



BY-LAW

NO. 2023 –

Being a By-law to Amend Zoning By-law No. 2003 – 25, Being the Comprehensive Zoning By-law for the Municipality of Kincardine

JHT2INV Development Inc. (c/o John Hood Tidman)
PLAN INVERHURON LOTS 6 TO 10; E VICTORIA ST W ALBERT ST,
Municipality of Kincardine (Bruce Township)

Whereas Section 34 of the Planning Act, R.S.O 1990 Chapter 13 authorizes the Councils of Municipalities to enact and amend zoning by-laws which comply with an approved official plan; and

Whereas the Council of the Corporation of the Municipality of Kincardine has enacted By-law No. 2003 - 25, a zoning by-law enacted under Section 34 of the said Planning Act; and

Whereas the Council of the Corporation of the Municipality of Kincardine desires to amend By-law No. 2003 – 25; now therefore be it

Resolved that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That Schedule 'A' to By-law No. 2003 - 25 as amended, is hereby further amended by changing thereon from 'Environmental Protection (EP)' Zone and 'Residential One (R1)' Zone to 'Environmental Protection (EP)' Zone, 'Open Space (OS)' Zone, 'Residential Three Special (R3-ae)' Zone, 'Residential Three Special (R3-af)' Zone and 'Residential Four Special (R4-n)' Zone on those lands described as PLAN INVERHURON LOTS 6 TO 10; E VICTORIA ST W ALBERT ST, Municipality of Kincardine (Bruce Township), as outlined on the attached Schedule 'A'.
2. That By-law No. 2003 - 25 as amended, is hereby further amended by adding the following subsection to Section 14.3 thereof.

Notwithstanding their 'R3' zoning designation, those lands delineated as 'R3-ae' on Schedule 'A' to this By-law shall be used in compliance with the 'R3' zone provisions contained in this By-law, and shall comply with the following regulations which shall prevail in the event of conflict:

- a. The minimum number of dwelling units per lot shall be three (3) which includes principal dwelling units and secondary suites;
- b. Notwithstanding the Secondary Suite provisions set out in Section 6.34:
 - i. The maximum number of secondary suites per lot shall be three (3);
 - ii. One (1) secondary suite is permitted to exist outside the principal dwelling unit as a stand-alone unit, where the principal dwelling may be a 'Single detached dwelling', 'Semi-detached dwelling' or 'Row dwelling';
 - iii. Provision 6.34 v) shall not apply;

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Amend Zoning By-law 2003-25, PLAN INVERHURON LOTS 6 TO 10;E
VICTORIA ST W ALBERT ST, Municipality of Kincardine (Bruce Township)
(JHT2INV Development Inc.) By-law
By-law No. 2023 -

- iv. The secondary suite may be erected in any yard, and shall comply with the yard requirements of the zone in which such building or structure is situated;
 - c. A maximum of one (1) dwelling unit per lot may be used for short term rental accommodation where:
 - i. 'SHORT TERM RENTAL ACCOMMODATION' means an entire dwelling unit that is used to provide sleeping accommodations for any period of less than 28 consecutive days and is operated by the owner of the property. Short term rental accommodation shall not include an inn, hotel, bed and breakfast establishment, boarding house dwelling or similar commercial or institutional use.
- 3. By-law No. 2003 - 25 as amended, is hereby further amended by adding the following subsection to Section 14.3 thereof:

Notwithstanding their 'R3' zoning designation, those lands delineated as 'R3-af' on Schedule 'A' to this By-law shall be used in compliance with the 'R3' zone provisions contained in this By-law, and shall comply with the following regulations which shall prevail in the event of conflict:

- a. The minimum number of dwelling units per lot shall be two (2) which includes principal dwelling units and secondary suites;
 - b. Notwithstanding the Secondary Suite provisions set out in Section 6.34:
 - i. The maximum number of secondary suites per lot shall be three (3);
 - ii. One (1) secondary suite is permitted to exist outside the principal dwelling unit as a stand-alone unit, where the principal dwelling may be a 'Single detached dwelling', 'Semi-detached dwelling' or 'Row dwelling';
 - iii. Provision 6.34 v) shall not apply;
 - iv. The secondary suite may be erected in any yard, and shall comply with the yard requirements of the zone in which such building or structure is situated;
 - v. The secondary suite may be accessed from a second driveway;
 - c. A maximum of one (1) dwelling unit per lot may be used for short term rental accommodation where:
 - i. 'SHORT TERM RENTAL ACCOMMODATION' means an entire dwelling unit that is used to provide sleeping accommodations for any period of less than 28 consecutive days and is operated by the owner of the property. Short term rental accommodation shall not include an inn, hotel, bed and breakfast establishment, boarding house dwelling or similar commercial or institutional use.

