

**TOWNSHIP OF  
CAVAN-MILLBROOK-NORTH MONAGHAN  
ZONING BY-LAW NO. 2004-62, AS AMENDED**

**OCTOBER 2004**

## **SECTION 1 - TITLE AND COMPONENTS**

### **1.1 Title**

This By-law shall be known as the "Zoning By-law" of the Township of Cavan-Millbrook-North Monaghan.

### **1.2 Components**

1.2.1 Schedule "A" and the Zone Maps, attached hereto, with the notations, zone boundaries, symbols and references shown thereon illustrate the area to which this By-law applies and are hereby declared to be part of this By-law. The lands affected by this By-law may hereinafter be referred to as the "area zoned".

1.2.2 Schedule "B", attached hereto illustrates Development Plans, and is hereby declared to be part of this By-law.

1.2.3 Schedule "C", attached hereto illustrates the Airport Height Limitations and is hereby declared to be part of this By-law.

1.2.4 No building or structure shall hereafter be erected or altered and the use of any building, structure or lot shall not hereafter be changed in whole or in part except in conformity with the provisions of this By-law.

1.2.5 Schedule "D" attached hereto illustrates the Landform Conservation Areas and is hereby declared to be a part of this By-law.

1.2.6 Schedule "E" attached hereto illustrates the Areas of Aquifer Vulnerability and is hereby declared to be a part of this By-law.

## **SECTION 2 - ADMINISTRATION**

### **2.1 Administration**

This By-law shall be administered on behalf of Council by a person or persons appointed for such purpose by Council from time to time as the Zoning Administrator or Building Inspector.

### **2.2 Building Permits**

After the date of this By-law, no building permit shall be issued where the proposed building, structure or use violates the provisions of this By-law.

### **2.3 Applications for Building Permits**

Application for a Building Permit shall be accompanied by the following:

2.3.1 Plans - drawn in duplicate, one copy of which shall be retained by the Zoning Administrator or Building Inspector at a suitable scale showing the following:

- a) the true shape and dimensions of the lot;
- b) the proposed location and dimensions of the building, structure or work in respect to which the permit is applied for;
- c) the location of every building or structure currently approved, erected or under construction; and,
- d) such other information as the Zoning Administrator or Building Inspector considers necessary to determine whether every proposed structure, building or work conforms to the provisions of this By-law.

2.3.2 Statement - A statement signed by the registered owner shall be required, setting forth in detail the exact use proposed for each structure, building or lot.

### **2.4 Inspection**

The Zoning Administrator or Building Inspector is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purposes of carrying out his duties under this By-law.

### **2.5 Enforcement**

2.5.1 Pursuant to Section 67 of the Planning Act, R.S.O. 1990, as amended, every person or persons who contravenes any of the provisions of this By-law is guilty of an offence, and on conviction is liable;

- a) on a first conviction to a fine of not more than \$25,000.00; and,

b) on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which such person was first convicted.

2.5.2 Pursuant to Section 67 of the Planning Act, R.S.O. 1990, as amended, where a corporation is convicted of the contravention of any of the provisions of this By-law, the maximum penalty that may be imposed is;

a) on a first conviction a fine of not more than \$50,000.00; and,

b) on a subsequent conviction to a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

2.5.3 Each day that the person, persons, or corporation contravenes any provisions of this By-law, shall constitute a separate offence.

2.5.4 Where a conviction is entered in respect to any contravention of this By-law, in addition to any other remedy or any penalty provided by this By-law, the court to which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person or corporation.

## **SECTION 3 - GENERAL PROVISIONS**

### **3.1 Accessory Uses**

The following provisions apply to all accessory buildings and uses in all zones within the Township of Cavan-Millbrook-North Monaghan.

3.1.1 Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose that purpose shall include any necessary building or structure or accessory use, but shall not include:

- a) any occupation for gain or profit conducted within a dwelling unit or on the lot except as in this By-law is specifically permitted; or,
- b) any building used as a dwelling unit except as in this By-law is specifically permitted.

3.1.2 In any Zone where a lot does not abut a navigable waterway, any accessory building or structure which is not part of the main building shall be erected to the rear of any required minimum front yard and shall have a minimum rear and side yard requirement of 1.5 metres.

Notwithstanding the foregoing, accessory buildings and structures greater than 53.5 square metres in size shall have a minimum side and rear yard of 3 metres.

3.1.3 Where a lot abuts a navigable waterway and a public street, the public street shall be deemed the lot frontage. In such situations the side and rear yard between the navigable waterway and any building or structure, inclusive of accessory buildings, shall be equal to the minimum front yard requirement.

3.1.4 No accessory building or structure shall exceed 15 metres in height in an Agricultural Zone or Rural Zone or 6 metres in any other zone.

3.1.5 The total lot coverage of all accessory buildings on a lot shall not exceed 5% of the lot area.

3.1.6 No more than two accessory buildings per lot shall be permitted in a Residential Zone.

### **3.2 Bed and Breakfast**

Notwithstanding any other provisions of this By-law to the contrary, a bed and breakfast establishment shall be permitted in accordance with the following provisions:

3.2.1 The bed and breakfast use shall be clearly incidental to the main

residential use of the property.

3.2.2 The maximum number of guest rooms shall be three (3).

3.2.3 A total of one (1) non-illuminated sign, not more than one (1) square metre in area shall be permitted for the purpose of advertisement.

3.2.4 Parking shall be in accordance with Section 3.20 of this By-law.

### 3.3 Communication Towers

Communication towers not under the jurisdiction of the Federal Government are prohibited by this By-law except where specifically permitted by a zoning by-law amendment. Zoning By-law amendments for Communication Towers will only be permitted subject to the following:

- a) New communication towers should locate adjacent to existing tower sites whenever possible;
- b) The location of new communication tower sites must not negatively impact upon adjacent land uses; and,
- c) New communication tower must have access from a publicly maintained road allowance.

### 3.4 Dwelling Units Below Grade

#### 3.4.1 Cellar

No dwelling unit shall in its entirety, be located in a cellar. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling unit shall be used as a furnace room, laundry room, storage room, recreation room, or for a similar use only.

#### 3.4.2 Basement

A dwelling unit in its entirety, may be located in a basement, provided the finished floor level of such basement, is not below the level of the sanitary or storm sewer or septic tank facilities as the case may be, serving the building or structure in which such basement is located and provided further, that the floor level of such basement is not more than five (5) feet below the adjacent finished grade.

### 3.5 Dwelling Units Under Construction

Notwithstanding anything contained in this By-law, no person shall use or occupy any building for residential purposes beyond the date of expiry of the building permit, unless the exterior of such building has been completed and finished in all respects in accordance with the plans and specifications filed upon application for a building permit

and that approved sanitary facilities have been installed and are functioning properly.

### 3.6 Existing Buildings, Structures and Uses

#### 3.6.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose.

#### 3.6.2 Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use, for a purpose prohibited by the By-law, of any building or structure the plans for which have, prior to the day of the passing of the By-law, been approved by the Chief Building Official or Building Inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the day of the passing of the By-law and such building or structure is completed within one year after the erection thereof is commenced.

#### 3.6.3 Exterior Extension Prohibited

A building, which at the date of passing of this By-law, was used for a purpose not permissible within the Zone in which it is located, shall not be enlarged, extended, reconstructed or otherwise structurally altered, unless such building is thereafter to be used for a purpose permitted within such Zone, and complies with all requirements of this By-law for such Zone.

#### 3.6.4 Permitted Interior Alteration

The interior of any building lawfully used on the date of passing of this By-law for a use that is not permitted within the Zone that such building is located, may be reconstructed or structurally altered in order to render the same more convenient or commodious for the same purpose for which, at the passing of this By-law, such building was used.

#### 3.6.5 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure or part thereof, lawfully used on the date of passing of this By-law, provided that the strengthening or restoration does not increase the building height, size or volume or

change the use of such building or structure.

Nothing in this By-law shall apply to prevent the reconstruction of any lawful non-conforming building or structure which is damaged by causes beyond the control of the owner, provided that the building or structure as reconstructed shall have the equivalent or reduced outside dimensions as the lawful non-conforming building or structure.

### 3.6.6 Existing Deficient Yards

Where an existing permitted building or structure or part thereof is located on a lot having less than the required minimum frontage and/or area, and/or having less than the minimum setback and/or side yard and/or rear yard required by this By-law, the said building or structure may be enlarged, reconstructed, repaired and/or renovated provided that:

- i) the enlargement, reconstruction, repair and/or renovation complies with the requirements of the appropriate zone; and
- ii) all other applicable provisions of this By-law are complied with.

### 3.7 Existing Lots - Lesser Requirements

3.7.1 Where any lot has less than the lot frontage, or lot area required in the applicable zone; and, has been continuously held in distinct and separate ownership in its entirety since:

- a. June 24, 1991 for all lands located in the Millbrook Ward;
- b. January 27, 1977 for all lands located in the Cavan Ward; and,
- c. August 16, 1982 for all lands located in the North Monaghan Ward.

3.7.2 is the whole of a lot on a Registered Plan of Subdivision; or

3.7.3 the deficiency has been caused by the conveyance to or the expropriation by any authority having the power of expropriation;

3.7.4 Such lot may be used and any building erected, altered or used thereon for any purpose permitted in the applicable zone, provided that:

- a) all other regulations in this By-law are complied with in addition to those of the Peterborough County-City Health Unit, applicable to the proposed use.
- b) such lot has a minimum frontage and area equal to 50% of the required frontage and area.
- c) however, in no event shall a lot on the following Registrar's Compiled



Plans and/or Reference Plans be included under this section:

Registrar's Compiled Plan No.	Reference Plan No.
95	-
96	-
98	RD 56-64
101	RD 111
102	RD 112 Lots 1, 25-32 inclusive 45-51 inclusive, 101-109 inclusive and that part of Lot 109 referred to as Roll No. 066-55 and 066-56
103	RD 108
104	RD 113 Lots 1-5 inclusive, 10-74 inclusive and that part of Lot 33 referred to as Roll No. 066-55
105	RD 100
106	RD 114 Lots 1-12 inclusive
107	RD 118 Lots 52 to 57 inclusive, Lots 61, 66, 69 and 70
108	RD 129 Lots 1-5 inclusive and 56
109	RD 115 Lots 2-5 inclusive
110	RD 130
111	RD 131
112	RD 140
113	RD 116
114	RD 127
115	RD139
116	RD 132 Lots 1,2,20,21
117	RD Lots 1, 2, 13
118	RD Lots 1-3 inclusive, 35, 36, 39-47
119	RD 135

Registrar's Compiled Plan No.	Reference Plan No.
120	RD 133
121	RD 120
122	RD 117 Lots 8, 11-13 inclusive
123	RD 141
126	RD 170
127	RD 162
128	-
129	RD 142
-	RD 103
-	RD 105
-	RD 109
-	RD 119
-	RD 121
-	RD 128
-	9R 259
-	9R 318
-	9R 185

### 3.8 External Design

The following building materials shall not be used for the exterior vertical facing on any wall of any building or structure which is located partly or wholly within 90 metres of any improved public street or navigable waterway.

- a) asphalt roll-type siding;
- b) building paper, or tar paper; and
- c) insul-brick siding.

### 3.9 Flood Susceptible Lands Within Developed Areas

#### 3.9.1 Special Policy Area -F (#)

Lands within the established commercial core area of Millbrook which are susceptible to flooding and have been designated as a Special Policy Area have been denoted by a special sub-category identified by the letter "F" followed by a number in brackets, for example F(212.7). The

numerical value within the aforementioned brackets shall be the minimum elevation for flood proofing in metres based upon the Millbrook Flood Plain Mapping (1989 Map Datum).

Where a zone symbol on a Schedule "A" - Zone Map is followed by the symbol F (#) the following regulations shall apply:

- 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** is the Timmins storm centred event;

**Regulatory Flood** means 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** means 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** means 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** means 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** means the alteration of an existing building or structure that increases the size of a building by less than 50% of the existing ground floor area and which does not substantially increase the value of the building;

**Safe access** means pedestrian and vehicular access/evacuation routes direct or elevated, for residential purposes, not flooded to a depth greater than .3 metres;

**Safe parking** means 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 .3 metres.

### 3.9.2 Additional Flood Susceptible Lands (F)

Lands which are susceptible to flooding, but which are not part of the Special Policy Area have been denoted by a special sub-category identified by the letter “F” only in brackets (F).

Notwithstanding any other provisions of the By-law to the contrary all lands exhibiting a zone category with the (F) sub-category may continue to be used for those uses existing as of the date of passing of this By-law.

Additions, alterations or replacement of existing buildings or structures shall only take place where the lowest openings are above the Regulatory Flood elevations and/or can be maintained through established flood-proofing techniques acceptable to the Conservation Authority and the Municipality.

New buildings or structures, with the exceptions of accessory uses, shall be prohibited from locating on lands within a zone exhibiting an (F) sub-category.

### 3.9.3 Peterborough Airport Flood Susceptible Lands

Those portions of the City of Peterborough Airport located within the Airport (AR) Zone may be developed with all uses permitted in the Airport (AR) 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 3.9.1.

## 3.10 Frontage on a Public Street

3.10.1 No building permit may be issued in respect to a lot that does not front upon an improved public street.

3.10.2 In addition, no person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon an improved public street. Except where otherwise provided within the Agricultural, Rural, and Residential Zones, only one main dwelling unit per lot shall be permitted.

### 3.11 Group Homes

3.11.1 Group homes, with the exception of group homes which are licensed under the Ministry of Correctional Services Act, or secure custody children's residences, shall be permitted in all Residential Zones.

3.11.2 Group homes licensed under the Ministry of Correctional Services Act, or secure custody children's residences, shall be permitted in the Institutional (I) Zone.

3.11.3 Within the Millbrook Ward, no Group Home shall be permitted to locate within 120 m of another Group Home.

3.11.4 Within the Cavan & North Monaghan Wards, no group home shall be permitted to locate within one (1) kilometre of another Group Home.

3.11.5 Maximum number of Group Homes in the Municipality shall be limited to one group home per 1,000 residents.

3.11.6 A group home in accordance with Section 3.11.1 shall only be permitted in a single detached dwelling and shall occupy the entirety of the dwelling.

