

**THE CORPORATION OF
THE TOWN OF SAUGEEN SHORES
Port Elgin and Southampton
Downtowns
Community Planning Permit By-law
DRAFT**

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SECTION 1 – APPLICATION AND ADMINISTRATION

1.1 BY-LAW TITLE

- 1.1.1 This By-law may be cited as the “Community Planning Permit By-law” of the Town of Saugeen Shores.

1.2 SCOPE

- 1.2.1 The provisions of this By-law apply to all lands in the Community Planning Permit Area within the Town of Saugeen Shores as shown on Schedules A1 and A2 of this By-law.

1.3 EFFECTIVE DATE

- 1.3.1 This By-law shall come into force and effect on [to be added].

1.4 REPEAL OF SUPERSEDED BY-LAWS

- 1.4.1 On the day that this By-law comes into force and effect, Zoning By-law 75-2006 and Site Plan Control By-law 64-2008 will be deemed to no longer apply to lands within the Community Planning Permit Area as delineated and identified on Schedules A1 and A2 of this By-law.

1.5 ADMINISTRATION

- 1.5.1 Administration of this By-law is hereby delegated to the Director of Development Services.

1.6 COMPLIANCE WITH BY-LAW

- 1.6.1 All development or changes to use within the Community Planning Permit Area to which this By-law applies shall require a Community Planning Permit.
- 1.6.2 No building or structure shall be erected or altered, and no change of use of any building, structure, land, premises, or any part thereof shall be made, except in compliance with the provisions of this By-law.
- 1.6.3 No municipal permit, certificate or license may be issued if the permit, certificate or license is required for a use of land or erection, alteration, enlargement or use of any building or structure that is not in conformity and compliance with this By-law.

- 1.6.4 No person, other than a public authority, shall reduce any lot by conveyance or otherwise so that it does not meet the requirements of this By-law, or if it did not meet the requirements initially, so that it is further from meeting them.

1.7 INSPECTION OF PREMISES

- 1.7.1 The Chief Building Official, By-law Enforcement Officer, or By-law Administrator or any officer or employee appointed by the Corporation, upon producing proper identification, may enter at all reasonable times to inspect and examine any building or premises for the purpose of carrying out his/her duties under this By-law. However, no officer or person acting under his/her instruction shall enter any room or place used as a residential unit without the consent of the owner or without a warrant issued pursuant to the *Provincial Offences Act, R.S.O. 1990*.

1.8 VIOLATIONS, PENALTIES AND REMEDIES

- 1.8.1 Any person, or if the person is a corporation, any director or officer of a corporation, who contravenes any of the provisions of this By-law is guilty of an offence and on conviction thereof shall be subject to penalties in accordance with Section 67 and 67.1 of the *Planning Act, R.S.O. 1990*.
- 1.8.2 Where any building or structure is, or is proposed to be, erected, altered, reconstructed, extended or enlarged or used in contravention of any requirement of this By-law, such contravention may be removed or altered by action of the Corporation pursuant to the relevant provisions of the *Planning Act*, or the *Municipal Act, R.S.O. 2001*.
- 1.8.3 Where a person guilty of an offence under this By-law has been directed to remedy any violation and is in default of doing any matter or thing required, such matter or thing shall be done by the Corporation at the expense of such person.
- 1.8.4 Where a person has refused or neglected to reimburse the Corporation for the cost of such work, thing or matter done, the same may be recovered by the Corporation by an action or otherwise and such amount shall be added to the collectors roll and form a lien in a like manner as municipal taxes.
- 1.8.5 Where any by-law of the municipality, passed under the authority of the *Planning Act* is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person or persons convicted.

1.9 EXEMPTIONS

- 1.9.1 Notwithstanding any provision in this By-law to the contrary, the following types of development shall not require a Community Planning Permit:
- (a) An activity involving only site alteration or tree removal subject to other Town by-laws;
 - (b) Any development consistent with Site Plan Control approval issued pursuant to the Town of Saugeen Shores Site Plan Control By-law 64-2008 prior to the effective date of this By-law;
 - (c) Infrastructure projects initiated by a public authority;
 - (d) Any maintenance, repairs or interior renovations to existing development provided that there is no change in use, nor change to building or structure dimensions or location;
 - (e) Repairing or rebuilding a building or structure which constitutes a legal non-conforming use if:
 - i. The development is solely limited to the repairing or rebuilding of a building or structure which constitutes a legal non-conforming use;
 - ii. The building or structure is situated in the same location; and
 - iii. The works do not increase the height, size, volume or change the use of the building or structure;
 - (f) A development of 4 residential units or less that meets all the requirements and associated provisions of this By-law;
 - (g) An accessory building or structure of less than 50 m² that meets all the requirements and provisions of this By-law;
 - (h) Swimming pools, hot tubs, and porches that meet all the requirements and provisions of this By-law; and
 - (i) Placement of a portable classroom on a school site of a district school board, if the school site was in existence on January 1, 2007.

1.10 PRECINCTS

- 1.10.1 For the purposes of this By-law, the land area delineated as Community Planning Permit Area on Schedules A1 and A2 is hereby divided into various Precincts to which the provisions and regulations of this By-law shall respectively apply.

Precinct Symbols

- 1.10.2 The following Precincts are hereby established and are designated on Schedules B1 and B2 by symbols consisting of letters and numbers, or letters only, as the case may be:

Precinct	Symbol
Port Elgin Main Street Precinct	PM
Southampton Main Street Precinct	SM
Transition Precinct	T
Institutional Precinct	I
Open Space Precinct	O

Incorporation of Schedules

1.10.3 The locations and boundaries of the Community Planning Permit Area and Precincts established by this By-law are shown on the maps included in Schedules A1, A2, B1 and B2 and such maps together with everything shown therein and all succeeding amendments thereto are hereby incorporated into and are declared to form part of this By-law.

1.11 CLASSES OF PERMIT, APPROVAL AUTHORITY AND PUBLIC NOTICE

1.11.1 This By-law establishes three classes of Community Planning Permit as set out in Table 1-1.

Table 1-1 – Classes of Community Planning Permit

Class of Permit	Description	Approval Authority	Public Notice
Class 1	Application meets all development standards and general regulations of this By-law and addresses the criteria for Community Planning Permit approval as established in Section 1.12 to the satisfaction of the Approval Authority. No variation is required.	Director of Development Services or delegate.	No notice required.
Class 2	Application addresses the criteria for Community Planning Permit approval as established in Section 1.12 to the satisfaction of the Approval Authority, and: Requires variation(s) from the development standards of this By-law, within the Class 2 variation limits established by	Director of Development Services or delegate.	No notice required.

	Sections 5 to 8 or that are otherwise minor in nature; and/or • Requires minor variation(s) from the general regulations established in Section 4.		
Class 3	Application addresses the criteria for Community Planning Permit approval as established in Section 1.12 to the satisfaction of the Approval Authority, and: • Requires variation(s) from the development standards of this by-law, as per the Class 3 variation limits established by Sections 5 to 8; • Requires variation(s) from the general regulations established in Section 4 that is not minor in nature; and/or • Requires the approval of a use not currently permitted.	Council or a Committee of Council.	Post notification on website for public access. Notice shall be mailed to every owner of land within 120 metres of the subject property. Notice shall be provided by on-site signage which includes an explanation of the application, contact name and phone number to obtain more information or to submit comments.

Variations within this By-law

1.11.2 Variations to the standards in this By-law may be permitted, subject to the criteria and processes for the approval of Class 2 and Class 3 Community Planning Permits established in this By-law.

Delegation of Approval Authority

1.11.3 Council hereby delegates development powers and duties on behalf of the Town to the Approval Authority, as set out in Table 1-1. Council may withdraw or amend this delegation at any time.

Notice

1.11.4 The Town shall provide public notice of a Community Planning Permit application in accordance with Table 1-1. The Town may update the application public notice procedures without amendment to this By-law.

Referrals to Council

1.11.5 Notwithstanding any delegated authority under Section 1.11.3 of this By-law, the Director of Development Services may refer to Council or a Committee of Council any matter that is delegated to the Director of Development Services under this By-law if the Director of

Development Services is of the opinion that a review by Council or a Committee of Council is warranted in the circumstances. If the Director of Development Services so refers a matter, the authority delegated to the Director of Development Services under this By-law does not apply with respect to such matter and rests with Council or a Committee of Council.

- 1.11.6 An applicant may request that a Class 1 or Class 2 Community Planning Permit application be referred to Council or a Committee of Council to be processed as a Class 3 Community Planning Permit at any time prior to the decision on an application. In the event that a Class 1 or Class 2 Community Planning Permit application has received a request to be referred to the Council or a Committee of Council by the applicant, the forty-five (45) day period referenced in provision 1.16.3 will begin again and the application shall be processed as a Class 3 Community Planning Permit as prescribed in this By-law.

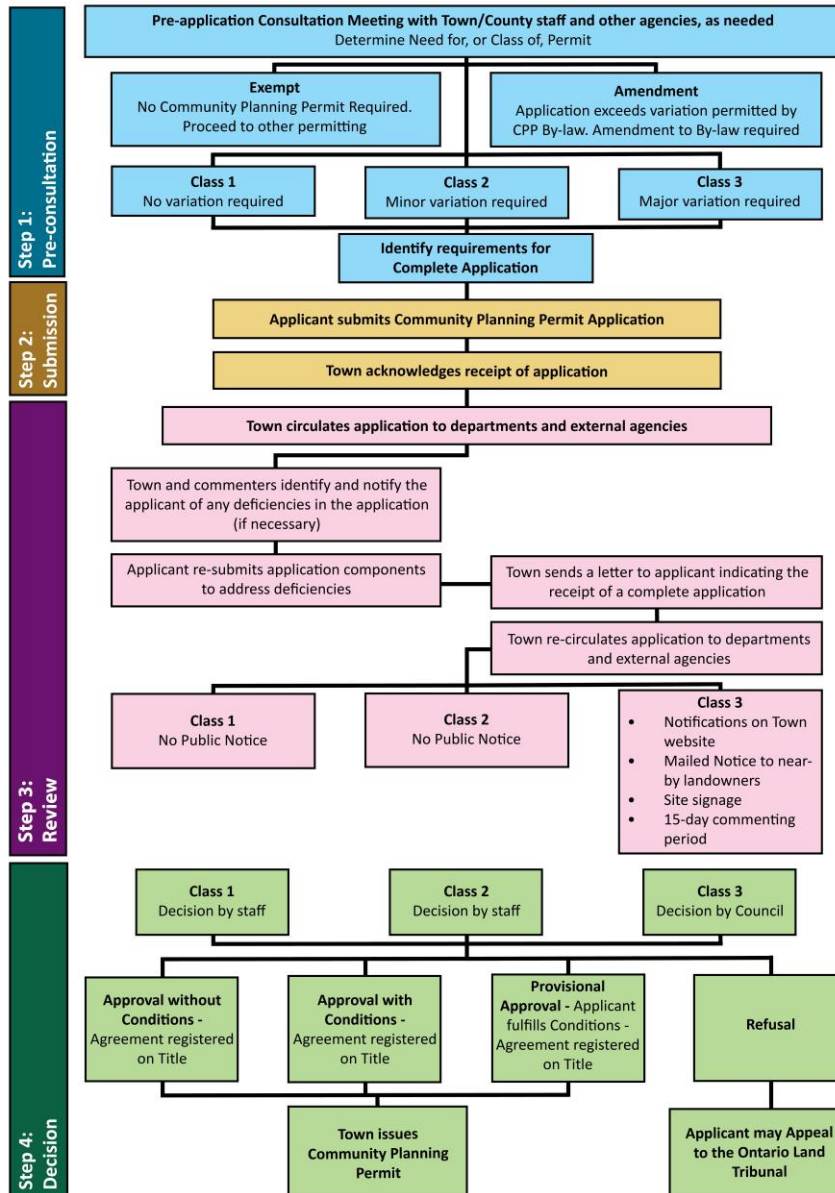
1.12 APPROVAL CRITERIA

- 1.12.1 The following criteria shall be addressed to the satisfaction of the Town prior to the issuance of a Community Planning Permit, and in the determination of whether a proposed development or change in use is exempt from the requirement for a Community Planning Permit, as per Section 1.9:
- (a) The proposal is appropriate for the lands;
 - (b) The proposal considers the unique characteristics of the property;
 - (c) The proposal is compatible with, and sensitive to, the planned context and area character;
 - (d) Any potential off-site impacts are identified and mitigated to the extent possible;
 - (e) The proposal is consistent with the intent of this By-law;
 - (f) The proposal conforms to the Bruce County Official Plan and Town of Saugeen Shores Official Plan;
 - (g) The proposal is consistent with the Provincial Planning Statement and all applicable provincial plans, policies and legislation;
 - (h) The proposal is consistent with the intent of applicable municipal guidelines;
 - (i) The proposal is consistent with municipal standards and by-laws; and
 - (j) For proposals for a property designated under Part IV of the *Ontario Heritage Act*, or adjacent properties, the proposal conserves the heritage values, attributes and character of the designated property and mitigates visual and physical impact on it.
- 1.12.2 A proposed development or change in use may be approved subject to conditions in accordance with Section 1.20.

1.13 COMMUNITY PLANNING PERMIT APPLICATION REVIEW PROCESS

The Community Planning Permit Review process is shown in Figure 1 for illustrative purposes only. The regulations of this By-law supersede this Figure in the case of a conflict of interpretation.

Figure 1. Community Planning Permit application process



1.14 PRE-CONSULTATION

- 1.14.1 Prior to the submission of a Community Planning Permit application, the applicant is encouraged to consult with the Director of Development Services or delegate to obtain an assessment of the class of development proposed, the associated application fee and the requirements of a complete Community Planning Permit application. Pre-consultation may also determine if a proposal is exempt from the requirement for a Community Planning Permit.
- 1.14.2 Failure to consult with the Director of Development Services or delegate may result in incomplete applications and delays.

1.15 SUBMISSION OF A COMPLETE APPLICATION

- 1.15.1 A complete application for a Community Planning Permit shall include the following:
- (a) Cover letter outlining the nature of the application and the details of consultation, if applicable;
 - (b) Completed application form;
 - (c) Fees as per the class of Community Planning Permit required as established in the Town of Saugeen Shores Fees and Charges By-law;
 - (d) Information and materials as set out in Schedule 1 of Ontario Regulation 173/16, as necessary to evaluate the application;
 - (e) Further information and materials, as established in the Town of Saugeen Shores Official Plan and deemed applicable to the application by the Director of Development Services or delegate.
- 1.15.2 Studies and/or reports submitted as part of a complete application shall be prepared by professionals qualified in the specific discipline in question and at the expense of the applicant.
- 1.15.3 Additional requirements may be identified through the processing and detailed review of the application once submitted. The Director of Development Services or delegate shall provide written notice of further studies and/or reports required for review throughout the application process.
- 1.15.4 When an applicant applies for a Community Planning Permit, the applicant or the Town may make a motion to have the Ontario Land Tribunal determine whether the information and material required have in fact been provided, or whether requirements for information and material in addition to what is set out in Schedule 1 of Ontario Regulation 173/06 are reasonable.

1.16 APPLICATION REVIEW

- 1.16.1 Upon receipt of an application for a Community Planning Permit, the Town shall notify the applicant that the requirements of a complete application have been provided, or have not been provided, as the case may be.
- 1.16.2 Upon an internal review of the application and the circulation of the application and receipt of comments from external agencies, the Director of Development Services or delegate will provide comments to the applicant outlining any outstanding items, concerns or deficiencies in the materials provided. Resubmission of materials may be undertaken by the applicant based on these comments. Multiple resubmissions may be required, if deficiencies persist in resubmitted materials.
- 1.16.3 Forty-five (45) days after the date on which the complete application is submitted, the applicant may appeal to the Ontario Land Tribunal against a failure to make a decision.

1.17 PUBLIC NOTICE

- 1.17.1 Upon deeming the application complete, public notice of the application will be provided as established in Table 1-1 within 15 days, including the following components as prescribed:
- (a) Director of Development Services or delegate to post notification on website for public access;
 - (b) Director of Development Services or delegate to prepare and mail a notice to every owner of land within 120 metres of the subject property; and
 - (c) Signage shall be prepared and posted onsite as per municipal standards. Signage may be prepared and posted by the Director of Development Services or delegate, or the applicant if so directed.
- 1.17.2 Where a notice of application is required, it will allow a minimum 20-day commenting period for members of the public.

1.18 APPLICATION DECISION

- 1.18.1 On considering the application, the Approval Authority as established in this By-law, may:
- (a) refuse the application;
 - (b) approve the application and issue a Community Planning Permit with no conditions attached;
 - (c) approve the application and require that conditions be met before issuing a Community Planning Permit;
 - (d) approve the application and issue a Community Planning Permit with conditions attached; or

- (e) approve the application, require that conditions be met before issuing a Community Planning Permit and, when the conditions have been met, issue a Community Planning Permit with conditions attached.

1.18.2 Within 15 days of the date of a decision on a Community Planning Permit application, the Approval Authority or delegate shall provide written notice of the decision, including reasons and any conditions imposed, to the applicant and to each person or public body that filed a written request to be informed of the decision.

1.18.3 The applicant may appeal any decision on a Community Planning Permit application to the Ontario Land Tribunal no later than 20 days after the day notice of the decision is given.

1.19 AGREEMENTS

1.19.1 The owner of the land subject to a Community Planning Permit may be required, at the discretion of the Approval Authority or delegate, to enter into one or more agreements with the Town respecting the conditions of approval.

1.19.2 An agreement referred to in Section 1.19.1 may be registered on the title of the land to which it applies, at the owner's expense, and the Town is entitled to enforce it against the owner and against any and all subsequent owners of the land.

1.19.3 Notwithstanding any other provision in this By-law, the applicant is responsible to obtain all required approvals and permits beyond those provided as part of a Community Planning Permit.

1.19.4 Council gives the authority to the Director of Development Services or delegate, to prepare, approve, execute and amend any Community Planning Permit agreement required by this By-law.

1.19.5 Pre-existing agreements made under s.34 or 41 of the *Planning Act*, continue to be valid and binding and may be amended under this By-law.

