.2 m and 0.0 m(6)	1.2 m(6)	1.2m(6)	0.0 m for int. unit 1.2 m for end unit
G	Minimum required rear yard: ▪ on a lot accessed by a lane	14.5 m	14.5 m	14.5 m	14.5 m	14.5 m
	▪ on a lot <b>not</b> accessed by a lane	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m
H	Maximum height	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m

(By-Law No. 99-28; 99-58; 2005-209)

**Note: See next page for Special Provisions for the LDR Zone**

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

<b>SPECIAL PROVISIONS FOR THE LDR ZONE</b>	
1	The minimum lot frontage required for an end unit on an interior lot is 6.7 metres. The minimum lot frontage required for an end unit on a corner lot is 7.9 metres.
2	The minimum lot frontage required for an end unit on an interior lot is 7.7 metres The minimum lot frontage required for an end unit on a corner lot is 8.9 metres.
3	At least 70 percent of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
4	The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.
5	The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit. <span style="float: right;">(By-Law No. 97-102; 2005-209)</span>
6	The required interior side yard on one side is 2.5 metres if a detached private garage is located in the rear yard and is accessed by a driveway crossing the front lot line.
7	Townhouse buildings shall contain no more than four dwelling units.
8	Notwithstanding the provisions of Table B1 hereof to the contrary, on the lands designated LDR-1 on Schedule "A" hereof the <i>minimum lot frontage</i> required for a <i>townhouse building</i> on a <i>lot</i> not accessed by a <i>lane</i> is 6 metres. <span style="float: right;">(By-Law No. 97-102, 99-28)</span>
9	Notwithstanding the provisions of Table B1 hereof to the contrary on the lands designated LDR-2 on Schedule "A" hereof the minimum lot frontage required for a townhouse building on a lot not accessed by a lane is 6.0 m per unit and Special Provisions (2) and (5) for the LDR Zone shall not apply. <span style="float: right;">(By-Law No. 99-58)</span>

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

**TABLE B2 STANDARDS FOR THE LDR/I ZONE**

	ZONE PROVISIONS	Single Detached Dwellings	Semi-Detached Dwellings	Duplexes	Triplexes	Townhouse Buildings (7)	Places of Worship and Public schools
A	Minimum lot frontage: ▪ on a lot accessed by a lane	7.0	6.5 m per unit	9.0 m	16.5m	5.5 m per unit (1)	20.0m
	▪ on a lot not accessed by a lane	9.0m	7.5 m per unit	11.0m	16.5 m	6.5 m per unit (2)	20.0m
B	Minimum required front yard: ▪ on a lot accessed by a lane	3.0 m (3)	3.0 m (3)	3.0 m (3)	3.0 m (3)	3.0 m (3)	4.5m(8)
	▪ on a lot not accessed by a lane	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5m(8)
C	Maximum driveway width on a lot that is not accessed by a lane	6.0 metres or 50% of the lot frontage, whichever is the lesser	6.0 metres or 50% of the lot frontage, whichever is the lesser	35% of lot frontage	35% of lot frontage	3.5 m	Not applicable
D	Maximum garage width on a lot that is not accessed by a lane	6.0 metres or 50% of the lot frontage whichever is the lesser	6.0 metres or 50% of the lot frontage, whichever is the lesser	35% of lot frontage	35% of lot frontage	3.5 m	Not applicable
E	Minimum required exterior side yard	2.4 m(4)	2.4 m(4)	2.4 m(4)	2.4 m(4)	2.4 m(4)	4.5m
F	Minimum required interior side yard	1.2 m and 0.3m (6.)	1.2 m and 0.0 m(6)	1.2 m(6)	1.2m(6)	0.0 m for int. unit 1.2 m for end unit	7.5m
G	Minimum required rear yard ▪ on a lot accessed by a lane	14.5 m	14.5 m	14.5 m	14.5 m	14.5 m	7.5m
	▪ on a lot not accessed by a lane	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m	7.5m
H	Maximum height	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m	15.0m

(By-Law No. 97-102; 2005-209; 2007-160)

**Note: See next page for Special Provisions for the LDR/I Zone**

## THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102

<b>SPECIAL PROVISIONS FOR THE LDR/1 ZONE</b>	
1	The minimum lot frontage required for an end unit on an interior lot is 6.7 metres. The minimum lot frontage required for an end unit on a corner lot is 7.9 metres.
2	The minimum lot frontage required for an end unit on an interior lot is 7.7 metres The minimum lot frontage required for an end unit on a corner lot is 8.9 metres.
3	At least 70 percent of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
4	The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.
5	The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit. <span style="float: right;">(By-Law No. 97-102; 2005-209)</span>
6	The required interior side yard on one side is 2.5 metres if a detached private garage is located in the rear yard and is accessed by a driveway crossing the front lot line.
7	Townhouse buildings shall contain no more than four dwelling units.
8	At least 50% of the front wall of the main building shall be located within 6.0 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

**TABLE B3  
STANDARDS FOR THE LDR/NC ZONE**

	<b>ZONE PROVISIONS</b>	<b>Single Detached Dwellings</b>	<b>Semi-Detached Dwellings</b>	<b>Duplexes</b>	<b>Triplexes</b>	<b>Townhouse Buildings (7)</b>	<b>Buildings containing commercial and residential uses</b>
A	Minimum lot frontage: ▪ on a lot accessed by a lane	7.0	6.5 m per unit	9.0 m	16.5m	5.5 m per unit (1)	15.0m
	▪ on a lot not accessed by a lane	9.0m	7.5 m per unit	11.0m	16.5 m	6.5 m per unit (2)	15.0m
B	Minimum required front yard: ▪ on a lot accessed by a lane	3.0 m (3)	3.0 m (3)	3.0 m (3)	3.0 m (3)	3.0 m (3)	3.0(3)
	▪ on a lot not accessed by a lane	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)(5)	4.5 m (4)	4.5m(4)(5)
C	Maximum driveway width on a lot that is not accessed by a lane	6.0 metres or 50% of the lot frontage, whichever is the lesser	6.0 metres or 50% of the lot frontage, whichever is the lesser	35% of lot frontage	35% of lot frontage	3.5 m	3.5
D	Maximum garage width on a lot that is not accessed by a lane	6.0 metres or 50% of the lot frontage whichever is the lesser	6.0 metres or 50% of the lot frontage, whichever is the lesser	35% of lot frontage	35% of lot frontage	3.5 m	3.5
E	Minimum required exterior side yard	2.4 m(4)	2.4 m(4)	2.4 m(4)	2.4 m(4)	2.4 m(4)	2.4m(4)
F	Minimum required interior side yard	1.2 m and 0.3m (6.)	1.2 m and 0.0 m(6)	1.2 m(6)	1.2m(6)	0.0 m for int. unit 1.2 m for end unit	1.2m (6)
G	Minimum required rear yard ▪on a lot accessed by a lane	14.5 m	14.5 m	14.5 m	14.5 m	14.5 m	7.5m
	▪on a lot not accessed by a lane	6.0 m	6.0 m	6.0 m	6.0 m	6.0 m	6.0m
H	Maximum height	11.0 m	11.0 m	11.0 m	11.0 m	11.0 m	11.0m

(By-Law No. 97-102; 2005-209)

**Note: See next page for Special Provisions for the LDR/NC Zone**

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

<b>SPECIAL PROVISIONS FOR THE LDR/NC ZONE</b>	
1	The minimum lot frontage required for an end unit on an interior lot is 6.7 metres. The minimum lot frontage required for an end unit on a corner lot is 7.9 metres.
2	The minimum lot frontage required for an end unit on an interior lot is 7.7 metres The minimum lot frontage required for an end unit on a corner lot is 8.9 metres.
3	At least 70 percent of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
4	The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.
5	The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit, except that a corner lot may have the garage located further than 3.0 metres from the main entry feature or main front entrance of the dwelling unit, provided it is not located closer to the front lot line than any other part of the dwelling unit. <span style="float: right;">(By-Law No. 97-102; 2005-209)</span>
6	The required interior side yard on one side is 2.5 metres if a detached private garage is located in the rear yard and is accessed by a driveway crossing the front lot line.
7	Townhouse buildings shall contain no more than four dwelling units. <span style="float: right;">(By-Law No. 99-58)</span>

