

# Clearview Township - Comprehensive Zoning By-law 06-54

## **Adopted by Council**

October 23, 2006

## **Approved by Ontario Municipal Board**

October 22, 2007

## **Consolidation Dates**

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## **Index of Amendments to Zoning By-law 06-54**

07-20	10-25	12-36	16-21
07-21	10-28	12-40	16-22
07-42	10-40	12-53	16-23
07-43	10-42	12-57	16-33
07-44	10-47	13-04	16-37
07-52	10-52	13-10	16-51
07-60	10-53	13-23	16-68
07-62	10-54	13-29	16-76
07-68	10-69	13-41	16-81
08-18	10-71	13-42	16-82
08-26	10-73	13-57	16-83
08-40	10-77	14-01	16-84
08-44	11-05	14-11	16-85
08-58	11-15	14-12	16-94
08-60	11-27	14-21	16-107
08-63	11-31	14-41	17-09
08-70	11-39	14-55	17-11
08-73	11-41	14-78	17-14
09-10	11-46	14-80	17-19
09-12	11-47	15-09	17-28
09-18	11-51	15-17	17-44
09-21	11-62	15-25	17-50
09-27	11-63	15-56	17-53
09-38	11-72	15-63	17-70
09-40	11-79	15-69	17-80
09-63	12-11	15-82	17-82
10-02	12-14	15-91	17-96
10-07	12-15	16-03	
10-14	12-31	16-04	
10-20	12-35	16-17	



BY-LAW 06-54  
COMPREHENSIVE ZONING BY-LAW  
Clearview Township

ADOPTED BY COUNCIL

October 23, 2006

As Per: *Fran Sainsbury* Fran Sainsbury, Mayor

As Per: *Robert Campbell* Robert Campbell, Clerk



CLEARVIEW

CLEARVIEW TOWNSHIP  
COMPREHENSIVE ZONING BY-LAW, 06-54

## Summary of Amendments

[illegible]

# TABLE OF CONTENTS

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<b>1.0</b>	<b>INTERPRETATION &amp; ADMINISTRATION .....</b>	<b>1</b>
1.1	Title .....	1
1.2	Purpose of the By-Law .....	1
1.3	Effect of the By-Law.....	2
1.4	Conformity with the By-Law .....	2
1.5	Basic Interpretation of the By-Law .....	2
1.6	Change In Use and Occupancy .....	3
1.7	Reductions of Requirements.....	4
1.8	Establishment of Zones .....	4
1.9	Zone Exceptions .....	5
1.10	Holding Provisions .....	6
1.11	Severability .....	6
1.12	Compliance with Other Restrictions .....	6
1.13	Zoning Schedules .....	7
1.14	Underwater Zoning .....	7
1.15	Multiple Uses or Zones on One Lot.....	7
1.16	Zone Boundaries .....	8
1.17	Incorporation of Amendments .....	8
1.18	Continuation of Prosecution Following Repeal .....	8
1.19	Responsibility for Administration and Enforcement.....	8
<b>2.0</b>	<b>General Provisions .....</b>	<b>9</b>
2.1	Absolute Minimum Development Standards .....	9
2.2	Frontage on a Public Street.....	9
2.3	Municipal Servicing Requirements.....	10
2.4	Legal Non-conforming Provisions .....	11
2.5	Accessory Apartments.....	13
2.6	Accessory Buildings, Structures and Uses .....	14
2.7	Encroachments into Required Yards .....	15
2.8	Backyard Chickens.....	17
2.9	Bed & Breakfast Establishments .....	18
2.10	Home Occupations & Industries.....	19
2.11	Landscaping Requirements .....	21
2.12	Parking & Loading Requirements .....	21

2.13	Design of Parking Areas & Driveways .....	25
2.14	Parking Provided on Adjacent Lots .....	28
2.15	Historic Downtown Parking & Loading Exceptions.....	28
2.16	Shared Parking Facilities for Institutional Facilities .....	28
2.17	Shared Entry Registered on Title .....	29
2.18	Sight Triangles .....	29
2.19	Queuing Requirements .....	29
2.20	Vehicle Parking Standards .....	30
2.21	Minimum Distance Separation .....	31
2.22	Outdoor Display and Sales .....	31
2.23	Outdoor Storage.....	32
2.24	Restaurant Patio Provisions.....	32
2.25	Renewable Energy Facilities .....	33
2.26	Setback from Slopes .....	34
2.27	Setback from a Railway .....	34
2.28	Setback from a County Road or Provincial Highway.....	34
2.29	Temporary Uses .....	34
2.30	Yard & Garage Sales & Auctions .....	35
2.31	Public & Recreational Uses .....	35
2.32	Uses Permitted in All Zones .....	35
2.33	Uses Prohibited in All Zones .....	36

## **EXPLANATORY NOTE TO BY-LAW 06-54**

Sections, or portions thereof, that are highlighted in yellow are subject to appeals to the Ontario Municipal Board and remain under appeal until a decision of the Board is made.

### **LANDS AFFECTED**

By-law 06-54 affects all lands within the corporate limits of the Township of Clearview.

### **EXISTING ZONING**

All lands use by-laws of the former Townships of Nottawasaga and Sunnidale, the Village of Creemore and the Town of Stayner, and all amendments thereto, including amendments by the Township of Clearview, are hereby repealed in their entirety other than on lands shown in Schedule 'A' and 'B' to this By-law shown with a symbol indicating that the former by-laws continue to apply.

## **THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW BY-LAW 06-54**

WHEREAS it is considered desirable to control development and site alteration within the Township of Clearview in accordance with the Official Plan and to prohibit and regulate the use of land and the erection and use of buildings or structures except for certain purposes in accordance with the provisions of the Planning Act, R.S.O. 1990 c.P. 13 as amended.

**NOW THEREFORE** the Council of the Corporation of the Township of Clearview enacts as follows:



## 1.0 INTERPRETATION & ADMINISTRATION

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### 1.1 TITLE

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This By-law shall be known as the "Township of Clearview Comprehensive Zoning By-law also further referred to herein as the "Zoning By-law", or "this By-law".

### 1.2 PURPOSE OF THE BY-LAW

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The purpose of this By-law is to prohibit and regulate the use of land and the use and erection of buildings and structures except for such purposes and in such a manner as set out in this By-law. This By-law also establishes regulations for permitted uses and requirements. It is intended that this By-law implement the policies contained within the Clearview Official Plan, which was adopted by Council on September 19, 2001, and approved by the County of Simcoe on January 29, 2002, and has been, and will be, amended from time to time. This By-law must also conform to the Provincial Policy Statement and the Greater Golden Horseshoe Growth Management Plan.

This By-law is adopted by the Township of Clearview in order to ensure the safe and efficient movement of traffic, promote the development of an attractive and well-ordered community, further the comprehensive planning of the Township, and provide for the protection of agricultural resources and the environment.

Therefore, to best serve the interests of public health, safety, and general welfare, no development, **site alteration**, or use of land shall be permitted, nor shall any building permit, site plan approval, or any other municipal approval, be issued unless such development, **site alteration**, or use conforms and complies with the requirements of this By-law.

Accordingly, this By-law regulates the use of land within the Township of Clearview and the location, use, size, and shape of buildings and structures erected thereon, having regard for:

- a) The promotion of health, safety, convenience, and welfare of the public;
- b) The protection of the character and maintenance of the stability of residential, business, and industrial areas of the municipality and the promotion of the orderly and beneficial development of such areas;
- c) Encouraging the most appropriate use of land;
- d) The prevention of the pollution of land, the conservation of resources, and the preservation of the natural amenities of the Township;
- e) Securing of adequate light, air, and access including access to sunlight and wind for energy systems;
- f) Particular suitability of the zone for specific uses;
- g) Lessening the congestion of traffic on roads and facilitating of traffic flow by providing off-street parking of motor vehicles;
- h) Securing safety from fire, flood, and other dangers;
- i) Encouraging the protection of surface and ground water resources;

- j) Facilitating adequate provisions for transportation, water supply, sewage disposal, drainage, schools, parks, and other public facilities; and,
- k) Giving reasonable consideration to the character of the municipality, its landscapes, and the suitability for particular uses.

### 1.3 EFFECT OF THE BY-LAW

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The effect of this By-law is to place all lands, including buildings and structures, within land use Zones, and to establish permitted uses and prohibited uses as well as regulations and provisions governing permitted uses and construction of buildings and structures within those Zones, all in accordance with the policies of the Township of Clearview Official Plan. All land use by-laws of the former Townships of Nottawasaga and Sunnidale, the Village of Creemore and the Town of Stayner, and all amendments thereto, including amendments by the Township of Clearview, are hereby repealed in their entirety other than on lands shown in Schedule 'A' and 'B' to this By-law shown with a symbol indicating that the former by-laws continue to apply.

Note: Highlighted sentence in Section 1.3 is under appeal only with respect to the request to add that new aggregate extraction proposals shall also be subject to the former by-laws.

### 1.4 CONFORMITY WITH THE BY-LAW

---

No person shall use any land, building, or structure, after the passage of this By-law except in conformity with the provisions and regulations of this By-law.

No person shall cause a building/structure or any part or parts thereof, or other structures to be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity with the provisions herein.

Notwithstanding the issuance of any approval or provision of any information by the Township, it shall be the full responsibility of any person using lands, buildings, or structures, and the owner or occupier, to ensure that any use of lands, buildings, or structures and the construction of a building or structure conforms with the requirements of this By-law.

Zoning affects every building, structure and use, and extends horizontally and vertically.

### 1.5 BASIC INTERPRETATION OF THE BY-LAW

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#### 1.5.1 Interpretation of Provisions

- a) Any building/structure or use established in violation of a predecessor of this By-law is deemed to have been established unlawfully.
- b) Any use not permitted in a given zone, is prohibited.
- c) Where there is a conflict between the requirements of a zone and the requirements of the general provisions, the most stringent requirement shall apply.

#### 1.5.2 Interpretation of Wording and Schedules

- a) The definitions and interpretations given herein shall govern.

- b) The words "used" and "occupied" shall include the words "intended" or "arranged" and "designed to be used or occupied".
- c) The words "he" and "his" include the words "she" and "her" as well as corresponding gender neutral terms.
- d) The provisions and regulations of the By-law shall be held to be the minimum requirements except where the word "maximum" is used, in which case the maximum requirements shall apply.
- e) When not inconsistent with the context or intent, words used in the present tense include the future.
- f) The word "shall" is always mandatory and not merely permissive.

Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either-or", the conjunction shall be interpreted as follows:

- a) "and" indicates that all the connected items, conditions, provisions, or events shall apply in any combination;
- b) "or" indicates that the connected items, conditions, provisions, or events may apply single or in combination; and,
- c) "either-or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

Numerical figures used in this By-law are given in metric units and are intended to provide the sole standard governing the provisions of the By-law.

Where any Act or portion of an Act is referenced in this By-law, such reference shall be interpreted to refer to any subsequent re-titling, renumbering of sections, or other amendments or changes to such Act or its successor.

Any typographical error, spelling error, capitalization error, grammatical error, punctuation error, or a map error may be corrected by the Township at any time without restriction and without amendment to this By-law and shall not affect the validity of any provision or requirement of this By-law. Where there is any dispute in regard to the intent of the By-law, in such circumstances, Council shall clarify the intent of the By-law through such correction by resolution.

The purpose of the definitions included in this By-law is to define words, terms, and phrases which are necessary for the understanding, administration, and enforcement of this By-law or which are not part of common English language. Terms, words, and phrases in this By-law which are not defined in this By-law but are defined in the Planning Act, R.S.O. 1990, c.P.13, and other by-laws of the Township of Clearview, have the meaning expressed in that Act and the appropriate by-laws. Words, phrases, and terms neither defined in this By-law nor in the Act or in other by-laws of the Township of Clearview, shall be given their usual and customary meaning except where the context clearly indicates a different meaning in which case the Township shall determine the appropriate meaning.

The aerial photography and lot fabric shown on the zoning schedules or maps is provided as background information only, and may be updated by the Township at any time without requiring an amendment to this By-law.

## 1.6 CHANGE IN USE AND OCCUPANCY

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No person shall cause a change in the use of any lands, or of any building or structure on such lands, or of any part of a lot, structure, or building, and no person

shall occupy any building or structure, in whole or in part, unless the use of any lands, or of any building or structure on such lands, or of any part of a lot, structure or building, is in conformity ~~conformance and compliance~~ with the requirements of this By-law and any other requirement of the Township which must by legislation, regulation, by-law, or agreement be satisfied prior to occupancy or use.

## 1.7 REDUCTIONS OF REQUIREMENTS

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Except as a result of the actions of any public authority having statutory powers of expropriation, no person shall change the purpose for which any land or building is used, or erect any new building or addition to any existing building, or sever any lands from any existing building, or sever any lands from any existing parcel, if the effect of such action is to cause the original, adjoining, or remaining buildings or lands to contravene this By-law.

## 1.8 ESTABLISHMENT OF ZONES

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All lands subject to this By-law are contained within one or more of the following zones:

### **AGRICULTURAL ZONES**

AG	Agricultural
AG-ER	Agricultural – Residential Use Exception
AG-EL	Agricultural – Livestock Use Exception
AGI	Agriculturally Related Industrial
AGC	Agriculturally Related Commercial
AGK	Agricultural Boarding Kennel

### **RURAL ZONES**

RU	Rural
RUK	Rural Boarding Kennel

### **RESIDENTIAL ZONES**

RE	Residential Estate
RS	Residential Hamlet
RS1	Residential Large Lot
RS2	Residential Low Density
RS3	Residential Multiple Low Density
RS4	Residential Medium Density
RS5	Residential Multiple Medium Density
RS6	Residential High Density
RS-BB	Settlement Area Bed and Breakfast

### **DEVELOPMENT ZONES**

DA	Development Area
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### **INSTITUTIONAL ZONES**

IN	Institutional
INR1	Institutional Residential 1
INR2	Institutional Residential 2

### **RECREATIONAL ZONES**

REC	Recreation Lands
RECT	Recreational Trail

## **COMMERCIAL ZONES**

RECC	Commercial Recreation Lands
C1	General Commercial
C2	Highway Commercial
C3	Service Commercial
C4	Large Format Commercial
C5	Neighbourhood Commercial
C6	Country Commercial
CT1	Commercial Transition 1 Overlay
CT2	Commercial Transition 2 Overlay

## **INDUSTRIAL ZONES**

MG	General Industrial
MP	Prestige Industrial
MR	Restricted Industrial
MA	Airport Industrial
MW	Waste Disposal Area
WDAA	Waste Disposal Area Overlay
MARA	Mineral Aggregate Resource Area Overlay

## **ENVIRONMENTAL & HAZARD ZONES**

EP	Environmental Protection
FP	Hazard Land Overlay
FPSP	Hazard Land Special Policy Overlay
AR	Archaeological Assessment Overlay
SM	Stormwater Management Facilities

## **NIAGARA ESCARPMENT ZONE**

NEC	Niagara Escarpment
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## **EXTRACTION ZONE**

EX1	Extraction Industrial Above The Water Table
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## **1.9 ZONE EXCEPTIONS**

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Where the Zone symbol designating certain lands, as shown on a Schedule, is followed by a dash and a number such as M1-1, then special provisions which may establish use, regulatory, or provisional exceptions, apply to such lands in addition to, or in place of, the normal Zone provisions. Lands designated in this manner shall be subject to all of the provisions, standards, and restrictions of the Zone, except as otherwise provided by the special provisions. These special provisions apply only to the lands to which such a Zone symbol is shown to apply.

Where the Zone symbol designating certain lands, as shown on a Schedule, is followed by a dash and a further symbol of one or more letters and numbers, then a set of standard additional uses may be permitted and there may be variations to the applicable provisions. Lands designated in this manner shall be subject to all of the provisions, standards, and restrictions of the Zone except for the allowance for additional uses and as otherwise provided by the special provisions. These special provisions apply on the lands to which such a zone symbol is shown to apply.

## 1.10 HOLDING PROVISIONS

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Notwithstanding any other provision in this By-law, where a zone symbol is followed by the letter (H), no person shall use the land to which the letter (H) applies for any use other than the use which existed on the date this By-law was passed or which is specifically established as a permitted use in conjunction with the (H) symbol in this By-law, until the (H) is removed in accordance with the policies of the Township of Clearview Official Plan and the Planning Act, and in accordance with conditions established for the removal of the (H) in this By-law or any amendment thereto. Conditions for removal are set out in Schedule 'E'.

The Municipality may pass an amendment to this By-law to utilize the Holding Zone on lands where development is premature and may establish, as a condition for removal, that one or more of the following requirements have been met:

- a) Adequate sanitary, water, storm, and/or transportation services and facilities are available to serve the development;
- b) Any adverse environmental effects or constraints have been resolved;
- c) There is sufficient need for the development;
- d) Site plan, subdivision, and/or condominium approval has been obtained and any required development agreements entered into with the Municipality;
- e) Specific studies required by the Municipality have been submitted to and approved by the municipality; or,
- f) Any other lawful requirement that Council may impose for the proper and orderly development of the lands has been satisfactorily met.

## 1.11 SEVERABILITY

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If any section, clause, or provision of this By-law including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses, or provisions of this By-law shall remain in full force and effect until repealed.

## 1.12 COMPLIANCE WITH OTHER RESTRICTIONS

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This By-law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by the Township or any other Federal or Provincial government authority having lawful jurisdiction to make such restrictions or regulations. Where the requirements of this By-law and those of any government authority are in conflict, the greater, most restrictive, or most stringent requirements shall apply.

In the event of conflict between this By-law and any general or special by-law, this By-law shall prevail. However, nothing in this Zoning By-law shall serve to relieve any person from the obligation to comply with the requirements of any other by-law of the Municipality in force from time to time, or the obligation to obtain any license, permit, authority, or approval required under any by-law of the Municipality.

In the event of an inconsistency or conflict between two or more provisions, standards, or requirements of this By-law, the more stringent restrictions shall prevail.

## **1.13 ZONING SCHEDULES**

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The land use Zones, which include overlay Zones and notations, for all lands covered by this By-law are shown on zoning maps in Schedules "A" and "B" to this By-law. Such schedules, with all notations, references, dimensions, designations, and other necessary information shown thereon, are hereby adopted and made part of this Zoning By-law for reference. Such schedules may hereinafter be referred to as "Maps", "Zoning Maps", "Schedules", or "Zoning Schedules".

The symbols used on the Schedules attached hereto, refer to the appropriate Zones established by this By-law. These symbols may be used to refer to lands, buildings, structures, and the uses of lands, buildings, and structures permitted by this By-law in the said Zones, and whenever in this By-law the word "Zone" is used immediately preceded or followed by any of the said symbols, such Zones shall mean any area within the Township of Clearview within the scope of this By-law delineated on a Zoning Map and designated thereon by the said symbol.

## **1.14 UNDERWATER ZONING**

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All areas of the Township of Clearview which are underwater shall be subject to all of the regulations of the zone which immediately adjoins the water area. If the water area adjoins two (2) or more zones, the boundaries of each zone shall be construed to extend into the water area to the midpoint of a watercourse or water body in a straight line until they meet the other zone.

## **1.15 MULTIPLE USES OR ZONES ON ONE LOT**

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### **1.15.1 Multiple Uses on One Lot**

Notwithstanding any other provisions of this By-law, where any land, building, or structure is used for more than one purpose, all provisions of this By-law shall be complied with for each use. Where there is a conflict in the application of competing provisions, the most stringent provision shall apply.

Unless specifically permitted, no more than one detached dwelling shall be permitted on a lot and no more than one accessory apartment shall be permitted on a lot.

### **1.15.2 Properties with More than One Zone**

Where a lot is divided into more than one Zone, each such portion of said lot shall be considered separately for the purposes of determining permitted uses and zone provisions and each such portion shall conform to the provisions of the appropriate zone.

The greatest lot area requirement impacting a multi-zoned property shall apply. The zone category situated along the front lot line shall determine the minimum lot frontage requirement. Where there is a conflict in the application of competing provisions the most stringent provision shall apply.

## **1.16 ZONE BOUNDARIES**

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The Zones and zone boundaries are shown on the schedules to this By-law which are attached to and form part of this By-law.

Unless the location of a zone boundary is specified by the dimensions on the zoning map or interpretation is otherwise provided for herein, a zone boundary which lies within a lot shall be fixed by the scale of the zoning map.

A zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line.

A zone boundary shown approximately at the centre line of a right-of-way, street, lane, other public thoroughfare, railway line, or transmission line, shall be deemed to follow the centre line of the right-of-way, street, lane, other public thoroughfare, railway line, or transmission line.

The corrections discussed above are considered to be matters of interpretation of the By-law with technical adjustments made being considered implementation of those interpretations. Such corrections are not amendments to this By-law.

Where a zone boundary is indicated as following the limits of a flood line or fill line prepared by the Nottawasaga Valley Conservation Authority (NVCA), where registered under the Conservation Authorities Act and approved by the Township, the boundary shall follow such flood line or fill line, as may be amended from time to time.

## **1.17 INCORPORATION OF AMENDMENTS**

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Amendments to this By-law, duly adopted by Council, may be incorporated into a consolidated version of this By-law without the necessity of further amendment to this By-law or formal adoption of the consolidated By-law.

## **1.18 CONTINUATION OF PROSECUTION FOLLOWING REPEAL**

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The passage of this By-law does not affect the right of the Township of Clearview to prosecute any violation of the previous By-laws, if the violation occurred while the previous By-laws were in effect.

## **1.19 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT**

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The provisions of this By-law shall be administered and enforced by the Zoning Administrator. The Zoning Administrator shall include, singly or collectively: the Director of Community Service or the Director of Planning and Development; a Planner so designated by the Director of Community Services or the Director of Planning and Development; the Clerk; the Township solicitor; the Township By-law Enforcement Officer; the Chief Building Official; a Building Inspector so designated by the Chief Building Official; and, any other person designated from time to time by the Council of the Township.

Administration, enforcement, and associated processes, procedures, and penalties shall be established, determined, and carried out in accordance with relevant legislation and law.



## 2.0 GENERAL PROVISIONS

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### 2.1 ABSOLUTE MINIMUM DEVELOPMENT STANDARDS – VACANT LOTS

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Without exception, no vacant lot shall be developed or built upon and no new primary uses shall be established, unless it meets all of the following criteria:

- The lot fronts onto a public street, which is year-round maintained in accordance with Sec. 2.2.
- The lot meets the municipal servicing requirements outlined in Sec. 2.3.
- The lot meets either the zone provisions or the requirement for legal non-conforming lots for minimum lot frontage and area.
- The lot has at least 5 m frontage within a fully-serviced settlement area and at least 10 m frontage outside a fully-serviced settlement area.
- The lot is adequately sized to contain proper private services, where municipal services do not exist. Unless the pertinent zone specifically allows for a smaller lot size with private services, the absolute minimum lot size needed to contain a private well and septic system is 0.3 ha.
- The lot meets the definition of a lot of record within Sec. 4.0.

### 2.2 FRONTAGE ON A PUBLIC STREET

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Unless otherwise specified by this By-law, no person shall erect any building or structure and no person shall use any building or structure unless:

- a) The lot or parcel to be used, or upon which the building or structure is situated, erected, or proposed to be erected, abuts, or fronts on a public street, which is assumed by the Township or Responsible Road Authority for maintenance purposes and is maintained by, and intended by, the Township or the Responsible Road Authority for year-round travel; or,
- b) Is being constructed pursuant to a Subdivision or Site Plan Agreement with the Township, is maintained by and intended by the Township or the Responsible Road Authority, or by another party under agreement with the Township or the Responsible Road Authority, for year-round travel; and, in either instance, the proposed access has received approval from the Township or the Responsible Road Authority.

Notwithstanding these provisions, where development is occurring with an approved Plan of Condominium which provides for access to and from all development in the Plan in accordance with Township requirements specified in the Plan of Condominium approval, then development within the Plan does not require frontage on a public street for individual units within the Plan.

Where a zone provision establishes a minimum frontage requirement, the primary access to the use must be to a public street as set out above, but need not be in the frontage.

An access easement does not constitute frontage.

## 2.3 MUNICIPAL SERVICING REQUIREMENTS

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### 2.3.1 Within Full Municipal Service Areas

In those areas deemed as being within full municipal service areas by the Township, no permanent building or structure requiring potable water or sewage disposal facilities shall be erected or utilized unless such buildings or structures are served by a municipal water supply system and a municipal sanitary sewage disposal facility.

### 2.3.2 Outside of Full Municipal Service Areas

In those areas deemed as being within partial municipal service areas (municipal water only) by the Township, no permanent building or structure requiring potable water shall be erected or utilized unless such buildings or structures are served by a municipal water supply system.

### 2.3.3 Discharge Control Regulations for Clearview and Connections to Wasaga Beach Sewers

- a) All buildings, structure, or uses connected to municipal sewage collection systems shall be required to comply with the municipality's sewer use by-law, By-law 00-13, A By-law to Control Discharges to the Municipal Sewage Works, as may be amended from time to time.
- b) All buildings, structures, or uses connected to partnered sewage collection system shall also be required to comply with the Town of Wasaga Beach sewer use by-law, By-law 2010-62, as may be amended from time to time.
- c) In areas which are serviced by the portion of the sewage collection system through which effluent is directed to the Wasaga Beach Sewage Treatment Plant, the following uses shall be prohibited on any land or in any building or structure notwithstanding the permitted uses of the zone applying to such lands:
  - i) The manufacturing, processing, fabricating of, assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses, where such a use would result in any discharge or non-residential quality waste to the sewage collection system;
  - ii) The breaking up, dismantling and separating into parts of any article, machinery or vehicle where such use would result in any discharge of non-residential quality waste to the sewage collection system;
  - iii) The storage or treatment of waste materials as a non-incidental activity;
  - iv) The extraction or processing of sand, gravel, clay, turf, soil, rock, stone or similar substances;
  - v) The repair of any vehicle, equipment or machinery unless such use is equipped with facilities to pre-treat any discharge so that such discharge meets the requirement of By-law 00-13 A By-law to Control Discharges to the Municipal Sewage Works, as may be amended from time to time;
  - vi) Any use which results in a discharge of fuel, hazardous industrial waste, hazardous waste chemicals, ignitable substances, pathological wastes, pesticides, waste disposal leachate, waste radioactive prescribed substances, or reactive substances, each as defined in By-law 00-13 A By-law to Control Discharges to the Municipal Sewage Works, as may be amended from time to time; and

- vii) Any other industrial or commercial use where such use would result in any discharge of non-residential quality waste to the sewage collection system.

## 2.4 LEGAL NON-CONFORMING PROVISIONS

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A legal non-conforming lot, use or building/structure is a non-conforming lot, use or building/structure that was lawfully established. Lawfully established means one of the following:

- The use, building or structure was established in compliance with a previous Zoning By-law of the Township or its amalgamated Towns/Townships.
- The use, building or structure pre-dates Zoning within the Township or its amalgamated Towns/Townships.
- The lot was established in compliance with a previous Zoning By-law of the Township or its amalgamated Towns/Townships and meets the definition of 'lot of record' in this By-law.
- The lot pre-dates Zoning within the Township or its amalgamated Towns/Townships and meets the definition of 'lot of record' in this By-law.

Legal non-conforming status is applicable to a use no longer permitted in this By-law so long as the use was lawfully established and continues to be used for that purpose, without having ceased.

Nothing in this By-law shall apply to prevent the repair and maintenance of any lot or building/structure that is legal non-conforming.

No legal non-conforming use shall be altered and no legal non-conforming building or structure shall be enlarged or reconstructed except in accordance with the provisions of this section.

### 2.4.1 Legal Non-conforming Lots

The following regulations apply to legal non-conforming lots, which are lawfully established lots with insufficient area and/or frontage.

Nothing in this section shall apply to prevent the enlargement, reconstruction or restoration of existing permitted or legal non-conforming buildings/structures on legal non-conforming lots in accordance with the provisions of the pertinent zone and general provisions of this By-law.

#### 2.4.1.1 Vacant Legal Non-conforming Lots

No new use shall be established and no buildings or structures are permitted to be erected on a vacant lot with insufficient lot area or frontage, unless:

- a) The lot meets all of the Absolute Minimum Development Standards outlined in Sec. 2.1 and all other provisions of this By-law.
- b) The lot has at least 5 m frontage and is located within a fully-serviced settlement area.
- c) The lot has at least 10 m frontage and is located outside of a fully-serviced settlement area.

A legal non-conforming vacant lot that is within a registered plan of subdivision approved between 1994 and 2009 shall be permitted to contain new uses and new

buildings/structures in accordance with the pertinent zone and all other provisions of this By-law.

#### 2.4.1.2 Accessory Apartments on Legal Non-conforming Lots

Where permitted, an accessory apartment may be established on a lot with insufficient area or frontage, but shall not be permitted:

- On a lot having less than 5 m frontage inside of a fully-serviced settlement area.
- On a lot having less than 10 m of frontage outside of a fully-serviced settlement area.

#### 2.4.1.3 Accessory Buildings/Structures on Legal Non-conforming Lots

Where there is a permitted or legal-non conforming primary building, accessory buildings and structures are permitted to be established on a legal non-conforming lot regardless of the lot frontage or area, provided that:

- The accessory building or structure meets the requirements of the pertinent zone and the general provisions of this By-law for accessory buildings and structures.

### 2.4.2 Legal Non-conforming Uses

A legal non-conforming use is not permitted to expand, except where permission for expansion in gross floor area is granted by the Committee of Adjustment.

Accessory buildings and structures are permitted to be erected in association with a legal-non conforming residential use on a lot, provided that:

- The accessory building or structure meets the requirements of the pertinent zone and the general provisions of this By-law for accessory buildings and structures.

### 2.4.3 Legal Non-conforming Buildings/Structures

The following regulations apply to the alteration of legal non-conforming buildings and structures **regardless of lot area and frontage**.

#### 2.4.3.1 Enlargement of Legal Non-conforming Buildings/Structures

A legal non-conforming building or structure may be enlarged, provided that the addition itself complies with the regulations of the pertinent zone and other applicable provisions of this By-law.

#### 2.4.3.2 Reconstruction of Legal Non-conforming Buildings/Structures

A legal non-conforming building or structure may be purposefully demolished and reconstructed either in part or in its entirety, or may be reconstructed after partial or complete destruction by accident or catastrophe in accordance with the pertinent zone and other applicable provisions of this By-law.

If compliance with this By-law cannot be achieved in some regard, reconstruction may take place provided that:

- a) The building/structure or portion thereof shall not be reconstructed to exceed its legal non-conforming external dimensions, gross floor area or height.

- b) The reconstruction does not exceed the legal non-conforming footprint of the original building/structure or portion thereof as it existed prior to destruction/demolition.

#### 2.4.4 Alteration of Existing Lots

A lot shall not be altered through consent or other means if the result of the alteration would bring the lot into contravention of the By-law or worsen an existing deficiency, in terms of lot area, frontage, setbacks, or coverage.

If a lot is altered through consent or other means and the result of the alteration improves an existing deficiency, but does not result in compliance with this By-law, the deficiency shall be recognized through minor variance or amendment to this By-law.

No lot outside of a settlement area, other than a lot of record, shall be merged, enlarged or altered as a means of meeting the minimum lot area and frontage requirements of this By-law.

A vacant lot outside of a settlement area that is not considered a lot of record shall not be developed regardless of lot frontage or area.

Notwithstanding this provision, a lot may be reduced in frontage or area by expropriation, utility installation, road widening, or other necessary measure taken by a public authority. A lot or building/structure setback that has been altered by a necessary measure taken by a public authority shall be deemed to comply with this By-law, regardless of any deficiencies caused by the alteration.

#### 2.4.5 Burden of Proof

Proof of legal non-conforming status must be provided by the owner.

### 2.5 ACCESSORY APARTMENTS

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#### 2.5.1 General Provisions for all Accessory Apartments

Notwithstanding any other provisions of this By-law regarding the number of dwelling units on a single lot, where an accessory apartment is permitted in a given zone, the following provisions shall apply:

- a) Any accessory apartment shall have either a minimal habitable area of 25 m<sup>2</sup> for a studio or bachelor apartment; a minimum habitable area of 32 m<sup>2</sup> for a 1 bedroom apartment; or, shall have a minimal habitable area of 32 m<sup>2</sup> for one bedroom plus 9 m<sup>2</sup> for each additional bedroom.
- b) An accessory apartment shall not exceed a habitable living space of 111 m<sup>2</sup>.  
A basement, whether finished or unfinished, shall be included in the calculation of habitable living space for the accessory dwelling.
- c) The accessory apartment shall have separate sanitary facilities and kitchen facilities from the principal dwelling unit.
- d) The accessory apartment shall have a means of ingress and egress to the outdoors that is separate from any means of ingress and egress for the principle dwelling unit.
- e) The accessory apartment that is not a detached accessory apartment, shall be an integral part of the single detached dwelling and be designed so as to

maintain the general character of the dwelling and surrounding neighbourhood and shall not alter any façade facing a street.

- f) The accessory apartment shall be provided with 1 parking space in accordance with the parking provisions of this By-law.
- g) No accessory apartment shall be located, either wholly or in part, below the flood elevation of the regional storm in the flood plain, unless located in a flood fringes in a two zone area and dry flood-proofing measures are utilized.
- h) A new accessory apartment shall not be permitted unless the Township is satisfied that adequate services exist to support the accessory apartment, or an agreement has been entered into by the owner with the Township to provide such services.
- i) The accessory apartment and principle dwelling shall meet all other applicable provisions of this By-law and any other fire, health, safety, or occupancy regulations or by-laws.

## 2.5.2 Detached Accessory Apartments

Where an accessory apartment is permitted to be detached in a given zone, the following provisions shall apply in addition to the provisions in Sec. 2.5.1. A detached accessory apartment:

- a) Shall be located no further than 50 m from the primary dwelling.
- b) Shall only be permitted on a lot where there is no separate farm help accommodation or attached accessory apartment.
- c) Shall have a total gross floor area no greater than 50 percent of that of the primary or principle residence.
- d) May occupy the entire accessory building.
- e) Shall not be considered a surplus residence for the purposes of obtaining a consent.
- f) Shall not be severed from the primary dwelling by consent.

## 2.6 ACCESSORY BUILDINGS, STRUCTURES AND USES

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Where a use is permitted under the provisions of this By-law, accessory uses, building and structures normally incidental and subordinate to the main use, building or structure shall also be permitted.

Unless otherwise permitted, no accessory use may occur in the absence of a primary use, and no detached accessory building or structure, other than a fence, shall be erected on a lot prior to the erection of the main building on the lot.

Notwithstanding any provision to the contrary, accessory structures may be permitted in any yard and shall not be subject to setback requirements.

### 2.6.1 Permitted Locations for Accessory Buildings

Unless otherwise specifically permitted:

- a) No accessory building shall be located closer to a front lot line or exterior side lot line than the front or exterior side or wall of the primary building. This restriction does not apply in the AG or RU zones.

- b) An accessory building associated with a residential use is permitted to encroach into a required interior side or rear yard, but shall not be situated closer than 1.0 m to the interior side or rear lot lines. No encroachment into a required exterior side yard or front yard is permitted.
- c) Detached accessory apartments shall not be permitted to encroach into any required yard, and shall meet all required setbacks of the pertinent zone for the main use.
- d) Detached accessory buildings associated with a non-residential use shall not be permitted to encroach into any required yard, and shall meet all required setbacks of the pertinent zone.

## 2.6.2 Coverage Calculations for Accessory Buildings & Structures

In addition to main buildings, the following accessory items shall be included in the calculation of lot coverage:

- Accessory buildings.
- Above-ground swimming pools and hot tubs that protrude over 1.0 m above the lowest finished grade surrounding the pool.
- Porches.
- Above-ground decks having platforms that protrude more than 0.6 m above lowest finished grade surrounding the structure.

## 2.6.3 Swimming Pools & Hot Tubs

As accessory structures, swimming pools and hot tubs are permitted in all zones in association with a residential use. The following provisions shall apply to the placement of an above-ground or in-ground pool or hot tub:

- a) A pool or hot tub shall not be located closer to a front lot line or exterior side lot line than the front or exterior side or wall of the primary building.
- b) A pool shall not be located closer than 1.8 metres to any building/structure. A hot tub may abut a building/structure.
- c) A pool or hot tub may encroach in a required rear yard to within 1.8 metres of the rear lot line.
- d) A pool or hot tub shall comply with all other required setbacks and regulations of the pertinent zone.

## 2.7 ENCROACHMENTS INTO REQUIRED YARDS

### 2.7.1 Architectural Features

Notwithstanding a front, side or rear yard setback established by a given zone, the following items may encroach into a required yard as follows:

<b>Feature</b>	<b>Minimum Required Setback or Maximum Permitted Projection</b>
Architectural elements (e.g., cornices, sills, cantilevered window bays)	0.6 m setback from lot line

<b>Feature</b>	<b>Minimum Required Setback or Maximum Permitted Projection</b>
Stairs and landings (sized maximum 1.2 m in width and depth) used to access a building or an accessibility ramp	0.6 m setback from lot line
Roof eaves and balconies taller than 2 m above finished grade	0.75 m setback from lot line
Unenclosed fire escape and necessary structural supports	1.2 m projection into a required yard

### 2.7.2 Porches & Decks

Notwithstanding a side or rear yard setback established by a given zone, decks and porches:

- a) Having a height of less than 2.0 m above the lowest finished grade (at all points around the perimeter of the platform) shall:
  - Be setback a minimum of 3.0 m from the rear lot line.
  - Be setback a minimum of 0.75 metres from the interior side lot line.
- b) Having a height of 2.0 m or greater above the lowest finished grade (at all points around the perimeter of the platform) may not encroach into any required yards of the pertinent zone.

Notwithstanding a front or exterior side yard setback requirement for a given zone, steps to a porch or deck may project into a minimum required front or exterior side yard a maximum distance of 1.5 metres.

### 2.7.3 Mechanical Equipment

Mechanical equipment for single-detached, semi-detached, duplex, and townhouse dwellings shall be setback from lot lines as follows:

Minimum Interior Side Yard	1.2 metres
Minimum Exterior Side Yard	3 metres
Minimum Rear Yard	3 metres
Minimum Front Yard	4 metres

A window or through-wall air conditioning unit is permitted to project a maximum of 0.5 metres into any required yard.

### 2.7.4 Full Encroachments Permitted

The following uses may encroach into a yard with no restrictions as to a minimum yard requirement:

- a) Overhead utilities, wires, or other aerial appurtenances as are as necessary to the use of the premises;
- b) Fences, hedges, and landscaping materials;
- c) An open, hard surfaced, and uncovered terrace or patio in any yard if such terrace is completely unenclosed except by a fence, guard rail, or parapet



wall not exceeding the maximum height permissible for a fence in the same location; and/or,

- d) Ponds, ornaments, flagpoles, children's play equipment, permitted signs, or like landscaping amenities.

### 2.7.5 Fencing

In any Residential Zone, no fence may be erected at a height greater than 2.4 metres except for any portion of the fence that extends toward the street beyond the foremost portion of the principal building on the site, which shall be no greater than 1.2 metres in height.

In all other respects, fences shall comply with any specific by-law duly enacted by the municipality governing fences.

### 2.7.6 Utility Roof Structures

A utility roof structure is for the primary purpose of containing elevators, stairs, tanks, ventilation, window washing equipment, or equipment required to service, maintain, or ventilate the building. The following provisions apply to utility roof structures:

- a) A utility roof structure may extend above the height limits of the pertinent zone unless otherwise specifically addressed in this By-law.
- b) A utility roof structure may not extend above the height limits of the pertinent zone where such height extension may be deemed to interfere with aerial flight/navigation.
- c) A utility roof structure shall not be permitted to provide habitable or additional usable floor space, other than for mechanical equipment that must be located in such a manner.
- d) A utility roof structure shall not occupy more than 30 percent of total roof area.
- e) A utility roof structure shall not extend more than 5 m above the main roof elevation of the building.

Nothing in this By-law shall apply to restrict the height of a place-of-worship spire or steeple, or a flag pole provided that such buildings and structures otherwise conform with this By-law.

## 2.8 BACKYARD CHICKENS

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Notwithstanding where livestock farms are permitted in a given zone, backyard chickens shall be permitted in any zone as an accessory to a single-detached dwelling. Chicken coops and chicken manure storage shall be considered accessory structures.

- Coops and manure storage structures may be built together, separately, or within an existing building/structure.
- The coop and manure storage structure, exclusive of the outdoor enclosure, shall not cumulatively exceed an area of 10 m<sup>2</sup>.

The following provisions shall apply to the placement of these structures:

- Coops and manure storage structures shall not be located closer to a front lot line or exterior side lot line than the front or exterior side or wall of the primary building;
- MDS shall not apply to backyard chicken uses;
- Coops and manure storage structures shall be counted in lot coverage calculations of the pertinent zone;
- Coops are permitted to encroach to within 1.0 m of a rear or interior side lot line; and
- Manure storage structures are permitted to encroach to within 3.0 m of a rear or interior side lot line.

## 2.9 BED & BREAKFAST ESTABLISHMENTS

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Bed and Breakfast establishments, where permitted, shall be located in a single detached dwelling unit; be an accessory use to a single detached residential use; and, are restricted to a maximum of three (3) guest rooms except for lots zoned Agricultural or Rural where a maximum of five (5) rooms are permitted.