1.20 CONDITIONS

1.20.1 Where a Community Planning Permit is required in accordance with the provisions of this By-law, the Town may impose conditions as part of the issuance and/or approval of a Community Planning Permit.

1.20.2 Conditions may:

- (a) Be imposed as a condition for the issuance of a Community Planning Permit as part of a provisional approval;
- (b) Be attached as a condition of a Community Planning Permit; and

- (c) Be required in an agreement to be entered into between the owner of the land subject to the Community Planning Permit and the Town and registered on title.

1.20.3 A condition that is imposed shall meet the following requirements:

- (a) The condition shall be clear, precise and quantifiable;
- (b) The condition shall include a clear statement of whether it must be complied with before construction, renovation or change of use of a building;
- (c) The condition shall not deal with the following aspects of buildings and structures:
 - i. Interior design;
 - ii. The layout of interior areas, other than interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings; and
 - iii. The manner of construction and construction standards.

1.20.4 The applicant may, at any time, make a motion for directions to have the Ontario Land Tribunal determine whether a specified condition has been fulfilled.

1.20.5 As a condition to the issuance or approval of a Community Planning Permit, the Approval Authority or delegate, may require the owner of the land to:

- (a) Submit plans, architectural drawings, surveys, technical studies or a peer review of a technical study, or revisions thereof, in support of a Community Planning Permit;
- (b) Submit letters of consent or agreements from adjacent property owners related to matters reviewed through the Community Planning Permit process, including encroachments, tree removals, and mutual/shared access;
- (c) Provide confirmation of approvals or permits from other agencies, including Provincial Ministries and Conservation Authorities, among others, as appropriate;
- (d) Undertake archeological assessments in consultation with Saugeen Ojibway Nation;
- (e) Undertake development in accordance with a Community Planning Permit, including approved plans, reports and drawings;
- (f) Provide financial securities to facilitate compliance with municipal approvals and indemnify the Town;
- (g) Transfer land for road widenings, including daylight triangles, and transit right-of-way to the extent established in the Bruce County Official Plan and Town of Saugeen Shores Official Plan;
- (h) Ensure the development does not occur until appropriate municipal services are available to the site;
- (i) Provide adequate on-site and off-site service or road infrastructure and works as necessary to service the proposed development;
- (j) Convey part of the land to the municipality to the satisfaction of, and at no expense to, the municipality for parkland, or providing cash-in-lieu of same;
- (k) Enter into any agreement(s) securing off-site parking, or cash-in-lieu of parking;
- (l) Develop and follow a construction access plan to articulate how building materials shall be placed on the site and how construction access shall be provided to the subject property during construction;

- (m) Obtain permits for tree removal, in accordance with Town of Saugeen Shores by-laws;
- (n) Provide and maintain vegetation and landscaping;
- (o) Undertake site alteration and grading in accordance with the standards of the Town;
- (p) Undertake development in accordance with a heritage impact assessment, where required by this By-law;
- (q) Monitor the impact of the development on the environment and adapt property management activities to mitigate any identified impacts;
- (r) Meet any condition that may be imposed pursuant to sections 34, 40, 41 and 42 of the *Planning Act*;
- (s) Provide to the satisfaction of and at no expense to the Town any or all of the following:
 - i. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways; Walkways and walkway ramps including the surfacing thereof, and all other means of pedestrian access;
 - ii. Facilities designed to have regard for accessibility for persons with disabilities;
 - iii. Facilities for the lighting of the land or of any buildings or structures thereon;
 - iv. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - v. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - vi. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality on the land;
 - vii. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- (t) Maintain to the satisfaction of the Town and at the sole risk and expense of the owner any or all of the facilities or works mentioned in (s), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- (u) Submit as-built plans, certificate of completion, and other compliance documents prepared by qualified professionals; and
- (v) Enter into one or more agreements with the Town and/or other regulatory bodies, to be registered on title, to confirm development proceeds in accordance with the Community Planning Permit and requirement of financial securities.

1.20.6 Technical reports may be required to assist in the application review process and any recommendations therein may be imposed as conditions of Community Planning Permit approval. In the event that any recommendation within a submitted technical report exceeds the minimum requirements of any section of this By-law, the stricter requirement shall be imposed prior to approval.

1.21 PROVISIONAL APPROVAL

- 1.21.1 As stipulated in this By-law, the Town may issue a provisional approval of a Community Planning Permit, which approves the application but requires that conditions be met before the issuance of a Community Planning Permit.
- 1.21.2 The conditions established by provisional approval shall be fulfilled to the satisfaction of the Town in advance of Community Planning Permit issuance.
- 1.21.3 Provisional approval shall be valid for a period of two (2) years of the date of approval. If the applicant has not, within a period of two (2) years from the date of the approval, fulfilled all conditions established by the provisional approval, the provisional approval shall lapse.
- 1.21.4 Notwithstanding provision 1.21.3, prior to the expiry of the validity period, an applicant may request an extension of provisional approval, through a formal request to the Town accompanied by:
- (a) a rationale for the requested extension, which addresses, among other matters:
 - i. Consistency with provincial and municipal planning policies and regulations;
 - ii. Progress toward fulfilling conditions contained within the provisional approval; and
 - iii. Whether circumstances or planning context have changed;
 - (b) any other supporting information or material requested by the Director of Development Services or delegate; and
 - (c) any fee payable pursuant to the Town's Fees and Charges By-law.
- 1.21.5 The Director of Development Services, at their sole and absolute discretion, may grant an extension of a maximum of (1) year per formal request to the validity period of provisional approval.
- 1.21.6 Any decision made by the Director of Development Services with respect to a request for an extension pursuant to provision 1.21.5 is final.

1.22 MODIFICATIONS TO PROVISIONAL APPROVALS

- 1.22.1 Prior to the issuance of a Community Planning Permit where a provisional approval has been made, at the request of the applicant, and where considered appropriate by the Town, modifications to a provisional approval may be made, subject to the provisions of this By-law and the Town of Saugeen Shores Official Plan.
- 1.22.2 Proposed modifications may be subject to additional submission requirements to support the application, to the satisfaction of the Approval Authority.

- 1.22.3 Where an applicant applies to modify a provisional approval of a Community Planning Permit, the fee should be equal to that which would be charged if the application was new. Based on the scale of the proposed modifications, the fees may be waived or reduced at the discretion of the Director of Development Services, whose decision on this matter will be final.
- 1.22.4 Notwithstanding Section 1.11, in the case of a Class 3 Community Planning Permit, Approval Authority for the modification of provisional approval shall be determined at the discretion of the Director of Development Services or delegate based on the scale of changes to the provisional approval from that provided by Council.
- 1.22.5 In the case of Class 1 and 2 Community Planning Permits, Approval Authority for the modification of provisional approval shall remain as delegated in Section 1.11.

1.23 TIMEFRAME FOR THE FULFILLMENT OF CONDITIONS

- 1.23.1 All conditions of a Community Planning Permit must be completed within (three) 3 years from the date of issuance of the permit, except where otherwise stated within a Community Planning Permit agreement. If the applicant has not, within a period of three (3) years from the date of issuance of the permit, fulfilled all conditions, the Community Planning Permit shall lapse.
- 1.23.2 Notwithstanding provision 1.23.1, prior to the expiry of the validity period, an applicant may request an extension of the time period to fulfill conditions of a Community Planning Permit through a formal request to the Town accompanied by:
- (a) a rationale for the requested extension, which addresses, among other matters:
 - i. Consistency with provincial and municipal planning policies and regulations;
 - ii. Progress toward fulfilling conditions of the Community Planning Permit; and
 - iii. Whether circumstances or planning context have changed;
 - (b) any other supporting information or material requested by the Director of Development Services or delegate; and
 - (c) any fee payable pursuant to the Town's Fees and Charges By-law.
- 1.23.3 The Director of Development Services or delegate, at their sole and absolute discretion, may grant an extension of a maximum of (1) year per formal request to the validity period to fulfil a condition of a Community Planning Permit.
- 1.23.4 Any decision made by the Director of Development Services with respect to a request for an extension pursuant to provision 1.23.3 is final.

1.24 AMENDMENTS TO COMMUNITY PLANNING PERMITS

- 1.24.1 At the request of the applicant, amendments to a Community Planning Permit, including conditions, may be made at any time, subject to this By-law and any provisions within.
- 1.24.2 Based on the scale of the proposed modifications, the fees may be waived or reduced at the discretion of the Director of Development Services or delegate, whose decision on this matter will be final.
- 1.24.3 Notwithstanding Section 1.11, in the case of a Class 3 Community Planning Permit, Approval Authority for the modification of the permit shall be determined at the discretion of the Director of Development Services based on the scale of modifications requested.
- 1.24.4 In the case of Class 1 and 2 Community Planning Permits, Approval Authority for the modification of the permit shall remain as delegated in Section 1.11.

1.25 TRANSITION

Building Permit Applications

- 1.25.1 Nothing in this By-law shall prevent the erection or use of a building or structure for which a complete application for a building permit was filed on or prior to the date of passage of this By-law, if the application complies, or the building permit application is amended to comply, with the provisions of Zoning By-law 75-2006 and Site Plan Control By-law 64-2008 as they read on the date of passage of this By-law. For the purposes of this section, an application for a building permit means an application for a building permit which satisfies the requirements set out in the *Building Code Act, 1992*.
- 1.25.2 Nothing in this By-law shall prevent the erection or use of a building or structure for which an application for a building permit was filed after the date of passage of this By-law, where planning approvals were obtained in accordance with regulations 1.25.3 to 1.25.8 of this By-law or where applications were in process in accordance with the same. For the purposes of this section, an application for a building permit means an application for a building permit which satisfies the requirements set out in the *Building Code Act*.

Minor Variances

- 1.25.3 Where the Committee of Adjustment of the Town or the Ontario Land Tribunal has authorized a minor variance to Zoning By-law 75-2006 in respect of any land, building or structure and the decision of the Committee of Adjustment of the Town or the Ontario Land Tribunal authorizing such minor variance has become final and binding prior to the enactment of this By-law, the provisions of this By-law, as they apply to such land,

building or structure, shall be deemed to be modified to the extent necessary to give effect to such minor variance.

- 1.25.4 Any complete application for a minor variance to Zoning By-law 75-2006 filed on or before the date of passage of this By-law shall be considered under the provisions of the former By-law, despite any repeal of such former By-law.

Site Plan Agreements

- 1.25.5 Where a Site Plan Agreement has been entered into prior to the effective date of this By-law, and the timeframes specified in the Agreement have not yet lapsed, the provisions of this By-law, as they apply to such land, building or structure, shall be deemed to be modified to the extent necessary to give effect to such Site Plan Agreement.

- 1.25.6 Any complete application for site plan approval filed on or before the date of passage of this By-law shall be considered under the provisions of the former By-law, despite any repeal of such former By-law.

Zoning By-law Amendments

- 1.25.7 Approved amendments to Zoning By-law 75-2006 have been incorporated into this By-law as Site Specific Provisions in Section 9.
- 1.25.8 Any complete application for a site-specific Zoning By-law Amendment filed on or before the date of passage of this By-law shall be considered under the provisions of the former By-law, despite any repeal of such former By-law, and be incorporated in this By-law, as appropriate, as a site-specific provision, without need for amendment to this By-law.

SECTION 2 – INTERPRETATION

2.1 INTERPRETATION OF THE BY-LAW TEXT

- 2.1.1 Words used in the present tense shall include the future; and words used in the singular number shall include the plural and the plural shall include the singular, unless the context clearly indicates the contrary.
- 2.1.2 The words "shall" or "must" are mandatory and not discretionary.
- 2.1.3 The word "may" is discretionary.
- 2.1.4 A "building" or "structure" includes any part thereof.
- 2.1.5 The provisions of this By-Law are minimum requirements except where a maximum requirement is specifically identified.

2.2 MEASUREMENTS

- 2.2.1 All measurements of length, width, height, depth or area used in this By-law shall be subject to the normal rules of rounding numbers, within the degree of precision specified by the number of digits following the decimal point (if any), so that:
 - (a) For a whole number, measurements of less than 0.5 shall be rounded downward to the next whole unit;
 - (b) For a whole number, measurements of 0.5 and greater shall be rounded upward to the next whole unit;
 - (c) For a number having one decimal place, measurements of less than 0.05 shall be rounded downward to the next one-tenth unit;
 - (d) For a number having one decimal place, measurements of 0.05 and greater shall be rounded upward to the next one-tenth unit.
 - (e) Ratios and percentage figures shall not be subject to rounding.
 - (f) All measurement figures used in the By-law shall be metric measurement.

2.3 VALIDITY

- 2.3.1 Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be altered.

2.4 COMPLIANCE WITH OTHER LAWS AND REGULATIONS

- 2.4.1 Nothing in this By-law shall be construed to exempt any person from complying with the requirements of the *Building Code Act*, any other by-law of the Town or any other government statute and/or regulation.
- 2.4.2 Any reference to Town or County documents, policies or regulations or sections thereof approved or endorsed by Town Council or County Council shall be considered to include any amendments or successor documents, policies or regulations.
- 2.4.3 Any reference to legislation or regulations or sections thereof approved by another public authority shall be considered to include any amendments or successor legislation.

2.5 TECHNICAL REVISIONS TO THE BY-LAW

- 2.5.1 Provided that the purpose and intent of this By-law is unaffected, the following technical revisions to this By-law shall be permitted without an amendment to this By-law:
- (a) Corrections to grammatical, mathematical, boundary or other such errors, including minor technical revisions to the mapping consistent with the intent of this By-law and the Town of Saugeen Shores Official Plan;
 - (b) Changes to the numbering of sections, the numbering contained in the cross-referencing of sections, and the format and arrangement of the text, tables, schedules and maps, and the numbering of pages;
 - (c) Corrections or revisions to the technical information contained on maps, such as the title blocks and legend;
 - (d) Revisions to Figure 1 of this By-law;
 - (e) Revisions to base mapping and parcel fabric updated from the Ontario Land Registry Office;
 - (f) Changes to the title of the Approval Authority delegated by Council to make decisions on its behalf, based on a resolution from Council;
 - (g) Changes resulting from the removal of a holding symbol; and
 - (h) Changes to any reference to Town or County documents, policies or regulations or sections thereof approved or endorsed by Town Council or County Council to include any amendments or successor documents, policies or regulations; and
 - (i) Changes to any reference to legislation or regulations or sections thereof approved by another public authority to include any amendments or successor legislation.

2.6 PRECINCT BOUNDARIES

- 2.6.1 Where any uncertainty exists as to the boundary of any Precinct as shown on Schedules B1 and B2, the following provisions shall apply:
- (a) Where a Precinct boundary is indicated as following and is within the boundary of a street, lane, railway right-of-way or watercourse, the boundary shall be the centre line of such street, lane, railway right-of-way or watercourse;

- (b) Where a Precinct boundary is indicated as approximately following lot lines shown on a registered plan of subdivision or lot lines of the original Town survey fabric, the boundary shall follow such lot lines;
- (c) Where a Precinct boundary is indicated as approximately parallel to any street line and the distance from the street line is not indicated, such boundary shall be construed as being parallel to such street line, and the distance there from shall be according to the scale shown on Schedules B1 and B2; and
- (d) Where any Precinct boundary is left uncertain after application of the provisions of the clauses above, then the boundary shall be determined by the scales shown on the respective Schedule.

2.6.2 Where a lot has two or more of its parts classified in different Precincts, then the provisions for each Precinct shall apply to each part as if said part was a separate lot.

2.6.3 The Approval Authority, in consultation with any agency or other levels of government as applicable, may exercise discretion in interpreting Precinct boundaries to meet the general intent of this By-law.

2.7 SITE-SPECIFIC PROVISIONS

2.7.1 Lands subject to site-specific regulations are identified on Schedules B1 and B2 of this By-law. Where a number follows a Precinct symbol on Schedules B1 and B2 of this By-law, the number refers to a site-specific regulation that applies to the lands.

2.7.2 The regulations of the site-specific provision supersede any inconsistent regulations in the remainder of this By-law. Unless specifically amended by the site-specific regulation, all the regulations within the Precinct category applied to the lands and the general provisions of this By-law shall apply.

SECTION 3 – DEFINITIONS

For the purposes of this By-law, the definitions and interpretations given in this section shall govern unless the context requires otherwise.

ACCESSORY means a use, building or structure subordinate, incidental and exclusively devoted to the principal use, building or structure located on the same lot therewith and not designed or intended for human habitation unless specifically permitted elsewhere in this By-law.

ADULT STORE means any business involving the sale and/or rental of adult videos, adult goods, adult magazines, or the showing or viewing of adult videos, or any combination thereof, but does not include a store where the provision of adult videos, adult goods, adult magazines, or any combination thereof is only incidental to the carrying on of the business of the provision and display of videos, magazines or goods. For the purposes of this definition, “adult goods” means goods appealing or designed to appeal to erotic or sexual appetites or inclinations that, due to their sexual nature, are described or advertised as appropriate only for use by adults, including any pictorial photographic or graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involving or engaging in sexual activities, or by emphasis on the display of human body areas; and any other goods referred to as “adult” in a sexual context. “adult magazine” means any magazine, the content or cover of which is designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involved or engaging in sexual activities, or by emphasis on the display of human body areas. “adult video” means any video media, the content or container of which is designed to appeal to erotic or sexual appetites or inclinations, through the pictorial, photographic or other graphic depiction of subject matter distinguished or characterized by the portrayal of one or more persons involved in sexual activities, or by an emphasis on the display of human body areas, and any video classified by the Ontario Film Review Board as “restricted”, with the added information piece “adult sex film”.

ALTER when used in reference to a building or part thereof, means to change any one or more of the internal or external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word **ALTER** means to change the width, depth, or area of any required yard setbacks, landscaped open space or parking area, to change the location of any boundary of such lot with respect to a street or land, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The word **ALTERED** and **ALTERATION** shall have a corresponding meaning.

AMENITY AREA means indoor or outdoor area on a lot that is communal and available for use by the occupants of a building on the lot for recreational or social activities.

APPROVAL AUTHORITY means the authority responsible for making decisions on Community Planning Permit applications pursuant to this By-law, including Council or the person or body to whom authority has been delegated.

