

ORDER

With respect to Prince Edward County, CIHA Order X-2023

Subsection 34.1 (9) of the Planning Act

1. I hereby order pursuant the clause 34.1 (9) (a) of the Planning Act, further to a request from the Council for the County of Prince Edward County set out in a resolution dated September 26, 2023, that:

(a) the zoning requirements attached as Appendix A apply to the lands, in the County of Prince Edward, set out in Appendix B,

(b) pursuant to subsection 34.1 (15) of the Planning Act, the following do not apply to any site plan approval, plan of subdivision approval and condominium approval required before a use permitted under this Order may be established:

(i) A policy statement issued under subsection 3(1) of the Planning Act,

(ii) A provincial plan; and

(iii) An official plan; and

(c) Appendices A and B attached to this Order, form part of this Order.

2. This Order comes into force on the day this order is made.

Made by:

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Signature

Ministry of Municipal Affairs and Housing

Date made:

Appendix A

With respect to Prince Edward County, Subsection 34.1 (9) of the Planning Act

Definitions

(1) In this Order,

“amphitheatre” Shall mean a permanent stage structure located outdoors used for the purposes of entertainment.

“artisan studio” Shall mean the production, display, exhibition, or sale of handmade materials arts and food goods, and may include photographs, paintings, drawings, prints, sculptures, flowers, bakery, cheese store, or similar artisan goods.

“assembly hall” Shall mean a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes and may include a banquet hall, private club or fraternal organization.

“audio/visual studio” means a business, professional or administrative office wherein audio or visual materials are recorded, produced or broadcast and includes, without limiting the generality of the foregoing, radio or television broadcasting stations, cable television studios, sound recording studios, video recording studios, motion picture studios and auditoriums.

“bicycle parking space, long-term” Shall mean a bicycle parking space located in a locked room within a building or part of a building for the exclusive use of parking bicycles.

“bicycle parking space, short-term” Shall mean a bicycle parking space that is equipped with a rack or stand designed to lock the wheel and frame of a bicycle.

“boarding or rooming house” Shall mean a building where rooms are rented to separate tenants, and kitchen and washroom facilities are shared between the tenants.

“brewery, cidery or distillery” Shall mean a building or structure or part thereof, where alcoholic beverages are produced and may include limited storage, display, processing, tasting and retail, administrative facilities, and outdoor patio area, and may include a restaurant, banquet facility or on-site commercial kitchen.

“community gardens” means communal premises open to community members and operated and maintained by a public authority, residents association, or a similar organization, for the small-scale cultivation of plants including vegetables, fruits, grains, flowers, or herbs for personal use, consumption, or donation, and not for commercial purposes-

“recreational camp” Shall mean any land, building or structure which may be used for the purposes of providing sleeping accommodation, eating facilities, and recreation.

“day nursery” Shall mean a premises providing temporary care or guidance for a continuous period not exceeding twenty-four hours and is regulated as a home child care agency under the Child Care and Early Years Act, 2014, S.O. 2014, c. 11, Sched. 1.

“dog park” Shall mean a private or public enclosed area, used for the purpose of allowing dogs to play without a leash.

“finished grade” Shall mean the average elevation of the finished surface of the ground on all sides of a building or structure measured 0.01 metre from the foundation.

“fitness centre or club” Shall mean a building or part of a building and associated outdoor space used for the purposes of a public or private club, society or association organized and operated for social welfare, civic improvement, pleasure, recreation or fitness, or for other similar purposes.

“garden suite” Shall mean a self-contained living accommodation for a person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupant(s) of the suite and is in an accessory building not abutting a lane. A laneway suite is not a garden suite.

“gross commercial floor area” Shall mean the total floor area, as hereinafter defined, exclusive of any portion of the building or structure below finished grade, which is used for heating, the storage of goods or personal effects, laundry facilities, recreational areas, the storage or parking of motor vehicles or quarters used by the caretaker, watchman or other supervisor of the building or structures.

“gross residential floor area” Shall mean the total floor area, as hereinafter defined, exclusive of any private garage, carport, basement, walkout basement, cellar, porch, verandah or sunroom unless such sunroom is habitable during all seasons of the year.

“group home” Shall mean a residence that is licensed or funded under an Act of the Parliament of Canada or an Act of the Province of Ontario, for the accommodation of three to ten persons, exclusive of staff, living under supervision in a single housekeeping unit, and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being. For the purposes of this definition, staff includes all those individuals providing supervision or assistance to those residing in the home.

“height” Shall mean the vertical distance measured between the finished grade at the front of the building, and:

- a. in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
- b. in the case of a mansard roof, the deck line; and
- c. in the case of a gable, hip or gambrel roof, the mean height between the eaves and ridge, exclusive of any accessory roof construction such as a chimney, tower, steeple, television antenna, mechanical penthouse or elevator shaft.

“landscaped open space” Shall mean the open unobstructed space from ground to sky at finished grade which is on a lot accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping and includes any natural existing vegetation, surfaced walk, patio or similar area but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.

“laneway suite” Shall mean a self-contained living accommodation for a person or persons living together as a separate single housekeeping unit, in which both food preparation and sanitary facilities are provided for the exclusive use of the occupants of the suite and is in an accessory building abutting a lane. A garden suite is not a laneway suite.

“lot” Shall mean a parcel of land under distinct and separate ownership from abutting lands; and either

- a. described in a deed or other legal document which is legally capable of conveying title to such land; or
 - b. described as a lot or block on a registered Plan of Subdivision; or (c) created by the consent provisions, s. 53 of Planning Act RSO 1990, c.P.13 as amended, regardless of whether the parcel is severed or retained.
- (2) Notwithstanding the provisions of subsection (1) above, a “lot” created by a scheme or method intended to avoid the consent and subdivision requirements of the Planning Act R.S.O. 1990, c.P.13 as amended (including, without limiting the generality of the foregoing, a “checkerboarding” scheme of “lots” created by reference deposit plans or registrar’s deposit plans) or any predecessor or successor thereof, shall not be recognized as a lot for the purposes of this Bylaw.

“lot area” (custom) Shall mean the total area of a lot.

“lot, corner” Shall mean a lot having continuous street frontage along two or more streets.

“lot coverage” Shall mean the percentage of the lot area covered by buildings or structures but excluding uncovered parking areas, driveways and walkways.

“lot frontage” Shall mean the horizontal distance between the side lot lines measured along the front lot lines. Where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line parallel to the chord of the lot frontage and a distance from the front lot line equal to the required depth of the front yard. For the purposes of this Order the chord of the lot frontage is a straight line joining the two points where the side lot line intersects the front lot line.

