

**ZONING BY-LAW NO.  
2022-17**

**June 8, 2022**



**Before you review this By-law, a note to the reader....**

The Preamble Section of this document is not a formal part of the Zoning By-law. However, we recommend that you review the Preamble Section first as it can provide valuable information on how to use this By-law.

Please do not hesitate to contact the Town's Planning and Community Development Department for assistance interpreting this document, confirming the zoning of your property or to ensure that you have the most up-to-date zoning provisions.

# TABLE OF CONTENTS

<b>Preamble</b> .....	<b>i</b>
<b>1.0 Purpose of This Zoning By-law</b> .....	<b>i</b>
<b>2.0 How to Use This By-law</b> .....	<b>i</b>
A. Locate the Property on a Map .....	i
B. By-law Amendments, Minor Variances and Exceptions.....	ii
C. Permitted Uses and Zone Standards.....	ii
D. General Provisions .....	iii
E. Parking and Loading.....	iii
F. Holding Zones And Temporary Uses .....	iii
<b>PART 1.0 – INTERPRETATION AND ADMINISTRATION</b> .....	<b>1</b>
<b>1.1 Title</b> .....	<b>1</b>
<b>1.2 Administration</b> .....	<b>1</b>
<b>1.3 Conformity and Compliance With By-law</b> .....	<b>1</b>
<b>1.4 Compliance with Other Legislation or Policies</b> .....	<b>1</b>
<b>1.5 Building Permits</b> .....	<b>2</b>
<b>1.6 Interpretation</b> .....	<b>2</b>
1.6.1 References to Provincial Acts .....	2
1.6.2 Definitions .....	2
1.6.3 Permitted Uses.....	2
1.6.4 Use of Plain Language.....	3
1.6.5 Illustrations.....	3
<b>1.7 Severability</b> .....	<b>3</b>
<b>1.8 Enforcement</b> .....	<b>3</b>
<b>1.9 Effective Date</b> .....	<b>3</b>
<b>1.10 Repeal Of Former By-laws</b> .....	<b>3</b>
<b>1.11 Previous Approvals</b> .....	<b>4</b>
1.11.1 Minor Variances to Former By-laws.....	4
1.11.2 Previous Decisions To Expand Legal Non-Conforming Uses.....	4
1.11.3 Site Plan Approvals.....	4
<b>1.12 Applications In Process</b> .....	<b>5</b>
1.12.1 Building Permit Applications.....	5

1.12.2	Minor Variance Applications .....	5
1.12.3	Site Plan Approval Applications .....	5
<b>1.13</b>	<b>Non-Conforming Uses .....</b>	<b>6</b>
<b>1.14</b>	<b>Non-Complying Buildings, Structures And Lots .....</b>	<b>6</b>
1.14.1	Replacement, Enlargement, Repair or Renovation.....	6
<b>1.15</b>	<b>Non-Compliance As A Result Of Land Acquisition By A Public Authority .....</b>	<b>7</b>
<b>1.16</b>	<b>Existing Non-Complying Lots .....</b>	<b>8</b>
<b>1.17</b>	<b>Land Ownership.....</b>	<b>8</b>
<b>PART 2.0</b>	<b>– ESTABLISHMENT OF ZONES.....</b>	<b>9</b>
<b>2.1</b>	<b>Zones.....</b>	<b>9</b>
<b>2.2</b>	<b>Abbreviations .....</b>	<b>10</b>
<b>2.3</b>	<b>Zone Schedules.....</b>	<b>10</b>
<b>2.4</b>	<b>Determining Zone Boundaries .....</b>	<b>10</b>
<b>2.5</b>	<b>Multiple Zones on a Lot .....</b>	<b>11</b>
<b>2.6</b>	<b>Exception Zones .....</b>	<b>11</b>
<b>2.7</b>	<b>Temporary Uses.....</b>	<b>12</b>
<b>2.8</b>	<b>Holding Provisions.....</b>	<b>12</b>
<b>PART 3.0</b>	<b>– DEFINITIONS .....</b>	<b>13</b>
<b>PART 4.0</b>	<b>– GENERAL PROVISIONS.....</b>	<b>35</b>
<b>4.1</b>	<b>Accessory Buildings Structures and Uses.....</b>	<b>35</b>
4.1.1	General Requirements for Accessory Buildings, Structures and Uses .....	35
4.1.2	Standards for Accessory Buildings and Structures .....	36
4.1.3	Standards for Private Detached Garage on a Through Lot.....	37
4.1.4	Accessory Shoreline Structures.....	38
4.1.5	Accessory Uses.....	39
4.1.5.1	Accessory Outdoor Display and Sales Area .....	39
4.1.5.2	Accessory Outdoor Storage .....	40
4.1.5.3	Accessory Waste Storage Areas.....	40
<b>4.2</b>	<b>Additional Dwelling Units .....</b>	<b>40</b>
4.2.1	Additional Dwelling Units in a Main Building on a Residential Lot .....	42
4.2.2	Additional Dwelling Unit In A Detached Accessory Building .....	42
<b>4.3</b>	<b>Barrier-Free Entrances .....</b>	<b>43</b>
<b>4.4</b>	<b>Bed and Breakfast Establishments .....</b>	<b>43</b>

<b>4.5</b>	<b>Cannabis Production Facilities</b> .....	<b>44</b>
4.5.1	Regulations Applying to Cannabis Production Facilities .....	45
4.5.2	Regulations Applying to Outdoor Cannabis Cultivation.....	47
<b>4.6</b>	<b>Encroachments Into Required Yards</b> .....	<b>47</b>
<b>4.7</b>	<b>Frontage on a Street or Highway</b> .....	<b>48</b>
<b>4.8</b>	<b>Garden Suites</b> .....	<b>49</b>
<b>4.9</b>	<b>Height Exceptions</b> .....	<b>49</b>
<b>4.10</b>	<b>Home Occupations</b> .....	<b>50</b>
4.10.1	General Requirements.....	50
4.10.2	Prohibited Uses .....	51
<b>4.11</b>	<b>Landscaping Requirements</b> .....	<b>51</b>
4.11.1	Landscaping Requirements for the Commerical and Mixed Use Zones.....	52
4.11.2	Landscaping Requirements in Employment Zones.....	52
4.11.3	Landscaping Requirements in Marine Zones.....	52
<b>4.12</b>	<b>Phased Condominiums</b> .....	<b>52</b>
<b>4.13</b>	<b>Platforms and Porches</b> .....	<b>53</b>
<b>4.14</b>	<b>Sight Line Triangles</b> .....	<b>54</b>
<b>4.15</b>	<b>Shipping Containers</b> .....	<b>55</b>
<b>4.16</b>	<b>Short Term Rental Units</b> .....	<b>55</b>
<b>4.17</b>	<b>Source Water Protection</b> .....	<b>55</b>
<b>4.18</b>	<b>Special Setbacks</b> .....	<b>56</b>
4.18.1	Setback From Georgian Bay .....	56
4.18.2	Setback From Watercourses And Ravines .....	57
4.18.3	Setback From County Roads .....	57
<b>4.19</b>	<b>Swimming Pools</b> .....	<b>57</b>
<b>4.20</b>	<b>Temporary Uses</b> .....	<b>59</b>
4.20.1	Tempoary construction uses .....	59
4.20.2	Temporary Sales Structures.....	59
4.19.3	Model Homes.....	59
<b>4.21</b>	<b>Uses Permitted In All Zones</b> .....	<b>60</b>
4.21.1	Public and Infrastructure Uses .....	60
4.21.2	Uses Permitted In Any Zone Excluding the Environmental Protection (EP) Zone.....	60

4.22	<b>Uses Prohibited In All Zones .....</b>	<b>61</b>
4.23	<b>WASTE DISPOSAL ASSESSMENT OVERLAY HOLDING ZONE .....</b>	<b>61</b>
4.24	<b>SEPTIC REINSPECTION OVERLAY HOLDING ZONE .....</b>	<b>63</b>
<b>PART 5.0 – PARKING AND LOADING STANDARDS.....</b>		<b>64</b>
5.1	<b>Applicability of This Section.....</b>	<b>64</b>
5.2	<b>General Parking Provisions.....</b>	<b>64</b>
5.2.1	Restriction on Use of Land, Buildings and Structures .....	64
5.2.2	Calculation of Parking Requirements.....	64
5.2.3	More Than One Use on a Lot .....	64
5.2.4	Exclusive Use of a Parking Space .....	65
5.2.5	Size of Parking Spaces.....	65
5.2.6	Access to Parking Spaces.....	65
5.2.7	Width of Parking Aisles.....	65
5.2.8	Width of Access Ramps and Driveways .....	65
5.2.9	Surface Treatment.....	66
5.2.10	Snow Storage.....	66
5.3	<b>Residential Parking Requirements.....</b>	<b>66</b>
5.4	<b>Non-Residential Parking Requirements .....</b>	<b>67</b>
5.4.1	Minimum Number of Parking Spaces Required.....	67
5.4.2	Shared Parking Provisions.....	69
5.4.3	Special Parking Provisions.....	69
5.5	<b>Accessible Parking Space Requirements .....</b>	<b>70</b>
5.6	<b>Bicycle Parking Requirements .....</b>	<b>71</b>
5.7	<b>Location Of Parking .....</b>	<b>71</b>
5.8	<b>Commercial And Recreational Vehicles .....</b>	<b>71</b>
5.9	<b>Regulations For Driveways In Residential Zones .....</b>	<b>72</b>
5.10	<b>Loading.....</b>	<b>73</b>
5.11	<b>Drive-Through Service Facilities .....</b>	<b>74</b>
5.11.1	Minimum Lot Area .....	74
5.11.2	Stacking Lane Requirements .....	74
5.11.3	Size Of A Stacking Space.....	74
5.11.4	Setbacks From Residential Zone Boundary.....	74
5.11.5	Location of Drive-Through Components .....	74

<b>PART 6.0 – RESIDENTIAL ZONES .....</b>	<b>75</b>
<b>6.1 Establishment of Residential Zones .....</b>	<b>75</b>
<b>6.2 Residential Zone Permitted Uses.....</b>	<b>75</b>
<b>6.3 Residential Zone Standards.....</b>	<b>76</b>
<b>6.4 Residential Land Lease Community (RLLC) Zones.....</b>	<b>78</b>
6.4.1 RLLC Definitions .....	78
6.4.2 General Regulations.....	78
6.4.2.1 Application To Sites .....	78
6.4.2.2 Private Road Regulations .....	79
6.4.2.3 General Zone Standards.....	79
6.4.3 Residential Land Lease Community One (RLLC1) Zone.....	79
6.4.3.1 Permitted Uses.....	79
6.4.3.2 Yard Requirements .....	79
6.4.3.3 Single Detached Dwelling Unit Regulations.....	80
6.4.3.4 Row House Dwelling Unit Regulations .....	80
6.4.3.5 Detached Garages .....	80
6.4.3.6 Holding Provisions.....	80
6.4.4 Residential Land Lease Community One (RLLC1) Zone.....	81
6.4.4.1 Permitted Uses.....	81
6.4.4.2 Yard Requirements .....	81
6.4.4.3 Single Detached Dwelling Unit Regulations.....	81
6.4.4.4 Holding Provisions.....	82
<b>PART 7.0 – MIXED USE AND COMMERCIAL ZONES .....</b>	<b>83</b>
<b>7.1 Establishment of Commercial Zones .....</b>	<b>83</b>
<b>7.2 Commercial Zone Permitted Uses .....</b>	<b>83</b>
<b>7.3 Commercial Zone Standards .....</b>	<b>85</b>
<b>PART 8.0 – SHORELINE ZONES .....</b>	<b>86</b>
<b>8.1 Establishment of Shoreline Zones .....</b>	<b>86</b>
<b>8.2 Shoreline Zone Permitted Uses .....</b>	<b>86</b>
<b>8.3 Shoreline Zone Standards .....</b>	<b>87</b>
<b>PART 9.0 – EMPLOYMENT ZONES.....</b>	<b>89</b>
<b>9.1 Establishment of Employment Zones.....</b>	<b>89</b>
<b>9.2 Employment Zone Permitted Uses.....</b>	<b>89</b>

<b>9.3</b>	<b>Employment Zone Standards</b> .....	<b>90</b>
<b>PART 10.0</b>	<b>- OTHER ZONES</b> .....	<b>92</b>
<b>10.1</b>	<b>Establishment of Other Zones</b> .....	<b>92</b>
<b>10.2</b>	<b>Other Zone Permitted Uses</b> .....	<b>92</b>
<b>10.3</b>	<b>Other Zone Standards</b> .....	<b>93</b>
<b>PART 11.0</b>	<b>- EXCEPTIONS</b> .....	<b>95</b>
<b>11.1</b>	<b>Exceptions</b> .....	<b>95</b>
<b>PART 12.0</b>	<b>- HOLDING ZONES</b> .....	<b>126</b>
<b>12.1</b>	<b>Holding Provisions</b> .....	<b>126</b>
<b>PART 13.0</b>	<b>- TEMPORARY USE ZONES</b> .....	<b>131</b>
<b>13.1</b>	<b>Temporary Uses</b> .....	<b>131</b>
<b>PART 14.0</b>	<b>- ENACTMENT</b> .....	<b>133</b>
<b>14.1</b>	<b>Force and Effect</b> .....	<b>133</b>
<b>14.2</b>	<b>Readings By Council</b> .....	<b>133</b>
<b>14.3</b>	<b>Certification</b> .....	<b>133</b>

**Schedule A - Zones**

**Schedule B – Overlay Zones**



# PREAMBLE

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

## 1.0 PURPOSE OF THIS ZONING BY-LAW

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

The Official Plan is a general document that is not intended to regulate every aspect of the built-form on a lot. In the Province of Ontario, this is the role of the Zoning By-law. Once an Official Plan is in effect, any Zoning By-law passed by Council must conform to the Official Plan. For example, if the Official Plan stated that lands in the vicinity of a significant natural feature are to remain in their natural state, the Zoning By-law would prohibit the erection of buildings or structures on those lands. A Zoning By-law can also specifically permit certain uses of land, such as retail stores in a downtown area.

## 2.0 HOW TO USE THIS BY-LAW

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

### A. LOCATE THE PROPERTY ON A MAP

Maps in a Zoning By-law are called ‘Schedules’. The first step to using this By-law is to refer to the Zone Schedules that are contained at the back of the By-law to determine in which zone category or categories your property is located. The zone category will be indicated on the Schedules by a symbol or abbreviation. For example, you may see a symbol such as “MUC” that applies to your property. This would indicate that your property is within the ‘Mixed Use Commercial Zone’. The zone symbols or abbreviations are identified on the first page of Part 2.0 (Establishment of Zones) of the By-law.

Part 2.0 (Establishment of Zones) also provides assistance to help you identify the zone boundaries on the Schedules. For example, if your property appears close to a zone boundary and you are not sure how to determine exactly where that boundary is located, refer to Section 2.4 (Determining Zone Boundaries) of the By-law.

## **B. BY-LAW AMENDMENTS, MINOR VARIANCES AND EXCEPTIONS**

A Zoning By-law is not a static document; it is amended over time as demands and policies governing land use change. By-laws are commonly amended to modify the zone to provide for a specific use or to prohibit a certain use. In some cases, special provisions are applied to a property or a series of properties that vary the zone provisions for that property. In cases such as these, an amendment to the By-law is passed by Council and exceptions are listed in Part 11.0 (Exceptions) of this By-law. If the proposed change to the zoning provisions that apply is minor, a minor variance may be considered by the Committee of Adjustment.

Before proceeding any further, you should verify that your property is not the subject of an earlier Zoning By-law amendment or Minor Variance. Some of these amendments are identified in the Zone Schedules and listed in Part 11.0 (Exceptions) of this By-law. More recent amendments may not be included in the version of the By-law you are using, while minor variances are not included in the By-law at all. The provisions within an exception section are intended to take precedence over any other provision in the By-law. Lands subject to an exception will be specifically identified on the Schedules with the use of a set of brackets containing the exception number after the zone symbol. Staff in the Town's Planning and Community Development Department be able to assist you to confirm if your property has been subject to a more recent By-law amendment or minor variance.

## **C. PERMITTED USES AND ZONE STANDARDS**

The next step to using this By-law is to determine what uses are permitted on your property. Parts 6.0 – 10.0 of the By-law identify the permitted uses for each zone in the Town. The definitions in Part 3.0 (Definitions) can assist you if you are not sure of the nature of a use or how it has been defined for the purposes of this By-law. Words that are defined in Part 3.0 are highlighted **bold** throughout the By-law. If a word is not in **bold** lettering, it is not specifically defined. Uses that are defined and then not identified as permitted uses within a particular zone are not permitted in that specific zone.

The next step is to determine what standards may apply to the uses on your property. Parts 6.0 – 10.0 of the By-law identify the standards for each zone including minimum lot area, minimum frontage, minimum yards, maximum lot coverage for buildings, and the maximum permitted height of buildings.

**D. GENERAL PROVISIONS**

Now that you are aware of the uses permitted on your property and the specific zone Standards that apply to those uses, reference should be made to Part 4.0 (General Provisions) of this By-law. Part 4.0 contains a more generic set of standards known as ‘General Provisions’ that apply across a number of zones throughout the Town.

**E. PARKING AND LOADING**

There is an additional section of the By-law that should be consulted when determining what provisions apply to your specific property. Part 5.0 (Parking and Loading) provides the parking and loading requirements for all permitted uses in the Town. If you are considering changing the use of your property or adding a new use to your property, you should review Part 5.0 to ensure that you are aware of the parking and loading requirements for the proposed use.

**F. HOLDING ZONES AND TEMPORARY USES**

Part 12.0 (Holding Zones) contains specific requirements that describe what conditions need to be met in order to develop/establish permitted uses on a property. Lands subject to a holding symbol will be specifically identified on the Zone Schedules with the use of a (H) symbol followed by the Holding provision number.

Part 13.0 (Temporary Uses) identifies those properties that are subject to use permissions that only last for a specified period of time. Lands subject to an exception will be specifically identified on the Zone Schedules with the use of a (T) symbol followed by the Temporary Use number.

**THE CORPORATION OF THE  
TOWN OF PENETANGUISHENE  
ZONING BY-LAW 2022-17**

WHEREAS it is considered desirable to control development within the Town of Penetanguishene in accordance with the Town of Penetanguishene Official Plan and to prohibit the use of land and the erection and use of buildings or structures except for certain purposes, and to regulate the type of construction and the height, bulk, location, size, floor area, character and use of buildings in accordance with the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

NOW THEREFORE the Council of the Corporation of the Town of Penetanguishene enacts as follows:



# PART 1.0 – INTERPRETATION AND ADMINISTRATION

## 1.1 TITLE

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

## 1.2 ADMINISTRATION

This Zoning By-Law shall be administered and enforced by municipal staff as appointed by the Council of the Corporation of the Town of Penetanguishene.

## 1.3 CONFORMITY AND COMPLIANCE WITH BY-LAW

No person shall change the **use** of any **building, structure** or land; erect or **use** any **building** or **structure**; or occupy any **building** or land except in accordance with the provisions of this By-Law. Where any **buildings** or land are used for more than one purpose, all provisions of this By-Law relating to each separate **use** shall be applied. Any **use** not specifically permitted by this By-Law shall not be permitted in the Town of Penetanguishene. A **use** which is defined but not identified within a permitted **use** table in any **zone** or by exception is not permitted.

## 1.4 COMPLIANCE WITH OTHER LEGISLATION OR POLICIES

Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the Town of Penetanguishene, or any other requirement of the County of Simcoe, Province of Ontario, or Government of Canada that may affect the **use** of land, **buildings**, or **structures** in the Town of Penetanguishene.

## 1.5 BUILDING PERMITS

The requirements of this By-Law must be met before a **building** permit is issued for the erection, addition to or **alteration** of any **building** or **structure**.

## 1.6 INTERPRETATION

### 1.6.1 REFERENCES TO PROVINCIAL ACTS

Where this By-law references a section in a Provincial Act and that section number changes, reference shall be made to the updated section as required. In addition, where a Provincial Act is repealed, reference shall be made to any successor legislation as applicable.

### 1.6.2 DEFINITIONS

- a) All words within the body of any section, subsection or table that are bolded are defined in Part 3.0 of this By-law.
- b) Defined terms are presented in Part 3.0 of this By-law as they are used in this By-law.
- c) Each of the **uses** defined in Part 3.0 of the By-law are distinct and separate from other defined **uses** unless the definition indicates otherwise.
- d) Unless otherwise defined, the words and phrases used in this By-law are defined as per the Canadian Oxford Dictionary.

### 1.6.3 PERMITTED USES

- a) Where a **use** is defined in Part 3.0 of this By-law and not listed as a permitted **use** in a **zone**, the **use** as defined is not a permitted **use** in that **zone**.
- b) Unless specifically permitted in this By-law, all **uses** identified in this By-law shall be conducted in a wholly enclosed **building**.

#### **1.6.4 USE OF PLAIN LANGUAGE**

This By-law is written in plain language and a deliberate attempt has been made to keep the words, grammar and syntax as simple as possible while meeting the legal requirement for clear and precise legislation. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future tense and words used in the future tense include the present tense as the context shall require.

#### **1.6.5 ILLUSTRATIONS**

All illustrations in this By-Law are not an operative part of this By-Law and are included only to assist with the interpretation of the By-Law.

### **1.7 SEVERABILITY**

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

### **1.8 ENFORCEMENT**

Any person or corporation that contravenes any provision of this By-Law is guilty of an offense and upon conviction is liable to the fine as provided for in the Planning Act, R.S.O. 1990, Chapter P.13 as amended.

### **1.9 EFFECTIVE DATE**

The By-law shall come into force the day it was passed.

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

The Town of Penetanguishene Zoning By-law 2000-02 as amended, is hereby repealed as of the date that the Town of Penetanguishene Zoning By-law 2022-17 takes effect.

## 1.11 PREVIOUS APPROVALS

### 1.11.1 MINOR VARIANCES TO FORMER BY-LAWS

- a) Where the Committee of Adjustment of the Town of Penetanguishene, the Ontario Land Tribunal or any predecessor thereto, has authorized a minor variance from the provisions of By-law 2002-02, the provisions of this By-law as they apply to such land, **building** or **structure**, are modified to the extent necessary to only and solely give effect to the provisions of that previous minor variance that would otherwise not be in conformity or compliance with this By-law.
- b) Subsection a) does not authorize any relief from this By-law unless the relief was specifically granted in the previous minor variance.
- c) Subsection a) only applies if the decision on the minor variance was made no earlier than three years before the effective date of this By-law.

### 1.11.2 PREVIOUS DECISIONS TO EXPAND LEGAL NON-CONFORMING USES

- a) Where the Committee of Adjustment of the Town of Penetanguishene, Ontario Land Tribunal or a predecessor body, has made a decision in accordance with Sections 45(2)(a) or (b) of the Planning Act, respecting a **use** that was an illegal **non-conforming use** pursuant to By-law 2002-02, the provisions of this By-law (as they apply to such **use**, **building**, or **structure**) are modified to the extent necessary to implement the previous decision made before the effective date of this By-Law.
- b) Subsection a) only applies if the decision to expand a legal **non-conforming use** was made no earlier than three years before the effective date of this By-law.

### 1.11.3 SITE PLAN APPROVALS

- a) Where site plan approval in accordance with the Planning Act has been granted by the Town of Penetanguishene before the effective date of this By-law and a **building** permit for the project



has not been issued, the provisions of this By-law, (as they apply to such land, **building** or **structure**), are modified to the extent necessary to implement the previous site plan approval.

- b) Subsection a) only applies if the **building** permit is issued within three years of the effective date of this By-law.

## 1.12 APPLICATIONS IN PROCESS

The provisions of this section are repealed three years after the effective date of this By-law.

### 1.12.1 BUILDING PERMIT APPLICATIONS

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 on or prior to the date this By-Law was passed by **Council**, if the project in question complies with the provisions of the applicable By-Law as it read on the day before the effective date of this By-Law.

### 1.12.2 MINOR VARIANCE APPLICATIONS

The requirements of this By-Law do not apply to prevent the erection or **use** of a **building** or **structure** for which an application for a minor variance under Section 45 of the Planning Act was filed on or prior to the effective date of this By-Law, provided the application was in compliance with By-Law 2000-02 except for those aspects of By-Law 2000-02 that are subject to the minor variance application.

### 1.12.3 SITE PLAN APPROVAL APPLICATIONS

The requirements of this By-Law do not apply to prevent the erection or **use** of a **building** or **structure** for which an application for site plan approval under Section 41 of the Planning Act was filed on, or prior to the effective date of this By-Law, provided the application conforms to By-Law 2000-02 before the effective date of this By-Law.

## 1.13 NON-CONFORMING USES

- a) Nothing in this By-Law shall prevent the **use** of land, **building** or **structure** for any purpose prohibited by this By-Law if such land **building** or **structure** was lawfully used for such purpose on the effective date of this By-Law, provided it continues to be **used** for that purpose.
- b) Nothing in this By-Law shall prevent the erection of an **accessory building or structure** that is accessory to a legal **non-conforming use** provided such **accessory building or structure** complies with all applicable provisions of this By-Law.

## 1.14 NON-COMPLYING BUILDINGS, STRUCTURES AND LOTS

### 1.14.1 REPLACEMENT, ENLARGEMENT, REPAIR OR RENOVATION

- a) A **non-complying building** or **structure** that was legally erected/alterd in accordance with By-Law 2000-02 prior to the effective date of this By-Law may be enlarged or renovated provided that the enlargement repair or renovation:
  - i) Does not in any other way increase a situation of non-compliance; and,
  - ii) Complies with all other applicable provisions of this By-Law;
- b) Subsection a) applies only if the **building** or **structure** was legally erected/alterd in accordance with the By-Law that was in effect at the time that the **building** or **structure** was erected/alterd;
- c) Nothing in this By-Law prevents the repair, strengthening or restoration to a safe condition of any legal **non-complying building** or **structure** or part thereof, provided that the dimensions and **use** of the original **building** or **structure**, or of any **yards** associated with the **building** or **structure**, are not altered in any way except in conformity with this By-Law;

- d) Nothing in this By-Law prevents the replacement or rebuilding of all or a portion of a legal **non-complying building** or **structure** provided that:
  - i) The **uses** that exists or is proposed is permitted by the By-Law; and,
  - ii) The dimensions and location of the original **building** or **structure**, or of any **yards** associated with the **building** or **structure**, are not altered in any way.

## 1.15 NON-COMPLIANCE AS A RESULT OF LAND ACQUISITION BY A PUBLIC AUTHORITY

Notwithstanding any other provision of this By-Law, if land is acquired by the Town of Penetanguishene, County of Simcoe, Province of Ontario, or Government of Canada or any department, board, Commission, or agency thereof, and the acquisition results in a contravention of this By-Law, the following applies:

- a) If the acquisition results in a contravention of this By-Law with respect to minimum **lot frontage** and **lot area** requirements, the remaining **lot frontage** and/or **lot area** shall be deemed to comply;
- b) If the acquisition results in a contravention of any other provision in this By-Law the lands so affected are deemed to comply with this By-Law to the extent it complied with this By-Law on the day before the acquisition was finalized;
- c) Notwithstanding subsection b), no new **building structure** or addition to an **existing building** or **structure** shall be erected or located except in accordance with all the provisions of this By-Law, excluding subsection a);
- d) Notwithstanding any other provision in this By-Law, where as a result of the establishment of a new **street** or **highway** abutting a **lot** that would have been considered an interior **lot** prior to the establishment of the **street** or **highway**, such **lot** shall continue to be considered as an interior **lot** for the purposes of determining compliance with this By-Law.

