

**Town of Smiths Falls
Zoning By-law No. 6080-94**

**OFFICE CONSOLIDATION
March 22, 2017**

Note that area of boundary adjustment on Lombard Street is subject to Zoning By-law No. 94-42 of the former Township of South Elmsley

This is an Office Consolidation of Zoning By-law No. 6080-94 and amendments thereto which has been prepared for convenience purposes only. While every effort has been made to ensure accuracy of the information contained herein, reference should be made to the original By-law and all amendments thereto for all legal purposes.

The amending by-laws are listed in the following table.

TOWN OF SMITHS FALLS
ZONING BY-LAW NO. 6080-94

AMENDING BY-LAWS CONSOLIDATED INTO ZONING BY-LAW NO. 6080-94

By-law No.	Adoption Date (day-month-year)	Location	Text	Schedule	Purpose
7028-95	03-04-1995	Croydon Building, 42 James St.	Section 5.7	Schedule A-1 added & note added to Schedule A	Partial lifting of holding provision
7049-95	05-06-1995	Ferrara Dr.	N.A.	Rezone to C3	Permit grocery store
7070-95	18-09-1995	Van Horne St.	N.A.	Rezone to R6h	Permit retirement home
7095-95	18-12-1995	Various locations	Sections 91, 9.3.2, 9.3.3, 10.3.1, 10.3.2, 14.3.3 & 19.3.3	Various zone symbols changed	Housekeeping amendment
7111-96	19-02-1996	Croydon Building, 42 James St.	Section 5.7	Schedule A-1 revised	Further lifting of holding provision, replaces By-law No. 7028-95
7132-96	21-05-1996	Queen St & Hershey Dr.	Section 15.3.1	Rezone to C3-1	Expand permitted uses
7133-96	21-05-1996	63 Church St. W	Section 15.3.2 & Section 3 (wholesale outlet definition)	Rezone to C3-2	Add and delete permitted uses
7161-96	03-09-1996	Croyden Building, 42 James St.	Section 5.7	N.A.	Further lifting of holding provision, replaces By-law No. 7111-96
7174-96	18-11-96	25 Main Street East	Section 13.3.2	Rezone C1-2	Expand permitted uses
7176-96	18-11-96	41 William Street West	Section 14.3	Rezone to C2-4	Commercial use restricted to office and zone provisions modified

By-law No.	Adoption Date (day-month-year)	Location	Text	Schedule	Purpose
7186-96	02-12-96	Ross and Glenwood subdivision	N.A.	Lift Holding Zone	Permit subdivision to be developed
7202-97	03-02-1997	Lombard Business Park	Section 18.3	Rezone to M1-1, R2, R5 and OS	Add retail store as permitted use on lots fronting on Lombard Street prohibit "big box" retail in all industrial zones, permit residential development and provide open space buffer
7233-97	21-04-1997	10 Church Street West	Section 13.3	Rezone to C1-3	Permits ground floor residential use
7262-97	21-07-1997	Croyden Building, 42 James St.	Section 5.7	N.A.	Further lifting of holding provision, replaces By-law No. 7161-96
7329-98	20-04-1998	127 Beckwith Street North	Section 13.3	Rezone to C1-4	50% reduction in required parking in C1 zone not permitted
7369-98	13-07-1998	Van Horne St.	N.A.	Lift Holding Zone	Permit retirement home in R6 zone
7388-98	08-09-1998	Bell Ave. and Pearl St.	N.A.	Lift Holding Zone	Permit single detached dwellings and church
7392-98	05-10-1998	177 Chambers Street East	N.A.	Rezone to R4	Permit 3 unit dwelling
7413-98	01-02-1999	91 Cornelia Street	Section 15.3	Rezone C3-3	Permit a mix of light industrial and highway commercial uses with size constrictions on retail stores
7432-99	15-02-1999	41 Centre Street	Section 13.3	Rezone C1-5	Permit manufacturing use in addition to C1 uses, subject to restrictions
7438-99	15-03-1999	Brockville and Armstrong Streets	Section 13.3	Rezone to C1-6	Restrict commercial uses
7487-00	15-11-2000	63 Victoria Ave. (CPR Station)	N.A.	Rezone to C1	Permit train station to be converted to theatre
7534-00	04-07-2000	Lombard Business Park	N.A.	Rezone to W, OS and R2	Adjust zoning for Swale Wetland and corresponding revision to subdivision

By-law No.	Adoption Date (day-month-year)	Location	Text	Schedule	Purpose
7555-00	18-09-2000	Van Horne Manor	N.A.	Rezone to R6h	Permit townhouse development
7551-00	18-09-2000	Van Horne Manor	N.A.	Lift Holding Zone	Permit townhouse development to proceed
7556-00	18-09-2000	36 Elmsley Street	Sections 5.7 and 13.3	Rezone to C1-7 and partial lifting of holding zone	Permit a range of C1, R2 and R6 uses and permit some uses to proceed immediately
7587-01	05-02-2001	169 Chambers Street	N.A.	Rezone R6 to C2	Recognize existing use and allow future redevelopment to other local commercial uses that are compatible with surrounding residential uses
7676-2002	15-04-2002	1 Old Slys Road File: Z-01-02: 1 Old Slys	Section 14.3	Rezone from R1&OS to C2-6	Permit single detached dwelling in accordance with R1 provisions; or office and accessory residential use in accordance with C2 provisions
7688-2002	03-06-2002	6 Maple Avenue File: Z-02-02: 6 Maple	Section 13.3	Rezone from C1 to C1-8	Permit residential use on ground floor provided upper floor is restricted to office use; or allow all C1 uses if no ground floor residential. Open space exemption.
7589-2002	03-06-2002	72 Daniel Street File: Z-03-02: 72 Daniel St	N.A.	Rezone from R5,C3,R4 to C1	Recognize existing use and allow all C1 uses (restore C1 zoning)
7814-2004	15-03-2004	Lera Street	N.A.	Lift Holding (R1h to R1)	To lift holding to allow development of residential subdivision
7846-2004	16-08-2004	93 Russell Street	Section 13.3(8) & 5.7 (3)	M2 to C1-9h	Permit C1 uses plus contractors/tradesman establishment and commercial storage and allow parking exceptions. New residential uses require noise study prior to lifting holding designation (concurrent OPA).

By-law No.	Adoption Date (day-month-year)	Location/Property Owner at Time	Text	Schedule	Purpose
7905-2005	04-07-2005	66 Queen St & adjacent Town lands to rear of lot	14.3(6) & N.A.	C2 to C2-6 & OS(F)	Allow EOWITC (specifically) as permitted use. Change Town lands to Open Space
7878-2005	21-03-2005	123/129 Lombard St (Otis)	16.3(1) & 15.3(4)	C3/M1 to C4-1 & C3-4	Allow shopping centre (impose minimum leasable area). Allow C3 uses and allow creation of a lot with right-of-way access across Town park (snowmobile trail) lands.
7880-2005	21-03-2005	Lombard Business Park (Town)	13.3(10) N.A. N.A. N.A.	M1 to C1-10 M1 to C3-4 R5 to OS R5 to R2	Commercial with buffer requirement. Highway commercial over ROW. I.D. Town Land Lower density residential.
7958-2006	06-03-2006	Lorne Street/Third Street (various)	19.3(4) & 20.3(1)	M2 to M2-4 & M3 to M3-1	Identify existing residential uses as permitted uses
7968-2006	03-04-2006	Queen St.	N.A.	R1 to R4	To permit three semi detached units (6 units total)
7973-2006	05-05-2006	Various Vacant lots on Ferrara Dr/ Harold St/Lee Ave/Code Cres (Town/5 Falls)	10.3.2 & N.A.	R2 to R5-2 & R2 to R5	R5-2 limits uses to single storey semi- detached or single unit dwellings
8026-2006	18-12-2006	30 Chambers E	13.3.11	C1 to C1-11	Permit residential use on all floors
8077-2007	09-07-2007	Vacant lot severed off of 231 Lombard St (TSC Store/HVM Holdings)	N.A.	C3 to W & C3(W)	Identify wetland and wetland adjacent lands (need for EIS)

By-law No.	Adoption Date (day-month-year)	Location/Property Owner at Time	Text	Schedule/Zone Change	Purpose
8108-2008	07-01-2008	58 Abbott (Rideau Home Building Centre)	19.3(5)	M2 to M2-5 ((W) Remains)	Permit accessory operational demonstrational wind generator
8107-2008	07-01-2008	10 Gile St (Healey Transportation)	13.3(12)	C1/R4 to C1-12	To permit bus depot use as additional use. Permit wider entrance for bus depot use.
8110-2008	22-02-2008	2 Gould (Former SFDCI)	13.3(13)	I to C1-13	Institutional to Commercial/Residential (exception zone applies C2 general provisions, except ground floor area maximum)
8153-2008	16-04-2008	88-98 Queen Street Harold & Sheila Hagan			To allow for two – four unit dwellings (eight dwelling units total)
8166-2008	15-09-2008	72 Lombard Street Guy Saumure & Sons Construction Ltd.	15.3(5)	OS(F) to C3(5)	To permit the former Parks Canada property to be re-developed into commercial uses. The proposed development comprises 4 free- standing commercial buildings developed in a campus style project.
8262-2009	16-11-2009	14 William Street West Constantinos Karalis	13.7(14)	C1 to C1(14)	To permit the ground floor to be used for residential use, in accordance with the provisions of Section 13.2.2, provided that no ground floor dwelling unit shall be located below a non-residential use.

By-law No.	Adoption Date (day-month-year)	Location/Property Owner at Time	Text	Schedule/Zone Change	Purpose
8322-2010	9-4-2010	44 Chambers Street John Royle & Dennis O'Connor		C1 to C1(15)	To permit a multiple residential development project to be built on the properties. In order to allow flexibility in the design of the project the "exception" provision would add "apartment dwelling house", "multiple dwelling house", "street townhouses" and "planned unit townhouse" as permitted uses in addition to the commercial uses which are permitted in the C1 Zone. The proposed Amendment would also allow the residential project to be built in accordance with the zone regulations of the C1 Zone.
8327-2010	10-25-2010	7 & 9 Abel Street		R4 to C1-16	To permit the aluminum and glass products business, including the proposed expansion, in addition to the permitted uses of the C1-1 Zone, and impose site-specific regulations with respect to the maximum permitted size of the aluminum and glass products use, parking, storage and the setback along the southern site boundary.
8429-2011	07-18-2011	87 Brockville Street		C2-3 to R4-3	To permit the conversion of the property to a completely residential use, allowing for two residential units to occupy the existing building. The exception will permit the future medical or medical related professional use to occupy the ground floor as is consistent with the C2-3 previous zone.
8433-2011	08-15-2011	41 William Street West		C2-4 to R4-4	To permit the conversion of the property into

					a completely residential use, allowing for a multiple family dwelling house. The exception will allow for a future office use as consistent with the C2-4 previous zone.
8434-2011	08-15-2011	33 William Street East		C1 to C1-17	To permit the conversion of the property into a completely use. The exception would permit the ground floor of the building to be used for residential uses provided that no commercial use occupies the upper story.
8424-2011	08-02-2011	2 Florence Street		R1 to R4-5	To permit the construction of two semi-detached dwellings on four lots facing Florence Street. The exception allows for a reduction in the side exterior yard from 3.5m to 3.0m.
8445-2011	09-19-2011	2 Gould Street		C1-13 to C1-13 (new provision)	To permit residential units on the ground floor provided no commercial uses occupy the building's second story.
8448-2011	10-17-2011	2 Bay Street		C1 to R6	To permit the building to be completely occupied by residential uses.
8458-2011	12-05-2011	18-22 Main Street		C1 to C1-18t	To permit ground floor residential units and live-work units provided residential units are not located below commercial uses in addition to those commercial uses listed in Section 13.1, with a maximum of six (6) residential units total.
8463-2012	01-03-12	46-52 Abbott Street		M2(W) to M2-6(W) (new use)	To permit a Medical Clinic or Office use as an additional use.
8474-2012	03-19-12	44-50 Chambers Street		C1-15 to C1-15 (new use)	To permit semi-detached dwellings as a permitted use.
8499-2012	06-11-2012	56-58 Alfred Street		R1 to C3	To permit the expansion of the Drummonds

					Gas Station uses on presently vacant lands.
8505-2012	06-25-2012	66 Queen Street		C2-6 to R6-3	To permit the building to be completely occupied by residential uses.
8538-2013	02-13-2013	37 William Street East		C1 to C1-19	To permit 1 residential unit below a ground floor office use
8635-2013	12-16-2013	Wood Avenue Development		R1/R1-1 to R1-2h	To permit the construction of single and semi-detached dwelling units
8638-2013	12-16-2013	Bellamy Farms		D to R5-4, R6, OS, OS(W), R5-4h	To permit the development of the Bellamy Farms Plan of Subdivision in accordance with the Draft Plan of Approval
8654-2014	02-18-2014	Heritage Commons (Brockville Street)		R1h to R7-1h	To permit the construction of an apartment dwelling house and planned unit townhomes (in accordance with the R5 provisions)
8665-2014	03-17-2014	16 Victoria Avenue		M2 to R5-5	To permit the conversion of the building to “multiple dwelling house” with a maximum density of 1 unit per 190m ² of lot area.
8699-2014	06-02-2014	42 William Street West		R5 to R5-6	To permit the conversion of the building to permit yoga studio, catering establishment and assembly hall as additional uses.
8721-2014	09-22-2014	Bellamy Farms		R6 to R6-4	To permit street-townhomes in addition to the existing uses.
8737-2014	10-06-2014	Lot 454 and Russell St West		R4 to C3-2	Condition of sale of the lands to Quattrocchi and Company for use as warehousing lands.
8739-2014	10-06-2014	Comprehensive		Sections 2.12, 3, 4.6, 4.12, 4.16, 4.17, 4.20	To clarify wording and remove certain provisions
8743-2014	11-20-2014	18-22 Main Street East		C1-18t	Extend temporary holding by 1 year – expires November 3, 2015
8786-2015	04-20-2015	159 Lombard Street		C3 – C3-6	To permit a medical clinic in addition to all permitted highway commercial uses.
8824-2015	09-21-2015	18-22 Main Street East		C1-18t	Extend temporary use by 3 year – expires

					September 21, 2018
8910-2018	01-17-2017	8-10 Philip Street		R4-6	To permit multiple dwelling houses (4 units) with minimum frontage of not less than 16, and minimum interior side yard of not less than 3m
8916-2017	02-06-2017	Lorne Street (East of Hershey Drive)		R1-4; R1-5; R1-6	To permit residential uses and the following additional uses: R1-4 – light agriculture; R1-5 – Auto care, body shop, sales and farm sales; R1-6 – equestrian and light agriculture Repeals section 20.3.1
8924-2017	02-21-2017	96 Lombard Street		C3, OS, W, (f), (w)	To recognize the property in the Smiths Falls Zoning Bylaw 6080-94 and to define the limits of the provincially significant wetland and floodplain.

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Prepared for convenience with every effort to ensure accuracy. However, for legal purposes, refer to original and amending by-laws.

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TOWN OF SMITHS FALLS
BY-LAW NO. 6080-94

A Zoning By-law, being a By-law, comprising the following text and Schedule A attached hereto, for prohibiting the use of land for or except for such purposes as may be set out in his By-law and for prohibiting the erection, location or use of buildings or structures for or except for such purposes as may be set out in this By-law within the said lands; and for regulating the character of buildings or structures to be erected on the said lands.

The Council of the Corporation of the Town of Smiths Falls enacts as follows:

Town of Smiths Falls, Zoning By-law 6080-94

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SECTION 1 – TITLE

1. This By-law maybe cited as the “Zoning By-law.”

Town of Smiths Falls, Zoning By-law 6080-94

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SECTION 2 – CONFORMITY AND NON CONFORMITY

2.1 *Conformity*

1. Save as otherwise provide in this By-law, no land, or building or structure shall be used for any purpose, and no building, or structure, shall be erected or altered for any purpose except as hereafter stated in this By-law and in conformity with all of the applicable provisions of this By-law.
2. No person shall change the purpose for which any lot, building or structure is used or erect any new building or structure or addition to any existing building or structure or sever any lands from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new use, building or structure or lot to be in contravention of this By-law.
3. Nothing in this By-law shall apply to exempt any person from complying with the requirements of any Bylaw in force within the Municipality or from obtaining any license, permission, consent, permit, authority, or approval required by this or any other By-law of the Municipality or by any other Federal, Provincial or Municipal Law in force at the time of passing of this By-law.
4. This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.
5. Notwithstanding anything in this By-law, no person shall reduce any lot in area or frontage, either by conveyance or other alienation of title of any portion thereof so as to contravene any of the provisions of this By-law. However no person shall be deemed to have contravened any provision of this By-law by reason of the fact that any part of parts of any lot has or have been conveyed to or acquired by any Public Authority.

2.2 Continuation of Non-Conforming Uses

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on January 4, 1988 (being the effective date of the predecessor Zoning By-law No. 5325-88), so long as it continues to be used for that purpose.

2.3 Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use of any building or structure for a purpose prohibited by this By-law, the plans for which have, prior to the date of passing of this By-law, been approved by the Chief Building Official, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the date of the passing of this By-law, and such building or structure is completed within a reasonable time after the erection thereof is commenced.

2.4 Lots Divided Into More Than One Zone

Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located. Each such portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions.

2.5 Lots Having Less Area and/or Frontage

Where a lot having a lesser lot area, lot depth and/or lot frontage than that required herein is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry or Land Titles Office at the date of the passing of this By-law, or where such a lot is created as a result of any expropriation by or conveyance to a Public Authority or of any dedication required for site plan approval, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that the owner complies with all other requirements of this By-law.

2.6 Change of Non-Conforming Use

A use of a lot, building or structure which, under the provisions hereof is not permitted within the zone in which such lot, building or structure is located, shall not be changed except to a use which is permitted within such zone or to a use which is authorized by the Committee of Adjustment pursuant to its powers under the Planning Act, RSO 1990, as amended.

2.7 Termination of Non-Conforming Use

A non-conforming use shall be considered to be terminated once the use ceases and the property is used for a permitted use; or where a lot, building or structure housing a non-conforming use remains vacant for a period of one year.

2.8 Repair and Replacement of Non-Conforming Uses

Nothing in this By-law shall prevent the repair, replacement in whole or in part, or the strengthening to a safe condition of any building or structure or part of such building or structure which does not comply with the provisions of this By-law, provided such alteration or repair does not increase the height, size or volume or change the use of such building or structure which does not comply with the provisions of this By-law, provided such alteration or repair does not increase the height, size or volume or change the use of such building or structure.

2.9 Permitted Extensions of Non-Conforming Uses

1. Extensions or additions to non-conforming uses shall not be permitted except by amendment to this By-law in accordance with Section 44 of the Planning Act, RSO 1990.
2. Notwithstanding Section 2.9.1 above, nothing in this By-law shall prevent an extension or an addition being made to a use, building or structure which existed on September 4, 1988 (being the effective date of the predecessor Zoning By-law No. 5325-88) and which is a permitted use in the zone in which it is located but which does not conform with one or more of the Zone Provisions of this By-law, provided such extension or addition does not contravene any of the provisions of this By-law.

Town of Smiths Falls, Zoning By-law 6080-94

OFFICE CONSOLIDATION: March, 2017

Prepared for convenience with every effort to ensure accuracy. However, for legal purposes, refer to original and amending by-laws.

2.10 Residential Yard Conformity

The existing front, rear or side yard of any residential building or structure which is less than the minimum yard requirements of the zone in which the building is located shall be deemed to be in conformity with this By-law, as amended provided:

1. said building or structure is a permitted use in the zone and was legally constructed, and
2. provided that any additions or alterations are in conformity with the zone provisions of the zone in which the building or structure is located.

2.11 Construction Uses

1. A building or structure, incidental to construction on the lot where such building or structure is situated, shall be permitted in all zones for as long as it is necessary for the construction in progress to be completed or abandoned, but only while a valid building permit for such construction remains in force.
2. Abandoned in this subsection shall mean the failure to proceed expeditiously with the construction work or the failure to proceed expeditiously with the construction work or the failure to undertake any construction work during a continuous 6-month period.

2.12 Yard, Setback and Height Encroachments Permitted

The following yard, setback and height encroachments shall be permitted provided such encroachments do not encroach into any required parking space(s).

1. Ornamental Structures

Notwithstanding the yard provisions of this By-law to the contrary, skills, belt courses, chimneys, cornices, eaves, gutters, parapets or other ornamental structures may project into any required yard a maximum distance of 0.5 m.

2. Window Bays

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Notwithstanding the yard provisions of this By-law to the contrary, a window bay, excluding eaves and cornices, may project into any required yard a maximum distance of 1 m with a maximum width of 3 m.

3. Accessory Structures

Notwithstanding the yard provisions of this By-law to the contrary, drop awnings, flag poles, garden trellises, fences, retaining walls, satellite dishes, signs, functional accessory structures or similar accessory uses shall be permitted in any required yard, except where excluded in a sight triangle.

Notwithstanding the foregoing, a satellite dish shall not be permitted in a front or exterior side yard and shall be set back 1.8 m from the lot line in any other yard”

3. Unenclosed Porches, Balconies and Steps

Notwithstanding the yard provisions of this By-law to the contrary unenclosed porches, balconies and steps whether covered or uncovered, may project into any required yard a maximum distance of 2.5 m and for a maximum width of 3 m except where excluded in a sight triangle, provided that encroaching porches and steps, are not more than 1 m above grade.