3.11.7 Parking provisions shall be in accordance with Section 3.20 of this By-law.

3.11.8 Group Homes shall be located on an improved public street, assumed and maintained year round.

### 3.12 Height Restrictions in Vicinity of Airport

3.12.1 No building or structure shall be erected on the lands referred to in Column 1 of the Table which exceeds the maximum permitted height set out opposite thereto in Column 2.

3.12.2 No extension or enlargement to a building or structure on the lands referred to in Column 1 of the Table shall be erected if the building or structure as extended or enlarged exceeds the maximum permitted height set out opposite thereto in Column 2.

#### **COLUMN 1**

#### **COLUMN 2**

<u>Lands Designated on Schedule "C"</u>	<u>Maximum Permitted Height</u>
A	91 metres above sea level
B	196 metres above sea level
C	201 metres above sea level
D	206 metres above sea level
E	211 metres above sea level
F	216 metres above sea level
G	221 metres above sea level
H	226 metres above sea level
I	231 metres above sea level

3.12.3 Where land is included within any of the lands designated by a letter on Schedule "C1", and is also included within any of the lands designated by a letter on Schedule "C2", and where two different maximum permitted heights are applicable to the land in accordance with Column 2 of the Table set out in subsection 3.12.2.

- a) no building or structure shall be erected on the land which exceeds the lesser of the two maximum permitted heights applicable to the land; and,
- b) no extension or enlargement to a building or structure shall be erected if the building or structure as extended or enlarged exceeds the lesser of the two maximum permitted heights applicable to the land.

3.12.4 Other than those lands designated by a letter, no building or structure exceeding 236 metres above sea level in height, shall be erected within the "Outer Surface" area indicated on Schedule "C2".

### 3.12.5 Height Exemptions

Notwithstanding the height provisions herein contained, except for the provisions of the above subsection, nothing in this By-law shall apply to prevent the erection, alteration, or use of the following accessory buildings or structures provided the main use is a use permitted within the zone in which it is located: a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill, a radio or television tower or antenna, air conditioner duct, grain elevator, a barn or silo, incidental equipment required for processing and external equipment associated with internal building equipment.

## 3.13 Holding Zones

### 3.13.1 Permitted Uses

- a) Where a zone symbol on a Schedule "A"- Zone Map is followed by the holding zone symbol "h" the permitted uses and relevant zone

provisions applicable to that zone do not apply until such time as the holding zone symbol “h” is removed in accordance with the requirements of The Planning Act, R.S.O. 1990, as amended.

- b) Prior to the removal of the holding zone symbol “h” only uses which existed as of the date of the adoption of the holding zone provisions are permitted.

### 3.13.2 Regulations for Permitted Uses

All regulations and provisions which apply in a zone category where there are no holding zone provisions in effect shall also apply where a holding zone has been established.

### 3.13.3 Removal of Holding Zone Provisions

- a) The holding zone provisions shall only be removed in accordance with Section 36 of The Planning Act, R.S.O. 1990, as amended, and only when Council is satisfied that the criteria stated in 3.13.3 b) below have been met in a manner and form acceptable to Council.
- b) The criteria to be satisfied prior to the removal of the holding zone symbol “h” from an area shown on Schedule “A” shall consist of a development proposal for the subject lands which has been approved by the Municipality and, as may be necessary, the County and/or any concerned Ministry of the Provincial Government, and, the necessary agreements have been registered on title to ensure that all the provisions of this By-law, and as may be applicable, the conditions or other planning approvals under The Planning Act have been complied with.

### 3.13.4 Aggregate Assessment Area Holding Provisions - “h<sup>ag</sup>” or ag

#### 3.13.4.1 Permitted Uses

- a) Where a zone symbol on a Schedule “A” - Zone Map is followed by the holding zone symbol “h<sup>ag</sup>” or has “<sup>ag</sup>” as a superscript following the zone symbol (i.e. ag) the permitted uses and relevant zone provisions applicable to that zone do not apply until such time as the holding zone symbol “h<sup>ag</sup>” is removed or amended in accordance with the requirements of Section 36 The Planning Act, R.S.O. 1990, as amended.
- b) Prior to the removal of the holding zone symbol “h<sup>ag</sup>” only uses which existed as of the date of the adoption of the holding zone provisions are permitted.



#### 3.13.4.2 Regulations for Permitted Uses

All regulations and provisions which apply in a zone category where there are no holding zone provisions in effect shall also apply where a holding zone has been established.

#### 3.13.4.3 Removal of the Aggregate Assessment Area Holding Zone Provisions

The holding zone provisions shall only be removed in accordance with Section 36 of The Planning Act, R.S.O. 1990, as amended, and only when Council is satisfied that 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.

### 3.13.5 Natural Features Assessment Area Holding Provisions - "h<sup>nf</sup>" or "<sub>nf</sub>"

#### 3.13.5.1 Permitted Uses

- a) Where a zone symbol on a Schedule "A" - Zone Map is followed by the holding zone symbol "h<sup>nf</sup>" or has as a superscript following the zone symbol (i.e. "<sub>nf</sub>") the permitted uses and relevant zone provisions applicable to that zone do not apply until such time as the holding zone symbol "h<sup>nf</sup>" is removed or amended in accordance with the requirements of Section 36 of The Planning Act, R.S.O. 1990, as amended.
- b) Prior to the removal of the Natural Features Assessment Area Holding Provision symbol "h<sup>nf</sup>" or "<sub>nf</sub>" only uses which existed as of the date of the adoption of the holding zone provisions are permitted.

#### 3.13.5.2 Regulations for Permitted Uses

All regulations and provisions which apply in a zone category where there are no holding zone provisions in effect, shall also apply where a holding zone has been established.

#### 3.13.5.3 Removal/Amendment of Natural Heritage Features Assessment Area Holding Zone Provisions

The holding zone provisions shall only be removed in accordance with Section 36 of The Planning Act, R.S.O. 1990, as amended, and only when Council is satisfied that

impacts of the proposed development on any natural heritage feature on or within 120 metres of the lands identified as subject to the Natural Heritage Feature Assessment Area Holding provision has been assessed. The required assessment may consist of comments from the Conservation Authority only or may require a report from a qualified professional. The assessment shall be in a form acceptable to Council and shall 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. Council may require the execution of a Site Plan Agreement outlining appropriate mitigation mechanisms prior to the removal or amendment of the Natural Heritage Feature Assessment Area.

### 3.13.6 Disposal Assessment Area Holding Provisions - "h<sup>d</sup>" or "\_<sup>d</sup>"

#### 3.13.6.1 Permitted Uses

- a) Where a zone symbol on a Schedule "A" - Zone Map is followed by the holding zone symbol "h<sup>d</sup>" or "\_<sup>d</sup>" the permitted uses and relevant zone provisions applicable to that zone do not apply until such time as the holding zone symbol "h<sup>d</sup>" is removed in accordance with the requirements of Section 36 of The Planning Act, R.S.O. 1990, as amended.
- b) Prior to the removal or amendment of the Disposal Assessment Area Holding zone symbol "h<sup>d</sup>" or "\_<sup>d</sup>" only uses which existed as of the date of the adoption of the holding zone provisions are permitted.

#### 3.13.6.2 Regulations for Permitted Uses

All regulations and provisions which apply in a zone category where there are no holding zone provisions in effect shall also apply where a holding zone has been established.

#### 3.13.6.3 Removal of Disposal Assessment Area Holding Zone Provisions

The holding zone provisions shall only be removed or amended in accordance with Section 36 of The Planning Act, R.S.O. 1990, as amended, and only when Council is satisfied that the owner has demonstrated to Council's satisfaction that the proposed development will not affect or be affected by the disposal site or any contaminants

migrating from the disposal site.

### 3.14 Home Industry

3.14.1 Where a home industry is permitted in a Zone it may be conducted in or from a dwelling unit or accessory building, provided that:

- a) There is no open storage of goods or materials;
- b) Any vehicles associated with such home industry are parked in an area other than a street or a required front, side or rear yard;
- c) There is no external advertising other than a sign erected in accordance with any By-laws of the Corporation regulating signs; and,
- d) The maximum floor area shall be 300 square metres.

### 3.15 Home Occupations

A home occupation shall be permitted in any zone in which a single detached residential unit is a permitted use. No person shall carry on or engage in a home occupation except in accordance with the following regulations:

- 3.15.1 No person other than individuals residing in the dwelling unit shall be engaged in such occupation.
- 3.15.2 There shall be no open storage of goods or materials.
- 3.15.3 The home occupation may be operated or located in any part of a dwelling, dwelling unit, or accessory building provided that the home occupations located on the lot shall not occupy more than a floor area equivalent to 25% of the maximum lot coverage or 25% of the floor area of the dwelling unit, or 37 square metres of floor area, whichever is the lesser.
- 3.15.4 Any vehicles associated with such home occupation are parked in an area other than a street or required front yard.
- 3.15.5 No equipment or process shall be used which creates noise, vibration, glare, flames, odours, or electrical interference in excess of that normally experienced in a residential neighbourhood.
- 3.15.6 No sign or display other than a non-illuminated sign not exceeding 1 square metre in area shall indicate that a home occupation is being carried on in a dwelling unit.
- 3.15.7 Except for market garden stands, no facilities or areas shall be available on the premises for the retail sales of goods, wares or merchandise.

### 3.16 Loading Space Requirements

The Owner or occupant of any lot, building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise, and raw materials, shall provide and maintain at the premises, on the lot occupied by the building or structure and not forming part of a public street or lane, within the zone in which such use is located, loading and unloading spaces a minimum of 9 metres long, 3.5 metres wide and having a vertical clearance of at least 4 metres and in accordance with the following:

<b>TOTAL FLOOR AREA OF BUILDING OR STRUCTURE</b>	<b>NUMBER OF LOADING SPACES REQUIRED</b>
280 square metres or less	1
exceeding 280 square metres, but not exceeding 2,300 square metres	2
exceeding 2,300 square metres, but not exceeding 7,400 square metres	3
exceeding 7,400 square metres	3 plus 1 additional space for each additional 9,300 square metres or fractional part thereof in excess of 7,400 square metres

Provided however, that in addition to the above number of loading spaces, one waiting space shall be provided for the parking of vehicles awaiting access to each loading space.

#### 3.16.1 Access

Access to loading or unloading spaces shall be by means of a driveway at least 6 metres wide contained within the lot on which the spaces are located and leading to a public street or lane located within or adjoining the zone in which the use is located.

### 3.17 Minimum Distance Separation

3.17.1 Notwithstanding any other yard or setback provisions of the By-law to the contrary, no residential, commercial, industrial, institutional or recreational use, located on a separate lot and permitted by a "Commercial Zone", "Highway Commercial Zone", "General Industrial Zone", "Extractive Industrial Zone", "Disposal Industrial Zone", "Institutional Zone", "Open Space Zone", "Hazard Zone", "Rural

Residential Zone”, “Residential Type One Zone”, “Residential Type Two Zone”, “Residential Type Three Zone”, “Residential Type Four Zone”, “Estate Residential Zone”, “Recreational Commercial Zone”, shall be erected or altered unless it complies with the Minimum Distance Separation (MDS 1) calculated using the latest version of the MDS I calculation as published by the Ministry of Agriculture, Food and Rural Affairs.

- 3.17.2 Notwithstanding any other yard or setback provisions in the By-law to the contrary, no livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) calculated using the latest version of the MDS II calculation as published by the Ministry of Agriculture, Food and Rural Affairs.
- 3.17.3 Notwithstanding any other provisions of this By-law to the contrary, the MDS I will apply to all existing lots of record and any lots created in the Municipality.
- 3.17.4 Notwithstanding any other provisions of this By-law to the contrary, the MDS II calculated separation distances will be measured from the nearest point of an existing vacant lot of record (1.0 hectares) in size or less, to the nearest point of the proposed livestock facility. Provided the existing lot of record is permitted by a “Rural” or “Agricultural” Zone and the proposed livestock facility is permitted by a “Rural” or “Agricultural” Zone.

NOTE: The current version of MDS I and MDS II calculation guides are reproduced as Appendix A and Appendix B. These are not part of this By-law but are included for information purposes.

### 3.18 Multiple Uses on a Lot

Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with.

### 3.19 Multiple Zones on a Lot

Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the applicable zones.

Notwithstanding any other provisions of the By-law, where a lot is divided into two (2) or more zones, the zone boundary shall be interpreted to be a lot line as defined herein.

### 3.20 Parking Area Requirements

- 3.20.1 The owner of every building or structure erected, altered or used for any of the purposes hereinafter set forth shall provide and maintain for

the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

<b>TYPE OF USE</b>	<b>MINIMUM PARKING REQUIREMENT</b>
Residential	1 Parking space per dwelling unit
Boarding or Lodging House	1 Parking space per dwelling unit plus 1
Bed and Breakfast	1 Parking space per guest room
Farm Produce Sales Outlet	5 parking spaces
Hotel, Motel, Commercial Club	1 parking space per bedroom plus 1 parking space for each 4 persons that can be accommodated at any one time in a beverage room, liquor lounge, dining room or meeting room.
Nursing Home	.43 parking spaces per bed
Medical or Dental Clinic Animal Hospital	The greater of: a) 1 parking space per 18.5 square metres gross floor area; or b) 3 parking spaces per practitioner.
Church	1 parking space per 5.5 square metres of floor area in the nave.
Assembly Hall; Community Centre or Theatre	The greater of: a) 1 parking space per 6 fixed seats or fraction thereof; or b) 1 parking space per 9 square metres of gross floor area.
School	The greater of: a) 1.5 parking spaces per classroom; b) 1 parking space per 3 square metres of floor area in the gymnasium; or c) 1 parking space per 3 square metres of floor area in the auditorium.
Eating Establishment	1 parking space per 9 square metres of gross floor area, or 1 parking space per 4 seats, whichever is the greater.

Office or Public Building	1 parking space per 18.5 square metres of floor area.
Bowling Alley	4 parking spaces per bowling lane.
Convenience Store	1 parking space per 18.5 square metres of gross floor area.
Retail Store or Service Shop	1 parking space per 18.5 square metres of gross floor area or portion thereof.
Industrial Establishment	1 parking space per 37 square metres of manufacturing floor area and 1 parking space per 93 square metres of warehousing floor area.
Group Home	1 parking space per on-duty group home staff, in addition to a minimum of 2 visitor/guest parking spaces.
Long Term Care Facility	.43 parking spaces per bed.
Uses Permitted by this By-law	1 parking space per 37 square metres of gross floor area other than those listed in this table.

