

SECTION 8 - RESIDENTIAL 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) Residential uses;
- b) one home occupation per dwelling unit in accordance with the provisions of subsection 4.23 of this By-law;
- c) one bed and breakfast establishment in accordance with the provisions of subsection 4.4 of this By-law;
- d) accessory uses, including one detached hobby greenhouse smaller than 10 m² (107.64 ft²) in floor area.

8.1.2 Permitted Buildings and Other Structures

- a) One single unit detached dwelling per lot; or
- b) one converted dwelling per lot; or
- c) one two unit dwelling per lot; or
- d) one semi-detached dwelling per lot; or
- e) one single unit attached dwelling per lot; or
- f) multi unit dwellings excluding apartment style buildings; or
- g) nursing homes;
- h) buildings and structures accessory to the permitted uses in accordance with subsection 4.1 of this By-law.

8.1.3 Zone Provisions

Zone Provision	Single Unit Detached Dwelling	Converted Dwelling	Two Unit Dwelling	Semi-Detached Dwelling	Single Unit Attached Dwelling	Multi Unit Dwelling	Nursing Homes
Minimum Lot Area	465 m ² (5,005.38 ft ²)	465 m ² (5,005.38 ft ²)	550 m ² (5,920.34 ft ²)	280 m ² (3,013.99 ft ²) per lot	225 m ² (2,421.95 ft ²) per lot	670 m ² (7,212.05 ft ²)	930 m ² (10,010.76 ft ²)
Minimum Lot Frontage	15 m (49.21 ft)	15 m (49.21 ft)	18 m (59.05 ft), except where a dwelling is on a corner lot, 24 m (79.74 ft)	9 m (29.52 ft), except where a dwelling unit is on a corner lot, 12 m (39.37 ft)	7.5 m (24.60 ft) for interior units 9 m (29.52 ft) for exterior units 12 m (39.37 ft) for exterior units on corner lots	25 m (82.02 ft), except where a dwelling is on a corner lot, 28 m (91.86 ft)	20 m (65.61 ft)
Maximum Lot Coverage	35 % (includes accessory buildings and structures)	35 % (includes accessory buildings and structures)	40 % (includes accessory buildings and structures)	40 % (includes accessory buildings and structures)	50 % for interior units 40 % for exterior units (includes accessory buildings and structures)	45 % (includes accessory buildings and structures)	33 % (includes accessory buildings and structures)
Minimum Landscaped Open Space	50 %	50 %	35 %	35 %	35 %	35 %	35%
Maximum Building Height	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)	10 m (32.80 ft)

Zone Provision	Single Unit Detached Dwelling	Converted Dwelling	Two Unit Dwelling	Semi-Detached Dwelling	Single Unit Attached Dwelling	Multi Unit Dwelling	Nursing Homes
Minimum Front Yard	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	7.5 m (24.60 ft)
Minimum Interior Side Yard	1.5 m (4.92 ft) or where there is no attached garage, 3 m (9.84 ft) on one side and 1.5 m (4.92 ft) on the other side	1.5 m (4.92 ft) or where there is no attached garage, 3 m (9.84 ft) on one side and 1.5 m (4.92 ft) on the other side	1.5 m (4.92 ft), except where there is a common wall there is no side yard requirement	1.5 m (4.92 ft), except where there is a common wall there is no side yard requirement	1.5 m (4.92 ft), except where there is a common wall there is no side yard requirement	3 m (9.84 ft)	one half of the building height, but not less than 3.5 m (11.48 ft)
Minimum Exterior Side Yard	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft), 6 m (19.68 ft) where any garage door opening is located	4.5 m (14.76 ft)
Minimum Rear Yard	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)	6 m (19.68 ft)

8.2 Exceptions

The special regulations contained in subsection 8.2 shall apply to the area or areas defined below.

8.2.1 Defined Area R3-1 as shown on Schedule "A", Map 37 to this By-law

- a) Permitted Uses
Residential uses in accordance with subsection 8.1.1 of this By-law.
- b) Permitted Buildings and Other Structures
The buildings and structures permitted in subsection 8.1.2 of this By-law.
- c) Zone Provisions

All lot and building requirements for lands zoned R3-1 shall be in accordance with the following:

- i) the requirements of subsections 8.1.3 for single unit detached dwellings, two unit dwellings and semi detached dwellings;
- ii) the following requirements for single unit attached dwellings:
 - i. Minimum Lot Area 200 m² (2,150.85 ft²);
 - ii. Minimum Lot Frontage 5.5 m (18.04 ft);
 - iii. Maximum Lot Coverage 50 %;
 - iv. Minimum Landscaped Open Space 40 %;
 - v. Maximum Building Height 10.5 m (34.44 ft);
 - vi. Minimum Floor Area 70 m² (753.49 ft²);
 - vii. Minimum Front Yard 6 m (19.68 ft);
 - viii. Minimum Exterior Side Yard 3 m (9.84 ft);
 - ix. Minimum Interior Side Yard 1.2 m (3.93 ft) except that no side yard shall be required between the common vertical wall dividing one dwelling unit from the adjoining dwelling unit ;
 - x. Minimum Rear Yard 7.5 m (24.60 ft)
 - xi. Parking Requirements notwithstanding any other requirements of this By-law to the contrary, each single unit attached dwelling shall provide a parking area with minimum dimensions of 3.5 m by 9 m (11.48 ft by 29.52 ft);
 - xii. Other Provisions notwithstanding the above requirements, certain lots shall have lesser requirements as established in the decision of the Corporation of the Municipality of Leamington's Committee of Adjustment to application A/5/94.

8.2.2 Defined Area R3-2 as shown on Schedule "A", Map 39 to this By-law

- a) Permitted Uses
Residential uses and accessory uses.
- b) Permitted Buildings and Other Structures
Not more than 11 units in a townhouse dwelling and accessory buildings and structures.
- c) Zone Provisions
All lot and building requirements in the R3-2 Zone shall be in accordance with the following:

i)	Minimum Lot Area	250 m ² (2,691.06 ft ²) per unit;
ii)	Minimum Lot Frontage	9 m (29.52 ft);
iii)	Maximum Lot Coverage	55 %;
iv)	Minimum Landscaped Open Space	30 %;
v)	Minimum Front Yard	6 m (19.68 ft);
vi)	Minimum Interior Side Yard	1.8 m (5.90 ft) except that no minimum side yard shall be required between the common vertical wall dividing one dwelling unit from the adjoining dwelling unit;
vii)	Minimum Exterior Side Yard	4.5 m (14.76 ft);
viii)	Minimum Rear Yard	7.5 m (24.60 ft);
ix)	Accessory Buildings	no accessory buildings or structures shall be permitted except in accordance with the corresponding site plan agreement.

d) **Parking Requirements**

Notwithstanding any other requirements of this By-law to the contrary, a minimum of 2 parking spaces shall be provided for each dwelling unit.

e) **Regulations Pertaining to Building Permit Issuance**

At the time the building permits are applied for, the entire lot will be under one ownership. After the buildings are constructed, the individual units will be severed. It is these 'after severance' requirements that are established above. Accordingly, at the time of building permit issuance and prior to the severance of individual units within the R3-2 Zone, the required lot and building provisions shall be those necessary to result in individual lots and units that will ultimately satisfy the above-noted requirements.

8.2.3 Defined Area R3-3 as shown on Schedule "A", Map 41 to this By-law

a) **Permitted Uses**

Residential uses and accessory uses.

b) **Permitted Buildings and Other Structures**

One townhouse dwelling with not more than 5 dwelling units or one apartment style multiple dwelling with not more than 6 dwelling units and accessory buildings and structures.

c) **Zone Provisions**

All lot and building requirements for the permitted uses shall be in accordance with subsections 8.1.3 of this By-law. Accessory buildings and structures shall be in accordance with subsection 4.1 of this By-law.

d) **Other Provisions**

All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-3.

8.2.4 Defined Area R3-4 as shown on Schedule "A", Map 45 to this By-law

- a) **Permitted Uses**
Uses permitted in subsection 8.1.1 of this By-law.
- b) **Permitted Buildings and Other Structures**
Buildings and structures permitted in subsection 8.1.2 of this By-law.
- c) **Zone Provisions**
Zone provisions shall be as follows:
 - i) Minimum Lot Area 1,485 m² (15,984.93 ft²);
 - ii) Minimum Lot Frontage 30 m (98.42 ft);
 - iii) Maximum Lot Coverage 50 %;
 - iv) Minimum Landscaped Open Space 30 %;
 - v) Minimum Front Yard 3 m (9.84 ft);
 - vi) Minimum Side Yard 1.5 m (4.92 ft);
 - vii) Minimum Rear Yard 3 m (9.84 ft);
 - viii) Parking Requirements 1 space per dwelling unit.
- d) **Other Provisions**
All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-4.

8.2.5 Defined Area R3-5 as shown on Schedule "A", Map 45 to this By-law

- a) **Permitted Uses**
Uses permitted in subsection 8.1.1 of this By-law.
- b) **Permitted Buildings and Other Structures**
Buildings and structures permitted in subsection 8.1.2 of this By-law.
- c) **Zone Provisions**
Zone provisions shall be as follows:
 - i) Minimum Lot Area 1,485 m² (15,984.93 ft²);
 - ii) Minimum Lot Frontage 30 m (98.42 ft);
 - iii) Maximum Lot Coverage 50 %;
 - iv) Minimum Landscaped Open Space 30 %;
 - v) Minimum Front Yard 3 m (9.84 ft);
 - vi) Minimum Side Yard 1.5 m (4.92 ft);
 - vii) Minimum Rear Yard 3 m (9.84 ft);
 - viii) Parking Requirements 1 space per dwelling unit.
- d) **Other Provisions**
All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-5.