In addition to the zone provisions which apply, a Bed and Breakfast:

- a) Shall clearly be a secondary and incidental use of the lot and principal dwelling.
- b) Shall be conducted entirely within the dwelling except for an associated outdoor amenity area.
- c) Where located within a settlement area, the outdoor amenity area for guests shall be fully screened by a fence or landscaping screen so as to limit disturbance to neighbours.
- d) Where located within a settlement area, the parking area for guests shall be hard surfaced, shall not be located any closer than 3 metres to a neighbouring property, and shall be screened from any adjacent residential use with a landscaping screen or fence.
- e) The parking spaces attributable to a guest use shall be designated for the exclusive use of the guests and shall be so signed.
- f) May include the serving of food to guests, but shall not include in-room meal preparation areas for guests, and shall not include serving of meals, as a service, to any party other than the occupants of the guest rooms.
- g) Shall not be an exclusive use of a dwelling, and at least one bedroom shall remain available on a full-time basis for the residents of the dwelling.
- h) Shall be conducted by at least one of the residents of the dwelling unit.
- i) Shall be occupied by the owner or tenant at any times when guest rooms are available to or occupied by the traveling public.
- j) Shall not alter the residential character of the building or neighbourhood as a consequence of alterations to the building associated with, or required for the use, noise, or the frequency of external contact.
- k) Shall not employ more than one employee who is not a resident of the dwelling unit.

- l) Shall not involve the outdoor storage or display and shall have a single sign of no greater than 0.5 metres in surface area.

## 2.10 HOME OCCUPATIONS & INDUSTRIES

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### 2.10.1 Home Occupations

Home occupations are accessory to a residential use, and are intended to accommodate a practitioner or professional residing on the premises. Uses that may be considered a home occupation include:

- A professional, medical or business office (e.g., chiropractor, law office).
- A personal service shop (e.g., pet groomer, hairstylist).
- An art/music studio (e.g., photography, piano).
- A private home daycare.
- A private tutor/instructor.
- A home catering service preparing food to be consumed off-site.
- A small electronic, appliance or computer repair.

Where a home occupation is permitted in a zone, the home occupation:

- a) Shall clearly be a secondary and incidental to a permitted residential use.
- b) Shall be conducted either entirely within the primary dwelling and/or an attached garage.
- c) Shall be conducted by at least one of the residents of a dwelling unit located on the same lot.
- d) Shall not occupy more than twenty-five percent (25%) of the gross floor area of the dwelling unit and attached garage.
- e) Shall not occupy an area of more than 75 m<sup>2</sup>, including storage areas.
- f) Shall not create a parking nuisance, noise, vibration, fumes, odour, dust, glare, or radiation that is evident outside the building in which the use occurs.
- g) Shall not alter the residential character of the building or neighbourhood as a consequence of alterations to the building associated with, or required for, the use or the frequency of external contact.
- h) Shall not employ more than one (1) employee who is not a resident of the dwelling unit on the lot.
- i) Shall not involve the outdoor storage or outdoor display of materials or finished products.
- j) Shall not involve the use or storage of hazardous substances in types or quantities exceeding those normally found in a residential use.
- k) Shall not involve the repair or maintenance of small engines, motor vehicles, construction equipment or vehicles, or industrial equipment or vehicles.
- l) Shall not involve an occupation defined in this By-law as an adult entertainment business.
- m) Shall not involve a retail use or provide a retail space except telephone or mail order sales of goods is permitted.

- n) Shall not, other than on lands zoned Agricultural or Rural, require receipt or delivery of merchandise, goods, or equipment by other than intermittent delivery by a passenger motor vehicle or by parcel or letter carrier mail service using motor vehicles typically employed in residential deliveries.
- o) Shall not include or involve any outdoor storage, display or retail sales.

Notwithstanding the requirement for a home occupation to be conducted entirely within a dwelling or accessory building, a private home daycare facility may allow for an outdoor play or amenity area, which shall not be counted as part of the size of the operation.

## 2.10.2 Home Industries

Home industries are accessory to a residential use, and are intended to accommodate a single professional or tradesperson. Uses that may be considered a home industry are limited to a trade business or a more intensive home occupation requiring the use of an accessory building (e.g., woodworking).

Where a home industry is permitted in a zone, the home industry:

- a) Shall clearly be secondary and incidental to a permitted residential use.
- b) Shall be conducted either entirely within a primary dwelling or an accessory building thereto.
- c) Shall be conducted by at least one of the residents of a dwelling unit located on the same lot.
- d) Shall not occupy more than twenty-five percent (25%) of the gross floor area of the dwelling unit, more than 50 percent of the gross floor area of a detached accessory building, located within a detached accessory building.
- e) Shall not occupy an area of more than 95 m<sup>2</sup>, including storage areas.
- f) Shall not create noise, vibration, fumes, odour, dust, glare, or radiation which is evident outside the building in which the use occurs.
- g) Shall not employ more than one (1) employee who is not a resident of the dwelling unit on the lot.
- h) Shall not involve the use or storage of hazardous substances in types or quantities exceeding those normally found in a residential use.
- i) Shall not involve the repair or maintenance of motor vehicles, construction equipment or vehicles, or industrial equipment or vehicles, but may involve small engine repair outside of a settlement area.
- j) Shall not involve an occupation defined in this By-law as an adult entertainment business.
- k) Shall not involve a retail use or provide a retail space, except telephone or mail order sales of goods is permitted.
- l) Shall, other than on lands zoned Agricultural or Rural, not require receipt or delivery of merchandise, goods, or equipment by other than intermittent delivery by a passenger motor vehicle or by parcel or letter carrier mail service using motor vehicles typically employed in residential deliveries.
- m) Shall not include accessory outdoor storage, display or sales.

## 2.11 LANDSCAPING REQUIREMENTS

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### 2.11.1 General Landscaping Requirements

Development shall trigger the provision of landscaping in accordance with this By-law. Nothing in this By-law shall require the provision of a landscape buffer or screen for a use that existed on the date of passing of this By-law where no such requirement previously existed or applied to such a use.

Where a parking area contains 9 or more parking spaces, 1 tree shall be planted for every 3 parking spaces provided.

### 2.11.2 Landscaping Screen Required

A 3.0 m wide landscape screen, with a mature height of at least 2.0 m, is required along a lot line that meets any of the following criteria:

- a) Where a commercial or industrial use or zone abuts a residential use or zone.
- b) Where a parking area contains 4 or more required spaces and abuts a residential use or zone.
- c) Where a parking area, loading area, and/or waste collection area serving an institutional or multiple-residential use or zone abuts a residential use or zone.
- d) Where an industrial or commercial outdoor storage areas abuts any use, zone, or public street.

Notwithstanding the above, where the requirement to install a landscape screen is triggered by a residential use in the AG or RU zone, a landscape screen is not required unless the dwelling is located within 30 m of the building, structure, parking/loading/waste collection area, or outdoor storage area triggering the need for the landscape screen.

A 2.0 m high solid board or masonry fence may be used instead of or in addition to a landscape screen where required. A 3.0 m wide landscape buffer must accompany the fence, where a fence is used instead of a landscape screen.

### 2.11.3 Screening of Dumpsters

Garbage and recycling dumpsters shall be screened from view by a solid board or masonry fence enclosure and gate. The height of the enclosure shall be a minimum of 2.0 m.

## 2.12 PARKING AND LOADING REQUIREMENTS

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### 2.12.1 GENERAL PARKING AND LOADING PROVISIONS

#### 2.12.1.1 Calculations Resulting in a Fraction

Where the minimum number of parking or loading spaces calculated results in a fraction, the required number of spaces shall be rounded to the next highest whole number.

#### 2.12.1.2 Use of Required Spaces

Required loading spaces shall be used by operative, licensed vehicles for the parking, loading, and unloading of goods or equipment.

Required parking spaces shall be dedicated and used exclusively by the land, building or use that the required spaces are intended to serve. Spaces may be dedicated to customers, specific tenants, practitioners, or other designated user. Required parking spaces shall only be used for the parking of operative, licensed vehicles.

Required parking and loading spaces shall not be used to park/store vehicles or equipment intended for sale, rental or repair, nor shall they be used for the storing of impounded, wrecked, or otherwise inoperable vehicles.

#### 2.12.1.3 Multiple Uses

In the case of different or mixed uses on the same lot or within the same building, the off-street parking calculation shall be determined as the sum of the requirements for each use computed separately.

Off-street parking spaces intended to serve one use shall not be considered as providing required facilities for any other use.

#### 2.12.1.4 Existing Insufficient Spaces & Snow Storage

When a building or structure has an insufficient number of parking and/or loading spaces and/or snow storage to comply with the requirements of this By-law at the date of its passing, this By-law shall not be construed to require that additional spaces or snow storage be added to bring the existing use or building into conformity with this By-law's parking, loading and snow storage requirements.

However, no addition may be built, and no change of use may occur, the effect of which would be an increase in that deficiency. For the purposes of this section, existing spaces and snow storage areas may or may not have been delineated, and shall be considered as those areas in use for parking, loading and snow storage purposes.

### 2.12.2 Number of Regular Spaces Required

No person shall use any land, building, or structure in any zone for any purpose, unless parking and loading spaces are provided on the same lot in accordance with the provisions of this By-law. The number of parking and loading spaces required shall be calculated and provided for each use on a lot in accordance with the standards set out in this section.

#### 2.12.2.1 Residential Uses

Dwelling Unit	2 spaces
Accessory Apartment	1 space
Bed and Breakfast Establishment	1 additional parking space per guest room
Secondary use residential apartment in a Commercial Zone	2 spaces per dwelling unit

#### 2.12.2.2 Non-residential Uses

All commercial and industrial uses shall have:

<b>Use</b>	<b>Parking Ratio</b>
Adult Entertainment	4 parking spaces plus 1 space per 2 seats or 1 space per 5 m <sup>2</sup> of gross floor area for uses not requiring seating
Art Gallery	1 parking space per 20 m <sup>2</sup> of gross floor area
Assembly Hall	1 parking space per 3 occupants
Banquet Hall	1 parking space per 5 occupants
Bowling Alley	3 parking spaces for each bowling lane
Building Supply Outlet	1 parking space per 45 m <sup>2</sup> of gross floor area
Business Office	1 parking space per 10 m <sup>2</sup> of gross floor area
Commercial Greenhouse	1 parking space per 45 m <sup>2</sup> of gross floor area
Commercial School	3 parking spaces plus 1.25 additional parking spaces for every classroom
Commercial Self-storage Facility	1 parking space per 500 m <sup>2</sup> of gross floor area
Community Centre	1 parking space per 5 m <sup>2</sup> of gross floor area
Contractor's Yard	1 parking space per 45 m <sup>2</sup> of gross floor area
Convenience Store	1 parking space per 15 m <sup>2</sup> of gross floor area
Curling Rink	4 parking spaces for each curling sheet
Custom Workshop	1 parking space per 45 m <sup>2</sup> of gross floor area
Data Processing Centre	1 parking space per 10 m <sup>2</sup> of gross floor area
Day Nursery	2 parking spaces per classroom
Dry Cleaning Distribution Depot	1 parking space per 20 m <sup>2</sup> of gross floor area
Equipment Sales and Rentals	1 parking space per 20 m <sup>2</sup> of gross floor area
Farm Implement Dealer	1 parking space per 20 m <sup>2</sup> of gross floor area
Farmers' Market	3 parking spaces per stall or booth
Financial Institution	1 parking space per 10 m <sup>2</sup> of gross floor area
Fitness Centre	1 parking space per 10 m <sup>2</sup> of gross floor area
Funeral Home	1 parking space per 10 m <sup>2</sup> of gross floor area accessible to the public
Golf Course	24 parking spaces per nine holes
Golf Driving Range	2 spaces plus 1 parking space per tee
Hotel	2 spaces plus 1 parking space per room
Industrial Use	2 spaces plus 1 parking space per 45 m <sup>2</sup> of gross floor area for the first 3,001 m <sup>2</sup> and then 1 parking space per 100 m <sup>2</sup> for the remaining gross floor area
Laundromat	1 parking space per 20 m <sup>2</sup> of gross floor area
Laundry Plant	2 spaces plus 1 parking space per 45 m <sup>2</sup> of gross floor area over the first 45 m <sup>2</sup>
Library	1 parking space per 20 m <sup>2</sup> of gross floor area
Medical Clinic	4 parking spaces per practitioner
Motel	2 spaces plus 1 parking space per room

<b>Use</b>	<b>Parking Ratio</b>
Motor Vehicle Body Shop	1 parking space per 45 m <sup>2</sup> of gross floor area
Motor Vehicle Repair Garage	1 parking space per 45 m <sup>2</sup> of gross floor area
Museum	1 parking space per 20 m <sup>2</sup> of gross floor area
Nightclub	2 spaces plus 1 parking space per 9 m <sup>2</sup> of gross floor area
Nursing Home / Assisted Care Facility	0.5 staff parking spaces for every 3 residents of the facility plus 0.5 visitor parking spaces for every 3 residents
Personal Service Shop	1 parking space per 10 m <sup>2</sup> of gross floor area
Place of Amusement	1 parking space per 10 m <sup>2</sup> of gross floor area
Places of Worship	1 parking space for every 4 persons seating capacity in the primary assembly area and 1 space per office and additional parking spaces for any other use as listed as relevant uses (e.g. if a classroom is provided the provision of 1.25 spaces per classroom for a school use should be utilized)
Printing Establishment	1 parking space per 45 m <sup>2</sup> of gross floor area
Private Club	1 parking space per 10 m <sup>2</sup> of gross floor area
Recycling Establishment	1 parking space per 45 m <sup>2</sup> of gross floor area
Repair Shop	1 parking space per 45 m <sup>2</sup> of gross floor area
Research Laboratory	1 parking space per 45 m <sup>2</sup> of gross floor area
Restaurant	1 space per 3 seats
Restaurant, Take Out and Drive Through	5 parking spaces per 20 m <sup>2</sup> of gross floor area
Retail Store	1 space plus 1 parking space per 20 m <sup>2</sup> of gross floor area
Retirement Home	1 space per unit plus 0.5 visitor parking spaces for every 3 units
Saw Mill or Planing Mill	1 parking space per 45 m <sup>2</sup> of gross floor area
School	3 spaces plus 1.25 parking spaces per classroom for elementary schools; 3 spaces plus 4.25 parking spaces per classroom for secondary schools
Service Shop, Light	1 parking space per 20 m <sup>2</sup> of gross floor area
Supermarket	1 parking space per 20 m <sup>2</sup> of gross floor area
Theatre	1 parking space per 3 seats
Timeshare Establishment	1.5 parking spaces per timeshare unit
Transportation Terminal	1 parking space per 100 m <sup>2</sup> of gross floor area for the first 5,000 m <sup>2</sup> and then 1 parking space per 200 m <sup>2</sup> of gross floor area for any remaining gross floor area
Veterinary Clinic	3 parking spaces per practitioner
Warehouse	1 parking space per 100 m <sup>2</sup> of gross floor area for the first 5,000 m <sup>2</sup> and then 1 parking space per 200 m <sup>2</sup> of gross floor area for any remaining gross floor area
All other uses unless specified	1 parking space per 10 m <sup>2</sup> of gross floor area

### 2.12.3 Number of Barrier-free Spaces Required

The total number of required parking spaces shall include barrier-free parking spaces. The number of barrier-free parking spaces for non-residential uses, and multi-residential uses with 4 or more dwelling units, shall be provided in compliance with the following:



<b>Total Number of Required Parking Spaces</b>	<b>Minimum Number of Barrier-free Parking Spaces Required</b>
1 - 25	1 space
26 - 50	2 spaces
51 - 75	3 spaces
76 - 100	4 spaces
101 - 150	5 spaces
151 - 200	6 spaces
201 - 300	7 spaces
301 - 400	8 spaces
401 - 500	9 spaces
501 - 1,000	2% of total spaces required
1,001 and greater	20 plus, 1 for each additional 100 spaces

#### 2.12.4 Number of Loading Spaces Required

Where any new development occurs or when any existing use is changed, enlarged, or increased in capacity, off-street loading spaces shall be provided.

<b>Industrial and Commercial Uses</b>	<b>Number of Loading Spaces Required</b>
Sized 300 m <sup>2</sup> GFA or less	1 space
Sized between 301 m <sup>2</sup> and 2299 m <sup>2</sup> GFA	2 spaces
Sized 2300 m <sup>2</sup> GFA or greater	3 spaces
For every 1000 m <sup>2</sup> above 2300 m <sup>2</sup> GFA	1 additional space

<b>Multi-unit Residential Uses</b>	<b>Number of Loading Spaces Required</b>
With 9 or fewer dwelling units	No spaces
With 10 to 29 dwellings units	1 space
For every 30 dwelling units above the first 30 dwelling units	1 additional space

<b>Institutional Uses</b>	<b>Number of Loading Spaces Required</b>
With 29 or fewer occupants	No spaces
With 30 to 119 occupants	1 space
For every 120 occupants above the first 120 occupants	1 additional space

## 2.13 DESIGN OF PARKING AREAS & DRIVEWAYS

The following design criteria shall apply to all parking areas.

### 2.13.1 Size of Required Spaces, Aisle Widths, Driveway Widths

Minimum Parking Space Size	3 m wide and 6 m long
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Minimum Barrier-free Parking Space Size	4.6 m wide and 6m long
Minimum Loading Space Size	3.5 m wide and 9 m long
Minimum Parking/Loading Vertical Clearance	4 m high
Minimum Aisle Width	7 m
Maximum Driveway Width	9 m

### 2.13.2 Number of Driveways Permitted

There shall be no more than one driveway to a public street per lot in a settlement area that contains a single-detached, semi-detached, duplex or townhouse dwelling, other than a condominium development.

There shall be no more than two driveways to a public street per lot outside a settlement area provided that:

- a) the driveways on the same lot are separated by 50 meters from one another;
- b) The other provisions of this By-law are met; and,
- c) Approval by the responsible road authority is obtained.

### 2.13.3 Permitted Locations of Driveways

No driveway shall be located within 9.0 m of the intersection of the front lot line and the exterior side lot line on a corner lot.

No driveway shall be located closer than 1.0 m to any lot line except for a shared driveway, and with the exception that the access to the parking area may cross a lot line.

### 2.13.4 Permitted Locations for Parking Areas

All parking areas shall be setback a minimum of 1.0 m from all lot line in all zones.

Parking areas, whether temporary or permanent, serving single-detached, semi-detached, duplex and townhouse dwellings shall:

- a) Not be located on the landscaped open space portion of a front yard and/or side yard.
- b) Not cover an area larger than forty percent (40%) for a single-detached, semi-detached and duplex dwelling or fifty percent (50%) for a townhouse dwelling of the total area of the front yard and/or side yard in which the parking area is located.

### 2.13.5 Permitted Locations for Loading Spaces

Loading spaces must be located to the rear of the front wall of the main building and on the same lot as the use, or combination of uses, requiring the loading spaces.

Loading spaces shall be setback a minimum distance of 10.0 metres from any residential zone boundary or a residential use lot line, other than residential uses

that are located within a commercial or industrial building or that require the provision of a loading space.

Loading spaces shall be located no closer than 1.0 m to any lot line in non-residential zones with the exception that the access to the loading space may cross a lot line.

## 2.13.6 Requirement for Parking Area Finishing

Except for parking areas serving single-detached, semi-detached, duplex and townhouse dwellings:

- Parking areas shall be fully equipped with curbing, wheel stops, or other devices, to prevent vehicles from being parked or driven into required yards, into adjacent buildings or structures, or onto landscaped open space.
- Individual parking and loading spaces shall be appropriately marked, using high contrast line painting or masonry delineation. Parking and loading spaces not provided on a hard surface must be delineated by individual curb stops, barriers, or another similar device.

### 2.13.6.1 Parking Areas within Settlement Areas

Within a settlement area, all parking areas must be constructed with a hard surface. This requirement applies to all uses, including single-detached, semi-detached, duplex and townhouse dwellings.

### 2.13.6.2 Parking Areas outside of Settlement Areas

Outside of a settlement area, parking areas are permitted to be constructed of gravel or crushed stone.

Except for parking areas serving single-detached, semi-detached, duplex and townhouse dwellings, the following shall apply to parking areas outside of settlement areas:

- All entrances must be constructed to match the surfacing of the fronting road. If the fronting road is hard surfaced, then the entrance shall be hard surfaced from the road's edge extending 2.0 m into the development lands.
- Any portion of a parking area located within 30 m of a residential use lot line or zone boundary shall be constructed with a hard surface.

## 2.13.7 Parking Area Snow Storage

An area equal to twenty percent (20%) of a parking area for four (4) or more vehicles shall be identified on site and used for snow storage. The snow storage area must be located in a landscaped open space area or other area not dedicated to another use or feature.

Notwithstanding this requirement, where sufficient lot area cannot be allocated on site for snow storage, a development agreement can be used to account for a snow storage area deficiency of up to twenty-five percent (25%) by establishing the requirement that surplus snow be trucked off-site, without the need to amend this By-law. A development agreement alone cannot be used to account for a snow storage area deficiency of greater than twenty-five percent (25%).

### 2.13.8 Illumination of Parking Areas

All parking areas shall be adequately illuminated during the hours of use. Lighting fixtures shall be arranged so that no part of any fixture shall be more than 8 metres above the finished grade. Fixtures shall be dark-sky compliant, and shall be directed away from adjacent residential uses.

## 2.14 PARKING PROVIDED ON ADJACENT LOTS

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Up to fifty percent (50%) of the off-street parking spaces required of a non-residential principal use may be located on a lot other than a lot on which the principal use is located, provided that:

- the area lies within 150 m of the principal use; and
- the spaces are secured through an easement registered on title of the lands.

The easement shall be a permanent easement although it may contain a clause allowing for modification or termination upon the removal of the use and building requiring the parking spaces with the written consent of the Township.

Parking spaces required for accessory residential uses must be provided on-site.

## 2.15 HISTORIC DOWNTOWN PARKING & LOADING EXCEPTIONS

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Notwithstanding the parking and loading space and snow storage requirements of this By-law, in the Historic Downtown Commercial Areas, identified in Schedule "C" to this By-law, the amount of parking and loading space and snow storage required for any commercial use of the existing commercial gross floor area shall be equivalent to the amount of parking and loading space provided, or available, on the lot at the time of adoption of this By-law.

The parking requirement for any accessory dwelling units existing at the time of this By-law shall be equivalent to that provided, or available, on the lot at the time of adoption of this By-law.

Any new residential use accessory to a commercial use shall be required to provide a minimum of 2 parking spaces per dwelling unit on the same lot.

Existing commercial uses and commercial reconstructions may expand the total gross floor area devoted to commercial uses by up to thirty percent (30%) without a requirement to provide additional parking or loading spaces. Any increase exceeding this threshold shall require the provision of additional parking and loading spaces in accordance with the parking requirement provisions of this By-law. Where this is not feasible, the owner may pay cash-in-lieu to the Township in accordance with the procedures and fees in effect at the time of expansion.

## 2.16 SHARED PARKING FACILITIES FOR INSTITUTIONAL FACILITIES

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Parking spaces shall be reserved for the sole use of the occupants and visitors of the building or lot which the parking spaces serve, provided that no more than fifty percent (50%) of the parking space requirement for places of public assembly may be satisfied by obtaining the right to use the parking spaces of business establishments whose buildings or lots are not in use at or during the time of public assembly and whose parking spaces lie within 100 metres of the place of the public assembly. Such right to use must be established on title for the life of the use and

shall be subject to an agreement entered into, with and to the satisfaction of the Township.

## 2.17 SHARED ENTRY REGISTERED ON TITLE

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In Commercial and Industrial Zones, the required lane for entrance and exit and required aisles may be shared provided that rights-of-way are registered on title and such shared entrances are approved by the Township through site plan control. The Township may also require a shared entry, or provision therefore, to be provided as a component of a development approval regardless of whether such entry is immediately required.

## 2.18 SIGHT TRIANGLES

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The following items are prohibited within a designated sight triangle:

- A building or structure.
- A fence or tree, hedge, bush, or other vegetation, the top of which exceeds 0.5 metres in height above the elevation of the centerline of the adjacent street.
- A parking area.

Where a building, structure, parking area, vegetation or other appurtenance is existing and the requirement for a sight triangle is subsequently established, arrangements must be made to the satisfaction of the Responsible Road Authority regarding the requirement to remove or ability to retain items not in compliance with the sight triangle requirements of this By-law and/or said authority.

## 2.19 QUEUING REQUIREMENTS

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The following provisions shall apply to commercial drive-through facilities and shall not apply to industrial loading areas such as those associated with asphalt plants, concrete batching plants and industrial vehicle weigh scales.

Adjacent residential uses shall be screened from inappropriate noise from idling vehicles, audio equipment, or mechanical equipment through the use of physical sound barriers.

Number of On-Site Stacking Spaces Required	Drive-thru Restaurant: Minimum 10 spaces Car Wash: Minimum 2 spaces per wash bay All Other Uses: Minimum 5 spaces
Stacking Space Size	Each car space shall be a minimum of 2.5 metres wide by 5.5 metres long.
Use Separations	A stacking lane shall be setback: <ul style="list-style-type: none"><li>▪ 5.0 m from adjacent residential use lot lines or zone boundaries.</li><li>▪ 3.0 m from adjacent street lines and lot lines or zone boundaries for all other uses.</li></ul>

## 2.20 VEHICLE PARKING STANDARDS

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These provisions of this Section shall not apply to prevent the parking of operable and licensed (where applicable) farm vehicles used in accordance with normal farm practices for a bone-fide farm operation.

### 2.20.1 General Vehicle Parking Standards

Where outdoor storage or outdoor display and sales are permitted as part of a permitted use or as a primary use in a given zone, vehicles may be parked/stored as part of these uses in accordance with the provisions governing outdoor storage and outdoor display and sales and shall meet all other provisions of this By-law.

Required parking and loading spaces shall not be used to park/store vehicles or equipment intended for sale, rental or repair, nor shall they be used for the storing of impounded, wrecked, or otherwise inoperable vehicles.

### 2.20.2 Commercial Vehicle Parking Standards

Other than for the occasional temporary purposes of delivering a product or service to the owner or occupant of a lot, the parking of commercial vehicles in excess of 3,000 kilograms gross vehicle weight or in a medium or heavy duty class, is prohibited as an accessory to a residential use. This includes parking on lots as well as Township roads.

In Rural and Agricultural zones, a maximum of one (1) school bus or other commercial vehicle in excess of 3,000 kilograms gross vehicle weight or in a medium or heavy duty class is permitted to be parked on a lot as an accessory use to a single-detached dwelling provided the vehicle is driven or owned by an occupant of the dwelling unit and is licensed and operable. In this context, a parked commercial vehicle shall be required to meet the regulations of an accessory building, except that it shall be allowed to be located in a parking space.

### 2.20.3 Recreational Vehicle Parking Standards

A maximum of two (2) recreational vehicles are permitted to be parked outside on a lot as an accessory to a residential use, provided the recreational vehicles are licensed, operable and are owned by an occupant of the dwelling unit.

A parked recreational vehicle shall be required to meet the regulations of an accessory building, except that it shall be allowed to be located in a parking space.

### 2.20.4 Personal Vehicle Parking Standards

A maximum of four (4) vehicles per dwelling with a maximum of two (2) additional vehicles for any accessory apartment may be regularly parked outside on a residential lot that is occupied by a dwelling unit. Any vehicles regularly parked on a residential lot shall be owned by an occupant of the dwelling(s) on the lot, and shall be licensed and operable.

This limitation incorporates parking spaces required for a home occupation, home industry, and home daycare but does not limit the number of parking spaces for a bed and breakfast where the total number of spaces that may be provided for a dwelling is a maximum of six (6) spaces.

## 2.21 MINIMUM DISTANCE SEPARATION

---

All development outside of a settlement area shall comply with the Minimum Distance Separation (MDS) Document (Publication 853).

For clarity, the following provisions shall apply to development outside of settlement areas where the MDS Document has allowed for optional application of MDS requirements:

- a) MDS I setbacks are required for new dwellings on all lots, regardless of the lot creation date. Where the MDS setback cannot be met, a dwelling may be permitted through the approval of a minor variance provided that the dwelling be located as close in conformity with the MDS setback requirement as possible.
- b) For a proposed severance of a residence surplus to a farming operation, an MDS I setback is not required where the existing dwelling to be severed and the nearby livestock facility or anaerobic digester are located on separate lots prior to the consent.
- c) MDS I and II setbacks are not required between first or altered livestock facilities or anaerobic digesters and commercial and industrial uses permitted within the AGI and AGC zones.
- d) Inactive cemeteries and active cemeteries outside of a settlement area shall be considered Type A land uses for the purposes of calculating MDS II setbacks for first or altered livestock facilities or anaerobic digesters.

## 2.22 OUTDOOR DISPLAY AND SALES

---

Where primary or accessory outdoor display and sales are permitted, the following provisions shall apply unless otherwise indicated in this By-law.

An area devoted to outdoor display and sales shall:

- a) Be permitted to encroach into a required front or exterior side yard, but shall not be situated closer than 6.0 m to the front or exterior side lot line.
- b) Be permitted to encroach into a required rear or interior side yard, but shall not be situated closer than 3.0 m to a rear or interior side lot line.
- c) Be permitted to a total lot area dedicated to outdoor display and sales as follows:
  - Accessory outdoor display and sales area(s) shall not be sized any greater than ten percent (10%) of the total ground floor area of the primary buildings on the lot.
  - Primary outdoor display and sales area(s) shall be sized in accordance with the limitations imposed by the maximum lot coverage of the pertinent zone.
- d) Meet all other provisions of the pertinent zone, including height and lot coverage.
- e) Be located in area(s) dedicated to outdoor display and sales, and shall not encumber or encroach into any required parking area, required landscape buffers or screens, or any other required feature or area.

### 2.22.1 Outdoor Display and Sales of Barbeque Propane Tanks

A barbeque-type propane gas cylinder (no greater than 9.5 kilograms in weight and intended for residential use) display, sales, or exchange cage shall only be permitted as an accessory to industrial and commercial uses. A barbeque propane tank storage and display structure shall:

- a) Have a minimum setback of 15 metres from a residential zone boundary or residential use lot line.
- b) Not interfere with pedestrian or vehicular access and be protected from vehicles by bollards or similar.
- c) Comply with all other provisions of this By-law and Provincial legislation, regulations and standards. In the instance of a conflict between provisions, the greater, more restrictive requirement shall apply.

## 2.23 OUTDOOR STORAGE

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Where primary or accessory outdoor storage is permitted, the following provisions shall apply unless otherwise indicated in this By-law.

An area devoted to outdoor storage shall:

- a) Not be located closer to a front or exterior side lot line than the front or exterior side wall of a primary building on the lot.
- b) Meet all provisions of the pertinent zone, including setbacks, height and lot coverage.
- c) Be permitted to a total lot area dedicated to outdoor storage as follows:
  - Accessory outdoor storage area(s) shall not be sized any greater than twenty percent (20%) of the total ground floor area of the primary buildings on the lot.
  - Primary outdoor storage area(s) shall be sized in accordance with the limitations imposed by the maximum lot coverage of the pertinent zone.
- d) Be located in area(s) dedicated to outdoor storage, and shall not encumber or encroach into any required parking area, required landscape buffers or screens, or any other required feature or area.
- e) Be fully screened in accordance with the landscaping provisions of this By-law.

The provisions of this section do not apply to agricultural outdoor storage conducted in accordance with normal farm practices for a bona-fide farm operation.

## 2.24 RESTAURANT PATIO PROVISIONS

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A restaurant patio shall be temporary or seasonal and shall be permitted as an accessory to a primary commercial use.

- a) A restaurant patio shall not exceed thirty five percent (35%) of the gross floor area of the restaurant to which it is accessory.
- b) A restaurant patio abutting or within 3.0 m of a public right-of-way shall have a floor or deck area no greater than 1.0 m above ground level.



- c) No additional parking is required for a temporary or seasonal patio with 12 seats or less.
- d) A restaurant patio shall be setback 10 m from a residential zone and any ground floor residential use.

## 2.25 RENEWABLE ENERGY FACILITIES

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For the purposes of this By-law, renewable energy facilities shall be solar and wind energy based facilities. Any other type of facilities shall only be permitted through adoption of a comprehensive amendment to this By-law.

A solar based energy system intended to serve an individual building or group of buildings on a single property shall be considered to be part of the structural and mechanical components of such a building or group of buildings and shall be subject to the applicable provisions, including maximum height, on this basis. Where not part of, or attached to a building, such facilities shall be considered to be accessory structures and shall be subject to the provisions applying to accessory structures including applicable general provisions and zone provisions.

Where a solar based energy system is intended to serve more than one property such a use shall only be permitted through adoption of a comprehensive amendment to this By-law.

A wind based energy system with rotors located more than 12 metres above grade intended to serve an individual property shall only be permitted where the following provisions are complied with:

- a) The lot area is greater than 2 ha;
- b) The tower, turbine, and turbine blades shall not exceed a cumulative height of 30 m;
- c) The facility shall be located a minimum of 1.25 times the total height of the facility from the nearest lot line; and,
- d) The facility shall be operated and maintained in good working order so as not to cause a hazard or annoyance to neighbouring property owners.

Where rotors are located less than 12 metres above grade, the facility shall be considered to be part of the normal fixtures of the building on a basis similar to, and in accordance with, the same requirements as a solar energy collection system serving a single property. The facility shall be operated and maintained in good working order so as not to cause a hazard or annoyance to neighbouring property owners.

A wind energy facility intended to serve more than one property shall only be permitted where the following provisions are complied with:

- The adoption of a comprehensive amendment to this By-law;
- Minimum setback from an on-site dwelling shall be equal to the height of facility;
- Minimum setback from an off-site dwelling, institutional use, recreational building, or campground or trailer park shall be the height of the facility plus 350 metres;

- Minimum setback from an Environmental Protection Area shall be equal to the height of the facility;
- Minimum setback from a street shall be equal to the height of the facility; and,
- Minimum lot area shall be 20 ha.

## **2.26 SETBACK FROM SLOPES**

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No building or structure shall be located closer than 15 m from the top or toe of a slope having a grade of 3:1 or steeper.

## **2.27 SETBACK FROM A RAILWAY**

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No dwelling shall be erected closer than 30.0 m from the property boundary of an existing or proposed rail line right-of-way.

## **2.28 SETBACK FROM A COUNTY ROAD OR PROVINCIAL HIGHWAY**

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### **2.28.1 County Roads**

In addition to those setbacks required under this Zoning By-law, where a lot abuts a road under the jurisdiction of the County of Simcoe, the setbacks required by the County of Simcoe shall also apply.

### **2.28.2 Provincial Highways**

In addition to those setbacks required under this Zoning By-law, where a lot abuts a provincial highway, the setbacks required by the Ministry of Transportation shall also apply.

## **2.29 TEMPORARY USES**

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Nothing in this By-law shall prevent temporary structures requiring building permits, such as tents, erected for special occasions and holidays by individual landowners for their own use (which shall include use by social guests) provided only that no such use remains in place more than seven (7) consecutive days, and on no more than three (3) separate occasions per year, and provided that such structures comply with the provisions of the zone other than that coverage may be temporarily exceeded.

Nothing in this By-law shall prevent the occupation of an existing dwelling or travel trailer/motorhome on a property while a second dwelling is being constructed, as long as the owner has entered into an agreement with the Municipality., which provides that no more than one dwelling will be occupied at a time and which establishes requirements, including site rehabilitation and securities, for the removal or conversion to a non-residential uses of the existing dwelling upon occupation of the new dwelling, or for the removal of unfinished construction within a specified timeframe.

Notwithstanding the permitted uses of this By-law, the temporary provision of a model home or residential sales office is permitted on the draft plan lands regardless of the zone, as long as the owner has entered into an agreement with

the Municipality. Each model home and/or sales office shall provide a minimum of four (4) parking spaces.

## **2.30 YARD AND GARAGE SALES & AUCTIONS**

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Yard and garage sales are permitted as an accessory use in all Residential Zones and in association with any residential use. Yard and garage sales shall include outside storage and display only during the permitted period of the yard or garage sale. Yard and garage sale accessory uses shall be limited to no more than four (4) occurrences per year. Each occurrence shall be limited to a period no greater than seventy-two (72) hours in duration.

Auction sales are permitted as an accessory use in all zones. Auction sales may include outside storage and display only during the permitted period of the auction sale. Auction sales shall be limited to no more than four (4) occurrences per year. Each occurrence shall be limited to a period no greater than seventy-two (72) hours in duration.

These limitations shall in no way be applied to any auction or sales activity where the lands are zoned to permit a commercial use and the auction or sales activity is associated with, and a normal activity of, the commercially zoned establishment.

## **2.31 PUBLIC AND RECREATIONAL USES**

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### **2.31.1 Public Uses**

The requirements and provisions of this By-law shall not apply to prevent the use of any land, building, or structure by any public or similar authority to provide utilities as defined by this By-law.

Where occurring as accessory structures, utilities shall not be subject to yard or coverage provisions. Where utilities incorporate a building, the building shall be subject to all applicable provisions of the By-law, including yards and coverage.

### **2.31.2 Recreational Uses**

The provisions of this By-law shall not apply to prevent the use of any land, building, or structure by any public or similar authority to provide a trail, park, playground, or similar public recreational use not requiring a building.

## **2.32 USES PERMITTED IN ALL ZONES**

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Uses permitted in all zones include:

- Conservation uses, including forestry conducted in accordance with good forestry practices, and other activities connected with the conservation of soil and wildlife.
- Areas for informal walking, horseback riding, cross-country skiing, and passive recreational use.
- Public parks and playgrounds.
- Archaeological activities.

However, this permission does not include the erection of new buildings.

## 2.33 USES PROHIBITED IN ALL ZONES

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Any use which is not a permitted use in accordance with this By-law is a prohibited use.

Unless specifically permitted in a given zone or in a general provision of this By-law, the following uses are prohibited within the corporate limits of the Township of Clearview:

- a) The use of any recreational vehicle for human habitation, except where such vehicle is located in a permitted camping establishment, trailer park, or mobile home park where habitation is temporary or seasonal in nature.
- b) The use of any portable structure, vehicle, cargo container, street or rail car, or accessory building/structure for human habitation, except where an accessory apartment is permitted to be located in a detached building.
- c) The use of any portable structure, vehicle, cargo container, or street or rail car for storage or sales, except where a license has been issued for vending only of merchandise or food, for a particular operation and at a particular location in accordance with License By-law 14-42.
- d) The parking or storage of any portable structure, vehicle, cargo container, or street or rail car on a vacant lot.
- e) The parking or storage of derelict or unlicensed vehicles.
- f) The outdoor storage of vehicles or parts of vehicles other than in a permitted wrecking or scrap yard.
- g) Outdoor furnaces in a Residential Zone or within 30 metres of the lot line of a lot containing a Residential Zone or residential use.
- h) Noxious uses.
- i) Tracks, parks, or other areas developed for the racing, jumping or running of vehicles unless specifically permitted by this By-law. This is not intended to interfere with any lawful use of a public road or highway, or enjoyment of private property by the owners or tenants of such property or the use of an organized trail approved by the Township.
- j) The manufacturing, refining, rendering, bulk storage or distillation of fertilizers, oil, glue from organic sources, acids, ammonia, chlorine, coal, creosote, explosives, petroleum, tar, fireworks, ammunition, glue, petroleum, tar, or other hazardous materials unless specifically permitted as a use in this By-law or stored for sale in direct association with a permitted use in the Zone and on the property on which the permitted use occurs.
- k) The bulk storage of industrial chemicals and the storage of radioactive, hazardous waste, hazardous biological waste, or liquid industrial waste unless specifically permitted by this By-law or stored for sale in direct association with a permitted use in the Zone and on the property on which the permitted use occurs.
- l) The manufacturing or bulk storage of combustible, explosive, inflammable, or dangerous liquids, gases, or materials unless specifically permitted as a use in this By-law or stored for sale in direct association with a permitted use in the Zone and on the property on which the permitted use occurs.

- m) Rendering of fats or animal products, a tannery, or an abattoir unless specifically permitted.

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## 3 ZONES AND ZONE PROVISIONS

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### 3.1 AGRICULTURAL (AG)

#### 3.1.1 PERMITTED USES

##### PRIMARY USES

- Produce farm or a livestock farm;
- Single detached dwelling\*;
- Farm help accommodation building;
- Conservation use\*;
- Forestry and maple syrup production;
- Passive recreation uses\*;
- Market garden; or,
- Greenhouse and plant nursery and an associated retail and wholesale outlets as an accessory to the production of plants on the same lot on which the greenhouse or plant nursery is located and for the exclusive sale of plant material produced on the lot.

##### ACCESSORY USES

- Temporary agricultural fair or exhibition;
- Temporary accessory seasonal outdoor attraction such as a farm tour, a maze, an agriculturally related play or activity area;
- Accessory riding club;
- Accessory rodeo facility;
- Accessory agricultural open storage;
- Accessory farm office;
- Accessory farm produce roadside retail stand;
- Home occupation\*;
- Home industry\*;
- Garden suite subject to a temporary use by-law;
- Single accessory apartment\*;
- Accessory bed and breakfast\*;

- Accessory agricultural processing plant, which involves processing only produce from the farm operation; or,
- Accessory small scale biogeneration facilities.

Notwithstanding the above, permitted uses shall be limited to those uses marked with an \* on an approved surplus dwelling lot.

### 3.1.2 ZONE PROVISIONS

Minimum Lot Area:	35 ha
Minimum Lot Frontage:	100 m
Minimum Front Yard:	10 m
Minimum Rear Yard:	7.5 m
Minimum Interior Side Yard:	7.5 m
Minimum Exterior Side Yard:	10 m
Maximum Lot Coverage:	20%
Maximum Height of Agricultural Buildings:	20 m
Maximum Height of Agricultural Structures:	30 m
Maximum Height of Non Agricultural Principal Buildings and Structures:	13 m
Maximum Height of Accessory Buildings:	8 m
Maximum Number of Accessory Buildings:	No limit other than that maximum lot coverage applies.
Maximum Gross Floor Area of All Accessory Buildings:	Not Applicable
Minimum Lot Area for Approved Surplus Dwelling Lot:	0.3 ha
Minimum Lot Frontage for Approved Surplus Dwelling Lot:	30 m

Notwithstanding the minimum lot area and frontage provisions of this By-law, all of the permitted uses of this Zone may be permitted on a lot existing at the time of adoption of this By-law having less frontage and lot area provided that:

- Where a main or accessory residential or accommodation use is to occur, the lot must have a minimum frontage of 30 metres and a minimum area of 0.3 ha;
- For any non-residential building, the lot must have a minimum frontage of 10 metres;
- For a livestock farm, the minimum lot area should be 2 ha; and,
- All other provisions of this By-law are complied with.

