

THE CORPORATION OF THE TOWN OF COBOURG

BY-LAW _____ -2021

A BY-LAW TO AMEND ZONING BY-LAW 85-2003 (Tannery District)

WHEREAS the Municipal Council of the Corporation of the Town of Cobourg convened a **Public Meeting on _____, 2021** under the Planning Act, R.S.O. 1990, C.P. 13, as amended, regarding an application for a Zoning By-law Amendment for the land subject to the Tannery District Sustainable Neighbourhood Secondary Plan;

AND WHEREAS the Council of the Corporation of the Town of Cobourg deems it advisable to amend By-law Number 85-2003, as amended;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Cobourg enacts as follows:

1. That By-law No. 85-2003, Section 3 is hereby amended by adding the following new definitions:

“3.34a **COMMUNITY GARDEN** shall mean a shared garden for the communal production of plants, including vegetables, fruits, grains, flowers or herbs, and may be administered by a non-profit organization, community group, public body, or similar organization.”

“3.109a **LIVE/WORK UNIT** shall mean a dwelling unit having an area of not more than 200 square metres that contains a subsidiary business and personal services occupancy or a subsidiary low-hazard industrial occupancy, and which is used and operated by one or more persons of a single household.”

2. That By-law No. 85-2003, Section 4.1.1 is hereby amended by adding the following new list at the end of the Section:

“TANNERY DISTRICT SECONDARY PLAN ZONES

Tannery District Low-Rise Residential Zone	TDR1	35
Tannery District Medium Density Residential Zone	TDR2	36
Tannery District High Density Residential Zone	TDR3	37
Tannery District High Density Mixed Use Zone	TDMU	38
Tannery District High Density Mixed Use Employment Zone	TDME	39
Tannery District Open Space Zone	TDOS	40”

3. That By-law No. 85-2003, Section 6.1.3, is hereby amended by adding the following new Subsection c) and Subsection d):

“c) In the following zones, the minimum number of required parking spaces for any permitted non-residential use shall be reduced by up to 20 percent:

- a) Tannery District Medium Density Residential Zone (TDR2);
- b) Tannery District High Density Residential Zone (TDR3);
- c) Tannery District High Density Mixed Use Zone (TDMU); and
- d) Tannery District High Density Employment Zone (TDME).

d) In the following zones, the minimum number of required parking spaces for any permitted residential use with dwelling units deemed to be “affordable” as defined by the County of Northumberland shall be reduced by 40 percent:

- a) Tannery District Medium Density Residential Zone (TDR2);
- b) Tannery District High Density Residential Zone (TDR3);
- c) Tannery District High Density Mixed Use Zone (TDMU); and
- d) Tannery District High Density Employment Zone (TDME).”

4. That By-law No. 85-2003, Section 6.1.5, is hereby amended by adding the following new Subsection iii):

“iii) Notwithstanding Section 6.1.5.1 i), required parking spaces in the following zones need not be located on the same lot as the use they serve, but may be located on an abutting lot, or on a lot fronting onto the same public street directly across from the lot:

- a) Tannery District Medium Density Residential Zone (TDR2);
- b) Tannery District High Density Residential Zone (TDR3);
- c) Tannery District High Density Mixed Use Zone (TDMU); and
- d) Tannery District High Density Employment Zone (TDME).”

5. That By-law No. 85-2003, Section 35, is hereby renumbered as Section 41.

6. That By-law No. 85-2003 is hereby amended by the addition of the following new Sections:

“SECTION 35: TANNERY DISTRICT LOW-RISE RESIDENTIAL (TDR1) ZONE REGULATIONS

The provisions of By-law No. 85-2003, as amended, shall apply to lands in this Zone, unless specifically varied by this Section.

35.1 GENERAL USE REGULATIONS

35.1.1 Permitted Uses

- i) accessory use, excluding a garden suite use;
- ii) one bed and breakfast establishment accessory to a single-detached dwelling;
- iii) day nursery use;
- iv) group home use in accordance with the provisions of Section 5.23;
- v) home occupation use;
- vi) one private home daycare;
- vii) public use, in accordance with the provisions of Section 5.3.2;
- viii) residential use.

35.1.2 Permitted Buildings and Structures

- i) one single-detached dwelling on one lot;
- ii) one unit of a semi-detached dwelling on one lot;
- iii) one semi-detached dwelling on one lot;
- iv) one duplex dwelling on one lot;
- v) one converted dwelling on one lot, with a maximum of three dwelling units
- vi) townhouse dwellings;
- vii) buildings and structures for public uses in accordance with the provisions of Section 5.3.2;
- viii) accessory buildings and structures for the permitted uses.