“lot, interior” Shall mean a lot other than a corner lot.

“lot line, front” (custom)

- (1) Shall mean the lot line that divides the lot from a private or public street.
- (2) In the case of a corner lot, the shorter lot line abutting a public or private street shall be deemed the front lot line. In a case of a corner lot where both lot lines are the same length, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.

In the case of a through lot, the lot line where the principal access to the lot is provided shall be deemed to the front lot line. “lot line” Shall mean the lot line, other than a front or side lot line, which is farthest from and opposite to the front lot line. In the case of a lot where the side lot lines converge at a single point the lot shall be deemed to not have a rear lot line.

“lot line, side” Shall mean a lot line other than a front or rear lot line.

“lot, through” (custom) Shall mean a lot bounded on two opposite sides by public or private streets or laneways.

“parking lot” Shall mean any commercial or public parking area and/or structure, other than a parking area accessory to a permitted use.

“personal service establishment” Shall mean a building or part of building where a service is performed for the personal grooming and personal effects or clothing of the consumer, including a hair styling salon; tattoo and piercing parlour; spa; tanning salon; shoe repair shop; dry cleaning outlet; laundromat; tailor shop or dressmaker; or massage therapy service but excluding a body rub parlour. A personal service

establishment shall also include a place where consultation or information service is provided by a professional, including medical and dentist office, a travel agency or an interior decorator, or other personal or business services are provided, including a printing, publishing, photocopying, picture framing, or photofinishing service.

“place of entertainment” Shall mean a cinema or other theatre, arena, auditorium, indoor children’s playground, public hall, billiard hall, ice or roller skating rink, arcade, dance hall or music hall, and other similar entertainment uses.

“private pumping station” Shall mean a building or structure privately owned/not assumed by the municipality used for the purpose of pumping water or wastewater in order to provide adequate services.

“resort establishment” Shall mean an establishment that operates throughout all or part of the year, that may have facilities for serving meals including indoor/outdoor dining and may include overnight accommodation in guest rooms or suites and may include facilities such as conference facilities and meeting rooms and swimming pools, saunas, spas, tennis courts and other similar recreational activities, but shall not include a golf course unless such use is specifically permitted.

“retail store” Shall mean a building or part of a building where goods, wares, merchandise, substances, article or services are offered or kept for sale directly to the public, and includes uses such as pharmacy, garden supply store, and home renovation store/depot.

“retail food store” Shall mean a building or part of a building where in primarily food, as well as other personal, convenience and household items and services are provided for sale to the public and includes uses such as a grocery store/supermarket, butcher shop, bake shop, produce outlet, or delicatessen.

“retirement home” Shall mean a retirement home as defined in the Retirement Homes Act, as amended, or its successor.

“outdoor furnace” Shall mean a device or appliance, primarily designed for outdoor use to convert solid fuel into energy and includes all components, controls, wiring and piping required to be part of the device or appliance and shall be installed in conformance with any applicable standard or code. For the purpose of this definition solid fuel shall be defined as any recognized energy source including wood, coal, peat, grain, coke or any manufactured product so approved for said appliance, but does not include garbage / waste of any kind.

“public school” Shall mean a public or separate school, a high school, a continuation school, a technical school, a college or university or any other school established and maintained by a public authority.

“private school” Shall mean a school other than a public sector or commercial school.

“senior citizen’s housing complex” Shall mean any multiple dwelling for senior citizens, containing separate dwelling units or rooms with a common dining area, and such homes may include auxiliary uses such as club or lounge facilities usually associated with a senior citizens' development.

“setback” Shall mean the horizontal distance from the nearest wall of any building or structure, or open storage use, or excavation, to the lot line, street line, high water mark, or zone boundary, or the edge of the fill area or treatment facility or to another line, whichever is designated in the phrase in which the term “setback” is used.

“spa” A premises open to the general public which provides facilities for wellness, fitness, relaxation, and contemplation, and which services may include but is not limited to: massage therapy, swimming pools

(indoor and outdoor), saunas or steam rooms, personal services related to grooming and fitness or recreation.

“special event for an outdoor or indoor music concert festival” Shall mean the indoor or outdoor open space area designed or designated for at least one stage for the performance of music and areas for persons standing or seated for the purposes of being entertained, and may include overnight camping. A special event may be licensed by the landowner through the Alcohol and Gaming Commission of Ontario.

“street or road” Shall mean a highway as defined in this Order and where applicable, may also include a private road or private right-of-way as defined in this Order.

“storey” Means a level of a building included between the surface of a floor and the ceiling or roof immediately above it and includes a mezzanine but does not include a basement.

“townhouse dwelling” Means a group of at least three (3) attached separate dwelling units, each of which has an independent entrance from the outside to front and rear yards.

“townhouse, back-to-back” Means a townhouse dwelling that is configured in a manner that the attached dwelling units are separated by a common vertical wall above grade, including a common rear wall and where each dwelling unit has an independent external entrance from the outside that is accessed through the front or side of the dwelling unit. A back-to-back townhouse cannot be a stacked townhouse.

“townhouse, stacked” Means a townhouse dwelling that is configured in a manner that a portion of the dwelling units are located entirely or partially above the other portion of the dwelling units, and where each dwelling unit has its own independent external access outside. A stacked townhouse is not required to provide access to a rear yard. A stacked townhouse cannot be a back-to-back townhouse “Order” means the order made by the Minister of Municipal Affairs and Housing pursuant to clause 34.1(9) (a) of the Planning Act with respect to the Prince Edward County.

“yard, front” Shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest part of any building or structure on the lot.

“yard, rear” Shall mean a yard extending across the full width of the lot between the rear lot line of the lot and the nearest part of any building or structure on the lot, or the nearest outside storage use on the lot, or the edge or rim of an excavation on the lot.

“yard, side” Shall mean a yard extending from the required front yard to the required rear yard and from the side lot line of the lot to the nearest part of any building or structure on the lot, or the nearest outside storage use on the lot, or the edge or rim of an excavation on the lot.

“yard, exterior side” Shall mean a side yard immediately adjoining a public or private street.

“yard, interior side” Shall mean a side yard other than an exterior side yard.

“Zoning By-Law” means the Prince Edward County Zoning By-law 1816-2006.

Application

- (2) This Order applies to lands in the County of Prince Edward in the Province of Ontario, being the lands shown on the map attached to the Order as Appendix B.

Zones

(3) Picton Base 31 Core (PB31-C) Zone – This section applies to the lands shown as Picton Base 31 Core Zone on the map referred to in Section 2 of this Order.