Notwithstanding any contrary provision of this By-law, accessory buildings, structures, and uses may be located in all yards, including the front yard, but shall be required to meet all minimum yard and setback requirements.

Notwithstanding any other contrary provisions of this By-law, in an Agricultural Zone, an accessory apartment may be located in an accessory building where there is no separate farm help accommodation building on the same lot. Where located in an accessory building, the apartment shall have a minimum gross floor area in accordance with Section 2.1 and shall have a total gross floor area of no greater than 50 percent of that of the primary, or principle, residence on the lot and shall be no greater than 111 square metres total gross floor area. An accessory apartment in an accessory building shall be located no further than 50 metres from the principle dwelling. The accessory apartment may occupy the entire accessory building. An accessory apartment shall not be considered to be a surplus residence for the purposes of obtaining a consent and may not be separated from the lot by a severance.

Accessory agricultural open storage shall allow for open storage of agriculturally related produce, products, and agricultural equipment. The zone provisions shall also apply to accessory agricultural open storage. The provisions do not apply to produce temporarily stored in production areas during harvesting.

The aggregate area of an accessory agricultural processing use including all associated uses such as, but not limited to parking, loading areas, outside storage areas devoted to processing, and processing waste storage areas located on a lot shall not exceed two (2) ha.

An accessory farm produce retail operation shall be permitted for the purposes of retail sales of produce, including processed produce, predominantly from the farm including a winery or cidery. Such produce may include food products or non food products manufactured from organic products, such as, but not limited to, wood or hemp products. Such a retail operation shall not exceed a floor area of more than 250 square metres including a hospitality area for wineries or



cideries.

A farm help accommodation building is permitted where there is no accessory apartment in an accessory building on the same lot. Farm help accommodation buildings shall be located within 50 metres of the primary detached dwelling. Such additional accommodation may be permitted in a separate building for the accommodation of farm workers where the lot is a minimum of 30 ha in area. Such additional accommodation shall have a minimum floor area of 78 square metres, and shall have the same yard requirements and use the same driveway or entrance as the principal dwelling on the lot. Such accommodation shall not be permitted to be renovated or otherwise altered to a permanent dwelling unit for a use other than as housing for farm help and shall not be severed from the farm.

A temporary agricultural fair or exhibition shall:

- a) Not exceed a duration of more than one (1) month;
- b) Not involve the construction of any permanent buildings or structures; and,
- c) Meet all other provisions of this By-law.

Accessory uses shall not alter the primary character or farm use of the property.

Accessory small scale biogeneration facilities shall:

- Limit agricultural inputs to manure from one farm unit or a combination of farm units with total collective inputs not exceeding 1,000 nutrient units annually;
- Not receive more than 5,000 m<sup>3</sup> of co-substrate per year;
- Not store more than 100 m<sup>3</sup> of co-substrate;
- Not exceed a 25% mixture of co-substrates; and,
- Comply with applicable Minimum Distance Separation requirements and the Nutrient Management Act.

A temporary accessory seasonal attraction shall:

- a) Not involve the construction of any permanent buildings or structures;
- b) Not exceed a duration of six (6) weeks over a contiguous period of time;
- c) Shall not occur on more than two (2) contiguous periods of time per year;
- d) Not occupy more than four (4) ha; and,
- e) Meet all other provisions of this By-law.

### 3.1.3 AGRICULTURAL – RESIDENTIAL USE EXCEPTIONS (AG-ER)

Notwithstanding the permitted uses of the Agricultural Zone, a single detached dwelling, farm help accommodation, an accessory apartment, an accessory bed and breakfast, a garden suite, a home occupation and a home industry are prohibited uses on the following properties as identified by the symbol AG-ER on the schedules to this By-law or amendments thereto.

#### **AG-ER1**

Part of Lots 5 & 6, Concession 10, Formerly Sunnidale  
(6319 Highway 26, 040-003-09500)

Altered or Additional Provisions:

- Minimum Lot Frontage: 90 metres

#### **AG-ER2**

Part of Lot 11, Concession 1, Formerly Sunnidale  
(5816 Highway 25, 040-003-15200)

Altered or Additional Provisions:

- Minimum Lot Area: 11 hectares

#### **AG-ER3**

Part of Lot 11 WSR, Concession 9 and 10, Formerly Sunnidale  
(12042 County Road 10, 040-003-10700)

Altered or Additional Provisions:

- A livestock use shall be prohibited in any farm buildings existing on the date of passage of this by-law (September 24, 2012).

#### **AG-ER4**

Part Lot 22 ESR, Concession 4, Formerly Sunnidale  
(10325 & 10235 County Road 10, 040-002-17700 & 040-002-17800)

#### **AG-ER5**

Part of Lot 15 Concession 1, Formerly Nottawasaga  
(6309 15/16 Sideroad, 010-002-01000)

**AG-ER6**

Part of Lot 27 Concession 6, Formerly Nottawasaga  
(1273 Concession 6 North, 010-008-04100)

3.1.4 AGRICULTURAL – LIVESTOCK USE EXCEPTIONS (AG-EL)

Notwithstanding the permitted uses of the Agricultural Zone, a livestock use is a prohibited use on the following properties as identified by the symbol AG-EL on the schedules to this By-law or amendments thereto.

**AG-EL1**

Part of Lots 5 & 6, Concession 10, Formerly Sunnidale  
(6319 Highway 26, 040-003-09500)

Additional Permitted Uses:

- Existing rental storage unit buildings as a home industry: 2 Buildings  
(1200 square metres each)

**AG-EL2**

Part Lot 2 & 3, Concession 10, Formerly Sunnidale  
(6619 Highway 26, 040 003 08700)

Additional Permitted Use:

- 2<sup>nd</sup> existing dwelling

Altered Zone Provision:

- Zero (0) side yard setback for an existing accessory building

3.1.5 AGRICULTURAL ZONE EXCEPTIONS

**AG-1**

Part Lot 8, W.S.R., Concession 12, Formerly Sunnidale  
(12694 County Rd 10, 040-003-18200)

Additional Permitted Use:

- Garden Suite

**AG-2**

Part Lot 10, Concession 6, Formerly Sunnidale  
(2377 Creemore Rd, 040-002-27301)

Permitted Uses Limited To:

- Produce farm;
- Conservation use;
- Forestry and maple syrup production;
- Passive recreation;
- Temporary agricultural fair or exhibition;
- Temporary seasonal farm related outdoor attraction;
- Accessory farm produce roadside retail stand.

**AG-3**

Part of Lot 39, Concession 8, Formerly Nottawasaga  
(4525 County Road 124, 010-007-05200)

Altered or Additional Provisions:

- Minimum Lot Area: 8090 square metres
- Minimum Lot Frontage: 45 metres
- Accessory outdoor storage and accessory agricultural outdoor storage shall be limited to not more than twenty percent (20%) lot coverage and shall be located to the rear of all buildings and occur within a fenced area. There shall be no open outdoor external storage of manure, compost, organic, or other waste material including wastewater associated with an agricultural operation.

**AG-4**

Part of Lot 39, Concession 8, Formerly Nottawasaga  
(4537 County Road 124, 010-007-05201)

Altered or Additional Provisions:

- Minimum Lot Area: 9.5 ha
- Minimum Lot Frontage: 95 metres

**AG-5**

Part of Lot 7, Concession 6, Formerly Sunnidale  
(5321 Concession 7, 040-002-26900)

**Altered or Additional Provisions:**

- A single detached dwelling is not a permitted use
- Minimum Lot Area: 28.3 ha

**AG-6**

Part of Lot 5, Concession 10, Formerly Sunnidale  
(6347 Highway 26, 040-003-09400)

**Altered or Additional Provisions:**

- Minimum Lot Frontage: 10 m
- Minimum West Side Yard: 3.5 m

**AG-8**

Part of Lot 39, Concession 10, Formerly Nottawasaga  
(2735 Concession 10, 010-012-00800)

**Altered or Additional Provisions:**

- Notwithstanding the provisions of 3.1.2, a farm help accommodations for full time farm help shall be permitted on the south half of Lot 39, Concession 10 in the former Nottawasaga Township located not more than 35 metres from the dwelling located on the lot and existing on the date of passing of this exception.

**~~AG-9~~**

~~Part of Lot 39, Concession 8, Formerly Nottawasaga  
(4559 County Road 124, 010-00705400)~~

**~~Altered or Additional Provisions:~~**

- ~~▪ Minimum Lot Area: 10.4 ha~~

**AG-10**

North Part of Lot 33, Concession 4, Formerly Nottawasaga  
(6263 33/34 Sideroad, 010-003-51801)

Altered or Additional Provisions:

- Minimum Lot Area: 1.9 ha

**AG-11**

West Part lot 9, Concession 8, Formerly Sunnidale  
(4857 Concession 9, 040-003-17000)

Altered or Additional Provisions:

- Minimum Interior Side Yard Setback (East): 4 m

**AG-12**

Part of Lot 39, Concession 8, Formerly Nottawasaga  
(4559 County Road 124, 010-007-05400)

Altered or Additional Provisions:

- Minimum lot Area: 6.94 ha (17.1 acres)
- No permanent buildings or structures shall be located, installed within 15 meters of the limit of the County Road No.124 and Poplar Sideroad, unless an exception to this requirement has been approved in writing by the County of Simcoe, in accordance with the County Road Setback by-law

**AG-13**

North Part of Lot 20, Concession 1, Formerly Nottawasaga  
(1426 Centre Line Road, 010-002-02000)

Altered or Additional Provisions:

- Minimum Lot Frontage shall be 20 m

**AG-14**

Part of Lot 11, Concession 6, Formerly Nottawasaga  
(2629 Concession 6 South, 010-010-04101)

Permitted Uses Restricted to:

- Single Detached Dwelling
- Produce Farm
- Conservation Use
- Passive Recreation Use
- Forestry and Maple Syrup Production
- Greenhouse and Plant Nursery (no retailing from subject lands)

Accessory Uses Restricted to:

- Accessory Buildings
- Accessory Agricultural Open Storage
- Accessory Farm Office
- Garden Suite subject to a Temporary Use By-law
- Following Home Occupations (no public to attend the subject lands):
  - Professional Offices
  - Arts and Crafts (artists, jewelers etc.)
  - Business Services (secretarial, word processing etc.)
- Following Home Industries (no public to attend the subject lands):
  - Trade Businesses (contractors, trades etc.)
  - Catering and Food Preparation

Altered Provisions:

- Minimum Lot Area shall be 0.8 ha
- Minimum Lot Frontage shall be 0 m
- Setbacks from all lot lines 3 m
- Maximum Lot Coverage 20%
- Maximum Height of Buildings 13 m
- Maximum Height of Accessory Buildings 8 m
- Maximum Number of Accessory Buildings No Limit
- Maximum Gross Floor Area of All Accessory Buildings No Limit

**AG-15**

West Part of Lot 10, Concession 2, Formerly Nottawasaga

(2741 County Road 42, 010-001-05501)

Altered Provisions:

- Minimum Lot Area shall be 34.5 ha

**AG-16**

Not Part of Lot 20 and Lot 21, Concession 1, Formerly Nottawasaga

(1426 & 1482 Centre Line Road, 010-002-02100, 010-002-02000)

Altered Provisions:

- Minimum Lot Frontage shall be 15 m

**AG-17**

Part of South Half Lot 24, Concession 4, Formerly Nottawasaga  
(1087 Fairgrounds Road, 010-002-22700)

Altered Provisions:

- Minimum Lot Frontage shall be 9 m
- Interior Side Yard shall be 3 m (northern property line)

**AG-18**

Part of Lot 11, Concession 2, Formerly Nottawasaga  
(2605 County Road 42, 010-001-05600)

Altered Provision:

- Minimum Lot Frontage 23 m

**AG-19**

West Part Lot 22, Concession 6, Formerly Nottawasaga  
(1287 Concession 6 South, 010-008-03000)

Altered Provisions:

- Minimum Lot Area 0.4 ha
- Minimum Lot Frontage 55 m

**AG-20**

Part of Lot 32, Concession 10, Formerly Nottawasaga  
(1909 and 1931 Concession 10, 010-007-17801, 010-007-17800)

Altered Provision:

- Minimum Lot Area 1 ha
- Minimum Lot Frontage 60 m



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## 3.2 AGRICULTURALLY RELATED INDUSTRIAL (AGI)

### 3.2.1 PERMITTED USES

#### PRIMARY USES

- All uses permitted in the Agricultural (AG) Zone and complying with the provisions of that zone;
- Feed mill;
- Seed cleaning plant;
- Fertilizer mixing plant and distribution facility;
- Grain drying facility;
- Agricultural produce warehouse;
- Dairy products plant;
- Cold storage;
- Abattoir;
- Large scale agri-composting facilities and bio-generation energy facilities;
- Livestock assembly area; or,
- Agricultural processing plant.

#### ACCESSORY USES

- Accessory retail outlet associated with a permitted agricultural processing plant;
- Accessory retail outlet associated;
- Accessory and primary open storage;
- Accessory office; or,
- Accessory display and sales.

### 3.2.2 ZONE PROVISIONS

Minimum Lot Area:	0.5 ha
Minimum Lot Frontage:	40 m
Minimum Front Yard:	10 m
Minimum Rear Yard:	7.5 m
Minimum Interior Side Yard:	7.5 m

Minimum Exterior Side Yard:	10 m
Maximum Lot Coverage on the Area Zoned AGI:	60%
Maximum Height of Principal Buildings and Structures:	20 m
Maximum Height of Accessory Buildings:	18 m
Maximum Number of Accessory Buildings:	Not Applicable
Maximum Gross Floor Area of All Accessory Buildings:	Not Applicable

Any contiguous area zoned Agriculturally Related Industrial (AI) shall not exceed four (4) ha in area and no more than four (4) ha per lot shall be zoned Agriculturally Related Industrial (AGI).

Lands zoned Agriculturally Related Industrial shall not be subsequently severed from an agricultural parcel.

The minimum setback of the zone boundary from any Residential Zone or the lot line of any residential use, other than a residential use on the same lot, shall be 30 metres. This setback shall be increased 100 metres for an abattoir. These minimum setbacks may be increased subject to the determination of setbacks in the General Industrial Zone provisions for separations from sensitive uses which shall also apply to permitted Agricultural Industrial uses.

Composting and biogeneration facilities are also subject to relevant Minimum Distance Separation requirements. Such facilities shall, at a minimum, be subject to these requirements based on an equivalency rating for nutrient management units processed for the purposes of siting storage tanks, digester, and co-storage tanks. At no time shall the setback be less than 125 metres from a Type B land use.

Where the zone boundary is within 100 metres of a residential use, other than a residential use on the same lot or a Residential Zone, the Agriculturally Related Industrial uses shall be buffered and screened from those uses with a landscaping strip pursuant to the landscaping strip provisions of this By-law.

Accessory buildings and structures may be located in all yards, including the front yard, but shall be required to meet all minimum yard and setback requirements.

Accessory agricultural open storage shall allow for open storage of agriculturally related produce, products and agricultural equipment. The zone provisions shall also apply to accessory agricultural open storage. The provisions do not apply to produce temporarily stored in production areas during harvesting.

### 3.2.3 AGRICULTURALLY RELATED INDUSTRIAL ZONE EXCEPTIONS

#### **AGI-1**

Part of Lot 14, Concession 12, Formerly Sunnidale  
(3829 Concession 12, 040-003-21002)

Altered or Additional Provisions:

- The uses permitted shall be limited to a meat smoking and processing operation utilizing a building of not more than 240 square metres. For purposes of this by-law, meat processing shall not include the slaughter of livestock on the premises.

#### **AGI-2**

Part of Lot 38, Concession 8, Formerly Nottawasaga  
(4473 County Road 124, 010-007-04500)

Permitted Primary Uses Restricted To:

- Market garden;
- Greenhouse and plant nursery and associated retail and wholesale outlets;
- Agricultural produce warehouse;
- Dairy products plant;
- Cold storage;
- Agricultural processing plant;
- Farm co-operative;
- Fertilizer, seed, pesticide, and herbicide sales facility;
- Agricultural equipment and supply sales outlet;
- Agri-tourism operation;
- Retail and wholesale establishment for sale of locally produced agricultural products including indoor and outdoor display and sales including winery or cidery retail outlets;

- Farmers market.

Permitted Accessory Uses Restricted To:

- Accessory retail outlet associated with a permitted agricultural processing plant;
- Accessory retail;
- Accessory open storage;
- Accessory office;
- Accessory display and sales.

**AGI-3**

West Part of Lot 10, Concession 3 and Concession 4, Formerly Nottawasaga  
(7280 County Road 9, 010-001-12200)

Permitted Uses Restricted To:

- All uses permitted in the Agricultural (AG) Zone and complying with the provisions of that zone;
- Dairy products plant;
- Agricultural processing plant; and,
- Agricultural produce warehouse.

Accessory Uses Restricted To:

- Accessory retail outlet associated with a permitted agricultural processing plant;
- Accessory retail outlet;
- Accessory office; and
- Accessory display and sales.

Zone Provisions:

- Minimum Lot Area: .10 ha
- Minimum Lot Frontage: 10 m
- Minimum Front Yard: .5 m
- Minimum Rear Yard: .5 m
- Minimum Interior Side Yard: .5 m

- Maximum Lot Coverage: 60%
- Maximum Building Height: 30 m

#### **AGI-4**

North Part Lot 19, Concession 2, Formerly Stayner  
(1617 County Road 42, 010-002-08300)

Permitted Primary Uses Restricted To:

- Agricultural processing plant specifically related to birdseed

Permitted Accessory Uses Restricted To:

- Accessory retail outlet associated with the agricultural processing plant, combined with a farm produce sales outlet, to a total maximum of 350 m<sup>2</sup> in gross floor area;
- Accessory agricultural buildings and structures;
- Accessory and primary open storage;
- Accessory office; or,
- Accessory display and sales.

Additional or Altered Provisions:

- Minimum required number of parking stalls: 13 stalls
- A landscape buffer is required to be installed along the north and south perimeters of the parking area to a minimum width of 1.5 metres. Neither trees nor landscaping screens are required along the lot boundaries or along the perimeter of the parking area;
- Two loading stalls are to be provided directly abutting the rear of the retail/warehouse building. Provided the loading stalls are in this location, no additional screening shall be required;
- A garbage receptacle is to be placed directly abutting the rear of the retail/warehouse building. The garbage receptacle is to be screened on the south side by a working room. Provided the garbage receptacle is in this location, no additional screening shall be required.

#### **AGI-5**

Part of Lot 39, Concession 8, Formerly Nottawasaga

(4559 County Road 124, 010-007-05400)

Permitted Uses restricted to:

- All uses permitted in the Agricultural (AG) Zone and complying with the provisions of that zone;
- Contractor's shop and contractor's yard associated with landscaping and supply and services (including sprinkler company);
- Cold storage, and;
- Agricultural produce warehouse.

Accessory Uses Restricted To:

- Accessory and primary open storage;
- Accessory office associated with the contractor's shop, contractor's yard and landscaping supply and services;
- Accessory display and sales associated with contractor's shop, contractor's yard and landscaping supply and services; and
- Retail supply and sale landscaping services, products, materials and items.

Altered or Additional Provisions:

- Maximum Area AGI-5 – 1.2 ha (2.95 acres)
- Maximum size of buildings for the contractor's shop and contractor's yard associated with landscaping supply and services is 416 square meters.
- Existing accessory storage sheds to a maximum 75 square meters combined floor area;
- Location of the existing storage shed no less than 1.5m from the side lot line.
- Retail supply and sale of landscaping services, products, materials and items to a maximum of 250 square meters.

AGI-6

Part of Lots 9, 10, 11 ESR, Concession 11, Part 3 51R-40147, Pt 4 51R-14004, Formerly Sunnidale  
(1062 Klondike Park Road, 040-003-15100)

Prohibited Uses:

- Single Detached Dwelling
- Residential Uses

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### 3.3 AGRICULTURALLY RELATED COMMERCIAL (AGC)

#### 3.3.1 PERMITTED USES

##### PRIMARY USES

- All uses permitted in the Agricultural (AG) Zone and complying with the provisions of that Zone;
- Agricultural veterinary clinic in areas designated Agricultural in the Township Official Plan and a veterinary clinic in areas designated Rural in the Township Official Plan;
- Farm co-operative;
- Fertilizer, seed, pesticide, and herbicide sales facility;
- Agricultural equipment and supply sales outlet;
- Agri-tourism operation;
- Retail and wholesale establishment for the sale of locally produced agricultural products including indoor and outdoor display and sales and including winery or cidery retail outlets (locally produced refers to produce from farm(s) located in 160 km (100 mile) radius of Clearview Township);
- Farm auction or stock yard establishment; or,
- Farmers market.

##### ACCESSORY USES

- Temporary agricultural fair or exhibition;
- Temporary accessory seasonal outdoor attraction such as a farm tour, a maze, an agriculturally related play or activity area;
- Accessory and primary open storage;
- Accessory office; or,
- Accessory display and sales.

#### 3.3.2 ZONE PROVISIONS

Minimum Lot Area for Lands Designated Agricultural in Clearview Township Official Plan: 35 ha

Minimum Lot Area Zoned AGC: 0.5 ha

Minimum Lot Frontage: 30 m

Minimum Front Yard:	10 m
Minimum Rear Yard:	7.5 m
Minimum Interior Side Yard:	7.5 m
Minimum Exterior Side Yard:	10 m
Maximum Lot Coverage on Area Zoned AGC:	60%
Maximum Height of Principal Buildings and Structures:	15 m
Maximum Height of Accessory Buildings and Structures:	15 m
Maximum Number of Accessory Buildings:	Not Applicable
Maximum Gross Floor Area of All Accessory Buildings:	Not Applicable

The aggregate area of an agriculturally related commercial use including all associated uses such as, but not limited to, parking, loading areas, recreational amenities, and accommodation areas located on a lot shall not exceed 2 ha per lot. However, for an agricultural veterinary clinic this maximum aggregate area shall not include barns or fields and pastures or other outdoor enclosures where farm animals under treatment are kept.

Agriculturally related commercial uses, including all associated uses, must be clearly farm related through ongoing interaction with agricultural activities, and shall not include facilities for activities, commercial uses, dining, or accommodation which have no or only minimal agricultural interaction or local agriculturally related input or components.

Lands zoned Agriculturally Related Commercial shall not be subsequently severed from an agricultural parcel.

A retail establishment shall not exceed a floor area of more than 500 m<sup>2</sup> for the retail use. This does not include production, processing, or storage floor space, but does include a hospitality room in the case of wineries and cideries.

The minimum setback from any Residential Zone or the lot line of any residential use, other than a residential use on the same lot, shall be 30 metres. Where the zone boundary is within 100 metres of a residential use, other than a residential use on the same lot, or Residential Zone, the Agriculturally Related Commercial uses shall be buffered and screened from those uses with a landscaping strip pursuant to the landscaping strip provisions of this By-law.



Accessory buildings and structures may be located in all yards, including the front yard, but shall be required to meet all minimum yard and setback requirements.

Accessory agricultural open storage shall allow for open storage of agriculturally related produce, products, and agricultural equipment. The zone provisions shall also apply to accessory agricultural open storage. The provisions do not apply to produce temporarily stored in production areas during harvesting.

An agri-tourism operation may incorporate a restaurant in which food products produced primarily on the farm or surrounding farms are prepared and served.

Agri-tourism buildings, including those for dining, must be an integral component of the farm, must not alter the character of the farm or landscape, and shall be located in or in the immediate vicinity of the farm building cluster. In regard to restaurant uses, they are to be distinct in character from restaurant uses permitted in the Highway Commercial Zone and drive-through or take-out restaurants are not permitted. As an agri-tourism operation, a restaurant shall not exceed seating and entertainment floor area of more than 93 square metres, excluding kitchen and storage areas.

Notwithstanding anything to the contrary in the Minimum Distance Separation provisions of this By-law, an agriculturally related commercial use, including an agri-tourism operation, shall be considered an agricultural use for the purposes of Minimum Distance Separation provisions and shall not be subject to separation requirements for either the introduction of new agriculturally related commercial uses or new livestock operations.

A temporary agricultural fair or exhibition shall:

- a) Not exceed a duration of more than one (1) month;
- b) Not involve the construction of any permanent buildings or structures; and,
- c) Meet all other provisions of this By-law.

A temporary accessory seasonal attraction shall:

- a) Not involve the construction of any permanent buildings or structures;
- b) Not exceed a duration of six (6) weeks over a contiguous period of time;
- c) Shall not occur on more than two (2) contiguous periods of time per year;
- d) Not occupy more than four (4) ha; and,

- e) Meet all other provisions of this By-law.

### 3.3.3 AGRICULTURALLY RELATED COMMERCIAL ZONE EXCEPTIONS

#### **AGC-1**

Part Lot 39, Concession 7, Formerly Nottawasaga  
(7293 Poplar Side Road, 010-005-71700)

#### Permitted Uses Limited To:

- All uses permitted in the Agricultural (AG) Zone and complying with the provisions of that zone; or,
- A veterinary clinic.

#### **~~AGC-2~~**

~~Part of Lot 39, Concession 8, Formerly Nottawasaga  
(4559 County Road 124, 010-007-05400)~~

#### ~~Permitted Uses Limited To:~~

- ~~▪ All uses permitted in the Agricultural (AG) Zone and complying with the provisions of that zone;~~
- ~~▪ Fertilizer, seed, pesticide, and herbicide sales facility;~~
- ~~▪ Agricultural equipment and supply sales outlet;~~
- ~~▪ Agri-tourism operation;~~
- ~~▪ Retail and wholesale establishment for the sale of locally produced agricultural products including indoor and outdoor display and sales and including winery or cidery retail outlets (locally produced refers to produces from farm(s) located 160 km (100 mile radius) of Clearview Township); or,~~
- ~~▪ Farmers market.~~

#### ~~Accessory Uses:~~

- ~~▪ Temporary agricultural fair or exhibition;~~
- ~~▪ Temporary accessory seasonal outdoor attraction such as a farm tour, a maze, an agricultural related play or activity area;~~
- ~~▪ Accessory and primary open storage;~~

- ~~Accessory office; or,~~
- ~~Accessory display and sales.~~

~~Altered or Additional Provisions:~~

- ~~Retail establishment will be permitted to have a floor area no larger than 760 square meters for retail use;~~
- ~~No building or structures shall be located, installed or rebuilt within 15 metres of the limit of the County Road No. 124 right-of-way, unless a specific setback distance has been set out in the County Road Setback By-law 5604 or an exception to the requirements of the Road Setback By-law has been approved in writing by the County of Simcoe and provided to the Township of Clearview.~~

### **AGC-3**

Part of Lot 39, Concession 8, Formerly Nottawasaga  
(4559 County Road 124, 010-007-05400)

Permitted Uses restricted to:

- All uses permitted in the Agricultural (AG) Zone and complying with the provisions of that zone;
- Fertilizer, seed, pesticide, and herbicide sales facility;
- Agricultural equipment and supply sales outlet;
- Agri-tourism operation;
- Retail and wholesale establishment for the sale of locally produced agricultural/horticultural products that contain items or ingredients from farm(s) located within 160km (100miles) of Clearview Township, including indoor and outdoor display and sales including winery or cidery retail outlets;
- Farm auction; and
- Farmers market

Accessory Uses Restricted To:

- Temporary agricultural fair or exhibition;
- Temporary accessory seasonal outdoor attraction such as a farm tour, a maze, an agricultural related play or activity or area;
- Accessory and primary open storage;
- Accessory office; or
- Accessory display and sales.

Altered or Additional Provisions:

- Maximum Area of AGC-3 – 2 ha (5 acres)
- Fertilizers, seed, pesticide and herbicide facility; retail and wholesale establishment for the sale of locally produced agricultural/horticultural products that contain items or ingredients from farm(s) located within 160km (100miles) of Clearview Township, including indoor and outdoor display and sales and including winery or cidery retail outlets; Farm Auction; and Farmer's Market; will be permitted to have a floor area of no larger than 1000 square meters, all these uses will be include in the primary structure;
- Greenhouse uses and a retail component, also included in the primary structure, will be permitted to have a floor area no larger than 800 square meters;
- The total floor area of the primary structure shall be no greater than 1800 square meters;
- Agricultural equipment and supply sales outlet to have a combined floor area of no larger than 1,000 square meters;
- No permanent buildings or structures shall be located, installed within 15meters of the limit of the County Road No.124 and Poplar Sideroad, unless and exception to this requirement has been approved in writing by the County of Simcoe, in accordance with the County Road Setback by-law.

**AGC-4**

West Part of Lot 3, Concession 12, Formerly Nottawasaga  
(793175 County Road 124)

Permitted Uses Restricted to:

- All uses permitted in the Agricultural (AG) Zone and complying with the provisions of that zone;
- Farm co-operative;
- Agricultural equipment and supply sales outlet;
- Agri-tourism operation;
- Retail and wholesale establishment for the sale of locally produced agricultural/horticultural products that contain items or ingredients from farm(s) located within 160km (100 miles) of Clearview Township, including indoor and outdoor display and sales and including winery or cidery retail outlets;
- Farm auction;
- Farmers market;
- Cutting, folding, shaping and milling of raw metal;
- Outdoor display and sales (related to the agricultural equipment and supply sales outlet)

- Primary outside storage (related to the agricultural equipment and supply sales outlet)

Accessory Uses Restricted To:

- Accessory office

Altered or Additional Provisions:

- Outdoor display and sales shall be permitted within the County Road setback however will not be closer than .3m to any property line
- Outdoor display and sales will be seasonal
- Maximum area for outdoor display and sales and primary outside storage is 750m<sup>2</sup>
- Outdoor display and sales and primary outside storage will be permitted within the required minimum yards, but only where shown on the approved site plan and will not be required to be enclosed.
- Landscaping screens or buffers will not be required for outdoor display and sales and primary outside storage areas adjacent to the exterior side yard
- Maximum number of parking spaces required on site will be 13
- Parking spaces will be setback .3m from property lines, in all yards
- Minimum rear and interior side yard to be 7m
- For the purposes of the permitted uses in the AGC-4 Zone an: Agricultural equipment and supply sales outlet: means a building, structure and/or clearly defined space on a lot that is used for the display and sale, lease, storage or rental of farm implements, farm equipment, and may include the servicing repair, cleaning, polishing, and lubricating of such machinery or equipment and the sale of related accessory tools and parts.

**AGC-5**

West Part of Lot 10, Concession 2, Formerly Nottawasaga

(793175 County Road 124, 010-011-27200)

Prohibited Uses:

- Single Detached Dwelling
- Residential Uses
- Primary Outdoor Display and Sales
- Primary Outdoor Storage

Altered Provisions:

- Minimum Lot Area for Agriculturally Related Commercial Use shall be 3.2 ha
- Minimum Distance Separation I shall be maximum of 290 m to 7005 County Road 9 (Roll 432901000105300)
- Minimum Distance Separation I shall be maximum of 375 m to 7131 County Road 9 (Roll 432901000111900)

- Number of Parking Spaces Required 31
- Number of Barrier Free Parking Spaces Required 2
- Loading Spaces may be located in Interior Side Yard and Rear Yard

The provisions of Section 2.17 Outdoor Display and Sales and the Section 2.18 Outdoor Storage shall not apply.

Altered Provisions for Primary Outdoor Display and Sales and Outdoor Storage:

- May occur in all yards
- Minimum Front Yard Setback 6 m
- Minimum Exterior Side Yard Setback 7 m
- Minimum Rear Yard Setback 3 m
- Shall be included in the maximum lot coverage

Altered Provisions for Landscaping:

- Landscape buffer shall be required a maximum of 1.5 m in width from property lines, no other landscape screen or buffer is required
- Minimum of 11 trees shall be planted on site
- No landscaping is required for parking or loading spaces

#### **AGC-6**

North Part of Lot 33, Concession 8, Formerly Nottawasaga

(3815 County Road 124, 010-007-00605)

Altered Provision:

- No additional landscaping will be required in the parking lot
- No additional curbs or wheel stops required for parking or loading spaces
- No additional tree planting required

#### **AGC-7**

West Part of Lot 9, Concession 2, Formerly Nottawasaga

(7005 County Road 9, 010-001-05300)

Additional Uses:

- Agriculturally Related Machine Repair Shop

Additional Accessory Uses:

- Accessory Display

Prohibited Uses:

- Single Detached Dwelling
- Residential Uses

Prohibited Accessory Uses:

- Accessory and Primary Outdoor Storage
- Accessory Outdoor Sales Area

Altered Provisions:

- Minimum Lot Area for Agriculturally Related Commercial Use shall be 4.0 ha
- Number of Parking Spaces Required 71
- Loading Spaces may be located in Rear Side Yard
- Minimum Distance Separation I shall be maximum of 450 m to 7164 County Road 9 (432901000112300)
- Minimum Distance Separation I shall be maximum of 215 m to 7131 County Road 9 (432901000111900)
- Minimum Distance Separation I shall be maximum of 225 m to 7005 County Road 9 (432901000105300)

Altered Provisions for Accessory Display:

- Will be located in front yard and exterior side yard setback a minimum 7.25 m from the front property line and a minimum 8 m from the exterior side yard
- This accessory display will be shown on the implementing site plan
- Accessory Display Area to be no larger than 485 m<sup>2</sup>
- Shall meet the maximum height provisions applicable to buildings and structures

Altered Provisions for Landscaping:

- Landscape buffer shall be required a minimum of 1.5 m in width from property lines
- Minimum of 90 trees shall be planted on the site
- No landscaping is required for parking, loading or truck spaces
- Treed berm will be placed from the south west corner following 50 m along west property line and 50 m along south property line, originating at the south west corner
- Berm will be 2 m in height and 1.5 m in width and will be treed

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### 3.4 AGRICULTURAL BOARDING KENNEL (AGK)

#### 3.4.1 PERMITTED USES

- On a properly zoned AGK a boarding kennel is an additional permitted use.
- The primary permitted uses in the case of a property zoned AGK are the permitted uses of the Agricultural (AG) Zone.
- An accessory grooming service and accessory retail area of no greater than 15 square metres of floor area may also be permitted.

For the purposes of this By-law, a kennel shall mean a building or structure used, or intended to be used, for the accommodation of three (3) or more adult canines, for the purposes of commercial breeding or for commercial boarding purposes and may be attached to but not part of a dwelling. This is not intended to include the housing or keeping of adult canines as personal pets, unless the number of animals to be accommodated exceeds five (5) adult canines. No kennel shall house more than thirty-five (35) canines.

#### 3.4.2 ZONE PROVISIONS

In addition to the provisions of the AG Zone for an AGK use, the following provisions shall also apply:

- a) In no case shall any kennel be located closer than 100 metres to the lot boundary of any residential use in a settlement area shown in this By-law, or within 50 m of any other residential structure other than a residential structure on the property on which the kennel is located; and,
- b) An accessory retail use shall not exceed a total gross floor area of 10 square metres.

#### 3.4.3 AGRICULTURAL KENNEL ZONE EXCEPTIONS

##### **AGK-1**

Part Lot 31, Concession 5, Formerly Nottawasaga



(1824 Fairgrounds Rd North, 010-005-00101)

Altered or Additional Provisions:

- Minimum setback for a kennel use from any lot line: 75 metres
- Maximum number of canines permitted: 15

**AGK-2**

Part Lot 29, Concession 3, Formerly Nottawasaga

(7933 Highway 26, 010-002-19301)

Altered or Additional Provisions:

- Maximum number of canines: 10

**AGK-3**

Part of Lot 30, Concession 5, Formerly Nottawasaga

(6773 30/31 Sideroad, 010-008-02402)

Altered or Additional Provisions:

- Maximum number of canines: 15

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## 3.5 RURAL (RU)

### 3.5.1 PERMITTED USES

#### PRIMARY USES

- Produce farm or a livestock farm;
- Single detached dwelling;
- Farm help accommodation building;
- Conservation use;
- Forestry and maple syrup production;
- Passive recreation uses;
- Market garden; or,
- Greenhouse and plant nursery and an associated retail and wholesale outlets as an accessory to the production of plants on the same lot on which the garden centre or plant nursery is located and for the exclusive sale of plant material produced on the lot.

#### ACCESSORY USES

- Temporary agricultural fair or exhibition;
- Temporary accessory seasonal outdoor attraction such as a farm tour operation, a maze, an agriculturally related play or activity area;
- Accessory riding club;
- Accessory rodeo facility;
- Accessory farm office;
- Accessory farm produce road-side retail stand;
- Accessory agricultural open storage;
- Home occupation;
- Home industry;
- Garden suite subject to a temporary use by-law;
- Accessory apartment;
- Accessory bed and breakfast; or,
- Accessory agricultural processing plant, including a winery, which involves processing only produce from the farm operation.

### 3.5.2 ZONE PROVISIONS

Minimum Lot Area:	0.4 ha
Minimum Lot Frontage:	45 m
Minimum Front Yard:	15 m
Minimum Rear Yard:	7.5 m
Minimum Interior Side Yard:	4.5 m
Minimum Exterior Side Yard:	15 m
Maximum Lot Coverage:	20%
Maximum Height of Agricultural Buildings and Structure:	18 m
Maximum Height of Principal Buildings and Structures:	13 m
Maximum Height of Non Agricultural Accessory Buildings:	8 m
Maximum Number of Accessory Buildings:	4
Maximum Gross Floor Area of All Accessory Buildings:	200 m <sup>2</sup>

Notwithstanding the minimum lot area and frontage provisions of this By-law, all of the permitted uses of this Zone may be permitted on a lot existing at the time of adoption of this By-law having less frontage and lot area provided that:

- Where a main or accessory residential or accommodation use is to occur, the lot must have a minimum frontage of 30 metres and a minimum area of 0.3 ha;
- For any non-residential building, the lot must have a minimum frontage of 10 metres;
- For a livestock farm, the minimum lot area should be 2 ha; and,
- All other provisions of this By-law are complied with.

Notwithstanding any contrary provision of this By-law, accessory buildings and structures may be located in all yards, including the front yard, but shall be required to meet all minimum yard and setback requirements.

Notwithstanding these provisions, for a livestock farm on an existing lot of record, the minimum lot area shall be two (2) ha and the minimum lot frontage shall be 60 metres. For a livestock farm on a lot created subsequent to the adoption of this By-law, the minimum lot area shall be ten (10) ha and a minimum frontage of 150 metres.

Notwithstanding these provisions, where an agricultural processing plant use occurs, the minimum lot area shall be ten (10) ha and the minimum lot frontage shall be 150 metres. No agricultural processing facility shall be located closer than 100 metres to a residential use on a separate lot.

Notwithstanding any other contrary provision of this By-law, in a Rural Zone, an accessory apartment may be located in an accessory building where there is no separate farm help accommodation building on the same lot. Where located in an accessory building, the accessory apartment shall have a minimum gross floor area in accordance with Section 2.1 and shall have a total gross floor area of no greater than 50 percent of that of the primary, or principle, residence on the lot and shall be no greater than 111 square metres in total gross floor area. An accessory apartment in an accessory building shall be located no further than 50 metres from the principle dwelling. The accessory apartment may occupy the entire accessory building. An accessory apartment shall not be considered to be a surplus residence for the purposes of obtaining a consent and may not be separated from the lot by a severance.

Accessory agricultural open storage shall allow for open storage of agriculturally related produce, products and agricultural equipment. The zone provisions shall also apply to accessory agricultural open storage. The provisions do not apply to produce temporarily stored in production areas during harvesting.

The aggregate area of an accessory agricultural processing use including all associated uses such as, but not limited to, parking, loading areas, outside storage areas, and processing waste storage areas located on a lot shall not exceed two (2) ha.

An accessory farm produce road-side retail stand shall be permitted for the purposes of retail sales of produce, including processed produce predominantly from the farm. Such produce may include food products or products manufactured from organic products such as, but not limited to, wood or hemp products.

A farm help accommodation building is permitted where there is no accessory apartment in an accessory building on the same lot. Farm help accommodation buildings shall be located within 50 metres of the primary detached dwelling. Such additional accommodation may be permitted in a separate building for the accommodation of farm workers where the lot is a minimum of 30 ha in area. Such additional accommodation shall have a minimum floor area of 78 square metres, and shall have the same yard requirements and use the same driveway or entrance as the principal dwelling on the lot. Such accommodation shall not be permitted to be renovated or otherwise

altered to a permanent dwelling unit for a use other than as housing for farm help and shall not be severed from the farm.

A temporary agricultural fair or exhibition shall:

- a) Not exceed a duration of more than one (1) month;
- b) Occur over a contiguous period of time;
- c) Not occur more than once every three (3) years on the same lot;
- d) Not involve the construction of any permanent buildings or structures; and,
- e) Meet all other provisions of this By-law.

A temporary accessory seasonal attraction shall:

- a) Not involve the construction of any permanent buildings or structures;
- b) Not exceed a duration of six (6) weeks over a contiguous period of time;
- c) Shall not occur on more than two (2) contiguous periods of time per year;
- d) Not occupy more than four (4) ha; and,
- e) Meet all other provisions of this By-law.

### 3.5.3 RURAL ZONE EXCEPTIONS

#### **RU-1**

Part of Lot 20, Concession 2, Formerly Nottawasaga  
(1547 County Road 42, 010-002-08500)

Altered or Additional Provisions:

- Minimum number of spaces required for the existing structures: 34 spaces

#### **RU-2**

Part of Lot 39, Concession 9, Formerly Nottawasaga  
(7623 Poplar Side Road, 010-007-12700)

Additional Permitted Uses:

- Antique store, pottery studio, arts and crafts gallery or studio;
- Boutique;

- Café;
- Dwelling unit in a portion of a non-residential building;
- Garden or nursery centre;
- Veterinary clinic;
- Specialty food store

Altered or Additional Provisions:

- Maximum gross floor area for a garden or nursery centre: 100 m<sup>2</sup>

### **RU-3**

Part of Lot 7, Concession 2, Formerly Sunnidale

(3571 Hogback Road, 040-001-18110)

Altered or Additional Provisions:

- All habitable buildings or structures on the lands shall be flood proofed to a minimum opening elevation of 0.15 metres above the centre line of the municipal road adjacent to the lot.