ART GALLERY means a building or part thereof where works of art, such as paintings, sculpture, pottery, glass and weaving are displayed for public viewing and includes retail sales relate thereto.

ASSEMBLY HALL means a building or structure used for the assembly of persons, and without limiting the generality of the foregoing includes assembly for religious, charitable, philanthropic, cultural, recreational or educational purposes.

ATTACHED when used in reference to a building, means a building otherwise complete in itself which depends for structural support or complete enclosure upon a division wall or division walls shared in common with adjacent building or buildings. A breezeway, or similar unenclosed structure connecting two buildings or structures is not considered attached.

AUTOMOBILE means a self-propelled vehicle including a car, a light truck or a motorcycle, used for land transportation, but does not include motorized construction equipment or farm equipment, a motor home, a snowmobile, a boat, recreational vehicles, a trailer or farm implement, a truck tractor or tractor trailer or any other device which is capable of being driven, propelled or drawn by any kind of power, a bicycle or any other device powered solely by means of human effort.

BAKERY means a building or part thereof for producing, mixing, compounding or baking bread, biscuits, cakes or other baked products.

BAKE SHOP means a retail store where bakery products are offered for sale, some or all of which may be prepared on the premises.

BALCONY means a stage or platform, other than a stoop, projecting from the wall of a building and accessible from inside such building by means of a door.

BASEMENT means that portion of a building between two floor levels which has at least 50%, but not more than 80% of its height below average finished grade.

BED AND BREAKFAST ESTABLISHMENT means an owner-occupied detached residential unit, containing not more than three (3) rooms available for sleeping accommodation of the vacationing or travelling public for not more than eight (8) persons in which breakfast may be offered. A bed and breakfast establishment shall not include a restaurant and the owner/operator must occupy said residential unit.

BICYCLE PARKING SPACE, LONG-TERM means a bicycle parking space located in a secure room within a building or part of a building for the exclusive use of parking and securing bicycles.

BICYCLE PARKING SPACE, SHORT-TERM means a bicycle parking space that is equipped with a rack or stand designed to park and secure a bicycle.

BOARDING HOUSE means a residential unit containing greater than four (4) and not more than ten (10) guest rooms rented for the accommodation of the public, in which the owner or head lessee supplies lodgings with or without meals, and in which occupants share facilities, but does not include any other establishment otherwise defined in the By-law.

BOAT means any marine vessel propelled by oars, sail, an engine or paddles.

BREWING ON PREMISES ESTABLISHMENT means a commercial establishment where individuals produce beer, wine and/or cider, for personal use and consumption off the premises; and where beer, wine and/or cider ingredients and materials are purchased, equipment and storage area is used for a fee by the same individuals.

BUILD-TO AREA means the space between the lines established as the minimum and maximum front yard requirements.

BUILD-TO WIDTH means the cumulative building width that occupies the build-to area relative to the width of the site at the street lot line.

BUILDING shall mean any structure other than a fence being a permanent edifice fixed to, or supported by the soil, and used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels.

BUILDING, MIXED USE means a building that includes both residential and non-residential uses.

BUILDING, PRINCIPAL means the building or structure in which is conducted the principal use of the lot on which it is situated.

BUSINESS SERVICE ESTABLISHMENT means an establishment primarily engaged in providing services to business establishments on a fee or contract basis, including advertising and mailing, building maintenance, employment services, and protective services.

CATERER' S ESTABLISHMENT means an establishment in which food and beverages are prepared for consumption off the premises and are not served to customers on the premises or to take out, and does not include a restaurant.

CEMETERY means a cemetery or columbarium within the meaning of the *Cemetery Act of Ontario, R.S.O. 1990*.

CENTRE LINE means the centre line of any street, railway, roadway, laneway or railway right-of-way.

CHILD CARE means the temporary care for or supervision of a child including providing for a child's safety, well-being or development, in the absence of the child's parent and for a continuous period that does not exceed 24 hours, in accordance with the *Child Care and Early Years Act, 2014* and provided at one of the following:

- (a) **CHILD CARE CENTRE** means a premises operated by a person who is licensed by the province to operate a child care centre at the premises.
- (b) **HOME BASED CHILD CARE** means a premises operated at a residential unit by one or more child care provider(s) that are regulated by a home child care agency. Home-based Child Care is provided by one (1) child care provider for no more than six (6) children; or, if regulations allow, two (2) child care providers for no more than twelve (12) children.
- (c) **UNLICENSED CHILD CARE** means child care provided at a premises that is not a child care centre, home based child care or a private school within the meaning of the *Education Act, R.S.O 1990*. Unlicensed child care is provided for no more than five (5) children, where the group of children does not include more than two (2) children who are younger than two (2) years old.

CHIEF BUILDING OFFICIAL means the officer or employee appointed by By-law of the Corporation of the Town of Saugeen Shores charged with the duty of enforcing the provisions of the Building By-law of the Corporation, *Building Code Act* and its applicable regulations.

CHRONIC CARE FACILITY means, a hospital, a hospice, or licensed facility where the elderly or chronically ill reside and are cared for.

COMMERCIAL USE means the use of any land, building or structure for the purpose of offices or retail buying or selling of commodities and services, but does not include use for warehousing, wholesaling, manufacturing or assembling of goods.

COMMERCIAL RECREATION ESTABLISHMENT means a building, or part thereof, used for the purposes of an arena, assembly hall, billiard or pool room, bingo hall, bowling alley, dance hall, gym or fitness centre, ice or roller rink, indoor racquet courts, indoor swimming pool, splash pad, or sports simulation, but not including a place of entertainment, an amusement games establishment, cinema, theatre, drive- in theatre, amusement park or any other place of entertainment or amusement otherwise defined or classified herein.

COMMUNITY CENTRE means a building, structure or part thereof, operated by or on behalf of a public authority for the provision of community activities, such as, but not limited to, recreation, arts, crafts, museums, social and charitable events.

CONSTRUCTION TRAILER means a building or structure that is designed to be made mobile and drawn by a separate vehicle, and is used for the purpose of storage or administration on a site while building construction is taking place.

CONTINUUM-OF-CARE FACILITY means a nursing home in association with such facilities as hospitals, clinics, retirement homes, recreation centres, cafeterias and personal service establishments.

CONVENIENCE STORE means a retail food store, confectionery, delicatessen, or grocery store having a gross floor area of 300 m² or less, where a variety of both household and grocery items are offered for sale primarily to serve the daily needs of people and may include the rental of videos, an automated banking machine and/or depots for such items as film, laundry or dry cleaning, and an area devoted to food preparation for consumption on or off the premises, provided the gross floor area for the sale of food preparation does not exceed 10 percent of the gross floor area to a maximum of 30 m².

CORPORATION, THE means the Corporation of the Town of Saugeen Shores.

COUNCIL means the Municipal Council of the Corporation.

COUNTY means the Corporation of the County of Bruce.

COUNTY ROAD means a road under the jurisdiction of the Corporation of the County of Bruce.

DEVELOPMENT means

- (a) the construction, erection or placing of one or more buildings or structures on land;
- (b) the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability;
- (c) the laying out and establishment of,
 - i. a commercial parking lot,
 - ii. sites for the location of three or more mobile homes as defined in subsection 46 (1) of the *Planning Act*,
 - iii. sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the *Planning Act*, or
 - iv. sites for the location of three or more trailers as defined in subsection 164 (4) of the *Municipal Act*;
- (d) site alteration, including but not limited to,
 - i. alteration of the grade of land, and
 - ii. placing or dumping fill; or
- (e) the removal of vegetation.

DRIVEWAY means a vehicular passageway having at least one end thereof connected to a public thoroughfare, and providing ingress to and/or egress from a lot.

DRY CLEANING DISTRIBUTION OUTLET means a building used for the purpose of receiving articles of goods of fabric to be subjected to the process of dry cleaning, dry dyeing or cleaning elsewhere and for the distribution of any such articles or goods which have been subjected to any such process.

DUPLICATING ESTABLISHMENT means an establishment offering photocopying and similar duplicating services using equipment in which offensive odours and/or excessive noise are not emitted. Printing presses and similar devices used in the printing production of newspapers or other newsprint products shall not be permitted.

EMERGENCY CARE ESTABLISHMENT means a temporary residence for not more than six (6) adult persons (exclusive of staff) and their dependents, who, because of physical abuse, require immediate emergency shelter and assistance for a short period of time, generally not more than three (3) weeks.

ENTRANCE means a point of access to a building. Unless otherwise specified, entrance refers to a feature exclusively used by pedestrians.

ERECT means building, construction, reconstruction and relocation and, without limiting the generality of the word, also includes:

- (a) Any preliminary physical operation, such as excavating, filling or draining;
- (b) Altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- (c) Any work for which a building permit is required under the Ontario Building Code.

ERECTED and **ERECTION** shall have a corresponding meaning.

FINANCIAL ESTABLISHMENT means an establishment which provides money management services directly to the public, including a bank, trust company, credit union, securities dealer, finance companies and stockbrokers, but not including the internal offices or administrative offices which shall be considered to be offices for the purposes of this By-law.

FLOOR AREA, GROSS means the sum of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the exterior walls of the building or structure at the level of each floor, but shall not include:

- (a) Any floor area of the building or structure which is used for heating equipment, storage or parking of automobiles, locker storage and laundry facilities, children's play areas and other accessory uses.
- (b) Enclosed malls when used as a common area between stores.

FOOD STORE means a retail store selling food and associated small household items.

FOOD TRUCK means a vehicle or trailer or part thereof where food is prepared and/offered for sale to the public to be taken out, for the consumption off the premises.

FOSTER HOME means a single housekeeping unit in a residential unit, in which individuals may be placed with foster parents to gain a family life experience, the said home being affiliated with a recognized social agency. The number of individuals placed at any one time shall not exceed four (4) persons.

FUNERAL HOME means a commercial use for the purpose of furnishing funeral supplies and services to the public and includes facilities for the preparation of dead human bodies for interment or cremation.

GRADE

- (a) When used with reference to a building or structure, means the average finished ground elevation immediately adjoining the wall or walls in question or the base of the structure exclusive of any artificial embankment.
- (b) When used with reference to a street, means the finished elevation of such street, road or highway as established by the Corporation or other authority having jurisdiction.

GREEN ROOF means an above grade roof or portion thereof, built on top of a building or structure, that allows vegetation to grow in a growing medium.

GROUP HOME, TYPE ONE means a single housekeeping unit in which three (3) residents with special care needs, such as seniors, individuals who are developmentally and/or physically challenged or mentally ill live under responsible supervision consistent with the requirements of its residents. "Residents" do not include staff or the receiving family. A group home is licensed and/or funded under Federal or Provincial Statute and in compliance with Municipal By-laws.

GROUP HOME, TYPE TWO means a single housekeeping unit in which more than three (3) residents with special care needs, such as seniors, individuals who are developmentally and/or physically challenged or mentally ill live under responsible supervision consistent with the requirements of its residents. "Residents" do not include staff or the receiving family. A type two group home is licensed and/or funded under Federal or Provincial Statute and in compliance with Municipal By-laws.

GUEST ROOM shall mean a room or suite of rooms used or designed for gain or profit by providing accommodation to the travelling or vacationing public, which may contain limited cooking facilities including a microwave, hot plate, and/or refrigerator.

HEALTH CARE CLINIC means a building in which two (2) or more rooms are used by the healthcare professions and their staff for the purpose of consultation, diagnosis and office treatment of human patients, but does not include a hospital. Without limiting the generality of the foregoing, a clinic may include chiropractic services, dental services, or other personal care services, administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic.

HEIGHT when used in reference to any building or structure, including an accessory building or structure, means the vertical distance measured between the horizontal plane through the average finished grade and a horizontal plane through:

- (a) the highest point of a flat roof;
- (b) where an exterior wall extends above the top of the roof of a building, the topmost part of such exterior wall;
- (c) the deck line of a mansard roof; or
- (d) the mean height between the eaves and ridge of a gabled or hip roof; but exclusive of roof or penthouse structure accommodating an elevator, staircase, tank, ventilating fan, or other similar equipment, a smoke stack, barn, silo, communications tower or other utilitarian structure which does not provide habitable space.

Where a dormer, dormers or similar features exist or are proposed and where those features exceed 50% of the total roof area, the height of the roof shall be measured as the mean height between the lowest part of the dormer eave and topmost part of the roof.

HOME FOR THE AGED means a “home for the aged” as defined in the *Homes for the Aged and Rest Homes Act, R.S.O. 1990*.

HOME OCCUPATION means any occupation or business providing personal or professional services which are carried on, as an accessory use within a residential unit, occupied by the proprietor.

HOTEL means any hotel, tavern, inn, lodge or public house in one main building or in two or more buildings used mainly for the purposes of catering to the needs of the travelling public by supplying food and furnishing sleeping accommodation of not less than ten (10) guest rooms and includes all premises licensed under the *Liquor License Act, 2019* and permanent staff accommodation but does not include any other establishment otherwise defined or classified in this By-law.

INN means an owner-occupied detached residence, containing not more than ten (10) rooms available for sleeping accommodation of the vacationing or travelling public, and may contain an accessory dining facility serving meals but not necessarily exclusively to the overnight guests.

INSTITUTION means any land, building or structure or part thereof, used by any organization or association, for the promotion of charitable, educational, religious or benevolent objectives and not for profit or gain.

KENNEL means a place where dogs or other household pets other than poultry are bred and raised and are sold or kept for sale or boarded.

LANDSCAPED OPEN SPACE means the open unobstructed space on a lot accessible from the street on which the lot is located and which is suitable for the growth and maintenance of grass,

flowers, bushes and other landscaping and includes any surfaced walk, patio, planting area, or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

LANEWAY means a public or private access which affords a secondary means of access to abutting property, and may include public streets.

LAUNDROMAT shall mean a building or structure where the service of coin-operated dryers or laundry machines, using only water, detergents and additives are made available to the public for the purpose of laundry cleaning.

LEGAL or LAWFUL, when used in reference to a use, a lot, a building or a structure, means a use, a lot, a building or a structure allowed by law, which complies with any and all restrictions lawfully imposed by the Corporation or by any governmental authority having jurisdiction to make such restrictions or regulations.

LEGAL NON-CONFORMING USE means a use of land, lot, building or structure which legally existed prior to the effective date of this By-law, which does not meet the provisions of this By-law. This definition applies to LEGAL NON-CONFORMING BUILDING and LEGAL NON-CONFORMING STRUCTURE.

LIBRARY means a library, branch library to which the provisions of the *Public Libraries Act, R.S.O. 1990*, apply.

LIGHTING means an electrically powered feature providing illumination.

LIVE/WORK means a unit which contains separate residential and non-residential areas intended for both residential and non-residential uses concurrently, and shares a common wall or floor with direct access between the residential and non-residential areas.

LOADING SPACE shall mean an off-street space on the same lot as the building, or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which is accessible to a street, laneway or other appropriate means of access.

LOT means a parcel of land or contiguous parcels of land under common ownership, having frontage on a public street or private road, and which is described in a deed or other document legally capable of conveying an interest in land and which deed is on record in the Registry Office or land titles office for the Bruce Registry Division; or

Means a parcel of land shown as a lot or block on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to the *Planning Act*, or a predecessor thereof.

LOT, CORNER means a lot situated at the intersection of two or more streets or two parts of the same street of which the two adjacent sides upon the street line or street lines include an angle of not more than one hundred and thirty- five (135) degrees and where such adjacent sides shall be deemed to be the angle formed by the intersection of the tangents of the street lines drawn through the extremities of the interior lot lines.

LOT, INTERIOR means a lot other than a corner lot and having a lot line along only one street.

LOT, THROUGH means a lot bounded on two opposite sides by streets but does not include a corner lot.

LOT AREA means the total horizontal area within the lot lines of a lot, excluding the horizontal area of such lot covered by water, or between the rim of the banks of a river or watercourse. In the case of corner lots having a street line rounding of a radius 6 m or less, the lot area of such lot shall be calculated as if the lot lines were produced to their point of intersection.

LOT COVERAGE means that percentage of the total lot area covered by buildings or structures, including accessory buildings or structures, above finished grade level but shall not include swimming pools, pergolas, uncovered decks, porches, patios or septic systems.

LOT DEPTH means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, lot depth means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. Where there is no rear lot line, lot depth means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

LOT LINE means any boundary of a lot.

LOT LINE, FRONT in the case of an interior lot, means the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer lot line abutting a street shall be deemed an exterior side lot line. In the case of a through lot, only one of the shorter lot lines shall be deemed to be the front lot line and the opposite shorter lot line shall be the rear lot line, to be determined at the discretion of the Director of Development Services or delegate. Where the lot does not abut a public street, the front lot line shall be that lot line that abuts the vehicle access to the lot.

LOT LINE, INTERIOR means a lot line other than a street line.

LOT LINE, REAR means the lot line farthest from and opposite to the front lot line in the case of a lot having four (4) or more lot lines. If a lot has less than four (4) lot lines, there shall be deemed to be no rear lot line. Where there is no rear lot line, for the purposes of this By-law the rear lot line shall be determined by the length of a straight line joining the middle of the front lot

line with the apex of the triangle formed by the side lot lines at which erection of buildings or other structures is permitted by this By-law.

LOT LINE, SIDE means any lot line other than a front lot line or rear lot line.

LOT LINE, EXTERIOR means any lot line other than a front lot line or rear lot line abutting a public street.

MAIN WALL means the above-grade, non-roof portions of the exterior building envelope.

MOBILE HOME means any residential unit that is designed to be made mobile, and constructed or manufactured to provide a permanent or seasonal residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed. A mobile home shall be distinguished from other forms of prefabricated transportable housing by reason of a design which permits and features ready transfer from place to place whereas the latter are intended to be moved once only to a final location.

MOTEL means one or more buildings used primarily for the purpose of catering to the travelling public by furnishing temporary or transient sleeping accommodation of not less than six (6) guest rooms having independent entrances to a front or rear yard. A motel may include permanent staff quarters and/or an accessory restaurant, but does not include any other establishments otherwise defined or classified in this By-law.

MOTOR HOME shall mean a self-propelled mobile residential unit.

MUNICIPALITY means the Corporation of the Town of Saugeen Shores.