4. Terraces and Patios

Notwithstanding the yard provisions of this By-law to the contrary, uncovered terraces or patios may extend into any yard, except where excluded in a sight triangle, provided they are not more than 1 m above grade.

5. Fire Escapes

Notwithstanding the yard provisions of this By-law to the contrary, unenclosed fire escapes, in which the steps and landings are latticed in such a manner that the proportions of voids to solids is not less than two to one and in which guards consist only of hand rails and the structural members necessary to their support may project into any required side or rear yard a maximum distance of 1 m.

6. Building Set

Notwithstanding anything else in this By-law, in any Residential Zone, buildings and structures which are built between existing buildings or adjacent to existing buildings, which are located on the same block and which are separated by no more than 60 m may be built with a setback equal to the average setback of the adjacent buildings, but this depth need be no greater than the setback regulations prescribed in the zone in which it is situated, and shall not be less than 3 m for interior lots and 3.5 m for corner lots provided that the driveway which provides access to the required parking space(s) is at least 6 m in length.

7. Height Exceptions

Except as prohibited under the provisions of Section 2.16, nothing in this By-law shall apply to prevent the erection and/or use of an elevator housing, a roof stairway, a water tank, a skylight, a steeple or church spire, a belfry, flag pole, a clock tower, a chimney or smokestack, a radio or television tower or antenna, a satellite dish, a ventilation fan housing, a firewall or a parapet wall, or a roof sign.

2.13 Yard Exceptions for Waterbodies, Watercourses, Embankments and Cliffs

Where in this By-law a front, side or rear yard is required, and part of the area of the lot is usually covered by water or marsh, or is beyond the rim of the waterbody or watercourse, or between the top and toe of a cliff or embankment having a slope of 30 degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of the said area covered by water or marsh, or to the rim of said waterbody or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot line.

2.14 Lane as Yards

Where the rear lot line of a lot adjoins any portion of a lane, one-half of the width of that portion of such lane may be considered part of the lot for the purpose of computing the area of the lot and for the purpose of computing the depth of any rear yard required under this By-law, provided that the

depth of any required rear yard shall never be less than 6 m, exclusive of the lane.

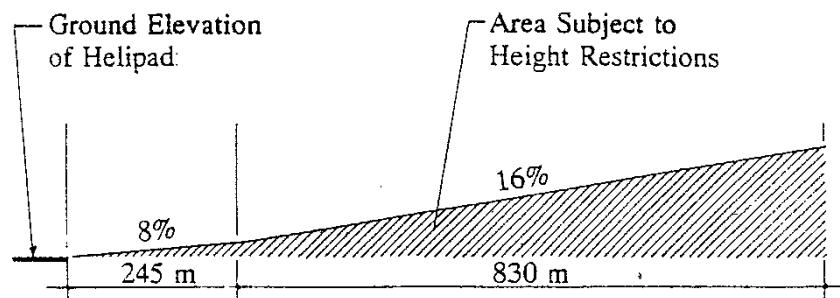
2.15 General Commercial (C1) Conversions

Notwithstanding any provisions of this By-law to the contrary, any existing residential building which is in the General Commercial (C1) zone, may be converted to a permitted commercial use notwithstanding that such conversion may not meet one or more of the provisions of this By-law, except that the parking provisions of this By-law shall be met and except that any addition or enlargement shall comply with all of the provisions of this By-law.

2.16 Height Restrictions

Notwithstanding any other provisions of this By-law, no building or structure and no accessory building or structure shall be permitted to extend in height above the elevation of the flight path for the helipad at Smiths Falls Community Hospital, pursuant to the regulations of the Ministry of Transport.

For the purposes of this provision the following table may be used as a guide in calculating the maximum permitted height; however, this table is provided as a guide only and the regulations of the Ministry of Transport shall apply in limiting the height of all buildings and structures and all accessory buildings and structures in the flight path.



NOTE: This table is for information only and does not form part of this by-law.

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OFFICE CONSOLIDATION: March, 2017

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SECTION 3 – DEFINITIONS

In this By-law, the following meanings shall apply unless the context requires otherwise.

3A

ADULT ENTERTAINMENT: Means any premises or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations where:

1. “to provide” when used in relation to services includes to furnish, perform, solicit, or give such services in pursuance of trade, calling, business or occupation and “providing”, “provided” and “provision” have corresponding meanings, and
2. “to provide” when used in relation to goods includes to sell, offer to sell or display for sale, by retail or otherwise such goods and “providing”, “provided” and “provisions” have corresponding meanings.

Notwithstanding the foregoing, adult entertainment shall not include a trade, calling, business or occupation where the provision or sale of goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations is clearly subordinate to the principle trade of the enterprise. Such exemptions shall include but not be limited to video rental or sales establishments, book stores and convenience stores where the revenue generated from the sale or rental of such goods and services represents less than 30% of the total gross receipts.

AISLE: Means a portion of a parking lot which abuts one or more off-street parking spaces to which it provides access and which is not used for the parking of vehicles.

ALTER: When used in reference to a building or part thereof, shall mean to change any one or more of the external dimensions of such building or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word alter means to change the area, frontage or depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking lot; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot, or otherwise. Altered and Alteration shall have corresponding meanings.

ANIMAL CARE: Means a building or part of a building used by veterinarians, their staff and their patients to provide grooming, medical or surgical treatments or similar services and includes overnight care or accommodation.

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OFFICE CONSOLIDATION: March, 2017

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APARTMENT DWELLING HOUSE: (see DWELLING, APARTMENT HOUSE_

AREA (See LOT, AREA)

ASSEMBLY HALL: Means a building or part of a building in which facilities are provided for civic, education, political, religious or social purposes and shall include a banquet hall or private club.

ATTACHED: Means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.

ATTIC: Means the portion of a building situated wholly or in part within the roof and which is not a half storey.

AUTOMOBILE BODY SHOP: Means a building or structure used for complete motor vehicle repairs to bodies, frames or motors and/or painting, upholstering and/or complete collision work, but shall not include a wrecking or salvage yard.

AUTOMOBILE CARE: Means a building or a portion of a building where mufflers, glass, tires or other similar minor parts and items are offered for sale and installation on motor vehicles.

AUTOMOBILE GAS BAR: Means a building and/or structure including fuel pump islands where gasoline and/or oil is kept for sale with or without lubricants or other items and accessories associated with the operation of automobiles and normally sold at a gasoline pump island, but where no servicing, repair or equipping of motor vehicles is carried on.

AUTOMOBILE RENTAL: means a parking space or parking lot and/or a building or part thereof where motor vehicles, as defined by the Highway Traffic Act, are rented or kept or used for rental purposes.

AUTOMOBILE SALES: Means a building and/or lot where motor vehicles, as defined by The Highway Traffic Act, are kept for display and/or sale. Permitted accessory uses may include those normally required for performing maintenance and repair on motor vehicles, including service centre, service bays, body shop, storage of parts ect.

AUTOMOBILE SERVICE STATION; Means a building and/or structure where retail goods including gasoline, oil, grease, antifreeze, tires, sparkplugs, batteries and other automobile accessories may be sold incidentally and where minor or running repairs essential to the operation of motor vehicles are executed or performed, but shall not include any other use otherwise defined herein.

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AUTOMOBILE WASHING ESTABLISHMENT: Means a building or structure containing facilities for washing automobiles, either by production line methods and mechanical devices, or by a self service operation.

3B

BAKE SHOP: Means a building or portion of a building where baked foods are made for retail sale on the premises.

BAKERY: Means a building or portion of a building wherein baked foods are produced and processed for packaging, distribution and resale off the premises. A bake shop is a permitted accessory use in a bakery.

BASEMENT: Means a portion of a building between two floor levels which is partly underground but which has a least one half or its height from finished floor to finished ceiling above the adjacent finished grade.

BED AND BREAKFAST: Means a single detached dwelling in which not more than 2 guest rooms, not exceeding a total floor area of 37 m², are used to accommodate the traveling or vacationing public for gain or provision of meals to the guest room occupants.

BEVERAGE ROOM: Means a building or portion of the building or premises other than a restaurant, where liquor, spirits and food are stored, sold and consumed and which is licensed under the Liquor License Act.

BUILDING: Means any structure used or intended to be used for shelter, accommodation or enclosure of persons, animals, chattels other than a lawful boundary wall or fence.

BUILDING ACCESSORY: Means a subordinate detached building or structure designed or intended for the better or more convenient enjoyment of the main building, to which it is accessory and which is located on the same lot therewith. An accessory building shall be uninhabitable unless otherwise specifically permitted.

BUILDING, MAIN: Means a building designed and used for the principal use on the lot.

BUILDING INSPECTOR: (See CHIEF BUILDING OFFICIAL)

BUILDING LINE: Means a line within a lot drawn parallel to a lot line establishing the minimum distance between that lot line and any portion of a building or structure which may be erected.

BUILDING SUPPLY OUTLET: Means a building, structure or lot where building supplies including lumber, siding, roofing, plumbing, electrical, heating, air conditioning and similar and contracting the construction or installation of the items.

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BULK STORAGE: Means the use of a building, structure or lot for the purpose of storing and selling coal, fuel, oil, chemicals and similar items, but does not include any manufacturing, assembling or processing uses.

BUSINESS OFFICE: (See OFFICE, BUSINESS)

BUTCHER SHOP: Means a building or portion of a building where animals, poultry and/or fish carcasses are processed and packaged for retail sale on the premises, but shall not include an abattoir.

3C

CARPORT: Means a partially enclosed structure, which is attached to the main building and which is used primarily for the storage of one or more motor vehicles and in which no business, occupation or service is conducted for profit.

CATERING ESTABLISHMENT: Means a building where food and drink are prepared in large quantities for consumption off-site or in relation to an Assembly Hall use, but does not include restaurant, take-out.

CELLAR: Means that portion of a building between two floor levels which has more than one-half of its height from finished floor to finished ceiling below the adjacent finished grade.

CHIEF BUILDING OFFICIAL

Means an officer or employee of the Corporation charged with the duty of enforcing the provisions of the Building Code Act, the Zoning By-law and similar By-laws of the Corporation.

CHURCH: Means a building dedicated to religious worship. Permitted accessory uses may include a church or parish hall, rectory, Sunday school and licensed day nursery.

CLINIC, ANIMAL (See ANIMAL CLINIC)

CLINIC, MEDICAL (See Medical Clinic)

CLUB COMMERCIAL: (See COMMERCIAL SPORTS AND RECREATION CENTRE)

COMMERCIAL SCHOOL: (See SCHOOL, COMMERCIAL)

COMMERCIAL SPORTS AND RECREATION CENTRE: Means an athletic, recreational or social club operated for gain or profit or for the private use of members.

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COMMERCIAL STORAGE: Means a building or structure in which more than one storage unit is rented and used for the temporary storage of household items, vehicles and/or commercial goods and materials, but does not include any business operation or use associated with the storage. Each unit is physically separated from other units within the building and has its own entrance.

COMMUNICATION FACILITY: Means any use of land that is primarily for the transmission of electronic signals through the air and includes a transmitting station or tower.

COMMUNITY CENTRE: Means any land, building and/or structure that is used for community activities, whether used for commercial purposes or not, the control of which is vested in the corporation, a local board or agent thereof.

CONSERVATION: Means the maintenance of the natural environment for the purposes of preservation, research, observation and outdoor uses such as hiking and fishing. This definition may include the construction and use of trail shelters and other similar structures ancillary to the foregoing uses, but shall not include a dwelling house, a mobile home or tourist vehicle.

CONTRACTORS' OR TRADESMANS' ESTABLISHMENT: Means a building or part of a building where mechanical, electrical, structural, plumbing or like contractors conduct their businesses, whether in conjunction with a retail store or not and may include offices, display areas, and storage areas, but shall not include open storage.

CONVENIENCE STORE: Means a building or part of a building wherein convenience commercial goods and foodstuffs which serve the day-to-day needs of local residents are offered for sale and may include an automobile gas bar. Such stores shall be limited to a maximum size of 400 m².

CONVERTED DWELLING: (See DWELLING, CONVERTED).

CORNER LOT: (see LOT, CORNER)

CORPORATION: Means the Corporation of the Town of Smiths Falls.

COVERAGE: (see LOT, COVERAGE)

CUSTOM WORKSHOP: Means a building or part of a building where individual custom productions such as drapes, venetian blinds, handmade leather goods, orthopaedic and prosthetic appliances, weaving, awnings and other non-offensive, non-dangerous custom production is carried out but does not include any factory production or any shop or factory otherwise classified or defined in this By-law. A custom workshop may include an accessory retail use up to 25% of the gross leasable floor area.

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3D

DAIRY: Means a building or portion of a building where dairy products are produced and processed for packaging, distribution and resale off premises. A dairy may include an accessory retail use up to 25% of the gross leasable floor area.

DAY NURSERY, PRIVATE: Means a dwelling in which the owner or tenant conducts a home occupation by providing temporary care, supervision and board for less than 5 children who are not of common percentage.

DAY NURSERY, LICENSED: Means a building or part of a building in which temporary care, supervision and/or board for more than 5 children who are not of common percentage is provided and which is licensed under The Day Nurseries Act.

DENSITY: Means the ratio of the number of dwelling units to the lot area.

DEPTH: See (LOT, DEPTH)

DRIVEWAY: Means the area between the traveled portion of a street and a parking lot used by motor vehicles for access to and from the parking lot, but does not include an isle. A driveway on a residential lot may be used as one or more parking spaces, excluding the required parking spaces, where specifically permitted herein.

DRY CLEANING DISTRIBUTION STATION: Means a building or part of a building used for receiving clothing articles or fabric goods to be subjected to the process of dry cleaning, dry dyeing, or cleaning elsewhere and for the pressing and distribution 25 any such articles or goods which have been subjected to any such process. Notwithstanding the foregoing, on-site dry cleaning, dry dyeing and pressing of personal clothing and household articles is permitted.

DRY CLEANING PLANT: Means a building or part of a building in which the business of dry cleaning, dry dyeing, cleaning or pressing of clothing articles or fabric goods is carried on.

DWELLING HOUSE: Means a building containing one or more dwelling units occupied or intended to be occupied by one or more households and excluding hotels/motels, trailers, recreational vehicles, or tents.

DWELLING UNIT: Means a suit of two or more habitable rooms designed for use and occupied by not more than one household in which separate kitchen and sanitary facilities are provided for the exclusive use of the household, with a private entrance from outside the building or from common hallway or stairway inside the building.

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ACCESSORY APARTMENT: Means a dwelling unit located in a single-detached dwelling house that does not occupy the whole of a storey within the dwelling, and that shares at least two of the following with the principal dwelling unit:

1. building entrance,
2. parking area; and/or
3. private amenity area.

ACCESSORY DWELLING HOUSE: Means a single detached dwelling house which is accessory to a permitted Non-Residential use and is occupied by either the owner of the lot or by one employee employed on the lot where such accessory dwelling is located.

ACCESSORY DWELLING UNIT: Means a dwelling unit within a Non-residential building which is accessory to a permitted Non-Residential use and is occupied by either the owner of the lot or by one employee employed on the lot where such accessory dwelling unit is located.

APARTMENT DWELLING HOUSE: Means a building containing a number of dwelling units which share a common entrance from the street level wherein the occupants have the right to use common halls and/or stairs and/or elevators and yards.

BACHELOR DWELLING UNIT: Means a dwelling unit consisting of one bathroom and not more than two habitable rooms providing therein living, dining sleeping and kitchen accommodation in appropriate individual or combination room or rooms.

BOARDING/ROOMING DWELLING HOUSE: Means a single-detached dwelling house in which rooms are rented individually, with or without meals, for 3 or more individuals but does not include any other establishment otherwise defined or classified herein.

CONVERTED DWELLING HOUSE: Means a single-detached dwelling house existing at the time of the passing of this By-law which because of its size and design, has been or can be converted by partition and the addition of sanitary facilities and cooking facilities into more than one dwelling unit.

DUPLEX DWELLING HOUSE: Means the whole of a dwelling house divided horizontally into 2 dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.

GROUP DWELLING: Means a dwelling house that is part of a group of dwelling houses on the same lot.

MOBILE DWELLING HOUSE: (see MOBILE HOME)

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MODULAR DWELLING HOUSE: Means a single-detached dwelling house built in 2 or more major pieces and transported to the site where it is assembled as opposed to a dwelling built entirely on site. For the purposes of this By-law, a modular dwelling shall be deemed to be a single detached dwelling house.

MULTIPLE DWELLING HOUSE: Means a dwelling house containing 2 or more dwelling units and not otherwise defined herein.

SEMI-DETACHGED DWELLING HOUSE: Means one of a pair of attached dwelling units divided vertically, each of which has an independent entrance either directly from the outside or through a common vestibule.

SINGLE DETACHED DWELLING HOUSE: Means a completely detached dwelling unit.

TOWNHOUSE DWELLING HOUSE: Means one of a group of 3 or more attached dwelling units divided vertically, each of which has independent entrances to front and rear privacy yards.

1. **STREET TOWNHOUSE:** Means a townhouse dwelling house that abuts a street and is designed as an independent dwelling unit for freehold occupancy.

3. **PLANNED UNIT TOWNHOUSE:** Means a townhouse dwelling house, which forms part of a group of such dwelling houses and which shares common facilities with the other dwelling houses such as access to a public road, parking facilities, open space, recreation areas, and is designed as an integral part of a complex for condominium, cooperative and/or rental occupancy.

3E

ERECT: Means to build, construct, reconstruct, alter and relocate and without limitation the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading piling, cribbing filing or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension , and any other work which requires a building permit.

ESTABLISHED BUILDING LINE: Means the average distance between the street and the building line for all main buildings on the same side of the street and within the same block existing as of the date of the passing of this By-law.

EXISTING: Means existing as of the date of passing of this By-law.

EXTERIOR SIDE LOT LINE: (See LOT LINE)

EXTERIOR SIDE YARD: (See YARD)

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FARM IMPLEMENT SALES: Means a building and/or lot where new and/or lot where new and/or used farm implements are kept for display, sale and/or rental. Accessory uses may include those normally required for performing maintenance on and repair of farm implements, including service centers, service bays, storage of farm implement parts, ect.

FARM SUPPLY SALES: Means a building wherein farm supplies which may include feed. Seed, agricultural chemicals, hardware, farm working apparel, etc. may be sold or rented.

FILL LINE: Means the line which delineates the boundary of the lands which are subject to THE Fill, Construction and Alteration to Waterways Regulations.

FLOOD LINE: Means the line which delineates 1:100 year flood boundary.

FLOOD PLAIN: Means the area below the flood line as determined by the 100 year flood as established by the Conservation Authority and/or Ontario Regulations 166.

FINANCIAL OFFICE: Means a building or part of a building in which a bank, trust company, finance company or investment company is located.

FINISHED GRADE: (see GRADE, FINISHED)

FLOOR AREA: (see GROSS LEASABLE FLOOR AREA)

FLOOR SPACE INDEX: Means the ratio of the gross leasable floor area to the lot area.

FRONTAGE: (See LOT, FRONTAGE)

FUEL PUMP ISLAND: Means a structure on a lot of an automobile gas bar, retail propane/natural gas transfer facility or automobile service station where the fuel pumps are located.

FUNERAL HOME: Means a building used for the preparation of deceased human bodies for interment or cremation, for the viewing of deceased persons, and for the holding of funeral services.

3G

GARAGE PRIVATE: Means an accessory building or part of a residential building located on a residential lot intended for the storage of one or more vehicles, in which no business, occupation or service is conducted for profit. Freestanding garages are accessory buildings.

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GARAGE PARKING: Means an enclosed structure used for the temporary parking of more than 4 vehicles available for public use either for free, for compensation or as an accommodation to customers.

GOLF COURSE: Means a public or private area operated for the purpose of playing golf and includes a par 3 golf course, but does not include driving ranges, miniature courses and similar uses.

GRADE, FINISHED With reference to a building, means the average elevation of the finished surface of the ground where it meets the exterior of the front of such building and when used with reference to a structure shall mean the average elevation of the finished grade of ground immediately surrounding such structure, exclusive in both cases of artificial embankment or entrenchment, and when used with reference to a street means the elevation of the street established by the Corporation or other designated authority.

GREENHOUSE: Means a building and/or structure used for the growing of flowers, vegetables, shrubs, trees and similar vegetation including any part of a building, structure or area used for the sale of garden supplies and landscaping materials which may include seeds, bulbs, tools etc. This definition shall not include any premises for the growing of mushrooms.

GROSS LEASABLE FLOOR AREA: Means the sum total of the area of the floor or floors above and below grade, measured from the exterior faces of the exterior walls of a building or structure at the level of each floor but shall not include:

1. any part of the building or structure below grade which is used for heating equipment, storage, laundry facilities and similar accessory uses.
3. any part of the building or structure used for the storage or parking of motor vehicles.

GROUP HOME, TYPE A: Means a single household unit in a dwelling, in which 3 to 10 residents (excluding staff or receiving family) live together under responsible supervision consistent with the requirements of its residents. The definition does not include residences for young offenders, adult offenders or boarding/rooming dwelling houses.