### **RU-4**

Part of Lot 7, Concession 2, Formerly Sunnidale

(3522 Hogback Road, 040-001-17910)

Altered or Additional Provisions:

- All habitable buildings or structures to be constructed on the lands shall be flood proofed to a minimum opening elevation of 0.35 metres above the centre line of Hogback road.

### **RU-5**

Part of Lot 24, W.S.R., Concession 3, Formerly Sunnidale

(9976 County Road 10, 040-001-29200)

Additional Permitted Use:

- Taxidermy studio.

**RU-6**

Part of Lot 7, Concession 4, Formerly Sunnidale  
(5649 County Road 9, 040-002-03620)

**Additional Permitted Uses:**

- Cabinet making, woodworking shop, and as accessory to this use an office and showroom.

**Altered or Additional Provisions:**

- No outside storage of goods or materials is permitted.

**RU-7**

Part of East Half of Lot 4, Concession 2, Formerly Sunnidale  
(6155 & 6125 Concession 2, 040-001-16800 & 040-001-16801)

**Altered or Additional Provisions:**

- Maximum Development Area: 3610 square metres (38 metres by 95 metres)
- Frontage of Development Area: 38 metres

**RU-8**

Part of Lot 37, Concession 7, Formerly Nottawasaga  
(7266 36/37 Sideroad, 010-005-70201)

**Altered or Additional Provisions:**

- Minimum Lot Frontage: 10 metres

**RU-9 (H1)**

East ½ Lot 31, Concession 2, Formerly Nottawasaga  
(5820 County Road 64, 010-003-25700)

**Permitted Uses Limited To:**

- Produce farm;
- Conservation use;

- Wholesale topsoil operation;
- Outdoor storage for stockpiling of soil and other material

#### **RU-10**

Part of Lots 38 and 39, Concession 12, Formerly Nottawasaga  
(010-012-09600)

Altered or Additional Permitted Uses:

- Snowmaking reservoir pond;
- Accessory structures;
- Associated piping.

#### **RU-11**

East Part of Lot 11, Concession 5, Formerly Sunnidale  
(16 Whitetail Drive, 040-002-23200)

Permitted Uses Limited To:

- Single detached dwelling;
- Conservation use;
- Forestry and maple syrup production; or,
- Passive recreation uses.

Permitted Accessory Uses Limited To:

- Home occupation;
- Garden suite subject to a temporary use by-law; or,
- Accessory apartment.

Section 1.21 shall not apply to lands zoned RU-11. The following zone provisions shall apply as additional or altered zone provisions to the RU zone provisions:

Minimum Development Area	5120 m <sup>2</sup>
Maximum Development Area Coverage	20%
Minimum Lot Frontage (Whitetail Drive)	20 m
Minimum Front Yard Setback (measured from the	15 m



south lot line, notwithstanding that the RU-11 zone does not abut the south lot line)

Minimum Rear Yard Setback (measured from the north RU-11 Zone boundary) 0 m

Minimum Interior Yard Setback (measured from the west lot line) 4.5 m

Minimum Interior Yard Setback (measured from the east RU-11 Zone boundary) 0m

All other provisions of the RU Zone and the remainder of the Zoning By-law, not contrary to the special zone provisions above continue to apply.

#### **RU-14**

East Part of Lot 31, Concession 2, Formerly Nottawasaga  
(5836 County Road 64, 010-003-25702)

Additional Uses:

- Truck Terminal
- Wholesale Topsoil Storage and Screening Operation
- Outdoor Storage

Altered Provisions or Additional Provisions:

- Notwithstanding the provisions of the Rural (RU) Zone to the contrary where the lands are zoned RU-14 the following apply:
  - Minimum Front Yard 15 m
  - Side Yard Setback from the west property line 14 m
  - Principal Structure Height 19 m
  - Maximum Number of Accessory Buildings No Limit other than that maximum lot coverage applies
  - Maximum Gross Floor Area of All Accessory Buildings Not Applicable
- Notwithstanding the general provisions in Section 2 to the contrary where the lands are zoned RU-14 the following apply
  - Minimum 30 m setback from the Environmental Protection (EP) Zone
  - Minimum setbacks from the West Draw of the Lamont Creek will be as follows: fuel tank 55 m, shop/storage building 35 m
  - No landscaping will be required along the eastern, or northern property

line

- No landscaping is required for parking, loading or truck spaces
- Landscaping in the front yard will be a continuous row of evergreens
- Number of parking spaces required 28
- Number of loading spaces required 1
- Number of barrier free spaces required 2

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### 3.6 RURAL BOARDING KENNEL (RUK)

#### 3.6.1 PERMITTED USES

- On a properly zoned RUK, a boarding kennel is an additional permitted use.
- The primary permitted use of a property zoned RUK are the permitted uses of the Rural (RU) Zone.
- An accessory grooming service and accessory retail area of no greater than 15 square metres of floor area may also be permitted.

For the purposes of this By-law, a kennel shall mean a building or structure used, or intended to be used, for the accommodation of three (3) or more adult canines, for the purposes of commercial breeding or for commercial boarding purposes and may be attached to but not part of a dwelling. This is not intended to include the housing or keeping of adult canines as personal pets, unless the number of animals to be accommodated exceeds five (5) adult canines. No kennel shall house more than thirty-five (35) canines.

#### 3.6.2 ZONE PROVISIONS

In addition to the provisions of the RU Zone for an RUK use, the following provisions shall also apply:

- a) In no case shall any kennel be located closer than 100 metres to the lot boundary of any residential use in a settlement area shown in this By-law, or within 50 m of any other residential structure other than a residential structure on the property on which the kennel is located; and,
- b) An accessory retail use shall not exceed a total gross floor area of 10 square metres.

#### 3.6.3 RURAL KENNEL ZONE EXCEPTIONS

##### **RUK-1**

Part of Lot 28, Concession 8 WSR, Formerly Sunnidale  
(3686 McCarthy Drive, 040-001-04705)

Altered or Additional Provisions:

- Minimum Rear Yard: 4 metres
- Area Permitted for Kennel: 346 metres (18.9 m by 18.3 m)

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### 3.7 RESIDENTIAL ESTATE (RE)

#### 3.7.1 PERMITTED USES

##### PRIMARY USES

- Single detached dwelling.

##### ACCESSORY USES

- Single accessory apartment; or,
- Home occupation.

#### 3.7.2 ZONE PROVISIONS

Minimum Lot Area:	0.6 ha
Minimum Lot Frontage:	50 m
Minimum Front Yard:	15 m
Minimum Rear Yard:	15 m
Minimum Interior Side Yard:	6 m
Minimum Exterior Side Yard:	15 m
Maximum Lot Coverage:	20%
Maximum Height of Principal Buildings and Structures:	11 m
Minimum Gross Floor Area for Single Detached Dwelling:	120 m <sup>2</sup>
Maximum Height of Accessory Buildings:	6 m
Maximum Number of Accessory Buildings:	3
Maximum Gross Floor Area of All Accessory Buildings:	64 m <sup>2</sup>
Minimum Rear Yard for Accessory Buildings and Structures:	1.8 m
Minimum Interior Side Yard for Accessory Buildings and Structures:	1.8 m

Development may be permitted on private services.

### 3.7.3 RESIDENTIAL ESTATE ZONE EXCEPTIONS

#### RE-1

Part Lots 38, 39, & 40, Concession 12, Formerly Nottawasaga

(Angus Drive, Angus Crescent, 010-012-10500)

(Osler Pines Rd, Osler Pines Court, 010-012-10500)

Part Lots 38 & 39, RP 51R13478, RP 51R14056, Concession 2, Formerly Nottawasaga

(Oslerview Drive, Oslerview Crescent, 010-012-09601)

#### Altered or Additional Provisions:

Maximum number of leased lots (Angus Drive & Angus Crescent):	45
Maximum number of leased lots (Osler Pines Rd & Osler Pines Court):	28
Maximum number of leased lots (Oslerview Drive & Oslerview Crescent):	28
Minimum Lot Area:	0.13 ha
Minimum Lot Frontage:	30 m
Minimum Yards: Front:	6 m
Rear:	6 m
Interior Side:	1.2 m
Exterior Side:	4.5 m
Maximum Lot Coverage:	30%
Maximum Height of Principle Buildings and Structures:	11 m
Minimum Gross Floor Area:	120 m <sup>2</sup>

#### Accessory Buildings:

Minimum Yards: Front:	Prohibited
Rear:	3 m
Interior Side:	1.2 m
Exterior Side:	4.5 m
Maximum Height:	4.5 m
Maximum Number:	3
Maximum Gross Floor Area:	64 m <sup>2</sup>

Notwithstanding the definitions of a lot in this By-law, where lands are zoned Residential Estate Zone Exception No.1 (RE-1) a lot shall mean a leased lot as shown on the Osler Bluff Ski Club Ltd Lot Plan and the above provisions shall apply to the leased lots.

## **RE-2**

West Part Lot 42, Concession 12, Formerly Nottawasaga  
(7956889 Grey Road 19, 010-012-11600)

### **Altered or Additional Provisions:**

- Notwithstanding the requirement for a minimum lot area of 0.6 ha, lots having a lesser area, but more than 0.39 ha, as shown on the approved draft plan at the time of adoption of this By-law, shall be deemed to comply with the minimum lot area requirement.
- Notwithstanding the requirement for a minimum lot frontage of 50 metres, lots having a lesser frontage, but more than 39.9 metres, as shown on the approved draft plan at the time of adoption of this By-law, shall be deemed to comply with the minimum lot frontage requirement.
- Notwithstanding the requirements for a minimum interior side yard, the minimum interior side yard on these lands shall be 5 metres.

## **RE-3**

Part Lot 40, Concession 11, Formerly Nottawasaga  
(Plan M183, M184)  
(Plan 1570, Lots 1, 4, 6 to 14 Inclusive, 67, 68, 82, & 86)  
(Plan 1569, Lots 12 & 15)

### **Altered or Additional Provisions:**

Minimum Lot Area:	0.13 ha
Minimum Lot Frontage:	30 m
Minimum Yards:	
Front:	10 m
Rear:	10 m
Interior Side:	5 m
Exterior Side:	8 m

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## 3.8 RESIDENTIAL HAMLET (RS)

### 3.8.1 PERMITTED USES

#### PRIMARY USES

- Single detached dwelling; or,
- Semi-detached dwelling.

#### ACCESSORY USES

- Home occupation;
- Single accessory apartment; or,
- Garden suite subject to a temporary use by-law.

### 3.8.2 ZONE PROVISIONS

Minimum Lot Area:	0.2 ha
Minimum Lot Frontage:	25 m
Minimum Front Yard:	7.5 m
Minimum Rear Yard:	10 m
Minimum Interior Side Yard:	2.5 m
Minimum Exterior Side Yard:	7.5 m
Maximum Lot Coverage:	25%
Maximum Height of Principal Buildings and Structures:	11 m
Maximum Height of Accessory Buildings:	6 m
Maximum Number of Accessory Buildings:	3
Maximum Gross Floor Area of All Accessory Buildings:	100 m <sup>2</sup>

Development may be permitted on private services.

### 3.8.3 RESIDENTIAL HAMLET ZONE EXCEPTIONS



**RS-1**

Part of Park Lot 3, Plan 141, Formerly Sunnidale  
(154 Switzer Street, 040-002-20700)

Altered or Additional Provisions:

- No dwelling shall be more than 33 metres from the front lot line;
- All openings of dwellings shall be at least 0.3 metres above the regulatory flood elevation of 219.58 metres;

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### 3.9 RESIDENTIAL LARGE LOT (RS1)

#### 3.9.1 PERMITTED USES

##### PRIMARY USES

- Single detached dwelling.

##### ACCESSORY USES

- Home occupation; or,
- Single accessory apartment.

#### 3.9.2 ZONE PROVISIONS

Minimum Lot Area:	1400 m <sup>2</sup>
Minimum Lot Frontage:	22 m
Minimum Front Yard:	6 m
Minimum Rear Yard:	7.5 m
Minimum Interior Side Yard:	1.5 m
Minimum Exterior Side Yard:	6 m
Maximum Lot Coverage:	25%
Maximum Height of Principal Buildings and Structures:	11 m
Maximum Height of Accessory Buildings:	4.5 m
Maximum Number of Accessory Buildings:	2
Maximum Gross Floor Area of All Accessory Buildings:	64 m <sup>2</sup>

New development of residential buildings and new accessory apartments may be permitted on private or partial services where:

- Municipal services do not currently exist; and,
- The owner has submitted to the satisfaction of the Township proof of adequate servicing capability which services will not detrimentally impact neighbouring properties or the environment.

### 3.9.3 RESIDENTIAL LARGE LOT ZONE EXCEPTIONS

#### **RS1-1**

Part of Lots 39, Lot 41, 42, 43 and 44, Plan 315, Block 1, Plan 138, Formerly Creemore  
(79 Mary Street, 030-001-01600)

Altered or Additional Provisions:

- Building Envelope will be 19.6 m by 44.6 m

#### **RS1-2**

Part of Lot 11, Concession 4, Formerly Sunnidale  
(5156 County Road 9, 040-002-15200)

Altered or Additional Provisions:

- Minimum Lot Frontage: 18 m

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### 3.10 RESIDENTIAL LOW DENSITY (RS2)

#### 3.10.1 PERMITTED USES

##### PRIMARY USES

- Single detached dwelling.

##### ACCESSORY USES

- Home occupation; or,
- Single accessory apartment.

#### 3.10.2 ZONE PROVISIONS

Minimum Lot Area:	750 m <sup>2</sup>
Minimum Lot Frontage:	18.5 m
Minimum Front Yard:	6 m
Minimum Rear Yard:	6 m
Minimum Interior Side Yard:	1.5 m
Minimum Exterior Side Yard:	6 m
Maximum Lot Coverage:	50%
Maximum Height of Principal Buildings and Structures:	10 m
Maximum Height of Accessory Buildings:	4.5 m
Maximum Number of Accessory Buildings:	2
Maximum Gross Floor Area of All Accessory Buildings:	64 m <sup>2</sup>

New development, including a new accessory apartment, shall occur on full municipal services.

#### 3.10.3 RESIDENTIAL LOW DENSITY ZONE EXCEPTIONS

##### **RS2-1**

South Part of Market Square, Plan 68, Formerly Stayner  
(226 Charles Street, 020-022-16700)

Additional Permitted Uses:

- Fiveplex

Altered or Additional Provisions:

- Minimum Yards:
  - Interior Side (East): 1.2 m
  - Interior Side (West): 1.7 m
- Minimum Landscaped Screen Width Adjacent to Parking Lot: 1 m

**RS2-2 (H7)**

Part of Lot 8 and Part of the North and South Halves of Lot 9, Concession 4, Formerly Creemore

Altered or Additional Provisions:

- Notwithstanding the definitions of Section 4.0 of By-law 06-54, the following amended definition shall apply to lands zoned RS2-2:
  - Notwithstanding the definition of height and maximum height, a turret and decorative roof elements shall not be included in the calculation of maximum height;
- Minimum Lot Area: 600 m<sup>2</sup>
- Minimum Lot Frontage: 15 m
- Minimum Exterior Side Yard: 4 m
- Maximum Height of Principle and Structures: The lesser of 13 m or 3 stacked storeys, and the number of storeys shall be measured only in the principle portion of the building, and a floor above a garage or in a side split or back split unit shall not be considered an additional storey for the purposes of this by-law;
- There shall be a maximum of 76 lots, each developable as one single detached unit in the RS2-2 Zone;
- Where an accessory garage is located in a rear yard, no dwelling unit on the same lot shall be located within 6 m of the accessory garage.

**RS2-3**

Part Lots 16 and 17, Plan 68, Formerly Stayner  
(235 John Street, 020-002-11700)

Altered or Additional Provisions:

- Minimum Lot Area: 500 m<sup>2</sup>

**RS2-4**

Part Lots 16 and 17, Plan 68, Formerly Stayner  
(235 John Street, 020-002-11700)

Altered or Additional Provisions:

- Minimum Lot Area: 500 m<sup>2</sup>
- Minimum Front Yard: 2.7 m
- Minimum Exterior Side Yard: 0.27 m

**RS2-5**

Part of Lots 7 & 8, Plan 68, Formerly Stayner  
(265 Superior Street, 020-001-20704 & 208 Thomas Street, 020-001-20710)

Additional or Altered Provisions:

- Minimum Lot Area: 580 m<sup>2</sup>

**RS2-6**

Part of Lots 6 & 7, Plan 68, Formerly Stayner  
(269 Superior Street, 020-001-20704)

Additional or Altered Provisions:

- Minimum Front Yard: 3 m

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### 3.11 RESIDENTIAL MULTIPLE LOW DENSITY (RS3)

#### 3.11.1 PERMITTED USES

##### PRIMARY USES

- Single detached dwelling;
- Semi-detached dwelling; or,
- Duplex dwelling.

##### ACCESSORY USES

- Single accessory apartment in a single detached dwelling only; or,
- Home occupation.

#### 3.11.2 SINGLE DETACHED DWELLING ZONE PROVISIONS

Minimum Lot Area:	400 m <sup>2</sup>
Minimum Lot Frontage:	13.5 m
Minimum Front Yard:	6 m
Minimum Rear Yard:	6 m
Minimum Interior Side Yard:	1.1 m
Minimum Exterior Side Yard:	4 m
Maximum Lot Coverage:	60%
Maximum Height of Principal Buildings and Structures:	10 m
Maximum Height of Accessory Buildings:	4.5 m
Maximum Number of Accessory Buildings:	2 per residential unit
Maximum Gross Floor Area of All Accessory Buildings:	52 m <sup>2</sup>

#### 3.11.3 SEMI-DETACHED AND DUPLEX DWELLING ZONE PROVISIONS

Minimum Lot Area:	230 m <sup>2</sup> per unit
Minimum Lot Frontage:	7.6 m per unit
Minimum Front Yard:	6 m
Minimum Rear Yard:	6 m

Minimum Interior Side Yard:	1.1 m on exterior walls and 0 m on the shared wall of a semi-detached dwelling
Minimum Exterior Side Yard:	4 m
Maximum Lot Coverage:	60%
Maximum Height of Principal Buildings and Structures:	10 m
Maximum Height of Accessory Buildings:	4.5 m
Maximum Number of Accessory Buildings:	2 per residential unit
Maximum Gross Floor Area of All Accessory Buildings:	52 m <sup>2</sup>

New development shall occur on full municipal services.

#### 3.11.4 RESIDENTIAL MULTIPLE LOW DENSITY ZONE EXCEPTIONS

##### **RS3-1(H7)**

Part of Lot 8 and Part of the North and South Halves of Lot 9, Concession 4, Formerly Creemore

Permitted Uses Restricted To:

- Single detached dwelling

Altered or Additional Provisions:

- Notwithstanding the definitions of Section 4.0 of the By-law 06-54, the following amended definition shall apply to lands zoned RS3-1:
  - Notwithstanding the definition of height and maximum height, a turret and decorative roof elements shall not be included in the calculation of maximum height;
- Maximum Height of Principle Buildings and Structures: The lesser of 13 m or 3 stacked storeys, and the number of storeys shall be measured only in the principal portion of the building, and a floor above a garage or in a side split or back split unit shall not be considered an additional storey for the purposes of this by-law;
- There shall be a maximum of 32 lots, each developable as one single detached dwelling unit in the RS3-1 Zone;
- Where an accessory garage is located in a rear yard, no dwelling unit on the same lot shall be located within 6 m of the accessory garage;



**RS3-2**

Part of Lot 24, Plan 315, Formerly Creemore  
(29 Elizabeth Street East, 030-001-07201)

Altered or Additional Provisions:

- Minimum Front Yard: 11 metres

**RS3-3 (H2)**

Part of Lot 27, Concession 2, RP 51R32906 Part 1, Formerly Nottawasaga

Additional or Altered Provisions:

- Minimum Exterior Side Yard: 3 metres

**RS3-4 (H12)**

East and West Parts of Lot 25, Concession 1, Formerly Nottawasaga

Permitted Uses Restricted To:

- Single Detached Dwelling;

Accessory Uses Restricted To:

- Home Occupation.

**RS3-7**

Part of Lot 23, Concession 2, Formerly Nottawasaga  
(251 Margaret Street, 010-002-09400)

Temporary Uses Permitted

- Two (2) Model Homes and a parking area established in accordance with the model home or residential sales office provisions in Section 2.39 of By-law 06-54
- The temporary use shall only be permitted for a period of 3 years from the date that By-law 17-80 came into effect, where after this subsection shall be deemed to be deleted from the By-law 06-54 and the zoning then reverting back to the Development Area (DA-1) zone.

**RS3-8**

Part of Lot 27, Concession 2, Formerly Nottawasaga  
(7662 Highway 26, 010-002-12901)

Altered Provisions:

- Minimum Front Yard for Attached Garage 8 m

**RS3-9**

Part of Lot 27, Concession 2, Formerly Nottawasaga  
(7662 Highway 26, 010-002-12901)

Altered Provisions:

- Minimum Lot Area 360 m<sup>2</sup>
- Minimum Lot Frontage 12 m
- Minimum Front Yard for Attached Garage 8 m

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### 3.12 RESIDENTIAL MEDIUM DENSITY (RS4)

#### 3.12.1 PERMITTED USES

##### PRIMARY USES

- Triplex;
- Fourplex; or,
- Townhouse and link home dwelling units of up to 4 units per building.

##### ACCESSORY USES

- Home occupation.

#### 3.12.2 ZONE PROVISIONS

Minimum Lot Area:	200 m <sup>2</sup> per residential unit
Minimum Lot Frontage:	6.1 m per unit
Minimum Front Yard:	6 m
Minimum Rear Yard:	4.5 m plus 0.1 m for every 0.3 m of building height above 9 m
Minimum Interior Side Yard:	1.5 m plus 0.1 m for every 0.3 m of building height above 9 m on exterior walls and 0 m on any shared wall
Minimum Exterior Side Yard:	6 m
Maximum Lot Coverage:	60%
Maximum Height of Principal Buildings and Structures:	11 m
Maximum Height of Accessory Buildings:	4.5 m
Maximum Number of Accessory Buildings:	1 per residential unit
Maximum Gross Floor Area of All Accessory Buildings:	52 m <sup>2</sup>

A minimum of 10 square metres of outdoor amenity space shall be provided adjacent to and for the exclusive use of each residential unit. Notwithstanding this requirement, where the units are stacked, the amenity area for units not having ground floor access may be consolidated as a common area provided in addition to any required landscape screens or buffers.

Common parking areas may be provided. All such parking areas shall be hard-surfaced, shall

include landscaping amenities and a landscaping screen shall be provided to screen the common parking area from adjacent residential properties. Common parking facilities shall be located no closer than 3 metres to a lot line.

New development shall occur on full municipal services.

### 3.12.3 RESIDENTIAL MEDIUM DENSITY ZONE EXCEPTIONS

#### **RS4-1**

Lot 18, Plan 68, Formerly Stayner

(238 Warrington Road, 020-001-16400)

#### Permitted Uses Restricted To:

- Single detached dwelling;
- Accessory apartment within single detached dwelling;
- One additional accessory apartment in accessory detached building;

#### Altered or Additional Provisions:

- Minimum Front Yard for existing dwelling: 4 metres
- Minimum Rear Yard for accessory apartment in a detached accessory building: 5.5 metres
- Minimum Exterior Side Yard for existing dwelling and accessory building: 3 metres

#### Accessory Apartment in Detached Accessory Building Provisions:

- Minimum Habitable Area: 25 square metres
- Accessory apartment shall not be greater than 50% of the gross floor area of the principle single detached dwelling including accessory apartment within;
- Accessory apartment in a detached building may occupy the entire accessory building;
- Accessory apartment shall have separate sanitary and kitchen facilities; and,
- Accessory apartment shall meet all other applicable provisions of the parent by-law and any other fire, health, safety, or occupancy regulations or by-laws.

## **RS4-2 (H8)**

Part of Lot 8 and Part of the North and South Halves of Lot 9, Concession 4, Formerly Creemore

### Permitted Uses Restricted To:

- Single detached dwelling;
- Duplex;
- Triplex;
- Fourplex;
- A home occupation in a single detached or duplex dwelling;
- In a triplex or fourplex dwelling unit, only a professional office as a secondary use located in a residential dwelling in accordance with the provisions contained in Section 2.11 is permitted, however notwithstanding those provisions, no employees other than residents of the dwelling unit shall be permitted and no external signage shall be permitted;

### Altered or Additional Provisions:

- Notwithstanding the definitions of Section 4.0 of By-law 06-54, the following amended definition shall apply to lands zone RS4-2:
  - Notwithstanding the definition of height and maximum height, a turret and decorative roof elements shall not be included in the calculation of maximum height;
- Minimum Lot Areas:
  - Single detached dwelling: 530 m<sup>2</sup>
  - Duplex: 700 m<sup>2</sup>
  - Triplex or Fourplex: 980 m<sup>2</sup>
- Minimum Lot Frontages:
  - Single detached or duplex dwelling: 13.5 m
  - Triplex or Fourplex: 6 m per unit
- Minimum Interior Side Yard for Fourplex: 3 m
- Maximum Height of Principle Buildings and Structures: The lesser of 13 m or 3 stacked storeys, and the number of storeys shall be measured only in the principle portion of the building, and a floor above a garage or in a side split or back split unit shall not be considered an additional storey for the purposes of

this by-law;

- Maximum Number of Accessory Buildings:
  - Single detached dwelling: 1
  - All other uses: 2
- Maximum Gross Floor Area of Accessory Buildings:
  - Triplex: 63 m<sup>2</sup>
  - Fourplex: 86 m<sup>2</sup>
  - All other uses: 52 m<sup>2</sup>
- Minimum Required Driveway Width: 3 m
- Maximum Dwelling Unit Count: 24
- Outdoor Amenity Space:
  - The amenity space for all units on a lot can be consolidated into a common area or combination of common areas on a lot;
- In addition to, and notwithstanding any provisions of By-law 06-54, the landscaped buffers and screens for Multiple Residential (3 or more units) zoned RS4-2 shall comply with the following provisions:
  - A landscaped buffer is not required along the front lot line and within the front yard;
  - For a side lot line, a landscaped buffer is required. The landscape buffer shall be located along the lot line between a location parallel to the main front wall and extend to the rear lot line;
  - Where a driveway abuts the side lot line, a landscaped buffer shall be reduced to 1 metre and a solid fence shall be built from a point on the side lot line located halfway between the main front wall and the main rear wall to the rear lot line; and,
  - Notwithstanding anything to the contrary, the landscape buffer and/or screen can be reduced to a minimum of 0.3 metre in width between an accessory building, a parking space, a parking aisle, an outdoor amenity area, and a lot line provided that a fence with a minimum height of 1.8 metres is included within the landscape buffer/screen;
- In addition to, and notwithstanding any provisions of By-law 06-54, the design of parking spaces and common parking areas for Multiple Residential (3 or more units) shall comply with the following provisions:
  - Pedestrian walkways shall not be required;

- Parking shall be located no closer than 1 metre to an adjacent rear lot line, and 0.3 m to a side lot line, of a lot used or intended to be used for a residential use, provided that a fence with a minimum height of 1.8 m is included within the landscaped buffer/screen;
- A parking area for a triplex or a fourplex shall not be permitted in the front yard; and,
- Each parking aisle shall have a minimum width of 6 metres;
- Where an accessory garage is located in a rear yard, no dwelling unit on the same lot shall be located within 6 metres of the accessory garage.

#### **RS4-3 (H8)**

Part of Lot 8 and Part of the North and South Halves of Lot 9, Concession 4, Formerly Creemore

#### **Additional Definition: Dwelling, Sixplex**

Means a separate building containing six (6) dwelling units divided horizontally into two floors with each floor containing three (3) dwelling units.

#### **Permitted Uses Restricted To:**

- Single detached dwelling;
- Duplex;
- Triplex;
- Fourplex;
- Sixplex;
- A home occupation, as an accessory use, in a single detached or a duplex dwelling;
- In a triplex, fourplex, or sixplex dwelling unit, only a professional office as an accessory use located in a residential dwelling in accordance with the provisions contained in Section 2.11 is permitted, however notwithstanding those provisions, no employees other than residents of the dwelling unit shall be permitted and no external signage shall be permitted;

Altered or Additional Provisions:

- Notwithstanding the definitions of Section 4.0 of By-law 06-54, the following amended definition shall apply to lands zoned RS4-3:
  - Notwithstanding the definition of height and maximum height, a turret and decorative roof elements shall not be included in the calculation of maximum height;
- Minimum Lot Areas:
  - Single detached dwelling: 530 m<sup>2</sup>
  - Duplex: 700 m<sup>2</sup>
  - Triplex or Fourplex: 980 m<sup>2</sup>
  - Sixplex: 1200 m<sup>2</sup>
- Minimum Lot Frontages:
  - Single detached or duplex dwelling: 15 m
  - Triplex or Fourplex: 6 m per unit
  - Sixplex: 5 m per unit
- Minimum Interior Side Yard for a Fourplex and Sixplex: 4 m
- Maximum Height of Principle Buildings and Structures: The lesser of 13 m or 3 stacked storeys, and the number of storeys shall be measured only in the principle portion of the building, and a floor above a garage or in a side split or back split unit shall not be considered an additional storey for the purposes of this by-law;
- Maximum Number of Accessory Buildings:
  - Single detached dwelling: 1
  - All other uses: 2
- Maximum Gross Floor Area of Accessory Buildings:
  - Sixplex: 125 m<sup>2</sup>
  - Fourplex: 86 m<sup>2</sup>
  - Triplex: 63 m<sup>2</sup>
  - Other uses: 52 m<sup>2</sup>
- Minimum Required Driveway Width: 3 m
- Maximum Dwelling Unit Count: 72
- Outdoor Amenity Space:
  - Notwithstanding anything to the contrary, the amenity space for all



units on a lot can be considered into a common area or combination of common areas on a lot;

- In addition to, and notwithstanding any provisions of By-law 06-54, the landscaped buffers and screens for Multiple Residential (3 or more units) zoned RS4-3 shall comply with the following provisions:
  - A landscaped buffer is not required along the front lot line and within the front yard;
  - For a side lot line, a landscape buffer is required. The landscape buffer shall be located along the lot line between a location parallel to the main front wall and extend to the rear lot line;
  - Where a driveway abuts the side lot line, a landscape buffer shall be reduced to 1 metre and a solid fence shall be built from a point on the side lot line located halfway between the main front wall and the main rear wall to the rear lot line; and,
  - Notwithstanding anything to the contrary, the landscaped buffer and/or screen can be reduced to a minimum of 0.3 metre in width between an accessory building, a parking space, a parking aisle, an outdoor amenity area, and a lot line provided that a fence with a minimum height of 1.8 metres is included within the landscape buffer/screen;
- In addition to, and notwithstanding any provisions of By-law 06-54, the design of parking spaces and common parking areas for Multiple Residential (3 or more units) shall comply with the following provisions:
  - Pedestrian walkways shall not be required;
  - Parking shall be located no closer than 1 metre to an adjacent rear lot line, and 0.3 metres to a side lot line, of a lot used or intended to be used for a residential use provided that a fence with a minimum height of 1.8 metres is included within the landscaped buffer or screen;
- Where an accessory garage is located in a rear yard, no dwelling unit on the same lot shall be located within 6 m of the accessory garage.

#### **RS4-4 (H12)**

East and West Parts of Lot 25, Concession 1, Formerly Nottawasaga

Permitted Uses Restricted To:

- Triplex;

Accessory Uses Restricted To:

- Home Occupation

**RS4-5 (H14)**

Part of Lot 27, Concession 2, Formerly Nottawasaga  
(7662 Highway 26, 010-002-12901)

Additional Uses:

- Townhouse of up to Eight (8) units per building

Altered Provisions:

- Minimum Front Yard for Attached Garage 8 m
- Minimum Exterior Side Yard 4 m

**RS4-6 (H14)**

Part of Lot 27, Concession 2, Formerly Nottawasaga  
(7662 Highway 26, 010-002-12901)

Additional Uses:

- Townhouse of up to Eight (8) units per building

Altered Provisions:

- Minimum Lot Frontage 11 m

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### 3.13 RESIDENTIAL MULTIPLE MEDIUM DENSITY (RS5)

#### 3.13.1 PERMITTED USES

##### PRIMARY USES

- Two storey apartment of up to ten (10) units per building; or,
- Townhouse of up to ten (10) units per building.

##### ACCESSORY USES

- Home occupation.

#### 3.13.2 ZONE PROVISIONS

Minimum Lot Area:	200 m <sup>2</sup> per residential unit
Minimum Lot Frontage:	6.1 m per unit
Minimum Front Yard:	6 m
Minimum Rear Yard:	4.5 m plus 0.1 m for every 0.3 m of building height above 9 m
Minimum Interior Side Yard:	1.5 m plus 0.1 m for every 0.3 m of building height above 9 m on exterior walls and 0 m on any shared wall
Minimum Exterior Side Yard:	6 m
Maximum Lot Coverage:	60%
Maximum Height of Principal Buildings and Structures:	11 m
Maximum Height of Accessory Buildings:	4.5 m
Maximum Number of Accessory Buildings:	1 per residential unit
Maximum Gross Floor Area of All Accessory Buildings:	52 m <sup>2</sup>

A minimum of 10 square metres of outdoor amenity space shall be provided adjacent to and for the exclusive use of each residential unit.

Common parking areas may be provided. All such parking areas shall be hard-surfaced, shall include landscaping amenities and a landscaping screen shall be provided to screen the common parking area from adjacent residential properties. Common parking facilities shall be located no closer than 3 metres to a lot line.

For an apartment building, a common garbage storage facility shall be provided within the building or shall be provided outside and screened in accordance with the requirements of this By-law and shall be located no closer than 5 metres to an adjacent property.

To ensure compatibility with surrounding uses, landscaping and landscaping screens and buffers shall be required in accordance with the requirements of this By-law.

New development shall occur on full municipal services.

The following additional provisions shall apply to the apartment dwelling units:

- a) The minimum floor area of each of the apartment dwelling unit shall be 55 square metres; and,
- b) Each apartment dwelling unit shall have separate washroom and kitchen facilities from the other apartment dwelling units and those of a non-residential use.

#### 3.13.3 RESIDENTIAL MULTIPLE MEDIUM DENSITY ZONE EXCEPTIONS

##### **RS5-1 (H12)**

Part Lots 42 & 49, Plan 196, Block 44, Plan 51M-839, Formerly Stayner  
(Aspen Ridge Phase 2)

Altered Provisions:

- Minimum Lot Area shall be 185 m<sup>2</sup>
- Minimum Front Yard Setback for Attached Garage shall be 8 m
- Minimum Interior Side Yard shall be 1.5 m
- Encroachment for Front Porch into Minimum Front Yard 1 m

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### 3.14 RESIDENTIAL HIGH DENSITY (RS6)

#### 3.14.1 PERMITTED USES

##### PRIMARY USES

- Townhouse or link homes of 10 or more units per building; or,
- Apartment building of over 10 units or over two stories.

##### ACCESSORY USES

- Home occupation.

#### 3.14.2 ZONE PROVISIONS

Minimum Lot Area:	181 m <sup>2</sup> per residential unit
Minimum Lot Frontage:	30 m
Minimum Front Yard:	6 m plus 0.1 m for every additional 0.3 m above a height of 9 m
Minimum Rear Yard:	6 m plus 0.1 m for every additional 0.3 m above a height of 9 m
Minimum Interior Side Yard:	5 m plus 0.1 m for every additional 0.3 m above a height of 9 m and 0 m on any shared wall
Minimum Exterior Side Yard:	6 m plus 0.1 m for every additional 0.3 m above a height of 9 m
Maximum Height of Principal Buildings and Structures:	13 m
Maximum Height of Accessory Buildings:	4.5 m
Maximum Number of Accessory Buildings:	2
Maximum Gross Floor Area of All Accessory Buildings:	64 m <sup>2</sup>
Minimum Landscaped Open Space:	10%

The maximum lot coverage shall be 55% however this may be increased to a maximum of 75% coverage where 75% or more of the required parking spaces are provided as underground or indoor parking.

A maximum of 35 residential units per hectare shall be permitted where more than 50% of the required parking spaces are provided as outdoor parking. A maximum of 50 residential units per hectare shall be permitted where underground or indoor parking is provided for a minimum of 50% of the residential units.

A minimum common outdoor amenity area of 6 square metres per residential unit shall be provided in consolidated form in addition to any required landscaped strips or buffers, and such area shall be exclusive of balconies, any on-site community centre building or a swimming pool.

Common parking areas shall be provided. All such outdoor parking areas shall be hard-surfaced and include landscaping amenities, and a minimum of 3 metres wide landscaping screen shall be provided to screen the common parking area from adjacent residential properties. Common parking facilities shall be located no closer than 3 m to a lot line.

A common garbage storage facility shall be provided within the building or shall be provided outside and screened in accordance with the requirements of this By-law and shall be located no closer than 5 metres to an adjacent property.

To ensure compatibility with surrounding uses, landscaping and landscaping screens and buffers shall be required in accordance with the requirements of this By-law.

New development shall occur on full municipal services.

The following additional provisions shall apply to the apartment dwelling units:

- a) The minimum floor area of each of the apartment dwelling unit shall be 55 square metres; and,
- b) Each apartment dwelling unit shall have separate washroom and kitchen facilities from the other apartment dwelling units and those of a non-residential use.

#### 3.14.3 RESIDENTIAL HIGH DENSITY ZONE EXCEPTIONS

##### **~~RS6-1 (H5)~~**

~~Part of Lot 8, Concession 4, Part of Lot 33, RP 315, Formerly Creemore~~

~~(80 Edward Street East, 030-001-04700)~~

Permitted Primary Uses restricted to:

- Apartment building(s) having a combined maximum of 54 dwelling units

Accessory Uses restricted to:

- Accessory buildings
- Home occupations

Zone Provisions or Additional or Altered Provisions:

- All lots/blocks within the RS6-1 zone shall be considered one lot for the purposes of the zoning;
- Parking spaces and loading spaces do not require setbacks to residential zones or to the lots/blocks within the draft plan of subdivision and can be placed in any yard pursuant to approved site plan;
- An apartment building may include an underground parking structure;
- Outdoor amenity spaces, landscape buffers and screens, parking areas, loading spaces and garbage storage shall be implemented pursuant to the approved site plan;
- A landscape buffer having a minimum width of 16m shall be provided along the exterior side yard (Edward Street);
- No buildings or structures are permitted within the landscape buffer except the stormwater management pond, emergency road, and utility infrastructure;
- Masonry or stone fences will be a minimum height of 1m along the southerly perimeter of all parking areas;
- A principal use or main building shall not be required for the construction and use of accessory building/structures; and
- Section 2.38 Outdoor Living Area for Lots in Residential Zone to the By-law 06-54 shall not apply to those lands zoned RS6-1.

Minimum Lot Area	16,000 m <sup>2</sup>
Minimum Lot Frontage	25 m
Minimum Front Yard (West)	57 m
Minimum Front Yard (East)	19 m
Minimum Exterior Side Yard (North)	10 m
Minimum Exterior Side Yard (South)	68 m

Maximum Lot Coverage	20%
Minimum Landscape Open Space	60%
Maximum Number of Stories	3
Maximum Height of Buildings to Peak	16 m
Maximum Number of Accessory Buildings	7 (this will include utility buildings)
Maximum Gross Floor Area of Accessory Buildings	400 m <sup>2</sup>
Minimum Size of Loading Spaces	3 m x 9 m

#### **RS6-2 (H15)**

Lots 10-14 Melville Street, Plan 296, Part Lot 9, 10 to 16 River Lane, Plan 410, Part Lot 36, Concession 9, Formerly Nottawasaga

(23 Melville Street, 010-006-15300)

#### **Altered or Additional Provisions:**

- Maximum Number of Dwelling Units: 22
- Minimum Dwelling Unit Size: 34 square metres
- Maximum Height of the fence on the northern property line will be 1.8 metres;
- No landscaping islands will be required for every 10 parking spaces;
- No landscaping screen will be required for the loading space;
- The loading space will be permitted to be located in front of the main wall of the building;
- The loading space access aisle will be permitted to be 6 metres in width;
- Parking space size will be permitted to be 2.75 metres by 5.8 metres;
- Disabled parking space size will be permitted to be 4.6 by 5.8 metres;
- Minimum parking aisle will be permitted to be 6 metres in width;
- Driveway width will be permitted to be 6 metres in width;
- Parking will be permitted to be located 2.5 metres from the north lot line and 1.5 metres from the front lot line;
- Minimum landscaping screen between the parking area and the adjacent residential property and lot lines will be 1.5 metres in width;
- The development will be permitted to develop on private services;
- Interior side yard setback on the northern property line in front of the building will be permitted to be 2.5 metres.



### **RS6-3 (H9)**

Part of Lot 8 and Part of the North and South Halves of Lot 9, Concession 4, Formerly Creemore

#### **Additional Definition: Dwelling, Sixplex**

Means a separate building containing six (6) dwelling units divided horizontally into two floors with each floor containing three (3) dwelling units.