### 3.20.2 More than One Use on a Lot

When a building, structure or lot accommodates more than one type of use, the parking space requirement for such building, structure or lot shall be the sum of the requirements for the separate type of uses thereof.

### 3.20.3 Location

Except as provided elsewhere in this By-law, the parking lot shall be located on the same lot as the use for which it is intended to serve.

### 3.20.4 Parking Area Surface

Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, cinders, asphalt, concrete, cement binder or like material and with provisions for adequate drainage facilities.

### 3.20.5 Ingress and Egress

- a) Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 3.65 metres but not more than 9 metres in perpendicular width.
- b) 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 7.62 metres.
- c) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9.1 metres.
- d) Notwithstanding the provisions of this Section, no portion of any parking area or driveway for non-residential use shall be located closer than 3.0 metres to any Residential Zone.
- e) The minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.62 metres.

Notwithstanding anything in the By-law to the contrary the minimum distance between any two driveways having entrance onto a County Road shall be 152 metres, and the distance between any driveway onto a County Road and an intersection of a Township Road, County Road and/or Provincial Highway shall be no less than 91 metres.

- f) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- g) Every lot shall be limited to the following number of driveways:
  - i. Up to the first 30 metres of frontage: Not more than two (2) driveways with a combined width not exceeding 30% of the lot frontage;
  - ii. For each additional 30 metres of frontage: Not more than one (1) additional driveway;
  - iii. Notwithstanding anything in this By-law to the contrary, the maximum number of driveways permitted to have entrance onto any County Road shall be two (2);
  - iv. Suitable lighting facilities shall be so installed and maintained as to ensure that the light is deflected away from all streets, highways and nearby Residential zones or lots used for residential purposes; and,



- v. The parking lot shall have visible boundaries, and parking spaces within the lot shall be identified by such means as painted lines or cement parking curbs.

3.20.6 Yards Where Permitted

“Notwithstanding the foregoing, in the Airport (AR) Zone, parking is permitted in all yards provided that no parking area, other than a driveway is located closer than 1 metre to any street line.”

Notwithstanding any yard provisions of the By-law to the contrary, uncovered surface parking areas shall be permitted as follows:

<b>ZONE</b>	<b>YARDS WHERE PARKING AREA PERMITTED</b>
Residential	All yards, provided that no part of any parking area other than a driveway, is located closer than the minimum required front yard depth to any street line.
Institutional, Commercial Open Space	All yards, provided that no part of any parking area other than a driveway, is located closer than 1 metre to any street line.
Industrial	Interior side yards and rear yards only, except for visitor parking covering not more than 15% of the yard area in which it is located, provided that no part of any parking area, other than a driveway, is located closer than 1 metre to any street line.

3.20.7 Parking Area Requirements to Serve Disabled Persons

No person shall use any land, or erect, alter or use any building or part thereof for any purpose unless motor vehicle parking spaces to serve disabled persons are provided and maintained in accordance with the following:

<b>TYPE OF USE</b>	<b>MINIMUM PARKING REQUIREMENT</b>
Medical or Dental Clinic, Animal Hospital	1/15 parking spaces
Nursing Home, Long Term Care Facility	1/20 beds
Eating Establishment, Assembly Hall, Community	1/50 seats to a maximum of 20 spaces

Centre of Theatre

Multiple Unit Residential 1 for first 10 dwelling units, plus 1 space for each additional 20 dwelling units

Dwelling Accommodating Disabled Persons 1/dwelling unit

All other uses shall be in accordance with the following (excluding a lot permitting a residential dwelling containing 8 or fewer dwelling units, providing that such units are not specifically for disabled persons):

<u>Number of Parking Spaces</u>	<u>Provision of Parking Spaces to Serve Disabled Persons</u>
1 to 20	1
21 to 100	3
101 to 200	5
201 to 300	7
301 to 400	9
401 or more	9 plus 1% of the total parking space requirement

3.20.7.1 Size of Parking Space Serving Disabled Persons

(a) Each required parking space serving disabled persons shall have the following minimum dimensions:

- i) width 3 metres
- ii) pedestrian aisle adjacent to parking space 1.5 metres
- iii) length 6 metres
- iv) vertical clearance 2.7 metres

(b) Such space shall be readily accessible and useable at all times by way of an aisle conforming to the following:

<u>Angle of Parking Space</u>	<u>Aisle Width</u>
0 - 45 degree parking	3.65 metres
46 - 90 degree parking	7.62 metres

3.21 Planting Strips

Where a planting strip is required by this By-law it shall consist of an unpierced and unbroken hedgerow of suitable evergreen or perennial shrubs and shall conform to the following regulations:

- a) Minimum width of planting strip 1.5 metres;
- b) A planting strip may form part of any minimum front, side or rear yard; and,
- c) A planting strip may be interrupted where a driveway or walkway crosses
  - i) a maximum of 3 metres from a driveway;
  - ii) a maximum of 1.5 metres from a walkway.

### 3.22 Prohibited Uses

#### 3.22.1 Obnoxious Uses

No land shall be used and no building erected, altered or used for any purpose or in a manner which may result in the creation of a nuisance for adjacent uses and without affecting the generality of the foregoing, in particular by:

- a) generation of noise or vibration;
- b) emission of fumes, smoke, dust, gas, or offensive or polluted effluents;
- c) the unsightly storage of goods, merchandise, salvage, refuse, building material or similar matter; and,
- d) attracting or providing a breeding ground for flies, insects, rodents, vermin and similar pests.

#### 3.22.2 Noxious Trade

No use shall be permitted in any zone which by its nature or the materials used therein is declared to be a noxious trade, business or manufacture under the Public Health Act or regulations thereof.

### 3.23 Public Uses

3.23.1 Provisions of this By-law shall not apply to the use of any lot or to the erection or use of any building or structure for purposes of the services provided by a public authority, except in the Hazard Zone (H) or Flood Susceptible Lands (F).

3.23.2 Where such a lot, building or structure is located in any zone for a public use, then the following shall apply:

- a) No goods, material or equipment shall be stored in the open, except as specifically permitted in the applicable zone;
- b) In the case of the erection of a building or structure by a public authority in a Residential, Commercial, Industrial or Institutional Zone, all zone provisions in which the use is located shall apply. In all other zones, the minimum yard requirements of the Residential Type One Zone shall apply in urban areas and the minimum yard

requirements of the Rural Residential Zone shall apply in the rural areas; and

- c) Any building erected in any zone under the authority of this paragraph shall be permitted provided that building is designed and maintained in general harmony with the buildings of the type permitted in the zone.

### 3.24 Setback Requirements 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, which ever 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 which ever is the greater. This provision does not apply in built-up areas designated in the Township of Cavan-Millbrook-North Monaghan Official Plan or the County Official Plan.

### 3.25 Sight Triangles

On a corner lot within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres measured along the street line from the point of intersection of the street lines, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected and no land shall be used for the purpose of planting or growing trees, hedges or shrubs to a height exceeding 1 metre. Such triangular space may hereinafter be called a sight triangle. The parking of vehicles and the location of loading and unloading spaces shall be prohibited within any sight triangle. Where the two street lines do not intersect at any point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

### 3.26 Signs

The provisions of the By-law shall not apply to prevent the erection, alteration, or use of any legal sign provided such sign complies with the By-laws of the Corporation of the Township of Cavan-Millbrook-North Monaghan or the County regulating signs.

### 3.27 Swimming Pools

A swimming pool may be erected and used in the interior side yard or rear yard of any lot in any zone and in the front yard of a waterfront lot in any zone permitting a single detached dwelling unit, provided:

- a) no interior wall surface of any pool is located closer than 1.5 metres to any rear, side or front lot line, or closer than 3.0 metres to any portion of a rear lot line which constitutes a side lot line of an adjoining lot; and
- b) no water circulation or filtration equipment is located closer than 3.0 metres to any side or rear lot line.

### 3.28 Temporary Asphalt Plant

Temporary Asphalt Plants shall be permitted in all zones provided they comply with the applicable regulations under the Environmental Protection Act and are only permitted for the duration of the project for which they were approved.

### 3.29 Temporary Uses

3.29.1 The following uses are permitted in all zones within the Corporation:

- a) A tool shed, construction trailer, scaffold or other building or structure incidental to construction on the lot where it is situated, and only for so long as it is necessary for the work in progress and until the work is completed or abandoned.
- b) Abandoned in this subsection shall mean the failure to proceed expeditiously with the construction of a work.

### 3.30 Trailers

3.30.1 Trailers are prohibited except where used for temporary on-site housing or storage during the construction or extensive renovation of a residential dwelling unit. In all other cases, the use of trailers for permanent occupancy is prohibited.

### 3.31 Wind Turbines

Wind turbines are permitted in the Rural and Agricultural Zones subject to the following:

- a) The wind turbines have a nameplate capacity of less than 50 kW hours per unit;
- b) Only one wind turbine is permitted per lot; and
- c) Wind turbines are prohibited in Residential Zones.

### 3.32 Yard Encroachments

Every part of any minimum yard shall be open and unobstructed from the ground to the sky by any structure other than an accessory building or structure permitted elsewhere in the By-Law, provided however, that those structures listed below, shall be permitted to project into the minimum required yards indicated for the distances specified:

- a) belt courses, sills, cornices, eaves, gutters, chimneys, bay windows, pilasters or other ornamental structures any project into any minimum required yard not more than 0.5 metres;
- b) open and roofed porches, sundecks and balconies may project into any minimum required front yard or rear yard not more than 1.5 metres;
- c) exterior stairs and landing may project into any one minimum required side yard not more than 1.0 metres, and may project into any minimum required rear yard 1.5 metres;
- d) uncovered patios, awnings, garden trellises, flag poles, planting materials, fences, retaining walls, and similar uses may project into any minimum yard;
- e) docks, pump houses and other uses required to be located in close proximity to a shoreline may project into any minimum yard. A minimum side yard of 1.5 metres shall be maintained unless the ownership of the adjacent parcel is the same, in which case no minimum yard shall be required; and,
- f) Building in Built-Up Area

Notwithstanding any provisions of this By-law to the contrary, except for the provisions of this By-law regarding sight triangles, where a building is to be erected in a built-up area where there is an established building line, such building may be erected closer to the street line, or the centreline of the street, as the case may be, than required by this By-law provided such building is not erected closer to the street line than the established building line on the date of passing of this By-law.

### 3.33 OAK RIDGES MORaine

#### 3.33.1 Single Detached Dwelling Permitted

Notwithstanding any provision of this By-law, a single detached dwelling is a permitted use, as a principal use on lands 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, 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 Ridge Moraine Conservation Plan area, provided the single detached dwelling complies with all other provisions of the applicable zone and further, 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 Ridge Moraine. This information may include a natural heritage evaluation and/or hydrological evaluation completed in accordance with the Oak Ridge Moraine Conservation Plan and will be

approved by the Municipality in consultation with the local Conservation Authority. Approval of the development is subject to site plan approval by the Municipality.

### 3.33.2 Expansion of Existing Buildings and Structures

- 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 Environmental Zone or the Oak Ridges Moraine Environmental Plan Review areas 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.

### 3.33.3 Mineral Aggregate Operation

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

### 3.33.4 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 "E" 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 alfatoxin, 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.

### 3.33.5 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 “D” attached hereto and forming part of this By-law.
  - 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 “D” attached hereto and forming part of this By-law.
  - 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.

### 3.33.6 Infiltration Basins and Columns

New rapid infiltration basins and new rapid infiltration columns as defined in Section 13A of this By-law, are prohibited on lands within the Oak Ridges Moraine Plan Area, as shown on Schedule “A” to this By-law.

### 3.33.7 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 Environmental Zone as shown on Schedule “A” to this By-law:
  - 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 Section 3.33.7 a) of this By-law to the contrary, publicly initiated transportation, infrastructure, and utilities uses may be permitted to cross an Oak Ridge Environmental Zone, as shown on Schedule “A” of this By-law in accordance with all applicable policies of the Official Plan.

3.33.8 Notwithstanding any other provisions of this By-law to the contrary, lands zoned Oak Ridge Moraine Environmental 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.

3.33.9 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.

3.33.10 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.

3.33.11 Existing Uses (Legal Non-Confirming Uses)

Notwithstanding any other provisions of this By-law to the contrary, uses that existed legally as of November 15, 2001, may continue until the use(s) ceases to exist.

## SECTION 4 - RESIDENTIAL ZONES

### 4.1 RESIDENTIAL TYPE 1 (R1) ZONE

No person shall within any Residential Type 1 (R1) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

#### 4.1.1 Residential Uses Permitted

- a) a single detached dwelling;
- b) a converted dwelling;
- c) a bed and breakfast establishment;
- d) a group home;
- e) accessory uses; and,
- f) uses existing as of the date of passing of this By-law.

#### 4.1.2 Non-Residential Uses Permitted

- a) a home occupation; and,
- b) a public park.

#### 4.1.3 Accessory Uses

#### 4.1.4 Regulations for Permitted Uses

##### 4.1.4.1 Minimum Lot Area

- |  |                      |
|--|----------------------|
| a) Lot served by a public water system and a sanitary sewer system     | 555 m <sup>2</sup>   |
| b) Lot served by only a public water system or a sanitary sewer system | 1393.5m <sup>2</sup> |
| c) Other lots  | 2040m <sup>2</sup>   |

##### 4.1.4.2 Minimum Lot Frontage

- |  | <b>Corner Lot</b> | <b>Other Lot</b> |
|--|-------------------|------------------|
| a) Lot served by a public water system and a sanitary sewer system     | 24 metres         | 18 metres        |
| b) Lot served by only a public water system or a sanitary sewer system | 33 metres         | 30 metres        |
| c) Other lots  | 39.5 metres       | 36 metres        |

##### 4.1.4.3 Minimum Front Yard Depth

9 metres

##### 4.1.4.4 Minimum Exterior Side Yard Width

9 metres

##### 4.1.4.5 Minimum Interior Side Yard Width provided that in a side yard where there

2.25 metres

is an attached private garage or attached carport, the minimum interior side yard width shall be 1.25 metres plus 0.5 metre for every storey or portion thereof above the first storey.