GROUP HOME, TYPE B: Means a single household unit in a dwelling in which residents live together under custodial supervision consistent with the particular needs of its residents. A Young Offenders Type B group home shall be licensed or approved by either the Ministry of Community and Social Services or the Ministry of Correctional Services under the Young Offenders Act. An Adult Offenders Type B group home, or Community Resource Centre, shall be licensed or approved by the Ministry of Correctional Services under the Ministry of Correctional Services Act.

GUEST HOUSE: Means a single detached dwelling house and/or a building which is accessory to a single detached dwelling house in which more than 2 guest rooms are used to accommodate the traveling public for gain or profit and may include the provision of meals to the guest room occupants.

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HABITABLE ROOM: Means a room designed to provide living, dining, sleeping or kitchen accommodation. This definition may include a bathroom, den, library or enclosed sun room but shall not include any porch, verandah, unfinished attic, unfinished basement or unfinished cellar.

HEIGHT: Means the vertical distance of a building between the grade, finished and:

1. the highest point of the roof surface or the parapet, whichever is greater of a flat roof; or
2. the deck line of a mansard roof; or
3. the mean level between eaves and ridge of a gabled, hip, gambrel, cottage or other type of pitched roof.

HIGHWAY: (See STREET)

HIGHWAY COMMERCIAL MALL: Means a building divided into a number of self-contained units which are occupied by users which are permitted uses in the Highway Commercial Zone, except that a retail store and a personal service shop shall not be permitted.

HOME FOR THE AGED: Means a building established and/or maintained by the Corporation under The Homes for the Aged and Rest Homes Act.

HOME OCCUPATION: Means an occupation conducted for gain or profit as an accessory use entirely within a dwelling unit operated by an individual within the household residing in said dwelling unit.

HOSPITAL: A Public or Private Institution as defined under The Public Hospitals Act or under The Private Hospitals Act.

HOTEL: Means a building or part of a building, or two or more disconnected or detached buildings, designed to be used for the purpose of catering to the needs of the traveling or vacationing public by furnishing sleeping accommodation with or without kitchens. With or without supplying food, and may include meeting rooms, banquet hall, public dining rooms and any premises licensed under the Liquor Licence Act and shall include a motel or motor inn but shall not include boarding or rooming dwelling houses, beverage rooms or apartment dwelling houses..

HOUSEHOLD: The collection of all individuals normally resident in dwelling unit

HOUSEHOLDL PET: (see PET, HOUSEHOLD).

3I

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INDUSTRIAL MALL: Means a building divided into a number of self contained units which are occupied by uses which are permitted uses in an Industrial Zone.

INSTITUTION: Means a building or part of a building used for a non-commercial purpose by an organized body or society for promoting a particular purpose. This definition may include a library, college, museum, university, or similar use, but shall not include an assembly hall.

INTERIOR LOT: (See LOT)

INTERIOR SIDE YARD: (see YARD)

INTERIOR SIDE YARD: (See Yard)

3J

Reserved for future use

3K

KENNEL: Means a building or a structure or part of a building or structure used for the breeding, raising and/or boarding of dogs or cats for personal use or for profit or gain.

3L

LANDSCAPED OPEN SPACE: Means the area of a lot comprised of lawn with or without natural or ornamental shrubs, flowers and trees including space occupied by fences, paths, walks, courts, patios and pools, but shall not include parking lots, aisles, driveways, loading spaces, curbs, or ramps for vehicles.

LANE: Means a public thoroughfare which affords a secondary means of access to abutting lots but which is not a street as herein defined and which is not intended for general traffic circulation.

LAUNDROMAT: Means a building or part of a building containing two or more washing and/or self-service dry-cleaning machines and/or dryers for use by the public which is operated for profit or gain.

LOADING SPACE: Means a space or bay located on a lot which is used or intended to be used for the temporary parking of any vehicle while loading or unloading goods, merchandise, animals or materials used in connection with the use of the lot or any building thereon.

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LOT: Means Any parcel of land describe in a registered deed or shown in a registered plan of subdivision, which is capable of being legally conveyed from one party to another and including any parts of the parcel which are subject to right of easement.

CORNER LOT: Means lot situated at the intersection of and abutting two streets which intersect at an angle of less than 135 degrees.

INTERIOR LOT: Means a lot situated between adjacent lots and abutting one street.

IRREGULAR LOT: Means a lot abutting more than one street, but not otherwise defined herein.

THROUGH LOT: Means a lot bounded on two opposite sides by streets provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein defined, such lot shall be conclusively deemed to be a corner lot.

WATERFRONT LOT: Means a lot with a one lot line abutting the shore4line of a waterbody.

LOT AREA: Means the total horizontal area within the lot lines of a lot. For calculating the minimum required lot area, areas covered by a waterbody or watercourse, or areas located within the mapped floodplain or areas between the top and toe of the cliffs or embankment having a slope of 30 degrees or more from the horizontal shall not be included.

LOT COVERAGE: Means the percentage of the lot area covered by buildings or structures exclusive of canopies, balconies and overhanging eaves and private swimming pools protruding not more than 1.5 m above finished grade.

LOT DEPTH: Means the horizontal distance between the front lot line and the rear lot line.

For the purpose of determining the required minimum lot depth for lots which are not square or rectangular the following shall apply:

1. If the front and rear lot lines are not parallel, the lot depth shall be measured by joining the mid-point of the front lot line with mid-point of the rear lot line, or with the apex of the triangle formed by the side lot lines.
2. In the case of a corner lot with a curved front lot line, the lot depth shall be measured by first extending the front and exterior side lot lines as tangents, from the point where each lot line begins to curve, in a straight line to their point of intersection. The lot depth shall then be measure by joining the mid-point of the

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tangent to the front lot line and the mid-point of the rear lot line, or with the apex of the triangle formed by the side lot lines.

LOT FRONTAGE: Means the width of the lot between the side lot lines at the front lot line.

For the purpose of determining the minimum required lot frontage in the case of a lot without parallel side lot lines and/or without a straight front lot line, the following shall apply:

1. the minimum required lot frontage shall be measured as the length of the front lot line; or
2. the minimum required lot frontage shall be measured as the horizontal distance between the side lot lines, measured between the points on the side lot lines equal to the front yard requirement for the use in the zone in which the lot is located.

LOT LINE: Means the boundary line of a lot defined as follows:

FRONT LOT LINE: Means the line dividing the lot from the street.

For the purpose of determining the front lot line the following shall apply:

1. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line and the longer line abutting a street shall be deemed an exterior lot line. If such lot lines are of equal length, the front lot line shall be deemed to be the lot line as established by building orientation and/or main access.
2. In the case of a thorough lot the shorter of the lines, dividing the lot from the streets shall be deemed the front lot line. If such lines are of equal length, the front lot line shall be deemed to be the line as established
3. In the case of a waterfront lot, the shoreline shall be deemed to be the front lot line.
4. In the case of an irregular lot, the shortest lot line abutting a street shall be deemed lot to be the front lot line, or the front lot line shall be deemed to be the lot line as established by building orientation and/or main access.

REAR LOT LINE: Means the lot line furthest from and opposite to the front lot line. In the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the

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front lot line shall be deemed to be the rear lot line. In the case of a lot having three lot lines, there shall be deemed to be no rear lot line.

SIDE LOT LINE: Means the lot line or lines other than a front lot line or rear lot line.

3M

MAIN WALL: Means the exterior front, side or rear wall of a building, and all structural members essential to the support of a fully or partially enclosed space or roof, where such members are nearer to a lot line than the said exterior wall.

MARINA: Means a lot, building or structure containing docking facilities, boat launching ramps, lifts, boathouses, and located on a waterbody, where boats and boat accessories are berthed, stored, serviced, repaired or kept for sale or rent and where facilities for the sale of marine fuels and lubricants may be provided, and may include a building or structure for the sale of accessories or refreshments, but does not include a marine facility.

MARINE FACILITY: Means an accessory building structure located on a waterfront lot which is used to take a boat into or out of a waterbody, to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, dock, or boathouse, but shall not include any building used for human habitation or a marina.

MEDICAL CLINIC: Means a building or part of a building used solely by physicians, dentists, and/or drugless practitioners, their staff and their patients, for the purpose of consultation, diagnosis and office treatment.

MERCHANDISE SERVICE SHOP: (See SERVICE SHOP)

MOBILE HOME: Means any dwelling to be made mobile and constructed or manufactured to provide a permanent residence, but does not include a modular dwelling house, motor home, travel trailer, tent trailer, or any other trailer otherwise designed.

MODULAR DWELLING: (See DWELLING HOUSE, MODULAR)

MOTEL: (See HOTEL)

MOTOR HOME: Means a self-propelled vehicle designed for living, sleeping and eating accommodation.

MOTOR VEHICLE: Means a motor vehicle as defined by The Highway Traffic Act.

MUNICIPALITY: (See CORPORATION).

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MUSEUM: Means a lot, building and/or structure used for the storing and exhibition of objects illustrating antiquities, natural history, arts, ect. And which may be publicly or privately owned or managed.

3N

NON-COMPLYING: Means an existing use, building or structure which does not comply with, or fails to meet, one or more of the required zone provisions of this By-law.

NON-CONFORMING: With reference to a use, means an existing use which is not permitted use in the zone in which the said use is located, and with reference to a lot means a lot having less than the minimum lot area and/or frontage required in the zone in which such lot is located.

NURSING HOME: Means a building containing multiple rooms with common access to eating, bathrooms, recreation and leisure areas for temporary occupancy by those requiring nursing or other care where meals, personal care, nursing services and medical care and treatment are provided or made available, as defined under the Nursing Homes Act.

3O

OBNOXIOUS USE: Means a use which is offensive by reason of its emission of odor, smoke, dust, noise, gas, fumes, vibration, or refuse matter, and a use which under The Health, Protection and Promotion Act or its regulations is likely to have an adverse affect on the health of any person.

OFFICE: Means a building or part of a building used or intended to be used in the performance and transaction of business including professional, administrative and clerical activities.

OPEN STORAGE AREA: Means a lot or part of a lot used for the storage of equipment, goods or materials excluding a parking lot and a salvage yard.

3P

PARK, PRIVATE: Means a recreational area other than a public park.

PARK, PUBLIC: Means a recreational area consisting largely of open space, which may include a playground, swimming pool, arena, play field, or similar use, owned or controlled by the Corporation, or by any Ministry, Board, Commission or Authority

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established under any statute of Ontario or Canada and includes a community centre as herein defined.

PARKING LOT: Means an area, building or structure used for the temporary parking of motor vehicles and includes any related aisles and parking spaces but shall not include any part of a driveway, a street or lane. This definition may include a parking garage.

PARKING SPACE: Means a portion of a parking lot or parking garage used for the temporary parking or storage of a motor vehicle, exclusive of any aisles or driveways, and:

1. in the case of a private garage or carport, consists of an area of not less than 14.3m² with a minimum width of 2.6 m.
2. in the case of regular or angled parking spaces, consists of a minimum width of 2.75 m and a minimum length of 5.75 m, with the parking space measured at right angles to the angle of parking; and
3. in the case of parallel parking spaces, consists of a minimum width of 2.75 m and a minimum length of 6.7 m.

PERSONAL SERVICE SHOP: (see SERVICE SHOP, PERSONAL)

PET, HOUSEHOLD: Means a domestic animal in which is tamed and commonly kept in a dwelling unit either with free movement or confined in an appropriate container but shall not include a domesticated animal which is commonly kept, bred, raised or grazed as an agricultural use, an animal requiring unusual care beyond normal feeding or grooming, or an animal representing a hazard or danger to the health, safety or well being of the occupants of the dwelling unit.

PLACE OF ENTERTAINMENT: Means a motion picture or other theatre, arena, auditorium, public hall, dance hall, or music hall, but does not include a place of recreation or commercial sports or recreation centre.

PLACE OF RECREATION: Means a lot, building or structure in which various forms of recreation are provided for a fee, including amusement parks, mini-golf courses, billiard or pool room, bowling alley, curling rink, ice or roller rink, and arcades, but does not include any place of entertainment or commercial sports and recreation centre.

PLAY AREA: Means an outdoor area, at or above ground level, developed with play equipment and suitably surfaced and fenced or otherwise enclosed for the common recreation of the residents of a dwelling house.

PRINCIPAL: (See MAIN)

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PRINTING SHOP: Means a building or part of a building used for job printing or the publication of periodical or otherwise written material.

PRIVATE AMENITY AREA: Means a privacy yard immediately adjacent to the dwelling unit which serves the household and with access controlled by the household of the dwelling unit.

PROPANE/COMPRESSED NATURAL GAS TRANSFER AND HANDLING FACILITY:

1. Retail propane/compressed natural gas transfer facility means a transfer facility that is licensed under the provisions of The Energy Act, R.S.O. 1980 C.139, from which petroleum fuels (propane and compressed natural gas) may be retailed to the public.
2. Consumer Outlet propane/compressed natural gas transfer facility means a non retail transfer facility licensed under The Energy Act, R.S.O 1980 C.139 where vehicles, appliances and other equipment of the business or establishment to which the said facility belongs are refueled with petroleum fuels (propane and natural gas)
3. Gas cylinder handling facility means a facility licensed under The Energy Act, R.S.O. 1980 C.139, where bottled gases are handled and stored in cylinders and where there is no element of transfer.
4. Bulk propane storage depot means a propane transfer facility that has an aggregate capacity in excess of 7571 liters (2000 U.S. gallons).

PUBLIC AUTHORITY: Means any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, or other board of 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 a municipality or a portion thereof and includes any committee or local authority established by By-law of the municipality.

PUBLIC USE: Means the use of any land, building or structure by a public authority.

PUBLIC UTILITY: Means the use of any land, building or structure by a telephone, gas or railway company or similar company for the purposes of installing and maintaining public utilities.

PUMP ISLAND: (See FUEL PUMP ISLAND)

3Q

Reserve for future use.

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3R

RAILWAY SPUR: Means a rail line located on private right of-way which provides access from a rail line to the private property.

RECREATIONAL VEHICLE: Means a vehicle designed for use principally for recreation and includes a travel trailer, tent trailer, motor home, boat, boat trailer, snowmobile, all terrain vehicle, etc.

RECREATIONAL VEHICLE SALES: Means a building and/or lot where recreational vehicles are kept for display and/or sale. Permitted accessory uses may include those normally required for performing maintenance and repair including service centre, service bays, body shop, storage of parts, etc.

RELIGIOUS INSTITUTION: Means a building or part of a building used for bible institute, a Christian science reading room, a religious library, a religious school, a monastery, a convent, a religious retreat or similar use but shall not include a church.

REPAIR SHOP: (See SERVICE SHOP, REPAIR)

RESTAURANT: Means a building or part of a building where food is offered for sale to the public for consumption on or off the premises and includes restaurants, cafes, cafeterias, ice cream parlors, tea or lunch rooms, dairy bars, coffee shops, snack bars and which may be licensed by The Liquor Board. This definition does not include a take-out restaurant, although a take-out counter within a restaurant is permitted.

RESTAURANT, TAKE OUT: Means a building or structure where food is offered for sale to the public solely for consumption off the premises and includes restaurants, cafes, cafeterias, ice cream parlours, tea or lunch rooms, dairy bars, coffee shops, snack bars and which may be licensed by The Liquor Board. This definition does not include a take-out restaurant, although a take-out counter within a restaurant is permitted.

RETAIL STORE: Means a building or part of a building in which goods, wares, merchandise, substances, articles or things are kept and offered for sale directly to the general public but does not include any establishment otherwise defined herein. A retail store shall also include minor fabricating, processing, assembling and/or manufacturing operations where customers and/or employees produce a finished product from the goods, wares, merchandise substances or things which are sold on the premises, and without limiting the generality of the foregoing includes such uses as picture framing, wine and beer making, arts and crafts, and film processing.

RIGHT-OF-WAY (See STREET)

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RIGHT-OF-WAY, PRIVATE: Means land owned by an individual other than a public authority over which right-of-way has been granted to other for access purposes.

ROAD: (See STREET)

ROWHOUSE DWELLING: (See DWELLING, TOWNHOUSE)

3S

SALVAGE YARD: Means a lot, building and/or structure where goods, wares, merchandise articles or things are stored, handled processed for further use and/or are abandoned, and includes a junk yard, a scrap metal yard, an automobile wrecking yard or premises, but does not include a waste disposal site.

SAMPLE AND SHOWROOM: Means a building or part of a building used for the display of samples, patterns or other goods for viewing by the consumer and where purchase orders are taken, provided that articles from the display are not taken from the premises. This definition does not include big box, new format or other similar commercial uses where the general public has access, either freely, by membership or by some other form of control. Such uses shall be considered a retail store within the meaning of this By-law.

SCHOOL: Means a school under the jurisdiction of a Board as defined in the Department of Education Act.

SCHOOL, COMMERCIAL: Means a school conducted for hire or gain, other than a private, academic, religious or philanthropic school, and includes the studio of a dancing teacher or a music teacher, an art school or golf school, a school of calisthenics, a business or trade school and any other such specialized school conducted for hire or gain.

SCREENING: Means the use of landscaping, walls, fences, hedges and/or other ornamental fixtures to shield the view from one lot to another.

SEMI-DETACHED DWELLING: (See DWELLING, SEMI-DETACHED)

SERVICE, INDUSTRIAL OR BUSINESS: Means a building or part of a building used primarily to provide goods or services to other industries and businesses and, without limiting the generality of the foregoing, includes such uses as courier, equipment and supply, data processing, research, training, rental and similar uses not otherwise defined herein.

SERVICE SHOP, PERSONAL: Means a building or part of a building wherein a personal service is provided. This definition may include a barber shop, a beauty salon,

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a dressmaking shop, a shoe repair shop, a tailor shop, an artist's or photographic studio or similar use.

SERVICE SHOP, REPAIR: Means a building a part of a building wherein articles, goods or materials such as appliances, furniture, office equipment or similar items may be repaired or serviced. This definition shall not include any manufacturing operation, building or structure used for the service or repair of vehicles, or a custom workshop.

SERVICE STATION: (See AUTOMOBILE SERVICE STATION)

SETBACK: The least horizontal dimension between the centre line of a street allowance, measured at right angles to such centre line, and the nearest part of any excavation, building or structure on the lot, or the nearest open storage use on the lot.

SHOPPING CENTRE: Means a group of non-residential uses which are predominantly retail and personal service shop uses which serve the general public and which are designed, developed and managed as a unit in one or more main buildings by a single owner or tenant or group of owners or tenants, as opposed to a business area comprising unrelated individual business uses and includes parking lots and landscaped areas. For the purpose of this By-law, a power centre, discount centre or other similar centre shall be considered a shopping centre.

SIGHT TRIANGLE: Means the triangular space formed by intersecting street lines and a line drawn from a point in one street line to a point on the other street line, each such point being 6 m from the point of intersection of the street lines measured along the street lines. Where the 2 street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

SINGLE DETACHED DWELLING (See DWELLING, SINGLE DETACHED)

STOREY: Means that portion of a building between any floor and the floor, ceiling or roof next above, provided that any portion of a building partly below grade level shall not be deemed a storey unless its ceiling is at least 2m above grade. Provided also that any portion of a storey exceeding 4.5 m in height shall be deemed an additional storey for each 4.5 m or fraction thereof of such excess.

STOREY, HALF: Means the portion of a building located wholly or partly within a sloping roof, having a floor area of not less than one-half or more than two-thirds of the floor area of the storey next below, sidewalls not less than 1 m in height and a ceiling with a minimum height of 2.5 m over an area equal to at least 50 percent of its floor area.

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STREET, OPEN PUBLIC: Means an open thoroughfare under the jurisdiction of the Corporation, the County, the Province of Ontario, or the government of Canada. This definition includes highways, roads, right-of-ways and road allowances, but excludes lanes and private right-of-ways.

STREET, UNOPENED PUBLIC: Means a street which has not been assumed by the Corporation as a public thoroughfare.

STREET, PRIVATE: Means a street, not otherwise defined herein, which is described on a plan of subdivision or on a plan of condominium which is not under the jurisdiction of the Corporation, but which has been approved by the Corporation.

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

STRUCTURE: Means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground or attachment to something having location on the ground. By the purposes of this By-law, a fence not exceeding 2 m in height shall be deemed not be a structure.

SWIMMING POOL, PRIVATE: Means a body of water, permanently located outdoors on privately owned property, contained by artificial means, and used and maintained for the purpose of swimming, wading, diving or bathing.

3T

TAXI STATION: Means a building or structure or a part thereof used in whole or in part to dispatch taxis and includes adjacent land used to store vehicles used for the taxi business.

TOWNHOUSE DWELLING: (See DWELLING, TOWNHOUSE)

TRANSPORTATION TERMINAL: Means a lot, building or structure where trucks or tractor trailer, are kept for hire, rent or lease, are stored, or parked for remuneration, or from which trucks or tractor trailers are dispatched for hire as common carriers and where buildings or structures used for storage or distribution of goods, wares and merchandise.

3U

UNDERTAKER'S ESTABLISHMENT: (See FUNERAL HOME)

USE: Means the purpose for which any land, building, structure or combination thereof is designed, arranged, occupied, or maintained.

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USE, ACCESSORY: Means a use customarily incidental and subordinate to the main use or main building and located on the same lot with such main use or main building.

3V

VEHICLE: (See MOTOR VEHICLE)

VETERINARY ESTABLISHMENT: (See ANIMAL CLINIC)

3W

WAREHOUSE: Means a building or portion of a building used only for the bulk storage of goods, wares, merchandise, or materials and includes accessory office space, space but does not include bulk storage.