#### **Permitted Uses Restricted To:**

- Single detached dwelling;
- Townhouse dwelling of no more than 8 units per building;
- A home occupation, as an accessory use, in a single detached dwelling;
- In a townhouse dwelling unit, only a professional office as an accessory use located in a residential dwelling in accordance with the provisions contained in Section 2.11 is permitted, however notwithstanding those provisions, no employees other than residents of the dwelling unit shall be permitted and no external signage shall be permitted;

#### **Altered or Additional Provisions:**

- Notwithstanding the definitions of Section 4.0 of By-law 06-54, the following amended definition shall apply to lands zoned RS6-3:
  - Notwithstanding the definition of front lot line, a front lot line shall include a lot line which divides a lot from a private street in a plan of condominium;
  - Notwithstanding the definition of lot frontage, lot frontage shall include the horizontal distance along the street line of a private street measured between the interior side and/or exterior side lot lines in a plan of condominium;
  - Notwithstanding the definition of height and maximum height, a turret and decorative roof elements shall not be included in the calculation of maximum height;
- Minimum Lot Areas per unit:
  - Single detached dwelling: 360 m<sup>2</sup>
  - Townhouse unit: 180 m<sup>2</sup>
- Minimum Lot Frontages per unit:

- Single detached dwelling: 12.2 m
  - Townhouse unit: 6 m
- Minimum Yard Setbacks for a Townhouse Dwelling:
  - Interior and Exterior Side Yard: 3 m, 0 m for a shared wall
  - Front Yard: 6 m
  - Rear Yard: 5 m
- Minimum Yard Setbacks for a Single Detached Dwelling:
  - Front Yard Setback: 6 m
  - Exterior and Interior Side Yard: 1.2 m
  - Rear Yard Setback: 5 m
- Maximum Height of Principle Buildings and Structures: 10.5 m or 2 stacked storeys, and the number of storeys shall be measured only in the principal portion of the building, and a floor above a garage or in a side split or back split unit shall not be considered an additional storey for the purposes of this by-law;
- Maximum Number of Accessory Buildings: 1 per unit
- Maximum Gross Floor Area of Accessory Buildings:
  - Single detached dwelling: 20 m<sup>2</sup>
  - All other dwelling uses: 10 m<sup>2</sup> per unit
- Parking Areas:
  - Common parking areas are not required, but may be provided. Where parking is not provided in a common area, the parking requirement shall be satisfied with the required number of parking spaces in association with each dwelling unit;
- Minimum Paved Width of a Private Street: 7 m
- Maximum Dwelling Unit Count: 149 units
- In addition to, and notwithstanding any provisions of By-law 06-54, the landscaped buffers and screens for Multiple Residential (3 or more units) zoned RS6-3 shall comply with the following provisions:
  - A landscaped buffer is not required along the front lot line and within the front yard;
  - For a side lot line the landscape screen shall commence from the main front wall to the rear lot line for external townhouse units in a townhouse dwelling;
  - A landscape screen is not required between two townhouse dwelling units

within the same townhouse building;

- A fence, of a minimum height of 1.8 m shall separate rear yards of abutting townhouse units.

#### **RS6-4 (H10)**

Part of Lot 8 and Part of the North and South Halves of Lot 9, Concession 4, Formerly Creemore

##### **Permitted Uses Restricted To:**

- Fourplex;
- Sixplex;
- A professional office as an accessory use located in a residential dwelling in accordance with the provisions contained in Section 2.11, however notwithstanding those provisions, no employees other than residents of the dwelling unit shall be permitted and no external signage shall be permitted;

##### **Altered or Additional Provisions:**

- Notwithstanding the definitions of Section 4.0 of By-law 06-54, the following amended definition shall apply to lands zoned RS6-4:
- Minimum Lot Areas:
  - Fourplex Dwelling Building: 980 m<sup>2</sup>
  - Sixplex Dwelling Building: 1300 m<sup>2</sup>
- Minimum Lot Frontages:
  - Fourplex: 5.5 m per unit
  - Sixplex: 5 m per unit
- Minimum Front Yard Setback: 6 m
- Minimum Interior Side Yard Setback: 3 m
- Minimum Exterior Side Yard Setback: 4 m
- Maximum Height of Principle Building and Structures: The lesser of 13 m or 3 stacked storeys, and the number of storeys shall be measured only in the principal portion of the building, and a floor above a garage or in a side split or back split unit shall not be considered an additional storey for the purposes of this by-law;
- Maximum Height of Accessory Buildings abutting County Road 9 is 6 m;

- Maximum Number of Accessory Buildings: 2 per building
- Maximum Gross Floor Area of all Accessory Building for each Fourplex or Sixplex Dwelling:
  - Fourplex: 86 m<sup>2</sup>
  - Sixplex: 125 m<sup>2</sup>
- Minimum Required Driveway Width: 3 m
- Minimum Paved Width of a Private Street: 7 m
- Maximum Dwelling Unit Count: 70
- Maximum amount of Fourplex Dwelling Buildings: 7
- Maximum amount of Sixplex Dwelling Buildings: 7
- Outdoor Amenity Space:
  - The amenity space for all units on a lot can be consolidated into a common area or a combination of common areas on a lot;
- Additional Regulations for Accessory Buildings and Structures:
  - No accessory building or structure shall be located within 1 metre of a side lot line;
- In addition to, and notwithstanding any provisions of By-law 06-54, the landscaped buffers and screens for Multiple Residential (3 or more units) zoned RS6-4 shall comply with the following requirements:
  - A landscaped screen/buffer is not required along the front lot line and within the front yard;
  - For a side lot line, a landscape buffer is required. The landscape buffer shall commence from the main front wall to the rear lot line;
  - Where a driveway or parking area abuts the side lot line, a landscape buffer shall be reduced to 1 metre; and,
  - The landscape buffer and/or screen can be reduced to a minimum of 1 metre in width between accessory building or a parking space and a lot line, provided that a fence with a minimum height of 1.8 metres is included within the landscape buffer/screen;
- Parking Standards for Multiple Residential (3 or more units):
  - Minimum Required Parking: 1.5 per unit located on the lot of the fourplex or sixplex dwelling; and,
  - Minimum Required Visitor Parking: 0.5 spaces for every 3 dwelling units which may be provided on the same lot as the dwelling units or may be

located within the lands zoned RS6-4 as provided for in an approved site plan and plan of condominium;

- In addition to, and notwithstanding any provisions of By-law 06-54, the design of parking spaces and common parking areas for Multiple Residential (3 or more units) shall comply with the following provisions:
  - Pedestrian walkways shall not be required;
  - Parking shall be located no closer than 1 metre to an adjacent lot line of a lot used or intended to be used for a residential use;
  - A parking area for a fourplex or a sixplex shall not be permitted in the front yard; and,
  - Each parking aisle shall have a minimum width of 7 metres;
- Where an accessory garage is located in a rear yard, no dwelling unit on the same lot shall be located within 6 m of the accessory garage;

#### **RS6-5 (H9)**

Part of Lot 8 and Part of the North and South Halves of Lot 9, Concession 4, Formerly Creemore

#### **Permitted Uses Restricted To:**

- Apartment Buildings;
- Townhouse or link homes of a maximum of four units per building and one storey;
- A professional office as an accessory use located in a residential dwelling in accordance with the regulations contained in Section 2.11, however notwithstanding those regulations, no employees other than residents of the dwelling unit shall be permitted and no external signage shall be permitted;
- Accessory buildings or structures incidental to the permitted uses;
- Accessory recreational uses to apartment buildings;
- Commercial uses permitted in the Neighbourhood Commercial (C5) Zone and a café;

#### **Altered or Additional Provisions:**

- Minimum Lot Area: A minimum of 1,000 m<sup>2</sup> plus 181 m<sup>2</sup> per dwelling unit
- Maximum Dwelling Unit Count: 75
- Maximum Height of Principal Buildings and Structures: The lesser of 13 m or 3

stacked storeys, and the number of storeys shall be measured only in the principal portion of the building, and a floor above a garage or in a side split or back split unit shall not be considered an additional storey for the purposes of this by-law;

- Commercial Uses are permitted in accordance with the zone provisions for commercial uses in the Neighbourhood Commercial (C5) Zone with the altered and additional provisions that:
  - Such commercial uses must occupy the ground floor of a residential apartment building and the residential use must exceed 50% of the total gross floor area of the building;
  - The total gross floor area limitation of 200 m<sup>2</sup> applies to the entire area zoned RS6-5;
  - Garbage storage facilities shall be located within the building;
  - Parking spaces for the commercial uses shall be separated from and separately identified for the commercial use; and,
  - The landscaping requirements shall be those which would apply to the residential apartment building.

#### **RS6-6 (H13)**

East and West Parts of Lot 25, Concession 1, Formerly Nottawasaga

Permitted Uses Restricted To:

- Townhouse of 10 or more units per building (by plan of condominium);
- Apartment building of 10 or more units with maximum height of three stories;

Accessory Uses Restricted To:

- Home Occupation.

#### **RS6-7 (H5)**

Part of Lot 8, Concession 4, Pt Lot 33 RP315, Formerly Creemore

80 Edward Street East 030-001-04700

Permitted Primary Uses restricted to:

- Apartment building having a maximum of 18 dwelling units

Accessory Uses restricted to:

- Accessory buildings
- Home occupations

#### Zone Provisions or Additional or Altered Provisions

- Parking spaces and loading spaces do not require setbacks to residential zones or to the lots/blocks within the draft plan of subdivision and can be placed in any yard pursuant to approved site plan;
- Parking spaces required in the Residential High Density Exception (RS6-7) Zone can be provided in the Residential High Density Exception Zone (RS6-1);
- An apartment building may include an underground parking structure;
- Outdoor amenity spaces, landscape buffers and screens, parking areas, loading spaces and garbage storage shall be implemented pursuant to the approved site plan;
- Outdoor amenity spaces, landscape buffers and screens required in the Residential High Density (RS6-7) Zone can be provided in the Residential High Density Zone (RS6-1);
- A principal use or main building shall not be required for the construction and use of accessory buildings/structures; and
- Section 2.38 Outdoor Living Area for Lots in a Residential Zone to the By-law 06-54 shall not apply to those lands zoned RS6-1.

Minimum Lot Area	1900 m <sup>2</sup>
Minimum Lot Frontage	38 m
Minimum Front Yard (West)	6 m plus 0.1 m for every additional 0.3 m above a height of 9m
Minimum Rear Yard (East)	6 m plus 0.1 m for every additional 0.3 m above a height of 9m
Minimum Interior Side Yard (North)	4 m
Minimum Interior Side Yard (South)	0 m
Maximum Lot Coverage	60%
Minimum Landscaped Open Space	10%
Maximum Hight of Buildings to Peak	16 m
Maximum Number of Stories	3
Maximum Number of Accessory Buildings	2 (this will include the utility building if required)
Maximum Gross Floor Area of Accessory Buildings	64 m <sup>2</sup>

Total Loading Spaces

None



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### 3.15 SETTLEMENT AREA BED AND BREAKFAST (RS - BB)

#### 3.15.1 PERMITTED USES

##### PRIMARY USES

- Single detached dwelling.

##### ACCESSORY USES

- Bed and breakfast.

#### 3.15.2 ZONE PROVISIONS

##### *Provisions for a Bed and Breakfast serviced by Municipal Water and Waste Water Systems*

Minimum Lot Area:	750 m <sup>2</sup>
Minimum Lot Frontage:	18.5 m
Minimum Front Yard:	6 m
Minimum Rear Yard:	6 m
Minimum Interior Side Yard:	1.5 m
Minimum Exterior Side Yard:	6 m
Maximum Lot Coverage:	50%
Maximum Height of Principal Buildings and Structures:	10 m
Maximum Height of Accessory Buildings:	4.5 m
Maximum Number of Accessory Buildings:	2
Maximum Gross Floor Area of All Accessory Buildings:	52 m <sup>2</sup>
Maximum Number of Guest Rooms:	3

Accessory buildings may be located in the side or rear yard, but not in the front yard, and must meet all minimum yards and setbacks.

*Provisions for a Bed and Breakfast on Partial or Private Services*

Minimum Lot Area:	1400 m <sup>2</sup>	
Minimum Lot Frontage:	22 m	
Minimum Front Yard:	6 m	
Minimum Rear Yard:	7.5 m	
Minimum Interior Side Yard:	1.5 m	
Minimum Exterior Side Yard:	6 m	
Maximum Lot Coverage:	25%	
Maximum Height of Principal Buildings and Structures:	10 m	
Maximum Height of Accessory Buildings:	4.5 m	
Maximum Number of Accessory Buildings:	2	
Maximum Gross Floor Area of All Accessory Buildings:	64 m <sup>2</sup>	
Maximum Number of Guest Rooms:	3	

Accessory buildings may be located in the side or rear yard, but not in the front yard, and must meet all minimum yards and setbacks.

3.15.3 SETTLEMENT AREA BED AND BREAKFAST ZONE EXCEPTIONS

**RS-BB-1**

Lots 4 & 5, Plan 315, Formerly Creemore

(3 Nelson Street, 030-001-26800)

Additional Permitted Uses:

- Accessory Bachelor Apartment; and,
- Home Occupation.

**RS-BB-2**

Lots 14 & 15, Plan 315, Formerly Creemore

(201 Mill Street, 030-001-30500)

Altered or Additional Provisions:

- The parking area for guest shall not be located closer than 0.3 metres to a neighbouring property and shall not be required to be screened; and,
- Fencing, landscaping, or combination thereof, shall not be provided between the parking area and the adjacent residential zone.

**RS-BB-3**

Lots 2 & 3, Plan 71, Formerly Stayner

(236 Phillips Street, 020-001-30510)

Additional Permitted Use:

- Home Occupation.

**RS-BB-4**

Lots 1, 2 and Part Lot 3, Plan 234, Formerly Nottawasaga

(262 Batteaux Sideroad, 010-005-69800)

Additional Permitted Use:

- Home Occupation.

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### 3.16 DEVELOPMENT AREA (DA)

#### 3.16.1 PERMITTED USES

##### PRIMARY USES

- Existing single detached dwelling on an existing lot;
- New single detached dwelling on an existing lot;
- Produce farm;

##### ACCESSORY USES

- Accessory farm produce sales outlet;
- Home occupation;
- Home industry; or,
- Single accessory apartment.

#### 3.16.2 ZONE PROVISIONS

Minimum Lot Area:	750 m <sup>2</sup> or the existing lot area, whichever is greater.
Minimum Lot Frontage:	18.5 m or the existing lot frontage, whichever is greater.
Minimum Front Yard:	6 m
Minimum Rear Yard:	6 m
Minimum Interior Side Yard:	1.5 m
Minimum Exterior Side Yard:	6 m
Maximum Lot Coverage:	50%
Maximum Height of Principal Buildings and Structures:	10 m
Maximum Height of Accessory Buildings:	4.5 m
Maximum Number of Accessory Buildings:	2
Maximum Gross Floor Area of All Accessory Buildings:	64 m <sup>2</sup>

### 3.16.3 DEVELOPMENT AREA ZONE EXCEPTIONS

#### **DA-1**

Part of Lot 23, Concession 2 East, Formerly Stayner  
(247 Margaret Street, Ashton Meadows, 010-002-09400)

#### Additional Permitted Uses:

- Golf course and driving range with accessory structures and uses.

#### **DA-2**

Part of Lot 26, Concession 3, Formerly Nottawasaga  
(7603 Highway 26, 010-002-17800)

#### Additional Permitted Uses:

- Livestock, including any cattle, chickens, turkeys, or other fowl, fur bearing animals, pigs and hogs are permitted until 13 February 2009 or, until occupancy is granted for on the adjacent property to the south which is zoned C4-1(H).

#### **DA-3**

Lot 21 Concession 4, Part of Lot 12 Concession 4, Formerly Sunnidale  
(5080 & 4916 County Road 9, 10434 County Road 10, 040-002-16200, 040-002-17300, 040-002-15500)

#### Additional Permitted Uses:

- Livestock are permitted until 11<sup>th</sup> day of January, 2019

#### Additional Provisions:

- No buildings or structures will be permitted in association with the livestock use
- Livestock are permitted on approximately 34.71 ha of the subject lands as shown on Schedule "1" of the By-law

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### 3.17 INSTITUTIONAL (IN)

#### 3.17.1 PERMITTED USES

##### PRIMARY USES

- School or educational facility;
- Daycare centre;
- Career counseling centre;
- Place of worship;
- Job training centre;
- Library;
- Museum;
- Art gallery;
- Government office or government works building;
- Hospital or health care centre;
- Cemetery, including an accessory funeral home or a crematorium; or,
- Public works yards and facilities with accessory outdoor storage.

#### 3.17.2 ZONE PROVISIONS

##### *For Privately or Partially Serviced Development*

Minimum Lot Area:	0.4 ha
Minimum Lot Frontage:	30 m
Minimum Front Yard:	7.5 m
Minimum Rear Yard:	10 m
Minimum Interior Side Yard:	5 m
Minimum Exterior Side Yard:	7.5 m
Maximum Lot Coverage:	35%
Maximum Height of Principal Buildings and Structures:	14 m
Maximum Height of Accessory Buildings:	6.5 m
Maximum Number of Accessory Buildings:	3

Maximum Gross Floor Area of All Accessory Buildings: 100 m<sup>2</sup>

*For Full Municipally Serviced Development*

Minimum Lot Area:	750 m <sup>2</sup>
Minimum Lot Frontage:	18.5 m
Minimum Front Yard:	6 m
Minimum Rear Yard:	6 m
Minimum Interior Side Yard:	1.5 m
Minimum Exterior Side Yard:	6 m
Maximum Lot Coverage:	50%
Maximum Height of Principal Buildings and Structures:	14 m
Maximum Height of Accessory Buildings:	6.5 m
Maximum Number of Accessory Buildings:	3
Maximum Gross Floor Area of All Accessory Buildings:	100 m <sup>2</sup>

To ensure compatibility with surrounding uses, landscaping and landscaping screens and buffers shall be required in accordance with the requirements of this By-law. Landscaping screens shall be used along lot lines adjacent to residential uses and zones and shall have a minimum width of 3 metres.

3.17.3 INSTITUTIONAL ZONE EXCEPTIONS

**IN-1**

Lots 2, 3, 4, & 5, Plan 51M-541, Part 21, RP 51R36521, Formerly Stayner  
(6993 Highway 26, 020-001-280-32-34-60-62)

Additional Permitted Uses:

- An emergency services facility containing fire, ambulance, police and related services as well as accessory buildings and structures;

Altered or Additional Provisions:

- Minimum Parking: 66 spaces of which a minimum of 2 shall be designed for persons with disabilities;

- Loading spaces may be located within the building and no additional snow storage space is required;
- Parking design may allow a maximum of 13 spaces in a row uninterrupted by landscaped island or peninsula;
- Front lot line shall be the line separating the lot from the right-of-way of Provincial Highway 26

#### **IN-2**

West Part of Lot 23, Concession 2, Formerly Nottawasaga

(209 Margaret Street and 1191 County Road 42, 010 002 09500 – 09600)

Permitted Uses Limited To:

- School or educational facility;
- Daycare centre;
- Career counseling centre;
- Place of worship;
- Job training centre;
- Library;
- Museum;
- Art gallery;
- Government office or government works building;
- Hospital or health care centre; and,
- Cemetery, including an accessory funeral home or a crematorium.

Altered or Additional Provisions:

- No permanent buildings or structure shall be located or installed within 10 metres of the limit of the County Road No. 42 right-of-way, unless an exception to this requirement has been approved in writing by the County of Simcoe, in accordance with the County Road Setback By-law.

#### **IN-4**

East Part of Lot 10, Concession 13, Formerly Sunnidale

(4250 Concession 12, 040-003-23800)

Altered Provisions:

- Minimum Front Yard Setback shall be 5 m



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### 3.18 INSTITUTIONAL RESIDENTIAL 1 (INR1)

#### 3.18.1 PERMITTED USES (PUBLIC OR PRIVATE)

##### PRIMARY USES

- Seniors home;
- Nursing home or assisted care facility; or,
- Retirement home.

#### 3.18.2 ZONE PROVISIONS

Minimum Lot Area:	1400 m <sup>2</sup>
Minimum Lot Frontage:	22 m
Minimum Front Yard:	7.5 m
Minimum Rear Yard:	10 m
Minimum Interior Side Yard:	3 m
Minimum Exterior Side Yard:	7.5 m
Maximum Height of Principal Buildings and Structures:	11 m
Maximum Height of Accessory Buildings:	4.5 m
Maximum Number of Accessory Buildings:	2
Maximum Gross Floor Area of All Accessory Buildings:	150 m <sup>2</sup>

All new development shall be on full municipal services.

The maximum lot coverage shall be 55% however this may be increased to a maximum of 75% coverage where a minimum of 75% of the required parking spaces are provided as underground or indoor parking.

A minimum common outdoor amenity area of 6 square metres per residential occupant shall be provided in consolidated form in addition to any required landscaped strips or buffers, and such area shall be exclusive of balconies, any on-site community centre building, or a swimming pool.

Common parking areas shall be provided. All such outdoor parking areas shall be hard-surfaced, shall include landscaping amenities and a minimum 3 metre wide landscaping screen shall be provided to screen the common parking area from adjacent residential properties. Common parking facilities shall be located no closer than 3 m to a lot line.

A common garbage storage facility shall be provided within the building or shall be screened in accordance with the requirements of this By-law, and shall be located no closer than 5 metres to an adjacent property.

To ensure compatibility with existing uses, landscaping and landscaping screens and buffers shall be required in accordance with the requirements of this By-law.

Institutional Residential uses shall be considered to be multiple residential uses in regard to the requirements for landscaping and parking standards (other than the required number of spaces as specified in this By-law) and the applicable provision shall apply in this context.

### 3.18.3 INSTITUTIONAL RESIDENTIAL 1 ZONE EXCEPTIONS

#### **INR1-1**

Part of Block M, Plan 214, Formerly Stayner  
(212 Scott Street, 020-001-00500)

Permitted Uses Limited To:

- No primary or accessory buildings and structures shall be permitted to expand or enlarge beyond those that existed on May 1, 1996.

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### 3.19 INSTITUTIONAL RESIDENTIAL 2 (INR2)

#### 3.19.1 PERMITTED USES (PUBLIC OR PRIVATE)

##### PRIMARY USES

- Group home;
- Crisis centre or care facility; or,
- Halfway house, rehabilitation facility, or counseling house.

#### 3.19.2 ZONE PROVISIONS

Minimum Lot Area:	1400 m <sup>2</sup>
Minimum Lot Frontage:	22 m
Minimum Front Yard:	7.5 m
Minimum Rear Yard:	10 m
Minimum Interior Side Yard:	3 m
Minimum Exterior Side Yard:	7.5 m
Maximum Height of Principal Buildings and Structures:	11 m
Maximum Height of Accessory Buildings:	4.5 m
Maximum Number of Accessory Buildings:	2
Maximum Gross Floor Area of All Accessory Buildings:	150 m <sup>2</sup>

All new development shall be on full municipal services.

The maximum lot coverage shall be 55% however this may be increased to a maximum of 75% coverage where a minimum of 75% of the required parking spaces are provided as underground or indoor parking.

A minimum common outdoor amenity area of 6 square metres per residential occupant shall be provided in consolidated form in addition to any required landscaped strips or buffers, and such area shall be exclusive of balconies, any on-site community centre building, or a swimming pool.

Common parking areas shall be provided. All such outdoor parking areas shall be hard-surfaced, shall include landscaping amenities and a minimum 3 metre wide landscaping screen shall be provided to screen the common parking area from adjacent residential properties. Common parking facilities shall be located no closer than 3 m to a lot line.

A common garbage storage facility shall be provided within the building or shall be screened in accordance with the requirements of this By-law, and shall be located no closer than 5 metres to an adjacent property.

To ensure compatibility with existing uses, landscaping and landscaping screens and buffers shall be required in accordance with the requirements of this By-law.

Institutional Residential uses shall be considered to be multiple residential uses in regard to the requirements for landscaping and parking standards (other than the required number of spaces as is specified in this By-law) and the applicable provision shall apply in this context.

#### 3.19.3 INSTITUTIONAL RESIDENTIAL 2 ZONE EXCEPTIONS

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### 3.20 RECREATION LANDS (REC)

#### 3.20.1 PERMITTED USES

Any of the following principal uses where not a commercial use and not intended for profit:

##### PRIMARY USES

- Indoor and outdoor athletic fields, field house, arena and stadium;
- Community centres, auditoriums, and hall;
- Indoor and outdoor swimming pool;
- Ornamental greenhouse and botanical garden;
- Zoological garden;
- Wildlife management area;
- Nature interpretation centre;
- Public information centre;
- Skating, hockey and curling rinks;
- Bandstands, concert centres, amphitheatres, theatres, stages and indoor and outdoor entertainment venues;
- Recreation and athletic facility;
- Fairground;
- Campground and picnic area;
- Health club; or,
- Passive recreational and conservation uses.

##### ACCESSORY USES

- Accessory restaurant; or,
- Accessory retail sales.

#### 3.20.2 ZONE PROVISIONS

Minimum Lot Area:	No Minimum
Minimum Lot Frontage:	No Minimum
Minimum Front Yard:	7.5 m

Minimum Rear Yard:	15 m
Minimum Interior Side Yard:	15 m
Minimum Exterior Side Yard:	7.5 m
Maximum Lot Coverage:	40%
Maximum Height of Principal Buildings and Structures:	11 m
Maximum Height of Accessory Buildings:	11 m
Maximum Number of Accessory Buildings:	No Limit
Maximum Gross Floor Area of All Accessory Buildings:	No Limit

### 3.20.3 RECREATION LANDS ZONE EXCEPTIONS

#### **REC-1**

South Part of Lot 4, Concession 6, Formerly Sunnidale  
(5867 County Road 9, 040-002-03202)

Permitted Uses Limited To:

- Campgrounds

#### **REC-2**

Part of Lot 35, Concession 5, RP 51R11038 Part 1, 2 and 3, Formerly Nottawasaga  
(2220 Fairgrounds Road North, 010-005-00950)

Notwithstanding the permitted uses of the Recreation Lands Zone, the following additional or altered provisions shall apply:

- Truck and Tractor Pull;
- Demolition Derby;
- Mud Bog Competition.

The additional or altered provisions shall be limited to no more than two (2) occurrences per year.

**REC-3**

Part of Lot 8 and Part of the North and South Halves of Lot 9, Concession 4, Formerly Creemore

Permitted Uses Restricted To:

- Walking trails;
- Municipal well;
- Water treatment facility.

**REC-4**

Part of Lot 8 and Part of the North and South Halves of Lot 9, Concession 4, Formerly Creemore

Permitted Uses Restricted To:

- Walking trails;
- Drainage channel;
- Stormwater management facilities.

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### 3.21 RECREATIONAL TRAIL (RECT)

#### 3.21.1 PERMITTED USES

##### PRIMARY USES

- Organized recreational trails; or,
- Conservation uses.

##### ACCESSORY USES

- Accessory passive recreation.

#### 3.21.2 ZONE PROVISIONS

The establishment of new trails or modification of trail locations on private lands shall not require an amendment to zoning by-law unless located within 10 metres of a residential building for a non-motorized trail or 50 metres for a motorized trail, subject to the filing of a plan showing the trail with the Township. The Township may update trail mapping accordingly within the By-law schedules from time to time without an amendment to this By-law.

Any buildings associated with a trail shall be required to locate in and comply with the zone provisions of the Public Recreation Lands Zone (REC) or Commercial Recreation (RECC) Zone.

#### 3.21.3 RECREATIONAL TRAIL ZONE EXCEPTIONS



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### 3.22 COMMERCIAL RECREATION LANDS (RECC)

#### 3.22.1 PERMITTED USES

##### PRIMARY USES

Any of the following principal uses operated on a commercial and/or private member basis:

- All uses permitted in the Recreation Lands (REC) Zone;
- Golf course including a driving range;
- Driving range;
- Lodges, resorts and conference centres;
- Banquet facility and meeting hall;
- Ski hill, lift facilities, ski club and ski lodge;
- Special event facility;
- Theatre or concert hall;
- Outdoor recreational facility;
- Auditorium and hall;
- Event arena including, but not limited to, a horse riding arena or dog showing facility;
- Equestrian facility;
- Fitness centre;
- Country club;
- Tavern; or,
- Fish camp.

##### ACCESSORY USES

- Accessory retail use;
- Accessory hotel, motel, or time-share rental temporary accommodation unit;
- Accessory clubhouse, which may include dining and recreational facilities to service the clients or members utilizing the principal recreation use;
- Accessory restaurant; or,
- Accessory outdoor display and sales.

#### 3.22.2 ZONE PROVISIONS

Minimum Lot Area: 2 ha

Minimum Lot Frontage:	50 m
Minimum Front Yard:	7.5 m
Minimum Rear Yard:	15 m
Minimum Interior Side Yard:	15 m
Minimum Exterior Side Yard:	7.5m
Maximum Lot Coverage:	40%
Maximum Height of Principal Buildings and Structures:	13 m
Maximum Height of Accessory Buildings:	11 m
Maximum Number of Accessory Buildings:	No Limit
Maximum Gross Floor Area of All Accessory Buildings:	No Limit

Any garbage storage facility shall be located no closer than 5 metres to an adjacent property in accordance with the requirements of this By-law shall be screened.

Parking for customers shall be located no closer than 3 metres to an adjacent property and shall be screened from any adjacent residential use in accordance with the requirements of this By-law. The parking spaces attributable to a temporary residential use shall be designated for the exclusive use of the temporary residential occupants and shall be so signed and shall be physically separated from the off-street parking spaces attributable to commercial uses.

### 3.22.3 COMMERCIAL RECREATION LANDS ZONE EXCEPTIONS

#### **RECC-1**

West Part Lot 42, Concession 12, Formerly Nottawasaga  
(7956889 Grey Rd 19, 010-012-11600)

#### Permitted Uses Limited To:

- Outdoor recreational facilities including picnic areas, tennis courts, playgrounds and playing fields;
- Passive recreation trails; or,
- Conservation uses.

No buildings are permitted.

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### 3.23 GENERAL COMMERCIAL (C1)

#### 3.23.1 PERMITTED USES

##### PRIMARY USES

- Meeting hall and assembly hall;
- Retail use not permitted specifically as another use in another zone in this By-law;
- Service shop not permitted specifically as another use in another zone in this By-law;
- Personal service shop;
- Government, business, or professional offices;
- Restaurant other than a drive-through or drive-in restaurant;
- Farmer's market;
- Medical centre and clinic;
- Fitness centre;
- Veterinarian clinic;
- Laundromats and dry cleaning establishment;
- Convenience store;
- Hardware store;
- Art gallery;
- Boutique;
- Financial service establishment;
- Data processing centre;
- Public information centre;
- Place of amusement;
- Place of entertainment, but not an adult entertainment business;
- Nightclub;
- Tavern;
- Funeral home or crematorium;
- Commercial training school;
- Hotel or inn, but not a motel; or,
- Commercial parking lot.

#### ACCESSORY USES

- Secondary use residential apartments; or,
- Accessory outdoor display and sales.

#### 3.23.2 ZONE PROVISIONS

Minimum Lot Area:	450 m <sup>2</sup>
Minimum Lot Frontage:	10 m
Minimum Front Yard:	0 m
Maximum Front Yard:	2 m (applies to buildings, not structures)
Minimum Rear Yard:	0 m unless adjoining a Residential Zone where the minimum shall be 5 m
Minimum Interior Side Yard:	0 m unless adjoining a Residential Zone where the minimum shall be 5 m
Minimum Number of Stories:	2, of which the second storey gross floor area shall be no less than 50% of the gross floor area of the first storey
Minimum Exterior Side Yard:	0 m
Maximum Lot Coverage:	65%
Maximum Height of Principal Buildings and Structures:	14 m
Maximum Height of Accessory Buildings:	10 m
Maximum Number of Accessory Buildings:	No Limit
Maximum Gross Floor Area of All Accessory Buildings:	No Limit

Notwithstanding the maximum front yard requirement for buildings, buildings existing at the time of adoption of this By-law may be expanded or enlarged despite having a larger than required front yard.

Notwithstanding the above provisions, where a lot is serviced by a private sewage disposal system, the minimum required lot size is 0.4 ha.

For developments where more than 50% of the required parking is provided underground or enclosed in the building, the minimum lot coverage is increased to 100%, although other applicable provisions including, but not limited to, parking, loading, servicing, and landscaping screen and buffer requirements must be met.

Commercial uses which are located in the Historic Downtown Cores as shown on schedules to this By-law, and which are exempt from the parking requirements of this By-law shall also be entitled to 100% lot coverage.

The maximum total gross floor area utilized for one or more secondary use residential apartments shall not exceed 50% of the total gross floor area of one or two storey building or up to 66% of the total floor area of a three storey building. No more than 25% of the ground floor area shall be used for all or part of a secondary use residential apartment. Where all or part of a secondary use residential apartment occurs on the ground floor, it shall be located within the rear half of the building.

Any exterior garbage storage facility shall be screened in accordance with the requirements of this By-law and shall be located no closer than 5 metres to an adjacent property used for residential purposes.

Parking for customers shall be located no closer than 3 metres to an adjacent property and shall be screened from any adjacent primary residential use. Screening is not required for a residential use which is accessory to a commercial use. The parking spaces attributable to a secondary residential apartment shall be designated for the exclusive use of the residential occupants, and shall be so signed, and shall be physically separated from the off-street parking spaces attributable to commercial uses. Parking shall be provided to the rear or side of the building.

### 3.23.3 GENERAL COMMERCIAL ZONE EXCEPTIONS

#### **C1-2**

Part of Lot 15, Plan 315, Formerly Creemore  
(3 Caroline Street East, 030-001-13100)

Altered or Additional Provisions:

- Minimum Lot Area: 400 square metres

#### **C1-4**

Part of Block B, Plan 116, Formerly Sunnidale  
(5273 County Road 9, 040-002-09000)

Additional Permitted Uses:

- Plumbing contractor shop and office;

Altered or Additional Provisions:

- Minimum Lot Area (private sewage disposal): 2500 square metres
- Parking Spaces for Business Office: 1 space per 20 square metres of gross floor area
- Parking Spaces: 2 additional parking spaces over the number per use
- Landscape screening or fence is not required between loading space and residential use;
- Truck deliveries are permitted to back in from the street;
- The plumbing contractor ship and office shall not exceed 35% of the total gross floor area of the ground floor area.

**C1-6 (H14)**

Part of Lot 27, Concession 2, Formerly Nottawasaga

(7662 Highway 26, 010-002-12901)

Additional Permitted Uses:

- Restaurant including a drive through or take-out restaurant
- Drive through associated with such uses as a bank, pharmacy, grocery store, or like uses
- Gas Bar
- Motor Vehicle Washing Facility

Altered Provisions:

- Minimum Number of stories shall be 1

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### 3.24 COMMERCIAL TRANSITION 1 (OVERLAY) (CT1)

#### 3.24.1 PERMITTED USES

##### PRIMARY USES

In addition to the uses of the underlying zone, the following additional uses are permitted:

- Boutique;
- Art gallery;
- Artist's studio;
- Personal service shop;
- Business and professional offices;
- Restaurants except for drive-in or drive-through restaurants and not including any outdoor serving or seating area;
- Medical clinics;
- Nursery schools; or,
- Daycare centres.

#### 3.24.2 ZONE PROVISIONS

In addition to the provisions of the underlying zone category, the following provisions shall apply where a transitional commercial use occurs.

Parking for customers shall not be located any closer than 3 metres to an adjacent property, and shall be screened from any adjacent residential use with a landscaping screen. The parking spaces attributable to a residential use shall be designated for the exclusive use of the residential occupants and shall be so signed and shall be physically separated from the off-street parking spaces attributable to commercial uses.

To ensure compatibility with existing uses, landscaping and landscaping screens and buffers shall be required in accordance with the provisions of this By-law.

### 3.24.3 COMMERCIAL TRANSITION 1 EXCEPTIONS

#### **CT1-1**

Lot 28, Plan 102, Formerly Stayner

(7142 Highway 26, 020-001-04700)

Notwithstanding the permitted uses of the Commercial Transition 1, the following additional or altered provisions shall apply:

- A minimum side yard of 1.0 metres shall be permitted where the side lot establishing the yard is fenced with a solid board fence with a minimum height of 1.5 metres;
- The landscape buffer strip required shall be reduced to a minimum of 1.0 metres in width and a requirement for a solid board fence no less than 1.5 metres in height along the side lot lines and the rear lot line (along Weir Street) except for the area required for the laneway to/from the parking area. In the case of the rear line the solid fence shall be placed a minimum of 1.0 metres into the lot from the lot line and the landscaped buffer shall be placed between the lot line and fence; and,
- A minimum of seven (7) parking spaces are required for a therapy clinic of up to three (3) practitioners.



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### 3.25 COMMERCIAL TRANSITION 2 (OVERLAY) (CT2)

#### 3.25.1 PERMITTED USES

##### PRIMARY USES

In addition to the uses of the underlying zone, the following additional uses are permitted:

- Boutique;
- Art gallery; or,
- Artist's studio.

#### 3.25.2 ZONE PROVISIONS

In addition to the provisions of the underlying zone category, the following provisions shall apply where a transitional commercial use occurs.

Parking for customers shall not be located any closer than 3 metres to a neighbouring property, and shall be screened from any adjacent residential use with a landscaping screen. The parking spaces attributable to a residential use shall be designated for the exclusive use of the residential occupants and shall be so signed and shall be physically separated from the off-street parking spaces attributable to commercial uses.

To ensure compatibility with existing uses, landscaping and landscaping screens and buffers shall be required in accordance with the provisions of this By-law.

#### 3.25.3 COMMERCIAL TRANSITION 2 EXCEPTIONS

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### 3.26 HIGHWAY COMMERCIAL (C2)

#### 3.26.1 PERMITTED USES

##### PRIMARY USES

- Inns, hotels, and motels;
- Restaurant including a drive through or take-out restaurant;
- Gas bar;
- Motor vehicle wash facility;
- Towing compound;
- Public information centre; or,
- Commercial or car pool parking lot.

##### ACCESSORY USES

- Accessory retail use; or,
- Accessory outside display and sales.

#### 3.26.2 ZONE PROVISIONS

Minimum Lot Area:	450 m <sup>2</sup>
Minimum Lot Frontage:	15 m
Minimum Front Yard:	7.5 m
Minimum Rear Yard:	7 m
Minimum Interior Side Yard:	3 m
Minimum Exterior Side Yard:	6 m
Maximum Lot Coverage:	40%
Maximum Height of Principal Buildings and Structures:	14 m
Maximum Height of Accessory Buildings:	11 m
Maximum Number of Accessory Buildings:	3
Maximum Gross Floor Area of All Accessory Buildings:	No Limit

Notwithstanding the above provisions, where a lot is serviced by a private sewage disposal system, the minimum required lot size is 0.4 ha.

Any new development and any outside display area shall have a minimum setback from any residential building, other than a residential building on the same lot, of 30 metres.

Any garbage storage facility shall be located no closer than 5 metres to an adjacent property and shall be screened in accordance with the provisions of this By-law.

Parking for customers shall be located no closer than 3 metres to an adjacent property and shall be screened from any adjacent residential use with a landscaping screen with a minimum width of 3 metres.

No fuel pump or full service island shall be located closer than 6 metres to a front or exterior lot line. No fuel storage tank access shall be located with an area required for parking.

To ensure compatibility between on and off site uses, landscaping and landscaping screens and buffers shall be required in accordance with the provision of this By-law.

A towing compound shall be considered to be a primary outdoor storage use and shall comply with the requirements of Section 2.18. A towing compound shall also incorporate an associated office on the same lot.

### 3.26.3 HIGHWAY COMMERCIAL ZONE EXCEPTIONS

#### **C2-1**

North Part of Lot 33, Concession 8, RP51R31957 Part 1, Formerly Nottawasaga  
(3874 County Road 124, 010-007-00605)

#### Permitted Uses Limited To:

- Seasonal produce stand;
- Garden and landscape centre;
- Craft, tourist, special feature (antique) shop;
- Heating and hearth supply shop including the sale of fire places, wood stoves, barbeques, geo-thermal heating systems, and other heating and hearth supplies and service;
- Recreational and leisure furniture sales outlet;
- Convenience store.

**C2-2 (H1)**

Part of Lot 11 WSR, Concession 11, Formerly Sunnidale  
(12384 County Road 10, 040-003-14400)

Additional Permitted Uses:

- Convenience store.

Altered or Additional Provisions:

- New development shall have a minimum setback from the existing residential building on an adjacent lot of 15 metres;
- Parking standards for restaurant (take out or drive through) shall be 2 spaces per 20 square metres;
- A solid noise fence shall be placed along the west side of the staking lane to the Township's satisfaction and a sound impact study shall not be required.

**C2-3**

Part Block A, Plan 412, Formerly Stayner  
(7109 and 7117 Highway 26, 020-001-23900 – 24000)

Additional Permitted Use:

- Convenience store

Additional or Altered Provisions:

- Maximum entrance width at Highway 26: 12.57 m
- Required number of parking stalls: 12 stalls
- Minimum stacking land setback from the west residential use lot boundary: 2 m
- Minimum landscape screen width adjacent to drive thru stacking lane: 2 m
- Snow storage requirement as a percent of the total parking and loading areas: 24%

**C2-4**

Permitted Uses Restricted to:

- Restaurant where food is consumed on the premises, a drive through, and take-out restaurant;
- Gas Bar;
- Public Information Centre;

- Convenience Store;
- Antique Shop;
- Boutique;
- Art gallery or artist studio; and
- Retail Store with associated Primary Outdoor Display and Sale

Additional or Altered Provisions:

- No permanent buildings or structures shall be located or installed within 15 meters of the limit of the County Road No. 42 and County Road No. 9, unless an exception to this requirement has been approved in writing by the County of Simcoe, in accordance with the County Road Setback by-law
- Notwithstanding any contrary provisions, snowmobile parking maybe permitted in accordance with an approved site plan within 1.5m of the south property line but shall not interfere with vehicular parking;
- Maximum size of Outdoor Display and Sale is 54m<sup>2</sup>
- Notwithstanding stacking lane requirements a minimum of (3) three parking space before the order board and minimum of (9) nine parking spaces between the order board and transition window shall be required

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### 3.27 SERVICE COMMERCIAL (C3)

#### 3.27.1 PERMITTED USES

##### PRIMARY USES

- Farm implement and supplies outlets and farm co-operative;
- Recreational vehicle sales and service establishment;
- Motor vehicle sales and service establishment;
- Towing compound;
- Motor vehicle wash facility;
- Motor vehicle repair garage;
- Gas bar;
- Marine sales and service establishment;
- Equipment sales and rental establishment;
- Public information centre;
- Commercial parking lot; or,
- Primary outdoor display and sales.

