

City of St. Thomas

Community Planning Permit By-law

The Armoury District

Elm Street / Wilson Avenue / Victor Drive

High Rise Residential and Community Precinct

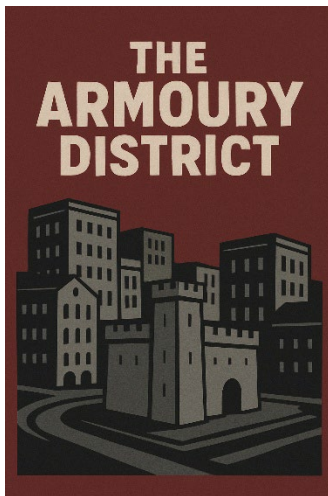


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1.0 Purpose & Application

1.1 Purpose

This By-law establishes a Community Planning Permit System (CPPS) in order to:

- a) Implement the vision and policies of the City of St. Thomas Official Plan.
- b) Provide a streamlined approval process combining zoning, minor variance, and site plan control.
- c) Facilitate appropriate, sustainable, and high-quality development.

1.2 Lands Subject to By-law

This By-law, including Schedule B, applies to all lands as identified within Schedule A, which includes:

- a) The Armoury District (Elm St / Wilson Ave / Victor Dr High Rise Residential and Community Precinct)

1.3 Conformity

This By-law, the lands subject to it, applications and permits **shall** conform to the Official Plan.

1.4 Objectives

The primary objectives for The Armoury District (Elm St / Wilson Ave / Victor Dr High Rise Residential and Community Precinct) include:

- a) To facilitate redevelopment of known brownfield and underutilized sites for residential and any complementary uses.
- b) To permit a scale and density of development that would allow for redevelopment of the lands.
- c) To ensure proper integration of future residential and any mixed use development in an **existing** area.
- d) To establish development standards to ensure appropriate transition of development **heights**, densities and built form as it relates to the surrounding area.

- e) To recognize **existing** community uses and plan for future opportunities.
- f) To provide housing in a high-rise and high-density form, including rental and integration of affordable dwelling units, which contributes to an appropriate range of housing in the community.
- g) Proper use, integration and improvement of **existing** and planned **public realm** and infrastructure, such as servicing, transportation, parks and trails, streetscapes and community recreation facilities.
- h) To establish uses and densities that support and integrate with transit and active transportation (cycling, walking).

2.0 Community Planning Bylaw and Permit Requirement

2.1 Compliance with by-law

No building or structure **shall** be erected or altered, and no change of use or occupancy of any building, structure, land, premises, or any part thereof **shall** be made except in compliance with the provisions of this by-law.

2.2 Permit Requirement

All development, redevelopment, or change of use within the area **shall** require a Community Planning Permit unless explicitly exempted.

2.3 Exemptions

The following do not require a permit:

- a) Site alterations subject to other municipal by-laws.
- b) Infrastructure or public projects by a government body.
- c) Projects by publicly assisted Universities for the objects of the Institutions.

- d) Development consistent with approvals issued prior to the effective date of this by-law.
- e) The placement of a portable classroom on a school site of a district school board is exempt from the requirement for a community planning permit if the school site was in existence on January 1, 2007.

2.4 Enforcement

Any person who uses land contrary to any provision of this by-law and any person who owns land which is used contrary to any provision of this by-law is guilty of an offence.

2.5 Penalties

- a) Any person convicted of an offence under any provision of this by-law **shall** be liable to a penalty as set out in Section 67 (1) of the Planning Act, R.S.O, 1990, Chapter P.13, or any successor thereof.
- b) Any corporation convicted of an offence under any provision of this by-law **shall** be liable to a penalty as set out in Section 67 (2) of the Planning Act. R.S.O. 1990, Chapter P.13, or any successor thereof.

2.6 Compliance with other legislation

Nothing in this by-law **shall** be construed to exempt any person from complying with the requirements of any other by-law of the City or any other government statute and/or regulation that **may** otherwise affect the use of land, buildings, or structures.

2.7 Severability

In the event that any regulation in this by-law is deemed or determined to be in violation of any law or held to be invalid or unenforceable by any court or tribunal of competent jurisdiction, the violation and invalidity **shall** not affect the remainder of this by-law. This by-law **shall** afterwards be interpreted as though the offending regulation is not contained in this by-law.

3.0 Community Planning Permit Classes, Approval Authority and Notification

3.1 Permit Classes

There are three classes of Community Planning Permits: Class 1 – Standards Met, Class 2 – Staff **Variation**, and Class 3 – **Council Variation**, as outlined in Table 1 and summarized below:

- a) Class 1 Community Planning Permits capture developments which meet meets all development standards of this by-law and the City's Official Plan in force and effect on the effective date of this by-law; and
- b) Class 2 and Class 3 Community Planning Permits capture developments that do not comply with the development standard limits for a Class 1 Planning Permit and are subject to additional requirements as outlined in the corresponding sections of this By-law.

3.2 Delegating approvals

City **Council** delegates development powers and duties on behalf of the City to the Approval Authority, being the Director of Planning & Building for decisions on permit applications, conditions of approval and signing agreements as set out in this By-law and in accordance with Table 1 below. This applies to Class 1 and 2 Permits. **Council may** withdraw or amend this delegation at any time.

3.3 Notification requirements

The City will provide public notice of a **Community Planning Permit Application** in accordance with Table 1. The City **may** update the application public notice procedures without an amendment to this by-law. A Notice of Decision will be provided for all Community Planning Permits.

3.4 Referrals to Council

- a) City staff **may** refer a complete application to **Council** at any time prior to the decision of an application.
- b) The Owner **may** refer an application to **Council** at any time prior to the decision of an application.

- c) At the time of submitting an application, an applicant **may** request that a Class 2 **Community Planning Permit Application** be processed as a Class 3 Community Planning Permit, where the applicant is of the opinion that the application would benefit from **Council** review and decision.
- d) **Council** retains the authority to require any application be brought forward for Council's consideration at its discretion.

Table 1 – Permit Classes, Approval Authority and Notification Requirements

Class	Description	Approval Authority	Public Notice
Class 1	Meets all standards and permitted uses.	Director of Planning & Building or delegate.	None required.
Class 2	Meets the intent, standards and provisions, but requires a staff variation based on one or more development standards within the established Class 2 variation limit, approval of a listed discretionary use, or for specified community benefits.	Director of Planning & Building or delegate.	On-site sign, website notice and mail (within 60m).
Class 3	Variations beyond Class 2 limits; additional/new permitted uses or community benefits exchange beyond the parameters of this by-law.	City Council.	On-site sign, website notice and mail (within 120m).
Amendments (Class 1 & 2 standards)	Amendments to approved and provisionally approved applications to vary a Class 1 or 2 standard	Director of Planning & Building or delegate.	In accordance with the public notice procedures for the applicable class of permit as noted above.

4.0 Discretionary Uses

4.1 Discretionary use requirements

A discretionary use **may** only be allowed if the criteria set out in this by-law and any provisions associated with the discretionary use as identified in this by-law have been addressed to the satisfaction of the Approval Authority.

5.0 Variations

5.1 Class 2 or 3 permit variations

Variations to standards of this by-law found in Section 10 (Development Standards), **may** be considered through the Class 2 or Class 3 Community Planning Permit process, in accordance with the requirements and objectives of this by-law and the City's Official Plan.

5.2 General standards variations process

Variations to the general standards of this by-law found in Sections 7 and 8 (General Provisions and Parking Provisions) **may** be considered through a Class 2 or Class 3 Community Planning Permit process, in accordance with the requirements and objectives of this by-law and the City's Official Plan.

5.3 Variation amounts and percentages

Variations are applied as an amount or percentage of an eligible standard. The amount or percentage referred to is the amount of the standard that **may** be varied.

5.4 Permit application requirements

A **Community Planning Permit Application** for a Class 2 or Class 3 permit that requests a **variation** or a discretionary use **shall** be subject to all requirements of this by-law.

5.5 Class 2 permit staff variations

For a Class 2 Community Planning Permit, staff **may** approve or provisionally approve developments which vary from the standards within Sections 11 (Development Standards), provided the **variation** is within the established Class 2 **variation** limits identified in this by-law, or approve or provisionally approve a discretionary use as identified in Section 10 (Permitted and Discretionary Uses), provided that it is within the development standards within Sections 11 (Development Standards) identified in this bylaw, all subject to the criteria in Section 6 (Criteria for considering a Class 2 or 3 **Community Planning Permit Application**) and subject to alignment with the Official Plan in force and effect on the effective date of this by-law, provincial policy and other applicable legislation.

5.6 Class 3 permit Council variations

For a Class 3 Community Planning Permit, **Council may** approve or provisionally approve developments which vary from the standards identified in Sections 11 (Development Standards) of this by-law above the established Class 2 **variation** limits, or approve or provisionally approve a discretionary use as identified in Section 10 (Permitted and Discretionary Uses), beyond the standards provided within Sections 11 (Development Standards) identified within this bylaw, all subject to the criteria for considering a Class 2 or 3 **Community Planning Permit Application**, and subject to alignment with the City's Official Plan in force and effect on the effective date of this by-law, provincial policy and any other applicable legislation.

6.0 Criteria for Considering a Class 2 or 3 Community Planning Permit Application

6.1 Criteria for Discretionary Uses, Variations from Standards, and Class 2 or 3 Building Heights/Density

Where a Class 2 or Class 3 Community Planning Permit is required, the proposed development or a discretionary use will only be permitted if the following criteria are addressed to the satisfaction of the Approval Authority prior to the issuance of a Community Planning Permit and **shall** be subject to conditions of approval:

- a) the proposed development or a discretionary use implements the requirements and objectives of this by-law;
- b) the proposed development or a discretionary use implements the City's Official Plan policies and conforms to the City's Official Plan;
- c) the proposed development or a discretionary use **shall** consider provincial and municipal guidelines and regard for technical studies;
- d) the proposed development or a discretionary use is consistent with and conforms to provincial policy, regulations, and standards, as amended, and any other authority having jurisdiction; and
- e) the potential off-site and adverse impacts resulting from the proposal are identified and mitigated where appropriate.

7.0 General Provisions

These general provisions **shall** apply to all lands subject to this Community Planning Permit By-law.

7.1 Access / Frontage on a Street

Development **shall** only be permitted on a lot that abuts a public **street**, within a condominium with a common roadway that has access to a public **street** or within a lot or block that is part of an approved plan or permit that abuts a public **street**.

