

## **SECTION 8 - RESIDENTIAL TYPE THREE ZONE (R3) REGULATIONS**

### **8.1 GENERAL USE REGULATIONS**

No person shall within the R3 zone use any lot or erect, alter or use any building or structure except in accordance with the following regulations:

#### **8.1.1 Permitted Uses**

- a) multi unit residential uses;
- b) uses accessory to the foregoing use in accordance with subsection 5.19 of this by-law.

#### **8.1.2 Permitted Buildings and Other Structures**

- a) buildings and structures for the permitted uses;
- b) accessory buildings and structures for the permitted uses.

#### **8.1.3 Zone Provisions**

- a) Minimum Lot Area 2,700 square feet per dwelling unit
- b) Minimum Lot Frontage 25 feet per unit
- c) Maximum Lot Coverage 40 percent including accessory buildings except where there is attached housing where each unit is owned individually, the maximum lot coverage allowed shall be 55 percent including accessory buildings
- d) Minimum Yard Dimensions For Main Buildings  
(see subsection 5.19 for Accessory Building Requirements)
  - i) Minimum Front Yard Depth 30 feet
  - ii) Minimum Rear Yard Depth the greater of 25 feet or the height of the building

- iii) Minimum Interior Side Yard Width                      the greater of 10 feet or one-half of the height of the building except there shall be no requirement where there is a common wall between two units on separated lots
- iv) Minimum Exterior Side Yard Width                      the greater of 15 feet or one-half of the height of the building
- e) Maximum Height of Main Buildings                      4 storeys

8.2 SPECIFIC USE REGULATIONS

(none at this time)

8.3 EXCEPTIONS

Notwithstanding any other provisions of this by-law, the special regulations contained in this subsection (8.3) shall apply to the area or areas defined below:

8.3.1 Deleted by By-law 2004-39

8.3.2 DEFINED AREA R3-2 as shown on Schedule "A" of this By-law.

a) Permitted Uses

- i) Multi unit residential uses with not more than a total of 118 dwelling units;
- ii) Uses accessory to the foregoing, in accordance with subsection 5.19 of this by-law.

b) Permitted Buildings and Structures

- i) Two multi unit dwellings, each containing no greater than 59 dwelling units;
- ii) Accessory buildings and structures.

c) Zone Provisions

All lot and building requirements for the permitted buildings and structures permitted in subsection 8.3.2 a) shall be in accordance with the following:

- |       |                                     |                                      |
|-------|-------------------------------------|--------------------------------------|
| i)    | Minimum Lot Area                    | 4.2 acres                            |
| ii)   | Minimum Lot Frontage                | 250 feet                             |
| iii)  | Maximum Lot Coverage                | 40 percent                           |
| iv)   | Minimum Landscaped Open Space       | 35 percent                           |
| v)    | Minimum Front Yard Depth            | 80 feet                              |
| vi)   | Minimum Rear Yard Depth             | 30 feet                              |
| vii)  | Minimum Side Yard Width             |                                      |
|       | i) for the northern-most side yard  | 15 feet                              |
|       | ii) for the southern-most side yard | 100 feet                             |
|       | iii) all other side yards           | 30 feet                              |
| viii) | Maximum Building Height             | 5 storeys                            |
| ix)   | Minimum Number of Parking Spaces    | 1.5 parking spaces per dwelling unit |

d) Accessory Use Provisions

Accessory buildings, structures or uses in the R3-2 zone shall be in accordance with subsection 5.19 of this by-law, except that the maximum lot coverage shall not exceed four percent of the total lot area.