(4) Every use of land and every erection, location or use of any building or structure is prohibited, except for the following:

Residential Uses

- (1) single detached dwelling
- (2) semi-detached dwelling
- (3) duplex dwelling
- (4) triplex dwelling
- (5) townhouse dwelling
- (6) back-to-back townhouse dwelling;
- (7) stacked townhouse dwelling;
- (8) apartment dwelling
- (9) boarding or rooming house;
- (10) additional units
 - i. second unit; or
 - ii. third unit; or
 - iii. garden suite.
 - iv. laneway suite.

Commercial Uses

- (11) home business
- (12) uses, buildings, and structures accessory to the foregoing permitted uses
- (13) public uses or utilities, such as temporary polling stations, public or private cellular and wireless communication towers, tower for purpose of monitoring wind source, private or public water treatment plans, pumping stations, water storage towers, and sewage pumping stations, and stormwater management facilities.
- (14) personal service establishment
- (15) restaurant
- (16) restaurant, mobile
- (17) restaurant, drive thru
- (18) financial institution
- (19) one or more dwelling units in a portion of a commercial building
- (20) bed and breakfast establishment
- (21) private pumping station
- (22) fitness centre or Club
- (23) assembly hall
- (24) post office
- (25) tourist information kiosk
- (26) day nursery
- (27) retail store
- (28) place of entertainment
- (29) business, professional, or administrative office
- (30) taxi depot

- (31) brewery, cidery and distillery
- (32) parking lot
- (33) veterinary clinic
- (34) light equipment sales and service establishment
- (35) brew-your-own beer and wine establishment
- (36) miniature golf course
- (37) tourist establishment
- (38) tourist inn
- (39) resort establishment
- (40) mini storage facility
- (41) artisan studio;
- (42) gallery;
- (43) audio/visual Studio
- (44) sales office or trailer
- (45) workshop or custom workshop
- (46) amphitheatre
- (47) special event for an outdoor or indoor music concert festival;
- (48) special events, other;
- (49) spa
- (50) recreational camp
- (51) outdoor furnace

Institutional Uses

- (52) community centre
- (53) government administration or public works building including a sand/salt storage structure, a fire hall, police station, and a weather monitoring station
- (54) public school
- (55) private school
- (56) Emergency Medical Services (EMS) Station
- (57) library
- (58) place of worship
- (59) group home
- (60) private pumping station
- (61) senior citizen's housing complex
- (62) retirement home

Recreation and Open Space Uses

- (63) outdoor skating rink;
- (64) public gardens;
- (65) community gardens;
- (66) dog park
- (67) public or private park or open space
- (68) walking trails
- (69) uses and buildings that are accessory to the permitted uses, such as a club house, refreshment pavilion or booth

- (70) outdoor events and exhibitions;
- (71) any use, building or structure accessory to a permitted use including recreational facilities, convenience retail outlet and restaurant

(5) None of the zoning regulations in the Zoning By-law apply to the lands identified as PB31-C, except for the following:

- (1) Nothing in this Order shall prevent any party from submitting to the appropriate planning authority a Minor Variance application, under Part 45 of the *Planning Act* or from such application being approved.
- (2) Accessory buildings, structures and uses shall only be permitted once a building permit has been issued for buildings or structures for the principal use.
- (3) An accessory building or structure shall be erected in conformity with the yard and setback requirements of the respective parent use, except as may otherwise be provided for herein.
- (4) Except as may otherwise be provided herein, any accessory building or structure shall not be erected closer than 1.8 m (6 ft) to the principal building.
- (5) The maximum height of any accessory building or structure shall be 5 m (16.4 ft).
 - i. Except in the case where an accessory building contains a garden or laneway suite the maximum building height shall be in conformity with the performance standards within Section 7 of this Order.
- (6) An accessory building or structure may contain a laneway or garden suite.
- (7) Notwithstanding provisions 5(1) through 5(5) above, accessory structures or buildings that contain a laneway suite or garden suite are subject to the performance standards contained within Section 7(13) and 7(14).
- (8) The total lot coverage of all commercial accessory buildings or structures shall not exceed ten per cent of the lot area.
- (9) Notwithstanding the yard and setback provisions of this Order to the contrary, drop awnings, clothes poles, flag poles, garden trellises, signs or similar structures which comply with the licensing and/or regulatory By-laws of the County shall be permitted in any required yard or in the area between the street line and the required setback.
- (10) Notwithstanding the yard and setback provisions of this Order to the contrary, fences, retaining walls, or similar structures which comply with the licensing or regulatory By-laws of the County, shall be permitted in any required yard or in the area between the street line and the required setback.
- (11) Notwithstanding the yard and setback provisions of this Order to the contrary, unenclosed fire escapes may project into any required yard a maximum distance of 0.6 metres to any lot line.
- (12) Notwithstanding the yard and setback provisions of this Order to the contrary, unenclosed porches, balconies, steps and patios, whether covered or uncovered, exterior

stairs and landings may project into any required yard a maximum distance of 0.6 metres to any lot line.

- (13) Notwithstanding any other provisions of this Order to the contrary, a detached private garage in a residential zone may be erected and used in any yard provided that:
- a. where such accessory building is located in an interior side yard, it shall not be closer than 1.2 m (4 ft) to the interior side lot line; or,
 - b. where such accessory building is located in a rear yard it shall not be closer than 1.2 m (4 ft) to the interior side lot line or rear lot line; or,
where such an accessory building is located in a front or exterior side yard such accessory building shall not be located closer to the lot line than the required front or exterior side yard setback required by the respective zone.
- (14) Notwithstanding the yard and setback provisions of this Order to the contrary, sills, chimneys, cornices, cantilevers, bay windows, eaves, gutters, parapets, pilasters, or other ornamental structures may project into any required yard or the area between the street line and the required setback a maximum distance of 0.5 m (1.6 ft).
- (15) Private swimming pools, including in-ground and above-ground pools, may be constructed, and maintained as accessory uses to a dwelling provided that such a use:
- a. shall only be permitted in the interior side yard or rear yard of the lot; and
 - b. shall not be located within 1.5 m (5 ft.) of aside or rear lot line, or within any front yard or exterior side yard and no water circulating or treatment equipment such as pumps or filters shall be located closer than 3 m (10 ft.) to any side or rear lot line; and
 - c. shall be considered part of the landscaped open space area for the purpose of calculation lot coverage; and
 - d. shall be totally enclosed by a fence not less than 1.5 m (5 ft.) in height made of a sturdy material and having a self-closing gate capable of being locked and/or a main wall of a building. No fence shall be required in the case of a swimming pool whose water level is substantially above ground level provided that the deck around the pool is more than 1.5 m (5 ft.) above the ground and the access to the pool is guarded by a self-closing gate capable of being locked.
- (16) Notwithstanding the yard and setback provisions of this Order to the contrary, unenclosed barrier-free access ramps shall be permitted within any yard or in the area between the street line and the required setback.
- (17) Notwithstanding any other provisions of this Order to the contrary, a central air conditioning or heat pump unit may be located in any yard provided it is within 3 m (10 ft) of a building and no closer than minimum setback of 0.6 m (2 ft) to any lot line.
- (18) A dwelling unit may be located in a basement or walkout basement, as defined in the Ontario Building Code as follows:
- a. Basement means a storey or storeys of a building located below the first storey;
 - b. First Storey means the storey with its floor closet to the finished grade and having its ceiling more than 1.8 m (5ft. 11 in) above the finished grade.
- (19) The following provisions shall apply to the establishment of a bed and breakfast establishment:

- a. A bed and breakfast establishment shall only be permitted in an owner occupied single detached dwelling and shall be limited to a maximum of three (3) guest rooms per establishment.
- b. A bed and breakfast establishment shall not be established or operated in an accessory building.
- c. One parking space shall be provided per guest room in addition to the required spaces for the dwelling. Such parking spaces shall be on the same lot as the use.
- d. Bed and breakfast establishments shall be permitted only in zones where expressly provided for as a permitted use and shall not be permitted as an accessory use.
- e. Bed and breakfast establishments shall conform to all regulations and requirements of the zone where permitted.
- f. A bed and breakfast establishment may have a sign(s) in accordance with the Municipal Sign By-law.

(20) Where a lot is accessible by means of a private road or right-of-way providing ingress and egress to an improved public street, the provisions of this Order shall not apply to prevent the erection, alteration or use of a building or structure for permitted uses, including a single detached dwelling, provided that all other relevant provisions of the Order are complied with.

(21) A group home shall only be permitted in a single detached dwelling.

(22) The height provisions contained within this Order shall not apply to the following buildings or structures provided that the use is permitted, or is accessory to a permitted use, within the Zone in which it is located:

- a. church spire or steeple;
- b. belfry;
- c. flag pole;
- d. clock tower;
- e. air conditioner or related equipment;
- f. lightning rod;
- g. lighting standard;
- h. chimney;
- i. water storage tank or tower;
- j. radio, television or communication tower or antenna;
- k. windmill;
- l. external equipment associated with internal building equipment.

(23) The following regulations apply to a permitted dwelling wherein a home business is permitted in addition to a residential use:

- a. A home business may have a sign(s) in accordance with the following: 0.2 square metres
- b. No illumination
- c. Shall be affixed to the unit to that contains the home business

(24) Not more than 40 per cent of the gross residential floor area of the dwelling or dwelling unit shall be used for the purposes of a home business, including any area used for the storage of materials and equipment required for the home business. In addition, a home business may occupy up to 38 sq. m. (400 sq ft.) of a detached accessory building.

- (25) Any land used for landscaped open space shall be included in the calculations for lot area, yard, and other requirements, as set forth in this Order.
- (26) Where landscaped open space is required as buffering, such landscaping shall be continuous except for a lane, driveway, aisle or walkway which provides access to the lot.
- (27) Where the interior side or rear lot line of an Institutional or Commercial use abuts a Residential use, a landscaped planting strip with a minimum width of 1.5 m (5 ft.) adjoining such abutting lot line shall be provided on the lot within the Institutional or Commercial use.
- (28) In all cases where driveways, walks or existing buildings extend through a planting strip, it shall be permissible to interrupt the strip within 3.0 m (9.8 ft) of the edge of such driveway or within 1.5 m (5 ft.) of the edge of such walk or building.
- (29) Where a planting strip is required it shall be planted, nurtured and maintained by the owner or owners of the lot on which the strip is located.
- (30) A planting strip referred to in this Order may form a part of any landscaped open space required by this Order.
- (31) Where any land, building or structure is used for more than one purpose, the applicable provisions of this Order which serve to regulate each use shall be complied with.
- (32) Continuation of Legal Non-Conforming Uses
- a. The provisions of this Order shall not prevent the use of any land, building or structure for any purpose prohibited by this Order, if such land, building or structure was lawfully used for such purpose on the day of the passing of this Order, so long as it continues to be used for that purpose.
 - b. For purposes of interpreting this Order, a use that is discontinued for a period of 24 consecutive months or longer shall be deemed to have ceased to be a legal non-conforming use.
- (33) Where a building or structure which was lawfully used on the day of the passing of this Order is used for a purpose not permitted in the Order in which it is situated, such building or structure may be repaired or renovated provided that:
- a. The repair or renovation does not include any change of use, or any expansion of the building or structure; and
 - b. The building or structure continues to be used for the same purpose for which it was lawfully used on the day of passing of this Order.
- (34) This Order shall not apply to prevent the erection or use of any land, building or structure for a purpose prohibited by this Order, where the building permit was issued prior to the date of the passing of this Order, provided that:
- a. The building or structure, when erected, is used and continues to be used for the purposes for which the building permit was issued.

- b. The erection of such building or structure is commenced within six months after the date of the passing of this Order; and
- c. Such building is substantially completed within one year after the erection thereof is commenced.

(35) Where a building or structure is used for a legal non-conforming use and said building or structure is destroyed or damaged by fire or natural disaster, nothing in this Order shall prevent the reconstruction or repair of said building or structure for the continuation of the legal nonconforming use, provided that such reconstruction or repair proceeds within 12 months of the date of the fire or natural disaster and provided that such reconstruction or repair shall take place in the same location as the original building or structure and that there shall be no increase in the ground floor area or gross floor area.

(36) The requirements for sight triangles shall be based on the classification of roads and intersections according to the County's Transportation Design Manual.

(37) Special Temporary Uses Permitted

- a. A tool shed, construction trailer, scaffold or other building or structure incidental to construction is permitted in all Zones on the lot where construction is being undertaken and only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, "abandoned" shall mean the expiration or revocation of the building permit pursuant to the provisions of the Ontario Building Code Act, R.S.O., 1992, as amended, and Regulations thereto.
- b. A sales office or trailer, in conjunction with a residential development, is permitted as a temporary use where approved by the County and where an agreement with the provision of securities is executed between the land owner and the County.
- c. A temporary building or structure is permitted and approved by the County and where an agreement with the provision of securities is executed between the land owner and the County.