7.2 Accessory Buildings and Structures

- a) A **garage may** be erected and used for **accessory** uses in any **yard** except a required **interior side yard**, a required **exterior side yard**, required exterior **rear yard** or a required **front yard**, subject to the provisions of this By-law.
- b) A utility shed or other **accessory** building, other than a **garage, may** be erected and used for **accessory** uses in any **yard** except a **front yard**, a required **interior side yard**, an exterior **rear yard** and an **exterior side yard**, subject to the provisions of this By-law.
- c) No **accessory** building **shall** be erected or used between a main building wall and any required **front yard** except that a **garage** attached to a **dwelling may** be erected and used between any main building wall opposite the **front lot line** and its extensions and any required **front yard**.
- d) No **accessory** building **shall** be erected or used between any main building wall opposite the **exterior lot line** and the **exterior lot line** if any part is within 1 metre of the **exterior lot line** or, in the case of a **garage**, if there is access for an automobile from the **street** to such **garage** through the **exterior lot line**.
- e) An **accessory** building **may** be erected and used within a **rear yard**, subject to the provisions of this By-law.
- f) With the exception of temporary construction purposes, no **accessory** building **shall** be erected on a lot prior to the erection of a main building on the lot.
- g) No **accessory** building **shall** be used for human habitation.
- h) **Accessory** buildings and structures **shall** be further regulated through the provisions contained in Section 10 of this By-law.

7.3 Availability of Municipal Services

No building or structure **shall** be erected or used for any purpose permitted unless the following municipal services are available to service the building or structure and the land on which it is situate:

- a) a water supply system;

- b) a sanitary sewage system; and
- c) a storm sewage system.

7.4 Change of Use

No person **shall** change the **existing** use of any lands, building or structure to a different type or class of use without determining that intended use in accordance with the provisions of this By-law and subject to any Change of Use Permit in accordance with the Ontario Building Code.

7.5 Daylight Corners

- a) At the intersection of two **streets**:
 - i) No building, structure, play equipment, parked **motor vehicle** or tree **may** be located within the site line triangle formed by joining the point of intersection of any two public **streets** or any private road, driveway, lane or parking aisle to a public **street**, measured 6 metres in each direction from that point of intersection.
 - ii) A fence, hedge, shrub or foliage **may** be located within the daylight corner provided it is planted, erected or maintained to a **height** that does not exceed 0.9 meters above the centreline of the adjacent **street** or private access.
- b) A **variation** to the daylight corner provisions requires a Class 2 Permit.

7.6 Habitation of Vehicles

No land **shall** be used as a place to park, locate or store a **motor vehicle**, mobile home, motor home or **trailer** when used as a place for sleeping, living or eating in by a person or persons.

7.7 Lighting

Any lighting must be directed away from abutting **streets** and/or properties and directed downward and in accordance with the provision contained in Section 10.

7.8 Lot Reductions From Dedications

- a) Notwithstanding any other provision of this by-law, for the purpose of determining compliance with the zoning by-law:
 - i) a **street** reserve **shall** be considered to be part of the adjacent **street**;
 - ii) where a **street** reserve exists, for the purposes of determining the minimum required **front yard** depth, **exterior side yard** depth or exterior **rear yard** depth, such measurement **shall** be taken from the common boundary between the road allowance and the **street** reserve.
- b) Notwithstanding any other provision of this by-law, where a road widening has been acquired by the City:
 - i) the **front yard** depth, **exterior side yard** depth, **lot coverage** or **lot area shall** remain as they lawfully exist on the day of the acquisition of the road widening.
 - ii) this **shall** not prohibit the enlargement or extension of buildings and other structures which are permitted under the provisions of the applicable zone provided the enlargement or extension is in conformity with the applicable provisions of this by-law other than the preceding subsection.

7.9 Outdoor Storage, Storing of Unlicensed Vehicles or Repairing of Vehicles

No land **shall** be used as a place to store, keep, display, pile or accumulate any of the following:

- a) a **motor vehicle** or **trailer** which does not bear a current license,
- b) any part of a **motor vehicle** or **trailer**,
- c) any clothing or household goods including a mattress, bed, table, stove, refrigerator, dishwasher, washing machine and dryer or any part of any of them,
- d) a furnace, hot water heater, air conditioner, or any part of any of them.

- e) No land in any **front yard, exterior side yard, interior side yard, or rear yard shall** be used for the maintenance or repair of any **motor vehicle** except for minor or operating repairs such as the changing of spark plugs, windshield wipers, headlights and tires or for the washing, polishing or cleaning of a **motor vehicle**.
- f) No land in a **front yard, exterior side yard** or exterior **rear yard shall** be used for the storing or keeping of a boat, **motor vehicle**, motorcycle, school bus, **trailer**, tractor **trailer**, mobile home, boat **trailer** or camper. Notwithstanding, parking **spaces** with operating vehicles may be permitted between the minimum required **front yard** or **exterior side yard setback** and a building or within a **rear yard**.
- g) No lot **shall** be used for the storing, placing or keeping of more than one mobile home.

7.10 Multiple Unit Development on a Block with Common Access

- a) More than one **back-to-back stacked townhouse dwelling, back-to-back townhouse, multiple dwelling or stacked townhouse dwelling shall** be permitted on a lot provided that each has direct access to a public **street**, an internal private drive aisle or road that connects to a public **street**, or they are located within a condominium with a common roadway that has access to a public **street**.
- b) For the purposes of this By-law, the provisions **shall** apply as if each unit was an individual private **lot** with the **front lot line** deemed to be that which is either facing the internal private or condominium road or in the case of where this is driveway access directly to a public street it is that which is facing the public street.

7.11 Rooftop Amenity Buildings or Structures

An enclosed or partially enclosed structure belonging to a common residential amenity area on the rooftop of a building, or any portion of a building designed to provide access to a rooftop amenity area **shall** not be considered a storey provided it meets the standards of this By-law.

7.12 Shipping Containers

- a) A shipping container placed on a property **shall** be considered a structure and subject to a Community Planning Permit.
- b) A shipping container **may** be used for temporary outdoor storage purposes only.
- d) Where a shipping container is converted and used as a construction material for a building or an **accessory** building or structure it is considered a building or structure and **shall** comply with the applicable provisions for **accessory** building or structures and be subject to a building permit in accordance with the Ontario Building Code.

7.13 Signs

No billboard sign **shall** be erected or placed on any land, building or structure. The provisions of the **City** of St. Thomas Sign By-law continue to apply to all sign types and provisions.

7.14 Sustainable Development

Development **shall** consider **sustainable development** principles, such as Low-Impact Development strategies including measures to help reduce the impacts of urban run-off, bioswales, permeable pavers, rain gardens and barrels, green roofs, green/net zero design for building and site design.

7.15 Temporary Event or Occasional Use

Any land, building or structure associated with a temporary sales event, or a special event, whether or not for profit, **shall** be permitted for a maximum of seven days per calendar year. Despite the parking provision requirements, a temporary event or occasional use is permitted to occupy required **parking spaces**.

7.16 Temporary Buildings or Structures (Construction)

- a) During the construction or the repair of any building, any construction shed, office or sanitary facility used in connection with such construction or repair **may** be erected or used on any lot.

- b) A **trailer** on a construction site is permitted provided such **trailer** is removed upon the construction being completed, a final inspection of such building being conducted or until the building permit is revoked, whichever occurs first.
- c) A real estate sales office is permitted on a construction site until such construction is completed or a final building inspection is conducted, whichever event occurs first.
- d) A model home **shall** comply with all other requirements of this by-law with the exception of the minimum parking and minimum **floor space ratio** requirements.
- e) The building **shall** be used for the purpose of a model home only and **shall** not be occupied prior to the date of registration of the subdivision, condominium, or similar development agreement. The legal off-**street** parking must be restored once converted to residential use.

7.17 Waste Management

- a) No garbage, recycling or composting containers **shall** be stored on any lot except within the building or structure on such lot or in a container in an **interior side yard** or **rear yard** of such lot.
- b) Every waste management storage area required which is visible from an adjoining property or public **street**, **shall** have a visual screening consisting of a solid fence.
- c) A dumpster or garbage container **shall** be regulated in the same manner as an **accessory** building or structure in accordance with the provisions for **accessory** buildings or structures.
- d) Despite the above, any composting within a container as part of **urban agriculture**, including a **community garden**, is permitted.

8.0 Parking Provisions

8.1 General Parking Provisions

- a) The parking requirements of this section **shall** apply to **parking areas** located below grade, at **grade** and above grade, as well as parking structures.
- b) Vehicle **parking spaces**, **bicycle parking spaces** and loading spaces required for a development **shall** be provided on-site, unless:
 - i) the spaces are on a lot that forms part of a comprehensive development; and
 - ii) all lots forming part of the comprehensive development are indicated on the same Community Planning Permit.
- c) **Parking spaces**, **bicycle parking spaces** and **loading spaces** for a development **shall** not be permitted to be provided within the municipal right-of-way.
- d) The surface treatment of **parking areas** and **parking spaces** **shall** be constructed and maintained with concrete, asphalt, or pavers (including permeable), and curbed with a continuous poured concrete curb.
- e) Where the number of proposed **parking spaces**, **bicycle parking spaces** or loading spaces results in a fractional number, the total number of required spaces or stalls **shall** be rounded up to the next whole number.
- f) Parking and loading areas, including bicycle **parking areas**, **shall** be sufficiently illuminated to promote public safety. Where such areas are illuminated by lighting fixtures, the fixtures **shall** be arranged so that their light is directed or shielded away from residential **dwelling**s.
- g) The total number of **parking spaces** required to be provided on lot with multiple buildings or uses **shall** be the total of all of the spaces required for each building on the lot.

8.2 Parking Areas, Driveways and Spaces

- a) **Parking areas shall** provide access to, and exit from, a road or lane such that backing or turning movements of **motor vehicles** entering or exiting the site avoid interference with all modes of traffic, including pedestrians, cyclists, and **motor vehicles**, on the abutting roads or lanes.
- b) Where there are four (4) or more surface **parking spaces** in a **parking area**, a minimum 3.0 metre wide landscape buffer **shall** be required along the perimeter of the entire **parking area**, to the satisfaction of the Approval Authority.
- c) A driveway providing access to a **parking area** or parking **garage shall** comply with the following minimum dimensions:
 - i) 3.0 metres in width for a single traffic lane; and
 - ii) 6.0 metres in width for a double traffic lane.
- d) The width of a parking aisle providing access to **parking spaces shall** be 6.7 metres wide.
- e) Unless otherwise specified in this By-law, all **parking spaces shall** be a minimum width of 2.75 metres and a minimum length of 5.5 metres. **Parking spaces shall** be clearly delineated between resident and visitor parking.
- f) {Provision related to structural columns in parking structures to be added/under review}

8.3 Bicycle Parking

- a) A **bicycle parking space** not located in an enclosure must be separated from **parking spaces**, visitor **parking spaces** or **loading spaces** by 2.0 metres.
- b) Each horizontal **bicycle parking space shall** be a minimum of 0.6 metres wide, 1.8 metres deep with a vertical clearance of at least 2.0 metres, exclusive of parking racks and hardware.
- c) Each vertical **bicycle parking space shall** be a minimum of 0.6 metres wide, 1.1 metres deep with a vertical clearance of at least 2.3 metres, exclusive of parking racks and hardware.
- d) Each **bicycle parking space shall** be accessed by an aisle with a minimum width of 1.5 metres.
- e) **Bicycle parking spaces** and accesses **shall** be located on hard-surfaced areas.
- f) **Bicycle parking spaces** must be illuminated.
- g) Where a lot contains more than one (1) use, the required number of **bicycle parking spaces** is the sum of all **bicycle parking spaces** required for each use.
- h) **Bicycle parking, long-term** and **bicycle parking, short-term** for uses will be required on a lot in accordance with the required off-**street** parking provisions in Section 8.4.