4.1.4.6	Minimum Rear Yard Depth	6.1 metres
4.1.4.7	Minimum Dwelling Unit Area	92.5 m <sup>2</sup>
4.1.4.8	Minimum Landscaped Open Space	30%
4.1.4.9	Maximum Lot Coverage	33%
4.1.4.10	Maximum Height of Building	9.5 metres
4.1.4.11	Maximum Number of Dwellings Per Lot	
	i) single detached dwelling	1
	ii) converted dwelling	2

#### 4.1.5 Regulations for the Conversion of an Existing Dwelling

A single detached dwelling, existing on the date of passing of this By-law, may be altered and/or remodelled for the purpose of being used as a 2-unit dwelling providing the following provisions are complied with:

- a) The detached dwelling by reason of its age (minimum 40 years) and size has become functionally unsuitable for a single dwelling unit use;
- b) The external character and appearance of the dwelling shall be preserved;
- c) No outside stairways (except for required fire escapes) shall be permitted;
- d) Minimum parking area standards as outlined in Section 3.20 shall be complied with; and,
- e) The detached dwelling shall be certified by the Chief Building Official as being suitable and structurally sound for such conversion.

#### 4.1.6 General Zone Provisions

All provisions of Section 3, "General Zone Provisions", as they apply to the use of land, buildings or structures permitted in the Residential Type 1 (R1) Zone shall apply and be complied with.

#### 4.1.7 Exceptions

##### 4.1.7.1 Residential Type 1 Exception One (R1-1)

Notwithstanding any other provisions or regulations of Section 4.1 to the contrary, the following special provisions shall apply to any R1-1 Zone:

- a) Regulations
  - i) Minimum Lot Area 1485 m<sup>2</sup>
  - ii) Minimum Lot Frontage 24 metres

4.1.7.2 Residential Type 1 Exception Two (R1-2) Zone

Notwithstanding any other provisions or regulations of Section 4.1 of this By-law to the contrary the following special provisions shall apply to any R1-2 Zone:

- a) Minimum Front Yard Depth
  - Lot served by a public water and sanitary sewer system 6 metres

4.1.7.3 Residential Type 1 Exception Three (R1-3) Zone

Notwithstanding any other provisions or regulations or Section 4.1 of is By-law to the contrary the following special provisions shall apply to any R1-3 Zone:

- a) Regulations (R1-3) Zone
  - i) Minimum Rear Yard Depth lot served by a public water and a sanitary sewer system 4 metres
  - ii) All other regulations of Section 4.1 shall apply to the R1-3 Zone category.

4.1.7.4 Residential Type 1 Exception Four (R1-4) Zone

Notwithstanding any other provisions or regulations of Section 4.1 of this By-law to the contrary the following special provisions shall apply to any R1-4 Zone:

Regulations for Permitted Uses (R1-4)

- i) Minimum Rear Yard Depth 10 metres

4.1.7.5 Residential Type 1 Exception Five (R1-5) Zone

Notwithstanding any other provision or regulation of Section 4.1 of this By-law to the contrary, the following special provisions shall apply to any R1-5 Zone:

- i) Lot Area Minimum on a lot served only by a public water system 743.2 m<sup>2</sup>
- ii) Lot Frontage on a lot served only by a public water system 30 metres
- iii) Interior side yard width

- north side of building	None
iv) Interior side yard width	
- south side of building	2.44 metres

#### 4.1.7.6 Residential Type One Exception Six Holding (R1-6-H) Zone

All of the provisions and regulations of the Residential Type One (R1) Zone shall apply to the Residential Type One Exception Six (R1-6-H) Holding Zone except that the minimum lot area and lot frontage requirements shall be .24 hectares (0.60 acres) and 30.48 metres (100 feet) respectively.

No construction of a dwelling unit may be permitted on the subject property unless the said property is serviced by municipal sewer and water supply, or until March 1, 2012, whichever event shall first occur. If the subject property is not so serviced by March 1, 2012, then the said land may be used for a residential use, and a dwelling unit constructed thereon, provided that satisfactory proof is given to the Municipality, by way of Agreement, verifying and confirming that the septic tank and associated system to be located on the subject property, if construction is to occur after March 1, 2012, shall be a Waterloo Biofilter System (or the equivalent).

## 4.2 RESIDENTIAL TYPE 2 (R2) ZONE

No person shall within any Residential Type 2 (R2) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

### 4.2.1 Residential Uses Permitted

- a) a duplex dwelling;
- b) a semi-detached dwelling;
- c) a linked semi-detached dwelling; and,
- d) a converted dwelling.

### 4.2.2 Non-Residential Uses Permitted

- a) a public park;
- b) a home occupation;
- c) accessory uses; and,
- d) uses existing as of the date of passing of this By-law.

### 4.2.3 Regulations for Permitted Uses

#### 4.2.3.1 Minimum Lot Area

- |  |                     |
|--|---------------------|
| a) Duplex dwelling served by a public water and sanitary sewer system                                  | 555m <sup>2</sup>   |
| b) Semi-detached or linked semi-detached dwelling served by a public water and sanitary sewer system   | 325m <sup>2</sup>   |
| c) Duplex dwelling served by private water and/or sanitary sewer system                                | 4047 m <sup>2</sup> |
| d) Semi-detached or linked semi-detached dwelling served by private water and/or sanitary sewer system | 2024 m <sup>2</sup> |

#### 4.2.3.2 Minimum Lot Frontage

- |                                | <b>Corner Lot</b>    | <b>Other Lot</b> |
|--------------------------------|----------------------|------------------|
| a) Duplex dwelling             |                      |                  |
| i. public water and sewer      | 24 metres            | 18 metres        |
| ii. private water and/or sewer | 50 metres            | 50 metres        |
| b) Semi-detached or linked     |                      |                  |
| i. public water and sewer      | 16.5 metres/<br>unit | 10.5 m/<br>unit  |
| ii. private water and/or sewer | 50 metres            | 50 metres        |

#### 4.2.3.3 Minimum Front Yard Depth

- |                                |           |
|--------------------------------|-----------|
| i. public water and sewer      | 9 metres  |
| ii. private water and/or sewer | 15 metres |

4.2.3.4	Minimum Exterior Side Yard Width	
	i. public water and sewer	6 metres
	ii. private water and/or sewer	9 metres
4.2.3.5	Minimum Interior Side Yard Width	
a.	Duplex or semi-detached dwelling	
	i. public water and sewer	2.25 metres
	ii. private water and/or sewer	6 metres
b.	Linked semi-detached dwelling	
	i. Where a dwelling unit is attached to two adjoining units	1.2 metres
	ii. Where a dwelling unit is only attached to one (1) adjoining unit the interior side yard adjacent to the adjoining unit shall be and the remaining interior side yard shall be	1.2 metres 6 metres
4.2.3.6	Minimum Rear Yard Depth	
	i. public water and sewer	7.5 metres
	ii. private water and/or sewer	10 metres
4.2.3.7	Minimum Dwelling Unit Area	83.5 m <sup>2</sup>
4.2.3.8	Minimum Landscaped Open Space	30%
4.2.3.9	Maximum Lot Coverage	
	i. public water and sewer	35%
	ii. private water and sewer	20%
4.2.3.10	Maximum Height of Building	11 metres
4.2.3.11	Maximum Number of Dwellings Per Lot	1
4.2.3.12	Maximum Number of Dwelling Units per Lot	2

#### 4.2.4 Regulations for the Conversion of an Existing Dwelling

A single detached dwelling, existing on the date of passing of this By-law, may be altered and/or remodelled for the purpose of being used as a 2-unit dwelling providing the following provisions are complied with:

- a) The detached dwelling by reason of its age (minimum 40 years) and size has become functionally unsuitable for a single dwelling unit use;
- b) The external character and appearance of the dwelling shall be preserved;
- c) No outside stairways (except for required fire escapes) shall be permitted;
- d) Minimum parking area standards as outlined in Section 3.20 shall be complied with; and
- e) The detached dwelling shall be certified by the Chief Building Official as being suitable and structurally sound for such conversion.

#### 4.2.5 General Zone Provisions

All provisions of Section 3, "General Zone Provisions", as they apply to the use of land, buildings or structures permitted in the Residential Type 2 (R2) Zone shall apply and be complied with.

#### 4.2.6 Exceptions

##### 4.2.6.1 Residential Type 2 Exception One (R2-1) Zone

Notwithstanding the regulations of Section 4.2 of this By-law, for interior side yard widths the following special provision shall apply to any R2-1 Zone:

- a) Minimum interior side yard width adjacent to an adjoining unit of a linked semi-detached dwelling house shall be .58 metres.



### 4.3 RESIDENTIAL TYPE 3 (R3) ZONE

No person shall within any Residential Type 3 (R3) Zone use any land or erect, alter or use any building or structure except in accordance with the following provision

#### 4.3.1 Residential Uses Permitted

- a) a triplex dwelling;
- b) a fourplex dwelling;
- c) a row dwelling;
- d) a linked row dwelling; and,
- e) a maisonette dwelling.

#### 4.3.2 Non-Residential Uses Permitted

- a) a public park;
- b) a home occupation;
- c) accessory uses; and,
- d) uses existing on the date of passing of this By-law.

#### 4.3.3 Regulations for Permitted Uses

4.3.3.1	Minimum Lot Area	
	a) Triplex dwelling	840 m <sup>2</sup>
	b) Fourplex, Row, Linked Row or Maisonette dwelling	930 m <sup>2</sup>
4.3.3.2	Minimum Lot Frontage	
	a) Triplex dwelling	21 metres
	b) Fourplex dwelling	25 metres
	c) Row, Linked Row or Maisonette dwelling	30 metres
4.3.3.3	Minimum Front Yard Depth	9 metres
4.3.3.4	Minimum Exterior Side Yard Width	9 metres
4.3.3.5	Minimum Interior Side Yard Width	
	a) Triplex dwelling	2.4 metres
	b) Fourplex dwelling	3.0 metres
	c) Row, Linked Row or Maisonette dwelling	6.0 metres
4.3.3.6	Minimum Rear Yard Depth	7.5 metres
4.3.3.7	Minimum Dwelling Unit Area	83.5 m <sup>2</sup>
4.3.3.8	Minimum Landscaped Open Space	
	a) Triplex dwelling	30%
	b) Fourplex, Row, Linked Row or Maisonette dwelling	40%

4.3.3.9	Maximum Lot Coverage	40%
4.3.3.10	Maximum Height of Building	11 metres
4.3.3.11	Maximum Number of Dwellings per Lot	1
4.3.2.12	Maximum Number of Dwelling Units per Lot	
	a) Triplex dwelling	3
	b) Fourplex dwelling	4
	c) Row, Linked Row or Maisonette dwelling	6
4.3.2.13	Special Provisions for Linked Row Dwellings	
	The minimum distance separation between the outside walls of two (2) adjoining units shall be 2.4 metres.	

#### 4.3.4 General Zone Provisions

All provisions of Section 3, “General Zone Provisions”, as they apply to the use of land, buildings or structures permitted in the Residential Type 3 (R3) Zone shall apply and be complied with.

#### 4.3.5 Exceptions

##### 4.3.5.1 Residential Type Three Exception One (R3-1) Zone

Notwithstanding any other provisions or regulations of Section 4.3 to the contrary, the following special provisions shall apply to any R3-1 Zone.

##### a) Permitted Uses

- i. A street row house as defined herein:  
For the purposes of the By-law, a street row dwelling house shall mean a row dwelling house with each unit designed to be located on a separate lot having frontage on a public street.

##### b) Regulations

- i. Minimum Lot Area 175m<sup>2</sup>
- ii. Minimum Lot Frontage 5.5 metres
- iii. Minimum Interior Side Yard Width
  - Where a dwelling unit as attached to two adjoining units 0 metres
  - Where a dwelling unit is only attached to one (1) adjoining unit the remaining interior

side yard shall be	3 metres
<ul style="list-style-type: none"> <li>Where the adjoining lot is also zoned R3 or where the adjoining lot is zoned any other zone category</li> </ul>	6 metres
c) Maximum Number of Dwelling Units per Lot	1

#### 4.4 RESIDENTIAL TYPE 4 (R4) ZONE

No person shall within any Residential Type 4 (R4) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

##### 4.4.1 Permitted Uses

- a) an apartment dwelling house;
- b) a public park;
- c) accessory uses; and,
- d) uses existing as of the date of passing of this By-law.

##### 4.4.2 Regulations for Permitted Uses

4.4.2.1	Minimum Lot Area	204 m <sup>2</sup> /dwelling unit
4.4.2.2	Minimum Lot Frontage	33 metres
4.4.2.3	Minimum Front Yard Depth	9 metres
4.4.2.4	Minimum Exterior Side Yard Width	9 metres
4.4.2.5	Minimum Interior Side Yard Width	10.5 metres
4.4.2.6	Minimum Rear Yard Depth	10.5 metres
4.4.2.7	Minimum Dwelling Unit Area:	
	i. Bachelor Dwelling Unit	37m <sup>2</sup>
	ii. 1 Bedroom Dwelling Unit	55m <sup>2</sup>
	iii. 2 Bedroom Dwelling Unit	65m <sup>2</sup>
	iv. 3 Bedroom Dwelling Unit	83.5m <sup>2</sup>
	v. 3+ Bedroom Dwelling Unit	83.5m <sup>2</sup> + additional 9.5m <sup>2</sup> for each bedroom in excess of 3
4.4.2.8	Minimum Landscaped Open Space	
	i. Apartment Dwelling House	45% (may include a play area)
	ii. Other Uses	60%
4.4.2.9	Maximum Lot Coverage	30%
4.4.2.10	Maximum Height of Building	12.5 metres
4.4.2.11	Maximum Number of Dwelling Houses Per Lot	1

##### 4.4.3 Play Areas

A play area shall be provided on each lot containing more than 10 dwelling units in accordance with the following:

4.4.3.1	Minimum Area	4% of lot area
4.4.3.2	Location	not in a privacy yard nor in a required front yard

##### 4.4.4 Courts

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.

#### 4.4.5 Privacy Yards

A privacy yard shall be provided adjoining each exterior wall of every dwelling unit with a minimum width in accordance with the following:

- a) in the case of a wall containing a first storey living room window, 10.5 metres provided that, where the yard adjoins a street line or vehicular driveway. The minimum width shall be 7.5 metres.
- b) in case of a wall containing a first storey habitable room window other than a living room window, 7.5 metres, provided that, where the yard adjoins a vehicular driveway the minimum width shall be 6 metres.
- c) an unobstructed yard clear of any public pedestrian access shall be provided adjoining the window of every first storey dwelling unit in an apartment dwelling house. Such yard shall extend not less than 35 metres from any portion of the window.

