

By-law No. 2018-58

of the

Corporation of the Township of Cavan Monaghan

A By-law to prohibit the use of land and the erection and use of buildings and structures except for certain purposes, and to regulate the type of construction and the height, bulk, location, size, floor area, density, character, and use of buildings.

Now therefore, the Council of the Corporation of the Township of Cavan Monaghan enacts as follows:

***Office Consolidation up to and including By-law No. 2022-33 (May 16, 2022).***

**Note:** Please visit the Municipal Office to view the full version of the Comprehensive Zoning By-law. Schedules and maps are included in this online version as a [separate link](#).

**The Township of Cavan Monaghan**

**By-law No. 2018-58**

**Being a by-law to regulate the use of lands and the character, location and use of buildings and structures in the Township of Cavan Monaghan.**

**Whereas** Section 34 of the Planning Act, R.S.O. 1990, c. P13, as amended, provides that the Council of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

**And Whereas** the Council of the Corporation of the Township of Cavan Monaghan deems it desirable to repeal By-law No. 2004-62, as amended,

**And Whereas** the Council of the Corporation of the Township of Cavan Monaghan further deems it necessary and in the public interest to regulate the use of lands in the Township;

**Now Therefore**, the Council of the Township of Cavan Monaghan hereby repeals By-law No. 2004-62, as amended and subsequently enacts By-law No. 2018-58 as set out herein.

Read a first, second and third time and passed this 1<sup>st</sup> day of October, 2018.

**Original Signed By:**

**“Scott McFadden”**

Scott McFadden  
Mayor

**Original Signed By:**

**“Elana Arthurs”**

Elana Arthurs  
Clerk

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## **1.0 Administration and Interpretation**

### **1.1 General**

#### **1.1.1 Short Title**

This By-Law shall be referred to as the “Zoning By-Law” of the Corporation of the Township of Cavan Monaghan.

#### **1.1.2 Application**

The provisions of this By-Law shall apply to all those lands lying within the corporate limits of the Township of Cavan Monaghan.

#### **1.1.3 Repeal of Former By-law**

The provisions of the Township of Cavan Monaghan Zoning By-law 2004-62, as amended, and all amendments thereto, are hereby repealed insofar as they affect the lands covered by this By-law.

#### **1.1.4 Compliance**

- a) No person shall change the use of any land, building, or structures, erect or use any building or structure, or occupy any land or building, except for a use permitted and in accordance with the regulations provided by this By-law for the Zone in which the lot is located.
- b) Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the Township of Cavan Monaghan, or any other regulations of the County of Peterborough, Province of Ontario, or Government of Canada, that may otherwise affect the use of land, buildings, or structures.

#### **1.1.5 Existing Uses Continued**

Nothing in this By-law shall apply to prevent the use of any existing land, building, or structure for any purpose prohibited by this By-law if it was lawfully used for such purposes on the day of the passing of this By-law so long as it continues to be used for that purpose.

#### **1.1.6 Enforcement**

The Township shall assign By-law officers for the purpose of the enforcement of this By-law. A By-law officer, or any person acting under his or her instructions, shall have all of the power and inspection as provided under Section 49 of the Planning Act.

### **1.1.7 Violations and Penalties**

Every person who contravenes any provision of this By-Law, and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable to fines under the Planning Act.

### **1.1.8 Severability**

A decision of a court that one or more of the provisions of the By-law are invalid in whole or in part does not affect the validity, effectiveness, or enforceability of the other provisions or parts of the provisions of this By-law.

## **1.2 Interpretation**

### **1.2.1 Definitions**

In this By-Law, unless the context requires otherwise, the definitions and interpretations set out in Section 13 hereof shall apply.

### **1.2.2 Diagrams**

Diagrams and images in this By-law are for convenience of reference only, do not form an operative part of this By-law, and are not considered to be an integral part of this By-law. Diagrams and images shall not in any way modify or limit the regulations contained herein.

### **1.2.3 Legislation**

Wherever legislation is referenced in this By-law, the reference is meant to include all applicable amendments to the legislation, including successor legislation, as well as all regulations or other secondary legislation that is passed in accordance with the referenced statute.

### **1.2.4 Conflict**

In the event of any conflict between this By-law and any other by-law passed by the Township, the more restrictive provision prevails unless legally required otherwise.

### **1.2.5 Zone Boundaries**

- a) The Zones and Zone boundaries are shown on Schedule A of this By-law. When determining the boundary of any Zone, the following provisions apply:
  - (i) a boundary indicated as following a highway, street, lane, unopened road allowance, railway right-of-way, utility corridor or watercourse is

the edge of such highway, street, lane, unopened road allowance, railway right-of-way, utility corridor or watercourse;

- (ii) a boundary indicated as substantially following lot lines follows such lot lines;
  - (iii) where a boundary is indicated as following the regulatory flood line, the boundary shall be the flood line as determined by the applicable Conservation Authority;
  - (iv) where a boundary is indicated as running substantially parallel to the boundary of a highway and the distance from the highway is not indicated, the boundary is deemed to be parallel to such a highway and the distance from the highway is to be determined according to the scale shown on the Schedule(s);
  - (v) a boundary indicated as following a shoreline follows such shoreline and in the event of a natural change in the shoreline, the boundary will move with the actual shoreline;
  - (vi) where a lot falls into two or more Zones, each portion of the lot is to be used in accordance with the provisions of this By-law for the applicable Zone; and,
  - (vii) where none of the above provisions apply, the Zone boundary is to be scaled from the Schedule(s).
- b) In no case is a Zone boundary dividing a lot into two or more Zone categories intended to function as a property boundary for the purposes of calculating yards, setbacks and lot coverage. In all cases, the property line must be used for the purposes of calculating setbacks and lot coverage, unless otherwise specified by this By-law.
- c) In no case shall a new lot be created unless the lot created and the remnant lot comply with the minimum lot area and lot frontage requirements of the applicable Zone. Where any part of a lot is divided into two or more zones and one of those zones is the Natural Core (NC) and/or Natural Linkage (NL) Zone, such part may be included in any minimum lot area or lot frontage determination. For further clarity, where the new lot and/or the remnant lot contain areas Zoned (NC) or (NL) those portions are not required to meet the minimum lot area or minimum lot frontage requirements for the (NC) and (NL) Zones, provided the lot as a whole has

sufficient lot area and lot frontage to meet the minimum requirements of the remaining zone.

## **1.3 Transition**

### **1.3.1 Building Permit Applications**

Nothing in this By-law shall prevent the erection of a building or structure for which an application for a building permit was filed on or prior to the effective date of this By-law provided the building permit application satisfies the following requirements:

- a) The building permit application complies with the provisions of Zoning By-law 2004-62, as amended, as it read on the effective date of this By-law;
- b) All information is provided to allow for a zoning review to be undertaken; and,
- c) All planning approvals have been obtained.

### **1.3.2 Recently Approved Planning Applications**

- a) The requirements of this By-law do not apply on a lot where a minor variance to Zoning By-law 2004-62, as amended, was authorized by the Committee of Adjustment of the Township or the Local Planning Appeal Tribunal before the effective date of this By-law and a building permit for the applicable project has not yet been issued.
- b) The requirements of this By-law do not apply to a lot where a conditional or final Site Plan Approval has been granted by the Township before the effective date of this By-law and a building permit for the applicable project has not yet been issued.
- c) The requirements of this By-law do not apply to a lot where a provisional consent has been given by the Land Division Committee or Director of Planning for Peterborough County or the Local Planning Appeal Tribunal before the effective date of this By-law and a building permit for the applicable project has not yet been issued, the lot has not yet been registered at the Land Registry Office, or the applicable easement or agreement has not yet been registered on title.

## **1.4 Revisions**

Revisions may be made to this By-law without the need for an amendment in the following cases:

- a) Correction of grammar, punctuation, or typographical errors or revisions to format in a manner that does not change the intent of the provisions;
- b) Adding or revising technical information on maps or schedules that does not affect the zoning of lands; and
- c) Changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, diagrams, historical or reference information, page numbering, footers and headers, which do not form a part of this by-law and are editorially inserted for convenience of reference only.

## 2.0 Classification of Zones

### 2.1 Zones

This By-law establishes the Zones identified in Table 2.1 below, and places all lands subject to this By-law in one or more of these Zones. The Zones may be identified or referred to by its applicable Zone symbol, as indicated in Table 2.1. For convenience purposes only, the “Zone Description” column of Table 2.1 describes the purpose of each Zone. This column does not form a part of this By-law.

**Table 2.1 Zones Established by the Zoning By-law**

| Zones and Zone Symbols   |      | Zone Description  |
|--------------------------|------|---|
| <b>Residential Zones</b> |      |   |
| Urban Residential One    | UR1  | Provides for and regulates low density housing (i.e., single detached dwellings) in the Millbrook Urban Settlement Area.  |
| Urban Residential Two    | UR2  | Provides for and regulates low density housing (i.e., duplex and semi-detached dwellings) in the Millbrook Urban Settlement Area.   |
| Urban Residential Three  | UR3  | Provides for and regulates medium density housing (i.e., multiple and townhouse dwellings) in the Millbrook Urban Settlement Area.  |
| Urban Residential Four   | UR4  | Provides for and regulates high density housing (i.e., apartment dwellings) in the Millbrook Urban Settlement Area.   |
| Rural Residential        | RR   | Provides for and regulates single detached dwellings on existing lots of record or lots created by a consent in the Township’s Countryside Area.  |
| Hamlet Residential       | HR   | Provides for and regulates low density housing in the Township’s Hamlets.   |
| <b>Mixed-use Zones</b>   |      |   |
| Core Mixed-Use One       | CMU1 | Provides for and regulates a wide range of uses in the Community Core Area in Millbrook. CMU1 applies to King Street Business Precinct in Millbrook.  |
| Core Mixed-Use Two       | CMU2 | Provides for and regulates a wide range of uses in the Community Core Area in Millbrook. CMU2 applies to King Street Residential areas west and east of King Street Business Precinct in Millbrook. |
| Core Mixed-Use Three     | CMU3 | Provides for and regulates a wide range of uses in the Community Core Area in Millbrook. CMU3 applies to Union/Centre Precinct north of King Street Business Precinct in Millbrook.                 |

| Zones and Zone Symbols              |    | Zone Description  |
|-------------------------------------|----|---|
| <b>Commercial Zones</b>             |    |   |
| Local Commercial                    | C1 | Provides for and regulates local commercial uses that serve the needs of the surrounding residential Areas outside of the Community Core Area in Millbrook                  |
| Hamlet Commercial                   | C2 | Provides for and regulates commercial uses serving the Township's Hamlets.  |
| Recreational Commercial             | C3 | Implements the Recreational designation in the Official Plan.   |
| Entertainment Commercial            | C4 | Provides for and regulates lands within the commercial entertainment complex and the surrounding lands in the community of Fraserville.                                     |
| Community Commercial                | C5 | Implements the Community Commercial designation in the Official Plan.   |
| <b>Industrial Zones</b>             |    |   |
| Urban Employment                    | M1 | Provides for and regulates employment, industrial and complementary commercial uses in the Township's Urban Employment Area designation in the Official Plan.               |
| Rural Employment                    | M2 | Provides for and regulates Rural Employment uses outside of the Millbrook Urban Settlement Area.  |
| Extractive Industrial               | M3 | Provides for and regulates existing licensed mineral aggregate operations within the Township.  |
| Disposal Industrial                 | M4 | Provides for and regulates waste disposal facilities within the Township.   |
| Airport Industrial                  | M5 | Implements the Airport Employment designation in the Official Plan.   |
| <b>Agricultural and Rural Zones</b> |    |   |
| Agricultural                        | A  | Provides for and regulates agricultural uses, normal farm practices, secondary agricultural, and on-farm diversified uses on lands designated Agricultural in the Township. |
| Rural                               | RU | Provides for and regulates agricultural uses, normal farm practices, secondary agricultural, and on-farm diversified uses on lands designated Rural Area in the Township.   |
| <b>Natural System Zones</b>         |    |   |
| Natural Core                        | NC | Implements the Natural Core Areas designation in the Official Plan.   |

| Zones and Zone Symbols                               |       | Zone Description  |
|--|-------|---|
| Natural Linkage                                      | NL    | Implements the Natural Linkage Areas designation in the Official Plan   |
| <b>Oak Ridges Moraine Zones</b>                      |       |   |
| ORM Environmental                                    | ORME  | Implements the ORM - Natural Core Area designation in the Official Plan.  |
| ORM Core   | ORMC  |   |
| ORM Linkage  | ORML  | Implements the ORM - Natural Linkage Area designation in the Official Plan.   |
| ORM Countryside                                      | ORMCO | Implements the ORM – Prime Agricultural designation in the Official Plan.   |
| ORM Rural Settlement                                 | ORMRS | Implements the ORM Rural Settlement policies in the Official Plan.  |
| ORM Extractive Industrial                            | ORMEI | Provides for and regulates lands that are currently licensed for aggregate and mineral extraction in the Oak Ridges Moraine.  |
| <b>Other Zones</b>                                   |       |   |
| Institutional  | I     | Provides for and regulates institutional uses where adequate services can be provided.  |
| Open Space   | OS    | Provides for and regulates built and natural settings for recreation, parks, and conservation areas.  |
| Future Development                                   | FD    | Provides for and regulates the orderly future development of the unbuilt areas of the Millbrook Urban Settlement Area, Arena Precinct in Millbrook, and areas where there is significant redevelopment potential.                   |
| <b>Overlays</b>                                      |       |   |
| Special Policy Area Overlay                          |       | Lands within the established commercial core area of Millbrook which are susceptible to flooding and have been designated as a Special Policy Area.   |
| Floodplain Overlay                                   |       | Lands identified as Regulated Floodplains by the Conservation Authority, outside of the Millbrook Special Policy Area.  |
| Peterborough Airport Flood Susceptible Lands Overlay |       | Those portions of the City of Peterborough Airport located within the Airport Industrial (M5) Zone identified for development by the Cavan Creek Airport Reach Floodplain Study and subject to minimum flood proofing requirements. |
| Source Water Protection Overlay                      |       | Intended to prevent the inadvertent approval of Planning Act Applications and/or the issuance of building permits that may result in the establishment of a land use activity(ies) that are significant drinking water threats.     |



| Zones and Zone Symbols                               |  | Zone Description  |
|--|--|---|
| Aggregate Assessment Area Overlay                    |  | Intended to restrict permitted uses to existing uses until Council is satisfied that any aggregate resource cannot be extracted due to site constraints, insufficient volume, quality or other reasons. |
| Oak Ridges Moraine Environmental Plan Review Overlay |  | An overlay which identifies the area of influence from a key natural heritage feature or a hydrologically sensitive area and its associated vegetative protection zone.                                 |

## 2.2 Special Zone Symbols

On certain lands on the Zoning Maps where the Zone symbol is preceded or followed by any combination of a hyphen, number or letter, provisions relating to one or more of the following special Zone regulations apply to the lands. Lands so identified shall be subject to all of the provisions and restrictions of the applicable parent Zone, except as otherwise provided by the special Zone.

### 2.2.1 Exceptions

Where a hyphenated number and Section number in brackets follows a Zone symbol [ e.g. A-1 (7.4.1)] on the attached Schedules to this By-law, the number refers to a site-specific exception that applies to the lands noted. Site-specific exceptions are listed in Zone Sections 3 through 10 of this By-law. Unless specifically amended by the Zone exception, all other provisions of this By-law apply.

### 2.2.2 Holding Provisions

When a Zone symbol is followed by the letter 'H' and a number, the lands are subject to Holding Zone provisions as set out in Sections 11.5 and 14 of this By-law.

### 2.2.3 Temporary Use Permissions

When a Zone symbol is followed by the letter 'T' and a number, the zoning is temporary and expires on a date set out in Section 15 of this By-law.

### 2.2.4 Flood Susceptible Lands

When lands are located within the Special Policy Area and identified by a number in brackets, the lands are subject to the provisions of Section 11.10.1 of this By-law.

When lands are located within the Peterborough Airport Flood Susceptible Lands Overlay located within the Airport Industrial (M5) Zone, the lands are subject to the provisions of Section 11.10.3 of this By-law.

### **2.3 Land Ownership**

The Township makes no representation or implication, nor should any inference be drawn from the Schedules attached to this By-law as to the ownership of any land and/or rights of access to such land. Ownership and access rights are legal matters that fall solely within the purview of a court of competent jurisdiction.

## 3.0 Residential Zones

### 3.1 List of Applicable Zones

|                         |     |
|-------------------------|-----|
| Urban Residential One   | UR1 |
| Urban Residential Two   | UR2 |
| Urban Residential Three | UR3 |
| Urban Residential Four  | UR4 |
| Rural Residential       | RR  |
| Hamlet Residential      | HR  |

### 3.2 Permitted Uses

Uses permitted in a Residential Zone are denoted by the symbol '✓' in the column applicable to the Zone and corresponding with the row for a specific permitted use in Table 3A. A number(s) following the symbol '✓' or identified permitted use indicates that one or more special provisions apply, which are listed below Table 3A.

Notwithstanding the permitted uses and applicable regulations of this section, permitted uses may be restricted by General Provisions (Section 11) and Parking and Loading Regulations (Section 12).

| Table 3A Residential Zones – Permitted Uses |     |     |     |       |    |    |
|---|-----|-----|-----|-------|----|----|
| Use   | UR1 | UR2 | UR3 | UR4   | RR | HR |
| Accessory apartment                         | ✓   | ✓   | ✓   |       | ✓  | ✓  |
| Bed and breakfast establishment             | ✓   |     |     |       | ✓  | ✓  |
| Dwelling, apartment                         |     |     |     | ✓ (1) |    |    |
| Dwelling, duplex                            |     | ✓   |     |       |    |    |
| Dwelling, multiple                          |     |     | ✓   |       |    |    |
| Dwelling, semi-detached                     |     | ✓   |     |       |    | ✓  |
| Dwelling, semi-detached linked              |     | ✓   |     |       |    |    |
| Dwelling, single detached                   | ✓   |     |     |       | ✓  | ✓  |
| Dwelling, townhouse                         |     |     | ✓   |       |    |    |
| Group home                                  | ✓   |     |     |       | ✓  | ✓  |
| Home industry                               |     |     |     |       | ✓  |    |
| Home business                               | ✓   | ✓   | ✓   |       | ✓  | ✓  |
| Private home daycare                        | ✓   | ✓   | ✓   |       | ✓  | ✓  |
| Park, public                                | ✓   | ✓   | ✓   | ✓     | ✓  | ✓  |

**Table 3A Additional Regulations:****(1) Specific Requirements for Apartment Dwellings**

- a) An amenity area shall be provided on each lot containing more than 10 dwelling units in accordance with the following:
- (i) the minimum area dedicated to an amenity area shall be equal to 4 percent of the total lot area; and,
  - (ii) the amenity area shall not be located in a required front yard.
- b) Where a building is in a court form, the distance between opposing side walls of the building forming the court shall be not less than 21 metres or the height of the highest portion thereof whichever is the greater.

**3.3 Zone Standards**

No person shall, within any Residential Zone, use any lot or erect, alter or use any building or structure except in accordance with the Zone standards set out in Tables 3B and 3C. A number(s) following the Zone standards, Zone heading, or the standard, indicates that one or more special provisions apply, which are listed below Tables 3B and 3C.

| <b>Table 3B Residential Zone Standards</b>                         |            |                  |                |            |           |           |
|--|------------|------------------|----------------|------------|-----------|-----------|
| <b>Standard</b>  | <b>UR1</b> | <b>UR2</b>       | <b>UR3</b>     | <b>UR4</b> | <b>RR</b> | <b>HR</b> |
| Minimum Lot Area (m <sup>2</sup> )                                 |            |                  |                |            |           |           |
| Lots Serviced by a Public Water and Sanitary Sewer System          | 555        | 325<br>500 (6)   | 800<br>240 (7) | 0          | N/A       |           |
| Lots Serviced by only a Public Water or Sanitary Sewer System      | 1393       | 2000<br>4000 (6) | N/A            |            |           |           |
| Lots Serviced by a Private Water and Private Sanitary Sewer System | N/A        |                  |                |            | 4000      | 3000      |
| Other Lots   | 2000       | 2000<br>4000 (6) | N/A            |            |           |           |

| <b>Table 3B Residential Zone Standards</b>                       |              |              |               |            |           |           |
|--|--------------|--------------|---------------|------------|-----------|-----------|
| <b>Standard</b>  | <b>UR1</b>   | <b>UR2</b>   | <b>UR3</b>    | <b>UR4</b> | <b>RR</b> | <b>HR</b> |
| Minimum Lot Frontage (m)   |              |              |               |            |           |           |
| Lots Served by a Public Water and Sanitary Sewer System          | 15<br>18 (3) | 10<br>15 (3) | 20<br>7.5 (7) | 30         | N/A       |           |
| Lots Served by only a Public Water or Sanitary Sewer System      | 30           | 50           | N/A           |            |           |           |
| Lots Served by a Private Water and Private Sanitary Sewer System | N/A          |              |               |            | 35        | 20        |
| Other Lots   | 36           | 50           | N/A           |            |           |           |
| Minimum Front Yard (m)   | 6 (1)        |              |               |            | 9         | 6 (1)     |
| Minimum Interior Side Yard (m)                                   | 2 (2)        | 1.2 (8)      | 1.2 (8)       | (8)        | 6         |           |
| Minimum Exterior Side Yard (m)                                   | 6            |              | 2.5           | 6          |           |           |
| Minimum Rear Yard (m)  | 6            |              |               | (5)        | 9         | 6         |
| Minimum setback for a private garage from front lot line (m)     | 6            |              | N/A           |            |           |           |
| Maximum Lot Coverage (%)   | 50           |              |               |            | 35        |           |
| Maximum Building Height (m)                                      | 11           |              |               | 12.5       | 11        |           |
| Minimum Landscaped Open Space (%)                                | 30           |              | 20            | 20 (4)     | N/A       |           |

| <b>Table 3C Residential Zone Standards – UR1 Subzones</b> |              |              |                  |              |
|---|--------------|--------------|------------------|--------------|
| <b>Standard</b>   | <b>UR1-A</b> | <b>UR1-B</b> | <b>UR1-C</b>     | <b>UR1-D</b> |
| Minimum Lot Area (m <sup>2</sup> )                        | 400          | 360          | 270              |              |
| Minimum Lot Frontage (m)                                  | 13<br>16(3)  | 12<br>15(3)  | 10.7<br>13.7 (3) | 9<br>12(3)   |
| Minimum Front Yard (m)                                    | 4.5(1)       |              |                  |              |
| Minimum Interior Side Yard (m)                            | 1.2          |              |                  |              |

| <b>Table 3C Residential Zone Standards – UR1 Subzones</b>    |              |              |              |              |
|--|--------------|--------------|--------------|--------------|
| <b>Standard</b>  | <b>UR1-A</b> | <b>UR1-B</b> | <b>UR1-C</b> | <b>UR1-D</b> |
| Minimum Exterior Side Yard (m)                               |              |              | 4            |              |
| Minimum Rear Yard (m)  |              |              | 6            |              |
| Minimum setback for a private garage from front lot line (m) |              |              | 6            |              |
| Maximum Lot Coverage (%)                                     |              |              | 50           |              |
| Maximum Building Height (m)                                  |              |              | 11           |              |
| Minimum Landscaped Open Space (%)                            |              |              | 30           |              |

**Tables 3B and 3C Additional Regulations:**

- (1) The wall of the principal building or porch must be located no more than 1.0 metres farther from the front lot line than the wall of the attached private garage facing the front lot line.
- (2) In a side yard where there is an attached private garage or attached carport, the minimum interior side yard width shall be 1.25 metres plus 0.5 metres for every storey or portion thereof above the first storey.
- (3) Corner lot requirement.
- (4) May include an amenity area.
- (5) Half the building height but no less than 6 metres.
- (6) Requirement for duplex dwelling.
- (7) Per townhouse unit.
- (8) Where a dwelling unit is attached to an adjoining dwelling unit, the minimum requirement is nil.

### 3.4 Exceptions

The provisions of this By-law are modified in accordance with the following site-specific exceptions. Unless specifically modified or amended by this subsection, all other provisions of this By-law continue to apply to the lands subject to this subsection.

- 3.4.1 UR1-1 Map E-2A on Schedule A (former R1-3, 4.1.7.3)**  
a) Minimum rear yard 4 m
- 3.4.2 UR1-2 Map E-2A on Schedule A (former R1-4, 4.1.7.4)**  
a) Minimum rear yard 10 m
- 3.4.3 UR1-3 Map F-2A on Schedule A (former R1-5, 4.1.7.5)**  
a) Minimum north interior side yard 0 m  
b) Minimum south interior side yard 2.44 m
- 3.4.4 UR2-1 Map E-3A on Schedule A (former R2-1, 4.2.6.1)**  
a) Minimum interior side yard adjacent to an adjoining unit of a linked semi-detached dwelling 0.58 m
- 3.4.5 UR3-1 Map E-2A on Schedule A (former R3-1, 4.3.5.1)**  
a) Minimum interior side yard where a dwelling unit is only attached to one adjoining unit 3 m  
b) Minimum interior side yard where the adjoining lot is also zoned UR3 or where the adjoining lot is zoned any other Zone 6 m
- 3.4.6 UR4-1 Map E-2A on Schedule A (former R4-2, 4.4.7.2)**  
a) Minimum interior side yard 8.5 m  
b) Minimum landscaped open space 30%  
c) Minimum building height 10 m
- 3.4.7 UR4-2 Map F-2A on Schedule A (former R4-3, 4.4.7.3)**  
a) Ground floor apartment dwelling units may have separate, independent entrances directly from the outside.  
b) The required minimum front and exterior side yards shall be as it existed on October 4, 2004.

- 3.4.8 HR-1 Map A-3 on Schedule A (former RR-2, 4.5.5.2)**  
a) Section 11.1, Access Regulations, shall not apply provided safe access is available to a publicly maintained road.
- 3.4.9 HR-2 Map A-2 on Schedule A (former RR-4, 4.5.5.4)**  
a) Additional permitted use: motor vehicle repair garage.  
b) Minimum front yard 9 m  
c) Minimum interior side yard 4.5 m  
d) Minimum rear yard for motor vehicle repair garage 0 m  
e) Maximum building height 9.2 m  
f) Maximum lot coverage 40%
- 3.4.10 RR-1 Map D-1 on Schedule A (former RR-5, 4.5.5.5)**  
a) Additional permitted uses: the keeping of two horses and the keeping of two additional nutrient units, except pigs. Nutrient units will be calculated using the Minimum Distance Separation formulae.
- 3.4.11 RR-2 Map B-5 on Schedule A (former RR-8, 4.5.5.8)**  
a) The only permitted home occupation shall be a recording studio with a maximum floor area of 84 square metres.
- 3.4.12 HR-13 Map G-4 on Schedule A (former RR-38, 2010-32 Dummitt)**  
a) Additional permitted use: the retail sale of military miniature and action figures, as part of a home occupation.  
b) The maximum floor area devoted to the home occupation referenced in subsection a) shall be 37 m<sup>2</sup>.
- 3.4.13 RR-4 Map A-5 on Schedule A (former RR-11, 4.5.5.11)**  
a) Minimum front yard 12.2 m
- 3.4.14 RR-5 Map E-4 on Schedule A (former RR-15, 4.5.5.15)**  
a) Minimum front yard 4 m  
b) Minimum interior side yard 4.6 m  
c) Maximum lot coverage 20%  
d) Maximum building height 9 m
- 3.4.15 RR-6 Map A-4 on Schedule A (former RR-21, 4.5.5.21)**  
a) Minimum front yard 0 m



b) Minimum west interior side yard 0 m

**3.4.16 RR-7 Map A-5 on Schedule A (former RR-24, 4.5.5.24)**

a) Additional permitted use: duplex dwelling.

**3.4.17 HR-8 Map A-3 on Schedule A (former RR-25, 4.5.5.25)**

a) A second dwelling unit is permitted in conjunction with a detached garage.

b) The required minimum front and exterior side yards shall be as it existed on September 5, 2006.

**3.4.18 RR-9 Map B-3 on Schedule A (former RR-34, 4.5.5.34)**

a) A second dwelling unit, in the form of a bachelor dwelling unit, may be permitted in an accessory building.

**3.4.19 RR-10 Map A-5 on Schedule A (former ER-2, 4.6.5.2)**

a) The minimum setback from County Road No. 9 (Sherbrooke Street West) shall be 30.48 metres from the centre line of the Road or 15.24 metres from the lot line abutting the County Road, whichever is the greater.

**3.4.20 RR-11-H3 Map D-2 on Schedule A (former RR-17h, 4.5.5.17)**

a) Until the 'H3' Holding symbol is removed in accordance with Section 14 of this By-law, permitted uses are limited to extensions to or expansions of existing buildings and structures of not more than 44.5 square metres.

b) All new development must be located within the building envelope existing as of June 3, 2003 or, to buildable areas outside of the Regulated Area of the Otonabee Region Conservation Authority or, to areas above the top of bank or, to areas acceptable to the Conservation Authority.

**3.4.21 HR-3 Map F-4 on Schedule A (former RR-41, 2011-21)**

a) Permitted uses are limited to a: single detached dwelling, group home, bed and breakfast establishment, home business and parking lot.

**3.4.22 RR-12 Map A-5 on Schedule A (2011-89)**

a) Minimum rear yard 24 m

**3.4.23 RR-13 Map E-3 on Schedule A (2012-70 Stevens)**

a) The required minimum west side interior side yard shall be as it existed on August 7, 2012.

- 3.4.24 RR-14 Map D-2 on Schedule A (2012-61 Lakatos)**  
a) The registered right-of-way over Part 2, Plan 9R-1427 shall be considered the access to a publicly assumed and year round maintained road.
- 3.4.25 UR1-4 Map F-2A on Schedule A (former R1-9, 2012-93, 4.1.7.9)**  
a) The lowest opening to any structure shall be at or above the 241.0 geodetic.
- 3.4.26 UR1-5 Map F-2A on Schedule A (former R1-10, 2012-93, 4.1.7.10)**  
a) Minimum front yard 7 m
- 3.4.27 HR-11 Map G-4 on Schedule A (2013-01 Fitzpatrick)**  
a) The required minimum lot area, lot frontage, front yard, interior side yard and exterior side yard shall be as they existed on January 21, 2013.  
b) Maximum floor area of a home business 93 m<sup>2</sup>  
c) Two employees in addition to the permanent residents of the dwelling unit may be employed in the home business.  
d) Parking related to the home business shall be limited to two employee spaces and one visitor space.
- 3.4.28 RR-16 Map D-3 on Schedule A (2013-36 Hewitt)**  
a) Minimum front yard 3.5 m
- 3.4.29 RR-17 Map E-3 on Schedule A (2014-18 Earl)**  
a) Minimum western interior side yard 30 m
- 3.4.30 HR-9 Map A-2 on Schedule A (2014-19 Wilson)**  
a) The location of the existing detached garage as existing on March 25, 2014 is permitted.
- 3.4.31 HR-10 Map A-2 on Schedule A (2014-19 Wilson)**  
a) Minimum front yard 6 m  
b) Minimum exterior side yard 2.18 m  
c) Minimum dwelling unit size 74 m<sup>2</sup>  
d) Mill Street is deemed to be the lot frontage.
- 3.4.32 UR3-2 Map E-3A on Schedule A (former R3-3, 2014-39 MacGregor, 4.3.5.3)**  
a) Permitted uses limited to: a triplex dwelling.  
b) A triplex dwelling shall mean the whole of a dwelling house that is divided horizontally and/or vertically into three separate dwelling units, each of which has a separate independent entrance either directly from the outside or through a common vestibule.

**3.4.33 HR-4 Map G-4 on Schedule A (2015-52 B Positive & 2017-12 Brown & Branch)**

- a) The required minimum front yard, interior side yard and rear yard shall be as they existed on August 31, 2015.
- b) A home occupation may occupy a maximum floor area of 139.35 square metres, a portion of which may be used as a gallery for the display and retail sale of a variety of mediums by Ontario artists.

**3.4.34 HR-5 Map D-4 on Schedule A (2021-21 - 1748 Syer Line)**

- a) Additional permitted uses: a studio for the arts subject to the following regulations:
  - (i) Maximum floor area 200 m<sup>2</sup>
  - (ii) Maximum of two employees who do not reside on site.
  - (iii) A minimum of fifteen parking spaces shall be required.
  - (iv) Minimum setback of parking area from adjacent residential zones 3 m
  - (v) A planting strip with a minimum width of 1.5 metres shall be provided between the parking lot and adjacent residential uses.
  - (vi) No loading spaces are required.
  - (vii) A studio for the arts shall mean a space where instruction is provided for hire or gain, including but not limited to, the instruction of music, dance, yoga, martial arts, or artistic articles such as pottery, glass, wood, leather, weaving, painting, clothing, metal, or gems.
- b) Minimum front yard 8.86 m
- c) Minimum interior side yard for existing accessory building 1.28 m

**3.4.35 RR-20 Map B-5 on Schedule A (2016-43 Tilsma Regnier)**

- a) In addition to uses permitted in the RR Zone, a maximum of two dwelling units may be permitted.
- b) Minimum lot area 0.2 ha
- c) Minimum lot frontage 32 m
- d) Minimum front yard 13 m
- e) Minimum north side yard 3.05 m

**3.4.36 RR-21 Map E-4 on Schedule A (2016-54 Horner)**

- a) A permitted home industry may also include the storage of equipment and supplies for a concrete forming business.