8.4 Required Off-Street Parking

The required off-**street** vehicular **parking space** and **bicycle parking spaces** for permitted and discretionary uses **shall** be provided in accordance with the Table below:

Table 2 – Minimum Parking Requirements

Use	Minimum Vehicular Parking	Minimum Vehicular Visitor Parking	Minimum Bicycle Parking, Long-Term	Minimum Bicycle Parking, Short-Term
Apartment Dwelling	1.25 / unit	0.1 / unit	0.5 / unit	0.1 / unit, 2 spaces min.
Back-to-Back Stacked Townhouse Dwelling	1.25 / unit	0.2 / unit	1 / unit	0.1 / unit, 2 spaces min.
Back-to-Back Townhouse Dwelling	1.25 / unit	0.2 / unit	1 / unit	0.1 / unit, 2 spaces min.
Day Care	3 / 100m ²	N/A	0.2 / 100m ² , 2 spaces min.	0.3 / 100m ² , 2 spaces min.
Long-Term Care Facility	0.1 / bed + 1 / 2 employees	0.1 / bed	1 space / 5 employees	5
Multiple Dwelling	1.25 / unit	0.2 / unit	1 / unit	0.1 / unit, 2 spaces min.
Neighborhood Commercial Uses, except Restaurant	3 / 100m ²	N/A	0.1 / 100 m ² GFA, 2 spaces min.	0.1 / 100 m ² GFA, 2 spaces min.
Neighborhood Commercial Uses, Restaurant	5 / 100m ²	N/A	0.1 / 100 m ² GFA, 2 spaces min.	0.1 / 100 m ² GFA, 2 spaces min.
Retirement Home	0.5 / bed + 1 / 2 employees	0.2 / bed	5, plus 1 space / 5 employees	5
Stacked Townhouse Dwelling	1.25 / unit	0.2 / unit	1 / unit (where individual garages are not provided)	0.1 / unit (where individual garages are not provided)

8.5 Home Occupations

- a) **Home occupations** that have customers or clients attending the **dwelling unit** shall provide 1 off-**street parking space** in addition to the required parking for the residential use.
- b) **Home occupations** that have 1 non-resident employee **shall** provide 1 off-**street parking space** in addition to the required parking for the residential use.

- c) **Home occupations** that do not have customers, clients or non-resident employees attending the **dwelling unit** are not required to provide additional **parking spaces**.

8.6 Shared Use

In the instance of one or more Neighbourhood Commercial Uses in the same building or on the same site as residential uses with at least 10 **dwelling units**, the total commercial use minimum **parking space** requirements **may** be reduced by 10%.

8.7 Accessible Parking

- a) **Accessible parking spaces shall** be provided for uses on **lots** where parking is required pursuant to this By-law.
- b) Accessible parking rates **shall** be provided in accordance with the requirements set out in the Table below:

Table 3 – Accessible Parking Space Requirements

Number of Required Parking Spaces	Number of Accessible Parking Spaces
4-12	1 Type A accessible parking space
13-100	3% of total spaces ¹ , with an equal number of Type A and Type B accessible parking spaces ²
Greater than 100	2% of total spaces ¹ , with an equal number of Type A and Type B accessible parking spaces ²

¹ Rounded up to the nearest whole number.

² If an odd number of **accessible parking spaces** is required, the additional space **may** be a Type B **accessible parking space**.

³ If only one **accessible parking space** is required, the space must be a Type A **accessible parking space**.

- c) **Accessible parking spaces shall** be designed, installed and maintained in accordance with the minimum requirements set out in the Table below:

Table 4 –Parking Space Types and Dimensions

Type of Accessible Parking Space	Number of Accessible Parking Spaces
Type A	3.4 m width x 5.5 m length
Type B	2.4 m width x 5.5 m length

- d) Access aisles **shall** be provided directly adjacent to all off-**street accessible parking spaces** in accordance with the following:
- i) **Shall** be a minimum width of 2 metres.
 - ii) **Shall** extend along the entire length of the **accessible parking space**.
 - iii) **Shall** be marked with high tonal contrast diagonal lines when located on asphalt, concrete or other hard surface.
- e) Where there are **accessible parking spaces** in a **parking area**, the entrance of the **parking area** and circulation to and from the **accessible parking spaces shall** include a minimum overhead clearance of 2.75 m.

8.8 Electric Vehicle Parking Spaces

- a) A minimum of 5 percent of the total required **parking spaces** shall be provided as **electric vehicle parking spaces** for any use or combination of uses that must provide a minimum of 6 vehicular **parking spaces**.

8.9 Loading Spaces

- a) A residential building containing 25 **dwelling units** or more **shall** provide on the same **lot** at least 1 **loading space**.
- b) **Loading spaces shall** comply with the following minimum dimensions:
- i) 3.5 metres in width;
 - ii) 10.5 metres in length; and
 - iii) 4.0 metres of **height** clearance.

- c) The surface treatment of loading areas must be constructed and maintained with material suitable for their intended use (e.g., reinforced concrete).
- d) A building with non-residential uses that requires the receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials, **shall** comply with the following minimum provisions:
 - i) **1 loading space** for **gross floor area** between 300 square metres and 2,500 square metres;
 - ii) **2 loading spaces** for **gross floor area** greater than 2,300 square metres.
- e) The location of loading doors and associated loading facilities **shall** not be located within a **front yard** or **exterior side yard** (abutting a **street**), unless entirely screened from view by a visual barrier.

8.10 Parking Variations

- a) Any **variation** to a parking standard in Section 8 of this Bylaw that is up to and including 10% below the minimum requirement **shall** require a Class 2 Permit and must utilize at least 4 of the **Transportation Demand Management / Active Transportation** provisions from the Community Benefits Table 10 in Section 11. Any **variation** between 10-20% below the minimum requirement **shall** require a Class 2 Permit and must utilize at least 8 of the **Transportation Demand Management / Active Transportation** provisions from the Community Benefits table in Section 11. Any **variation** more than 20% below the minimum requirement or without the associated minimum Community Benefit provisions **shall** require a Class 3 Permit. Class 2 and Class 3 Permits will be in accordance with Table 1 of this By-law.
- b) Any variation to the bicycle parking standards in Section 8.3, with the exception of 8.3 h) which is subject to 8.10 a) above, **shall** require a Class 2 Permit. Any variation to eliminate the bicycle parking standards in Section 8.3, with the exception of 8.3 h) which is subject to 8.10 a) above shall require a Class 3 Permit.
- c) Any variation to the Electric Vehicle Parking Spaces in Section 8.8 shall require a Class 2 Permit. Any variation to eliminate the Electric Vehicle Parking Spaces requirement in Section 8.8 shall require a Class 3 Permit.

9.0 Permitted and Discretionary Uses

9.1 Permitted Uses

No land, building or structure **shall** be used except for the following purposes and in accordance with the provisions of this By-law, including Section 10:

- a) **Apartment Dwelling**
- b) **Community or Recreation Centre**
- d) **Day Care**
- e) **Home Occupation**
- f) **Park** (Public and Privately-Owned, Publicly-Accessible)
- g) **Retirement Home**
- h) Uses **accessory** to the foregoing

9.1.1 Public Service Uses

Unless otherwise regulated herein, **public service uses**, public and private infrastructure, utilities, parks, trails and any outdoor storage area associated with those uses is permitted provided such use, building or structures complies with any applicable provisions and parking requirements of this By-law. This **shall** not apply to any office or retail purpose by a utility company.

9.1.2 Urban Agriculture

Urban agriculture, including **community gardens**, is permitted and will be subject to any applicable **City** By-laws and guidelines.

9.2 Discretionary Uses

The following **may** be allowed as **Discretionary** Uses, subject to the provisions in Sections 4-6, 10 and any other applicable provisions of this By-law:

- a) **Back-to-Back Townhouse Dwelling**
- b) **Back-to-Back Stacked Townhouse Dwelling**
- c) **Long-Term Care Facility**
- d) **Multiple Dwelling**
- e) Neighbourhood Commercial uses in a mixed-use building, including **Bakery, Business Office, Clinic, Convenience Store, Personal Service, Restaurant, Retail Store**
- f) **Stacked Townhouse Dwelling**

9.3 Home Occupation Uses

- a) No person **shall** use any part of a **dwelling unit** or **accessory** building as his place of employment in connection with a **home occupation** unless such person regularly resides in such **dwelling unit**.
- b) **Home occupation** uses associated with a permitted or discretionary use **may** only include **academic instruction, business office, or studio** and **shall** be subject to the provisions of this By-law.
- c) No part of any **dwelling unit shall** be used for the primary selling or offering to sell any goods, wares or merchandise directly in person.
- d) No part of any **accessory** building **shall** be used for the primary selling or offering to sell any goods, wares or merchandise directly in person.

- e) No manufacturing activity involving the processing of raw or semi-processed materials **shall** be carried out in conjunction with a **home occupation** except for the fabrication of handmade goods or crafts associated with a **studio**, and other similar small-scale businesses. The assembly of fully processed goods is permitted.
- f) A retail establishment is not permitted as a **home occupation**. Retail sales **shall** be limited to items that are prepared within the area associated with the **home occupation** or which are **accessory** to the **home occupation** and **shall** not occupy more than 25 per cent of the **gross floor area** of the **home occupation**.
- g) **Shall** not consist of any activity related to animal shelter, veterinary service, kennel or animal grooming or training.
- h) The **home occupation shall** not involve the use of the **lot** or **dwelling unit** as a base for persons who are non-resident employees, partners or associates of the **home occupation** but work off-site, nor **shall** the **lot** or **dwelling unit** be used or the assembly of persons who require transportation to a work site.
- i) The **home occupation shall** not involve the shipping or receiving of goods or materials by vehicles, commercial other than automobiles or delivery vans used by courier services.