## 1.16 EXISTING NON-COMPLYING LOTS

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

## 1.17 LAND OWNERSHIP

The Town of Penetanguishene makes no representation or implication, nor should any inference be drawn from the Schedule(s) attached to this By-law as to the ownership of any land and/or rights of access to such land. Ownership and access rights are legal matters that fall solely within the purview of a Court of competent jurisdiction.

# PART 2.0 – ESTABLISHMENT OF ZONES

## 2.1 ZONES

All lands subject to this By-law are contained within one or more of the following **zones**:

### **Residential Zones**

R1	Residential One
R2	Residential Two
R3	Residential Three
RR	Rural Residential
RLCC1	Residential Land Lease Community One
RLCC2	Residential Land Lease Community Two

### **Mixed Use and Commercial Zones**

NC	Neighbourhood Commercial
MUC	Mixed Use Commercial
DW	Downtown and Waterfront

### **Shoreline Zones**

SA1	Shoreline Area One
SA2	Shoreline Area Two
MAR1	Marina One
MAR2	Marina Two
LS	Lake Side

### **Employment Zones**

M1	Industrial
M2	Extractive Industrial
M3	Rural Industrial

### Other Zones

I	Institutional
RU	Rural
OS	Open Space One
EP	Environmental Protection
D	Deferred Development

## 2.2 ABBREVIATIONS

All of the **zones** identified in Section 2.1 of this By-law are abbreviated in the remainder of this By-law, and the full name of the **zone** is as per Section 2.1.

## 2.3 ZONE SCHEDULES

- a) The **zones** and **zone** boundaries are shown on Schedule A – Zones and Schedule B – Overlay Zones that are attached to and form part of this By-law.
- b) For the convenience of the user, an unofficial electronic consolidation of Schedule 'A' and Schedule B has been prepared and is available on the Town's website.
- c) The paper copy of this By-law is the legal version.

## 2.4 DETERMINING ZONE BOUNDARIES

When determining the boundary of any **zone** as shown on any Schedule forming part of this By-law, the following provisions shall apply:

- a) Where a **zone** boundary is indicated as following a **street or highway**, unopened **road** allowance, railway right-of-way or utility corridor, the **zone** boundary shall be the edge of such **street or highway**, unopened **road** allowance, railway right-of-way or utility corridor.
- b) Where a **zone** boundary is indicated as substantially following **lot lines** shown on a Registered Plan of Subdivision or **lots** registered in

a registry office or land titles office, the **zone** boundary shall be the same as such **lot lines**. If the location of a **lot line** changes in accordance with Section 1.15 of this By-law, the location of the **zone** boundary also changes to correspond with the new **lot line** location.

- c) Where a **zone** boundary is indicated as following the shoreline of a lake or the edge of a watercourse, the **zone** boundary shall move with the actual shoreline or the edge of a watercourse in the event of a natural change in the shoreline or edge of the watercourse.
- d) Where none of the above provisions apply, the **zone** boundary shall be scaled from the Schedule(s).

## 2.5 MULTIPLE ZONES ON A LOT

- a) Where a **lot** falls into two or more **zones**, each portion of the **lot** shall be used in accordance with the provisions of this By-law for the applicable **zone**.
- b) Accessory **buildings** or **structures** shall be located in the same **zone** as the **main building**.
- c) In no case is a **zone** boundary dividing a **lot** into two or more **zone** categories intended to function as a property boundary for the purposes of calculating **yards** and **setbacks**. In all cases, the **lot line** shall be used for the purposes of calculating **yards** and **setbacks**, unless otherwise specified by this By-law.

## 2.6 EXCEPTION ZONES

- a) Where a number within a set of brackets follows a **zone** symbol on the attached Schedules to this By-law, the number refers to a site-specific exception that applies to the lands noted. Site-specific exceptions are listed in Part 11.0 of this By-law.
- b) The provisions of the site-specific exception govern over any inconsistent provisions in the remainder of this By-law.

## 2.7 TEMPORARY USES

Where the letter (T) follows a **zone** symbol on the attached Schedules to this By-law, the lands affected are subject to a Temporary Use By-law in accordance with Section 39 of the Planning Act. Temporary use by-laws and the date that they expire are listed in Part 13.0 of this By-law.

## 2.8 HOLDING PROVISIONS

- a) Notwithstanding any other provision in this By-law, where a **zone** symbol is followed by the letter (H), no person can use the land to which the letter (H) applies for any **use** other than the **use** which legally existed on the date the By-law applying the Holding provision came into effect, or expand or replace an **existing building** or **structure**, as the case may be until the (H) is removed in accordance with the policies in Section 6.3.2.1 of the Town of Penetanguishene Official Plan and the criteria/reasons for removal of the (H) have been satisfied.
- b) Notwithstanding the above, this provision does not apply to **public uses**, and some other **uses**, in accordance with Section 4.20 of this By-law, which are permitted without the need to remove the Holding provision.
- c) In addition, the existence of the Holding provision does not prevent the issuance of a **building** permit to make structural repairs, carry out façade improvements, improve and/or replace plumbing and electrical systems and/or replace openings, to carry out shoring and excavation, along with the development of underground parking garages.
- d) Area-wide Holding provisions are listed in Part 12.0 of this By-law.



## PART 3.0 – DEFINITIONS

### A

**Accessory Building or Structure** means a detached **building** or **structure**, the use of which is incidental to, subordinate to and exclusively devoted to the **principal use** in the **main building** located on the same **lot**.

**Accessory Use** means a **use** of land, **buildings** or **structures** that is incidental to, subordinate to and exclusively devoted to the **principal use** located on the same **lot**.

**Adult Entertainment Establishment** means an establishment used for entertainment including activities, facilities, performances, exhibitions, viewings or encounters designed to appeal to erotic or sexual appetites or inclinations which a principal feature or characteristic is the nudity or partial nudity of any person.

**Adult Entertainment Store** means any **premises** or part thereof in which the principal business carried on is the provision of goods appealing to or designed to appeal to erotic or sexual appetites or inclinations.

**Adverse Effect** means as defined in the *Environmental Protection Act*, shall mean one or more of:

- a) impairment of the quality of the natural environment for any **use** that can be made of it;
- b) injury or damage to property or plant or animal life;
- c) harm or material discomfort to any person;
- d) an **adverse effect** on the health of any person;
- e) impairment of the safety of any person;
- f) rendering any property or plant or animal life unfit for human **use**;
- g) loss of enjoyment of normal **use** of property; and
- h) interference with normal conduct of business.

**Agricultural Use** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm **buildings** and **structures**, including, but not limited to livestock facilities, manure storage and value-retaining facilities but shall not include any **use** as may otherwise defined by this By-law.

**Agriculture-Related Use** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

**Air Treatment Control** means a mechanical system designed, approved and implemented in accordance with a license issued by Health Canada for the purposes of controlling emissions and mitigating **adverse effects**. This includes but is not limited to treatment of particulate matter, odour, and noise emissions discharged as a by-product of a **cannabis** cultivation, production, processing, research or testing use.

**Alteration** means any modification to a **building** or **structure** that results in a change of **use**, or any increase or decrease in the volume or **floor area** of a **building** or **structure**.

**Ancillary Use** means a permitted **use** that is additional, secondary, and complementary to a permitted **principal use**, but is not **accessory** to the permitted **principal use**.

**Art Gallery** means an establishment **used** for the preservation, exhibition and/or sale of paintings or other works of art.

**Asphalt Plant** means an establishment that produces and/or recycles asphalt or similar coated **road** stone and has equipment designed to heat and dry aggregate and to mix mineral aggregate with bitumen and/or tar, and includes:

- The stockpiling and storage of bulk materials **used** in the process or finished product(s) manufactured on the site; and,
- The storage and maintenance of equipment, and facilities for the administration or management of the business.

**Attached** means a **building** otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent **building** or **buildings** but shall not include a **breezeway**.

## **B**

**Barrier-free** means when applied to a **building** and its facilities, that the **building** and its facilities can be approached, entered and used by persons with physical or sensory disabilities.

**Basement** means that portion of a **building** below the **first storey**.

**Bed and Breakfast Establishment** means an owner-occupied, single detached dwelling unit in which guest rooms, which may include private sanitary facilities but may not include in-room cooking facilities, provide temporary sleeping accommodation to the travelling or vacationing public for compensation to the owner of the dwelling unit and which may or may not include the provision of meals.

**Boarding and Rooming House** means a **single detached dwelling unit** in which the proprietor resides and where an affordable housing option is offered for hire or gain in lodging rooms with access provided through a common entrance for not more than three (3) persons, exclusive of the property owner or other manager that resides in the residence. The lodging services offered may or may not include meals. A **boarding and**

**rooming house** shall not include any other **use** otherwise specifically defined in this By-law.

**Boathouse** means an accessory **building** used for the storage of marine vessels or other forms of watercraft and marine equipment that is directly accessible by water at all times, but shall not include open walkways, uncovered docking facilities or living space for human habitation or sleeping space.

**Boat Lift** means An uncovered and unwallled **structure, attached** to a **dock** or lands under a waterbody, which facilitates the removal of a boat from the water, and which can allow for a boat to be temporarily stored above the natural lake water level.

**Boat Port** means an **accessory building or structure** located at or over the shoreline of a waterbody, which has a roof but is not enclosed by any walls, that is designed and used only for the sheltering of marine vessels or other forms of water craft.

**Boat Launch Ramp** means an area, equipment or improved sloped surface extending from the shoreline into a waterbody, that is used to facilitate access for launching watercraft into or out of the water.

**Body Rub Establishment** means an establishment where services involving the kneading, manipulation, rubbing, massaging, touching or stimulating by any means a person's body for the purposes of appealing to erotic or sexual appetites or inclinations.

**Breezeway** means a roofed open passage connecting two **buildings** or portions of a **building**.

**Brewing Establishment** shall mean establishment used for the production of beer, wine and/or cider, for personal **use** and consumption off the site; where beer, wine and/or cider ingredients and materials are purchased, and/or where equipment and storage area is used for a fee by individuals. Ancillary sales and tasting of products brewed on-site shall be permitted.

**Building** means a **structure** occupying an area greater than 10.0 m<sup>2</sup> consisting of any combination of a wall, roof and floor, or a structural system serving the function thereof, including all associated works, fixtures and service systems.

**Building Line** means any line regulating the position of a **building** or **structure** on a **lot**.

**Building, Main** means a **building** in which the **principal use** of the **lot** is conducted. In a Residential Zone, the **building** containing the largest **dwelling unit** is the **main building**.

## C

**Campground** means an area of land used and maintained as a tourist establishment for the temporary and seasonal accommodation of persons in tents or trailers.

**Cannabis** means a genus of flowering plants in the family Cannabaceae. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the

industrial or agricultural production of hemp (a source of foodstuffs (hemp milk, hemp seed, hemp oil), fiber and biofuels).

**Cannabis Production Facility** means **buildings** or **structures** used for growing, producing, processing, testing, destroying, packaging and/or shipping of **cannabis** authorized by an issued license or registration by the Federal Minister of Health, pursuant to the **Cannabis** Regulations, SOR/2018-144, to the **Cannabis** Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto.

**Cannabis Cultivation, Outdoor** means the growing of **cannabis** in an open air setting, in accordance with the requirements of a cultivation licence as issued by Health Canada in accordance with the **Cannabis** Regulations SOR/2018-144, to the **Cannabis** Act, SC 2018, c 16, the Controlled Drugs and Substances Act, SC 1996, c 19 and the Food and Drugs Act, RSC 1985, c F-27, as amended from time to time, or any successors thereto.

**Carport** means a **building** or **structure** that is not wholly enclosed, that is used (or intended to be **used**) for the parking or storage of one or more **motor vehicles**.

**Cemetery** means land used or intended to be used for the burial of the dead and dedicated for **cemetery** purposes, including crematories, **columbariums**, **mausoleums** and mortuaries, when operated in conjunction with and within the boundaries of such **cemetery**.

**Child Care Centre** means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act.

**Columbarium** means a **building** or **structure** used for the interment of human remains.

**Commercial Fitness Centre** means an establishment in which facilities are provided for fitness or athletic activities such as body-building and exercise classes and may include associated facilities such as a **sauna**, a **swimming pool**, a cafeteria and accessory retail **uses**.

**Commercial Parking Lot or Garage** means an area of land or a **building** or part of a **building** used for the parking of **motor vehicles** for a fee, but does not include **lots** used for the sale of **motor vehicles**.

**Commercial Recreation Use** means a privately owned sports or recreation establishment operated for **use** by private members and/or the general public for compensation and includes **uses** such as a skate park, paint ball facility, curling rink, rock climbing facility or miniature golf.

**Commercial Self-Storage Use** means an establishment used for the temporary storage of items and secured indoor areas or lockers.

**Community Centre** means a **building** or part of a **building** that is owned and/or operated by the **Corporation** or a community service group that provides social, recreational or other similar facilities for **use** by the general public.

**Community Garden** means an area of land, rooftop, or other space managed and maintained by individuals and/or **non-profit** organizations that is not located in a **building**, to grow and harvest:

- Food crops; and/or
- Non-food, ornamental crops, such as flowers grown for personal or group **use**, consumption or donation.

**Concrete Batching Plant** means an establishment where concrete or concrete products used in **building** or construction is produced, and includes facilities for:

- The administration or management of the business;
- The stockpiling of bulk materials used in the production process or of finished products manufactured on the sites; and/or
- The storage and maintenance of required equipment;
- But does not include the retail sale of finished concrete products.

**Conservation Use** means an area of land that is generally left in its natural state and which is **used** for any combination of preservation, protection, or improvement of components of the natural heritage system and which may include, as an **accessory use**, passive recreational **uses** (such as hiking trails and cross country ski trails), and **buildings** and **structures** (such as nature interpretation centres and public information centres).

**Contractor's Yard** means a **yard** of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other **yard** or establishment otherwise defined or classified herein.

**Cooking Facilities** means equipment, devices or appliances by which food of any sort can be cooked, heated, steamed or baked which includes but is not limited to, conventional ovens, microwaves, convection ovens, toaster ovens, cook tops, hot plates, barbecues, crock pots, electric frying pans, rice cookers, woks, grills and griddles or any other mechanized equipment for the purpose of preparing and heating food for consumption but shall not include a kettle that can only be used for heating water.

**Corporation** means the Corporation of the Town of Penetanguishene.

**Council** means the Municipal Council of the Corporation of the Town of Penetanguishene.

**County** means the Corporation of the County of Simcoe.

**Crisis Care Centre I** means an establishment that provides shelter in a highly secure setting for persons who require intervening shelter, protection, counselling or support from their **existing** place of residence. As a component, the establishment includes 24-hour accommodation where meals may be served. The premises may be accessible at all hours of the day and may contain **offices**, lounges and meeting rooms. A **Crisis Care Centre I** shall not include a **Medical Clinic**, a **Group Home**, a **Crisis Care Centre II**, or a **Rehabilitation Treatment Centre**.

**Crisis Care Centre II** means a supervised establishment operated by or for a **public authority, non-profit** community group, or **place of worship** that provides shelter, specialized programming or other support services for individuals who are facing homelessness or are in need of emotional, mental, social or physical support. The premises may be accessible at all hours of the day and may include **offices**, lounges and meeting rooms. A **Crisis Care Centre II** shall not include a **Medical Clinic**, a **Group Home**, a **Crisis Care Centre I**, or a **Rehabilitation Treatment Centre**.

#### D

**Dock** means a **structure** built at or connected to the shore at which boats or other floating vessels are berthed or moored.

**Drive-Through Service Facility** means a **building** or **structure** or part thereof where goods, food or services are offered to the public within a parked or stationary vehicle by way of a service window or kiosk, where goods, money or materials are exchanged.

**Driveway** means a defined area providing access for **motor vehicles** from a **street or highway**, or a private **street** or to a **parking area**, parking garage, **commercial parking lot**, municipal parking **lot**, **loading space**, **private garage** or **carport**.

**Dwelling Unit** means one or more habitable rooms designed, occupied, or intended to be occupied as living quarters as a self-contained unit and shall, at a minimum, contain sanitary facilities, a kitchen, and accommodation for sleeping. The **dwelling units** regulated by this By-law are defined below:

- **Additional Dwelling Unit** means a **dwelling unit** that is self-contained, subordinate to and located within the same **building** or on the same **lot** as/of a **principal dwelling unit**.
- **Duplex Dwelling Unit** means a **dwelling unit** in a **building** having a maximum of two **dwelling units**
- **Garden Suite** means a **detached dwelling unit** that is accessory to the **principal dwelling unit** on the same **lot** and which is designed to be portable.
- **Multiple Dwelling Unit** means a **dwelling unit** in a **building** containing four or more **dwelling units** each with an entrance that is independent or through a shared hallway, landing and/or external stairwell.
- **Principal Dwelling Unit** means a **dwelling unit** that has a greater **floor area** than the accessory **dwelling unit** in the same dwelling.
- **Semi-Detached Dwelling Unit** means a **dwelling unit** in a **building** that is divided vertically into two **dwelling units** that share a common wall above and below grade.
- **Single Detached Dwelling Unit** means a **dwelling unit** in a **building** containing only one **dwelling unit**, but does not include a **mobile home**.

- **Townhouse Dwelling Unit** means a **dwelling unit** in a **building** that is vertically divided above and below grade into a minimum of three **dwelling units**, each of which has an independent entrance to the outside to the front, rear and/or side of the **building** and a **yard** abutting at least two of the exterior walls of each **dwelling unit**.
- **Triplex Dwelling Unit** means a dwelling unit in a **building** having three **dwelling units**

## E

**Emergency Service Facility** means a **building** that houses emergency personnel, their supplies and vehicles and may include an ambulance response facility, fire station or police station.

**Equipment Sales and Rental** means a **building, lot** or part thereof in which light and/or heavy machinery and equipment are offered for sale or kept for rent, lease or hire under agreement for compensation and which may include an accessory service shop for repair and maintenance.

**Established Building Line** means a line that is the average of the distance between the **front lot line** and nearest wall (including the **private garage**) of the **main building** facing the **front lot line** on the two neighbouring **lots**.

**Established Grade** means the level of the ground for the purposes of determining maximum **height** that is measured by averaging the grade at two points that are 0.1 metres from the two side **lot lines** at a distance from the **front lot line** that is equal to the minimum **front yard setback**.

**Existing** means **existing** as of the date that this By-law takes effect.

## F

**Fence** means a barrier enclosing or bordering a field or **yard**, usually made of posts and wire or wood, used to prevent entrance, to confine, or to mark a boundary.

**Financial Institution** means a bank, credit union, trust company or similar lending institution that is open to the general public.

**Floor Area** means the aggregate of the areas of each floor as set out below:

**Floor Area, Gross** means the aggregate of the areas of each floor of a **building** or **structure** above or below grade, measured between the exterior faces of the exterior walls of the **building** or **structure**, or where there are common walls between **uses** or **buildings** or **structures**; measured to the centre-line of a common wall. The calculation of **gross floor area** excludes the areas of each floor used, or designed or intended for the parking of **motor vehicles**, unless the parking of **motor vehicles** is the principle **use** of the **building** or **structure**.



**Floor Area, Net** means the aggregate of the **gross floor areas** of a **building** above or below grade, but excluding:

- **Motor vehicle parking areas** within the **building**;
- Stairways and common hallways;
- Elevator shafts and other service and mechanical shafts;
- Service/mechanical rooms and penthouses;
- Washrooms;
- Waste/recycling rooms;
- Staff locker, staff restrooms and staff lunch rooms;
- Loading areas within and outside a **building**;
- Any space with a floor to ceiling **height** of less than 1.8 metres; and,
- Any part of a **basement** that is unfinished is used solely for storage purposes and is not accessible to the public.

**Forestry Use** means the general raising and harvesting of wood and without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees and other forest products. This definition shall include Provincial and **County** reserves.

**Funeral Establishment** means an establishment used for the temporary placement of human remains so that persons may attend and pay their respects.

## G

**Garage Width** means the width of a **private garage** measured between the interior faces of the walls of the **private garage**.

**Gazebo** means a freestanding, roofed accessory **structure**, which is not enclosed, except for screening or glass.

**Golf Course** means an area of land laid out for golf with a series of holes including tee, fairway, and putting green and often one or more natural or artificial hazards.

**Golf Driving Range** means an outdoor establishment dedicated to the driving of golf balls from fixed golf tees.

**Group Home** means a **dwelling unit** used to provide supervised living accommodations, licensed or funded under the Province of Ontario or the Government of Canada, for three to ten persons, exclusive of staff, living together in a single housekeeping unit in a group living arrangement.

## H

**Hazardous Waste** has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.



**Height** means with reference to a **building** or **structure**, the vertical distance measured from the **established grade** of the wall of the **building** or **structure** facing the **front lot line** and:

- Flat Roof - the highest point of the roof surface or parapet, whichever is the greater;
- Mansard Roof - the deck line of a mansard roof;
- Gable, Hip or Gambrel or Other Types of Pitched Roof - the mean **height** between the eaves and ridge of the roof; and,
- In case of a **structure** with no roof, the highest point of the said **structure**.

**High Water Mark** means the location where the high water level of a waterbody meets the land. For Georgian Bay, this level shall be measured as 178 C.G.D.

**Home Occupation** means an occupation or profession conducted for gain where the business or profession is accessory and subordinate to the primary residential **use** of a **lot**.

**Hospital** means any institution, **building** or other establishment or place established for the purpose of the treatment of persons, and that is approved under the Public Hospitals Act as a **hospital**.

**Hospice** means a Provincially licenced facility that provides short-term palliative care at an inpatient facility attending to the physical, emotional and spiritual needs of terminally ill patients, whether under public or private ownership, but does not include any **use** otherwise specifically defined in this By-law.

**Hotel** means an establishment containing lodging rooms for the travelling public in accordance with the **Hotel** Registration of Guests Act, with no fewer than 6 lodging rooms and may include accessory meeting facilities, recreation facilities, a **restaurant**, banquet hall, and **retail stores** which are incidental and subordinate to the primary lodging function and located on the same **lot**, but does not include a **bed and breakfast establishment** or a **motel**.

**I**

**Impound Yard** means a place to which disabled **motor vehicles**, and **motor vehicles** or other mobile equipment impounded for a breach of the law, may be stored temporarily until reclaimed, but does not include a **motor vehicle sales establishment**, **motor vehicle rental establishment**, **motor vehicle repair establishment**, **motor vehicle body shop**, **outdoor storage use**, **parking area**, or **salvage yard**.

**Individual On-Site Sewage Services** means sewage systems, as defined in O. Reg. 332/12 under the **Building** Code Act, 1992, that are owned, operated and managed by the owner of the property upon which the system is located.

**Individual On-Site Water Services** means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

**Industrial Use** means an establishment used for the warehousing of goods and materials, the assembly of manufactured goods, the manufacturing of goods, the repair and servicing of goods and similar **uses**.

**Infrastructure** means physical **structures** that form the foundation for development and includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

## K

**Kennel** means an establishment where dogs and other domestic animals, excluding livestock, are bred and raised and are sold or kept for sale or boarded.

## L

**Landscaping** means trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and shall not be used for the **parking of motor vehicles**.

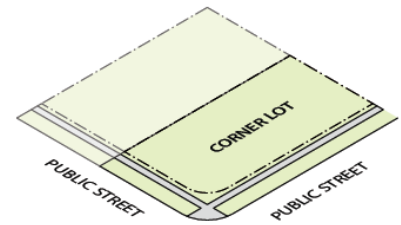
**Landscaping Strip** means an area of land at the edges of a **lot** that is used exclusively for and can be crossed by walkways, **driveways** and ramps accessing a **lot** from the **street or highway**.

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

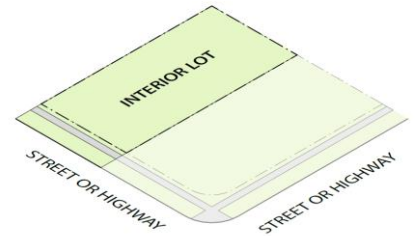
**Long Term Care Facility** means an establishment where living accommodation is provided along with regular nursing care for persons of any age and which has personal and medical care facilities, common lounges and dining areas and that is licenced under the Long-Term Care Homes Act.

**Lot** means a parcel of land that may be conveyed in accordance with the provisions of the Planning Act. Below are the three types of **lots**:

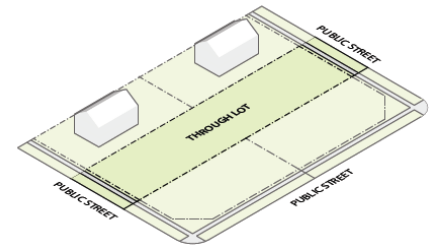
- **Corner Lot** means a **lot** at the intersection of two or more **streets or highways** or upon two parts of the same **street or highway** with such **streets or highways** containing an angle of less than or equal to 135 degrees.



- **Interior Lot** means a **lot** situated between adjacent **lots** and having access to one **street or highway**.



- **Through Lot** means a **lot** that is not a **corner lot** but has frontage on more than one **street or highway**. If a **lot** is a **through lot**, both of the **lot lines** abutting the **street or highway** are deemed to be **front lot lines**.



Notwithstanding the above, where a 0.3 metre wide **reserve** is located along one of the **lot lines** abutting the **street or highway**, the **lot** is not a **through lot**.

**Lot Area** means the horizontal area within the **lot lines** of a **lot**.

**Lot Centre Line** means a straight line measured from the middle of the **front lot line**, to the middle of the **rear lot line**. In the case where the **rear lot line** is a point, the **lot centre line** is measured from the middle of the **front lot line** to the point that forms the **rear lot line**.

**Lot Coverage** means that percentage of the **lot** covered by the horizontal area of all **buildings** and **structures** excluding **swimming pools**. **Lot coverage** in each **zone** shall be deemed to apply only to that portion of such **lot** that is located within said **zone**. Within the Residential Land Lease Community One (RLLC1) and Residential Land Lease Community Two (RLLC2) Zones, **lot coverage** shall be substituted to apply to coverage of individual sites within the Land Lease Community.

**Lot Depth** means the length of the **lot centre line**.

**Lot Frontage** means the horizontal distance between the **interior side lot lines** and/or **exterior side lot lines**, with such distance being measured perpendicularly to the line

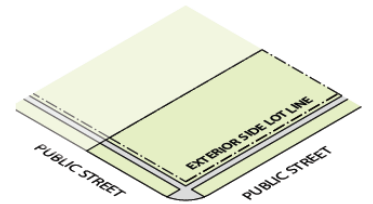
joining the mid-point of the **front lot line** with the mid-point of the **rear lot line** at a point on that line that is 6.0 metres from the **front lot line**.

In the case of a **lot** with no **rear lot line**, the point where two **side lot lines** intersect shall be the point from which a line is drawn to the mid-point of the **front lot line**.

In the case of a **corner lot** with a **Sight Line Triangle**, the **exterior side lot line** shall be deemed to extend to its hypothetical **point of intersection** with the extension of the **front lot line** for the purposes of calculating **lot frontage**.

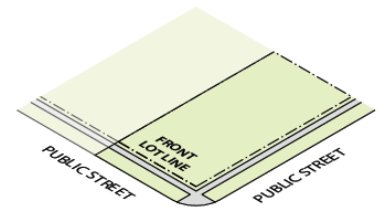
**Lot Line** means the boundary of a **lot**. Below are the four types of **lot lines**:

- **Exterior Side Lot Line** means the **lot line** of a **corner lot**, other than the **front lot line**, which divides the **lot** from a **street or highway**.