- b) Signage for the home industry shall be limited to one non-illuminated sign or display not exceeding one square metre in size.
- c) Outside storage and the washing of equipment are prohibited.
- d) Minimum interior side yard 1.5
- e) Minimum rear yard 1.5

**3.4.37 UR1-A-1 Map E-2B on Schedule A (2016-63 Towerhill)**

- a) Minimum lot area 475 m<sup>2</sup>
- b) Minimum lot frontage 15.8 m  
(corner lot) 17.3 m
- c) Table 3C Additional Regulation (1) shall not apply.
- d) Minimum front yard 6 m
- e) Minimum exterior side yard 2.5 m
- f) Maximum lot coverage 48%
- g) Minimum landscaped open space 20%
- h) Maximum building height 10 m

**3.4.38 UR1-A-2 Map E-2B on Schedule A (2016-63 Towerhill)**

- a) Minimum lot area 475 m<sup>2</sup>
- b) Minimum lot frontage 15.8 m  
(corner lot) 15.8 m
- c) Table 3C Additional Regulation (1) shall not apply.
- d) Minimum exterior side yard 2.5 m
- e) Minimum landscaped open space 20%
- f) Maximum lot coverage 48%
- g) Maximum building height 10 m

**3.4.39 UR1-A-3 Map E-2B on Schedule A (2016-63 Towerhill)**

- a) Minimum lot area 475 m<sup>2</sup>
- b) Minimum lot frontage 15.8 m  
(corner lot) 17.3 m
- c) Table 3C Additional Regulation (1) shall not apply.
- d) Minimum exterior side yard 2.5 m
- e) Minimum east rear yard 1.2 m
- f) Minimum west rear yard 6 m

- g) Minimum landscaped open space 20%
- h) Maximum lot coverage 48%
- i) Maximum building height 10 m

**3.4.40 UR1-A-4 Map E-2B on Schedule A (2016-63 Towerhill)**

- a) Minimum lot area 438 m<sup>2</sup>
- b) Minimum lot frontage 13.7 m  
(corner lot) 15.2 m
- c) Minimum front yard 4.5 m
- d) Table 3C Additional Regulation (1) shall not apply.
- e) Minimum exterior side yard 2.5 m
- f) Minimum landscaped open space 20%
- g) Maximum lot coverage 48%
- h) Maximum building height 10 m

**3.4.41 UR1-B-1 Map E-2B on Schedule A (2016-63 Towerhill)**

- a) Minimum lot area 378 m<sup>2</sup>
- b) Minimum lot frontage 10.6 m  
(corner lot) 13.7 m
- c) Table 3C Additional Regulation (1) shall not apply.
- d) Minimum exterior side yard 2.5 m
- e) Minimum landscaped open space 20%
- f) Maximum lot coverage 48%
- g) Maximum building height 10 m

**3.4.42 UR1-A-5 Map E-2B on Schedule A (2016-63 Towerhill)**

- a) Additional permitted uses: model homes, a temporary sales office and accessory parking lot.
- b) The front porch, stairs and accessibility ramp for a temporary sales office may project into the required front yard a maximum of 3 metres.
- c) Minimum lot area 438 m<sup>2</sup>
- d) Minimum lot frontage 13.7 m  
(corner lot) 15.2 m
- e) Minimum front yard 4.5 m
- f) Table 3C Additional Regulation (1) shall not apply.
- g) Minimum exterior side yard 2.5 m

- h) Minimum landscaped open space 20%
- i) Maximum lot coverage 48%
- j) Maximum building height 10 m

**3.4.43 UR1-B-2 Map E-2B on Schedule A (2016-63 Towerhill)**

- a) Minimum lot frontage 10.6 m  
(corner lot) 12.4 m
- b) Table 3C Additional Regulation (1) shall not apply.
- c) Minimum exterior side yard 2.5 m
- d) Minimum interior side yard adjacent to  
An attached garage 0.6 m
- e) Minimum landscaped open space 20%
- f) Maximum lot coverage 48%
- g) Maximum building height 10 m

**3.4.44 UR3-3 Map E-2B on Schedule A (2016-63 Towerhill)**

- a) A multiple dwelling is not permitted.
- b) Minimum lot area (per townhouse unit) 243 m<sup>2</sup>
- c) Minimum front yard 4.5 m
- d) Table 3B Additional Regulation (1) shall not apply.
- e) Maximum lot coverage 53%
- f) Maximum building height 10 m
- g) No more than 8 units shall be constructed in a row.
- h) A townhouse dwelling shall mean a building divided vertically into at least 3 dwelling units, attached by common walls at least 6 metres in length and at least 1 storey in height, in addition to any basement, with each dwelling unit having a separate from the outside.

**3.4.45 UR2-2 Map E-2A on Schedule A (2016-70 Thompson)**

- a) Permitted uses are limited to a single detached dwelling, a duplex dwelling, an accessory apartment, public park, home business and accessory uses.
- b) Minimum lot frontage 16 m

**3.4.46 HR-6 Map F-4 on Schedule A (2016-72 Louws)**

- a) Minimum side yard for the existing barn 0.09 m
- b) Minimum rear yard for the existing barn 0.15 m
- c) The keeping of livestock in the existing barn is prohibited.

- d) Minimum side yard for the existing shed 1.37 m

**3.4.47 UR1-6 Map F-2A on Schedule A (2017-22 Farrow)**

- a) The front lot line shall be deemed to be George Street.
- b) The lot line on Huston Street shall be deemed to be an exterior lot line.
- c) Minimum lot frontage 17 m

**3.4.48 RR-22 Map G-3 on Schedule A (2014-50 Bacon and McBride)**

- a) The minimum front yard depth requirement for the existing dwelling shall be 5.4 metres. In addition, an expansion of, or addition to, the existing single detached dwelling may be permitted with a minimum front yard of 5.4 metres.

**3.4.49 RR-23-H4 Map D-2 on Schedule A (former RR-18h, 4.5.5.18)**

- a) Until the 'H4' Holding symbol is removed in accordance with Section 14 of this By-law, permitted uses are limited to extensions to or expansions of existing buildings and structures of not more than 44.5 square metres.
- b) All new development must be located within the building envelope existing as of June 3, 2003 or, to buildable areas outside of the Regulated Area of the Otonabee Region Conservation Authority or, to areas above the top of bank or, to areas acceptable to the Conservation Authority.

**3.4.50 UR1-7 Map F-2A on Schedule A (2011-10)**

- a) Additional permitted use: funeral establishment.

**3.4.51 HR-7 Map B-5 on Schedule A (former RR-10)**

- a) Permitted uses are limited a single detached dwelling, semi-detached dwelling and home occupation.

**3.4.52 RR-24 Map C-6 on Schedule A**

- a) Additional permitted use: home industry.
- b) The maximum floor area of the home industry shall be 80 m<sup>2</sup>.

**3.4.53 UR1-8 Map E-2A on Schedule A**

- a) Additional permitted use: banquet hall.
- b) Required minimum yard setbacks and parking requirements are as existing on the date of passing of this By-law.

**3.4.54 HR-12 Map A-5 on Schedule A (Dainard)**

- a) Additional permitted use: a semi-detached dwelling.

- 3.4.55 UR1-9 Map E-3A on Schedule A (2019-03 Streefland)**  
a) Minimum Lot Frontage 21 m
- 3.4.56 RR-25 Map C-2 on Schedule A (2019-34 Palmer/Cameron)**  
a) Minimum lot area 3300 m<sup>2</sup>  
b) Minimum interior side yard (south) 2.4 m
- 3.4.57 HR-15 Map B-2 on Schedule A (2019-39 McCamus/Taylor)**  
a) Minimum interior side yard 3 m  
b) Minimum setback from intermittent creek 30 m
- 3.4.58 HR-14 Map B-4 on Schedule A (2019-38 Wilks/Taylor)**  
a) The front lot line shall be deemed to be Stewart Line.  
b) Minimum front yard 3.10 m
- 3.4.59 UR2-3 Map E-3 on Schedule A (2019-43 Veltri/Nina Crt)**  
a) Minimum lot area for lots serviced by a public water and sanitary sewer system 280 m<sup>2</sup> (per each dwelling unit)  
b) Minimum lot frontage for lots serviced by a public water and sanitary sewer system where a dwelling unit is attached to an adjoining dwelling unit 8 m (per each dwelling unit)
- 3.4.60 UR2-4 Map E-3 on Schedule A (2019-43 Veltri/Nina Crt)**  
a) The lot shall be considered an interior lot for the purposes of applying yard setbacks.
- 3.4.61 UR1-B-3 Map E-3 on Schedule A (2019-43 Veltri/Nina Crt)**  
a) Stoops, decks, porches, patios, verandahs, balconies on top of porches or verandahs, uncovered terraces and exterior steps providing access between finished grade and either the basement or the first storey of a building, may project no more than 2.5 metres into a required rear yard.  
b) Stairs that access any part of the principal building at or above grade and which are not associated with a deck or porch, may encroach into the required rear yard by no more than 2.5 metres. Stairs that access the principal building below grade are permitted to encroach into the required rear yard by no more than 2.5 metres.



**3.4.62 RR-26 Map C-6 on Schedule A (2019-76 Brockwell)**

- a) Additional permitted use: a motor vehicle repair garage
- b) For the purposes of the RR-26 Zone, a motor vehicle is defined as “an automobile, a motorcycle, a motor-assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, and may include, a motorized snow vehicle, a farm tractor, a self-propelled implement of husbandry or a road-building machine, as defined in the Highway Traffic Act, R.S.O 1990, Chapter H.8.”

**3.4.63 HR-16 Map A-3 on Schedule A (2022-07 Mount Pleasant)**

- a) Minimum Lot Area 0.27 ha
- b) Minimum Side Yard 4 m

**3.4.64 RR-27 Map A-3 on Schedule A (2022-07 Mount Pleasant)**

- a) Minimum Lot Area 11 ha
- b) Minimum Lot Frontage 12 m

**3.4.65 HR-17 Map C-2 on Schedule A (2021-71 918 Hwy 7A)**

- a) Permitted uses are limited to a single detached dwelling.
- b) Minimum lot area 270 m<sup>2</sup>
- c) Minimum lot frontage 13.97 m
- d) Minimum front yard 0 m
- e) Minimum interior side yard (east) 2.04 m
- f) Minimum interior side yard (west) 4.37 m
- g) Maximum lot coverage 55%
- h) Minimum parking space requirement is 1 parking space measuring 2.5 metres by 6 metres.
- i) Notwithstanding Section 11.41.2 of the By-law as it relates to projection beyond lot lines, it is recognized that the existing building projects beyond the front lot line by 0.67 metres.

**3.4.66 HR-18 Map G-4 on Schedule A (2021-22 162 CR 28 & Kalman Cres.)**

- a) Minimum lot area 2100 m<sup>2</sup>
- b) Minimum lot frontage 19.4 m

**3.4.67 UR1-A-6 Map E-2C on Schedule A** *(2022-09 Towerhill North)*

- |   |        |
|---|--------|
| a) Minimum lot frontage (corner lot)  | 15 m   |
| b) Minimum interior side yard adjacent to an attached garage  | 0.6 m  |
| c) Minimum exterior side yard   | 2.5 m  |
| d) Minimum rear yard (bungalow dwelling exception only)   | 4.75 m |
| e) Maximum lot coverage (bungalow dwelling exception only)  | 54%    |
| f) Minimum landscaped open space  | 20%    |
| g) A bungalow dwelling shall be defined as a dwelling generally one-storey or one and a half storeys in height. |        |
| h) A minimum of two (2) outdoor parking spaces must be provided.  |        |
| i) Table 3C Additional Regulation (1) shall not apply.  |        |

**3.4.68 UR1-A-7 Map E-2C on Schedule A** *(2022-09 Towerhill North)*

- |  |       |
|--|-------|
| a) Minimum interior side yard adjacent to an attached garage     | 0.6 m |
| b) Minimum exterior side yard                                    | 2.5 m |
| c) Minimum landscaped open space                                 | 20%   |
| d) A minimum of two (2) outdoor parking spaces must be provided. |       |
| e) Table 3C Additional Regulation (1) shall not apply.           |       |

**3.4.69 UR1-B-4 Map E-2C on Schedule A** *(2022-09 Towerhill North)*

- |   |                    |
|---|--------------------|
| a) Minimum lot area   | 318 m <sup>2</sup> |
| b) Minimum lot frontage   | 10.6 m             |
| (corner lot)  | 12.4 m             |
| c) Minimum interior side yard adjacent to an attached garage  | 0.6 m              |
| d) Minimum exterior side yard   | 2.5 m              |
| e) Minimum rear yard (bungalow dwelling exception only)   | 5 m                |
| f) Maximum lot coverage (bungalow dwelling exception only)  | 54%                |
| g) Minimum landscaped open space  | 20%                |
| h) A bungalow dwelling shall be defined as a dwelling generally one-storey or one and a half storeys in height. |                    |
| i) A minimum of two (2) outdoor parking spaces must be provided.  |                    |
| j) Table 3C Additional Regulation (1) shall not apply.  |                    |

**3.4.70 UR3-4 Map E-2C on Schedule A (2022-09 Towerhill North)**

- a) Minimum block area 600 m<sup>2</sup>
- b) Minimum lot area 225 m<sup>2</sup>
- c) Minimum front yard 4.5 m
- d) Minimum exterior side yard 2.1 m
- e) Minimum rear yard 5 m
- f) Maximum lot coverage 55%
- g) A minimum of two (2) outdoor parking spaces must be provided.
- h) Table 3B Additional Regulation (1) shall not apply.

**3.4.71 UR4-3 Map E-2C on Schedule A (2022-09 Towerhill North)**

- a) Minimum exterior side yard 3 m
- b) Maximum building height 14 m
- c) Minimum parking: 1 space per dwelling unit
- d) Minimum Loading Space: 1 space
- e) Table 3B Additional Regulation (1) shall not apply.

**3.4.72 UR4-4 Map E-2C on Schedule A (2022-09 Towerhill North)**

- a) Minimum lot frontage 6.1 m
- b) Maximum building height 14 m
- c) Minimum parking: 1.25 spaces per dwelling unit
- d) Minimum Loading Space: 1 space
- e) Table 3B Additional Regulation (1) shall not apply.

**3.4.73 Intentionally left blank**



## 4.0 Mixed-Use Zones

### 4.1 List of Applicable Zones

|                      |      |
|----------------------|------|
| Core Mixed-Use One   | CMU1 |
| Core Mixed-Use Two   | CMU2 |
| Core Mixed-Use Three | CMU3 |

### 4.2 Permitted Uses

Uses permitted in the Core Mixed-Use Zones are denoted by the symbol '✓' in the column applicable to the Zone and corresponding with the row for a specific permitted use in Table 4A and 4B. A number(s) following the symbol '✓' or identified permitted use indicates that one or more special provisions apply, which are listed below Tables 4A and 4B.

Notwithstanding the permitted uses and applicable regulations of this section, permitted uses may be restricted by General Provisions (Section 11) and Parking and Loading Regulations (Section 12).

| <b>Table 4A Core Mixed-Use Zones – Permitted Residential Uses</b> |             |             |             |
|---|-------------|-------------|-------------|
| <b>Use</b>  | <b>CMU1</b> | <b>CMU2</b> | <b>CMU3</b> |
| Accessory apartment   | ✓           | ✓ (2)       | ✓           |
| Boarding, lodging or rooming house                                | ✓           |             | ✓           |
| Dwelling, duplex  | ✓ (1)       | ✓ (2)       | ✓ (1)       |
| Dwelling, multiple  | ✓           |             | ✓           |
| Dwelling, semi-detached   | ✓ (1)       |             | ✓ (1)       |
| Dwelling, single detached   | ✓ (1)       | ✓ (2)       | ✓ (1)       |
| Dwelling, townhouse   | ✓           |             | ✓           |
| Dwelling units in mixed-use building                              | ✓           |             | ✓           |
| Group home  | ✓ (2)       | ✓ (2)       | ✓ (2)       |
| Home business   | ✓ (3)       | ✓ (2)       | ✓ (3)       |
| Long term care facility   | ✓           |             | ✓           |
| Private home daycare  | ✓           | ✓ (2)       | ✓           |
| Retirement home   | ✓           |             | ✓           |

**Table 4A Additional Regulations:**

- (1) Permitted only where the use legally existed on the effective date of this By-law.
- (2) Permitted only in a single detached dwelling that legally existed on the effective date of this By-law.
- (3) Permitted only as an accessory use to a dwelling unit in accordance with the home business regulations of this By-law.

| <b>Table 4B Core Mixed-Use Zone – Permitted Non-residential Uses</b> |             |             |             |
|--|-------------|-------------|-------------|
| <b>Use</b>   | <b>CMU1</b> | <b>CMU2</b> | <b>CMU3</b> |
| Antique store  | ✓           | ✓ (4)       | ✓           |
| Artisan studio   | ✓           | ✓ (4)       | ✓           |
| Art gallery  | ✓           | ✓ (4)       | ✓           |
| Assembly hall  |             |             | ✓           |
| Business office  | ✓ (2)       | ✓ (4)       | ✓ (2)       |
| Commercial fitness centre  | ✓           |             | ✓           |
| Community garden   | ✓           |             | ✓           |
| Commercial school or studio  | ✓           |             | ✓           |
| Community use  | ✓           |             | ✓           |
| Craft brewery  | ✓           |             | ✓           |
| Day care centre  | ✓           | ✓ (4)       | ✓           |
| Farmer's market  | ✓           |             | ✓           |
| Financial institution  | ✓           |             | ✓           |
| Funeral establishment  |             |             | ✓           |
| Hotel / motel  | ✓           |             | ✓           |
| Industrial use   | ✓ (1)       |             | ✓ (1)       |
| Medical office   | ✓ (2)       | ✓ (4)       | ✓ (2)       |
| Mixed-use building   | ✓ (2)       |             | ✓ (2)       |
| Personal service establishment                                       | ✓           | ✓ (4)       | ✓           |
| Place of entertainment   | ✓           |             | ✓           |
| Place of worship   | ✓           | ✓           | ✓           |
| Private club   | ✓           |             | ✓           |

| <b>Table 4B Core Mixed-Use Zone – Permitted Non-residential Uses</b> |             |             |             |
|--|-------------|-------------|-------------|
| <b>Use</b>   | <b>CMU1</b> | <b>CMU2</b> | <b>CMU3</b> |
| Private school   |             |             | ✓ (2)       |
| Public school  |             |             | ✓           |
| Public park  | ✓           | ✓           | ✓           |
| Repair or service shop   | ✓           |             | ✓           |
| Restaurant   | ✓           | ✓ (4)       | ✓           |
| Retail store   | ✓ (3)       |             | ✓ (3)       |
| Theatre  | ✓           |             |             |

**Table 4B Additional Regulations:**

- (1) Permitted only where the use legally existed on the effective date of this By-law.
- (2) Business offices, personal service establishments, and repair or service shops are not permitted on the first storey of a building.
- (3) The maximum ground floor area permitted shall be 900 square metres.
- (4) Permitted only in a single detached dwelling that legally existed on the effective date of this By-law.

### 4.3 Zone Standards

No person shall, within the Core Mixed-use Zone, use any lot or erect, alter or use any building or structure except in accordance with the Zone standards set out in Table 4C. A number(s) following the Zone standards, Zone heading, or the standard, indicates that one or more special provisions apply, which are listed below Table 4C.

| <b>Table 4C Core Mixed-Use Zone Standards</b> |             |             |             |
|---|-------------|-------------|-------------|
| <b>Standard</b>                               | <b>CMU1</b> | <b>CMU2</b> | <b>CMU3</b> |
| Minimum Lot Area (m <sup>2</sup> )            |             | 300         |             |
| Minimum Lot Frontage (m)                      | N/A         | 10          |             |
| Minimum Front Yard (m)                        |             | N/A         |             |
| Maximum Front Yard (m)                        | 2 (1)       | 4 (1)       |             |
| Minimum Required Interior Side Yard (m)       | N/A         | 2           |             |

| <b>Table 4C Core Mixed-Use Zone Standards</b>  |             |             |             |
|--|-------------|-------------|-------------|
| <b>Standard</b>  | <b>CMU1</b> | <b>CMU2</b> | <b>CMU3</b> |
| Minimum Interior Side Yard if adjacent to any Residential Zone boundary (m)                | 2           |             |             |
| Minimum Exterior Side Yard (m)   | 1 (1)       | 2 (1)       |             |
| Maximum Permitted Exterior Side Yard (m)   | 2 (2)       | 4 (1)       |             |
| Minimum Rear Yard (m)  | 3           |             |             |
| Minimum Rear Yard if adjacent to any Residential Zone boundary (m)                         | 6           |             |             |
| Maximum building height  | (3)         |             |             |
| Minimum building height  | (4)         |             |             |
| Maximum floor space index  | 2.5         | 2.0         |             |
| Minimum ground floor area of first storey wall facing front lot line that has openings (%) | 70          | 50          |             |
| Buffer Requirement if adjacent to any Residential Zone boundary                            | (5)         |             |             |

**Table 4C Additional Regulations:**

- (1) Applies to 70% of the lot frontage only.
- (2) Applies to 50% of the length of exterior side lot line only.
- (3) 3 storeys and not more than 11 metres.
- (4) 2 storeys and not less than 6.6 metres.
- (5) A planting strip 1.5 metres wide shall be provided and maintained adjacent to every portion of any lot line that abuts any Residential Zone not separated by a public road.



## 4.4 Exceptions

The provisions of this By-law are modified in accordance with the following site-specific exceptions. Unless specifically modified or amended by this subsection, all other provisions of this By-law continue to apply to the lands subject to this subsection.

### 4.4.1 CMU1-1 Map F-2A on Schedule A *(former R4-1, 4.4.7.1)*

- a) Permitted uses are limited to: converted apartment dwelling house and public park.
- b) Minimum south interior side yard 9.4 m
- c) Minimum dwelling unit area containing 1 bedroom 45 m<sup>2</sup>

### 4.4.2 CMU2-1 Map E-2A on Schedule A *(2017-32 Tong)*

- a) Permitted uses are limited to an apartment dwelling.
- b) Minimum lot area 480 m<sup>2</sup>
- c) Minimum front yard 0.8 m
- d) Minimum rear yard 5.7 m
- e) Minimum dwelling unit area 37 m<sup>2</sup>
- f) Minimum landscaped open space 25%
- g) The combined width of the two driveways shall not exceed 38% of the lot frontage.
- h) The driveway or passageway shall be included in the parking area requirements and as such, the parking area may be located within the minimum required front yard depth.

### 4.4.3 CMU3-1 Map E-2A on Schedule A *(former C-1, 5.2.8.1 and C-4, 5.2.8.4)*

- a) The lot line that abuts Centre Street shall be deemed the front lot line.
- b) A driveway that is not a common driveway is permitted to be located 0 metres from the interior side lot line.
- c) No minimum interior side yard is required.

### 4.4.4 CMU1-2 Map F-2A on Schedule A

- a) A dental clinic is permitted on the ground floor.

### 4.4.5 CMU3-2 Map E-2A on Schedule A

- a) Additional permitted uses: motor vehicle gas bar and motor vehicle repair garage.

**4.4.6 CMU2-2 Map E-2A on Schedule A** *(2021-52 14 King St. W.)*

- a) Additional permitted uses: a multiple dwelling containing a maximum of four dwelling units.
- b) Minimum parking requirements: one (1) space per dwelling unit and one (1) visitor parking space.

**4.4.7 *Intentionally left blank***

## 5.0 Commercial Zones

### 5.1 List of Applicable Zones

|                          |    |
|--------------------------|----|
| Local Commercial         | C1 |
| Hamlet Commercial        | C2 |
| Recreational Commercial  | C3 |
| Entertainment Commercial | C4 |
| Community Commercial     | C5 |

### 5.2 Permitted Uses

Uses permitted in a Commercial Zone are denoted by the symbol '✓' in the column applicable to the Zone and corresponding with the row for a specific permitted use in Table 5A. A number(s) following the symbol '✓' or identified permitted use indicates that one or more special provisions apply, which are listed below Table 5A.

Notwithstanding the permitted uses and applicable regulations of this section, permitted uses may be restricted by General Provisions (Section 11) and Parking and Loading Regulations (Section 12).

| Table 5A Commercial Zones – Permitted Uses |    |    |    |    |      |
|--|----|----|----|----|------|
| Use  | C1 | C2 | C3 | C4 | C5   |
| Agricultural use                           |    |    | ✓  |    |      |
| Animal clinic                              | ✓  | ✓  |    |    | ✓    |
| Animal daycare centre                      | ✓  | ✓  |    |    | ✓    |
| Antique store                              | ✓  | ✓  |    |    | ✓    |
| Art gallery                                | ✓  | ✓  |    |    |      |
| Artisan studio                             | ✓  | ✓  |    |    |      |
| Assembly hall                              |    | ✓  |    |    | ✓    |
| Banquet hall                               |    |    |    |    | ✓    |
| Building supply store                      |    | ✓  |    |    |      |
| Business office                            |    | ✓  |    |    | ✓(1) |
| Campground                                 |    |    | ✓  |    |      |
| Caterer's establishment                    |    | ✓  |    |    |      |
| Commercial fitness centre                  |    |    |    | ✓  | ✓    |
| Commercial greenhouse                      |    | ✓  |    |    | ✓    |
| Commercial recreation use                  | ✓  | ✓  |    | ✓  | ✓    |
| Commercial school or studio                | ✓  | ✓  |    |    | ✓    |
| Conservation use                           |    |    | ✓  |    |      |
| Craft brewery                              | ✓  | ✓  |    |    | ✓    |
| Day care centre                            | ✓  | ✓  |    |    | ✓    |

| <b>Table 5A Commercial Zones – Permitted Uses</b>  |           |           |           |           |           |
|--|-----------|-----------|-----------|-----------|-----------|
| <b>Use</b>   | <b>C1</b> | <b>C2</b> | <b>C3</b> | <b>C4</b> | <b>C5</b> |
| Drive-through service facility                     |           |           |           |           | ✓         |
| Dry cleaning depot                                 | ✓         | ✓         |           |           | ✓         |
| Dwelling units in mixed-use building               | ✓         | ✓         |           |           |           |
| Equipment rental establishment                     | ✓         | ✓         |           |           | ✓         |
| Existing motor vehicle and horse racing facilities |           |           |           | ✓         |           |
| Financial institution                              | ✓         | ✓         |           |           |           |
| Forest management                                  |           |           | ✓         |           |           |
| Funeral establishment                              |           | ✓         |           |           | ✓         |
| Gaming facility                                    |           |           |           | ✓         |           |
| Golf course  |           |           | ✓         |           |           |
| Golf course, miniature                             |           |           | ✓         |           |           |
| Golf driving range                                 |           |           | ✓         |           |           |
| Low intensity recreational uses                    |           |           | ✓         |           |           |
| Hotel / motel                                      |           |           | ✓         | ✓         | ✓         |
| Industrial equipment rental establishment          |           | ✓         |           |           | ✓         |
| Laundromat   | ✓         | ✓         |           |           | ✓         |
| Marina   |           |           | ✓         |           |           |
| Mobile canteen                                     | ✓         | ✓         | ✓         | ✓         | ✓         |
| Mobile refreshment vehicle                         | ✓         | ✓         | ✓         | ✓         |           |
| Medical office                                     | ✓         | ✓         |           |           | ✓         |
| Motor vehicle gas bar                              | ✓         | ✓         |           | ✓         | ✓         |
| Motor vehicle repair garage                        |           | ✓         |           |           |           |
| Motor vehicle sales and rental establishment       |           |           |           |           | ✓         |
| Personal service establishment                     | ✓         | ✓         |           |           |           |
| Place of entertainment                             |           |           |           | ✓         | ✓         |
| Place of worship                                   |           | ✓         |           |           |           |
| Postal or courier outlet                           | ✓         | ✓         |           |           |           |
| Private club                                       |           | ✓         | ✓         |           | ✓         |
| Public park  | ✓         | ✓         | ✓         |           | ✓         |
| Private school                                     |           | ✓         |           |           | ✓         |
| Public school                                      | ✓         | ✓         | ✓         | ✓         | ✓         |
| Repair or service shop                             | ✓         | ✓         |           |           | ✓         |
| Restaurant   | ✓         | ✓         |           | ✓         | ✓         |
| Retail store                                       | ✓         | ✓         |           |           | ✓(2)      |
| Shopping centre                                    |           |           |           |           | ✓         |

| <b>Table 5A Commercial Zones – Permitted Uses</b> |           |           |           |           |           |
|---|-----------|-----------|-----------|-----------|-----------|
| <b>Use</b>  | <b>C1</b> | <b>C2</b> | <b>C3</b> | <b>C4</b> | <b>C5</b> |
| Ski resort  |           |           | ✓         |           |           |
| Theatre   |           | ✓         |           | ✓         | ✓         |
| Trade and convention centre                       |           |           |           | ✓         | ✓         |

**Table 5A Additional Regulations:**

- (1) Only permitted as an accessory use.
- (2) A liquor store is not a permitted use.

**5.3 Zone Standards**

No person shall, within any Commercial Zone, use any lot or erect, alter or use any building or structure except in accordance with the Zone standards set out in Table 5B. A number(s) following the Zone standards, Zone heading, or the standard, indicates that one or more special provisions apply, which are listed below Table 5B.

| <b>Table 5B Commercial Zone Standards</b>                                 |           |           |           |           |           |
|---|-----------|-----------|-----------|-----------|-----------|
| <b>Standard</b>   | <b>C1</b> | <b>C2</b> | <b>C3</b> | <b>C4</b> | <b>C5</b> |
| Minimum Lot Area (m <sup>2</sup> )  | 500       | 2000      | 6000      | 1000      | 4000      |
| Minimum Lot Frontage (m)  | 20        | 10        | 30        | 35        | 20        |
| Minimum Front Yard (m)  | 3         | 6         | 12        | 6         | 3         |
| Minimum Interior Side Yard (m)  | 3         |           | 6         |           | 3         |
| Minimum Interior Side Yard if adjacent to a Residential Zone Boundary (m) | 6         |           | 15        | 7.5       |           |
| Minimum Exterior Side Yard (m)  | 3         |           | 15        | 9         | 3         |
| Minimum Rear Yard (m)   | 3         |           | 9         | 6         |           |
| Minimum Rear Yard if adjacent to any Residential Zone boundary (m)        | 6         |           | 15        | 7.5       |           |
| Maximum Building Height (m)   | 12.5      | 10        |           | 12.5      | 10        |
| Maximum Lot Coverage (%)  | 50        | 45        | 40        |           | N/A       |
| Maximum Floor Area of any Use (m <sup>2</sup> )                           | 300       | N/A       |           |           | 500       |

## 5.4 Exceptions

The provisions of this By-law are modified in accordance with the following site-specific exceptions. Unless specifically modified or amended by this subsection, all other provisions of this By-law continue to apply to the lands subject to this subsection.

### 5.4.1 C2-1 Map B-5 on Schedule A (former HC-6, 5.1.6.6)

- a) Permitted uses are limited to a:
  - (i) business office;
  - (ii) financial institution;
  - (iii) medical office;
  - (iv) motorcycle or snowmobile sales and service shop;
  - (v) personal service establishment;
  - (vi) restaurant; and,
  - (vii) retail store.
- b) Minimum front yard 15 m
- c) Minimum rear yard 4 m
- d) Maximum lot coverage 40%
- e) Maximum building height 9 m

### 5.4.2 C5-1 Map E-2B on Schedule A (Towerhill Commercial 2020-72)

- a) Additional permitted uses: banks and financial institutions; a business office as a primary use;
- b) Uses not permitted: a commercial greenhouse; an industrial equipment rental establishment; and a motor vehicles sales and rental establishment.
- c) The front lot line shall be the lot line that divides the lot from Fallis Line.
- d) The minimum number of required egress spaces for a drive through restaurant shall be 2.
- e) The minimum setback for a drive-through service facility from a residential zone boundary shall be 18.0 metres.
- f) The minimum landscape buffer for a drive-through service facility shall be 3.0 metres.

### 5.4.3 C2-3 Map C-2 on Schedule A (former HC-11, 5.1.6.11)

- a) Permitted uses are limited to a single detached dwelling and accessory motor vehicle body shop.
- b) Minimum front yard 0.7 m
- c) Minimum northerly interior side yard 0.6 m

- d) Minimum southerly interior side yard 8.5 m
- e) Maximum floor area of existing commercial building 93 m<sup>2</sup>
- f) Maximum permitted expansion of existing commercial building 10%
- g) Maximum number of customer vehicles on the lot at any one time 4
- h) A total of one (1) non-illuminated sign not more than 1 square metre in area shall be permitted for the purpose of advertisement.