<b>TABLE B4 STANDARDS FOR THE MDR ZONE</b>					
	<b>ZONE PROVISIONS</b>	<b>Semi-Detached Dwellings</b>	<b>Townhouse Buildings (7)</b>	<b>Multiple-unit buildings</b>	<b>Apartment buildings</b>
A	Minimum lot frontage: ▪ on a lot accessed by a lane	6.5 m per unit	5.5 m per unit (1)	18.0m	18.0 m
	▪ on a lot not accessed by a lane	7.5 m per unit	6.5 m per unit (2)	18.0m	18.0m
B	Minimum required front yard: ▪ on a lot accessed by a lane	0.0 m (2)	0.0 m (2)	3.0m (2)	3.0 m (3)
	▪ on a lot not accessed by a lane	4.5 m (4)(5)	4.5 m (4)(5)	4.5m(3)	4.5m(3)
C	Maximum driveway width on a lot that is not accessed by a lane	6.0 metres or 50% of the lot frontage, whichever is the lesser	3.5 m	Not applicable	Not applicable
D	Maximum garage width on a lot that is not accessed by a lane	6.0 metres or 50% of the lot frontage, whichever is the lesser	3.5 m	Not applicable	Not applicable
E	Minimum required exterior side yard	2.4 m(4)	2.4 m(4)	2.4m	2.4m
F	Minimum required interior side yard	1.2 m and 0.0 m(6)	0.0 m for int. unit 1.2 m for end unit	1.2m	1.2m
G	Minimum required rear yard ▪on a lot accessed by a lane	14.5 m	14.5 m	14.5 m	14.5 m
	▪on a lot not accessed by a lane	6.0 m	6.0 m	7.5m	7.5 m
H	Maximum number of dwelling units per hectare on a lot	Not applicable	Not applicable	75	75
I	Maximum height	12.0m	12.0m	13.0m	13.0m

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

<b>SPECIAL PROVISIONS FOR THE MDR ZONE</b>	
1	The minimum lot frontage required for an end unit on an interior lot is 6.7 metres. The minimum lot frontage required for an end unit on a corner lot is 7.9 metres.
2	At least 70 percent of the front wall of the first storey of the main building shall be located within 3.0 metres of the front lot line.
3	At least 70 percent of the front wall of the first storey of the main building shall be located within 1.5 metres of the building line.
4	The wall of an attached private garage that contains the opening for vehicular access shall be set back a minimum of 6.0 metres from the lot line that the driveway crosses to access the private attached garage.
5	The wall of the attached private garage facing the public street shall not be located more than 3.0 metres closer to the front lot line than either the main entry feature or main front entrance of the dwelling unit.
6	The required interior side yard on one side is 2.5 metres if a detached private garage is located in the rear yard and is accessed by a driveway crossing the front lot line.
7	Notwithstanding the provisions of Table B4 hereof to the contrary on the lands designated MDR-1 on Schedule "A" hereof the minimum lot frontage required for a townhouse building on a lot not accessed by a lane is 6.0 m per unit.

(By-Law No. 99-58)

**TABLE B5  
STANDARDS FOR RETAIL AND MIXED-USE ZONES**

	<b>ZONE PROVISION</b>	<b>NCI</b>	<b>MU1</b>		<b>MU2</b>
		All building forms	Apartment and Multiple-Unit Buildings with no non-residential uses	Apartment and Multiple-Unit Buildings with non-residential uses in the first storey and non-residential buildings	Apartment and Multiple-Unit Buildings with non-residential uses in the first storey and non-residential buildings
A	Minimum lot area	Not applicable	Not applicable	0.4 ha.	0.4 ha.
B	Minimum lot frontage	20.0 m	18.0 m	60.0 m	60.0 m
C	Minimum required front yard	1.8 m	4.5 m	3.0 m	3.0 m
D	Minimum required exterior side yard	1.8 m	2.4 m	3.0 m	3.0m
E	Minimum required interior side yard	0.0 m	1.2 m	0.0 m	0.0 m
F	Minimum required rear yard	7.5 m	7.5 m	13.0 m	13.0 m
G	Maximum height	12.0 m	13.0 m	26.0 m	11.0 m

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

**TABLE B6  
STANDARDS FOR OPEN SPACE ZONE**

<b>ZONE PROVISION</b>		<b>ZONE OS1</b>
A	Minimum required front yard	4.5 m
B	Minimum required exterior side yard	4.5 m
C	Minimum required interior side yard	7.5 m
D	Minimum required rear yard	7.5 m
E	Maximum height	15.0 m

**THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

**SECTION 5  
GENERAL PROVISIONS**

**5.1 ACCESSORY BUILDINGS, STRUCTURES AND USES**

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 may include any accessory buildings accessory structures or accessory uses located on the same lot as the primary use to which they are related.

**5.1.1 Uses permitted in accessory buildings and structures**

No accessory building or accessory structure shall be used for human habitation or an occupation for gain or profit, except if specifically permitted by this By-Law.

**5.1.2 Timing of construction**

No detached accessory building or structure shall be erected on a lot prior to the erection of the main building on the lot.

**5.1A AIR CONDITIONER**

Notwithstanding any provision of this By-Law to the contrary, no Air Conditioner, may be located within 1.2m of a side lot line, rear lot line, or required front yard.”

(By-Law No. 2006-43)

**5.2 BUILDING LINES**

Where this By-Law regulates the location of the walls of a building that face the front lot line in relation to a building line, the building line shall be located as follows:

- a) Where both the interior side lot lines intersect with the front lot line at a 90 degree angle and the front lot line is straight, the building line shall be located parallel to the front lot line a distance equal to the required front yard.
- b) Where one or both of the interior side lot lines intersect(s) with the front lot line at an angle greater than or less than 90 degrees, or if the front lot line is not straight, the building line shall be set back from the mid-point of the front lot line a distance equal to the required front yard and shall be parallel to a line joining the points where the front lot line intersects with the interior side lot lines.
- c) Where the lot is a corner lot, the building line shall be located on the lot by extending the building line on the nearest lot that fronts on the same side of the street to the exterior side lot line. For the purpose of this provision, a lot that is located at the intersection of a public street and a lane is considered to be a corner lot.

**5.3 DETACHED ACCESSORY BUILDINGS AND ENCLOSED WALKWAYS ON LOTS ACCESSED BY LANES**

Detached accessory buildings and enclosed walkways associated with a residential use that are accessed only by a lane are subject to the following requirements.

## **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

### **5.3.1 DETACHED ACCESSORY BUILDINGS**

#### **5.3.1.1. Setbacks from lot lines**

Detached accessory buildings shall be located:

- a) a minimum distance of 0.6 metres from the rear lot line;
- b) a minimum distance equal to exterior side yard requirement for the main building from the exterior side lot line;
- c) a minimum of 0.6 metres from the interior side lot line. A detached accessory building may share a common wall with another detached accessory building on an abutting lot and no setback from the *interior side lot line* is required on that side of the *lot*. In no case shall an accessory *building* share a common wall with more than one other accessory *building* on an abutting *lot*.

In no case shall an *accessory building or structure* be located in the *front or exterior side yard*. Notwithstanding this provision, *enclosed walkways* are permitted in the *exterior side yard* subject to the provisions of Section 5.3.2.

#### **5.3.1.2 Setback from main building**

Any detached *accessory building* shall be set back a minimum of 6.0 metres from the main building on the lot. The staircase used to access the building and any *accessory building or structure* with a *floor area* of less than 10.0 square metres shall be excluded from this provision, provided the *accessory building or structure* is not attached to another accessory building or structure.

#### **5.3.1.3 Parking of motor vehicles in setback area**

The parking of motor vehicles is not permitted in the setback area required by Section 5.3.1.2 between a detached accessory building and the main building on a lot that is accessed by a lane.

#### **5.3.1.4 Encroachment of eaves, gutters and roof overhangs**

Eaves, gutters and roof overhangs may encroach into any setback area required by Sections 5.3.1.1 and 5.3.1.2 a distance of no more than 0.45 metres.

#### **5.3.1.5 Maximum permitted floor area**

The floor area of all detached accessory buildings on the lot shall not exceed 18 percent of the lot area. The floor area of the staircase used to access the building and any accessory building or structure with a floor area of less than 10.0 square metres shall be excluded from the calculation of floor area, provided the accessory building or structure is not attached to another accessory building or structure.

#### **5.3.1.6 Maximum height**

The maximum permitted height of any detached accessory building is 4.5 metres.

#### **5.3.1.7 Regulations for stairs and landings**

Unenclosed stairs and lands that access the detached accessory building may encroach a distance of 0.6 metres into the setback area required by Section 5.3.1.2.

## **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

### **5.3.1.8 Enclosed walkways**

Enclosed walkways are permitted subject to the provisions of this Section.

#### **5.3.1.8(1) Size of enclosed walkway**

Enclosed walkways shall be not wider than 2.75 metres with the width being measured from the exterior faces of the exterior walls.