WATERBODY: Means any bay, lake, river, canal as well as any floodplain associated with the waterbody, but excluding a drainage or irrigation channel and any other watercourse.

WATERCOURSE: Means any depression one meter or more below the surrounding land serving to give direction to a current of water at least nine months of the year, having a bed and well-defined banks, as well as any floodplain associated with the watercourse. Creeks, streams and other similar watercourses are included in this definition.

WHOLESALE OUTLET: Means a building used or intended to be used for the bulk storage and sale of quantities of goods, commodities, wares, merchandise, or materials for resale or business use. Associated activities such as re-packaging, assembling of components and similar activities are also permitted as part of the wholesale outlet use, provided that such activities are clearly accessory to the principal use. This definition does not include big box, new format or other similar commercial uses where the general public has access, either freely, by membership or by some other form of control. Such uses shall be considered a retail store within the meaning of this By-law.

3X

Reserved for future use.

3Y

YARD: Means a space, appurtenant to a building or structure, located on the same lot as the building or structure, and which space is open, uncovered and unoccupied from

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the ground to the sky except for such buildings, accessory uses, or structures as are specifically permitted elsewhere in this By-law.

YARD, FRONT: Means the space extending across the full width of a lot between the front lot line and the nearest part of any main wall of any building or structure on the lot.

YARD, REAR: Means the space extending across the full width of a lot between the rear lot line and the nearest part of any rear wall of any main building or structure on the lot. In the case of a lot with no rear lot line, the rear yard shall be the area between the point where the side lot lines meet and the nearest part of any wall of any main building or structure on the lot.

YARD, REQUIRED: Means the minimum yard required by the provisions of this By-law.

YARD, SIDE: Means the space extending from the front yard to the rear yard and from the side lot line to the nearest part of any side wall of any main building or structure on the lot.

YARD, EXTERIOR SIDE: means a side yard immediately adjacent to a public street.

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

YOGA STUDIO: Means a building where structured yoga and meditation classes of not more than 15 participants are conducted by a certified instructor. This definition shall not include uses otherwise permitted in a Commercial sports or recreation center, place of entertainment or place of recreation.

3Z

ZONE: Means a designated area of land shown on Schedule A to this By-law to which certain provisions and restrictions apply.

SECTION 4 – GENERAL PROVISIONS

4.1 Accessory Apartments

One accessory apartment dwelling, as herein defined, shall be a permitted use within all single detached dwelling houses, except in accessory dwelling houses.

4.2 Accessory Uses

1. General

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose. That purpose shall include any accessory buildings, structures or uses but shall not include:

1. any occupation for gain or profit except as specifically permitted in this By-law; or
2. any building used for human habitation except as specifically permitted in this By-law.

2. Location

Accessory buildings and structures shall be permitted in any zone but shall not:

1. be built closer to the front lot line or the exterior side lot line than the minimum distance required by this By-law for the main building on the lot, except as otherwise indicated in Section 4.2.2.3;
2. be built closer to a street line than the main building;
3. be built closer than 1 m to any interior or rear lot line except:
 1. that common semi-detached garages may be centered on the mutual side lot line, and
 2. that where a lot line abuts a public lane an accessory building may be located not less than 0.5 m from the said lane.

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3. Height

Accessory buildings or structures shall not exceed 4.5 m in height.

4. Lot Coverage

The total lot coverage of all accessory buildings or structures shall not exceed 10% of the lot area.

5. Separation

No accessory building or structure shall be located closer than 2 m to the main building.

6. Private Swimming Pools

1. A private swimming pool may be erected and used in any yard provided that no part of such swimming pool, including operational equipment, shall be located closer than 1.5 m to any rear or interior side lot line and 6 m to any front or exterior side lot line.

A swimming pool shall not be considered part of the lot coverage provided no part of the pool or its supporting structure protrudes more than 1.4 m above the finished grade.

2. Access to the pool shall be controlled by a fence a minimum of 1.5 m in height constructed of chain link or solid vertical or horizontal wooden slats or equivalent and the gate shall be a minimum of 1.5 m in height and shall be self-closing and self-latching.

4.3 Automobile Service Stations, Gas Bars, Ect.

Where automobile service stations, gas bars and retail propane/compressed natural gas transfer facilities are permitted in this By-law, the following provisions shall apply.

1. The minimum lot frontage shall be 38 m;

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2. The minimum yard requirements for the main building shall be as follows:
 1. front yard depth 6 m
 2. exterior side yard width 6 m
 3. interior side yard width 3.5 m except where the yard abuts a Residential Zone the minimum shall be 6 m
 4. rear yard depth 6 m

3. The minimum distance between any portion of a fuel pump island and any front or exterior side lot line shall be 6 m.

4. The minimum distance between any portion of a fuel pump island any rear or interior side lot line shall be 4.5 m.

5. Where the lot is a corner lot, no portion of any pump island shall be located closer than 3 m to a straight line between a point in the front lot line and a point in the exterior side lot line, each such point being 15 m distant from the intersection of such lines.

6. The minimum distance between a driveway and the intersection of street lines, measured along the street line shall be 4.5 m.

7. The minimum interior angle of intersection between a driveway and a street line shall be 45 degrees and the maximum interior angel between a driveway and a street line shall be 90 degrees.

4.4 Bed and Breakfast

A bed and breakfast, as herein defined shall be a permitted use within all single detached dwelling houses, except in accessory dwelling houses.

4.5 Buildings to be Moved

No building or structure shall be moved within the limits of the Town or shall be moved from outside the Town into the Town unless the building or structure is a permitted use and satisfies all the requirements of the zone in which it is to be located and then only after a permit has been obtained from the Chief Building Official.

4.6 Dangerous Substances

No use shall be permitted which, from its nature or the materials used therein, is declared to be a noxious trade, business or manufactured under The Health Protection and Promotion Act or regulations thereunder.

4.7 Day Nurseries

Licensed day nurseries shall be permitted in all zones except the Wetland (W), Hazard (H) and Development (D) zones, subject to the following provisions:

- | | |
|---|-------------------|
| 1. Lot Area (minimum) | 420m ² |
| 2. Lot Frontage (minimum) | 12m |
| 3. Front Yard Depth (minimum) | 6 m |
| 4. Exterior Sid Yard Width (minimum) | 3.5 m |
| 5. Interior Side Yard Width (minimum) | 3 m |
| 6. Rear Yard Depth (minimum) | 8 m |
| 7. Landscaped Open Space (minimum) | 30% |
| 8. Height of Building (maximum) | 11 m |
| 9. Accessory Uses, Parking, ect.
in accordance with Section 4. | |

4.8 Dwelling Units Below Grade

No dwelling unit shall in its entirety be located in a cellar. However a portion of a dwelling unit may be located in a cellar provided such portion of the dwelling unit shall be used only as a furnace room, laundry room, storage room, recreation room, or for similar use only and shall not be used for sleeping accommodations.

However, a dwelling unit, in its entirety, may be located in a basement, provided that the finished floor level of such basement is located above the level of the sanitary or storm sewer serving the building or structure in which such basement is located or provided that the dwelling unit is serviced by an appropriate sewage pumping facility.

4.9 Frontage on an Opened Street

No building or structure shall be erected in any zone unless the lot on which such building or structure is located has frontage on an opened street. This

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provision shall not apply to a lot on a registered plan of subdivision where an agreement between the owner and the Corporation, which includes provisions for the construction of the streets in the subdivision, is registered in the Registry Office or the Land Titles Office.

4.10 Frontage on More Than One Street

Where a lot fronts on more than one street and is not a corner lot, the requirements for front yards contained in this By-law shall apply to each yard abutting the street in accordance with the provisions of the zone or zones in which such lot is located

4.11 Group Dwellings

In all Residential Zones, group dwellings shall be permitted in accordance with the following provisions:

1. Permitted Uses

shall be restricted to the types of dwelling houses that are permitted in the zone in which the group dwellings are to be located.

2. Lot Frontage (minimum)

shall be the minimum lot frontage required for the type of dwelling house in the zone in which the group dwellings are located. Where more than one type of dwelling house is located on the same lot, the minimum lot frontage shall be greater of the minimum frontages/

3. Lot Area (minimum)

shall be aggregate of the lot area requirements for the types of dwelling house located on the lot.

4. Front, Interior Side, Exterior Side and Rear Yards

Shall be in accordance with the requirements set out in the zone in which the group dwellings are located. Where more than one type of dwelling house is located on the lot, the yard requirements shall be in accordance with the yard requirements

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for each type of dwelling house that abuts the lot line for which the yard is required.

5. **Internal Lot Layout**

the dwelling houses shall be arranged on the lot so that each dwelling house has private amenity areas in accordance with the required yard provisions for each type of dwelling house located on the lot. Such private amenity areas may be included in the yard requirements contained in Section 4.11.4.

Notwithstanding the foregoing, the private amenity areas may be reduced by 50% where such areas abut an exterior wall of a dwelling house in which there is no habitable room window.

No common driveways, parking lots or parking garages shall be located in any of the required amenity areas, except as may otherwise be permitted in this By-law.

6. All other provisions of this By-law for each of the types of dwelling houses located on the lot shall apply.

4.12 Group Homes

Type A Group Homes shall be a permitted use in all zones in which a single detached dwelling is permitted as a principle use in accordance with the following provisions.

1. Type A Group Homes shall not be permitted in accessory single detached dwelling houses nor in accessory dwelling units.
2. Type A Group Homes may be permitted in single-detached dwellings and in both units of semi-detached and duplex dwellings, provided that both units are occupied by one group home operation and that the total number of residents (excluding staff or receiving family) in both units does not exceed ten.

4.13 Home Occupations

Home occupations, as herein defined, are permitted as an accessory use in all dwelling units in accordance with the following provisions.

1. There shall be no display or advertising other than a legal sign of not more than 0.3 m² in size, to indicate that a Home Occupation is being conducted in the dwelling unit.
2. Such uses as offices, domestic and household arts and crafts, bed and breakfast, private day nursery, personal service, custom workshops, repair shops and similar uses may be permitted as home occupations.
3. The home occupation shall occupy an area of not more than 25% of the gross floor area of the dwelling unit.
4. The home occupation does not interfere with television or radio reception.
5. No stock-in-trade is sold or rented, or kept for sale or rent upon the premises unless such items were created by the resident or unless kept for interior display or demonstration purposes only.
6. No person, other than a member of the household occupying the dwelling unit, is engaged in canvassing, delivering or as a go-between in distributing merchandise to customers.
7. There is not outside storage of materials.

4.14 Keeping of Animals

No animals other than household pets, as herein defined, shall be kept in any zone, except as permitted as an animal care or animal clinic use in those zones in which animal care, animal clinic and kennel uses are permitted

Where a kennel is permitted in a zone, it shall not be located within 300 m of a Residential zone.

Notwithstanding the foregoing , however where an agricultural use which includes the keeping breeding raising and/or grazing of domesticated animals or poultry existed on January 4, 1988 (being the effective date of the predecessor Zoning By-law No. 5325-88), such a use shall be deemed to be a permitted use so long as it continues.

4.15 Landscaped Open Space

1. Requirements

1. Except in the General Commercial Zone, where any lot in a Commercial or Industrial Zone abuts a lot in a Residential zone or where any lot used for public or institutional purposes abuts a lot in a Residential zone, then a continuous strip of landscaped open space having a minimum width of 3 m shall be provided along the abutting lot line.
2. In any non-residential zone except the General Commercial Zone, where the required parking abuts a lot in a Residential zone, then a continuous strip of landscaped open space a minimum width of 3 m shall be provided along the abutting lot line.
3. In any zone, where the required parking abuts a street, then a strip of landscaped open space a minimum width of 1.5 m shall be provided along the lot line abutting the street and the landscaped strip shall be continuous except for aisles and driveways required for access to the parking area.
4. In the General Commercial Zone, where any lot abuts a lot in a Residential zone, a solid fence a minimum of 1.5 m in height constructed of wood, metal or equivalent material shall be erected along the lot line.
5. Any portion of any yard which is not used for any other purpose permitted in this By-law shall be devoted to landscaped open space.

2. Driveways or Walks

In all cases where driveways or walks extend through the landscaped open space, it shall be permissible to interrupt the strip within 3 m of the edge of such driveway or within 1.5 m of the edge of such walk.

3. Accessory Uses

No accessory use shall be permitted to locate within the required landscape open space.

4.16 Loading Space Regulations

The owner or occupant of any lot, building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of animals, goods, wares, merchandise and raw materials shall provide and maintain at the premises, on the lot occupied by the building or structure and not forming part of a street or lane, within the zone in which such use is located, loading or unloading facilities comprising one or more loading or unloading spaces 9 m long, 3 m wide, and having a vertical clearance of at least 4 m and in accordance with the following:

1. Number of Spaces Required

TOTAL FLOOR AREA OF BUILDING OR STRUCTURE	NUMBER OF LOADING SPACES REQUIRED
280 m ² or less	1
Exceeding 280 m ² but not 2,300 m ²	2
Exceeding 2,300 m ²	2 plus 1 additional space for each additional 2,300 m ² or part thereof

Provided, however, that in addition to the above number of loading spaces, adequate space shall be provided for the parking of vehicles awaiting access to loading spaces.

2. Site Plan Alternative

The Corporation may vary the above requirements by Site Plan approval.

3. Access

Access to loading or unloading spaces shall be by means of an aisle at least 3.7 m wide contained within the lot on which the spaces are located, and leading to a street or lane located within or adjoining the zone in which the use is located.

4. Location

The loading space or spaces required shall be located in the interior side or rear yard. Loading spaces may be in front and exterior side yards if set back from the street line a minimum distance of 10 m.

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5. Surface

The loading spaces and aisles shall be surfaced with a stable material such as concrete, asphalt, crushed stone or gravel.

6. Cumulative Standards

Where there are two or more uses located on the same lot, the loading space requirements shall be the sum of the requirements of each use.

7. Additions to Building

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then additional loading spaces shall be provided for such addition as required above.

8. Depressed Loading Zones:

Where the loading space or spaces are depressed below grade in excessive of 1m at its deepest point, a guard rail will be provided the length of the loading zone.

4.17 Mobile Homes, Boats, Recreational Vehicles as Dwellings

No mobile home, boat or recreational vehicle shall be used for residential or non-residential purposes within the municipality except as a temporary office, temporary residence tool storage shed or similar use on a construction site provided that such use is terminated when the work is completed or abandoned.

4.18 One Dwelling Per Lot

Except in accordance with the provisions for group dwellings, not more than one dwelling house shall be located on a lot.

4.19 Objects Stored in Yards

1. Except as hereinafter provided no person shall obstruct any required front yard or rear yard by the location of a building or structure, or by the storage of lumber, salvage or similar material.
2. In any Residential Zone:
 1. No person shall use any lot for the parking or storage of any commercial vehicle in excess of 2000 kg vehicle weight;
 2. Notwithstanding the provisions of Section 4.19.2.1, the occupant of any dwelling may use any garage situated on the same lot for the housing or storage of one commercial vehicle, not exceeding 4500 kg. (vehicle weight, which vehicle is operated by the owner)
 3. No person shall use any lot for the outside parking or storage of:
 1. a motor vehicle which has had part of all or its superstructure removed;
 2. a motor vehicle which is unlicenceable
 4. No person shall use any lot for the purpose of outside parking or storage of a recreational vehicle, except as permitted below:
 1. one boat which shall not exceed 8.5 m in length;
 2. one tourist vehicle which shall not exceed 8.5 m in length;
 3. two snowmobiles;
 4. one tourist trailer which shall not exceed 8.5 m in length, exclusive of hitch or tongue.

This provision shall not apply to prevent the parking or storing of one or more boats on a lot which abuts a shoreline.

5. Where a recreational vehicle is parked in any yard on a lot, such vehicle shall not be used for living or sleeping accommodation for longer than 30 consecutive days by any person in transit between one place and another; but in no event shall such living or sleeping accommodation be leased or rented.

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6. The parking or outside storage of a recreational vehicle may be permitted for a period of not more than 72 hours in any one calendar month in a front yard or exterior side yard.
7. Notwithstanding the foregoing, where a lot is used for a dwelling house or houses containing more than 2 dwelling units, the limitations imposed herein shall not restrict the number of recreational vehicles that are stored on the lot provided the area, building or structure used for such storage complies with the yard provisions of the zone in which such area, building or structure is located has been approved by the Corporation, under a site plan agreement. Such area, building or structure shall be in addition to the required parking.

4.20 Occupancy Restrictions

Human habitation shall not be permitted in any of the following buildings, structures or parts thereof;

1. any private garage or other building which is accessory to a residential use;
2. any truck, bus, coach, street car body whether or not the same is mounted on wheels or boat out of water;
3. any cellar, as defined in this By-law;
4. any building or structure before the main wall and roof have been erected, application of the exterior siding and roofing has been completed and the kitchen, heating and sanitary conveniences have been installed unless approval of the Zoning Administrator has been obtained in advance.
5. any trailer other than as temporary or seasonal accommodation, pursuant to Section 4.19 herein.

4.21 Parking Area Regulations

The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces and areas in accordance with the following

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table. Where the minimum requirement by zone differs from the minimum requirement by type of use, the higher standard shall apply.

1. Minimum Parking Requirements

TYPE OF USE	MINIMUM PARKING REQUIREMENT
Single-detached Dwelling Semi-detached Dwelling Duplex Dwelling	1 parking space per dwelling unit.
Street Townhouse Dwelling	1 parking space per dwelling unit located in a private garage
Senior Citizens Housing	1 parking space per 3 dwelling units, or fraction thereof.
Other Residential Uses	1.25 parking spaces per dwelling unit or fraction thereof.
Group Dwellings	2 parking spaces per dwelling unit for single-detached, semi-detached and duplex dwellings. 1.25 parking spaces per dwelling unit or fraction thereof for all other residential uses.
Boarding/Rooming House	1 parking space plus 0.25 spaces per boarder.
Group Home	1 parking space per on duty employee plus 1 space per 5 beds, or fraction thereof.
Accessory Apartment	1 parking space per dwelling unit
Elementary School	The lesser of: 1.5 parking spaces per classroom, and 1 parking space per 4 m ² of floor area in gymnasium; or 1 parking space per 4 m ² of floor area in auditorium, or fraction thereof.
Secondary School	The lesser of: 4 parking spaces per classroom and 3 spaces per 4 m ² of floor area in the gymnasium; or 3 parking spaces per 4 m ² of floor area of the auditorium, or fraction thereof.
Assembly Hall Community Centre Church Commercial Sports and/or Recreation Centre Place of Recreation Place of Entertainment (other than that listed separately)	The greater of: 1 parking space for every 8 fixed seats or fraction thereof; or 1 parking space for every 3 meters of bench space, or 1 parking space per 12 m ² of gross floor area or fraction thereof.

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TYPE OF USE	MINIMUM PARKING REQUIREMENT
Bowling Alley Curling Rink	2 parking spaces per bowling or curling sheet, plus 1 parking space per 6 seats design capacity of the area for accessory uses.
Funeral Home	1 parking space per 18 m ² of gross floor area, or fraction thereof, with a minimum of 8 parking spaces.
Institution	1 parking space per 100 m ² of display/assembly area, or fraction thereof, including basement area used for display, with a minimum of 4 parking spaces.
Licensed Day Nursery	1 parking space per on duty employee plus 1 space per 12 children.
Hospital Nursing Home Home for the Aged	1 parking space for every 2 beds
Guest house Hotel Bed and Breakfast	1 parking space per guest room, plus 1 parking space per 8 persons design capacity of the beverage room, eating area, or meeting room
Restaurant	The greater of: 1 parking space per 14 m ² of gross floor area; or 1 parking space per 4 persons design capacity of the eating area or beverage room.
Restaurant, Take-out	1 parking space per 9.5 m ² of gross floor area, or fraction thereof.
Medical Clinic Animal Clinic Animal Care	1 parking space per 30 m ² of gross floor area with a minimum of 3 parking spaces.
Office Public Building	1 parking space per 34 m ² of gross floor area on the first storey and 1 parking space per 36 m ² of gross floor area above the first storey.
Contractor or Tradesmen's Establishment Printing Shop Industrial or Business Service Custom Workshop	1 parking space per 34 m ² of gross floor area or fraction thereof, with a minimum of 4 parking spaces.
Fabricating Manufacturing Assembling Processing	One parking space per 80 m ² of gross floor area
Furniture, Appliance, Carpet Stores and similar, Commercial Uses requiring large display areas	2 parking spaces per 100 m ² of gross floor area or fraction thereof, with a minimum of 8 parking

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TYPE OF USE	MINIMUM PARKING REQUIREMENT
Building Supply Outlet Greenhouse Repair Service Shop Wholesale Outlet	spaces.
Retail, other than that defined elsewhere Convenience Store Financial Office Bake Shop Butcher Shop Personal Service Shop Dry Cleaning Distribution Station Laundromat	1 parking space per 25 m ² of gross floor area or fraction thereof, with a minimum of 4 parking spaces
Automobile Sales Automobile Rental Automobile Body Shop Automobile Care Automobile Gas Bar Automobile Service Station Recreation Vehicle Sales Farm Implement Sales Commercial Storage Transportation Terminal	2 parking spaces per 100 m ² of gross floor area, with a minimum of 4 parking spaces. The provision of parking for the storage of new and used vehicles, boats or trailers for sale or lease, or service shall not be included as satisfying the provisions of this clause.
Automobile Washing Establishment	Self-service operation: 2 waiting and 1 drying space per wash rack. Conveyer operation: 5 waiting spaces per wash rack.
Warehouse Bulk Storage Bakery Dairy Dry Cleaning Plant	1 parking space per 120 m ² of gross floor area, or fraction thereof.
Shopping Centre	5.5 parking spaces per 100 m ² of gross leasable floor area.
Other Non-Residential uses permitted by this By-law	1 parking space per 25 m ² of gross floor area.