**5.4.4 C3-1 Map A-1 on Schedule A (2007-52, Cham Shan Temple)**

- a) Additional permitted uses: Bhuddist temple, spiritual retreat centre and accessory uses.
- b) Maximum height of temple 17 m

**5.4.5 C2-4 Map B-5 on Schedule A (former C-2, 5.2.8.2)**

- a) Permitted uses are limited to a specialty lumber retail store and associated area for outdoor storage.
- b) Minimum front yard 15 m
- c) Minimum interior side yard 5 m
- d) Minimum rear yard 6 m
- e) Maximum floor area 675 m<sup>2</sup>
- f) Maximum lot coverage 30%
- g) Maximum building height 11 m
- h) Minimum number of required loading spaces 1
- i) Where an interior side or rear yard abuts a public street, it shall be deemed a front yard.

**5.4.6 C2-5 Map B-5 on Schedule A (former C-5, 5.2.8.5)**

- a) Permitted uses are limited to a specialty lumber retail store and associated area for outdoor storage.
- b) Minimum front yard 15 m
- c) Minimum interior side yard 5 m
- d) Minimum rear yard 7.5 m
- e) Maximum floor area 840 m<sup>2</sup>
- f) Maximum lot coverage 30%

- g) Maximum building height 11 m
- h) Minimum number of required loading spaces 1
- i) Where an interior side or rear yard abuts a public street, it shall be deemed a front yard.
- j) The only outside storage of goods and materials shall be permitted provided the storage area is wholly enclosed with a fence a minimum of 1.8 in height.

**5.4.7 C1-1 Map E-3A on Schedule A (former C-3, 5.2.8.3)**

- a) Permitted uses are limited to:
  - (i) animal clinic;
  - (ii) a business office;
  - (iii) commercial recreation use;
  - (iv) a dry cleaning depot;
  - (v) a laundromat;
  - (vi) a private club;
  - (vii) a repair or service shop;
  - (viii) a restaurant; and,
  - (ix) a retail store.
- b) No building or structures shall be constructed where the minimum elevation of a ground or first floor level is less than the minimum elevation for flood proofing which shall be 216.1 metres G.S.C. (Geodetic Survey of Canada).
- c) These lands may be included with adjoining lands under the same ownership for the purpose of satisfying appropriate zone provisions and regulations (i.e. parking, lot area, lot frontage, setbacks, etc.).

**5.4.8 C3-2 Map E-4 on Schedule A (former RC-5, 5.3.5.5)**

- a) Permitted uses are limited to:
  - (i) an accessory single detached dwelling; and,
  - (ii) a golf course, miniature golf course, golf driving range, and any buildings and structures accessory thereto.
- b) Minimum front yard 15 m
- c) Minimum interior side yard 15 m

**5.4.9 C3-3 Map B-5 on Schedule A (former RC-3, 5.3.5.3)**

- a) Permitted uses are limited to a golf course, miniature golf course and golf driving range.
- b) Maximum floor area 505 m<sup>2</sup>



- c) Maximum lot coverage 20%
- d) Landscaped open space with a minimum width of 15 metres shall be provided and maintained along any lot line that abuts an existing residential use.

**5.4.10 C2-6 Map B-4 on Schedule A (former HC-7, 2011-30)**

- a) Additional permitted use: a bakery.
- b) Minimum exterior side yard 5.2 m

**5.4.11 C1-2 Map E-2A on Schedule A (former C-8, 2012-31)**

- a) Permitted uses are limited to:
  - (i) a single detached dwelling accessory to a permitted use, if occupied by the owner, caretaker, watchman or other similar person employed on the lot on which such single detached dwelling is located except that in the case of a motor vehicle body shop, such single detached dwelling shall not be permitted.
  - (ii) an animal hospital;
  - (iii) a business office;
  - (iv) a commercial recreation use;
  - (v) a dry cleaning depot;
  - (vi) a financial institution;
  - (vii) an equipment rental establishment;
  - (viii) a laundromat;
  - (ix) a medical office;
  - (x) a parking lot;
  - (xi) a personal service establishment;
  - (xii) a place of entertainment;
  - (xiii) a repair or service shop;
  - (xiv) a restaurant; and,
  - (xv) a retail store.
- b) Minimum front yard 4.77 m
- c) Minimum interior side yard 10.95 m
- d) Minimum exterior side yard 1.1 m
- e) Minimum rear yard 1.55 m
- f) Maximum lot coverage 40%

- g) The frontage on Queen Street shall be deemed to be the lot frontage.
- h) A minimum of one loading space and 12 parking spaces shall be required.

**5.4.12 C2-7 Map C-5 on Schedule A (former RC-2, 5.3.5.2)**

- a) Permitted uses are limited to a golf course, miniature golf course and golf driving range.
- b) Minimum front yard 15 m
- c) Minimum interior side yard 7.5 m
- d) Minimum rear yard 7.5 m
- e) A minimum of 75 parking spaces is required.

**5.4.13 C2-8 Map B-5 on Schedule A (former HC-17, 2015-47 Barker, 5.1.6.17)**

- a) Additional permitted use: a bakery and small scale manufacturing, warehousing and indoor storage uses.
- b) Outdoor storage is prohibited.
- c) The term 'small scale' means those manufacturing, warehousing and indoor storage uses which are not large water users and are not obnoxious by reason of odour, dust, smoke, gas, noise, vibration and traffic.
- d) Minimum interior western side yard 5.0 m

**5.4.14 \_\_\_ Map \_ on Schedule A**

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**5.4.15 C2-10 Map B-5 on Schedule A (2016-27 Rashotte)**

- a) Permitted uses are limited to:
  - (i) an animal clinic;
  - (ii) a building supply store in a wholly enclosed building;
  - (iii) a business office;
  - (iv) a contractors yard;
  - (v) an equipment rental establishment;
  - (vi) a farm implement sales and supplies establishment;
  - (vii) a farm produce sales outlet;
  - (viii) an industrial use;
  - (ix) a motor vehicle repair garage;
  - (x) a motor vehicle body shop;
  - (xi) a repair or service shop;

- (xii) a retail store; and,
- (xiii) a warehouse.
- b) Minimum front yard 7.9 m
- c) Minimum interior side yard 5.4 m
- d) Minimum rear yard 26 m
- e) Maximum building height 11 m
- f) A privacy screen, a minimum of 1.5 metres in height shall be required along the property boundaries of outside storage. A privacy screen means a visual barrier comprised of a solid fence or solid hedgerow used to shield any part of yard from view from any adjacent parcel or road.

**5.4.16 C3-4 Map A-5 on Schedule A (2017-55 – 2410 Landsdowne W)**

- a) Permitted uses are limited to:
  - (i) a single detached dwelling, including ancillary office space, where such dwelling is accessory to a non-residential use and is occupied by the owner, caretaker, watchman or other similar person, employed on the lot on which such dwelling unit is located; and,
  - (ii) a gymnastics facility.
- b) Regulations for residential uses
  - (i) Minimum front yard 58 m
  - (ii) Minimum interior side yard (east) 14 m
  - (iii) Minimum interior side yard (west) 34 m
  - (iv) Minimum rear yard 147 m
  - (v) Minimum dwelling unit area 75.6 m<sup>2</sup>
  - (vi) Maximum number of dwelling units per lot 1
- c) Regulations for non-residential uses
  - (i) Minimum front yard 45 m
  - (ii) Minimum interior side yard (east) 28 m
  - (iii) Minimum interior side yard (west) 6 m
  - (iv) Minimum rear yard 123 m
  - (v) Maximum floor area 1,360 m<sup>2</sup>
  - (vi) Maximum lot coverage 9.5%
  - (vii) Maximum building height 9.5 m

- d) Minimum number of loading spaces 1
- e) Section 11.22 (MDS) shall not apply.
- f) Minimum number of parking spaces 54
- g) Minimum number of barrier free parking spaces 3
- h) No portion of any parking area or driveway shall be located closer than 2.4 metres to any Zone where a residential use is permitted.
- i) A parking space shall have minimum rectangular dimensions of 2.7 by 5.7 metres.

**5.4.17 C3-5 Map C-6 on Schedule A (former RC-1, 5.3.5.1)**

- a) Permitted uses are limited to:
  - (i) a single detached dwelling accessory to a permitted use, if occupied by the owner, caretaker, watchman or other similar persons, employed on the lot on which such dwelling unit is located;
  - (ii) a marina; and,
  - (iii) a restaurant accessory to a marina in building existing as of October 4, 2004 (no expansions to the existing building will be permitted without an amendment to this By-law).
- b) Regulations for residential uses
  - (i) Minimum front yard 58 m
  - (ii) Minimum rear yard 6 m
  - (iii) Maximum building height 9 m
  - (iv) Minimum dwelling unit area 75.6 m<sup>2</sup>
  - (v) Maximum lot coverage 15%
- c) Yard requirements for that portion of a lot abutting a navigable waterway may be viewed in respect of a marina, fuel pumps and similar structures associated with a marina.

**5.4.18 C2-11 Map C-2 on Schedule A (906, 918 and 920 Hwy 7A)**

- a) Additional permitted uses:
  - (i) a dwelling unit in a portion of a commercial building if occupied by the owner, caretaker, watchman or other similar person employed on the lot on which such dwelling unit is located, except in the case

of a motor vehicle repair garage, such dwelling unit shall not be permitted;

- (ii) a single detached dwelling accessory to a permitted use, if occupied by the owner, caretaker, watchman or other similar person employed on the lot on which such single detached dwelling is located except that in the case of a motor vehicle repair garage, such single detached dwelling shall not be permitted;
- (iii) a building supply sales in a wholly enclosed building;
- (iv) a cheese factory;
- (v) a farm implement sales and supply establishment;
- (vi) a farm produce sales outlet;
- (vii) a parking lot;
- (viii) an eating establishment;
- (ix) a place of entertainment;
- (x) a motor vehicle or horse race course;
- (xi) a motor vehicle body shop;
- (xii) a motor vehicle or boat dealership;
- (xiii) a motor vehicle sales, used;
- (xiv) a motor vehicle service station;
- (xv) a commercial plaza;
- (xvi) a convenience store; and
- (xvii) motel, hotel.

b) Definitions:

- (i) **Parking Lot:** an area provided for the parking of motor vehicles and related ingress or egress lanes.
- (ii) **Eating Establishment:** a building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes such uses as a restaurant, dining room, café, cafeteria, ice cream parlour, tea or lunch room, diary bar, coffee shop, snack bar, refreshment room or stand.
- (iii) **Place of Entertainment:** a theatre, auditorium, dance hall, cinemas, billiard or pool hall, arcade, bowling alley, ice or roller skating rink, curling rink, or arena.
- (iv) **Motor Vehicle Body Shop:** a building or structure used for the painting or repairing of motor vehicle bodies, exterior and undercarriage, and in conjunction with which there may be towing

service and motor vehicle rentals for customers while motor vehicles is under repair, but shall not include any other establishment otherwise defined or classified in the By-law.

- (v) **Motor Vehicle Dealership:** a building or structure where a franchised dealer displays new motor vehicles for sale or rent and in conjunction with which there may be used motor vehicle sales, a motor vehicle repair garage, a motor vehicle service station, a motor vehicle gasoline bar, or a motor vehicle body shop, but shall not include any other establishment otherwise defined or classified in this By-law.
- (vi) **Motor Vehicle Sales, Used:** an establishment, with or without a building, where used motor vehicles are displayed for sale, but shall not include any other establishment otherwise defined or classified in this By-law.
- (vii) **Motor Vehicle Service Station:** a building or structure where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, spark plugs, batteries and automotive accessories for motor vehicles and new retail goods are stored or kept for sale to the general public, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charges, or where only minor mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed.
- (viii) **Commercial Plaza:** a group of commercial uses as permitted in zoning, in one building which has been designed, developed and managed as a unit by a single owner or tenant, or a group of owners or tenants. A dwelling unit shall not be permitted in any portion of a commercial plaza.
- (ix) **Convenience Store:** a retail store serving the daily or occasional needs of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and newspapers.
- (x) **Hotel:** an establishment that consist of one building or two or more connected or adjacent buildings consisting of at least ten (10) individual rental units which cater to the needs of the travelling public by furnishing sleeping accommodation for remuneration and may or may not supply food, but does not include a boarding or lodging house, a bed and breakfast establishment, an apartment dwelling or similar facility.
- (xi) **Motel:** an establishment that consists of one, or more than one building containing more than one rental unit for the purpose of

catering to the travelling public, to whom the motor vehicle is the principal means of transportation, by furnishing sleeping accommodation with or without meals, may include permanent staff accommodation and may or may not be licensed under the Liquor License Act, but does not include any other establishment otherwise defined or classified in this By-law.

**5.4.19** *Intentionally left blank*

## 6.0 Industrial Zones

### 6.1 List of Applicable Zones

|                       |    |
|-----------------------|----|
| Urban Employment      | M1 |
| Rural Employment      | M2 |
| Extractive Industrial | M3 |
| Disposal Industrial   | M4 |
| Airport Industrial    | M5 |

### 6.2 Permitted Uses

Uses permitted in an Industrial Zone are denoted by the symbol '✓' in the column applicable to the Zone and corresponding with the row for a specific permitted use in Table 6A. A number(s) following the symbol '✓' or identified permitted use indicates that one or more special provisions apply, which are listed below Table 6A.

Notwithstanding the permitted uses and applicable regulations of this section, permitted uses may be restricted by General Provisions (Section 11) and Parking and Loading Regulations (Section 12).

| Table 6A Industrial Zones – Permitted Uses    |      |         |    |    |      |
|---|------|---------|----|----|------|
| Use   | M1   | M2      | M3 | M4 | M5   |
| Aggregate processing facility                 |      |         | ✓  |    |      |
| Agricultural service and supply establishment |      | ✓(3)(4) |    |    |      |
| Airport and related uses                      |      |         |    |    | ✓    |
| Asphalt plant                                 |      |         | ✓  |    |      |
| Assembly hall                                 | ✓    |         |    |    |      |
| Auction sales establishment                   | ✓    | ✓(3)(4) |    |    |      |
| Banquet hall                                  | ✓    |         |    |    |      |
| Brewery / winery                              | ✓    | ✓(4)    |    |    |      |
| Business office                               | ✓(1) | ✓(1)(4) |    |    | ✓(2) |
| Cannabis production facility                  | ✓    |         |    |    |      |
| Caterer's establishment                       | ✓    |         |    |    |      |
| Commercial self-storage facility              | ✓(4) | ✓(4)    |    |    |      |
| Composting yard                               | ✓    | ✓(4)    |    | ✓  |      |
| Concrete batching plant                       |      |         | ✓  |    |      |
| Contractor's yard                             | ✓(4) | ✓(4)    |    |    |      |
| Dry cleaning plant                            | ✓    |         |    |    |      |
| Equipment rental establishment                | ✓(4) | ✓(3)(4) |    |    |      |



| <b>Table 6A Industrial Zones – Permitted Uses</b>      |           |           |           |           |           |
|--|-----------|-----------|-----------|-----------|-----------|
| <b>Use</b>   | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>M4</b> | <b>M5</b> |
| Farm implement sales and service establishment         | ✓(4)      | ✓(3)(4)   |           |           |           |
| Feed mill  |           | ✓(4)      |           |           |           |
| Hotel / motel  | ✓         |           |           |           |           |
| Industrial use   | ✓(4)      | ✓(4)      |           |           | ✓(2)      |
| Industrial equipment rental establishment              | ✓(4)      | ✓(3)(4)   |           |           |           |
| Mineral aggregate operation                            |           |           | ✓         |           |           |
| Motor vehicle body shop                                | ✓         | ✓         |           |           |           |
| Motor vehicle gas bar                                  | ✓         | ✓         |           |           |           |
| Motor vehicle repair garage                            | ✓         | ✓         |           |           |           |
| Motor vehicle sales and rental establishment           | ✓         | ✓(4)      |           |           | ✓(2)      |
| Motor vehicle washing establishment                    | ✓         |           |           |           |           |
| Outdoor display and sales area                         | ✓         | ✓         |           |           |           |
| Outdoor power products sales and service establishment | ✓         | ✓         |           |           |           |
| Outdoor storage use                                    | ✓         | ✓(4)      |           |           |           |
| Recycling facility                                     | ✓         | ✓(4)      |           |           |           |
| Repair or service shop                                 | ✓(4)      | ✓(3)(4)   |           |           |           |
| Restaurant   | ✓         | ✓(3)(4)   |           |           | ✓(2)      |
| Retail store   | ✓(5)(6)   | ✓(5)(6)   |           |           | ✓(2)(6)   |
| Trade and convention centre                            | ✓         |           |           |           | ✓(2)      |
| Transport terminal                                     |           | ✓(4)      |           |           |           |
| Warehouse  | ✓(4)      | ✓(4)      |           |           | ✓(2)      |
| Waste processing station                               | ✓         |           |           |           |           |
| Waste transfer station                                 |           | ✓(4)      |           | ✓         |           |
| Wayside pit  |           |           | ✓         |           |           |
| Wholesale establishment                                |           | ✓(4)      |           |           | ✓(2)      |

**Table 6A Additional Regulations:**

- (1) Permitted only as an accessory use. In the M1 Zone, the maximum floor area of accessory office uses shall not exceed 25 percent of the gross floor area of the principal use on the property.
- (2) Permitted only as an accessory use to airport and related uses.

- (3) A dwelling unit in a portion of a commercial building may be permitted if occupied by the owner, caretaker, watchman or other similar person employed on the lot on which such dwelling unit is located.
- (4) A single detached dwelling accessory to a permitted use, may be permitted if occupied by the owner, caretaker, watchman or other similar person employed on the lot on which such single detached dwelling is located.
- (5) A retail store may only be permitted as an accessory use to a permitted use.
- (6) The area of the retail store must not be greater than 20 percent of the gross floor area of the building or unit in which the permitted use is located.

### 6.3 Zone Standards

No person shall, within any Industrial Zone, use any lot or erect, alter or use any building or structure except in accordance with the Zone standards set out in Table 6B. A number(s) following the Zone standards, Zone heading, or the standard, indicates that one or more special provisions apply, which are listed below Table 6B.

| <b>Table 6B Industrial Zone Standards</b>                              |           |           |           |           |           |
|--|-----------|-----------|-----------|-----------|-----------|
| <b>Standard</b>  | <b>M1</b> | <b>M2</b> | <b>M3</b> | <b>M4</b> | <b>M5</b> |
| Minimum Lot Area (ha)  | 0.5       |           | 2         | 0.5       |           |
| Minimum Lot Frontage (m)   | 20        |           | N/A       | 60        |           |
| Minimum Front Yard (m)   | 6         |           | 30        | 9         | 15        |
| Minimum Interior Side Yard (m)   | 3         |           |           | 6         |           |
| Minimum Interior Yard if adjacent to any Residential Zone boundary (m) | 9         |           |           | 12        | 15        |
| Minimum Exterior Side Yard (m)   | 6         |           |           | 6         |           |
| Minimum Rear Yard (m)  |           |           |           | 6         | 7.5       |
| Minimum Rear Yard if adjacent to any Residential Zone boundary (m)     | 9         |           |           | 12        | 15        |
| Maximum Lot Coverage (%)   | N/A       |           |           | 20        | N/A       |
| Maximum Height of Building (m)   | 12        |           |           |           |           |

## 6.4 Exceptions

The provisions of this By-law are modified in accordance with the following site-specific exceptions. Unless specifically modified or amended by this subsection, all other provisions of this By-law continue to apply to the lands subject to this subsection.

- 6.4.1 M2-4 Map B-5 on Schedule A** *(former GM-1, 6.1.6.1)*
- a) Additional permitted uses: uses permitted in the C2 Zone.
  - b) Prohibited uses: outdoor storage use.
- 6.4.2 M4-1 Map C-4 on Schedule A** *(former DM-1, 6.3.5.1)*
- a) Permitted uses are limited to a salvage yard.
  - b) Minimum front yard 30 m
  - c) Minimum rear yard 7 m
- 6.4.3 M2-1 Map C-3 on Schedule A** *(2005-59)*
- a) Maximum setback from front lot line to main building 84 m
  - b) Minimum interior side yard 12 m
  - c) Minimum rear yard 13.7 m
  - d) Maximum building height 10.7 m
- 6.4.4 M2-2 Map B-5 on Schedule A** *(2014-57 Kawartha Lakes Wellness)*
- a) Additional permitted use: wellness centre and rehabilitation clinic.
  - b) A wellness centre and rehabilitation clinic shall mean an establishment used by qualified practitioners and their staff for the purposes of consultation, diagnosis and treatment of resident clients.
  - c) Minimum parking requirements: one parking space per residence bedroom/suite associated with a rehabilitation clinic use and ten parking spaces for the wellness centre/rehabilitation clinic.
  - d) Minimum number of required loading spaces 2
- 6.4.5 M2-3 Map D-3 on Schedule A** *(former GM-2, 6.1.6.2)*
- a) Permitted use are limited to a:
    - (i) fertilizer blending plant;
    - (ii) warehouse;
    - (iii) sales outlet including the sale of farm chemicals and herbicides, storage tanks and equipment for handling liquid nitrogen and fertilizers, gasoline and diesel fuel tanks to service the vehicles and equipment of the operator; and,

- (iv) accessory buildings and uses.

**6.4.6 M2-5 Map B-5 on Schedule A** *(2019-62 Victory Baptist/Stewart)*

- a) A minimum 3.05 metre wide buffer shall abut the full length of the west boundary of the lands zoned (M2-5) in which paving is not permitted.
- b) The buffer will commence at the front lot line for a distance of 121.9 metres and shall consist of an unpierced and unbroken hedgerow of suitable evergreen.
- c) The hedgerow shall have a minimum width of 1.5 metres and an ultimate height of not less than 1.5 metres above the elevation of the ground at the nearest lot line, except that within a sight triangle the maximum height of any such landscaping materials shall be 0.6 metres.
- d) The buffer shall continue along the remainder of the west boundary of the lands zoned (M2-5) to the rear lot line and shall comply with the requirements of Section 11.19 of By-law No. 2018-58, as amended.

**6.4.7 M2-6 Map B-5 on Schedule A** *(2019-70 JKR Realty)*

- a) Additional permitted use: an indoor farming establishment
- b) For the purposes of the (M2-6) Zone, an indoor farming establishment is defined as a building or structure where aeroponics, hydroponics, aquaponics, and/or in-vitro (plant tissue culture) are used for the growing of produce in a fully controlled environment. This definition does not include a cannabis production facility or agricultural use as defined herein.

**6.4.8 M2-7 Map B-5 on Schedule A** *(2020-70 Justin(e) Prop. Inv'st. Corp.)*

- a) Minimum front yard 13.5 m
- b) Minimum exterior side yard 13.5 m
- c) Minimum rear yard 10 m
- d) Maximum building height 9.2 m
- e) Maximum lot coverage 40%
- f) The lot frontage on Davis Road shall be deemed the lot frontage.
- g) Minimum parking space requirement for all permitted uses is 1 parking space per 37 square metres of gross floor area.
- h) Uncovered surface parking areas shall be permitted in all yards provided that no part of any parking area, other than a driveway, is located closer than 0.5 metres to any street line.

For access to parking spaces, the aisle width shall be at least 3.65 metres for parallel to 45 degree parking. For 46 degrees to 90 degrees parking, the aisle width shall be 6 metres.

i) The minimum loading space requirement shall be 1 loading space.

**6.4.9 (M2-8) Map D-3 on Schedule A (2022-12 Cavan Agri Services)**

a) Additional permitted uses: agricultural uses, agriculture-related uses.

**6.4.10** *Intentionally left blank*



## 7.0 Agricultural and Rural Zones

### 7.1 List of Applicable Zones

|             |    |
|-------------|----|
| Agriculture | A  |
| Rural       | RU |

### 7.2 Permitted Uses

Uses permitted in an Agricultural or Rural Zone are denoted by the symbol '✓' in the column applicable to the Zone and corresponding with the row for a specific permitted use in Table 7A. A number(s) following the symbol '✓' or identified permitted use indicates that one or more special provisions apply, which are listed below Table 7A.

Notwithstanding the permitted uses and applicable regulations of this section, permitted uses may be restricted by General Provisions (Section 11) and Parking and Loading Regulations (Section 12).

| <b>Table 7A Agricultural and Rural Zones – Permitted Uses</b> |          |           |
|---|----------|-----------|
| <b>Use</b>  | <b>A</b> | <b>RU</b> |
| Accessory apartment   | ✓        | ✓         |
| Agricultural uses   | ✓        | ✓         |
| Agriculture-related uses                                      | ✓        | ✓         |
| Agricultural service and supply establishment                 | ✓        | ✓         |
| Agri-tourism use  | ✓ (1)    | ✓ (1)     |
| Bed and breakfast   | ✓        | ✓         |
| Conservation use  | ✓        | ✓         |
| Dwelling, single detached                                     | ✓        | ✓         |
| Farm business   | ✓ (1)    | ✓ (1)     |
| Farm greenhouse   | ✓        | ✓         |
| Farm produce sales outlet                                     | ✓        | ✓         |
| Farmer's market   | ✓        | ✓         |
| Home business   | ✓        | ✓         |
| Home industry   | ✓        | ✓         |

| <b>Table 7A Agricultural and Rural Zones – Permitted Uses</b> |          |           |
|---|----------|-----------|
| <b>Use</b>  | <b>A</b> | <b>RU</b> |
| Low intensity recreational uses                               | ✓        | ✓         |
| On-farm diversified uses                                      | ✓(1)     | ✓(1)      |
| Riding arena, private indoor                                  | ✓        | ✓         |
| Riding school or boarding stable                              | ✓        | ✓         |
| Wayside pits and quarries                                     | ✓        | ✓         |

**Table 7A Additional Regulations:**

- (1) The following regulations apply to on-farm diversified uses, farm businesses and agri-tourism uses:
- a) An on-farm diversified use, farm business or agri-tourism use may be located on a lot having a minimum lot area of 4.0 hectares and containing a permitted agricultural use and associated single detached dwelling, where the specific type of use is permitted by the applicable Zone.
  - b) A maximum of three on-farm diversified use, farm businesses and/or agri-tourism uses shall be permitted on a lot.
  - c) On-farm diversified uses, farm businesses and agri-tourism uses shall not exceed the following size limits:
    - (i) The area of the lot permanently, temporarily or seasonally devoted to on-farm diversified uses, farm businesses or agri-tourism uses shall not exceed the lesser of two percent of the lot area or one hectare, including the area of existing and new buildings and structures, required parking and loading areas, outside display and sales areas, outside storage areas, and any other areas of the lot used for the use, excluding existing driveways shared with a permitted principal use on the lot and areas that produce a harvestable crop; and,
    - (ii) The total gross floor area that is permanently, temporarily or seasonally devoted to on-farm diversified uses, farm businesses or agri-tourism uses shall not exceed 500 square metres including the gross floor areas used within all principal buildings or structures and accessory buildings or structures on the lot; and,
    - (iii) Accessory buildings or structures that are used for on-farm diversified uses, farm businesses or agri-tourism uses shall comply with the requirements of Section 11.4; and,



- (iv) On-farm diversified, farm businesses and agri-tourism uses shall be accessory and directly related to the existing permitted agriculture use(s) on the lot.
- d) On-farm diversified uses, farm businesses and agri-tourism uses that involve value-added packaging, processing, sale and/or storage of products shall be limited to products produced by, or derived from, the principal agricultural use(s) on the lot as the primary source of the majority of the product and may include product sourced from agricultural uses on other lots in the Township or in municipalities abutting the outer boundaries of the Township as a secondary source of product.
- e) Retail sales that form part of on-farm diversified uses, farm businesses or agri-tourism uses shall be subject to the following regulations:
  - (i) The gross floor area devoted to retail sales shall not exceed 50 percent of the gross floor area of all buildings and structures used in conjunction with the uses, to a maximum of 200 square metres of gross floor area for retail use; and,
  - (ii) The gross floor area devoted to retail sale of products that are not produced on, or derived from, agricultural products produced on the lot, shall not exceed 25% of the gross floor area of all buildings and structures used in conjunction with the uses, and,
  - (iii) A maximum of one accessory retail store shall be permitted on a lot; and,
  - (iv) The maximum area of the lot permitted to be used for outside display and sales areas shall be 25 square metres and such outdoor area shall not be counted as part of the maximum gross floor area permitted for retail use; and,
  - (v) Outside display and sales areas shall be setback a minimum of 3 metres to all lot lines; and,
  - (vi) Outside display and sales areas and any related structures shall not exceed a maximum height of 3 metres.
- f) Outside storage on the lot shall be located in a rear yard or side yard and screened from view from public streets and adjacent lots by planting strips in accordance with Subsection 11.19, and shall comply with the regulations of the applicable Zone.
- g) On-farm diversified uses, farm businesses and agri-tourism uses shall be operated by the person or persons whose principal residence is the dwelling on the lot, and a maximum of two persons other than the residents of the dwelling on the lot are permitted to be employed in the business of the uses.

- h) On-farm diversified uses, farm businesses and agri-tourism uses that include overnight accommodations shall be limited to a permitted bed and breakfast establishment.

### 7.3 Zone Requirements

No person shall, within any Agricultural or Rural Zone, use any lot or erect, alter or use any building or structure except in accordance with the Zone standards set out in Table 7B. A number(s) following the Zone standards, Zone heading, or the standard, indicates that one or more special provisions apply, which are listed below Table 7B.

| <b>Table 7B Agricultural and Rural Zone Standards</b>              |          |           |
|--|----------|-----------|
| <b>Standard</b>  | <b>A</b> | <b>RU</b> |
| Minimum Lot Area (ha)  | 40       | 20        |
| Minimum Lot Frontage (m)   | 130      |           |
| Minimum Front Yard (m)   | 30       |           |
| Minimum Interior Side Yard (m)                                     | 5        |           |
| Minimum Side Yard if adjacent to any Residential Zone boundary (m) | 15       |           |
| Minimum Exterior Side Yard (m)                                     | 6        |           |
| Minimum Rear Yard (m)  |          |           |
| Minimum Rear Yard if adjacent to any Residential Zone boundary (m) | 15       |           |
| Maximum Building Height (m)  | 12 (1)   |           |

#### **Table 7B Additional Regulations:**

- (1) Applies to single detached dwellings only.

## 7.4 Exceptions

The provisions of this By-law are modified in accordance with the following site-specific exceptions. Unless specifically modified or amended by this subsection, all other provisions of this By-law continue to apply to the lands subject to this subsection.

### 7.4.1 A-1 Map C-2 on Schedule A (2008-86)

- a) Additional permitted uses: a second single detached dwelling.

### 7.4.2 RU-1 Map C-5 on Schedule A (former RU-1, 10.6.1 Fraser)

- a) Additional permitted uses: a temporary antique show and sale.
- b) A temporary antique show and sale may include temporary camping facilities for exhibitors only and a temporary parking area for exhibitors and visitors; and temporary means that the antique show and sale shall not exceed 4 days duration at any one time and the combined total of all antique shows and sales held on these lands shall not exceed 8 days in any one calendar year.

### 7.4.3 A-2 Map E-4 on Schedule A (former RU-2, 10.6.2)

- a) In addition to permitted uses, a maximum of two single detached dwellings may be permitted.

### 7.4.4 A-3 Map G-4 on Schedule A (former RU-5, 10.6.5)

- a) Minimum front yard 11.5 m

### 7.4.5 A-4 Map C-4 on Schedule A (former RU-7, 10.6.7)

- a) Permitted uses are limited to:
  - (i) A single detached dwelling;
  - (ii) A hobby farm;
  - (iii) Resource management uses; and,
  - (iv) A home business.
- b) A hobby farm shall mean land used for the tillage of soils, the growing of vegetables, fruits, grains and other staple crops and includes woodlots and the raising of a maximum of four horses, four cows or four sheep but shall not include the raising of hogs.

### 7.4.6 RU-2 Map C-5 on Schedule A (2017-11 Stewart)

- a) Permitted uses are limited to a farm (excluding residential dwellings), resource management and farm produce sales outlet.

**7.4.7 A-5 Map B-4 on Schedule A**

- a) Additional permitted use: a second dwelling unit attached to the primary single detached dwelling by a breezeway.
- b) The second dwelling unit shall not exceed 112 square metres in size.

**7.4.8 A-6 Map D-4 on Schedule A (former RU-14, 10.6.14)**

- a) Permitted uses are limited to a:

- (i) business office;
- (ii) commercial school or studio;
- (iii) commercial self-storage facility;
- (iv) equipment rental establishment;
- (v) farm greenhouse;
- (vi) farm produce sales outlet;
- (vii) motor vehicle repair garage;
- (viii) personal service establishment;
- (ix) retail store;
- (x) small warehouse; and,
- (xi) winery.

- b) Maximum lot coverage 40%
- c) Maximum building height 9.14 m
- d) Minimum front yard 15.2 m
- e) Minimum interior side yard 6.1 m
- f) Minimum rear yard 6.1 m

**7.4.9 A-7 Map B-1 on Schedule A (former RU-15, 10.6.15)**

- a) Minimum south interior side yard 135 m
- b) Minimum rear yard 442 m

**7.4.10 RU-3 Map B-6 on Schedule A (former RU-18, 2005-66, 10.6.18)**

- a) Permitted uses are limited to an existing single detached dwelling.
- b) Minimum front yard 9 m
- c) Minimum side yard 3.3 m

**7.4.11 A-8 Map F-2 on Schedule A (former A-1, 11.6.1)**

- a) Additional permitted use: community theatre.
- b) Minimum front yard 92 m

- c) Minimum rear yard 1,296 m
- d) Minimum interior side yard 15 m
- e) Maximum building height 9.2 m

**7.4.12 RU-4 Map B-5 on Schedule A (2012-68)**

- a) The keeping of livestock in the existing barn shall be prohibited.