8.2.6 Defined Area R3-6 as shown on Schedule "A", Map 45 to this By-law

- a) **Permitted Uses**
Uses permitted in subsection 8.1.1 of this By-law.
- b) **Permitted Buildings and Other Structures**
Not more than 56 townhouse dwelling units and accessory buildings and structures.
- c) **Zone Provisions**
All lot and building requirements for lands zoned R3-6 shall be in accordance with subsections 8.1.3 of this By-law except that the minimum lot frontage of each single unit attached dwelling shall be 6.5 m (21.32 ft).
- d) **Other Provisions**
All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-6.

8.2.7 Defined Area R3-7 as shown on Schedule "A", Map 45 to this By-law

- a) **Permitted Uses**
Uses permitted in subsection 8.1.1 of this By-law.
- b) **Permitted Buildings and Other Structures**
Buildings and structures permitted in subsection 8.1.2 of this By-law.
- c) **Zone Provisions**
All lot and building requirements for lands zoned R3-7 shall be in accordance with subsections 8.1.3 of this By-law except that the minimum rear yard for any lot abutting an Industrial Zone shall be 30 m (98.42 ft)
- d) **Other Provisions**
All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-7.

8.2.8 Defined Area R3-8 as shown on Schedule "A", Map 44 to this By-law

- a) **Permitted Uses**
Uses permitted in subsection 8.1.1 of this By-law.
- b) **Permitted Buildings and Other Structures**
Single unit detached attached and single unit attached dwellings and accessory buildings and structures.
- c) **Zone Provisions**
All lot and building requirements for lands zoned R3-8 shall be in accordance with subsections 8.1.3 of this By-law except that the maximum lot coverage for interior single unit attached dwellings shall be 54 %, the minimum rear yard for all units shall be 7 m (22.96 ft) and the minimum landscaped open space for all interior single unit attached dwellings shall be 34 %.

d) **Other Provisions**

All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-8.

8.2.9 Defined Area R3-9 as shown on Schedule "A", Map 48 to this By-law

a) **Permitted Uses**

Uses permitted in subsection 8.1.1 of this By-law.

b) **Permitted Buildings and Other Structures**

Buildings and structures permitted in subsection 8.1.2 of this By-law.

c) **Zone Provisions**

All lot and building requirements for lands zoned R3-9 shall be in accordance with subsections 8.1.3 of this By-law except that the maximum lot coverage for interior single unit attached dwellings shall be 52 % and the maximum lot coverage for exterior single unit attached dwellings shall be 42 %.

d) **Other Provisions**

All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-9.

8.2.10 Defined Area R3-10 as shown on Schedule "A", Map 43 to this By-law

a) **Permitted Uses**

Uses permitted in subsection 8.1.1 of this By-law.

b) **Permitted Buildings and Other Structures**

Buildings and structures permitted in subsection 8.1.2 of this By-law.

c) **Zone Provisions**

With the exception of the those provisions listed below, zone provisions for the permitted buildings and other structures shall be in accordance with subsections 8.1.3 of this By-law and in accordance with subsection 4.1 for accessory buildings and other structures:

- i) maximum lot coverage for single unit attached dwellings shall be 54% for interior units and 45% for exterior units (includes accessory buildings and structures);
- ii) minimum front yard setback shall be 4.5 m (14.76 ft) for the first unit within the development and 5.5 m (18.04 ft) for a second unit and 6 m (19.68 ft) for all other units;
- iii) minimum rear yard setback shall be 7 m (22.96 ft) for first 4 units and 7.5 m (24.60 ft) for all other units;
- iv) the measurement for sight visibility triangles shall be 7.5 m (24.60 ft).

d) **Other Provisions**

All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-10.

8.2.11 Defined Area R3-11 as shown on Schedule "A", Map 59 to this By-law

- a) **Permitted Uses**
Uses permitted in subsection 8.1.1 of this By-law.
- b) **Permitted Buildings and Other Structures**
Townhouse dwellings not exceeding a total of 28 units.
- c) **Zone Provisions**
All lot and building requirements shall be in accordance with subsections 8.1.3 except that the minimum lot area shall be 0.4 ha (0.98 ac) and the minimum side yard shall be 5 m (16.40 ft).
- d) **Other Provisions**
All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-11.