MUSEUM means a public museum within the meaning of the *Museums Act*.

NON-RESIDENTIAL means designed, intended or used for a purpose other than a residence.

NURSING HOME as defined in the *Nursing Homes Act, R.S.O 1990* shall mean any premises maintained and operated for persons requiring nursing care or in which such care is provided to two (2) or more unrelated persons, but does not include any premises falling under the jurisdiction of the *Homes for the Aged and Rest Homes Act*, the *Private Hospitals Act R.S.O. 1990*, or the *Public Hospitals Act, R.S.O 1990*.

OFFICE means a room or suite of rooms designed, intended or used for the conduct of a profession, occupation, or business, but shall not include the office of a veterinarian, the retailing of merchandise, the manufacturing, repairing, or storage of goods or any place of assembly or amusement.

OPEN SPACE means, when listed as a permitted use, an outdoor recreation area, a passive park, or forestry use.

OPEN STORAGE means the storage of goods, merchandise or equipment in the open air and in unenclosed portions of buildings which are open to the air on the sides.

OUTDOOR PATIO means an area set aside out of doors, covered or uncovered, for use by patrons and customers in connection with, and in addition to, the operation of an adjacent commercial use.

OWNER means a person, as defined herein, holding legal title to a lot and/or building.

PARK means an area of land, playground or play fields, which may include therein one or more athletic fields, field houses, bleachers, swimming pools, wading pools, greenhouses, bandstands, skating rinks, tennis or badminton courts, bowling greens, fairgrounds or similar uses.

PARKING AREA means an area provided for the parking of automobiles and includes aisles, parking spaces and related ingress and egress lanes but shall not include any part of a public street.

PARKING LOT means any commercial parking area other than a parking area required under the provisions of this By-law.

PARKING SPACE means an area, enclosed in a main building, in an accessory building, or unenclosed, exclusive of any aisle, or ingress or egress lanes, which is accessible from a street, intended for the temporary parking or storage of one automobile for purposes other than sale or display for retail purposes.

PERSON means any human being, association, firm or partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

PERSONAL SERVICE SHOP means a building or part thereof in which services are provided and administered to the individual and personal needs of persons and without limiting the generality of the foregoing shall include a barber shop, hairdresser, shoe repair shop, a tailor and a photographic studio.

PLACE OF ENTERTAINMENT means a motion picture or other theatre, arena, auditorium, public hall, billiard or pool room, bowling alley, ice or roller skating rink, but does not include any place of entertainment or amusement otherwise defined or classified in this By-law.

PLACE OF WORSHIP means a building, including churches, synagogues, mosques, temples and rectories, owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or

without a church hall, church auditorium, convent, monastery, office of a clergyman, cemetery, church school, parish hall, child care centre or a parsonage as accessory uses.

PLANTING AREA or PLANTING STRIP means an area or strip of land used for no other purpose than planting a hedgerow or screen of shrubs and/or evergreen trees located immediately adjacent to the lot line or portion thereof along which a planting area is required by this By-law. The remainder of the ground surface of any required planting area shall be planted with any combination of shrubs, flower beds or grass.

POST OFFICE means a building or part of a building where postal services are provided by Canada Post or through an agreement with Canada Post.

PRIVATE CLUB means a building or part of a building or lot used as a meeting place for members of a chartered organization.

PRINCIPAL means a use, building or structure to which any other is subordinate and constitutes the main use of a lot therewith.

PRINTING ESTABLISHMENT means a business which furnishes a service of printing or for the publication of periodical or otherwise written material.

PUBLIC USE means any use, building or structure owned or leased by a municipal corporation, the County of Bruce, any local board or commission of either the Corporation or the County, any Conservation Authority, any Ministry or Commission of the Province of Ontario or the Government of Canada, and in which government activities are conducted.

PUBLIC UTILITY means any water works, sewerage works, gas works, electric heat, light or power works, telegraph and telephone lines, cable television lines, and works for the transmission of gas, oil, water or electrical power or energy, or any similar works supplying the general public with necessary services or conveniences.

RECREATION, ACTIVE shall mean the use of lands, water and/or buildings for the purpose of organized active leisure activities and shall include an arena, golf course and a sports field.

RECREATION, PASSIVE shall mean the use of land and/or water for the purpose of passive leisure activity and shall include a park, a garden, a picnic area and the like as well as a playground with activity equipment for children.

RECREATION CENTRE means land, buildings or structures used for the purpose of active leisure activities and shall include an arena, swimming pool, community centre, curling rink, outdoor ice rink, a sports field or court, fitness facility, and uses accessory thereto.

RESIDENTIAL BUILDING means a building designed for residential occupancy, but shall exclude mobile homes, construction trailers, travel trailers, hotels, motels, retirement homes,

nursing homes, hospitals, or living quarters for a caretaker, watchman or other person or persons which are accessory to a non-residential building.

- (a) **ACCESSORY RESIDENTIAL BUILDING** means a detached, self-contained residential building that is subordinate and incidental to the principal use, building, or structure located on the same lot.
- (b) **APARTMENT BUILDING** means a building consisting of five (5) or more residential units, each with an independent entrance either directly from the outside, or through a common vestibule or common halls.
- (c) **BACK-TO-BACK TOWNHOUSE BUILDING** means a building that is divided vertically into four or more residential units by a common wall including a common rear wall, and where each residential unit has an independent entrance accessed from the exterior of the building.
- (d) **DUPLEX BUILDING** means a building that is divided horizontally into two (2) residential units, each with an independent entrance either directly from the outside or through a common vestibule.
- (e) **FOURPLEX BUILDING** means a building containing four (4) residential units, each with an independent entrance either directly from the outside, or through a common vestibule or common halls.
- (f) **MULTI- UNIT BUILDING** means a building located on a lot that consists of a maximum of (4) residential units, and may include: single-detached building, semi-detached building, duplex building, triplex building or fourplex building.
- (g) **SEMI-DETACHED BUILDING** means a building that is divided vertically into two (2) residential units that are joined by a common wall for the full height of the building, each with an independent entrance.
- (h) **SINGLE-DETACHED BUILDING** means a detached, free- standing building designed for and containing one (1) residential unit, but does not include a mobile home.
- (i) **STACKED TOWNHOUSE BUILDING** means a building that is divided both horizontally and vertically by common walls containing four or more residential units and where at least one residential unit is located above or below another unit. Each residential unit shall have an independent entrance from the exterior of the building. A stacked Townhouse building does not include street townhouse building.
- (j) **STREET TOWNHOUSE BUILDING** means a townhouse building with each unit on a separate lot and having legal frontage on a public street.
- (k) **TOWNHOUSE BUILDING** means a building that is divided vertically into a minimum of three (3) residential units by common walls extending from the base of the foundation to the roof line, each with an independent entrance to a yard immediately abutting the unit.
- (l) **TRIPLEX BUILDING** means a building containing three (3) residential units, each with an independent entrance either directly from the outside, or through a common vestibule or common halls.

RESIDENTIAL UNIT shall mean a suite of one or more rooms designed for residential occupancy, in which bathroom and kitchen facilities are provided, and with an independent entrance, either directly from outside the building or from a common corridor inside the building.

RESIDENTIAL UNIT, ADDITIONAL means a residential unit either entirely contained within a single-detached building, semi-detached building, duplex building, triplex building or a townhouse building, or entirely contained within an accessory residential building on a lot containing a single-detached building, semi-detached building, duplex building, triplex building or a townhouse building containing bathroom and kitchen facilities within the building containing the residential unit.

RESTAURANT means a building or part thereof where food and beverage is prepared and offered for retail sale to the public for immediate consumption either on or off the premises, and may include any of the following:

- (a) RESTAURANT, COFFEE SHOP means a portion of a building in which coffee and other non-alcoholic beverages, baked goods, soups, sandwiches and snack foods are offered for sale for consumption on the premises and which is not licensed under the *Liquor Licence Act*, and does not have kitchen facilities for the preparation of meals.
- (b) RESTAURANT, DRIVE-THROUGH means a place in which food is prepared and sold to the general public and consumed on the premises inside or outside of an automobile and includes an exterior method of ordering and picking-up food from a vehicle.
- (c) RESTAURANT, SIT-DOWN means a building or part thereof where food and beverage is prepared and offered for retail sale to the public for immediate consumption on the premises, including a licensed dining room, and may include a coffee shop but shall not include a drive-through restaurant as defined herein.
- (d) RESTAURANT, TAKE-OUT means a building or structure or part thereof where food is prepared and offered for sale to the public to be taken out and/or delivered, for the consumption off the premises, but shall not include a drive- through restaurant as defined herein.

RETAIL STORE means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail but does not include any establishment otherwise defined or classified in this By-law.

RETIREMENT HOME means a premises that is licensed under the *Retirement Homes Act, R.S.O. 2010*.

SCHOOL means an institution for education or instruction as defined by the *Education Act*, or the *Ministry of Colleges and Universities Act, R.S.O. 1990* normally under the jurisdiction of a Board, or under the jurisdiction of the Bluewater District School Board, or the Bruce-Grey Catholic District School Board, or a school operated under charter granted by the Province of Ontario.

SCHOOL, COMMERCIAL means a commercial establishment which provides instruction in any subject for profit or gain; and, without limiting the generality of the foregoing, includes a secretarial college or school, and specialized schools such as a dance school or studio, a school of music, a modelling school, a charm or finishing school, a ceramics or other crafts school or studio, a golf school or similar school, but does not include a public school, separate school or private school as defined in the *Education Act* or a child care centre, as defined in this By-law.

SERVICE ESTABLISHMENT means an establishment which provides a service or craft to the general public, including a custom print or copy shop, a dry cleaning or laundering establishment, a monument engraving shop or the business premises of a printer, plumber, tinsmith, craftsman, painter, carpenter, cabinet maker, electrician, taxidermist, pest exterminator, roofer, insulation installer, furrier, weaver, upholsterer, interior decorator, caterer, engraver, cleaner or locksmith, plumber, welder, pet grooming, veterinarian clinic, small engine repair, landscape business, appliance and electronics repair, but does not include any other manufacturing, a building supply yard, contractor's yard, automotive use, transport terminal or personal service shop. A service establishment may include accessory retail sales of goods and products produced on the premises.

SETBACK means the shortest horizontal distance from a specified line to the nearest part of any building, structure or feature on a lot.

SEWAGE:

- (a) SANITARY SEWER or MUNICIPAL SEWER means a system of underground conduits, operated by a municipal corporation or by the Ministry of the Environment which carries sewage to a place of treatment which meets with the approval of the Ministry of the Environment.
- (b) SEWAGE DISPOSAL SYSTEM means a Class 4 or Class 6 system or any other system deemed acceptable as defined by regulations under the *Building Code Act* and/or the appropriate approval authority.
- (c) SEWAGE TREATMENT WORKS means a facility used for treatment of domestic, commercial and/or industrial sewage.

SHOPPING CENTRE means a group of non-residential uses predominantly retail commercial in nature and designed, developed and managed as a unit by a single owner or tenant, or group of owners or tenants.

SIGHT VISIBILITY TRIANGLE means an area free of automobiles, buildings, planting areas or structures and which does not contain a fence, hedge or trees over 0.5 m in height and which area is to be determined by measuring from the point of intersection of property lines on a corner lot, the distance required by this By-law along such street line and joining such points with a straight line and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines.

SIGN means an advertising device or notice; and any visual medium, including its structure and other component parts, which is used or capable of being used to attract attention to a specific subject matter, other than itself, for intensification, information or advertising purposes.

SITE PLAN shall mean a scale drawing prepared to illustrate the relation between the lot lines and the uses, buildings or structures existing or proposed on a lot, including but not limited to such details as parking areas, walkways, landscaped areas, lighting, building areas, minimum yards, floor areas, easements, drainage contours, and areas for special uses.

SITE PLAN CONTROL BY-LAW means any By-law of the Corporation passed pursuant to Section 41 of the *Planning Act*, or any successors thereto.

STOREY means that portion of a building which is situated between the surface of any floor and the surface of the floor next above and directly over it and, if there is no floor above it, that portion between the surface of any floor and the ceiling above it. A storey includes an attic having a height of more than 2 m for at least two-thirds (2/3) of the area of the floor next below ground if the ceiling of such part is 2 m or more above finished grade.

STOREY, GROUND means a storey of a building which is closest to and entirely above average finished grade.

STREET, PRIVATE means an improved highway, street or road which affords the principal means of vehicular access, and which is not under the jurisdiction of the Corporation, County of Bruce or Ministry of Transportation.

STREET, PUBLIC means an improved highway, street or road which affords the principal means of vehicular access, and which is under the jurisdiction of the Corporation, County of Bruce or Ministry of Transportation.

STREET LINE means the limit of the street allowance and is the dividing line between a lot and a street.

STRUCTURE means anything constructed or erected, the use of which requires location on the ground, or on water, or attachment to something having a fixed location on the ground or on water, and without limiting the generality of the foregoing, includes walls, floors, roofs, signs and billboards, private outdoor swimming pools, satellite dishes, and an object designed and intended to float, but does not include hedges and fences or sewage disposal systems.

SWIMMING POOL means an excavation, structure or product, which is:

- (a) Located outdoors on private property;
- (b) Capable of being used for the purposes of swimming, wading, paddling or bathing;
- and

- (c) Capable of holding water in excess of 0.76 m (2 feet 6 inches) in depth at any point; and

Includes a landscape pond meeting the above criteria, but for the purposes of this By-law does not include any pool which is:

- (a) A pond or reservoir to be utilized for farming purposes or as part of a golf course;
- (b) A hydro massage pool with locking cover;
- (c) A pool owned by any public or governmental body, agency or authority, or is under the jurisdiction of the Ontario Building Code;
- (d) An existing natural body of water or stream; or
- (e) A privately owned stormwater management facility.

TEMPORARY BUILDING or TEMPORARY STRUCTURE shall mean a building or structure intended for removal or demolition within a prescribed time not exceeding two years as set out in a building permit.

TENT means a temporary structure used for temporary human shelter that is not permanently fixed to the ground and is capable of being moved.

TOWN, THE means the Corporation of the Town of Saugeen Shores.

TRANSITION STANDARD means a requirement for transition where a Precinct within the Community Plan Permit Area abuts a property outside of that area.

TRANSPARENT means a window, door or other architectural element which allows the conveyance of light into the interior of a building.

TRAVEL TRAILER means a structure designed, intended and used exclusively for travel, recreation and vacation and which is capable of being drawn or propelled by an automobile and includes tent trailers or similar transportable accommodation excepting a mobile home.

USE as a verb, means anything permitted by the owner or occupant of any land, building or structure, directly or indirectly, or by or through any trustee, tenant, servant or agent acting for or with the knowledge and assent of such owner or occupant, for the purpose of making use of the said land, building or structure. The phrase “used for” includes “arranged for”, “designed for” maintained for” or “occupied for”.

USE as a noun, means any of the following depending on the context:

- (a) Any purpose for which land, buildings or other structures may be arranged, designated, designed, intended, maintained, or occupied, or
- (b) Any occupation, business, activity, or operation carried on, or intended to be carried on, in a building or other structure or on land, or
- (c) The name of a tract of land or a building or other structure which indicates the purpose for which it is arranged, designated, intended, maintained or occupied.

VETERINARY CLINIC means a building in which two (2) or more rooms are used by a veterinarian who is a member of the Ontario Veterinarian Association and his or her assistants for the treatment and care of domestic and other small animals. Without limiting the generality of the foregoing, a veterinary clinic may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies, and dispensaries directly associated with the clinic.

WALKWAY means a landscape feature on the ground surface designed specifically to allow pedestrian movement.

WATER SUPPLY, PIPED or MUNICIPAL WATER means a distribution system of underground piping and related storage, including pumping and purification appurtenances operated by a municipal corporation and/or the Ministry of the Environment and/or any public utilities commission for public use and which have been approved by the appropriate approval authority.

WINDOW means a transparent opening in the wall of a building designed to convey light or provide visual connection between the interior and exterior.

WIDTH means the dimension of a building as measured horizontally and parallel to each front lot line or exterior side lot line from one end of a building to the opposite end.

YARD means a space appurtenant to a building or structure located on the same lot therewith and which space is open, uncovered and unoccupied from the ground upward except for such accessory buildings, structures, or uses as are specifically permitted elsewhere in this By-law.

YARD, EXTERIOR SIDE means a side yard abutting a street or reserve.

YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest main wall of a principal building or structure on such lot, but does not include any portion of an exterior side yard. In the case of a through lot or a corner lot, the front yard shall be considered that yard abutting the front lot line.

YARD, INTERIOR SIDE means a side yard other than an exterior side yard.

YARD, REAR means a yard extending across the full width of a lot between the rear lot line of such lot and the nearest part of a principal building or structure on such lot.

YARD, REQUIRED means that part of a yard which:

- (a) is located adjacent to a lot line;
- (b) has the minimum front yard depth, rear yard depth or side yard width required by the provisions of this By-law; and
- (c) does not contain or include any buildings, structures, open storage or excavations except where this By-law specifically provides otherwise.

YARD, SIDE means a yard extending from the front yard to the rear yard between the side lot line of a lot and the nearest part of a principal building or structure on such lot.

SECTION 4 – GENERAL PROVISIONS

The General Provisions section of the By-law provides regulations which apply in all parts of the Community Planning Permit Area and all Precincts therein.

4.1 ACCESSORY USES

Where Permitted

- 4.1.1 Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use. An accessory use shall not include (1) any occupation for gain or profit conducted within a residential unit on the lot, except as specifically permitted in this By-law or (2) any building or structure used for human habitation except as specifically permitted in this By-law, or (3) open storage.
- 4.1.2 For the purposes of this section, mobile homes, travel trailers, construction trailers, transport trailers, shipping containers, railway cars and buses shall not be used as accessory buildings or structures.

Lot Coverage

- 4.1.3 Accessory buildings and structures shall be subject to the following regulations for lot coverage:
- (a) the total lot coverage of all buildings and structures shall not exceed the permitted maximum lot coverage of the applicable Precinct; and
 - (b) the area of an open swimming pool and/or an open deck shall not be included in calculating lot coverage.