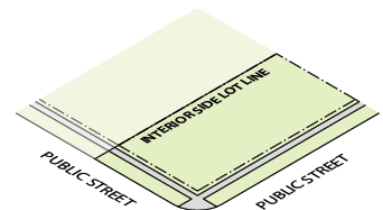


- **Front Lot Line** means the **lot line** that divides the **lot** from the **street or highway**, notwithstanding:

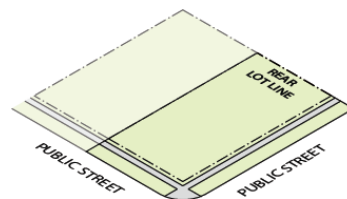
- a) In the case of a **corner lot** the shorter **lot line** that abuts a **street** shall be deemed to be the **front lot line** and the longer **lot line** that abuts a **street** shall be deemed the **exterior side lot line** for the purposes of calculating **yards** and **setbacks**. In the case of a **corner lot** with two **lot lines** of equal length abutting **streets**, the **lot line** of the **yard** abutting the front wall of the **building** shall be deemed to be the **front lot line**.
- b) In the case of a **through lot** the shorter **lot line** that abuts a **street** shall be deemed to be the **front lot line** and the longer **lot line** that abuts a **street** shall be deemed the **rear lot line** for the purposes of calculating **yards** and **setbacks**. In the case of a **through lot** with two **lot lines** of equal length abutting **streets**, the **lot line** of the **yard** abutting the front wall of the **building** shall be deemed to be the **front lot line**.
- c) In a case where a **Sight Line Triangle** exists, the **front lot line** includes the angled portion of the **lot line** to the **exterior side lot line** for the purposes of calculating **yards** and **setbacks**.



- **Interior Side Lot Line** means a **lot line**, other than a **rear lot line** that does not abut a **street or highway**.



- **Rear Lot Line** means the **lot line** opposite to, and most distant from, the **front lot line**. For the purpose of this definition, if two **side lot lines** join at a point, that point shall be deemed as a **rear lot line**.



## M

**Marina** means a commercial establishment containing rental boat slips and where automobile **parking areas**, servicing facilities for boats, sewage pump out facilities and water supply are provided, and may include gas pumps and on site boat storage facilities.

**Marine Storage Facility** means a **building** or an area of land where the **principal use** is to provide seasonal storage of marine vessels and shall include all on-land storage of vessels, including vessels stored in open or enclosed rack **structures**, on trailers, on cradles, on boat stands, or by other means but shall not include the **outdoor storage** of damaged or inoperable vessels or a **salvage yard**.

**Mausoleum** means a **building** or **structure**, other than a **columbarium**, used for the interment of human remains.

**Medical Clinic** means an establishment used for the medical, dental, surgical and/or therapeutic treatment of human beings including clinics operated by a number and/or variety of licensed medical professionals, but does not include a **public hospital** or **private hospital**.

**Mineral Aggregate Operation** means lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act as well as associated facilities used in extraction, transport, beneficiation, processing or recycling of **mineral aggregate resources** and derived products such as asphalt and concrete, or the production of secondary related products.

**Mineral Aggregate Resources** means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

**Mobile Home** means a **dwelling unit** that is designed to be made mobile and constructed or manufactured to provide a permanent residence for one or more persons in accordance with the standards set out in the Building Code Act, but does not include a travel trailer or a tent trailer or trailer otherwise designed.

**Mobile Home Park** means an area of land designed, arranged and managed as a unit used for the parking or storage of **mobile homes** and includes all accessory **buildings** necessary to the operation of said park.

**Mobile Home Site** means an area of land or separate area used for the parking of one **mobile home** used as a **dwelling unit** in a **mobile home park**.

**Model Home** means a **building**, which is used on a temporary basis as a sales office or as an example of the type of **dwelling unit**, that is for sale in a related development and which is not occupied or used as a **dwelling unit**.

**Motel** means an establishment used to provide temporary accommodation to the travelling public with all of the rooms being accessed from the outside and may include accessory services such as a **restaurant**, meeting facilities, recreation facilities, banquet facilities and accommodation for staff, but does not include a **hotel** or a **bed and breakfast establishment**.

**Motor Vehicle** means an automobile, motorcycle, motor-assisted bicycle unless otherwise indicated in the Highway Traffic Act and any other vehicle propelled or driven otherwise than by muscular power.

**Motor Vehicle, Commercial** means a **motor vehicle** having permanently **attached** thereto a truck or delivery body that is used for commercial purposes and includes ambulances, hearses, casket wagons, fire apparatus and **buses**, but does not include a **motor vehicle** or a **tractor trailer** as defined in this By-law.

**Motor Vehicle, Recreational** means **motor vehicles** and trailers that are primarily designed to provide temporary living quarters for recreational camping, travel or seasonal **use**, whether it has its own motor power or is mounted on or towed by another vehicle, and includes motor homes, travel trailers, fifth wheel travel trailers, tent trailers and campers whether or not the camper is or is not **attached** to a truck or other **motor vehicle**.

**Motor Vehicle Body Shop** means an establishment used for the painting and/or repairing of the exterior and/or the undercarriage of **motor vehicle** bodies, and in conjunction with which there may be a towing service or **motor vehicle rental establishment** but shall not include an **impound yard** or **salvage yard**.

**Motor Vehicle Rental Establishment** means an establishment used for the rental of **motor vehicles**.

**Motor Vehicle Repair Establishment** means a **building** or part of a **building** used for the mechanical repair, equipping, maintenance, or servicing of **motor vehicles** and may include an associated towing service, and **motor vehicle rental establishment** but does not include a **motor vehicle body shop**, **salvage yard**, or **impound yard**.

**Motor Vehicle Sales Establishment** means an establishment used for the sale of **motor vehicles**.

**Motor Vehicle Service Station** means a premises where vehicle fuels and lubricants are offered for retail sale and may include an accessory convenience store but shall not include any other **motor vehicle use** defined in this By-law.

**Motor Vehicle Washing Establishment** means a **building** or **structure** which contains **motor vehicle** washing facilities for compensation utilizing either mechanical, production line, or self-service equipment.

**Municipal Parking Lot or Garage** means an area of land or a **building** or part of a **building** used for the parking of **motor vehicles** and operated by a **public authority**.

**Municipal Sewage Services** means sewage works within the meaning of section 1 of the Ontario Water Resources Act that is owned or operated by the **Corporation**.

**Municipal Water Services** means a municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act.

**Municipality** means the Corporation of the Town of Penetanguishene.

**Museum** means an institution that is established for the purpose of acquiring, conserving, studying, interpreting, assembling and exhibiting to the public for its instruction and enjoyment a collection of artifacts of historical interest.

## N

**Non-Complying** means a **building**, **structure** or **lot** that does not comply with the regulation(s) of this By-Law as of the date of passing of this By-law.

**Non-Conforming Use** means an **existing use** that is not a permitted **use** in the **zone** in which the said **use** is situated as of the date of passing of this By-law.

**Non-Profit Organization** means an incorporated organization that is established and which is operated in a manner that does not result in the generation of profits.

**Noxious Use** means a **use** which, from its nature or operation, creates a nuisance, or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, or objectionable odour, or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material.

## O

### **Office**

Means a **building** or part of a **building** where administrative and clerical functions are carried out in the management of a business, profession, organization or public administration and shall not include a **medical clinic**.

**Outdoor Recreation** means the **use** of land for parks, playgrounds, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields, picnic areas, **swimming pools**, snow skiing and all similar **uses**.



**Outdoor Display and Sales Area** means an outdoor open space area, used in conjunction with the **main building** on the same **lot**, for the accessory display and/or sales of produce, merchandise or the supply of services in association with the **principal use** of the **lot**. Such a display and/or sales area may be wholly or partially contained within a temporary tent **structure**.

**Outdoor Storage** means an area of land used in conjunction with a business located within a **building** on the same **lot**, for the storage of goods and materials in the open air. This definition shall not include the **parking** of any **motor vehicle** or **tractor trailer** that bears a licence plate with a currently valid sticker, a delivery space or a **loading space** or any **use** otherwise specifically defined in this By-law.

**Outdoor Storage Use** means an area of land where the **principal use** is to provide for the **outdoor storage** of goods but shall not include a the **outdoor storage** of construction equipment and/or materials, an **impound yard** or **salvage yard**.

## P

**Park, Private** means lands used for active and passive recreational **uses**, that are not owned by a **public authority**, and which are operated on a commercial and/or private member basis.

**Park, Public** means lands used for active and passive recreational **uses**, owned, operated or maintained in whole or in part by a **public authority**, and which may include facilities for indoor or **outdoor recreational** activities.

**Parking Area** means an open area of land, accessory to a permitted **use**, not located within a **street** or **highway** that is used for the parking of **motor vehicles** that bear a licence plate with a currently valid sticker, but shall not include any area where **motor vehicles**, **commercial motor vehicles** or **tractor trailers** for sale, maintenance or repair are kept or stored.

**Parking Space** means a space that has been designed and/or located for the parking of a **motor vehicle** or a bicycle.

**Patio** means a surfaced, open space of land at grade that is intended for **use** as an outdoor amenity area, but does not include a **platform** or **porch**.

**Personal Service Establishment** means premises where professional or personal services involving the health, beauty, or grooming of a person or the maintenance and cleaning of personal apparel are provided but shall not include any other **use** otherwise defined in this By-law. Such **uses** may include accessory retail sales related to the service provided.

**Place of Assembly** means a place designed and used to accommodate gatherings of people such as a banquet hall, auditorium, conference centre, legion halls, assembly hall and similar **uses**, and which may include the incidental preparation and sale of food and beverages on the premises.



**Place of Entertainment** means a premises devoted to the offering of facilities for the entertainment of the public including a cinema, live theatre, concert hall, or other similar use, as well as facilities for the playing of games for the amusement of the public including an arcade, billiard room, bowling alley, electronic or laser game, indoor miniature golf, indoor paintball facility, and bingo hall or other similar use.

**Place of Worship** means a **building** or part of a **building** used by a charitable religious group(s) for the practice of religious rites and may include **accessory uses** that are subordinate and incidental to the practice of religious rites. Examples of **accessory uses** include, but shall not be limited to, classrooms, assembly areas with a potential occupancy less than the **place of worship** area, a kitchen, a residence for the faith group leader, and offices subordinate and incidental to the principal **place of worship**. A **place of worship** does not include a **cemetery, child care centre, or private school**.

**Platform** means an accessory **structure attached** to or separate from a **main building**, which may be open, or roofed, and which may be screened-in, but not fully enclosed, with or without access to the ground, the floor of which is above finished ground level. A **platform** does not include any stairs.

**Point of Intersection** means the point at which two **street lines** abutting a **corner lot** intersect or if the two **street lines** meet a curve, then it is the point at which the projection of the two **lot lines** abutting the **streets** intersect.

**Porch** means permanent **structure** with a foundation and a roof that shares one common exterior wall with a **main building** and that has at least at least two sides that are open and unenclosed and which provides access to the **first storey** of a **dwelling unit**. In the case of a **townhouse dwelling unit**, at least one side of the **porch** shall be open and unenclosed.

**Principal Use** means the primary purpose for which a **lot** is used.

**Private Garage** means an enclosed **building**, or part thereof, designed for the storage of one or more **motor vehicles**.

**Private Home Daycare** means the **use** of a **dwelling unit** for the temporary care and/or guidance of five persons or less, for a continuous period not exceeding 24 hours and shall not include any **use** otherwise defined in this By-law.

**Public Authority** means any commission, board, or authority or any quasi-public body that is controlled by the Federal and/or Provincial governments and/or any commission, board, or authority or any quasi-public body controlled by the County of Simcoe and/or Town of Penetanguishene, provided it is owned or operated by or for, or under the authority of, the County of Simcoe or the Town of Penetanguishene.

**Public Use** means any **use** of land, **buildings** or **structures** by or on behalf of a **public authority**.

**Pumphouse** means an **accessory building or structure** that is principally used for housing pumping equipment.

## Q

**Queuing Lane** means a portion of a **parking area** or a parking **lot**, other than a parking aisle or a **parking space** which provides standing room for vehicles in a queue while awaiting service from a **drive-through service facility**. For the purposes of this definition, a **queuing lane** shall be measured by the length of a **stacking space** times the number of spaces required.

## R

**Recreational Vehicle, Small** means motorized vehicles used for personal recreational pursuit and may include such motorized vehicles as all-terrain vehicles, boats, sea-doods, snowmobiles and similar equipment.

**Rehabilitation Treatment Centre** - Means a facility providing secure, supervised specialized care, treatment and/or rehabilitation services on an in-patient or out-patient basis for individuals who are addicted to chemical substances and/or alcohol. Services generally include 24- hour accommodation for a period equal to or greater than seven (7) consecutive days where meals may also be prepared on site and served to patrons. The premises may also include accessory **offices**, lounges and meeting rooms. For the purposes of this **use**, 'secure' shall mean monitored and controlled ingress and egress to the facility at all times. A **Rehabilitation Treatment Centre** shall not include a **Medical Clinic**, a **Group Home**, a **Crisis Care Centre I**, **Crisis Care Centre II**, a **Boarding and Rooming House**, or **Hotel/Motel**.

**Reserve** means a strip of land abutting a **street or highway** and owned by the **public authority** having jurisdiction over such a **street or highway**.

**Restaurant** means an establishment in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the **building** and which may include the preparation of food in a ready-to-consume state for consumption off the site.

**Retail Store** means an establishment in which goods; wares, merchandise, substances, articles or things are displayed, rented or sold directly to the public.

**Retirement Home** means a residential complex used for semi-independent living accommodation for senior citizens primarily in bed-sitting rooms, with common dining and lounge areas.

## S

**Salvage Yard** shall mean an establishment where goods, wares, merchandise, articles or things are processed for further **use**, and where such goods, wares, merchandise, articles or things are stored wholly or partly in the open and includes a junk **yard**, a scrap metal **yard**, a **motor vehicle** wrecking **yard** and a **used lumber yard**.

**Sauna** means an **accessory building or structure** wherein facilities are provided for the purpose of a **sauna** bath, either dry or wet and may include a change and/or cooling room but shall not include a washroom or sanitary facilities.

**School** means a facility where instruction is provided to students as the **principal use**. The **schools** that are regulated by this By-law are defined below:

- **Commercial School** means a premises in which formal or practical instruction or training is provided for hire or gain in a specialized skill set such as in an art, hobby, skill or trade.
- **Elementary School** means a Provincially approved institution for academic instruction for kindergarten to grade eight including a publicly funded or private fee paying **school**, and which may include a **child care centre**.
- **Post Secondary School** means a **building** or part of a **building** where educational facilities operated under the authority of the Province of Ontario are provided for the instruction of college or university education, and that may include additional **accessory uses** such as a **child care centre**, retail sales, eating facilities or **restaurants** but does not include a **commercial school**.
- **Secondary School** means a Provincially approved institution for academic instruction for grade nine to grade twelve including a publicly funded or private fee paying **school** and which may include a **child care centre**.

**Sensitive Land Use** means **buildings**, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more **adverse effects** from contaminant discharges generated by a nearby major facility. Sensitive land **uses** may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

**Service and Repair Establishment** means any **building** or part thereof where appliances and machinery are sold, serviced, or repaired and includes **building** trades establishments but excludes any manufacturing, processing or wholesaling.

**Setback** means the horizontal distance from the centre line of the **street** allowance, measured at right angles to such **centre line**, to the nearest part of any main wall of any **building** or **structure** on the **lot**.

**Shipping Container** means a freight container that is used for the transportation and storage of goods and materials that can be loaded onto trucks, trains or ships for the purpose of moving of goods and materials. A **shipping container** shall also include, but

not be limited to the body of a transport trailer or a straight truck and any prefabricated portable metal storage unit. For the purpose of this definition, a **shipping container** does not have wheels or include a **motor vehicle** or a transport trailer.

**Short Term Rental Unit** means a **single detached dwelling unit**, that in whole or in part, is rented or available for rent for an occupancy period of not more than 28 consecutive days but shall not include a **bed and breakfast establishment, hotel, motel** or any other use otherwise defined by this By-law.

**Small Recreational Vehicles Sales and Service Establishment** means a **building, lot** or part thereof in which **small recreational vehicles** are offered for sale or kept for rent, lease or hire under agreement for compensation and which may include an accessory service shop for repair and maintenance.

**Stacking Space** an area occupied by a **motor vehicle** within a **queuing lane** while awaiting service from a **drive-through service facility**.

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

**Street, Road or Highway** means a roadway owned by a **public authority**.

**Street Line** means the limit of a **street or highway** allowance and is the dividing line between a **lot** and a **street or highway**.

**Structure** means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil and/or any other **structure** and includes a **dock**.

**Swimming Pool** means an outdoor artificial body of water having a minimum water depth of 0.6 metres or more and which is used and maintained for the purpose of swimming, wading, diving or bathing. For the purposes of this Zoning By-law, a **swimming pool** may include above-ground or in-ground **swimming pools**, spas, hot tubs, wading pools, and inflatable pools but shall not include a natural dug or dammed pond, primarily intended for aesthetic or agricultural purposes.

## I

**Tandem Parking Space** means a **parking space** that is located behind another **parking space** and which, if used, prevents the other **parking space** from being accessed by a **motor vehicle** and shall not include parking on mechanical lifts.

**Tractor Trailer** means a truck consisting of a self-propelled cab designed to have temporarily **attached** thereto, a trailer consisting of one or more axles designed to be pulled by the cab for the purposes of carrying goods or materials and does not include a **commercial motor vehicle**. Both the cab and the trailer component individually or

together, licensed or unlicensed are considered a **tractor trailer** for the purposes of this By-law, but does not include a farm vehicle or a trailer designed to carry livestock.

**Trade and Convention Centre** means a **building** or part of a **building** where facilities are provided for the displaying of goods and/or services for the general public, such as an auto show or a computer trade show or where groups of people meet for civic, educational, political, religious or social purposes.

**Transport Terminal** means the **use** of land for the purpose of storing, servicing, washing, repairing or loading of trucks and/or transport trailers with materials or goods which are not manufactured, assembled, warehoused, or processed on the same **lot**.

## U

**Use** means the purpose for which any land, **building** or **structure**, or any part or combination thereof is designed, arranged, intended, occupied or maintained.

**Utility Trailer** means any portable unit so constructed as to be suitable for attachment to a **motor vehicle** and capable of being used for the transportation of goods and/or equipment.

## V

**Veterinary Clinic** means an establishment where cats, dogs and other domesticated animals are evaluated and/or treated for medical conditions and which may have boarding facilities for animals in their care for limited time.

## W

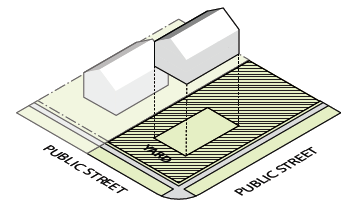
**Warehouse** means an establishment used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, foodstuffs, substances, articles or things, other than livestock.

**Waste Disposal Site** means land, **buildings** or parts of **buildings** used for the disposal of waste by deposit, under controlled conditions and includes compaction of the waste into a cell and covering the waste with cover materials at regular intervals.

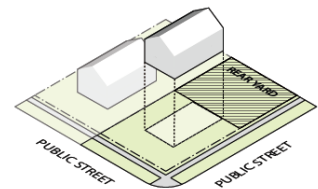
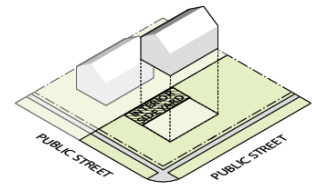
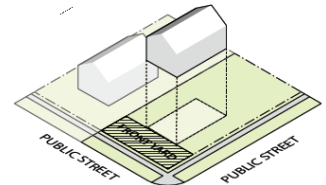
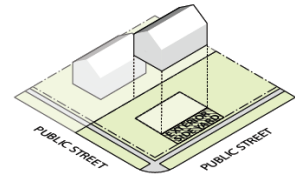
**Watercourse** means any stream, river or channel in which a flow of water occurs, either continuously or intermittently.

## Y

**Yard** means an open, uncovered space on a **lot** between a **building** and a **lot line** and which is unoccupied by **buildings** or **structures** except as specifically permitted in this By-law. The four types of **yards** are defined below:



- **Exterior Side Yard** means the **yard** of a **corner lot** extending from the **front yard** to the **rear yard** between the **exterior side lot line** and the nearest main walls of the **main building or structure** on the **lot**.
- **Front Yard** means a **yard** extending across the full width of the **lot** between the **front lot line** and the nearest main walls of the **main building or structure** on the **lot**. In the case of a **through lot**, the **front yard** requirements of this By-law apply on each **street or highway** in accordance with the provisions of the **zone or zones** in which such **lot** is located.
- **Interior Side Yard** means a **yard** other than an **exterior side yard** that extends from the **front yard** to the **rear yard** between the **interior side lot line** and the main walls of the **main building or structure** on the **lot**.
- **Rear Yard** means a **yard** extending across the full width of the **lot** between the **rear lot line** and the nearest main walls of the **main building or structure** on the **lot**.



## Z

**Zone** means a classification of a land **use** shown on the Zoning Schedule(s) of this By-law.

# PART 4.0 – GENERAL PROVISIONS

## 4.1 ACCESSORY BUILDINGS STRUCTURES AND USES

### 4.1.1 GENERAL REQUIREMENTS FOR ACCESSORY BUILDINGS, STRUCTURES AND USES

- a) Where this By-law provides that a **building, structure or lot** may used for a purpose permitted by this By-law, that **use** permission shall include accessory **buildings, structures or uses** provided such **buildings, structures, or uses** are subordinate and normally incidental to the primary permitted **use** of the **building, structure or lot**, or unless otherwise expressly prohibited by this By-law.
- b) An accessory **building, structure or use** shall be located on the same **lot** as the **principal use**.
- c) The **main building, structure or use** must be established on the **lot** prior to construction of any accessory **buildings, structures or uses**. Notwithstanding, where a temporary accessory **building** is necessary for the storage of tools or materials for **use** in connection with the construction of the **main building** on a **lot**, the accessory **building** may be erected on the **lot** first provided that a **building** permit is issued for the **main building** and further provided that such **building** shall be used only for the purpose of storage during construction. When the **main building** is ready for occupancy, the temporary accessory **building** shall be removed.
- d) No **accessory building or structure** shall be considered accessory if **attached** to and structurally dependent on the **main building**. For the purpose of this clause, an accessory **building** which is connected to the **main building** by a **breezeway**, covered walkway or similar **structure** shall not be considered structurally dependent on the **main building** unless the accessory **building** and **main building** are under a common roof.
- e) No detached **accessory building or structure** may be used for human habitation or for a **home occupation** unless specifically permitted by this By-law.

## 4.1.2

### STANDARDS FOR ACCESSORY BUILDINGS AND STRUCTURES

- a) The maximum number of permitted **accessory buildings** or **structures** on a **lot** shall be in accordance with Table 4.1.2.1.

Notwithstanding, a maximum of 1 detached **private garage** is permitted on a **lot** in a Residential Zone. Further notwithstanding, water-related shoreline structures, including a **boathouse**, **boat port**, **boat lift**, **boat launch ramp**, **dock** and/or **pumphouse structures**, that may be located below the 178 G.S.C. elevation for a lot fronting on a navigable waterway, shall not be included within the maximum number of **accessory buildings and structures** permitted on a **lot**.

**Table 4.1.2.1: Maximum Number of Accessory Buildings and Structures on a Lot**

Lot Area	Maximum Permitted Lot Coverage
Less than 4000 m <sup>2</sup>	2
4000 m <sup>2</sup> or greater	4

- b) Location: The minimum required **setbacks** for accessory **buildings** and **structures** shall be in accordance with Table 4.1.2.2.

**Table 4.1.2.2: Minimum Required Setbacks for All Accessory Buildings and Structures on a Lot**

Lot Line	Minimum Required Setback from Lot Line
Front Lot Line	An <b>accessory building or structure</b> is not permitted in a <b>front yard</b> .
Interior Side Lot Line	1.2 metres Notwithstanding, in the case of a detached garage, the <b>setback</b> from the <b>interior side lot line</b> may be reduced to 0.5 metres if there are no doors or windows on the wall facing the <b>interior side lot line</b> and reduced to 0 metres if the detached <b>private garage</b> shares a common wall with a detached <b>private garage</b> on an abutting <b>lot</b> .
Exterior Side Lot Line	4.5 metres Notwithstanding, in the case of a detached <b>private garage</b> , the <b>exterior side yard setback</b> shall be the same as the <b>exterior side yard setback</b> for the main residential <b>building</b> on the <b>lot</b> .
Rear Lot Line	1.2 m

- c) Maximum **Lot Coverage**: The maximum cumulative **lot coverage** for all accessory **buildings** and **structures**, detached **private garage**, and detached **additional dwelling unit** on a **lot** in the Residential One (R1), Residential Two (R2), Residential Three (R3), Rural Residential (RR),



Shoreline Area One (SR1), Shoreline Area Two (SR2) and Rural (RU) Zones shall be in accordance with Table 4.1.2.3.

**Table 4.1.2.3: Maximum Cumulative Lot Coverage for All Accessory Buildings and Structures on a Lot**

Lot Size	Maximum Permitted Lot Coverage
Up to 1000 m <sup>2</sup>	The lesser of 8% up to a maximum of 60 m <sup>2</sup>
1001 m <sup>2</sup> or greater	The lesser of 10% up to a maximum of 100 m <sup>2</sup>

- d) Maximum **Height**: The maximum **height** of an **accessory building or structure** shall be in accordance with Table 4.1.2.4.

**Table 4.1.2.4: Maximum Height for All Accessory Buildings and Structures on a Lot**

Lot Area	Maximum Height
Less than 4000 m <sup>2</sup>	4.5 metres
4000 m <sup>2</sup> or greater	5.5 metres

### 4.1.3 STANDARDS FOR PRIVATE DETACHED GARAGE ON A THROUGH LOT

- a) Where a detached **private garage** is accessed from a **driveway** crossing the **rear lot line** or an **exterior side lot line** the requirements of Table 4.1.3.1 shall apply.

**Table 4.1.3.1: Requirements For A Detached Garage On A Through Lot**

Regulation	Applicable Zoning Standard
<b>Setbacks</b>	
From <b>Rear Lot Line</b>	0.6 metres
From <b>Interior Side Lot Line</b>	1.2 metres Notwithstanding, in the case of a detached garage, the <b>setback</b> from the <b>interior side lot line</b> may be reduced to 0.5 metres if there are no doors or windows on the wall facing the <b>interior side lot line</b> and reduced to 0 metres if the detached <b>private garage</b> shares a common wall with a detached <b>private garage</b> on an abutting lot.
From <b>Exterior Side Lot Line</b>	The <b>exterior side yard setback</b> shall be the same as the <b>exterior side yard setback</b> for the main residential <b>building</b> on the lot.
<b>Setback From the Main Building on the Lot</b>	6.0 metres

Regulation	Applicable Zoning Standard
Maximum Height	4.5 metres

- b) Where a detached **private garage** is accessed from a **driveway** crossing the **front lot line**, the requirements for detached accessory **buildings** in Section 4.1.2 shall apply.

#### 4.1.4 ACCESSORY SHORELINE STRUCTURES

Notwithstanding any other provision of this By-law to the contrary, shoreline structures accessory to a principal residential **use** may be permitted on any **lot** in the Rural (RU), Residential One (R1) Zone, Shoreline Area One (SA1) Zone, Shoreline Area Two (SA2) Zone, or Lake Side (LS) Zone in accordance with the requirements of Table 4.1.4.1. The provisions of Section 4.1.4 do not apply to **lots** within the Marina One (MAR1) Zone and Marina Two (MAR2) Zone.