##### ACCESSORY USES

- Accessory restaurant; or,
- Accessory outdoor storage.

#### 3.27.2 ZONE PROVISIONS

Minimum Lot Area:	0.5 ha
Minimum Lot Frontage:	50 m
Minimum Front Yard:	15 m
Minimum Rear Yard:	7.5 m
Minimum Interior Side Yard:	7.5 m
Minimum Exterior Side Yard:	15 m
Maximum Lot Coverage:	40%
Maximum Height of Principal Buildings and Structures:	11 m
Maximum Height of Accessory Buildings:	11 m

Maximum Number of Accessory Buildings:	3
Maximum Gross Floor Area of All Accessory Buildings:	Not Applicable

Any new development and any outside display area shall have a minimum setback from any residential building, other than a residential building on the same lot, of 30 metres.

Any garbage storage facility shall be contained within a solid fence and shall be located no closer than 5 metres to an adjacent property.

Parking for customers shall be located no closer than 3 metres to an adjacent residential property and shall be screened from any adjacent residential use with a landscaping screen with a minimum width of 3 metres. The parking spaces attributable to a residential use shall be designated for the exclusive use of the residential occupants and shall be so signed and shall be physically separated from the off-street parking spaces attributable to commercial uses.

No fuel pump or full service island shall be located closer than 6 metres to a front or exterior lot line. No fuel storage tank access shall be located with an area required for parking.

A towing compound shall be considered to be a primary outdoor storage use and shall comply with the requirements of Section 2.18. A towing compound shall also incorporate an associated office on the same lot.

To ensure compatibility between on and off site uses landscaping screens and buffers shall be required in accordance with the provisions of this By-law. Landscaping screens shall have a minimum width of 3 metres.

### 3.27.3 SERVICE COMMERCIAL ZONE EXCEPTIONS

#### **C3-1**

Part of Lot 22, Concession 2, Formerly Nottawasaga  
(1247 County Road 42, 010-002-09301)

#### Additional Permitted Uses:

- Building supply outlet;

- Motor vehicle leasing establishment;
- Commercial self storage facility;
- Contractor's yard;
- Flea market;
- Nursery or garden supply centre;
- Mobile home or trailer sales, service, and display centre;
- Motel or hotel;
- Motor vehicle repair establishment;
- Prefabricated building sales and display centre;
- Restaurant;
- Farmer's market;
- Swimming pool sales and display centre;
- Tavern;
- Truck terminal;
- Veterinary clinic
- Farm implement outlet;
- Gas bar;
- Light equipment sales, service and rental;
- Marine sales and service;
- Motor vehicle sales and service;
- Motor vehicle service station.

### **C3-2**

South Half of Lot 10, Concession 5, Formerly Sunnidale  
(2585 9/10 Sideroad, 040-002-22800)

Permitted Uses Limited To:

- Recreational vehicle sales and service and parts supply

### **C3-3**

Part of Lot 22, Concession 2, Formerly Nottawasaga  
(1247 County Road 42, 010-002-09301)



Permitted Uses Limited To:

- Motor vehicle leasing establishment;
- Marine sales and service;
- Motor vehicle sales and service;
- Nursery or garden supply centre;
- Swimming pool sales and display centre;
- Craft, tourist, special feature (antique) shop;
- Mobile home or trailer sales, service, and display centre;
- Motel or hotel;
- Restaurant, but not a drive-thru or take-out restaurant;
- Tavern;
- Farmers Market;
- Truck terminal providing services to a winery, brewery, or food related business or industry;
- Accessory retail or wholesale sales establishment;
- Accessory enclosed storage of equipment or supplies; or,
- Accessory outdoor display and sales.

Altered or Additional Provisions:

- Notwithstanding the definition of a Truck Terminal, as set out in Section 4 of this By-law, goods and materials may be stored on-site for a period of up to four months prior to being transferred or re-shipped;
- Notwithstanding Section 2.27, in association with an active truck terminal use, goods or materials may be temporarily stored in licensed truck trailers in designated and appropriately screened truck trailers storage/parking areas. Screening requirements for such truck trailer storage/parking areas shall be the same as those established in Section 2.13.1 for outdoor storage areas and truck loading areas;
- Truck trailer storage/parking spaces shall be considered loading spaces and shall be designed in accordance with the requirements for Section 2.14.10. Notwithstanding the requirements of Section 2.14.10(f), loading spaces used for the storage or parking of truck trailers may be constructed of a porous pavement surface or a stabilized grass surface (i.e. porous grass paving grid surface). All

other parking and loading spaces and access aisles shall meet the requirements for Section 2.14.10(f);

- Notwithstanding the requirements of Section 2.13.1, a landscaped screen shall be required along the entire northerly and easterly lot lines and a landscape buffer shall be required along all other lot lines;
- Notwithstanding Sections 2.13.3, 2.14.4, and 2.19.8, or any other contrary section of this By-law, the development of, or use of the lands in accordance with the permitted uses of this site, shall require full compliance with the general and zone provisions, unless other stipulated in this exception.

#### **C3-4**

Part of Lot 24, Concession 2, Formerly Stayner  
(238 Huron Street, 020-001-15140)

Permitted Uses Limited To:

- Motor vehicle repair garage within the existing building;
- All uses under the General Commercial (C1) Zone.

Altered or Additional Provisions:

- The Service Commercial (C3) Zone provisions shall not apply and the General Commercial (C1) Zone provisions shall apply to the entire lot.

#### **C3-5**

Part of Lot 24, Concession 2, Formerly Stayner  
(238 Huron Street, 020-001-15140)

Permitted Uses Limited To:

- Recreational vehicle sales and display within the northern 20 metres of the existing parking lot;
- All uses under the General Commercial (C1) Zone

Altered or Additional Provisions:

- The Service Commercial (C3) Zone provisions shall not apply and the General Commercial (C1) Zone provisions shall apply to the entire lot.

**C3-6**

Parts of Lot 1 and 2, Plan 197, Formerly Nottawasaga  
(7106 Highway 26, 010-002-04701)

Altered or Additional Provisions:

- Minimum Lot Frontage: 40 metres
- Minimum Front Yard: 5 metres
- New Development and outside display area shall have a  
minimum setback from any residential building, other than a  
residential building on the same lot: 15 metres

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## 3.28 LARGE FORMAT COMMERCIAL (C4)

### 3.28.1 PERMITTED USES

#### PRIMARY USES

- Large format retail;
- Shopping centre;
- Wholesale retail outlet;
- Building supply outlet;
- Home improvement outlet;
- Pool and patio supply outlet;
- Nurseries and garden centre;
- Fitness centre;
- Places of entertainment, but not an adult entertainment use;
- Nightclub;
- Banquet halls; or,
- Primary outdoor display and sales.

#### ACCESSORY USES

- Accessory retail uses;
- Accessory restaurant; or,
- Accessory outdoor storage.

### 3.28.2 ZONE PROVISIONS

Minimum Lot Area:	0.5 ha
Minimum Lot Frontage:	50 m
Minimum Front Yard:	3 m
Maximum Front Yard:	5 m (applies only to 60% of total building ground floor area)
Minimum Rear Yard:	7.5 m
Minimum Interior Side Yard:	7.5 m
Minimum Exterior Side Yard:	15 m

Maximum Lot Coverage:	30%
Maximum Height of Principal Buildings and Structures:	14 m
Maximum Height of Accessory Buildings:	11 m
Maximum Number of Accessory Buildings:	3
Maximum Gross Floor Area of All Accessory Buildings:	Not Applicable

Maximum lot coverage may be increased to 60% where a two storey building occurs and the second storey has a floor area no less than 50% of the first storey floor area, or where a 5 metre maximum front yard for buildings occurs.

All development other than building supply outlets, home improvements outlets, pool and patio supply outlets and nursery and garden centres shall be full municipal services.

Any new development and any outside display area shall have a minimum setback from any residential building, other than a residential building on the same lot, of 30 metres.

Any garbage storage facility shall be contained within a solid fence and shall be located no closer than 5 metres to an adjacent property.

Parking for customers shall be located no closer than 3 metres to an adjacent property and shall be screened from any adjacent residential use with a landscaping screen. The parking spaces attributable to a residential use shall be designated for the exclusive use of the residential occupants and shall be so signed and shall be physically separated from the off-street parking spaces attributable to commercial uses.

To ensure compatibility between on and off site uses landscaping screens and buffers shall be required in accordance with the provisions of this By-law. Landscaped screens shall have a minimum width of 3 metres.

### 3.28.3 LARGE FORMAT COMMERCIAL ZONE EXCEPTIONS

#### **C4-1**

North Part of Lot 26, South Part of Lot 27, Concession 3, Formerly Nottawasaga  
(7603 Highway 26, 010-002-17800)

Notwithstanding the regulations of the Commercial Large Format (C4) Zone, where a property is zoned Commercial Large Format Hold (C4-1(H)), the following applies:

Altered or Additional Provisions:

- Setback from a Rural Zone or Rural lot line: 8 m  
(Including parking areas and structures)
- Additional landscaping buffers shall be placed along the front yard as well as interior side yards, and a landscape plan shall be provided to the satisfaction of the Township as part of the site plan approval process;
- Parking areas shall be paved with asphalt.

Permitted Uses Restricted To:

- Outdoor storage is prohibited.

**C4-2**

Part of Lot 38, Concession 8, Formerly Nottawasaga  
(4473 County Road 124, 010-007-04500)

Permitted Primary Uses Restricted To:

- Large format retail;
- Wholesale retail outlet;
- Building supply outlet;
- Home improvements outlet;
- Pool and patio supply outlet;
- Nurseries and garden centre;

Permitted Accessory Uses Restricted To:

- Accessory retail uses;
- Accessory outdoor storage;

Altered or Additional Provisions:

- Minimum interior side yard (south lot line applicable to an addition of up to 120 square metres): 4 metres

- Development is permitted on private water and sanitary services.

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### 3.29 NEIGHBOURHOOD COMMERCIAL (C5)

#### 3.29.1 PERMITTED USES

##### PRIMARY USES

- Convenience store; or,
- Personal service shop.

##### ACCESSORY USES

- Secondary use residential apartment; or,
- Accessory outside display and sales.

#### 3.29.2 ZONE PROVISIONS

Minimum Lot Area:	1,000 m <sup>2</sup>
Minimum Lot Frontage:	20 m
Minimum Front Yard:	7.5 m
Minimum Rear Yard:	10 m
Minimum Interior Side Yard:	5 m
Minimum Exterior Side Yard:	7.5 m
Maximum Lot Coverage:	60%
Minimum Number of Stories:	2
Maximum Total Gross Floor Area of Commercial Use:	200 m <sup>2</sup>
Maximum Height of Principal Buildings and Structures:	10 m
Maximum Height of Accessory Buildings:	4.5 m
Maximum Number of Accessory Buildings:	2
Maximum Gross Floor Area of All Accessory Buildings:	64 m <sup>2</sup>

Notwithstanding the above provisions where a lot is serviced by a private sewage disposal system, the minimum required lot size is 0.4 ha.

The maximum total gross floor area utilized for an accessory apartment in a building used for commercial uses shall not exceed 50% of the total gross floor area of the building.



Any garbage storage facility shall be contained within a solid fence and shall be located no closer than 5 metres to an adjacent property.

Parking for customers shall be located no closer than 3 metres to an adjacent property and shall be screened from any adjacent primary residential use with a landscaping screen. Screening is not required for a residential use which is accessory to a commercial use. The parking spaces attributable to a residential use shall be designated for the exclusive use of the residential occupants and shall be so signed and shall be physically separated from the off-street parking spaces attributable to commercial uses.

To ensure compatibility between on and off site uses, landscaping and landscaping screens and buffers shall be required shall be required in accordance with the provisions of this By-law.

#### 3.29.3 NEIGHBOURHOOD COMMERCIAL ZONE EXCEPTIONS

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### 3.30 COUNTRY COMMERCIAL (C6)

#### 3.30.1 PERMITTED USES

##### PRIMARY USES

- Public information centre;
- Antique shop;
- Boutique;
- Garden centre with primary outdoor display and sales;
- Restaurant but not a drive through, drive-in, or take-out restaurant;
- Tavern; or,
- Art gallery or artist's studio.

##### ACCESSORY USES

- Accessory outdoor display and sales.

#### 3.30.2 ZONE PROVISIONS

Maximum Lot Area:	1 ha
Minimum Lot Frontage:	60 m
Minimum Front Yard:	10 m
Minimum Rear Yard:	7 m
Minimum Interior Side Yard:	3 m
Minimum Exterior Side Yard:	6 m
Maximum Lot Coverage:	40%
Maximum Height of Principal Buildings and Structures:	11 m
Maximum Height of Accessory Buildings:	11 m
Maximum Number of Accessory Buildings:	3
Maximum Gross Floor Area of All Accessory Buildings:	No Limit

Development may occur on private services.

Any new development and any outside display area shall have a minimum setback from any residential building, other than a residential building on the same lot, of 30 metres.

Any garbage storage facility shall be located no closer than 5 metres to an adjacent property in accordance with the provisions of this By-law shall be screened.

Parking for customers shall be located no closer than 3 metres to an adjacent property and shall be screened from any adjacent residential use with a landscaping screen.

To ensure compatibility between on and off site uses, landscaping and landscaping screens and buffers shall be required in accordance with the provision of this By-law.

#### 3.30.3 COUNTRY COMMERCIAL ZONE EXCEPTIONS

##### **C6-1**

West Part Lot 3, Concession 12, RP 51R19815 Part 1, Formerly Nottawasaga  
(793175 County Road 124, 010-011-27200)

##### Additional Permitted Use:

- Single accessory apartment.

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### 3.31 RESTRICTED INDUSTRIAL (MR)

#### 3.31.1 PERMITTED USES

##### PRIMARY USES

Any of the following uses which are intended to be light industrial and accessory uses:

- Dry light manufacturing, processing, repairing, fabricating and assembly operations;
- Warehouses;
- Commercial self storage facility;
- Printing or publishing establishments;
- Industrial laundromats and/or dry-cleaning establishments;
- Broadcasting and communication establishments;
- Bakeries;
- Food Processing Establishment;
- Dairy products plant;
- Light equipment sales and rental establishments;
- Towing compound;
- Wineries and breweries;
- Research establishments including laboratories;
- Data processing centre;
- Assembly halls;
- Adult entertainment businesses;
- Home improvement outlets without outdoor storage; or,
- Restaurant;

##### ACCESSORY USES

- Accessory business and administrative offices;
- Accessory outside display and sales;
- Accessory outdoor storage; or,
- An accessory retail outlet for the purpose of sale of goods and materials produced on the premises.

### 3.31.2 ZONE PROVISIONS

Minimum Lot Area:	0.2 ha
Minimum Lot Frontage:	30 m
Minimum Front Yard:	15 m except where use on opposite side of the street is industrial shall be reduced to 7.5 m
Minimum Rear Yard:	5 m except where adjacent to a non-industrial zone boundary shall be increased to 15 m
Minimum Interior Side Yard:	2 m except where adjacent to a non-industrial zone boundary shall be increased to 15 m
Minimum Exterior Side Yard:	15 m
Maximum Lot Coverage:	50% on private or partial services; 70% on full services
Maximum Height of Principal Buildings and Structures:	18 m
Maximum Height of Accessory Buildings:	18 m
Maximum Number of Accessory Buildings:	No Limit
Maximum Gross Floor Area of All Accessory Buildings:	No Limit

Notwithstanding the above provisions, where a lot is serviced by a private sewage disposal system, the minimum required lot size is 0.4 ha.

No industrial use shall be located any closer than 20 m to a residential or institutional building.

All uses, other than accessory outdoor storage or accessory outside display and sales, must be carried out in a fully enclosed building.

To ensure compatibility between on and off site uses, landscaping screens and buffers shall be required in accordance with the provisions of this By-law. Landscape screens shall have a minimum width of 3 metres.

It is the purpose of this provision of the By-law to establish reasonable and uniform regulations to prevent the concentration of adult entertainment businesses within the Township of Clearview.

It is the intent to promote the health, safety, and general welfare of the citizens of the Township of Clearview; and, it is the intent of this that the regulations be utilized to prevent problems of land

use incompatibility which may accompany and may be brought about by the concentration of adult entertainment businesses.

The provisions of this By-law have neither the purpose nor effect of imposing limitation or restriction on the content of any communicative materials, including sexually oriented materials or to unlawfully restrict or deny access by adults to sexually oriented materials; and, neither is it the intent, nor effect of this By-law, to condone or legitimize the distribution of such materials.

Adult entertainment businesses are permitted in the Restricted Industrial zone by amendment to this By-law. Notwithstanding any other provision of this By-law, no adult entertainment business shall be permitted within 200 metres of another existing adult entertainment business or one for which a building permit has been applied for. No adult entertainment business shall be permitted within 200 metres of any existing dwelling or residential zone boundary, within 50 metres of any commercial zone boundary, and within 300 metres of any school, daycare, or place of worship. These separation distances shall be measured in a straight line from property boundary to property boundary without regard to intervening building, structures, or uses.

A towing compound shall be considered to be a primary outdoor storage use and shall comply with Section 2.18. A towing compound shall also incorporate an associated office on the same lot.

### 3.31.3 RESTRICTED INDUSTRIAL ZONE EXCEPTIONS

#### **MR-1**

Part of Lot 27, Concession 1, Formerly Sunnidale  
(9523 County Road 10, 040-001-06400)

#### Primary Uses Restricted to:

- Warehouses; and,
- Light equipment sales and rental establishments.

#### Additional Permitted Primary Uses:

- Truck or transport terminal;
- Contractor shop and/or yard;
- Garden centre; and,
- Antique shop.

Additional Permitted Uses:

- All materials uses of the MR Zone with the exception that outdoor storage of any waste materials;
- An accessory boarding house limited to employees of a business on the premises only;
- An accessory apartment.

**MR-2**

Part of Lot 10, Concession 4, Formerly Sunnidale  
(6 Greengage Rd, 040-002-10020)

Additional Permitted Uses:

- Motor vehicle body shop;
- Contractor shop;
- Truck terminal.

**MR-3**

Part of Lot 10, Concession 4, Formerly Sunnidale  
(2 Greengage Road, 040-002- 10002)

Additional Permitted Uses:

- Sawmill or lumber yard;
- Truck or transport terminal;
- Building supply outlet.

Additional or Altered Provisions:

- No outdoor storage shall occur beyond the perimeter of the concrete slab existing at the time of adoption of former By-law 05-58, as illustrated on the site plan forming a schedule thereto;
- All outdoor storage shall be enclosed by either a solid fence and or combination of chain link fence and landscaped screening.

**MR-4**

Part of Lot 11, Concession 4, Formerly Sunnidale  
(10, 12, & 14 Greengage Road, 040-002-10022-23-24)

Additional Permitted Uses:

- Sawmill or lumber yard;
- Building supply outlet; or,
- Outdoor assembly and storage of log home components.

**MR-5**

Part of Lot 10 & 11, Concession 4, Formerly Sunnidale  
(7 Greengage Road, 040-002-10027)

Additional Permitted Uses:

- Welding and manufacturing of metal components conducted entirely within an enclosed building.

**MR-6**

Part of Lot 10, Concession 4, Formerly Sunnidale  
(3 Greengage Road, 040-002-10030)

Additional Permitted Uses:

- Truck or transport terminals.

**MR-7**

Part of Lot 9, Concession 5, Block K, RP 51R13949 Parts 1 & 2, Formerly Nottawasaga  
(56 Wellington St. West, 030-001-37312)

Additional Permitted Uses:

- Construction yard or contractor yards; or,
- Truck or transport terminals.



**MR-8**

Part of Lot 9, Concession 5, Formerly Nottawasaga  
(7685 County Road 9, 030-001-37303)

**Additional Permitted Uses:**

- Truck or transport terminal;
- Truck service depot; or,
- Metals recycling transfer station.

**MR-9**

Part of Lot 12, Concession 10, Formerly Sunnidale  
(6029 Highway 26, 040-003-10000)

**Additional Permitted Uses:**

- Auto wrecking and salvage yard; or,
- A single detached dwelling.

**MR-10**

North Part Lot 38, Concession 7, RP 51R22727 Part 1, Formerly Nottawasaga  
(2700 Concession 6, 010-005-71204)

**Additional Permitted Uses:**

- Contractor's Yard;
- Accessory Outdoor Storage.

**MR-11**

North Part of Lot 31, Concession 1, Formerly Nottawasaga  
(1858 and 1872 County Road 7, 010-003-00200/00300)

**Additional Permitted Uses:**

- Accessory single detached dwelling;
- Ancillary office building;

Additional or Altered Provisions:

- Minimum Front Yard for single detached dwelling: 8 metres
- Minimum Front Yard for ancillary office building: 6 metres
- Minimum Interior Side Yard for Storage Units: 6 metres
- Minimum Interior Side Yard for existing single detached dwelling: 2.5 metres
- Notwithstanding the parking provisions, two regular parking spaces and one barrier free parking space will be required;
- Notwithstanding the loading provisions, no loading spaces will be required;
- Notwithstanding Section 2.19.17(g), the hard surfacing will be located from the northern property line measured 21 metres south, except that at the westerly property line measured easterly 18 metres, hard surfacing will be located from the northern property line 27 metres south.

MR-12

East Part of Lot 25, Concession 4, Formerly Nottawasaga

(7674 County Road 91, 010-002-23000)

Primary Permitted Uses Restricted To:

- Dry light manufacturing, processing, repairing, fabricating and assembly operations
- Warehouses
- Commercial Self Storage Facility
- Printing or Publishing Establishments
- Broadcasting and Communication Establishments
- Light Equipment Sales and Rental Establishments
- Towing Compound
- Wineries and Breweries
- Research Establishments including Laboratories
- Data Processing Centre
- Home Improvement Outlets without outdoor storage
- Business, professional or administration offices
- Indoor Recreational Facilities

Permitted Accessory Uses Restricted To:

- Accessory business and administrative offices

- Accessory outside display and sales
- Accessory outdoor storage
- An accessory retail outlet for the purposes of sale of goods and materials produced on the premises
- Accessory Residential Use

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### 3.32 PRESTIGE INDUSTRIAL (MP)

#### 3.32.1 PERMITTED USES

##### PRIMARY USES

Any of the following uses which are intended to be prestige light industrial and accessory uses:

- Light manufacturing, processing, repairing, fabricating and assembly operations;
- Business, professional and administrative offices;
- Printing or publishing establishments;
- Broadcasting and communication establishments;
- Wineries and breweries;
- Research establishments; or,
- Indoor recreational facilities and fitness clubs.

##### ACCESSORY USES

- An accessory retail outlet for the purpose of sale of goods and materials produced on the premises.

#### 3.32.2 ZONE PROVISIONS

Minimum Lot Area:	2 ha
Minimum Lot Frontage:	100 m
Minimum Front Yard:	15 m
Minimum Rear Yard:	20 m
Minimum Interior Side Yard:	5 m
Minimum Exterior Side Yard:	15 m
Maximum Lot Coverage:	50%
Maximum Height of Principal Buildings and Structures:	18 m
Maximum Height of Accessory Buildings:	18 m
Maximum Number of Accessory Buildings:	No Limit
Minimum Landscaped Open Space:	20%

All development is to incorporate a landscaped buffer which may include berms. All development must be on full municipal water and waste water services. All uses must be carried out in a fully enclosed building. Landscape screens shall have a minimum width of 5 metres and landscaped buffers shall have a minimum width of 3 metres.

To ensure compatibility between on and off site uses, landscaping screens and buffers shall be required in accordance with the provisions of this By-law.

#### 3.32.3 PRESTIGE INDUSTRIAL ZONE EXCEPTIONS

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### 3.33 GENERAL INDUSTRIAL (MG)

#### 3.33.1 PERMITTED USES

##### PRIMARY USES

Any of the following uses which are intended to allow both light industrial and heavy industrial and accessory uses:

- All restricted industrial uses;
- Heavy manufacturing, processing, repairing, fabricating and assembly operations;
- Tannery;
- Auto wrecking and salvage yards;
- Motor vehicle repair garages;
- Motor vehicle body-shops;
- Motor vehicle service stations;
- Marine sales and service establishments;
- Motor vehicle sales and service establishments;
- Motor vehicle gasoline outlets and truck stops;
- Recreational vehicle sales and service establishments;
- Farm implement and supplies outlets;
- Building supply outlets;
- Construction yards and contractor yards;
- Sawmill or lumber yard;
- Truck or transportation terminals;
- Towing compound;
- Chemical manufacturing and petroleum products refining;
- Primary metals plant;
- Asphalt and concrete plants;
- Ethanol production plants;
- Recycling facility;
- Snow storage and disposal facilities;
- Railway uses;

- Bulk storage operations including bulk storage of road salts, fuels and petroleum products, hazardous chemicals, and other hazardous substances;
- Top soil bulking and manufacture establishments; or,
- Primary outdoor storage.

#### ACCESSORY USES

- Accessory outdoor storage.

#### 3.33.2 ZONE PROVISIONS

Minimum Lot Area:	0.4 ha
Minimum Lot Frontage:	40 m
Minimum Front Yard:	15 m except where use on opposite side of the street is industrial shall be reduced to 7.5 m
Minimum Rear Yard:	5 m except where adjacent to a non-industrial zone boundary shall be increased to 15 m
Minimum Interior Side Yard:	2 m except where adjacent to a non-industrial zone boundary shall be increased to 15 m
Minimum Exterior Side Yard:	15 m
Maximum Lot Coverage:	50% on private or partial services 70% on full municipal services
Maximum Height of Principal Buildings and Structures:	18 m
Maximum Height of Accessory Buildings:	18 m
Maximum Number of Accessory Buildings:	No Limit
Maximum Gross Floor Area of All Accessory Buildings:	No Limit

To ensure compatibility between on and off site uses, landscaping screens and buffers shall be required in accordance with the provisions of this By-law. Landscaped screens shall have a minimum width of 3 metres.

No industrial use in a General Industrial Zone shall be located closer to a sensitive use than one of the following separation distances which are to be measured from the limits of the uses:

**Class I** – 70 metres minimum separation distance;

**Class II** – 300 metres minimum separation distance; and,

**Class III** – 1,000 metres minimum separation distance.

#### **Class I Industrial Facility**

A place of business for a small scale, self contained plant or building which produces/stores a product which is contained in a package and has low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration. There are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage.

#### **Class II Industrial Facility**

A place of business for medium scale processing and manufacturing with outdoor storage of wastes or materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the following: noise, odour, dust and/or vibration, and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours.

#### **Class III Industrial Facility**

A place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions.

A towing compound shall be considered to be a primary outdoor storage use and shall comply with the requirements of Section 2.18. A towing compound shall also incorporate an associated office on the same lot.

#### **3.33.3 GENERAL INDUSTRIAL ZONE EXCEPTIONS**

##### **MG-1**

Part of Lot 21, E.S.R., Concession 4, Formerly Sunnidale

(10367 County Road 10, 040-002-17600)

Permitted Uses Limited to:



- An underground storage facility for the purposes of storing:
  - Organic Waste – Fuels – 221L Light Fuels – Gasoline, kerosene, diesel tank drainings/washings/bottoms, spill cleanup residues; and,
  - Organic Waste – Oily Wastes 251L Waste Oils/Sludges (Petroleum bases) – Oil/Water separator sludges, dissolved air floatation skimming, heavy oil tanks drainage, slop oil and emulsions.

Altered or Additional Provisions:

- Township of Clearview Site Plan Agreement required;
- Ministry of Environment Certificate of Approval required;
- Maximum Area (including underground tanks): 550 m<sup>2</sup>
- Maximum Underground Tank Volume: 50,000 litres
- Minimum Front Yard for Buildings and Structures: 210 m  
(including underground tanks)
- Minimum Front Yard shall mean the minimum distance between County Road 10 ROW and the zone boundary;
- Minimum interior side yard for buildings and structures 90 metres including underground tanks;
- Minimum interior side yard shall mean the minimum distance from the south property line to the zone boundary;
- Access to the facility and parking and loading spaces shall be paved and the driveway shall have a minimum width of 6 metres;
- No additional storage, under or above the ground, shall be permitted;
- Maximum Height of Buildings: 10 m

**MG-2**

Part of Lot 35, Plan 315, RP 51R24351 Part 1, Formerly Nottawasaga,  
(102 Edward Street East, 030-001-04500)

Part of Lot 35, Plan 315, RP 51R24351 Part 2, Formerly Nottawasaga,  
(104 Edward Street East, 030-001-04425)

Part of Lot 35, Plan 315, RP 51R24351 Part 3, Formerly Nottawasaga,  
(108 Edward Street East, 030-001-04410)

Part of Lot 35, Plan 315, RP 51R11823, Formerly Nottawasaga,  
(112 Edward Street East, 030-001-04400)

Permitted Uses Restricted To:

- All restricted industrial uses;
- Motor vehicle repair garages;
- Motor vehicle body shops;
- Construction yards and contractor yards; or,
- Truck or transport terminals.

**MG-3**

Lot 34, Plan 315, Formerly Nottawasaga  
(90 Edward Street East, 030-001-04600)

Permitted Uses Restricted To:

- All restricted industrial uses; or,
- Truck or transport terminals.

**MG-4**

East Part of Lot 25, Concession 4, Formerly Nottawasaga  
(7674 County Road 91, 010-002-23000)

Permitted Primary Uses Restricted To:

- All Restricted Industrial Uses
- Motor Vehicle Repair Establishment
- Motor Vehicle Body-shops
- Marine Sales and Service Establishments
- Motor Vehicle Sales and Service Establishments
- Recreational Vehicle Sales and Service Establishments
- Farm Implement and Supplies Outlets
- Building Supply Outlets
- Construction Yards and Contractor Yards
- Truck or Transportation Terminals
- Towing Compound
- Primary Outdoor Storage

Permitted Accessory Uses Restricted To:

- Accessory Outdoor Storage

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### 3.34 AIRPORT INDUSTRIAL (MA)

#### 3.34.1 PERMITTED USES

##### PRIMARY USES

- Cartage terminals and warehousing;
- Sales, service, display, and rental of aircraft;
- Commercial flight school;
- Airport related special events, exhibits, and trade shows venues;
- Fueling station for small aircraft;
- Runways and Taxiways;
- Dry light manufacturing, processing, repairing, fabricating and assembly operations;
- Warehouses;
- Storage units;
- Broadcasting and communication establishments;
- Light equipment sales and rental establishments;
- Research establishments including laboratories; or,
- Primary outdoor storage.

##### ACCESSORY USES

- Accessory business and administrative offices;
- Accessory eating establishments;
- Accessory buildings including hangars;
- Accessory outdoor storage; and,
- Accessory retail outlet for the purpose of sale of goods and materials produced on the premises.

#### 3.34.2 ZONE PROVISIONS

Minimum Lot Area:	0.4 ha
Minimum Lot Frontage:	40 m
Minimum Front Yard:	15 m

Minimum Rear Yard:	5 m except where adjacent to a non-industrial zone boundary shall be increased to 15 m
Minimum Interior Side Yard:	2 m except where adjacent to a non-industrial zone boundary shall be increased to 15 m
Minimum Exterior Side Yard:	15 m
Maximum Lot Coverage:	40%
Maximum Height of Principal Buildings and Structures:	18 m
Maximum Height of Accessory Buildings:	18 m
Maximum Number of Accessory Buildings:	No Limit
Maximum Gross Floor Area of All Accessory Buildings:	No Limit

No commercial or industrial use shall be located any closer than 20 metres to a residential or institutional use other than a flight school.

All uses, other than accessory outdoor storage or accessory outside display and sales, must be carried out in a fully enclosed building.

Accessory buildings may be located in all yards and shall comply with all minimum yards and setbacks.

Parking for special events will be provided on site on temporary grass parking areas.

To ensure compatibility between on and off site uses, landscaping screens and buffers shall be required in accordance with the provisions of this By-law.

Nothing in this By-law shall be construed to apply to the operation of an aerodrome in relation to matter regulated by Transport Canada other than by voluntary compliance.

### 3.34.3 AIRPORT INDUSTRIAL ZONE EXCEPTIONS

#### **MA-1**

Part of Lot 13 & 14, Concession 10, Formerly Sunnidale

(5195 Highway 26, 040-003-12300)

Additional Permitted Uses:

- Single Detached Dwelling;
- Up to 4 Apartment Dwelling Units.

Altered or Additional Provisions:

- Parking for special events may be provided on site on temporary grass parking areas.

**MA-1(H1)**

Part of Lot 13, Concession 10; Part 1 51R-17260, Formerly Sunnidale  
(5355 Highway 26, 040-003-12200)

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### 3.35 WASTE DISPOSAL INDUSTRIAL (MW)

#### 3.35.1 PERMITTED USES

##### PRIMARY USES

- Waste disposal facility including active and inactive landfill sites;
- Waste transfer station;
- Waste management system;
- Waste recycling facility; or,
- Sewage treatment plant including a sewage lagoon.

#### 3.35.2 ZONING PROVISIONS

Minimum Lot Area:	4 ha
Minimum Lot Frontage:	30 m
Minimum Front Yard:	30 m
Minimum Rear Yard:	30 m
Minimum Interior Side Yard:	30 m
Minimum Exterior Side Yard:	30 m
Maximum Lot Coverage:	5%
Maximum Height of Principal Buildings and Structures:	11 m
Maximum Height of Accessory Buildings:	11 m
Maximum Number of Accessory Buildings:	No Limit
Maximum Gross Floor Area of All Accessory Buildings:	No Limit

No permitted use shall be established, altered, enlarged or extended unless a provincial certificate of approval has been issued by the Ministry of the Environment as required by the Environmental Protection Act.

Permitted uses shall be well separated from existing or proposed residential land uses and shall meet all applicable Ministry of the Environment minimum distance separation guidelines including the Ministry "Guideline on Separation Distances" as may be amended from time to time. At a minimum, a strip of land not less than 15 metres in width shall be reserved for landscaped open space purposes along all property lines. At a minimum, where a permitted use abuts a Residential

Zone or a lot containing a dwelling, or a roadway is the only separation between two such areas, then no permitted use shall be made of any kind within 70 metres of the abutting lot line.

Development and site alteration shall occur in a manner so that it is compatible with surrounding uses and the impacts of uses shall be mitigated through the use of landscaping screens and buffers and on the basis of land use compatibility and design guidelines as may be adopted by Council.

### 3.35.3 WASTE DISPOSAL INDUSTRIAL ZONE EXCEPTIONS

#### **MW-1**

Lot 34, Plan 315, Formerly Nottawasaga  
(90 Edward Street East, 030-001-04600)

Permitted Uses Restricted to:

- Closed landfill site.

#### **MW-2**

East Half Lot 31, Concession 2, Formerly Nottawasaga  
(5820 County Road 64, 010-003-25700)

Permitted Uses Restricted to:

- Waste transfer station;
- Waste recycling facility for construction demolition materials.

Altered or Additional Provisions:

- Minimum setbacks from the west draw of the Lamont Creek will be as follows:
  - Septic System: 39 m
  - Truck Weigh Scale: 49.4 m
  - Processing/Storage Building: 116.3 m
  - Exterior Storage Area: 127.7 m
- Landscaped open space along the western property line will be a minimum of 14 metres;
- Side yard setback for the western property line will be a minimum of 14.6 metres;



- The following uses shall be setback a minimum distance from any residential zoned property or lot containing a dwelling or a roadway is the only separation between two such uses:
  - Stormwater management pond: 15 m
  - Truck weigh scale proposed modular office: 50.4 m
  - Septic system: 55 m

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### 3.36 WASTE DISPOSAL ASSESSMENT AREA (OVERLAY) (WDAA)

#### 3.36.1 PERMITTED USES

All uses permitted by the underlying zone category are permitted with the exception that no new buildings may be constructed and no building additions may occur unless the owner has prepared and submitted studies to the Township, and applicable approval authorities, demonstrating to the satisfaction of the Township and approval authorities that:

- a) Such development can occur in compatibility and without risk associated with the existing or former waste disposal use; and,
- ii) That the recommendations of any such studies have or will be implemented.

Notwithstanding the foregoing, new buildings may also be permitted where the Township and approval authority determine that development is exempt from the requirement to prepare a study. Additionally, new structures and alterations to existing structures, interior alterations to existing buildings, exterior alterations to existing buildings that do not expand the footprint, and new buildings which do not require a building permit are permitted without the need for studies or implementation measures.

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### 3.37 MINERAL AGGREGATE RESOURCE AREA (OVERLAY) (MARA)

#### 3.37.1 PERMITTED USES

##### PRIMARY USES

- All uses permitted by the underlying zoning category with the exception that no new buildings or structures are permitted unless the owner has prepared and submitted information to the Township to indicate to the Township's satisfaction that development and site alteration will not preclude or hinder future extraction of the aggregate resource or that there are no significant aggregate resources in the area of the proposed development.

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### 3.38 ENVIRONMENTAL PROTECTION (EP)

#### 3.38.1 PERMITTED USES

##### PRIMARY USES

- Conservation use;
- Wildlife management area;
- Forestry (including the harvesting, collection and processing of maple syrup) conducted in accordance with good forestry practices;
- Existing agricultural uses;
- Passive recreation uses; or,
- Flood and erosion control works.

#### 3.38.2 ZONE PROVISIONS

Minimum Lot Area:	No Minimum
Minimum Lot Frontage:	No Minimum
Minimum Front Yard:	No Minimum
Minimum Rear Yard:	No Minimum
Minimum Interior Side Yard:	No Minimum
Minimum Exterior Side Yard:	No Minimum
Maximum Lot Coverage:	Not Applicable
Maximum Height of Principal Buildings and Structures:	Not Applicable
Maximum Height of Accessory Buildings and Structures:	Not Applicable
Maximum Number of Accessory Buildings:	Not Applicable
Maximum Gross Floor Area of All Accessory Buildings:	Not Applicable

Structures and buildings are not permitted other than those for a permitted use.

#### 3.38.3 ENVIRONMENTAL PROTECTION ZONE EXCEPTIONS

##### **EP-6**

East Part of Lot 11, Concession 5, Formerly Sunnidale

(16 Whitetail Drive, 040-002-23200)

Additional or Altered Provision:

- A driveway from Whitetail Drive may be established and maintained through the EP-6 Zone to serve the residential use in the adjacent RU-11 Zone

**EP-7**

North Part of Lot 20, Concession 1, Formerly Nottawasaga

(1426 Centre Line Road, 010-002-02000)

Permitted Uses Restricted To:

- Conservation Use
- Wildlife Management
- Passive Recreation Uses
- Flood and Erosion Control Works

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### 3.39 STORMWATER MANAGEMENT FACILITIES (SM)

#### 3.39.1 PERMITTED USES

##### PRIMARY USES

- Stormwater treatment facilities;
- Conservation use;
- Wildlife management area;
- Forestry (including the harvesting, collection and processing of maple syrup) conducted in accordance with good forestry practices;
- Existing agricultural uses;
- Passive recreation uses; or,
- Flood and erosion control works.

#### 3.39.2 ZONE PROVISIONS

Minimum Lot Area:	No Minimum
Minimum Lot Frontage:	No Minimum
Minimum Front Yard:	No Minimum
Minimum Rear Yard:	No Minimum
Minimum Interior Side Yard:	No Minimum
Minimum Exterior Side Yard:	No Minimum
Maximum Lot Coverage:	Not Applicable
Maximum Height of Principle Buildings and Structures:	Not Applicable
Maximum Height of Accessory Buildings and Structures:	Not Applicable
Maximum Number of Accessory Buildings:	Not Applicable
Maximum Gross Floor Area of All Accessory Buildings:	Not Applicable

Structures and buildings are not permitted other than those for a permitted use.

#### 3.39.3 STORMWATER MANAGEMENT FACILITIES ZONE EXCEPTIONS

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### 3.40 HAZARD LAND (OVERLAY) (FP)

#### 3.40.1 PERMITTED USES

Uses permitted by the underlying zoning category with the following exceptions:

- No new buildings or structures and no alterations to existing buildings or structures or site alteration shall be permitted unless approved in a permit by the Nottawasaga Valley Conservation Authority under the Conservation Authorities Act or the development or site alteration is identified as being exempt from permit requirements in writing to the Township by the Conservation Authority; and,
- Any use which requires the alteration of the existing grade or removal of natural vegetation, other than normal farm practices, shall not be permitted unless the alteration of grade and clearing of lands associated with the use has been approved by the Nottawasaga Valley Conservation Authority through the issuance of a permit under the Conservation Authorities Act, or, where applicable, through the issuance of a fill or grading permit by the Township, or if the use is permitted by an exemption to the requirements for a permit from either the Nottawasaga Valley Conservation Authority or the Township of Clearview.

Development and site alteration shall not be permitted in the floodway (the floodplain).

#### 3.40.2 ZONE PROVISIONS

The zone provisions of the underlying zone shall apply where consistent with the requirements and provisions of the Hazard Land Zone.

#### 3.40.3 HAZARD LAND (FP) IN NEC ZONE

The Hazard Land (FP) Overlay Zone shown on the schedules to this By-law, located within the NEC Zone are shown for reference and information only as municipal by-laws do not apply. However, the Hazard Land (FP) Zone boundary illustrates an area regulated by the Nottawasaga Valley Conservation Authority and those regulations do apply within the NEC area.