(38) An outdoor furnace shall only be permitted in zones where an outdoor furnace is expressly listed as a permitted use.

(39) An outdoor furnace shall not be located closer than 15 m (49.2 ft) to any lot line.

(40) The following regulations apply to additional dwelling units:

- a. Second and third dwelling units shall be permitted, where it is a conforming and complying residential use and within housing types or detached buildings as defined herein.
- b. In both existing residential buildings and new residential buildings, accessory second and third dwelling units shall be permitted.
- c. An accessory second and third dwelling units shall not be permitted in a group home, boarding house, or rooming house.

- d. A maximum of one home business is permitted per lot.
 - e. An accessory structure containing a garden or laneway suite dwelling unit shall be constructed in conformity with the Ontario Building Code to be suitable for habitation year round.
 - f. Accessory dwelling units shall be no smaller than the minimum dwelling unit area permitted by the Ontario Building Code.
 - g. (custom) No more than three dwellings units are permitted on a lot.
 - h. A second and third dwelling unit shall not be permitted in a regulated floodplain regardless of the non-complying status of the existing dwelling unit.
- a. A detached second or third dwelling unit or a second dwelling unit located in an accessory building or structure may have one (1) doorway facing the street.

(41) Special events are permitted only within the **Picton Base 31 Core (PB31-C) Zone**.

(42) Special events are permitted on a private road.

(6) Parking, Loading and Driveway Provisions

None of the zoning regulations in the Zoning By-law apply to the lands identified as PB31-C, except for the following:

(1) The following parking standards apply to the Residential uses listed in section 4) in this Order.

Single detached, semi-detached, duplex, triplex, townhouses, stacked townhouses, back-to-back townhouse	Minimum 1 space per unit
Apartment	Minimum 1 space per unit, inclusive of visitor requirement
Second and third accessory units, including garden and laneway suites	Minimum 0 spaces per unit
Retirement home, Senior citizen’s housing complex	Minimum 0.25 space per unit
Boarding or Rooming House, Group Home	Minimum 2 spaces plus 0.5 space per unit

(2) The following parking standards apply to the Commercial uses listed in section 4) in this Order.

All commercial uses	Minimum of 1 spaces for every 36 m2
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(3) The following parking standards apply to the Institutional uses listed in section 4) in this Order.

All Institutional Uses uses	Minimum of 1 spaces for every 112 m ²
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(4) The following parking standards apply to the Recreation and Open Space uses listed in section 4 in this Order.

All recreation and open space uses	0 spaces
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(5) Additions to or Change in Use of Buildings: If an addition is made to the building or structure which increases the floor area, then parking spaces for the addition shall be provided as required by the Parking Space Requirement Table of this Order. Where a change in use of the building or structure occurs, parking spaces shall be provided in accordance with the requirements of the Parking Space Requirement Table of this Order.

(6) For residential uses, parking spaces within a private garage, car port or a parking structure located on the same lot as the residential use may be including in the calculation of the number of available parking spaces.

(7) Required non-residential and residential visitor parking spaces may be located anywhere within the geographic area zoned **Picton Base 31 Core (PB31-C) Zone** by this Order.

(8) Required residential parking must be located a maximum of 100 metre from the principal entrance of the main building.

(9) Notwithstanding any other provisions of this Order, unsheltered surface parking spaces may be permitted in accordance with the following:

a. Yards

i. Non-Residential and Residential Uses: Parking may be permitted in any yard.

b. Distance of Parking Area/Spaces from Street Line

i. Residential Uses (other than apartments): - Nil, provided it is on a driveway.

(10) Notwithstanding any other provisions of this Order, bicycle parking spaces may be located within any yard.

(11) Multiple Uses

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

b. When a building or structure accommodates more than one type of use such that the uses are not in operation at the same time the number of parking spaces for the whole

building shall equal the number of spaces for the use with the largest parking space requirements.

- (12) Parking spaces shall have a minimum width of 2.6 metres and a minimum length of 5.2 metres.
- (13) A driveway located in front of a garage shall be no wider than the garage width.
- (14) Driving aisles providing access to parking spaces shall have a minimum width of 6 m (20 ft.), except in cases where an existing drive aisle or private road existed prior to this Order.
- (15) Barrier-free parking spaces shall have a minimum width of 3.4 metres and a minimum length of 5.2 metres.
- (16) Bicycle Parking Provisions:
- (17) Short-term parking for bicycles shall be provided at a rate of:
 - a. 0.1 spaces per 100 m² for non-residential uses
 - b. 0.05 spaces per dwelling unit for residential uses
- (18) Long-term parking for residential units for bicycles shall be provided at a rate of:
 - a. 0.25 spaces per dwelling unit for residential uses.
- (19) 50% of required long-term bicycle spaces may be located outside.
- (20) Public or private bicycle share programs shall be count towards the required parking for both short- and long-term bicycle parking in all zones.
- (21) Underground parking structures shall be permitted in all yards and may have a 0 metre setback from the property line, provided that no part of any underground structure shall be located within the limits of a public street allowance.
- (22) Parking spaces required by this Order shall be used only for the parking of passenger vehicles and vehicles used in operations incidental to the permitted uses in respect of which such parking spaces are required.
- (23) Parking of the following vehicles is prohibited on lots and the road allowances abutting thereto:
 - a. heavy trucks
 - b. unlicensed vehicles
 - c. vehicles equipped with more than three axles, excluding spare wheels, designed to support the weight of the vehicle through contact with the ground
 - d. bus
 - e. vehicles designed to run only on rails;
 - f. flatbed trucks
 - g. farm tractors
 - h. construction equipment
 - i. tracked vehicles, except for snowmobiles
 - j. dump trucks
 - k. repair and towing vehicles

1. vehicles that are in a wrecked or dismantled or inoperative condition.

(24) The parking or storing of a boat, motor home, travel trailer or snowmobile shall be permitted in any yard or any private garage, carport or other building on a lot provided that the boat, motor home, snowmobile, or travel trailer does not exceed 6 m (20 ft.) in length.

Where a boat, motor home or travel trailer exceeds 6 m (20 ft) in length, such a boat, motor home or travel trailer may not be parked or stored on a lot in the following zones, unless it is parked or stored in an enclosed building:

(25) All parking areas, driveways and aisles must be constructed and maintained with a stable surface consisting of gravel, cement or asphaltic binder or other types of permanent surface treatment.

(26) Required loading for all existing gross commercial floor area shall be permitted at the existing rate.