35.1.3 Residential Regulations

Residential land uses in accordance with the provisions of Table 35.1 below:

Table 35.1: Standards for the Tannery District Low-Rise Residential (TDR1) Zone

Zone Provisions	Single-Detached Dwellings	Semi-Detached Dwellings	Townhouse Dwellings
A Minimum lot frontage	9.0 m	6.0 m per unit (5)(6)	6.0 m per unit (7)(8)
B Minimum required front yard	3.0 m (1)(2)	3.0 m (1)(2)	3.0 m (1)(2)
C Maximum front yard	5.0 m (11)	5.0 m (11)	5.0 m (11)
D Minimum required exterior side yard	2.4 m (1)(2)	2.4 m (1)(2)	2.4 m (1)(2)
E Maximum exterior side yard	4.0 m	4.0 m	4.0 m
F Minimum required interior side yard	0.75 m (3)	1.2 m and 0.0 m (3)	1.5 m and 0.0 m (10)
G Minimum required rear yard	7 m	7 m	7 m
H Maximum height	11.0 m	11.0 m	11.0 m
I Minimum driveway width	3.0 m	3.0 m	3.0 m
J Maximum driveway width	(4)	(4)	(4)
K Maximum parking garage width			
With a lot frontage of less than 11.6 metres	4.0 m	4.0 m	50% of lot frontage
With a lot frontage of 11.6 metres or greater	6.1 m	6.1 m	6.1 m

Special Provisions for Table 35.1

1	<p>The floor of any covered porch that is located between a main wall of a building and a street line shall extend at least 1.5 metres towards the street line from the main wall that abuts the porch and is permitted to encroach into the minimum required front and exterior side yards. Windows, columns, piers and / or railings associated with the porch are permitted in conjunction with the porch.</p> <p>Stairs that access a porch are permitted to encroach into the minimum required front and exterior side yards, but in no case shall the stairs be located closer than 1.5 metres to the front or exterior side lot line.</p> <p>Stairs and landings that access any part of the main building on the lot, and which are not associated with a deck or porch, may encroach into the required exterior side yard a distance of no more than 50 percent of the required exterior side yard for the main building on the lot; and, into the required front yard a distance of no more than 3.0 metres, but in no case shall the stairs or landing be located closer than 1.5 metres to the front lot line.</p> <p>Uncovered porches are subject to Section 5.13.1</p>
2	The wall of an attached parking garage that contains the opening for motor vehicle access shall be set back a minimum of 5.8 metres from the front lot line the driveway crosses to access the attached parking garage.
3	An opening for a door that provides access to the interior of the main building is not permitted in any portion of a wall facing the interior side lot line that is located less than 1.2 metres from the interior side lot line.
4	Shall be equal to the garage door width plus 1.5 metres, or 6.1 metres, whichever is greater, provided 40% of the area of the front or exterior side yard in which the driveway is located is the site of soft landscaping.

5	If a semi-detached dwelling is located on a corner lot, the minimum lot frontage is 8.8 metres for the corner unit.
6	Notwithstanding Special Provision #5, if a semi-detached dwelling is located on a lot that is not accessed by a driveway crossing the front or exterior side lot line, the minimum lot frontage shall be 6.6 metres per unit on an interior lot and 7.8 metres on a corner lot.
7	The minimum lot frontage is 7.5 metres for an end townhouse dwelling unit on an interior lot and 8.4 metres for an end townhouse dwelling unit on a corner lot.
8	Notwithstanding Special Provision #7, if an end townhouse dwelling unit is located on a lot that is not accessed by a driveway crossing the front or exterior side lot line, the minimum lot frontage shall be 7.0 metres per unit on an interior lot and 7.9 metres on a corner lot.
9	The maximum number of dwelling units permitted in a townhouse building shall be 8.
10	The minimum distance between the exterior walls of any two groups of townhouse dwellings shall be 3.0 metres where both ends of the group are one storey, and 5.0 metres in all other circumstances.
11	Applies only to main wall of dwelling unit and not the wall of the attached private garage facing the front line. In addition to the above, on lots where the length of the rear lot line is at least 50% longer than the length of the front lot line, the maximum front yard is 6.5 metres.

35.1.4 Parking

In accordance with the provisions of Section 6.