For the purposes of this section, a window shall be considered to be located on the first storey if any part of the glazing is less than 2.5 metres above the finished grade.

#### 4.4.6 General Zone Provisions

All provisions of Section 3, General Zone Provisions, as they apply to the use of the land, buildings or structures permitted in the Residential Type 4 (R4) Zone shall apply and be complied with.

#### 4.4.7 Exceptions

##### 4.4.7.1 Residential Type 4 Exception 1 (R4-1) Zone

Notwithstanding any other provisions or regulations of Section 4 to the contrary the following special provisions shall apply to any R4-1 Zone:

##### a) Permitted Uses

- i. A converted apartment dwelling house as defined herein;  
and,
- ii. A public park.

##### b) Regulations

- i. Minimum South Interior Side Yard Width      9.4 metres
- ii. Minimum Dwelling Unit Area:
  - Dwelling Unit Containing 1 bedroom      45m<sup>2</sup>

- iii. Maximum Number of Dwelling Units 3
  - iv. Maximum Height of Building 6.5 metres
- c) Parking shall be in accordance with the provisions of Section 3.20 “Parking Area Requirements” of this By-law.
- d) The regulations of Section 3.19 “Multiple Zones on One Lot” shall not apply.

For the purpose of this By-law a converted apartment dwelling house shall mean a building which has been converted to support a maximum of three (3) dwelling units, each having its own outside entrance.

#### 4.4.7.2 Residential Type 4 Exception 2 (R4-2) Zone

Notwithstanding any other provisions or regulations of Section 4 to the contrary the following special provisions shall apply to any R4-2 Zone:

##### a) Regulations

- i. Minimum Interior Side Yard Width 8.5 metres
- ii. Minimum Dwelling Unit Area:
  - Dwelling Unit Containing 1 bedroom 40m<sup>2</sup>
  - Dwelling Unit Containing 2 bedrooms 60m<sup>2</sup>
- iii. Minimum Landscaped Open Space 30%
- iv. Minimum Height of Building 10 metres

#### 4.4.7.3 Residential Type 4 Exception 3 Zone (R4-3)

Notwithstanding any other provisions or regulations to the contrary the following special provisions shall apply and to any R4-3 Zone:

##### a) Permitted Uses

Notwithstanding Section 4.4.1 to the contrary the ground floor apartment dwelling units may have separate, independent entrances directly from the outside.

##### b) Regulations

- i. Minimum Front Yard Depth for existing building as existing on the date of passing of this By-law.
- ii. Minimum Exterior Side Yard width for existing building as existing on the date of passing of this By-law.

## 4.5 RURAL RESIDENTIAL (RR) ZONE

No person shall within any Rural Residential (RR) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

### 4.5.1 Residential Uses Permitted

- a) a single detached dwelling;
- b) a group home; and,
- c) a bed and breakfast establishment.

### 4.5.2 Non-Residential Uses Permitted

- a) home occupation.

### 4.5.3 Regulations for Permitted Uses

4.5.3.1	Minimum Lot Area	.4 hectare
4.5.3.2	Minimum Lot Frontage	38 metres
4.5.3.3	Minimum Front Yard Depth	15 metres
4.5.3.4	Minimum Side Yard Width	6 metres
4.5.3.5	Minimum Rear Yard Depth	10 metres
4.5.3.6	Minimum Dwelling Unit Area	80 m <sup>2</sup>
4.5.3.7	Maximum Lot Coverage	20%
4.5.3.8	Maximum Height of Building	11 metres
4.5.3.9	Maximum Number of Dwellings Per Lot	1

### 4.5.4 General Zone Provisions

All provisions of Section 3, "General Zone Provisions", as they apply to the use of land, buildings or structures permitted in the Rural Residential (RR) Zone shall apply and be complied with.

### 4.5.5 Exceptions

#### 4.5.5.1 Rural Residential Exception One (RR-1) Zone

Notwithstanding the provisions of this By-law within a Rural Residential Exception One (RR-1) Zone the minimum lot area, the minimum lot frontage and the all yards shall be as they existed on the date of adoption of this by-law. All other provisions of this By-law shall apply.

#### 4.5.5.2 Rural Residential Exception Two (RR-2) Zone

All regulations of the Rural Residential Zone shall apply. The provisions of Section 3.10 "Frontage on a Public Street" shall not apply.

to any Rural Residential Exception Two (RR-2) Zone providing safe access is available to a publicly maintained road.

#### 4.5.5.3 Rural Residential Exception Three (RR-3) Zone

Notwithstanding the provisions of this By-law within a Rural Residential Exception Three (RR-3) Zone the following provisions shall apply:

##### a) Permitted Uses

- i. All Permitted Uses of the Rural Residential (RR) Zone will be permitted; and,
- ii. The limited keeping of horses (Maximum 2).

##### b) Regulations for the Keeping of Horses

- i. The number of horses to be kept shall not exceed two (2);
- ii. The horses shall be owned by and for the exclusive use of the property owner residing on the lot;
- iii. Suitable means of manure storage and disposal must be provided;
- iv. The property shall be suitably fenced to a minimum height of 1.5 metres; and,
- v. The minimum lot area shall be 1.2 hectares.

#### 4.5.5.4 Rural Residential Exception Four (RR-4) Zone

Notwithstanding the provisions of this By-law within a Rural Residential Exception Four (RR-4) Zone the following provisions shall apply:

##### a) Permitted Uses

- i. All Permitted Uses of the Rural Residential (RR) Zone will be permitted; and,
- ii. A motor vehicle repair garage.

##### b) Regulations for Permitted Uses

- |  |            |
|--|------------|
| i. Minimum Lot Area                                    | .1 hectare |
| ii. Minimum Frontage                                   | 21 metres  |
| iii. Minimum Front Yard                                | 9 metres   |
| iv. Minimum Rear Yard for a Single Detached Dwelling   | 6 metres   |
| v. Minimum Rear Yard for a Motor Vehicle Repair Garage | 0 metre    |
| vi. Minimum Side Yard                                  | 4.5 metres |
| vii. Maximum Building Height                           | 9.2 metres |



viii. Maximum Lot Coverage

40%

All other relevant provisions and regulations of this By-law shall apply.

#### 4.5.5.5 Rural Residential Exception Five (RR-5) Zone

Notwithstanding the provisions of this By-law within a Rural Residential Exception Five (RR-5) Zone the following provisions shall apply:

##### a) Permitted Uses

- i. All Permitted Uses of the Rural Residential (RR) Zone will be permitted;
- ii. The limited keeping of horses (Maximum 2); and,
- iii. The keeping of two additional livestock units, except pigs. The livestock units will be calculated using the Minimum Distance Separation formulae.

##### b) Regulations for the Keeping of Livestock

- i. The number of horses to be kept shall not exceed two (2);
- ii. The number of livestock units in addition to the horses shall be two (2);
- iii. The keeping of pigs shall not be permitted;
- iv. The horses shall be owned by and for the exclusive use of the property owner residing on the lot;
- v. Suitable means of manure storage and disposal must be provided;
- vi. The minimum lot area shall be 3.4 hectares
- vii. The minimum lot frontage shall be 160 metres

#### 4.5.5.6 Rural Residential Exception Six (RR-6) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Six (RR-6) Zone except that the minimum setbacks for all construction and development activities shall be 10 metres from the existing tree line (i.e. drip line of forest) and 15 metres from the wetland boundary. In addition, the septic system associated with the single detached dwelling shall be located on the side of the building envelope.

#### 4.5.5.7 Rural Residential Exception Seven (RR-7) Zone

Notwithstanding the provisions of this By-law within a Rural Residential Exception Seven (RR-7) Zone the following provisions shall apply:

##### a) Permitted Uses

- i. single detached dwelling unit; and,
- ii. home industry.

b) Regulations

- i. Minimum Lot Frontage 75 metres
- ii. Minimum Lot Area .4 hectare
- iii. Minimum Front Yard 15 metres
- iv. Minimum Side Yard 5 metres
- v. Minimum Rear Yard 6 metres
- vi. Minimum Floor Area 190 m<sup>2</sup>
- vii. Maximum Height 11 metres
- viii. Where a side yard abuts a public roadway, it shall be deemed a front yard for the purposes of this Section.
- ix. The maximum floor area of the associated “home industry” shall be 80 m<sup>2</sup>.

4.5.5.8 Rural Residential Exception Eight (RR-8) Zone

Notwithstanding the Permitted Uses of the Rural Residential Zone, within the Rural Residential Exception Eight (RR-8) Zone the only home occupation permitted shall be a recording studio with a maximum floor area of 84 m<sup>2</sup>.

4.5.5.9 Rural Residential Exception Nine (RR-9) Zone

Notwithstanding the provisions of this By-law within a Rural Residential Exception Nine (RR-9) Zone the following provisions shall apply:

a) Permitted Uses

- i. single detached dwelling unit;
- ii. home industry;
- iii. home occupation;
- iv. agricultural use;
- v. animal hospital;
- vi. boarding kennel; and,
- vii. conservation and forestry uses.

b) Regulations

- i. Minimum Lot Frontage 137 metres
- ii. Minimum Lot Area 1.6 hectares
- iii. Minimum Front Yard 15 metres
- iv. Minimum Side Yard 7.5 metres
- v. Minimum Rear Yard 15 metres

- vi. Where a side or rear yard abuts an improved public street, it shall be deemed a front yard for the purposes of this By-law.

4.5.5.10 Rural Residential Exception Ten (RR-10) Zone

Notwithstanding the provisions of this By-law within a Rural Residential Exception Ten (RR-10) Zone the following provisions shall apply:

a) Permitted Uses

- i. single detached dwelling unit;
- ii. semi-detached dwelling; and,
- iii. home occupation.

b) Regulations

- i. Minimum Lot Frontage 53 metres
- ii. Minimum Lot Area 4047 m<sup>2</sup>
- iii. Minimum Front Yard 15 metres
- iv. Minimum Side Yard 5 metres
- v. Minimum Rear Yard 6 metres
- vi. Maximum Lot Coverage 25%
- vii. Maximum Height 9 metres
- viii. Minimum Floor Area per Dwelling Unit 80 m<sup>2</sup>
- ix. Where a side or rear yard abuts a public road, it shall be deemed a front yard for the purposes of this Zone. The rear yard requirements for lots abutting a navigable waterway may be waived in respect of a marine facility.
- x. Where a parking lot associated with the semi-detached residential use is located within 6.5 metres of a single detached residential use, a planting strip 1.5 metres in width and landscaped to provide a visual screen between the parking lot and the adjoining residential use shall be required.

4.5.5.11 Rural Residential Exception Eleven (RR-11) Zone

All of the provisions and regulations of the Rural Residential Zone shall apply to the Rural Residential Exception Eleven (RR-11) Zone except that the minimum front yard requirement shall be 12.2 metres.

4.5.5.12 Rural Residential Exception Twelve (RR-12) Zone

Notwithstanding the provisions of this By-law within a Rural Residential Exception Twelve (RR-12) Zone the following provisions shall apply:

a) Permitted Uses

- i. One single detached dwelling unit;
- ii. Accessory buildings and structures; and,
- iii. Home occupations.

b) Regulations for Permitted Uses

- i. Minimum Lot Frontage 45 metres
- ii. Minimum Lot Area 2050 m<sup>2</sup>
- iii. Minimum Front Yard 15 metres
- iv. Minimum Side Yard 5 metres
- v. Minimum Rear Yard 6 metres
- vi. Maximum Lot Coverage 20%
- vii. Maximum Height 9 metres
- viii. Minimum Floor Area 110 m<sup>2</sup>
- ix. Flood plain Constraint: No building or structure other than a building or structure existing on February 26, 1987 nor any extension or enlargement of said building or structure shall be permitted without the written authorization of the Otonabee Region Conservation Authority.
- x. The General Provisions contained in Section 3 shall apply to lands zoned Rural Residential Exception Twelve (RR-12) Zone.

4.5.5.13 Rural Residential Exception Thirteen Holding (RR-13-H) Zone

All of the regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Thirteen Holding (RR-13-H) Zone except that the minimum lot area and lot frontage requirements will be 2.3 hectares (5.9 acres) and 20 metres (66 feet) respectively.

The holding provisions attached to the Rural Residential Exception Thirteen Holding (RR-13-H) Zone will be removed only when servicing arrangements acceptable to the Township are provided, site plan and access approval, together with all necessary permits have been obtained from the Township of Cavan Monaghan and a Site Plan Agreement has been executed and registered on title in accordance with Section 41 of the Planning Act, R.O.S. 1990, as amended.

4.5.5.14 Rural Residential Exception Fourteen (RR-14-h) Holding Zone

Holding provisions attached to the Rural Residential Exception Fourteen (RR-14-h) Holding Zone shall be removed only when:

- 1) A permit is received from the Peterborough County-City Health Unit confirming that the subject property is suitable or can be made

suitable for the installation of an appropriate private sewage disposal system;

- 2) The Otonabee Region Conservation Authority confirms, in writing, that the proposed residential use can be accommodated on site while having regard to the development constraints of the property; and
- 3) A permit is received from the Otonabee Region Conservation Authority for the proposed construction activities.

#### 4.5.5.15 Rural Residential Exception Fifteen (RR-15) Zone

Notwithstanding the provisions of this By-law within a Rural Residential Exception Fifteen (RR-15) Zone the following provisions shall apply:

##### a) Permitted Uses

- i. a single detached dwelling;
- ii. a home occupation; and,
- iii. a stable or barn for the keeping of a maximum of two horses.

##### b) Regulations for the Permitted Uses

i. Minimum Lot Area	2.35 hectares
ii. Minimum Lot Frontage	27.4 metres
iii. Maximum Lot Coverage	20%
iv. Minimum Front Yard	4 metres
v. Minimum Side Yard	4.6 metres
vi. Minimum Rear Yard	6 metres
vii. Minimum Floor Area	93 m <sup>2</sup>
viii. Maximum Height	9 metres

##### c) All other general provisions of this By-law shall apply.

#### 4.5.5.16 Rural Residential Exception Sixteen (RR-16) Zone

All of the provisions and regulations of Section 4.5 Rural Residential (RR) Zone shall apply to the Rural Residential Exception Sixteen (RR-16) Zone except that the single detached dwelling, accessory buildings and sewage disposal system must be located within a specified building envelope. Any change to the site plan must be approved by Council for the municipality in consultation with Otonabee Region Conservation Authority and the Peterborough County-City Health Unit.