**7.4.13 RU-5 Map A-4 on Schedule A (2014-08 Edgerton)**

- a) The keeping of livestock in the existing barn shall be prohibited.
- b) The lot frontage on Mount Pleasant Road shall be deemed the lot frontage.

**7.4.14 RU-6 Map A-4 on Schedule A (2014-08 Edgerton)**

- a) Permitted uses are limited to a personal repair and service shop.
- b) A personal repair and service shop shall mean a building or buildings or part of a building or buildings used for the repairing or servicing of the owner's personal articles, goods or materials.
- c) Setbacks for existing buildings and structures shall be as follows:
  - (i) Minimum front yard 46 m
  - (ii) Minimum interior side yard 28 m
  - (iii) Minimum rear yard 2.4 m
  - (iv) Maximum building height 9.1 m
- d) The outside storage of personal articles, goods and materials shall be limited to 5 percent of the lot area and all outside storage areas must be setback a minimum of 15 metres from the front lot line and a minimum of 6 metres from the side lot lines. In addition, a planting strip of a minimum of 1 metre wide shall be maintained along the lot frontage.

**7.4.15 RU-7 Map B-5 on Schedule A (2014-32 Cormier)**

- a) Additional permitted uses: kennel, dog day care and leash free running area.
- b) A dog day care shall mean a facility licensed as a kennel and designed, organized, and operated to permit a group of friendly dogs to play and interact in an enclosed building or yard. A kennel that operates as a dog day care must be operated in a manner consistent with the applicable Township of Cavan Monaghan Kennel By-law.
- c) The keeping of livestock in the barn is prohibited.

**7.4.16 A-9 Map B-1 on Schedule A (2015-13 Century Wedding Barn - Stewart)**

- a) Additional permitted use: a special event facility.
- b) A special event facility shall mean buildings and/or structures and the surrounding grounds used for weddings, exhibitions, indoor concerts, cultural festivals, retreats and educational classes.
- c) Minimum lot area 5.3 ha
- d) Minimum lot frontage 298.1 m
- e) Minimum front yard for the existing single detached dwelling 22 m
- f) Minimum number of required loading spaces 1
- g) No waiting space is required.
- h) The parking area for the special event facility may be located in a hay field or fields adjacent to the facility. The surface of the parking area may be grass and the application of a stable surface is not mandatory. The field(s) shall be marked and maintained to ensure organized parking, to ensure adequate drainage and to prevent the raising of dust or loose particles.

**7.4.17 A-10 Map B-1 on Schedule A (2015-13 Century Wedding Barn - Stewart)**

- a) Minimum lot area 25 ha
- b) Minimum lot frontage 0 m

**7.4.18 RU-8 Map C-3 on Schedule A (2016-01 Howden)**

- a) A duplex and single detached dwelling are permitted on the lot at the same time.

**7.4.19 A-11-H1 Map E-3 on Schedule A (2016-53 Huber)**

- a) Until the 'H1' Holding symbol is removed in accordance with Section 14 of this By-law, the following provisions shall not apply and permitted uses are limited to uses, buildings and structures that legally existed on the date the by-law applying the Holding provision came into effect.
- b) In addition to uses permitted in the A Zone, a maximum of two dwellings may be permitted.
- c) Minimum lot area 19 ha
- d) Minimum interior side yard for non-residential buildings 6.5 m

- 7.4.20 RU-9 Map B-4 on Schedule A (2016-73 Black)**
- a) Minimum front yard for existing dwelling 20 m
  - b) Minimum side yard for existing barn 11 m
  - c) Lot frontage on Cathcart Crescent shall be deemed the lot frontage of the lot.
  - d) The keeping of livestock shall be prohibited in the existing barns.
- 7.4.21 RU-10 Map B-4 on Schedule A (2005-59 Housekeeping ZBA)**
- a) Permitted uses are limited to a gas regulator facility in a wholly enclosed building.
- 7.4.22 A-12 Map E-3 on Schedule A**
- a) Additional permitted use: a second single detached dwelling.
- 7.4.23 A-13 Map D-2 on Schedule A (2019-04 McCaskill)**
- a) Notwithstanding Section 1.2.5 (a)(vi) of By-law No. 2018-58, as amended, the lot area and lot frontage of the (NC) and/or (NL) Zones may be included in the minimum lot area and/or minimum lot frontage determination.
- 7.4.24 A-14 Map D-1 on Schedule A (2019-23 Cavan Hills Vet Clinic)**
- a) Additional permitted use: an animal clinic
  - b) Minimum front yard 22.8 m
  - c) Minimum number of loading spaces one (1)
  - d) Maximum lot coverage for accessory buildings 10%
- 7.4.25 A-15 Map D-2 on Schedule A (2019-33 Easto)**
- c) Additional permitted use: an animal daycare centre
  - d) Additional regulations for an animal daycare centre:
    - i) Minimum front yard 30 m
    - ii) Minimum interior side yard 50 m
    - iii) Minimum separation from any residential dwelling or commercial or institutional building on any other lot 200 m
    - iv) Maximum total floor area on a lot for any buildings and structures used for containing dogs 150 m<sup>2</sup>
    - v) Maximum height of any building associated with an animal daycare centre 15 m
    - vi) Total maximum outdoor common play area 400 m<sup>2</sup>

- vii) A secure, wire fence enclosure shall be installed and maintained around any outdoor run or outdoor common play area.
  - viii) Any building or structure used for containing dogs must be constructed with a minimum of three solid walls and roofing.
  - ix) Dog activity is not permitted in any outdoor run or outdoor common play area between the hours of 8 p.m. and 7 a.m.
  - x) The animal daycare centre shall be in compliance with the Township's By-law to licence, regulate and govern kennels, By-law No. 2013-72, as amended.
- e) Notwithstanding Section 11.31.2(a) of By-law No. 2018-58, as amended, the existing shipping container may be permitted in the front yard provided all other requirements of Section 11.31.2 are met and a building permit is obtained.
- f) For the purposes of the (A-15) Zone, an animal daycare centre shall be defined as a premises where dogs are maintained, boarded, trained or cared for on a short term basis (less than 12 hours within a 24-hour period and not overnight) in return for remuneration, and may include enclosed outdoor runs, play areas and/or pens.

|               |                                 |                              |   |
|---------------|---------------------------------|------------------------------|---|
| <b>7.4.26</b> | <b>A-16</b>                     | <b>Map C-2 on Schedule A</b> | <b>(2022-32 Palmer/Cameron)</b>               |
|               | a) Minimum lot area             |                              | 10 hectares                                   |
| <b>7.4.27</b> | <b>A-17</b>                     | <b>Map G-4 on Schedule A</b> | <b>(2021-22 162 CR 28 &amp; Kalman Cres.)</b> |
|               | a) Minimum lot area             |                              | 15.3 hectares                                 |
| <b>7.4.28</b> | <b>A-18</b>                     | <b>Map D-3 on Schedule A</b> | <b>(2021-33 987 Syer Line)</b>                |
|               | a) Minimum lot area             |                              | 38 hectares                                   |
| <b>7.4.29</b> | <i>Intentionally left blank</i> |                              |   |



## 8.0 Natural System Zones

### 8.1 List of Applicable Zones

|                 |    |
|-----------------|----|
| Natural Core    | NC |
| Natural Linkage | NL |

### 8.2 Permitted Uses

Uses permitted are denoted by the symbol ‘✓’ in the column applicable to the Zone and corresponding with the row for a specific permitted use in Table 8A. A number(s) following the symbol ‘✓’ or identified permitted use indicates that one or more special provisions apply, which are listed below Table 8A.

Notwithstanding the permitted uses and applicable regulations of this section, permitted uses may be restricted by General Provisions (Section 11) and Parking and Loading Regulations (Section 12).

| <b>Table 8A Natural Core and Natural Linkage Zones – Permitted Uses</b> |           |             |
|---|-----------|-------------|
| <b>Use</b>  | <b>NC</b> | <b>NL</b>   |
| Agricultural uses   | ✓ (1)     | ✓ (3)       |
| Agriculture-related uses  |           |             |
| Agri-tourism use  |           |             |
| Bed and breakfast establishment   |           |             |
| Conservation use  | ✓         | ✓ (2)(3)(4) |
| Dwelling, single detached   | ✓ (2)(4)  |             |
| Forest management   | ✓         | ✓ (3)       |
| Home business   | ✓         |             |
| Home industry   |           |             |
| Low intensity recreational uses   | ✓         |             |

#### Table 8A Additional Regulations:

- (1) Existing agricultural uses only.
- (2) Permitted on existing lot of record if it is demonstrated through an approved Environmental Impact Study or confirmation from the Conservation Authority having jurisdiction that:
  - a) There is no alternative and the expansion, alteration or establishment is directed away from the feature to the maximum extent possible;

- b) The impact of the expansion or alteration on the feature and its functions is minimized to the maximum extent possible; and,
  - c) The expansion or alteration is not located in a floodplain or erosion hazard area.
- (3) Development may be permitted within the (NL) Zone, where an Environmental Impact Study (EIS) or confirmation from the Conservation Authority having jurisdiction, supporting the development has been accepted by the Township. An EIS is required within:
- a) 120 metres of key natural heritage features and key hydrologic features as referenced in Section 6.3 of the Township of Cavan Monaghan Official Plan;
  - b) 50 metres of earth science areas of natural and scientific interest.
- (4) Relevant residential zone regulations apply to existing lots of record to be used for residential purposes.

### 8.3 Zone Requirements

No person shall, within any Natural Core or Natural Linkage Zone, use any lot or erect, alter or use any building or structure except in accordance with the Zone standards set out in Table 8B. A number(s) following the Zone standards, Zone heading, or the standard, indicates that one or more special provisions apply, which are listed below Table 8B.

| <b>Table 8B Natural Core and Natural Linkage Zones – Standards</b> |           |           |
|--|-----------|-----------|
| <b>Standard</b>  | <b>NC</b> | <b>NL</b> |
| Minimum Lot Area (ha)  | 1         |           |
| Minimum Lot Frontage (m)   | 100       |           |
| Minimum Front Yard (m)   | 30        |           |
| Minimum Interior Side Yard (m)                                     |           |           |
| Minimum Exterior Side Yard (m)                                     | 15        |           |
| Minimum Required Rear Yard (m)                                     |           |           |
| Maximum Lot Coverage (%)   | 2         |           |

## 8.4 Exceptions

The provisions of this By-law are modified in accordance with the following site-specific exceptions. Unless specifically modified or amended by this subsection, all other provisions of this By-law continue to apply to the lands subject to this subsection.

### 8.4.1 NL-1 Map B-4 on Schedule A (former RU-11, 10.6.11)

- a) Permitted uses are limited to:
  - (i) agricultural uses excluding buildings;
  - (ii) resource management uses excluding buildings; and,
  - (iii) a single detached dwelling or duplex dwelling in an existing building, if occupied by the owner, caretaker or watchman or other similar person.
- b) Minimum front yard 10 m
- c) Maximum building height 9 m

### 8.4.2 NL-2 Map C-6 on Schedule A (former RR-9, 4.5.5.9)

- a) Additional permitted uses: animal clinic and kennel.
- b) Minimum front yard 15 m
- c) Minimum interior side yard 7.5 m

### 8.4.3 NC-1 Map B-6 on Schedule A (2005-66)

- a) One accessory building, 93 m<sup>2</sup> in size, existing as of October 2014 shall be permitted. Habitable rooms and/or plumbing are prohibited within the accessory building.

## 9.0 Oak Ridges Moraine Zones

### 9.1 List of Applicable Zones

|                           |       |
|---------------------------|-------|
| ORM Environmental         | ORME  |
| ORM Core                  | ORMC  |
| ORM Linkage               | ORML  |
| ORM Countryside           | ORMCO |
| ORM Rural Settlement      | ORMRS |
| ORM Extractive Industrial | ORMEI |

### 9.2 Permitted Uses

Uses permitted in the Zones identified above are denoted by the symbol '✓' in the column applicable to the Zone and corresponding with the row for a specific permitted use in Table 9A. A number(s) following the symbol '✓' or identified permitted use indicates that one or more special provisions apply, which are listed below Table 9A. Additional Regulations (4) through (10) inclusive apply to all permitted uses.

Notwithstanding the permitted uses and applicable regulations of this section, permitted uses may be restricted by General Provisions (Section 11) and Parking and Loading Regulations (Section 12).

| Table 9A Oak Ridges Moraine Zones – Permitted Uses |      |      |      |         |       |       |
|--|------|------|------|---------|-------|-------|
| Use  | ORME | ORMC | ORML | ORMCO   | ORMRS | ORMEI |
| Agricultural uses                                  |      |      |      | ✓(2)    |       |       |
| Agriculture related uses                           |      |      |      | ✓       | ✓     |       |
| Bed and breakfast establishment                    |      | ✓    | ✓    | ✓       | ✓     |       |
| Conservation use                                   | ✓    | ✓    | ✓    | ✓       | ✓     |       |
| Dwelling, single detached                          |      |      |      | ✓(1)(2) |       |       |
| Forest management                                  | ✓    | ✓    | ✓    | ✓       | ✓     |       |
| Home business                                      |      | ✓    | ✓    | ✓       | ✓     |       |
| Home industry                                      |      | ✓    | ✓    | ✓       | ✓     |       |
| Low intensity recreational uses                    | ✓    | ✓    | ✓    | ✓       | ✓     |       |
| Mineral aggregate operations                       |      |      |      | ✓(3)    |       |       |
| Public Park  |      | ✓    | ✓    | ✓       | ✓     |       |
| Wayside pits                                       |      |      | ✓    | ✓       | ✓     | ✓     |

**Table 9A Additional Regulations:**

- (1) Notwithstanding any provision of this By-law, a single detached dwelling is a permitted use, as a principal use on lands:
- a) where the use was a permitted use in Zoning By-law Nos. 2252, as amended and 91-16, as amended and existing as of November 15, 2001, or where the use was a permitted accessory use in the Zoning By-law Nos. 2252, as amended and 91-16, as amended and existing as of November 15, 2001, within the Oak Ridges Moraine Conservation Plan area;
  - b) provided the single detached dwelling complies with all other provisions of the applicable Zone; and,
  - c) the applicant submits information at the time of building permit application that the use, erection and location will not, to the extent possible, adversely affect the ecological integrity of the Oak Ridges Moraine.

The information required in subsection c) above may include a natural heritage evaluation and/or hydrological evaluation completed in accordance with the Oak Ridges Moraine Conservation Plan and will be approved by the Municipality in consultation with the local Conservation Authority. Approval of the development may be subject to site plan approval by the Township.

- (2) The following regulations apply:
- a) The expansion of legally existing buildings and structures constructed prior to November 15, 2001 is permitted on the same lot, provided that the applicant demonstrates that:
    - (i) there will be no change in use; and
    - (ii) the expansion will not adversely affect the ecological integrity of the Plan Area.
  - b) Where the expansion of an existing building or structure or the establishment of an accessory use, building or structure intrudes on areas within the Oak Ridges Moraine Environmental (ORME) Zone or the Oak Ridges Moraine Environmental Plan Review Overlay as shown on Schedule "A", the applicant shall submit a natural heritage evaluation and/or a hydrological evaluation completed in accordance with the Oak Ridges Moraine Conservation Plan and will be approved in conjunction with the local Conservation Authority. Approval of the development is subject to site plan approval by the Township.

(3) Mineral Aggregate Operation

Notwithstanding the provisions of this by-law, existing mineral aggregate operations or existing wayside pits within the Oak Ridges Moraine Core (ORMC) Zone may not be expanded beyond the boundary of the area under license or permit.

(4) Keeping of Livestock

On lots less than 1.5 hectares in size, the keeping of livestock is limited to horses, sheep, goats, rabbits and/or geese and is subject to the following provisions:

- a) Such livestock is accessory to a single detached dwelling and owned by and for the exclusive use of the property owner residing on the lot.
- b) A maximum of two nutrient units may be permitted on lots greater than 0.8 hectares and less than 1.5 hectares in size.
- c) The minimum setback between any pens, enclosures, paddocks or other facilities or areas for the keeping of livestock, and any residential use on an adjacent lot shall be 20 metres.
- d) A suitable means of manure storage and disposal must be provided and any MDS requirements that are more restrictive than the provisions of this By-law shall apply.

(5) Areas of High Aquifer Vulnerability

a) Notwithstanding any other provisions of this By-law to the contrary, the following uses are prohibited within an Area of High Aquifer Vulnerability as indicated by the Zone shown on Schedule C attached hereto and forming part of this By-law:

- (i) generation or storage of hazardous or liquid industrial waste;
- (ii) waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities;
- (iii) underground or above-ground storage tanks that are not equipped with an approved secondary containment device; and
- (iv) the use, creation, handling or storage of alfatoin, tetrachlorodibenzo-p-dioxin, pentachlorodibenzo-p-dioxin, hexachlorodibenzo-p-dioxin, or tetrachlorodibenzo furan, or other contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

(6) Landform Conservation Area

a) Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply within a Landform Conservation Area (Category 1) as indicated on Schedule B attached hereto and forming part of this Bylaw.

(i) the net developable area of the site that is disturbed shall not exceed 25 percent of the total site area; and

(ii) the net developable area of the site that has impervious surfaces shall not exceed 15 percent of the total site area.

b) Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply within a Landform Conservation Area (Category 2) as indicated on Schedule B attached hereto and forming part of this Bylaw.

(i) the net developable area of the site that is disturbed shall not exceed 50 percent of the total site area; and

(ii) the net developable area of the site that has impervious surfaces shall not exceed 20 percent of the total site area.

(7) Infiltration Basins and Columns

New rapid infiltration basins and new rapid infiltration columns as defined in the Oak Ridges Moraine Conservation Plan, are prohibited on lands within the Oak Ridges Moraine Plan Area.

(8) Transportation Infrastructure and Utilities

a) Notwithstanding any other provisions of this By-law to the contrary, all new transportation, infrastructure and utilities uses listed below, and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited on lands within an Oak Ridges Moraine Environmental (ORME) Zone:

(i) public highways;

(ii) transit lines, railways and related facilities;

(iii) gas and oil pipelines;

(iv) sewage and water service systems and lines and stormwater management facilities;

(v) power transmission lines;

(vi) telecommunications lines and facilities, including broadcasting towers;

(vii) bridges, interchanges, stations, and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in Clauses i) to vi) above; and

(viii) rights-of-way required for the facilities listed in Clauses i) to vii) above.

- b) Notwithstanding Footnote (9) of Table 9A of this By-law to the contrary, publicly initiated transportation, infrastructure, and utilities uses may be permitted to cross an Oak Ridges Moraine Environmental (ORME) Zone, in accordance with all applicable policies of the Official Plan.

(9) Existing Uses

- a) Notwithstanding any other provisions of this By-law to the contrary, uses that existed legally as of November 15, 2001, may continue until the uses(s) ceases to exist.
- b) Where a building permit has been issued, the use or building may be expanded in accordance with the regulations of this By-law.

(10) Other

- a) Notwithstanding any other provisions of this By-law to the contrary, lands zoned Oak Ridges Moraine Environmental (ORME) may be included in the calculation of any Zone provisions for adjoining lands, provided that such lands used in the calculation are part of the same lot.
- b) Notwithstanding any provision of this By-law to the contrary, all development shall comply with all applicable Official Plan policies related to the Oak Ridges Moraine Conservation Plan Area.
- c) Where there is a conflict between this By-law and the Oak Ridges Moraine Conservation Act, or the Oak Ridges Moraine Conservation Plan, the more restrictive provisions shall prevail.

- (11) For vacant lots of record, Rural Residential (RR), Agricultural (A) and Rural (RU) Zone regulations apply to the establishment of new buildings or structures unless technical studies require modified Zone standards.



### 9.3 Exceptions

The provisions of this By-law are modified in accordance with the following site-specific exceptions. Unless specifically modified or amended by this subsection, all other provisions of this By-law continue to apply to the lands subject to this subsection.

#### 9.3.1 ORMCO-1 Map G-2 on Schedule A (2014-51 Wolfenberg)

- a) Additional permitted use: a second dwelling unit.
- b) The existing barn may be used to house horses.
- c) The expansion of existing buildings and structures may be permitted provided the owner demonstrates that:
  - (i) There will not change in use; and,
  - (ii) The expansion will not adversely affect the ecological integrity of the property.

#### 9.3.2 ORMCO-2 Map G-2 on Schedule A (2015-51 Fleming)

- a) Additional permitted use: a second dwelling unit may be permitted in an existing farm building to provide accommodation for a maximum of four farm workers employed by the farming operation on which the farm accommodation is located.

#### 9.3.3 ORMCO-3 Map E-1 on Schedule A (2016-42 Suurd)

- a) Residential uses are prohibited.

#### 9.3.4 ORMCO-4 Map E-2 on Schedule A (2016-18 Fallis)

- a) A livestock facility (barn) existing as of April 4, 2016, shall not be used as a livestock facility after that date, and shall be used as an accessory storage building.

## 10.0 Other Zones

### 10.1 List of Applicable Zones

|                    |    |
|--------------------|----|
| Institutional      | I  |
| Open Space         | OS |
| Future Development | FD |

### 10.2 Permitted Uses

Uses permitted are denoted by the symbol '✓' in the column applicable to the Zone and corresponding with the row for a specific permitted use in Table 10A. A number(s) following the symbol '✓' or identified permitted use indicates that one or more special provisions apply, which are listed below Table 10A.

Notwithstanding the permitted uses and applicable regulations of this section, permitted uses may be restricted by General Provisions (Section 11) and Parking and Loading Regulations (Section 12).

**Table 10A Other Zones – Permitted Uses**

| Use                             | I | OS | FD    |
|---------------------------------|---|----|-------|
| Agricultural uses               |   | ✓  | ✓(1)  |
| Assembly hall                   | ✓ |    |       |
| Cemetery                        | ✓ |    |       |
| Community centre                | ✓ |    |       |
| Community garden                | ✓ | ✓  | ✓     |
| Conservation use                |   | ✓  | ✓     |
| Day care centre                 | ✓ |    |       |
| Dwelling, single detached       |   |    | ✓ (1) |
| Dwelling unit, assisted living  | ✓ |    |       |
| Emergency service facility      | ✓ | ✓  | ✓     |
| Forest management               |   | ✓  | ✓     |
| Hospital                        | ✓ |    |       |
| Long term care facility         | ✓ |    |       |
| Low intensity recreational uses | ✓ | ✓  | ✓ (1) |
| Museum                          | ✓ |    |       |
| Place of worship                | ✓ |    |       |
| Private park                    | ✓ | ✓  |       |
| Public park                     | ✓ | ✓  |       |

| <b>Table 10A Other Zones – Permitted Uses</b> |          |           |           |
|---|----------|-----------|-----------|
| <b>Use</b>                                    | <b>I</b> | <b>OS</b> | <b>FD</b> |
| Public school                                 | ✓        |           |           |
| Public use                                    | ✓        | ✓         | ✓         |
| Retirement home                               | ✓        |           |           |
| Stormwater management facility                |          | ✓         |           |

**Table 10A Additional Regulations:**

(1) Permitted only where the use legally existed on the effective date of this By-law.

**10.3 Zone Requirements**

No person within an Institutional, Open Space or Future Development Zone shall use or permit the use of any lot or erect, alter, use any building or structure except in accordance with the Zone standards in Table 10B.

| <b>Table 10B Other Zones – Standards</b> |          |           |           |
|--|----------|-----------|-----------|
| <b>Standard</b>                          | <b>I</b> | <b>OS</b> | <b>FD</b> |
| Minimum Lot Area (ha)                    | 0.1      | N/A       | N/A       |
| Minimum Lot Frontage (m)                 | N/A      | N/A       | N/A       |
| Minimum Front Yard (m)                   | 6        | 9         | 9         |
| Minimum Interior Side Yard (m)           | 3        | 6         | 3         |
| Minimum Exterior Side Yard (m)           | 3        | 6         | 9         |
| Minimum Rear Yard (m)                    | 6        | 6         | 7.5       |
| Maximum Lot Coverage (%)                 | 50       | 5         | 1         |
| Maximum Building Height (m)              | 12.5     | 11        | 12.5      |

## 10.4 Exceptions

The provisions of this By-law are modified in accordance with the following site-specific exceptions. Unless specifically modified or amended by this subsection, all other provisions of this By-law continue to apply to the lands subject to this subsection.

### 10.4.1 OS-1 Map F-2A on Schedule A *(former OS-1, 8.6.1)*

- a) Permitted uses are limited to fairgrounds and community centres.
- b) Minimum front yard 23 m
- c) Minimum interior side yard 15 m
- d) Minimum rear yard 15 m
- e) Maximum lot coverage 2%

### 10.4.2 OS-2 Map E-2B on Schedule A *(2016-63 Towerhill)*

- a) Permitted uses are limited to landscaped open space.
- b) Landscaped open space shall mean open, unobstructed space, at finished grade, which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping.

### 10.4.3 I-1 Maps E-2 & F-3A on Schedule A *(1 Dufferin St., 988 County Rd 10 & new community centre)*

- a) Additional permitted use: farmer's market.

### 10.4.4 I-2 Map B-5 on Schedule A *(2019-62 Victory Baptist/Stewart)*

- a) Additional permitted use: accessory residential dormitory
- b) For the purposes of the (I-2) Zone, an accessory residential dormitory shall be defined as a building or structure, accessory to a place of worship, that contains no more than 4 dwelling units for the exclusive use of individuals affiliated with the place of worship.

### 10.4.5 OS-3 Map A-3 on Schedule A *(2022-07 Mount Pleasant)*

- a) Permitted uses are limited to a stormwater management facility.
- b) No buildings or structures, except essential structural works required for flood control and/or erosion or sediment control, are permitted.

### 10.4.6 OS-4 Map A-3 on Schedule A *(2022-07 Mount Pleasant)*

- a) Permitted uses are limited to a public park.
- b) Minimum lot area 0.29 ha
- c) Minimum lot frontage 56.8 m



## **11.0 General Provisions**

### **11.1 Access Regulations**

Unless otherwise specified by this By-law, no lot, or building or structure on said lot, may be constructed or used unless the lot:

- a) abuts or fronts on a public street or a 0.3 metre reserve abutting said public street; or,
- b) is being constructed pursuant to a subdivision agreement with the Township; or,
- c) fronts on a year round maintained public street that was not established as a consequence of registering a plan of subdivision; or,
- d) is a private street within a plan of condominium that either provides direct access to a street or which connects with other private streets within a plan of condominium or other plans of condominium to access a public street.

### **11.2 Accessory Apartments**

Where permitted, a maximum of one accessory apartment is permitted per dwelling provided that the maximum floor area used for an accessory apartment shall not exceed 45 percent of the gross floor area of the building in which it is located. The accessory apartment must be located in the main building.

### **11.3 Accessory Farm Employee Accommodation**

One accessory farm employee accommodation is permitted on the same lot as an agricultural use subject to an amendment to this By-law for a permanent structure or the enactment of a temporary use by-law for a temporary structure, and subject to the following provisions:

- a) The minimum lot area shall be 20 hectares.
- b) Access to the accessory farm employee accommodation shall be provided by way of the same driveway established for the principal dwelling.
- c) The accessory farm employee accommodation shall be located within the existing farm building cluster.

### **11.4 Accessory Uses, Building and Structures**

#### **11.4.1 Accessory Uses Permitted in All Zones**

Unless otherwise prohibited or restricted in this By-law, accessory uses are permitted in all Zones in accordance with the provisions of this Section.

### 11.4.2 Accessory Buildings and Structures

- a) No accessory building or structure can be used for human habitation or as a home business, unless expressly permitted by this By-law.
- b) No accessory building or structure or part thereof can be located within:
  - (i) an easement that is in favour of a public authority;
  - (ii) a sight triangle;
  - (iii) 1.0 metre from the principal building on the lot; or,
  - (iv) an NC or NL Zone unless it satisfies footnotes (2) and/or (3) of Table 8A.
- c) No more than three accessory buildings or structures are permitted on a lot in any Residential Zone, unless otherwise permitted by this By-law.
- d) Regulations in Table 11A also apply to accessory buildings and structures.

**Table 11A Additional Regulations – Accessory Buildings and Structures**

| Maximum Lot Coverage  |  |
|---|--|
| <ul style="list-style-type: none"> <li>• Residential Zones</li> <li>• Agricultural (A) and Rural (RU) Zones on lots 2 hectares in size or less</li> </ul> | 10%  |
| <ul style="list-style-type: none"> <li>• Commercial Zones</li> </ul>  | 5%   |
| <ul style="list-style-type: none"> <li>• Agricultural (A) and Rural (RU) Zones on lots greater than 2 hectares in size</li> </ul>                         | 5% on the first 10 hectares of lot area plus 1% on any lot area in addition to the first 10 hectares |
| <ul style="list-style-type: none"> <li>• All other Zones</li> </ul>   | Not exceeding the ground floor area of the principal building  |
| Maximum Height  |  |
| <ul style="list-style-type: none"> <li>• Agricultural (A) and Rural (RU) Zones</li> </ul>   | 15 metres  |
| <ul style="list-style-type: none"> <li>• All Other Lot Sizes and Zones</li> </ul>   | 6 metres   |

| <b>Table 11A Additional Regulations – Accessory Buildings and Structures</b> |  |
|--|--|
| Minimum Front Yard   | Equal to the minimum front yard requirement for the principal building, provided that no accessory building or structure may be located in the yard projecting from any wall of the principal building facing the front lot line.                |
| Minimum Interior Side Yard   | 2 metres   |
| Minimum Exterior Side Yard   | Equal to the minimum exterior side yard requirement for the principal building, provided that no accessory building or structure may be located in the yard projecting from any wall of the principal building facing the exterior side lot line |
| Minimum Rear Yard  | 2 metres   |

### 11.5 Aggregate Assessment Area Overlay

- a) Where a zone symbol is within the Aggregate Assessment Area Overlay, the permitted uses and relevant zone provisions applicable to that zone do not apply until the owner has demonstrated to Council's satisfaction that the aggregate resource cannot be extracted due to site constraints, insufficient volume, quality or other reasons.
- b) Only uses which existed as of the date of the adoption of this By-law are permitted until such time that the aggregate extraction potential has been addressed.

### 11.6 Bed and Breakfast Establishments

Where a bed and breakfast establishment is a permitted use, such use shall be in accordance with the provisions for the Zone in which it is located and shall also comply with the following regulations:

- a) No more than 5 guest rooms shall be permitted in a bed and breakfast establishment.



- b) A bed and breakfast establishment shall be operated by the person or persons whose principal residence is the dwelling in which the bed and breakfast establishment is located.
- c) A bed and breakfast establishment is only permitted in a single detached dwelling.
- d) Any exterior stairways required for a bed and breakfast establishment shall be located in a side or rear yard.
- e) A total of one non-illuminated sign, not more than one square metre in area shall be permitted for the purpose of advertisement.

### **11.7 Cannabis Production Facilities**

Where a cannabis production facility is permitted in this By-law, such use shall be in accordance with the provisions for the Zone in which it is located and shall also comply with the following regulations:

- a) Cannabis production facilities are prohibited in dwellings.
- b) Cannabis production facilities are prohibited from locating within 70 metres, measured property line to property line, of the following uses:
  - (i) Community centres;
  - (ii) Day care centres;
  - (iii) Dwellings;
  - (iv) Public parks and private parks; and,
  - (v) Schools.
- c) No store fronts or onsite retail distribution shall be permitted.
- d) No outdoor signage or advertising shall be permitted.
- e) No part of this use, including storage and accessory uses, may be located outside.
- f) Cannabis production facilities shall require Site Plan approval, with particular attention on noise, dust, odour and security features. The property owner(s) shall be required to enter into an agreement with the Township prior to the use of any land or any development of land.
- g) Loading areas shall be located within a wholly enclosed building or at the rear of lots, screened by building placement or by landscaping screening.

## **11.8 Dwelling Units**

### **11.8.1 Maximum Number of Dwelling Units Per Lot**

A maximum of one dwelling unit is permitted per lot, except:

- a) in the case of a lot which contained more than one legally established dwelling unit on the date of passing of this By-law, in which case the maximum number of dwelling units permitted on such lot shall be the number of existing dwelling units on the said lot; or,
- b) in a Zone where more than one dwelling unit is specifically permitted hereby.
- c) in a Core Mixed-Use Zone, the maximum number of dwelling units permitted shall be based upon the minimum floor area requirements of the Ontario Building Code.

### **11.8.2 Location within Non-Residential Buildings**

Where a dwelling unit is located within or attached to a non-residential building, such building and dwelling unit shall:

- a) not be located in a basement or cellar; and,
- b) not be located on a first storey, unless located behind the principal non-residential use.