35.1.5 Regulations for Home Occupations

Home occupations shall:

- i. Be limited to one per dwelling unit;
- ii. Be operated by the occupant of the dwelling and have no employees other than those resident in the dwelling;
- iii. Supply sufficient on-site parking for both the residential unit and the home occupation and in accordance with Parking Regulations, Section 6;
- iv. Only have a sign that complies with the Municipality's By-law governing signs;
- v. Have no external storage of materials, containers or finished products;
- vi. Not change the character of the dwelling as a private residence or create or become a nuisance in regard to noise, traffic or parking;
- vii. Not use any mechanical equipment, except that ordinarily used for household tasks or recreational hobbies;
- viii. Not occupy more than the lesser of 25% of the gross floor area of the dwelling unit or 23 m² (250 ft²), including in the gross floor area any basement or cellar area used as living quarters and any basement or cellar area used for the home occupation; and
- ix. Be confined to a dwelling unit on the lot in terms of any and all parts of the home occupation use.

35.1.6 Regulations for Detached Parking Garages

Detached parking garages are permitted in accordance with the provisions of Table 35.2, below:

Table 35.2: Standards for Detached Parking Garages – Tannery District Low-Rise Residential Zone

Zone Provisions	Driveway crosses the front or exterior side lot line	All other lots
A Minimum distance from the rear lot line	1.2 m (2)	1.0 m
B Minimum distance from exterior side lot line	Equal to the exterior side yard requirement for the main building (3)	Equal to the exterior side yard requirement for the main building
C Minimum distance from front lot line	Equal to the front yard requirement for the main building (3)	Not applicable
D Minimum distance from interior side lot line	1.2 m (1)	1.2 m (1)
E Minimum setback from the main building		
If detached parking garage has a height of 4.5 m or less	Not applicable	6.0 m (5)
If detached parking garage has a height of greater than 4.5 m	Not applicable	7.5 m (5)
F Maximum height		
On a lot having a lot frontage of less than 9.75 m	4.5 m (4)	4.5 m
On a lot having a lot frontage of 9.75 m or greater	4.5 m (4)	8.0 m
G Maximum distance of encroachment of unenclosed stairs and landings that access the coach house	Not applicable	0.6 m into the minimum setback from the main building only

Special Provisions for Table 35.2

1	<p>Notwithstanding this provision, the setback for the first storey may be reduced to 0.6 metres if there are no doors or windows on the wall facing the interior side lot line.</p> <p>A detached parking garage may share a common wall with another detached parking garage on an abutting lot and no setback from the interior side lot line is required on that side of the lot.</p> <p>In no case shall a detached parking garage accessory building share a common wall with more than one other detached parking garage on an abutting lot.</p>
2	<p>Notwithstanding this provision, the setback for the first storey may be reduced to 0.6 metres if there are no doors or windows on the wall facing the rear lot line.</p> <p>A detached parking garage may share a common wall with another detached parking garage on an abutting lot and no setback from the rear lot line is required.</p>
3	<p>Notwithstanding these provisions, where a detached parking garage is accessed by a driveway crossing the front or exterior lot line, the wall containing the opening for vehicular access shall not be located closer than 5.8 metres to the lot line abutting the public street that the driveway crosses to access the detached parking garage.</p>
4	<p>Notwithstanding this provision, the maximum permitted height may be increased to 8.0 metres if the rear lot line abuts a public street from which no vehicular access to the lot exists and provided the entire rear wall of the detached accessory building is located between 1.2 metres and 3.0 metres from the rear lot line.</p>
5	<p>The parking of motor vehicles shall not be permitted within this setback area.</p>

35.1.7 Regulations for Accessory Buildings and Structures

All other accessory buildings and structures not subject to Section 35.6 above and not attached to the main building shall not:

- i) Be used for human habitation;
- ii) Be built closer to the front lot line than the main building on the lot;
- iii) Be located within 1 m (3.3 ft.) of a side or rear lot line, except on a corner lot where the minimum side yard abutting a street shall be 6 metres (20 ft.), provided that common semi-detached parking garages may be centred on a mutual side lot line;
- iv) Exceed 4.5 m (15 ft.) in height;
- v) Exceed 8% coverage of the lot area; and
- vi) Be located within 1.5 metres (5 ft.) of any other building or structure on the lot.

35.1.8 Regulations for Swimming Pools

Private swimming pools, including in-ground and above-ground pools, may be constructed and maintained as accessory uses to a dwelling, provided that such a use:

- i) Shall only be permitted in the rear yard of the lot;
- ii) Shall not be located within 1.5 metres (5 ft.) of a side or rear lot line, or within 3 m (10 ft.) of a lot line which abuts the street and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 m (10 ft.) to any side or rear lot line; and
- iii) Shall be considered part of the landscaped open space area for the purposes of lot coverage.

35.1.9 Regulations for Day Nurseries

A day nursery may be permitted in a single-detached dwelling house abutting an Open Space (OS) Zone or public or separate school site, provided that no part of any required front or exterior side yard shall be used for the purposes of outdoor play space accessory to the day nursery.