#### **5.3.1.8(2) Permitted locations for enclosed walkways**

- a) Enclosed walkways are permitted in:
  - (i) the required rear yard;
  - (ii) in the area between a detached accessory building and the main building on a lot; and,
  - (iii) in the exterior side yard.
- b) If the enclosed walkway is located on a corner lot, no portion of the wall facing the exterior side lot line shall be located further than 3.0 metres from the exterior side lot line.
- c) If the enclosed walkway is located on an interior lot, it shall be set back a minimum of 0.6 metres from the interior side lot line. Notwithstanding this provision, an enclosed walkway may share a common wall with another enclosed walkway on an abutting lot and no setback from the interior side lot line is required on that side of the lot.

#### **5.3.1.8(3) Exemption from other requirements**

Notwithstanding any other provision in this By-Law, no part of an enclosed walkway is:

- a) deemed to be part of the main building on the lot; or,
- b) included in the calculation of the maximum floor area of the first storey permitted for detached accessory buildings in Section 5.3.1.5

## **5.4 DETACHED ACCESSORY BUILDINGS ON LOTS NOT ACCESSED BY LANES**

Detached accessory buildings associated with a residential use that are accessed only by a driveway from a public street are subject to the following requirements.

### **5.4.1 Setbacks from lot lines**

Detached accessory buildings shall be located:

- a) A minimum of 0.6 metres from the rear lot line. A detached accessory building may share a common wall with another detached accessory building on an abutting lot and no setback from the rear lot line is required.
- b) A minimum distance equal to exterior side yard requirement for the main building from the exterior side lot line.
- c) A minimum distance of the front yard requirement for the main building from the front lot line.
- d) A minimum of 0.6 metres from the interior side lot line. A detached accessory building may share a common wall with another detached accessory building on an abutting lot and no other detached accessory building on an abutting lot and no setback from the interior side lot

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line is required on that side of the lot. In no case shall an accessory building share a common wall with more than one other accessory building on an abutting lot.

Notwithstanding subsections (b) and (c), in no case shall the wall of a private garage containing the opening for vehicular access be located closer than 6.0 metres to the lot line abutting the public street that the driveway crosses to access the private garage. In no case shall a detached accessory building or structure be located in the front or exterior side yard.

### **5.4.2 Encroachment of eaves, gutters and roof overhangs**

Eaves, gutters and roof overhangs may encroach into any setback area required by Section 5.4.1 a distance of no more than 0.45 metres.

### **5.4.3 Maximum permitted floor area**

The floor area of all detached accessory buildings on the lot, excluding the floor area of a stairway used to access the building, shall not exceed 18 percent of the lot area. The floor area of the staircase used to access the building and any accessory building or structure with a floor area of less than 10.0 square metres shall be excluded from the calculation of floor area.

### **5.4.4 Maximum height**

The maximum permitted height of any detached accessory building on a lot is 4.5 metres.

## **5.5 DWELLING UNITS IN CELLARS**

No dwelling unit, in its entirety, shall be located in a cellar. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling unit shall be used for no purpose other than a furnace room, laundry room, storage room, recreation room or for a similar use.

## **5.6 ENCROACHMENTS IN REQUIRED YARDS**

### **5.6.1 Architectural features and balconies**

Architectural features such as sills, belt courses, cornices, eaves or gutters, chimney breasts, pilasters, roof overhangs cantilevered window bays and balconies may encroach:

- a) into the required front yard a distance of no more than 3.0 metres, but in no case shall the architectural feature or balcony be located closer than 1.5 metres to the front lot line;
- b) into the required rear yard a distance of no more than 2.0 metres;
- c) into the required exterior side yard a distance of no more than 50 percent of the required exterior side yard for the main building on the lot; and,
- d) into the required interior side yard a distance of no more than 50 percent of the required interior side yard for the main building on the lot.

### **5.6.2 Encroachment of porches, decks and underground cellars**

#### **5.6.2.1 Porches and decks**

Porches and decks and the stairs that are used to provide access to the porch or deck from the ground may encroach;

- a) into the required exterior side yard a distance of 0.9 metres;
- b) into the required rear yard a distance of 3.0 metres provided that the porch or deck does not have a roof; and,

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- c) into the required front yard a distance of 3.0 metres, provided that no part of the porch, deck or stairs is located closer than 1.5 metres from the front lot line.

### **5.6.2.2 Underground cellars**

In addition to porch or deck, an underground cold cellar may also encroach into any required yard as permitted by Section 5.6.2.1 provided the underground cold cellar is located entirely underneath the porch or deck.

### **5.6.3 Encroachment of stairs and lands used to access a main building**

Stairs and lands that access any part of the main building on the lot, and which are not associated with a deck or porch, may encroach:

- a) into the required rear yard a distance of no more than 2.0 metres;
- b) into the required exterior side yard a distance of 0.9 metres; and,
- c) into the required front yard a distance of no more than 3.0 metres, but in no case shall the stairs or landing be located closer than 1.5 metres to the front lot line.

(By-Law No. 97-102)

### **5.6.4 5.6.4 Barrier-Free Structures:**

Notwithstanding any provisions of this By-Law to the contrary, unenclosed structures necessary to ensure that a building and its facilities can be approached, entered, and used by persons with physical or sensory disabilities in accordance with the Ontario Building Code may project into any required front, rear or side yard provided that the structure is not closer than 0.3 metres from any side lot line. For clarification, the areas of such structures shall not be used in the calculation of lot coverage.

(By-Law No. 97-102; 2005-209; 2007-160)

## **5.7 FRONTAGE ON A PUBLIC STREET**

No person shall erect any building or structure and no person shall use any building or structure, lot or parcel unless the lot or parcel to be so used, or upon which the building is situated or erected or proposed to be erected, abuts or fronts on a public street which is assumed by the Corporation for maintenance purposes or is being constructed pursuant to a Subdivision Agreement with the Corporation. Notwithstanding this provision, model homes used for the sale of dwelling units are not required to front on a public street. For the purposes of this By-Law a lot separated from a street by a reserve shall be deemed to abut such a street.

## **5.8 HOME OCCUPATIONS.**

Where a home occupation is permitted in a Zone, the home occupation:

- a) shall be conducted entirely within the principal dwelling unit on the lot;
- b) shall not detract from the residential character of the dwelling unit or the lot on which the home occupation is located;
- c) shall not involve the outdoor storage or outdoor display of materials or finished products, other than arts and crafts produced on the premises, associated with the home occupation use;
- d) shall not occupy more than 30 percent of the gross floor area of the dwelling unit;
- e) shall not result in the discharge or emission of odorous, noxious or toxic matter or vapours, heat, glare, noise or radiation, or recurrently generated ground vibrations;
- f) shall not consist of an occupation that involves the salvage, repair, maintenance or sales of motor vehicles or motor vehicle engines or parts; and,

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- g) shall not consist of an occupation that involves the sale of a commodity not produced on the premises, except that telephone or mail order sales of goods may be permitted provided that customers do not enter the premises to inspect, purchase, or take possession of the goods. (By-Law No. 97-102)
- h) Notwithstanding Clause (c) above, above there shall be no outdoor storage of materials, equipment or containers, exterior parking or storage of commercial or industrial vehicles or equipment, animal enclosures or other outdoor activities in conjunction with the home occupation. (By-Law No. 97-102; 2002-186)

**5.9 LOADING SPACE REQUIREMENTS**

**5.9.1 Number of Loading Spaces Required**

No person shall use any land, building or structure in any Zone for any commercial purpose permitted by this By-law, unless loading spaces are provided on the same lot in accordance with the provisions of this section. The number of loading spaces required shall be calculated in accordance with the standards set out below in the Loading Space Requirement Table.

<b>LOADING SPACE REQUIREMENT TABLE</b>	
<b>COMMERCIAL USES</b>	<b>LOADING SPACE STANDARD</b>
i) Buildings having a gross floor area of less than 278 square metres	0 loading spaces
ii) Buildings having a gross floor area of between 278 square metres and 2,322 square metres	1 loading space
iii) Buildings having a gross floor area of between 2,322 square metres and 7,432 square metres	2 loading spaces
iv) Buildings having a gross floor area greater than 7,432 square metres	2 loading spaces plus one space for each additional 9,290 square metres

**5.9.2 Regulations for Loading Spaces**

- a) A loading space shall be paved and have a width of not less than 3.6 metres and a length of not less than 9.1 metres with a minimum of 4.25 metres overhead clearance.
- b) Loading spaces shall be located only in an interior side yard or rear yard and be set back from the street line by a minimum of 18 metres.
- c) Aisles and driveways leading to a loading space(s) shall be at least 3.6 metres for one-way traffic and 6.0 metres for two-way traffic. (By-Law No. 97-102)

**5.9A LOT SERVICING REQUIREMENTS**

No person shall erect any building or structure or use any lot in any zone, unless it is proven that the lot will have adequate capacity for sanitary sewer, stormwater sewer, and potable water (By-Law No. 2005-209)

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### **5.10 MULTIPLE USES ON ONE LOT**

Where any building, structure or land is used for more than one purpose as provided in Section 3.0 of this By-law, the said, building, structure or land shall comply with the provisions of this By-law relating to each use. In the case of a conflict, the more stringent provision shall apply.