9.4 Prohibited Uses

Any use, building or structure not specifically permitted by this By-law **shall** not be permitted in the Community Planning Permit Area. A use, whether defined or not defined by this by-law, that is not either (1) identified as a permitted use, (2) identified as a **discretionary** use, or (3) permitted by site-specific provision, is prohibited. For clarity and transparency, but without limit to the foregoing, the following uses are prohibited in Community Planning Permit Area, either alone or in conjunction with other uses:

- a) **Adult Entertainment Parlour**
- b) **Body-rub Parlour**
- c) **Junk Yard**
- d) **Salvage Yard, Scrap Yard, Wrecking Yard for Motor Vehicles**

9.5 Special Circumstances

Occupancy for residential uses are only permitted subject to receipt of clearance or acknowledgment of a Record of Site Condition or Certificate of Property Use from the province.

10. Development Standards

10.1 Provisions for Permitted Uses

No building or structure **shall** be erected or land, building or structure used except in accordance with the regulations set forth in the Table below:

Table 5: Development Standards for Permitted Uses

Provision	Class 1 (Base)	Class 2 Maximum	Class 3 Maximum
Apartment Dwelling; Retirement Home			
Minimum Lot Area	930 m ²	750m ²	<750m ²
Minimum Lot Frontage	30 m	21 m	<21 m
Minimum Floor Space Ratio (FSR) ¹	1	1	0.6
Maximum Floor Space Ratio (FSR)	3	4, subject to Section 11 (Community Benefits)	5, subject to Section 11 (Community Benefits)
Minimum Building Height (storeys)	4	3	<3
Maximum Building Height (storeys)	15	20, subject to Section 11 (Community Benefits)	25, subject to Section 11 (Community Benefits)
Minimum Front Yard, Exterior Side Yard or Yard Abutting a Public Use Setback	7.5 m	6 m	<6 m

Minimum Interior Side Yard Setback	4.5 m or ½ building height whichever is greater	Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority	<Class 1 or Class 2
Minimum Rear Yard Setback	4.5 m or ½ building height whichever is greater	Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority	<Class 1 or Class 2
Maximum Lot Coverage	40%	50%	>50%
Minimum Landscaped Area	25%	20%	<20%
Minimum Building Stepbacks	3 m for all portions of the building above the 6 th storey facing a street for buildings located within 15 m of a street or a lot line of a public use (trail, arena/community centre)	Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority	<Class 1 or Class 2
Minimum Distance Between Buildings (Tower Separation)	The tower portion of the building, which is the portion of a building 5 storeys and above, shall be setback a minimum of 25 m from any portion of another tower	Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority	<Class 1 or Class 2

Maximum Building Length	75 m for buildings located within 15m of a street for the portion of the building adjacent to the street	Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority	>Class 1 or Class 2
Community or Recreation Centre			
Minimum Yard Setback	7.5 m	4.5 m	<4.5 m
Maximum Lot Coverage	25%	40%	>40%
Minimum Landscaped Area	20%	15%	<15%
Day Care			
Building Location	Must be within or attached to another building with a permitted use and in accordance with the provisions for that building	No Variation	Standalone building subject to provisions
Accessory Uses			
In accordance with the provisions for the primary use and accessory buildings and structures			

¹ Phased development whereby initial buildings do not meet the minimum **Floor Space Ratio** are permitted provided that there is an approved plan confirming that with all phases of development the minimum requirement will be met.

10.2 Provisions for Discretionary Uses

No building or structure **shall** be erected or land, building or structure used for a **discretionary** use except in accordance with the regulations set forth in the Table below:

Table 6: Development Standards for Discretionary Uses

Provision	Class 1 (Base)	Class 2 Maximum	Class 3 Maximum
Back-to-Back Stacked Townhouse Dwelling, Back-To-Back Townhouse Dwelling, Stacked Townhouse Dwelling			
Minimum Lot Frontage	8 m	7 m	<7 m
Maximum Building Height (storeys)	3	4	>4
Minimum Front Yard and Exterior Side Yard Setback	6 m	2.5 m	<2.5 m
Minimum Interior Side Yard Setback	2.5 m	1.2 m	<1.2 m
Minimum Interior Side Yard Along Common Wall Between Dwelling Units	0 m	0 m	0 m
Minimum Rear Yard Setback (Stacked Townhouses)	7.5 m	4.5 m	<4.5 m
Maximum Lot Coverage	40%	50%	>50%
Minimum Landscaped Area	25%	20%	<15%
Minimum Front Yard Setback for Garage	6 m	5.5 m	< 5.5 m
Maximum Garage Width	50% of the width of the façade of the dwelling	50% of the width of the façade of the dwelling	>50% of the width of the façade of the dwelling
Maximum Driveway Width	50% of the lot width, POTL , condo unit or front façade	50% of the lot width, POTL , condo unit or front façade	50% of the lot width, POTL , condo unit or front façade
Long-Term Care Facility			
Minimum Lot Area	4000 m ²	2500 m ²	<3000 m ²
Minimum Lot Frontage	30 m	20 m	<20 m
Minimum Floor Space Ratio	0.6	0.6	<0.6
Maximum Floor Space Ratio	1.0	3.0	>3.0

Maximum Building Height (storeys)	4	6	>6
Minimum Front Yard or Exterior Side Yard Setback	6 m	4.5 m	<4.5 m
Minimum Interior Side Yard Setback	5.0 m	2.5 m	<2.5 m
Minimum Rear Yard Setback	9 m	6 m	<6 m
Maximum Lot Coverage	40%	50%	>50%
Minimum Landscape Area	25%	20%	<20%
Multiple Dwelling			
Minimum Lot Area	750 m ²	600 m ²	<600 m ²
Minimum Lot Frontage	21 m	18 m	<18 m
Minimum Floor Space Ratio	0.6	0.6	<0.6
Maximum Floor Space Ratio	1.0	3.0	>3.0
Maximum Building Height (storeys)	3	5	>5
Minimum Front Yard or Exterior Side Yard Setback	6 m	4 m	<4 m
Minimum Interior Side Yard Setback	2 m	1.5 m	<1.5 m
Minimum Rear Yard Setback	9 m	6 m	<6 m
Maximum Lot Coverage	40%	50%	>50%
Minimum Landscape Area	25%	20%	<20%
Maximum Driveway Width	50% of the lot width, POTL , condo unit or front façade	50% of the lot width, POTL , condo unit or front façade	50% of the lot width, POTL , condo unit or front façade
Neighbourhood Commercial Uses			
Location	Must be on the ground floor in a building with another permitted or discretionary use other than Day Care or Neighbourhood	Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the	Different than Class 1 or Class 2

	Commercial (e.g. in a mixed-use building)	satisfaction of the Approval Authority	
Maximum Size of an Individual Outlet	100 m ²	150 m ²	>150 m ²
Maximum Total Size of All Non-Residential Uses on a Lot	300 m ²	350 m ²	>350 m ²
Development Standards	In accordance with the requirements of the building containing the other permitted or discretionary use	Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority	Different than Class 1 or Class 2

10.3 Provisions for Home Occupations

No building or structure **shall** be used for a **home occupation** associated with a permitted or **discretionary** use except in accordance with the regulations set forth in the Table below:

Table 7: Development Standards for Home Occupation Uses

Provision	Class 1 (Base)	Class 2 Maximum	Class 3 Maximum
Gross Floor Area occupied by one or more home occupations within the dwelling unit	Shall not exceed 15% to a maximum of 15 m ² , whichever is less.	Up to 25% or 25m ² , whichever is less	>Class 2
Number of non-residential employees, partners or associates of a home occupation permitted per dwelling unit	0	1, regardless of the number of home occupations in the dwelling unit .	>Class 2
Maximum number of clients that may be present on the property at any given time	1, regardless of the number of home occupations	2, regardless of the number of home occupations	>Class 2

Maximum of number of children for childcare services	5, and such home occupations must only be located in a dwelling unit with an individual driveway or parking area	No Variation	No Variation
Outdoor Display, Sales, Storage Areas, Signage	None	Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority	>Class 2
Building Character	No home occupation use shall result in a change of the residential character of the building in which it is located	Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority	>Class 2
Limit on number of home occupations and employee, partner, associate or client	Where a home occupation is located within a dwelling unit which does not have an individual driveway providing access to said unit, the home occupation shall be limited to one home occupations only.	Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority	>Class 2

10.4 Provisions for Accessory Buildings and Structures

No building or structure **shall** be erected or land, building or structure used for an **accessory** use or as an **accessory** to a permitted or **discretionary** use except in accordance with the regulations set forth in the Table below:

Table 8: Development Standards for Accessory Buildings and Structures

Provision	Class 1 (Base)	Class 2 Maximum	Class 3 Maximum
Maximum Gross Floor Area	40 m ² each	60 m ² each	>Class 2
Maximum Lot Coverage for all Accessory Buildings and Structures Combined	15%	20%	>Class 2
Minimum Yard Setbacks		Class 2 permit may be issued subject to the intent of the standard being achieved through an alternative method to the satisfaction of the Approval Authority	<Class 2
Maximum Building Height	4 m	6 m	>Class 2

10.5 Provisions for Other Structures

- a) No structure **shall** be erected or land, building or structure used in association with a permitted or **discretionary** use except in accordance with the regulations set forth in the Table below:

Table 9: Development Standards for Other Structures

Structure	Provision	Development Standard
Architectural Features	Yard Permission Maximum Projection Maximum Additional Building Height	Permitted in any yard 0.5 m 1.5 m
Barrier-free Access Ramp	Yard Permission Maximum Projection	Permitted in any yard 3.0 m
Bay Window	Yard Permission Maximum Projection	Permitted in any yard except a required interior side yard 1 m
Canopies and Balconies	Yard Permission Maximum Projection	Permitted in any yard 1.8 m

Deck, Stoop, Steps, Porch Covered or Uncovered and not Wholly or Partially Enclosed	Yard Projection Maximum Projection	Permitted in any yard , except deck only permitted in rear yard 2.5 m
Eaves and Eavestrough	Yard Permission Maximum Projection	Permitted in any yard 0.75m
Elevator Penthouse	Minimum Setback from Building Edge Maximum Height	5 m 6 m
Fence	Yard Permission Maximum Height	Permitted in any yard 2 m, except no fence greater than 1 m in height in any front yard or exterior lot line and all in accordance with Daylight Corner provisions of Section 7
Fence (Temporary Construction)	Maximum Height	Exempt, if required by the City or other legislation
Flagpole, Light Standard	Yard Permission Maximum Height	Permitted in any yard 9 m from average grade.
Fire Escape, Exterior Staircase	Yard Permission Maximum Projection	Permitted in any rear yard or interior side yard 1.5 m
Individual HVAC Units (air conditioner, heat pump, and the like)	Yard Permission Minimum Setback to a Lot Line	Permitted in an interior side yard , an exterior side yard and a rear yard . 0.3 m
Mechanical Equipment	Yard Permission Setback from any Lot Line Maximum Height of Rooftop Mechanical Equipment Screening Requirements - Outdoor Mechanical Equipment	Permitted in a rear yard or interior side yard , and should not be located in a front yard or exterior side yard 0.6 m 3 m Shall be entirely screened by the building, solid enclosure or landscaping