(27) All new gross commercial floor area shall provide loading spaces at the following rates:

Type of Use	Total Gross Commercial Floor Area of Building and Structure	Number of Loading Spaces Required
Commercial	0 - 185.9 m ² (0 - 1,999 sq. ft.)	0
	186 m ² (2000 sq. ft.) - 2,350 m ² (25,300 sq. ft.)	1
	2,351 m ² - 7,450 m ² (25,301 - 80,200 sq. ft.)	2
	greater than 7,450 m ² (80,200 sq. ft.)	2, plus 1 additional space for each additional 9,300 m ² (100,000 sq. ft.) of gross commercial floor area

(28) Minimum loading space size is 3.5 metres wide, 6 metres long and 3 metres of vertical clearance.

(29) All vehicular movement required to access the loading zone shall be accommodated on private property.

(7) Performance Standards

None of the performance standards in the Zoning By-law apply to the lands identified as PB31-C, except the following:

(1) For a single detached dwelling described in Subsection 4(1) of this Order:

- a. Minimum lot area is 250 m² except for a dwelling on a through lot or with access from a lane, in which case the minimum lot area is 200 m².
- b. Minimum lot frontage is 9.0 m except for a dwelling on a through lot or with access from a lane, in which case the minimum lot frontage is 8.0 m.
- c. Minimum front yard setback s is 2.0 m to the nearest part of structure, 5.5 m to the front of a garage.
- d. Minimum interior side yard setback is 0.6 m on one side and 1.2 m on the other side.
- e. Minimum exterior side yard setback is 2.0 m.
- f. Minimum rear yard setback is 7.0 m, except for a dwelling on a through lot or with access from a lane, where the minimum rear yard setback is 1.5 m.

- g. Maximum building height is 12.0 m.
- h. Minimum front yard landscaped open space 35%.
- i. Maximum lot coverage is 70%

(2) For a semi-detached dwelling described in Subsection 4(2) of this Order:

- a. Minimum lot area is 200 m² except for a dwelling on a through lot or with access from a lane, in which case the minimum lot area is 180 m².
- b. Minimum lot frontage is 7.0 m.
- a. Minimum front yard setback is 2.0 m to the dwelling unit and 5.5 m to the front of a garage.
- b. Minimum interior side yard setback is 1.2 m but where semi-detached dwellings on abutting lots share a common wall, no interior side yard shall be required.
- c. Minimum exterior side yard setback is 2.0 m.
- d. Minimum rear yard setback is 7.0 m except for a dwelling on a through lot or with access from a lane, where the minimum rear yard is 1.5 m.
- e. Maximum building height is 14.0 m.
- f. Minimum front yard landscaped open space 35%.
- g. Maximum lot coverage is 75%.

(3) For a duplex dwelling described in Subsection 4(3) of this Order:

- a. Minimum lot area is 250 m² except for a dwelling on a through lot or with access from a lane, in which case the minimum lot area is 200 m².
- b. Minimum lot frontage is 9.0 m except for a dwelling on a through lot or with access from a lane, in which case the minimum lot frontage is 8.0 m.
- c. Minimum front yard setback is 2.0 m to the dwelling unit and 5.5 m to the front of a garage.
- d. Minimum interior side yard setback is 0.6 m on one side and 1.2 m on the other side.
- e. Minimum exterior side yard setback is 2.0 m.
- f. Minimum rear yard setback is 7.0 m, except for a dwelling on a through lot or with access from a lane, where the minimum rear yard setback is 1.5 m.
- g. Maximum building height is 14.0 m.
- h. Minimum front yard landscaped open space 35%.
- i. Maximum lot coverage is 70%

(4) For a triplex described in Subsection 4(4) of this Order:

- a. Minimum lot area is 250 m² except for a dwelling on a through lot or with access from a lane, in which case the minimum lot area is 200 m².
- b. Minimum lot frontage is 9.0 m except for a dwelling on a through lot or with access from a lane, in which case the minimum lot frontage is 8.0 m.
- c. Minimum front yard setback is 2.0 m to the dwelling unit and 5.5 m to the front of a garage.
- d. Minimum interior side yard setback is 0.6 m on one side and 1.2 m on the other side.
- e. Minimum exterior side yard setback is 2.0 m.
- f. Minimum rear yard setback is 7.0 m, except for a dwelling on a through lot or with access from a lane, where the minimum rear yard setback is 1.5 m.
- g. Maximum building height is 14.0 m.
- h. Minimum front yard landscaped open space 35%.
- i. Maximum lot coverage is 70%

(5) For a townhouse described in Subsection 4(5) of this Order:

- a. Minimum lot area is 160 m²/unit, except for a through lot or lot which has access from a rear lane, in which case the minimum lot area is reduced to 125 m²/unit.
- b. Minimum lot frontage is 6.0 m.
- c. Minimum front yard setback is 2.0 m to the dwelling unit and 5.5 metres to the front of a garage.
- d. Minimum interior side yard setback is 1.2 m for an end unit.
- e. Minimum exterior side yard setback is 3.0 m.
- f. Minimum rear yard setback is 7.0 m, except for a dwelling on a through lot or with access from a lane, in which case the minimum rear yard setback is 1.5 m.
- g. Maximum building height is 14.0 m.
- h. Minimum front yard landscaped open space of 35%.
- i. Maximum lot coverage is 90%.
- j. Maximum number of townhouse dwellings in a townhouse building shall be 8.

(6) For a back-to-back townhouse described in Subsection 4(6) of this Order:

- a. Minimum lot area is 75 m².
- b. Minimum lot frontage is 6.0 m.
- c. Minimum front yard setback is 2.0 m to the dwelling unit and 5.5 metres to the front of a garage.
- d. Minimum interior side yard setback for end unit is 1.2 m., but where Back-to-back Townhouse dwellings on abutting lots share a common wall, no interior side yard and rear yard shall be required.
- e. Minimum exterior side yard setback is 2.0 m.
- f. Maximum building height is 14.0 m.
- g. Minimum front yard landscaped open space of 35%.
- h. Maximum lot coverage is 90%
- i. Minimum depth of a lot for back-to-back townhouse dwellings shall be 13.0 m
- j. Maximum number of back-to-back townhouse dwellings in a back-to-back townhouse building shall be 16.

(7) For a stacked townhouse described in Subsection 4(7) of this Order:

- a. Minimum lot area is 160 m².
- b. Minimum lot frontage is 6.0 m.
- c. Minimum front yard setback is 2.0 m to the dwelling unit and 5.5 metres to the front of a garage.
- d. Minimum interior side yard setback 1.2 m but where dwelling units on share a common wall, no interior side yard shall be required.
- e. Minimum exterior side yard setback is 2.0 m.
- f. Minimum rear yard setback is 1.5 m.
- g. Maximum building height is 14.0 m.
- h. Minimum front yard landscaped open space of 35%.
- i. Maximum lot coverage is 90%.
- j. Maximum number of stacked townhouse dwellings in a stacked townhouse building shall be 32.