8.2.12 Defined Area R3-12 as shown on Schedule "A", Map 60 to this By-law.

- a) **Permitted Uses**
Residential uses and accessory uses.
- b) **Permitted Buildings and Other Structures**
Not more than 18 townhouse dwelling units and accessory uses.
- c) **Zone Provisions**
All lot and building requirements in the R3-12 Zone shall be in accordance with the following:
 - i) Minimum Lot Area 170 m² (1,829.92 ft²) per unit;
 - ii) Minimum Lot Frontage 7.3 m (23.95 ft);
 - iii) Maximum Lot Coverage 60% including accessory buildings and structures;
 - iv) Minimum Front Yard 3.4 m (11.15 ft);
 - v) Minimum Interior Side Yard 0.9 m (2.95 ft) except that no minimum side yard shall be required between the common vertical wall dividing one dwelling unit from the adjoining dwelling unit;
 - vi) Minimum Rear Yard 4 m (13.12 ft);
 - vii) Minimum Landscaped Open Space 20 %.
- d) **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 R3-12 Zone, the following regulations shall apply:
 - i) no part of any building or structure shall be built closer than 4 m (13.12 ft) to the north lot line;
 - ii) no part of any building or structure shall be built closer than 3.4 m (11.15 ft) to the south lot line.

e) Other

All development shall be in accordance with the corresponding site plan agreement.

8.2.13 Defined Area R3-13 as shown on Schedule "A", Map 60 of this By-law

a) Permitted Uses

Residential uses and accessory uses.

b) Permitted Buildings and Other Structures

Not more than 16 single unit attached dwelling units and accessory uses.

c) Zone Provisions

All lot and building requirements in the R3-13 Zone shall be in accordance with the following:

- | | | |
|-------|-------------------------------|--|
| i) | Minimum Lot Area | 180 m ² (1,937.56 ft ²) per unit; |
| ii) | Minimum Lot Frontage | 7.3 m (23.95 ft) per unit; |
| iii) | Maximum Lot Coverage | 55 % including accessory structures; |
| iv) | Minimum Front Yard | 3.4 m (11.15 ft); |
| v) | Minimum Interior Side Yard | 0.9 m (2.95 ft) except that no minimum side yard shall be required between the common vertical wall dividing one dwelling unit from the adjoining dwelling unit; |
| vi) | Minimum Exterior Side Yard | 5 m (16.40 ft); |
| vii) | Minimum Rear Yard | 5.5 m (18.04 ft); |
| viii) | Minimum Landscaped Open Space | 20 %. |

d) 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 R3-13 Zone, the following regulations shall apply:

- i) no part of any building or structure shall be built closer than 3.4 m (11.15 ft) to the north lot line;
- ii) no part of any building or structure shall be built closer than 5.5 m (18.04 ft) to the south lot line.

e) Other

All development shall be in accordance with the corresponding site plan agreement.

- b) **Permitted Buildings and Structures**
Buildings and structures for the permitted uses.

c) **Zone Provisions**

Zone provisions for the permitted buildings and other structures shall be in accordance with the relevant columns of the table contained within subsection 8.1.3 of this By-law, with the exception of the following.

Zone Provision	Single Unit Detached Dwelling	Semi-Detached Dwelling	Multi-Unit Dwelling
Minimum Front Yard	4.5 m (14.76 ft), except 6 m (19.68 ft) where any garage door opening is located.	4.5 m (14.76 ft), except 6 m (19.68 ft) where any garage door opening is located.	4.5 m (14.76 ft), except 6 m (19.68 ft) where any garage door opening is located.
Minimum Interior Side Yard	1.5 m (4.92 ft), except 3 m (9.84 ft) on one side where garage is not attached.	1.5 m (4.92 ft), except 3 m (9.84 ft) on one side where garage is not attached. Where there is a common wall there is no side yard requirement.	1.5 m (4.92 ft), except 3 m (9.84 ft) on one side where garage is not attached. Where there is a common wall there is no side yard requirement.
Minimum Exterior Side Yard	3 m (9.84 ft), except 6 m (19.68 ft) where any garage door opening is located.	3 m (9.84 ft), except 6 m (19.68 ft) where any garage door opening is located.	3 m (9.84 ft), except 6 m (19.68 ft) where any garage door opening is located.
Minimum Rear Yard	7.5 m (24.60 ft)	7.5 m (24.60 ft)	7.5 m (24.60 ft)

d) **Other Provisions**

All other provisions pertaining to lands zoned R3 shall also pertain to lands zoned R3-16, except front porches may encroach 2 m (6.56 ft) from the building wall into the required minimum front yard setback of 4.5 m (14.76 ft). Steps from the front porch may encroach an additional 0.6 m (1.94 ft).

In addition, detached garages at the rear of the residential dwellings may have an interior side yard setback and a rear yard setback of a minimum of 0.6 m (1.96 ft) and an exterior side yard setback of 3 m (9.84 ft). A 9 m (29.52 ft) sight triangle at the intersection must be maintained.