**Table 4.1.4.1 – Accessory Shoreline Structures**

Zoning Requirements for the Establishment of Accessory Shoreline Structures	
<b>Setback From High Water Mark</b>	<p>All <b>accessory buildings and structures</b> shall be setback 15 metres from the <b>high water mark</b> as measured landward from the 100 year flood elevation of 178 metres G.S.C.</p> <p>Notwithstanding, water-related <b>accessory shoreline structures</b>, being those <b>structures</b> that require direct access to the water as an operational necessity, may be located closer than the 15 metre setback from the <b>high water mark</b>.</p> <p>Water-related <b>accessory shoreline structures</b> include a <b>boathouse, boat port, boat lift, boat launch ramp, dock</b> and/or <b>pumphouse</b> and do not include a sauna or hot tub.</p>
<b>Docks</b>	One <b>dock</b> extending not more than 30 metres may be permitted on a <b>lot</b> provided such <b>dock</b> is not used for commercial purposes.
<b>Maximum Width of Shoreline Structures</b>	The maximum cumulative width of all permitted water-related <b>accessory shoreline structures</b> , including all <b>boathouse, boat port, boat lift, boat launch ramp, dock</b> and/or <b>pumphouse structures</b> , that may be located below the 178 G.S.C. metre elevation shall not exceed 25% of the <b>lot frontage</b> as measured parallel to the shoreline at the 178 metre G.S.C. elevation.

Zoning Requirements for the Establishment of Accessory Shoreline Structures	
<p><b>Calculating Lot Frontage Parallel to the Shoreline</b></p>	<p>For the purposes calculating the <b>lot frontage</b> as required by Section 4.1.1, the width of the <b>lot</b> at the 178 metre G.S.C elevation shall be measured by drawing a line between the points where the 178 metre G.S.C. elevation intersects each of the <b>interior lot lines</b>.</p> <p>If the lot is a <b>corner lot</b>, the width of the <b>lot</b> at the 178 metre G.S.C elevation shall be measured by drawing a line between the point at which the 178 metre G.S.C elevation intersects the <b>interior lot line</b> and a point where the <b>exterior side lot line</b> intersects the 178 metre G.S.C. elevation.</p>
<p><b>Standards for Accessory Shoreline Structures</b></p>	<p>The requirements of Sections 4.1.1 and 4.1.2 of this By-law shall apply to all <b>accessory structures</b> on a <b>lot</b> regardless if such <b>structures</b> are located above or below the 178 G.S.C. metre elevation.</p> <p>Notwithstanding the requirements of Table 4.1.2.2, water-related <b>accessory shoreline structures</b>, including a <b>boathouse, boat port, boat lift, boat launch ramp, dock</b> and/or <b>pumphouse</b> may be permitted in the required <b>front yard</b>. In all other respects, the requirement of Section 4.1.1 and 4.1.2 shall apply.</p>

## 4.1.5 ACCESSORY USES

### 4.1.5.1 ACCESSORY OUTDOOR DISPLAY AND SALES AREA

Where an **outdoor display and sales area** is located on a **lot**, the following provisions apply:

- a) The **outdoor display and sales area** must be set back a minimum of 12.0 metres from a Residential **Zone** boundary;
- b) The **outdoor display and sales area** must be located outside of any required **parking spaces** and required **landscaping strips**; and,
- c) Notwithstanding subsection (b), if the outdoor sales and display area is temporary, it may occupy up to 10% of the **parking spaces** required by this By-law for the **uses** that exist on the same **lot**.

#### 4.1.5.2 ACCESSORY OUTDOOR STORAGE

Where **outdoor storage** is permitted in conjunction with a **building** or **structure** on the same **lot** and is not an **outdoor storage use**, the following provisions apply:

- a) The **outdoor storage** is only permitted on a **lot** if there is also a **building** or **structure** on the same **lot** that has a minimum **lot coverage** of 15%.
- b) The **outdoor storage** is permitted only in a **rear** or **interior side yard** and must not be located any closer than 7.5 metres to any **lot line** abutting a **street** or **highway**.
- c) **Outdoor storage** shall be screened by opaque fencing or masonry wall with a minimum **height** of 1.8 metres or a berm with a minimum **height** of 3.0 metres.
- d) No materials (other than machinery and equipment) in an **outside storage** area shall exceed 6.0 metres in **height**.

#### 4.1.5.3 ACCESSORY WASTE STORAGE AREAS

All waste generated from a commercial or **industrial use** or from a **building** containing four or more **dwelling units** on the same shall be stored inside a **building** or **structure** or waste receptacle provided the waste storage **building** or **structure** or waste receptacle:

- a) Is located within the **interior side** or **rear yard**;
- b) Is located no closer to any **lot line** than required for an **accessory building** or **structure** by this By-law;
- c) Does not occupy any required **parking spaces** and the access to these **parking spaces**; and,
- d) Is located outside of any required **landscaping strip**.

Where a waste storage **building** or **structure** is provided in accordance with sub-section a) above, the **building** or **structure** must be surrounded on three sides by masonry, concrete, or wooden walls in order to provide screening. This provision does not apply to a purpose built non-metal deep well receptacle.

## 4.2 ADDITIONAL DWELLING UNITS

Where an **additional dwelling unit** is permitted, the following provisions shall apply:

- a) A maximum of two (2) **additional dwelling units** shall be permitted per **lot** including a maximum of one (1) **additional dwelling unit** in the main

residential **building** on the **lot** and a maximum of one (1) **additional dwelling unit** in a detached accessory **structure** on the **lot**.

- b) An **additional dwelling unit** shall only be permitted on a **lot** containing a **single detached dwelling unit, semi-detached dwelling unit** or **townhouse dwelling unit**;
- c) Where the **principal dwelling unit** is a **townhouse dwelling unit**, an **additional dwelling unit** is only permitted provided the **lot** on which the principal **townhouse dwelling unit** is located has a minimum frontage of 11 m;
- d) An **additional dwelling unit** shall only be permitted on a **lot** fronting on an open and municipally maintained **street** or **road**;
- e) Where **municipal water services** and **municipal sewage services** are available, the **principal dwelling unit** and the **additional dwelling unit** must be connected to such services. Where **municipal water services** and **municipal sewage services** are not available, proof must be provided to the satisfaction of the Township, that the **individual on-site water services** and **individual on-site sewage services** are capable of accommodating both the **principal dwelling unit** and the proposed **additional dwelling unit** on the **lot**;
- f) An **additional dwelling unit** shall not be permitted on a **lot** with a **garden suite, short term rental, bed and breakfast, group home**, or on a **lot** with a **boarding and rooming house**;
- g) A **home occupation** shall not be permitted within an **additional dwelling unit**;
- h) Occupancy of an additional residential unit shall not be permitted until an Occupancy Permit has been issued by the **Municipality**.
- i) Parking for an **additional dwelling unit** shall be provided in accordance with the requirements of Section 5 of this By-law;
- j) Required off-**street parking spaces** may be arranged in tandem. A tandem **parking space** may be located on a **driveway** that is within the **front yard**; and,
- k) An **additional dwelling unit** that existed legally as of the date this By-law takes effect may continue to be **used** for that purpose if a **building** permit has been issued and if the unit complies with the regulations of the Fire Protection and Prevention Act;
- l) A **main building** on a residential **lot** that is divided into a **principal dwelling unit** and an **additional dwelling unit** shall not constitute any other type of **dwelling unit** otherwise defined in this By-law; and,

- m) An **additional dwelling unit** in an accessory **building** shall not be severed from the **lot** containing the **principal dwelling unit**.

#### 4.2.1 **ADDITIONAL DWELLING UNITS IN A MAIN BUILDING ON A RESIDENTIAL LOT**

Where permitted by this By-law, one **additional dwelling unit** is permitted within the **main building** on a residential **lot** in accordance with the following:

- a) The additional **dwelling unit** is located entirely within the same **building** as the **principal dwelling unit**;
- b) The maximum **gross floor area** of the **additional dwelling unit** may not exceed the greater of 45% of the **gross floor area** of the **principal dwelling unit** but in no case shall be larger than 55 m<sup>2</sup>;
- c) Where direct access to the **additional dwelling unit** is provided from the **interior side yard**, the entrance to the **additional dwelling unit** is required to be a minimum of 1.2 metres from the **interior side lot line** and no stairs accessing the **additional dwelling unit** are permitted within 1.2 metres from the **interior side lot line**.

#### 4.2.2 **ADDITIONAL DWELLING UNIT IN A DETACHED ACCESSORY BUILDING**

Where permitted by this By-law, one **additional dwelling unit** is permitted in an accessory **building** to a primary residential **use** in accordance with the following:

- a) The accessory **building** with the **additional dwelling unit** is located in the **rear yard**;
- b) The maximum **gross floor area** of the **additional dwelling unit** may not exceed 45% of the **gross floor area** of the **principal dwelling unit** but in no case may be larger than 60 m<sup>2</sup>;
- c) An **additional dwelling unit** in an accessory **building** is not permitted to have a **basement** or other habitable living space below grade;
- d) The accessory **building** with the **additional dwelling unit** has a **height** no greater than 4.5 metres;
- e) The accessory **building** with an **additional dwelling unit** is located no further than 30 metres from the **lot line** over which access from a public **street** or **road** is obtained;
- f) The accessory **building** with the **additional dwelling unit** is accessed from the **street** or **highway** by a clear path of travel that has a minimum width of 1.2 metres;
- g) The accessory **building** with the **additional dwelling unit** is located:
  - i) a minimum of 3.0 metres from the **rear lot line**;

- ii) consistent with the applicable **exterior side yard setback** for the main residential **building** on the **lot**; and,
- iii) a minimum of 1.2 metres from the **interior side lot line**; and,
- h) Where an accessory **building** containing an **additional dwelling unit** is located on a **through lot** and is accessed from a **driveway** crossing the **rear lot line**, the following additional provisions shall apply:
  - i) Notwithstanding Section 4.2.2(a), the accessory **building** containing the **additional dwelling unit** shall be located in the **yard** adjacent to the rear wall of the main residential **building** on the **lot**; and,
  - ii) Notwithstanding Section 4.2.2 (d), the accessory **building** containing the **additional dwelling unit** has a **height** of no greater than 5.5 metres.

### 4.3 BARRIER-FREE ENTRANCES

Nothing in this By-law prevents the establishment of **barrier-free** entrances in accordance with the requirements of the Ontario Building Code. In addition, nothing prevents the location of **barrier-free** entrances in a **private garage** that is **attached** to a **dwelling unit** provided the required number of **parking spaces** can still be provided.

### 4.4 BED AND BREAKFAST ESTABLISHMENTS

Where a **bed and breakfast establishment** is permitted, the following provisions shall apply:

- a) a **bed and breakfast establishment** shall only be permitted in a **single detached dwelling unit**;
- b) a **bed and breakfast establishment** shall only be permitted in the **principal dwelling unit** on a **lot**;
- d) the bed and breakfast shall only be operated by the person(s) whose principal residence is the **single detached dwelling unit** in which the **bed and breakfast establishment** is operated;
- e) the use of an accessory **building** for a **bed and breakfast establishment** or accommodation of the owner/operator is prohibited;
- f) a bed and breakfast shall have a maximum of three (3) guest rooms which cumulatively shall not exceed 25% of the **gross floor area** of the **principal dwelling unit** in which it is located;

- g) the **bed and breakfast establishment** is clearly secondary to the principal residential **use** of the **lot** and does not change the residential character of the **dwelling unit** or the **lot**;
- h) a **bed and breakfast establishment** is only permitted on a **lot** that has frontage on an open, municipally maintained public **street, road** or **highway**;
- i) no external advertising other than a sign erected in accordance with the Town of Penetanguishene Sign By-law is permitted;
- j) off-**street** parking for the **bed and breakfast** shall be provided in accordance with Section 5 of this By-law; and,
- k) a **bed and breakfast** shall not be permitted on a lot with an **additional dwelling unit, garden suite, group home, or a boarding and rooming house**.

## 4.5 CANNABIS PRODUCTION FACILITIES

The following provisions apply to all federally licensed **cannabis production facilities** and **outdoor cannabis cultivation uses** where permitted by this Zoning By-law:

- a) Only a **cannabis production facility** or **outdoor cannabis cultivation** of a singular **cannabis** licence holder may occur on a single **lot**.
- b) Other than cultivation, all other **cannabis-related uses** are only permitted within a wholly enclosed **building**.
- c) The sale of **cannabis** or **cannabis** products is not permitted as an **accessory use** to any **cannabis production facility** or **outdoor cannabis cultivation**.
- d) Where a minimum separation distance is required between a **cannabis production facility** or **outdoor cannabis cultivation use** and a **sensitive land use**, such minimum separation distance shall be measured from the nearest **lot line** of the **lot** containing the **cannabis production facility** or **outdoor cannabis cultivation** to:
  - i) Any residential **use** in the Rural Zone – to the nearest exterior wall of the **dwelling unit**;
  - ii) Any residential **use** in a Residential Zone or Shoreline Zone – to the nearest **lot line** of the residential **use**;
  - iii) **Uses** permitted in the Institutional (I) Zone – to the nearest **lot line**;



- iv) **Uses** permitted in the Open Space (OS) Zone - to the nearest **lot line**; or,
  - v) Notwithstanding the requirements of Section 4.5(d)(i)(ii)(iii) and (iv), where a lot containing a *Cannabis Production Facility* or *Outdoor Cannabis Cultivation* is immediately adjacent to a lot containing a *sensitive land use*, the minimum separation distance shall be measured from the nearest exterior wall of the *Cannabis Production Facility* or the nearest crop line of the *Outdoor Cannabis Cultivation* to the nearest exterior wall of the building on the lot containing the *sensitive land use*.
- e) Notwithstanding any other provision of this By-law to the contrary, a Cannabis Production Facility and Outdoor Cannabis Cultivation shall not be permitted on a lot with a **bed and breakfast establishment, short term rental, or home occupation**.

#### 4.5.1 REGULATIONS APPLYING TO CANNABIS PRODUCTION FACILITIES

Notwithstanding any other provisions of this By-law to the contrary, the following additional requirements shall apply to **cannabis** production facilities where permitted:

- a) A **cannabis production facility** shall be **setback** a minimum separation distance of 300 metres from a **sensitive land use** as measured in accordance with the requirements of Section 4.5(d) of this Zoning By-law;
- b) A **cannabis production facility** shall only be permitted in new, purpose-built **buildings** equipped with an **air treatment control** system. **Existing buildings or structures** may not be converted or retrofitted for **cannabis** cultivation, production, processing, research or testing **uses**.
- c) Notwithstanding Sections 1.14 and 1.16 of this Zoning By-law, any expansion of an **existing cannabis production facility** or an addition to any **buildings or structures** thereto must comply with the requirements of this Zoning By-law.
- d) The establishment of or expansion to a **cannabis production facility** shall be subject to Site Plan Control.
- e) Where permitted, the following provisions apply to **cannabis production facilities**:

**Table 4.5.1.1: Requirements for Cannabis Production Facilities**

	Micro-Cultivation and Micro-Processing as defined by Federal Regulation SOR-2018-144	Standard-Cultivation and Standard-Processing as defined by Federal Regulation SOR-2018-144
Min Lot Area	3 ha	10 ha
Min Lot Frontage	100 m	200 m
Min Front Yard	20 m	80 m
Min Interior Side Yard	15 m (*1)	40 m (*2)
Min Exterior Side Yard	20 m	80 m
Min Rear Yard	15 m (*1)	40 m (*2)
Max Lot Coverage	30%	30%

(\*1) Except where ventilating fans in a wall exhaust into the respective side or **rear yard**, in which case the minimum side or **rear yard setback** shall be 25 metres.

(\*2) Except where ventilating fans in a wall exhaust into the respective side or **rear yard**, in which case the minimum side or **rear yard setback** shall be 60 metres.

- f) A **cannabis production facility** shall not be permitted on a **lot** containing a **dwelling unit**.
- g) Where a **building**, or **structure** is used for a **cannabis production facility** and such **use** is located adjacent to a Residential Zone, Shoreline Zone, Institutional Zone, or Open Space Zone, a 3 metre wide landscaping strip shall be provided along the **lot line** adjacent to the Residential Zone, Shoreline Zone, Institutional Zone, or Open Space Zone.
- h) Outdoor storage on a **lot** containing a **cannabis production facility** is prohibited.
- i) Notwithstanding Section 4.1 of this Zoning By-law, an accessory **structure** on a **lot** containing a **cannabis production facility** shall be located in accordance with the minimum **yard setbacks** and **lot coverage** requirements of Section 4.5.1(e) of this Zoning By-law.
- j) Notwithstanding Section 4.5.1 (i) of this Zoning By-law, an **accessory building or structure** located on the same **lot** as a **cannabis production facility** that is **used** exclusively for security purposes, may be located in any required **yard** and does not have to comply with the minimum front, side or **rear yard setbacks** of this Zoning By-law.

- k) Notwithstanding Section 5.10 of this Zoning By-law, loading areas for a **cannabis production facility** shall be located within a wholly enclosed **building** in accordance with the minimum **yard setbacks** of Section 4.5.1(e) of this Zoning By-law and shall be screened by **building** placement or **landscaping**.
- l) No outdoor signage or advertising for the **cannabis production facility** shall be permitted.
- m) Off-**street** parking for a **cannabis production facility** shall be provided in accordance with Section 5 of this By-law.

#### 4.5.2 REGULATIONS APPLYING TO OUTDOOR CANNABIS CULTIVATION

Notwithstanding any other provisions of this Zoning By-law to the contrary, the following additional requirements shall apply to **outdoor cannabis cultivation** where permitted:

- a) Outdoor **cannabis** cultivation shall be **setback** a minimum distance separation of 300 metres from a **sensitive land use** as measured in accordance with the requirements of Section 4.5(d) of this Zoning By-law; and,
- b) Outdoor **cannabis** cultivation shall be **setback** a minimum of 50 metres from the **lot lines** of the **lot** on which the **cannabis** operation is located.

### 4.6 ENCROACHMENTS INTO REQUIRED YARDS

Encroachments of the following **structures** or features shall be permitted in accordance with Table 4.6.1 below. There is no restriction of the location of gutters into required **yards**.

**Table 4.6.1: Permitted Encroachments into Required Yards**

Structure or Feature	Yards in which Structure or Feature is Permitted	Permitted Encroachment into Required Yard
Architectural features such as sills, belt courses, cornices, chimney breasts and pilasters	Any required <b>yard</b>	0.6 m
Eaves, and roof overhangs	Any required <b>yard</b>	0.9 metres provided they are no closer than 0.1 metres from any <b>lot line</b>
Window bays	Any required <b>yard</b>	1.0 metre provided they contain windows, are cantilevered 0.15



Structure or Feature	Yards in which Structure or Feature is Permitted	Permitted Encroachment into Required Yard
		metres above the grade or above the <b>porch</b> , are no wider than 4.0 metres and located no closer than 1.2 metres from any <b>lot line</b>
Stairs and landings that access any part of the <b>main building</b> (except a <b>secondary dwelling unit</b> ) at or above grade and which are not associated with a <b>platform</b> or <b>porch</b>	Required <b>rear yard</b>	2.0 metres
	Required <b>front</b> and <b>exterior side yards</b>	Permitted provided no part of the stairs or landing are located no closer than 0.6 metres from any <b>lot line</b>

## 4.7 FRONTAGE ON A STREET OR HIGHWAY

Unless otherwise specified by this By-law, no person shall erect any **building** or **structure** and no person shall **use** any **building** or **structure** or **lot** unless the **lot**:

- a) Abuts or fronts on a **street or highway** which is assumed by a **public authority** for maintenance purposes; or,
- b) Is being constructed pursuant to a Subdivision Agreement with a **public authority**;
- c) Fronts on a year round maintained **street or highway** that was not established as a consequence of Registering a Plan of Subdivision;
- d) Is a **private street** within a Plan of Condominium that either provides direct access to a **street or highway** or which connects with other **private streets** within a Plan of Condominium or other Plans of Condominium to access a **street or highway**; or,
- e) Notwithstanding any other provision in this By-law, **lots, buildings** and **structures** that legally existed on the effective date of this By-law may be **used**, altered or reconstructed for a purpose permitted by this By-law if the **lot** on which the **building** or **structure** is situated fronts on a private **street**. Where a Holding (H) Provision has been applied to such **existing lots** on private **streets**, the Holding Provision may be lifted once a Private **Road Agreement** and Site Plan Agreement have been entered into and registered on title and approval from the appropriate authority has been obtained for individual on-site water services and individual on-site sewage services on the **lot**.

For the purposes of this By-law, the **front lot line** of a **lot** separated from a **street or highway** by a **reserve** or an open space block owned by a **public authority** shall be deemed to abut such a **street or highway**.

## 4.8 GARDEN SUITES

- a) **Garden suites** are subject to the provisions that apply to detached **accessory buildings** in Section 4.1 of this By-law.
- b) A **garden suite** shall not be permitted on a lot with an **additional dwelling unit, bed and breakfast, short term rental, group home, or boarding and rooming house**.
- c) A **garden suite** shall only be permitted by a site specific By-law authorizing the temporary use of a **garden suite** in accordance with the requirements of Section 39(1) of the Planning Act.

## 4.9 HEIGHT EXCEPTIONS

The **height** requirements of this By-law shall not apply to:

- a) A belfry or spire associated with a **place of worship**;
- b) Ornamental architectural features such as, but not limited to a dome or skylight;
- c) Water storage tank;
- d) A clock or bell tower;
- e) A chimney;
- f) Flagpole;
- g) Telecommunication equipment; and
- h) **Buildings and structures** that are accessory to a permitted agriculture **use**, provided that the **building** or accessory **structure** is not **used** for human habitation.

## 4.10 HOME OCCUPATIONS

### 4.10.1 GENERAL REQUIREMENTS

Where a **home occupation** is permitted, the following provisions shall apply:

- a) the **home occupation** is clearly secondary to the principal residential **use** of the **lot** and does not change the residential character of the **dwelling unit** or the **lot**;
- b) a maximum of one (1) **home occupation** is permitted in association with a **principal dwelling unit** on a **lot**;
- c) a **home occupation** is not permitted within an **additional dwelling unit**;
- d) the **home occupation** shall be located wholly within a **principal dwelling unit** or an accessory **building** thereto;
- e) the maximum **gross floor area** of the **home occupation** shall not exceed 25% of the **gross floor area** of the **principal dwelling unit** on the **lot**;
- f) where the **home occupation** is located in an accessory **building**, such accessory **building** shall comply with the zoning requirements for accessory **buildings** on the **lot**;
- g) a **home occupation** is only permitted on a **lot** that has frontage on an open, municipally maintained public **street, road** or **highway**;
- h) not more than one (1) employee, in addition to the residents of the **dwelling unit**, may be engaged in the business and working in the dwelling;
- i) a **home occupation** providing instructional services for academic, leisure or hobby activities or a **private home daycare** may only be permitted in a **single detached dwelling unit**;
- j) where a **home occupation** provides instructional services for academic, leisure or hobby activities, no more than four (4) students may occupy the premises for an instructional session at any one time;
- k) a **private home daycare** may offer temporary care to no more than 5 persons for a continuous period not exceeding 24 hours;
- l) no **outdoor storage** or display of materials, equipment, wares or merchandise is permitted;
- m) no external advertising other than a sign erected in accordance with the Town of Penetanguishene Sign By-law is permitted;
- n) only the sale of goods assembled, crafted or produced on the **lot** is be permitted. Notwithstanding, mail order sales shall be permitted;

- p) off-street parking for the **home occupation** shall be provided in accordance with Section 5 of this By-law;
- q) the **home occupation** shall not create nor become a public nuisance due to dust, noise, vibration, odour, smoke, external lighting or traffic generated by the **use**; and,
- r) the **home occupation** shall not involve the **use** of any hazardous or toxic chemicals.

#### 4.10.2 PROHIBITED USES

Notwithstanding the above, the following **uses** shall not be permitted as a **home occupation**:

- a) any **use** offering temporary lodging;
- b) any **use** involving the sale of prepared food for human consumption;
- c) any **use** involving the storage, repair, maintenance and/or towing of **motor vehicles, tractor trailers** or other machinery or equipment;
- d) **Contractor's yard**;
- e) Dating bureaus/escort services;
- f) **Medical Clinic**;
- g) **Retail stores**; and
- h) Taxi service depot/dispatch.

#### 4.11 LANDSCAPING REQUIREMENTS

Where in any **zone**, this By-law requires that a **landscaping strip** be provided and maintained between a **zone** or **lot** and any abutting **zone** or **lot**, such **landscaping strip** shall be provided in accordance with the following:

- a) Every **landscaping strip** required in this By-law shall be installed and maintained by the owner of the **lot** upon which the landscaping strip is required;
- c) Every **landscaping strip** shall be completely contained on the **lot** or within the **zone** for which the provision of the **landscaping strip** is required. **Landscaping** strips shall run along the entire length of the **zone** or lines separating it from the adjoining **zone**; and,
- d) A **landscaping strip** shall not be required where a **Sight Line Triangle** is required, as defined in this By-law.

#### 4.11.1 LANDSCAPING REQUIREMENTS FOR THE COMMERCIAL AND MIXED USE ZONES

**Landscaping** strips in the Mixed Use and Commercial Zones are required to be:

- a) A minimum of 3.0 metres wide adjacent to any **lot line** that serves as the boundary of a **street** or **highway**;
- b) A minimum of 6.0 metres wide adjacent to any **lot line** that corresponds with a Residential Zone boundary; and,
- c) Notwithstanding the above, if a **building** is permitted by this By-law to extend closer to the **lot line** that serves as the boundary of a **street** or **highway** than 3.0 metres, only that area that is not the site of a **building** is required to be the site of a **landscaping strip**.

#### 4.11.2 LANDSCAPING REQUIREMENTS IN EMPLOYMENT ZONES

**Landscaping** strips in Employment Zones are required to be:

- a) A minimum 3.0 metre wide **landscaping strip** abutting the full length of a **lot line** is required on a **lot** in any Employment Zone that abuts an interior side or **rear lot line** of a **lot** in any Residential Zone;
- b) Where there is a **fence** having a **height** of 1.5 metres or more along an interior side or **rear lot line**, the width of the **landscaping strip** established in sub-section (a) can be reduced to 1.5 metres in width;
- c) A minimum 3.0 metre wide **landscaping strip** abutting the full length of the **lot line** is required along the front and **exterior side lot lines** in any Employment **Zone**; and,
- d) **Landscaping** strips required by this section of the By-law can be counted as part of any landscaped open space requirement of this By-law.

#### 4.11.3 LANDSCAPING REQUIREMENTS IN MARINE ZONES

**Landscaping** strips in Marine One (MAR1) Zone and Marine Two (MAR2) Zone are required to be:

- (a) A minimum 3.0 metre wide **landscaping strip** abutting the full length of the **lot line** is required along a **lot line** in any Marine Zone that abuts a Residential **Zone** boundary or Shoreline Residential Zone boundary.

### 4.12 PHASED CONDOMINIUMS

Unless provided elsewhere, where a Plan of Condominium is proposed to be developed as a phased condominium as defined and set out in the Condominium



Act, the lands shall be considered as one singular property for the purpose of determining conformity with the provisions of this By-law and temporary **lot lines** created as a result of the phasing shall not be considered.

## 4.13 PLATFORMS AND PORCHES

Notwithstanding any applicable **zone** standards, **platforms** and **porches** are permitted as an accessory **structure** in accordance with Table 4.13.1.