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### 3.41 HAZARD LAND SPECIAL POLICY (OVERLAY) (FPSP)

#### 3.41.1 PERMITTED USES

Only uses permitted by the underlying zoning category with the following exceptions:

- Hospitals, retirement homes, nursing homes, pre-school, school nurseries, day care facilities, schools, essential emergency services, and uses associated with the disposal, manufacture, treatment or storage of hazardous substances, including gas stations, shall not be permitted;
- Buildings or structures in the flood fringe are not permitted unless they are shown to have been legally existing on the date of adoption of this Zoning By-law, or are a permitted use of the underlying Zone, are within an approved two-zone floodplain management area (although agricultural buildings may be located in the flood fringe outside two zone management areas), and have been approved by the Township in accordance with having met the provisions set out below for Township approval and are authorized in a permit issued by the Nottawasaga Valley Conservation Authority under the Conservation Authorities Act on or following the date of adoption of this Zoning By-law;
- Any use which requires the alteration of the existing grade or removal of natural vegetation, other than normal farm practices, shall not be permitted unless the alteration of grade and clearing of lands associated with the use has been approved by the Nottawasaga Valley Conservation Authority through the issuance of a permit under the Conservation Authorities Act, or, where applicable, through the issuance of a fill or grading permit by the Township, or if the use is permitted by an exemption to the Township By-law; and,
- Dwelling units, or portions of dwelling units, are not permitted the regional flood elevation unless flood proofed using dry flood proofing measures.
- Development and site alteration are not permitted within the floodway although development may be permitted in the flood fringe;



#### 3.41.2 ZONE PROVISIONS

The zone provisions of the underlying zone shall apply where not inconsistent with the requirements and provisions of the Hazard Land Special Policy Zone.

Any activity involving grading, filling, construction of ponds or alteration of existing grades in any manner shall be required to conform to, and comply with, the requirements of any applicable by-law of the Township controlling grading or filling activity and/or the regulations pursuant to the Conservation Authorities Act of the Nottawasaga Valley Conservation Authority as may be applicable.

For the purposes of Section 3.43, the terms “development”, “site alteration”, “floodplain”, “floodway”, and “flood fringe”, are defined in accordance with the Provincial Policy Statement (2005) and those definitions shall prevail over any other definition in this By-law for the purposes of Section 3.43 of this By-law.

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### 3.42 NIAGARA ESCARPMENT (NEC)

Lands zoned Niagara Escarpment fall under the land use jurisdiction of the Niagara Escarpment Commission.

The Niagara Escarpment Commission has the authority to control land use in this area and municipal land use zoning by-laws do not apply.

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### 3.43 ARCHAEOLOGICAL ASSESSMENT OVERLAY (AR)

#### 3.43.1 PERMITTED USES

Uses permitted by the underlying zoning category with the following exceptions:

- No new buildings or structures or additions to the footprint of existing buildings or structures shall not be permitted unless a clearance letter has been provided by the Ministry of Culture which may require submission of an archaeological assessment by a licensed archaeologist to be submitted by the owner;
- Any use which requires the alteration of the existing grade, other than that of normal farm practices, shall not be permitted unless a clearance letter has been provided by the Ministry of Culture which may require submission of an archaeological assessment by a licensed archaeologist to be submitted by the owner.

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### 3.44 EXTRACTION INDUSTRIAL – ABOVE THE WATER TABLE (EX1)

#### 3.44.1 PERMITTED USES

- Produce farm or livestock farm;
- Extraction of aggregate above the water table;
- Portable processing and associated equipment but not including asphalt or concrete plants;
- Temporary stockpiles of aggregate extracted on the premises; or,
- Temporary stockpiles of topsoil from the extracted site.

#### 3.44.2 ZONE PROVISIONS

Minimum Lot Area:	No Minimum
Minimum Lot Frontage:	No Minimum
	Access must be secured by a registered easement where no frontage is available
Minimum Front Yard:	15 m
Minimum Rear Yard:	15 m
Minimum Interior Side Yard:	15 m
Minimum Exterior Side Yard:	15 m
Extraction of Aggregate will not occur below the elevation level of:	250.5 m
Extraction of Aggregate will occur above the water table:	1.5 m

Yard requirements shall apply to all aggregate extraction and processing activities.

No buildings or structures are permitted other than extraction equipment and portable processing equipment utilized in on-site operations. No on-site operations servicing or refueling of portable extraction or processing equipment is permitted in the area zoned for extraction uses. Such uses may occur only in the area zoned as the processing area.

All extraction and portable processing areas shall be screened and buffered from visibility from public roads and residential, commercial, recreational and institutional uses.

No fuel storage is permitted.

In addition, the applicant will be required to undertake a water monitoring program to the satisfaction of the Township of Clearview and the Nottawasaga Valley Conservation Authority.

#### 3.44.3 EXTRACTION INDUSTRIAL ABOVE THE WATER TABLE ZONE EXCEPTIONS

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### 3.45 DOWNTOWN COMMERCIAL/INDUSTRIAL (CM)

#### 3.45.1 PERMITTED USES

##### PRIMARY USES

- All permitted uses of Section 3.23.1 General Commercial (C1); and
- Brewery (only permitted in primary building)

##### ACCESSORY USES

- Accessory outdoor display and sales;
- Accessory Buildings limited to permitted uses of Section 3.23.1 General Commercial (C1) Zone;
- Staff or public amenity area; and
- Staff or public parking area.

#### 3.45.2 ZONE PROVISIONS

Minimum Lot Area:	9000 m <sup>2</sup>
Minimum Lot Frontage:	80 m
Minimum Front Yard:	0 m
Maximum Front Yard:	2 m (applies to buildings not structures)
Minimum Rear Yard:	0 m unless adjoining a Residential Zone where the minimum setback shall be 5 m
Minimum Interior Side Yard:	0 m unless adjoining a Residential Zone where the minimum setback shall be 4 m
Minimum Exterior Side Yard:	0 m
Maximum Lot Coverage:	65%
Maximum Height of Principal Buildings:	14 m
Maximum Height of Accessory Buildings:	10 m
Maximum Limit of Accessory Buildings:	No Limit
Maximum Height of Exhaust Stacks:	15 m
Total Number of Parking Spaces:	60
Parking Stall Minimum Widths:	2.7 m

Minimum landscaping screen between parking spaces on subject property and residential or commercial zoned property 4 m

Minimum landscaping screen between parking area and Edward Street: 4 m

No snow storage will be provided on site

Total number of barrier free parking spaces 4

Minimum loading space separation from a lot line of a residential use 24 m

Landscaping for parking and loading may be provided outside of the interior parking area on the same lot Notwithstanding any other requirements of 1.8 metre solid wood fence shall be provided along eastern property line, terminating 4 m back from Edward Street, terminating 2.4 m back from Elizabeth Street.

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## 4.0 DEFINITIONS

For the convenience of the reader, a number of the words and terms utilized in this By-law are defined in this By-law. In other instances words or terms shall be defined as in accordance with their definitions in applicable law or where not identified in applicable law, they shall be defined in accordance with their common and accepted usage and in the reasonable context of their usage in this By-law. Where other policy or legislation is referenced herein, the successor of said policy or legislation shall be used where the original reference is out-of-date.

### **ABATTOIR**

Means premises designed for the confinement of live animals awaiting slaughter and slaughtering of live animals and the packaging of animal carcasses and may include the processing, packing, treating, and storing of the product on the premises, but shall not include the manufacture of inedible meat by-products, or rendering of such products as tallow, grease, glue, fertilizer, or any other inedible product.

### **ACCESSORY AGRICULTURAL EQUIPMENT AND SUPPLY SALES OUTLET**

Means agricultural equipment and supplies and sales and service shop carried out as an accessory use to an agricultural use. For additional clarification, see definition of Accessory Use.

### **ACCESSORY APARTMENT**

Means that part of a building, other than an apartment building, which has been altered, renovated or enlarged to accommodate a second self-contained dwelling unit, which is designed and functions as an accessory to a primary dwelling unit. For additional clarification, see definition of Accessory Use.

### **ACCESSORY BUILDING OR STRUCTURE**

Means a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, and exclusively devoted to, the principal use or main building on the same lot. For additional clarification, see definition of Accessory Use. Unless otherwise specifically permitted, an accessory building or structure shall not be used for human habitation.

### **ACCESSORY RETAIL OUTLET**

Means a retail use carried out as an accessory use to another permitted primary use. For additional clarification, see definition of Accessory Use.

### **ACCESSORY USE**

Means a use, customarily and normally subordinate to, incidental to, normally associated with, and exclusively devoted to the principal use and located on the same lot.

### **ACCOMMODATION UNIT OR TEMPORARY RESIDENTIAL USE**

Means a room or suite of rooms used or maintained as part of a tourist resort or use for the accommodation of the traveling or vacationing public, and which does not contain a kitchen.

### **ACTIVE RECREATIONAL USE**

Means a recreational use or activity requiring alteration of soil or topography or the construction of structures or buildings and includes such activities as golf courses, playing fields, trailer parks, and campgrounds.



## **ADULT ENTERTAINMENT BUSINESS**

Means premises in which goods or services are provided where a principal feature or characteristic of which is the nudity or partial nudity of any person, a sexual act, or in respect of which the word "nude", "naked", "topless", "bottomless", "sexy" or any other word or any picture, symbol or representation having like meaning or implication is used in any advertisement, sign, or display and includes a body-rub parlor.

## **ADVERSE EFFECT**

Means one or more of:

- a) Impairment of the quality of the natural environment for any use that can be made of it;
- b) Injury or damage to property or to plant or animal life;
- c) Harm or material discomfort to any person;
- d) An adverse effect on the health of any person;
- e) Impairment of the safety of any person;
- f) Rendering any property or plant or animal life unfit for human use;
- g) Loss of enjoyment of normal use of property; and,
- h) Interference with the normal conduct of business.

## **AERODROME**

Means any area of land, water (including the frozen surface thereof) or other supporting surface used, designed, prepared, equipped, or set apart for use either in whole or in part for the arrival, departure, movement, or servicing of aircraft, and includes any buildings, installations, and equipment situated thereon or associated therewith.

## **AGGREGATE**

Means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other prescribed material.

## **AGRI-COMPOSTING**

Means a facility for composting of non-animal products (other than manure) or by-products for the manufacturing of compost and topsoil mixes or the use of digesters for the generation of energy. This shall not include the removal of on-site topsoil or any other composting facility (e.g. primary domestic waste or animal product or by-product composting facilities are not included in this definition). Agri-composting of manure produce on a farm unit is a component of the agricultural use of the farm. Agri-composting and use of digesters to treat manure from more than the farm unit, or involving use of co-substrates, are subject to specific permitted use provisions of this By-law. Both scales of uses are subject to different provisions of this By-law.

## **AGRICULTURAL PRODUCE WAREHOUSE**

Means an agricultural building used to temporarily store farm produce.

## **AGRICULTURAL PROCESSING PLANT**

Means a facility to process farm produce including row crops, grains, vegetables, fruits, and maple syrup and may include honey, milk, and eggs, but no other animal products.

### **AGRICULTURAL RELATED USE**

Means those farm related commercial and farm related industrial uses that are small scale and directly related to the farm operation and are required in close proximity to the farm operation.

### **AGRI-TOURISM**

Means the activities that are integrated into a farm operation for the purpose of education, entertainment, recreation, hospitality services or direct farm sales designed to generate value added income for the owners, to increase awareness of local agricultural products, activities, heritage, and to increase long term sustainability. Educational experiences may include activities such as farm tours, historical re-enactments, exhibitions, animal feeding, and food processing tours. Entertainment experiences may include activities such as rodeos, riding events or trails, corn mazes, festivals, fairs, animal petting zoos, maple sugar shacks, farm animal and horse competitions, and special seasonal holiday events. Recreation experiences may include activities such as horseback riding, bird and wildlife watching, archery, tubing, guided fishing, fishing ponds, snowshoeing, hiking, cross country skiing, wagon, sleigh and hay rides, photography and painting. Hospitality services may include a permitted bed and breakfast operation and a restaurant seating up to forty (40) guests, bakeries, catering, and custom barbeques. Restaurant services must clearly be related directly to providing the user with an agriculturally related experience and shall not exceed a floor area of more than 93 square metres excluding kitchen and storage areas. In the case of a restaurant, bakery, catering or custom barbeque use, the produce served must come primarily from the host farm or surrounding farms. The mere location of the use on an agricultural property does not qualify it as an agri-tourism use. The principal use of the property shall remain farming.

### **AGRICULTURAL VETERINARY CLINIC**

Means a veterinary clinic used primarily for the purposes of treating livestock and includes a building or structure or part thereof that is used for the purpose of consultation, diagnosis, and office treatment of animals, and may also include the boarding or lodging of these animals in fully enclosed buildings in fields, pastures and other outdoor enclosures. This may also incorporate, as an accessory use, an animal shelter which means a building or structure in which stray or unwanted animals are contained and cared for until they are claimed, sold or destroyed.

### **AGRICULTURAL USE**

Means the growing of crops, including nursery and horticultural crops; raising of livestock; raising of other animals for food, fur or fiber, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on farm buildings and structures, including accommodation for full time farm labour when the size and nature of the operation requires additional employment.

### **AIRPORT**

Means an area of land used for the landing, storing and taking off of aircraft and their passengers and/or freight and may include, as accessory uses, ticket offices, restaurants, parcel shipping facilities, customs offices, business offices and retail stores.

### **ALTER**

Means any modification to a land use or the structural component of a building or structure that results in a change of use or any increase or decrease in the volume, frequency, or intensity of a use of land, buildings, or structures.

**APARTMENT BUILDING**

Means a building consisting of more than four (4) dwelling units with each being accessed by a common corridor system, but not a townhouse or link home.

**AQUACULTURE**

Means the raising and bulk selling of fish or seafood being undertaken as a commercial venture.

**ARENA**

Means a building that is intended for year round recreational use which may include special events, competitions, circuses, concerts, conventions, weddings/banquets, anniversaries, auctions, restaurants, flea markets, trade shows or exhibits, and may include ice making equipment and infrastructure capable of enclosing an artificial ice surface.

**ART GALLERY**

Means premises used for the preservation, exhibition, and/or sale of paintings, sculptures, or other works of art.

**ASSEMBLY HALL**

Means a premises used for the gathering together of a number of persons for charitable, civic, cultural, educational, fraternal, political, recreational, social or like purposes, and may include facilities for the consumption of food or drink, but not for any commercial purpose.

**ASSEMBLY OPERATION**

Means the assembling of finished parts into a final product, but shall not include any large scale manufacturing operation or any operation discharging large amounts of liquids.

**ATTACHED**

Means a building otherwise in itself, which depends, for structural support or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings. A building may be attached by an enclosed breezeway, where such breezeway shall be no more than 5 metres in length. Where a breezeway is not enclosed or is longer, the buildings joined by the breezeway shall be considered detached.

**ATTIC**

Means the unfinished space between the roof and ceiling of the top storey or between a dwarf wall and sloping roof.

**AUCTION CENTRE**

Means a premises used for the storage of goods and materials which are to be sold on the premises by auction.

**AVERAGE HIGH WATER MARK**

Means the average of the high water marks made by the action of water under natural conditions on the shore or bank of a body of water which action has been so common and usual that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation and soil on the other side of the mark.

**BAKERY**

Means a building, or part of a building, used for industrial, wholesale production of baked goods, such as bread, biscuits, ice cream cones, cakes, pies, buns or any other bakery

products of which flour or a grain meal is the principle ingredient, but does not include a bake shop, restaurant, café, or other premises where such products are made only for consumption on the premises.

**BAKE SHOP**

Means a retail store or restaurant where products of a bakery are sold or offered for sale to the public including the baking of products for sale only in the shop.

**BALCONY**

Means a partially enclosed platform attached to or extended horizontally from one or more main walls of a building.

**BANQUET HALL**

Means premises used for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages may also be prepared and served.

**BASEMENT**

Means one or more storeys of a building located below the first storey, and that is below or partly below grade. A basement is greater than 1.8 m in interior height.

**BED AND BREAKFAST**

Means a single detached dwelling in which a maximum of three (3) rooms are provided for temporary accommodation of the traveling public, with or without meals, for hire or pay for less than two weeks consecutively by each customer. Where a lot is zoned Agricultural, Agriculturally Related Commercial, or Rural, a bed and breakfast may have a maximum of five (5) rooms provided for temporary accommodation of the traveling public.

**BOARDER**

Means a person other than the lessee, tenant, owner, or person related thereto, to whom meals may or may not be provided and where lodging is provided for compensation.

**BOARDING OR ROOMING HOUSE**

Means a dwelling in which lodging, with or without meals, is supplied for gain to two (2) or more persons other than the lessee, tenant or owner of said dwelling, but does not mean or include a motel, hotel, bed and breakfast, nursing home, retirement home or home for the aged, hospital, or similar commercial or institutional use, or apartment dwelling house.

**BOARDING OR RIDING STABLES**

Means a building or structure in which horses are boarded and may also include facilities for riding and showing of horses.

**BOATHOUSE**

Means an accessory building used for the storage of private boats and accessory equipment but shall not include habitable living space.

**BODY-RUB**

Means the kneading, manipulating, massaging, touching, or stimulating, by any means, of a person's body or part thereof, but does not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed, or registered to do so under the law of the Province of Ontario.

**BODY-RUB PARLOUR**

Means any premises or part thereof where a body-rub is performed, offered, or solicited in pursuance of a trade, calling, business, or occupation but does not include any premises or part thereof where medical or therapeutic treatment is given by a person otherwise duly qualified, licensed or registered to do so under the law of the Province of Ontario.

**BREWERY**

Means buildings and structures devoted to the manufacture, bottling, storage and accessory sales of beer.

**BUILDING**

Means an edifice, whether temporary or permanent, that is used or built for the shelter, accommodation or enclosure of persons, animals or chattels, having either a complete roof or a complete wall(s), coupled with a floor, columns, or other structural components. A building does not include a structure.

**BUILDING, TOWNHOUSE**

Means a building that is vertically divided into a minimum of three (3) dwelling units, each of which has an independent entrance at grade to the front and rear of the building.

**BUILDING SUPPLY OUTLET**

Means premises in which building, construction and/or home improvement materials are offered for retail or wholesale and which may include, as an accessory or primary use, the outdoor storage and display of such materials as specified by permitted uses in this By-law.

**BUILDING LINE**

Means a line lying in the interior of a lot drawn parallel to a lot line for the purpose of establishing the minimum distance that must exist between a building or structure, erected upon the land and a lot line.

**BUILDING, MAIN, PRIMARY, OR PRINCIPLE**

Means a building that functions as the building in which the principal permitted use, as opposed to an accessory use, of the lot is conducted.

**BULK STORAGE ESTABLISHMENT**

Means a place where land, building, or structure is used for the storage of goods, materials, machinery, and/or equipment.

**BUSINESS OR PROFESSIONAL OFFICE**

Means premises used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and/or storage of information rather than the production and distribution of goods.

**CAMPGROUNDS**

Means an area of land used and maintained as grounds for tourism related camping or the temporary parking of truck campers, trailers, or tents, but not including mobile homes.

**CAMPSITE**

Means that part of a camping establishment which is occupied on a temporary basis only by a truck camper, trailer, or tent.

## **CARGO CONTAINER**

A portable container, whether constructed of corrugated steel or other material, that is intended in its original manufacture to ship, store or otherwise handle goods or chattels. A cargo container may also be known or referred to as a shipping or freight container.

## **CARPORT**

Means a structure whose roof is structurally dependent upon the main building and is therefore an attached building which has not more than seventy-five (75%) percent of the structure enclosed by walls and which is used for the temporary parking or storage of motor vehicles.

## **CEMETERY**

Means lands set aside to be used for the interment of human remains and may include as an accessory use, a mausoleum, a columbarium, crematorium, or other structures intended for the interment of human remains.

## **CHIMNEY**

Means a primarily vertical shaft enclosing at least one (1) flue for conducting flue gases from a fireplace or furnace to the outdoors and shall be inclusive of the firebox, smoke chamber and the exterior area which encloses the fireplace and flue.

## **CLINIC, MEDICAL**

Means a public or private building used for medical, surgical, dental, physiotherapeutic, chiropractic or other human health treatment by one (1) or more practitioners together with their qualified assistants and the building may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories, and pharmacies used in connection with and forming part of in-patient care.

## **CLUB, PRIVATE**

Means a meeting place for members of an organization not operated for profit or of an athletic, social, or recreational club not operated for profit.

## **COMMERCIAL**

Means the use of lands, buildings, or structures for the purpose of buying and selling commodities, or supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction, and other similar uses.

## **COMMERCIAL GREENHOUSE**

Means a premises used for the growing of flowers, fruits, vegetables, plants, shrubs, trees, and similar vegetation which are sold directly from the lot either by wholesale or retail.

## **COMMERCIAL PARKING LOT**

Means a parking lot where parking spaces are provided for temporary use for monetary compensation.

## **COMMERCIAL SCHOOL**

Means a premises used as a school conducted for profit, including a studio of a dance teacher or a music teacher, an art school, a golf school, and any other similar specialized school, and may include a trade school which means a premises used as a school where students are taught a trade or profession including business schools, hair dressing schools, and specific trade training.

**COMMERCIAL SELF-STORAGE FACILITY**

Means a premises used for the temporary storage of household items and seasonal, recreational or commercial vehicles, boats, and trailers in indoor storage areas or lockers, which are generally accessible by means of individual loading doors. Outdoor storage is permitted only where specifically indicated in this By-law.

**COMMUNITY CENTRE**

Means a facility used for community activities, including cultural, recreational, and institutional uses which is controlled by a public authority.

**CONDOMINIUM**

Means an individual dwelling unit under separate ownership or intended for separate ownership in a multiple unit structure with common elements. For the purposes of the determination of an acceptable location for an associated sales office or model home, the sales office or model home shall be located within a condominium unit or on common lands incorporated within the plan of condominium.

**CONFERENCE CENTRE**

Means a formal meeting area comprised of meeting rooms and/or associated lodging and meal facilities for the holding of meetings, conferences, trade shows, professional education seminars, or similar assembly purposes.

**CONSERVATION USE**

Means an area of land which is used to preserve, protect, and/or improve components of the natural heritage system for the benefit of society and the natural environment and which may include, as an accessory use, hiking trails and/or cross country ski trails, public picnic areas and shelters, public nature interpretation centres and public information centres.

**CONTRACTOR SHOP**

Means a building or structure of any building trade or general contractor, where equipment and materials are stored, or where a contractor performs shop or assembly work, but does not include outdoor storage.

**CONTRACTOR YARD**

Means an area of land where equipment and materials used by a construction, landscaping or excavating contractor are stored or where a contractor performs assembly work. This may include the use of the site for minor repairs or maintenance to construction equipment. This does not include the stockpiling of soil, aggregate, or any other landscaping material unless specifically permitted.

**CORNER LOT**

Means a lot at the intersection of two or more public streets or upon two parts of the same public street with such street(s) containing an angle of not more than 135 degrees or a lot upon which the tangents at the street extremities of the interior side lot lines contain an angle of not more than 135 degrees. The corner of a lot on a curved corner shall be that point on the street line nearest the point of intersection of the said tangents.

**CORPORATION**

Means the Corporation of the Township of Clearview.



**COUNCIL**

Means the Council of the Corporation of the Township of Clearview.

**COUNTY**

Means the Corporation of the County of Simcoe.

**CRISIS CENTRE / CARE FACILITY**

Means a place where short-term and temporary accommodation is provided for persons requiring immediate care. In addition to providing counseling, meals and lodging may be provided. This does not include a drug or alcohol rehabilitation centre, a half-way house, a criminal rehabilitation/parolee centre or long-term care facility.

**CUSTOM WORKSHOP**

Means a premises used by a trade, craft or guild for the manufacture, in small quantities, of made to measure clothing or articles including the sale of such products at retail and, for the purpose of this Bylaw shall include upholstering but does not include metal spinning, woodworking, or furniture manufacturing.

**DAIRY PRODUCTS PLANT**

Means a milk pasteurization and/or bottling plant, a cheese factory or butter factory, condensed or powdered milk factory, creamery, casein factory, milk or cream shipping or receiving station, ice cream factory and any other premises where milk or cream is received for shipment, distribution, processing, or manufacturing.

**DATA PROCESSING CENTRE**

Means premises used for information storage and retrieval through the use of electronic computers, the production of computer programs, word processing, and the maintenance of records including corporate accounts and cheque processing.

**DAYCARE CENTRE**

Means a provincially licensed and regulated premise regulated under the Child Care and Early Years Act where children are provided with temporary care and/or guidance for a continuous period, not exceeding twelve (12) hours and may include a nursery school and a day nursery.

**DECK**

Means an unenclosed structure that is accessory to a residential use, whether attached or detached from the main building, and used as an outdoor living area, with a foundation or pillars holding it erect and a floor which is above finished grade and shall include a landing or a stair attached to the deck.

**DEVELOPMENT**

Means the creation of a new lot, a change in land use or the construction of buildings and structures, but does not include:

- a) Activities that create or maintain infrastructure authorized under a Provincial or Federal environmental assessment process;
- b) Works subject to the Drainage Act.



## **DRIVEWAY**

Means a defined area of a lot that provides access for motor vehicles from a public or private street or a lane to facilities such as a parking area, parking lot, loading space, private garage, building, or structure.

## **DRY CLEANING DISTRIBUTION DEPOT**

Means a premises used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing, or cleaning in a laundry plant and for the pressing and distribution of any such articles or goods which have been subjected to any such process.

## **DRY CLEANING ESTABLISHMENT**

Means a building or part thereof, used for the purpose of receiving, pressing, dying, dry cleaning and distribution of any such articles, goods, or fabric wherein only non-flammable solvents are, or can be used, no odours or fumes are emitted, no noise or vibration is created which causes nuisance or inconvenience within or exterior to the premises.

## **DRY INDUSTRIAL USE**

Means an industrial use which does not require the use of water in the manufacturing, processing, fabricating, or assembling of any good, substance, article, or thing.

## **DWELLING**

Means one (1) or more habitable rooms, occupied or capable of being occupied by an individual household as an independent and separate housekeeping establishment, in which one (1) kitchen and sanitary facilities are provided for the exclusive use of such household, with a private entrance from outside the building or from a common hallway or stairway inside the building, but does not include a trailer, recreational vehicle or mobile home, or housekeeping units in a hotel or motel or a boarding or lodging house.

## **DWELLING UNIT, APARTMENT**

Means a dwelling unit in an apartment building consisting of a bathroom, a kitchen, and one (1) or more rooms for living, dining, and sleeping.

## **DWELLING UNIT, AREA**

Means the habitable living space contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, unfinished attic, cellar or sun room, unless such sun room is habitable in all seasons of the year, and excludes public or common halls or areas, stairways and the thickness of outdoor walls. **A primary dwelling unit shall be sized no less than 37 m<sup>2</sup>.**

## **DWELLING UNIT, BACHELOR**

Means a dwelling unit consisting of one bathroom and not more than two (2) habitable rooms providing therein living, dining, sleeping, and kitchen accommodation, individually or in combination.

## **DWELLING, CONDOMINIUM**

Means a multiple dwelling in which individual ownerships of dwelling units are permitted under the provisions of the Condominium Act, as amended.

**DWELLING, DUPLEX**

Means a dwelling unit in a building that is divided horizontally or vertically into two (2) dwelling units, each of which has an independent entrance either directly to the outdoor or through a common vestibule or corridor.

**DWELLING, FOURPLEX**

Means a dwelling unit in a building that is divided horizontally or a combination of vertically and horizontally into four (4) dwelling units, each of which has an independent entrance either directly to the outdoor or through a common vestibule or corridor.

**DWELLING, FIVEPLEX**

Means a dwelling unit in a building that is divided horizontally or a combination of vertically and horizontally into five (5) dwelling units, each of which has an independent entrance either directly to the outdoor or through a common vestibule or corridor.

**DWELLING, LINKED**

Means two (2) or more dwelling units linked only below grade by a common foundation.

**DWELLING, MOBILE HOME**

Means a dwelling unit that is designed to be mobile, and constructed or manufactured to provide a permanent residence that is certified in accordance with CSA Standards and meets the requirements for a permanent dwelling under the Building Code, but does not include a trailer, travel trailer or truck camper.

**DWELLING, SINGLE DETACHED**

Means a separate residential building containing only one dwelling unit that is comprised of a kitchen, living space and washroom facilities that are provided for the exclusive use of the residents and has a private entrance from the outside.

**DWELLING, SIXPLEX**

Means a dwelling unit in a building that is divided horizontally or a combination of vertically and horizontally into six (6) dwelling units, each of which has an independent entrance either directly to the outdoor or through a common vestibule or corridor.

**DWELLING, SEMI-DETACHED**

Means a dwelling unit in a building that is divided vertically into two dwelling units that share a common wall above grade.

**DWELLING, SPLIT-LEVEL**

Means a dwelling in which the first floor above the finished grade is so constructed as to create two or more different levels, the vertical distance between such levels being less than the full storey. For the purposes of this By-Law, a split-level dwelling shall be considered as a one storey dwelling.

**DWELLING, SURPLUS**

Means a lot approved by the Committee of Adjustment for the purposes of severing a dwelling surplus to a farm operation. This definition shall not apply to undersized lots created under archaic policies, not pertaining to a surplus farm dwelling.

**DWELLING, TOWNHOUSE**

Means a building containing more than two (2) dwelling units that is divided vertically and where each unit is divided by a common masonry wall and each dwelling unit has an independent entrance to the unit from the outside. This may also include a stacked townhouse which means a townhouse development in which one unit is located above another unit with the building being no more than two (2) stories in height, with no common enclosed access corridor system.

**DWELLING, TRIPLEX**

Means a dwelling unit in a building that is divided horizontally or a combination of horizontally and vertically into three (3) dwelling units, each of which has an entrance to the outside independently or through a common vestibule or corridor.

**EASEMENT**

Means an area of land over which a right of entry has been granted for the purpose of constructing and maintaining a right or service which has been legally described in a registered deed.

**ENDANGERED SPECIES**

Means a species that is listed or categorized as an "Endangered Species" on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

**ENVIRONMENTAL IMPACT STUDY**

Means a study and documentation of the environmental sensitivity of a defined area that assesses the potential impacts and consequences of a proposed development or site alteration that has been prepared by a qualified individual or firm and submitted for review and approval by the Township and other applicable approval authorities.

**EQUIPMENT SALES AND RENTAL ESTABLISHMENT**

Means a premises in which machinery and equipment are offered for sale or kept for rent, lease, or hire.

**ERECT**

Means to build, construct, reconstruct, alter, or relocate and shall include any preliminary physical operation such as excavating, grading, piling, cribbing, filling, or draining and structural alteration of any existing building or structure by an addition, deletion, enlargement, or extension and shall also include removal and relocation, in all instances whether or not such work requires a Building Permit.

**ESSENTIAL EMERGENCY SERVICES**

Means buildings for the provision of fire, police, and ambulance stations; electrical substations; natural gas pumping facilities; and, municipal water supply treatment facilities.

**FAIRGROUND**

Means an agricultural fairground operated by an Agricultural Society established under the authority of the Agricultural and Horticultural Organizations Act, R.S.O. 1990, as amended.

**FARM COOPERATIVE**

Means a retail use providing agricultural or agriculturally related products and services to the agricultural sector.

**FARM IMPLEMENT DEALER**

Means a building, structure, and/or clearly defined space on a lot that is used for the display and sale, lease, or rental of farm implements or equipment, and may include the servicing, repair, cleaning, polishing, and lubricating of such machinery or equipment and the sale of related accessory and products.

**FARM HELP ACCOMMODATION**

Means a building or structure on an agricultural parcel that is used seasonally or temporarily by a person(s) for accommodations as a farm labourer(s) consisting of a kitchen, washroom facilities, and living room, dining room, or bedroom.

**FARM ROAD-SIDE RETAIL STAND**

Means a premises where the products of an agricultural use on the same lot are sold at retail to the traveling public and may include value added produce from the farm.

**FARM PRODUCE SALES OUTLET**

Means a use accessory to an agricultural use which consists of the retail sale of predominantly locally grown agricultural produce which may be supplemented by other agricultural products.

**FARM WINERY OR CIDERY**

Means buildings or structures used for the processing of grapes, fruit, or honey in the production of wines or ciders, including the fermentation production, bottling, aging, or storage of such products as a secondary use to a farm operation.

**FARMER'S MARKET**

Means a premises where farm products are sold from seasonal, non-permanent, open air stalls or booths.

**FEEDLOT**

Means an area of land within a fence, pen, or corral wherein livestock such as cattle, horses, sheep, goats, and/or swine are maintained and no permanent vegetative cover is present due to the density of animals kept within the area of land.

**FILL LINE**

Means a line on a map or By-law Schedule that delineates those lands subject to the Fill, Construction, and Alteration to Waterway Regulations pursuant of Section 28 of the Conservation Authorities Act, R.S.O. 1990, Chapter C27, as amended, and is enforced by the appropriate Conservation Authority.

**FINANCIAL INSTITUTION**

Means a premises in which financial services are offered to the public and includes a bank, credit union, trust company, savings office, or any other retail banking operation.

**FIRST STOREY**

Means the storey with its floor closest to the established exterior grade and having a ceiling more than 1.8 metres above established exterior grade.

**FISH CAMP**

Means the raising and selling of fish to the public where the public also catches such fish, whether or not live release occurs and whether or not the public is required to catch the fish, they are sold, and being undertaken as a commercial venture.

## **FITNESS CENTRE**

Means a premises used for profit or non-profit purposes in which the facilities are provided for recreational or athletic activities such as bodybuilding and exercise classes and may include associated facilities such as a sauna, a swimming pool, a solarium, a cafeteria, and accessory retail uses.

## **FLOOD FRINGE**

For river, stream, and small inland lake systems, means the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

## **FLOOD PLAIN**

For river, stream, and small inland lake systems, means the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

## **FLOOD WAY**

For river, stream, and small inland lake systems, means the portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage.

## **FLOOD HAZARD**

Means the inundation, under the conditions specified below, of area adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) Along the shorelines of the Great Lakes – St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water related hazards;
- b) Along river, stream, and small inland lake systems, the flooding hazard limit is the greater of:
  - i. the flooding resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
  - ii. the one hundred year flood; and,
  - iii. a flood which is greater than i) or ii) which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;
- a) except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

## **FLOOR AREA, TOTAL GROSS**

Means the total area of all floors in a building(s), measured between the exterior faces of the exterior walls of the building or structure at each floor level, exclusive of any basements used for storage purposes.

## **FOOD PROCESSING ESTABLISHMENT**

Means a premises in which food is processed or otherwise prepared for human consumption but not consumed on the premises.

## **FORESTRY**

Means an area of land used for the cultivating and harvesting of trees for the purpose of producing commercial and non-commercial wood products using good forestry practices, including Christmas trees and commercial tree nurseries, and on which the cutting of wood harvested from the lot is located. For the purposes of this By-law, a forestry use does not include a saw and/or wood planing mill or a wood chipping establishment.

## **FUGITIVE EMISSIONS**

Reasonably expected or predictable contaminant occurrences associated with normal operational practices and procedures such as materials handling or outdoor storage, of industrial facilities, which are generally difficult to practically control at the source or on-site. These emissions are not point sources. Fugitive emissions are from all sources. These emissions may include odour, noise, vibration and particulate such as dust. Emissions from a breakdown are not considered 'fugitive'. Breakdown emissions would be covered under a Certificate of Approval contingency plan or are considered to be a 'spill'.

## **FUNERAL HOME**

Means a provincially licensed and regulated premise used for furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the human body for interment or cremation.

## **GARAGE**

Means an enclosed building, or part thereof, designed and used for the storage of motor vehicles, tools and household equipment accessory and incidental to residential occupancy, and in which no business, occupation, or service is conducted for profit unless otherwise specifically permitted in this By-law.

## **GARAGE, ATTACHED**

Means a private garage attached to, but subordinate, incidental to, and exclusively devoted to a dwelling unit.

## **GARDEN SUITE**

Means a detached residential structure containing bathroom and kitchen facilities that is an accessory use to an existing dwelling unit and is designed to be portable or removable in accordance with an agreement required for construction and use.

## **GAS BAR**

Means the use of land for one or more gasoline pump islands, as well as any associated canopy and buildings/structures. Such buildings shall be used primarily for the sale of fuel and small accessories required for the operation of motor vehicles, and shall not be used for washing, repairs, oil changes, greasing, or any other maintenance to vehicles. Accessory sale of convenience items to the traveling public may also occur.

## **GOLF COURSE**

Means an outdoor public or private area operated for the purpose of playing golf and includes a golf course, golf course driving range, putting greens, and a miniature golf course and which may include, as accessory uses, a restaurant, a retail store that sells golf equipment and

accessories, fitness centre, and other buildings or structures devoted to the maintenance and operation of the golf course.

### **GOLF DRIVING RANGE**

Means an open air or indoor facility where the sport of golf is practiced from individual tees and which may include an accessory structure to house the tees, golf balls and golf club rentals, and a structure from which the golfers tee off.

### **GOOD FORESTRY PRACTICES**

Means:

- a) The proper implementation of harvest, renewal, and maintenance activities known to be appropriate for the forest and environmental conditions under which it is being applied and which minimizes detriments to forest values including important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health; and the aesthetic and recreational qualities of the landscape; and,
- b) The cutting and removal of hazardous, severely damaged, diseased, and insect infested trees which must be removed in order to prevent contamination or infestation of other trees, or which no longer contribute to the achievement of forest values.

### **GRADE**

Means the level of the proposed, finished, established or natural ground adjacent the outdoor wall of a building or structure. Finished grade means the final elevation of the ground after development. When expressed as a percent or ratio, grade means the degree of rise or descent of a sloping surface.

### **GROUP HOME**

Means a community-based housekeeping unit in which up to five individuals, exclusive of staff or receiving family, live under responsible supervision consistent with the requirements of its residents and shall only mean accommodation for residents requiring some form of car and assistance with the physical, social or intellectual tasks of daily living. This does not include a drug or alcohol rehabilitation centre, a half-way house, a criminal rehabilitation/parolee centre, or a foster home.

### **GUEST ROOM**

Means a room or suite of rooms used or maintained for the accommodation of the traveling public, and which contains no provisions for cooking.

### **HABITABLE LIVING SPACE**

Means any space designed for or capable of being designed for living, sleeping, eating, or food preparation, and may also include a den, library, sewing room, enclosed sun room, or basement.

### **HARD SURFACE**

Means a ground surfacing material such as asphalt, concrete, paving stone, or like material which creates a contiguous hard, immovable surface.

### **HAZARDOUS SUBSTANCES**

Means substances which individually, or in combination with other substances, are normally considered to pose a danger to public health, safety, and the environment. These substances



generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive, or pathological.

## **HEIGHT**

For a building, means the vertical distance between the lowest finished grade at all points around the perimeter of the base or foundation and the highest point of the roof assembly, exclusive of a chimney, spire, steeple or flagpole. For a structure, means the vertical distance between the lowest finished grade at all points around the perimeter of the base or foundation and the highest point of the structure, exclusive of a deck railing or other appurtenance that projects above the top of the structure and does not form an integral part of the structure itself.

## **HEIGHT, MAXIMUM**

Means the maximum height permitted.

## **HEREIN**

Means "in this By-law" and shall not be limited to any particular section of this By-law.

## **HIGH GROUNDWATER LEVEL**

Means the average annual high water level below the surface of the ground in a surficial groundwater deposit as determined at any particular time on any part(s) of a lot by either the Township or Nottawasaga Valley Conservation Authority, or as determined by a qualified engineer or hydrogeologist and approved by the Township or Nottawasaga Valley Conservation Authority.

## **HOME INDUSTRY**

Means a small-scale industrial use as specified in this By-law, that provides services or wares to the rural community and which is an accessory use. For the purpose of this By-law, the repairing of motor vehicles is not a home industry. However, this does not in any way limit the ability of a resident to repair their own equipment or machinery on the property as a normal, incidental use.

## **HOME OCCUPATION**

Means an occupation, trade, business, profession, or craft as specified in this By-law carried on as an accessory use by members of the household on a lot.

## **HOSPITAL**

Means any institution, building, or other premises established for the treatment of persons afflicted with or suffering from sickness, disease, or injury for the treatment of convalescent or chronically ill persons, as a public hospital.

## **HOTEL**

Means a premises that contains rooms without cooking facilities that are accessed by a common indoor corridor system and which are rented on a temporary basis, for less than two weeks at one time, to the public for accommodation purposes and which may contain a public dining area, meeting rooms, accessory banquet facilities, or other accessory uses such as gift shops, fitness centres, restaurants, nightclubs, and convention facilities. This does not include motels, boarding or lodging houses, and apartments.

## **HOUSEHOLD**

Means one (1) or more persons living as a single housekeeping unit in a dwelling.



## **INDUSTRIAL USE**

Means the use of land, buildings, or structures designed for the purpose of manufacturing, assembling, making, inspecting, finishing, altering, repairing, warehousing or storing any goods, substances, articles, or things or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supply of personal services.

## **INN**

Means a building which is used for the overnight sleeping accommodation of the traveling public for less than two weeks at one time, with or without meals, and which shall include residential accommodation for the owner or caretaker.

## **INTENSIFICATION**

The development of a property, site or area at a higher density than currently exists through:

- a) Redevelopment, including the reuse of brownfield sites;
- b) The development of vacant and/or underutilized lots within previously developed areas;
- c) Infill development; or,
- d) The expansion or conversion of existing buildings.

## **KENNEL, BOARDING**

Means a building or structure where three (3) or more canines are housed for a fee, but does not include a kennel operated as part of a veterinary service. A kennel may also incorporate as a use, the training of canines housed at the kennel.

## **KITCHEN**

Means a room or part of a room where food is stored, prepared, or cooked, and which has cooking appliances and one (1) or more sinks.

## **LANDFILL SITE**

Means land, buildings, or parts of buildings used for the disposal of waste by deposit, under controlled conditions, and includes compaction of waste into cells and covering waste with layering materials at regular intervals.