35.1.10 Setback from Environmental Constraint or Development Zone

Where any lands in this Zone abut an Environmental Constraint (EC) or Development (D) Zone, all buildings and structures shall be set back a minimum of 3.0 metres (10.0 feet) from the boundary of the EC or D Zone.

35.1.11 Property Adjacent to a Railway Main Line

Where any lands in this Zone are in proximity to a railway main line:

- i) New dwelling units or other sensitive land uses (day nurseries, senior care facilities, emergency care facilities, etc.) within 75.0 metres of a railway main line will require a vibration study to determine if mitigation measures are required;
- ii) New dwelling units or other sensitive land uses (day nurseries, senior care facilities, emergency care facilities, etc.) within 500 metres of a railway main line will require a noise study to determine if mitigation measures are required.
- iii) New dwelling units or other sensitive land uses (day nurseries, senior care facilities, emergency care facilities, etc.) shall be set back from the mutual property line a minimum of 30.0 metres (98.0 feet) in conjunction with a 2.5 metre (8.0-feet) high earthen berm. A minimum setback of 120.0 metres (395 ft.) from the mutual property line is required if a berm is not to be provided.
- iv) The earthen berm is required to have side slopes of 2.5 to 1 abutting and parallel to the mutual property line with returns at the ends.
- v) A 1.83-metre (6 feet) high chain link security fence is required along

- vi) the mutual property line with the railway; and
The appropriate railway will be notified of any new residential development or other new sensitive land uses for any lands that abut a railway main line requiring approval under the Planning Act, R.S.O. 1990, c.P. 13, as amended.

35.1.12 Railway Yards

- i) The minimum setback for new residential dwelling units and other new sensitive land uses (day nurseries, senior care facilities, emergency care facilities, etc.) from a railway yard property line is 300.0 metres (1,000 feet). Notwithstanding, "Lots of Record" or other infilling circumstances within the 300.0 metres (1,000 ft.) setback from a railway yard property line which do not require a rezoning, minor variance, official plan amendment, plan of subdivision or plan of condominium approval, may be developed on an individual basis and in consultation with the appropriate railway if it has been demonstrated that the development / redevelopment meets Provincial Standards and / or Guidelines for noise and vibration and land use incompatibility, through the implementation of mitigation measures and setbacks.
- ii) Where any land in this Zone are within 500.0 metres (1,640 feet) of a railway yard property line, such lands shall be considered to be within an area of potential influence. Any new development / redevelopment of lands within this area of potential influence for residential or other sensitive land uses, will require a noise and vibration study. If it can be demonstrated that the development / redevelopment can satisfy Provincial Standards or Guidelines for noise and vibration then the development / redevelopment may proceed, subject to implementing any mitigation measures and setbacks required to satisfy the aforementioned Provincial Standards or Guidelines; and
- iii) The appropriate railway will be notified of any new residential development or other sensitive land uses within the 500-metre (1,640 feet) area of potential influence abutting a railway yard property line.

35.2 Special Use Regulations

The regulations contained in subsection 35.1 General Use Regulations shall apply to the special use area or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 35.2.

SECTION 36: TANNERY DISTRICT MEDIUM DENSITY RESIDENTIAL (TDR2) ZONE REGULATIONS

The provisions of By-law No. 85-2003, as amended, shall apply to lands in this Zone, unless specifically varied by this Section.

36.1 GENERAL USE REGULATIONS

36.1.1 Permitted Uses

- i) day nursery;
- ii) home occupation use;
- iii) public use in accordance with the provisions of Section 5.3.2;
- iv) retirement home use;
- v) residential use.

36.1.2 Permitted Buildings and Structures

- i) townhouse dwellings, including a townhouse dwelling for senior citizens and / or the disabled;
- ii) apartment dwellings, including an apartment dwelling for senior citizens and / or the disabled;
- iii) multiple dwellings, including a multiple dwelling for senior citizens and / or the disabled;
- iv) senior citizens complex;
- v) buildings and structures for public uses in accordance with the provisions of Section 5.3.2;
- vi) accessory buildings and structures for the permitted uses.

36.1.3 Residential Building Regulations

Townhouses, apartments, multiple dwellings and senior citizens complexes in accordance with the provisions of Table 36.1.