### **5.11 MULTIPLE ZONES ON ONE LOT**

Where a lot is divided into more than one Zone, each portion of the lot shall be used in accordance with the provisions of this By-law for the applicable Zone.

### **5.12 NON-COMPLYING BUILDINGS AND STRUCTURES**

#### **5.12.1 Enlargement, Repair or Renovation**

A non-complying building or structure may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- a) does not further increase a situation of non-compliance;
- b) does not increase the amount of floor area or volume in a required yard or setback area; and,
- c) complies with all other applicable provisions of this By-law.

#### **5.12.2 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 maximum permitted gross floor area, 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.

### **5.13 NON-COMPLYING LOTS**

#### **5.13.1 Non-complying lots**

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

#### **5.13.2 Non-compliance as a result of expropriation**

Notwithstanding any other provision of this By-law, where, as a result of the acquisition of part of a lot by a public authority, the lot, after the acquisition, is a non-complying lot, such non-complying may be used for any purpose permitted by this By-law within the Zone in which the lot is located.

(By-Law No. 97-102)

#### **5.13.3 Reduction Of Lot Area – Road Widenings, Daylighting Triangles, Etc.**

Notwithstanding any other section of this By-Law, where any portion of a lot is, subsequent to the date of passing of this amending By-Law, taken by the City for the purpose of a road widening, daylighting triangle, turning lane or other similar use, and such use is not required in order to provide entrances, exits, acceleration or deceleration lanes or other similar uses designed to serve the said lot, then the development potential as permitted in this By-Law, for any building permit issued after the date of passing of this amending By-Law shall be

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calculated on the entire lot area including the area of the proposed road widening or other similar use

(By-Law No. 2003-382)

### **5.14 NON-CONFORMING USES**

No lands shall be used and no building or structure shall be used except in conformity with the provisions of this By-law unless such use existed before the date of passing this By-law and provided that it has continued and continues to be used for such purpose, and that such use, when established, was not contrary to any Zoning By-law in force at that time.

### **5.15 NUMBER OF DWELLING UNITS ON A LOT**

Unless specified by this By-law, no more than one dwelling unit shall be permitted on a lot.

### **5.16 OBNOXIOUS USES**

Obnoxious uses are not permitted in any Zone.

### **5.17 PARKING STANDARDS**

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 on the same lot in accordance with the provisions of this Section. The number of parking spaces required shall be calculated in accordance with the standards set out in the Standards Table. Where the minimum number of required parking spaces calculated results in a number containing a fraction, that fraction may be dropped if it is less than one-half in value. A fraction of one-half or more in value shall be counted as one space.

**Note: See Parking Standards Table on next page**

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**PARKING STANDARDS TABLE**

<b>RESIDENTIAL USES</b>	<b>REQUIRED</b>
Single detached dwellings	2 parking spaces per dwelling unit
Semi-detached dwellings	2 parking spaces per dwelling unit
Duplex dwellings	2 parking spaces per dwelling unit
Townhouse dwellings	2 parking spaces per dwelling unit
Multiple dwellings	1.25 parking spaces per dwelling unit
Apartment dwellings	1.25 parking spaces per dwelling unit
Retirement home	0.5 parking spaces per unit plus 1 space for every four units for visitors
<b>NON RESIDENTIAL USES</b>	<b>REQUIRED</b>
Assembly hall, community centre, theatre, cinema, auditorium	The greater of: (a) 1 parking space per 6 fixed seats for fraction thereof, or (b) 1 parking space per 100 square metres of gross floor area.
Bowling alley or curling rink	2 parking spaces for each bowling lane or curling sheet
Business office	3.57 parking spaces per 100 square metres of gross floor area; or, 3.2 parking spaces per 100 square metres of gross floor area where the site is situated on a public transit route.
Commercial fitness centre	3.1 parking space per 100 square metres of gross floor area; or, 3.2 parking spaces per 100 square metres of gross floor area where the site is situated on a public transit route.
Financial institution	1 parking space per 30 square metres of gross floor area
Medical or dental clinic, veterinarian clinic	5 parking space per 30 square metres of gross floor area
Places of worship	1 parking space per 4 seats; in the case of bench seating, 1 seat equals 0.5 metres of bench space.
Recreational use	The greater of: (a) 1 parking space per 14 square metres of gross floor area, or (b) 1 parking space per 4 persons design capacity of the establishment
Restaurant	10 parking spaces per 100 square metres of gross floor area with a minimum of 20 parking spaces for a drive-in restaurant
Retail store, personal service shop	5.25 parking space per 100 square metres of gross floor area
Schools, elementary	2.1 parking spaces per classroom
Schools, secondary	5.67 parking spaces per classroom
All other non-residential uses not listed in this table	2.5 parking spaces per 100 square metres of gross floor area

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**5.18 BARRIER FREE VEHICLE PARKING**

- (i) In any zone, the required number of parking spaces shall include the provision of barrier free vehicle parking spaces for the use of physically disabled persons in the minimum quantity specified below:

**INDUSTRIAL, COMMERCIAL OR RESIDENTIAL AND INSTITUTIONAL**

Table 1 - Industrial

<b>Total Required Parking Spaces</b>	<b>Number of Required Barrier Free Vehicle Parking Spaces</b>
5 - 19	1
20 - 100	2
101 - 200	4
201 - 300	6
301 - 400	8
401 - 500	10
more than 500	12

Table 2 - Commercial or Residential

<b>Total Required Parking Spaces</b>	<b>Number of Required Barrier free Vehicle Parking Spaces</b>
5 - 19	1
20 - 50	2
51 - 100	4
101 - 150	6
151 - 200	8
201 - 250	10
251 - 300	12
301 - 400	14
more than 400	1 additional space per 100 required spaces

(By-law No. 97-102; 2007-160)

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**5.18 BARRIER FREE VEHICLE PARKING cont'd:**

Table 3 - Institutional

Total Required Parking Spaces	Number of Required Barrier free Vehicle Parking Spaces
5 - 9	1
10 - 20	2
21 - 40	4
41 - 60	6
61 - 80	8
81 - 100	10
101 - 120	12
121 - 140	14
141 - 160	16
more than 160	18

(ii) ADDITIONAL REGULATIONS

The following regulations shall also apply to barrier free vehicle parking spaces:

- (a) the barrier free vehicle parking spaces shall have minimum rectangular dimensions of 3.7 metres (12 feet) width by 6.0 metres (20 feet) in length, and if two adjacent spaces are designated for the disabled, then the total width of both spaces together may be 6.4 metres (21 feet) if a 1.5 metres (5 feet) wide access aisle separates the two spaces. If no access aisle separates the spaces, the total width of the two spaces shall be 7.4 metres (24 feet);
- (b) all barrier free vehicle parking spaces shall be painted blue and be marked by an identifying marker consisting of the International Symbol for the disabled;
- (c) if accessible parking spaces for side lift vans are provided, each space shall be at least 4.9 metres (16 feet) wide;
- (d) a standard parking space parallel to the curb shall constitute an acceptable parking space providing it allows individuals to get in and out of either side of a vehicle and providing a sidewalk wheelchair ramp is located nearby;
- (e) a minimum vertical clearance of 2.9 metres (10 feet) shall be provided at accessible parking spaces, passenger loading zones, and along access routes;

(By-law No. 97-102; 2007-160)

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### 5.18 BARRIER FREE VEHICLE PARKING cont'd:

- (f) gradient for a barrier free vehicle parking space shall not exceed five (5) per cent;
- (g) wheelstops shall be placed to provide a minimum 0.8 metres clear space for wheelchair access;
- (h) barrier free vehicle parking spaces shall be the spaces located closest to the nearest accessible entrances(s) of the building on an accessible route;
- (i) curb ramps, where required, shall be provided to permit access from the parking area to the sidewalk.