(8) For an apartment building described in Subsection 4(8) of this Order:

- a. Minimum setback to a street line is 2.0 m, but the minimum setback is reduced to 1.0 m where non-residential uses are provided at-grade.
- b. Minimum interior side yard setback is 1.0 m for an apartment building of 23.0 m or less in height, and 6.0 m for an apartment building of more than 23.0 m in height, except where apartment building or any buildings on abutting lots share a common

wall or directly abut the interior lot line, no interior side yard shall be required.

- c. Minimum rear yard setback is 3.0 m.
- d. Maximum building height in accordance with Schedule B in Appendix B of this Order.
- e. A minimum of 1.0 m² of common indoor amenity space is required per apartment dwelling unit, except for any building with twelve (12) or fewer dwelling units, in which case no indoor amenity space shall be required.

(9) For a boarding or rooming house described in Subsection 4(10) of this Order:

- a. Minimum lot area is 250 m² except for a dwelling on a through lot or with access from a lane, in which case the minimum lot area is 200 m².
- b. Minimum lot frontage is 9.0 m except for a dwelling on a through lot or with access from a lane, in which case the minimum lot frontage is 8.0 m.
- c. Minimum front yard setback is 2.0 m to the dwelling unit and 5.5 m to the front of a garage.
- d. Minimum interior side yard setback is 0.6 m on one side and 1.2 m on the other side.
- e. Minimum exterior side yard setback is 2.0 m.
- f. Minimum rear yard setback is 7.0 m, except for a dwelling on a through lot or with access from a lane, where the minimum rear yard setback is 1.5 m.
- g. Maximum building height is 12.0 m.
- h. Minimum front yard landscaped open space 25%.
- i. Maximum lot coverage is 70%

(10) For a retirement home described in Subsection 4(11) of this Order:

- a. Minimum setback to a street line is 2.0 m, but the minimum setback is reduced to 1.0 m where non-residential uses are provided at-grade.
- b. Minimum interior side yard setback is 1.0 m for an apartment building of 23.0 m or less in height, and 6.0 m setback for an apartment building of more than 23.0 m in height, except where apartment building or any buildings on abutting lots share a common wall or directly abut the interior lot line, no interior side yard setback shall be required.
- c. Minimum rear yard setback is 3.0 m.
- d. Maximum building height is 40.0 m

(11) For a senior citizen's housing complex use described in Subsection 4(12) of this Order:

- a. Minimum setback to a street line is 3.0 m, but the minimum setback is reduced to 1.0 m where non-residential uses are provided at-grade.
- b. Minimum interior side yard setback is 2.0 m for an apartment building of 23.0 m or less in height, and 6.0 m setback for an apartment building of more than 23.0 m in height, except where apartment building or any buildings on abutting lots share a common wall or directly abut the interior lot line, no interior side yard shall be required.
- c. Minimum rear yard setback is 6.0 m.
- d. Maximum building height is 40.0 m

(12) For a garden suite described in Subsection 4(13)d. of this Order:

- a. A maximum of one accessory building containing either a garden suite or laneway suite is permitted on a lot. A lot may not contain both a garden suite and a laneway suite.
- b. An accessory building containing a garden suite must be located within the rear yard of the residential building on the lot.
- c. Minimum interior side yard setback is 1.2 m.
- d. Minimum exterior side yard setback is 3.0 m.

- e. Minimum rear yard setback is 1.5 m.
- f. An accessory building containing a garden suite must be
 - i. no less than 5.0 m from a residential building on the same lot if the height of the accessory building is no greater than 4.0 m;
 - ii. no less than 7.5 m from a residential building on the same lot if the height of the accessory building is greater than 4.0 m.
- g. If the accessory building containing a garden suite is located 7.5 m or more from the residential building on the lot, 6.0 m is the maximum height.
- h. If the accessory building containing a garden suite is located a minimum of 5.0 m to less than 7.5 m from the residential building on the lot, 4.0 m is the maximum height.
- i. An accessory building containing a garden suite will have a maximum height of 7.5 m.
- j. The gross residential floor area of an accessory building containing a garden suite is not included for the purpose of calculating the total gross residential floor area for a lot.
- k. The accessory building containing a garden suite is not included in the overall calculation of lot coverage.
- l. The area of the lot covered by all accessory buildings combined, including the accessory building containing a garden suite, may not exceed 20% of the lot area.
- m. The interior floor area of an accessory building containing a garden suite must be less than the gross residential floor area of the residential building on a lot.
- n. The area of the lot covered by an accessory building containing a garden suite may not exceed the lesser of:
 - i. 40% of the area:
 - a) between all rear main walls of the residential building on the lot and the rear lot line; and
 - b) extending parallel to the rear lot line across the full width of the lot from the point where the rear main wall of the residential building meets the residential building's side main walls closest to the respective side lot lines; and
 - ii. A total floor area of 60.0 m².
- o. If a lot has an accessory building containing a garden suite, vehicle access to a parking space must be provided from a lawfully existing vehicle access.

(13) For a laneway suite described in Subsection 4(13)e. of this Order:

- a. A maximum of one accessory building containing either a garden suite or laneway suite is permitted on a lot. A lot may not contain both a garden suite and a laneway suite.
- b. A laneway suite must be on a lot with a rear lot line or side lot line abutting a lane for a minimum of 3.5 m; or on a lot with a cumulative total of a minimum of 3.5 m along a side lot line and rear lot line.
- c. Minimum rear yard setback
 - i. if the rear lot line does not abut a street or lane and there are no openings such as vehicle access, doors or windows in the rear main wall of the accessory building, 0.0 m;
 - ii. in all other cases, 1.0 m.
- d. Minimum side yard setback for an accessory building containing a laneway suite is
 - i. if the side lot line does not abut a street or lane and there are no openings such as vehicle access, doors or windows in the side main wall of the accessory building, 0.0 m;
 - ii. if the side lot line abuts a street, the required minimum side yard setback for the residential building on the lot; and
 - iii. if the side lot line abuts the rear lot line of another lot an accessory building