2. Cash in Lieu of Parking

The Minimum Parking Requirements for Non-Residential Uses required herein may be reduced or waived provided the owner enters into an Agreement with the Corporation under Section 40

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3. Commercial Core Parking Area Requirements

On those lands zoned C1 and shaded on Schedule A, the Parking Area Requirements for Non-Residential Uses set out above, shall be reduced by 50 percent.

5. Parking Space Size

As per definition.

6. Ingress and Egress

1. Ingress and egress, to and from the required parking spaces and lot shall be provided by means of unobstructed driveways or passageways at least 3 m, but not more than 9 m, in width excluding curb ramps, except in a Residential zone wherein the maximum width of all driveways or passageways on the lot shall be 9 m or 60% of the width of the lot, whichever is less.
2. The maximum width of any joint ingress and egress driveway ramp, measured along the street line, shall be 9 m, excluding curb ramps.
3. The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such a driveway, shall be 7 m, except for automobile service stations, gas bars and retail propane. Compressed natural gas transfer facilities where the minimum shall be 4.5 m.
4. The minimum distance between two separate driveways on one lot, measured along the street line, shall be 7 m.
5. The minimum angle of intersection between a driveway and a street line shall be 60 degrees,

7. Aisle Widths

Aisles between parking spaces shall provide unobstructed access from each parking space to a driveway and shall be established on the basis of the following:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
0° to 55°	4 m
56° to 75°	5.8 m
90°	6 m

8. Parking Lot and Driveway Surface

Each parking lot and driveway connecting the parking lot with a street shall be surfaced with asphalt, concrete, interlocking pavers or similar hard surfaces, except that in the case of a dwelling house containing not more than three dwelling units, such parking area and driveway may be constructed of any stable surface treated so as to prevent the raising of dust or loose particles.

8. Multiple Use Developments

When a building or structure accommodates more than one type of use, the parking area requirements shall be the sum of the requirements for the separate parts of the building or structure occupied by the separate types of use.

9. Additions to Buildings or Change of Use

When a building or structure has insufficient parking at the time of passing of this By-law to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or change of use to a permitted use in the zone in which the building is located. No addition may be built and no change of use may occur, however, the effect of which would be an increase in the deficiency. Further, in any Business Park (M1), Light Industrial (M2), General Industrial (m3) or Highway Commercial (C3) Zone, any change from one permitted use to another permitted use shall not require that any additional parking spaces be provided, notwithstanding the requirements of Section 4.2.1., if there is insufficient room on the lot to provide any additional parking spaces and such lower parking standard shall be identified in the Site Plan Agreement.

10. Parking Area Location

Parking shall be permitted in yards in accordance with the following table, except as otherwise required for landscaped open space pursuant to the provisions of Section 4.15.

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USE	YARD IN WHICH REQUIRED PARKING PERMITTED
1. Apartment Dwelling, Group Dwelling	All yards, except in the required front yard, provided no parking spaces and no driveway shall be located within 6 m and 3.5 respectively of a habitable room window, and provided that where a dwelling house requires 4 or more parking spaces such spaces are no closer than 1.5 m to any lot line.
2. Other Residential	All yards, except in the required front yard, wherein a driveway may be located provided no parking spaces and no driveways shall be located within 6 m and 3.5 m respectively of a habitable room window, unless the parking spaces and/or driveways are reserved for the exclusive use of the occupants of the dwelling unit containing the habitable room window.
3. Open Space, Commercial	All yards, provided that no part of any parking area, other than a driveway, is located closer than 1.5 m to any street line.
4. Industrial, Institutional	Interior side and rear yards only, except for visitor parking covering not more than 15% of the front yard area. Provided that no part of any parking area, other than a driveway, is located closer than 1.5 m to any street line.

11. Parking Space Location on Other Lot

Where the owner of a building or structure proposes to provide the required parking spaces and areas in a location other than on the same lot as the use that requires such spaces and areas, then such spaces and areas shall be located not more than 150 m from the said lot and shall be located within the same zone as the said lot.

Furthermore such spaces and areas shall:

1. be in the same possession, either by deed or renewable long term lease, as the property occupied by the use or building to which the parking facilities are accessory; or

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2. be subject to an agreement between the owner of the use or building served by the parking facilities and the owner of the parking facility allocating the required number of parking spaces.

In addition, the required number of parking spaces shall be maintained for the duration of the use.

12. Parking Lot Required

Where more than 3 parking spaces are required and such parking spaces are to be located together, such parking spaces shall be located in a parking lot or parking garage.

4.22 Public and Institutional Uses

1. Public Services and Institutions

The provisions of this By-law shall not apply to the use of any lot or the location or use of any building or structure for the purpose of public service by the Corporation or by any local board of the Corporation as defined by The Municipal Act, R.S.O. 1990 Chap. M.45 as amended, any institution or religious institution as herein defined, any telephone, telegraph or telecommunications corporation; any natural gas distribution system operated by the Corporation or on its behalf by a company distributing gas to the residents of the Corporation and possessing all the necessary powers, rights, licences and franchise; any Conservation Authority established by the Government of Ontario; any department or board of the Government of Ontario or Canada, including Ontario Hydro; any use permitted under The Railway Act or any other statutes of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities, provided that where such lot, building, structure, use or transmission facility is located in any zone:

1. no goods, materials or equipment shall be store in the open, except as permitted in such zone;
2. any above-ground use carried on under the authority of this paragraph in any residential zone shall be maintained in general harmony with Residential buildings in such zone;
3. the lot coverage, setback and yard requirements prescribed for in the zone in which such land, building or structure is located shall be complied with, except where such land, building or structure is located in a Residential zone in which case the provisions of the Institutional (I) zone shall apply.

2. Streets and Installations

Nothing in this By-law shall prevent the use of land as a street or prevent the installation of a water main, sanitary sewer main, storm sewer main, gas main, pipeline or overhead or underground hydro electric, telephone and cable line, traffic or

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other sign, or other supply and/or communication line, including their distribution transformer, pumping and/or regulation stations.

4.23 Setbacks

1. All buildings and structures located along Provincial Highways and County Roads shall comply with the specific setback requirements established by the Ministry of Transportation and the County. Development permits for such lands shall be obtained from the Ministry of Transportation and County Roads Department.
2. All buildings and structures located along a street under the jurisdiction of the Corporation shall comply with the following setbacks

Road	Setbacks
Arterial	21 m
Collector	19 m
Local	10 m plus the required front yard depth for the use in the zone in which the use is located.

4.24 Site Triangles and Sight Distance

1. Sight Triangles

In a sight triangle, except in the General Commercial (C1) Zone, no uncovered surface parking lot or loading space may be constructed or used and no building or structure, landscaping or finished grade shall be constructed or located thereon which exceeds 0.8 m in height above the centre line of the street.

2. Railway Crossings

Where any road or street crosses a railway at the same grade, no building or structure shall hereafter be erected closer to the point of intersection of the centre line of both the railway and the street than 30 m where automatic signal protection is provided and 45 m where no automatic signals are provided.

4.25 Signs

Nothing in this By-law shall apply to prevent the use of signs on any land, building or structure, but the erection, use and maintenance of such signs shall be subject to the provisions of the Sign By-law of the Corporation and the provisions of this By-law for home occupations and sight triangles.

4.26 Site Plan Requirements

No development shall take place on any parcel of land designated as Site Plan Control Area in the Site Plan Control By-law unless the Council of the Corporation has approved such plans and drawings required under the provisions of the Site Plan Control By-law.

SECTION 5 – ZONES

5.1 Classification

The provisions of this By-law shall apply to all lands within the limits of the Corporation which lands are divided into various zones. Schedule A symbols refer to zone classifications as shown below”

TYPES OF ZONES	ZONES	ZONE SYMBOL
<u>Residential Zones</u>		
R1	Residential Type Own Zone	R1
R2	Residential Type Two Zone	R2
R3	Residential Type Three Zone	R3
R4	Residential Type Four Zone	R4
R5	Residential Type Five Zone	R5
R6	Residential Type Six Zone	R6
R7	Residential Type Seven Zone	R7
<u>Commercial Zones</u>		
C1	General Commercial Zone	C1
C2	Local Commercial Zone	C2
C3	Highway Commercial Zone	C3
C4	Neighborhood Shopping Centre Zone	C4
C5	Community Shopping Centre Zone	C5
<u>Industrial Zones</u>		
M1	Business Park Zone	M1
M2	Light Industrial Zone	M2
M3	General Industrial Zone	M3
<u>Open Space Zone</u>		
OS	Open Space Zone	OS
<u>Institutional Zone</u>		
I	Institutional Zone	I

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<u>Development Zone</u> D	Development Zone	D
<u>Wetland Zone</u> W	Wetland Zone	W
<u>Holding Zone</u> h	Holding Zone	h
<u>Temporary Use Zone</u> t	Temporary Use Zone	t
<u>Flood Plain Zone</u> F	Flood Plain Zone	(F)

5.2 Zone Regulations

The permitted uses, the size and dimensions of lots, the size of yards, the lot coverage, the setback, the gross leasable floor area, the landscaped open space, and all other zone provisions set out herein for the respective zones.

5.3 Zone Boundaries

The extent and boundaries of all the said zones are shown on Schedule A, which Schedule forms a part of this By-law and is attached hereto.

5.4 Zone Symbols

The symbols listed in Section 5.1 may be used to refer to buildings and structures, the uses of lots, buildings and structures permitted by this By-law in the said zones and whenever in this By-law the word Zone is used, preceded by any of the said symbols, such zones shall mean any area within the Corporation

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within the scope of this By-law, delineated on Schedule A and designated thereon by the said symbol.

5.5 Exception Zones

Where the zone symbol as shown on Schedule A is followed by a dash and a number (for example R1-1), then special provisions apply to such lands and such special provisions may be found by reference to that part of the by-law which deals with that particular zone. Lands zoned in this manner shall also be subject to all provisions of the zone, except such special provisions as specified.

5.6 Flood Plain Zones

Lands zoned Flood Plain as shown on Schedule A by the suffix “(F)” after the zone symbol shall be subject to all of the provisions of the zone in which the lands are located. However, no building or structure shall be erected or altered within any area which is located within a Flood Plain Zone, except with the written approval of the Conservation Authority.

5.7 Holding Zones

Any parcel or area of land in any zone on Schedule A of this By-law may be further classified as a holding zone with the addition of the suffix “h”. The intent is to signify Council’s approval in principle to future development of the land for the purposes indicated by the symbol. The holding classification added to a given zone shall restrict development of the land until such time as the demand for the development of the land is sufficient to warrant immediate development.

Where a holding zone applies, no lands shall be used and no buildings or structures shall be erected or used for any purpose other than uses existing on the date of passing of this By-law. Any change from the holding status shall require an amendment to this By-law and the Corporation may require that the applicant enter into an agreement for the development of the land prior to the amendment being adopted.

1. Notwithstanding the foregoing provisions to the contrary, on the lands zoned M2-3h at 42 James Street, the following provisions shall apply.

1. The holding provision is lifted insofar as to permit all of the permitted uses listed on the M2-3h zone at 42 James Street except the following uses:

- assembly hall
- commercial school
- commercial sports and recreation centre
- place of entertainment
- place of recreation
- restaurant
- retail store
- take out restaurant

2. The holding provision is further lifted insofar as to permit the uses listed in Section 5.7.1.1 above, provided that the maximum gross leasable floor area for each such permitted use does not exceed 500 m² and provided that the total gross leasable floor area all such permitted uses does not exceed 2,000 m².

2. On the lands C1-7h at the corner of Elmsley and Thurber Streets, the following provisions shall apply:

1. The holding zone is lifted with respect to all of the permitted R5 uses;
2. The holding zone is lifted with respect to all of the permitted R6 and C1 Uses provided that the total gross leasable floor area on the property does not exceed the total gross leasable floor area of all buildings existing on the date of passing of this by-law; and,
3. The holding zone for all permitted R6 and C1 uses which exceed the total gross leasable floor area of all buildings existing on the date of this by-law shall only be lifted upon completion of servicing and traffic impact studies to identify an on-site and off-site works that are required to accommodate the permitted uses. Such studies shall be to the satisfaction of Council, and provision of all required works shall be the responsibility of the developer.

(B/L7846-04
93 Russell E)

3. On the lands zoned C1-9h at 93 Russell St. E., the following provisions shall apply:

1. The holding zone is lifted insofar as to permit all of the non-residential uses that are permitted in the C1-9 zone and the existing bachelor apartment in the building.
2. The holding zone shall only be lifted for all other residential uses on the property upon a noise study being undertaken to the satisfaction of the Town which demonstrates that noise levels associated with the operation of the CPR yard do not exceed Ministry of the Environment guidelines for residential use or, alternatively, that mitigation measures can be incorporated into the building renovations which will reduce noise levels to acceptable levels.

(B/L 8635-13
Wood Avenue Subdivision)

4. On the lands zoned R1-2h at the corner of Broadview Avenue and Harold Street, the holding zone shall only be lifted upon the completion of a stormwater management report to the satisfaction of the Rideau Valley Conservation Authority and the Town of Smiths Falls.

(B/L 8638-13
Bellamy Farms Subdivision)

5. On the lands zoned R5-4h in the Bellamy Farms Subdivision, the holding zone shall only be lifted for residential uses on the property upon the completion of a Traffic Impact Study to the satisfaction of the Town which demonstrates the demand for through-fare connections to Broadview Avenue West and Lombard Street.

(B/L 8654-2014
Heritage Commons)

6. On the lands zoned R7-1h on Brockville Street, the holding zone shall only be lifted upon on the completion of a Traffic Impact Study to the satisfaction of the Town of Smiths Falls.

5.8 Lands Adjacent to Wetlands

Where any land is located within 120 m of the boundary of the Wetland (W) Zone as shown on Schedule A by the suffix “(W)” (for example R4 (W)), the provisions of the zone in which the land is located shall apply, except that no building or structure including septic systems shall be erected, or enlarged and no change in the use of the land shall be permitted other than in accordance with an Environmental Impact Study as approved by the Municipality and the Ministry of Natural Resources.

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5.9 Temporary Use Zones

- a. Where the zone symbol zoning certain lands as shown on Schedule A is followed by the suffix “t”(for example R1t), a use or uses in addition to the uses permitted in the zone in which the lands are located shall be permitted for a specified period of time following which the use or uses shall cease. Temporary uses shall only be permitted by an Amendment to this By-law which amends Schedule A by adding the letter “t” to the zone symbol on the lands where the temporary use is located and by amending this section:
 1. to describe the lands on which the temporary use or uses is/are permitted including the municipal address where appropriate
 2. to list the permitted temporary use or uses
 3. to specify the time period for which the temporary use or uses is/are permitted including the date on which the use or uses is/are to cease, on which date the Amendment shall be deemed to be repealed and the temporary use(s) shall be deemed to be repealed and the temporary use (s) no longer permitted
 4. to describe any conditions which apply to the temporary use or uses.

5. Temporary Uses

(B/L 8824-2015)
18-22 Main Street East

1. On the lands Zoned C1-18t located at 18-22 Main Street, notwithstanding the permitted use provisions of Section 13.1.2, the following additional uses shall be permitted:
 - (1) the ground floor residential units and live-work units provided residential units are not located below commercial uses in addition to those commercial uses listed in Section 13.1, with a maximum of six (6) residential units total.

The additional prescribed uses shall be permitted on the site for a time period which shall continue until **September 21, 2018**, at which time the temporary uses shall be deemed to be repealed and the temporary uses permitted shall cease.

5.10 Zone Boundaries

Zone boundaries, where possible, are construed to be lot lines, street lines, centre lines of streets or railway rights-of-way. In the case where uncertainty exists as to the boundary of any zone, then the location of such boundary shall be determined in accordance with the scale of Schedule A as its original size.

5.11 Building, Structure and Use Classification

1. The buildings, structures and use of buildings, structures and lots specifically named as use permitted and classified under the headings of “Residential” and “Non-Residential” refer only to the uses as are specifically named under such heading in each zone.
2. For the purpose of reference, all buildings, structures and uses of buildings, structures and lots named as Permitted Uses and classified under the headings of “Residential” and “Non-Residential” may be referred to as “Residential” and “Non-Residential” buildings, structures, or uses respectively.

SECTION 6 – RESIDENTIAL TYPE 1 (R1) ZONE

No person shall within any R1 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

6.1 *Permitted Uses*

1. Residential Uses
Single detached dwelling house
2. Non-Residential Uses
Church in accordance with Section 22
other uses in accordance with Section 4

6.2 *Zone Provisions*

- | | | |
|-----|------------------------------------|--|
| 1. | Lot Area (minimum) | 450 m ² |
| 2. | Lot Frontage (minimum) | 15 m |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 3.5 m |
| 5. | Interior Side Yard Width (minimum) | 3 m on one side, with a minimum aggregate of 4 m for both yards, except where a garage or carport is attached to the main building, the minimum shall be 1 m |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Dwelling Unit Area (minimum) | 90 m ² |
| 8. | Landscaped Open Space (minimum) | 30% |
| 9. | Height of a Building (maximum) | 11 m |
| 10. | Accessory Uses, Parking, Etc. | in accordance with Section 4 |

6.3 *Exception Zones*

1. Notwithstanding the minimum side yard requirements of Section 6.2.4, on The lands zone R1-1, the minimum exterior side shall be 1.5m.
2. Notwithstanding the permitted use provisions of Section 6.1 to the contrary, on the lands zoned R1-2, the uses may include Semi-detached dwellings in accordance with the zone provisions for semi-detached dwellings for the Residential Type Four (R4) Zone in addition to the permitted uses.

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*Lorne Street
8916-2017*

3. Notwithstanding the provisions of Section 6.1 herein, on the lands identified as R1-3, the following additional uses shall be permitted: Light agriculture.

*Lorne Street
8916-2017*

4. Notwithstanding the provisions of Section 6.1 herein, on the lands identified as R1-4, the following additional uses shall be permitted: Automobile care, automobile body shop, automobile sales and farm implement sales.

*Lorne Street
8916-2017*

5. Notwithstanding the provisions of Section 6.1 herein, on the lands identified as R1-5, the following additional uses shall be permitted: Equestrian uses and light agriculture.