**Table 4.13.1: Regulations for Platforms and Porches**

	Height Above Ground Level	
	Platforms and Porches Ground Level to 1.2 Metres	Platforms 1.2 to 3.0 Metres
<b>Setbacks for Accessory Platforms and Porches Attached to a Main Building</b>		
<b>Front Yard</b>	May extend out from main wall of the <b>main building</b> but shall be located no closer than 3.5 metres to the <b>front lot line</b> .	Must meet required <b>setbacks</b> of the <b>zone</b> in which the accessory <b>platform</b> is located.
<b>Exterior Side Yard</b>	May extend out from main wall of the <b>main building</b> but shall be located no closer than 3.5 metres to the <b>exterior side lot line</b> .	Must meet required <b>setbacks</b> of the <b>zone</b> in which the accessory <b>platform</b> is located.
<b>Interior Side Yard</b>	Must meet the required <b>setbacks</b> of the <b>zone</b> in which the accessory <b>platform</b> or <b>porch</b> is located. Notwithstanding, where there is a common wall between a <b>semi-detached dwelling unit</b> or <b>townhouse dwelling unit</b> , any accessory <b>platform</b> or <b>porch attached</b> to a main wall of such <b>dwelling unit</b> must be <b>setback</b> 0.6 metres from the <b>interior side lot line</b> .	
<b>Rear Yard</b>	An accessory <b>platform</b> may be located no closer than 2.0 metres to a <b>rear lot line</b> .	
<b>Setbacks for Platforms or Porches Attached to an Accessory Building</b>	Where a <b>platform</b> or <b>porch</b> is <b>attached</b> to an accessory <b>building</b> , the <b>platform</b> or <b>porch</b> shall comply with the <b>setback</b> requirements for the accessory <b>structure</b> .	
<b>Maximum Projection From a Main Wall</b>	The maximum depth of a <b>porch</b> shall be 3.0 metres measured from the main wall of the <b>building</b> from which the <b>porch</b> projects to the front face of the <b>porch</b> .	

	Height Above Ground Level	
	Platforms and Porches Ground Level to 1.2 Metres	Platforms 1.2 to 3.0 Metres
<b>Setbacks for Detached, Stand-Alone Platforms</b>	An accessory, detached, stand-alone <b>platform</b> shall comply with the <b>setback</b> requirements for accessory <b>structures</b> .	Not permitted
<b>Measuring Height</b>	Notwithstanding the definition of ‘ <b>height</b> ’ as provided in Section 3 of this By-law, in the case of a <b>platform</b> , the measurement of <b>height</b> shall be taken from the highest point of the <b>platform</b> to the finished grade at ground level. In the case of a <b>porch</b> , the maximum <b>height</b> shall be measured from the <b>porch</b> floor to the finished grade at ground level.	
<b>Lot Coverage</b>	Accessory <b>platforms</b> and <b>porches</b> are included when calculating maximum <b>lot coverage</b> . An additional 4% <b>lot coverage</b> shall be permitted in all Residential Zones for the construction of accessory <b>platforms</b> and <b>porches</b> .	
<b>Stairs and Landings</b>	Notwithstanding the above provisions, stairs and stair landings providing access to an accessory <b>platform</b> or <b>porch</b> may encroach into a required <b>yard</b> but shall be located no closer than 1.0 metre from any <b>lot line</b> .	

## 4.14 SIGHT LINE TRIANGLES

**Sight Line Triangles** shall be required on **corner lots** in all **zones** in accordance with the following requirements:

- a) A **Sight Line Triangle** is that portion of a **corner lot** within the triangular space on a **lot** that is formed by creating a triangle that extends 6.0 metres from the hypothetical **point of intersection** of the front and **exterior side lot lines**.
- b) Notwithstanding any other provision of this By-law, no **building**, shrub, foliage, sign(s) or **fence** above the **established grade** of the **road** with a **height** exceeding 0.7 metres shall be erected or planted within a **Sight Line Triangle**.

## 4.15 SHIPPING CONTAINERS

Notwithstanding any other provision in this By-law, the temporary placement of one (1) **shipping container** is permitted per **lot** in a Residential Zone provided the **shipping container**:

- a) Is located on the **driveway**;
- b) Is set back a minimum of 1.0 metre from any **lot line**;
- c) Has a maximum **height** of 2.5 metres, a maximum width of 2.5 metres and a maximum length of 6.0 metres; and
- d) Is not located on the **lot** for more than 60 days in a calendar year.

## 4.16 SHORT TERM RENTAL UNITS

Where permitted by this By-law, a maximum of one **short term rental unit** is permitted on a **lot** in accordance with the following:

- a) A **short term rental unit** may only be located in a **single detached dwelling unit** that is the principal **building** on the **lot**;
- b) Notwithstanding Section 4.16 (a) above, in the Downtown and Waterfront (DW) Zone, a **short term rental** shall be permitted in a dwelling unit above a ground floor commercial **use** or in a **multiple dwelling unit**;
- c) A **short term rental unit** shall only be permitted on a **lot** fronting on an open and municipally maintained **street** or **road**; and,
- d) A **short term rental unit** shall not be permitted on a lot with an **additional dwelling unit, garden suite, group home, boarding and rooming house, bed and breakfast, or home occupation**.

## 4.17 SOURCE WATER PROTECTION

For those lands subject to source water protection, the following provisions shall apply:

- a) This Section of the By-law applies to lands within the Wellhead Protection Area (WHPA) Overlay Zones. The regulations set forth in this Section of the By-law shall apply to the applicable Overlay Zones and shall be in addition to those regulations set forth in the underlying Zones. In the event of a conflict between the provisions of the Overlay Zone and the

provisions of the underlying Zone, the provisions of the Overlay Zone shall prevail.

- b) Within the WHPA-A Overlay Zone, the following non-residential **uses** are prohibited:
  - i) Waste disposal sites within the meaning of Part V of the Environmental Protection Act (excluding storage of wastes described in clauses (p), (q), (r), (s), (t), or (u) of the definition of **hazardous waste** (O.Reg 347) and storage of hazardous or liquid industrial waste);
  - ii) Large (more than 10,000 litres) on-site sewage systems;
  - iii) Storage facilities for agricultural source material;
  - iv) Storage facilities for non-agricultural source material;
  - v) Storage facilities for commercial fertilizer;
  - vi) Storage facilities for pesticides;
  - vii) Storage facilities for **road** salt;
  - viii) Storage facilities for snow;
  - ix) Storage facilities for fuel; and,
  - x) Storage facilities for organic solvents.
  - xi) Within the WHPA-A, WHPA-B or WHPA-C1 Overlay Zones, any non-residential **use** that is proposed to **use** or store any dense non-aqueous phase liquids (DNAPLS) with vulnerability score of 8 or greater shall be prohibited.
- c) Within the WHPA Q1 (WHPA-Q1) Overlay Zone, the taking of water of more than 10,000 litres per day shall not be permitted.

## 4.18 SPECIAL SETBACKS

### 4.18.1 SETBACK FROM GEORGIAN BAY

- a) No **building** or **structure**, except those requiring direct access to the water as an operational necessity, shall be located closer than 15.0 metres from 178 geodetic survey datum of Canada (G.S.C) to the water.
- b) Notwithstanding Section (a) above, **platforms** are permitted in the minimum required **setback** area subject to meeting the requirements of Section 4.13 and all other applicable requirements of this By-law.

#### 4.18.2 SETBACK FROM WATERCOURSES AND RAVINES

The following **setbacks** shall apply to lands adjacent to **watercourses** and ravines:

- (a) No **building** or **structure** in any **zone** shall be located closer than 7.5 metres to any top of an embankment. In the case of a **watercourse**, no **building** or **structure** shall be located between any **watercourse** and its **high water mark** or flood line, or between such **watercourse** and a line parallel to and at a distance 7.5 metres measured at right angles from the centre line of such **watercourse**, whichever is the greater, or as required by any agency having jurisdiction in this matter and notwithstanding that such **watercourse** is not shown on any schedule forming part of this by-law;
- (b) No person shall erect any **buildings** or **structures** in a flood plain or on the slopes of a ravine except for structures required for flood or erosion control; and,
- (c) No part of any flood plain shall be used in calculating the **lot frontage**, **lot area**, **lot coverage**, **setback** or **yards** required by this by-law for **uses** adjacent to such flood plain.

#### 4.18.3 SETBACK FROM COUNTY ROADS

In addition to the setbacks required by this By-law, where lands abut County Road 93, a highway under the jurisdiction of the County of Simcoe, the requirements of the County of Simcoe Road Setback By-law shall also apply. Where there is a conflict between the provisions of this Zoning By-law and the required setback requirements of the County of Simcoe Road Setback By-law, the requirements of the County of Simcoe shall prevail to the extent of the conflict.

### 4.19 SWIMMING POOLS

Notwithstanding any other provisions of this By-law to the contrary, a **swimming pool** may be permitted as an accessory **structure** to a principal residential **use** on the same **lot** in accordance with Table 4.19.1.

**Table 4.19.1- Swimming Pools**

Zone Requirements for the Establishment of Accessory Swimming Pools	
Location on a Non-Waterfront Lot	On a non-waterfront <b>lot</b> , a <b>swimming pool</b> shall only be permitted in the rear or <b>exterior side yard</b> provided



Zone Requirements for the Establishment of Accessory Swimming Pools	
	it is <b>setback</b> a minimum of 2 metres from a side or <b>rear lot line</b>
<b>Location on a Lot Abutting a Waterbody</b>	<p>On a <b>lot</b> that abuts a waterbody, a <b>swimming pool</b> may be permitted in accordance with the following:</p> <ul style="list-style-type: none"> <li>i) <b>Front Yard</b> – provided it is <b>setback</b> a minimum of 20 metres from the <b>front lot line</b>;</li> <li>ii) <b>Side or Rear Yard</b> – provided it is <b>setback</b> a minimum of 2 metres from a side or <b>rear lot line</b>; and</li> <li>iii) In no case, shall a <b>swimming pool</b> be located within 10 meters of the average high watermark.</li> </ul>
<b>Accessory Buildings and Structures</b>	Any <b>accessory building or structure</b> used in conjunction with a <b>swimming pool</b> shall only be permitted in a side or <b>rear yard</b> and shall be located in accordance with the provisions of Subsection 4.1 of this By-law.
<b>Mechanical Equipment</b>	Any mechanical equipment required for water circulation, heating or water treatment shall be <b>setback</b> a minimum of 3.0 metres from any <b>lot line</b> .
<b>Maximum Height of Recreational Structures</b>	Any recreational equipment, including slides, associated with the <b>swimming pool</b> shall not exceed a maximum <b>height</b> of 2.4 metres.
<b>Lot Coverage Exemption</b>	The pool and a 1.0 m apron around the perimeter of a <b>swimming pool</b> shall be exempt in the calculations of <b>Lot Coverage</b> .

## 4.20 TEMPORARY USES

### 4.20.1 TEMPORARY CONSTRUCTION USES

A temporary construction trailer, or other temporary **building** or **structure** incidental to construction shall be permitted in all **zones** in accordance with the following:

- a) such temporary construction trailer or temporary **building** or **structure** is located on the **lot** where construction is taking place;
- b) provided that a **building** permit has been issued for such construction and remains in effect; and,
- c) that the temporary construction trailer, or other temporary **building** or **structure** shall only be permitted so long as the construction for which they are required remains in progress and has been neither finished nor abandoned.

### 4.20.2 TEMPORARY SALES STRUCTURES

A temporary sales **structure** shall be permitted in any **zone** provided that:

- a) The units to be sold are to be located on lands within the Town of Penetanguishene and that such lands that have received draft plan of subdivision or draft plan of condominium approval under the provisions of the Planning Act or the Condominium Act, or site plan approval, as applicable;
- b) The temporary sales **structure** is located in accordance with the **zone** provisions for the **zone** in which it is located; and,
- c) An agreement is entered into with the Town of Penetanguishene establishing the duration of the temporary use and any other requirements of the Town.

### 4.19.3 MODEL HOMES

Model homes shall only be permitted on lands that have received Draft Plan of Subdivision, Draft Plan of Condominium or Site Plan Approval for residential purposes provided that:

- a) The total number of **model homes** for any draft approved plan of subdivision shall not exceed the lesser of 10 **dwelling units** or 10% of the total number of approved residential **lots**;
- b) The **model home** is built within a **lot** defined by the draft approved Plan of Subdivision or Site Plan;
- c) The **model home** complies with all other requirements of this Zoning By-

Law;

- d) Occupancy of a **model home** is prohibited prior to the date of registration of the draft plan of subdivision or draft plan of condominium; and,
- e) A Model Home Agreement is entered into with the Town of Penetanguishene.

## 4.21 USES PERMITTED IN ALL ZONES

### 4.21.1 PUBLIC AND INFRASTRUCTURE USES

Public **uses** and **infrastructure** are permitted in all **zones** unless such **uses** are expressly prohibited by this By-law. Where a **public use** is permitted, the following provisions apply:

- a) Such **public use** must comply with all applicable **zone** standards, and parking and loading requirements of the **zone** in which it is located;
- b) No **outdoor storage** is permitted unless specifically permitted in the **zone** in which the **public use** is located;
- c) Any **accessory use** to a **public use** must be clearly incidental and accessory to the **principal use**;
- d) Notwithstanding sub-sections a) and b), no **buildings** or **structures** associated with a **public use** are permitted if **buildings** or **structures** are specifically prohibited in a **zone**; and,
- e) Notwithstanding sub-sections a) and b), a **school** is only permitted if such a **use** is expressly permitted in a **zone**.

### 4.21.2 USES PERMITTED IN ANY ZONE EXCLUDING THE ENVIRONMENTAL PROTECTION (EP) ZONE

Other **uses** permitted in any **zone**, excluding the Environmental Protection Zone are listed below:

- a) Essential emergency services such as police and fire stations and ambulance dispatch;
- b) Community gardens;
- c) Municipal parking **lot** or garage; and,
- d) Charging stations for electric **motor vehicles**.



## 4.22 USES PROHIBITED IN ALL ZONES

The following **uses** are not part of any **use** permitted by this By-law, unless expressly permitted by this By-law:

- a) The **use** of any **lot** without a **main building** on the same **lot**, unless the **use** is expressly permitted without a **main building** by this By-law;
- b) The **use** of any tent, trailer or **motor vehicle** for human habitation;
- c) The erection of a tarpaulin **structure** or any temporary **structure** in the front or **exterior side yard**;
- d) The **use** of a truck, **tractor trailer**, bus, coach body or rail car for human habitation or for storage purposes;
- e) The storage of disused or partially dismantled **motor vehicles**, rail cars, **buses**, **tractor trailers**, unless otherwise permitted by this By-law;
- f) The parking or storage of **utility trailers**, **tractor trailers**, or **commercial motor vehicles** on a vacant **lot**, unless an **outdoor storage use** is permitted on the **lot** by this By-law;
- g) The parking or storage of **tractor trailers** or **commercial motor vehicles** on a vacant **lot** for the purposes of advertising;
- h) The **outdoor storage** of partially dismantled **motor vehicles** or **tractor trailers** or **motor vehicle** or trailer parts unless otherwise specifically permitted by this By-law;
- i) The manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, creosote, explosives, fireworks, glue, petroleum or tar; and,
- j) The bulk storage of industrial chemicals, fuels and oils, **hazardous waste** or liquid industrial waste unless specifically permitted by the Environmental Protection Act; and, **Noxious uses**.

## 4.23 WASTE DISPOSAL ASSESSMENT OVERLAY HOLDING ZONE

Lands located within the Waste Disposal Assessment Overlay Holding Zone as delineated on Schedule B, shall be subject to a Holding Provision pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13. The following provisions shall apply to the Waste Disposal Assessment Overlay Holding Zone:

- a) No new development shall be permitted within the Waste Disposal Assessment Overlay Holding Zone unless it can be demonstrated to the

satisfaction of the Town, in consultation with the applicable Provincial approval authority, that there will be no adverse effects to persons or property as a result of the active or closed waste disposal site.

- b) Notwithstanding Section 4.23(a) above, all uses that were permitted in the underlying zone category that were in existence as of the date this By-law takes effect shall continue to be permitted.
- c) Prior to the Town passing a By-law under Section 36 of the *Planning Act* to lift the Hold on any lands within the Waste Disposal Assessment Overlay Holding Zone, it shall be demonstrated to the satisfaction of the Town in consultation with the applicable Provincial authority that:
  - i) such development conforms to the requirements of the Town of Penetanguishene Official Plan; and,
  - ii) the recommendations of any technical studies required in accordance with Provincial or other agency requirements, for land uses on or near open or closed waste disposal sites, are implemented and that any potential risks can be mitigated to acceptable levels in accordance with Provincial or other agency requirements.
- d) Notwithstanding Section 4.23(a) above, the Holding Provision shall not apply to the following:
  - i) interior alterations to existing buildings and/or structures;
  - ii) exterior alterations that do not expand the footprint of an existing building or structure;
  - iii) new structures or alterations to existing buildings and/or structures which are not habitable; and,
  - iv) any new buildings or structures that do not require a building permit.
- e) The following properties have been removed from the Waste Disposal Assessment Overlay Holding Zone

**Table 4.23.1 Properties Removed From the Waste Disposal Assessment Overlay Holding Zone**

Property Address	By-law Removing "H"



## 4.24 SEPTIC REINSPECTION OVERLAY HOLDING ZONE

Lands located within the Septic Reinspection Overlay Holding Zone as delineated on Schedule B, shall be subject to a Holding Provision pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13. The following provisions shall apply to the Septic Reinspection Overlay Holding Zone:

Lands located within the Septic Reinspection Overlay Holding Zone as delineated on Schedule B, shall be subject to a Holding Provision pursuant to Section 36 of the *Planning Act*, R.S.O. 1990, c.P. 13. The following provisions shall apply to the Septic Reinspection Overlay Holding Zone:

- a) No new **dwelling unit** shall be constructed, nor shall any enlargement, renovation or addition to the habitable area of an existing **dwelling unit** be permitted until it can be demonstrated that the septic system for the proposed or existing **dwelling unit** conforms to current Provincial standards.
- b) Prior to the Town passing a By-law under Section 36 of the *Planning Act* to lift the Hold on any lands within the Septic Reinspection Overlay Holding Zone, the Town shall require written confirmation and/or approval from the applicable approval authority that the septic system satisfies all current Provincial standards and regulatory requirements to support the proposed development.

# PART 5.0 – PARKING AND LOADING STANDARDS

## 5.1 APPLICABILITY OF THIS SECTION

- a) The **parking space** and bicycle **parking space** requirements of this part of the By-law do not apply to any **use** in existence on the effective date of this By-law so long as the **net floor area** that existed on that date is not increased.
- b) Where an **existing building** is enlarged or altered, additional **parking spaces** and bicycle **parking spaces** shall be provided for the additional **net floor area** as required by this By-law.
- c) If the **use** of a **building** changes, additional **parking spaces** and bicycle **parking spaces** equal to the difference between what exists before the change of **use** and what is required by this By-law shall be provided.
- d) Sub-section (b) and (c) above does not apply to **building** additions for any non-residential **use** in the Mixed Use Commercial (MUC) Zone or in the Downtown and Waterfront (DW) Zone.

## 5.2 GENERAL PARKING PROVISIONS

### 5.2.1 RESTRICTION ON USE OF LAND, BUILDINGS AND STRUCTURES

- a) Unless otherwise specified in this By-law, no person shall **use** or permit the **use** of any land, **building** or **structure** in any **zone** for any purpose permitted by this By-law, unless the minimum number of **parking spaces** and bicycle **parking spaces** required are provided on the same **lot** in accordance with the provisions of this By-law.
- b) Notwithstanding the above, the required parking for **public uses** can be located on an abutting or nearby **lot** that is also the site of a **public use**.

### 5.2.2 CALCULATION OF PARKING REQUIREMENTS

Where the minimum number of **parking spaces** is calculated on the basis of a rate or ratio, the required number of **parking spaces** shall be increased to the next highest whole number if the fraction is greater than 0.5.

### 5.2.3 MORE THAN ONE USE ON A LOT

Unless otherwise specified in this By-law, the **parking space** and bicycle **parking space** requirements for two or more **uses** on a **lot** shall be the sum of the requirements for each individual **use**.

#### 5.2.4 EXCLUSIVE USE OF A PARKING SPACE

Unless otherwise specified in this By-law, all required **parking spaces** shall be unobstructed and available for parking purposes and **used** exclusively for that purpose at all times, unless otherwise specified in this By-law.

#### 5.2.5 SIZE OF PARKING SPACES

- a) Each **parking space** shall have a width of not less than 2.75 metres and a length of not less than 5.5 metres, except for accessible **parking spaces** as prescribed in Section 5.5 of this By-law.
- b) Notwithstanding the above, **parking areas** and parking garages that legally existed on the effective date of this By-law are exempt from the **parking space** minimum size requirement set out in sub-section a).
- c) Where **parking spaces** are angled, each **parking space** shall have an unobstructed width of not less than 3.0 metres and an unobstructed length of not less than 6.0 metres.

#### 5.2.6 ACCESS TO PARKING SPACES

Direct access shall be provided to each of the **parking spaces** required by this By-law, unless otherwise specified by this By-law.

#### 5.2.7 WIDTH OF PARKING AISLES

The width of parking aisles within a **parking area** or **parking garage**, shall be in accordance with the following:

- a) For two-way aisles, the minimum aisle width shall be 6.0 metres.
- b) For one-way aisles, the minimum aisle width shall be 3.0 metres.
- c) Where the aisle width in a **parking area** or parking garage is less than 6.0 metres, the aisle shall be one-way.
- d) For aisles providing access to angular parking, the minimum aisle width shall be 4.5 metres.

#### 5.2.8 WIDTH OF ACCESS RAMPS AND DRIVEWAYS

- a) Access ramps and **driveways** accessing a **parking area** or parking garage shall be a minimum of 3.0 metres in width for one-way traffic and a minimum of 6.0 metres in width for two-way traffic.
- b) Notwithstanding the above, a two-way **driveway** may be reduced to 4.0 metres in width when accessing a **parking area** or parking garage with 10 **parking spaces** or less.

## 5.2.9 SURFACE TREATMENT

All **parking spaces** and **parking areas** and all **driveways** to any **parking area** in any **zone** must be surface treated with asphalt, concrete, concrete pavers and/or similar materials.

## 5.2.10 SNOW STORAGE

An outdoor **parking lot** designed to accommodate 5 or more **parking spaces**, shall provide an area equivalent to 5% of the number of required spaces for the purpose of snow storage.

## 5.3 RESIDENTIAL PARKING REQUIREMENTS

The number of **parking spaces** required for residential **uses** shall be calculated in accordance with the standards set out in Table 5.3.1.1 and Table 5.3.1.2. A required **parking space** may be located internally in a garage or externally on the same **lot** as the **use** for which the parking is required.

**Table 5.3.1.1: Parking Requirements for Dwelling Units**

Use	Minimum Parking Space Requirement
Additional Dwelling Unit, Garden suite	1 <b>parking space</b> per <b>dwelling unit</b> (in addition to the minimum <b>parking space</b> requirement for the <b>principal dwelling unit</b> ) – <b>tandem parking spaces</b> permitted
Duplex dwelling unit	2 <b>parking spaces</b> per <b>dwelling unit</b>
Multiple dwelling unit	1.5 <b>parking space</b> per <b>dwelling unit</b> plus 0.25 <b>parking spaces</b> per <b>dwelling unit</b> for visitors
Semi-detached dwelling unit	2 <b>parking spaces</b> per <b>dwelling unit</b>
Single-detached dwelling unit	2 <b>parking spaces</b> per <b>dwelling unit</b>
Townhouse dwelling unit	2 <b>parking spaces</b> per <b>dwelling unit</b>
Triplex dwelling unit	2 <b>parking spaces</b> per <b>dwelling unit</b>

**Table 5.3.1.2: Parking Requirements for Other Residential Uses**

Use	Minimum Parking Space Requirement
Bed And Breakfast Establishment	1 <b>parking space</b> per guest room in addition to the requirement for the <b>dwelling unit</b>
Boarding And Rooming House	0.5 <b>parking space</b> per room
Crisis Care Centre I	1 <b>parking space</b> per 3 beds
Group Home	No additional requirement
Private Home Daycare	No additional requirement

Use	Minimum Parking Space Requirement
Home Occupation	1 <b>parking space</b> for each employee that is not a resident in the <b>dwelling unit</b> in addition to the requirement for the <b>dwelling unit</b>
Long Term Care Facility	0.35 <b>parking spaces</b> per bed
Retirement Home	0.50 <b>parking spaces</b> per unit plus 0.20 spaces per unit for visitors with such visitor spaces clearly marked for visitors
Short Term Rental Unit	1 <b>parking space</b> per guest room

## 5.4 NON-RESIDENTIAL PARKING REQUIREMENTS

### 5.4.1 MINIMUM NUMBER OF PARKING SPACES REQUIRED

The number of **parking spaces** required for non-residential **uses** shall be calculated in accordance with the standards set out in Table 5.4.1.1 below.