Table 36.1: Standards for the Tannery District Medium Density Residential (TDR2) Zone

Zone Provisions	Townhouse Dwellings (2) Apartment Dwellings (2) Multiple Dwellings (2) Senior Citizens Complex (2)
A Minimum lot area	No minimum
B Minimum lot frontage	No minimum
C Minimum required front yard	3 m
D Maximum front yard	For any building within 20.0 metres of any streetline, no less than 70% of the wall facing the applicable streetline shall be located no further than 3.0 metres from the streetline.
E Minimum required exterior side yard	3 m
F Maximum exterior side yard	For any building within 20.0 metres of any streetline, no less than 70% of the wall facing the applicable streetline shall be located no further than 3.0 metres from the streetline.
G Minimum required interior side yard	1.5 m and 0.0 m
H Minimum required rear yard	7.5 m
I Minimum height	2 storeys, and a minimum of 7.5 m
J Maximum height	15.0 m, to a maximum of four storeys (1)
K Minimum Density	20 units per net hectare
L Maximum Density	70 units per net hectare

Special Provisions for Table 36.1

1	The maximum height for townhouse dwellings shall be 12.0 metres.
2	If the dwelling unit includes an attached parking garage and does not front on a public street, the wall of the garage containing the opening for motor vehicle access shall be no closer than 6.0 metres from the edge of a private street.

36.1.4 Parking

- i) In accordance with the provisions of Section 6.
- ii) No parking may be located between a main wall of a building and an adjacent public street.
- iii) Bicycle parking shall be provided at a minimum rate of 1.0 space per dwelling unit.

36.1.5 Regulations for Home Occupations

In accordance with the provisions of Section 35.1.5.

36.1.6 Refuse and Recycling Containers

Refuse and recycling enclosures are required accessory to apartment dwellings, multiple dwellings and senior citizens complexes under the following regulations:

- i) Any refuse and recycling enclosures shall only be located in the side or rear yards; and
- ii) The refuse and recycling enclosure shall be constructed of an architectural concrete block, masonry, stone, stucco, and / or brick (i.e. consistent with the construction of the primary building) at a minimum 1.8 m (6 ft.) in height.

36.1.7 Regulations for Accessory Buildings and Structures

All other accessory buildings and structures not subject to Section 36.1.6 and 36.1.7 above and not attached to the main building shall be subject to Section 35.1.7 of this By-law.

36.1.8 Regulations for Swimming Pools

In accordance with the provisions of Section 35.1.8.

36.1.9 Regulations for Day Nurseries

In accordance with the provisions of Section 35.1.9.

36.1.10 Property Adjacent to Railway Mainline

In accordance with the provisions of Section 35.1.11.

36.1.11 Railway Yards

In accordance with the provisions of Section 35.1.12.

36.1.12 Property Adjacent to Public Park

On properties abutting a public park, a minimum of 50% of the surface area of a building wall facing the public park must be comprised of transparent glazing or resident entrance access doors.

36.2 Special Use Regulations

The regulations contained in subsection 36.1 General Use Regulations shall apply to the special use are or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 36.2.

SECTION 37: TANNERY DISTRICT HIGH DENSITY RESIDENTIAL (TDR3) ZONE REGULATIONS

The provisions of By-law No. 85-2003, as amended, shall apply to lands in this Zone, unless specifically varied by this Section.

37.1 GENERAL USE REGULATIONS

37.1.1 Permitted Uses

- i) day nursery;
- ii) home occupation use;
- iii) public use in accordance with the provisions of Section 5.3.2;
- iv) retirement home use;

- v) residential use.

37.1.2 Permitted Buildings and Structures

- i) apartment dwellings, including an apartment dwelling for senior citizens and / or the disabled;
- ii) multiple dwellings, including a multiple dwelling for senior citizens and / or the disabled;
- iii) senior citizens complex;
- iv) buildings and structures for public uses in accordance with the provisions of Section 5.3.2;
- v) accessory buildings and structures for the permitted uses.

37.1.3 Residential Building Regulations

Apartments multiple dwellings and senior citizens complexes in accordance with the provisions of Table 37.1.

Table 37.1: Standards for Tannery District High Density Residential Zone (TDR3)

Zone Provisions	Apartment Dwellings Multiple Dwellings Senior Citizens Complex
A Minimum lot frontage	No minimum
B Minimum required front yard	No minimum (1)
C Maximum front yard	At least 80% of the portion of the wall of the main building facing the front lot line that has a height of 12.0 metres or less shall be located within 0.0 metres of the front lot line. (2)
D Minimum required exterior side yard	3.0 m
E Maximum exterior side yard	6.0 m (2)
F Minimum required interior side yard	6.0 m
G Minimum required rear yard	7.5 m
H Minimum required landscaped open space	20%
I Minimum height of main wall that is within 6.0 metres of the front lot line	11.0 m
J Maximum height of main wall that is within 6.0 metres of the front lot line	12.0 m
K Minimum height of first storey	4.5 m
L Maximum height	6 storeys up to a maximum of 20.0 m
M Minimum net density of development	50 units per net hectare
N Maximum net density of development	120 units per net hectare

Special Provisions for Table 37.1

1	Any portion of the wall facing the front lot line that is greater than 12.0 metres in height shall be set back a minimum of 1.0 metre from the exterior of the portion of the wall that is 12.0 metres or less in height.
2	Where a building is located on a property with frontage on more than one public street, at least 80 percent of a wall of the main building shall be located within 0.0 metres of each lot line.