SECTION 7 – RESIDENTIAL TYPE 2 (R2) ZONE

No person shall within any R2 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

7.1 Permitted Uses

1. Residential Uses
single detached dwelling house
2. Non-Residential Uses
church in accordance with Section 22
other uses in accordance with Section 4

7.2 Zone Provisions

- | | | |
|-----|---|--------------------|
| 1. | Lot Area (minimum) | 420 m ² |
| 2. | Lot Frontage (minimum) | 12 m |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 3.5 m |
| 5. | Interior Side Yard Width (minimum) | |
| | 3 m on one side, with a minimum aggregate of 4 m for both yards, except where a garage or carport is attached to the main building the minimum shall be 1 m | |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Dwelling Unit Area (minimum) | 85 m ² |
| 8. | Landscaped Open Space (minimum) | 30% |
| 9. | Height of Building (maximum) | 11 m |
| 10. | Accessory Uses, Parking, Etc. | |
| | in accordance with Section 4 | |

7.3 Exception Zones

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SECTION 8 – RESIDENTIAL TYPE 3 (R3) ZONE

No person shall within any R3 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

8.1 Permitted Uses

1. Residential Uses
Single detached dwelling house
2. Non-Residential Uses
Church in accordance with Section 22
other uses in accordance with Section 4

8.2 Zone Provisions

- | | | |
|-----|---|--|
| 1. | Lot Area (minimum) | 362 m ² |
| 2. | Lot Frontage (minimum) | 11 m |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 3.5 m |
| 5. | Interior Side Yard Width (minimum) | 3 m on one side, with a minimum aggregate of 4 m for both yards, except where a garage or carport is attached to the main building, the minimum shall be 1 m |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Dwelling Unit Area (minimum) | 85 m ² |
| 8. | Landscaped Open Space (minimum) | 30% |
| 9. | Height of Building (maximum) | 11 m |
| 10. | Accessory Uses, Parking, Etc.
in accordance with Section 4 | |

8.3 Exception Zones

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SECTION 9 – RESIDENTIAL TYPE 4 (R4) ZONE

No person shall within any R4 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

9.1 Permitted Uses

1. Residential Uses
 - single detached dwelling house
 - semi-detached dwelling house
 - duplex dwelling house
 - converted dwelling house
 - boarding/rooming dwelling house
 - multiple dwelling house
2. Non-Residential Uses
 - church in accordance with Section 22
 - other uses in accordance with Section 4

9.2 Zone Provisions

*9.2.1 Single detached dwelling house

- | | | |
|-----|--|--------------------|
| 1. | Lot Area (minimum) | 420 m ² |
| 2. | Lot Frontage (minimum) | 12 m |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 3.5 m |
| 5. | Interior Side Yard (Width (minimum) | |
| | 3 m on one side, with a minimum aggregate of 4 m for both yards, except where a garage or carport is attached to the main building the minimum shall be 1 m. | |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Dwelling Unit Area (minimum) | 85 m ² |
| 8. | Landscaped Open Space (maximum) | 30% |
| 9. | Height of building (maximum) | 11 m |
| 10. | Accessory Uses, Parking, Etc.
in accordance with Section 4 | |

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9.2.2 Semi-detached dwelling house

- | | | |
|-----|------------------------------------|---|
| 1. | Lot Area (minimum) | 315 m ² |
| 2. | Lot Frontage (minimum) | 9 m |
| 3. | Front Yard (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 3.5 m |
| 5. | Interior Side Yard Width (minimum) | 3 m on one side except where a garage or carport is attached to the main building the minimum shall be 1 m, and nil on the other side |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Dwelling Unit Area (minimum) | 80 m ² |
| 8. | Landscaped Open Space (minimum) | 30% |
| 9. | Height of Building (maximum) | 11 m |
| 10. | Accessory Uses, Parking, Etc. | in accordance with Section 4 |

9.2.3 Duplex dwelling house

- | | | |
|-----|------------------------------------|---|
| 1. | Lot Area (minimum) | 465 m ² |
| 2. | Lot Frontage (minimum) | 15 m |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 3.5 m |
| 5. | Interior Side Yard Width (minimum) | 3 m on one side with a minimum aggregate of 4 m for both yards, except where a garage or carport is attached the main building the minimum shall be 1 m |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Dwelling Unit Area (minimum) | 65 m ² |
| 8. | Landscaped Open Space (minimum) | 30% |
| 9. | Height of building (maximum) | 11 m |
| 10. | Accessory Uses, Parking, Etc. | in accordance with Section 4 |

9.2.4 Multiple dwelling house (2 units)

1.	Lot Area (minimum)	465 m ²
2.	Lot Frontage (minimum)	15 m
3.	Front Yard Depth (minimum)	6 m
4.	Exterior Side Yard Width (minimum)	3.5 m
5.	Interior Side Yard Width (minimum)	3 m on one side with a minimum aggregate of 4 m for both yards, except where a garage or carport is attached to the main building the minimum shall be 1 m.
6.	Rear Yard Depth (minimum)	8 m
7.	Dwelling Unit Area (minimum)	45 m ²
8.	Landscaped Open Space	30%
9.	Height of Building (maximum)	11 m
10.	Accessory Uses, Parking Etc.	in accordance with Section 4
11.	Maximum Number of Dwelling Units	2

9.2.5 Multiple dwelling house (3 units)

1.	Lot Area (minimum)	630 m ²
2.	Lot Frontage (minimum)	18 m
3.	Front Yard Depth (minimum)	6 m
4.	Exterior Side Yard Width	3.5 m
5.	Interior Side Yard Width (minimum)	6 m on one side and 3 m on the other side, except where a garage or carport is attached to the main building, the minimum for both yards shall be 3 m
6.	Rear Yard Depth (minimum)	8 m
7.	Dwelling Unit Area (minimum)	45 m ²
8.	Landscaped Open Space (minimum)	30%
9.	Height of Building (maximum)	11 m
10.	Accessory Uses, Parking Etc.	in accordance with Section 4
11.	Maximum Number of Dwelling Units	3

9.2.6 Converted dwelling house

1.	Lot Area (minimum)	450 m ²
2.	Lot Frontage (minimum)	12 m
3.	Front Yard Depth (minimum)	6 m
4.	Exterior Side Yard Width (minimum)	3.5 m

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5. Interior Side Yard Width (minimum)
3 m on one side with a minimum aggregate of 4 m for both yards, except where a garage or carport is attached to the main building, the minimum shall be 1 m
6. Rear Yard Depth (minimum) 8 m
7. Dwelling Unit Area (minimum) 45 m²
8. Landscaped Open Space (minimum) 30%
9. Height of Building (maximum) 11 m
10. Accessory Uses, Parking, Etc.
in accordance with Section 4
11. Maximum Density
one dwelling unit per 200 m² lot area

9.3 Exception Zones

15 Gladstone Ave

1. Notwithstanding the R4 Zone Provisions, on the lands zoned R4-1 at 15 Gladstone Avenue, a Group School for teaching developmentally handicapped persons shall be a permitted use within the building existing on the property on the date of approval of this By-law.

For the purpose of this Section, a Group School shall be a facility in which a maximum of eighteen developmentally handicapped students receive educational training from supervisory staff during normal school hours.

4 George Street S

2. Notwithstanding the Permitted Uses Provisions herein to the contrary, on the lands zone R4-2, a senior citizen resource centre may be permitted in addition to those residential uses listed in Section 9.1, with a minimum of 2 required parking spaces.

*87 Brockville Street
8429-2011*

3. Notwithstanding the permitted use provisions of Section 9.1, on the land zoned R4-3 at 87 Brockville Street, a ground floor medical or medial-related use may be permitted in addition to those residential uses listed in Section 9.1, with a minimum of three (3) required parking spaces.

*41 William Street W
8433-2011*

4. Notwithstanding the permitted use provisions of Section 9.1, on the land zoned R4-4 at 41 William Street West, a future office use shall be permitted use on the ground floor of the building provided that the parking area regulations of Section 4.21 are met.

*2 Florence Street
8424-2011*

5. Notwithstanding the minimum exterior side yard requirements of section 9.2.2, on the lands zoned R4-5, the exterior side yard shall be 3.0m.

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*8-10 Philip Street
8910-2017*

6. Notwithstanding the provisions of Section 9.1 herein, on the lands identified as R4-6, Multiple dwelling houses (4 units) shall constitute a permitted use. The frontage requirements for the use shall be not less than 16m and the minimum interior sideyard setback shall be not less than 3m.”

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SECTION 10 – RESIDENTIAL TYPE 5 (R5) ZONE

No person shall within any R5 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

10.1 Permitted Uses

1. Residential Uses
 - single detached dwelling house
 - semi-detached dwelling house
 - duplex dwelling house
 - street townhouse
 - planned unit townhouse
 - multiple dwelling house
2. Non-Residential Uses
 - church in accordance with Section 22
 - other uses in accordance with Section 4

10.2 Zone Provisions

10.2.1 Single detached dwelling house

- | | | |
|-----|------------------------------------|--|
| 1. | Lot Area (minimum) | 420 m ² |
| 2. | Lot Frontage (minimum) | 12 m |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 3.5 m |
| 5. | Interior Side Yard Width (minimum) | 3 m on one side, with a minimum aggregate of 4 m for both yards except where a garage or carport is attached to the main building the minimum shall be 1 m |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Dwelling Unit Area (minimum) | 85 m ² |
| 8. | Landscaped Open Space (minimum) | 30% |
| 9. | Height of Building (maximum) | 11 m |
| 10. | Accessory Uses, Parking Etc, | in accordance with Section 4 |

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10.2.2 Semi-detached dwelling house

1.	Lot Area (minimum)	315 m ²
2.	Lot Frontage (minimum)	9 m
3.	Front Yard Depth (minimum)	6 m
4.	Exterior Side Yard Width (minimum)	3.5 m
5.	Interior Side Yard Width (minimum)	3 m on one side except where a garage or carport is attached to the main building the minimum shall be 1 m, and nil on the other side
6.	Rear Yard Depth (minimum)	8 m
7.	Dwelling Unit Area (minimum)	80 m ²
8.	Landscaped Open Space (minimum)	30%
9.	Height of Building (maximum)	11 m
10.	Accessory Uses, Parking, Etc.	in accordance with Section 4

10.2.3 Duplex Dwelling house

1.	Lot Area (minimum)	465 m ²
2.	Lot Frontage (minimum)	15m
3.	Front Yard Depth (minimum)	6 m
4.	Exterior Side Yard Width (minimum)	3.5 m
5.	Interior Side Yard Width (minimum)	3 m on one side with a minimum aggregate of 4 m for both yards except where a garage or carport is attached to the main building the minimum shall be 1 m
6.	Rear Yard Depth (minimum)	8 m
7.	Dwelling Unit Area (minimum)	65 m ²
8.	Landscaped Open Space (minimum)	30%
9.	Height of Building (maximum)	11 m
10.	Accessory Uses, Parking, Etc.	in accordance with Section 4

10.2.4 Street row dwelling house

1.	Lot Area (minimum)	200 m ²
2.	Lot Frontage (minimum)	5.5m
3.	Front Yard Depth (minimum)	6 m
4.	Exterior Side Yard Width (minimum)	3.5 m

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5. Interior Side Yard Width (minimum)
except that the minimum width adjoining an end unit shall be 1 m
6. Rear Yard Depth (minimum) 8 m
7. Dwelling Unit Area (minimum) 65 m²
8. Landscaped Open Space (minimum) 30%
9. Height of Building (maximum) 11 m
10. Accessory Uses, Parking, Etc.
in accordance with Section 4
11. Grouping
not more than 6 dwelling units shall be constructed in a single building

10.2.5 Planned Unit townhouse

1. Lot Area (minimum) 2000 m²
2. Lot Frontage (minimum) 30 m
3. Front Yard Depth (minimum) 6 m
4. Exterior Side Yard Width (minimum) 6 m
5. Interior Side Yard Width (minimum) 6 m
6. Rear Yard Depth (minimum) 6 m
7. Dwelling Unit Area (minimum) 65 m²
8. Landscaped Open Space (minimum) 30%
9. Height of Building (maximum) 11 m
10. Accessory Uses, Parking, Etc.
in accordance with Section 4
11. Maximum Density
one dwelling unit per 200 m² lot area
12. Grouping
not more than 6 dwelling units shall be constructed in a single building
13. Privacy Yards
Privacy yards shall be provided for each planned unit townhouse dwelling in accordance with the following provisions and shall be measured as though each dwelling unit is located on a separate lot:
 1. Front Yard Depth (minimum) 6 m
 2. Exterior Side Yard Width (minimum) 6 m
 3. Interior Side Yard Width (minimum) Nil
except that the minimum width adjoining an end unit shall be 1 m
 4. Rear Yard Depth (minimum) 6 m

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The privacy yards may be included in yard requirements of Section 10.2.5.3 to 10.2.5.6 inclusive

10.2.6 Multiple dwelling house (2 units)

- | | | |
|-----|------------------------------------|---|
| 1. | Lot Area (minimum) | 465 m ² |
| 2. | Lot Frontage (minimum) | 15 m |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 3.5 m |
| 5. | Interior Side Yard Width (minimum) | 3 m on one side with a minimum aggregate of 4 m except where a garage or carport is attached to the main building, the minimum shall be 1 m |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Dwelling Unit Area (minimum) | 45 m ² |
| 8. | Landscaped Open Space (minimum) | 30% |
| 9. | Height of Building (maximum) | 11 m |
| 10. | Accessory Uses, Parking, Etc. | in accordance with Section 4 |
| 11. | Maximum Number of Dwelling Units | 2 |

10.2.7 Multiple dwelling house (more than 2 units)

- | | | |
|-----|------------------------------------|---|
| 1. | Lot Area (minimum) | 600 m ² |
| 2. | Lot Frontage (minimum) | 30 m |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 6 m |
| 5. | Interior Side Yard Width (minimum) | 3 m |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Dwelling Unit Area (minimum) | 45 m ² |
| 8. | Landscaped Open Space (minimum) | 30% |
| 9. | Height of Building (maximum) | 11 m |
| 10. | Accessory Uses, Parking, Etc. | in accordance with Section 4 |
| 11. | Maximum Density | one dwelling unit per 200 m ² lot area |
| 12. | Courts | Where a building is in a court, the distance between opposing side walls of the building forming the court shall be no less than 12 m |
| 13. | Privacy Yards | |

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Privacy yards with a minimum depth of 6 m, which are clear and unobstructed by any parking area or driveway, other than a private driveway for a dwelling unit, shall be provided adjoining any ground floor habitable room window except for a dwelling house containing less than 10 dwelling units, a driveway shall be permitted within 3.5 m of an end wall in an exterior side yard.

Within a privacy yard an area with a minimum depth of 3.5 m unobstructed by any public or joint pedestrian access shall be provided adjoining any ground floor habitable room window.

For the purpose of this provision, a window shall be considered to be a ground floor window if any part of the glazing is less than 2.5 m above the adjacent finished grade.

14. Equipped Children's Play Area

For dwelling houses which do not have a separate privacy yard with a minimum depth of 6 m for the exclusive use of each dwelling unit, a children's play area shall be provided.

The children's play area shall be a minimum of 4% of the lot area which may be included in the area calculated as required landscaped open space.

The children's play area shall be located not less than 6 m from a ground floor habitable room window and not in the front yard.

For the purpose of this provision a windows shall be considered to be a ground floor window if any part of the glazing is less than 2.5 above the adjacent finished grade.

10.3 Exception Zones

1. Notwithstanding the R5 Zone Provisions, on the lands zoned R5-1, the permitted uses shall include a medical clinic having a maximum gross floor area of 200 m² for the provision of non-residential Child and Family Intervention Service established under the provision of the Child and Family Services Act, 1984, as amended.
2. Notwithstanding the R5 zone provisions, on the lands zoned R5-2, the permitted uses shall be limited to single storey single detached or single storey semi-detached residential uses.

(B/L 7976-06
Various Properties)

Town of Smiths Falls, Zoning By-law 6080-94

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(B/L 8153-2008
88-90 Queen Street)

3. Notwithstanding the R5 zone provisions, on the lands zoned R5-3, the permitted uses shall be limited to a 4-unit multiple residential building.

(B/L 8638-2013
Bellamy Farms)

4. Notwithstanding the Permitted Uses Provisions listed in Section 10.1, on the lands identified as R5-4 the permitted uses shall be restricted to:

- Single-detached dwelling in accordance with the lot provisions of the R1 zone
- Semi-detached dwelling
- Street row dwelling house

(B/L 8665-2014
16 Victoria Avenue)

5. Notwithstanding the provisions of Section 10.2.7.11, on the lands identified as R5-5, and known municipally as 16 Victoria Avenue, the maximum density of the lands may be one dwelling unit per 190m² of lot area.

(B/L 8699-2014
42 William St W)

6. Notwithstanding the provisions of Section 10.2.7.11, on the lands identified as R5-6, and known municipally as 42 William Street West, the following additional uses shall be permitted:

- Yoga Studio
- Catering Establishment
- Assembly Hall

Town of Smiths Falls, Zoning By-law 6080-94

OFFICE CONSOLIDATION: March, 2017

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SECTION 11 – RESIDENTIAL TYPE 6 (R6) ZONE

No person shall within any R6 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

11.1 Permitted Use

1. Residential Uses
 - apartment dwelling house
 - multiple dwelling house
 - nursing home
 - home for the aged
2. Non-Residential Uses
 - church in accordance with Section 22
 - other uses in accordance with Section 4

11.2 Zone Provisions

11.2.1 Apartment dwelling house; and Multiple Dwelling Unit House

- | | | |
|-----|---|---|
| 1. | Lot Area (minimum) | 2000m ² |
| 2. | Lot Frontage (minimum) | 30 m |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 6 m |
| 5. | Interior Side Yard Width (minimum) | 6 m |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Dwelling Unit Area (minimum) | |
| | bachelor unit | 37 m ² |
| | one bedroom unit | 56 m ² |
| | two bedroom unit | 65 m ² |
| | three bedroom unit | 84 m ² |
| | dwelling unit containing more than three bedrooms | 84 m ² plus 9 m ² for each bedroom in excess of three |
| 8. | Landscape Open Space | 30% |
| 9. | Height of building (maximum) | 11 m |
| 10. | Accessory Uses, Parking, Etc. | |

Town of Smiths Falls, Zoning By-law 6080-94

OFFICE CONSOLIDATION: March, 2017

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- in accordance with Section 4
11. Maximum Density
One dwelling unit per 130 m² lot area
 12. Courts
Where a building is in a court, the distance between opposing side walls of the building forming the court shall be no less than 12 m
 13. Privacy Yards
Privacy Yards with a minimum depth of 6 m, which are clear and unobstructed by any parking area or driveway, other than a private driveway for a dwelling unit, shall be provided adjoining any ground floor habitable room window, except for a dwelling house containing less than 10 dwelling units, a driveway shall be permitted within 3.5 m of an end wall in an exterior side yard.
Within a privacy yard, an area with a minimum depth of 3.5 m unobstructed by any public or joint pedestrian access shall be provided adjoining any ground floor habitable room window.

For the purpose of this provision, a window shall be considered to be a ground floor window if any part of the glazing is less than 2.5 m above the adjacent finished grade.

14. Equipped Children's Play Area
For dwelling houses which do not have a separate privacy yard with a minimum depth of 6 m for the exclusive use of each dwelling unit, a children's play area shall be provided.

The children's play area shall be a minimum of 4% of the lot area which may be included in the area calculated as required landscaped open space.

The children's play area shall be located not less than 6 m from a ground floor habitable room window and not in the front yard.

For the purpose of this provision a window shall be considered to be a ground floor window if any part of the glazing is less than 2.5 m above the adjacent finished grade.

11.2.2 Nursing Home

Home for the Aged
in accordance with Section 22

11.3 Exception Zones

1. Notwithstanding the R6 Zone Provisions, on the lands zoned R6-1 on the north side of River Street, the following provisions shall apply:

Lot Frontage (minimum)	22 m
Side Yard (minimum)	3 m
Privacy Yards	Nil
Children's Play Area	Nil

2. Notwithstanding the R6 Zone Provision on the land Zone R6-2 on McGill Street the provisions following shall apply:

Lot Area (minimum)	450 m ²
Lot Frontage (minimum)	12 m
Front Yard (minimum)	3.5 m
Interior Side Yard (minimum)	1.5 m on one side, with a minimum aggregate width for both yards of 4 m
Building Heights (maximum)	10 m

3. Notwithstanding the zone provisions of Section 11.1, on the lands zoned R6-3 at 66 Queen Street the minimum lot area shall be 1168m².

4. Notwithstanding the R6 Zone Provisions to the contrary, on the lands identified as R6-4:

- Street Row Dwelling Houses will be permitted as a use in accordance with the provisions of Section 10.2.4.
- The maximum height of an Apartment Dwelling House will be 12.5m.

(B/L 8721-2014
Bellamy Farms)

SECTION 12 – RESIDENTIAL TYPE 7 (R7) ZONE

No person shall within any R7 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

12.1 Permitted Uses

1. Residential Uses
apartment dwelling house
2. Non-Residential Uses
church in accordance with the section 22
other uses in accordance with Section 4

12.2 Zone Provisions

12.2.1 Apartment dwelling house

- | | | |
|-----|---|---|
| 1. | Lot Area (minimum) | 2000m ² |
| 2. | Lot Frontage (minimum) | 30 m |
| 3. | Front Yard Depth (minimum) | 8 m |
| 4. | Exterior Side Yard Width (minimum) | 8 m |
| 5. | Interior Side Yard Width (minimum) | 8 m |
| 6. | Rear Yard Depth (minimum) | |
| 7. | Dwelling Unit Area (minimum) | |
| | bachelor unit | 37 m ² |
| | one bedroom unit | 56 m ² |
| | two bedroom unit | 65 m ² |
| | three bedroom unit | 84 m ² |
| | dwelling unit containing more than three bedrooms | 84 m ² plus 9 m ² |
| | for each bedroom in excess of three | |
| 8. | Landscape Open Space | 30% |
| 9. | Height of Building (maximum) | |
| 10. | Accessory Uses, Parking, Etc. | |
| | in accordance with Section 4 | |
| 11. | Maximum Density | |
| | one dwelling unit per 70 m ² lot area | |
| 12. | Courts | |

Town of Smiths Falls, Zoning By-law 6080-94

OFFICE CONSOLIDATION: March, 2017

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Where a building is in a court, the distance between opposing side walls of the building forming the court shall be no less than 12 m

13. Privacy Yards

Privacy yards with a minimum depth of 6 m, which are clear and unobstructed by any parking area or driveway, other than a private driveway for a dwelling unit, shall be provided adjoining any ground floor habitable room window, except for a dwelling house containing less than 10 dwelling units, a driveway shall be permitted within 3.5 m of an end wall in an exterior side yard.

With a privacy yard, an area with a minimum depth of 3.5 m unobstructed by any public or joint pedestrian access shall be provided adjoining any ground floor habitable room window.

For the purpose of this provision, a window shall be considered to be a ground floor window if any part of the glazing is less than 2.5 m above the adjacent finished grade.

14. Equipped Children's Play Area

For dwelling houses which do not have a separate privacy yard with a minimum depth of 6 m for the exclusive use of each dwelling unit, a children's play area shall be provided.

The children's play area shall be located not less than 6 m from a ground floor habitable room window and not in the front yard.

For the purpose of this provision a window shall be considered to be a ground floor window if any part of the glazing is less than 2.5 m above the adjacent finished grade.

12.2.2 Nursing Home

Home for the Aged

In accordance with Section 22

12.3 Exception Zones

1. Notwithstanding the permitted use provisions of Section 12.1 to the contrary, on the lands zoned R7-1, the uses may include Planned Unit Townhouse in accordance with the zone provisions for Planned Unit Townhouses for the Residential Type Five (R5) Zone (Section 10.2.5) in addition the permitted uses.