#### 4.5.5.17 Rural Residential Exception Seventeen (RR-17-h) Holding Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Seventeen (RR-17-h) Holding Zone except that 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.

Holding provisions attached to the Rural Residential Exception Seventeen (RR-17-h) Holding Zone shall be removed only when an Environmental Impact Study has been completed to the satisfaction of the Conservation Authority.

Notwithstanding any provision of this section to the contrary, extensions to or expansions of existing buildings and structures of not more than 44.5 square metres shall be permitted without the need for an Environmental Impact Study.

#### 4.5.5.18 Rural Residential Exception Eighteen (RR-18-h) Holding Zone

All of the provisions and regulations of the Rural Residential (R) Zone shall apply to the Rural Residential Exception Eighteen (RR-18-h) Holding Zone except that all new development must be located within the building envelope existing as of the date of passing of the By-law 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.

Holding provisions attached to the Rural Residential Exception Eighteen (RR-18) Zone shall be removed only when an Environmental Impact Study and a Flood Plain Analysis has been completed to the satisfaction of the Otonabee Region Conservation Authority.

#### 4.5.5.19 Rural Residential Exception Nineteen (RR-19) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Nineteen (RR-19) Zone in part of Lot 5, Concession 7 of the Cavan Ward except that the construction of habitable buildings and structures is prohibited within the Minimum Distance Separation arc for the existing livestock facility on the retained parcel of consent application B-123/04 (375 Syer Line).

#### 4.5.5.21 Rural Residential Exception Twenty One (RR-21) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Twenty One (RR-21) Zone except that the minimum lot area requirement shall be 0.21

hectares (0.30 acres) and the minimum lot frontage requirement shall be 0 metres (0 feet). In addition, the minimum front yard depth shall be 0 metres (0 feet) and the minimum western side yard width shall be 0 metres (0 feet).

For the purposes of the Rural Residential Exception Twenty One (RR-21) Zone, the front lot line shall be the portion of the lot line abutting Edgewood Park Drive.

#### 4.5.5.22 Rural Residential Exception Twenty Two (RR-22) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Twenty Two (RR-22) Zone except that the construction of habitable buildings and structures is prohibited within the Minimum Distance Separation arc of the livestock facility in part of Lot 21, Concession 8 of the Cavan Ward.

#### 4.5.5.23 Reserved.

#### 4.5.5.24 Rural Residential Exception Twenty Four (RR-24) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Twenty Four (RR-24) Zone except that a duplex shall be a permitted use.

#### 4.5.5.25 Rural Residential Exception Twenty Five (RR-25) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Twenty Five (RR-25) Zone except that:

1. a second dwelling unit may be permitted in conjunction with a detached garage;
2. the minimum lot area requirement shall be 0.32 hectares (0.79 acres);
3. the minimum front yard depth shall be as it existed on the date of passing of the By-law;
4. the minimum exterior side yard width shall be as it existed on the date of passing of the By-law; and
5. the maximum number of dwelling units per lot shall be 2.

#### 4.5.5.26 Rural Residential Exception Twenty-Six (RR-26) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Twenty-Six (RR-26) Zone except that the minimum lot area requirement shall be 0.34 hectares (0.89 acres) and the minimum lot frontage requirement shall

be 0 metres (0 feet).

4.5.5.27 Rural Residential Exception Twenty-Seven (RR-27) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Twenty-Seven (RR-27) Zone except that the minimum lot frontage requirement shall be 10 metres (33 feet).

4.5.5.28 Rural Residential Exception Twenty-Eight (RR-28) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Twenty-Eight (RR-28) Zone except that the minimum lot area requirement shall be 0.25 hectares (0.62 acres).

4.5.5.29 Rural Residential Exception Twenty Nine (RR-29) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Twenty Nine (RR-29) Zone in part of Lot 10, Concession 10 of the Cavan Ward except that the construction of habitable buildings and structures is prohibited within the Minimum Distance Separation arc for the existing livestock facility in part of Lot 10, Concession 11 of the Cavan Ward.

4.5.5.30 Reserved.

4.5.5.31 Rural Residential Exception Thirty One (RR-31) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Thirty One (RR-31) Zone.

In addition, notwithstanding the provisions of Section 3.31 of By-law No. 2004-62, as amended, a wind generator shall be a permitted use on the property. The minimum front, side and rear yard setbacks for the wind generator shall be twice the height of the wind generator tower. In no case, shall the minimum front yard be less than 15 metres (49.2 feet).

A mature treed area, a minimum width of 25 metres (82 feet) from the rear property line, shall be provided.

4.5.5.32 Rural Residential Exception Thirty-Two (RR-32) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone



shall apply to the Rural Residential Exception Thirty-Two (RR-32) Zone. In addition, the keeping of livestock in the existing barn and/or on the property is prohibited.

4.5.5.33 Rural Residential Exception Thirty-Three (RR-33) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Thirty-Three (RR-33) Zone. In addition, the keeping of livestock in the existing barn and/or on the property is prohibited.

4.5.5.34 Rural Residential Exception Thirty-Four (RR-34) Zone

All of the provisions and regulations of the Rural Residential (RR) Zone shall apply to the Rural Residential Exception Thirty-Four (RR-34) Zone except that a second dwelling unit, in the form of a bachelor dwelling unit, shall be permitted in an accessory building.

## 4.6 ESTATE RESIDENTIAL (ER) ZONE

No person shall within any Estate Residential (ER) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

### 4.6.1 Residential Uses Permitted

- a) a single detached dwelling;
- b) a bed and breakfast establishment; and,
- c) a group home.

### 4.6.2 Non-Residential Uses Permitted

- a) a home occupation; and,
- b) existing uses.

### 4.6.3 Regulations for Permitted Uses

4.6.3.1	Minimum Lot Area	.4 hectare
4.6.3.2	Minimum Lot Frontage	60 metres
4.6.3.3	Minimum Front Yard Depth	15 metres
4.6.3.4	Minimum Side Yard Width	6 metres
4.6.3.5	Minimum Rear Yard Depth	15 metres
4.6.3.6	Minimum Dwelling Unit Area	130 m <sup>2</sup>
4.6.3.7	Minimum Ground Floor Area	93 m <sup>2</sup>
4.6.3.8	Minimum Landscaped Open Space	No min.
4.6.3.9	Maximum Lot Coverage	10%
4.6.3.10	Maximum Height of Building	11 metres
4.6.3.11	Maximum Number of Dwellings Per Lot	1

### 4.6.4 General Zone Provisions

All provisions of Section 3, "General Zone Provisions", as they apply to the use of land, buildings or structures permitted in the Estate Residential (ER) Zone shall apply and be complied with.

### 4.6.5 Exceptions

#### 4.6.5.1 Estate Residential Exception One (ER-1) Zone

All of the provisions and regulations of the Estate Residential (ER) Zone of this By-law shall apply to the Estate Residential Exception One (ER-1) Zone except as follows:

- a) Minimum Lot Area .13 hectares
- b) Minimum Lot Frontage 42 metres

#### 4.6.5.2 Estate Residential Exception Two (ER-2) Zone

All of the provisions and regulations of the Estate Residential (ER) Zone of this By-law shall apply to the Estate Residential Exception Two (ER-2) Zone. In addition to those requirements, on lands zoned Estate Residential Exception Two (ER-2) Zone the following regulations shall also apply:

- 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.

#### 4.6.5.3 Estate Residential Exception Three (ER-3) Zone

All of the provisions and regulations of the Estate Residential (ER) Zone of this By-law shall apply to the Estate Residential Exception Three (ER-3) Zone except that the minimum lot area requirement is 1400 square metres and the minimum lot frontage is 0 metres.

#### 4.6.5.4 Estate Residential Exception Four (ER-4) Zone

All of the provisions and regulations of the Estate Residential (ER) Zone of this By-law shall apply to the Estate Residential Exception Four (ER-4) Zone except that the minimum lot area requirement is 3.5 hectares and the minimum lot frontage is 20 metres.

Prior to the removal of the holding provision referred to above, only existing buildings, structures and uses are permitted on lands zoned Estate Residential Exception Four (ER-4-H) Zone. The holding provision shall not be removed until:

1. All of the conditions of approval of severance application B-29/00 and B-97/00 have been satisfied and the new lots created;
2. A detailed site plan, illustrating how the development will not affect the long term development potential of the property, has been prepared by the Owner and accepted by the Municipality.

## **SECTION 5 - COMMERCIAL ZONES**

### **5.1 HIGHWAY COMMERCIAL (HC) ZONE**

No person shall within any Highway Commercial (HC) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

#### **5.1.1 Residential Uses Permitted**

- a) 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 parking lot, motor vehicle or horse race course, motor vehicle body shop, motor vehicle repair garage, or motor vehicle service station, such dwelling unit shall not be permitted;
- b) 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.

#### **5.1.2 Non-Residential Uses Permitted**

- a) building supply sales in a wholly enclosed building;
- b) cheese factory;
- c) farm implement dealer;
- d) farm produce sales outlet;
- e) parking lot;
- f) eating establishment;
- g) place of entertainment;
- h) veterinary hospital;
- i) equipment rentals;
- j) motor vehicle or horse race courses;
- k) motor vehicle body shop;
- l) motor vehicle or boat dealership;
- m) motor vehicle gasoline bar;
- n) motor vehicle repair garage;
- o) motor vehicle sales, used;
- p) motor vehicle service station;
- q) commercial plaza;
- r) retail uses;
- s) business or professional office;
- t) convenience store; and,
- u) motel, hotel.

### 5.1.3 Regulations for Permitted Uses

5.1.3.1	Minimum Lot Area	
	i. public water and sewer	1,160 m <sup>2</sup>
	ii. private water and/or sewer	2,787m <sup>2</sup>
	iii. motor vehicle or horse race courses	1.6 hectares
	iv. motel or hotel	.4 hectares
5.1.3.2	Minimum Lot Frontage	
	i. public water and sewer	38 metres
	ii. private water and/or sewer	53 metres
5.1.3.3	Minimum Front Yard Depth	
	i. public water and sewer	
	• motor vehicle gasoline bar, repair garage, or service station	12 metres
	• other uses	9 metres
	ii. private water and/or sewer	15 metres
5.1.3.4	Minimum Exterior Side Yard Width	
	i. public water and sewer	
	• motor vehicle gasoline bar, repair garage, or service station	12 metres
	• other uses	9 metres
	ii. private water and/or sewer	15 metres
5.1.3.5	Minimum Interior Side Yard Width	
	i. public water and sewer	6 metres
	Except where the interior side lot line abuts a zone other than a Commercial or Institutional Zone, the minimum side yard shall be	9 metres
	ii. private water and/or sewer	6 metres
5.1.3.6	Minimum Rear Yard Depth	
	i. public water and sewer	6 metres
	Except where the interior side lot line abuts a zone other than a Commercial or Institutional Zone, the minimum side yard shall be	9 metres
	ii. private water and/or sewer	7.5 metres
5.1.3.7	Minimum Dwelling Unit Area	83m <sup>2</sup>
5.1.3.8	Maximum Lot Coverage	40%

### 5.1.4 Additional Regulations

#### 5.1.4.1 Regulations for Motor Vehicle Race Course

Where a Motor Vehicle Race Course abuts a Residential, Commercial, Institutional or Open Space Zone, a planting strip shall be provided for that portion of the lot abutting in accordance with the regulations of

Section 3.21 “Planting Strips” of this By-law.

5.1.4.2 Regulations for Uses Permitted in Section 5.1.1 (a)

Where a maximum of one dwelling unit is built on a lot as an integral part of a commercial use, the minimum lot area shall be increased by 185.8m<sup>2</sup>.

5.1.4.3 Regulations for Uses Permitted in Section 5.1.1 (b)

Where an accessory dwelling unit consists of a single detached dwelling, the regulations of Section 4.1 of this By-law shall apply excepting the minimum lot frontage, and these regulations shall be in addition to the regulations of Section 5.1.3.

5.1.5 General Zone Provisions

All provisions of Section 3, “General Zone Provisions”, as they apply to the use of land, buildings or structures permitted in the Highway Commercial (HC) Zone shall apply and be complied with.

5.1.6 Exceptions

5.1.6.1 Highway Commercial Exception One (HC-1) Zone

All of the provisions and regulations of Section 11 shall apply to the Highway Commercial Exception One (HC-1) except that:

- i. The permitted uses of the Commercial (C) Zone 5.2.2 shall also be permitted.
- ii. Lot Frontage (minimum) shall be 30 metres.
- iii. Side Yard Width (minimum) shall be 8 metres.
- iv. Lot Coverage (maximum) shall be 11%.
- v. All provisions of Section 3, General Zone Provision, as they apply to the use of land, building or structures permitted in the Highway Commercial (HC) Zone shall apply and be complied with.

5.1.6.2 Highway Commercial Exception Two (HC-2) Zone

No person shall within any Highway Commercial Exception Two (HC-2) Zone use any land or erect, alter or use any building or structure

except in accordance with the following provisions:

a) Residential Uses Permitted

- 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 parking lot, motor vehicle or horse race course, motor vehicle body shop, motor vehicle repair garage, or motor vehicle service station, 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 motor vehicle body shop, such single detached dwelling shall not be permitted.

b) Non-Residential Uses Permitted

- i. drive-in theatre.

c) Regulations for Permitted Uses

- i. Minimum Lot Area 6.07 hectares
- ii. Minimum Lot Frontage 180 metres
- iii. Minimum Front Yard Depth 15 metres
- iv. Minimum Side Yard Width 180 metres
- v. Minimum Rear Yard Depth 7.6 metres
- vi. Minimum Dwelling Unit Area 83.6 m<sup>2</sup>
- vii. Maximum Coverage 15%
- viii. Where a drive-in theatre abuts a Residential, Commercial, Institutional or Open Space Zone, a planting strip shall be provided for that portion of the lot so abutting in accordance with the regulations of Section 3.21 "Planting Strips" of this By-law.

- d) All provisions of Section 3 "General Zone Provisions", as they apply to the use of land, buildings or structures permitted in the Highway Commercial (HC) Zone shall apply and be complied with.