37.1.4 Parking

- i) In accordance with the provisions of Section 6.
- ii) No parking may be located between a main wall of a building and an adjacent public street.
- iii) Bicycle parking shall be provided at a minimum rate of 1.0 space per dwelling unit.

37.1.5 Regulations for Home Occupations

In accordance with the provisions of Section 35.1.5.

37.1.6 Refuse and Recycling Containers

In accordance with the provisions of Section 36.1.6.

37.1.7 Regulations for Accessory Buildings and Structures

All other accessory buildings and structures not subject to Section 37.1.6 and 37.1.7 above and not attached to the main building shall be subject to Section 35.1.7 of this By-law.

37.1.8 Regulations for Swimming Pools

In accordance with the provisions of Section 35.1.8.

37.1.9 Regulations for Day Nurseries

In accordance with the provisions of Section 35.1.9.

37.1.10 Property Adjacent to Railway Mainline

In accordance with the provisions of Section 35.1.11.

37.1.11 Railway Yards

In accordance with the provisions of Section 35.1.12.

37.1.12 Property Adjacent to Public Park

On properties abutting a public park, a minimum of 50% of the surface area of a building wall facing the public park must be comprised of transparent glazing or resident entrance access doors.

37.2 Special Use Regulations

The regulations contained in subsection 37.1 General Use Regulations shall apply to the special use are or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 37.2.

SECTION 38: TANNERY DISTRICT HIGH DENSITY MIXED USE (TDMU) ZONE REGULATIONS

The provisions of By-law No. 85-2003, as amended, shall apply to lands in this Zone, unless specifically varied by this Section.

38.1 GENERAL USE REGULATIONS

38.1.1 Permitted Uses

38.1.1.1 The following land uses shall be permitted on the first storey of a building in the TDMU zone:

- i) Clinic, veterinary or hospital
- ii) Commercial use
- iii) Commercial use, convenience
- iv) Commercial use, retail
- v) Commercial use, retail of alcohol / liquor / wine / beer
- vi) Cultural use

- vii) Day nursery
- viii) Dry-cleaning distribution station
- ix) Eating establishment
- x) Flea market
- xi) Institutional use
- xii) Library use
- xiii) Market
- xiv) Pharmacy
- xv) Service or repair use
- xvi) Service use, personal
- xvii) Specialty food use

38.1.1.2 The following land uses shall be permitted above the first storey of a building in the TDMU zone:

- i) Dwelling, apartment
- ii) Call centre
- iii) Clinic
- iv) Clinic, medical
- v) Club, commercial
- vi) Commercial education
- vii) Education and training use
- viii) Institutional use
- ix) Nursing home
- x) Office
- xi) Place of assembly
- xii) Research and development use
- xiii) Retirement Home
- xiv) Senior citizens complex
- xv) Wellness centre

38.1.2 Permitted Buildings and Structures

- i) a building containing at least one of the uses permitted in Section 38.1.1.1 and at least one of the uses permitted in Section 38.1.1.2;
- ii) buildings and structures for public uses in accordance with the provisions of Section 5.3.2;
- iii) accessory buildings and structures for the permitted uses.

38.1.3 Mixed Use and Non-Residential Building Regulations

- i) Multiple dwellings, apartments and buildings and structures for non-residential uses in accordance with the provisions of Table 38.1.
- ii) Notwithstanding the list of permitted uses on the first storey in subsection 38.1.1.1, common entrances and lobbies associated with uses permitted above the first storey in subsection 38.1.1.2 may be located on the first storey, provided that no more than 40% of the wall facing the street line is occupied by entrances or lobbies.