	Noise Requirements	Shall satisfy provincial and City environmental noise criteria and By-laws
Patio (At Grade)	Yard Permission	Permitted in any interior side yard or rear yard
Rooftop Amenity Buildings or Structures	Minimum Setback from Building Edge Maximum Height Maximum Total Amenity Building and Structure Coverage	5 m 3 m Not exceeding 50%
Swimming Pool (Exterior)	Yard Permission Minimum Setback from a Rear or Side Lot line Minimum Setback of any Swimming Pool Deck to any Lot Line	Permitted in any interior side yard or rear yard 1.5 m 0.5 m
Telecommunications Antenna	Yard Permission Maximum Height	Permitted in rear yard and interior side yard and top of a building 7.5 m
Uncovered stoop, Uncovered Steps and Uncovered Porch	Yard Permission Maximum Projection Maximum Height Above Grade	Permitted in a front yard , an interior side yard , and an exterior side yard 1.5 m but not closer than 0.5 m to any interior lot line 1.25 m

- b) Any **variation** to a Provision for Other Structures in this section of the By-law that is up to and including 50% beyond the minimum or maximum requirement **shall** require a Class 2 Permit. Any **variation** more than 50% beyond the minimum or maximum requirement **shall** require a Class 3 Permit.

10.6 Special Provisions

- a) Notwithstanding the above, any building containing a residential, **day care** or **long-term care facility** use should have a minimum **setback** of 70 m from any property zoned for Business Employment. A **variation** may be provided through a

Class 2 Permit to a minimum **setback** of 20 m or less, subject to a satisfactory Land Use Compatibility Study in accordance with provincial guidelines and implementation of any associated mitigation measures through conditions of approval.

- b) A **parking structure** will be considered an accessory use and any portions of an above-ground **parking structure shall** be subject to the building provisions within Section 10.1 or 10.2 and not the accessory building or structure provisions of Section 10.4 and will not be considered a **garage** for the purposes of Section 7.2.

10.7 Variations

Variations beyond the Class 1 standards for maximum **Floor Space Ratio** and/or maximum Building **Height** identified in Sections 10.1 and 10.2 are subject to conditions and provision of facilities, services or matters as identified in Section 11.

11.0 Community Benefits (Facilities, Services and Matters)

11.1 Additional Development

Development of a Permitted or **Discretionary** Use exceeding Class 1 maximum **height** and/or maximum **floor space ratio** **may** be permitted up to the Class 2 and Class 3 maximums, and subject to the criteria outlined in Section 6, in exchange for facilities, services and matters in the following manner and which must include at minimum one (1) facility, service, or matter from the Affordable Housing Community Benefit:

Table 10: Specified Facility, Service or Matter for Additional Development

Community Benefit - Required	Facility, Service or Matter Provision of:	Additional Development Exchanged for:
Affordable Housing¹ ¹ Facility, Service or Matter to be provided within and for the building receiving the additional development permissions.	5% or greater of units in the building as Affordable Housing OR	1 storey in building height and 0.25 FSR
	>10% of units in the building as Affordable Housing OR	2 storeys in building height and 0.5 FSR
	>33% of units in the building as Affordable Housing OR	5 storeys in building height and 1.0 FSR
	>10% of units in the building at or below 80% of Average Market Rent OR	5 storeys in building height and 1.0 FSR
	>25% of units in the building at or below 80% of Average Market Rent OR	10 storeys in building height and 2.0 FSR
	A cash-in-lieu contribution towards St. Thomas-Elgin Social Services affordable housing programs OR	For every \$500,000: 1 storey in building height and 0.25 FSR
	A mix of Affordable Housing and cash-in-lieu contribution for the required Affordable Housing	Combination of the above
Community Benefit - Other	Facility, Service or Matter	Additional Development
Public Realm Improvements (Parks, Trails, Streetscape)	Provision of privately-owned, publicly accessible park or outdoor amenity space and facilities/equipment (over and above any parkland dedication requirements) OR	For every 500 m ² : 2 storeys in building height and 0.5 FSR to a maximum of 4 storeys in building height and 1.0 FSR

	Provision of funding towards community or recreational facilities, enhanced streetscape elements such as street tree planting, LID planting bed infrastructure, decorative pedestrian-scale lighting, decorative crosswalks/ intersections, burying utilities underground, seating areas, public art, etc.	For every \$500,000: 1 storey in building height and 0.25 FSR to a maximum of 2 storeys in building height and 0.5 FSR
Sustainable Development	Net Zero Energy OR	1 storey in building height and 0.25 FSR
	District Energy System	3 storeys in building height and 0.75 FSR
Transportation Demand Management / Active Transportation	<u>Type A -</u> Provision of a minimum of \$100,000 towards infrastructure, facilities or services for public transit or active transportation. AND/OR Provision of enhanced trail(s) and rest area(s) connected to the active transportation network that is through or on site and fully publicly accessible (either land dedication above and beyond requirements or through easement) and valued at a minimum of \$100,000. AND	At least 4 items: 1 storey in building height and 0.25 FSR OR At least 8 items: 2 storeys in building height and 0.5 FSR
	<u>Type B -</u> Provision of bicycle parking stalls at least 50% over and above the minimum required with at least 75% of those additional stalls being Type 1. OR Provision of an exterior publicly accessible covered bikeshare facility with a minimum of 20	

	spaces, a publicly accessible bicycle repair station and rest stop. OR Provision of a minimum of 6 dedicated and signed motor vehicle car-share spaces and the purchase of at least 1 dedicated motor vehicle for car-share. OR Installation of accessible transit stop and shelter on-site beyond standard requirements. OR Provision of subsidized monthly transit passes available to all occupants. OR {Additional provision(s) to be added/under review}.	
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11.2 Application Requirements

Where the **City** is able to collect facilities, services and matters within a permit, an application for a Community Planning Permit for additional development that would exceed the Class 1 threshold established in Table 3 **shall** demonstrate as part of a complete application that the facilities, services and matters proposed to be provided are proportional in quantity or monetary value to the number of additional **dwelling units** proposed.

11.3 Agreement

The provision of specified facilities, services or matters in exchange for additional development will be identified within an agreement.

11.4 Exemption

Notwithstanding the provisions above, facilities, services and matters **shall** not be required with respect to a development or a change in use of a building or structure intended for use as a long-term Residential Care Facility within the meaning of the Long-Term Care Homes Act, 2007.

12.0 Application Process and Procedures

12.1 Pre-Consultation

Applicants must meet with **City** staff prior to submission to identify requirements and confirm application completeness.

12.2 Complete Application

Applicants must submit a complete application in accordance with Official Plan policies, Schedule 1 of O. Reg 173/16, and to be confirmed by the **City**. This **shall** include at minimum:

- a) Application form & fees.
- b) Required technical studies.
- c) Plans & drawings.
- d) Evidence of compliance with applicable laws and policies (including this bylaw and the Official Plan).

12.3 Review

Upon confirmation of a complete application, the **City shall** conduct a review of the application and supporting materials.

12.4 Decision

After review of a complete application, the Approval Authority **may**:

- a) Approve the application without conditions and issue a Community Planning Permit;
- b) Approve the application and issue a Community Planning Permit with conditions attached;

- c) Approve the application subject to conditions being met before the issuance of a Community Planning Permit (Provisional Approval);
- d) Approve the application subject to conditions being met before the issuance of a Community Planning Permit (Provisional Approval), and subject to conditions attached to the approval; or
- e) Refuse to approve the application.

12.5 Notice of Decision

12.5.1 Decision Time frame

- a) In accordance with the Planning Act, within 15 days of the date of decision, the **City shall** issue a written Notice of Decision to the applicant and to each person or public body that filed a written request to be informed of the decision with the clerk of the municipality.
- b) The Notice of Decision **shall**:
 - i) include reasons for the decision; and
 - ii) give reasons for any conditions imposed and include any imposed conditions.

12.5.2 Refusal of an Application

Despite provisions in this By-law, if in the opinion of the Approval Authority, the Community Planning Permit By-law criteria for **variation** from a standard are not met, the **Community Planning Permit Application may** be denied.

12.6 Appeals

12.6.1 Appeal of Decision to Tribunal

In accordance with the Planning Act, an applicant **may** appeal a decision on a **Community Planning Permit Application** in writing to the Ontario Land Tribunal, no later than 20 days after the day the Notice of Decision is given.

12.6.2 Appeal of Non-decision to Tribunal

In accordance with the Planning Act, an applicant **may** appeal a non-decision on a **Community Planning Permit Application** in writing to the Ontario Land Tribunal if no decision was made within 45 days of an application being deemed complete.

12.6.3 Appeal Process Compliance

Appeals must be made in accordance with the Planning Act and O. Reg. 173/16.

12.7 Modifications to Approved Community Planning Permits

12.7.1 Modifications to Provisional or Conditional Approval

At the request of the applicant, and where considered appropriate by the **City**, modifications to a Community Planning Permit with provisional or conditional approval, including changes to the development concept and supporting materials or to the conditions of provisional approval, **may** be made at any time, subject to the provisions within this By-law and the **City's** Official Plan as amended.

12.7.2 Review of Proposed Modifications

Proposed modifications to a Community Planning Permit with provisional approval will be reviewed in accordance with the relevant sections of this by-law.

12.7.3 Additional Submission Requirements

Proposed modifications **may** be subject to additional submission requirements to support the application, to the satisfaction of the Approval Authority.

12.8 By-law Amendment Process

12.8.1 By-law amendment Requirements

An amendment to this by-law **shall** be required:

- a) where a proposal includes a use that is not a permitted or **discretionary** use; or

- b) where a proposal includes a proposed amendment to the Community Planning Permit Area.

12.8.2 Initiating By-law Amendment Process

- a) An amendment to this by-law **may** be initiated by the **City** or by an applicant.
- b) In accordance with the Planning Act, applications to amend this by-law **shall** not be made before the fifth anniversary of the effective date of this by-law unless in compliance with O. Reg. 173/16, s. 17 (5). In accordance with the Planning Act, amendments to this by-law are permitted through a **Council** resolution before the fifth anniversary of the effective date of this by-law. The municipality **may** revise this Community Planning Permit By-law for minor, administrative and editorial purposes without an amendment.