## **LANDSCAPING**

Means trees, shrubs, flowers, grass, or other horticultural elements, decorative stonework, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and shall not include parking areas, walkways, driveways or ramps.

## **LANDSCAPE BUFFER**

Means a landscaped or naturally planted area or strip, which serves to provide separation and to partially or obstruct the view of adjacent land uses and shall consist of landscaping with trees, shrubs, grass, flower beds, or a combination thereof. A landscaped berm and an open decorative fence may also be utilized as a component of the landscaped buffer.

## **LANDSCAPE SCREEN**

Means a landscaped or naturally planted area or strip, which serves to provide separation and to fully obstruct the view of adjacent land uses and shall consist of a row of trees or a continuous hedgerow of evergreens or shrubs immediately adjacent to the lot line.

### **LANDSCAPED OPEN SPACE**

Means the open, unobstructed space at grade 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, trees, and other landscaping and includes surfaced patio, or similar area, but does not include any driveway, walkway, parking surface, or ramp, whether surfaced or not, any curb, retaining wall, parking area, or any open space beneath or within any building or structure.

### **LANE**

Means a secondary thoroughfare which is not intended for general traffic circulation and which provides public or private means of vehicular access to an abutting property, but does not include a street. A lane does not provide a lot with frontage for the purposes of this By-law.

### **LARGE INLAND LAKES**

Means those water bodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.

### **LAUNDROMAT**

Means premises where coin-operated laundry machines, using only water, detergents and additives are made available to the public for the purpose of cleaning clothes and other articles of fabric.

### **LIBRARY**

Means premises containing printed, electronic, and pictorial material for public use for purposes of study, reference, and recreation.

### **LIVESTOCK ASSEMBLY AREA**

Means an area in which farm animals or livestock are assembled in a concentrated area for purposes of treatment, feeding, or future transport.

### **LIVESTOCK**

Means farm animals and includes dairy, beef, swine, poultry, horses, goats, sheep, ratites, fur-bearing animals, deer and elk, game animals, birds and other like animals.

### **LIVESTOCK FACILITY**

Means permanent structures with livestock occupied portions, intended for keeping or housing of livestock, including feedlots, and containing one or more barns or structures. Includes manure storage and composting and digester systems, subject to meeting the applicable provisions of this By-law.

### **LIVESTOCK FARM**

Means the use of land for the purpose of raising livestock for consumption or enjoyment and may include aquaculture and a feedlot. This use includes agricultural buildings/structures livestock housing and feed/bedding storage, manure management facilities, and associated outside storage.

### **LIVESTOCK HOUSING CAPACITY**

Means the total maximum number of livestock that can be accommodated in a livestock facility at any one time.

## **LIVESTOCK UNIT**

Means the equivalent values for various types of livestock, swine, and poultry based upon manure production and reproduction cycles.

## **LOADING SPACE**

Means an unobstructed and off street area of land which is used for the temporary parking of one or more commercial motor vehicles while merchandise or materials are being loaded or unloaded from such vehicle.

## **LOT**

Means an existing parcel of land which has a good and marketable title and may legally be conveyed or transferred by an owner in accordance with the Planning Act or is described in accordance with a registered Plan of Condominium.

## **LOT AREA**

Means the total horizontal area, measured using a two-dimensional plan view, within the lot lines of a lot.

## **LOT COVERAGE**

Means the percentage of the lot covered by all buildings Structures or other items shall be included in the calculation of coverage where specified in the By-law.

## **LOT DEPTH**

Means the horizontal distance between the front and rear lot lines. Where these lines are not parallel or equal in length, it shall be the length of a line joining the mid-points of the front and rear lot lines.

## **LOT FRONTAGE**

Means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line, means the horizontal distance between the side lot lines such distance being 8 metres from the front lot line.

## **LOT LINE**

Means a line delineating any boundary of a lot.

## **LOT LINE, EXTERIOR SIDE**

Means the lot line of a lot, other than the front lot line, which divides the lot from a public street.

## **LOT LINE, FRONT**

Means the line which divides the lot from the public street, but, in the case of:

- a) A corner lot, the shortest of the lot lines that divides the lot from the public street shall be deemed to be the front lot line, however the shortest lot line shall not be a line created by the requirement for a sight triangle;
- c) A through lot, the shortest of the lot lines that divides the lot from a public street shall be deemed to be the front lot line;
- d) A corner lot where such lot lines are of equal length and where one lot line abuts a County road or Provincial highway, the front lot line shall be deemed to be that line which abuts the County Road or Provincial Highway; and,

- e) A corner lot where such lot lines are of equal length and where the lot lines abut a public street under the same jurisdiction, the Township may designate either street line as the front lot line.

**LOT LINE, INTERIOR SIDE**

Means a lot line, other than a rear lot line, that does not abut a public street.

**LOT LINE, REAR**

Means the lot line opposite to, and most distant from, the front lot line and not abutting a public road. A through lot shall be considered not to have a rear lot line. The lot line(s) abutting a public road that are not the front lot line shall be the exterior lot line(s).

**LOT OF RECORD**

Means a legally existing parcel of land in one ownership that was created under the authority of the Planning Act or other legal means. A lot of record is capable of being developed by virtue of meeting the requirements of this By-law, as a legal non-conforming lot or a conforming lot, or by virtue of being located within a settlement area. No lot in the following archaic plans shall be considered a lot of record: 51R-448, 51R-545, 51R-552, 51R-599, 51R-708, 51R-727A, Plan 110, the unregistered Fisher Plan (33/34 Sd Rd and Conc 5), 51R-576, 51R-617, 51R-618, 51R-619, 51R-620, 51R-621, 51R-704, 51R-705, 51R-706, 51R-707, Plan 111, and Plan 72.

**LOT, THROUGH**

Means a lot bounded on two non-contiguous sides by streets.

**MACHINE OR WELDING SHOP**

Means a building, or part of a building, where fabrication or manufacturing is performed by tradesman requiring manual or mechanical skills.

**MAIN WALL**

Means the exterior, front, side, and/or rear wall of a building and all structural components essential to the support of a fully enclosed space.

**MANUFACTURING**

Means the use of land, buildings, or structures designed for the purpose of manufacturing, assembling, preparing, inspecting, finishing, treating, altering, repairing, storing, or adapting for sale, any goods, substance, or articles but shall not include an noxious industry, mine, pit, or quarry.

**MARINA**

Means a premises containing docking facilities where boats or boat accessories are berthed, stored, serviced, repaired, constructed or kept for sale or rent and where facilities for the sale of marine fuels or lubricants, accessory retail sales, and a taxi service are provided and where wastewater pumping facilities may be provided.

**MARKET GARDEN**

Means an area of land that is used for the growing of vegetables, berry fruit crops, and/or flowers that are then sold on the lot to customers who either purchase the product after it has been picked or pick the product themselves.

## **MARINE SALES AND SERVICE ESTABLISHMENT**

Means premises where boats and boat accessories are sold, rented, stored, and/or repaired.

## **METAL PRODUCTS FACTORY**

Means a factory for forging, rolling, stamping or drawing, casting, fabricating, grinding, turning, machining, heat-treating, galvanizing, plating, coating, annealing or any other fabrication or processing of metals.

## **MEDICAL CLINIC**

Means a premises used by two or more practitioners at any one time for the medical, dental, surgical and/or therapeutic diagnosis and treatment to the general public, without overnight accommodation and may include accessory dispensary facilities, common administration and/or reception areas, and offices used by medical or health care professionals, but does not include a public or private hospital.

## **MODEL HOME**

Means a building which is used on a temporary basis as a sales office and/or as an example of the type of dwelling that is for sale in a related development and which is not occupied or used for human habitation.

## **MORE STRINGENT RESTRICTIONS**

Means those restrictions which are more restrictive toward development or site alteration, which would be more prohibitive to development or site alteration, or those restrictions which would result in greater protection of the public interest and environment. Those restrictions may refer to limitations concerning permitted land uses or to the regulations and provisions of this By-law or the requirements established by any Federal or Provincial legislation or regulation.

## **MOTEL**

Means a premises that contains rooms with no private cooking facilities that are rented on a temporary basis, for less than two weeks at one time, to the traveling public with each room being accessed from the outside.

## **MOTOR VEHICLE/VEHICLE**

Means a motor vehicle, traction engine, farm tractor, and any vehicle drawn, propelled, or driven by any kind of power, not including muscular power. This definition does not include rail or street cars. The term motor vehicle or simply vehicle includes personal, commercial, farm and recreational vehicles, and shall also include non-motorized vehicle accessories, such as trailers and implements. A vehicle does not include a mobile home dwelling. From time to time the By-law may refer to a specific category of vehicle. In these cases, the following definitions shall apply:

**Commercial Vehicle** means a motor vehicle licenced and/or intended for commercial use, and includes but is not limited to a transport truck and/or trailer, utility trailer, heavy machinery or coach/bus.

**Farm Vehicle** means a motor vehicle licenced and/or intended for farm use, and includes but is not limited to a tractor, combine, implement, livestock trailer or bin/wagon. This definition may include transport trucks and trailers and heavy machinery dedicated exclusively to a bone fide farm operation.

**Personal Vehicle** means a motor vehicle intended for personal use, and includes but is not limited to a car, pick-up truck, mini-van, SUV or motorcycle.

**Recreational Vehicle** means a motor vehicle intended for recreational use, and includes but is not limited to a motor home, travel trailer, boat or personal utility trailer. For the purpose of this definition one or two (1 or 2) snowmobiles or one or two (1 or 2) ATVs shall be counted as one single recreational vehicle. A single recreational vehicle stored upon/within a personal utility trailer may be counted as one recreational vehicle.

#### **MOTOR VEHICLE BODY SHOP**

Means premises used for the painting and/or repairing of the interior and/or exterior and/or the undercarriage of automobile bodies but shall not include an automobile wrecking yard or salvage yard, a car wash, or the sale of gasoline or other motor fuels.

#### **MOTOR VEHICLE REPAIR ESTABLISHMENT**

Means a building or structure, other than a private garage, which is used for the servicing and repairing, or using equipment essential to the actual operation of automobiles/motor vehicles and includes the servicing, repairing, cleaning, polishing, and greasing of vehicles and may include vehicular body repair, preventative maintenance, and repainting and accessory automotive sales, which may include a towing service, but shall not include an automobile wrecking yard or salvage yard, a car wash, or the sale of gasoline or other motor fuels.

#### **MOTOR VEHICLE SALES ESTABLISHMENT**

Means a building and/or lot used for the display and sale of new and used motor vehicles and may include the servicing, repair, cleaning, polishing, greasing, body repair, and repainting of motor vehicles, the sale of automotive accessories and related products and the leasing or renting of motor vehicles, but shall not include any other defined automotive use.

#### **MOTOR VEHICLE SERVICE ESTABLISHMENT**

Means a building or a clearly defined space on a lot where gasoline or other motor fuels and accessories are stored or kept for sale, and where motor vehicles or farm implements and machinery may receive maintenance, minor, or repairs essential to the actual operation of the vehicle but shall not include a car wash or motor vehicle repair garage or body shop.

#### **MOTOR VEHICLE WASH FACILITY**

Means a building, structure or part thereof, used for the washing of motor vehicles with automatically operated equipment located wholly within an enclosed building, structure or part thereof, but shall not include time-pay washing facilities, coin-operated washing facilities, wand washing facilities or other manually operated equipment or facilities for the washing of motor vehicles.

#### **MUNICIPALITY**

Means the Corporation of the Township of Clearview.

#### **MUNICIPAL SERVICES**

Means sewage services and water services that are owned or operated by a municipality.

#### **MUSEUM**

Means a facility that is used for the preservation of a collection of paintings, other works of art, and/or objects of natural or scientific history, philosophical inventions, instruments,

models, and/or designs, and which may also include libraries, reading rooms, laboratories, and accessory offices.

**MULTIPLE RESIDENTIAL**

Means three (3) or more residential units in the same structure.

**NATURAL HERITAGE FEATURE**

Means features and areas including a significant wetland, significant woodland, significant valley lands, significant wildlife habitat, significant areas of natural and scientific interest, significant portions of the habitat of endangered or threatened species, or fish habitat as identified by the Township, County of Simcoe, Nottawasaga Valley Conservation Authority, or Province of Ontario.

**NATURAL HERITAGE SYSTEM**

Means a system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems may include lands that have been restored and areas with the potential to be restored to a natural state.

**NATURE INTERPRETATION CENTRE**

Means a premises in which maps, exhibits, and documents are displayed for the purpose of explaining a natural heritage system to the public.

**NEIGHBOURHOOD CONVENIENCE STORE**

Means a premises occupying no more than 200 square metres where food, tobacco, medication, periodicals and similar items of daily household necessity are sold primarily to the residents in the immediate area.

**NIGHTCLUB**

Means premises whose primary function is the provision of theatrical performances, pre-recorded music, or live musical entertainment, whether such pre-recorded music or live music is provided for listening or dancing by the patrons, or any combination of the above functions, and whose accessory function is the sale and consumption on the premises of food and alcoholic beverages, but does not include a restaurant, banquet facility, or an adult entertainment business.

**NON-COMPLYING**

See non-conforming.

**NON-CONFORMING**

One or more of the following:

- a) The use of land or building/structure for a purpose that is not identified as a permitted use within the zone classification in which the land or building/structure is located.
- b) Land or buildings/structures that do not meet the provisions of the zone classification for which the land or building/structure is located, or do not meet other applicable provisions of the Zoning By-law.

**NORMAL FARM PRACTICES**

Means a practice, as defined in the Farming and Food Production Protection Act, 1998, as may be amended from time to time, that is conducted in a manner consistent with proper and



acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act.

### **NOXIOUS USE**

Means a use which, from its nature or operation, creates a health hazard, creates a nuisance, or is liable to create a health hazard, or become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust, or objectionable odour, or by reason of the matter, waste, or other material generated by the use. A use or component of a use which occurs in accordance with and in full compliance of an approval issued by an approval authority shall be deemed not to be an noxious use to the extent only of that particular authorized use or component of that use.

### **NURSING, RETIREMENT OR ASSISTED CARE HOME**

Means a premises in which lodging is provided, with or without meals, and provides support, nursing or medical care and treatment, but does not include a hospital.

### **NURSERY OR GARDEN SUPPLY CENTRE**

Means a building, structure, or lands where young trees or other plants are grown for transplanting or sold for transplanting and may also include the sale of related accessory supplies.

### **OCCUPANCY**

Means to reside in or use as an owner or tenant on a permanent or temporary basis.

### **OFFICE BUILDING**

Means a premises in which persons are engaged in the management and direction of a business or enterprise, the practice of a profession, or provision of a service including administration and financial, but does not include a personal service shop or a medical clinic.

### **ONE HUNDRED YEAR FLOOD**

For river, stream, and small inland lake systems, means that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

### **ONE KILOMETRE SEPARATION LINE**

Means the lands that are located within 1 kilometre from the municipal boundaries of the Town of Collingwood, Town of Wasaga Beach, or Township of Essa.

### **OPEN SPACE**

Means a space unoccupied by buildings and/or structures open to the sky on the same lot with a building.

### **ORGANIZED RECREATIONAL TRAIL**

Means a defined path or trail, which is intended for the use of the public for recreation purposes and is administered by a government agency or registered non-governmental agency.



**OUTDOOR DISPLAY AND SALES AREA**

Means an area devoted to the retail sale or display of produce, merchandise, or the supply of services.

**OUTDOOR STORAGE**

Means an area of land used in conjunction with a business located within a building or structure on the same lot, for the storage of goods, equipment, and raw or processed materials.

**OUTDOOR PATIO**

Means an area adjacent to a restaurant located on the same lot used exclusively for dining and drinking.

**OUTDOOR LIVING AREA**

Means an outside area on the same lot as a dwelling and to the possession of which the residents of a dwelling unit are entitled.

**PARK**

Means an area, consisting largely of open space, which may include a recreational area, playground, play field, or similar use, but shall not include a mobile home park, a campground, trailer park, or an industrial park.

**PARK, PUBLIC**

Means any area of land under the jurisdiction of a public authority that is designed and/or maintained for recreational purposes. Without limiting the generality of the foregoing, a public park may include municipal parks and playgrounds, swimming pools, beach areas, tennis courts, bowling greens, arenas, boating facilities, sports fields and ancillary retail uses and regional open space and recreational uses operated by a public authority which areas may include a camping establishment operated by a public authority.

**PARK, PRIVATE**

Means an open space or recreational area other than a public park, operated on a commercial and/or private member basis.

**PARKING AISLE**

Means an area of land which abuts or provides vehicular access to one (1) or more parking spaces.

**PARKING AREA OR LOT**

Means an area of land not located on a public street or private street that is used for the parking of one (1) or more motor vehicles, with or without a fee being charged. A parking area/lot includes drive aisles, ingress/egress driveways, and parking/loading spaces.

**PARKING GARAGE**

Means a building, or part thereof, used for the storage or parking of motor vehicles.

## **PARKING SPACE**

Means an area of no less than 3 metres in width and 6 metres in length, excluding any aisles or ingress and egress lanes, usable for the temporary parking or storage of a motor vehicle, and may include a private garage or carport, and suitably surfaced and demarcated for such use. Each parking space dedicated for persons with disabilities shall have a minimum width of 4.3 metres and a minimum depth of 6 metres and be located in close proximity to building entrances and accessible ramps, walkways, and elevators.

## **PARKING STRUCTURE, UNDERGROUND**

Means an accessory structure for the storage of passenger motor vehicles below either partially or wholly below ground excluding the entrance which may be located above ground at any point or a parking area located entirely below a building.

## **PARTIAL SERVICES**

Means:

- a) Municipal sewage services or private communal sewage services and individual on-site water services; or,
- b) Municipal water services or private communal water services and individual on-site sewage services.

## **PARTNERED SEWAGE COLLECTION SYSTEM**

Means the entirety of the sewage collection system which collects and directs flows for sewage treatment to the Town of Wasaga Beach Sewage Treatment Plant.

## **PASSIVE RECREATION**

Means an activity or use of land carried out for recreational purposes which does not require the construction of buildings or the alteration of soil or topography and includes open space and environmental areas.

## **PERSON**

Means any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors or legal representatives of a person to whom the context can apply in law.

## **PERSONAL SERVICE SHOP**

Means premises in which persons are serving to the individual needs of a customer which may involve the health, beauty or grooming of a person or pet or the maintenance, cleaning, or repair of personal apparel or accoutrements and may include associated accessory retail sales, but shall not include a use otherwise defined in the By-law.

## **PLACE OF AMUSEMENT**

Means a premises that contains facilities that offer games of skill and competition for the amusement of the public, such as motion simulation rides, virtual reality games, video games, computer games, laser games and similar types of uses, but does not include casinos or any other establishment accommodating gambling or gaming activities, wagering or betting, video lottery and gaming machines or any other similar type of gambling use or an adult entertainment use.

**PLACE OF ENTERTAINMENT**

Means a premises where entertainment is offered for profit and may include a motion picture or other theatre, arena, auditorium, public hall, casino, billiard, pinball or pool room, bowling alley, ice or roller skating rink, or other similar uses, but does not include adult entertainment or any other place of entertainment or amusement otherwise specified, defined, or classified in this By-law.

**PLACE OF WORSHIP**

Means a building set aside by any religious organization for public worship and may include a church hall, church auditorium, nursery school, convent, monastery, parish hall, church shelter offering overnight shelter at no cost, church thrift shop, religious counseling office and additional community activities.

**PORCH**

Means a structure abutting a main wall of a building having a roof but with walls that are generally open and unenclosed.

**PORTABLE ASPHALT PLANT**

Means equipment that is used to produce asphalt and which is capable of being readily drawn by a motor vehicle and which is not permanently affixed to the ground.

**PREMISES**

Means an area of a building occupied or used by a person, business, or enterprise.

**PRIMARY METALS PLANT**

Means a smelter, blast furnace, cupola, foundry, mill, or other factory for the production of primary iron, steel, or other metals.

**PRINCIPAL USE**

Means the primary use of the lot.

**PRINTING ESTABLISHMENT**

Means premises in which books, newspapers, periodicals, flyers, or other printed materials are produced for subsequent sale or distribution but does not include an office where written material is produced or printed as a normal course of office activity.

**PRIVATE SCHOOL/ACADEMY OR RELIGIOUS SCHOOL**

Means a school, other than public or separate school, where academic subjects are taught or which is maintained for philanthropic or religious purposes and may include associated lodging and meal facilities for staff and students.

**PRIVATE CLUB**

Means a premises used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social, or cultural purposes. This definition does not include uses that are normally carried out as a commercial enterprise and does not include an adult entertainment establishment.

**PRIVATE SEWAGE SERVICES**

Means a sewage works that serves a lot or private residence and is not owned by a municipality.

### **PRIVATE WATER SERVICES**

Means a non-municipal drinking water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002, as amended from time to time, that serves one or more lots or private residences.

### **PRIVATE HOME DAYCARE**

Means the use of a dwelling unit, as a permitted home occupation, regulated under the Child Care and Early Years Act for the temporary care of children for compensation for a continuous period not exceeding twenty-four hours.

### **PRODUCE FARM**

Means lands used for the tillage of soil and the growing of crops, including vegetables, fruits, grains and legumes, and also means lands used for maple sap harvesting, agro-forestry, or apiaries. This use includes primary and accessory agricultural building/structures, and also includes on-farm uses involving the farm's own commodities only, including: minor processing, storage, and outside storage. A produce farm may also include an accessory farm winery or cidery.

### **PUBLIC**

Means, when used in reference to a building, structure, use or lot, a building, structure, use or lot used by a public agency to provide a service to the public.

### **PUBLIC AUTHORITY**

Means any Provincial, County, or Municipal commission, board, or authority. Public authority also includes a telephone, natural gas, railway and electrical company in reference to their direct servicing facilities such as transmission lines, pipelines and associated switching/pumping stations and similar in-ground or above ground services, but excludes office or commercial buildings or other buildings or structures not related directly to servicing facilities.

### **PUBLIC INFORMATION CENTRE**

Means a premises in which maps and information on accommodation and recreational activities are sold or provided without charge, to the traveling public.

### **PUMP HOUSE**

Means a building or structure in which a pump for drawing, storing, and/or pressurizing water is located.

### **RECREATION AND ATHLETIC FACILITY**

Means a building or structure designated and equipped for the conduct of sports and leisure time activities such as a gymnasium, swimming pool, ice rink, tennis court, racquet ball court, weight room, sauna, and may also include outdoor facilities such as outdoor bowling, sports field, or basketball court.

### **RECREATIONAL USE**

Means a use of land, building or structure that has been designed and equipped for the conduct of sports and leisure time activities such as a bowling alley, a curling rink, a billiard hall, an indoor golf driving range and other such uses, but does not include a commercial fitness centre, any use requiring the outdoor operation of motor vehicles, a track for the

rating of animals, motor vehicles, snowmobiles or motorcycles, or any other sports or leisure time use otherwise defined by this Bylaw.

**RECREATIONAL VEHICLE DEALER**

Means a building, structure, and/or clearly defined space on a lot used for the display and sale, lease or rental of recreational vehicles or equipment such as snowmobiles, all terrain vehicles, trailers, campers, and boats, and may include the servicing, repair, cleaning, polishing, and lubricating of such machinery or equipment and the sale of accessory and related products.

**RECYCLING FACILITY**

Means a premises in which used materials are separated and/or processed prior to shipment to other facilities who will use those materials to manufacture new or recycled products, but does not include a composting facility.

**REGULATORY FLOOD**

Means the flood resulting from the Timmins storm or the one hundred year return period storm, whichever is greater.

**REHABILITATION CENTRE**

Means a community-based housekeeping unit in which up to five unrelated individuals, exclusive of staff or receiving family, live as a family under responsible supervision consistent with the requirements of its residents, and/or a drop in centre, either for the purposes of drug or alcohol rehabilitation, a half-way house, a criminal rehabilitation/parolee centre.

**RENOVATION**

Means the external or internal alteration of a building or structure.

**RENEWABLE ENERGY SYSTEM**

Means the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

**RENTAL STORE**

Means a building or part of a building where goods are kept for the purposes of temporary loan to the public for gain but shall not include an automotive leasing establishment.

**RESEARCH LABORATORY**

Means a premises used for research and development involving natural and physical sciences.

**RESERVE**

Means a strip of land abutting a public street and owned by the authority having jurisdiction over such a public street. For the purposes of this By-law, a lot separated from a public street by a reserve shall be deemed to abut such a public street for the purposes of establishing a front lot line but shall not have frontage on a public street for the purposes of determining compliance with frontage requirements.

**RESIDENTIAL**

Means the use of land, buildings, or structures for human habitation.

## **RESPONSIBLE AUTHORITY**

Means the authority having responsibility under relevant legislation for issuing a particular approval or for commenting on and approving studies submitted by an applicant or owner.

## **RESTAURANT**

Shall mean:

- a) A building, or part of a building, where food and beverages are prepared and offered for sale to the public for immediate consumption on the premises;
- b) A building or structure, or part thereof, where food and beverages are prepared and offered for sale to the public for consumption off the premises, here-in-after referred to as a take-out restaurant;
- c) A building or structure, or part thereof, where food and beverages are prepared and offered for sale to customers normally travelling in motor vehicles which are driven on to the site where the restaurant is located and the customer remains in the vehicle for service, here-in-after referred to as a drive-through restaurant; and,
- d) A combination of these uses.

The definition of a Restaurant shall also include:

- a) A restaurant licensed to serve alcohol;
- b) As an accessory use, a kitchen or bakery for the production of food for sale to the public on the premises;
- c) An outdoor patio; and,
- d) A sidewalk patio.

## **RESTAURANT, DRIVE-THRU**

Means a premises where food is prepared and served to the public while in motor vehicles by means of an order or window service which motor vehicles approach in designated lanes.

## **RESTAURANT, TAKE-OUT**

Means a building or structure or part thereof where food is prepared and offered for sale to the public for consumption off the premises.

## **RETAIL STORE**

Means a premises in which goods, wares, merchandise, substances, articles, or things are offered for direct sale to the general public and includes storage on the premises of limited quantities of such goods, merchandise, substances, articles or things to only service such store, but does not include outdoor storage or any other use otherwise defined in this By-law.

## **RETAINING WALL**

Means a wall built as a grade separation structure.

## **RETIREMENT HOME**

Means a premises that provides accommodation primarily to retired persons where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food may be provided, and where common lounges, recreation rooms, and other facilities may also be provided.

## **RIGHT-OF-WAY**

Means an area of land that is legally described in a registered deed for the provision of private access on which there is usually a lane. A right-of-way is not a street and does not provide frontage.

## **RIVER, STREAM AND SMALL INLAND LAKE SYSTEM**

Means all watercourses, rivers, streams, and small inland lakes or water bodies that have a measurable or predictable response to a single runoff event.

## **ROOF**

Means a component of a building or structure that is supported by walls and/or columns and which provides overhead shelter from the rain and/or sun.

## **ROOMER/LODGER**

Means a person other than the lessee, tenant, owner or person related thereto to whom temporary lodging is provided for monetary compensation but does not include a guest of a retirement or nursing home, hotel, motel or convention centre.

## **ROOMING/BOARDING/LODGING HOUSE**

Means a detached dwelling where a lodging for four (4) or more persons is provided in return for remuneration or the provision of services or both and where the lodging units do not have both bathroom and kitchen facilities for the exclusive use of individual occupants.

## **SALVAGE YARD**

Means land or buildings used for an automobile wrecking yard, the keeping and/or storing of used building products, waste paper, rags, bones, bottles, bicycles, automobile tires, old metal, other scrap material, or salvage, and where such materials are bought, sold, exchanged, baled, packed, disassembled, or handled for further use.

## **SAW AND/OR PLANING MILL**

Means a premises where timber is cut, sawed, or planed either to partially finished or finished lumber and may include facilities for the kiln drying of lumber and the sale of such products to the public.

## **SCHOOL**

Means a provincially approved institution for academic instruction and may include a public, private, or separate school, a vocational school, or a post secondary school such as a college or university. School portables are a primary use and are considered to be a primary building, not an accessory building.

## **SECONDARY RESIDENTIAL USE**

Means uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.

## **SENSITIVE LAND USE**

Means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be part of the natural or built environment. Examples may include, but are not limited to, residences, day care centres, and educational and health facilities.

## **SERVICE INDUSTRY**

Means a building supply outlet, a truck depot, or repair facility, a printing or publishing establishment, a dry cleaning facility or laundry plant, a paint shop, plumbing shop, sheet metal shop, or a warehouse.

## **SERVICE SHOP**

Means premises used for the servicing or repairing of articles, goods, or materials such as radio and television receivers, apparel, vacuum cleaners, refrigerators, washing machines, sewing machines, and other domestic appliances, musical instruments, sound and public address systems, hosiery, shoes, cameras, toys, jewelry, watches, clocks, safes and locks, bicycles, wheel chairs and orthopedic appliances.

## **SETBACK**

Means, in the appropriate context of the requirements of this By-law:

- a) The horizontal distance from a lot line, measured at right angles to such lot line, to the nearest part of any building or structure on the lot, as specified in this By-law for a specific separation between a certain feature or facility and a building, structure, use or lot line; or,
- b) The minimum horizontal distance between two features as specified in this By-law.

## **SETTLEMENT AREA**

- a) Means lands have been identified in the Township's Official Plan as being within a settlement area.

## **SHOPPING CENTRE**

Means a group of commercial establishments designed, developed, and managed as a unit by a single owner or tenant, or group of owners or tenants, as opposed to a business area comprising unrelated individual commercial establishments.

## **SIDEWALK PATIO**

Means an accessory use to a restaurant and an area used exclusively for dining and drinking and abuts a street level establishment located within the sidewalk area of the public right-of-way of a public, year round maintained road under the jurisdiction of the Township.

## **SIGHT TRIANGLE**

Means on a corner lot is a line joining a point on the lot line to a point on the front lot line of open public streets, with each such point being 6 metres from the hypothetical point of intersection of the exterior side and the front lot line. Notwithstanding the definition of a sight triangle, if the lot abuts a railway crossing at grade, the sight triangle is a line joining a point on the lot line abutting the railway right-of-way to a point on the lot line abutting an open public street, with each point being 30 metres from the hypothetical point of intersection of the lot line abutting the railway right-of-way and the lot line abutting the public street.

## **SIGN**

Means a name, identification, description, device display, or illustration which is affixed to or represented directly or indirectly upon a building structure or lot, which directs attention to an object, product, place, activity, person, institute, organization, or business.



### **SIGNIFICANT NATURAL GAS PIPELINE**

Means a main high pressure gas line and associated pressure and pumping stations by does not include lines there from which are customarily or normally used to service municipal streets and customers along those streets. Where necessary for clarification, the utility authority shall be contacted by the municipality for the purposes of designating a significant natural gas pipeline.

### **SITE ALTERATION**

Means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

### **SKI FACILITY**

Means an area of land with trails and lifts used by skiers and which may include, as accessory uses, a restaurant, a club house, a retail store that sells ski equipment and accessories, and other buildings or structures devoted to the maintenance and operation of Nordic and Alpine ski facilities.

### **SKI LIFT**

Means a device used to transport skiers from the base of a hill to the top of the hill, such as a T-bar, poma, or chair lift.

### **SOLAR COLLECTOR**

Means a structure for the collection of solar energy for experimental or ornamental purposes or for the production of energy for heating or lighting or generation of electricity.

### **SPILL**

When used with reference to a pollutant, means a discharge:

- a) Into the natural environment;
- b) From or out of a structure, vehicle or other container; and,
- c) That is abnormal in quality or quantity in light of all the circumstances of the discharge.

### **STAIRS**

Means any combination of risers and treads that provide access to a deck, porch, dwelling unit, or any other building or structure or combination thereof.

### **STACKING LANE**

Means a portion of a parking area or a parking lot, other than a parking aisle or a parking space that is physically separated from other traffic and pedestrian circulation on the site which provides standing room for vehicles in a queue for the transaction window and/or order board. The minimum width of a stacking lane shall be 2.5 metres, but shall be increased to accommodate turning radii.

### **STACKING SPACE**

Means an area within a stacking lane for vehicles waiting to order and/or finish a drive-through transaction.

### **STEEP SLOPE**

Means a sloped area of land declining a minimum of 3 metres in elevation with such continuous slope exceeding a gradient of 1 metre fall over every 3 metres horizontal distance.

**STORE**

Means a building or structure used for the performance of retail services provided that no repairing or manufacturing of articles, goods, or materials is permitted in such building or structure.

**STOREY**

Means the portion of a building, other than the cellar, which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it. A storey shall be no less than 2.3 metres in height and no greater than 5 metres in height.

**STOREY, ONE HALF**

Means the portion of a building situated wholly or in part within the roof, and in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3 metres over a floor area equal to at least 50 percent of the area of the floor next below.

**STREET ACCESS**

Means, when referring to a lot, that such a lot has a lot line or portion thereof which is also a street line.

**STREET, PRIVATE**

Means a private right-of-way that is used by motor vehicles but is not owned or assumed by the Township or any other public authority. A private street does not provide lot frontage.

**STREET, PUBLIC**

Means a right-of-way owned and maintained by a public authority and for the purposes of this By-law does not include a lane or any private street. Only a public street provides lot frontage.

**STREET LINE**

Means the boundary between a public street and a lot.

**STRUCTURE**

Means anything, other than a building, whether temporary or permanent, which is erected, built, or constructed of parts joined together and located upon, attached to, or fixed permanently to the ground or any other structure. For the purposes of this By-law, a fence and an agricultural silo shall be considered structures.

**SUITE**

Means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.

**SWIMMING POOL**

Means an artificial body of water in which the container is constructed from man made materials, and is located outdoors on privately owned property in which the depth of the water at any point can exceed 0.8 metres or 2.6 feet and is primarily intended for bathing, swimming, and diving, and shall include any accessory deck or support structure, but does not include a natural, dug, constructed, or damned pond that is used for aesthetic, storm water management, or agricultural purposes.

**TARP SHELTER**

Means an edifice that is constructed out of material, plastic or vinyl that is designed to protect motor vehicles or other items from weather related events such as rain or snow. A tarp shelter is considered an accessory building for the purposes of this By-law.

**TAVERN**

Means a building or part thereof which is used primarily for the sale and service of alcoholic beverages, with or without entertainment and/or meals, and shall not include a restaurant.

**TEMPORARY BUILDING/STRUCTURE**

Means a building or structure intended for removal or demolition within a prescribed time as set out in a Building Permit application, and may include an existing building or structure which is to be demolished within a prescribed time as set out in a building permit or building demolition application and/or a legally binding agreement with the Township.

**TENT AND TRAILER PARK**

Means a parcel of land used and maintained as an overnight tenting or camping ground where people are temporarily accommodated in tents, travel trailers, or other similar facilities, whether or not a fee or charge is paid for the rental thereof, but does not include a mobile home park.

**THEATRE**

Means a premises that is used for the showing of motion pictures or for dramatic, musical or live performances. For the purposes of this definition, an adult entertainment establishment is not considered to be a theatre.

**THREATENED SPECIES**

Means a species that is listed or categorized as a "Threatened Species" in the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

**TILLABLE HECTARES**

Means the total area of land including pasture that can be worked or cultivated.

**TIMESHARE ESTABLISHMENT**

Means a commercial use that contains accommodation units that are either held in two (2) or more ownerships, with the occupancy of each unit being shared by the owners, or which are held in one ownership with each of the units available to be rented, leased or used by different parties on a weekly or monthly basis.

**TOWNSHIP OF CLEARVIEW**

Means the Corporation of the Township of Clearview, herein also referred to as Township and Municipality.

**TRAILER SITE**

Means a site in a trailer park or camping establishment that is used for the parking or storing of a trailer or truck camper.

**TRAINING AND REHABILITATION CENTRE**

Means facilities providing educational, pre-vocational, vocational, and life skill training to individuals.

**TRANSFER STORAGE LAGOON**

Means an area of land used to store seepage from septic tank systems and/or processed wastes from water pollution control plants in lagoons.

**TRANSMISSION / TELECOMMUNICATIONS ESTABLISHMENT**

Means a facility used for the purpose of sending and/or receiving a telecommunications signal.

**TRANSPORTATION TERMINAL**

Means premises in which goods or wares are stored for loading on, and unloading from, trucks, airplanes or railway cars.

**TRUCK TERMINAL**

Means a building and/or lot used for the parking or storage of trucks which are used for the purposes of delivering or transporting goods and materials and may include facilities for the repair and servicing of those trucks along with associated administrative offices and warehouses for the temporary storage of materials transferred or transported by vehicles using the terminal.

**USE**

Means the purpose for which any portion of a lot, building, or structure is arranged, designed, or intended to be used, occupied, or maintained.

**USE, CHANGE OF**

Means the discontinuance for any period of time of the existing use of land, structure, building, or premises and the substitution thereof of a different use and shall also mean the addition of a use which is not an existing use of land, structure, building or premises.

**UTILITY**

Means a public utility as defined in, controlled, and regulated by Provincial and/or Federal legislation and shall include infrastructure meant to provide sewage, water, gas, electrical, road, pedestrian facility, mail or telecommunications services necessary to the public interest. Utilities may be constructed, operated, or maintained by a public or private authority established for the purpose of providing public interest utilities.

**VALLEYLANDS**

Means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

**VETERINARY CLINIC**

Means a building or structure or part thereof that is used for the purpose of consultation, diagnosis, and office treatment of animals and birds, and may include the boarding or lodging of these animals in fully enclosed buildings. This may also include an animal shelter which means A building or structure in which stray animals are contained and cared for until they are claimed, sold, or destroyed.

**WAREHOUSE**

Means a premises and/or a building or part of a building, used for the storage and distribution of goods, wares, merchandise, substances, articles, or things, and may include accessory facilities for a wholesale or retail commercial outlet, but shall not include a cartage or transport depot or any other use or activity otherwise defined or classified in this By-law.

**WASTE**

Includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse or other such materials.

**WASTE DISPOSAL AREA**

Means an area of land where garbage, refuse and/or domestic waste, exclusive of liquid industrial waste or toxic waste, is stored, recycled, transferred, handled, disposed of, or dumped.

**WASTE RECYCLING FACILITY**

Means an area of land where garbage, refuse and/or domestic waste, exclusive of liquid industrial waste or toxic waste, is completely recycled with no waste by-products. This includes a composting facility.

**WATERBODY**

Means a lake, pond, or area of standing water larger than 0.2 ha in surface area.

**WATERCOURSE**

Means a natural or man-made channel for a stream of water and/or an intermittent stream of water and, for the purposes of this By-law, includes all watercourses whether or not they are shown on the Schedules to this By-law.

**WATER SUPPLY, MUNICIPAL**

Means a distribution system of underground piping and storage including pumping, purification, and treatment appurtenances all owned and operated by the Township.

**WATER SUPPLY, PRIVATE**

Means a distribution system of underground piping and storage including pumping, purification, and treatment appurtenances all owned and operated by a private individual or a private company or interest, including a condominium corporation.

**WATERSHED**

Means an area that is drained by a river and its tributaries.

**WAYSIDE PIT / QUARRY**

Means a temporary pit or quarry opened and used by a public authority for road construction purposes and which is not located within the right-of-way of a public street and is approved under the Aggregate Resources Act.

**WETLAND**

Means lands that are determined by the Township to be seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs, and fens. Lands being used for agricultural purposes that are periodically "soaked" or "wet" are not considered to be wetlands.

**WHOLESALE RETAIL OUTLET**

Means an establishment for the purpose of selling or offering for sale, goods, wares, or merchandise on a wholesale basis, and includes the storage or warehousing of those goods, wares, or merchandise.

**WILDLIFE MANAGEMENT AREA**

Means land generally left in its natural state for the purpose of providing sanctuary, habitat, and/or breeding grounds for wild birds, animals, and plant life native to the area, and includes a forest reserve.

**WINERY**

Means a facility in which wine is produced.

**WOODCHIPPING ESTABLISHMENT**

Means a premises in which timber from the same lot or from another location is fed into a wood-chipping machine for the purpose of producing woodchips and which may include, as an accessory use, the retail sale of the woodchips to the public.

**WOODLANDS**

Means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter, and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species.

**WRECKING OR SCRAP YARD**

Means a building, structure, and/or lands used for the wrecking, partial, or total dismantlement of vehicles or other mechanical equipment, and/or for the storage and/or sale of scrap material, salvage, and parts, or for recycling of abandoned, obsolete or scrapped vehicles, mechanical equipment, or any other human-made material.

**YARD**

Means an unoccupied or unobstructed area of the lot which is located between the closest portion of said building or structure on the lot and one of the lot lines of said lot. The yard must be unoccupied by any building or structure, or part thereof, and such yard extends above and below the surface of the ground. The yard measurement shall be the minimum horizontal distance from the respective lot lines or zone boundary to the nearest part of any building/structure as required by the provision.

**YARD, EXTERIOR SIDE**

Means the yard of a corner lot which side yard extends from the front yard to the rear yard between the exterior lot line and the nearest wall of any building or structure on the lot.

**YARD, FRONT**

Means the yard extending across the full width of the lot between the front lot line and the nearest wall of the main building or structure on the lot.

**YARD, FRONT MAXIMUM**

Means the maximum distance between the front lot line of a lot and a line drawn parallel to the front lot line at a horizontal distance equal to the nearest portion of a primary building on the lot.

**YARD, INTERIOR SIDE**

Means the yard between the interior side lot line and the nearest wall of the main building or structure on the lot.

**YARD, MINIMUM**

Means the minimum required width of a yard. Where a portion of a lot is covered by more than one yard, all of the required yards must be complied with. For example, where an interior side yard and rear yard overlap, the minimum requirements for both yards must be met.

**YARD, REAR**

Means the yard extending across the full width of the lot between the rear lot line and the nearest wall of the main building or structure on the lot.

**ZONE**

Means a designated area of land use shown on the Zoning Maps of this By-law to which specific permitted uses, regulations, and provisions apply. A zone may also be referred to as a land use zone or zone designation.