(B/L 8654-2014
Heritage Commons
Brockville Street)

Town of Smiths Falls, Zoning By-law 6080-94

OFFICE CONSOLIDATION: March, 2017

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SECTION 13 – GENERAL COMMERCIAL (C1) ZONE

No person shall within any C1 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

13.1 *Permitted Uses*

1. Non-Residential Uses
 - animal care
 - animal clinic
 - artist or photographic studio
 - assembly hall
 - bakeshop
 - beverage room
 - butcher shop
 - church
 - commercial school
 - commercial sports and recreation establishment
 - community centre
 - custom workshop
 - dry cleaning distribution station or plant
 - funeral home
 - financial office
 - guest house
 - hotel
 - institution
 - laundromat
 - medical clinic
 - museum
 - office
 - parking lot
 - personal service shop
 - place of entertainment
 - place of recreation
 - printing shop
 - public use
 - religious institution
 - repair service shop
 - restaurant
 - retail store
 - school
 - take-out restaurant
 - taxi station
 - warehouse use accessory to any of the foregoing
 - wholesale use accessory to any of the foregoing
 - other uses in accordance with Section 4
2. Residential Uses
 - a dwelling unit or units in the upper storey of a Non-Residential building

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13.2 Zone Provisions

13.2.1 Non-Residential Uses

- | | | |
|----|--|------|
| 1. | Lot Area (minimum) | Nil |
| 2. | Lot Frontage (minimum) | Nil |
| 3. | Front Yard Depth (minimum) | Nil |
| 4. | Interior Side Yard Width (minimum) | Nil |
| | except where the yard abuts a lot in a Residential zone, the minimum yard shall be 1.5 m | |
| 5. | Exterior Side Yard Width (minimum) | Nil |
| 6. | Rear Yard Depth (minimum) | Nil |
| | except where the yard abuts a lot in a Residential zone, the minimum yard shall be 1.5 m | |
| 7. | Building Height (maximum) | 22 m |
| 8. | Parking, Accessory Buildings, Etc. | |
| | in accordance with Section 4 | |

13.2.2 Residential Uses

- | | | |
|----|--|---------------------------|
| 1. | Minimum Landscaped Open Space | 15m ² per unit |
| 2. | Minimum Open Usable Roof Area | |
| | The minimum landscaped open space provision shall not Apply to dwelling units in a portion of Non-Residential building provided that all dwelling units have access to a private balcony or to an open roof deck with an area of not less than 5 m ² per unit | |
| 3. | Dwelling Unit Area (minimum) | |
| | bachelor unit | 37 m ² |
| | one bedroom unit | 56 m ² |
| | two bedroom unit | 65 m ² |
| | three bedroom unit | 84 m ² |
| | dwelling unit containing more than three bedrooms | 84 m ² |
| | plus 9 m ² for each bedroom in excess of three | |
| 4. | Maximum Density | |
| | One dwelling unit per 70 m ² of lot area | |
| 5. | Maximum Building Height | 22 m |
| 6. | Parking, Accessory Buildings, etc. | |
| | in accordance with Section 4 | |

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13.3 Exception Zones

1. Notwithstanding the C1 Permitted Use provisions, on the lands zoned C1-1, the permitted uses shall be restricted to the following uses:

artist or photographic studio
assembly hall
bakeshop
beverage room
butcher shop
commercial sports and recreation establishment
community centre
custom workshop
dry cleaning distribution station
guest house
hotel
laundromat
personal service shop
place of entertainment
place of recreation
repair service shop
restaurant
retail store
take-out restaurant
taxi station
warehouse use accessory to any of the foregoing
wholesale use accessory to any of the foregoing
other uses in accordance with Section 4
2. Notwithstanding the permit uses provisions of Section 13.1, on the lands zoned C1-2 at 25 Main Street East an automobile washing establishment shall be permitted in addition to the other uses listed in Section 13.1.
3. Notwithstanding the permitted use provisions of Section 13.1, on the lands zoned C1-3 at 10 Church Street West. In addition to the permitted non-residential uses, the ground floor may be used for residential uses in accordance with the provisions of Section 13.2.1, provided that no ground floor dwelling unit shall be located below a non-residential use.
4. Not withstanding the provisions of Section 4.21.3 to the contrary, on the lands zone C1-4 at 127 Beckwith Street North, the 50

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percent reduction in the parking requirement shall not be permitted.

5. Notwithstanding the permitted use provisions of Section 13.1, on the lands zoned C1-5 at 41 Centre Street, a manufacturing use is permitted in addition to the permitted uses in the C1 Zone, provided that:

1. the manufacturing use is restricted to the manufacture of lighting where plastic extrusion is the principle means of manufacture and there is not metal stamping or similar noise generating operations;
2. the manufacturing use is conducted entirely within the building;
and.
3. there is no open storage.

6. Notwithstanding the permitted use provisions of Section 13.1 to the contrary, on the lands zoned C1-6 at the northwest corner of Brockville and Armstrong Streets, the permitted uses shall be restricted to:

financial office
medical clinic
office
public use
personal service shop

7. Notwithstanding the provisions of Section 13, on the lands zoned C1-7 at the corner of Elmsley and Thurber Streets, the following provisions shall apply:

1. The following C1 uses shall be permitted in accordance with the regulations of Section 13.2, except that there shall be a minimum yard requirement of 6 m for all yards”
Artist or photographic studio
Bakeshop
Butcher shop
Church
Commercial school
Community Centre
Custom Workshop
Dry cleaning distribution station
Funeral home

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Financial office
 Hotel, provided that no more than 10% of the gross leasable floor area of the ground floor be occupied by accessory uses
 Institution
 Laundromat
 Medical clinic
 Museum
 Office
 Personal service shop
 Printing shop
 Public use
 Religious institution
 School
 Other uses in accordance with Section 4

2. All of the uses in the R5 zone shall be permitted in accordance with the regulations of Section 10.2
3. All of the uses in the R6 zone shall be permitted in accordance with the regulations of Section 11.2.
4. Notwithstanding the provisions of clauses 1, 2 and 3 above, the minimum yard requirement shall not apply to the existing buildings on the property. However, no existing yard may be reduced and the minimum yard requirements shall apply to all additions to an existing building.
8. Notwithstanding the permitted use provisions of Section 13.1, on the lands zoned C1-8 at 6 Maple Avenue, the following use provisions shall apply:
 1. the ground floor of the building may be used for a dwelling unit or units, provided the upper floor commercial use is restricted to offices; or,
 2. the building may be used for all uses permitted under Section 13.1, provided there is no dwelling unit or units located on the ground floor.
 3. no open space is required for any ground floor dwelling units.
9. Notwithstanding anything else in this By-law to the contrary, on the lands zoned C1-9, the following use provisions shall apply:
 1. Notwithstanding the permitted use provisions of Section 13.1, contractors or tradesmans establishment and commercial storage

(B/L7846-04
93 Russell E)

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uses shall be permitted in addition to all of the uses permitted in the C1 Zone.

2. Notwithstanding the minimum parking requirements of Section 4.21.1, no parking spaces are required for the ground floor uses, provided that the minimum parking requirements for the upper floor uses are provided.
3. Notwithstanding the other relevant provisions of Section 4.21, the required parking may be located on the property so that angled parking is established with the access to the parking via a single lane driveway, without the need for any setback from a lot line.

(B/L7880-05
Ferrara Dr)

10. Notwithstanding anything else in this By-law to the contrary, on the lands zoned C1-10, a yard having a minimum depth or width, as the case may be, of 9 m shall be provided where such yard abuts land which is located in a Residential Zone along Merrick Street. Further, the required yard shall be maintained as a landscaped buffer and shall include a 1.8 m tall solid fence along the rear or side lot line, as the case maybe.

(B/L8026-06
30 Chambers E)

11. Notwithstanding Section 13.1 of this by-law, on the lands zoned C1-11, this by-law will permit the use of two buildings on the lands for residential purposes on all floors.

(B/L 8107-2008
10 Gile St)

12. Notwithstanding the permitted use provisions of Section 13.1, on the land zoned C1-12 a bus depot is permitted in addition to all of other permitted C1 uses.

Notwithstanding Section 4.21(5)(2), for the bus depot use only, two entrances along Centre Street may have a maximum width, measured along the street line, of 15 m.

(B/L 8110-2008
Revised B/L 8445-2011
2 Gould St)

13. Notwithstanding the zone provisions of Section 13.2, on the lands zoned C1-13 the zone provisions of section 14.2 shall apply, excepting Section 14.2.1.9 (ground floor area maximum). Residential units shall be permitted on the ground floor provided no commercial uses exist on the upper floor, no more than 50% of the ground floor is used for residential uses and that the location of the ground floor residential use is approved under site plan control

(B/L 8262-2009)
14 William St. W.

14. Notwithstanding the permitted use provisions of Section 13.1, on the lands zoned C1-14 at 14 William Street West, in addition to the permitted non-residential uses, the ground floor may be used for residential uses in accordance with the provisions of Section 13.2.2, provided that no ground floor dwelling unit shall be located below a non-residential use.

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- (B/L 8322-2010)
Revised b/l 8474-2012
44-50 Chambers St
15. Notwithstanding the permitted use provisions of Section 13.1, on the lands zoned C1-15 at 44 Chambers Street, in addition to the permitted uses a multiple residential development project be permitted to be built on the properties. In order to allow flexibility in the design of the project, the “exception” provision would add “apartment dwelling house”, “street townhouses”, “planned unit townhouse” and “semi-detached dwellings” as permitted uses in addition to the commercial uses which are permitted in the C1 Zone.
- (B/L 8327-2010)
7 & 9 Abel St.
16. Notwithstanding the permitted use provisions of Section 13.1, on the lands zoned C1-16 at 7 & 9 Abel Street, in addition to the permitted uses the aluminium and glass products business, including the proposed expansion, in addition to the permitted uses of the C1-1 Zone, and impose site-specific regulations with respect to the maximum permitted size of the aluminium and glass products use, parking, storage and the setback along the southern site boundary.
- (B/L 8434-2011)
17. Notwithstanding the permitted use provisions of Section 13.1, on the lands zoned C1-17 at 33 William Street East, the ground floor of the building may be used for a dwelling unit or units provided that no commercial uses occupy the upper floors.
- (B/L 8458-2011)
18-22 Main Street E
18. Notwithstanding the permitted use provisions of Section 13.1.2 on the lands zoned C1-18t the following additional uses shall be permitted:
(1) the ground floor residential units and live-work units provided residential units are not located below commercial uses in addition to those commercial uses listed in Section 13.1, with a maximum of six (6) residential units total.
- (B/L 8538-2013)
37 William Street East
19. Notwithstanding the provisions of Section 13.1.2, on the lands zoned C1-19, the following additional uses shall be permitted:
(1) One basement residential unit where the ground floor commercial uses are restricted to office.

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SECTION 14 – LOCAL COMMERCIAL (C2) ZONE

No person shall within any C2 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

14.1 Permitted Uses

1. Non-Residential Uses
 - Animal care
 - Animal clinic
 - Bakeshop
 - Butcher shop
 - Convenience store
 - Dry cleaning distribution station
 - Financial office
 - Gas bar
 - Laundromat
 - Medical clinic
 - Office
 - Personal service shop
 - Printing shop
 - Restaurant
 - Retail store
 - Take-out restaurant
 - Other uses in accordance with Section 4

2. Residential Uses
 - A dwelling unit or units in a portion of a Non-Residential building

14.2 Zone Provisions

14.2.1 Non-Residential Uses

- | | | |
|----|------------------------------------|------|
| 1. | Lot Area (minimum) | Nil |
| 2. | Lot Frontage | 15 m |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Interior Side Yard Width (minimum) | 1 m |

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except where the yard abuts a lot in a Residential zone, the minimum yard shall be 3 m

5. Exterior Side Yard Width (minimum) 3.5
6. Rear Yard Depth (minimum) 8 m
7. Building Height (maximum) 11 m
8. Landscaped Open Space (minimum) 20%
which shall include a solid fence a minimum of 1.5 m in height constructed of wood, metal or equivalent material along any lot line that abuts a lot in a Residential, Open Space or Institutional Zone.
9. Ground Floor Area (maximum) 400 m²
10. Open Storage
no open storage is permitted. Garbage shall be stored with metal containers or in a fenced area (s) designed expressly for that purpose
11. Parking, Accessory Buildings, Etc.
In accordance with Section 4

14.2.2 Residential Uses

1. Minimum Landscaped Open Space 15 m² per unit
2. Minimum Open Usable Roof Area
The minimum landscaped open space provision shall not apply to dwelling units in a portion of Non-Residential building provided that all dwelling units have access to a private balcony or to an open roof deck with an area of not less than 5 m² per unit
3. Dwelling Unit Area (minimum)
Bachelor unit 37 m²
One bedroom unit 56 m²
Two bedroom unit 65 m²
Three bedroom unit 84 m²
Dwelling unit containing more than three bedrooms 84 m²
Plus 9 m² for each bedroom in excess of three
4. Maximum Density
One dwelling unit per 70 m² of lot area
5. Maximum Building Height 11 m
6. Parking, Accessory Buildings etc.
In accordance with Section 4

14.3 Exception Zones

1. On the lands zoned C2-1, one office may be permitted on the ground floor
Subject to the following provisions:

Front Yard (minimum)	Nil
Exterior Side Yard (minimum)	Nil
Rear Yard (minimum)	3.6 m

2. Notwithstanding the C2 Zone Provisions, on the land zoned C2-2 on Daniel Street, the following zone provisions shall apply:

Permitted Use	Professional Office
Front Yard (minimum)	Nil
Interior Side Yard abutting A Residential Zone (minimum)	Nil
Minimum Parking	4 spaces

(B/L 7676-02)

3. Notwithstanding the permitted use provisions of Section 14.1 on the lands zoned C2-5 at 1 Old Slys Road, the following uses shall be permitted:

1. single detached dwelling in accordance with the provisions of the R1 zone; or
2. office and permitted residential uses in accordance with the provisions of C2 zone.

(B/L 7905-2005)

4. Notwithstanding the permitted use provisions of Section 14.1, on the lands zoned C2-6 at 66 Queen Street, the Eastern Ontario Water Industry Training Centre school is permitted in addition to the permitted non-residential and residential uses in the C2 Zone.

SECTION 15 – HIGHWAY COMMERCIAL (C3) ZONE

No person shall within any C3 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance within the following provisions.

15.1 Permitted Uses

1. Non-Residential Uses
 - Adult entertainment
 - Animal care
 - Animal clinic
 - Assembly hall
 - Automobile body shop
 - Automobile care
 - Automobile gas bar
 - Automobile sales
 - Automobile service station
 - Automobile washing establishment
 - Automobile rental
 - Bakery
 - Beverage room
 - Building supply outlet
 - Commercial School
 - Commercial sports and recreation establishment
 - Commercial storage
 - Contractors or tradesmans establishment
 - Convenience store
 - Custom workshop
 - Dry cleaning distribution station
 - Dry cleaning plant
 - Farm implement sales
 - Farm supplies dealership
 - Funeral home
 - Financial office
 - Guest house
 - Greenhouse
 - Laundromat
 - Highway commercial mall
 - Hotel
 - Office
 - Personal service shop
 - Place of entertainment
 - Place of recreation
 - Printing shop
 - Recreational vehicle sales
 - Restaurant
 - Retail store
 - Retail propane/compressed natural gas transfer facility
 - Take-out restaurant
 - Warehouse
 - Wholesale
 - Other uses in accordance with Section 4

2. Residential Uses

An accessory dwelling house or an accessory dwelling unit in a portion of a Non-Residential building except in the case of an automobile service station, gas bar, retail propane/compressed natural gas transfer facility or automobile shop.

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OFFICE CONSOLIDATION: March, 2017

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15.2 Zone Provisions

15.2.1 Non-Residential Uses

1. Lot Area (minimum) Nil
2. Lot Frontage (minimum) 15 m
3. Front Yard Depth (minimum) 6 m
4. Exterior Side Yard Width (minimum) 3.5 m
5. Interior Side Yard Width (minimum)
3 m except where the yard abuts a Residential Zone, the minimum shall be 6 m
6. Rear Yard Depth (minimum) 6 m
7. Landscaped Open Space (minimum) 10%
which shall include a solid fence a minimum of 1.5 in height constructed of wood, metal or equivalent material along any lot line that abuts a lot in a Residential, Open Space or Institutional Zone
8. Parking, Accessory Buildings, etc.
9. Building Height (Maximum) 11m
10. Fuel Pump Island Location
in accordance with Section 4
11. Retail Propane/Compressed Natural Gas Transfer and Handling Facilities
In accordance with the above zone provisions or the licensing provisions of The Energy Act, R.S.O 1980, C.139, whichever are the more restrictive
12. Open Storage
Open Storage shall be permitted in all yards in accordance with the provisions of Section 4.15. Garbage shall be stored within metal containers in a fenced area (s) designed expressly for that purpose.
13. Special Provision
Notwithstanding the requirement for municipal water supply and sanitary sewer services in the preamble, on the C3 lands abutting Lombard Street, development is permitted on private wells and septic systems, subject to the approval of the Ministry of Environment and Energy or the Health Unit, as the case may be. Further such private services shall be identified in the Site Plan Agreement which shall require that the development connect to municipal water supply and sanitary sewer services when available.

15.2.2 Residential Uses

1. Accessory Dwelling House

Shall be so located on the lot so that there is a private amenity area abutting each exterior wall which is measured as though the dwelling house is located on a separate lot in accordance with the zone provisions for the Residential Third Density (R3) Zone.

2. Accessory Dwelling Unit in a Non-Residential Building

1. Minimum Landscaped Open Space 15 m²
2. Minimum Open Usable Roof Area
The minimum landscaped open space provision shall not apply to a dwelling unit in a portion of Non-Residential building provided that it has access to a private balcony or to an open roof deck.
3. Dwelling Unit area (minimum)
Bachelor unit 37m²
One bedroom unit 56 m²
Two bedroom unit 65 m²
Three bedroom unit 84 m²
Dwelling unit containing more than three bedrooms
84 m² plus 9 m² for each bedroom in excess of three
4. Maximum Building Height 11 m
5. Parking, Accessory Buildings, etc.
In accordance with Section 4.

15.3 Exception Zone

1. Notwithstanding the permitted use provisions of Section 15.1, on the lands zoned C3-1 at Queen Street (Highway 43) and Hershey Drive, adult entertainment, beverage room, guest house and retail store uses shall not be permitted and the following additional uses shall be permitted:

Accessory retail store
Artist or photographic studio
Industrial or business service
Kennel
Repair service shop
Sample and showroom
Taxi station

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OFFICE CONSOLIDATION: March, 2017

Prepared for convenience with every effort to ensure accuracy. However, for legal purposes, refer to original and amending by-laws.

Gas cylinder handling facility

2. Notwithstanding the permitted use provisions of Section 15.1, on the lands zoned C3-2 at Church and James Streets, adult entertainment, beverage room and retail store uses shall not be permitted and the following additional uses shall be permitted:

Accessory retail store
Artist or photographic studio
Industrial or business service
Parking lot
Repair service shop
Sample and showroom
Taxi station

3. Notwithstanding the permitted use provisions of Section 15.1 to the contrary, on the lands zoned C3-3 at 91 Cornelia Street West, the permitted uses shall include all of the permitted uses listed in Sections 15.1 or 19.1. In addition, retail stores and personal service shops are permitted in an industrial and/or highway commercial mall, provided:
 1. that the total gross leasable floor area of all such uses does not exceed 25% of the total gross leasable floor area of the building in which those uses are located; and
 2. that the gross leasable floor area of individual uses is not less than 205 m² and not more than 1,555 m²
- (b/1 7878-2005 & 7880-05) 4. Notwithstanding the provisions of Section 4.9 to the contrary, on the lands zoned C3-4 on the west side of Ferrara Drive, lots may have their frontage on and access over the snowmobile trail which is adjacent to Ferrara Drive.
- (b/1 8166-2008) 5. Notwithstanding the provisions of Section 15.1 and 15.2, on the lands zoned C3-5 the following provisions shall apply:
 1. A shopping centre is a permitted use.
 2. The following uses shall not be permitted: Automobile body shop, automobile care, automobile gas bar, automobile sales, automobile service station, automobile washing establishment, automobile rental, building supply outlet, commercial storage, contractors' or tradesmans' establishment, dry cleaning plant, farm implement sales, farm supplies dealership, greenhouse, recreational vehicle sales, retail propane/compressed natural gas transfer facility, warehouse wholesale.
 3. A 30m buffer shall be established and maintained in its natural state within 30m of the boundary of the Swale Wetland.

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(b/18786-2015)

6. Notwithstanding the permitted use provisions of Section 15.1 to the contrary, on the lands known municipally as 159 Lombard Street, the permitted uses shall also include:
 - medical clinic

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OFFICE CONSOLIDATION: March, 2017

Prepared for convenience with every effort to ensure accuracy. However, for legal purposes, refer to original and amending by-laws.