12.8.3 Additional Submission requirements

Any amendment to this by-law **shall**:

- a) Be supported by a comprehensive planning rationale and complete Official Plan Amendment Application, as required, within the context of the planned vision for all the lands within the area, subject to the by-law; and
- b) Provide an engagement plan including details for providing public notification, open houses, and statutory public meetings in accordance with the Planning Act.

12.8.4 Supporting Documents

The planning rationale to support any amendment to this by-law must evaluate the application in the context of the goals, objectives, guiding principles and intent of this by-law and conformity with the **City's** Official Plan as amended, and applicable provincial plans.

13.0 Conditions of Approval

13.1 Conditional Approval of Permit Applications

Where a Community Planning Permit is required in accordance with the provisions of this by-law, the **City may** approve an application with conditions, which must be completed within an agreed upon timeframe to the satisfaction of the approval authority. The conditions that **may** be imposed **should**:

- a) be clear, quantifiable and can be achieved; and
- b) include a clear statement of whether it must be complied with before the construction, renovation, demolition, certain changes to the use of buildings/structures.

13.2 Limitations on Conditions of Approval

A condition of approval **shall** not deal with the following aspects of buildings and structures:

- a) Interior design;
- b) The layout of interior areas, other than interior walkways, stairs, elevators and escalators to which members of the public have access from **streets**, open spaces and interior walkways in adjacent buildings; and
- c) The manner of construction and construction standards.

13.3 Types of Approval Conditions

The **City may** impose the following types of conditions as a condition of approval:

- a) A condition that is permitted by section 34, 40, 41 or 42 of the Planning Act;
- b) A condition related to site alteration;
- c) The completion of required studies, plans and/or other documents;

- d) The submission of supplemental studies, plans and/or other documents;
- e) The implementation of actions or recommendations in studies, plans and/or other documents;
- f) A condition requiring the submission of confirmation of review, approvals and/or permits from other agencies and levels of government;
- g) Entering into any agreement(s) securing off-site parking or cash-in-lieu of parking;
- h) The conveyance of land, easement or dedication for any specified reason;
- i) The verification of site remediation;
- j) The protection of the natural environment, natural systems, mature vegetation, or remediation of lands;
- k) A condition related to the removal or restoration of vegetation;
- l) The efficient use or conservation of energy;
- m) The provision and capacity of transportation and servicing infrastructure;
- n) Conservation of cultural heritage resources;
- o) The availability of municipal infrastructure and services;
- p) The provision of attainable and/or **affordable housing** units;
- q) Compliance with applicable parkland requirements;
- r) Orderly growth and development;
- s) The provision of financial assurances, to facilitate compliance with municipal approvals and indemnify the **City**;
- t) The application and/or lifting of holding provisions;

- u) A condition requiring the provision of specified facilities, services and matters, in exchange for a specific bonus value of development as identified in Section 11 of this By-law; and
- v) Entering into agreements relating to any condition.

13.4 Mitigation Measures

Based on the **City's** review of the submitted site-specific technical studies, the **City may** impose conditions of approval regarding on-site or off-site mitigation measures that **may** be secured prior to development through an agreement and security or required prior to construction of development at the expense of the applicant, particularly for a sensitive land use.

13.5 Tribunal Determination of Conditions

In accordance with the Planning Act, the applicant **may** at any time make a motion for directions to have the Ontario Land Tribunal determine whether a specified condition has been fulfilled or is valid.

14.0 Provisional Approval

14.1 Provisional Approval Conditions

Provisional approval of a Community Planning Permit provides approval in principle, subject to certain conditions being met prior to issuance of a Community Planning Permit, as stipulated in this by-law.

14.2 Fulfillment of Provisional Conditions

- a) The applicant **shall** fulfill the conditions associated with the provisional approval in advance of Community Planning Permit issuance, to the satisfaction of the Approval Authority.
- b) Provisional approval does not guarantee the ultimate issuance of a Community Planning Permit. If one or more conditions of provisional approval have not been cleared to the satisfaction of the **City**, a Community Planning Permit **shall** not be issued. Changes to the design to address one or more conditions **may** result in the need for a new circulation or new permit application.

14.3 Validity Period of Provisional Approval

Provisional approval **shall** be valid for a period of one year, failing which the provisional approval will lapse.

14.4 Extension Requests for Provisional Approval

- a) Notwithstanding provision 14.3, requests for an extension of a provisional approval of a Community Planning Permit to meet a condition **may** be granted upon submission of a formal request to the Director, Planning and Building Services at the **City**.
- b) An extension of a provisional approval of a Community Planning Permit **may** be granted in one (1) year intervals, to a maximum of three (3) requests, subject to this by-law and any provisions within, as amended.

15.0 Agreements

15.1 Community Planning Permit (Development) Agreements

Where a Community Planning Permit is required, an applicant **may** be required, at the discretion of the Approval Authority, to enter into one or more agreements with the **City**, including but not limited to, agreements to address conditions of approval.

15.2 Agreement Registration on title

The agreements referred to in provision 15.1 **shall** be registered on title to the Owner's property at the Owner's expense.

15.3 Applicant Responsibility for Additional Approvals

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

15.4 Delegation of Authority

Council delegates the authority to **City** staff through the Director, Planning and Building Services to prepare, approve, execute and to amend any Community Planning Permit Agreement required by the Community Planning Permit By-law.

16.0 Administration

16.1 Definitions

- a) Bolded terms are defined in Schedule B (Definitions) of this By-law.
- b) Defined terms are intended to capture both the singular and plural forms of these terms. For non-italicized terms, the grammatical and ordinary meaning of the word applies. Terms **may** be italicized only in specific regulations; for these terms, the defined meaning applies where they are bolded and the grammatical and ordinary meaning applies where they are not italicized. Defined terms have not been italicized in headers and titles.
- c) Words not defined in this By-law **shall** take on their usual meaning, or the meaning as they are defined in the St. Thomas Official Plan where applicable, relevant **City** plans, policies, guidelines or standards, provincial policies, and the *Planning Act*.
- d) For the purposes of this By-law:
 - i) words used in the present include the future;
 - ii) words in the singular number include the plural number and words in the plural include the singular number;
 - iii) the words 'used' and 'occupied' **shall** include the words 'arranged' and 'designed to be used or occupied' respectively;
 - iv) the words '**may**', '**should**' and '**shall**' express either flexibility or strength within this By-law and **shall** be interpreted as follows:
 - A) '**may**' implies that there is discretion and flexibility or that criteria are to be satisfied in the application of a provision or standard within this By-law;
 - B) '**should**' implies that the provision or standard is directive, and a professional planning rationale is required in order not to fully comply with a provision or standard within this By-law; and

- C) **'shall'** implies that the provision or standard is mandatory, or it is required to comply with a provision or standard within this By-law.
- e) Where a provision or standard involves two (2) or more conditions, connected by a conjunction, the following **shall** apply:
 - i) 'and' means all the connected items **shall** apply in combination; and
 - ii) 'or' means that the connected items **may** apply singly or in combination.
- f) The words 'provision', 'standard' and 'requirement' are sometimes used interchangeably to refer to the regulations of this By-law, and **may** be further interpreted as follows:
 - i) 'standard' and 'requirement' refer to regulations that set out development standards, such as required **yards** and setbacks;
 - ii) 'provision' refers to all other regulations, such as regulations setting out permitted and prohibited land uses, and procedures and criteria for reviewing **Community Planning Permit applications**.

16.2 Reference Aids

Tables form part of this By-law and are used throughout to present a provision or standard in a concise format.

16.3 Interpretation

- a) The provisions of this By-law are minimum requirements except where a maximum requirement is specifically identified. This By-law **shall** be read in its entirety and interpreted in conjunction with the St. Thomas Official Plan.
- b) Compliance with this By-law does not exempt any person from the requirements of any Federal, Provincial, Regional or Municipal legislation, approval process, licensing or permitting regime, agreements, or other By-laws.
- c) Compliance with this By-law does not exempt any person from *Planning Act* and *Condominium Act* processes related to the division of land.

- d) The provisions and standards of this By-law **may** be applied to the **lot** or to an entire development, at the discretion of the Approval Authority.
- e) The Approval Authority **may** exercise discretion in interpreting defined and undefined words in this By-law to meet the general objectives and guiding principles of this By-law.

16.4 Technical Revisions

Provided that the purpose and intent of the by-law is not affected, the **City may** make technical revisions to this by-law without an amendment in the following cases:

- a) Correction of grammar, punctuation or typographical errors or revisions to format in a manner that does not change the intent of a provision;
- b) Additions or revisions to technical information on maps or schedules that does not affect the assigned precincts including, but not limited to, matters such as updating and correcting infrastructure information, keys, legends, or title blocks;
- c) Changes to appendices, footnotes, headings, indices, notes, tables of contents, illustrations, historical or reference information, page numbering, footers, and headers, which do not form a part of this by-law and are editorially inserted for convenience or reference only;
- d) Revising base mapping and parcel fabric updated from the Ontario Land Registry Office;
- e) Correcting **lot** and feature boundary errors and or inconsistencies; and
- f) Changes to any reference to legislation or regulations or sections thereof approved by another **public authority** to include any amendments or successor legislation.

16.5 Transition

16.5.1 Development Applications

Development applications deemed complete before the By-law's effective date are processed under the prior Zoning By-law and Site Plan Control By-law regulations and procedures.

16.5.2 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 accepted on or prior to the effective date of this by-law, if the development in question complies, or the building permit application for the development is amended to comply, with the provisions of the applicable Zoning By-law as it read on the day before the effective date of this by-law.

16.6 Validity of Permit

- a) A Community Planning Permit **shall** remain valid for a period of three (3) years from the date of issuance, unless otherwise specified in the permit.
- b) If the development has not commenced within the validity period, the permit **shall** lapse unless a one (1) year extension is granted.

16.7 Repeal of Existing By-laws within CPP Area

On the effective date of this by-law, the Zoning By-law 50-88, where applicable, and Site Plan Control By-law (###), where applicable, will be deemed to no longer apply to lands within the Community Planning Permit Area as identified and delineated on Schedule A to this by-law.

SCHEDULE A – COMMUNITY PLANNING PERMIT AREA

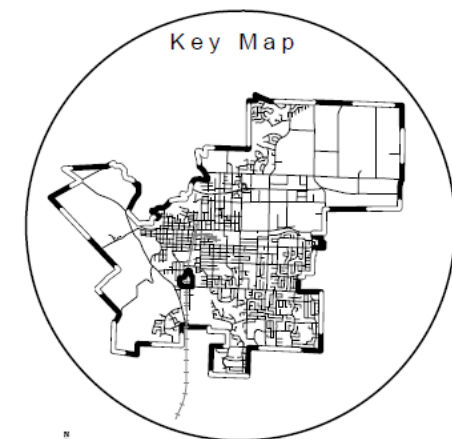


Community Planning Permit Area

This is Schedule "A"
to By-Law
Passed this th Day
of _____, 2025.