8.3.3 DEFINED AREA R3-3 as shown on Schedule "A" to this by-law. (Village Grove Townhouses)

a) Permitted Uses

Not more than ninety-six (96) attached residential dwelling units and accessory uses.

b) Permitted Buildings and Other Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the buildings and structures permitted in subsection 8.3.3 of this by-law shall be in accordance with the following:

i) Minimum Yard Dimensions for Main Buildings

no part of any building shall be built closer than sixteen (16) feet to any private road and no closer than twenty (20) feet to any lot line

ii) Minimum Yard Dimensions for Accessory Buildings

no part of any accessory building or structure shall be built be closer than ten (10) feet to any private road and no closer than three (3) feet to any lot line

iii) Maximum Lot Coverage

forty (40) percent, including accessory structures

iv) Maximum Building Height

forty (40) feet (see subsection 5.17 for exceptions)

8.3.4 DEFINED AREA R3-4 as shown on Schedule "A" of this By-law.

a) Permitted Uses

Not more than sixty (60) attached residential dwelling units and accessory uses.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the buildings and structures permitted in subsection 8.3.4 of this by-law shall be in accordance with the following:

i) Minimum Yard Dimensions for Main Buildings

no part of any building shall be built closer than twenty (20) feet to any private road and no closer than twenty (20) feet to any lot line

- ii) Minimum Yard Dimensions for Accessory Buildings  
accessory buildings and structures shall be in accordance with the corresponding site plan agreement
- iii) Maximum Lot Coverage  
forty-five (45) percent for main buildings only
- iv) Maximum Building Height  
forty (40) feet and four (4) storeys
- v) Minimum Number of Parking Spaces  
one point five (1.5) per dwelling unit.
- vi) Other  
all other requirements shall be in accordance with the corresponding site plan agreement

8.3.5 DEFINED AREA R3-5 as shown on Schedule "A" to this by-law. (Pilot's Cove)

- a) Permitted Uses  
Not more than forty-five (45) multi unit residential dwelling units and accessory uses.
- b) Permitted Buildings and Structures  
Buildings and structures for the permitted uses.
- c) Zone Provisions  
All lot and building requirements for the buildings and structures shall be in accordance with the corresponding site plan agreement.

8.3.6 DEFINED AREA R3-6 as shown on Schedule "A" of this By-law.

- a) Permitted Uses  
Not more than seventeen (17) attached residential dwelling units and accessory uses.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the buildings and structures permitted in subsection 8.3.6 of this by-law shall be in accordance with the following:

- |       |                                  |   |
|-------|----------------------------------|---|
| i)    | Minimum Lot Area                 | 2500 square feet  |
| ii)   | Minimum Lot Frontage             | 28 feet   |
| iii)  | Minimum Front Yard Depth         | 9 feet  |
| iv)   | Minimum Interior Side Yard Width | 9 feet, except that no minimum side yard shall be required between the common vertical wall dividing one dwelling unit from the adjoining dwelling unit |
| v)    | Minimum Exterior Side Yard Depth | 9 feet  |
| vi)   | Minimum Rear Yard Depth          | 25 feet   |
| vii)  | Maximum Building Height          | 32 feet   |
| viii) | Maximum Lot Coverage             | 55 percent, including accessory structures  |

d) Additional Setback Requirement From Brighton Road

Notwithstanding any other requirement of this by-law to the contrary, no part of any building shall be built closer than twenty (20) feet to Brighton Road.

e) Regulations Pertaining to Building Permit Issuance

Notwithstanding any other requirement of this By-law to the contrary, at the time of building permit issuance and prior to the severance of individual units within the R3-6 zone, the following regulations shall apply:

- i) no part of any building or structure shall be built closer than 9 feet to the north and east lot lines;
- ii) no part of any building or structure shall be built closer than 25 feet to the south lot line;
- iii) no part of any building or structure shall be built closer than 20 feet to the west lot line;
- iv) all development shall be in accordance with the corresponding site plan agreement.

8.3.7 DEFINED AREA R3-7 as shown on Schedule "A" of this By-law.

a) Permitted Uses

- i) Not more than two (2) attached residential dwelling units and accessory uses;
- ii) accessory boat docks for the exclusive non-commercial use of residents in the R3-6 and R3-7 defined areas.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the buildings and structures permitted in subsection 8.3.7 of this by-law shall be in accordance with the following:

- |      |                                  |   |
|------|----------------------------------|---|
| i)   | Minimum Lot Area                 | 2500 square feet  |
| ii)  | Minimum Lot Frontage             | 40 feet per dwelling unit   |
| iii) | Minimum Front Yard Depth         | 11 feet   |
| iv)  | Minimum Interior Side Yard Width | 5 feet, except that no minimum side yard shall be required between the common vertical wall dividing one dwelling unit from the adjoining dwelling unit |
| v)   | Minimum Rear Yard Depth          | 25 feet   |
| vi)  | Maximum Building Height          | 32 feet   |

vii) Maximum Lot Coverage 55 percent, including accessory structures

8.3.8 DEFINED AREA R3-8 as shown on Schedule "A" of this By-law.

a) Permitted Uses

Not more than thirty-six (36) attached residential dwelling units and accessory uses.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the buildings and structures permitted in subsection 8.3.8 of this by-law shall be in accordance with the following:

- i) Minimum Lot Area 4,800 square feet per unit
- ii) Minimum Lot Frontage in accordance with corresponding site plan agreement
- iii) Minimum Front Yard Depth 25 feet from the private road
- iv) Minimum Interior Side Yard Width 15 feet between buildings
- v) Minimum Exterior Side Yard Depth 12 feet from the private road
- vi) Minimum Rear Yard Depth 40 feet using the private road as a municipal road for the purposes of calculating yard requirements
- vii) Maximum Building Height in accordance with the corresponding site plan agreement
- viii) Maximum Lot Coverage 45 percent, including accessory structures



8.3.9 DEFINED AREA R3-9 as shown on Schedule "A" of this By-law.

a) Permitted Uses

Not more than seventy-six (76) attached residential dwelling units and accessory uses.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the buildings and structures permitted in subsection 8.3.9 a) of this by-law shall be in accordance with the following:

i) Minimum Yard Dimensions for Main Buildings

No part of any building shall be built closer than fifty (50) feet to any private road (not including private driveways) and no closer than fifty (50) feet to any lot line.

ii) Minimum Yard Dimensions for Accessory Buildings

No part of any accessory building or structure, including parking areas and swimming pools, shall be built closer than ten (10) feet to any private road (not including private driveways) or any lot line.

iii) Maximum Lot Coverage

Twenty-six (26) percent for main buildings only.

iv) Maximum Building Height

Fifty (50) feet and five (5) storeys.

v) Minimum Number of Parking Spaces

One point five (1.5) per dwelling unit.

vi) Other

All other zoning provisions shall be in accordance with the corresponding site plan agreement.

8.3.10 DEFINED AREA R3-10 as shown on Schedule "A" of this By-law.

a) Permitted Uses

Not more than a total of 21 dwelling units in the form of 7 two unit dwellings, 1 three unit dwelling and 1 four unit dwelling, and uses accessory to the foregoing permitted uses.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the permitted uses in subsection 8.3.10 of this by-law shall be in accordance with the following:

- |       |                                  |  |
|-------|----------------------------------|--|
| i)    | Minimum Lot Area                 | 2950 square feet   |
| ii)   | Minimum Lot Frontage             | 30 feet  |
| iii)  | Maximum Lot Coverage             | 55 percent   |
| iv)   | Minimum Front Yard Depth         | 20 feet  |
| v)    | Minimum Rear Yard Depth          | 25 feet, except that a minimum rear yard depth of 22 feet shall be permitted for the two unit dwelling which backs onto Derby Road |
| vi)   | Minimum Interior Side Yard Width | 5 feet, except where there is a common wall between two units in which case there is no side yard required                         |
| vii)  | Minimum Exterior Side Yard Width | 15 feet  |
| viii) | Maximum Height of Main Building  | 2 storeys  |

8.3.11 DEFINED AREA R3-11 as shown on Schedule "A" of this By-law. (As per OMB decision issued December 2, 2010. Case No. PL090723 and PL090724)

a) Permitted Uses

- i) A retirement home with not more than 115 units;
- ii) Accessory uses.

b) Permitted Buildings and Structures

- i) Buildings and structures for the permitted uses. In the R3-11 Zone, the main building shall specifically comprise a north-south wing on the westerly portion of the property from which extends an east-west wing on the southerly portion of the property and an east-west wing on the northerly portion of the property;
- ii) Accessory buildings and structures for the permitted uses.