Height Restrictions

- 4.1.4 No accessory building or structure in any Precinct shall exceed 6 m in height. Nothing in this section shall be deemed to permit an accessory building or structure having a height greater than the maximum height provision of the applicable Precinct, except in accordance with subsection 4.9.

Number of Accessory Buildings

- 4.1.5 In no case shall the number of accessory buildings in any Precinct exceed two (2) on one lot, excluding an accessory building associated with a swimming pool which houses the pump and other pool equipment. When a pump house exceeds 9.29 m² in floor area, it shall be counted as an accessory building.

Location

4.1.6 The yard requirements herein shall apply to both main and accessory structures, except where provided for in the provisions of this By-law

4.1.7 No part of an accessory structure shall be located in front of any portion of the main building or structure.

When Permitted

4.1.8 Notwithstanding any of the provisions of this By-law, no accessory building, structure or accessory use shall be erected or used until the principal building, structure or use is erected to the satisfaction of the Chief Building Official and in compliance with the provisions of this By-law.

4.2 ADDITIONAL RESIDENTIAL UNITS

4.2.1 No person shall, within any Precinct, except a Precinct which lists Additional Residential Units as a permitted use, use any lot or erect, alter or use any building or structure for an Additional Residential Unit except in accordance with provisions 4.2.2 to 4.2.6.

Number of Units

4.2.2 Additional Residential Units shall be permitted on a lot which contains only one principal residential building and is connected to municipal water and sanitary services:

(a) Principal building is a single-detached, semi-detached, duplex, triplex or street townhouse

- i. Number of total residential units on a lot, including the principal unit and Additional Residential Unit(s) (maximum) – 4
- ii. Number of Additional Residential Units on a lot (maximum) – 3
- iii. Number of Additional Residential Units contained within the principal building (maximum) – 3
- iv. Number of Additional Residential Units contained within an accessory residential building (maximum),
 - if principal building is a single- detached, semi- detached, duplex building:
 - 2, if lot area is greater than 400 m²
 - 1, otherwise
 - if principal building is a triplex or street townhouse building:
 - 1

Dimensions

- 4.2.3 Notwithstanding the provisions of this By-law, the minimum rear yard for an Additional Residential Unit within an accessory residential building shall be 3 m.

Other

- 4.2.4 A lot containing an Additional Residential Unit must front on a public street.
- 4.2.5 Entrances for Additional Residential Units shall be accessible from the public street or laneway via a walkway or a driveway.

4.3 ADULT STORES

- 4.3.1 Adult stores shall be permitted in any Precinct where a retail store is a permitted use, subject to the provisions of the applicable Precinct and the following provisions:
- (a) No adult store shall be located closer than 100 m from any other adult store;
 - (b) No adult store shall be located closer than 300 m from a school or public park;
 - (c) All signage for an adult store shall comply with the Corporation's Sign By-law.

4.4 AMENITY AREA

- 4.4.1 A lot with 20 residential units or more must provide amenity space at the rate of 4 m² per residential unit, of which:
- (a) at least 2 m² for each residential unit is indoor amenity space; and
 - (b) at least 40 m² is outdoor amenity space.
- 4.4.2 Amenity area requirements shall be contiguous to the degree required to create usable recreational or social spaces.

4.5 BED AND BREAKFAST ESTABLISHMENTS

- 4.5.1 A bed and breakfast establishment shall be permitted only where specifically listed as a permitted use in a Precinct, and shall be subject to the following regulations in addition to the regulations of the applicable Precinct:
- (a) A bed and breakfast establishment shall be clearly secondary and located entirely within a single detached residential unit and shall not change the residential character of the residential unit;
 - (b) No more than three (3) guest rooms shall be made available to accommodate the traveling and vacationing public;
 - (c) Guest rooms shall not occupy more than 25% of the gross floor area of the residential unit;

- (d) No open storage shall be permitted in conjunction with a bed and breakfast establishment;
- (e) The bed and breakfast establishment shall be operated only by a person or persons residing in the residential unit as their permanent residence.

4.6 ENTRANCE REGULATIONS

- 4.6.1 No person shall hereafter erect any main building or structure on any lot in any Precinct unless such lot or an adjacent lot held under the same ownership abuts a public street, except that this provision shall not apply to a lot located on a registered Plan of Subdivision. Private streets that existed on the date of passage of this By-law shall be considered as public streets despite the fact that such private streets have not been assumed by the Corporation. This provision shall only have the effect for the purpose of applying the Precinct regulations of this Bylaw and not for consideration of granting consents. Furthermore, this provision shall not imply any obligation on the Corporation to assume and/or develop any private street into a public street, or to maintain it for private or public purposes.
- 4.6.2 All main buildings shall have their primary pedestrian entrances facing the front lot line.
- 4.6.3 No main building shall be constructed with a greater spacing between entrances along the front façade than set out in the Precinct.

4.7 GROUND STOREY HEIGHT AND ELEVATION

- 4.7.1 No main building shall be constructed with a ground storey measuring below or above the height range established by the Precinct, or with a finished floor elevation measuring above the maximum established by the Precinct.
- 4.7.2 The following general provisions shall apply for measuring ground storey height:
 - (a) Ground storey height is measured from the top of the finished floor of the ground storey to the top of the finished floor of the storey above.
 - (b) Where there is no storey above, ground storey height is measured from the top of the finished floor to the bottom of the roof structure above.
- 4.7.3 The following general provisions shall apply for measuring finished floor elevation:
 - (a) Finished floor elevation is measured from average grade to the top of the finished floor of the ground storey.
 - (b) Average grade is calculated by averaging the highest and lowest elevation of grade along the street-facing building façade.
 - (c) On corner sites, for the purpose of determining finished floor elevation, average grade must be established independently for each street-facing building façade.

4.8 GROUP HOMES

- 4.8.1 Notwithstanding any other provisions of this By-law to the contrary, a Group Home Type 1 may be permitted in any single residential unit provided there is no Group Home Type 1 or Group Home Type 2 located within 100 m from the proposed facility and the residential unit has a minimum floor area of 18.5 m² per person residing within the unit.
- 4.8.2 Group Homes Type 2 are permitted only within those Precincts which specifically permit the use. In order to prevent concentrations of Group Home Type 2 uses within specific areas, and notwithstanding their being listed as a permitted use, the minimum separation distance between facilities shall be 300 m measured in any direction.

4.9 HEIGHT

- 4.9.1 The maximum height provisions of this By-law shall not, in any Precinct, apply to antennas and radio or television receiving or transmitting equipment, church spires, belfries, cupolas, towers or domes not used for human occupancy, chimneys, ventilators, skylights, water tanks, bulk heads, firewalls, and similar features and necessary mechanical appurtenances accessory to the building on which they are erected; provided however, that such features are erected only to such heights as is necessary to accomplish their purposes.

4.10 LANDSCAPING

Landscaped Open Space

- 4.10.1 Landscaped open space shall be provided in accordance with the provisions set out in this By-law for each Precinct and the following general provisions:
- (a) Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, or permitted outdoor storage areas shall be maintained as landscaped open space.
 - (b) Except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space.
 - (c) Where landscaped open space of any kind, including a planting strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-Law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways.
 - (d) No part of any driveway, parking area, loading space, stoop, balcony, swimming pool or space enclosed within a building, other than a green roof or landscaped area located above an underground parking area, shall be considered part of the landscaped open space on a lot.
 - (e) Walkways, when constructed, shall not terminate on Town-owned land, except where a sidewalk exists, in which case, walkways may terminate at the sidewalk.

Planting Strips

4.10.2 Planting strips shall be provided in accordance with the following general provisions:

- (a) Planting strips shall be landscaped and planted with indigenous vegetation, shrubs, plants, flowering shrubs, flower beds, man-made landscape materials, trees or a combination thereof, appropriate for the location considering overhead utilities and opportunities to screen parking and other structural elements, having a minimum height of 1.5 m at the time of planting. Where a fence, a wall, a row of trees or a hedgerow is provided as part of a planting strip required by this By-law, such fence, wall, row of trees or hedgerow shall be designed to have an ultimate height of not less than 2 m above the elevation of the ground at the nearest lot line and shall have a continuous, uninterrupted form except where a driveway or walkway is required.
- (b) Where, in any yard in any Precinct, a parking area which is required to provide for more than four off-street parking spaces adjoins a street, then a planting strip of a minimum width of 2 m shall be provided within the lot requiring such parking area along the lot line adjoining such street.
- (c) Where a planting strip required hereby is traversed by a pedestrian walkway or by a driveway in accordance with clause (c) of subsection 4.10.1, such planting strip shall not be required to extend closer than 1.5 m to the edge of such walkway or closer than 3.0 m to the edge of such driveway, provided that any intervening space between the said planting strip and the said walkway or driveway is maintained as landscaped open space.

4.11 LEGAL NON-CONFORMING USES

Rebuilding, Repairs and Renovations

4.11.1 The repair, strengthening, alteration or reconstruction of a legal non-conforming use shall be permitted so long as said repair, strengthening, alteration or reconstruction does not increase the height, volume or extent of non-conformity of said building or structure or change the use.

Additions and Extensions

4.11.2 Where an extension or addition is being made to a legal non-conforming use, the extension or addition shall be made in accordance with the provisions of this By-law.

Change of Use

4.11.3 Where under the provisions of this By-law, a use of a lot, building or structure is a legal non-conforming use, the use shall not change except where the proposed use is permitted within such Precinct.

4.12 LIGHTING

4.12.1 Lighting fixtures designed to provide exterior illumination on any lot shall be installed in accordance with the Town of Saugeen Shores development standards.

4.13 LOADING SPACES

Loading Spaces Required

4.13.1 The owner or occupant of any building or structure on a lot greater than 1,000 m², which is used or erected for any commercial purpose exceeding 500 m² in floor area or any residential purpose exceeding 30 units per building shall provide and maintain, on the same lot, facilities comprising one or more loading spaces.

Location of Loading Spaces

4.13.2 Required loading spaces shall be provided on the same lot occupied by the building or structure for which the loading spaces are required, and shall not form a part of any street or laneway or required parking area. Loading spaces shall be located in the rear yard only.

Loading Space Dimensions (Minimum)

4.13.3 A required loading space shall have minimum dimensions of 3.5 m by 10 m and a minimum vertical clearance of 4.5 m.

Access to Loading Spaces

4.13.4 Access to loading spaces shall be provided from a public street or laneway by means of one or more unobstructed driveways which:

- (a) have a minimum unobstructed width of at least 3.5 m, regardless of the direction of traffic flow thereupon, and provide sufficient space to permit the maneuvering of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets;
- (b) comply in all other respects with the requirements for driveways providing entry to parking areas and spaces set out in Section 4.18.

Surface and Drainage of Loading Spaces and Driveways

4.13.5 Loading spaces and driveways thereto shall be constructed in accordance with the Town of Saugeen Shores development standards.

Addition to Existing Use

- 4.13.6 When a building or structure has insufficient loading spaces on the date of passing of this By-law to conform to the provisions herein, this By-law shall not apply to require that the deficiency be made up prior to the construction of any addition. In the case of an expansion or enlargement of an existing building or structure, the requirement for the provision of additional loading spaces shall be based on said expansion or enlargement.

Screening

- 4.13.7 Loading spaces shall be screened from any street or from any adjacent lot by a planting strip containing a fence, wall or other visual barrier not less than 2 m in height.

4.14 LOT COVERAGE

- 4.14.1 No building or addition shall be constructed that causes the total maximum lot coverage established for the Precinct to be exceeded.
- 4.14.2 The following provisions shall apply in calculating lot coverage:
- (a) Lot coverage is measured cumulatively for the entire lot.
 - (b) Lot coverage is measured by dividing the building footprint of all covered buildings and structures on the lot by the lot area (including accessory structures).
 - (c) The calculation of the building footprint does not include portions of architectural projections (including roof overhangs and projected balconies) that are less than 1 m from the nearest wall, column, spanning beam, or other structural element carrying gravity loads to the ground.
 - (d) The area of an open swimming pool and/or an open deck shall not be included in calculating lot coverage.

4.15 MUNICIPAL SERVICES

- 4.15.1 Notwithstanding any other provisions of this By-law, no land shall be used, nor any buildings or structures erected or used unless, pursuant to an agreement made or condition imposed under Sections 41, 45, 51, 53 or 70.2 of the *Planning Act*, or Section 50 of the *Condominium Act, 1998*, dealing with the provision of any of the municipal services as are set out in this By-law, unless the municipal services to be provided are available to service the land, buildings or structures, as the case may be.

4.16 OPEN STORAGE

4.16.1 No open storage shall be permitted on any lot in any Precinct.

4.17 OUTDOOR PATIOS ASSOCIATED WITH A COMMERCIAL USE

Location

4.17.1 Notwithstanding any other provisions of this By-law, the following shall apply to an outdoor patio associated with a permitted commercial use:

- (a) Where any lot line adjoins lands which are in a Residential Zone, as established in Zoning By-law 75-2006, a 6 m minimum setback from the outdoor patio to the boundary of the Residential Zone is required.
- (b) Notwithstanding the provisions of clause (a), where only the rear lot line adjoins a Residential Zone, as established in Zoning By-law 75-2006, an outdoor patio shall be permitted in the front yard.
- (c) Where the lot adjoins a Residential Zone, as established in Zoning By-law 75-2006, no outdoor patio shall be located above the elevation of the floor of the first storey of the principal building.
- (d) Notwithstanding clause (a), (b) and (c), nothing in this subsection shall prevent an outdoor patio from being located in any yard where the adjoining Residential Zone, as established in Zoning By-law 75-2006, is separated therefrom by a street or laneway.

Town-owned Land

4.17.2 Outdoor Patios on land owned by the Town in the Community Planning Permit Area shall be in accordance with the Town of Saugeen Shores Sidewalk Patio and Sidewalk Café Encroachment Policy.

4.18 PARKING REGULATIONS

Parking Spaces Required

4.18.1 Except as otherwise provided herein, the owner or occupant of any lot, building or structure used or erected for any of the purposes set forth in Section 4.18.2 shall provide and maintain, for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the provisions of this subsection.

Required Number of Parking Spaces

4.18.2 Except where noted otherwise, required parking spaces identified below are expressed in number of spaces per gross floor area.

Use	Minimum Number of Parking Spaces
Mixed Use Building	1 per 5 residential units
Residential Building, Additional Residential Unit	1 space per unit
Residential Building, Apartment	1 space per residential unit; plus 1 space for every 8 residential units, or fraction thereof, to be set aside for and visually identified as visitor parking
Residential Building, Single Detached, Semidetached, Duplex, Townhouse	2 spaces per residential unit, except where: an Additional Residential Unit is provided on the same lot, then 1 space per residential unit (refer separately to Additional Residential Unit parking rate) OR a common visitor parking is provided for a townhouse development, then 1 space per residential unit plus 1 space for every 8 residential units, or fraction thereof, to be set aside for and visually identified as visitor parking
Residential Building, Triplex, Fourplex	1 space per residential unit
Boarding House	1 per bedroom associated with the boarding house
Group Home	1 per building, plus 1 per staff
Home for the Aged	2 per 5 beds
Hotel and Motel	1 per guest room
Nursing Home	1 space per 3 beds

Accessible Parking

4.18.3 Accessible parking spaces shall be included in the number of parking spaces required herein for all uses, and designed for persons with a physical disability in accordance with the provisions of this section:

Accessible Parking Rates

Total Required Parking Spaces	Minimum Accessible Parking Spaces Required
5-25 spaces	1 Accessible Space (minimum)
26-50 spaces	2 Accessible Spaces (minimum)
51-75	3 Accessible Spaces (minimum)
76-100	4 Accessible Spaces (minimum)
101+ spaces	4 Accessible Spaces, plus 2% of total required parking spaces (minimum)

Accessible Parking Design Standards

Minimum Design Standards for Accessible Parking Spaces		
Access Aisle Dimensions	Width	1.5 m
	Length	5.5 m
Accessible Parking Space Dimensions	Width	2.75 m
	Length	5.5 m

4.18.4 Notwithstanding the other provisions of this By-law, parking for the use of persons with disabilities shall be provided in accordance with the Accessibility for Ontarians with Disabilities Act, 2005, and associated regulations. Where these differ from the Municipal by-law, the provisions that provide a higher standard of access shall apply.

4.18.5 Accessible parking spaces shall be clearly marked and labelled.

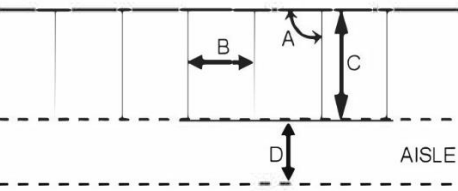
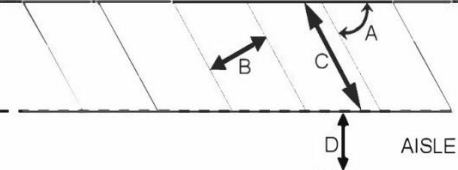
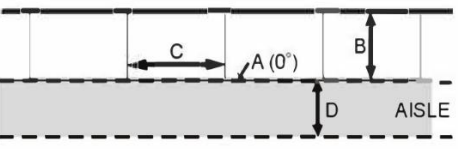
Calculation of Parking Spaces

4.18.6 When a building or lot accommodates more than one use or purpose, the required parking spaces shall be the sum total of the required parking spaces for the separate uses or purposes. Parking facilities for one use shall not be considered as providing required parking for any other uses.

4.18.7 If calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next higher whole number.

Parking Space and Aisle Dimensions

4.18.8 A parking space required hereby shall have the following minimum rectangular dimensions:

	PARKING ANGLE	MINIMUM SPACE WIDTH	MINIMUM SPACE LENGTH	MINIMUM AISLE WIDTH	
	A	B	C	D	(1) 90° PARKING SPACES:
1	90°	2.75 m	5.5 m	6.3 m	
2	60°	2.75 m	6.1 m	5.0 m	(2-4) ANGLED PARKING SPACES:
3	45°	2.75 m	5.8 m	4.5 m	
4	30°	2.75 m	5.1 m	4.0 m	(5) PARKING SPACES PARALLEL TO AISLE:
5	0° (parallel)	2.75 m	6.7 m	3.0 m	

4.18.9 Parking spaces for persons with a physical disability shall be in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005* and its regulations.