Table 38.1: Standards for Tannery District High Density Mixed Use Zone (TDMU)

Zone Provisions	Mixed Use Buildings
A Minimum lot area	No minimum
B Minimum lot frontage	No minimum
C Minimum required front yard	0.0 m (1)(2)
D Maximum front yard	3.0 m (1)(2)
E Minimum required exterior side yard	0.0 m (1)(2)
F Maximum exterior side yard	3.0 m (1)(2)
G Minimum required interior side yard	0.0 m (3)
H Minimum required rear yard	7.5 m
I Minimum height	10.5 m

J	Minimum height of first storey	4.5 m
K	Maximum height	6 storeys up to a maximum of 20 metres
L	Minimum gross area of the portion of a wall less than 4.6 metres above grade required to be windows and doors for any wall facing a street line	50%

Special Provisions for Table 38.1

1	Notwithstanding the provisions for minimum front yard and minimum exterior side yard setback, where a property line abuts University Avenue West, the minimum setback is 3 metres for the part of a building abutting University Avenue West, and the maximum setback for that part of the building is 4 metres.
2	A minimum of 60 percent of the wall of the first storey facing the front lot line and exterior lot line shall be located any further 0.0 metres from the lot lines.
3	The minimum required interior side yard is 6.0 metres if it abuts a TDR1 or TDR2 zone.

38.1.4 Parking

- i) In accordance with the provisions of Section 6.
- ii) No parking may be located between a main wall of a building and an adjacent public street.
- iii) Bicycle parking shall be provided at a minimum rate of 1.0 space per dwelling unit.

38.1.5 Regulations for Home Occupations

In accordance with the provisions of Section 35.1.5.

38.1.6 Refuse and Recycling Containers

In accordance with the provisions of Section 36.1.6.

38.1.7 Regulations for Accessory Buildings and Structures

All other accessory buildings and structures not subject to Section 38.1.6 and 38.1.7 above and not attached to the main building shall be subject to Section 35.1.7 of this By-law.

38.1.8 Regulations for Day Nurseries

In accordance with the provisions of Section 35.1.9.

38.1.9 Property Adjacent to Railway Mainline

In accordance with the provisions of Section 35.1.11.

38.1.10 Railway Yards

In accordance with the provisions of Section 35.1.12.

38.1.11 Property Abutting a Public Park

On properties abutting a public park, a minimum of 50% of the surface area of a building wall facing the public park must be comprised of transparent glazing or resident entrance access doors.

38.2 Special Use Regulations

The regulations contained in subsection 38.1 General Use Regulations shall apply to the special use areas or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 38.2.

SECTION 39: TANNERY DISTRICT HIGH DENSITY MIXED USE EMPLOYMENT (TDME) ZONE REGULATIONS

The provisions of By-law No. 85-2003, as amended, shall apply to lands in this Zone, unless specifically varied by this Section.

39.1 GENERAL USE REGULATIONS

39.1.1 Permitted Uses

39.1.1.1 The following land uses shall be permitted on the first storey of a building in the TDME zone:

- i) commercial club
- ii) cultural use
- iii) day nursery
- iv) library use
- v) live / work unit
- vi) recreation and community centre

39.1.1.2 The following land uses shall be permitted on the first storey of a building in the TDME zone, to a maximum gross floor area of 200 square metres:

- i) commercial use
- ii) convenience commercial use
- iii) retail commercial use
- iv) eating establishment
- v) pharmacy
- vi) service or repair use
- vii) personal service use

39.1.1.3 The following land uses shall be permitted above the first storey of a building in the TDME zone:

- i) communication production use
- ii) call centre
- iii) commercial education
- iv) clinic
- v) clinic, medical
- vi) commercial education
- vii) education and training use
- viii) live / work unit
- ix) office
- x) research and development use
- xi) wellness centre

39.1.2 Permitted Buildings and Structures

- i) A mixed-use building containing the land uses in accordance with Section 39.1.1.
- ii) Buildings and structures and public uses in accordance with the provisions of Section 5.3.2;
- iii) Accessory buildings and structures for the permitted uses.

39.1.3 Mixed Use and Non-Residential Building Regulations

Buildings and structures for non-residential uses in accordance with the provisions of Table 39.1.

Table 39.1: Standards for Tannery District High Density Mixed Use Employment Zone (TDME):

Zone Provisions	All Permitted Uses
A Minimum lot area	No minimum
B Minimum lot frontage	No minimum
C Minimum required front yard	0.0 m (1)(2)
D Maximum front yard	3.0 m (1)(2)
E Minimum required exterior side yard	0.0 m (1)(2)
F Maximum exterior side yard	3.0 m (1)(2)
G Minimum required interior side yard	0.0 m (3)
H Minimum required rear yard	7.5 m
I Minimum height	10.5 m
J Minimum height of first storey	4.5 m
K Maximum height	6 storeys up to a maximum of 20 metres
L Minimum gross area of the portion of a wall less than 4.6 metres above grade required to be windows and doors for any wall facing a street line	50%

Special Provisions for Table 39.1

1	Where a building is located on a property with frontage on more than one public street, at least 60 percent of a wall of the main building shall be located within 0.0 metres of each lot line.
2	Notwithstanding the setback provisions for minimum front yard and minimum exterior side yard, where a property line abuts Victoria Street, the minimum setback is 3 metres for the part of a building abutting Victoria Street, and the maximum setback for that part of the building is 4 metres.
3	The minimum required interior side yard is 6.0 metres if it abuts a TDR1 or TDR2 zone

39.1.4 Parking

- i) In accordance with the provisions of Section 6.
- ii) No parking may be located between a main wall of a building and an adjacent public street.
- iii) Bicycle parking shall be provided at a minimum rate of 1.0 space per dwelling unit.