### **11.8.3 Dwelling Units – Core Mixed-Use Zones**

Where permitted in a Core Mixed-Use Zone, no portion of the first storey at street level or any storey below this level of a mixed-use building shall be used for residential purposes except for entrances and passageways to dwelling units.

## **11.9 Established Building Line**

Notwithstanding any other provision in this By-law, in any Residential Zone, a new dwelling may be built with a setback equal to the average setback of existing dwellings on adjacent lots but this setback shall not be less than 3.0 metres from the front line.

## **11.10 Flood Susceptible Lands**

### **11.10.1 Special Policy Area**

Lands within the established Commercial Core Area of Millbrook that are susceptible to flooding have been identified by a Special Policy Area on Schedule A of this By-law. Areas are identified with the minimum elevation for

flood proofing (in metres) based upon the Millbrook Flood Plain Mapping (1989 Map Datum) identified by a number in brackets. For example F(212.7). Lands within the Special Policy Area are subject to the following provisions:

- a) all provisions which are applicable within a Zone category for the use of land, building or structure permitted within the new Zone category shall also apply where a special F(#) sub-category is also in effect;
- b) all new buildings and structures shall be designed to withstand any anticipated hydrostatic forces resulting from a Regulatory Flood;
- c) the composition and strength of all structural materials used in construction are to be adequate to avoid deterioration from flooding;
- d) no new basements or expansions to existing basements shall be permitted unless it is flood proofed and designed to withstand hydrostatic pressures;
- e) the minimum elevation of the ground or first floor level and any exterior building openings of any new development or redevelopment shall not be less than the minimum elevation for flood proofing;
- f) notwithstanding subsection e) above where these requirements are not feasible due to technical or legal reasons or would cause a major disruption in the streetscape, flood proofed doors or shields or other solutions acceptable to the municipality and the Otonabee Region Conservation Authority may be utilized for the development or redevelopment of new commercial and non-residential structures;
- g) notwithstanding subsection f) above the minimum elevation of the ground or first floor level and any exterior openings of any minor addition or renovation to an existing building or structure shall not be lower than the existing ground floor level;
- h) the minimum elevation for flood proofing shall be the Regulatory Flood elevation based upon engineered flood plain mapping as approved by the Otonabee Region Conservation Authority;
- i) new residential structures or the redevelopment or major renovation/addition to existing residential structures shall only be permitted where the habitable floor space elevation is located above the Regulatory Flood level and safe access and safe parking can be achieved;

- j) flood storage loss compensation for all development/redevelopment will not be required, however, new development/redevelopment must not adversely impact existing structures upstream or downstream as a result of increasing flood levels and/or velocities;
- k) new development associated with substances of a chemical, hazardous or toxic nature which may pose an unacceptable threat to public safety if damaged as a result of flooding or failure of flood proofing measures, shall not be permitted to locate below the Regulatory Flood level;
- l) new nursing homes, hospitals, homes for the aged, senior citizen apartments, group homes for the physically or mentally challenged, day care centres, or other similar uses for which flooding could pose a significant danger to the inhabitants shall not be permitted to locate below the Regulatory Flood level;
- m) new development associated with services such as those provided by fire, police and ambulance stations and electrical substations which would be impaired during a flood emergency as a result of flooding, or failure of flood proofing measures, shall not be permitted below the Regulatory Flood level;
- n) new building services such as electrical and heating systems shall be located above the Regulatory Flood elevation, but where this is not possible, building services shall be flood proofed to the Regulatory Flood level; and,
- o) the construction or erection of a building or structure on the footprint of a previous structure which has been destroyed or demolished by fire or natural causes may be permitted subject to the written approval of the Otonabee Region Conservation Authority and the Municipality.

For the purposes of this section, the following definitions shall apply:

**Regional Storm:** the Timmins storm centred event.

**Regulatory Flood:** the flood resulting from the Timmins storm centred event or the 1:100 year flood, whichever is greater, as determined by the Otonabee Region Conservation Authority.

**Flood proofing:** a combination of structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual

buildings, structures or properties subject to flooding so as to eliminate or reduce flood damages.

**Development:** the construction, erection or placing of new buildings or structures, including additions to existing buildings or structures, on land and includes a minor addition or renovation.

**Redevelopment:** the removal of buildings or structures from land and the development of new buildings or structures on the same site, and includes a minor addition or renovation.

**Minor addition or renovation:** the alteration of an existing building or structure that increases the size of a building by less than 50 percent of the existing ground floor area and which does not substantially increase the value of the building.

**Safe access:** pedestrian and vehicular access/evacuation routes direct or elevated, for residential purposes, not flooded to a depth greater than 0.3 metres;

**Safe parking:** parking facilities designed so as to minimize flood damages and not interfere with flood flows. Parking facilities for residential purposes shall be considered safe where flood depths do not exceed 0.3 metres.

### **11.10.2 Floodplain Overlay**

Lands identified outside of the Millbrook Special Policy Area are also identified by the Floodplain Overlay on Schedule A. No building or structure shall be developed within the Floodplain Overlay area without written approval of the Conservation Authority. This overlay is primarily intended for information purposes only. The flood plain mapping may be updated

### **11.10.3 Peterborough Airport Flood Susceptible Lands Overlay**

Those portions of the City of Peterborough Airport located within the Airport Industrial (M5) Zone may be developed with all uses permitted in the Airport Industrial (M5) Zone in those areas identified for development by the “Cavan Creek Airport Reach Floodplain Study” provided that new buildings and structures have flood proofing to a minimum opening elevation of 190.61 metres above sea level. For the purpose of this subsection, “flood proofing” shall have the same meaning as set out in subsection 11.10.1.

### **11.11 Garden Suites**

Where a garden suite is permitted through a Temporary Use By-law as an accessory use to an existing single detached dwelling, the following additional regulations shall apply:

- a) A maximum of one garden suite is permitted per lot.
- b) Driveway access to both the principal dwelling and the garden suite shall be limited to one.
- c) The minimum setback of the garden suite shall be equal to the required rear and interior side yard requirements for the principal building.
- d) In no case shall a garden suite be located any closer to the front or exterior lot line than the main wall of the principal building.
- e) The maximum height of a garden suite shall be 5.0 metres and no more than one storey.
- f) No garden suite shall be located closer than 3.0 metres to the principal residence on the lot or any building on an abutting property.
- g) The gross floor area of any garden suite shall not be less than 50 square metres.
- h) The gross floor area of any garden suite shall not exceed 100 square metres or 40 percent of the gross floor area of the single detached dwelling on the lot.
- i) All garden suites shall be provided with adequate water and sewage disposal systems.

### **11.12 Height Restrictions**

#### **11.12.1 General**

Unless otherwise restricted in this By-law, no building or structure shall exceed 10 metres in height, except that neither this provision nor any other provision of this By-Law shall apply to restrict the height of any of the following structures:

- a) antenna;
- b) barn;
- c) belfry;
- d) chimney;

- e) clock tower;
- f) crushing, washing, screening, processing or asphalt plant;
- g) elevator or stairway penthouse;
- h) flag pole;
- i) grain elevator and storage;
- j) grain dryer;
- k) hydro-electric transmission tower;
- l) ornamental structure;
- m) radio antenna;
- n) silo;
- o) spire;
- p) steeple;
- q) structure containing heating, cooling or other mechanized equipment pertaining to a building;
- r) tower;
- s) water storage tank or tower; or,
- t) windmill.

### **11.13 Height Restrictions in Vicinity of Airport - Airport Protection Zone Overlay**

Notwithstanding any other provision of this By-law, where lands are located within the Peterborough Airport Obstacle Limitation Surface as shown on Schedule D, the following provisions shall apply:

- a) Inner Surface – consultation with the Peterborough Airport is required for any proposed construction
- b) Approach Surfaces – consultation with the Peterborough Airport is required for any proposed construction above 208.5 metres
- c) Outer Surface – Peterborough Airport Zoning Regulations established by Transport Canada apply. Construction above 234.9 metres is prohibited. Consultation with the Peterborough Airport is required.

## 11.14 Home Businesses

Where a home business is a permitted use, such use shall be in accordance with the provisions for the Zone in which it is located and shall also comply with the following regulations:

- a) Only one employee in addition to the permanent residents of the dwelling unit may be employed;
- b) A maximum of two home businesses may be permitted in a dwelling unit or a building that is accessory to the dwelling unit provided each home business can meet the requirements of this By-law.
- c) The maximum total gross floor area dedicated to all home businesses on a lot shall not exceed 25 percent of the net floor area of the dwelling on the lot. The maximum total gross floor area dedicated to home businesses includes any home business operated in an accessory structure in accordance with subsection (c).
- d) The home business shall be clearly incidental and secondary to the principal residential use to which it is accessory and shall not change the residential character of the dwelling.
- e) No home business shall create or become a public nuisance, particularly with regard to noise, traffic, emissions, parking or communication interference.
- f) No sign or display other than a non-illuminated sign not exceeding 1 square metre in area shall indicate that a home business is being carried on in a dwelling unit.
- g) No outdoor storage, outdoor storage use, outdoor display and sales area, or outdoor processing are permitted in conjunction with a home business.
- h) The following uses are specifically prohibited as home businesses except where such uses are specifically permitted herein:
  - (i) adult entertainment use;
  - (ii) animal clinic;
  - (iii) any use involving the storage, repair, maintenance and/or towing of motor vehicles, recreational vehicles or engines;
  - (iv) bed and breakfast establishment;
  - (v) contractor's yard;



- (vi) funeral establishment;
- (vii) hospital;
- (viii) industrial use;
- (ix) kennel;
- (x) any home business with more than two clients on site at any one time;
- (xi) restaurant;
- (xii) retail store;
- (xiii) salvage yard; or,
- (xiv) truck terminal.

#### **11.15 Home Industries**

Where a home industry is a permitted use, such use shall be in accordance with the provisions for the Zone in which it is located and shall also comply with the following regulations:

- a) The home industry shall clearly be secondary to the principal use of the property and shall not change the character of the property.
- b) The total number of home industries permitted shall be limited to one per lot.
- c) No home industry shall create or become a public nuisance, particularly with regard to noise, traffic, emissions, parking or communication interference.
- d) Only two employees in addition to the permanent residents of the dwelling unit may be employed;
- e) The home industry shall meet the same yard provisions as required for the principal use on the property for the Zone in which it is located.
- f) The maximum total gross floor area dedicated to a home industry on a lot shall not exceed 300 square metres.
- g) No outdoor storage, outdoor storage use, outdoor display and sales area, or outdoor processing are permitted in conjunction with a home industry.
- h) The uses specifically prohibited as a home business in Section 11.14 (h) of this By-law are also specifically prohibited as a home industry.

### **11.16 Keeping of Chickens**

The keeping of backyard chickens is only permitted as an accessory use to an existing single detached, semi-detached or townhouse residential use in a UR1, UR2, UR3, RR, HR or CMU2 Zone, and subject to the following provisions:

- a) Backyard chickens must be kept in an enclosed roofed structure which is located in a rear yard and:
  - (i) setback a minimum of 5 metres from any lot line;
  - (ii) no greater than 3 metres in height; and,
  - (iii) no greater than 10 square metres in total floor area.
- b) Where backyard chickens are kept on a property, the maximum number of chickens permitted on any lot shall be five.
- c) The sale of eggs, manure and other products associated with the keeping of backyard chickens is prohibited.
- d) The keeping of roosters is prohibited.
- e) The keeping of backyard chickens on lands zoned (A) or (RU) are subject to the regulations of those respective Zones.
- f) A suitable means of manure storage and disposal must be provided.

### **11.17 Keeping of Livestock**

On lots zoned Rural Residential (RR), the keeping of livestock (limited to horses, sheep, goats, rabbits and/or geese) is permitted subject to the following provisions:

- a) Such livestock are accessory to a single detached dwelling and owned by and for the exclusive use of the property owner residing on the lot.
- b) A maximum of two nutrient units may be permitted on lots greater than 0.8 hectares in size.
- c) The minimum setback between any pens, enclosures, paddocks or other facilities or areas for the keeping of livestock, and any residential use on an adjacent lot shall be 20 metres.
- d) A suitable means of manure storage and disposal must be provided and any MDS requirements that are more restrictive than the provisions of this By-law shall apply.

**11.18 Kennels**

Kennels are prohibited uses in any Zone unless specifically permitted by an amendment to this By-law. Where specifically permitted by an amendment to this By-law, no land, building or structure shall be used for a kennel, unless the land, building or structure is in compliance with the following regulations and any other applicable provisions of this By-law:

- a) Kennels lawfully existing as of the date of passing of this By-law shall henceforth be deemed to be legal non-complying.
- b) A secure, chain link fence enclosure shall be installed and maintained around any outdoor run or outdoor common play area.
- c) Any pen area for the housing of dogs must be constructed with solid walls and roofing.
- d) Dog activity is not permitted in any outdoor run or outdoor common play area between the hours of 8 p.m. and 7 a.m.
- e) Any kennel shall be in compliance with the Township's by-law to licence, regulate and govern kennels.
- f) Regulations in Table 11C below also apply to kennels.

| <b>Table 11C Additional Regulations – Kennels</b>  |  |
|--|--|
| Minimum Lot Area (ha)  | 6  |
| Minimum Front Yard (m)   | 30   |
| Minimum Interior Side Yard (m)   | 50   |
| Minimum Exterior Side Yard (m)   | 30   |
| Minimum Rear Yard (m)  | 50   |
| Minimum Separation from any Residential Dwelling, or Commercial or Institutional Building on any Other Lot (m) | 200  |
| Maximum Total Floor Area on a lot for Pen Buildings and Structures for Housing of Dogs (m <sup>2</sup> )       | 150  |
| Maximum Height of any Building Associated with a Kennel (m)  | Equal to the maximum height requirement for accessory buildings and structures of the Zone that applies to the lot |
| Total Maximum Outdoor Common Play Area (m <sup>2</sup> )   | 400  |

## **11.19 Landscaping and Buffers**

### **11.19.1 Landscaping**

Landscaping shall be provided in accordance with any Zone provisions and the following regulations:

- a) Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations or permitted outdoor storage, outdoor storage use, or outdoor display and sales area shall be maintained as landscaping, except that this provision shall not apply to any agricultural use.
- b) Where landscaping of any kind is required adjacent to any lot line or elsewhere on a lot, nothing in this By-Law shall apply to prevent such landscaping from being traversed by pedestrian walkways or permitted driveways, provided that the minimum angle of intersection between a driveway and required landscaping shall be 60 degrees.
- c) No part of any driveway, parking area, loading space, stoop, roof-top, balcony, swimming pool or space enclosed within a building shall be considered landscaping.

### **11.19.2 Buffers**

- a) A minimum 3.0 metre wide buffer abutting the full length of a lot line is required on a lot in any Mixed-Use, Institutional, Commercial, or Industrial Zone that abuts an interior side or rear lot line of a lot in any Residential Zone.
- b) Where a fence, wall, row of trees or hedgerow is provided as part of a buffer required by this By-Law, such fence, wall, row of trees or hedgerow shall be designed to have an ultimate height of not less than 1.5 metres above the elevation of the ground at the nearest lot line, except that within a sight triangle the maximum height of any such landscaping materials shall be 0.6 metres.
- c) Where there is a wall or fence having a height of 1.5 metres or more along an interior side or rear lot line, the width of the buffer established in subsection (a) can be reduced to 1.5 metres in width.
- d) Where the ingress and egress of a driveway and/or walkway extend through a buffer, it shall be permissible to interrupt the planting strip within 1 metre of the edge of said driveway and/or walkway.

- e) Buffers required by this section of the By-law can be counted as part of any landscaped open space requirement of this By-law.

## **11.20 Lighting**

The type, location, height, intensity and direction of lighting shall be dark sky compliant and designed to ensure that lighting is confined to the building face, parking area and the vicinity of the site. Lighting fixtures shall be installed with the light directed downwards and deflected away from adjacent lots and streets, and in such a manner as to not confuse persons driving vehicles on such streets.

## **11.21 Legal Non-Conformity and Legal Non-Compliance**

### **11.21.1 Buildings and Structures**

A building or structure that does not comply with this By-law, but which was legally erected/altere d in accordance with a previous by-law that was in effect at the time of construction and/or alteration may be enlarged, repaired or renovated provided that the enlargement, repair or renovation does not further reduce the existing yard(s), and all other provisions of this By-law are met.

Nothing in this By-law shall apply to prevent the restoration, repair or renovation, or the replacement of any lawfully constructed building or structure existing prior to the passing of this By-law, provided that such restoration, repair or renovation, or replacement will not increase the height, size, volume or change the use of such building or structure unless in compliance with this By-law.

### **11.21.2 Lots**

A lot in existence prior to the effective date of this By-law that does not meet the lot area and/or lot frontage requirements of the applicable Zone, may be used and buildings thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the buildings or structures comply with all of the other provisions of this By-law.

### **11.21.3 Non-Compliance as a Result of Land Acquisition by a Public Authority**

Notwithstanding any other provision in this By-law, where, as a result of an acquisition of land by the Township, County, the Province of Ontario, the Government of Canada or any department, board, commission or agency thereof, and where such acquisition results in a contravention of this By-law, the following applies:

- a) if the acquisition results in a contravention of this By-law with respect to minimum lot frontage and lot area requirements, the remaining lot frontage and/or lot area shall be deemed to be legal non-complying;
- b) if the acquisition results in a contravention of this By-law with respect to parking, loading, planting strip, front yard, interior side yard, exterior side yard, rear yard, lot coverage, landscaped open space or amenity area requirements, the lands so affected are deemed to comply with this By-law to the extent it complied with this By-law on the day before the acquisition was finalized; and
- c) notwithstanding subsection (b), no new building, structure or addition to an existing building or structure shall be erected or located except in accordance with all the provisions of this By-law, excluding subsection (a).

#### **11.21.4 Non-Conforming Uses**

No lands can be used and no building or structure can be used except in conformity with the provisions of this By-law unless such use legally existed before the date of passing this By-law and provided that it has continued and continues to be used for such purpose, and that such use, when established, was not contrary to any By-law in force at that time.

Nothing in this By-law shall prevent the rebuilding or repair of an existing non-conforming building or structure that is damaged, destroyed or demolished subsequent to the effective date of this By-law, provided that rebuilding or repair will not increase any external dimensions of the original building or structure and the use of the building or structure is not altered, unless altered to a permitted use.

Nothing in this By-law shall prevent the strengthening to a safe condition of an existing nonconforming building or structure provided that the external dimensions of the original building or structure are not increased, the strengthening or expansion will not change the location of any building or structure and the use of the building or structure is not altered, unless altered to a permitted use.

#### **11.22 Minimum Distance Separation (MDS)**

Notwithstanding any other yard or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and permitted by this By-law shall be erected or altered unless it complies with the Minimum Distance Separation formula as established by the Province. For the

purposes of this section, definitions shall be determined by the Province. New buildings and structures must comply with the following:

a) **Application to Existing Lots of Record (MDS 1)**

Vacant lots of record that existed prior to March 1, 2017 shall be exempt from the MDS formula as established by the Province.

b) **Application to Cemeteries (MDS 2)**

For the purposes of calculating MDS 2 for a first or expanding livestock facility as permitted by this By-law, cemeteries located within the Institutional (I) Zone shall be treated as Type-B land uses, and all other cemeteries identified in Appendix 2 as 'closed' shall be treated as a Type A land uses.

c) **Application for Agriculture-related uses and on-farm diversified uses (MDS1)**

MDS 1 setbacks from existing livestock facilities and anaerobic digesters will be required for proposed agriculture-related uses and on-farm diversified uses characterized by a higher density of human occupancy or activity or uses that may generate significant visitation by the broader public to an agricultural area. Examples include, but are not limited to: food service, accommodation, agri-tourism uses and retail operations.

In these circumstances, agriculture-related uses and on-farm diversified uses shall be considered as Type A land uses. The measurement of MDS 1 setbacks from existing livestock facilities and anaerobic digesters shall be to the lot line.

d) **Application for Agriculture-related uses and on-farm diversified uses (MDS 2)**

MDS 2 setbacks will be required for first or altered livestock facilities and anaerobic digesters to existing agriculture-related uses and on-farm diversified uses characterized by a higher density of human occupancy or activity or uses that generate significant visitation by the broader public to an agricultural area. Examples include, but are not limited to: food service, accommodation, agri-tourism uses and retail operations.

In these circumstances, agriculture-related uses and on-farm diversified uses shall be considered as Type A land uses. The measurement of MDS 2 setbacks to existing livestock facilities and anaerobic digesters shall be to the facility.

### **11.23 Oak Ridges Moraine Environmental Plan Review Overlay**

All development in this area will be guided by the underlying zone provisions. A natural heritage evaluation and/or hydrological evaluation completed in accordance with the Oak Ridges Moraine Conservation Plan shall be prepared for all development and shall be approved by the Township in consultation with the local Conservation Authority. Approval of the development is also subject to site plan approval by the Township.

For the purposes of this By-law, the minimum area of influence and minimum vegetation zone is defined in Section 21 of the Oak Ridges Moraine Conservation Plan.

#### **11.24 One Principal Building Per Lot**

No more than one principal building shall be constructed on a lot except for permitted buildings within an Agricultural, Commercial, Institutional or Industrial Zone.

#### **11.25 Multiple Uses and Zones Per Lot**

##### **11.25.1 More than One Use**

- a) Where any building, structure or lot is used for more than one purpose as provided by this By-law, the said building, structure or lot must comply with the provisions of this By-law relating to each use.
- b) Where standards or provisions pertaining to two or more uses on one lot are in conflict the highest or more restrictive standards or provisions shall prevail.

##### **11.25.2 More than One Zone**

Where a lot is divided into more than one Zone, each portion of the lot must be used for a purpose that is permitted within each applicable Zone.

#### **11.26 Outdoor Commercial Patios**

Where an outdoor patio is located on a lot in conjunction with a restaurant on the same lot, the following provisions apply:

- a) The outdoor patio must be set back a minimum of 12 metres from a Residential Zone boundary.
- b) The outdoor patio must be located outside of any required parking spaces, loading spaces and required buffers.
- c) The outdoor patio shall be located within 3.0 metres of the restaurant use.
- d) The patio must be located outside of any required sight triangle.
- e) The required setback from any road shall be determined in consultation with the appropriate road authority.

#### **11.27 Outdoor Display and Sales Areas**

Where an outdoor display and sales area is located on a lot, the following provisions apply:



- a) Outdoor display and sales areas must comply with the minimum required yard setbacks of the Zone in which it is located.
- b) The outdoor display and sales area must be set back a minimum of 12 metres from any Residential Zone boundary.
- c) The maximum height of any outdoor display and sales area shall be 3 metres.
- d) The outdoor display and sales area must be located outside of any required parking spaces, loading spaces, sight triangles and required planting strips.
- e) Notwithstanding subsection (d), if the outdoor sales and display area is temporary, it may occupy up to 10 percent of the parking spaces required by this By-law.

For the purposes of this Section, temporary shall mean a period of time not to exceed 60 days in a calendar year.

#### **11.28 Outdoor Storage and Outdoor Storage Use**

Where outdoor storage is permitted by this By-law, the following provisions shall apply:

- a) Outdoor storage is permitted only in a rear or interior side yard and must not be located any closer than 20 metres to any front or exterior lot line.
- b) No outdoor storage shall be located closer than 2 metres to any lot line.
- c) The area used for outdoor storage shall not exceed the lesser of 25 percent of the total lot area or the total ground floor area of the principal building on the lot.
- d) Outdoor storage shall be screened by opaque fencing or masonry wall or solid hedgerow with a minimum height of 1.8 metres.
- e) No materials (other than machinery and equipment) in an outdoor storage area shall exceed 6.0 metres in height.
- f) The outdoor storage of derelict or scrap motor vehicles or machinery and used appliances or equipment shall be prohibited, except where specifically permitted by this By-law.
- g) Outdoor storage is not permitted within any yard abutting a Residential Zone boundary or in any floodplain as identified and regulated by the Conservation Authority.
- h) Any outdoor storage area shall be maintained as landscaped open space or provided and maintained with a stable surface, treated so as to prevent the raising

of dust or loose particles and drained, except that this provision shall not apply to any outdoor storage area located on a lot whereon the principal use is an agricultural use.

- i) Notwithstanding subsection (h), no outdoor storage area shall be considered part of any landscaped open space required herein.

Nothing in subsection shall apply to prevent or otherwise restrict the use as an outdoor storage area of any part of a lot containing a dwelling, for a special temporary sale, by auction or garage sale, of personal possessions belonging to the occupants thereof.

### **11.29 Rooftop Mechanical Equipment and Penthouses**

The following provisions apply where rooftop mechanical equipment or mechanical penthouses are located on a roof:

- a) mechanical equipment or a mechanical penthouse, including any appurtenances thereto, shall not exceed 6.0 metres in height;
- b) rooftop mechanical equipment, including any appurtenances thereto, that exceeds 2.0 metres in height shall be fully enclosed within a mechanical penthouse; and,
- c) rooftop mechanical equipment shall be set back a minimum of 5.0 metres from all edges of a roof if it is not fully enclosed within a mechanical penthouse or screened by an architectural feature.

### **11.30 Setbacks**

#### **11.30.1 Required Setbacks from County Roads**

Where a lot adjacent to a County Road is to be used for residential purposes, no building or structure shall be erected on said lot within 15 metres of the property line abutting the County Road or within 30 metres of the centre line of the road, whichever is the greater. In the case of non-residential development, no building or structure shall be erected on a lot within 30 metres of the property line abutting the County Road or within 45.5 metres of the centre line of the County Road whichever is the greater. This provision does not apply in built-up areas designated in the Township of Cavan Monaghan Official Plan or the County Official Plan.

Notwithstanding the above, in built-up areas designated in the Township of Cavan Monaghan Official Plan or the County Official Plan, the setback provisions for the applicable Zone shall apply in consultation with the appropriate road authority.

## **11.31 Shipping Containers**

### **11.31.1 Residential Zones**

Shipping containers may be used as an accessory structure for temporary storage purposes in Residential Zones subject to the following regulations.

- a) Shipping containers are not permitted in a Residential Zone except on a temporary basis for moving purposes for a period not to exceed 14 days in which case the shipping container must be located on the driveway.
- b) A shipping container is also permitted in a Residential Zone for the storage of materials during construction, for a period not to exceed 6 months and must be removed from the property upon the completion of construction which will be deemed to be the date of the issuance of an occupancy permit.
- c) A shipping container used for temporary storage in a Residential Zone shall not exceed a maximum height of 3 metres and a maximum length of 6 metres.
- d) Shipping containers shall not be used for human habitation, unless specifically permitted by an amendment to this By-law.

### **11.31.2 Agricultural, Rural and Industrial Zones**

Shipping containers may be used as an accessory structure for storage purposes, unless legally existing on the date of the passing of the By-law, in the Agricultural (A), Rural (RU) and Industrial Zones subject to the following regulations.

- a) Shipping containers shall only be permitted in a rear yard and shall not be permitted in a required parking area.
- b) Shipping containers are only permitted in an Industrial Zone where outdoor storage is also permitted.
- c) Shipping containers in an Industrial Zone shall be screened from the road frontage and buildings on abutting lots.
- d) Shipping containers are not permitted any closer than 50 metres to properties containing residential uses or zoned for residential use.
- e) The minimum lot area shall be 0.4 hectares.

- f) A maximum of one shipping container is permitted per 0.4 hectares of lot area to a maximum of four containers on any one lot.
- g) The maximum shipping container area shall be 51 m<sup>2</sup>.
- h) Shipping containers shall not be used for human habitation, unless specifically permitted by an amendment to this By-law.

### **11.32 Shooting Ranges**

Shooting ranges are prohibited uses in any Zone unless specifically permitted by an amendment to this By-law.

### **11.33 Sight Triangles**

#### **11.33.1 Prohibition of Obstructions**

Notwithstanding any other provision hereof to the contrary, within any area defined herein as a sight triangle, no building or structure shall be erected, no vehicle shall be parked, no land shall be graded and no landscaping materials shall be permitted to grow, in such a manner as to impede or obstruct the vision of persons driving vehicles on an abutting street above a height of 0.6 metres above the elevation of the centreline of the said street.

The following are prohibited on that portion of a lot defined as a sight triangle:

- a) a building or structure; and,
- b) a fence, tree, hedge, bush or other vegetation, the top of which exceeds 0.6 metres in height above the elevation of the centreline of the adjacent street.

### **11.34 Signs**

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the By-laws of the Corporation regulating signs.

### **11.35 Source Water Protection (SWP) Overlay**

Source water protection planning is the first line of defense in a multi-barrier approach that seeks to prevent the contamination or overuse of surface water and groundwater sources of municipal drinking water. This is achieved by evaluating threats to municipal drinking water sources and establishing policies and regulations to prevent, manage, or eliminate threats. The Township of Cavan Monaghan is located within the Trent Conservation Coalition Source Protection Region and is subject to the policies of the Trent Source Protection Plan.

The purpose of the Source Water Protection Overlay is to prevent the inadvertent approval of Planning Act Applications and/or the issuance of building permits that may result in the establishment of a land use activity(ies) that are significant drinking water threats.

Applications (i.e. Planning Act applications, building permit applications etc.) for development within the Source Water Protection (SWP) Overlay shall be accompanied by a Notice under Section 59(2) of the Clean Water Act, 2006, as amended.

Existing land uses and/or an expansion of existing land uses which pose a significant drinking water threat activity shall be managed pursuant to the Trent Source Protection Plan. Persons undertaking those land use activities that are, or may be, significant drinking water threats may be subject to a Risk Management Plan(s).

Notwithstanding the permitted uses and Zone provisions of any underlying Zones, the following land use activities shall be prohibited in the Source Water Protection Overlay where they would constitute a future significant drinking water threat, unless otherwise stated in the Trent Source Protection Plan:

- a) The application or storage of agricultural source material;
- b) The management of agricultural source material;
- c) The application, handling or storage of non-agricultural source material;
- d) The application, handling or storage of commercial fertilizer;
- e) The application, handling or storage of pesticide;
- f) The handling or storage of road salt;
- g) The storage of snow;
- h) The handling or storage of fuel;
- i) The handling or storage of a dense non-aqueous phase liquid;
- j) The handling or storage of an organic solvent
- k) The use of land as livestock grazing or pasturing lands, an outdoor confinement area of a farm-animal yard; or
- l) Waste disposal sites.

Where the Province or other approval body has issued or approved a Prescribed Instrument, or the Township's Risk Management Official (RMO) issues a Notice pursuant to Section 59 of the Clean Water Act, a land use prohibited above may be permitted in accordance with the provisions of the underlying Zone(s) and all other applicable provisions of this By-law.

## **11.36 Swimming Pools**

### **11.36.1 Unenclosed Swimming Pools**

Outdoor swimming pools, pumps, filters and heaters, or any accessory building or structure containing such equipment, are permitted in the interior, rear and exterior side yards, provided they are set back a minimum of 2.0 metres from any lot line.

### **11.36.2 Lot Coverage Exemption**

Notwithstanding any other provisions of this By-Law to the contrary, no outdoor swimming pools or any related structures shall be considered part of the lot coverage of a lot. However, any building used for changing or storage shall comply with Section 11.4. Where a swimming pool is enclosed within a building or where a structure appurtenant to a swimming pool constitutes a building as defined herein, such building shall comply with any lot coverage requirements set out herein for the Zone in which such building is located.

## **11.37 Temporary Uses**

### **11.37.1 Construction Uses**

Notwithstanding any other provision of this By-law, uses incidental to construction such as a construction camp or other such temporary work camp, a tool shed, a scaffold or other building or structure incidental to the construction, and the parking or storage of any construction equipment or construction vehicle are permitted in all Zones, subject to the following provisions:

- a) Such uses are permitted only for so long as they are necessary for work in progress that has neither been finished nor discontinued for a period of 60 days;
- b) A valid building permit or site alteration permit for the construction remains in place, if such a permit was required; and,

- c) Uses incidental to construction may be undertaken on the lot prior to the erection of the principal building provided it is used for no purpose other than storage.

### **11.37.2 Model Homes**

Notwithstanding Section 11.24, model homes are permitted in all Residential Zones on lands that have received draft plan of subdivision or condominium approval for residential purposes provided that:

- a) The model home is built within a lot defined by the draft approved plan of subdivision or condominium;
- b) Not more than the lesser of 20 units or 10 percent of the total number of residential units contained in the approved draft plan or site plan are constructed as model homes;
- c) The model home complies with all other requirements of this By-law for the applicable type of dwelling unit; and,
- d) The buildings are used for the purpose of model homes only and must not be occupied prior to the date of registration of the subdivision, condominium, or similar development agreement.

### **11.37.3 Temporary Sales Offices**

Notwithstanding Section 11.24, temporary sales offices used for the sale of residential, employment or commercial lots, or units on lands that have received draft plan of subdivision or condominium approval, are permitted in all Residential Zones, subject to the following provisions:

- a) The temporary sales office is not permitted until an applicable plan of subdivision or condominium has received draft plan approval or the property is in a Zone that permits the proposed development.
- b) The temporary sales office must comply with the minimum yards for the applicable Zone.
- c) The temporary sales office must comply with the parking provisions of this By-law.