4.18.10 Parking spaces shall be provided at the time of erection of any building or structure, at the time any building or structure is enlarged or at the time any change of use occurs.

Timing of Parking Space Provision

4.18.11 Parking spaces shall be provided at the time of erection of any building or structure, at the time any building or structure is enlarged or at the time any change of use occurs.

Location and Access

4.18.12 Parking spaces shall be located on the same lot or within the same building as the use for which said parking is required.

4.18.13 Notwithstanding provision 4.18.10, where the owner of a building or structure proposes to provide the required parking spaces and areas in a location other than on the same lot as the use that requires such spaces and areas, then such parking shall be located not more than 150 m from the said lot. Such parking shall not be considered as required parking for the use of the lands upon which the parking spaces are situated.

- 4.18.14 Should it not be possible to accommodate the required number of parking spaces on site or within 150 m of the site, Council may, if appropriate, require the owner to enter into an agreement under Section 40 of the *Planning Act* for the payment of cash in lieu of parking.
- 4.18.15 Parking spaces shall not be provided on Town-owned land or road allowances, unless they are parking spaces provided by the Town.
- 4.18.16 No parking areas are permitted in the front yard or exterior side yard.
- 4.18.17 Parking areas are permitted within the interior side yard and rear yard, provided that no part of any parking area is located closer than 1 m to any lot line.
- 4.18.18 Access to parking areas shall be provided from a public street, laneway or access easement unless otherwise provided for in a site plan agreement, condominium agreement or registered plan of subdivision agreement.
- 4.18.19 Where present, driveways shall be unobstructed and be provided in accordance with the following:
- (a) Driveway Width (minimum)
 - 3 m for one-way traffic
 - 6 m for two-way traffic
 - (b) Driveway Width (maximum)
 - 7.5 m
- Driveways shall not connect to the street along the front lot line where lot access is possible from a laneway, exterior side street or access easement.
- 4.18.20 Driveways are not permitted along High Street or Goderich Street front lot lines.
- 4.18.21 The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 6 m.
- 4.18.22 The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- 4.18.23 A driveway shall not be located closer than 0.3 m to a lot line, save and except for a joint driveway servicing two lots in which case the driveway shall not require any setback. A joint driveway shall not exceed 12 m.
- 4.18.24 Each required parking space shall be readily accessible at all times for the parking or removal of a vehicle and vehicular access to any such parking space shall not be impeded by any obstruction. This provision shall not apply to prevent the use as a parking space of a part of a driveway accessory to a single detached building, semi-detached building, duplex building, townhouse building, triplex building or fourplex

building provided that no parking space shall obstruct access to a parking area on any other lot or for any other unit.

4.18.25 Nothing in this By-law shall prevent the erection of a shelter for use solely by parking attendants or security personnel in any part of a parking area, except within a sight visibility triangle, provided such shelter is not more than 4.5 m in height and has a floor area of not more than 5 m².

4.18.26 The minimum driveway entrance separation shall be 22.5 metres on a lot.

Addition to Existing Use

4.18.27 When a building or structure has insufficient parking on the date of passing of this By-law to conform to the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition. In the case of the expansion or enlargement of an existing building or structure, the requirement for the provision of additional parking spaces shall be based on said expansion or enlargement. In the case of a change in use, the number of parking spaces required will be determined by calculating the difference between that which would be required by the new and the existing uses.

Surfacing and Drainage of Parking Areas and Access Lanes

4.18.28 Surfacing and drainage of parking areas requirements shall be in accordance with the Town of Saugeen Shores development standards.

Illumination of Parking Areas or Driveways

4.18.29 Illumination of parking areas and driveways shall be in accordance with the Town of Saugeen Shores development standards.

Bicycle Parking

4.18.30 The minimum number of parking spaces for bicycles, in addition to the required vehicle parking, must be provided as set out in the following table:

Use	Minimum Bicycle Parking Spaces
Residential Uses	For buildings with 12 or more residential units, 0.75 long-term bicycle parking space per residential unit
Commercial and Retail Uses	For buildings with more than 500 m ² of commercial and retail uses, 3 short-term bicycle parking spaces, plus 0.3 spaces for every 100 m ² of gross floor area

All other non-residential uses	For buildings with more than 500 m ² of other non-residential uses, 2 spaces, plus 0.3 spaces for every 100 m ² of gross floor area
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4.18.31 A bicycle parking space must be on the same lot as the use for which it is required

4.18.32 If a lot contains more than one use, the required number of bicycle parking spaces is the sum of all bicycle parking spaces required for each use.

Bicycle Parking Space Design Standards

4.18.33 A bicycle parking space shall be a minimum of 1.8 m in length and 0.6 m in width, with minimum overhead clearance of 2 m from the ground. Where a long-term bicycle parking space provides for the storage of a bicycle in a vertical position, then the minimum length may be reduced to 1.2 m.

4.18.34 All bicycle parking racks, and bicycle lockers, must be secured to the ground, floor, or wall.

4.18.35 All long-term bicycle parking shall be located in a secure interior location with easy accessibility to the outside.

4.19 PUBLIC USES

Services and Utilities

4.19.1 Nothing contained in this By-law shall prevent the Corporation, any telephone or telegraph company, any cable T.V. company, any natural gas company, any transportation system owned or operated by or for the Corporation, any Department of the Federal or County Government, or Ministry of the Provincial Government, a local hydro- electric service provider, any railway company and any local or County Board or Commission from installing a watermain, sanitary sewer main, pumping station, storm sewer main, gas main, electric power facilities, pipeline or overhead or underground hydro, cable T.V. service, telephone line, or other communications lines, road or street and any required accessory service buildings, provided that the location of any accessory building conforms to all yard, lot coverage and height restrictions of the Precinct in which it is located. Any municipally owned and operated sewage and/or water pumping station may be erected within 0.5 m of the front lot line and may be exempt from the lot coverage provisions of the Precinct in which it is located. Notwithstanding the generality of the foregoing, municipal approval does not apply to any undertaking that has been approved under the *Environmental Assessment Act, R.S.O. 1990*.

4.19.2 Any electric power facilities, Public Utilities Commission of the Town of Saugeen Shores facilities, a local hydro-electric service provider and any receiving or transmitting tower

and facilities of any radio or television station existing on the date of passing of this By-law are permitted.

4.19.3 Notwithstanding provision 4.19.1, the erection of any building or structure designed for the use of office, storage or other uses, the construction or erection of transmission towers, and the use of land for outside storage, by the Corporation, any local or County Board or Commission, or Corporation, any telephone or telegraph company, any transportation system owned or operated by or for the Corporation, any Department of the Federal, Provincial or County Government, a local hydro electric service provider, any cable T.V. or communications company, any natural gas company and any railway company must conform to the provisions of this By-law. This requirement shall not apply to any electric power facility of an electric utility licensed by the Ontario Energy Board and any works approved under the *Environmental Assessment Act*.

Institutional Uses

4.19.4 The provisions of this By-law shall not apply to prevent the use of any land or the erection or use of any building or structure for the purpose of public service by the Corporation of the Town of Saugeen Shores, the County of Bruce, or by any local board as defined in the *Municipal Affairs Act, R.S.O. 1990*, a Conservation Authority, any Department or Ministry of the Government of Canada or Ontario, provided that any lot used in any Precinct as a public park or for an existing cemetery, an existing place of worship or any existing public building, structure or use, including, but not so as to limit the generality of the foregoing, a municipal office building, a community centre or other public auditorium, and a public works garage, shall be in accordance with the General Provisions of this By-law set out in Section 4 hereof and with the regulations for Institutional Precincts set out in Section 7 of this Bylaw.

Streets and Installations

4.19.5 Nothing in this By-law shall apply to prevent the use of land for a public street and related traffic signals, signage and street lighting, or to prevent the construction, installation, operation and maintenance of water and gas pipes and mains, sanitary and storm sewers, pipes and mains, electrical transmission and distribution lines, cables and conduits, telephone and television lines.

4.20 SIGHT VISIBILITY TRIANGLES

4.20.1 In all Precincts, on a corner lot, no buildings, structures or plantings shall be erected in such a manner as to materially impede vision of the intersection between a height of 0.5 m and 3 m above the centre line grade of the intersecting street in the triangular area bounded by the street lines of the corner lot and a line from the points along said street lines within 10 m from the point of intersection of said street lines in the case of a corner lot abutting a municipal street.

4.21 SIGNS

4.21.1 The erection, installation, or alteration of all signs on private property shall be regulated by the Town of Saugeen Shores Sign By-law.

4.22 SWIMMING POOLS

Private Open Swimming Pools

4.22.1 Notwithstanding any other provision of this By-law to the contrary, the following provisions shall apply with respect to the erection or use of any private open swimming pool not located within a building:

- (a) No private open swimming pools or related structures shall be permitted anywhere within the Community Planning Permit Area except:
 - i. in an interior side yard or rear yard on a lot containing a permitted residential use; or
 - ii. in any yard other than a required yard on a lot containing a permitted hotel, motel or private club.
- (b) No interior wall surface of any open swimming pool, nor any related structure other than a fence, shall be located closer than 1.5 m to any lot line or closer to any street than the setback required therefrom.
- (c) No water circulating or treatment equipment such as pumps or filters or any accessory building or structure containing such equipment, shall be located closer than 1 m to any lot line.
- (d) No part of any open swimming pool shall be greater than 2 m in height, exclusive of related structures which shall not exceed 5 m in height. For the purpose of this subsection of the By-law, related structures include hot tubs, saunas, pump houses and changerooms.
- (e) The owner of every privately owned outdoor swimming pool shall erect and maintain a fence completely enclosing the pool, which fence shall conform to the specification of the applicable Municipal swimming pool by-law.

Lot Coverage Exemption

4.22.2 Notwithstanding any other provisions of this By-law to the contrary, no open swimming pools, decks or any other related structures shall be considered part of the lot coverage of a lot, but where a swimming pool is enclosed within a building or where a structure appurtenant to a swimming pool constitutes a building as defined herein, such building shall comply with any lot coverage requirements set out herein for the Precinct in which such building is located, but shall be exempt from the lot coverage requirements for accessory uses set out in section 4.1 hereof.

Indoor Swimming Pools

4.22.3 Any swimming pool located within a building as defined herein shall comply with the provisions for accessory uses set out in section 4.1 hereof, where such swimming pool is located within an accessory building, or with the Precinct requirements set out herein for the Precinct in which such swimming pool is located, where such swimming pool is located within a main building. For the purposes of this section, “building” shall include an air supported structure.

Public Swimming Pools

4.22.4 Any public swimming pool and any related buildings or structures shall comply with the Precinct requirements set out herein for the Precinct in which such swimming pool is located.

Compliance with Swimming Pool By-laws

4.22.5 All swimming pools shall comply with any by-laws of the Municipality specifically regulating swimming pools.

4.23 TEMPORARY STRUCTURES

4.23.1 Nothing contained in this By-law shall prevent the use of any part, other than a sight visibility triangle, of any lot in any Precinct for the erection or location of a legal temporary sign, the excavation of soil or earth or the erection or use of any temporary buildings or structures incidental to building construction on the same lot, or work relating to a public utility or street, including, but not so as to limit the generality of the foregoing, a construction trailer, a tool shed or a scaffold, but only for so long as such building or structure is necessary for the work in progress and until the work is completed or abandoned, and only while a valid building permit for the said construction remains in force, where applicable and in accordance with the Municipality’s Sign By-law.

4.24 TRANSPARENCY

Transparency is measured as a percentage calculated as the sum of all façade area meeting the measurement requirements for transparency, divided by the total applicable façade area.

4.24.1 No building shall be constructed with a level of transparency less than that established by the Precinct for its street-facing façades. Street-facing façades shall not be interpreted to refer to laneways.

4.24.2 The following general provisions shall apply for measuring transparency:

- (a) For the purpose of calculating transparency for each storey, façade area is measured between the top of the finished floor to the top of the finished floor above. When there is no storey above, it is measured to the bottom of the roof structure above.
- (b) Transparency requirements may be met by windows or doors, so long as they are made from glass that allows a minimum of 60% light transference.
- (c) Muntins, mullions, window sashes, window and door frames, or window and door trim that are integral to window and door assemblies that are less than 20 cm wide may be considered transparent when calculating required percentages.
- (d) Windows and doors used to meet the transparency requirements may be temporarily covered by operable window treatments, such as curtains or blinds.
- (e) Windows and doors obscured by fixed exterior façade screens may count toward transparent area, provided no more than 25% of the total transparent area is covered for any individual window or door opening counting toward transparent area.
- (f) Interior walls and other permanent interior visual obstructions cannot be located within 2 m of the window or door opening used to meet the transparency requirement.

4.24.3 For measurement of ground storey transparency, the following provisions shall apply:

- (a) Ground storey windows and doors obscured by interior security gates, window signs, and window displays located less than 1.5 m from the window opening may count toward transparent area, provided no more than 25% of the total transparent area is covered for any individual window or door opening counting toward transparent area.
- (b) No portion of a ground storey located below finished grade is included in ground storey façade area.

4.24.4 For upper storeys, transparency is measured separately for each individual storey of a building façade above the ground storey.

4.25 USES PROHIBITED IN ALL PRECINCTS

4.25.1 All uses specifically not identified within each Community Planning Permit Area are not permitted. A defined use that is not listed as permitted for a specific property may be contemplated for through a Class 3 Permit approval process. An amendment to this By-law shall be required where a proposed development introduces a use that is not defined by the By-law.

4.25.2 No use shall be permitted within the Community Planning Permit Area which, from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture.

4.25.3 Except as specifically permitted in this By-law, the following uses are prohibited:

- (a) an occupied vehicle for human habitation;

- (b) the keeping or raising of any livestock or poultry, including a kennel, on any lot or in any building or structure except as provided in By-law 42-2017. This provision shall not prevent the keeping of up to three of any type of domestic household pets such as dogs, cats, gerbils, birds, etc.

4.26 WIDTH

4.26.1 No building shall be constructed with an unbroken width exceeding that established by the Precinct.

4.26.2 The following general provisions shall apply for measuring building width:

- (a) Building width requirements apply to all street-facing building façades.
- (b) Two buildings exceeding the maximum width can abut one another provided that they have no shared components and are structurally independent from one another.
- (c) Building width is measured horizontally and parallel to each front lot line or exterior side lot line from one end of a building to the opposite end.

4.26.3 A building façade broken by a courtyard or other inset open space meeting the following standards may be used to establish a continuous structure as effectively constituting two separate buildings for the purpose of meeting a maximum building width requirement:

- (a) A maximum of one open space exception is allowed for each building.
- (b) The width of the open space must be no less than 25% the width of the widest adjacent building width provided.
- (c) The depth of the open space must be at least equal to the width of the open space or 10m, whichever is less.

4.27 YARDS & BUILD-TO REQUIREMENTS

4.27.1 No building shall be set back closer to or further from its property line than established by the yard requirements established for each Precinct, except as outlined below.

4.27.2 Where the Precinct applies only a minimum yard standard, the building may be set back anywhere beyond that point.

4.27.3 Where the Precinct establishes a minimum and maximum yard, the space between the two is referred to as the built-to area. The built-to area is calculated separately along each street lot line where a build-to requirement is applicable.

4.27.4 The build-to requirement is measured as the percentage of the lot width occupied by a building façade in the build-to area.

4.27.5 Build-to requirements shall be applied as follows:

- (a) No building or portion of a building façade can be located outside of the build-to area, until the build-to requirement for the lot, as specified for the Precinct, has been met.
- (b) Once the minimum build-to requirement has been met, buildings and structures may be set back beyond the maximum yard.
- (c) On corner lots where both streets have build-to requirements, the building must occupy the built-to areas for the lot lines of both streets.
- (d) Where driveway access is allowed from the street, as per the provisions of this By-law, and providing access prevents a building from meeting the built-to requirement, a reduced built-to percentage may be allowed by the Town.

4.27.6 Except as otherwise provided, no obstruction or occupation of the space in any yard required by this By-law shall be permitted except the following:

- (a) Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters, bay windows and other ornamental architectural features may project into any required yard, but not more than 0.6 m provided any encroachment into the required side yard maintains a minimum side yard of 0.6 m.
- (b) Unenclosed porches, unenclosed decks, sundeck patios and awnings may project into a required front, side or rear yard but not more than 3.0 m provided any encroachment into the required side yard or rear yard maintains a minimum setback of 1 m from any lot line. No patio, unenclosed deck or unenclosed porch shall exceed 50% of the gross floor area of the residential unit for which the patio, unenclosed deck or unenclosed porch is provided. Covered and uncovered steps may encroach an additional 1.5 m and must maintain a minimum 1 m setback from all lot lines.
- (c) Open steel fire escapes may project into any required side or rear yard but not more than 1.5 m provided any encroachment into the required side yard maintains a minimum side yard of 1 m.
- (d) Balconies may project into any required yard but not more than 1 m provided any encroachment into the required side yard maintains a minimum side yard of 1 m.
- (e) Awnings, flag poles, garden trellises, fences, and retaining walls shall be permitted in a required yard, but not closer than 7.5 m from the centre line of a public street.
- (f) Clothes poles, satellite dishes and recreational equipment and similar accessories to a residential unit shall only be permitted in the interior side and rear yards, provided any encroachment into the required side yard maintains a minimum side yard of 1 m. Any satellite dish greater than 0.75 m in diameter shall be subject to the minimum yard requirements for the principal building on the lot. There are no encroachment limitations for generators and air conditioners.
- (g) Any ramp, railing, or other feature or structure that is to be installed for the purposes of improving or addressing the accessibility for persons with a disability of any building or structure shall be permitted to encroach into any required yard and may provide a 0 m setback from any lot line.

SECTION 5 – MAIN STREET PRECINCTS

5.1 INTENT

5.2.1 The Port Elgin Main Street Precinct (PM) and Southampton Main Street Precinct (SM) are intended to support moderate intensification of the Town's Core Commercial Areas in a manner compatible with community character, while reinforcing the retail and commercial uses which contribute to their roles as downtowns with vibrant and animated streets.