SECTION 16 – NEIGHBOURHOOD SHOPPING CENTRE (C4) ZONE

No person shall within any C4 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

16.1 Permitted Uses

1. Residential Uses
Nil
2. Non-Residential Uses
Shopping centre
Other uses in accordance with Section 4

16.2 Zone Provisions

1. Lot Area (minimum) 3000m²
2. Lot Frontage (minimum) 15 m
3. Front Yard Depth (minimum) 15 m
4. Exterior Side Yard Width (minimum) 3.5 m
5. Interior Side Yard Width (minimum)
3 m except where the yard abuts a Residential Zone, the minimum shall be 6 m
6. Rear Yard Depth (minimum) 6 m
7. Landscaped Open Space (minimum) 10%
which shall include a solid fence a minimum of 1.5 m in height constructed of wood, metal or equivalent material along any lot line that abuts a lot in a Residential, Open Space or Institutional Zone
8. Height of Building (maximum) 11 m
9. Accessory Uses, Parking Etc.
10. Maximum Gross Floor Area 7000m²
11. Maximum Floor Space Index 0.45
12. Open Storage
No open storage shall be permitted. Garbage shall be stored within metal containers in a fenced area (s) designed expressly for that purpose.

16.3 Exception Zones

- (b/1 7878-2005) 1. Notwithstanding anything else in this By-law to the contrary, on the lands zoned C4-1 on the east side of Lombard Street, the minimum gross leasable floor area for each commercial use in the shopping centre shall be 205 m².

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OFFICE CONSOLIDATION: March, 2017

Prepared for convenience with every effort to ensure accuracy. However, for legal purposes, refer to original and amending by-laws.

SECTION 17 – SHOPPING CENTRE (C5) ZONE

No person shall within any C5 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

17.1 Permitted Uses

1. Residential Uses
Nil
2. Non-Residential Uses
Shopping Centre
Other uses in accordance with Section 4

17.2 Zone Provisions

1. Lot Area (minimum) 8000 m²
2. Lot Frontage (minimum) 90 m
3. Front Yard Depth (minimum) 15 m
4. Exterior Side Yard Width (minimum) 3.5 m
5. Interior Side Yard Width (minimum)
3 m except where the yard abuts a Residential Zone, the minimum shall be 6 m
6. Rear Yard Depth (minimum) 6 m
except where the yard abuts a Residential Zone the minimum shall be 9 m
7. Landscaped Open Space (minimum) 10%
which shall include a solid fence a minimum of 1.5 m in height constructed of wood, metal or equivalent material along any lot line that abuts a lot in a Residential, Open Space or Institutional Zone
8. Height of Building (maximum) 11 m
9. Accessory Uses, Parking Etc.
in accordance with Section 4
10. Minimum Gross Floor Area 7,000 m²
11. Maximum Gross Floor Area 20,000 m²
12. Maximum Floor Space Index 0.45
13. Open Storage
No open storage shall be permitted. Garbage shall be stored within metal containers in a fenced area (s) designed expressly for that purpose.

17.3 Exception Zones

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SECTION 18 – BUSINESS PARK (M1) ZONE

No person shall within any M1 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

18.1 Permitted Uses

1. Residential Uses
Accessory dwelling house

2. Non-Residential Uses
Only those uses which are able to comply with The Health Protection and Promotion Act 1982 and are not likely to be obnoxious and dangerous by reason of fire, explosion, noise, smoke, or odour. Subject to this qualification, the following non-residential uses are permitted.

Accessory retail store	Kennel
Animal clinic	Laundromat
Artists or photographic studio	Manufacturing plant
Assembly hall	Office
Assembly plant	Parking lot
Automobile gas bar	Personal service shop
Bakery	Place of entertainment
Building supply outlet	Place of recreation
Commercial school	Printing shop
Commercial sports and recreation establishment	Processing plant excluding abattoirs, rendering plants, slaughter houses and similar operations
Commercial storage	Recreational vehicle sales
Communication facility	Repair service shop
Convenience store	Restaurant
Custom workshop	Retail propane transfer facility
Dairy	Sample and showroom
Dry cleaning distribution station or plant	Take-out restaurant
Fabricating plant	Taxi station
Financial office	Warehouse
Industrial mall	Wholesale outlet
Industrial or business service	

Other uses in accordance with Section 4

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18.2 Zone Provisions

18.2.1 Non-Residential Uses

1. Lot Area (minimum) Nil
2. Lot Frontage (minimum) Nil
3. Front Yard Depth (minimum) 6 m
4. Exterior Side Yard Width (minimum) 3.5 m
5. Interior Side Yard Width (minimum)
3 m except where the yard abuts a Residential Zone, the minimum shall be 6 m
6. Rear Yard Depth (minimum) 8 m
7. Landscaped Open Space (minimum) 10%
which shall include a solid fence a minimum of 1.5 m in height constructed of wood, metal or equivalent material along any lot line that abuts a lot in a Residential, Open Space or Institutional Zone
8. Building Height (maximum) 22 m
9. Gatehouse
A gatehouse shall be permitted within any required yard.
10. Parking, Accessory Buildings, Etc.
in accordance with Section 4
11. Automobile Gas Bar
In accordance with the provisions of the Highway Commercial (C3) Zone
12. Retail Propane Transfer Facility
In accordance with the provisions of the Highway Commercial (C3) Zone or the licensing provisions of The Energy Act, whichever is the more restrictive
13. Accessory Retail Uses
Maximum Gross Floor Area 30%
14. Accessory Dwelling House
Shall be located on the lot so that there is a private amenity area abutting each exterior wall which is measured as though the dwelling house is located on a separate lot in accordance with the zone provision for the Residential Third Density (R3) Zone.
15. Open Storage
No open storage shall be permitted. Garbage shall be stored within metal containers in a fenced area(s) designed expressly for that purpose.
16. Site Plan Control

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For all development, the Site Plan Control Agreement may serve to reduce the minimum number of loading spaces and parking spaces required by Section 4.

17. Retail Store

A retail store shall be permitted provided the lot on which the retail store is located has frontage on Lombard Street.

18.3 Exemption Zones

SECTION 19 – LIGHT INDUSTRIAL (M2) ZONE

No person shall within any M2 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

19.1 Permitted Uses

1. Residential Uses
Accessory dwelling house

2. Non-Residential Uses
Only those uses which are able to comply with The Health Protection and Promotion Act 1982 and are not likely to be obnoxious or dangerous by reason of fire, explosion, noise, smoke, or odor. Subject to this qualification, the following non-residential uses are permitted.

Accessory retail store	Manufacturing plant
Animal clinic	Office
Artists or photographic studio	Parking lot
Assembly hall	Personal service shop
Assembly plant	Place of entertainment
Automobile gas bar	Place of recreation
Bakery	Printing shop
Building supply outlet	Processing plant excluding abattoirs, rendering plants, slaughter houses and similar operations
Commercial school	Recreational vehicle sales
Commercial sports and recreation establishment	Repair service shop
Commercial storage	Restaurant
Communication facility	Retail propane transfer facility
Convenience store	Sample and showroom
Custom workshop	Take-out restaurant
Dairy	Taxi station
Dry cleaning distribution station or plant	Warehouse
Fabricating plant	Wholesale outlet
Financial office	Automobile body shop
Industrial mall	Automobile care
Industrial or business service	Automobile sales
Kennel	Automobile service station
Laundromat	

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Automobile washing establishment
 Consumer outlet propane/compressed natural gas transfer facility

Funeral home
 Gas cylinder handling facility
 Hotel
 Open storage area

Other uses in accordance with Section 4

19.2 Zone Provisions

19.2.1 Non-Residential Uses

- | | | |
|-----|--|-------|
| 1. | Lot Area (minimum) | Nil |
| 2. | Lot Frontage (minimum) | Nil |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 3.5 m |
| 5. | Interior Side Yard Width (minimum)
3 m except where the yard abuts a Residential Zone, the minimum shall be 6 m | |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Landscaped Open Space (minimum)
which shall include a solid fence a minimum of 1.5 m in height constructed of wood, metal or equivalent material along any lot line that abuts a lot in a Residential, Open Space or Institutional Zone | 10% |
| 8. | Building Height (Maximum) | 22 m |
| 9. | Gatehouse
A gatehouse shall be permitted within any require yard. | |
| 10. | Parking, Accessory Buildings, Etc.
in accordance with Section 4 | |
| 12. | Automobile Gas Bar
In accordance with the provisions of the Highway Commercial (C3) Zone | |
| 13. | Retail Propane Transfer Facility
In accordance with the provisions of the Highway Commercial (C3) Zone or the licensing provisions of The Energy Act, whichever is the more restrictive | |
| 14. | Accessory Retail Uses
Maximum Gross Floor Area | 30% |
| 15. | Accessory Dwelling House
Shall be located on the lot so that there is a private amenity area abutting each exterior wall which is measured as though the dwelling house is located on a separate lot in accordance | |

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with the zone provision for the Residential Third Density (R3) Zone.

16. Open Storage

The open storage of goods shall be permitted only to the rear of the main building provided that:

1. such open storage is accessory to the use of the main building;
2. such open storage complies with the yard and setback requirements of this by-law;
3. such open storage does not cover more than 40% of the lot area;
4. any portion of the area used for open storage is enclosed by a fence or landscaping which may include the required fence pursuant to Section 19.2.7

Garbage shall be stored within metal containers in a fenced area(s) designed expressly for that purpose/

17. Site Plan Control

For all development, the Site Plan Control Agreement may serve to reduce the minimum number of loading spaces and parking spaces required by Section 4.

19.3 Exception Zones

1. Notwithstanding the preamble statement of Section 19, on the lands zoned M2-1, development may take place on private wells and septic systems subject to the approval of the Health Unit and/or Ministry of the Environment and Energy.
2. Notwithstanding anything in this By-law to the contrary, the lands zone M2-2 may be used for any use permitted in the M2 Zone provided the gross floor area of any building or structure shall not exceed 186 m².
3. Notwithstanding the provisions of Sections 19.1 and 19.2, on the lands zoned M2-3, one retail store shall be a permitted use in addition to the permitted M2 uses, and the parking requirements for the lands zoned M2-3 may be accommodated on lands in a different zone.

*b/1 7956-2006
Lorne St/Third St*

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OFFICE CONSOLIDATION: March, 2017

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4. Notwithstanding the permitted use provisions of Section 19.1, on the lands zoned M2-4, existing residential uses are permitted as a principal use on existing lots until such time as a permitted non-residential use is established, at which time any residential use on a lot shall conform to the Accessory Dwelling House provisions of Section 19.2.14.

*b/1 8108-2006
58 Abbott St*

5. Notwithstanding the permitted use provisions of Section 19.1 and the accessory use provisions of Section 4.2, on the lands zoned M2-5, one wind generator, not to exceed a height of 15.5 m, is permitted as an accessory structure to the existing building supply outlet use on the property.

*b/1 8463-2012
46-52 Abbott St.*

6. Notwithstanding the permitted use provisions of Section 19.1, on the land zoned M2-6 at 46-52 Abbott Street may be used for Medical Clinic or Office Uses in addition to the permitted uses in the M2 Zone.

SECTION 20 GENERAL INDUSTRIAL (M3) ZONE

No person shall within any M3 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

20.1 Permitted Uses

1. Residential Uses
Accessory dwelling house
2. Non-Residential Uses
Only those uses which are able to comply with The Health Protection and Promotion Act 1982 and are not likely to be obnoxious or dangerous by reason of fire, explosion, noise, smoke or odor. Subject to this qualification, the following non-residential uses are permitted.

Accessory retail store	Manufacturing plant
Animal clinic	Office
Artists or photographic studio	Parking lot
Assembly hall	Personal service shop
Assembly plant	Place of entertainment
Automobile gas bar	Place of recreation
Bakery	Printing shop
Building supply outlet	Processing plant excluding abattoirs, rendering plants, slaughter houses and similar operations
Commercial school	Recreational vehicle sales
Commercial sports and recreation establishment	Repair service shop
Commercial storage	Restaurant
Communication facility	Retail propane transfer facility
Convenience store	Sample and showroom
Custom workshop	Take-out restaurant
Dairy	Taxi station
Dry cleaning distribution station or plant	Warehouse
Fabricating plant	Wholesale outlet
Financial office	Automobile body shop
Industrial mall	Automobile care
Industrial or business service	Automobile sales
Kennel	Automobile service station
Laundromat	

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Automobile washing establishment	Hotel
Consumer outlet propane/compressed natural gas transfer facility	Open storage area
Funeral home	Bulk propane storage depot
Gas cylinder handling facility	Contractors or tradesmans establishment
	Salvage yard
	Transportation terminal

Other uses in accordance with Section 4

20.2 Zone Provisions

- | | | |
|-----|--|-------|
| 1. | Lot Area (minimum) | Nil |
| 2. | Lot Frontage (minimum) | Nil |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 3.5 m |
| 5. | Interior Side Yard Width (minimum) | |
| | 3 m except where the yards abuts a Residential Zone, the minimum shall be 6 m | |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Landscaped Open Space (minimum) | 10% |
| 8. | Building Height (Maximum) | 22 m |
| 9. | Gatehouse | |
| | A gatehouse shall be permitted within any require yard. | |
| 10. | Parking, Accessory Buildings, Etc. | |
| | in accordance with Section 4. | |
| 11. | Automobile Service Station and Gas Bar | |
| | In accordance with the provisions of the Highway Commercial (C3) Zone | |
| 12. | Retail Propane Transfer Facility | |
| | In accordance with the provisions of the Highway Commercial (C3) Zone or the licensing provisions of The Energy Act, whichever is the more restrictive | |
| 13. | Accessory Retail Uses | |
| | Maximum Gross Floor Area | 30% |
| 14. | Accessory Single Detached Dwelling House | |
| | Shall be located on the lot so that there is a private amenity area abutting each exterior wall which is measured as though the dwelling house is located on a separate lot in accordance with the zone provision for the Residential Third Density (R3) Zone. | |
| 15. | Open Storage | |
| | The open storage of goods shall be permitted only to the rear of the main building provided that: | |

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1. such open storage is accessory to the use of the main building;
2. such open storage complies with the yard and setback requirements of this by-law;
3. such open storage does not cover more than 40% of the lot area;
4. any portion of the area used for open storage is enclosed by a fence or landscaping which may include the required fence pursuant to Section 20.2.7

Garbage shall be stored within metal containers in a fenced area (s) designed Expressly for that purpose

16. Site Plan Control

For all development, the Site Plan Control Agreement may serve to reduce the minimum number of loading spaces and parking spaces required by Section 4.

20.3 Exemption Zone

1. ~~Notwithstanding the permitted use provisions of Section 20.1, on the lands zoned M3-1, existing residential uses are permitted as a principal use on existing lots until such time as a permitted non-residential use is established, at which time any residential use on a lot shall conform to the Accessory Dwelling House provisions of Section 20.2.14~~

Repealed and replaced by Bylaw 8916-2017.

SECTION 21 – OPEN SPACE (OS) ZONE

No person shall within any OS Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following procedures.

21.1 Permitted Uses

1. Residential Uses
Nil

 2. Non-Residential Uses
Accessory restaurant
Accessory take-out restaurant
Assembly hall
Community centre
Conservation
Golf course
Marina
Private park
Public park
- Other uses in accordance with Section 4

21.2 Zone Provisions

- | | | |
|----|--|-------|
| 1. | Lot Area (minimum) | Nil |
| 2. | Lot Frontage (minimum) | Nil |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 3.5 m |
| 5. | Interior Side Yard Width (minimum) | 6 m |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Landscaped Open Space (minimum) | 10% |
| 8. | Height of Building (maximum) | 14 m |
| 9. | Accessory Use, Parking, Etc.
in accordance with Section 4 | |

21.3 Exception Zones

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SECTION 22 – INSTITUTIONAL (1) ZONE

No person shall within any 1 Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions/

22.1 Permitted Uses

1. Residential Uses
Nil

2. Non-Residential Uses
Accessory office, restaurant, personal service shop and retail store
Assembly hall
Community centre
Church
Home for the aged
Hospital
Institution
Medical clinic
Museum
Nursing home
Public use
Religious institution
School

Other uses in accordance with Section 4

22.2 Zone Provisions

- | | | |
|----|---|-------|
| 1. | Lot Area (minimum) | Nil |
| 2. | Lot Frontage (minimum) | Nil |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 3.5 m |
| 5. | Interior Side Yard Width (minimum) | 6 m |
| 6. | Rear Yard Depth (minimum) | 8 m |
| 7. | Landscaped Open Space (minimum) | 10% |
| 8. | Height of Building (maximum) | 22 m |
| 9. | Accessory Uses, Parking, Etc.
in accordance with Section 4 | |

22.3 Exception Zones

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SECTION 23 – DEVELOPMENT (D) ZONE

No person shall within any D Zone use any lot or erect, alter or use any building or structure unless serviced by municipal water supply and sanitary sewers and except in accordance with the following provisions.

23.1 Permitted Uses

Existing uses

Other uses in accordance with Section 4

23.2 Zone Provisions

1.	Lot Area (minimum)	Existing
2.	Lot Frontage (minimum)	Existing
3.	Front Yard Depth (minimum)	6 m
4.	Exterior Side Yard Width (minimum)	3.5 m
5.	Interior Side Yard Width (minimum)	6 m
6.	Rear Yard Depth (minimum)	8 m
7.	Landscaped Open Space (minimum)	10%
8.	Height of Building (maximum)	11 m
9.	Accessory Uses, Parking, Etc. in accordance with Section 4	

23.3 Exception Zones

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SECTION 24 – WETLAND (W) ZONE

No person shall within any W Zone use any lot or erect, alter or use any building or structure except in accordance with the following provisions.

24.1 Permitted Uses

1. Non-Residential Uses
Conservation
Existing uses
2. Residential Uses
Existing uses

24.2 Zone Provisions

- | | | |
|----|---|----------|
| 1. | Lot Area (minimum) | Existing |
| 2. | Lot Frontage (minimum) | Existing |
| 3. | Front Yard Depth (minimum) | 6 m |
| 4. | Exterior Side Yard Width (minimum) | 6 m |
| 5. | Interior Side Yard Width (minimum) | 3 m |
| 6. | Rear Yard Depth (minimum) | 6 m |
| 7. | Landscaped Open Space (minimum) | 10% |
| 8. | Height of Building (maximum) | 11 m |
| 9. | Accessory Uses, Parking, Etc.
in accordance with Section 4 | |

24.3 Special Provisions

1. No building or structure shall be erected or enlarged and no change of use shall be permitted.

24.4 Exception Zones

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SECTION 25 – ADMINISTRATION, ENFORCEMENT AND PENALTIES

25.1 Administration

This By-law shall be administered by the Chief Building Official or by an officer designated by the Corporation.

25.2 Interpretation

1. For the purposes of this By-law, the definitions and interpretation given herein shall govern.
2. For the purposes of this By-law, words used in the present tense include the future; words in singular number include the plural, and words in the plural include the singular number; the word “shall” is mandatory; the words “used” and “occupied: shall include the words “intended” or “arranged” and “designed to be used” or “occupied.”

25.3 Building and Other Permits

Notwithstanding the provisions of the Corporation’s Building By-law or any other By-law of the Corporation, no building permit or occupancy permit shall be issued where the proposed building, structure or use would be in violation of any of the provisions of this By-law.

25.4 Certificate of Occupancy

No change may be made in the type of use of any lot covered by this By-law or of any building or structure on any such lot or of any part of such lot, building or structure, until a Certificate of Occupancy has been issued by the Chief Building Official to the effect that the proposed use complies with this By-law.

25.5 Application for Permits

In addition to all the requirements of the Corporation’s Building By-law or any other By-law of the Corporation, every application for a building permit shall be

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accompanied by a plan in duplicate (one copy of which shall be retained by the Chief Building Official) drawn to scale and showing the following:

1. The true dimensions of the lot to be built upon or otherwise used.
2. The proposed location, height and dimensions of any building, structure or use proposed for lot.
3. Proposed locations and dimensions of any yards, setback, landscaped open space, off-street parking space, etc., required by this By-law.
4. The location of all existing building or structures on the lot.
5. A statement signed by the owner, disclosing the exact use proposed for each aforesaid building or structure and giving all information necessary to determine if such proposed or existing building structure or use conforms to the requirements of this By-law.

25.6 Inspection

The Chief Building Official of the Corporation acting under the direction of the Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-law.

25.7 Violations and Penalties

Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits a violation, shall be guilty of an offence and subject to the provisions of Section 67 of The Planning Act, RSO 1990 and the Municipal Act, RSO 1990 Chapt. M. 45. Further, any person who contravenes any of the provisions of this By-law is guilty of an offence and the procedure with respect thereto, and the penalty upon conviction therefore shall be as provided for in the Provincial Offences Act, RSO 1990 Chapt. P/ 33 and amendments thereto.

25.8 Remedies

In case any building or structure is to be erected, altered, reconstructed, extended or part thereof is to be use, or any lot is to be used, in contravention of any

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requirement of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to The Municipal Act, RSO 1990 Section 32 of Chapt M. 45.

25.9 *Validity*

If any section, clause or provision of this By-law, including anything contained in Schedule A attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof other than the section, clause or provision so invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

25.10 *Existing By-laws*

Zoning By-law 5325-88, as amended, to regulate the use of lands and the character, location, bulk, height and use of buildings and structures, shall be, and the same is, hereby repealed.

Town of Smiths Falls, Zoning By-law 6080-94

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SECTION 26 – APPROVAL

This By-law shall become effective on the date of passing hereof, subject to the approval of the Ontario Municipal Board or following the last date for filing objections, as the case may be.

READ A FIRST AND SECOND TIME THIS 3rd DAY OF October, 1994.

READ A THIRD TIME AND FINALLY PASSED THIS 17th DAY OF OCTOBER, 1994.

Mayor

Clerk

Town of Smiths Falls, Zoning By-law 6080-94

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