(By-law No. 97-102; 2007-160)

### 5.19 PARKING AREA REQUIREMENTS

- a) Parking spaces required by this By-Law shall be provided on the same lot and in the same Zone as the building, structure or use requiring the parking, in accordance with the Parking Standards Table, with the exception of the following:
  - i) Parking for the non-residential uses permitted in the Neighbourhood Commercial (NC) *Zone* is not required.
  - ii) The required parking for non-residential uses in the Mixed Use One (MU1) and the Mixed Use Two (MU2) Zones may be located on a different lot than the use for which the parking is required provided such parking is located within 300 metres of the use. Notwithstanding the above, parking spaces for the physically disabled and required in accordance with Section 5.19 shall be provided on the same lot as the use for which the parking is required.
  - iii) When a building, structure or lot accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupies by the separate types of use.

Notwithstanding the above paragraph, when a mix of residential and non-residential uses are accommodated on a *lot* in accordance with this By-law, the requirement shall be 75 percent of the requirement for the residential uses, plus the requirement for the non-residential uses provided there shall be no less than the amount that would have been required for the residential uses if the non-residential uses did not exist.

- b) Each parking space shall have a width of not less than 2.75 metres and a length of not less than 5.5 metres with the exception of a parking space for the physically disabled, which shall have a width of not less than 4.0 metres and length of not less than 6.0 metres.
- c) Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. This provision shall not apply to driveways accessing a private garage.
- d) Notwithstanding the yard and setback requirements of this By-law, uncovered surface areas required for non-residential uses shall be set back a minimum of 1.0 metre from any lot line.
- e) No setbacks shall be required for any private garage, parking area or parking lot if it is constructed completely below the established grade.
- f) Where parking for a residential use, other than an apartment dwelling, is provided in an individual driveway and/or garage, the stacking of parking spaces one immediately behind another is permitted.

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- g) Where parking area or parking space is permitted or required by this By-law in any Residential Zone, no person shall use such parking area or parking space for the parking of any motor vehicle unless such vehicle is used in operations incidental to the permitted uses in respect of which such parking area or parking space is provided and bears a motor vehicle license plate or sticker which is currently valid.

### **5.20 PARKING OF COMMERCIAL MOTOR VEHICLES**

The parking of commercial motor vehicles in a Residential Zone is permitted provided that no more than one commercial motor vehicle per dwelling unit is located on a lot and provided such commercial motor vehicle has a rated capacity that does not exceed two tons.

### **5.21 PUBLIC USES**

The provisions of this By-law shall not apply to prevent the use of any land, building or structure by any *public authority* provided that:

- a) such use, building or structure complies with the standards of the *Zone* in which it is located; and,
- b) no outdoor storage is permitted, unless such outdoor storage is specifically permitted in the *Zone*.

Notwithstanding the above provision, arenas, open storage uses, salvage yards, landfill sites and secondary schools are only permitted in a *Zone* where the use is specifically permitted.

Notwithstanding the above provision, arenas, open storage uses, salvage yards, landfill sites and secondary schools are only permitted in a *Zone* where the use is specifically permitted.

### **5.22 STORAGE OF SPECIAL VEHICLES**

#### **5.22.1 Vehicles permitted**

In any Residential Zone, no person shall use any lot for the purpose of parking or storing a boat, motor home, snowmobile, personal watercraft, all terrain vehicle, travel trailer, or similar recreational vehicle except for:

- (i) one (1) boat which shall not exceed 8.2 metres in length;
- (ii) one (1) motor home which shall not exceed 8.2 metres in length;
- (iii) not more than two (2) snowmobiles, personal watercraft, all terrain vehicles, or similar recreational vehicle or any combination thereof; and,
- (iv) one (1) travel trailer which shall not exceed 8.2 metres in length, exclusive of hitch or tongue.

(By-Law No. 97-102; 2002-186)

#### **5.22.2 Yards where permitted in the LDR, LDR/I and LDR/NC Zones**

The parking or storage of a boat, motor home, snowmobile, personal watercraft, all terrain vehicle, travel trailer, or similar recreational vehicle is permitted in the interior side yard or rear yard of a lot in the LDR, LDR/I and LDR/NC Zones provided the vehicle is located no closer than 1 metre from a lot line. Notwithstanding this provision, the temporary parking or storage of a boat, motor home, snowmobile, personal watercraft, all terrain vehicle, travel trailer, or similar recreational vehicle is permitted in the front yard or exterior side yard for a period of not more than 72 hours in any one calendar month.

(By-Law No. 97-102; 2002-186; 2007-160)

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### **5.22.3 Yards where permitted in the MDR Zone**

The parking or storage of a boat, motor home, snowmobile, personal watercraft, all terrain vehicle, travel trailer, or similar recreational vehicle is not permitted in any yard in the MDR Zone.

(By-Law No. 97-102; 2002-186)

### **5.23 SWIMMING POOLS**

Swimming pools are permitted in the interior side yard or rear yard of a lot in any Residential Zone, provided that:

- a) no part of the inside wetted surface of such swimming pool is located closer than 1.5 metres to any rear or interior side lot line; and,
- b) no water circulating or treatment equipment such as pumps or filters are located closer than 3.0 metres to any interior side or rear lot line, except where such equipment is enclosed within an accessory building.

### **5.24 TEMPORARY CONSTRUCTION AND SALES USES**

- a) Nothing in this By-law shall prevent uses incidental to construction, such as a construction camp or other such temporary work camp, tool shed, scaffold or other building or structure incidental to the construction only for so long as the same are necessary for work in progress which has neither been finished nor abandoned in accordance with The Building Code Act.
- b) Nothing in this By-law shall prevent the use of land for a sales office for the sale of residential dwelling units provided that the dwelling units to be sold are within the limits of the Township of Kingston.

(By-Law No. 97-102)

### **5.25 MODEL HOMES IN DRAFT PLANS OF SUBDIVISION**

Notwithstanding any other provision of this By-law, where a Model Home Agreement has been executed (signed) by the owner, more than one single detached dwelling, semi-detached dwelling or a townhouse block may be constructed on a lot prior to registration of the plan of subdivision subject to the following restrictions:

- i. The use shall be permitted in the zone in which the dwelling or townhouse block is to be located;
- ii. The dwelling unit shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the subdivision plan;
- iii. The maximum number of model homes shall not exceed ten percent (10%) of the total number of lots intended for single detached, semi-detached or townhouse dwelling purposes within the plan of subdivision proposed for registration, to a maximum of ten (10) units;
- iv. The model home shall comply with all other provisions of this By-Law, as though the dwellings and or units were constructed on the lot within the registered plan of subdivision; and
- v. The model home shall comply with all applicable terms and conditions of the said Model Home Agreement

(By-Law No. 2003-382)

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## SECTION 6 DEFINITIONS

### **ACCESSORY USE**

Means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building, and located on the same lot.

### **ACCESSORY BUILDING**

Means a building a structure that is not used for human habitation, the use of which is customarily incidental, subordinate and exclusively devoted to a principal use or building located on the same lot.

### **AIR CONDITIONER**

Air Conditioner means any device used for the purpose of cooling, dehumidification, circulating and cleaning of air and which utilizes duct work in its operation rather than directly discharging into the conditioned space. This definition shall include devices such as Heat Pumps, HVAC, Heat Exchangers, related generators, pumps and solar panels.

(By-Law No. 2006-43)

### **ALTERATION**

Means any modification to the structural component of a building that results in a change of use, or any increase or decrease in the volume or floor area of a building or structure.

### **ARCADE**

Means a premises whose principle business consists of the keeping and making available on the said premises, for the occasional amusement of the general public, of merchandise and/or electronic games. This definition shall include an establishment which sells such devices, provided that such devices are not made available on the premises for use on a commercial basis by the public and shall not include an establishment where such devices are made available as an accessory minor attraction.

### **ASSEMBLY HALL**

Means a premises in which facilities are provided for meetings and/events for civic, educational, political, religious or social purposes and may include a banquet hall, private club or fraternal organization.

### **AUTOMOBILE BODY REPAIR SHOP**

Means a premises used for the painting or repairing of automobile bodies or fenders, but shall not include an automobile wrecking yard or salvage yard.

### **AUTOMOBILE SERVICE STATION**

Means a premises used for the sale of petroleum products and automobile accessories and for the maintenance essential to the actual operation of motor vehicles but excluding a motor vehicle sales establishment, an automobile body repair shop or public garage.

### **BALCONY**

Means a partially enclosed platform attached to or extended horizontally from one or more main walls of a building.

### **BANQUET HALL**

Means a premises used for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served.

### **BASEMENT**

Means that portion of a building below the first storey.

### **BUILDING**

Means a structure occupying an area greater than 10 square metres consisting of any combination of a wall, roof and a floor, or a structural system serving the function thereof, including all associated works, fixtures and fixtures and service systems.

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### **BUILDING, APARTMENT**

Means a building containing three or more dwelling units that share a common external access to the outside through a common vestibule and a common corridor system.