5.2 MAIN STREET PRECINCT – USES

5.2.1 No person shall within the Port Elgin Main Street Precinct (PM) or Southampton Main Street Precinct (SM) use any lot or erect, alter or use any building for any purpose except for one or more of the permitted uses, as indicated by a “P” in Tables 5-1 and 5-2. Where the “P” is qualified by a number in brackets, requirements specific to that use apply and are indicated as notes to the tables.

Table 5-1 – Permitted Uses – Non-Residential

Use	PM	SM
Art gallery	P	P
Assembly hall	P	P
Bed and Breakfast Establishment	P (1)	P (1)
Bake shop	P	P
Caterer's establishment	P	P
Child care centre	P	P
Dry cleaning distribution outlet	P	P
Duplicating establishment	P	P
Financial establishment	P	P
Funeral home	P	P
Health care clinic	P	P
Hotel	P	P
Laundromat	P	P
Library	P	P
Museum	P	P
Office	P	P
Parking lot	P	P
Personal service shop	P	P
Place of entertainment	P	P
Post Office	P	P
Printing establishment	P	P
Private club	P	P
Restaurant, excluding a drive-through restaurant	P	P
Retail store	P	P

Home based child care	P (2)	P (2)
Unlicensed child care	P (2)	P (2)

Table 5-2 – Permitted Uses – Residential

Use	PM	SM
Residential unit	P	P
Single detached building		P
Semi-detached building		P
Duplex building		P
Triplex building		P
Fourplex building		P
Additional residential unit	P (3)	P
Street townhouse building		P
Townhouse building		P
Apartment building		P

Notes:

- (1) Limited to legally existing single detached buildings.
- (2) Limited to legally existing single detached and semi-detached buildings.
- (3) Additional Residential Units are permitted in legally non-conforming uses, subject to the provisions of Section 4.2.

5.3 PORT ELGIN MAIN STREET PRECINCT – REGULATIONS

5.3.1 The regulations identified in Table 5-3 shall apply to the Port Elgin Main Street Precinct (PM).

5.3.2 For further clarity, requirements are the base regulation, the meeting of which would allow an application to be exempt from the requirement for a Community Planning Permit, as per provision 1.9.1, or require a Class 1 Permit. Class 2 Permit variations are variations from the base regulation that shall require a Class 2 Permit. Class 3 Permit variations establish thresholds beyond which a Class 3 Permit shall be required, unless the variation is deemed to be minor in nature given context, in which case the application will require a Class 2 Permit.

Table 5-3 – PM Precinct Regulations

Standard	Requirement	Class 2 Permit variation	Class 3 Permit variation
Lot			
Building Coverage (maximum)	75%	None	Greater than 75%

Landscaped Area (minimum)	15%	None	Less than 15%
Building Setbacks			
Front Yard Setback (minimum/maximum)	0 m / 2 m	0.5 m	Greater than 2.5 m
Exterior side yard setback (minimum/maximum)	0 m / 2 m	0.5 m	Greater than 2.5 m
Interior Side Yard Setback (minimum)	0 m	N/A	N/A
Rear Yard Setback (minimum)	6 m	0.5 m	Less than 5.5 m
Build-to			
Front Build-to (minimum)	80%	10%	Less than 70%
Exterior Side Build-to (minimum)	40%	10%	Less than 30%
Massing			
Building Height (maximum)	14 m	Minor variation to permit up to 4 storeys	Variation to permit greater than 4 storeys
Building Width (maximum)	50 m	5 m	Greater than 55 m
Ground Storey Height (minimum/maximum)	4 m / 5 m	None	Less than 4m or greater than 5 m
Finished Floor Elevation (maximum)	0.5m	0.25 m	Greater than 0.75 m
Transparency			
Ground Storey (minimum)			
Front Façade	50%	5%	Less than 45%
Exterior Side Façade	25%	5%	Less than 20%

Upper Storeys (minimum)			
Front Façade	15%	5%	Less than 10%
Exterior Side Façade	15%	5%	Less than 10%
Entrances			
Street-facing Entrance Spacing, Front Façade (maximum)	10 m	2 m	Greater than 12 m

5.4 SOUTHAMPTON MAIN STREET PRECINCT – REGULATIONS

5.4.1 The regulations identified in Table 5-4 shall apply to the Southampton Main Street Precinct (SM).

5.4.2 For further clarity, requirements are the base regulation, the meeting of which would allow an application to be exempt from the requirement for a Community Planning Permit, as per provision 1.9.1, or require a Class 1 Permit. Class 2 Permit variations are variations from the base regulation that shall require a Class 2 Permit. Class 3 Permit variations establish thresholds beyond which a Class 3 Permit shall be required, unless the variation is deemed to be minor in nature given context, in which case the application will require a Class 2 Permit.

Table 5-4 – SM Precinct Regulations

Standard	Requirement	Class 2 Permit variation	Class 3 Permit variation
Lot			
Building Coverage (maximum)	75%	None	Greater than 75%
Landscaped Area (minimum)	15%	None	Less than 15%
Yard Setbacks			
Front Yard Setback (minimum/maximum)	0 m / 1 m	0.5 m	Greater than 1.5 m
Exterior Side Yard Setback (minimum/maximum)	0 m / 1 m	0.5 m	Greater than 1.5 m

Interior Side Yard Setback (minimum)	0 m	N/A	N/A
Rear Yard Setback (minimum)	6 m	0.5 m	Less than 5.5 m
Build-to			
Front Build-to (minimum)	80%	10%	Less than 70%
Exterior Side Build-to (minimum)	40%	10%	Less than 30%
Massing			
Building Height (maximum)	10 m	Minor variation to permit up to 3 storeys	Variation to permit greater than 3 storeys
Building Width (maximum)	50 m	5 m	Greater than 55 m
Ground Storey Height (minimum/maximum)	3.5 m / 5 m	None	Less than 3.5 m or greater than 5 m
Finished Floor Elevation (maximum)	0.5m	0.25 m	Greater than 0.75 m
Transparency			
Ground Storey (minimum)			
Front Façade	50%	5%	Less than 45%
Exterior Side Façade	25%	5%	Less than 20%
Upper Storeys (minimum)			
Front Façade	15%	5%	Less than 10%
Exterior Side Façade	15%	5%	Less than 10%
Entrances			
Street-facing Entrance Spacing, Front Façade (maximum)	10 m	2 m	Greater than 12 m

5.5 ADDITIONAL PROVISIONS

Residential Units

- 5.5.1 Residential units are only permitted as part of a building containing predominantly non-residential uses on the ground storey.
- 5.5.2 The residential unit(s) shall be located behind a non-residential use on the ground storey or entirely above the ground storey of the building, with the exception of the entrance or entrances to the residential unit(s).
- 5.5.3 A minimum depth of 10 m measured inward from the building main wall closest to its front lot line shall be occupied by non-residential uses, with the exception of the entrance or entrances to residential uses.
- 5.5.4 Above grade parking structure is prohibited to locate in the ground storey of a building within the first 10 m of the depth of the building measured inward from the building main wall closest to its front lot line.

Landscaped Open Space

- 5.5.5 Requirements for landscaped open space may be achieved through a green roof.

Food Trucks

- 5.5.6 Food Trucks shall be permitted in a lot in the PM Precinct, subject to the following regulations:
 - (a) are only permitted in the PM Precinct on lots that do not have any non-residential vacancies;
 - (b) cannot occupy more than 25 m², including any space for serving, lineups, signage, etc.;
 - (c) for the purposes of special events approved by the Town of Saugeen Shores.

SECTION 6 – TRANSITION PRECINCT

6.1 INTENT

6.1.1 The Transition Precinct (T) is intended to support moderate intensification in the outer parts of the Port Elgin and Southampton Core Commercial Areas, transitioning between the Main Street Precincts and surrounding neighborhoods. Change will align with community character and reference existing built form patterns and typologies while also permitting intensification.

6.2 TRANSITION PRECINCT – USES

6.2.1 No person shall within the Transition Precinct (T) use any lot or erect, alter or use any building for any purpose except for one or more of the permitted uses, as indicated by a “P” in Tables 6-1 and 6-2. Where the “P” is qualified by a number in brackets, requirements specific to that use apply and are indicated as notes to the tables.

Table 6-1 – Permitted Uses – Non-Residential

Use	T
Art gallery	P
Assembly hall	P
Bake shop	P
Bed and Breakfast Establishment	P
Caterer’s establishment	P
Child care centre	P
Dry cleaner’s distribution outlet	P
Duplicating establishment	P
Financial establishment	P
Funeral home	P
Health care clinic	P
Hotel	P
Laundromat	P
Library	P
Museum	P
Office	P
Parking lot	P
Personal service shop	P
Place of entertainment	P
Post Office	P
Printing establishment	P
Private club	P
Restaurant, excluding a drive- through restaurant	P
Retail store	P

Home based child care	P (1)
Unlicensed child care	P (1)

Table 6-2 – Permitted Uses – Residential

Use	T
Residential unit	P
Single detached building	P
Semi-detached building	P
Duplex building	P
Triplex building	P
Fourplex building	P
Additional residential unit	P
Street townhouse building	P
Townhouse building	P
Apartment building	P

Notes:

(1) Limited to legally existing single detached and semi-detached buildings.

6.3 TRANSITION PRECINCT – REGULATIONS

6.3.1 The regulations identified in Table 6-3 shall apply to the Transition Precinct.

6.3.2 For further clarity, requirements are the base regulation, the meeting of which would allow an application to be exempt from the requirement for a Community Planning Permit, as per provision 1.9.1, or require a Class 1 Permit. Class 2 Permit variations are variations from the base regulation that shall require a Class 2 Permit. Class 3 Permit variations establish thresholds beyond which a Class 3 Permit shall be required, unless the variation is deemed to be minor in nature given context, in which case the application will require a Class 2 Permit.

Table 6-3 – T Precinct Regulations

Standard	Requirement	Class 2 Permit variation	Class 3 Permit variation
Lot			
Building Coverage (maximum)	50%	None	Greater than 50%
Landscaped Area (minimum)	25%	None	Less than 25%

Yard Setbacks			
Front Yard Setback (minimum/maximum)	3 m / 6 m	0.5 m	Less than 2.5 m and greater than 6.5
Exterior Side Yard Setback (minimum/maximum)	3 m / 6 m	0.5 m	Less than 2.5 m and greater than 6.5
Interior Side Yard Setback (minimum)	1 m (townhouses excepted)	0.5 m	Less than 0.5 m
Rear Yard Setback (minimum)	7.5 m	0.5 m	Less than 7 m
Build-to			
Front Build-to (minimum)	60%	10%	Less than 50%
Exterior Side Build-to (minimum)	30%	10%	Less than 20%
Massing			
Building Height (maximum)	10 m	Minor variation to permit up to 3 storeys	Variation to permit greater than 3 storeys
Building Width (maximum)	50 m	5 m	Greater than 55 m
Ground Storey Height (minimum/maximum)	3 m / 4 m	None	Less than 3 m or greater than 4 m
Finished Floor Elevation (maximum)	1.5 m	0.25 m	Greater than 1.75 m
Entrances			
Street-facing Entrance Spacing, Front Façade (maximum)	20m	2 m	Greater than 22 m

SECTION 7 – INSTITUTIONAL PRECINCT

7.1 INTENT

7.1.1 The Institutional Precinct (I) is intended to support the presence and activities of a variety of organizations and associations with charitable, educational, religious or benevolent objectives and whose activities are carried out not for profit or gain. Institutional uses often contribute to the cultural and built heritage of the Saugeen Shores community.

7.2 INSTITUTIONAL PRECINCT – USES

7.2.1 No person shall within the Institutional Precinct (I) use any lot or erect, alter or use any building for any purpose except for one or more of the permitted uses, as indicated by a “P” in Tables 7-1 and 7-2. Where the “P” is qualified by a number in brackets, requirements specific to that use apply and are indicated as notes to the tables.

Table 7-1 – Permitted Uses – Non-Residential

Use	I
Assembly hall	P
Cemetery	P
Community centre	P
Child care centre	P
Funeral home	P
Health care clinic	P
Institutional use	P
Museum	P
Place of worship	P
Public buildings and uses	P
Private club	P
Public park	P
School	P
School, commercial	P
Home based child care	P (1)
Unlicensed child care	P (1)
Small-scale commercial office (rental)	P

Table 7-2 – Permitted Uses – Residential

Use	I
Continuum-of-care facility	P
Group home type 2	P
Home for the aged	P
Nursing home	P
Retirement home	P

Notes:

- (1) Limited to legally existing single detached and semi- detached buildings.

7.3 INSTITUTIONAL PRECINCT – REGULATIONS

7.3.1 The regulations identified in Table 7-3 shall apply to the Institutional Precinct.

7.3.2 For further clarity, requirements are the base regulation, the meeting of which would allow an application to be exempt from the requirement for a Community Planning Permit, as per provision 1.9.1, or require a Class 1 Permit. Class 2 Permit variations are variations from the base regulation that shall require a Class 2 Permit. Class 3 Permit variations establish thresholds beyond which a Class 3 Permit shall be required, unless the variation is deemed to be minor in nature given context, in which case the application will require a Class 2 Permit.

Table 7-3 – I Precinct Regulations

Standard	Requirement	Class 2 Permit variation	Class 3 Permit variation
Lot			
Building Coverage (maximum)	30%	None	Greater than 30%
Landscaped Area (minimum)	25%	None	Less than 25%
Yard Setbacks			
Front Yard Setback (minimum)	3 m	0.5 m	Less than 2.5 m
Exterior Side Yard Setback (minimum)	3 m	0.5 m	Less than 2.5 m
Interior Side Yard Setback (minimum)	1 m	0.5 m	Less than 0.5 m
Rear Yard Setback (minimum)	6 m	0.5 m	Less than 5.5 m
Massing			
Building Height (maximum)	15 m	None	Greater than 15 m

Building Width (maximum)	50 m	5 m	Greater than 55 m
Entrances			
Street-facing Entrance Spacing, Front Façade (maximum)	20m	2 m	Greater than 22 m

7.4 ADDITIONAL PROVISIONS

Community Events

- 7.4.1 Community events and special events may be permitted in the Institutional (I) Precinct from time to time, provided such event has been licensed or authorized by the Town of Saugeen Shores.

SECTION 8 – OPEN SPACE PRECINCT

8.1 INTENT

8.1.1 The Open Space Precinct (O) is intended to contribute to the quality of life in Saugeen Shores by providing opportunities for all ages for active and passive recreation. Lands within this precinct also serve as outdoor venues for social, cultural, interpretive and other activities and community events and provide for the protection of lands which contribute to scenic vistas or have important natural qualities.

8.2 OPEN SPACE PRECINCT – USES

8.2.1 No person shall within the Open Space Precinct (O) use any lot or erect, alter or use any building for any purpose except for one or more of the permitted uses, as indicated by a “P” in Tables 8-1.

Table 8-1 – Permitted Uses

Use	O
Open space	P
Public park	P

8.3 OPEN SPACE PRECINCT – REGULATIONS

8.3.1 The regulations identified in Table 8-2 shall apply to the Open Space Precinct.

8.3.2 For further clarity, requirements are the base regulation, the meeting of which would allow an application to be exempt from the requirement for a Community Planning Permit, as per provision 1.9.1, or require a Class 1 Permit. Class 2 Permit variations are variations from the base regulation that shall require a Class 2 Permit. Class 3 Permit variations establish thresholds beyond which a Class 3 Permit shall be required, unless the variation is deemed to be minor in nature given context, in which case the application will require a Class 2 Permit.

Table 8-2 – O Precinct Regulations

Standard	Requirement	Class 2 Permit variation	Class 3 Permit variation
Lot			
Building Coverage (maximum)	10%	None	Greater than 10%
Yard Setbacks			
Front Yard Setback (minimum)	3m	0.5 m	Less than 2.5 m
Exterior Side Yard Setback (minimum)	3m	0.5 m	Less than 2.5 m
Interior Side Yard Setback (minimum)	3m	0.5 m	Less than 2.5 m
Rear Yard Setback (minimum)	3m	0.5 m	Less than 2.5 m
Massing			
Building Height (maximum)	10 m	None	Greater than 10m

SECTION 9 – SITE-SPECIFIC PROVISIONS

The Site-Specific Provisions section of the By-law provides regulations which apply to specific sites, as identified on Schedules B1 and B2 of this By-law.

9.1 TRANSITION (T) PRECINCT

T-1

9.1.1 Notwithstanding the provisions of this By-law, those lands delineated as 'T-1' on Schedule B1 to this By-Law may be used in accordance with the permitted uses and the regulations of the 'T' Precinct contained in this By-Law, excepting however that:

- (a) The minimum lot area shall be no less than 1,300 m²;
- (b) The maximum density shall be no greater than 100 units per gross ha;
- (c) The minimum lot frontage shall be no less than 19.2 m;
- (d) The minimum front yard setback shall be no less than 3.03 m to the existing building, and 1.81 m to the existing balcony;
- (e) The minimum north side yard setback shall be no closer than 0.03 at the NW corner of the existing building, and 0.08 m at the NE corner of the existing building;
- (f) That the minimum aisle width for 45-degree angle parking shall be no less than 4.58 m;
- (g) That the minimum number of parking spaces shall be 14;
- (h) That the minimum landscaped open space shall be no less than 23%;
- (i) The lands are subject to a Community Planning Permit.

9.1.2 To ensure the orderly development of lands and the adequate provision of municipal services, for those lands delineated as 'T-1' on Schedule B1 to this By-Law, a Subdivision Agreement or Community Planning Permit Agreement shall be entered into with the Corporation for the subject lands.

T-2

9.1.3 Notwithstanding the provisions of this By-law, the permitted uses on lands identified as 'T-2' on Schedule B1 to this By-law are limited to the following:

- (a) bakery;
- (b) business or professional offices;
- (c) health care clinic;
- (d) personal service shop;
- (e) post office;
- (f) printing establishment;
- (g) professional office;
- (h) restaurant;
- (i) specialty shop;

- (j) home occupation within the detached dwelling existing as of September 10, 2001, subject to section 3.12;
- (k) bed and breakfast within a detached dwelling existing as of September 10, 2001, subject to section 3.4

9.1.4 Notwithstanding the provisions of this By-law, the following regulations shall apply to lands identified as 'T-2' on Schedule B2 to this Bylaw:

- (a) The minimum side yard width shall be 1.46 m;
- (b) The maximum lot coverage shall be 35%;
- (c) The minimum front yard depth shall be 4.75 m;
- (d) The commercial unit must be setback a minimum of 1.46 m from the nearest Residential Zone boundary;
- (e) A planting strip having a minimum width of 0.533 m shall be provided along the westerly lot line.