Maria Konefal, City Clerk

Joe Preston, Mayor



60 0 60 120
Metres

ST. THOMAS
THE RAILWAY CITY

SCHEDULE B - DEFINITIONS

ACADEMIC INSTRUCTION means the use of a premises for the purpose of educational teaching, instruction or training, but shall not include a school as defined in the Ontario Education Act.

ACCESSIBLE PARKING SPACE means a **parking space** designed and signed for the exclusive use of **motor vehicles** pursuant to the Accessibility for Ontarians with Disabilities Act, 2005, as amended.

ACCESSORY means when used to describe a building or structure means customarily incidental, subordinate and exclusively devoted to the main use on the **lot** and when used to describe a use, **shall** mean customarily incidental, subordinate and exclusively devoted to the main use of the **lot**.

ACTIVE TRANSPORTATION means human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

ADULT ENTERTAINMENT PARLOUR means any premises or part thereof licensed by the **Corporation**, in which is provided, in pursuance of a trade, calling, business or occupation, services appealing to or designed to appeal or erotic or sexual appetites or inclinations;

- a) 'to provide' when used in relation to services includes to furnish, perform, solicit, or give such services and 'providing' and 'provision' have corresponding meanings;
- b) 'services' includes activities, facilities, performances, exhibitions, viewing and encounters but does not include the exhibition of film approved under the Theatres Act;
- c) 'services' designed to appeal to erotic or sexual appetites or inclinations' includes,
 - i) services of which a principal feature or characteristic is the nudity or partial nudity of any person;
 - ii) services in respect of which the words 'nude', 'naked', 'topless', 'bottomless', 'sexy', 'erotic', 'nu', 'erotic' or 'exotic' or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement.

AFFORDABLE HOUSING means

- a) in the case of ownership housing, the least expensive of:
 - i) housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low- and moderate-income households; or
 - ii) housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the municipality;
- b) in the case of rental housing, the least expensive of:
 - i) a unit for which the rent does not exceed 30 percent of gross annual household income for low- and moderate-income households; or
 - ii) a unit for which the rent is at or below the average market rent of a unit in the municipality.

APARTMENT DWELLING means a building containing three or more **dwelling units**, each of which has an entrance through a common hall, common vestibule or other common entrance.

BACK-TO-BACK STACKED TOWNHOUSE DWELLING means a dwelling unit within a building containing four or more dwelling units divided by vertical and horizontal common walls above grade, including a common rear wall.

BACK-TO-BACK TOWNHOUSE DWELLING means a dwelling unit within a building containing four or more dwelling units divided by vertical common walls above grade, including a common rear wall.

BAKERY means a premises used for producing, mixing, compounding or baking bread, biscuits, buns, cakes, pies, ice-cream cones or other bakery product of which flour or meal is the principal ingredient, and which **may** include the display and sale of baked goods produced on site, but does not include a **restaurant** or any other use otherwise defined herein, and does not include any cannabis or industrial hemp use.

BICYCLE PARKING, LONG-TERM means an area that is equipped with a bicycle rack or locker that is accessible, secure, weather protected and for use by occupants of a building and is not provided within a **dwelling unit**, suite, or on a balcony.

BICYCLE PARKING, SHORT-TERM means an area for the purpose of parking and securing bicycles at **grade** that is accessible for visitors to a building.

BICYCLE PARKING SPACE means a **bicycle parking space, long term** and/or a **bicycle parking space, short term**.

BODY-RUB means includes the kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a person's body or part thereof but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

BODY-RUB PARLOUR means includes any building or part thereof where a **body-rub** is performed, offered, or solicited in pursuance of a trade, calling, business or occupation, but does not include any building or part thereof where the **body-rubs** performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

BUILDING AREA means that part of a **lot** within which one or more buildings or structures permitted by this by-law **may** be erected and which part **may** be used for uses permitted in a **landscaped area**.

BUSINESS OFFICE means an office in which one or more persons are employed or engaged in the management, administration, carrying on or conducting of any business and includes the business of any professional person, real estate agent or broker, insurance agent or broker or of a bank, finance company, credit union, trust company, business training and office/business incubator service, charity, or of a fraternal, religious or political organization, or the like.

CLINIC means a building or part thereof that is used or intended for use by a physician, dentist, chiropractor, drugless practitioner or other person providing health care or by any number of any one or more of them, as well as their staff, for the purposes of consultation diagnosis or treatment of the health of persons.

COMMON ELEMENT [CONDOMINIUM] means anything that is not part of a condominium unit within a registered plan of condominium. This includes shared area such as roads, **parking spaces**, and amenities that are available for use by all condominium owners and their tenants. Common elements are not exclusive to any individual unit owner and are governed by the Condominium Act.

COMMUNITY GARDEN means a piece of land operated by the **City**, an individual or a group of people which is used collectively by a group of people for the growing of produce through individual or shared plots.

COMMUNITY or RECREATION CENTRE means a building or place used for community gatherings, library, recreation, curling, gymnastics, weightlifting, tennis or other racquet games, roller or ice skating, lawn or other bowling, swimming or similar recreational activities and includes a soccer, baseball or other athletic field and an arena, but excludes a building or place used for skeet, recreational or trap shooting.

COMMUNITY PLANNING PERMIT APPLICATION means a formal request and complete submission to the **City** for a Community Planning Permit.

CONVENIENCE STORE means a building or part of a building where:

- a) food, tobacco, confections, non-prescription drugs, personal care items and periodicals or similar items are offered for sale to serve the day-to-day of primarily the residents of the surrounding area, and
- b) in addition to offering such items for sale, videos **may** be offered for rental.

CORPORATION or **CITY** means The Corporation of the City of St. Thomas.

COUNCIL means the Council of the **Corporation**.

DAY CARE means a place, building or part of a building:

- a) used for the temporary care and custody of children, for a continuous period not exceeding twenty-four hours and which is licensed in accordance with the Day Nurseries Act, R.S.O. 1990, c. D.2 as amended or successors thereto; or
- b) used for the temporary care for any number of persons for a continuous period not exceeding twenty-four hours but does not include the services of a health care practitioner.

DEVELOPMENT means:

- a) the construction, erection or placing of one or more buildings or structures on land,
- b) the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability,
- c) site alteration, including but not limited to:
 - i) alteration of the **grade** of land, and
 - ii) placing or dumping fill, or
 - iii) the removal of vegetation.

DISCRETIONARY means where a use, as identified in this By-law, is the use of a proposed development for which a Community Planning Permit could be issued, as the discretion of the delegated approval authority or Council subject to applicable criteria and in accordance with the provisions of this By-law, including any development standards in the Discretionary Use tables.

DWELLING means a building, occupied or designed to be occupied exclusively as a home, residence or sleeping place by one or more persons, but **shall** not include hotels, boarding or rooming houses, motels or institutions.

DWELLING UNIT means one or more habitable rooms occupied or designed to be occupied by one or more persons as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such person or persons.

ELECTRIC VEHICLE PARKING SPACES means one or more **parking spaces** designed and constructed to be electric vehicle ready, allowing for the future installation of electronic vehicle supply equipment that conforms to Section 86 of the Electrical Safety Code, such as constructed with a minimum Level 2 Electric Vehicle Charging Device.

EXTERIOR SIDE YARD means a **yard** extending from the **front yard** to the **rear yard** between the main building wall and the **exterior lot line**.

EXTERIOR LOT LINE means the **lot line** of a corner **lot** abutting a **street** other than the **front lot line**.

EXISTING – is existing as of the date of the passing of this By-Law.

FLOOR AREA means

- a) in the case of a **dwelling unit**, the floor area of all the rooms, stairways, hallways and entrances within the **dwelling unit** measured from the centre line of the common or exterior walls enclosing such rooms, stairways, hallways and entrances, but excludes the floor area of any **accessory** building, terrace, verandah, unfinished basement or the floor area of any finished basement the floor of which is more than three feet below the highest elevation of the **lot** adjacent to the basement or cellar wall, and
- b) in the case of an enclosed **accessory** building, the floor area of the building measured from the outside of all outside walls, and
- c) in all other cases, the floor area of the floor or floors of the building or structure measured from the centre line of the common or exterior walls enclosing such floor or floors.

FLOOR SPACE RATIO means the figure obtained when the building **floor area** on a **lot** is divided by the **lot area**. In the case of a building or part thereof located above a **street** or lane, calculation of the floor space ratio **shall** include that portion of the building **floor area** and that portion of the area of the **street** or lane between the **lot line** and the centre line of the **street** or lane.

FRONT LOT LINE means

- a) in the case of an **interior lot**, the **lot line** dividing the **lot** from the **street**;
- b) in the case of a corner **lot** the shorter **lot line** abutting the **street** unless each abutting **lot line** is of equal length in which case the front **lot line shall** be the **lot line** where the principal access to the main building is provided, and
- c) in the case of a through **lot** the front **lot line shall** be the **lot line** where the principal access to the main building is provided.

FRONT YARD means the **yard** extending across the full width of a **lot** between the **front lot line** and the main building wall.

GARAGE means a building or part of a building designed or used for the storage of one or more **motor vehicles** and includes a carport, but shall not include a **parking structure**.

GRADE means the highest elevation of the surface of a **lot** measured at a wall of the main building on the **lot**.

GROSS FLOOR AREA (GFA) means the total area of the floor measured to the outside faces of exterior walls or the centre of common walls, excluding any part of the building devoted to:

- a) Vehicle or bicycle parking
- b) Storage
- c) Air handling equipment
- d) Hallways, stairways
- e) Elevators and associated equipment
- f) Washrooms
- g) Foyers, lobbies, but not waiting areas/rooms

GROUND FLOOR means the floor of a main building, the elevation of which is closest to the **grade** of the **lot** on which such building is located.

GROUND FLOOR AREA means the horizontal area within the foundation of the building or structure on a **lot**.

GROUND FLOOR STOREY means the **storey** of a building, the ceiling of which is at least 1.5 metres above **grade** and the floor of which is below grade.

HEIGHT means when used with reference to a building or structure means the vertical distance between the “grade” and a horizontal plane through:

- a) the highest point of the roof assembly in the case of a building with a flat or deck roof;
- b) the average level of a one slope roof, provided that a roof having a slope of less than 20 degrees with the horizontal **shall** be considered a flat roof;
- c) the deck roof line, in the case of a mansard roof;
- d) the average level between eaves and ridges in the case of a roof type not mentioned in subsections (i), (ii) and (iii) immediately preceding.