### **BUILDING, MAIN**

Means a building in which is carried on the principal purpose for which the lot is used.

### **BUILDING, MULTIPLE-UNIT**

Means a building containing three or more dwelling units, but not including a townhouse building or an apartment building.

### **BUILDING, TOWNHOUSE**

Means a building that is vertically divided into a minimum of three dwelling units, each of which has an independent entrances at grade to the front and rear of the building

### **BUILDING LINE**

Means a line that regulates the location of the front wall or the exterior side wall of a building on a lot.

### **BUSINESS OFFICE**

Means a premises used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing of information rather than the production and distribution of goods.

### **CARPORT**

Means a building or structure which is not wholly enclosed, and is used for the parking or storage of one or more motor vehicles.

### **CAR WASH ESTABLISHMENT**

Means a premises containing facilities for washing automobiles, either by production line methods and mechanical devices, or by a self-service operation.

### **CLINIC**

Means a building or part of a building that is used solely by physicians, dentists, and/or drugless practitioners, their staff, and their patients for the purpose of consultation, diagnosis, and office treatment and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, providing that all such uses have access only from the interior of the building or structure, but shall not include accommodation for in-patient care or operating rooms for major surgery.

(By-Law No. 97-102; 2005-209)

### **CLUB, PRIVATE**

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

### **COMMERCIAL FITNESS CENTRE**

Means a 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.

### **COMMERCIAL MOTOR VEHICLE**

Means any vehicle which displays commercial lettering or commercial licence plates and shall also include construction equipment which is self-propelled or designed to be towed, a taxi, a delivery vehicle, a driving school vehicle, in addition to any commercial vehicle as defined under the Highway Traffic Act.

(By-Law No. 97-102; 2002-186)

## **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

### **CONVENIENCE RETAIL STORE**

Means a premises where food, tobacco, drugs, periodicals or similar items of household necessity are kept for retail sale to residents of the immediate neighbourhood.

### **CORPORATION**

Means the Corporation of the Township of Kingston.

### **COUNCIL**

Means the Council of the Corporation.

### **DAY NURSERY**

Means a premises licensed pursuant to the Day Nurseries Act that receives more than 5 children, primarily for the purpose of providing temporary care, or guidance, or both temporary care and guidance, for a continuous period not exceeding twenty-four hours.

### **DECK**

Means an unenclosed structure that is accessory to a residential use and used as an outdoor living area, with a foundation holding it erect and a floor which is above finished grade and shall not include a landing or a stair.

### **DRIVEWAY**

Means a defined area providing access for motor vehicles from a public or private street or a lane to facilities such as a parking area, parking lot, loading space, private garage, building structure.

### **DRY CLEANING OR LAUNDRY OUTLET**

Means a premises where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is conducted and in which solvents which emit odours or fumes are not used and which does not cause a nuisance outside of the building resulting from noise or vibration.

### **DWELLING, APARTMENT**

Means a dwelling unit in an apartment building.

### **DWELLING, DUPLEX**

Means a dwelling unit in a building that is divided horizontally into two dwelling units, each of which has an independent entrance either directly to the outside or through a common vestibule.

### **DWELLING, MULTIPLE**

Means a dwelling unit in a multiple-unit building.

### **DWELLING SEMI-DETACHED**

Means a dwelling unit in a building that is divided vertically into two dwelling units that shares a common wall above grade.

### **DWELLING, SINGLE DETACHED**

Means a building containing only one dwelling unit.

### **DWELLING, TOWNHOUSE**

Means a dwelling unit in a townhouse building.

### **DWELLING UNIT**

Means a suite which functions as a housekeeping unit used or intended to be used as a domicile by one or more persons; containing cooking, eating, living, sleeping and sanitary facilities; and having a private entrance from outside the building or from a common hallway or stairway inside or outside the building.

### **ENCLOSED WALKWAY**

Means a structure connecting a detached accessory building and the main building on the lot.

## **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

### **ERECT**

Means to build, construct, reconstruct, alter, relocate or, without limiting the generality of the foregoing, shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

### **FINANCIAL INSTITUTION**

Means a premises in which financial services are offered to the public and includes a bank, credit union, trust company, savings office or any other retail banking operation.

### **FIRST STOREY**

Means the storey with its floor closest to established grade and having its ceiling more than 1.8 metres above grade.

### **FLOOR AREA**

Means the total area of all floors in a building, measured between the exterior faces of the exterior walls of the building at each floor level.

### **FLOOR AREA, GROSS**

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 and penthouses, washrooms, garbage/recycling rooms, staff locker and lunch rooms, loading area, any space with a floor to ceiling height of less than 1.8 metres and any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public.

### **GARAGE, PRIVATE**

Means an enclosed building or part thereof, designed and used for the storage of one or more motor vehicles.

### **GARAGE WIDTH**

Means the cumulative width of attached private garages measured between the interior faces of the walls of the private garages.

(By-Law No. 97-102; 2005-209)

### **GAS BAR**

Means a premises used only for the sale of motor vehicle fuels and motor vehicle accessories, and not for the performance of minor running repairs essential to the actual operation of motor vehicles.

### **GRADE**

Means the level of the ground adjacent to the outside wall of a building or structure.

### **GRADE, ESTABLISHED**

Means the average surface elevation at the outside walls of any building or structure, which is determined by taking the arithmetic mean of the levels of the finished ground surface at every location of change of grade at the outside walls of the building or structure.

### **HEIGHT**

Means with reference to a building or structure, the vertical distance measured from the established grade of such building or structure to:

- a) The highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- b) the decline of a mansard roof;
- c) the mean level between eaves and ridge of a gabled, hip or gambrel roof or other type of pitched roof;
- d) in case of a structure with no roof, the highest point of the said structure.

Notwithstanding the above, any ornamental roof construction features including towers, clock towers, steeples, chimneys or cupolas, shall not be included in the calculation of height. Mechanical features,

## **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

such as structures, containing the equipment necessary to control an elevator, are permitted to project a maximum of five metres above the highest point of the roof surface, regardless of the height of the building.

### **HOME OCCUPATION**

Means an occupation conducted for gain in a dwelling unit.

### **HOTEL**

Means a premises used mainly for the purpose of catering to the needs of the traveling public by the furnishing of sleeping accommodations which do not include separate kitchen or housekeeping facilities but may include a restaurant, dining room, lounge, meeting rooms retail stores, and other ancillary uses.

### **INSTITUTIONAL USE**

Means the use of a premises by any organization, group, or association for government, religious, charitable, educational, benevolent, health or welfare purposes and not for profit or gain.

### **KENNEL**

Means a premises used for the boarding, keeping or breeding of domestic household pets for gain.

### **LANE**

Means a public or private means of access which affords a secondary means of access to an abutting property in addition to a street.

### **LOADING SPACE**

Means an unobstructed area of land which is used for the temporary parking of one or more commercial motor vehicles while merchandise or materials are being loaded or unloaded from such vehicle.

### **LOT**

Means a parcel of land wherein the fee simply may legally be conveyed or transferred by an owner for a period of twenty-one years or more. For the purposes of this By-law, a lot separated from a public street by a reserve, as defined in this By-law, shall be deemed to abut such public street.

### **LOT AREA**

Means the total horizontal area within the lot lines of a lot.

### **LOT, CORNER**

Means a lot at the intersection of two or more public streets or upon two parts of the same public street with such street or streets containing an angle of not more than 135 degrees or a lot upon which the tangents at the street extremities of the interior side lot lines contain an angle of not more than 135 degrees. The corner of a lot on a curved corner shall be that point on the street line nearest the point of intersection of the said tangents.

### **LOT FRONTAGE**

Means the horizontal distance between the interior side and/or exterior side lot lines, with such distance being measured perpendicularly to the line joining the mid-point of the front lot line with the mid-point of the rear lot line at a point on that line eight metres from the front lot line.

In the case of a lot with no rear lot line, the point where two interior side lot lines intersect shall be the point from which a line is drawn to the mid-point of the front lot line. In the case of a corner lot with a daylighting triangle, the exterior side lot line shall be deemed to extend to its hypothetical point of intersection with the extension of the front lot line for the purposes of calculating lot frontage.

### **LOT, INTERIOR**

Means a lot situated between adjacent lots and having access to one public street.

### **LOT LINE, INTERIOR SIDE**

Means a lot line, other than a rear lot line that does not abut a public street.

## **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

### **LOT LINE**

Means a line delineating any boundary of a lot.

### **LOT LINE EXTERIOR SIDE**

Means the lot line of a corner lot, other than the front lot line, which divides the lot from a public street.