c) Zone Provisions

All lot and building requirements for the uses permitted in subsection 8.3.11 a) i) of this by-law shall be in accordance with the following site specific regulations:

- i) Minimum Lot Area 2.5 acres
- ii) Minimum Lot Frontage 290 feet
- iii) Maximum Lot Coverage 40 percent
- iv) Minimum Landscaped Open Space 30 percent
- v) Minimum Front Yard Depth 70 feet
- vi) Minimum Rear Yard Depth nil
- vii) Minimum Eastern Side Yard
  - a) for the east-west wing on the southerly portion of the property 66 feet
  - b) for the east-west wing on the northerly portion of the property 132 feet
- viii) Minimum Western Side Yard nil
- ix) Maximum Building Height
  - a) for the east-west wing on the northerly portion of the property 2 storeys
  - b) for all other parts of the main building 4 storeys

- x) Minimum Number of Parking Spaces 1 space per 3 beds, including barrier-free parking spaces in accordance with subsection 5.22 a) of this By-law.

d) Special Balcony and Suite Window Regulations Pertaining to Portions of the Main Building

- i) Balconies and suite windows are prohibited on the easterly face of the east-west wing on the southerly portion of the property and on the easterly face of the east-west wing on the northerly portion of the property;
- ii) The only form of balcony permitted on the southerly face of the east-west wing on the southerly portion of the property shall be a Juliette balcony as defined herein. For the purpose of lands zoned R3-11, a Juliette balcony shall be defined as a balcony designed to provide a safety barrier in front of a door, which safety barrier shall be situated no greater than eight inches from the respective door and by virtue of its design does not include a platform upon which a person can occupy the space between the door and the safety barrier;
- iii) No minimum yard setback shall be required for balconies adjacent to the western side lot line or rear lot line.

e) Special Setback Requirements for Accessory Building and Structures

Notwithstanding subsection 5.19 of the By-law, no accessory buildings or structures shall be located on the north side of the established building line. For the purpose of this subsection only, the established building line shall be the straight line joining the nearest point of the wall of the adjacent easterly dwelling to the water's edge of Lake St. Clair, to the nearest point of the wall of the main building to the water's edge of Lake St. Clair. In addition, no accessory buildings or structures, excluding parking areas and landscaping, shall be located within 66 feet of the easterly side lot line.

f) Special Permitted Encroachment in Required Front Yard

Notwithstanding subsection 5.9 of the By-law, a roofed vehicular drop-off structure shall be permitted to project into the required front yard for a distance of 50 feet.

8.3.12 DEFINED AREA R3-12 as shown on Schedule "A" of this By-law.

a) Permitted Uses

- i) Townhouse dwellings having a maximum of four attached dwelling units per dwelling. For the purpose of this subsection, “townhouse dwelling” shall mean a building divided vertically into three or more attached dwelling units, with each having a separate entrance at grade;
- ii) The uses permitted in subsection 7.1.1 of this by-law.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses.

c) Zone Provisions for Townhouse Dwellings

All lot and building requirements for the uses permitted in subsection 8.3.12 a) i) of this by-law shall be in accordance with the following site specific regulations:

- i) Minimum Lot Area 4,800 square feet per dwelling unit
- ii) Minimum Lot Frontage 22 feet
- iii) Maximum Lot Coverage 45 percent, including accessory structures
- iv) Minimum Front Yard Depth 25 feet
- v) Minimum Rear Yard Depth 25 feet
- vi) Minimum Interior Side Yard Width 7.5 feet, except that no minimum shall be required between the common vertical wall dividing one dwelling unit from the adjoining dwelling unit; 15 feet between detached dwellings where there is no side lot line between the two detached dwellings
- vii) Minimum Exterior Side Yard Width 15 feet from a public road; 12 feet from a private road
- viii) Maximum Height of Main Building 35 feet

d) Zone Provisions for Single Unit Dwellings

All lot and building requirements for the uses permitted in subsection 8.3.12 a) ii) of this by-law shall be in accordance with subsection 7.3.7 c) and d) of this by-law.