## **11.38 Uses Permitted in all Zones**

### **11.38.1 Public Uses**

- a) Public uses are permitted in all Zones, with the exception of the Floodplain Overlay and NC Zone.
- b) Where a public use is permitted, the following provisions apply:
  - (i) Such public use must comply with all applicable Zone standards, and parking and loading requirements of the Zone in which it is located.
  - (ii) No outdoor storage or outdoor storage use is permitted unless specifically permitted in the Zone in which the public use is located.
  - (iii) Any accessory use to a public use must be clearly incidental and accessory to the principal use.

## **11.39 Uses Prohibited in all Zones**

Unless otherwise specifically permitted in this By-law, the following uses are prohibited throughout the Township:

- a) an adult entertainment establishment;
- b) the boiling of blood, tripe, bones or soaps for commercial purposes;
- c) the tanning or storage of uncured hides or skins;
- d) the manufacturing of glue or fertilizers from dead animals or from human or animal waste;
- e) an abattoir, stockyard, livestock exchange, or dead stock depot;
- f) the extracting of oil from fish;
- g) tracks, or other areas developed for the racing or running of motorcycles, all-terrain vehicles, snowmobiles, or other motorized recreational 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;
- h) a salvage yard;
- i) a disposal site for wastes;



- j) the refining, storage or use in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, benzol, benzine, gasoline, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gasses or solid materials except where specifically permitted hereby or in conjunction with a permitted industrial or commercial use, provided:
  - (i) such substances are protected by adequate firefighting and fire prevention equipment and by such safety devices as are generally employed in the handling of such substances, and
  - (ii) that such substances are kept removed from adjacent uses to a distance which is compatible with the potential danger involved,except that this provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and accessory to an agricultural use, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a residential use;
- k) the use of any tent, trailer or motor vehicle for human habitation, except where such tent, trailer or motor vehicle is located in a campground, in a trailer park or in a mobile home park;
- l) the use of any accessory building or structure for human habitation or for gain or profit;
- m) the use of a truck, bus, coach body, shipping container or rail car for human habitation or for storage purposes;
- n) the storage of disused rail cars, streetcars, buses, truck bodies or trailers without wheels;
- o) the parking or storage of trailers or commercial motor vehicles on a vacant lot;
- p) the parking or storage of trailers or commercial motor vehicles on a lot for the purposes of advertising;
- q) the outdoor storage of partially dismantled motor vehicles or trailers or motor vehicle or trailer parts unless otherwise specifically permitted by this By-law; and,
- r) any use which causes the emission of corrosive gasses, toxic gasses or radioactive gasses, into any Zone other than an Industrial Zone, or electromagnetic fields, heat, glare, nonagricultural odours, noise, vibrations, dust, dirt, fly ash or smoke which

does not comply with emission regulations as may be established from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof;

- s) large scale outdoor storage of salt and/or sand/salt mixtures; and,
- t) the use of land for war games, organized assassination games, music festivals and/or concerts.

#### **11.40 Waste Storage Areas**

All waste generated by the occupants of 3 or more dwelling units on a lot or from any commercial, industrial or institutional use must be stored inside a building or structure on the same lot provided the waste storage building or structure is:

- a) Located within the interior side or rear yard;
- b) Located no closer to any lot line than required for an accessory building or structure by this By-law;
- c) Not occupying any required parking spaces, loading spaces or access to these parking and loading spaces; and,
- d) Outside of any required planting strip.
- e) Where a waste storage building or structure is provided in accordance with subsection (a) above, the building or structure must be surrounded on all sides by masonry, concrete, or wooden walls in order to provide screening.
- f) Where a waste storage building or structure is provided in accordance with subsection (a) above, an unobstructed space of at least 9.0 metres by 3.0 metres is to be provided, to be used for the purpose of picking up waste.
- g) Notwithstanding subsections (a), (b), and (c) above, garbage containers temporarily provided for any construction, demolition, or site alteration works are permitted anywhere on a lot.

#### **11.41 Yard Encroachments and Obstructions**

##### **11.41.1 Projection into Required Yards**

No part of any required yard shall be obstructed by any building or structure or part thereof except one or more of the following:

- a) accessory buildings or structures specifically permitted in a required yard elsewhere in this By-Law;

- b) awnings, canopies, cornices, coves, belt courses, eaves, gutters, parapets, pilasters, sills, or weather-shielding structures are permitted to encroach into any required yard by no more than 0.6 metres;
- c) non-walk in bay, box out and bow windows, without foundations, with a maximum width of 3.0 metres and a maximum height of one storey are permitted to encroach into any required yard by no more than 0.5 metres;
- d) chimneys and gas fireplace projections and chases with a maximum width of 1.8 metres are permitted to encroach into any required yard by no more than 0.5 metres;
- e) roofless functional and ornamental structures including, but not necessarily restricted to, drop awnings, clothes poles, ornamental fountains, statues, monuments, picnic tables, benches, cenotaphs, memorials, planters, garden trellises, fences, boundary and retaining walls, hedgerows and legal signs;
- f) stoops, decks, porches, patios, verandahs, balconies on top of porches or verandahs, uncovered terraces and exterior steps providing access between finished grade and either the basement or the first storey of a building, where such structures project no more than 1.5 metres into a required front yard, a required rear yard or a required exterior side yard;
- g) fire escapes are permitted to encroach into any required yard by no more than 1.5 metres;
- h) stairs that access any part of the principal building at or above grade and which are not associated with a deck or porch, may encroach into the required rear or front yard by no more than 1.5 metres and into the required exterior side yard provided that no part of the stairs or landing are closer than 0.6 metres from exterior side lot line. Stairs that access the principal building below grade are not permitted in the front yard, are not permitted in the required interior and exterior side yards and are permitted to encroach into the required rear yard by no more than 1.5 metres;
- i) balconies projecting not more than 1.5 metres into any required yard and which do not project into any sight triangle;
- j) air conditioners and heat pumps are permitted in the required interior side, exterior side and rear yards, provided they are no closer than 0.6 metres

from the interior side and rear lot lines and no closer than 1.5 metres from the exterior side lot line; and,

- k) underground service structures such as sewage systems and firefighting tank reservoirs which do not project more than 2.0 metres into a required interior side yard or rear yard, and which do not project more than 3.0 m into a required front yard or exterior side yard.

#### **11.41.2 Projection Beyond Lot Lines**

No part of any building or structure on a lot shall project beyond any lot line or street line of such lot.

## 12.0 Parking and Loading Regulations

### 12.1 Loading and Unloading Space Regulations

#### 12.1.1 Loading Spaces Required

The owner or occupant of any lot, building or structure used or erected for any purpose involving the receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials, other than an agricultural use, shall provide and maintain, on the same lot, facilities comprising one or more loading spaces in accordance with the provisions of this Section.

#### 12.1.2 Loading Space Requirements

The number of loading spaces required on a lot shall be based on the total net floor area of all the uses on the said lot for which loading spaces are required by Subsection 12.1.1, in accordance with Table 12A below.

| <b>Table 12A Number of Loading Space Required</b>                    |   |
|--|---|
| <b>Gross Floor Area of Building or Structure</b>                     | <b>Minimum Number of Loading Spaces Required</b>  |
| Less than 250 m <sup>2</sup>   | 0   |
| Between 250 m <sup>2</sup> and 2,500 m <sup>2</sup>                  | 1   |
| Greater than 2,500 m <sup>2</sup> and less than 5,000 m <sup>2</sup> | 2   |
| Greater than 5,000 m <sup>2</sup>                                    | 3 + 1 additional space for each 10,000 m <sup>2</sup> in excess of 5,000 m <sup>2</sup> |

#### 12.1.3 Dimensions of Loading Spaces

The minimum dimensions of a loading space must be 3.5 metres in width and 9 metres in length, with a minimum vertical clearance of 4 metres.

#### 12.1.4 Location of Loading Spaces

Required loading spaces shall:

- a) be provided on the same lot occupied by the building or structure for which the said loading spaces are required;
- b) must abut the building for which the loading space is provided; and,
- c) shall not form a part of any street or lane.

### **12.1.5 Yards Where Permitted**

Loading spaces are not permitted:

- a) closer than 3.0 metres to any lot line;
- b) in any front yard;
- c) between the main wall closest to the exterior lot line and the exterior lot line;  
and,
- d) closer than 7.5 metres to any Residential Zone boundary, except if it is located entirely within a structure or located in a Residential Zone.

### **12.1.6 Access to Loading Spaces**

Access to loading spaces must be by means of a driveway at least 6 metres wide contained within the lot on which the loading spaces are located.

### **12.1.7 Addition to Existing Use**

When a building or structure has insufficient loading spaces on the date of passing of this By-law to comply with the requirements herein, this By-Law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, provided, however, that any additional loading spaces required by this By-law for such addition are provided in accordance with all provisions hereof respecting loading spaces.

### **12.1.8 Exemption for Local Commercial (C1) and Core Mixed-Use (CMU) Zones**

Notwithstanding any other provision hereof to the contrary, no loading spaces shall be required for any building, structure or use located within the C1 or CMU Zone.

## **12.2 Parking Regulations**

### **12.2.1 General Parking Provisions**

- a) No person can use any land or building in any Zone for any purpose permitted by this By-law, unless the minimum number of parking spaces required are provided as specified by this By-law.
- b) Where the minimum number of parking spaces is calculated on the basis of a rate or ratio, the required number of parking spaces must be rounded up to the next whole number.
- c) The parking requirements for more than one use on a lot or for a building containing more than one use, must be the sum total of the parking

requirements for each of the component uses, unless otherwise specified in this By-law.

- d) All required parking spaces must be unobstructed and available for general parking purposes and used for that purpose at all times, unless otherwise specified in this By-law.

### 12.2.2 Parking Spaces Required

Except as otherwise provided herein, the owner or occupant of any lot, building or structure used or erected for any of the purposes set forth in Tables 12B and 12C of this Subsection, shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the provisions of this Subsection.

| <b>Table 12B Residential Parking Space Requirements</b> |  |
|---|--|
| <b>Use</b>  | <b>Minimum Parking Space Requirement (net floor area unless otherwise noted)</b>   |
| Accessory apartment                                     | 1 per dwelling unit, in addition to the requirement for the principal dwelling unit                                      |
| Accessory farm employee accommodation                   | 0.25 spaces per bed  |
| Bed and breakfast establishment                         | 1 per guest room, in addition to the requirement for the principal dwelling unit   |
| Boarding, lodging or rooming house                      | 1 per guest room, in addition to the requirement for the principal dwelling unit   |
| Dwelling, apartment                                     | 1.5 spaces per dwelling unit and 0.25 per unit for visitor parking spaces  |
| Dwelling, duplex  | 2 per dwelling unit  |
| Dwelling, multiple                                      | 1.5 spaces per dwelling unit and 0.25 per unit for visitor parking spaces  |
| Dwelling, semi-detached                                 | 2 per dwelling unit  |
| Dwelling, single detached                               | 2 per dwelling unit  |
| Dwelling, townhouse                                     | 2 per dwelling unit  |
| Dwelling unit in mixed-use building                     | 1 per dwelling unit  |
| Garden suite  | 1 per dwelling unit  |
| Home business or home industry                          | 1 for any employee that is not a resident in the dwelling unit in addition to the required parking for the dwelling unit |

**Table 12C Non-residential Parking Space Requirements**

| <b>Use</b>   | <b>Minimum Parking Space Requirement (net floor area unless otherwise noted)</b>         |
|--|--|
| Adult entertainment use                              | 1 per 4 persons seating capacity or 1 per 10 m <sup>2</sup> , whichever is greater       |
| Agricultural use                                     | No requirement   |
| Agricultural related use, agri-tourism use           | 1 per 40 m <sup>2</sup>  |
| Animal day care centre, animal clinic, antique store | 1 per 20 m <sup>2</sup>  |
| Art gallery, artisan studio                          | 1 per 30 m <sup>2</sup>  |
| Asphalt plant  | 1 per 30 m <sup>2</sup> for office component   |
| Assembly hall  | 1 per 5 persons seating capacity or 1 per 10 m <sup>2</sup> GFA where there are no seats |
| Auction sales establishment                          | 1 per 15 m <sup>2</sup>  |
| Banquet hall   | 1 per 5 persons seating capacity   |
| Brewery / winery, building supply store              | 1 per 100 m <sup>2</sup>   |
| Business office, caterer's establishment             | 1 per 30 m <sup>2</sup>  |
| Cemetery   | No requirement   |
| Commercial fitness centre                            | 1 per 30 m <sup>2</sup>  |
| Commercial greenhouse                                | 1 per 35 m <sup>2</sup>  |
| Commercial school or studio                          | 1 per 30 m <sup>2</sup>  |
| Commercial self-storage facility                     | 1 per 100 m <sup>2</sup> for office component  |
| Community centre                                     | 1 per 30 m <sup>2</sup>  |
| Community garden                                     | 1 parking space per 100 square metres of area used for community garden purposes         |
| Concrete batching plant                              | 1 per 30 m <sup>2</sup> for office component   |
| Conservation use                                     | No requirement   |
| Contractor's yard                                    | 1 per 50 m <sup>2</sup>  |
| Convenience store                                    | 1 per 20 m <sup>2</sup>  |



**Table 12C Non-residential Parking Space Requirements**

|   |  |
|---|--|
| Craft brewery   | 1 per 10 m <sup>2</sup>  |
| Custom workshop   | 1 for any employee that is not a resident in the dwelling unit in addition to the required parking for the dwelling unit   |
| Day care centre   | 1 per 40 m <sup>2</sup>  |
| Dry cleaning plant  | 1 per 40 m <sup>2</sup>  |
| Dry cleaning depot  | 1 per employee and 2 additional spaces for pickup / loading.   |
| Equipment rental establishment  | 1 per 40 m <sup>2</sup>  |
| Factory outlet  | 1 per 20 m <sup>2</sup>  |
| Farm business   | 1 per 40 m <sup>2</sup>  |
| Farm greenhouse   | No requirement   |
| Farm implement sales and service establishment                                | 1 per 40 m <sup>2</sup>  |
| Farm produce sales outlet, farmers market, farm related tourism establishment | 1 per 30 m <sup>2</sup>  |
| Financial institution   | 1 per 20 m <sup>2</sup> or 1 per 30 m <sup>2</sup> if the financial institution has a drive-through service facility   |
| Funeral establishment   | 1 per 20 m <sup>2</sup>  |
| Golf course   | 5 per hole   |
| Golf course, miniature  | 1 per hole   |
| Golf driving range  | 1.5 per tee  |
| Hospital  | 4 per bed  |
| Hotel / motel   | 1 per guest room plus 1 per 20 m <sup>2</sup> of net floor area of each refreshment room or dining room  |
| Industrial use  | 1 per 100 m <sup>2</sup> for the first 10,000 m <sup>2</sup> of floor area; and<br>1 per 200 m <sup>2</sup> for any floor area after the first 10,000 m <sup>2</sup> |

**Table 12C Non-residential Parking Space Requirements**

|  |   |
|--|---|
| Kennel                                       | 1 per 30 m <sup>2</sup> for office component  |
| Laundromat                                   | 1 per 30 m <sup>2</sup>   |
| Library                                      | 1 per 30 m <sup>2</sup>   |
| Long term care facility                      | 1 per 4 beds and 1 per 2 employees  |
| Marina                                       | 0.5 per boat slip<br>and<br>1 per 18.6 m <sup>2</sup> of total retail floor area    |
| Medical office                               | 1 per 25 m <sup>2</sup>   |
| Motor vehicle body shop                      | 3 per service bay   |
| Motor vehicle gas bar                        | 1 per 40 m <sup>2</sup>   |
| Motor vehicle sales and rental establishment | 1 per 30 m <sup>2</sup> for office component  |
| Motor vehicle repair garage                  | 3 per service bay or 1 per 100 m <sup>2</sup> or whichever is greater               |
| Motor vehicle washing establishment          | 1 plus 6 waiting spaces per wash bay  |
| Museum                                       | 1 per 30 m <sup>2</sup>   |
| Personal service establishment               | 1 per 20 m <sup>2</sup>   |
| Place of entertainment                       | 1 per 20 m <sup>2</sup>   |
| Place of worship                             | 1 per 4 persons seating capacity or 1 per 10 m <sup>2</sup> , whichever is greater  |
| Postal or courier outlet                     | 1 per 30 m <sup>2</sup>   |
| Private club                                 | 1 per 4 persons seating capacity or 1 per 10 m <sup>2</sup> , whichever is greater  |
| Private school                               | 1.5 per classroom for elementary schools<br>5.0 per classroom for secondary schools |
| Public buildings                             | 1 per 30 m <sup>2</sup>   |
| Public school                                | 1.5 per classroom for elementary schools<br>5.0 per classroom for secondary schools |
| Repair or service shop                       | 1 per 40 m <sup>2</sup>   |
| Restaurant                                   | 1 per 10 m <sup>2</sup> including outdoor patio area                                |
| Retail store, accessory retail store         | 1 per 20 m <sup>2</sup>   |

| <b>Table 12C Non-residential Parking Space Requirements</b>                        |   |
|--|---|
| Retirement home  | 1 per 4 beds and 1 per 2 employees  |
| Salvage yard   | 1 per 20 m <sup>2</sup>   |
| Shopping centre  | 1 per 20 m <sup>2</sup>   |
| Short term accommodation   | 0.5 parking spaces per occupant or 1.0 parking space per guest room used for sleeping, whichever is the greater |
| Trade and convention centre  | 1 per 20 m <sup>2</sup>   |
| Transport terminal   | 1 per 100 m <sup>2</sup>  |
| Warehouse  | 1 per 200 m <sup>2</sup>  |
| Any other use permitted by this by-law other than those listed above               | 1 per 20 m <sup>2</sup>   |
| Any other place of assembly permitted by this by-law other than those listed above | 1 space per permitted Fire Code Capacity  |

### 12.2.3 Dimensions of Parking Spaces

A parking space required hereby shall have minimum rectangular dimensions of 3.0 by 6.0 metres, except that:

- a) the minimum width of a parking space accessory to a single detached, semi-detached or townhouse dwelling shall be 2.5 metres; and,
- b) where the principal access to a parking space is provided on the longest dimension of such parking space, the minimum dimensions of the said parking space shall be 3.0 by 6.7 metres.

### 12.2.4 Parking - Shared

Where more than one of the uses listed in Table 12C are located on the same lot, parking spaces may be shared between the uses, and the cumulative total of parking spaces required for all the uses on the lot may be reduced from that required in Table 12C.

To calculate the required parking using Table 12D, follow these five steps:

Step 1: Determine the parking requirement for each use;

Step 2: Calculate the parking requirement for each use;

Step 3: Multiply the required parking by the percentage of peak period for each time period;

Step 4: Calculate the total required parking for all uses in each of the eight time periods, for both weekdays and Saturdays; and,

Step 5: The time period with the highest total parking requirement is the required parking for the lot.

**Table 12D Percentage of Required Parking Permitted to be Shared**

| Use                               | Percentage of Peak Period |      |           |         |          |      |           |         |
|-----------------------------------|---------------------------|------|-----------|---------|----------|------|-----------|---------|
|                                   | Weekday                   |      |           |         | Saturday |      |           |         |
|                                   | Morning                   | Noon | Afternoon | Evening | Morning  | Noon | Afternoon | Evening |
| Business office                   | 100                       | 80   | 100       | 10      | 10       | 10   | 10        | 5       |
| Day care centre                   | 100                       | 100  | 100       | 5       | 0        | 0    | 0         | 0       |
| Financial institution             | 100                       | 100  | 100       | 15      | 20       | 20   | 20        | 5       |
| Hotel / motel                     | 70                        | 70   | 70        | 100     | 70       | 70   | 70        | 100     |
| Place of entertainment or theatre | 10                        | 10   | 25        | 80      | 40       | 70   | 80        | 100     |
| Restaurant                        | 20                        | 90   | 30        | 100     | 30       | 90   | 50        | 100     |
| Retail store or shopping centre   | 75                        | 80   | 90        | 90      | 80       | 100  | 100       | 50      |

### Time Period Legend

Morning = before noon

Noon = noon to 1 pm

Afternoon = 1 to 6 pm

Evening = after 6 pm

An example demonstrating how shared parking is calculated is provided in Appendix 1.

### **12.2.5 Location of Parking Areas**

All required parking spaces shall be provided on the same lot occupied by the building, structure or use for which such parking spaces are required, and shall not form a part of any street or lane. Parking spaces must not extend into any part of a lot that is required to be used for planting strips as specified by this By-law.

### **12.2.6 Parking in Residential Zones**

- a) The maximum width of a driveway leading to a private garage or carport in the front or exterior side yards is:
  - (i) 6.0 metres for a lot having a lot frontage of 12.0 metres or less;
  - (ii) Equal to 50 percent of the lot frontage on a lot having greater than 12.0 metres and less than 18.0 metres of lot frontage; or,
  - (iii) 9.0 metres for a lot having a lot frontage equal to or greater than 18.0 metres.
- b) The width of the lot specified in subsection (a) above is the horizontal distance between the interior side and/or exterior side lot lines, with such distance being measured perpendicularly to the line joining the mid-point of the front lot line with the mid-point of the rear lot line at a point on that line 6.0 metres from the front lot line.
- c) The width of the private garage specified in subsection (a) above is the width of interior wall(s). In the case of a carport, the width is measured from the wall of the principal building to the outside of the post supporting the roof of the carport.
- d) Where a private garage is detached from the principal building and is accessed by a driveway crossing the front lot line, the driveway must be located no closer to the interior side lot line than the minimum setback required for accessory buildings or structures.
- e) Where a private garage is detached from the principal building and is accessed by a driveway crossing the exterior side lot line, the driveway must be located no closer to the rear lot line than the minimum setback required for accessory buildings or structures.

- f) Notwithstanding subsections (b) and (c) above, the setback for the driveway may be less to match the setback of a private garage that existed on the effective date of this By-law.

#### **12.2.7 Yards where Permitted**

Except as otherwise provided herein, uncovered surface parking areas shall be permitted in any part of any yard, provided that any part of a parking area located within a required yard shall be separated from any lot lines adjacent to such required yard by a planting strip no less than one metre in width.

#### **12.2.8 Parking Structures**

Parking garages must comply with the provisions for the principal building in accordance with this By-law. No setbacks or yards are required for any portion of a parking garage that is entirely below grade. This exemption also applies to external ventilation shafts, stairwells, landings, and other similar facilities.

#### **12.2.9 Access to Parking Areas and Structures**

- a) Access to parking areas shall be provided from a public street by means of one or more un-obstructed driveways not exceeding:

- (i) 6.0 metres in width for a driveway accessory to a single dwelling, and,
- (ii) 10.0 metres in width for any other driveway

measured parallel to the said street, at any point on the lot closer to the said street than the street setback required therefrom, provided that no lot shall have more than two driveways for the first 30 metres of street line thereof plus one driveway for each additional 30 metres of street line.

- b) Driveways and parking aisles shall have a minimum unobstructed width of 6 metres where two-way traffic is permitted and 3 metres driveway where only one-way direction of traffic flow is permitted and is clearly indicated by signs, pavement markings or both, except that the minimum width required for any driveway accessory to a single detached, semi-detached or townhouse dwelling shall be 2.5 metres.

#### **12.2.10 Treatment of Parking Areas and Driveways**

- a) All parking areas and driveways shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles.

- b) Parking areas that have 20 parking spaces or more must contain a minimum of five percent of their area as landscaping area. Landscaping areas must be calculated on the basis of the net parking facilities, which includes parking stalls, access drives, aisles, and walkways, but does not include required landscaping adjacent to streets.
- c) Notwithstanding subsection (b) above, parking areas that existed on the effective date of this By-law are exempt from the minimum landscaping area requirements set out in subsection (b).

#### **12.2.11 Addition to Existing Use**

Where an existing use has insufficient parking spaces on the date of passing of this By-Law to conform to the requirements herein, this By-Law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use provided, however, that any additional parking spaces required by this By-Law for such addition or change of use are provided in accordance with all provisions hereof respecting parking spaces and parking areas.

#### **12.2.12 Parking of Commercial Motor Vehicles in Residential Zones**

The following provisions apply to the parking of commercial motor vehicles in Residential Zones (excluding lots that are zoned (RR) and 0.4 hectares in size or greater):

- a) The commercial motor vehicle must be parked in a private garage or on a driveway.
- b) Commercial motor vehicles are not permitted on any lot unless a principal building has been constructed on that same lot.
- c) The commercial motor vehicle must be no more than 7.5 metres in length (exclusive of hitch/tongue).
- d) The commercial motor vehicle must be no more than 3.2 metres in height, measured from the ground to the highest point of the vehicle.

#### **12.2.13 Parking of Recreational Vehicles and Boats**

The following provisions apply to the outdoor parking or storage of any recreational vehicle or boat in a Residential Zone [excluding lots zoned (RR) and 0.4 hectares in size or greater]:

- a) A total of two recreational vehicles or two boats or one recreational vehicle and one boat is permitted on a lot.
- b) The recreational vehicle or boat must be parked in the interior or rear yards only, and/or on a driveway extending from a private garage or carport.
- c) A recreational vehicle and a boat must not:
  - (i) be parked on the same driveway
  - (ii) occupy required parking spaces; or,
  - (iii) be used for human habitation purposes while parked on the lot.

**12.2.14 Barrier Free Parking**

Barrier free parking spaces with a minimum width of 3.6 metres and minimum depth of 6.0 metres are required for all non-residential uses and for any multiple or apartment dwelling in accordance with Table 12E below.

| <b>Table 12E Barrier Free Parking Space Requirements</b>  |  |
|---|--|
| <b>Total Number of Parking Spaces Required on the Lot</b> | <b>Minimum Number of Required Parking Spaces Dedicated as Barrier Free</b> |
| 3-25  | 1  |
| 26-100  | 1 + 3% of total number of parking spaces on lot                            |
| 101-200   | 4 + 2% of total number of parking spaces on lot                            |
| 201 or greater  | 8 + 2% of total number of parking spaces on lot                            |



### 12.2.15 Bicycle Parking

Bicycle parking spaces that are a minimum of 60 centimetres wide and 1.8 metres long are required for the uses listed in Table 12F below in addition to any required parking spaces for motor vehicles.

| <b>Table 12F Bicycle Parking Space Requirements</b>              |  |
|--|--|
| <b>Use</b>   | <b>Required Parking Standards (per net floor area)</b>   |
| Retail, personal, institutional                                  | The greater of 2 spaces or 1 space /1000 m <sup>2</sup>  |
| Industrial   | 2 /1000 m <sup>2</sup>   |
| Public and private school  | 1 /10 students of design capacity & 1 space/35 employees   |
| Dwellings or mixed-use buildings with more than 6 dwelling units | 2 spaces for the first 6 dwelling units plus 2 spaces for each additional 6 dwelling units or fraction thereof |

### 12.2.16 Drive-Through Service Facilities

Where drive-through service facilities are permitted, the provisions of this Section apply.

#### 12.2.16.1 Stacking Lane Requirements

Stacking lanes are required and must be exclusive of any other parking space and loading space and aisle requirements contained within this By-law and must be provided in accordance with Table 12G.

| <b>Table 12G Minimum Number of Ingress and Egress Spaces Required</b> |  |                                       |
|---|--|---------------------------------------|
| <b>Use Associated with Drive-Through Service Facility</b>             | <b>Minimum Required Ingress Spaces</b> | <b>Minimum Required Egress Spaces</b> |
| Restaurant  | 7                                      | 3                                     |
| Motor vehicle washing establishment                                   | 5                                      | 1                                     |
| Financial institution, retail store and all other uses                | 4                                      | N/A                                   |

**12.2.16.2 Location of Ingress and Egress Spaces**

- a) Required ingress spaces must be located and calculated from the entrance of the stacking lane to the product pick-up window.
- b) The required egress spaces must be located after the service product pick-up window or dispensing machine.
- c) The vehicle space at the product pick-up window will count towards the minimum egress spaces.

**12.2.16.3 Size of Stacking Space**

All stacking spaces must be rectangular in shape, with a minimum length of 6.0 metres and a minimum width of 3.0 metres.

**12.2.16.4 Setbacks from Residential Zone Boundary**

Stacking lanes and all order boxes using voice communication to order must be located no closer than 30.0 metres from any Residential Zone boundary or subject to the recommendations of a Noise Impact Assessment acceptable to the Township.

**12.2.16.5 Stacking Lanes, Order Boxes, and Wall Openings**

No stacking lanes, order boxes, waste receptacles or wall openings associated with a drive-through service facility can be located in any minimum required yard, or in front of a wall facing the front or exterior side lot line unless all of the components of a drive-through service facility are located a minimum of 10 metres from the front and exterior lot lines.

**12.2.16.6 Landscape Buffer**

A minimum 7.62 metre wide buffer and a solid wall or fence having a height of 1.8 metres is required along any lot line that abuts a Residential Zone.

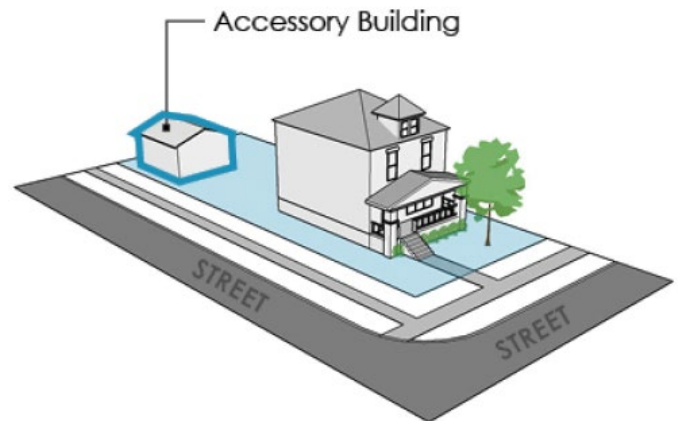
## 13.0 Definitions

**Abattoir:** premises specifically designed to accommodate the penning and slaughtering of live animals and the preliminary processing of animal carcasses and may include the packing, treating, storing and sale of the product on the premises.

**Accessory apartment:** a separate dwelling unit, which is located within and subordinate to a detached, a semi-detached, or townhouse dwelling.

**Accessory building or structure:** a detached building or structure, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to a principal use or building on the same lot.

**Accessory farm employee accommodation:** a building or structure designed to be used for the accommodation of employees of the main agricultural use on the same lot as the main agricultural use on a temporary or permanent basis.



**Accessory use:** a use naturally and normally incidental to, subordinate to or exclusively devoted to a principal use and located on the same lot.

**Adult entertainment parlour:** premises or part thereof in which there is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to, or designed to appeal to, erotic or sexual appetites or inclinations.

**Adult entertainment use:** includes an adult entertainment parlour, adult video store, adult specialty store and body rub parlour, whether any such use is a primary land use or an accessory use.

**Adult specialty store:** a retail establishment specializing in the sale of goods and materials appealing to, or designed to appeal to, erotic or sexual appetites or inclinations.

**Adult video store:** an establishment where recorded video tapes, video discs, films and/or slides appealing to, or designed to appeal to, erotic or sexual appetites or inclinations, or depicting sexual acts, are offered for rent or sale. An adult video store shall not include facilities for the screening or viewing of such products.

**Adverse effect:** means any impairment, disruption, destruction or harmful alteration and 'adversely affect' has a corresponding meaning.

**Aggregate:** gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock, other than metallic ores, or other prescribed material pursuant to the Aggregate Resources Act, as amended.

**Aggregate processing facility:** a facility used to process, crush, screen, wash, store/stockpile, and/or sort aggregate resources, and includes an asphalt plant, a concrete batching plant, a cement manufacturing plant, a brick and tile manufacturing plant, an aggregate transfer station, and stockpiling/blending of recycled aggregate resources.

**Agricultural service and supply establishment:** premises used for the supply of goods, materials, equipment and/or services that support agricultural uses.

**Agricultural uses:** the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accessory farm employee accommodation when the size and nature of the operation requires additional employment, but does not include a cannabis production facility.

**Agriculture-related uses:** those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

**Agri-tourism use:** those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation. The principal activity on the property must be an agricultural use. Such activities could include hay or corn maze, petting zoo, hay/sleigh rides, pumpkin chucking, farm tours, and processing demonstrations.

**Airport:** a facility for the takeoff and landing and handling of aircraft and their passengers and freight and without limiting the generality of the foregoing may include terminal building, control facilities, hangers, taxiways, aircraft storage, tie-down areas and aviation fuel storage and handling.

**Aisle:** the area used by motor vehicles for access to and from all off-street parking spaces, but does not include an access driveway.

**Alteration:** the modification of a structural component of a building or structure that results in a change of use, or any increase or decrease in the volume or floor area of a building or structure.

**Amenity area:** common outdoor areas which are intended for passive enjoyment or active recreational use by the occupants of a residential building on the same lot.

**Animal clinic:** premises where cats, dogs, and other domesticated animals (excluding livestock) are evaluated and/or treated for medical conditions and which may have limited boarding facilities for animals in their care for limited time.

**Animal daycare centre:** premises for the caring, grooming, and training of household pets, on a short term basis (less than 12 hours within a 24-hour period) without outdoor pens or exercise areas.

