

SECTION 4 ZONES AND ZONE SYMBOLS

(1) **DIVISION INTO ZONES**

For the purposes of this By-Law, all lands within the zoned area are divided into zones and classified in accordance with Subsection (2) of this Section.

(2) **ZONE CLASSIFICATION**

(a) RESIDENTIAL ZONES

The following zone designations and symbols represent Residential Zones:

- (i) Residential Type 1 Zone R1
- (ii) Residential Type 1A Zone R1A
- (iii) Residential Type 1B Zone R1B
- (iv) Residential Type 1C Zone R1C
- (v) Residential Type 2 Zone R2
- (vi) Residential Type 3 Zone R3
- (vii) Residential Multiple First Density Zone RM1
- (viii) Residential Multiple Second Density Zone RM2
- (ix) Residential Holding Zone RH

(b) COMMERCIAL ZONES

The following zone designations and symbols represent Commercial Zones:

- (i) Commercial Core Zone C1
- (ii) Support Commercial Zone C2
- (iii) Highway Commercial Zone C3
- (iv) Neighbourhood Commercial Zone C4
- (v) Business Park Commercial Zone C5
- (vi) Residential Office Zone RO

(c) INDUSTRIAL ZONES

The following zone designations and symbols represent Industrial Zones:

- (i) Light Industrial Zone M1
- (ii) Heavy Industrial Zone M2

(d) INSTITUTIONAL ZONE

The following zone designations and symbols represent Institutional Zones:

- (i) Institutional Zone I

(e) PARKS AND OPEN SPACE

The following zone designations and symbols represent Parks and Open Space Zones:

- (i) Parks and Open Space Zone POS

(f) FUTURE DEVELOPMENT

The following zone designations and symbols represent Future Development Zones:

- (i) Future Development Zone FD

(g) ENVIRONMENTAL PROTECTION

The following zone designations and symbols represent Environmental Protection Zones:

- (i) Environmental Protection Zone EP

(3) ZONE SYMBOLS AND DESIGNATIONS**(a) USE OF SYMBOLS AND DESIGNATION**

The Zone symbols and designations listed in Subsection (2) of this Section may be used to refer to buildings and structures and to the uses of lots, buildings and structures permitted by this By-Law in the said zones.

(b) INTERPRETATION OF SYMBOLS AND DESIGNATIONS

Wherever in this By-Law and the word "Zone" is used, preceded by any of the said zone symbols and designations, such reference shall mean any part of the zoned area delineated on Schedule "A" and designated thereon by the said symbol.

(4) ZONE PROVISIONS**(a) USES PERMITTED AND ZONE REQUIREMENTS**

For each zone listed in Subsection (2) of this Section, a separate section of this By-Law sets out the uses permitted in, and the specific provisions relating to, such zone under the headings "USES PERMITTED" and "ZONE REQUIREMENTS", respectively.

(b) SCOPE OF ZONE REQUIREMENTS

Except as otherwise specifically provided herein, the specific zone requirements set out herein for each zone shall apply to such zone in addition to the general provisions set out in Section 3 hereof.

(5) **SPECIAL ZONES**

Wherever a zone symbol on Schedule "A" hereto is followed by a dash and a number, such as "R2-1", the lands so designated shall be subject to, and used in accordance with all the provisions of this By-Law applicable to the zone represented by such symbol except as otherwise specifically provided by the special provisions of the special zone set out in the applicable Special Provisions section of the zone.

(6) **HOLDING "h" ZONES**

(a) USE OF SYMBOL

Where the symbol "h" appears on a zoning map as a prefix to a single zone or a compound zone applying to certain lands, notwithstanding the provisions of that zone or zones, unless this By-Law has been amended to remove the relevant "h" symbol, those lands shall not be developed or used except in compliance with the provisions of the applicable zone for existing uses, or for such other uses set out in the relevant Holding Zone Provisions below. The relevant Holding Zone Provisions are denoted by the number (if any) immediately following the symbol "h" on the zoning map.

(b) HOLDING ZONE PROVISIONS

- (i) h Purpose: To ensure the orderly development lands and the adequate provision of municipal services, the "h" symbol shall not be deleted until a subdivision agreement or development agreement is entered into for the lands in question with the Town of Aylmer.

Permitted Interim Uses: Existing Uses.

- (ii) h-1 Purpose: To ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, covering requirements for incorporating appropriate attenuation measures into the design of the development, prior to the removal of the "h" symbol.

Permitted Interim Uses: Existing uses; any non-residential uses permitted by the applicable zones.

- (iii) h-2 Purpose: To ensure that development will not have a negative impact on an environmentally sensitive area, or natural feature, an agreement shall be entered into specifying any necessary preventative measures, based on study(ies) to the satisfaction of the Town of Aylmer conducted by qualified professional(s) demonstrating that development in the form proposed will not adversely affect the area or feature, prior to the removal of the “h” symbol.

Permitted Interim Uses: Existing uses.