**Table 5.4.1.1: Non-Residential Parking Requirements**

Use	Minimum Parking Space Requirement (net floor area unless noted otherwise)
Agricultural use	No requirement
Agriculture-related use	No requirement
Art gallery	1/30 m <sup>2</sup> <b>gross floor area</b>
Brewing establishment	1/6m <sup>2</sup> <b>gross floor area</b>
Cannabis Production Facility	1/100 m <sup>2</sup> <b>gross floor area</b>
Cemetery	1 space per 4 seats of Fire Code chapel capacity
Child care centre	1/25 m <sup>2</sup> <b>gross floor area</b>
Commercial fitness centre	1/20 m <sup>2</sup> <b>gross floor area</b>
Commercial recreation use	1 space per 4 seats of Fire Code capacity
Commercial self-storage use	1/35 m <sup>2</sup> <b>gross floor area</b> for <b>office</b> component
Commercial school	1/20 m <sup>2</sup> <b>gross floor area</b>
Community centre	1 space per 4 seats of Fire Code capacity
Contractor's yard	1/35 m <sup>2</sup> <b>gross floor area</b> for <b>office</b> component
Financial institution	1/20 m <sup>2</sup> <b>gross floor area</b> or 1/30 m <sup>2</sup> <b>gross floor area</b> if the <b>financial institution</b> also has a <b>drive-through service facility</b>
Funeral establishment	1/25 m <sup>2</sup> <b>gross floor area</b>
Golf course	9 spaces per hole

Use	Minimum Parking Space Requirement (net floor area unless noted otherwise)
<b>Hospital</b>	1 space per 50 m <sup>2</sup> <b>gross floor area</b>
<b>Hotel</b>	1 space per guest room
<b>Industrial use in a single building</b>	1/100 m <sup>2</sup> <b>gross floor area</b>
<b>Industrial use in a building with 2 or more industrial uses</b>	1/150 m <sup>2</sup> <b>gross floor area</b>
<b>Industrial Use, office component</b>	1/35 m <sup>2</sup> <b>gross floor area</b>
<b>Kennel</b>	1/35 m <sup>2</sup> <b>gross floor area</b> for office component
<b>Library</b>	1 space per 4 seats of Fire Code capacity
<b>Marina</b>	1 space per 20 m <sup>2</sup> of <b>gross floor area</b> of building plus 1 space per boat slip
<b>Medical clinic</b>	1/20 m <sup>2</sup> <b>gross floor area</b>
<b>Motel</b>	1 space per guest room
<b>Motor vehicle body shop</b>	1/35 m <sup>2</sup> <b>gross floor area</b> for office and retail components
<b>Motor vehicle rental establishment</b>	1/35 m <sup>2</sup> <b>gross floor area</b> for office and retail components
<b>Motor vehicle repair establishment</b>	1/35 m <sup>2</sup> <b>gross floor area</b> for office and retail components
<b>Motor vehicle sales establishment</b>	1/35 m <sup>2</sup> <b>gross floor area</b> for office and retail components
<b>Motor Vehicle Service Station</b>	1/35 m <sup>2</sup> <b>gross floor area</b> for office and retail components
<b>Motor Vehicle Washing Establishment</b> if not included with a <b>motor vehicle repair establishment</b> or <b>motor vehicle service station</b>	2 spaces, plus 1 for each bay
<b>Museum</b>	1 space per 4 seats of Fire Code capacity
<b>Office</b>	1/35 m <sup>2</sup> in the first <b>storey</b> and 1/70 m <sup>2</sup> <b>gross floor area</b> in any <b>storey</b> above the first <b>storey</b>
<b>Outdoor storage use, office component</b>	1/35 m <sup>2</sup> <b>gross floor area</b> for office component
<b>Personal service establishment</b>	1/30 m <sup>2</sup> <b>gross floor area</b>
<b>Place of assembly</b>	1/9 m <sup>2</sup> <b>gross floor area</b>
<b>Place of entertainment</b>	1 space per 4 seats of Fire Code capacity
<b>Place of worship</b>	1 space per 4 seats of Fire Code capacity



Use	Minimum Parking Space Requirement (net floor area unless noted otherwise)
Rehabilitation Treatment Centre	1 space per 50 m <sup>2</sup> <b>gross floor area</b>
School, elementary	1.5 spaces per classroom plus an additional 10% of the total parking requirement dedicated to visitor parking
School, secondary	3 spaces per classroom plus an additional 10% of the total parking requirement dedicated to visitor parking
School, post secondary	5 spaces per classroom and 1 space per 6 persons of permitted Fire Code capacity for auditoriums
Restaurant	1/9 m <sup>2</sup> <b>gross floor area</b> or 1/12 m <sup>2</sup> <b>gross floor area</b> if the <b>restaurant</b> also has a <b>drive-through service facility</b>
Retail store	1/30 m <sup>2</sup> <b>gross floor area</b> in the first <b>storey</b> and 1/60 m <sup>2</sup> <b>gross floor area</b> in any <b>storey</b> above the first <b>storey</b> unless otherwise noted
Service and repair establishment	1/30 m <sup>2</sup> <b>gross floor area</b> in the first <b>storey</b> and 1/60 m <sup>2</sup> <b>gross floor area</b> in any <b>storey</b> above the first <b>storey</b> unless otherwise noted
Trade and convention centre	1/20 m <sup>2</sup> <b>gross floor area</b>
Transport terminal	1/35 m <sup>2</sup> <b>gross floor area</b> for <b>office</b> component
Veterinary clinic	1/35 m <sup>2</sup> <b>gross floor area</b> for <b>office</b> component
Warehouse	1/150 m <sup>2</sup> <b>gross floor area</b>
Any other use not listed above	1/30 m <sup>2</sup> <b>gross floor area</b>

### 5.4.2 SHARED PARKING PROVISIONS

Notwithstanding the minimum non-residential **parking space** requirements set out in Table 5.4.1.1, where there are two or more **dwelling units** and two or more non-residential **uses** are in the same **building**, the number of **parking spaces** provided for non-residential **uses** may be reduced by 20% from the required minimum standard.

### 5.4.3 SPECIAL PARKING PROVISIONS

Notwithstanding the minimum non-residential **parking space requirements** set out in Table 5.4.1.1, no **parking spaces** are required for non-residential **uses** within the Mixed Use Commercial Zone or within the Downtown and Waterfront Zone.

## 5.5 ACCESSIBLE PARKING SPACE REQUIREMENTS

Accessible **Parking Spaces** shall be included in the calculation of required parking for all **uses** with the exception of residential **buildings** containing four or fewer **dwelling units**, shall be signed in accordance with the applicable legislation, and shall be provided in accordance with the following standards:

- a) Five percent (5%) of the **parking spaces** required in Tables 5.3.1.1, 5.3.1.2 and Table 5.4.1.1 shall be dedicated and used as accessible **parking spaces**. Where the application of this requirement results in a numeric fraction, a fraction less than 0.5 shall be rounded down to the nearest whole number. Fractions equal to or greater than 0.5 shall be rounded up to the nearest whole number;
- b) Type A Accessible **Parking Spaces** shall have a minimum width of 3.4 metres and a minimum length of 5.5 metres;
- c) Type B Accessible **Parking Spaces** shall have a minimum width of 2.4 metres and a minimum length of 5.5 metres;
- d) Where an even number of Accessible **Parking Spaces** are required, an equal number of **parking spaces** that meet the requirements of Type A and Type B Accessible **Parking Spaces** shall be provided;
- e) Where an odd number of Accessible **Parking Spaces** are required, an equal number of **parking spaces** that meet the requirements of Type A and B Accessible **Parking Spaces** shall be provided, where the additional Accessible **Parking Space** shall be a Type B Accessible **Parking Space**.
- f) Access aisles, that is the space between **parking spaces** that allows persons with disabilities to get in and out of their vehicles, are required to provide access to all Accessible **Parking Spaces** in off-street parking facilities.
- g) Access aisles may be shared by two **parking spaces**, including between a Type A and Type B Accessible **Parking Space** in an off-street parking facility.
- h) Access aisles must satisfy the following requirements:
  - i) The access aisles must have a minimum width of 1.5 metres;
  - ii) The access aisle must extend the full length of the **parking space**; and,
  - iii) The access aisles must be marked with high tonal contrast diagonal lines, which discourages parking in them, where the surface is asphalt, concrete or some other hard surface.

## 5.6 BICYCLE PARKING REQUIREMENTS

- a) In cases where 13 or more **motor vehicle parking spaces** are required in accordance with Tables 5.3.1.1, 5.3.1.2 and 5.4.1.1 of this By-law, the minimum number of bicycle **parking spaces** provided shall be 10% of the required number of **motor vehicle parking spaces**; and,
- b) Bicycle **parking spaces** must have a minimum width of 0.6 metres and a minimum length of 1.9 metres.

## 5.7 LOCATION OF PARKING

- a) Notwithstanding any other provision in this By-law, **parking areas** shall be **setback** a minimum of 1.2 metres from any **building** or **structure**.
- b) Required parking in a Residential **Zone** is only permitted in the following locations on a **lot**:
  - i) parking garage;
  - ii) **parking area**;
  - iii) **attached** or detached **private garage**;
  - iv) **carport**; and,
  - v) **driveway**.

## 5.8 COMMERCIAL AND RECREATIONAL VEHICLES

- a) The parking or storage of a commercial vehicle or recreational vehicle on a vacant **lot** shall be prohibited.
- b) The following regulations apply to the parking and storage of commercial vehicles, recreational vehicles and **utility trailers** within a Residential Zone:

**Table 5.8.1.1: Parking of Commercial and Recreational Vehicles in Residential Zones**

Zoning Criteria	Permitted Regulation
Maximum Number of Vehicles	Commercial Vehicle - 1 Recreational Vehicle and/or <b>Utility Trailer</b> - 1 Motorized Snow Vehicles – 3  Where recreational equipment is kept on a trailer, the recreational equipment and trailer together shall be counted as 1 article of recreational equipment.
Maximum Size	Length – 7.5 metres (exclusive of hitch or tongue) <b>Height</b> – 3.0 metres

Zoning Criteria	Permitted Regulation
	Weight of Commercial Vehicle – 4500 kg
Location of Parking	<ul style="list-style-type: none"> <li>• Permitted within an <b>attached</b> or detached garage</li> <li>• Permitted outdoors in the following locations: <ul style="list-style-type: none"> <li>i) <b>Front Yard</b> provided such vehicle is parked on a <b>driveway</b> and does not occupy or in any way obstruct a required <b>parking space</b> for the <b>dwelling unit</b>;</li> <li>ii) <b>Interior Side Yard</b> provided such vehicle is parked no closer to the <b>front lot line</b> than the front wall of the main residential <b>building</b> on the lot and such vehicle is <b>setback</b> a minimum of 1.2 metres from the side <b>lot line</b>;</li> <li>iii) <b>Rear Yard</b> provided such vehicle is <b>setback</b> 1.2 metres from the <b>rear lot line</b>.</li> </ul> </li> </ul>
Timing	<p>A recreational vehicle may only be temporarily parked or stored on a <b>lot</b> in a Residential <b>Zone</b> for the season in which the recreational vehicle is in <b>use</b>.</p> <p>The provisions of this section do not apply to a <b>commercial motor vehicle</b> that is temporarily parked for the purpose of making deliveries or otherwise providing services on a temporary basis.</p>

## 5.9 REGULATIONS FOR DRIVEWAYS IN RESIDENTIAL ZONES

- a) Unless otherwise permitted by this By-law, no more than one **driveway** is permitted to access a **lot** from a **street or highway** in a Residential **Zone** unless the **lot** has a **lot frontage** of 19.0 metres or greater and the **driveways** are set back from each other a minimum of 7.0 metres, measured along the **lot line** the **driveway** crosses to access the **street or highway**.
- b) Notwithstanding Section 5.9(a) above, one additional **driveway** may be permitted in the exterior **yard** of a **corner lot**. Such **driveway** must not

exceed 3 metres in width and be **setback** a minimum of 3.0 metres from the **rear lot line** of the **lot** on which it is located.

- c) Where a **private garage** is detached from the **main building** and is accessed by a **driveway** crossing the **exterior side lot line**, the **driveway** shall be located no closer to the **rear lot line** than the minimum **setback** required for detached **accessory buildings**.
- d) Notwithstanding sub-section c) above, the **setback** for the **driveway** may be less to match the **setback** of a detached **private garage** that legally existed on the effective date of this By-law.
- e) The minimum **driveway** width shall be equal to the garage door width.
- f) The maximum **driveway** width shall not exceed the width of all garage doors plus 2.0 metres.
- g) Notwithstanding any other provision in this By-law, where a detached **private garage** is located wholly or partially within the **rear yard** and is accessed by a **driveway** crossing the **front lot line**, the minimum required **interior side yard** in which the **driveway** is located shall be 2.5 metres.
- h) Notwithstanding sub-sections a) to g) above, **private garages** that legally existed on the effective date of this By-law are exempt from this section.

## 5.10 LOADING

Where a **loading space** is provided, the following regulations apply:

- a) A **loading space** in any **zone** except an Employment Zone shall be set back 7.5 metres from any Residential **Zone**, Mixed **Use Commercial Zone** or Downtown and Waterfront **Zone** boundary, except if it is located entirely within a **structure**. Within an Employment Zone, the **setback** for a **loading space** from any Residential Zone, Downtown and Waterfront Zone or Mixed Use Commercial Zone boundary is 15.0 metres.
- b) A **loading space** is not permitted:
  - i) In any minimum required **yard**;
  - ii) Between the main wall closest to the exterior **lot line** and the exterior **lot line**; and,
  - iii) In any **front yard**.
- c) Access to **loading spaces** must be by means of a **driveway** that is at least 6.0 metres wide contained within the **lot** on which the **loading spaces** are located.

## 5.11 DRIVE-THROUGH SERVICE FACILITIES

### 5.11.1 MINIMUM LOT AREA

The minimum **lot area** for a **drive-through service facility** is 3000 m<sup>2</sup>.

### 5.11.2 STACKING LANE REQUIREMENTS

**Stacking spaces** are required and must be exclusive of any other **parking space** and aisle requirements contained within this By-law and shall be provided in accordance with Table 5.11.2.1.

**Table 5.11.2.1: Minimum Number of Stacking Spaces Required.**

Use	Minimum Number of Stacking Spaces Required
Restaurant	10 spaces
Financial institution	4 spaces
Retail store	4 spaces
Motor vehicle washing establishment, Automated	10 spaces

### 5.11.3 SIZE OF A STACKING SPACE

A **stacking space** shall be rectangular in shape, with a minimum length of 5.5 metres and a width of 2.6 metres.

### 5.11.4 SETBACKS FROM RESIDENTIAL ZONE BOUNDARY

**Stacking spaces** and all order boxes using voice communication to place order(s) must be located no closer than 15.0 metres from any Residential Zone boundary.

### 5.11.5 LOCATION OF DRIVE-THROUGH COMPONENTS

No stacking lanes or order boxes associated with a **drive-through service facility** shall be located in any minimum **yard**.

# PART 6.0 – RESIDENTIAL ZONES

## 6.1 ESTABLISHMENT OF RESIDENTIAL ZONES

The following Residential Zones have been established in Section 2 of this By-law:

Zone Name	Zone Symbol
Residential One	R1
Residential Two	R2
Residential Three	R3
Rural Residential	RR

No person shall **use** any land or erect, alter or **use** any **building** or **structure** in any Residential Zone except in accordance with Sections 6.2.1. 6.3.1 and all other applicable provisions of this By-law.

## 6.2 RESIDENTIAL ZONE PERMITTED USES

Permitted **uses** in a **Zone** are noted by the symbol ‘•’ in the column applicable to that **Zone** and corresponding with the row for a specific permitted **use**. A number(s) following the symbol ‘•’, **zone** heading or identified permitted **use**, indicates that one or more special provisions apply to the **use** noted or, in some cases, to the entire **Zone**. Special provisions are noted at the end of each table.

**Table 6.2.1** establishes the **uses** permitted in the Residential Zones.



**Table 6.2.1: Residential Zone Permitted Uses**

Permitted Use	R1	R2	R3	RR
<b>Additional Dwelling Unit</b>	• (1)	• (1)		
<b>Single Detached Dwelling Unit</b>	•	•		•
<b>Semi-detached Dwelling Unit</b>		•		
<b>Duplex Dwelling Unit</b>		•		
<b>Triplex Dwelling Unit</b>		•	•	
<b>Townhouse Dwelling Unit</b>			•	
<b>Multiple Dwelling Unit</b>			•	
<b>Bed and Breakfast Establishment</b>	• (2)	• (2)		
<b>Boarding and Rooming House (2)</b>	• (2)	• (2)		
<b>Group Home</b>	• (2)	• (2)		
<b>Home Occupation</b>	•	•	•	•
<b>Private Home Daycare</b>	•	•	•	•

- (1) An **Additional Dwelling Unit** shall only be permitted in a **single detached dwelling unit**, **semi-detached dwelling unit** or **townhouse dwelling unit** in accordance with Section 4.2 of this By-law.
- (2) Permitted only in a **single detached dwelling unit**.

## 6.3 RESIDENTIAL ZONE STANDARDS

A number within a bracket following the **zone** standard, **zone** heading or description of the standard, indicates an additional **Zone** requirement. These additional standards are listed at the end of each subsection.

**Table 6.3.1** establishes the **zone** standards applicable to the Residential Zones.



**Table 6.3.1: Residential Zone Standards**

Zone	Min Lot Frontage	Min Lot Area	Min Front Yard	Min Interior Side Yard	Min Exterior Side Yard	Min Rear Yard	Min Setback to Garage (2)	Max Height	Max Lot Coverage
<b>Residential One (R1) Zone</b>									
Fully Serviced	15.0 m	460 m <sup>2</sup>	6.0 m	1.2 m	4.5 m	7.5 m	6.0 m	11.0 m	35%
Partially Serviced	15.0 m	1120 m <sup>2</sup>	6.0 m	1.2 m	4.5 m	7.5 m	6.0 m	11.0 m	25%
<b>Residential Two (R2) Zone</b>									
Single Detached	15.0 m	460 m <sup>2</sup>	6.0 m	1.2 m	4.5 m	7.5 m	6.0 m	11.0 m	35%
Semi-Detached	11.0 m / unit	330 m <sup>2</sup> / unit	6.0 m	1.2 m	4.5 m	7.5 m	6.0 m	11.0 m	35%
Duplex	15.0 m	460 m <sup>2</sup>	6.0 m	1.2 m	4.5 m	7.5 m	6.0 m	11.0 m	35%
Triplex	18.0 m	230.0 m <sup>2</sup>	6.0 m	1.2 m	4.5 m	11.0 m	6.0 m	11.0 m	35%
<b>Residential Three (R3) Zone</b>									
Triplex	18.0 m	230.0 m <sup>2</sup>	6.0 m	1.2 m	4.5 m	11.0 m	6.0 m	11.0 m	35%
Townhouse	7.5 m	220.0 m <sup>2</sup>	6.0 m/unit	0 m	4.5 m	7.5 m	6.0 m	11.0 m	35%
Multiple	30.0 m	930 m <sup>2</sup> (1)	7.5 m	6.0 m	4.5 m	7.5 m	6.0 m	14.0 m	30%
<b>Rural Residential (RR) Zone</b>									
	35.0 m	2000 m <sup>2</sup>	7.5 m	3.0 m	7.5 m	7.5 m	~	11.0 m	35%

- (1) The minimum required **lot area** shall be increased by 195 m<sup>2</sup> for each **dwelling unit** beyond the first 4 **dwelling units**.
- (2) The minimum garage setback applies to a private garage located on a corner lot whereby the garage shall be setback from the street line.



## 6.4 RESIDENTIAL LAND LEASE COMMUNITY (RLLC) ZONES

No person shall hereafter **use** any land or erect or **use** any land lease community home or any other **building** or **structure** in a Residential Land Lease Community Zone except in accordance with the site specific zoning provisions for each land lease community.

### 6.4.1 RLLC DEFINITIONS

For the purposes of any RLLC Zone, the following definitions apply:

**“Row House Dwelling Unit”** means a building that is divided vertically into three or more **dwelling units**, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each **dwelling unit**.

**“Land lease community”** shall mean a parcel of land, as defined in Section 46.1 of the Planning Act, where the owner leases portions of such parcel for **use** as sites for **single detached dwelling units** and/or **row house dwelling units**, the number of which **dwelling units** is determined by the applicable zoning.

**“Land lease community home”** shall have the meaning ascribed to it in Section 46.1 of the Planning Act, R.S.O. 1990 as amended and shall include a **single detached dwelling unit** and a **row house dwelling unit** in a land lease community.

**“Private Road”** shall mean the internal **streets** on the subject lands, including areas required to remain obstruction free and for which the property owner is responsible for all repairs and maintenance.

**“Site”** shall mean an area of land associated with a single land lease community home and devoted to the exclusive **use** of the owner of such home.

**“Site, Corner”** shall mean such sites that are bounded by private **roads** on at least two sides of the site.

### 6.4.2 GENERAL REGULATIONS

The following additional general regulations apply only to **uses** with the Residential Land Lease Community One (RLLC1) and Residential Land Lease Community Two (RLLC2) Zones.

#### 6.4.2.1 APPLICATION TO SITES

Where in the general provisions to this By-law reference is made to the word **‘lot’**, the word **‘site’** shall be substituted as it applies to lands with the Residential Land Lease Community One (RLLC1) and Residential Land Lease Community Two (RLLC2) Zones.

#### 6.4.2.2 PRIVATE ROAD REGULATIONS

- a) All private **roads** shall be located within an 18 metre wide area that is free of obstructions save and except for **landscaping** and service features such as boulevard trees, electrical transformer pads, hydrants, light standards and post office boxes.
- b) All private **roads** shall have a minimum 6.0 metre paved width comprising two 3.0 metre lanes.

#### 6.4.2.3 GENERAL ZONE STANDARDS

Notwithstanding any other provision of this By-law, the following additional general **zone** standards shall apply to the Residential Land Lease Community One (RLLC1) and Residential Land Lease Community Two (RLLC2) Zones.

- a) Minimum distance between a land lease community home and a detached accessory **structure** other than an **attached platform** - 1.2 metres.
- b) Maximum permitted **height** of Land Lease Community Home – 11.0 metres
- c) Maximum site coverage for a **single detached dwelling unit** - 45%  
Maximum site for a **row house dwelling unit** - 55%

### 6.4.3 RESIDENTIAL LAND LEASE COMMUNITY ONE (RLLC1) ZONE

- a) Lands subject to the Residential Land Lease Community One (RLLC1) Zone requirements shall be identified as:

58436-0066(LT), Part Oxford Street, Plan 70, as closed by RO1000612; Part Lot C, east side Fox Street, 114 west side Church Street, 115 west side Church Street, Plan 70, being Part 1, Plan 51R-18067, Town of Penetanguishene, County of Simcoe, and lands to be sold to Parkbridge by the Town, all as shown on Schedule “1” to By-law 2013-15 as amended.

#### 6.4.3.1 PERMITTED USES

- a) Land lease community homes up to a maximum of 76 **row house dwelling units**, with 26 **row house dwelling units** in Phase 1 and 50 single storey **row house dwelling units** in Phase 4.
- b) A maximum of one accessory garage for each **row house dwelling unit**.

#### 6.4.3.2 YARD REQUIREMENTS

- a) **Single Detached Dwelling Unit or Row House Dwelling Unit**
  - i) Minimum **yard** abutting an improved public **street** or other residential zone - 7.5 metres
  - b) Accessory **buildings** including garages

- i) Minimum **yard** abutting improved public **street**: 2.5 metres
- ii) Minimum **yard** abutting other residential zones: 1.5 metres
- c) For the purpose of this **zone**, the definition of '**Street, Road or Highway**' as contained in Section 3 of this By-law shall be deemed to include the unopened **road** allowance abutting the westerly boundary of the subject lands.

#### 6.4.3.3 SINGLE DETACHED DWELLING UNIT REGULATIONS

- a) Minimum distance between **single detached dwelling units**: 3.0 metres.
- b) Minimum distance between **single detached dwelling unit** and **row house dwelling unit**: 6.0 metres.
- c) Minimum distance from centre line of private **road**: 12.0 metres.
- d) Minimum distance from centre line of private **road** for corner sites: 12.0 metres from one private **road** and 9.0 metres from any other private **road**.
- e) Minimum site area: 475 sq. metres.

#### 6.4.3.4 ROW HOUSE DWELLING UNIT REGULATIONS

- a) Minimum distance between **row house dwelling end units**: 6.0 metres.
- b) Minimum distance between **row house dwelling unit** and **single detached dwelling unit**: 6.0 metres.
- c) Minimum distance from centre line of private **road**: 12.0 metres.
- d) Minimum distance from centre line of private **road** for corner sites: 12.0 metres from one private **road** and 10.5 metres from any other private **road**.
- e) Minimum site area: 220 sq. metres.

#### 6.4.3.5 DETACHED GARAGES

For the purpose of this **zone** the permitted accessory garage shall be located on the opposite side of the private **road** from the **row house dwelling unit**. Such accessory garage shall be limited to a maximum size of 55 sq. metres and such accessory garage may form part of a group of **attached** garage units.

#### 6.4.3.6 HOLDING PROVISIONS

- a) Any holding symbol applied in connection with this **zone** shall not be removed in whole or in part until such time as site plan approval has been granted by the Town and the agreement related thereto has been registered on title to the lands in question, subject to the following exception.

- b) The holding symbol may be removed on a portion of the lands to permit construction of one block of 8 **row house dwelling units** prior to the satisfaction of the aforementioned requirement (5.12.2.7.1) provided that the owner of the lands has entered into a conditional **building permit** agreement with the Town and such agreement has been registered on title to the subject lands.

#### 6.4.4 RESIDENTIAL LAND LEASE COMMUNITY ONE (RLLC1) ZONE

- a) Lands subject to the Residential Land Lease Community Two (RLLC2) Zone requirements shall be identified as:  
58436-0065(LT), Part Oxford Street, Plan 70, as closed by RO1000612; Part Lot C, east side of Fox Street, 114 west side of Church Street, 115 west side of Church Street, Plan 70, being Part 2, Plan 51R-18067, Town of Penetanguishene, County of Simcoe and as shown on Schedule “A” to By-law 2000-02 as amended.

##### 6.4.4.1 PERMITTED USES

Land lease community homes up to a maximum of 47 **single detached dwelling units**.

##### 6.4.4.2 YARD REQUIREMENTS

- a) **Single Detached Dwelling Unit:**
  - (i) Minimum **yard** abutting improved public **street** except for Fox **Street** or other residential zone: 7.5 metres
  - (ii) Minimum **yard** abutting Fox Street: 6.0 metres
  - (iii) For Site 35, minimum **yard** abutting improved public **street**: 4.5 m
- b) Accessory **buildings**
  - (i) Minimum **yard** abutting improved public **street**: 2.5 metres
  - (ii) Minimum **yard** abutting other residential zones: 1.5 metres
- c) For the purpose of this **zone**, the definition of ‘**Street, Road or Highway**’ as contained in Section 3 of this By-law shall be deemed to include the unopened **road** allowance abutting the easterly boundary of the subject lands.

##### 6.4.4.3 SINGLE DETACHED DWELLING UNIT REGULATIONS

- a) Minimum distance between **single detached dwelling units**: 3.0 metres.
- b) Minimum distance from centre line of private **road**: 12.0 metres
- c) Minimum distance from centre line of private **road** for corner sites: 12.0 metres from one private **road** and 9.0 metres from any other private **road**.

d) Minimum site area: 475 sq. metres

#### 6.4.4.4

#### HOLDING PROVISIONS

Any holding symbol applied in connection with this **zone** shall not be removed in whole or in part until such time as site plan approval has been granted by the Town and the agreement related thereto has been registered on title to the subject lands.

# PART 7.0 – MIXED USE AND COMMERCIAL ZONES

## 7.1 ESTABLISHMENT OF COMMERCIAL ZONES

The following Commercial **Zones** have been established in Section 2 of this By-law:

<b>Zone Name</b>	<b>Zone Symbol</b>
Neighbourhood Commercial	NC
Mixed Use Commercial	MUC
Downtown and Waterfront	DW

No person shall use any land or erect, alter or use any **building** or **structure** in any Commercial Zone except in accordance with Sections 7.2.1, 7.3.1 and all other applicable provisions of this By-law.

## 7.2 COMMERCIAL ZONE PERMITTED USES

Permitted **uses** in a **Zone** are noted by the symbol ‘•’ in the column applicable to that **Zone** and corresponding with the row for a specific permitted **use**. A number(s) following the symbol ‘•’, zone heading or identified permitted **use**, indicates that one or more special provisions apply to the **use** noted or, in some cases, to the entire **Zone**. Special provisions are noted at the end of each table.

**Table 7.2.1** establishes the **uses** permitted in the Commercial Zones.



**Table 7.2.1: Commercial Zone Permitted Uses**

Permitted Use	NC	MUC	DW
Art Gallery		•	•
Child Care Centre	•	•	•
Commercial Fitness Centre		•	•
Commercial Parking Lot or Garage		•	•
Commercial Recreation Use		•	•
Commercial School		•	
Community Centre		•	•
Drive-Through Service Facility		•	
Financial Institution		•	•
Funeral Home		•	•
Hotel		•	•
Library		•	•
Medical Clinic		•	•
Motel		•	•
Motor Vehicle Rental Establishment		•	
Motor Vehicle Repair Establishment		•	
Motor Vehicle Sales Establishment		•	
Motor Vehicle Service Station		•	
Motor Vehicle Washing Establishment		•	
Museum		•	•
Office		•	•
Personal Service Establishment	•	•	•
Place of Assembly		•	•
Place of Entertainment		•	•
Place of Worship			•
Restaurant	•	•	•
Retail Store	•	•	•
Service and Repair Establishment		•	•
Short Term Rental			•
Trade and Convention Centre		•	
Veterinary Clinic		•	•
<b>Residential Uses:</b>			
Dwelling Unit Above Ground Floor Commercial Use			•
Multiple Dwelling Unit		•	•
Home Occupation		•	•
Long Term Care Facility		•	•
Retirement Home		•	•



## 7.3 COMMERCIAL ZONE STANDARDS

A number within a bracket following the **zone** standard, **zone** heading or description of the standard, indicates an additional **Zone** requirement. These additional standards are listed at the end of each subsection.