### **LOT LINE, FRONT**

Means the line which divides the lot from the public street; in the case of a corner lot, the shortest of the lines which divide the lot from the public streets shall be deemed to be the front lot line; on a corner lot where such lot lines are of equal length, the front lot line shall be deemed to be that line which abuts a Provincial road or highway. In the case of a through lot, the lot line that the driveway crosses to access the lot from the public street is deemed to be the front lot line.

### **LOT LINE, REAR**

Means the lot line opposite to, and most distant from, the front lot line.

### **LOT, THROUGH**

Means a lot bounded on opposite sides by a public street. However, if the lot qualifies as being both a corner lot and a through lot, such lot is deemed to be a corner lot for the purposes of this By-law.

### **MAIN ENTRY FEATURE**

Means a platform, with at least one side open, covered by either a roof, balcony or enclosed space, with or without a foundation and/or basement that provides access to the dwelling unit.

### **MAIN FRONT ENTRANCE**

Means the door which is designed as the primary access point into the dwelling unit.

### **MAIN WALL**

Means the exterior front, side and/or rear wall of a building and all structural components essential to the support of a fully enclosed space or roof.

(By-Law No. 97-102)

### **MODEL HOME**

Means a single detached dwelling, semi-detached dwelling or townhouse block 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 within a draft approved plan of subdivision proposed for registration

(By-Law No. 97-102; 2003-382)

### **MOTOR VEHICLE**

Means an automobile, motorcycle and motor-assisted bicycle unless otherwise indicated in The Highway Traffic Act, R.S.O. 1990, as amended and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motorized vehicles running only upon rails, or a motorized snow vehicle, traction engine, farm tractor, or road building machine within the meaning of the Highway Traffic Act, R.S.O. 1990, as amended.

### **MOTOR VEHICLE BODY SHOP**

Means a premises used for the painting and/or repairing of the exterior and/or the undercarriage of motor vehicle bodies.

### **MOTOR VEHICLE SALES ESTABLISHMENT**

Means a premises used for the sale or rental of motor vehicles.

### **NON CONFORMING USE**

Means a use which is not a permitted use in the Zone in which the said use is situated.

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### **NURSERY/GARDEN CENTRE/GREENHOUSE**

Means the use of lands, buildings or structures, or portions thereof, where trees, shrubs or plants are grown for the purpose of retail or wholesale trade. A nursery may include the accessory sale of soil, planting materials, fertilizers, garden equipment, ornaments and similar materials.

(By-Law No. 2005-209)

### **NOXIOUS 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 and 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.

(By-Law No. 97-102; 2006-43)

### **OUTDOOR DISPLAY AND SALES AREA**

Means an area of land used in conjunction with a business located within a building or structure on the same lot for the display or sales of seasonal produce, new merchandise or the supply of services.

### **OUTDOOR STORAGE**

Means any accessory storage outside of a principle or main building or structure on a lot.

### **PARK, PUBLIC**

Means any area of land under the jurisdiction of a public authority that is designed and/or maintained for recreational purposes.

### **PARKING AREA**

Means an open area of land not located on a public street, private street or lane which is used for the parking of motor vehicles with or without a fee being charged, but shall not include any area where motor vehicles for sale or repair are kept or stored.

### **PARKING LOT**

Means an area of land used for the parking of motor vehicles, with such use forming the principle use of a lot.

### **PARKING SPACE**

Means an unobstructed space for the parking of a motor vehicle.

### **PERSONAL SERVICE SHOP**

Means a premises in which services involving the care of persons or their apparel are offered and includes a barber shop, a hair dressing shop, a beauty shop, a shoe repair establishment, a dry cleaning depot, a dry cleaning establishment of similar service establishments.

### **PLACE OF WORSHIP**

Means a building or part thereof used by a charitable religious group(s) for the practice of religious rites and may include a day nursery as an accessory use.

(By-law No. 97-102; 2007-160)

### **PORCH**

Means a structure abutting a main wall of a building that may have a roof but with walls that are generally open and unenclosed.

### **PREMISES**

Means an area of a building occupied or used by a single business or enterprise.

### **PRIVATE HOME DAY CARE**

## **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

Means a premises used for the temporary care for reward or compensation of five (5) children or less who are under ten years of age where such care is provided in a dwelling unit other than the home of a parent or guardian of any such child, for a continuous period not exceeding twenty-four hours.

### **PRIVATE PARK**

Means an open space or recreational area other than a public park, operated on a commercial and/or private member basis, and which may include areas for walking, horse-riding and cross country skiing or recreational or playground areas such as picnic area, tennis courts, lawn bowling greens, outdoor skating rinks athletic fields and accessory buildings which may include change rooms meeting rooms and washrooms.

### **PUBLIC AUTHORITY**

Means any Federal, Provincial, Regional or Municipal agency including any commission, board authority, or department established by such agency.

### **RECREATIONAL USE**

Means a use of land, building or structure that has been designed and equipped for the conduct of sports and leisure time activities such as a bowling alley, a curling rink, a billiard hall, an indoor golf driving range and other such uses, but does not include a commercial fitness centre, and arcade, any use requiring the outdoor operation of motor vehicles or any other sports or leisure time use otherwise defined by this By-law.

### **REPAIR SHOP**

Means a premises used primarily for the repair of household articles but shall not include shops for the repair of internal combustion engines, motor vehicles or other similar uses.

### **RESERVE**

Means a strip of land abutting a street and owned by the authority having jurisdiction over such a street. For the purposes of this By-law, a lot separated from a street by a reserve shall be deemed to abut such a street.

### **RESIDENTIAL USE**

Means the use of land, buildings or structures for human habitation.

### **RESTAURANT**

Means a premises in which the principal business is the preparation and serving of food and refreshments to the public for consumption within the building or structure, and which may include the preparation of food in a ready to consume state for consumption off the premises, but does not include a take-out restaurant or fast food restaurant.

### **RESTAURANT, FAST FOOD**

Means a premises in which the principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to consume state for consumption either within or outside the building.

### **RESTAURANT, TAKE-OUT**

Means a premises designed and used for the sale of food or refreshments to the public for consumption off the premises and may include, as an accessory use, a seating area for up to twelve patrons.

### **RETAIL STORE**

Means a premises in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the general public.

### **RETIREMENT HOME**

Means a premises used for the accommodation of retired or semi-retired persons where each suite has a separate private bathroom and a separate entrance from a common hall and where common facilities for the preparation and consumption of meals are provided and where common lounges, recreation rooms and medical care facilities may also be provided.

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### **SCHOOL, PUBLIC**

Means a premises used as an academic school under the jurisdiction of the Board of Education or a school under the jurisdiction of the Roman Catholic School Board, or other similar Provincially approved educational institution or parochial school operated on a non-profit basis and may include a day nursery as an accessory use.

(By-law No. 97-102; 2007-160)

### **SCHOOL, COMMERCIAL**

Means a premises in which training is offered for hire or gain, other than a private academic or religious or parochial school and includes a studio of a dancing teacher or a music teacher, an art school, a golf school, school of calisthenics, business or trade school and any other such specialized school. A commercial school may include a day nursery as an accessory use.

(By-law No. 97-102; 2007-160)

### **SCHOOL, PRIVATE**

Means a premises used as an academic school which secures the major part of its funding from sources other than government agencies and may include a day nursery as an accessory use.

(By-law No. 97-102; 2007-160)

### **STOREY**

Means that portion of a building between the surface of a floor and the floor, ceiling or roof immediately above. Any portion of a building partly below grade level shall be deemed a storey where its ceiling is at least 1.8 metres above established grade. Any portion of a storey exceeding 4.2 metres in height shall be deemed to be an additional storey.

### **STREET, PRIVATE**

Means a private right-of-way that is used by motor vehicles but is not owned by the Corporation or any other public authority.

### **STREET, PUBLIC**

Means a roadway owned and maintained by a public authority and for the purposes of this By-law does not include a lane or any private street.

### **STREET LINE**

Means the boundary between a public street and a lot.

### **STRUCTURE**

Means anything that is erected, built or constructed of parts joined together and attached or fixed permanently to the ground or any other structure. For the purpose of this By-law, the following are deemed not be structures:

- fences
- droop awnings
- clothes poles
- flagpoles
- garden trellises
- retaining walls that have a height of 1.0 metre or less
- light standards
- signs

### **SUITE**

Means a single room or series of rooms of complementary use, operated under a single tenancy and includes dwelling units, individual guest rooms in motels, hotels, boarding house, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

### **SUPERMARKET**

Means a building, or part thereof, containing a departmentalized food store.

## **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

### **SWIMMING POOL**

Means a tank, pool, or artificial body of water which may be used for swimming or wading purposes and which has a possible maximum depth of water greater than 0.61 metres, and may include a hot tub or whirl pool.