39.1.5 Regulations for Home Occupations

In accordance with the provisions of Section 35.1.5.

39.1.6 Refuse and Recycling Containers

In accordance with the provisions of Section 36.1.6.

39.1.7 Regulations for Accessory Buildings and Structures

All other accessory buildings and structures not subject to Section 39.1.6 and 39.1.7 above and not attached to the main building shall be subject to Section 35.1.7 of this By-law.

39.1.8 Regulations for Day Nurseries

In accordance with the provisions of Section 35.1.9.

39.1.9 Property Adjacent to Railway Mainline

In accordance with the provisions of Section 35.1.11.

39.1.10 Railway Yards

In accordance with the provisions of Section 35.1.12.

39.1.11 Property Abutting a Public Park

On properties abutting a public park, a minimum of 50% of the surface area of a building wall facing the public park must be comprised of transparent glazing or resident entrance access doors.

39.2 Special Use Regulations

The regulations contained in subsection 39.1 General Use Regulations shall apply to the special use are or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 39.2.

SECTION 40: TANNERY DISTRICT OPEN SPACE (TDOS) ZONE REGULATIONS

The provisions of By-law No. 85-2003, as amended, shall apply to lands in this Zone, unless specifically varied by this Section.

40.1 GENERAL USE REGULATIONS

40.1.1 Permitted Uses

40.1.1.1 The following land uses shall be permitted in the TDOS zone:

- i) public park
- ii) community garden

40.1.1.2 The following land uses shall be permitted in the TDOS zone, to a maximum gross floor area of 200 square metres:

- i) eating establishment
- ii) institutional use

40.1.2 Permitted Buildings and Structures

- i) Accessory buildings and structures for the permitted uses, which may accommodate one or more conditionally permitted uses.

40.1.3 Accessory Building Regulations

Buildings and structures accessory to a permitted use in accordance with the provisions of Table 40.1.

Table 40.1: Standards for Tannery District Open Space Zone (TDOS):

Zone Provisions	All Permitted Uses
A Minimum lot area	No minimum
B Minimum lot frontage	No minimum

C	Minimum required front yard	1.8 m
D	Maximum front yard	No maximum
E	Minimum required exterior side yard	1.8 m
F	Maximum exterior side yard	No maximum
G	Minimum required interior side yard	7.5 m
H	Minimum required rear yard	7.5 m
I	Minimum height	No minimum
J	Maximum height	6 m, to a maximum of one storey

40.1.4 Parking

In accordance with the provisions of Section 6.

40.1.5 Refuse and Recycling Containers

In accordance with the provisions of Section 36.1.6.

40.1.6 Property Adjacent to Railway Mainline

In accordance with the provisions of Section 35.1.11.

40.1.7 Railway Yards

In accordance with the provisions of Section 35.1.12.

40.2 Special Use Regulations

The regulations contained in subsection 40.1 General Use Regulations shall apply to the special use are or areas defined below, except as otherwise specifically provided in the special use regulations in this subsection 40.2.”

7. That Schedule ‘A’, Map 7 attached to and forming part of By-law No. 85-2003, is hereby amended by changing the zone categories from “District Commercial (DC) Zone,” “Residential 3 (R3) Zone,” “Residential 4 (R4) Zone,” and “General Industrial (GM) Zone” to “Tannery District Low-Rise Residential (TDR1) Zone,” “Tannery District Medium Density Residential (TDR2) Zone,” “Tannery District High Density Residential (TDR3) Zone,” “Tannery District High Density Mixed Use (TDMU) Zone,” “Tannery District High Density Mixed Use Employment (TDME) Zone,” “Tannery District Open Space (TDOS) Zone,” as shown on Schedule ‘1’ to this By-law.
8. THIS BY-LAW shall come into force and effect upon final passing hereof, subject to the provisions of the Planning Act, R.S.O. 1990, cP. 13, as amended.

READ a first, second and third time and finally passed in Open Council, this ____ day of _____, 2021.

MAYOR

CLERK