5.1.6.3 Highway Commercial Exception Three (HC-3-h) Holding Zone

All of the provisions and regulations of the Highway Commercial (HC) zone shall apply to the Highway Commercial Exception Three (HC-3-h) Holding Zone.

Notwithstanding any provision of this section to the contrary, the retail

sale of fruit and vegetable products grown on site, and/or arts and craft, wood products and folk art produced on the subject property shall be permitted from the existing accessory building on site prior to the removal of the holding provisions.

Holding provisions attached to the Highway Commercial Exception Three (HC-3) shall be removed only when the following actions have been secured to the satisfaction of the Township:

- 1) The severance applications are approved by the Peterborough County Land Divisions Department and all conditions thereto have been satisfied;
- 2) A site plan agreement has been executed and registered in accordance with Section 41 of the Planning Act, R.S.O. 1990, as amended;
- 3) Servicing arrangements acceptable to the Township are provided;
- 4) Site plan and access approval together with all necessary permits have been obtained from the Ministry of Transportation.

#### 5.1.6.4 Highway Commercial Exception Four (HC-4) Zone

No person shall within any Highway Commercial Exception Four (HC-4) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

##### a) Permitted Uses

Uses permitted in Sections 5.1.1 and 5.1.2 shall be permitted along with the following uses:

- i. Small Animal Office; and,
- ii. Commercial Plaza.

##### b) Non Permitted Uses

- i. Notwithstanding the provisions of Sections 5.1.3 and 5.1.4, uses permitted shall not include an arcade, strip club, salvage yard or automatic motor vehicle wash or outdoor swimming pool either as a main use or incidental to a principal operation.
- ii. A motel, hotel or eating establishment shall not be permitted to locate within the northerly portion of the Highway Commercial Exception Four (HC-4) Zone; being within a distance of 198 metres from the northern zone boundary between (HC-4) Zone



and Rural Zone measured equidistantly in a westerly direction from an abutting county road, as indicated on the zone schedule.

c) Special Regulations for a Commercial Plaza

- i. Maximum Number of Commercial Plazas 1
- ii. Gross Commercial Floor Area (max) 242 m<sup>2</sup>

d) Regulations for Permitted Uses except for those uses permitted in Section 5.1.2(u).

- i. Minimum Lot Area 2790 m<sup>2</sup>
- ii. Minimum Lot Frontage 53 metres
- iii. Maximum Lot Coverage 40%
- iv. Maximum Height 9.2 metres
- v. Minimum Front Yard 15 metres
- vi. Minimum Side Yard 6 metres
- vii. Minimum Rear Yard 6 metres
- viii. Maximum Gross Floor Area for a Convenience Store 233 m<sup>2</sup>
- ix. Maximum Number of Convenience Stores 1

e) Regulations for Permitted Uses Section 5.1.2 (u)

- i. Minimum Lot Area 3700 m<sup>2</sup>
- ii. Minimum Lot Frontage 60 metres
- iii. Maximum Lot Coverage 30%
- iv. Maximum Height 9.2 metres
- v. Minimum Front Yard 15 metres
- vi. Minimum Side Yard 6 metres
- vii. An additional 185m<sup>2</sup> of Lot Area shall be provided for each guest room in excess of 4.

f) Regulations for Uses Permitted in Section 5.1.1(a)

- i. Where a maximum of one dwelling unit is built on a lot an integral part of a commercial use, the minimum lot area shall be increase by 185 m<sup>2</sup>
- ii. Minimum Floor Area 83 m<sup>2</sup>

5.1.6.5 Highway Commercial Exception Five (HC-5) Zone

Notwithstanding any other provisions or regulations of Section 5.1 to the contrary the following special provisions shall apply to any Highway Commercial Exception Five (HC-5) Zone:

a) Permitted Uses In the Existing Building

- i. a wicker repair establishment;

- ii. a flea market; and,
- iii. a wholesale/retail outlet.

5.1.6.6 Highway Commercial Exception Six (HC-6) Zone

No person shall within the Highway Commercial Exception Six (HC-6) Zone use any land, erect, alter or use any building except in accordance under the following provisions:

a) Permitted Uses

- i. A motorcycle or snowmobile sales and service shop;
- ii. Retail store;
- iii. Personal service shop;
- iv. Bank;
- v. Business or professional office;
- vi. Clinic; and,
- vii. Eating establishment.

b) Regulations

- |                          |                     |
|--------------------------|---------------------|
| i. Minimum Lot Frontage  | 30 metres           |
| ii. Minimum Lot Area     | 2000 m <sup>2</sup> |
| iii. Minimum Front Yard  | 15 metres           |
| iv. Minimum Side Yard    | 3 metres            |
| v. Minimum Rear Yard     | 4 metres            |
| vi. Maximum Lot Coverage | 40%                 |
| vii. Maximum Height      | 9 metres            |

c) Parking Requirements

The minimum parking space requirement for a motorcycle or snowmobile sales and service shop shall be 1 space per 37 square metres of gross floor area.

5.1.6.7 Highway Commercial Exception Seven (HC-7) Zone

No person shall within the Highway Commercial Exception Seven (HC-7) Zone use any land or erect, alter or use any building or structure except in accordance with the following:

- a) All of the provisions and regulations of the Highway Commercial (HC) Zone shall apply except that the Minimum Side Yard of the west side yard shall be 5 metres.

5.1.6.8 Highway Commercial Exception Eight (HC-8) Zone

No person shall within the Highway Commercial Exception Eight (HC-8) Zone use any land or erect, alter or use any building or structure except in accordance with the following:

a) Permitted Uses

- i. diesel pump; and,
- ii. propane service facility.

b) Regulations

- i. Minimum Lot Frontage 50 metres
- ii. Minimum Lot Area .10 hectares
- iii. Minimum Front Yard 15 metres
- iv. Minimum Side Yard 6 metres
- v. Minimum Rear Yard 7.5 metres
- vi. Maximum Lot Coverage 40%
- vii. Maximum Height 12 metres
- viii. Minimum Fence Height 1.8 metres

5.1.6.9 Highway Commercial Exception Nine (HC-9) Zone

No person shall within the Highway Commercial Exception Nine (HC-9) Zone use any land or erect, alter or use any building or structure except in accordance with the following:

a) Permitted Uses

- i. diesel pump; and,
- ii. propane service facility.

b) Regulations

- i. Minimum Frontage 70 metres
- ii. Minimum Lot Area .2 hectare
- iii. Minimum Front Yard 15 metres
- iv. Minimum Side Yard 6 metres
- v. Minimum Rear Yard 7.5 metres
- vi. Maximum Lot Coverage 40%
- vii. Maximum Height 12 metres
- viii. Minimum Fence Height 1.8 metres

5.1.6.10 Highway Commercial Exception Ten (HC-10) Zone

No person shall within the Highway Commercial Exception Ten (HC-10) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

a) Permitted Uses

- i. A retail store with or without gas pumps;
- ii. A service shop;
- iii. A workshop;
- iv. Building supply sales in a wholly enclosed building;
- v. A farm implement dealer;
- vi. A farm produce sales outlet;
- vii. A veterinary hospital;
- viii. Equipment rentals;
- ix. A motor vehicle or boat dealership;
- x. A motor vehicle repair garage;
- xi. 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; and,
- xii. A single detached dwelling accessory to permitted use, if occupied by the owner, caretaker, watchman or other similar person employed on the lot in which such single detached dwelling is located.

b) Regulations for Permitted Uses

All the regulations of the Highway Commercial (HC) Zone shall apply to the Highway Commercial Exception Ten (HC-10) Zone except that the minimum lot area and lot frontage requirements shall be 1.3 hectares and 53.3 metres respectively.

5.1.6.11 Highway Commercial Exception Eleven (HC-11) Zone

No person shall within the Highway Commercial Exception Eleven (HC-11) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

a) Permitted Uses

- i. a motor vehicle body shop as an accessory use to (ii), below; and,
- ii. a single detached dwelling, if occupied by the owner or occupant employed on the lot on which such single detached dwelling is located.

b) Regulations for Permitted Uses

All regulation of the Rural Residential (RR) Zone shall apply to any Highway Commercial Exception Eleven (HC-11) Zone, with the following exceptions:

i. Minimum Lot Area	4046 m <sup>2</sup>
ii. Minimum Lot Frontage	40.2 metres
iii. Minimum Front Yard	.7 metres
iv. Minimum Northerly Side Yard	.6 metres
v. Minimum Southerly Side Yard	8.5 metres

c) Special Regulations For Permitted Uses

- i. Maximum Floor Area of Existing Commercial Building 92 m<sup>2</sup>
- ii. Maximum Permitted Expansion of Existing Commercial Building 10%
- iii. Maximum Number of Customer Vehicles on the Lot (outside) at any one time 4
- iv. Where any Highway Commercial Exception Eleven (HC-11) Zone abuts a Residential Zone, a planting strip shall be provided and maintained along that lot so abutting in accordance with the regulations of Section 3.21 "Planting Strip".
- v. Permitted Uses in the Highway Commercial Exception Eleven (HC-11) Zone shall not include the operation of a "Salvage Yard" as defined hereunder:  
"Salvage Yard" means an establishment or premises where goods, wares, articles, scrape metals, or wrecked or abandoned vehicles or parts there from are stored wholly or partly in the open for sale or processing for further use."
- vi. A total of one (1) non-illuminated sign not more than 1 square metre in area shall be permitted for the purpose of advertisement.

5.1.6.12 Highway Commercial Exception Twelve (HC-12) Zone

Notwithstanding any other provisions or regulations of Section 5 to the contrary the following special provisions shall apply to any Highway Commercial Exception Twelve (HC-12) Zone:

a) Permitted Uses

A commercial plaza within which any or all of the following uses may be located: a barber shop; a beauty shop; a sub-post office; a convenience shop; a clinic; a business or professional office; a retail store; a service shop; a bank, financial institution or loan company; a dry cleaning depot; a bake shop or bakery; a taxi stand; and a print shop.

b) Regulations for Permitted Uses

i. Maximum Lot Area	13,450 m <sup>2</sup>
ii. Minimum Lot Frontage	90 metres

iii. Minimum Lot Coverage	20%
iv. Maximum Height	12 metres
v. Minimum Front Yard	45 metres
vi. Minimum Side Yard	6 metres
vii. Minimum Rear Yard	45 metres
viii. Maximum Floor Area	1,150 m <sup>2</sup>

#### 5.1.6.13 Highway Commercial Exception Thirteen (HC-13) Zone

No person shall within Highway Commercial Exception Thirteen (HC-13) use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

##### a) Permitted Uses

- i. Retail stores, personal service shops, banks, business or professional offices, clinics, eating establishments.
- ii. Auto service stations, automobile sales establishments, dry cleaning establishments, repair depots, nurseries, veterinary hospitals, public places of amusement or assembly, wholesaling, printing shops, studios, taverns, hotels, motels, theatres, cinemas, model home sales establishments, automobiles repairs shops, building supply sales in wholly enclosed buildings, the sale and assembly of aluminium products including shutters, awnings and soffits, fascia siding, and windows in wholly enclosed buildings, farm implement dealers, parking lots, warehousing accessory to a permitted use.
- iii. A dwelling 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 that in the case of a parking lot, automobile repair shop and auto service station, such dwelling unit shall not be permitted.
- iv. A detached single family dwelling accessory to a permitted use, if occupied by the owner, caretaker watchman or other similar persons employed on the lot on which such single family dwelling is located except in that case of an automobile repair shop and auto service station , such dwelling unit shall not be permitted.

##### b) Regulations for Uses Permitted in Section 5.1.6.13 a) i)

i. Minimum Lot Frontage	46 metres
ii. Minimum Lot Area	2790 m <sup>2</sup>
iii. Minimum Front Yard	15 metres
iv. Minimum Easterly Side Yard	3.1 metres
v. All other Minimum Side Yards	6 metres

- vi. Minimum Rear Yard 3.5 metres
- vii. Maximum Lot Coverage 15 %
- viii. Maximum Height 12 metres
- ix. Where a side or rear yard abuts a public roadway it shall be deemed a front yard for the purposes of this Section.

c) Regulation for Uses Permitted in Section 5.1.6.13 a) ii)

- i. Minimum Lot Frontage 46 metres
- ii. Minimum Lot Area .4 hectares
- iii. Minimum Front Yard 15 metres
- iv. Minimum Easterly Side Yard 3.1 metres
- v. All other Minimum Side Yards 6 metres
- vi. Minimum Rear Yard 3.5 metres
- vii. Maximum Lot Coverage 15 %
- viii. Maximum Height 12 metres
- ix. Where a side or rear yard abuts a public roadway it shall be deemed a front yard for the purposes of this Section.

d) Regulations for Uses Permitted in Section 5.1.6.13 a) iii)

- i. Where a maximum of one dwelling unit is built on a lot as an integral part of a commercial use, in addition to the regulations of 5.1.6.13 c) the minimum lot area shall be increased by 2,050 m<sup>2</sup>, and the minimum dwelling unit area shall be 93 m<sup>2</sup>.

e) Regulations for Uses Permitted in Section 5.1.6.13 a) iv)

- i. Minimum Lot Frontage 46 metres
- ii. Minimum Lot Area .6 hectares
- iii. Minimum Front Yard 15 metres
- iv. Minimum Side Yard 6 metres
- v. Minimum Rear Yard 6 metres
- vi. Minimum Floor Area 110 m<sup>2</sup> of which a minimum of 74 m<sup>2</sup> shall be on the ground floor.
- vii. Maximum Lot Coverage 5%
- viii. Maximum Height 9 metres
- ix. Where a side or rear yard abuts a public roadway, it shall be deemed a front yard for the purposes of this Section.

- f) Where a parking lot associated with a use permitted in Section 5.1.6.13 a) or b) is situated within 7.5 metres of a residential use, a planting strip 1.5 metres in width and landscaped to provide a visual screen between the parking lot and the adjoining residential use shall be required.

#### 5.1.6.14 Highway Commercial Exception Fourteen (HC-14) Zone

In addition to the uses permitted in Sections 5.1.1 and 5.1.2, an institutional use is permitted in the Highway Commercial Exception Fourteen (HC-14) Zone. The regulations contained in Section 5.1 shall apply to an institutional use.

All other general provisions and regulation of the Highway Commercial (HC) Zone shall apply to the Highway Commercial Exception Fourteen (HC-14) Zone except that the minimum parking requirements for a school use shall be 1 parking space per residence bedroom plus 1 parking space for each 4 persons that can be accommodated at any one time in a classroom, meeting room or auditorium.