e) Alternative Permitted Encroachments in Required Yards Provision for Townhouse Dwellings

Notwithstanding subsection 5.9 of this By-law, for townhouse dwellings on those lands zoned R3-12, every part of any yard required by this by-law shall be open and unobstructed by any structure, other than a fence or hedge, provided however that those structures listed in the following table shall be permitted to project into the required yards indicated for the distances specified:

	<b>Structure</b>	<b>Required Yard in Which Projection is Permitted</b>	<b>Amount of Encroachment Allowed</b>
a)	Sills, belt courses, cornices, eaves, gutters, chimneys, or pilasters	Any yard	three (3) feet
b)	Fire escapes and exterior staircases	Rear yards	ten (10) feet
c)	Window bay and awnings	Any yard	three (3) feet
d)	Balconies/Patios	Interior side yards All other yards	five (5) feet eight (8) feet
e)	Roofed unenclosed porches	Front and rear yards Exterior side yards	eight (8) feet five (5) feet
f)	Furnace and air conditioning units	Rear and exterior side yards	five (5) feet
g)	Television towers but not satellite dishes	Rear and exterior side yards	three (3) feet
h)	Cantilevers	Front and rear yards	two (2) feet
i)	Steps	Interior side yards All other yards	three (3) feet eight (8) feet

8.3.13

DEFINED AREA R3-13 as shown on Schedule “A”, of this By-Law.

a) Permitted Uses

- i) multi-unit residential uses with no greater than 65 dwelling units;
- ii) eating establishments located within the first storey of the multi-unit residential dwelling;
- iii) personal service shops located within the first storey of the multi-unit residential dwelling;
- iv) a marina and boat docks accessory to the multi-unit residential use as well as a maximum of 12 transient boat slips; and
- v) uses accessory to the foregoing.

b) Permitted Building and Structures

- i) one multi-unit dwelling containing no greater than 65 dwelling units;
- ii) accessory buildings and structures, in accordance with subsection 5.19 of this by-law.

c) Zone Provisions

All lot and building requirements for the buildings and structures permitted in subsection 8.3.13 shall be in accordance with the following:

- i) Minimum Lot Area 3.0 acres
- ii) Minimum Lot Frontage 300 feet
- iii) Maximum Lot Coverage 20 percent
- iv) Minimum Landscaped Open Space 20 percent
- v) Minimum Front Yard Depth 25 feet
- vi) Minimum Rear Yard Depth
  - a) First storey 25 feet
  - b) Second and third storey 40 feet

- c) Fourth and fifth storey 80 feet
- vii) Minimum Side Yard Width
  - a) Eastern side yard 50 feet
  - b) Western side yard 130 feet
- viii) Maximum Height 65 feet and not greater than five storeys, except that the maximum height of the north-easterly 1,500 square feet of the east-west wing shall not be greater than four storeys

d) Commercial Uses Within the First Storey of the Multi-Unit Residential Dwelling Provision

The total floor area of all commercial uses permitted in subsection 8.3.13 a) ii) and iii) shall not exceed 6,500 square feet.

e) Lake St. Clair Floodprone Area and Setbacks From Watercourses Provisions

Notwithstanding subsections 5.29 b) and 5.30, no part of any building or structure other than a permeable fence, shall hereafter be erected within 50 feet of the Pike Creek, measured from the top of bank.

In addition, no part of any building or structure other than a permeable fence, shall hereafter be erected within 26 feet of the marina/canal area of the property, measured from the top of bank.

Notwithstanding the above paragraph, structures related to the marina facilities located on the property which are deemed by the municipality to be more appropriately located near the water's edge, shall be exempt from the setback. The precise location of such structures shall be in accordance with approved site plans.

f) Parking Provisions

The minimum number of parking spaces for residential uses shall be 1.5 spaces per dwelling unit and the minimum number of parking spaces for commercial uses shall be 1 space per 200 square feet of building area.



The minimum size of regular parking spaces shall be 9 feet by 18 feet, exclusive of aisles or driveways. The minimum size of barrier free parking spaces shall be 13.5 feet by 18 feet, exclusive of aisles or driveways.