HOME OCCUPATION means the use of part of a **dwelling unit** or building **accessory** thereto as an ancillary or secondary activity to the primary residential use for an occupation which is carried on by one or more of the residents of such **dwelling unit** and provides or **may** provide gain or support for one or more of them.

INTERIOR LOT means a **lot** other than a corner **lot**.

INTERIOR LOT LINE means a **side lot line** of an **interior lot**.

INTERIOR SIDE YARD means a **yard** extending from the **front yard** to the **rear yard** between the main building wall and the **interior lot line** not abutting a **street**.

JUNK YARD means a place where junk, waste, discarded, salvaged materials, such as old metals, wood, lumber, glass, paper, rags, cloth, and similar items, are brought, bought, sold, exchanged, baled, packed, stored, or handled. It does not include automobile **salvage, scrap or wrecking yards** or establishments for the sale, storage, or purchase of second-hand vehicles, clothing, furniture, or similar household goods.

LANDSCAPED AREA means that part of a **lot** adjacent to a building or parking lot which **may** be used as a lawn or open space and which **may** include grass, bushes, hedges, trees, fences, berms, gardens, ornamental lights, sidewalks, steps, uncovered recreational facilities, a children's open play area, transformers and electrical accessories and waste storage facilities, but **shall** not be used as part of a parking lot or **parking space**, for the storing of any item, as a **loading space** or as a driveway for **motor vehicles**.

LOADING SPACE means that part of a **lot** that **may** be open, covered partially or wholly enclosed which **may** be temporarily occupied by a **motor vehicle** for loading or unloading persons, animals, goods, wares or merchandise and which has access to a **street** or lane.

LONG-TERM CARE FACILITY means an institutional care facility as defined under the Long Term Care Facility Act.

LOT means a parcel of land:

- a) which is the whole of the lot on a registered plan of subdivision, so long as such registered plan is not deemed, pursuant to section 49 of the Planning Act, 1983 or any predecessors or successor of such section, not to be a registered plan of subdivision; or
- b) which is all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land.

LOT AREA means the horizontal area within the **lot lines** of a **lot**.

LOT COVERAGE means the combined area of all buildings or structures on a **lot** measured at the level of the lowest floor above **grade** in relation to the area of the **lot** expressed as a percentage and includes the area of any of the following which have a roof and are enclosed on all sides: a porch, breezeway, pool, patio, deck or carport but excludes the area of any steps, cornices, eaves, bay windows, chimney breasts, corbelling and similar projections and also excludes the area of any terrace, patio, pool or deck, porch, breezeway or carport which are not enclosed on all sides.

LOT FRONTAGE means the horizontal distance between the **side lot lines** of a **lot** measured at right angles, but where such **side lot lines** are not parallel, the **lot** frontage **shall** be measured perpendicularly to the line joining the midpoint of the front and midpoint of the **rear lot lines** at a point within the **lot** which is 7.5 metres from the **front lot line**, and where such **side lot lines** meet, the **lot** frontage **shall** be measured perpendicularly to the line joining the apex of the triangle formed by the **side lot lines** and the **front lot line** at a point within the **lot** and 7.5 metres from the **front lot line**.

LOT LINE means a boundary line of a **lot**.

MAY means there is discretion and flexibility or that criteria are to be satisfied in the application of a provision or standard.

MAXIMUM PROJECTION means the extend that a feature or structure **may** extend from a building into a **yard**, including extending into a required minimum building **setback** distance, subject to any other provisions of this By-law.

MECHANICAL EQUIPMENT means equipment that functions to provide normal and everyday operation and maintenance of a building, and **may** include heating, cooling, ventilation, electrical, fire suppression, elevators or stair towers.

MOTOR VEHICLE means an automobile, truck, truck tractor, bus, mobile, motor home, motorcycle, motor scooter, motor assisted bicycle and snowmobile.

MULTIPLE DWELLING means a building containing three or more attached **dwelling units** not in a single row, each of which **dwelling units** has an independent entrance from the outside and a wall or walls separating it from any abutting **dwelling unit**.

PARCEL-OF-TIED LAND (POTL) means any parcel of land legally bound and tied to a common element condominium. A parcel of tied land must front on either a public **street** or a condominium common element roadway.

PARK means an area of land consisting of landscaped open space or other open areas which is used for active or passive recreation.

PARKING AREA means that area within a **lot**, building or structure:

- a) which **may** be open, covered or partially or wholly enclosed;
- b) which **may** be used for the parking of **motor vehicles** and any part not so used **may** be used as a **landscaped area**;
- c) which **may** abut a highway;
- d) which **may** include a driveway or driveways within such area or connecting such area to a highway;
- e) which is surfaced with asphalt, concrete or granular material which has a dust free stable surface; and
- f) within or adjacent to which there **may** be lighting devices for the parking lot, directional or other signs relating to the use of the parking lot, parking control devices, curbs, guardrails or other vehicle barriers.

PARKING SPACE means that part of a **lot**, building or structure within a parking lot or within a **residential driveway**:

- a) which is rectangular in shape and meets the minimum dimensions;
- b) which is provided for the parking of a **motor vehicle** without moving or removing any other **motor vehicle**;
- c) which **may** be open, covered or partially or wholly enclosed; and
- d) which is surfaced with asphalt, concrete or granular material which has a dust free stable surface.

PARKING STRUCTURE means a building used for the parking of four or more motor vehicles, either underground or above ground, typically with drive aisles to access **parking spaces**, but excludes an individual **garage** for parking accessory to a use.

PERMITTED IN ANY YARD means allowed within the distance of the building to a **lot line**, including the required minimum **setback** provided the feature adheres to any other required provisions of the By-law.

PUBLIC AUTHORITY means

- a) the **Corporation**;
- b) any department or ministry of the governments of Ontario or Canada;
- c) Ontario Hydro;
- d) any telephone, telegraph, railway, cable, gas or cable television company;
- e) any school board as defined in The Education Act, public utility commission, transportation commission, public library board, board of park management, board of health, public hospital **corporation**, police commission, conservation authority or commission or committee of local authority established or exercising any power or authority under any general or special statute of Ontario with respect to any of the affairs or purposes of the **Corporation** or a portion thereof, and includes any committee or local authority established by by-law of the Council of the **Corporation**.

PUBLIC REALM means all spaces to which the public has unrestricted access, such as **streets**, parks and sidewalks.

PUBLIC SERVICE USE means the use of land, buildings or structures, by a **public authority** for the purposes of such **public authority**.

REAR LOT LINE means a **lot line** furthest from and opposite to the **front lot line**.

REAR YARD means a **yard** extending across the full width of a **lot** between the **rear lot line** and the main building wall.

RESIDENTIAL DRIVEWAY means the uncovered portion of a **lot** in a residential zone which:

- a) provides access and egress for **motor vehicles** from a **street** to a **lot, garage**, carport or **parking space** on the **lot**,
- b) is surfaced with asphalt, concrete or granular material which has a dust free stable surface,
- c) **may** include a **parking space**.

RESTAURANT means a building or part of a building where food and drinks are prepared and served primarily for immediate consumption within such building by persons seated at tables and counters or either of them and includes the dining room of a hotel or motel, a dining lounge and tavern licensed under the Liquor License Act of Ontario and a place, not within a building, where food and drinks are served primarily for immediate consumption within such place.

RETAIL STORE means a building or part of a building:

- a) where goods, wares or merchandise are offered for sale or sold at retail otherwise than by auction, and includes any part of any such building where goods, wares and merchandise are stored prior to being offered for sale at retail or after being sold at retail, and
- b) where the area used for the offering for sale or selling of such goods, wares and merchandise, excluding any area used for the storage of the goods, wares, or merchandise or other storage or utility areas or for hallways, entrances, washrooms or stairways, is not less than fifteen (15%) percent of the **floor area** of such building or part but does not include a building or part of a building where goods, wares, merchandise are put up for sale or sold by public auction.

RETIREMENT HOME means a building in which residents of the building pay for and receive lodging or lodging and meals and in which there are common rooms and **may** include the availability of nursing care but not more than 1.5 hours per day of nursing care for each resident.

SALVAGE YARD, SCRAP YARD, WRECKING YARD FOR MOTOR VEHICLES means a premises used for the storing, dismantling, crushing, shredding, or disassembly of used **motor vehicles** or their parts. It **may** also include the processing of used, discarded, or salvageable materials incident to manufacturing activity on the same site.

SETBACK means the distance between the centre line of a **street** and the main building wall that is closest to the **street**.

SHALL means the provision or standard is mandatory or it is required to comply with a provision or standard.

SHOULD means the provision or standard is directive and a professional planning rationale is required in order not to fully comply with a provision or standard.

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

STACKED TOWNHOUSE DWELLING means a **dwelling unit** within a building divided into a minimum of four **dwelling units**, each **dwelling unit** being separated from the other vertically and horizontally.

STOREY means that portion of a building between the surface of any floor and the ceiling immediately above it which portion has a **height** of not less than 2.25 metres and includes an attic having not less than 2.25 metres head room for at least fifty (50%) percent of the attic **floor area**.

STREET means a public highway or public street:

- a) assumed by the **Corporation** by by-law or by the expenditure of public funds, or
- b) not assumed by the **Corporation** but in respect to which the **Corporation** is a party to an agreement which is not in default and which provides for the servicing of such highway or street and for the eventual assumption of the same by the **Corporation**, or
- c) being a King's highway.

STREET LINE means the boundary between a **street** and a **lot**.

STUDIO means the use of a premises for the study of an art such as dancing, music, acting or modelling or the workplace of an artist, craftsperson, maker of online content, painter, photographer, sculptor or potter, or the like, but shall not include the making of adult sex films, manufacturing or **repair service**.

SUSTAINABLE DEVELOPMENT means a systems-based approach to growth and development where economic, social and environmental factors are jointly considered and harmonized. Development must meet the needs of the present without compromising the ability of future generations to meet their own needs.

TRAILER means any vehicle so constructed that it is suitable for being attached to a **motor vehicle** for the purpose of being drawn or propelled by the **motor vehicle**.

TRANSPORTATION DEMAND MANAGEMENT means a set of strategies that result in more efficient use of the *transportation system* by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

URBAN AGRICULTURE means the growing of crops for food at a small scale, including **community gardens** and small-scale sales of urban agricultural products, and does not include the raising of livestock or a cannabis production facility.

VARIATION means when a development is seeking to vary from the standards as identified in the Community Planning Permit By-law.

YARD means a space, appurtenant to a building or structure, located on the same **lot** as the main building or structure, all of which space is open, uncovered and unoccupied from the ground to the sky except for buildings, structures and uses specifically permitted by this by-law.