- (iv) h-3 Purpose: To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the *Planning Act*, 1990, prior to the removal of the “h” symbol.

Permitted Interim Uses: Existing uses.

- (v) h-4 Purpose: To ensure that buildings and structures that have been identified by the Town as historically significant and that are being actively pursued for a designation under the *Ontario Heritage Act* are not negatively impacted by development or redevelopment of the site or buildings, and to ensure that the development or redevelopment is in a form compatible with the heritage buildings, the following conditions must be satisfied prior to the removal of the holding provisions:

1. The site and/or building and/or portions thereof must be designated under the *Ontario Heritage Act* by the Town of Aylmer;
2. The site, buildings or portions thereof must be subject to an easement or easements to provide for municipal services, heritage preservation and conservation in favour of the Town of Aylmer and to the satisfaction of the Town of Aylmer;
3. The affected lands will be subject to Site Plan Control under Section 41 of the *Planning Act*, and a development agreement must be entered into by the owner of the subject lands and the Town of Aylmer.

Permitted Interim Uses: Existing uses, buildings and structures as they legally existed at the date of adoption of this By-Law.

- (vi) h-5 Purpose: To ensure that the appropriate timing for the expansion of food store facilities to exceed 4,645 m² gross floor area, the “h-5” symbol shall not be removed until the following condition has been satisfied:

1. A retail market impact study to the satisfaction of Council has been prepared.

Permitted Interim Uses: Any use permitted by the existing C5 zone with the exception of a food store less than 2,000 m² gross floor area and not exceeding 4.645 m² gross floor area.

(7) COMPOUND ZONES AND MULTIPLE ZONES

(a) COMPOUND ZONES

Notwithstanding any other provision of this By-Law, where two or more zoning symbols divided by a "/" are shown on the zoning maps as applying to a lot or as compounded by a Special Provision, that lot may be used exclusively for any use permitted in any one of the zone included in the compound zone symbol, or for any combination of uses permitted in any of the zones included in the compound zone symbol, subject to the following regulations:

- (i) The site development specifications prescribed in this By-Law for the selected zone in the compound zone symbol in which the use is permitted shall be observed in the development of the lands. In the case of a conflict when selecting a combination of uses from two or more zones, the more restrictive zone regulation applies.
- (ii) The parking and loading required by this By-Law for each of the uses included in the development of the lands, whether for a single use or a combination of uses, shall be provided.

(b) MULTIPLE ZONES

- (i) Where a lot is divided into two or more zones, each such portion of the said lot shall be considered a separate lot as defined herein and shall be used in accordance with the provisions of this By-Law which are applicable to the zone wherein such portion of the said lot is located.
- (ii) Notwithstanding anything to the contrary in Paragraph (i) of this Clause, where a use or uses are permitted by the zones applying to two or more portions of the lot, those portions shall be considered to constitute a single lot as defined herein and the highest or most restrictive zone requirements pertaining to such use or uses in all the pertinent zones shall apply throughout.

(8) BONUS PROVISION

Notwithstanding the density and height provisions which apply to a lot, the maximum permitted density and/or height may be increased in accordance with the provisions set out in this Section on having entered into a Bonusing Agreement with the Town. Notwithstanding the gross floor area and parking requirements of the By-Law, calculations of floor area and parking may be altered in accordance with the provisions of this Section on entering into a Bonusing Agreement with the Town. The accumulative impact of utilizing this Section shall not result in a density more than 25 percent greater than the density permitted by the non-bonused site.

- (a) For structures designated under the *Ontario Heritage Act* or for structures and/or districts identified as historically significant by the Town of Aylmer, in consideration for their designation under the *Ontario Heritage Act*, a 25.0 percent increase in density may be granted. Increased density may be achieved through an increase in height of not greater than 50.0 percent for Medium Density Residential Zones and 25.0 percent of that allowed under the By-Law for other zones, and/or increased coverage and/or reduced setbacks.
- (b) For every 100.0 square metres (1,074 sq. ft.) of public open space which is dedicated to the Town (in excess of the required parkland dedication and any undevelopable floodplain lands), the density of the residential development may be increased by one unit per hectare up to 25.0 percent (25%) of the total number of units that would otherwise be permitted by this By-Law.
- (c) Where day care facilities are provided within commercial or mixed-use buildings of larger than 1858.0 square metres (20,000 sq. ft.), the floor area devoted to the day care facilities shall not be included in the floor area ratio, the maximum gross or gross leaseable floor area permitted, or in the calculation of the parking requirements for the building.
- (d) **SITE SPECIFIC BONUS PROVISIONS**

Notwithstanding the density and height provisions which apply to a lot where a B (Bonus) Zone also applies to the lot, the maximum permitted density and/or height and/or parking may be altered in accordance with the provisions set out below on having entered into a Bonusing Agreement with the Town of Aylmer.

The number following the letter "B" on the Zone Maps indicates the number of the applicable Bonus Zone provision set out below.

- (i) B.1