**Appealing to, or designed to appeal to, erotic or sexual appetites or inclinations:** when used to describe goods and services, includes:

- a) Goods or services of which a principal feature or characteristic is the nudity or partial nudity of any person; and,
- b) Goods or services in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy”, or any other word, picture, symbol or representation having like meaning or implication is used in any advertisement.

**Aquifer vulnerability:** an aquifer’s intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality.

**Area of natural and scientific interest (earth science):** an area that has been:

- a) identified as having earth science values related to protection, scientific study or education; and
- b) further identified by the Ministry of Natural Resources and Forestry using evaluation procedures established by that Ministry, as amended from time to time.

**Area of natural and scientific interest (life science):** an area that has been:

- a) identified as having life science values related to protection, scientific study or education; and
- b) further identified by the Ministry of Natural Resources and Forestry using evaluation procedures established by that Ministry, as amended from time to time.

**Art gallery:** a building where paintings, sculptures, photographs or other works of art are exhibited or sold.

**Artisan studio:** a building used for the design or creation of artistic articles such as pottery, glass, wood, leather, weaving, painting, clothing, metal, or gems, and which may also include the exhibition and/or retail sale of art or objects designed, created or produced on site.

**Asphalt plant:** an industrial use that produces and/or recycles asphalt or similar coated road stone and has equipment designed to heat and dry aggregate and to mix mineral aggregate with bitumen and/or tar, and includes:

- a) the stockpiling and storage of bulk materials used in the process or finished product(s) manufactured on the premises; and/or
- b) the storage and maintenance of equipment, and facilities for the administration or management of the business.

**Asphalt plant, portable:** a temporary facility, to be dismantled at the completion of a construction project, where,

- a) equipment is used to heat and dry mineral aggregate and to mix it with bituminous asphalt to produce asphalt paving material, and
- b) bulk materials used in the process described in clause (a) are kept.

**Assembly hall:** premises used for the gathering of persons for civic, political, travel, religious, social, educational, recreational or similar purposes, and may include the preparation, serving, and consumption of food and beverages. This definition does not include uses that are normally carried out as a commercial enterprise.

**Attached:** a building or structure otherwise complete in itself, which depends for structural support or complete enclosure, upon a division wall or wall shared in common with an adjacent building or buildings. For the purposes of this by-law, buildings connected by breezeway or by a connecting roof structure but open to the ground shall be considered to be attached.

**Auction sales establishment:** premises where goods, wares, merchandise, effects or the like are offered for sale to the highest bidder, but does not include a livestock auction.

**Backyard chicken:** a domesticated female chicken that is at least four months old.

**Balcony:** a horizontal platform that is attached to a building above the first storey and intended for use as an outdoor private amenity space and is only directly accessible from within the building.

**Banquet hall:** premises used for catering to banquets, weddings, receptions or similar functions for which food and beverages may be prepared and/or served.

**Barrier-free:** a building and its facilities, which can be approached, entered and used by persons with physical or sensory disabilities.

**Basement:** one or more storeys of a building located below the first storey.

**Bed and breakfast establishment:** an establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in a single dwelling that is the principal residence of the proprietor of the establishment.

**Boarding, lodging or rooming house:** a building in which lodging, with or without meals, is supplied for gain to no more than four persons, other than the lessee, tenant or owner of the said building but does mean or include a hotel / motel, short-term accommodation, bed and breakfast establishment, group home, hospital or similar commercial or institutional use or apartment dwelling.

**Body rub:** includes the kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a person's body or thereof but does not include medical or therapeutic treatment given by a person duly qualified, licensed or registered to do so under the laws of the Province of Ontario

**Body rub parlour:** includes 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 body rubs are performed for the purpose of medical or therapeutic treatment and are performed by persons duly qualified, licensed or registered to do so under the laws of the Province of Ontario.

**Brewery / winery:** a building used primarily for the manufacturing, processing and distribution of beer, cider or wine.

**Buffer:** a landscaped or fenced area intended to obstruct or reduce the noise, lighting, glare, unsightly views or any other nuisance of one land use or property to another.

**Building:** a structure consisting of a wall, roof and floor or any of them, or a structural system serving the function thereof, including all plumbing, works, fixtures and services system appurtenant thereto.

**Building supply store:** premises where building supply products such as millwork, cement, siding, roofing, plumbing or electrical supplies, heating, cooling or ventilating construction supplies, fireplaces, windows, paints, wall coverings, and floor coverings are stored for the purpose of wholesale or retail trade.

**Bulk storage tank:** a tank or container for the bulk storage of petroleum, gasoline, diesel or other fuels, oil, gas, propane, or flammable liquid or fluid, but does not include a container for flammable liquid, gas or fluid legally and properly kept in a retail store or a tank for storage incidental to some other use of any premises where the such tank or container is located.

**Bus:** a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons.

**Business office:** premises used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the principal product of labour is the processing and/or storage of information rather than the production and distribution of goods.

**Campground:** an establishment comprising land or premises under single ownership used for the parking of tourist or travel trailers or tents on a temporary or seasonal basis.

**Cannabis:** a genus of flowering plants in the family Cannabaceae. Synonyms include but are not limited to marijuana, and marihuana. This definition does not include the industrial or agricultural production of hemp (a source of foodstuffs (hemp milk, hemp seed, hemp oil), fiber and biofuels).

**Cannabis production facility:** a building or structure used for growing, producing, processing, packaging, testing, destroying, storing or distribution of cannabis authorized by a license under the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, to the Controlled Drugs and Substances Act, SC 1996, c 19, as amended from time to time, or any successors thereto.

**Canopy:** a roof-like structure projecting more than 0.3 metres from the exterior face of the building.

**Carport:** a building or structure which is not wholly enclosed, is attached to the main building, and is used for the temporary parking or storage of one or more motor vehicles.

**Caterer's establishment:** premises in which food and beverages are prepared for consumption off the premises, and are not served to customers on the premises or to take out.

**Cemetery:** land set aside to be used for the interment of human remains and may include accessory uses such as a mausoleum, columbarium or other structure intended for the interment of human remains.



**Centre-line:**

- a) With reference to a public street - a line drawn parallel to and equidistant from the limits of the public street or designated road allowance; or
- b) With reference to a private street - a line drawn parallel to and equidistant from the edges of the paved surface of the private street.

**Commercial fitness centre:** premises where physical fitness and recreation equipment and/or instruction are provided for use by the general public.

**Commercial recreation use:** a privately-owned indoor sports or recreation premises operated for use by private members and/or the general public and includes uses such as a pool hall, bowling alley, paint ball facility, curling rink, rock climbing facility and miniature golf.

**Commercial school or studio:** premises where instruction is given for hire or gain and includes a music, dance or yoga studio, an art, business or trade educational establishment, and any other such specialized educational business.

**Commercial self-storage facility:** premises used for the temporary storage of items, which contains secured storage areas and/or lockers which are generally accessible by individual loading doors for each storage unit or locker, or stored outdoors in a secured area.

**Community centre:** a facility owned and operated by the Township or a non-profit community service group that provides social, recreational or other similar facilities for use by the general public. Examples of facilities include cultural facilities, libraries, and sports/fitness facilities (such as arenas, indoor swimming pools, gymnasiums, tennis courts, and playing fields).

**Community garden:** an area of land, rooftop, or other space managed and maintained by individuals and/or non-profit organizations, to grow and harvest:

- a) food crops; and/or
- b) non-food, ornamental crops, such as flowers grown for personal or group use, consumption or donation. Community gardens may be divided into separate plots or may be farmed collectively and may include common areas maintained and used by community garden members.

**Composting yard:** a lot or part thereof, used for the composting of food waste and organic materials.

**Concrete batching plant:** an industrial use where concrete or concrete products used in building or construction is produced, and includes facilities for:

- a) the administration or management of the business;
- b) the stockpiling of bulk materials used in the production process or of finished products manufactured on the premises; and/or
- c) and the storage and maintenance of required equipment, but does not include the retail sale of finished concrete products.

**Connectivity:** the degree to which key natural heritage features or key hydrologic features are connected to one another by links such as plant and animal movement corridors, hydrological and nutrient cycling, genetic transfer, and energy flows through food webs.

**Conservation Authority:** the Conservation Authority having jurisdiction, or any successors thereto.

**Conservation use:** an area of land that is generally left in its natural state and which is used for any combination of preservation, protection, or improvement of components of the natural heritage system or other lands for the benefit of man and the natural environment and which may include, as an accessory use, passive recreational uses (such as hiking trails and cross country ski trails), and buildings and structures (such as nature interpretation centres and public information centres).

**Contractor's yard:** a lot or part thereof, used by any general contractor or builder where equipment and materials are stored, or where a contractor and/or tradesperson performs shop and assembly work, and/or offers a trade or service, which is not generally open to the public, and includes, but is not limited to, landscaping services, general construction services, cabinetry services, plumbing services and welding services, or other similar services but does not include any other use as defined by this By-law.

**Council:** the Council of the Corporation of the Township of Cavan Monaghan.

**County:** the Corporation of the County of Peterborough.

**Craft brewery:** premises where beverages are prepared and offered for retail sale to the public for consumption on or off the premises and where the use may be associated with a restaurant.

**Custom workshop:** means

- a) a building or part of a building used by a trade, craft or guild for the manufacture, in small quantities, of made-to-measure clothes or articles;
- b) includes upholstering but does not include metal spinning, woodworking or furniture manufacture, or any manufacturing or any shop or factory otherwise classified or defined in this By-law.

**Day care centre:** premises in which more than 5 children are provided with temporary care, protection and supervision in accordance with the Day Nurseries Act, as amended, and does not provide overnight accommodation.

**Daycare, private home:** a private residence where care, protection and supervision are provided for up to five children or five elderly persons but which does not provide overnight accommodation to those being cared for.

**Deck:** an uncovered horizontal structure that rests upon the ground or is supported by posts or blocks that extend from the ground, which is intended for use as an outdoor amenity area, and is no more than 0.6 metres above grade along the perimeter of the deck.

**Development:** the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act, but does not include:

- a) activities that create or maintain infrastructure authorized under an environmental assessment process; or,
- b) works subject to the Drainage Act.

**Drive-through service facility:** the use of land, buildings or structures, or parts thereof including stacking lanes, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to customers remaining in motor vehicles.

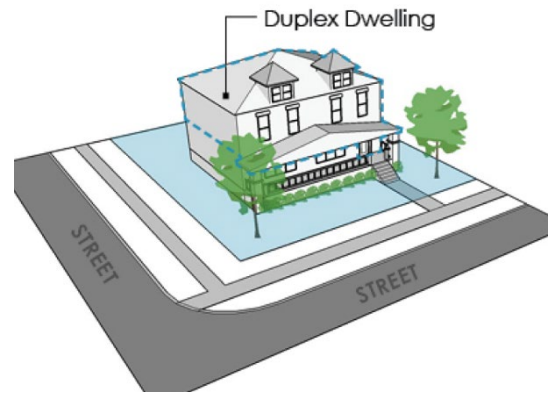
**Driveway:** a defined area providing access for motor vehicles from a public or private road or a lane to a parking area, loading space, private garage, carport, building or structure.

**Dry cleaning plant:** premises used for the purpose of dry-cleaning, cleaning, dyeing, pressing or other similar treatment of articles or apparel and may include a depot for receiving and distributing said articles.

**Dry cleaning depot:** premises used for the purpose of receiving or distributing articles of clothing to be treated elsewhere, or having been treated elsewhere, to the processes of dry cleaning, dry dyeing or cleaning or pressing.

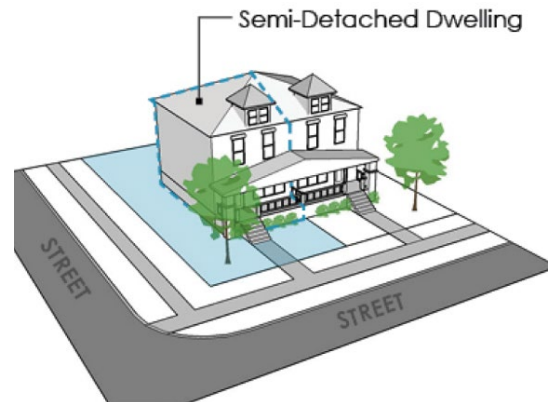
**Dwelling, apartment:** a dwelling unit in a building containing four or more dwelling units that share a common access to the outdoors through a common vestibule and a common corridor system.

**Dwelling, duplex:** a dwelling unit in a building that is divided horizontally into two dwelling units, each of which has an independent entrance either directly to the outside or through a common vestibule or a combination of both.



**Dwelling, multiple:** a building containing three or more dwelling units divided vertically and horizontally, or horizontally, each of which has an independent entrance either directly to the outside or through a common vestibule or a combination of both.

**Dwelling, semi-detached:** a dwelling unit in a building that is divided vertically into two dwelling units that share a common wall above grade.



**Dwelling, semi-detached linked:** one of two attached dwellings having a common party wall attached below finished grade connecting the two dwellings, each of which has a separate independent entrance directly from the outside.

**Dwelling, single:** a building containing only one dwelling unit and, in any area other than an area within a Natural Core or Natural Linkage Area, includes a building containing one primary dwelling unit and no more than one secondary dwelling unit.

**Dwelling, single detached:** a dwelling unit in a building containing only one dwelling unit.



**Dwelling, townhouse:** a dwelling unit in a building that is vertically divided into a minimum of three dwelling units, each of which has an independent entrance at grade to the front, rear, and/or side of the building. A dwelling in any other type of building is not a townhouse dwelling.

**Dwelling or dwelling unit:** one or more habitable rooms, occupied or capable of being occupied as an independent and separate housekeeping establishment, in which separate kitchen and sanitary facilities are provided for the exclusive use of the occupants.

**Dwelling unit, assisted living:** one or more habitable rooms, occupied or capable of being occupied as an independent and separate housekeeping establishment, in which separate sanitary facilities are provided for the exclusive use of the occupant, for individuals who need assistance with at least one of the activities of daily living and/or where support is provided by individuals who are not permanent occupants of the dwelling unit in the form of nursing care, housekeeping, and/or prepared meals as needed.

**Earth science values:** values that relate to the geological, soil and landform features of the environment.

**Ecological features:** naturally occurring land, water and biotic features that contribute to ecological integrity.

**Ecological functions:** the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrological functions and biological, physical, chemical and socio-economic interactions.

**Ecological integrity:** which includes hydrological integrity, means the condition of ecosystems in which:

- a) the structure, composition and function of the ecosystems are unimpaired by stresses from human activity;
- b) natural ecological processes are intact and self-sustaining; and
- c) the ecosystems evolve naturally.

**Emergency service facility:** housing emergency personnel, their supplies, equipment, and vehicles authorized by a public authority to provide emergency services within the Town.

**Endangered species:** a species that is classified as an endangered species in Ontario Regulation 230/08 (Species at Risk in Ontario List) made under the Endangered Species Act, 2007.

**Equestrian uses:** the use of land or building for the boarding of horses, the training of horses and riders and the staging of equestrian events.

**Erect:** to build, construct, reconstruct, move or enlarge a building or structure, and includes any physical operation and preparatory work.

**Equipment rental establishment:** an establishment where residential, industrial and/or commercial equipment is kept for rental to the general public or contractors and includes such things as lawn and garden tools, floor cleaning equipment, masonry tools, painting and decorating equipment, moving tools, plumbing tools and power tools.

**Established building line:** the average distance from the street line to the nearest wall of any existing buildings in any block fronting on a street where more than half the lot frontage has been built upon, at the date of the final passing of this By-law.

**Existing:** a lot, a building or a structure in existence prior to the date of passing of this By-Law, so long as it continues to be used for that purpose.

**Factory outlet:** premises that is clearly secondary to an industrial use or a service trade, wherein products manufactured, produced, processed or stored on the premises are kept or displayed, for wholesale or retail sale, or wherein orders are taken for the delivery of such products.

**Farm:** a parcel of land, which the predominant activity is agricultural and includes associated buildings and structures such as residential dwellings, livestock facilities, farm implement buildings, silos, granaries and similar buildings and structures, but does not include a cannabis production facility.

**Farm business:** premises that is limited in area and located on a farm, and depend directly on the farm in order for the business to operate. Examples include: agri-tourism businesses, farm produce sales outlets, cottage wineries, value-added processing or packaging, and pick-your-own operations.

**Farm implement sales and supply establishment:** lands, buildings, or structures used for the purpose of the sale, maintenance or repair of farm implements and related equipment, parts and supplies.

**Farm produce sales outlet:** a use accessory to an active agricultural operation on the same lot, that includes a building or structure with commercial retail space for the sale of products produced by the farm. The sale of products not produced on the farm or by the farm corporation is prohibited.

**Farmer's market:** premises where the farm products of the local farming community are sold from covered or open air areas designated for individual retailers.

**Farm related tourism establishment:** a farm that provides, as an accessory use, educational and active opportunities to experience the agricultural way of life in the Township. Such activities may include farm machinery and equipment exhibitions, farm-tours, petting zoos, hay rides, sleigh rides, processing demonstrations, pick your own produce, farm theme playground

for children and small scale educational establishments that focus on farming instruction. Overnight camping, amusement parks and recreational uses are not permitted under this definition.

**Financial institution:** any premises such as a bank, credit union, trust company or similar lending institution, excluding other businesses that offer financing for products sold at that business.

**Firearm:** includes any type of gun or other firearm, air gun, spring gun, pellet gun, tranquillizer gun, paint ball gun, cross-bow and long-bow.

**First storey:** the storey that has its floor closest to grade and its ceiling more than 1.8 m above grade.

**Fish habitat:** the spawning grounds and any other areas, including nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out the life processes, as further identified by the Department of Fisheries and Oceans (Canada).

**Floor area, gross:** the aggregate of the areas of each floor of a building or structure above or below established grade, measured between the exterior faces of the exterior walls of the building or structure, or where there are common walls between uses or buildings or structures; measured to the centre-line of a common wall, excluding the sum of the areas of each floor used, or designed or intended for the parking of motor vehicles, unless the parking of motor vehicles is the main use of the building or structure.

**Floor area, ground:** the total floor area of the first storey measured to the outside walls, exclusive of any parking areas within the building, and in the case of a dwelling, any basement, walkout basement or cellar, or any private garage, carport, porch, verandah, or sunroom unless such sunroom is habitable year round.

**Floor area, net:** the aggregate of the floor areas of a building above or below established grade, but excluding:

- a) Motor vehicle parking areas within the building;
- b) Stairways;
- c) Elevator shafts and other service and mechanical shafts;
- d) Service/mechanical rooms and penthouses;
- e) Washrooms;
- f) Waste/recycling rooms;

- g) Staff locker and lunch rooms;
- h) Loading areas;
- i) Any space with a floor to ceiling height of less than 1.8 metres; and,
- j) Any part of a basement that is unfinished.

**Floor space index (FSI):** the gross floor area of all buildings on a lot divided by the lot area.

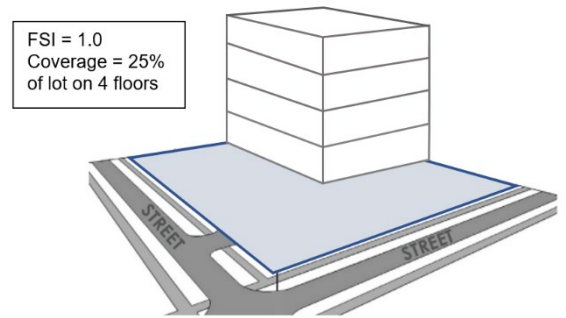
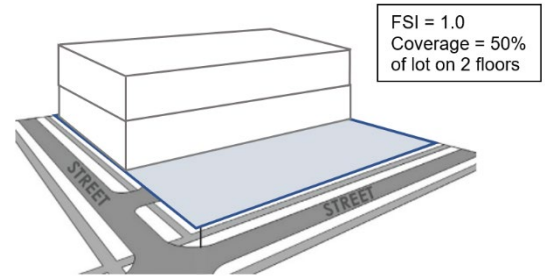
**Forest access road:** a one or two-lane unpaved road that is designed to provide access to and within a woodland for wildlife, fish and forest management purposes.

**Forest management:** the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities,

- a) for the production of wood and wood products, including maple syrup;
- b) to provide outdoor recreation opportunities;
- c) to maintain, and where possible improve or restore, conditions for wildlife, and
- d) to protect water supplies.

**Fuel depot:** premises where petroleum, gasoline, fuel oil, gas propane or other fuels are stored in tanks for wholesale distribution or bulk sales but does not include facilities for the sale of fuels for private motor vehicles.

**Funeral establishment:** premises used for the temporary placement of human remains which may include a funeral parlour, undertaking establishment, funeral establishment, or similar use used for furnishing funeral supplies and services to the public and may include facilities intended for the care and preparation of the human body for internment or cremation and facilities for the coordination of rites and ceremonies with respect to internment or cremation.





**Gaming facility:** a building, room or rooms or an electronic channel maintained and used for the purpose of playing or operating legal games of chance and may include a casino, a charity casino, a slot machine facility, lottery terminals, and/or digital or internet gambling facilities or services.

**Garage, private:** an enclosed building that is detached or part of the principal building, and is designed and used for the storage of one or more motor vehicles and in which there are no facilities for repairing or servicing such vehicles for gain or profit.

**Garden suite:** a one-unit detached dwelling containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

**Gas regulator facility:** a facility used for the reduction and regulation of gas pressure and the distribution of gas to the public, comprised of above and below ground pipes, appurtenances, valves, regulators and accessory equipment.

**Golf course:** means the use of land for the purposes of playing golf and may include the following accessory uses: a clubhouse, golf driving range, restaurant, retail uses, and maintenance and operational buildings and structures.

**Golf course, miniature:** an area operated for the playing of miniature golf on a course constructed for that purpose and includes accessory structures devoted to the maintenance, administration and operation of the facility.

**Golf driving range:** an area operated for the purpose of the practice of golf by the hitting of golf balls on a large open area. This may include accessory uses including a practice putting/chipping area and sales/refreshment shop.

**Grade:** the average level of proposed or finished ground adjoining a building at all exterior walls.

**Grade, established:** the average level of the proposed or finished grade.

**Greenhouse, commercial:** any premises used for the growing and/or retail sale of flowers, bushes, shrubs, trees, plants and other greenhouse stock, and also includes the incidental sale of such items as fertilizers, pesticides, soil, pots and garden ornaments and may also include greenhouses.

**Greenhouse, farm:** a building used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and other similar agricultural products, under glass, fiberglass or plastic, and other similar materials.

**Groundwater recharge:** the replenishment of subsurface water:

- a) resulting from natural processes, such as the infiltration of rainfall and snowmelt and the seepage of surface water from lakes, streams and wetlands; and
- b) resulting from human intervention, such as the use of stormwater management systems.

**Group home:** residential accommodation in a single-detached dwelling for up to 10 people (exclusive of staff) with special needs beyond economic requirements, including physical, social and mental needs, which require support functions for daily living.

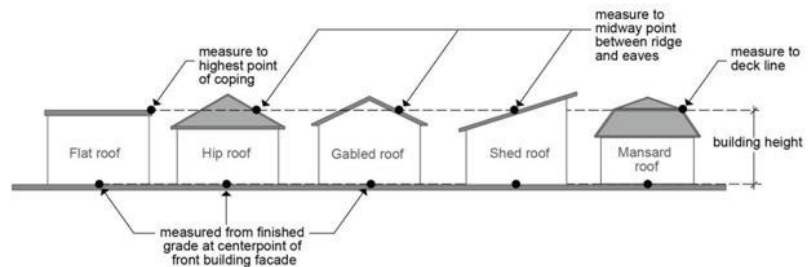
**Habitat of endangered and threatened species:** means,

- a) with respect to an endangered or threatened species for which a regulation made under clause 55 (1) (a) of the Endangered Species Act, 2007 is in force, the area prescribed by that regulation as the habitat of the species, or
- b) with respect to any other endangered or threatened species, the area on which the species depends, directly or indirectly, to carry on its life processes, including life processes such as reproduction, rearing, hibernation, migration, or feeding

and includes places in the area described in clause (a) or (b), whichever is applicable, that are used by members of the species as dens, nests, hibernacula or other residences.

**Hazardous waste:** has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.

**Height:** with reference to a building or structure, the vertical distance measured from the established grade of such building or structure to:



- a) The highest point of the roof surface or the parapet, whichever is the greater in the case of structure with a flat roof;
- b) The deckline of a mansard roof;
- c) The mid elevation point between eave and highest peak ridge in the case of a structure with a gabled, hip or gambrel roof or other type of pitched roof;
- d) The highest point of the structure in the case of a structure with no roof.

**Home business:** an occupation that:

- a) involves providing personal or professional services or producing custom or artisanal products;
- b) is carried on as a small-scale secondary use within a single dwelling, or a building that is accessory to the dwelling by one or more residents of the dwelling; and
- c) does not include uses such as an auto repair or paint shop or furniture stripping.

**Home industry:** an industry that,

- a) is carried out as a small-scale use that is secondary to the principal use, in a residence or accessory building;
- b) provides a service such as carpentry, metalworking, welding, electrical work or blacksmithing, primarily to the farming community; and,
- c) does not include uses such as auto repair or paint shop or furniture stripping.

**Hospital:** any institution, building or other premises or place established for the purpose of the treatment of persons, and that is approved as a public hospital under The Public Hospitals Act, R.S.O. 1990, Chapter P40, as amended, or any successor legislation.

**Hotel / motel:** premises containing lodging units for the travelling public and may include accessory meeting facilities, recreation facilities, a restaurant, public hall, and retail stores which are incidental and subordinate to the primary lodging function and located in the same building.

**Hydrological cycle:** the circulation of water from the atmosphere to the earth and back through precipitation, runoff, infiltration, groundwater flow and evapotranspiration, including the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**Hydrological features** means:

- a) permanent and intermittent streams;
- b) wetlands;
- c) kettle lakes and their surface catchment areas;
- d) seepage areas and springs; and

e) aquifers and recharge areas.

**Hydrological functions:** the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

**Hydrological integrity:** the condition of ecosystems in which hydrological features and hydrological functions are unimpaired by stresses from human activity.

**Impervious surface:** a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot.

**Industrial equipment rental establishment:** any premises where industrial equipment is kept for rental to the general public and/or contractors.

**Industrial use:** premises used for the processing of goods and materials, the indoor warehousing of goods and materials, the assembly of manufactured goods, the manufacturing of goods, the repair and servicing of goods and similar uses, research laboratories, and printing establishments, but does not include a motor vehicle repair garage, a motor vehicle body shop or a motor vehicle gas bar.

**Infrastructure:** physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

**Kame:** a mound, hummock or conical hill of glacial origin.

**Kennel:** a premises where dogs or cats are maintained, boarded, trained, bred or cared for in return for remuneration or kept for the purposes of sale, and may include enclosed outdoor exercise areas or pens.

**Kettle lake:** a depression formed by glacial action and permanently filled with water.

**Key hydrologic feature:** a key hydrologic feature as described in Section 26 of the Oak Ridges Moraine Conservation Plan.

**Key natural heritage feature:** a key natural heritage feature as described in Section 22 of the Oak Ridges Moraine Conservation Plan.

**Landscaping:** an area of land that is the site of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural elements, and

may include lands that are used as walkways that provide access onto the lot from the street, or as snow storage areas, all of which are designed to enhance the visual amenity of a property and does not include parking areas.

**Landform conservation area:** a landform conservation area as described in Section 30 of the Oak Ridges Moraine Conservation Plan.

**Landform features:** distinctive physical attributes of land such as slope, shape, elevation and relief.

**Lane:** a publicly or privately owned right of way that is not intended for general traffic circulation and which provides motor vehicle access to an abutting property.

**Laundromat:** a building or part thereof, where self-serve coin operated clothes washing equipment are located and may contain one or more washers, dryers or other incidental equipment.

**Library:** for the collection of printed, electronic, and pictorial material for public use for the purposes of study, reference, and recreation, and which may include meeting rooms for community use, activity areas, cafeteria, and space for recreational uses.

**Life science values:** values that relate to the living component of the environment.

**Liquid industrial waste:** has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.

**Livestock:** beef cattle, birds, dairy cattle, deer and elk, fur-bearing animals, game animals, goats, horses, poultry, ratites, sheep and swine. This definition does not include backyard chickens.

**Loading space:** an unobstructed area of land that is used for the temporary parking of one or more motor vehicles while merchandise or materials are being loaded or unloaded from such motor vehicle.

**Lodging unit:** a room provided for rent or hire, which is used or designed to be used for temporary sleeping accommodation.

**Long term care facility:** a building consisting of assisted living dwelling units, where a broad range of personal care, support and health services are provided for elderly, disabled or chronically ill occupants in a supervised setting licensed pursuant to Provincial legislation, and may include one or more accessory uses, such as common dining, lounging, kitchen, recreational or medical offices, but does not include a retirement home.

**Lot:** a parcel of land that is registered as a legally conveyable parcel of land in the Land Titles Registry Office.

**Lot area:** the total horizontal area within the lot lines of a lot.

**Lot, corner:** a lot at the intersection of two or more public streets or upon two parts of the same public street with such street or streets containing an angle of less than or equal to 135 degrees.

**Lot coverage:** the total horizontal area of a lot covered by the first storey of all buildings and structures on the lot, but does not include decks, patios or uncovered swimming pools.

**Lot depth:** the horizontal distance between the mid-point of the front lot line and the mid-point of the rear lot line.

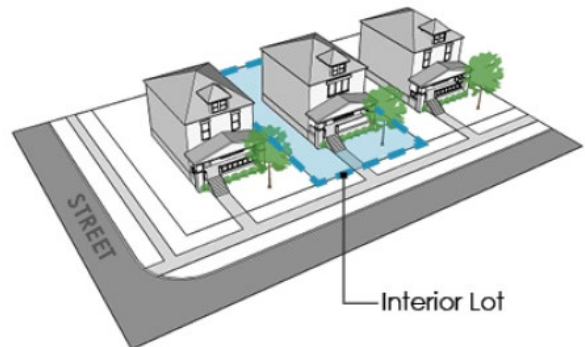
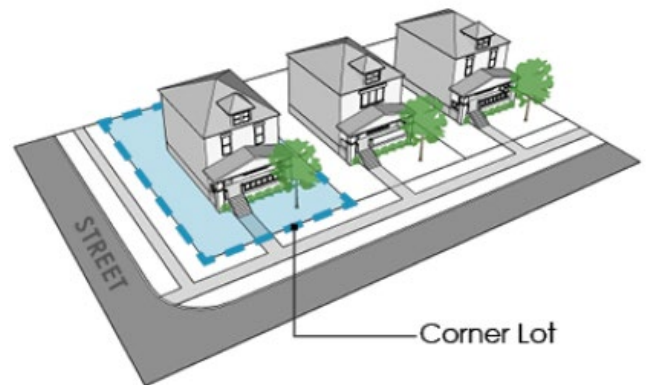
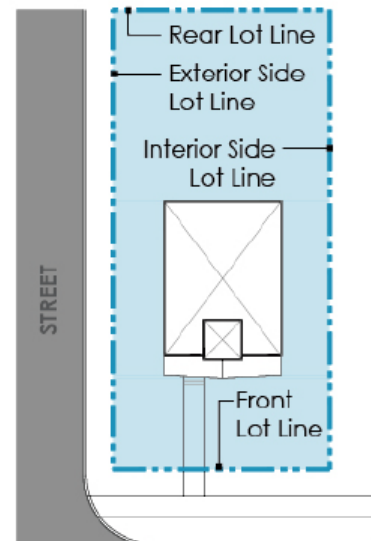
**Lot frontage:** the horizontal distance between two side lot lines with such distance being measured perpendicularly to the line joining the mid-point of the front lot line with the mid-point of the rear lot line at the mid-point on that line from the front lot line.

**Lot, interior:** a lot situated between adjacent lots and having access to one public street.

**Lot line:** a line delineating any boundary of a lot.

**Lot line, exterior side:** the lot line of a corner lot, other than the front lot line or the rear lot line, which divides the lot from a public street.

**Lot line, front:** the lot line that divides the lot from the street, provided that in the case of a corner lot,



the shorter lot line that abuts a street is deemed to be the front lot line and the longer lot line that abuts a street is deemed to be an exterior side lot line.

**Lot line, interior side:** a lot line, other than a rear lot line that does not abut a public street.

**Lot line, rear:** the lot line opposite the front lot line.

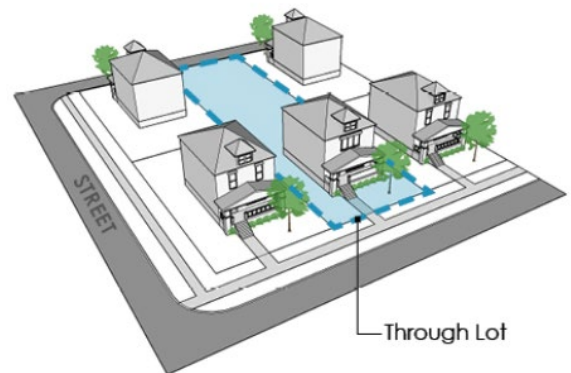
**Lot, through:** a lot that is not a corner lot but has frontage on more than one street.