- containing a laneway suite with a height greater than 4.0 m, 1.5 m for the side lot line that abuts the rear lot line of another lot;
- iv. in all other cases, 1.0 m.
- e. An accessory building containing a laneway suite must be:
 - i. no less than 5.0 m from a residential building on the same lot if the height of the accessory building is no greater than 4.0 m; and
 - ii. no less than 7.5 m from a residential building on the same lot if the height of the accessory building is greater than 4.0 m.
- f. The permitted maximum building length for an accessory building containing a laneway suite is 10.0 m.
- g. The permitted maximum building width of an accessory building containing a laneway suite is 8.0 m.
- h. Maximum height:
 - i. If the accessory building containing a laneway suite is located a minimum of 5.0 m to less than 7.5 m from the residential building on the lot, 4.0 m is the maximum height.
 - ii. If the accessory building containing a laneway suite is located 7.5 m or more from the residential building on the lot, 6.0 m.
- i. An accessory building or structure containing a laneway suite may have a maximum of 8.0 m.
- j. The gross residential floor area an accessory building containing a laneway suite is not included for the purpose of calculating the total gross residential floor area and floor space index for a lot.
- k. The interior floor area of an accessory building containing a laneway suite must be less than the gross residential floor area of the residential building on a lot.
- l. The accessory building containing a laneway suite it is not included in the overall calculation of lot coverage.
- m. The area of the lot covered by all accessory buildings combined, including the accessory building containing a laneway suite, may not exceed 30% of the lot area.
- n. If a lot has an accessory building containing a laneway suite, vehicle access to a parking space associated with the laneway suite must be provided from a lawfully existing vehicle access.

(14) For the Commercial Uses described in Subsection 4(14) through (105) in this Order:

- a. Minimum front yard setback is 1.0 m and maximum front yard is 3.0 m.
- b. Minimum exterior side yard setback is 1.0 m.
- c. Minimum interior side yard setback adjacent to commercial uses is 0.0 m and adjacent to residential uses 7.5 m.
- d. Minimum rear yard setback 3 m, except where adjacent to residential uses 7.5 m.
- e. Minimum building height is 3.0 m, except where within an existing building the minimum height is not applicable.
- f. Maximum building height is 20 m.
- g. Minimum landscaped area is 25%.

(15) For the Institutional uses described in Subsection 4(106) through (113) in this Order:

- a. Minimum front yard setback is 1.0 m and maximum front yard is 3.0 m.
- b. Minimum exterior side yard setback is 1.0 m.
- c. Minimum interior side yard setback adjacent to commercial uses is 0.0 m and adjacent to residential uses 7.5 m.
- d. Minimum rear yard setback is 9.0 m.
- e. Minimum building height is 3.0 m, except where within an existing building the

- minimum height is not applicable.
- f. Maximum building height is 20.0 m.
- g. Minimum landscaped area is 25%.

(16) For the Recreational and Open Space uses described in Subsection 4(114) through (133) in this Order:

- a. Minimum front yard setback is 2.0 m to any building or structure.
- b. Minimum interior side yard setback is 1.5 m to any building or structure.
- c. Minimum exterior side yard setback is 3.0 m to any building or structure.
- d. Minimum rear yard setback is 3.0 m to any building or structure.
- e. Maximum building height is 12.0 m for any building or structure.

(8) Picton Base 31 Village (PB31-V) Zone – This section applies to lands located in the area shown as Picton Base31 Village (PB31-V) Zone on the map referred to in section 2 of this Order.

All uses are prohibited except for the following:

Residential

- (1) single detached dwelling
- (2) semi-detached dwelling;
- (3) duplex dwelling;
- (4) triplex dwelling;
- (5) townhouse dwelling;
- (6) back-to-back townhouse dwelling;
- (7) stacked townhouse dwelling;
- (8) apartment dwelling;
- (9) boarding or rooming house;

Commercial

(10) home business
(11) uses, buildings, and structures accessory to the foregoing permitted uses public uses or utilities, such as temporary polling stations, public or private cellular and wireless communication towers, tower for purpose of monitoring wind source, private or public water treatment plans, pumping stations, water storage towers, and sewage pumping stations, and stormwater management facilities.

- (12) retail store
- (13) personal service establishment
- (14) financial institution
- (15) one or more dwelling units in a portion of a commercial building
- (16) post office
- (17) tourist information kiosk
- (18) business, professional, or administrative office

Institutional Uses

- (19) community centre
- (20) government administration or public works building including a sand/salt storage structure, a fire hall, police station, a lighthouse and a weather monitoring station
- (21) public school
- (22) private school
- (23) Emergency Medical Services (EMS) Station
- (24) library
- (25) place of worship
- (26) senior citizen's housing complex
- (27) retirement home
- (28) private pumping station

Recreation and Open Space Uses

- (29) outdoor skating rink;
- (30) public gardens;
- (31) community gardens;
- (32) dog park
- (33) public or private park or open space
- (34) walking trails

(9) All provisions and performance standards in Subsections 5, 6, and 7 of this Order that apply to the **Picton Base 31 Core (PB31-C) Zone** shall apply to the **Picton Base 31 Village (PB31-V) Zone** with the following exceptions:

- a. Notwithstanding Section 5(27), not more than 40 per cent of the gross residential floor area of the dwelling or dwelling unit shall be used for the purposes of a home business, including any area used for the storage of materials and equipment required for the home business. In addition, a home business may occupy up to 38 sq. m. (400 sq ft.) of a detached accessory building.
- b. Any portion of any front yard or exterior side yard, which is not used for any other permitted purpose, shall be landscaped open space.
- c. The required loading space or spaces shall be located in the interior side or rear yard.
- d. No accessory building or structure shall be erected closer to the street line than the minimum required yard and setback requirements of the applicable non-residential zone. Notwithstanding the foregoing, a gatehouse or information kiosk or other similar accessory structure shall be permitted within a required front or side yard or within the area between the street line and the required setback.
- e. Notwithstanding 6(8) of this Order, residential parking shall be located on the same lot.
- f. Outdoor amenity space at a rate of 1 m² per unit is required for apartment buildings.

(10) Terms of Use

- (1) Every use of land and every erection, location and use of buildings or structures shall be in accordance with this Order.

- (2) Nothing in this Order prevents the use of any land, building or structure for any use prohibited by this Order if the land, building or structure is lawfully so used on the day this Order comes into force.
- (3) Nothing in this Order prevents the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner if the dimensions of the original building or structure are not increased and its original use is not altered.
- (4) Nothing in this Order prevents the strengthening or restoration to a safe condition of any building or structure.

(11) Deemed by-law

This Order is deemed for all purposes, except the purpose of section 24 of the Act, to be a by-law passed by the council of the County of Prince Edward.