**Table 7.3.1** establishes the **zone** standards applicable to the Commercial Zones.

**Table 7.3.1 Commercial Zone Standards**

Zone Standard	NC	MUC	DW
Min Frontage	19.0 m	~	~
Min Lot Area	~	~	~
Min Front Yard	7.5 m	0 m	0 m
Max Front Yard	~	6.0 m	3.0 m
Min Interior Side Yard	3.0 m	1.2 m	0 m
Min Exterior Side Yard	4.5 m	0 m	0 m
Min Rear Yard	7.5 m	7.5 m	0 m
Max Height	11.0 m	14.0 m	14.0 m
Maximum Lot Coverage	50%	80%	80%

# PART 8.0 – SHORELINE ZONES

## 8.1 ESTABLISHMENT OF SHOREINE ZONES

The following Shoreline Zones have been established in Section 2 of this By-law:

Zone Name	Zone Symbol
Shoreline Area One	SA1
Shoreline Area Two	SA2
Marina One	MAR1
Marina Two	MAR 2
Lake Side	LS

No person shall **use** any land or erect, alter or **use** any **building** or **structure** in any Shoreline **Zone** except in accordance with Sections 8.2.1, 8.3.1 and all other applicable provisions of this By-law.

## 8.2 SHORELINE ZONE PERMITTED USES

Permitted **uses** in a **Zone** are noted by the symbol ‘•’ in the column applicable to that **Zone** and corresponding with the row for a specific permitted **use**. A number(s) following the symbol ‘•’, **zone** heading or identified permitted **use**, indicates that one or more special provisions apply to the **use** noted or, in some cases, to the entire **Zone**. Special provisions are noted at the end of each table.

**Table 8.2.1** establishes the **uses** permitted in the Shoreline Zones.



**Table 8.2.1: Shoreline Zones Permitted Uses**

Permitted Use	SA1	SA2	MAR1	MAR 2	LS
<b>Residential Uses:</b>					
Accessory Dwelling Unit			• (2)	• (2)	
Existing Dwelling Unit			• (3)		
Single Detached Dwelling Unit	•	•			
Bed and Breakfast Establishment	• (1)	• (1)			
Private Home Daycare	•	•			
Home Occupation	•	•			
<b>Non-Residential Uses</b>					
Boat Launch Ramp			•	•	•
Campground		•			
Commercial Parking Lot or Garage			• (4)		
Commercial Recreation Use			• (4)	• (4)	
Conservation Use	•	•			•
Dock	•	•	•	•	•
Hotel			• (4)		
Marina			•	•	
Marine Storage Facility			•	•	
Motel			• (4)		
Outdoor Recreation	•	•			
Park, Private			•	•	
Park, Public		•	•	•	
Parking Area	•	•			
Personal Service Establishment			• (4)		
Place of Assembly			• (4)		
Restaurant			• (4)		
Retail Store			• (4)		
Short Term Rental	•	•			
Small Recreational Vehicle Sales and Service Establishment			• (4)	• (4)	

- (1) Permitted only in a **single detached dwelling unit**.
- (2) Only one accessory **dwelling unit** for an owner or caretaker shall be permitted.
- (3) A **dwelling unit** that existed as of the effective date of this By-law.
- (4) Permitted as an **ancillary use** only.

## 8.3 SHORELINE ZONE STANDARDS

A number within a bracket following the **zone** standard, **zone** heading or description of the standard, indicates an additional **Zone** requirement. These additional standards are listed at the end of each subsection.

**Table 8.3.1** establishes the **zone** standards applicable to the Shoreline Zones.

**Table 8.3.1 Shoreline Zones Standards**

Zone Standard	SA1	SA2	MAR1	MAR2	LS (6)
Min Lot Frontage	30.0 m	46.0 m	150 m	30.0 m	
Min Lot Area	2000.0 m <sup>2</sup>	4000.0 m <sup>2</sup>	2 ha	1393 m <sup>2</sup>	
Min Front Yard	7.5 m	8.0 m	8.0 m	8.0 m	
Min Interior Side Yard	3.0 m	8.0 m	6.0 m	7.5 m	
Min Exterior Side Yard	7.5 m	8.0 m	6.0 m	8.0 m	
Min Rear Yard	7.5 m	8.0 m	9.0 m	0 m	
Max Height	11.0 m	11.0 m	11.0 m	11 m	
Max Lot Coverage	35%	35%	25%	40%	
Minimum Landscaped Open Space			25%	10%	
Additional Regulations			(1)(2)(3)	(4)(5)	
<b>Additional Regulations for a Single Detached Dwelling Unit</b>					
Minimum Interior Side Yard				3.0 m	
Minimum Exterior Side Yard				7.5 m	
Minimum Rear Yard				7.5 m	

- (1) **Buildings** and **structures** erected for all secondary **uses** shall be **setback** a minimum of 30 metres from the shoreline.
- (2) No **dock** shall project beyond the limits of an approved water **lot** which is either patented or for which a lease or license of **occupation** has been granted.
- (3) All **zone** regulations, with the exception of those dealing with **docks** and boat slips, shall be calculated on the dry land portion above the shoreline
- (4) No entrance channel, turning basin, **dock** or boat mooring area shall be located closer than 15 metres to an (RR) or (SR2) **Zone** or **street** line;
- (5) Facilities for the refueling of marine craft shall be provided at a separate pier or **dock** area from boat mooring facilities
- (6) The establishment and **use** of any waterfront **lot** or **dock** shall be in accordance with the requirements of Section 4.1.4 of this Zoning By-law.

# PART 9.0 – EMPLOYMENT ZONES

## 9.1 ESTABLISHMENT OF EMPLOYMENT ZONES

The following Employment **Zones** have been established in Section 2 of this By-law:

<b>Zone Name</b>	<b>Zone Symbol</b>
Industrial	M1
Extractive Industrial	M2
Rural Industrial	M3

No person shall use any land or erect, alter or **use** any **building** or **structure** in any Employment **Zone** except in accordance with Sections 9.2.1, 9.3.1 and all other applicable provisions of this By-law.

## 9.2 EMPLOYMENT ZONE PERMITTED USES

Permitted **uses** in a **Zone** are noted by the symbol ‘•’ in the column applicable to that **Zone** and corresponding with the row for a specific permitted **use**. A number(s) following the symbol ‘•’, **zone** heading or identified permitted **use**, indicates that one or more special provisions apply to the **use** noted or, in some cases, to the entire **Zone**. Special provisions are noted at the end of each table.

**Table 9.2.1** establishes the **uses** permitted in the Employment Zones.



**Table 9.2.1: Employment Zone Permitted Uses**

Permitted Use	M1	M2	M3
Asphalt Plant			•
Brewing Establishment	•		
Cannabis Production Facility	•		
Commercial Fitness Centre	•		
Commercial Parking Lot	•		
Commercial Recreation Use	•		
Commercial School	•		
Commercial Self-Storage Use	•		•
Community Centre	•		
Concrete Batching Plant			•
Contractor's Yard	•		•
Equipment Sales And Rental Establishment	•		•
Impound Yard	•		•
Industrial Use	•		•
Kennel			•
Mineral Aggregate Operation		•	
Motor Vehicle Body Shop	•		•
Motor Vehicle Repair Establishment	•		•
Motor Vehicle Rental Establishment	•		
Motor Vehicle Washing Establishment	•		
Office	•		
Outdoor Storage, Accessory	•		•
Outdoor Storage Use		•	•
Retail Store, Accessory (1)	•		
Service And Repair Establishment	•		
Transport Terminal	•		
Warehouse	•		•

(1) An accessory retail store shall not exceed 20% of the GFA of the building in which it is located.

### 9.3 EMPLOYMENT ZONE STANDARDS

A number within a bracket following the **zone** standard, **zone** heading or description of the standard, indicates an additional **Zone** requirement. These additional standards are listed at the end of each subsection.

**Table 9.3.1** establishes the **zone** standards applicable to the Employment Zones.

**Table 9.3.1 Employment Zone Standards**

<b>Zone Standard</b>	<b>M1</b>	<b>M2 (1)</b>	<b>M3</b>
Minimum <b>lot frontage</b>	30.0 m	30.0 m	
Public Water and Septic Tank	~	~	45.0 m
Private Well and Septic Tank	~	~	55.0 m
Minimum <b>lot area</b>	1,858 m <sup>2</sup>	~	20,000.0 m <sup>2</sup>
Minimum <b>front yard</b>	9.0 m	30.0 m	15.0 m
Minimum <b>rear yard</b>	7.5 m	15.0 m	12.0 m
Minimum <b>interior side yard</b>	3.0 m	15.0 m	6.0 m
Minimum <b>exterior side yard</b>	9.0 m	15.0 m	15.0 m
Maximum <b>height</b>	19.0 m	11.0 m	11.0 m
Maximum Lot Coverage	70%	20%	40%

(1) **Zone** standards apply to **buildings** only

# PART 10.0 – OTHER ZONES

## 10.1 ESTABLISHMENT OF OTHER ZONES

The following other **zones** have been established in Section 2 of this By-law:

<b>Zone Name</b>	<b>Zone Symbol</b>
Institutional	I
Rural	RU
Open Space	OS
Environmental Protection	EP
Deferred Development	D

No person shall use any land or erect, alter or **use** any **building** or **structure** in any Employment Zone except in accordance with Sections 10.2.1, 10.3.1. and all other applicable provisions of this By-law.

## 10.2 OTHER ZONE PERMITTED USES

Permitted **uses** in a **Zone** are noted by the symbol ‘•’ in the column applicable to that **Zone** and corresponding with the row for a specific permitted **use**. A number(s) following the symbol ‘•’, **zone** heading or identified permitted **use**, indicates that one or more special provisions apply to the **use** noted or, in some cases, to the entire **Zone**. Special provisions are noted at the end of each table.

**Table 10.2.1** establishes the **uses** permitted in the remaining **zones** applicable within the Town of Penetanguishene.





**Table 10.2.1: Permitted Uses**

Permitted Use	I	RU	OS	EP	D
<b>Residential Uses:</b>					
Crisis Care Centre I	•				
Long Term Care Facility	•				
Retirement Home	•				
Single Detached Dwelling Unit		•		•(2)	
Home Occupation		•			
<b>Non-Residential Uses:</b>					
Agricultural Use		•		•(1)(2)	•(2)
Bed and Breakfast Establishment		•			
Campground		•			
Cannabis Cultivation, Outdoor		•			
Cemetery	•				
Child Care Centre	•				
Community Centre	•				
Conservation Use	•	•	•	•	•
Forestry Use		•			•
Hospital	•				
Kennel		•			
Legally Existing Uses	•	•	•	•	•
Library	•				
Museum	•				
Park, Private			•	•(1)	
Park, Public			•	•	
Place of Worship	•				
School, Elementary	•				
School, Secondary	•				
Short Term Rental		•			
Veterinary Clinic		•			

(1) No **buildings** or **structures** are permitted.

(2) Only **uses** that legally existed on the effective date of this By-law are permitted.

## 10.3 OTHER ZONE STANDARDS

A number within a bracket following the **zone** standard, **zone** heading or description of the standard, indicates an additional **Zone** requirement. These additional standards are listed at the end of each subsection.

**Table 10.3.1** establishes the **zone** standards applicable to the remaining **zones** applicable within the Town of Penetanguishene.

**Table 10.3.1 Other Zone Standards**

Zone Standard	I	RU		OS	EP
		Single Detached Dwelling Unit	All Other Uses		
Min Lot Frontage	30 m	35.0 m	152 m	0 m	0 m
Min Lot Area	1850.0 m <sup>2</sup>	2000 m <sup>2</sup>	19.8 ha	~	~
Min Front Yard	6.0 m	7.5 m	8.0 m	7.5 m	9.5 m
Min Interior Side Yard	3.0 m	3.0 m	8.0 m	7.5 m	9.5 m
Min Exterior Side Yard	4.5 m	7.5 m	8.0 m	7.5 m	9.5 m
Min Rear Yard	7.5 m	7.5 m	8.0 m	7.5 m	9.5 m
Max Lot Coverage	~	35%	10%	~	~
Max Height	7.5 m	11.0 m	11.0 m	11.0 m	11.0 m

**Table 10.3.2 Deferred Development Zone Standards**

Nothing in this By-law applies to prevent in a Deferred Development **Zone**:

Use	Standard
<b>Agricultural Use</b>	Any land from being <b>used</b> for any <b>existing</b> agricultural or <b>forestry use</b> providing there is a minimum <b>lot area</b> of 20.0 hectares and a minimum front, side and <b>rear yards</b> of 15.0 metres, except that where a farm <b>building</b> abuts a neighbouring residential <b>use</b> that <b>building</b> shall be set back a minimum distance of 30.0 metres from such residential <b>use</b> .
<b>Single Detached Dwelling Unit</b>	Additions to an <b>existing single detached dwelling unit</b> , provided the <b>building</b> or <b>structure</b> continues to be <b>used</b> in the same manner and for the same purpose as it was <b>used</b> on the day the By-law was passed; except that a <b>additional dwelling unit</b> may be added in accordance with the provisions of Section 4.2 of this By-law.
<b>Accessory Building or Structure</b>	The erection of any <b>accessory building or structure</b> in accordance with the provisions of Section 4.1 of this By-law.

# PART 11.0 – EXCEPTIONS

## 11.1 EXCEPTIONS

The provisions of this By-law are modified as set out in Table 11.1, below.

In Table 11.1:

Column 1 identifies the exception number;

Column 2 identifies the **zone** subject to the exception;

Column 3 sets out the **uses** permitted in the **zone** exception, if applicable;

Column 4 sets out the prohibited **uses** in the **zone** exception, if applicable; and,

Column 5 sets out the special rules that apply, if applicable.

**Table 11.1: Exceptions**

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
1			Min front yard – 15.2 m Min interior side yard – 3.0 m Min gross floor area – 185 m <sup>2</sup>
2			No building shall be permitted within 10 m of the high water mark.
3	Law office		
4	Double Duplex For the purpose of this Subsection a Double Duplex shall mean a building that consists of two duplexes attached to each other, or a building containing only two storeys exclusive of basement divided vertically into four dwelling units, each one of which has two complete walls in common with adjoining		Max lot coverage for accessory building – 107 m <sup>2</sup>



Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
	units and an independent entrance either directly or through a common vestibule, and which building is occupied by not more than four families.		
5		<p>Row house dwellings only</p> <p>For the purposes of this Subsection a Row House Dwelling shall mean a building that is divided vertically into two or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.</p>	<p>Minimum rear yard - No building shall be permitted within 10 m of the high water mark.</p>
6	<p>Maximum of 20 row house dwelling units and an accessory club house</p> <p>For the purposes of this Subsection a Row House Dwelling shall mean a building that is divided vertically into two or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.</p>		<p>Min front yard – 4.6 m</p> <p>Min visitor parking spaces - 10</p>

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
7	<p>Maximum of 20 row house dwelling units and associated accessory recreational amenities</p> <p>For the purposes of this Subsection a Row House Dwelling shall mean a building that is divided vertically into two or more dwelling units, each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.</p>		Min visitor parking spaces - 10
8		Only a single detached dwelling is permitted	Min Lot Frontage - 12 m Min Lot Area - 360 m <sup>2</sup> Max Lot Coverage - 40% Min Front Yard - 4.0 m Min Side Yard 1.2 m Min Exterior Side Yard 3.0 m Min Rear Yard 6.0 m Min Rear Yard from shorewall - 20.5 metres Max Height – 8.0 m
9			Row House Dwellings: Min lot frontage - 7.5 m Min lot area - 225 m <sup>2</sup> Max lot coverage - 50% Min front yard to Fox Street - 4.0 m Min side yard - 1.2 m Min exterior side yard - 3.0 m Min rear yard to internal street - 6.0 m Max height - 8.0 m
10			Min setback from the centre line of Thompsons Road – 18 m

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			<p>Min lot area – 198 m<sup>2</sup></p> <p>Min rear yard – 7 m</p> <p>Max lot coverage – 50%</p>
11			<p>Min setback from the centre line of Thompsons Road – 18 m</p> <p>Min lot area – 198 m<sup>2</sup></p> <p>Max lot coverage – 50%</p>
12			<p>Min setback from the centre line of Thompsons Road – 18 m</p> <p>Min lot area – 183 m<sup>2</sup></p> <p>Min rear yard – 5.5 m</p> <p>Max lot coverage – 52%</p>
13	<p>14 row house dwellings and 14 associated ancillary boat slips</p> <p>One 26 unit apartment dwelling and a maximum of 20 associated ancillary boat slips</p>		<p>Section _____ (formerly 3.8.3 Waterfront buildings) does not apply to the 14 row house dwellings</p> <p>For the purposes of the requirements for minimum lot area, maximum lot coverage, minimum side yards and minimum rear yard, the lands zoned “RM-2” shall be deemed to be one lot notwithstanding that they may be severed into a separate parcel of land for the Row house Dwellings and another parcel of land for the Apartment Dwelling</p>
14			<p>The apartment dwelling may have a max of 6 dwelling units</p> <p>Min lot frontage – 28 m</p> <p>Min lot area 1060 m<sup>2</sup></p> <p>Min east side yard – 5.79 m</p>

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
15			41 units are permitted  Apartment Dwellings: Min lot frontage – 30 m Min lot area – 3500 m <sup>2</sup> Min lot coverage – 40% Min front yard – 4.0 m Min side yard – 3.0 m Min exterior side yard – 3.0 m Min rear yard – 20.0 m Max height – 14.0 m Max density – 36 units
16			Min lot area – 0.36 ha Min lot frontage – 30 m
17	Garage or non-habitable accessory structure		The main dwelling use may be located no greater than 30 m from the lot
18			Min lot area – 1200 m <sup>2</sup> Min lot frontage – 22.5 m
19	Storage of trucks for the wholesale distribution of ice cream		Min lot frontage – 28.3 m Accessory buildings max area – 170 m <sup>2</sup>
20			Min lot frontage – 7.62 m The use of the boathouse shall not be permitted, until such time that a building permit is issued for a single detached dwelling.  That prior to the removal of the “H” symbol, the following shall be undertaken: (i) The removal of existing Wastewater Treatment Line to the lands abutting the lands zoned “RR-9-H” (ii) The Owner apply for Site Plan approval and enter into a Site Plan Agreement with the municipality

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			(iii) The removal of the Existing Residential Dwelling Unit within the Boathouse.
21			No dwelling shall be erected within the southerly 19 metres of the lands Min interior side yard – 4 m
22			Min lot area – 6 ha
23	Service shop located within existing garage with a max floor area of 62.7 m <sup>2</sup>	No other accessory buildings are permitted.	
24	Existing dwelling may be converted into a max of 3 separate dwelling units by interior alterations only.		
25	Commercial storage use within an enclosed building		
26		Premises may only be used for a youth camp	
27			The original <i>south</i> limit of the Sandy Bay road allowance and <i>west</i> limit of the Tinney Drive road allowance shall be used when calculating the setbacks applicable to any building or structure.
28	A home occupation which includes retail sales transactions		Max floor area for home occupation – 120 m <sup>2</sup> Cumulative min parking requirement for dwelling unit and home occupation – 6 spaces
29			Min lot area – 2000 m <sup>2</sup> Min lot frontage – 30 m Min interior side yard – 4 m



Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			(As per OMB decision dated October 28, 2003 in connection with By-law 2003-14)
30	Accessory apartment attached to or within existing dwelling unit		Max floor area of apartment – 52 m <sup>2</sup>
31			<p>Min setback from 178 contour – 8 m</p> <p>No building opening may exist below 179 m C.D.G.</p> <p>Portions of the building below the 178.5 m contour must be flood proofed</p> <p>Min lot area – 3200 m<sup>2</sup></p> <p>Min side yard – 6 m</p> <p>As it relates to the exclusion of <i>“land between the rim of the banks of a river or watercourse or filled areas over what was navigable waters”</i> all lands, filled or otherwise, above and/or inland of the 176 metre contour shall be considered a part of the lot area for the property.</p>
32		<p>Part 4, Plan 51R-12161 may be used only as a parking area, a pedestrian walking area, or a landscaped open space upon which no permanent structures are permitted.</p> <p>Part 3, Plan 51R-12161 may be used only for the purpose of an eating establishment where food is</p>	

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
		<p>prepared for consumption either on or off the premises and/or a retail trade establishment and/or minor secondary ancillary related uses, provided that any building or structure located on this part shall not be permitted to exceed a maximum height of 7.62 metres and provided further that no yard requirements or maximum coverage requirements are in effect for this part.</p> <p>Parts 2 and 5, Plan 51R-12161 may be used only for a pedestrian walkway and/or bicycle path, public access to the boat launching area, a landscaped open space and associated structures such as fountains, benches, planters etc.</p> <p>Part 9, Plan 51R-12161 may be used only for docking for the general public on a day-to-day basis, construction of breakwalls, piers or moorings, and the operation of a boat launch ramp.</p>	



Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
		<p>Parts 1 and 10, Plan 51R-12161 may be used only for the purpose of an eating establishment where food is prepared for consumption either on or off the premises and/or a retail trade establishment and/or minor secondary ancillary related uses, provided that any building or structure located on this part shall not be permitted to exceed a maximum height of 7.62 metres and provided further that no yard requirements or maximum coverage requirements are in effect for this part, although there shall be provided on the said parts a total of twelve (12) parking spaces, each three metres by six metres in size, and a six metre access lane to the parking spots if required.</p>	
33	<p>For the purpose of this Subsection a Double Duplex shall mean a building that consists of two duplexes attached to each other, or a building containing only two storeys exclusive of</p>	<p>This premises may be used only for:</p> <ul style="list-style-type: none"> <li>(i) a maximum of 16 dwelling units in the form of 4 double duplex dwellings, and</li> <li>(ii) a maximum of 16</li> </ul>	<p>Provided:</p> <ul style="list-style-type: none"> <li>(a) the maximum number of boat slips shall not in total exceed 16;</li> <li>(b) there is a minimum clearance of 6 metres (20 ft. ) between the foundation of each of the residential</li> </ul>



Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
	<p>basement divided vertically into four dwelling units, each one of which has two complete walls in common with adjoining units and an independent entrance either directly or through a common vestibule, and which building is occupied by not more than four families.</p>	<p>boat slips accessory to the said dwelling units notwithstanding that the boat slips may not be located on the same lot as the said dwelling units; and</p> <p>(iii) a private park and recreational facilities including a swimming pool and maintenance shed with respect to that part of the lands designated as Parts 3, 5 &amp; 6, Plan 51R-34369; and</p> <p>(iv) a maximum of 1 boat slip accessory to the private park and the recreational facilities;</p>	<p>buildings;</p> <p>(c) any noise attenuation fence does not exceed 2.15 metres (7 ft.) in height exclusive of posts;</p> <p>(d) the swimming pool and maintenance shed shall have a minimum setback of 0.5 metres (1.7 ft.) from the southerly and westerly limits of the subject lands; and</p> <p>(e) all other applicable provisions of this by-law are complied with.</p>
34	<p>For the purpose of this subsection a Senior Citizen Home shall mean a dwelling or other building in which self contained dwelling units, rooms or lodging for the elderly are provided for hire or pay, and may include some personal care, nursing services and medical use and treatment, but shall not</p>	<p>The premises may be used only for a <i>Senior Citizen Home</i> but not a home licensed under the Nursing Homes Act.</p> <p>A clinic with a max gross floor area of 186 m<sup>2</sup> is permitted.</p>	<p>Max number of units – 99</p> <p>Min parking – 105 spaces</p> <p>Max height – 16.3 m</p> <p>Min rear yard – 4 m (from south limit of the subject lands)</p> <p>A board fence not exceeding 1.8 metres (6 ft.) in height must be erected along the boundary of the subject lands wherever it abuts a residentially-zoned property.</p>

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
	include any other establishment otherwise defined or classified in this By-law.		
35	<p>Within the existing building, the following uses are permitted:</p> <ul style="list-style-type: none"> <li>(a) for the storage of plumbing and heating accessories, recognizing that this may exceed a maximum floor area of 111 sq. metres;</li> <li>(b) for the sale/rental of video equipment;</li> <li>(c) for the sale only of boats, parts and accessories; provided the individual floor areas of (b) and (c) do not exceed 111 sq. metres, and provided all other provisions of this By-law are met.</li> </ul>		
36	<p>Two main buildings and the following additional uses are permitted:</p> <p>Business or Professional Office;  Local Retail Store not greater than 378 square metres in floor area;  Personal Service Shop;  and,  Restaurant without</p>		<p>The existing main building located on Part 1, Plan 51R-24501 comprising a floor area of approximately 3,000 sq. ft may be used as a <i>Personal Service Shop</i> provided that the existing floor area shall not be permitted to increase.</p> <p>The existing main building located on Part 2, Plan 51R-24501 comprising a floor area of approximately 400 sq. ft. may</p>

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
	<p>drive-through service facilities</p> <p>For the purpose of this Subsection a Personal Service Shop shall mean a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and includes barber shops, beauty shops and parlours, laundromats, shoe repair shops and depots for collecting dry cleaning and laundry, haberdashery and similar uses; but excludes an adult entertainment parlour, adult entertainment store and body rub parlour.</p>		<p>only be used as a <i>Personal Service Shop</i> or a <i>Business or Professional Office</i> for clients who seek advice or consultation only but not treatment, provided that the existing floor area shall not be increased.</p>
37	<p>Restaurant</p> <p>Local retail store with a max gross floor area of 170 m<sup>2</sup></p>		<p>Min front yard – 6.2 m</p>
38			<p>Min lot frontage – 103.0 m  Min lot area – 7400 m<sup>2</sup>  Max lot coverage – 30%  Min front yard – 13.0 m  Min side yard – 8.5 m  Min rear yard – 12.0 m</p>
39			<p>For the purposes of the requirements for minimum lot frontage, minimum lot area, minimum yards (front, side and rear), minimum off-street parking, maximum lot coverage,</p>

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			maximum building height and minimum landscaped open space, the subject lands shall constitute and be deemed to be one lot for the purposes of the comprehensive zoning by-law provided all other applicable provisions of the by-law are met.
40	<p>Marine/Snowmobile Repair and Service Shop, for mechanical repairs and general service only, with no fibreglassing, and no boat storage on site other than short term (excluding seasonal) while repairs/service are being performed.</p> <p>For the purpose of this Subsection a Service Shop shall mean any building or part thereof where appliances and machinery are sold, serviced, or repaired and includes building trades establishments but excludes any manufacturing, processing or wholesaling.</p>		
41			<p>Min rear yard – 3 m</p> <p>Max lot coverage – 48%</p>
42			The following definition of Lot Coverage shall apply: Lot Coverage shall mean that percentage of total area covered by the horizontal ground (finished grad) floor area of all buildings, exclusive of canopies

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			balconies and overhanging eaves which are not less than 2.5 metres above finished grade.
43			The building located on the subject lands shall be permitted to have a gross floor area of 1,030 m <sup>2</sup>
44		<p>The use(s) permitted on the subject lands shall be limited to a <i>Pit</i> as defined in this By-law and the following ancillary uses:</p> <ul style="list-style-type: none"> <li>- Crushing and screening of sand, gravel and topsoil with portable equipment;</li> <li>- Recycling of asphalt and concrete;</li> <li>- Stockpiling of materials excavated on site or in relation to the recycling of asphalt and concrete;</li> <li>- Stockpiling of topsoil;</li> <li>- Importation of aggregate and topsoil for the purpose of sale, blending and rehabilitation;</li> <li>- The “temporary placement and use” of portable asphalt and/or concrete batching plants.</li> </ul> <p>For the purpose of this exception zone, the term “temporary placement and use” shall mean a period not exceeding 185 days in any calendar</p>	



Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
		<p>year, save and except where the placement and use of such equipment is intended to service a construction/development project, which project has a specified contract length that exceeds the 185 days set out above. In such case the term “temporary placement and use” shall mean the specified length of such contract.</p> <p>For the purpose of this Subsection a Pit shall mean a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit.</p>	
45	<p>Auction barn and flea market</p> <p>For the purpose of this Subsection Auction shall mean lands and/or premises used for the occasional retail sale of articles or goods to the members of the public bidding the</p>	Single detached dwelling	



Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
	highest offer for the article or goods during the sale proceedings and may include the storage of such articles to be sold at auction.		
46		The only permitted use on the subject lands is the existing salvage yard.	<p>Min lot frontage – 30 m  Min front yard – 30 m  Min rear yard – 15 m  Min exterior side yard – 15 m  Min interior side yard – 15 m  Max lot coverage – 20%  Min landscaped open space – 5%  Max building height – 11 m</p> <p>Salvage Yard Site:</p> <p>a) A strip of land not less than 15 metres in width shall be reserved for landscaping purposes between any salvage yard site and any adjacent public commercial or Industrial Zone, along any adjacent public road allowance or adjoining property line. Where a salvage yard site abuts a Residential Zone or a roadway is the only separation between two such areas, then no industrial use shall be made of any kind within 30 metres of the abutting lot line. The land reserved for landscaping purposes shall be kept in an open space condition with grass, trees and shrubs and maintained as part of the industrial activity.</p> <p>b) No land shall be used for the mechanized processing of goods, wares, merchandise,</p>



Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			<p>articles or things within 300 metres of any Residential, Commercial or Industrial Zone boundary, nor closer than 150 metres to any existing dwelling, nor closer than 90 metres to a property line, nor closer than 90 metres to a public road allowance. Without limiting the generality of this Subsection, mechanized processing includes the use of machinery or equipment to crush, compact, separate, refine, incinerate or similarly treat the goods, wares, merchandise, articles or things.</p> <p>c) A weigh scale and accessory recording office, a guardhouse and/or a dwelling for a caretaker or watchman shall be permitted no closer than 50 metres to a public road allowance.</p> <p>d) A salvage yard site shall not be located on land covered by water or subject to flooding and shall be so located that no direct drainage leads to a watercourse.</p> <p>e) No open burning shall be permitted.</p> <p>f) Temporary parking is permitted within 7.5 metres of the abutting lot line.</p>
47	Community Centre For the purposes of this subsection a <i>Community Centre</i> shall		Setbacks: 1.0 m from the southerly lot line and 2.5 metres from the easterly limit of the westerly 5.0 metres of Owen Street.