**Low intensity recreational uses:** includes passive recreational uses such as nature viewing and pedestrian trail activities.

**Main wall:** the exterior front, side and/or rear wall of a building and all structural components essential to the support of a fully enclosed space.

**Major development:** development consisting of:

- a) the creation of four or more lots;
- b) the construction of a building or buildings with a ground floor area of 500 m<sup>2</sup> or more; or
- c) the establishment of a major recreational use as described in Section 38 of the Oak Ridges Moraine Conservation Plan.



**Marina:** premises located on the shore of a body of water which provides docking or mooring space or structures for all types of marine pleasure craft and may include electricity, water and sewer services for these craft as well as fueling facilities; such an establishment may also include those services and structures related to in-water and dry storage of marine pleasure craft and the sale, service and repair of such craft and commercial functions related to the boating public which are accessory and subordinate to the use of the site as a boating facility.

**Meander belt:** the land across which a stream shifts its channel from time to time.

**Mechanical penthouse:** a room or enclosure on the roof of a building exclusively used for mechanical equipment, a stair tower, elevator equipment, or any combination thereof.

**Medical office:** premises used for the medical, dental, surgical and/or therapeutic treatment of human beings including clinics operated by a number and/or variety of licensed medical professionals, but does not include a hospital.

**Mineral aggregate:** gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act, but does

not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, talc, wollastonite, or other material prescribed under that Act.

**Mineral aggregate operation:** means,

- a) an operation, other than a wayside pit, conducted under a licence or permit under the Aggregate Resources Act; and,
- b) associated facilities used in extraction of mineral aggregate, the transport, beneficiation, processing or recycling of mineral aggregate and derived products such as asphalt and concrete, or the production of secondary related products.

**Mineral aggregate resources:** gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

**Mixed-use building:** a building used for any combination of permitted commercial uses and residential uses, but shall not include residential uses in the first storey.

**Mobile canteen:** any vehicle whether mechanically propelled or otherwise, which changes location and from which refreshments are sold for consumption by the public. A mobile canteen shall be treated as a restaurant for zoning purposes.

**Mobile refreshment vehicle:** any vehicle whether mechanically propelled or otherwise, that remains in one place for the purpose of preparing, storing, selling or offering for sale food or refreshments for consumption by the public. A mobile refreshment vehicle shall be treated as a restaurant for zoning purposes.

**Mobile home:** a prefabricated building which is designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed), and is designed and equipped for year round occupancy and containing facilities for cooking or for the installation of cooking equipment, as well as sanitary facilities including a flush toilet and shower or bathtub.

**Model home:** a building which is used as an example of the type of dwelling that is for sale in a related development and which is not occupied or used as a dwelling.

**Motor vehicle:** an automobile, a motorcycle, a motor-assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine, as defined in the Highway Traffic Act, R.S.O 1990, Chapter H.8.



**Motor vehicle, commercial:** a motor vehicle having attached to it a truck or delivery body and includes an ambulance, a hearse, a casket wagon, a fire apparatus, a bus and a tractor used for hauling purposes on a highway, as defined in the Highway Traffic Act, R.S.O 1990, Chapter H.8.

**Motor vehicle body shop:** premises used for the painting and/or repairing of the exterior and/or the undercarriage of motor vehicle bodies and includes the temporary parking of motor vehicles in the process of repair.

**Motor vehicle gas bar:** an establishment used only for the sale of motor vehicle fuels and motor vehicle accessories, and may also include accessory retail sales of convenience foods and beverages, car washes, propane filling station, but does not include the performance of repairs to a motor vehicle.

**Motor vehicle repair garage:** premises where services performed or executed on motor vehicles and may include the installation of exhaust systems, repair of the electrical systems, transmission repair, brake repair, radiator repair, tire repair and installation, rustproofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use.

**Motor vehicle sales and rental establishment:** the use of land, buildings and structures, or portion thereof, where vehicles are displayed, sold, leased, or rented.

**Motor vehicle washing establishment:** premises in which the mechanical or hand washing and cleaning of motor vehicles is carried out.

**Museum:** an establishment used for the preservation of a collection of paintings and/or other works of art and/or objects of natural history and/or mechanical scientific and/or philosophical inventions, instruments, models and/or designs and which may also include libraries, reading rooms, laboratories and accessory offices.

**Natural self-sustaining vegetation:** self-sustaining vegetation dominated by native plant species.

**Net developable area:** the area of a lot or site, less any area that is within a key natural heritage feature or a hydrologically sensitive feature.

**Noise barrier:** an exterior structure designed to protect inhabitants from noise pollution.

**Non-complying:** a building, structure or lot that does not comply with this Bylaw.

**Non-conforming:** a use that is not a permitted use in the Zone in which the said use is situated.

**Nutrient unit:** the amount of nutrients that give a fertilizer replacement value of the lower of 43 kg of nitrogen or 55 kg of phosphate as nutrient (as defined in O. Reg. 267/03 made under the Nutrient Management Act, 2002).

**Oak Ridges Moraine Conservation Plan Area and Plan Area:** the areas described in Section 2 of the Oak Ridges Moraine Conservation Plan.

**On-farm diversified use:** a use that is secondary to the principal agricultural use of the property, and is limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.

**Outdoor commercial patio:** an unenclosed outdoor space, whether or not covered, used for the accommodation of patrons of an associated restaurant.

**Outdoor display and sales area:** an outdoor open space area, used in conjunction with the principal building or structure on the same lot, for the accessory display and/or sales of produce, merchandise or the supply of services in association with the primary use of the lot. Such a display and/or sales area may be wholly or partially contained within a temporary tent structure.

**Outdoor power products sales and service:** lands, buildings, or structures used for the purpose of the sale, maintenance or repair of equipment such as, but not limited to snowmobiles, utility vehicles, side by sides, ATV's, generators, grass trimmers, chainsaws, and leaf blowers.

**Outdoor processing:** the conducting of manufacturing or repair outdoors.

**Outdoor storage:** an area of land used for the outdoor storage of goods and materials in the open air or in portable objects such as shipping containers in conjunction with a business located within a building or structure on the same lot and does not include an outdoor display and sales area, and does not include any permanent storage facilities or accessory equipment that is in conjunction with an industrial use.

**Outdoor storage use:** outdoor storage forming the main use of a lot, such as a contractor, construction equipment or materials yard.

**Park, private:** an open space or recreational area other than a public park, operated on a commercial and/or private member basis, and which includes one or more recreational uses.

**Park, public:** any area of land under the jurisdiction of a public authority that is designed and/or maintained for active or passive recreational purposes and may include municipal parks and playgrounds, open spaces, golf courses, swimming pools, tennis courts, bowling greens, arenas, boating facilities and sports fields and ancillary retail uses.

**Parking aisle:** that portion of a parking area which is provided and maintained to be used by vehicles to access individual parking spaces.

**Parking area:** an open area of land not located within a public road or lane that is intended for the use of parking of motor vehicles in parking spaces, but does not include a driveway or any area where motor vehicles for sale, rent or repair are kept or stored.

**Parking garage:** a building, or part thereof, intended to be used for the storage or parking of motor vehicles for a number of dwelling units and/or a number of different uses.

**Parking lot, commercial:** an area of land used for the parking of motor vehicles for a fee.

**Parking area, municipal:** an area of land used for the parking of motor vehicles that is owned and/or controlled by a public authority.

**Parking space:** an unobstructed area of land which is provided and maintained for the purpose of temporary storage of a motor vehicle or commercial motor vehicle.

**Parking space, tandem:** a parking space that is located behind another parking space and which, if used, prevents the other space from being accessed by a motor vehicle.

**Partial services:** with respect to sewage and water services to a property, that either of the following situations exist:

- a) sewage services are provided by the Township or by private communal services but water services are provided by an individual on-site water system;
- b) water services are provided by the Township or by private communal services but sewage services are provided by an individual on-site sewage system.

**Patio:** a structure without a roof or walls, or other enclosure not more than 0.3 metres above the lowest adjacent ground level to the finished top elevation of the patio. Enclosure of the patio is permitted up to 40 percent of the perimeter of the patio, excluding the main wall of the dwelling.

**Personal service establishment:** any premises providing services related to:

- a) the grooming of persons (such as a barber or salon or the maintenance, or repair of personal articles and accessories),
- b) small appliance or electronics repair, or
- c) the maintenance of a residence or business (such as private mail box, photocopying, or custodial services).

**Place of entertainment:** premises that contain facilities that offer games 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 or gaming machines or any other similar type of gambling use and does not include an adult entertainment establishment.

**Place of worship:** premises used for the practice of religion and faith-based spiritual purposes wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach.

**Planting strip:** an area of land used for no other purpose than a continuous unpierced hedge row of evergreens or shrubs, and/or a fence constructed of opaque material not less than 1.5 metres high, immediately adjoining the lot line or portion thereof along which such planting strip is required herein, provided that no fence or hedge row shall be required or permitted to a height in excess of 0.9 metres closer to a street line than the required yard depth.

**Postal or courier outlet:** premises for the provision of postal and courier pick-up and drop-off services for letters and small parcels, but does not include a postal or courier distribution or terminal facility.

**Porch:** a structure with a roof and at least one side that is open and unenclosed that is accessed by stairs from grade and which provides access to the first storey of a dwelling unit.

**Portable asphalt plant:** a building or structure:

- a) with equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and,
- b) which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

**Portable concrete plant:** a building or structure:

- a) with equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and,
- b) which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

**Premises:** the area of a building occupied or used by an individual business or organization.

**Principal building:** a building in which the principal use(s) on the lot is conducted. For the purpose of this By-law, a principal building shall also include a school portable.

**Private club:** premises used as a meeting place by members and guests of members of nonprofit 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.

**Propane transfer facility:** premises, including any outdoor area, where tanks having an aggregate propane storage capacity of less than 45,000.0 litres that is operated under the provisions of the Technical Standards and Safety Act, and from which the retail sale of propane fuel to the public is provided.

**Public authority:** any commission, board, or authority or any quasi-public body that is controlled by the Federal and/or Provincial governments and/or any commission, board, or authority or any quasi-public body that is controlled by the County or Township, provided it is owned or operated by or for, or under the authority of, the County or the Township.

**Public use:** any use of land, buildings or structures by, or on behalf of, a public authority.

**Rapid infiltration basin:** a basin or system of basins at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.

**Rapid infiltration column:** a column or system of columns at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.

**Recreational vehicle:** a motor vehicle that is primarily designed to provide temporary living quarters for recreational camping, travel or seasonal use, whether it has its own motor power or is mounted on or towed by another vehicle, and includes motor homes, travel trailers, fifth

wheel travel trailers, tent trailers and campers whether or not the camper is or is not attached to a truck or other motor vehicle and does not include a mobile home or a manufactured home.

**Recycling facility:** premises where goods, wares, merchandise, articles or things are dismantled and/or sorted for further use.

**Repair or service shop:** a building or part thereof for the sale, servicing or repairing of radio and television receivers, vacuum cleaners, refrigerators, washing machines, sewing machines, and other domestic appliances; musical instruments, sound and public address systems, hosiery, shoes, cameras, toys, jewellery, watches, clocks, safes and locks, bicycles, wheel chairs and orthopedic appliances.

**Reserve:** a strip of land abutting a public street and owned by the public authority having jurisdiction over such public street.

**Restaurant:** premises that is used for the preparation and serving of food and refreshments to the public for consumption at tables within or outside the building and which may include the preparation of food in a ready-to-consume state for consumption off the premises.

**Retail store:** premises in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the public, and includes a grocery store, but does not include any use otherwise defined by this By-law.

**Retirement home:** a building in which,

- a) accommodation is provided, mainly for retired persons;
- b) common kitchen and dining facilities are provided for the residents; and,
- c) common lounges, recreation rooms and health care facilities may also be provided for the residents.

A retirement home may also include a small-scale, ancillary personal service establishment located on the first storey of the building in which the retirement home is located.

**Riding arena, private indoor:** a detached accessory building for the indoor exercise of horses owned and exclusively used by the property owner(s) residing on the lot.

**Riding school or boarding stable:** an area of land which is used as an educational centre and a riding establishment for horse training, handling, care or for lodging of horses. It may include buildings such as a barn or riding area and permanent buildings and outdoor recreational riding trails.

**Sales office, temporary:** a building or structure that is constructed on a temporary basis, prior to or in concert with the construction of the related development, for the purpose of facilitating a sales office, whereby the owner, or its designates, may sell buildings within the limits of the area related to the development, to the public at large, until the earlier of the following two events: (i) such time as all said buildings are sold; or (ii) sixty days after completion of construction of the last building.

**Salvage yard:** an area outside of an enclosed building where scrap metal and motor vehicles are disassembled and dismantled, or where motor vehicles in an inoperable condition or used motor vehicle parts are stored and/or re-sold.

**Sand barrens:** land (not including land that is being used for agricultural purposes and no longer exhibits sand barrens characteristics) that:

- a) has sparse or patchy vegetation that is dominated by plants that are:
  - (i) adapted to severe drought and low nutrient levels; and
  - (ii) maintained by severe environmental limitations such as drought, low nutrient levels and periodic disturbances such as fire.
- b) has less than 25 percent tree cover;
- c) has sandy soils (other than shorelines) exposed by natural erosion; depositional process or both; and
- d) has been further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.

**Saturated zone:** the zone below the water table where the spaces between soil grains are filled with water.

**Savannah:** land (not including land that is being used for agricultural purposes and no longer exhibits savannah characteristics) that:

- a) has vegetation with a significant component of non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- b) has from 25 percent to 60 percent tree cover;
- c) has mineral soils; and

- d) has been further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.

**School portable:** a temporary building or structure designed to serve as a classroom on a lot that is also the site of a public school.

**School, private:** an establishment used as an academic institution that secures the major part of its funding from sources other than government agencies.

**School, public:** a building or part of a building used as an academic school under the jurisdiction of a Provincially approved educational institution or parochial school operated on a non-profit basis.

**Self-service storage building:** a building that is used to provide individual storage spaces to the public and that is open to the public only for those purposes.

**Self-sustaining vegetation:** vegetation dominated by plants that can grow and persist without direct human management, protection, or tending.

**Shipping container:** an article of transportation equipment, including one that is carried on a chassis and is designed to facilitate the transportation of goods by one or more means of transportation and includes intermodal containers, bodies of transport trucks, or straight truck boxes.

**Shooting range:** a place that is designed or intended for the discharge, on a regular and/or structured basis, of firearms for the purpose of target practice or target shooting competitions.

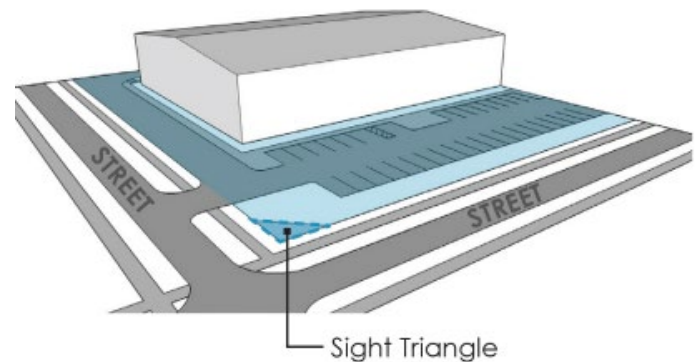
**Shopping centre:** a commercial development, containing at least three individual business establishments, designed as a single, comprehensively planned development project with relationships between the shopping centre's buildings, activities, open spaces, parking areas, loading areas, driveways, other shared facilities, public areas and adjoining streets.

**Short term accommodation:** use of a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, license, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year. Short term accommodation uses shall not mean or include a motel, hotel, bed and breakfast establishment, hospital, or similar commercial or institutional use.



**Sight triangle:** an unobstructed triangular area where the front lot line and exterior side lot line meet on a corner lot.

**Sign:** a name identification, description device, display or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or lot and which directs attention to an object, product, place, activity, person, institution, organization or business and which does not contravene any By-law of the Corporation or the County, or any Regulation of the Government of Ontario or Canada.



**Significant:** when used with reference to valleylands, wildlife habitat and woodlands, means identified as significant using evaluation procedures established by the Ministry of Natural Resources and Forestry.

**Significant drinking water threat:** an activity which poses or has the potential to pose a significant risk to the source of a municipal drinking water system.

**Significant drinking water threat, existing:** means:

- a) an activity that has been engaged in prior to the date that the Trent Source Protection Plan took effect (January 1, 2015) and continues to occur;
- b) an agricultural activity as defined by the Trent Source Protection Plan that has been engaged in at sometime within the 10-year period prior to the date that the Trent Source Protection Plan takes effect (January 1, 2015);
- c) an activity that is related to a development proposal where an application was made under the Planning Act, Condominium Act, or Building Code Act prior the Trent Source Protection Plan taking effect (January 1, 2015);
- d) an activity that is related to an application made for the issuance or amendment of a prescribed instrument (as defined in the Clean Water Act) prior the Trent Source Protection Plan took effect (January 1, 2015).

**Significant drinking water threat, future:** an activity that is proposed to commence after the date the Trent Source Water Protection Plan takes effect (January 1, 2015) and is not an existing activity.

**Site:** the land subject to an application.

**Site alteration:** activities such as grading, excavation and the placement of fill that would change the landform and the natural vegetative characteristics of a site.

**Stacking lane:** a continuous on-site queuing lane that includes stacking spaces for motorized vehicles which is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs.

**Stacking space:** a rectangular space that may be provided in succession and is designed to be used for the temporary queuing of a motor vehicle in a stacking lane.

**Storey:** the portion of a building:

- a) that is situated between the top of any floor and the top of the floor next above it, or,
- b) that is situated between the top of the floor and the ceiling above the floor, if there is no floor above it.



**Stormwater management facility:** an end-of-pipe, managed detention or retention basin, which may include a permanent pool, designed to temporarily store and treat collected stormwater runoff and release it at a controlled rate or direct it for an intended reuse.

**Street line:** the boundary between a street or private street and a lot.

**Street, private:** a private right-of-way that is used by motor vehicles but is not owned by the Township or any other public authority.

**Street, public:** a roadway owned by a public authority and for the purposes of this By-law does not include a private street.

**Structure:** anything that is erected, built or constructed of parts joined together and attached or fixed permanently to the ground or any other structure. For the purpose of this By-law, a fence, a light standard, transformers, and a sign are deemed to not be structures. For the purpose of setback calculations, natural gas or electricity metres and air conditioning units, dog houses, freestanding mail boxes, driveway entrance pillars, statues, storage lockers under 1m high, pool pumps and filters not inside accessory buildings, flag poles, free standing trellises,

shopping cart enclosures, waste receptacles, school bus shelters, composters, planters, and barbeques are not considered structures for the determination of setbacks.

**Subwatershed:** an area that is drained by a tributary or some defined portion of a stream.

**Surface catchment area:** the area including and surrounding a kettle lake or wetland, from which surface runoff drains directly into the kettle lake or wetland.

**Sustainable:** when used with respect to a natural resource, means that the natural resource is able to support a particular use or activity without being adversely affected.

**Swimming pool:** any artificially enclosed body of water, including a hot tub, not less than 0.4 m deep, that is intended for recreational or competitive swimming, diving, or other bathing activities, but does not include a farm pond.

**Tallgrass prairie:** land (not including land that is being used for agricultural purposes and no longer exhibits tallgrass prairie characteristics) that:

- a) has vegetation dominated by non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- b) has less than 25 percent tree cover;
- c) has mineral soils; and
- d) has been further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.

**Theatre:** premises intended for the production and viewing of the performing arts or the screening and viewing of motion pictures, and consisting of an auditorium with permanently fixed seats intended solely for a viewing audience.

**Theatre, community:** land and/or buildings and structures thereon used for the purpose of staging theatrical and cultural performances for the entertainment of members of the public and, incidental thereto, may include the following:

- a) facilities for serving food and beverage to patrons, and,
- b) facilities for the training of individuals involved in staging such performances.

The theatrical company or group staging such performances shall be lawfully registered as a non-profit organization.

**Threatened species:** a species that is classified as a threatened species in Ontario Regulation 230/08 (Species at Risk in Ontario List) made under the Endangered Species Act, 2007.

**Time of travel:** the time that is needed for groundwater to travel a specified horizontal distance in the saturated zone.

**Trade and convention centre:** premises where facilities are provided for the displaying of goods and/or services for the general public, such as an auto show or a computer trade show or where groups of people meet for civic, educational, political, religious or social purposes.

**Transport terminal:** any premises where land is used for the purpose of storing, servicing, washing, repairing, dispatching or loading of trucks and/or transport trailers with materials or goods that are not manufactured, assembled, or processed on the same lot, and which may include a warehouse.

**Use:** the purpose for which any land, building or structure is arranged, designed, intended, operated, occupied or maintained.

**Utility trailer:** any portable unit so constructed as to be suitable for attachment of a motor vehicle and capable of being used for the transportation of goods and/or equipment.

**Valleyland:** 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.

**Value-added product:** an agricultural product that has been processed by means of chopping, canning, pressing, bottling, roasting or any other similar process.

**Value-retaining facilities:** facilities used to,

- a) maintain the quality of agricultural commodities produced on the farm such as atmosphere controlled storage, or
- b) provide a minimum amount of processing to make agricultural commodities saleable, including cleaning, grading, drying, sorting, evaporating maple sap into syrup, honey extraction and bulk packaging.

**Warehouse:** means a building or part thereof, which is used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, food stuff substances and articles, but does not include a fuel storage tank.

**Waste processing station:** a facility within an enclosed building whose primary purpose is the sorting and processing of waste to create a new product or raw material on site.

**Waste transfer station:** a facility within an enclosed building whose primary purpose is the collection and storage of waste or hazardous waste for shipment, and which may include limited sorting or preparation of that waste to facilitate its shipment for final disposal or to a waste processing station, but does not include salvage yards or scrap metal yards.

**Watershed:** an area that is drained by a river and its tributaries.

**Wayside pit:** a temporary pit opened or used by or for a public authority solely for the purpose of a particular project of road construction and not located on the road right-of-way.

**Wellhead protection area:** the surface and subsurface area surrounding a water well or well field that supplies a public water system and through which contaminants are reasonably likely to move so as eventually to reach the water well or well field.

**Wetland:** land such as a swamp, marsh, bog or fen (not including land that is being used for agricultural purposes and no longer exhibits wetland characteristics) that:

- a) is seasonally or permanently covered by shallow water or has the water table close to or at the surface;
- b) has hydric soils and vegetation dominated by hydrophytic or water-tolerant plants; and
- c) has been further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time.

**Wholesale establishment:** a facility for the sale and distribution of goods or materials for resale purposes only.

**Wildlife habitat:** 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.

**Woodland:** a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

**Winery:** means premises used for the processing of fruit, fermentation, production, bottling, aging and storage of wine.

**Yard:** an open, uncovered space on a lot pertaining to a building and unoccupied by buildings or structures except as specifically permitted in this By-law.

**Yard, exterior side:** the yard of a corner lot extending from the front yard to the rear yard between the exterior side lot line and the main walls of the principal building or structure on the lot.

**Yard, front:** a yard extending across the full width of the lot between the front lot line and the nearest main walls of the principal building or structure on the lot.

**Yard, interior side:** a yard other than an exterior side yard that extends from the front yard to the rear yard between the interior side lot line and the main walls of the principal building or structure on the lot.

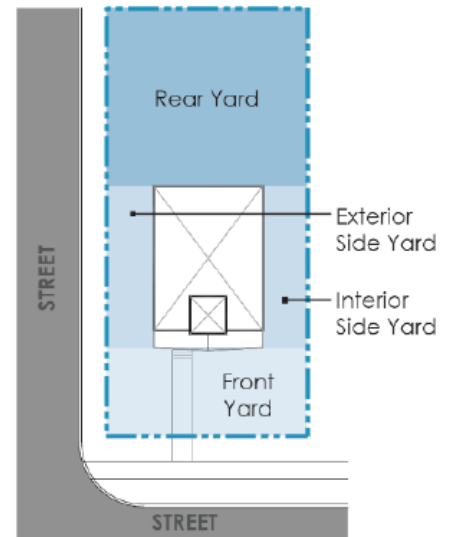
**Yard, maximum:** the maximum distance of a yard from a lot line. In calculating the maximum yard, the minimum horizontal distance from the respective lot line is to be used.

**Yard, required:** the minimum distance of a yard required from a lot line. No part of a required yard for a building or structure is to be included as part of a required yard for another building or structure. In calculating required yards, the minimum horizontal distance from the respective lot lines is to be used.

**Yard, rear:** a yard extending across the full width of the lot between the rear lot line and the nearest main walls of the principal building or structure on the lot.

**Zone:** a classification of land use shown on the Schedules of this By-law.

**Zone of contribution:** when used in reference to a period of time, means the area within which the water pumped from a well originates during that time.



## 14.0 Holding Provisions

Notwithstanding any other provision in this By-law, where a Zone symbol is followed by a Holding Symbol (the letter ‘H’ and a number) or superscript <sup>ag</sup>, the following provisions shall apply:

- a) Until the Holding Symbol is removed, the lands may only be used for a use, building or structure which legally existed on the date the by-law applying the Holding provision came into effect; and,
- b) Council may pass a by-law in accordance with the Planning Act to remove the “H” symbol once it is satisfied the applicable condition(s) in Table 14A have been satisfied.

| <b>Table 14A Holding Zones</b> |  |                        |                            |
|--------------------------------|--|------------------------|----------------------------|
| <b>Hold Number</b>             | <b>Conditions of Hold Removal</b>  | <b>Enacting By-law</b> | <b>By-law Removing “H”</b> |
| H1                             | <ul style="list-style-type: none"> <li>Registration of an agreement acknowledging that the severance of the second dwelling unit as a surplus farm dwelling is not permitted.</li> </ul>   | 2016-53                |                            |
| H2                             | <ul style="list-style-type: none"> <li>Registration of a subdivision agreement.</li> </ul>   | 2016-63                |                            |
| H3                             | <ul style="list-style-type: none"> <li>Completion of Environmental Impact Study to satisfaction of Otonabee Region Conservation Authority.</li> </ul>  |                        |                            |
| H4                             | <ul style="list-style-type: none"> <li>Completion of Environmental Impact Study and Flood Plain Analysis to satisfaction of Otonabee Region Conservation Authority.</li> </ul>   |                        |                            |
| H5                             | <ul style="list-style-type: none"> <li>The owner shall agree that it shall not use the identified lands for any purpose that does not comply with Part IV of The Ontario Heritage Act, R.S.O, c.O.18</li> <li>The owner shall undertake the necessary archaeological assessment prior to any potential development impacts on the lands, including Stage 3 and Stage 4 archaeology. Any archaeological assessment or activity</li> </ul> |                        |                            |

|    |   |         |         |
|----|---|---------|---------|
|    | shall be performed in accordance with the requirements of The Ontario Heritage Act, R.S.O. 1990, c.O.18, the “Standards and Guidelines for Consultant Archaeologists” (2011) and “Engaging Aboriginal Communities in Archaeology” (2011) by the Ministry of Tourism, Culture and Sport, as may be amended, and shall be conducted by a licensed archaeologist.  |         |         |
| H6 | <ul style="list-style-type: none"> <li>The findings of the Hydrogeologist and Site Servicing Study, prepared by Oakridge Environmental Ltd., are accepted by the Township.</li> <li>Servicing arrangements acceptable to the Peterborough County City Health Unit and the Township are provided.</li> <li>The required lot additions and mergers have been completed and the associated agreements registered on title.</li> </ul>  | 2012-25 | 2021-34 |
| H7 | <ul style="list-style-type: none"> <li>Completion of an assessment, in a form acceptable to Council, to demonstrate to Council’s satisfaction that the proposed development will not impact a natural heritage feature on the lands or within 120 metres of the lands. The required assessment may consist of comments from the Conservation Authority only or may require a report from a qualified professional. Council may require the execution of a Site Plan Agreement outlining appropriate mitigation mechanisms.</li> </ul> |         |         |
| H8 | <ul style="list-style-type: none"> <li>Nina Court (Coldbrook Street) is extended and the turning circle is deemed by Council not to be part of the public road allowance.</li> </ul>  | 2019-43 |         |
| H9 | <ul style="list-style-type: none"> <li>Completion of a Noise Impact Assessment to the Township’s satisfaction, for drive-through stacking lanes and order box locations of less than 30 metres from a residential zone and the implementation of identified mitigation measures through a Township approved Site Plan.</li> </ul>   | 2020-72 |         |





## 15.0 Temporary Use Provisions

When a Zone symbol is followed by the letter 'T' and a number, one or more additional uses are permitted on the lands noted for a temporary period and expires on a date set out in Table 15A.

| <b>Table 15A Temporary Use Zones</b> |   |                     |                     |
|--------------------------------------|---|---------------------|---------------------|
| <b>Temporary Use Number</b>          | <b>Temporary Uses Permitted</b>   | <b>Date Enacted</b> | <b>Date Expires</b> |
| ORME-T1<br>(2014-30)                 | <ul style="list-style-type: none"> <li>Garden suite</li> </ul>  | July 2, 2014        | July 2, 2034        |
| A-T2 (2014-58)                       | <ul style="list-style-type: none"> <li>Garden suite</li> </ul>  | November 12, 2014   | November 12, 2034   |
| C2-T3 (2016-02)                      | <ul style="list-style-type: none"> <li>Chip truck</li> </ul>  | February 1, 2014    | February 1, 2019    |
| A-T4 (2016-71)                       | <ul style="list-style-type: none"> <li>Garden suite</li> </ul>  | November 21, 2016   | November 21, 2036   |
| HR-T5 (2019-38)                      | <ul style="list-style-type: none"> <li>Two shipping containers and one stucco and stone sided barn</li> </ul> | June 17, 2019       | June 17, 2022       |

## 16.0 Zone Maps

## Appendix 1 - Shared Parking Calculation Example

The following provides an example of how to calculate shared parking requirements using Tables 13.3 and 13.4 of the Zoning By-law. The following example is based on a lot containing two single storey buildings with net floor areas of:

- 1,200 m<sup>2</sup> - business office
- 900 m<sup>2</sup> - restaurant

### Step 1: Determine the parking requirement for each use

Based on Table 13.3, the parking requirements are:

- 1/30 m<sup>2</sup> for a business office
- 1/10 m<sup>2</sup> for a restaurant

### Step 2: Calculate the parking requirement for each use

Therefore, based on Table 13.3, the following parking spaces are required:

- 40 for the business office ( $1,200 \text{ m}^2 \div 30 = 40$ )
- 155 for the restaurant ( $900 \text{ m}^2 \div 10 = 90$ )

### Step 3: Multiply the required parking by the percentage of peak period for each time period

### Step 4: Calculate the total required parking for all uses in each time period, for both weekdays and Saturdays

|                 | <b>A</b>        | <b>B</b>                         | <b>C</b>                | <b>D</b>     |   |
|-----------------|-----------------|----------------------------------|-------------------------|--------------|---|
|                 | <b>Use</b>      | <b>Percentage of Peak Period</b> | <b>Required Parking</b> | <b>B x C</b> | <b>Total Number of Spaces Required for all Uses</b> |
| <b>Weekday</b>  |                 |                                  |                         |              |   |
| Morning         | Business Office | 100                              | 40                      | 40           | 58  |
|                 | Restaurant      | 20                               | 90                      | 18           |   |
| Noon            | Business Office | 80                               | 40                      | 32           | <b>113</b>  |
|                 | Restaurant      | 90                               | 90                      | 81           |   |
| Afternoon       | Business Office | 100                              | 40                      | 40           | 67  |
|                 | Restaurant      | 30                               | 90                      | 27           |   |
| Evening         | Business Office | 10                               | 40                      | 4            | 94  |
|                 | Restaurant      | 100                              | 90                      | 90           |   |
| <b>Saturday</b> |                 |                                  |                         |              |   |
| Morning         | Business Office | 10                               | 40                      | 4            | 31  |
|                 | Restaurant      | 30                               | 90                      | 27           |   |
| Noon            | Business Office | 10                               | 40                      | 4            | 85  |
|                 | Restaurant      | 90                               | 90                      | 81           |   |
| Afternoon       | Business Office | 10                               | 40                      | 4            | 49  |
|                 | Restaurant      | 50                               | 90                      | 45           |   |
| Evening         | Business Office | 5                                | 40                      | 2            | 92  |
|                 | Restaurant      | 100                              | 90                      | 90           |   |

**Step 5: The time period with the highest total parking requirement is the required parking for the lot**

Therefore, the parking requirement is 113 spaces for the lot.

**Appendix 2 – Closed Cemeteries – Type A in accordance with Section 11.22 b)**

| <b>Cemetery Name</b> | <b>Location</b>  | <b>Assessment Roll Number</b> |
|----------------------|--|-------------------------------|
| <b>Ebenezer</b>      | West end of Stewart Line in the North West Corner East half of Lot 1 Con. 11 | 1 509 010 040 247 00          |
| <b>Springville</b>   | Cemetery is located on Sharpe Line at Highway 7 Con. 10 Part Lot 23          | 1 509 010 040 180 50          |
| <b>Deyell</b>        | Old Millbrook School   | 1 509 020 010 085 00          |