(By-Law No. 97-102; 2005-209)

### **TRAVEL TRAILER**

Means any vehicle so constructed as to be suitable for attachment to a motor vehicle for the purpose of being drawn or propelled by a motor vehicle, and capable of being used for the temporary living, sleeping or eating accommodation of persons, or for transporting property or goods, notwithstanding that such vehicle is jacked up or that its running gear is removed. This definition shall not include a "mobile home".

(By-Law No. 2002-186)

### **VETERINARY CLINIC**

Means a premises used for the treatment of animals by a veterinary surgeon in which animals may be kept for veterinary treatment, but does not include a kennel.

### **YARD**

Means an open, uncovered space on a lot appurtenant to a building an unoccupied by buildings or structures except as specifically permitted in this By-law.

#### **YARD, EXTERIOR SIDE**

Means the yard of a corner lot extending from the front yard to the rear yard between the exterior side lot line and the nearest main walls of the main building or structure on the lot.

#### **YARD, FRONT**

Means a yard extending across the full width of the lot between the front lot line and the nearest main walls of the main building or structure on the lot.

#### **YARD, INTERIOR SIDE**

Means a yard other than an exterior side yard which extends from the front yard to the rear yard between the interior side lot line and the nearest main walls of the main building or structure on the lot.

#### **YARD, MINIMUM REQUIRED**

Means the minimum distance of a yard required from a lot line. No part of a required minimum yard for a building or structure shall be included as part of a required minimum yard for another building or structure. In calculating minimum required yards, the minimum horizontal distance from the respective lot lines shall be used.

#### **YARD, REAR**

Means a yard extending across the full width of the lot between the rear lot line and the nearest main walls of the main building or structure on the lot.

### **ZONE**

Means a designed area of land use shown on the Zoning maps of this By-law.

# THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102

## SECTION 7 EXCEPTIONS

### 7.1 EMERALD STREET CLUBHOUSE LOT 44 PLAN 13M-18 – LDR-1\*1

Notwithstanding the provisions and permitted uses of the 'LDR-1' Zone, within the 'LDR-1\*1' Zone the following regulations shall apply:

- a) The permitted uses shall include a "private club" as defined in the Zoning By-Law, subject to the following special provisions;
- b) Maximum Gross Floor Area: 70 sq. metres;
- c) Required Parking spaces, not stacked: 2, one (1) of which must be for the disabled;
- d) Permitted driveway width: 7 metres

(By-Law No. 2000-112)

### 7.2 LDR\*1 (DACON CORPORATION LTD. – PINEHILL 11 SUBDIVISION)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'LDR\*1, shall be used and developed in accordance with the following additional provisions:

**(i) Maximum Driveway Width**

Notwithstanding the provisions of Table B1, Section C, "Standards for the LDR Zone", of this By-Law, the maximum driveway width for townhouse buildings on a lot that is not accessed by a lane shall be 6.0 metres or 50% of the lot frontage, whichever is the lesser.

**(ii) Maximum Garage Width**

Notwithstanding the provisions of Table B1, Section D, "Standards for the LDR Zone", of this By-Law, the maximum garage width for townhouse buildings on a lot that is not accessed by a lane shall be 6.0 metres or 50% of the lot frontage, whichever is the lesser.

(By-Law No. 2001-93)

### 7.3 LDR/I\*1 (FRONTLINE WORSHIP CENTRE/FORMER CATARAQUI PUBLIC SCHOOL)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'LDR/I\*1' Zone, shall be used and developed in accordance with the following additional provisions:

**(i) Minimum Required Front Yard**

Notwithstanding the provisions of Table B2, Section B, "Standards for the LDR/I Zone", the Special Provisions of Section (8) shall not apply to the property zoned 'LDR/I\*1'."

**(ii) Minimum Required Interior Side Yard**

Notwithstanding the provisions of Table B2, Section F, "Standards for the LDR/I Zone" which apply to places of worship and public schools, the minimum required interior side yard along the southern interior lot line shall be 3.7 metres

(By-Law No. 2002-52)

## THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102

### 7.4 MU1\*1-H (Taylor Chev Olds Cadillac Limited, Part of Lots 12 and 13, Concession 3)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MU1\*1-H' shall be used and developed in accordance with the following additional provisions:

- (i) **Maximum Gross Leasable Retail Area**  
the maximum gross leaseable retail area shall be 2,999 square metres.
- (ii) **Permitted Uses:**  
That in addition to the uses permitted in the Special Mixed Use 'MU1\*1' Zone a retirement home use and accessory personal service shop, retail use and recreational use to be utilized exclusively by the retirement home residents and staff are permitted.
- (iii) **Maximum Building Height:**  
a maximum building height of 26 metres for a retirement home use
- (iv) **Parking:**  
That for the purposes of a retirement home use the minimum of 0.60 parking spaces per dwelling unit shall be provided.

(By-Law No. 2003-206; 2007-107)

### 7.5 LDR-1\*2-H (Taylor Chev Olds Cadillac Limited, Part of Lots 12 and 13, Concession 3)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'LDR-1\*2-H' shall be used and developed in accordance with the following additional provisions:

- (i) **Permitted Uses**  
Notwithstanding the provisions of Table A1, "Residential Zones, Permitted Uses", a Public School shall be a permitted use on the lands zoned 'LDR-1\*2'.

(By-Law No. 2003-206)

### 7.6 MDR\*1-H (J.A. Pye (Ontario) Limited), Part of Lot 14, Concession 1)

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MDR\*1-H' shall be used and developed in accordance with the following provisions:

- (i) In addition to the uses permitted in the 'MDR' Zone, the permitted uses shall include single detached dwellings on lots accessed by a rear lane only.
- (ii) The minimum lot frontage for a single detached dwelling on a lot accessed by a rear lane shall be 8.5 metres.
- (iii) The minimum front yard depth for a single detached dwelling on a lot accessed by a rear lane shall be 4 metres. At least 70% of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
- (iv) Single family dwellings located on a corner lot accessed by a rear lane shall have at least 25% of the front wall of the first storey of the main building located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
- (v) The minimum required lot depth for a single detached dwelling on a lot accessed by a rear lane shall be 30 metres
- (vi) The minimum required interior side yard for a single detached dwelling located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.

## **THE CATARAQUI NORTH ZONING BY-LAW NO. 97-102**

- (vii) The minimum required exterior side yard setback for a single detached dwelling located on a lot accessed by a rear lane shall be 2.4 metres.
- (viii) The minimum required rear yard setback shall be 14.5 metres.
- (ix) The maximum building height for a single detached dwelling located on a lot accessed by a rear lane shall be 11 metres.
- (x) Detached garages shall be set back from the dwellings a minimum of 7.5 metres.
- (xi) The minimum required number of parking spaces per lot shall be two (2) to be enclosed in a garage.

(By-Law No. 2003-199)

### **7.7 MDR\*2-H (J.A. Pye (Ontario) Limited), Part of Lot 14, Concession 1)**

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MDR\*2-H' shall be used and developed in accordance with the provisions of the 'MDR\*1' Zone, and in accordance with the following provisions:

- (i) Single family dwellings located on a corner lot accessed by a rear lane shall have at least 25% of the front wall of the first storey of the main building located within 10 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.

(By-Law No. 2003-199)

### **7.8 MU1\*2-H (Jerome Taylor, Parts of Lots 12 & 13, Concession 3)**

Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MU1\*2-H' shall be used and developed in accordance with the following additional provisions:

- (i) **Prohibited Uses:**  
Notwithstanding the provisions of Table A2, Retail and Mixed – Use Zones, apartment buildings, multiple dwellings and home occupations shall be a prohibited use on the lands zoned 'MU1\*2.'

(By-Law No. 2004-182)

### **7.9 LDR\*2 (Lyndenwood Subdivision, Phase 3, Lots 135-144 inclusive, Seale Court)**

Notwithstanding any provisions of this By-Law to the contrary, the lands zoned LDR\*2 may be used and developed in accordance with the following additional provisions:

- i) **Maximum Driveway Width**  
Notwithstanding the provisions of Table B1, Section 4 "Standards for the LDR Zone" of this By-law, the maximum driveway width for single detached dwellings on a lot that is not accessed by a lane shall be a maximum of 9.44 metres. The driveway width at the property line shall be a maximum of 6.0 metres or 50% of the lot frontage, whichever is the lesser.
- ii) **Maximum Garage Width**  
Notwithstanding the provisions of Table B1, Section 4, "Standards for the LDR Zone" of this By-law, the maximum garage width for single detached dwellings on a lot that is not accessed by a lane shall be a maximum of 9.44 metres.

(By-Law No. 2005-243)