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
	<p>mean any tract of land or building or buildings or any part of any buildings used for community activities, whether used for commercial purposes or not, the control and ownership of which is vested in the Municipality, a local board or agent thereof.</p>		
48		<p>Only <i>Recreation Facilities</i> are permitted on the subject lands provided that such facilities are not operated for profit. For the purpose of this Subsection Recreation Facilities shall mean land, building or structure designed or intended for passive or active recreational use, and without limiting the generality of the foregoing, shall include swimming pools, swings or structures when used in connection with the recreational facility, but does not include a shooting gallery or rifle, pistol, skeet or trap range, an automobile race track or commercial amusement park or theatre.</p>	<p>Maximum lot coverage – 15%</p> <p>Accessory buildings and structures may not exceed 35% of the gross floor area of the main building</p> <p>Min parking – 19 spaces</p>



Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
49	<p>Private Recreation Facility</p> <p>For the purpose of this Subsection Recreation Facilities shall mean land, building or structure designed or intended for passive or active recreational use, and without limiting the generality of the foregoing, shall include swimming pools, swings or structures when used in connection with the recreational facility, but does not include a shooting gallery or rifle, pistol, skeet or trap range, an automobile race track or commercial amusement park or theatre.</p>		<p>Max gross floor area – 500 m<sup>2</sup>  Max lot coverage – 25%  Min front yard – 6.0 m  Min side yard – 6.0 m  Min exterior side yard – 6.0 m  Min rear yard – 6.0 m  Max height – 8.0 m  Min parking – 1 space per 3 persons of occupancy</p>
50		Only a private park is permitted	
51		Only a semi-detached dwelling is permitted.	
52			No building containing residential floor area in whole or in part shall be located closer than 4.5 metres to the east lot line.
53	<p>A maximum of fifteen (15) Street Row house Dwellings in two blocks.</p> <p>For the purpose of this Subsection a Street Row house Dwelling shall mean a building</p>		The dwelling units located on the corner lots may be permitted to have an attached covered porch with a 1.5 metre minimum exterior side yard (inclusive of stairs).

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
	that is divided vertically into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit in which each dwelling unit abuts a public street and where each dwelling unit is located on a separate lot.		
54			Min Lot Area - 0.6 hectares Min Lot Frontage - 49.0 metres
55	A single detached dwelling containing a <i>principal dwelling unit</i> and an <i>accessory dwelling unit</i> provided that such accessory dwelling unit is entirely contained within the space formerly occupied by the attached two car garage and the loft above it.		Min lot frontage – 49 m Min area - 0.6 ha  The accessory dwelling unit shall not exceed an area of 107 m <sup>2</sup>
56	Commercial parking lot		
57	Care Facility  For the purpose of this Subsection a Care Facility shall mean an institution that provides housing for up to 20 individuals who require 24 hour support.		

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
58	Unenclosed surface parking as an accessory use		
59		Only a conservation use	
60	A residential structure containing a maximum of four (4) dwelling units		Min Lot Frontage - 18.3 metres Min West Side Yard - 0.88 metres
61			Min Lot Frontage – 12 metres Min Lot Area – 380 m <sup>2</sup> Max Lot Coverage – 45% Min Exterior Side Yard – 3.0 metres
62	Motor Vehicle Inspection Station For the purpose of this Subsection a Motor Vehicle Inspection Station shall mean any premises maintained or operated for the inspection of motor vehicles and the issuance of safety standards certificate or vehicle inspection stickers in respect of the motor vehicles.		
63			The Subject Lands representing an archaeologically significant site and an associated 30.0 metre buffer, shall be protected from any site alteration or soil disturbance, except those related to activities approved by the Ministry of Culture and/or undertaken by a professional archaeologist in accordance with the appropriate statutes, standards and regulations.
64	Marina		

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
65			Min Lot Frontage – 11 metres  Min Lot Area – 268.0 square metres
66	Cancer Support Centre		Min interior side yard – 1.5 metres  Min front yard for a parking area – 5.7 metres  Min exterior side yard for a parking area – 3.0 metres
67	Retail Sales as a Home Occupation		
68		Only a Single Detached Dwelling is permitted.	Min Lot Frontage – 12 metres  Min Lot Area – 360 square metres  Max Lot Coverage – 40%  Min Front Yard – 4.0 metres  Min Side Yard – 1.2 metres  Min Exterior Side Yard – 3.0 metres  Min Rear Yard – 6.0 metres  Min Rear Yard (from shorewall) – 20.5 metres  Max Height – 8.0 metres
69			Min Lot Frontage – 7.5 metres  Min Lot Area – 225 square metres  Max Lot Coverage – 50%  Min Front Yard – 4.0 metres (to Fox Street)  Min Side Yard – 1.2 metres



Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			<p>Min Exterior Side Yard – 3.0 metres</p> <p>Min Rear Yard – 6.0 metres (to internal Street)</p> <p>Max Height – 8.0 metres</p>
70			<p>Min Lot Frontage – 30 metres</p> <p>Min Lot Area – 3,500 square metres</p> <p>Max Lot Coverage – 40%</p> <p>Min Front Yard – 4.0 metres</p> <p>Min Side Yard – 3.0 metres</p> <p>Min Exterior Side Yard – 3.0 metres</p> <p>Min Rear Yard – 20.0 metres</p> <p>Max Height – 14.0 metres</p> <p>Max Density – 36 units</p>
71	Private Recreation Facility		<p>Max Gross Floor Area – 500 square metres</p> <p>Max Lot Coverage – 25%</p> <p>Min Front Yard – 6.0 metres</p> <p>Min Side Yard – 6.0 metres</p> <p>Min Exterior Side Yard – 6.0 metres</p> <p>Min Rear Yard – 6.0 metres</p> <p>Max Height – 8.0 metres</p>

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			Parking – 1 space per 3 persons of occupancy
72	Private Park		
73			Min Lot Frontage – 103.0 metres Min Lot Area – 7,400 square metres Max Lot Coverage – 30% Min Front Yard – 13.0 metres Min Side Yard – 8.5 metres Min Rear Yard – 12.0 metres
74	Marina		
75			Notwithstanding the Permitted Uses under Subsection 5.3.1 any lands shown on Schedule “A” to this By-law shall also permit a Model Home in accordance with the following: a. The land on which the model home is to be constructed has received draft plan approval under the provisions of the Planning Act. b. That a Subdivision Agreement and/or a Model Home Agreement has been executed. c. That the building shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the plan of subdivision. d. That the building shall comply with the zoning regulations of the by-law as though the units were constructed on the lot within the future plan of subdivision. e. That the model home shall not be located further than 90 metres

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			<p>from a public street and/or a fire hydrant.</p> <p>f. That the Model Home has received Site Plan Approval and a Site Plan Agreement has been executed.</p> <p>Notwithstanding any provisions to the contrary, a private road established under a Common Elements Condominium in accordance with the Condominium Act, shall also be deemed to be Public Street in accordance with the definition of a Public Street or Improved Public Street for any lands shown on Schedule "A" to this By-law.</p>
76			<p>Min Parking Requirement – 1.25 spaces per dwelling unit</p> <p>Min Lot Area – 210 square metres per dwelling unit</p> <p>Max Accessory Building Footprint – 10 square metres per dwelling unit</p>
77		Only a Single Detached Dwelling is permitted.	<p>Mini Lot Frontage – 9 metres</p> <p>Min Lot Area – 225 square metres</p> <p>Max Lot Coverage – 55%</p> <p>Min Front Yard (to house) – 4.5 metres</p> <p>Min Front Yard (to garage) – 6.0 metres</p> <p>Min Side Yard – 0.6 metres</p> <p>Min Exterior Side Yard – 3.0 metres</p>

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			Min Rear Yard – 5.0 metres  Max Height – 11.0 metres  Min Ground Floor Area – 74 square metres  Min Parking – 2 spaces  Max lot coverage for accessory structures – 10%
78		Only a Single Detached Dwelling is permitted.	Min Lot Frontage – 10.5 metres  Min Lot Area – 260 square metres  Max Lot Coverage – 55%  Min Front Yard (to house) – 4.5 metres  Min Front Yard (to garage) – 6.0 metres  Min Side Yard – 0.6 metres  Min Exterior Side Yard – 3.0 metres  Min Rear Yard – 5.0 metres  Max Height – 11.0 metres  Min Ground Floor Area – 74 square metres  Min Parking – 2 spaces  Max lot coverage for accessory structures – 10%
79		Only a Single Detached Dwelling is permitted.	Min Lot Frontage – 12 metres  Min Lot Area – 300 square metres  Max Lot Coverage – 55%

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			<p>Min Front Yard (to house) – 4.5 metres</p> <p>Min Front Yard (to garage) – 6.0 metres</p> <p>Min Side Yard – 0.6 metres</p> <p>Min Exterior Side Yard – 3.0 metres</p> <p>Min Rear Yard – 5.0 metres</p> <p>Max Height – 11.0 metres</p> <p>Min Ground Floor Area – 74 square metres</p> <p>Min Parking – 2 spaces</p> <p>Max lot coverage for accessory structures – 10%</p>
80			<p>Min Lot Frontage – 6.1 metres</p> <p>Min Lot Area – 150 square metres</p> <p>Max Lot Coverage – 60%</p> <p>Min Front Yard (to house) – 4.5 metres</p> <p>Min Front Yard (to garage) – 6.0 metres</p> <p>Min Side Yard (common wall) – 0 metres</p> <p>Min Side Yard (between units) – 1.5 metres</p> <p>Min Exterior Side Yard – 4.0 metres</p>

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			<p>Min Rear Yard – 5.0 metres</p> <p>Max Height – 11.0 metres</p> <p>Min Ground Floor Area</p> <p>i) Bachelor 32 sq. metres</p> <p>ii) 1 Bedroom 51 sq. metres</p> <p>iii) 2 Bedroom 65 sq. metres</p> <p>iv) 10 sq. metres for each additional bedroom over 2.</p> <p>Min Parking – 2 spaces</p> <p>Max Driveway width – 0.3 metres from exterior wall of garage</p> <p>Max lot coverage for accessory structures – 10%</p>
81			<p>Mini Lot Frontage – 23 metres</p> <p>Min Lot Area – 2,200 square metres</p> <p>Max Density – 29 units</p>
82			<p>Notwithstanding the Permitted Uses under Subsection 5.3.1 any lands shown on Schedule “A” to this By-law shall also permit a Model Home(s) in accordance with the following:</p> <p>a. The land on which the model home is to be constructed has received draft plan approval under the provisions of the Planning Act.</p> <p>b. That a Subdivision Agreement and/or a Model Home Agreement has been executed and that the Site has been developed in accordance with the Town’s Community Design Manual.</p> <p>c. That the building shall be used for the purpose of a model home only and shall not be occupied as</p>

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			<p>a dwelling unit prior to the date of the registration of the plan of subdivision.</p> <p>d. That the building shall comply with the zoning regulations of the by-law as though the units were constructed on the lot within the future plan of subdivision.</p> <p>e. That the model home shall not be located further than 90 metres from a public street and/or a fire hydrant.</p> <p>Notwithstanding any provisions to the contrary, a private road established under a Common Elements Condominium in accordance with the Condominium Act, shall also be deemed to be Public Street in accordance with the definition of a Public Street or Improved Public Street for any lands shown on Schedule "A" to this By-law.</p>
83			<p>Min Lot Frontage – 12 metres</p> <p>Min Lot Area – 380 square metres</p> <p>Max Lot Coverage – 45%</p> <p>Min Exterior Side Yard – 3.0 metres</p>
84			<p>Min Lot Frontage – 15 metres</p> <p>Min Lot Area – 450.0 square metres</p> <p>Max Lot Coverage – 45%</p> <p>Min Exterior Side Yard – 3.0 metres</p>
85			<p>Min Lot Frontage – 13.5 metres</p> <p>Min Lot Area – 400 square metres</p>

Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
			<p>Max Lot Coverage – 45%</p> <p>Min Exterior Side Yard – 3.0 metres</p>
86	Local Retail Store		<p>Notwithstanding the Uses Permitted by Subsections 6.2.1 and 6.2.2, the existing 111.5 sq. metre building constructed in 1986 located on the lands zoned “CN-2” on Schedule “A” to this By-law, comprising Block H, Registered Plan 51M-113 and municipally known as 45 Dufferin Street, may be used as a Local Retail Store (with or without one accessory dwelling unit), or a building consisting exclusively of a maximum of two (2) dwelling units, provided all applicable provisions of this By-law are complied with.</p>
87	<p>Rest Home for a maximum of 15 beds/residents</p> <p>For the purpose of this Subsection a Rest Home shall mean a privately-owned and superintended residence, operated for gain or reward, catering to senior citizens which provides room and board and such personal care as may be necessary for a minimum of three (3) persons and a maximum number of persons based upon the</p>		



Exception Number	Additional Permitted Uses	Restricted Uses	Special Provisions
	applicable occupancy standards of the Building Code Act. The term "Rest Home" shall not include boarding and rooming houses, hotels, hospitals, nursing homes, homes for the aged, and institutions licensed, approved or subsidized under any general or special Act.		
88	A heating service and installation business as an accessory use to the principal residential use.		(a) the number of employees does not exceed three; and  (b) the business may be conducted in an accessory building not exceeding 139 sq. metres.
89		Only a Single Detached Dwelling or a Single Detached Dwelling with an Accessory Dwelling Unit is permitted.	
90	Apartment Dwelling  For the purpose of this Subsection an Apartment Dwelling shall mean a building consisting of five dwelling units which have independent entrances from the street level.		

# PART 12.0 – HOLDING ZONES

## 12.1 HOLDING PROVISIONS

Notwithstanding any other provision in this By-law, where a **zone** symbol is followed by the letter “H” and a number – for example MUC-H1- no person shall **use** or permit the **use** of land to which the letter “H” applies for any **use** other than the **use** which legally existed on the date the By-law applying the holding provision came into effect until the holding symbol is removed in accordance with the policies of the Town of Penetanguishene Official Plan and the Planning Act, as amended.

**Council** may pass a By-law pursuant to Section 36 of the Planning Act, as amended, to remove the holding symbol, thereby placing the lands in the **zone** indicated by the **zone** symbol, when all of the applicable requirements have been met.

Table 12.1 identifies the Holding Zones within the **Municipality**.

**Table 12.1: List of Holding Zones**

Symbol	Property/Legal Description	Conditions for Removal	Date Enacted	By-law Number	By-law Removing "H"
H1	Block 123, Registered Plan 51M-543 known municipally as 15 Sheffcote Street	Approval of a Site Plan and Site Plan Agreement, pursuant to Section 41 of the Planning Act	February 17 2016	2016-04	
H2	Lands zoned OS-6 on the following parcel: Part of Lot 114, and all of Lots 115 to 120 (inclusive) and Part of Oxford Street and Part of Cambridge Street and all of Church Lot on the West Side of Fox Street and Part of the water lot in front of Lots 114 to 120 (inclusive) and Oxford Street, and Cambridge Street and Church Lot, Registered Plan 70	Approval of a Site Plan and Site Plan Agreement, pursuant to Section 41 of the Planning Act	March 11 2020	2020-11	
H3	Properties within the Waste Disposal Assessment Overlay Holding Zone as delineated on Schedule B of this By-law.	In accordance with Section 4.23 of this By-law.	As of the effective date of By-law 2022-17	2022-17	
H4	Properties within the Septic System Review Overlay	In accordance with Section 4.24 of this By-law	January 26 2000	ZBL 2000-02	



Symbol	Property/Legal Description	Conditions for Removal	Date Enacted	By-law Number	By-law Removing "H"
	Holding Zone as delineated on Schedule B of this By-law.				
H5	Lots 27 and 28, north of Poyntz Street, Reg. Plan 9, Town of Penetanguishene, municipally known as 39 Poyntz Street,	Approval of a Site Plan and Site Plan Agreement, pursuant to Section 41 of the Planning Act	November 11 2004	2004-114	
H6	Lots 12 to 17 Plan M356 (Gateway Lane)	The Subdivider agrees that there shall be no development of Phase Two nor will the "H" symbol be removed until the Subdivider has negotiated security with the Municipality, satisfactory to the Municipality, with respect to the services required for Phase Two and has also negotiated such deposits, other capital levies and conveyances as may be required by the Municipality.	June 17 1988	1988-40	
H7	104 Poyntz Street	In accordance with By-law 2003-08	February 26 2003	2003-08	
H8	24 Lucy Street	In accordance with By-law 1343.	April 14 1958	1343	
H9			May 4 1994	1994-16	

Symbol	Property/Legal Description	Conditions for Removal	Date Enacted	By-law Number	By-law Removing "H"
	East half of Lot 114 Concession 1, WPR more particularly described as Part 1, Plan 51R-24507 (7 O L Dubeau Drive)	Until satisfactory arrangement are made with respect to the provisions of municipal services, the design of site grading and stormwater management, and payment of applicable development charges			
H10	Part of Park Lot 21, south side of Burke Street, and Part of Park Lot 26, north side of Brock Street, both on Registered Plan 36, more particularly described as Parts 1 to 12 inclusive on Plan 51R-30663. (Keefe Street)	Notwithstanding the Minimum Lot Frontage requirements of Subsection 5.5.2.1 of this by-law, nothing shall present the lands zoned "R1S-24" on Schedule "A" to this by-law from being used in accordance with the provisions of Subsection 5.5.1 provided all other provisions of this by-law are complied with.	October 3 2001	2001-62	
H11	1145 Fuller Avenue lands zoned R3(87)	The approval of a Site Plan and Site Plan Agreement, pursuant to Section 41 of the Planning Act.	August 12 2020	2020-36	
H12	1145 Fuller Avenue lands zoned CN	The approval of a Site Plan and Site Plan Agreement, pursuant to Section 41 of the Planning Act.	August 12 2020	2020-36	
H13	1376 Sandy Bay Road	Remove an existing wastewater treatment line; remove an existing residential dwelling unit from the	June 1 2015	2015-33	

Symbol	Property/Legal Description	Conditions for Removal	Date Enacted	By-law Number	By-law Removing "H"
		boathouse, and, enter into a Site Plan Agreement with the Town of Penetanguishene.			
H14	Lots 68-71 inclusive and Parts of Lots 67 and 72, north side of Robert Street, Registered Plan 1521. (Robert Street East and Thompsons Road)	Site Plan Agreement Not noted in the actual by-law, only noted in an email from former director of planning	May 12 2004	2004-49	
H15	287 Champlain Road	As per requirements of By-law 2009-87	November 25 2009	2009-87	



# PART 13.0 – TEMPORARY USE ZONES

## 13.1 TEMPORARY USES

Where on Schedules to this By-law, a **zone** symbol is followed by the letter “T”, a number for example MUC-T1-, one or more additional but temporary **uses** are permitted on the lands noted until the permission granted by the site specific Temporary Use By-law expires in accordance with the policies of the Town of Penetanguishene Official Plan and Section 39 of the Planning Act, as amended.

Table 13.1 identifies the Temporary Use Zones within the **Municipality**.

**Table 13.1: List of Temporary Use Zones**

Symbol	Property/Legal Description	Permitted Uses	Conditions for Removal	By-law Number	Date Enacted	Date Expires
T1						
T2						
T3						





# PART 14.0 – ENACTMENT

## 14.1 FORCE AND EFFECT

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

## 14.2 READINGS BY COUNCIL

This By-law read a first time on the 8th day of June, 2022.

This By-law read a second time on the 8th day of June, 2022.

This By-law read a third time on the 8th day of June, 2022.

MAYOR: \_\_\_\_\_

Doug Leroux

Clerk: \_\_\_\_\_

Stacey Cooper

## 14.3 CERTIFICATION

I hereby certify that the foregoing is a true copy of Zoning By-law 2022-17 as enacted by the Council of the Corporation of the Town of Penetanguishene, on the 8<sup>th</sup> day of June 2022.

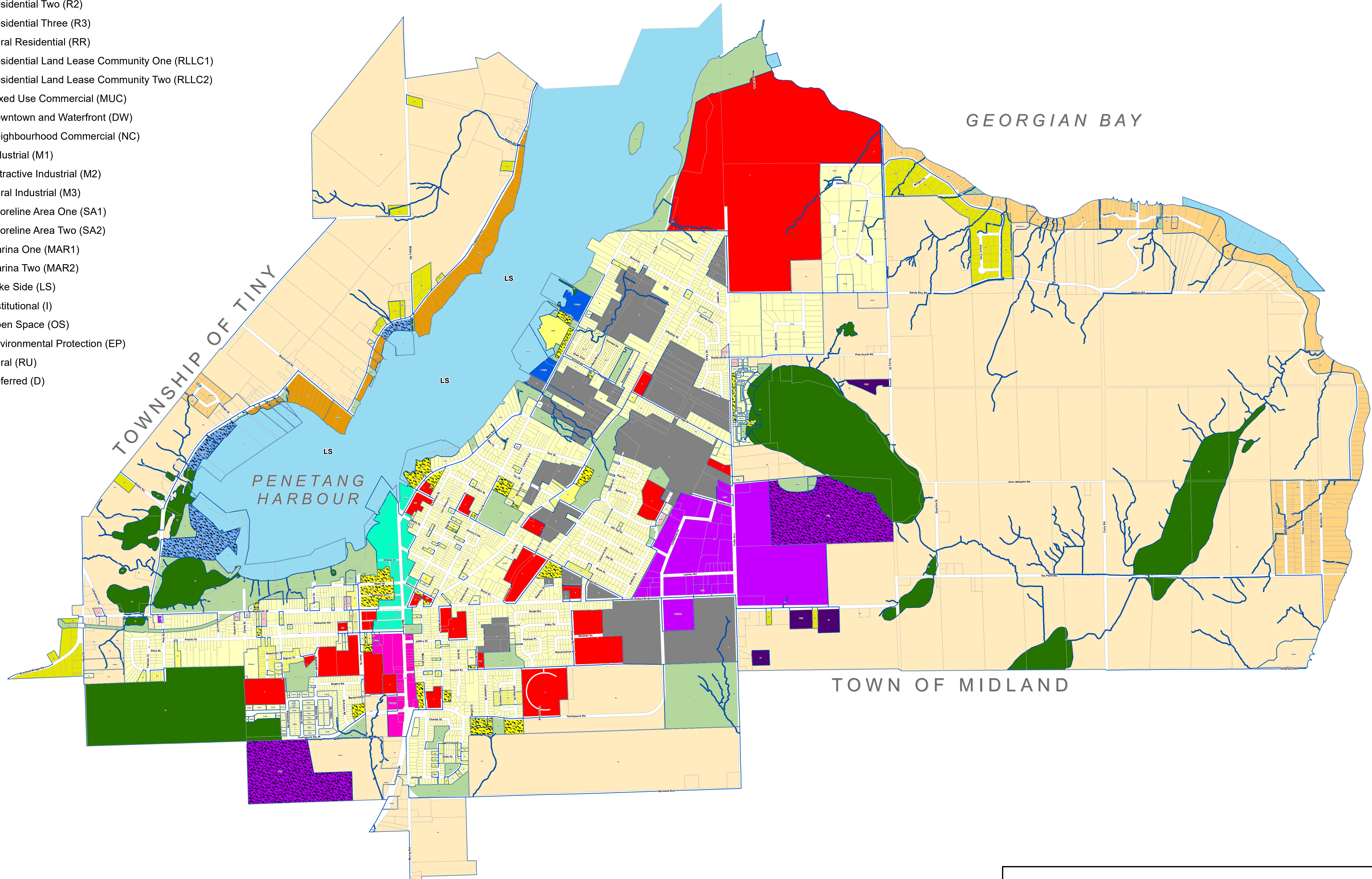
Clerk: \_\_\_\_\_

Stacey Cooper



**Legend**

- Residential One (R1)
- Residential Two (R2)
- Residential Three (R3)
- Rural Residential (RR)
- Residential Land Lease Community One (RLLC1)
- Residential Land Lease Community Two (RLLC2)
- Mixed Use Commercial (MUC)
- Downtown and Waterfront (DW)
- Neighbourhood Commercial (NC)
- Industrial (M1)
- Extractive Industrial (M2)
- Rural Industrial (M3)
- Shoreline Area One (SA1)
- Shoreline Area Two (SA2)
- Marina One (MAR1)
- Marina Two (MAR2)
- Lake Side (LS)
- Institutional (I)
- Open Space (OS)
- Environmental Protection (EP)
- Rural (RU)
- Deferred (D)





# Legend

- Septic Reinspection Overlay
- Waste Disposal Assessment Overlay
- Wellhead Protection Area A
- Wellhead Protection Area B
- Wellhead Protection Area C1
- Wellhead Protection Area D
- Wellhead Protection Area Q1/Q2