4. That By-law No. 2003 - 25 as amended, is hereby further amended by adding the following subsection to Section 15.3 thereof:

Notwithstanding their 'R4' zoning designation, those lands delineated as 'R4-n' on Schedule 'A' to this By-law shall be used in compliance with the 'R4' zone provisions contained in this By-law, and shall comply with the following regulations which shall prevail in the event of conflict:

- a. The minimum number of apartment dwelling units shall be eleven (11);
 - b. A main floor commercial use shall be permitted in an apartment dwelling, limited to the following non-residential uses:
 - i. Convenience Store
 - ii. Day Care Nursery (Licensed)
 - iii. Laundromat
 - iv. Personal Service Establishment
 - v. Place of Entertainment
 - vi. Restaurant
 - vii. Restaurant, Take-Out
 - viii. Video Outlet/Rental Establishment
 - c. The maximum gross commercial floor area shall be 185 square metres;
 - d. The 'Dwelling Unit Floor Area (Minimum)' shall not apply.
5. This By-law takes effect from the date of passage by Council and comes into force and effect pursuant to the provisions of the Planning Act, R.S.O. 1990, as amended.
6. This By-law may be cited as the "Amend Zoning By-law 2003-25, PLAN INVERHURON LOTS 6 TO 10;E VICTORIA ST W ALBERT ST, Municipality of Kincardine (Bruce Township) (JHT2INV Development Inc.) By-law".

Read a First and Second Time this 10th day of July, 2023.

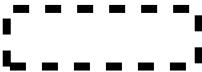
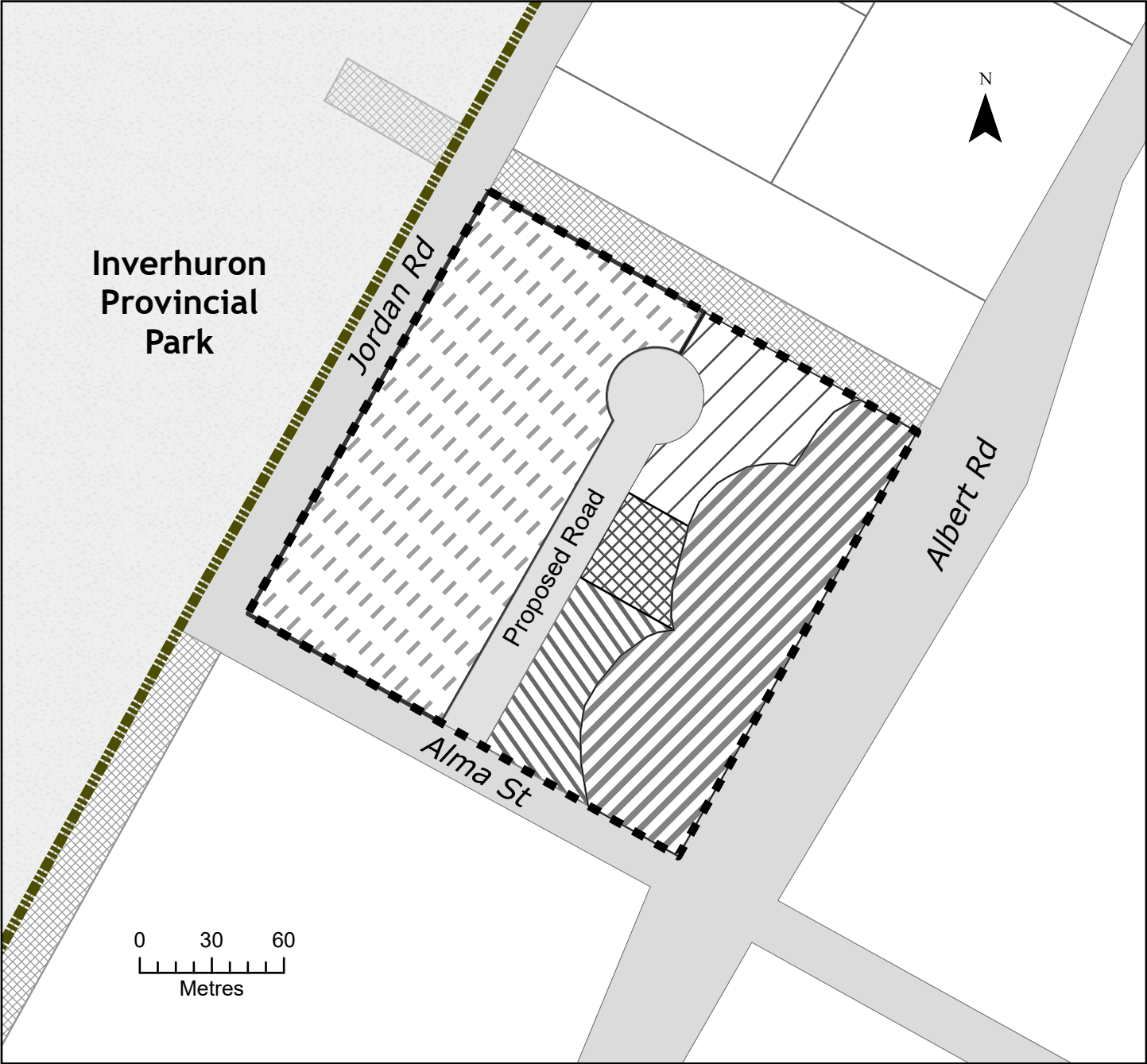
Read a Third Time and Finally Passed this 10th day of July, 2023.

Mayor

Clerk

Schedule 'A'

PLAN INVERHURON LOTS 6 TO 10;E VICTORIA ST W ALBERT ST Roll Number 410826000411900
Municipality of Kincardine (Bruce Township)



Subject Property



Lands to be zoned R3-ae - Residential Three Special



Lands to be zoned R3-af - Residential Three Special



Lands to be zoned R4-n - Residential Four Special



Lands to be zoned OS - Open Space



Lands to be zoned EP - Environmental Protection

This is Schedule 'A' to the zoning by-law
amendment number _____ passed this
_____ day of _____

Mayor _____
Clerk _____