T-3

9.1.5 Notwithstanding the provisions of this By-law, on lands identified as 'T-3' on Schedule B2 to this By-law, the minimum interior side yard setback shall be 5.5 m and the minimum exterior side yard setback shall be 7.3 m.

T-4

9.1.6 Notwithstanding the provisions of this By-law, those lands delineated as 'T-4' on Schedule B2 to this By-Law may be used in accordance with the permitted uses and the regulations of the 'T' Precinct contained in this By-Law, excepting however that:

- (a) The lot coverage for any townhouse unit shall not exceed 41%;
- (b) If lots are created permitting the construction of individual street townhouse dwelling units, the maximum lot coverage shall not exceed 51.9% for any interior townhouse dwelling unit and 39.1% for any exterior townhouse dwelling unit abutting two residential lots;
- (c) The minimum lot area shall be no less than 237.8 m²;
- (d) The minimum front yard setback shall be no less than 5.18 m;
- (e) The minimum exterior side yard setback shall be no less than 4.72 m;
- (f) The minimum rear yard setback shall be no less than 6.2 m;

T-5

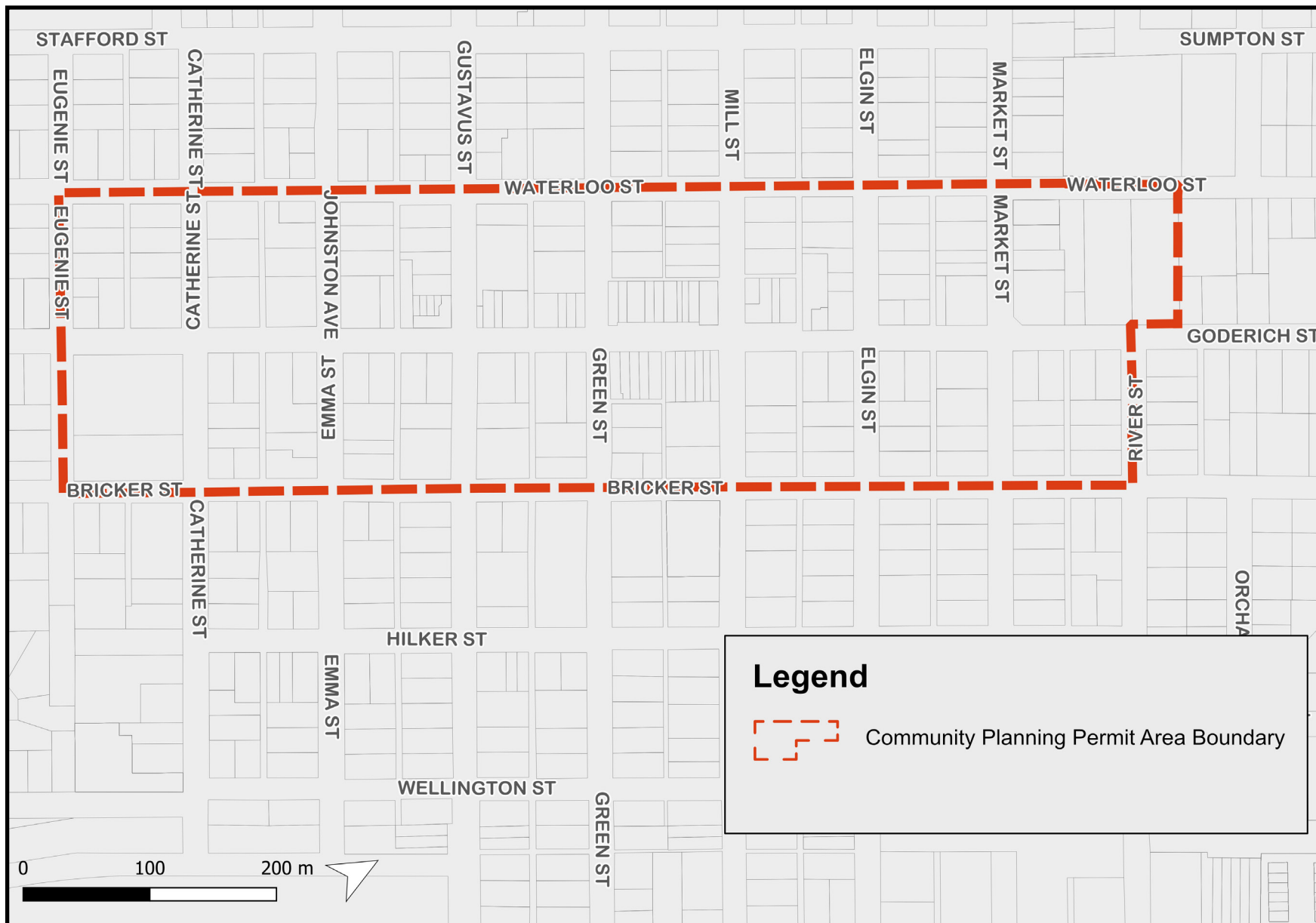
9.1.7 Notwithstanding the provisions of this By-law, those lands delineated as 'T-5' on Schedule B2 to this By-Law may be used in accordance with the permitted uses and the regulations of the 'T' Precinct contained in this By-Law, excepting however that:

- (a) The permitted use shall be limited to a duplex dwelling; the maximum number of dwelling units shall be no greater than 2;
- (b) The minimum lot frontage shall be no less than 9.2 m;

- (c) The minimum front yard setback shall be no less than 21.336 m.

T-6

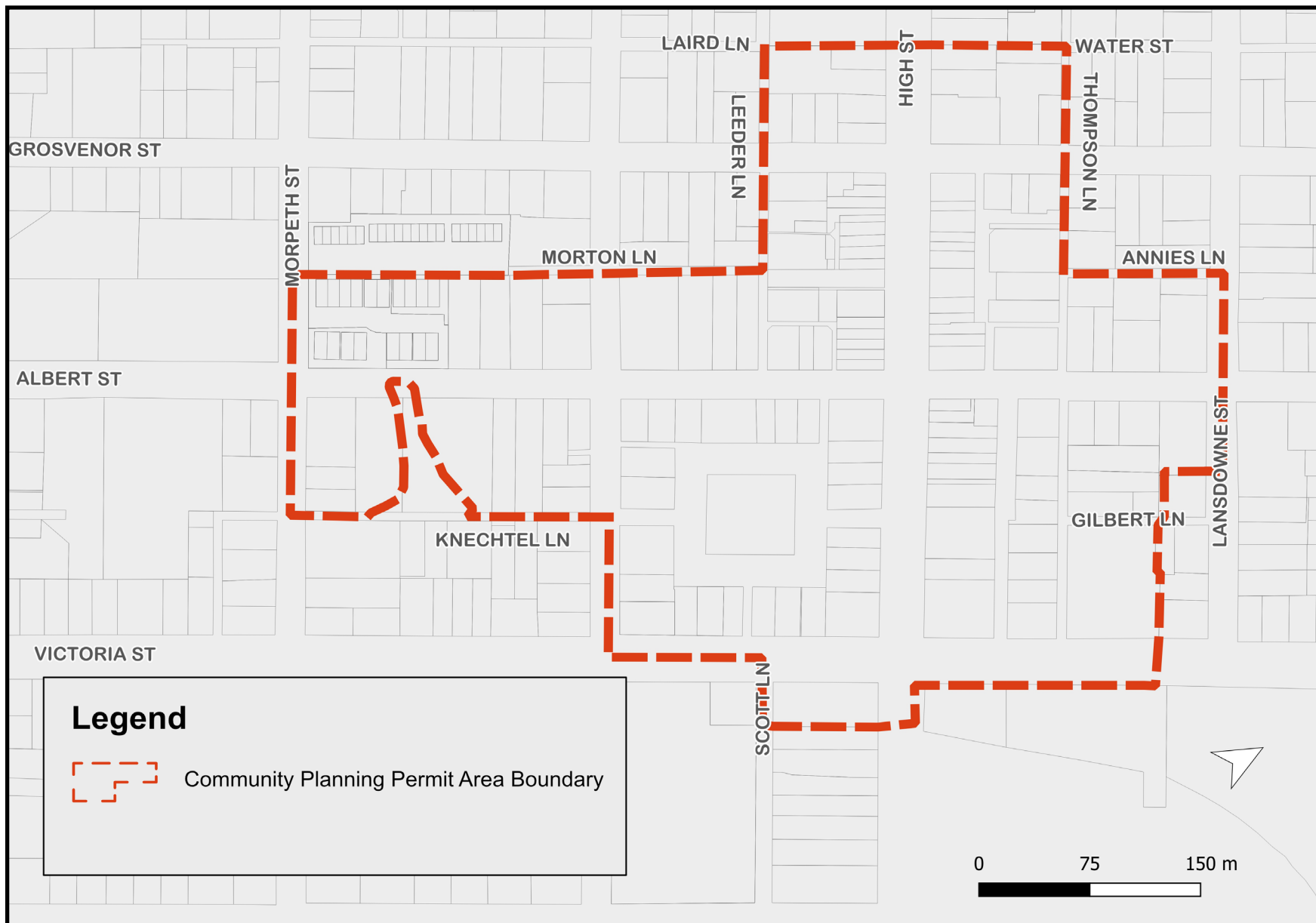
- 9.1.8 Notwithstanding the provisions of this By-law, those lands delineated as 'T-6' on Schedule B2 to this By-Law may be used in accordance with the permitted uses and the regulations of the 'T' Precinct contained in this By-Law, excepting however that:
- (a) The permitted use shall be limited to a semi-detached dwelling; the maximum number of dwelling units shall be no greater than 1;
 - (b) The minimum lot frontage shall be no less than 9.2 m;
 - (c) The minimum front yard setback shall be no less than 19.812 m;
 - (d) A balcony projecting from the front exterior wall shall not be permitted.



Community Planning Permit By-law

Schedule A1: Community Planning Permit Area Boundary (Port Elgin)

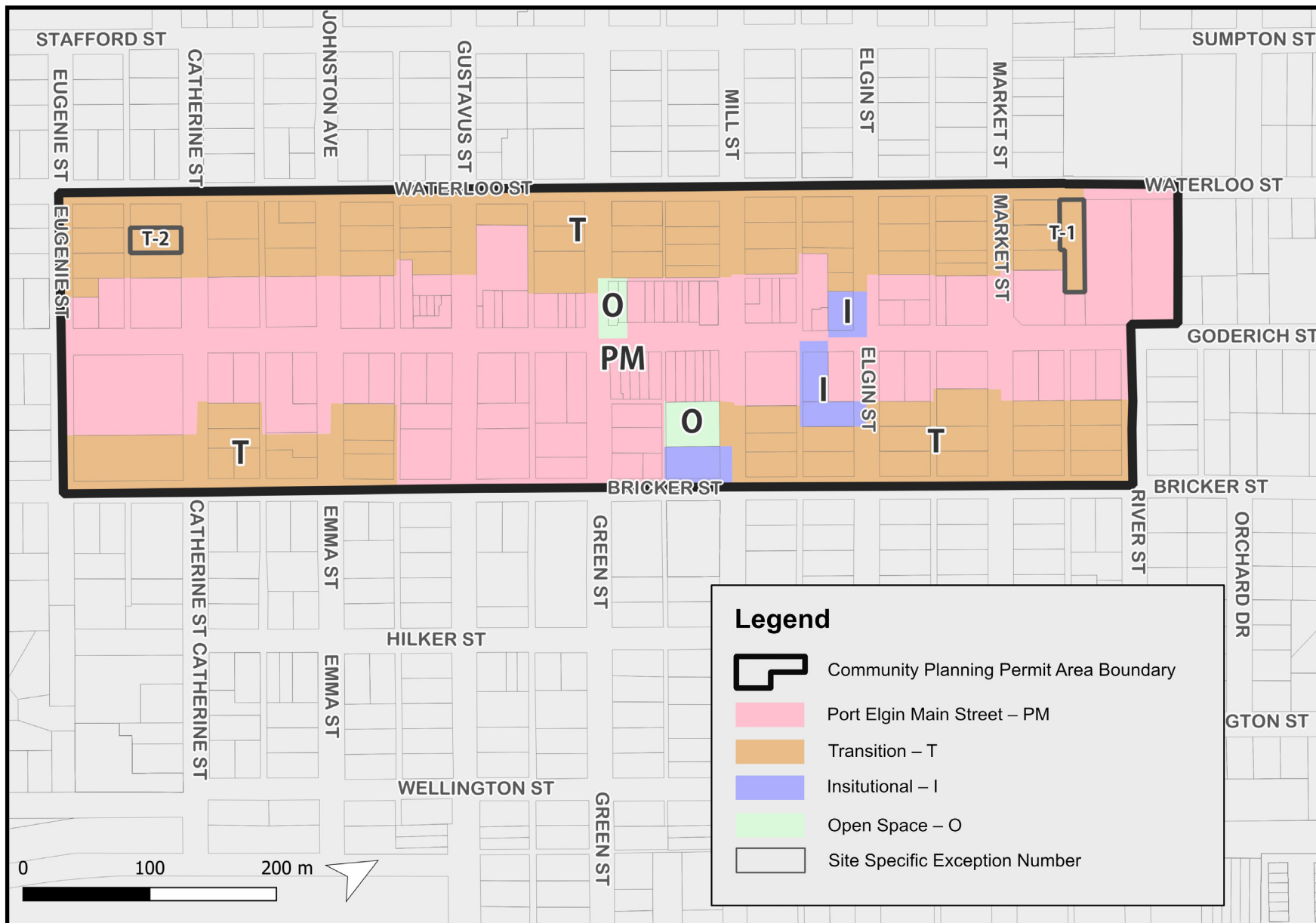




Community Planning Permit By-law

Schedule A2: Community Planning Permit Area Boundary (Southampton)

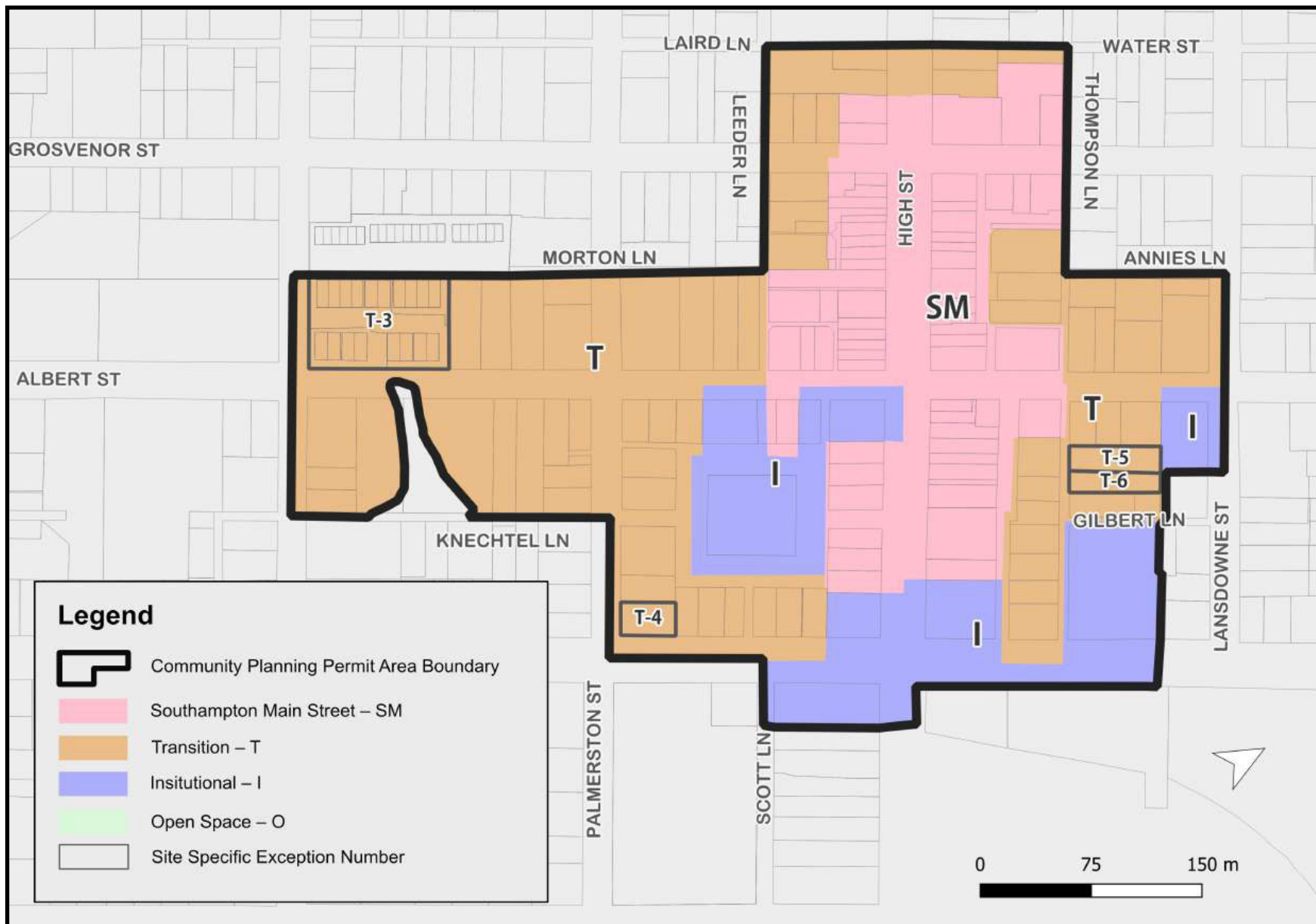




Community Planning Permit By-law

Schedule B1: Community Planning Permit Precincts (Port Elgin)





Community Planning Permit By-law

Schedule B2: Community Planning Permit Precincts (Southampton)