#### 5.1.6.15 Highway Commercial Holding (HC-H) Zone

The holding provisions attached to the Highway Commercial Holding (HC-H) Zone in part of Lot 23, Concession 9 of the Cavan Ward shall be removed only when the following actions have been secured to the satisfaction of the Township:

1. Servicing arrangements acceptable to the Township are provided;
2. Site plan and access approval, together with all necessary Peterborough and the Ministry of Transportation; and
3. A Site Plan Agreement has been executed and registered on title in accordance with Section 41 of the Planning Act, R.S.O. 1990, as amended.

#### 5.1.6.15 Highway Commercial Exception Fifteen (HC-15) Zone

All of the provisions and regulations of the Highway Commercial (HC) Zone shall apply to the Highway Commercial Exception Fifteen (HC-15) Zone in part of Lot 1, Concession 11 of the North Monaghan Ward except that in addition to the permitted uses, a warehouse and wholesaling business and a manufacturing business are permitted uses. In addition, the minimum lot area requirement shall be 0.5 hectares (1.24 acres) and the minimum lot frontage requirement shall be 38 metres (125 feet).

For the purposes of the Highway Commercial Exception Fifteen (HC-15) Zone, a manufacturing business includes a drink bottling business only if off-site water is used for the bottling operation.



## 5.2 COMMERCIAL (C) ZONE

No person shall within any Commercial (C) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

### 5.2.1 Residential Uses Permitted

- a) a dwelling unit in a non-residential building; and
- b) 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.

### 5.2.2 Non-Residential Uses Permitted

- a) an animal hospital;
- b) a business or professional office;
- c) a convenience store;
- d) a dry cleaners distribution station;
- e) an eating establishment;
- f) a laundromat;
- g) a light equipment sales and rental establishment;
- h) a light service shop;
- i) a personal service shop;
- j) a place of amusement;
- k) a place of entertainment;
- l) a public use;
- m) a recreation or athletic club;
- n) a retail store;
- o) a shopping centre;

- p) a shopping plaza;
- q) a tavern;
- r) a clinic;
- s) a bank;
- t) accessory uses;
- u) a parking lot; and,
- v) uses existing as of the date of passing of this By-law.

### 5.2.3 Regulations for Permitted Uses (Lots with Municipal Water and Sanitary Sewer Services)

- |         |  |   |
|---------|--|---|
| 5.2.3.1 | Minimum Front Yard Depth   | 9 metres  |
| 5.2.3.2 | Minimum Exterior Side Yard Width   | 9 metres  |
| 5.2.3.3 | Minimum Interior Side Yard Width<br>except where the interior side lot line abuts a Commercial or Institutional Zone, no interior side yard is required.   | 9 metres  |
| 5.2.3.4 | Minimum Rear Yard Depth<br>except where the rear lot line abuts a zone other than a Commercial or Institutional Zone, the minimum rear yard depth shall be | 6 metres<br><br>9 metres  |
| 5.2.3.5 | Minimum Dwelling Unit Area<br>a) Bachelor dwelling unit<br>b) Other dwelling unit  | <br>55m <sup>2</sup><br>55m <sup>2</sup> + an additional 14m <sup>2</sup><br>for each bedroom |
| 5.2.3.6 | Maximum Height of Building   | 12.5 metres   |
| 5.2.3.7 | Maximum Dwelling Units per Lot   | 3   |
| 5.2.3.8 | Location of Residential Use - residential uses shall be prohibited on the ground floor.  |   |

### 5.2.4 Regulations for Permitted Uses - Lots with Individual Water and Sanitary Sewer Services

- |         |                            |                   |
|---------|----------------------------|-------------------|
| 5.2.4.1 | Minimum Lot Area           | .4 ha             |
| 5.2.4.2 | Minimum Lot Frontage       | 46 metres         |
| 5.2.4.3 | Minimum Front Yard Depth   | 15 metres         |
| 5.2.4.4 | Minimum Side Yard Width    | 5 metres          |
| 5.2.4.5 | Minimum Rear Yard Depth    | 7.5 metres        |
| 5.2.4.6 | Minimum Dwelling Unit Area | 75 m <sup>2</sup> |
| 5.2.4.7 | Maximum Lot Coverage       | 40%               |
| 5.2.4.8 | Maximum Height of Building | 11 metres         |

### 5.2.5 Additional Regulations

#### 5.2.5.1 Services

All non-residential buildings in the Commercial Zone containing a dwelling unit, must be serviced by a public water system and a sanitary

sewer system where available.

#### 5.2.5.2 Residential Uses - Private Services

Where a maximum of one dwelling unit is built on a lot with private services as an integral part of a commercial use, in addition to the regulations of Subsection 5.2.4, the minimum lot area shall be increased by 2,050 m<sup>2</sup>, and the minimum floor area of the dwelling unit shall be 93 m<sup>2</sup>.

#### 5.2.5.3 Planting Strips

Where a parking lot associated with a use permitted in Subsection 5.2.2 is situated within 7.5 metres of a Residential Zone, a planting strip 1.5 metres in width and landscaped to provide a visual screen between the parking lot and the adjoining residential use shall be required.

#### 5.2.6 Flood Susceptible Lands

Lands which are within the flood plain and are identified with the sub-category (F) shall be utilized in accordance with Section 3.9 "Flood Susceptible Lands" of this By-law.

#### 5.2.7 General Zone Provisions

All provisions of Section 3, "General Zone Provisions", as they apply to the use of land, buildings or structures permitted in the Commercial (C) Zone shall apply and be complied with.

#### 5.2.8 Exceptions

##### 5.2.8.1 Commercial Exception One (C-1) Zone

Notwithstanding Section 13.133 Front Lot Line, for those lands zoned C-1 the Front Lot Line shall be deemed to be that lot line that abuts Centre Street.

Notwithstanding Section 3.20.5 for those lands zoned C-1 a driveway that is not a common driveway is permitted to be located 0 metres from the side lot line.

Notwithstanding Section 5.2.3.3, Minimum Interior Side Yard Width, for those lands zoned C-1, no interior side yard is required.

##### 5.2.8.2 Commercial Exception Two (C-2) Zone

Commercial Exception Two (C-2) Zone shall permit a specialty lumber retail store and associated outside storage area in accordance with the following provisions:

i. Minimum Lot Frontage	85 metres
ii. Minimum Lot Area	5735 m <sup>2</sup>
iii. Minimum Front Yard	15 metres
iv. Minimum Side Yard	5 metres
v. Minimum Rear Yard	6 metres
vi. Maximum Floor Area	675 m <sup>2</sup>
vii. Maximum Lot Coverage	30%
viii. Maximum Height	11 metres

Where a side or rear yard abuts a public roadway, it shall be deemed a front yard for the purposes of this Section.

The only outside storage of goods and materials shall be permitted only within the defined area as “Area A” on Schedule “B2” to By-law 1993-18. The minimum height of the fence surrounding the outside storage area shall be 1.8 metres.

Notwithstanding the requirements of Sections 3.16 “Loading Space Requirements” and 3.20 “Parking Area Requirements”, on lands zoned Commercial Exception Two (C-2) Zone, the minimum parking requirement shall be 1 parking space per 93 square metres of gross floor area and the number of loading spaces shall be 1.

#### 5.2.8.3 Commercial Exception Three (C-3) Zone

Notwithstanding Section 5.2.2 Permitted Uses, for those lands zoned as Commercial Exception Three (C-3) Zone the Permitted Uses shall be limited to the following:

- a) Permitted Uses
  - i. A business or professional office;
  - ii. A convenience store;
  - iii. A dry cleaners distribution station;
  - iv. An eating establishment;
  - v. A laundromat;
  - vi. A light equipment sales and rental establishment;
  - vii. A light service shop;
  - viii. A public use;
  - ix. A recreation or athletic club;
  - x. A retail store;
  - xi. A shopping plaza;
  - xii. An animal hospital;

xiii. Accessory uses.

b) Regulations

- i. Notwithstanding Section the Zone provisions of Sections 5.2.3 and 5.2.4 hereof to the contrary, for those lands zone Commercial Exception Three (C-3) Zone, the minimum Front Yard Depth shall be 8 metres.
- ii. Notwithstanding Section 3.16 Loading Spaces, for those lands zoned Commercial Exception Three (C-3) a minimum of 1 loading space at least 9.0 metres long, 3.5 metres wide and having a vertical clearance of at least 4.0 metres shall be required.
- iii. Notwithstanding Section 3.20 Parking Are Requirements, for those lands zone Commercial Exception Three (C-3) the number of parking spaces provided shall be in accordance with the requirements of Section 3.20 and the minimum area of each paring space shall be 16.5 square metres.
- iv. No building or structures shall be constructed on lands zoned Commercial Exception Three (C-3) 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).
- v. Those lands zoned as Commercial Exception Three (C-3)-F 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.).
- vi. In all other respects, the provisions of the By-law shall apply and be complied with.

5.2.8.4 Commercial Exception Four (C-4) Zone

All of the provisions of Section 5.2 Commercial shall apply, except that in the Commercial Exception Four (C-4) Zone the following provisions shall also apply:

a. Regulations

- i. Notwithstanding the Minimum Lot Frontage definition contained in Section 13.130, the minimum lot frontage for those lands zoned Commercial Exception Four (C-4) Zone, Lot Frontage shall be deemed to be the frontage abutting Centre Street.

- ii. Notwithstanding Section 3.20.5 Ingress and Egress, for those lands zoned Commercial Exception Four (C-4) Zone, a driveway that is not a common driveway is permitted to be located 0 metres from the side lot line.
- iii. Notwithstanding Section 5.2.4.3 Minimum Side Yard Width, for those lands zoned Commercial Exception Four (C-4) Zone, no interior side yard is required.
- iv. In all other respects, the provisions of this By-law shall apply and be complied with.

5.2.8.5 Commercial Exception Five (C-5) Zone

No person shall within the Commercial Exception Five (C-5) Zone use any land, erect, alter or use any building or structure except in accordance with the following provisions:

- a) Permitted Uses
  - i. a specialty lumber retail store and storage facility and associated outside storage.
- b) Regulations for Permitted Uses
 

i. Minimum Lot Area	2800m <sup>2</sup>
ii. Minimum Lot Frontage	60 metres
iii. Minimum Front Yard	15 metres
iv. Minimum Side Yard	5 metres
v. Minimum Rear Yard	7.5 metres
vi. Maximum Floor Area	840 m <sup>2</sup>
vii. Maximum Height	11 metres
viii. Maximum Lot Coverage	30%

Outside Storage of goods and materials shall be permitted provided that the storage area is wholly enclosed with a fence at least 1.8 metres in height.

Notwithstanding the requirements of Section 3.20 “Parking Area Requirements” and Section 3.16 “Loading Space Requirements”, the minimum parking requirements in the Commercial Exception Five (C-5) Zone shall be 1 parking space per 93 m<sup>2</sup> of gross floor area and the number of loading spaces required shall be 2.

In addition, where a parking area associated with the permitted use is located within 7.5 metres of a Residential Zone, a planting strip 1.5 metres in width and landscaped to provide a visual screen between the

parking area and the adjoining residential use is required.

#### 5.2.8.5 Commercial Holding (C(F213.6)-H) Zone

The holding provisions attached to the Commercial Holding (C(F213.6)) Zone in Parts 3 and 5 of Plan 9R-1227 in part of Lot 6, South of King Street and East of Hay Street, Concession 4 of the Millbrook Ward will be removed only when the Township has reached a satisfactory agreement of purchase and sale.

#### 5.2.8.6 Commercial Exception Six (C-6) Zone

All of the provisions and regulations of the Commercial (C) Zone shall apply to the Commercial Exception Six (C-6) Zone except that the permitted uses shall be limited to an animal hospital, a business or professional office, a light equipment sales and rental establishment, a light service shop, a personal service shop and accessory uses, 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.

### 5.3 RECREATIONAL COMMERCIAL (RC) ZONE

No person shall within any Recreational Commercial (RC) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

#### 5.3.1 Residential Uses Permitted

- a) a single detached dwelling or a dwelling unit in a portion of a non-residential building where such dwelling is accessory to a non-residential use and is occupied by the owner, caretaker, watchman or other similar person, and employed on the lot on which such dwelling unit is located.

#### 5.3.2 Non-Residential Uses Permitted

- a) home occupation in accordance with the provisions of Section 3.15 "Home Occupations" of this By-law;
- b) a convenience store where such use is accessory to a permitted non-residential use on the same lot within the Recreational Commercial (RC) Zone;
- c) an eating establishment if accessory to a camping establishment, or other non-residential use permitted within the Recreational Commercial (RC) Zone;
- d) camping establishment;

- e) golf course;
- f) marina;
- g) recreational use;
- h) tourist establishment; and,
- i) uses, buildings and structures accessory to any of the foregoing permitted uses and in accordance with the provisions of Section 3.1 “Accessory Uses” of this By-law.

### 5.3.3 Regulations for Permitted Uses

a) Minimum Lot Area	6,000m <sup>2</sup>
b) Minimum Lot Frontage	30 metres
c) Minimum Front Yard Depth	15 metres
d) Minimum Interior Side Yard Width	6 metres
i. Except where the interior side lot line abuts a Residential Zone, in which case the width shall be	15 metres
e) Minimum Exterior Side Yard Width	15 metres
f) Minimum Rear Yard Depth	15 metres
g) Minimum Dwelling Unit Area	
i. single detached dwelling	90 m <sup>2</sup>
ii. bachelor/one bedroom dwelling unit	60 m <sup>2</sup>
iii. two bedroom dwelling unit	70 m <sup>2</sup>
iv. three bedroom dwelling unit	90 m <sup>2</sup>
h) Maximum Lot Coverage	40%
i) Maximum Height of Building	10 metres

### 5.3.4 General Zone Provisions

All provisions of Section 3, “General Zone Provisions”, as they apply to the use of land, buildings or structures permitted in the Recreation Commercial (RC) Zone shall apply and be complied with.

### 5.3.5 Exceptions

#### 5.3.5.1 Recreation Commercial Exception One (RC-1) Zone

No person shall within any Recreational Commercial Exception One (RC-1) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

#### a) Residential Uses Permitted

A single detached dwelling unit accessory to a permitted use; if occupied by the owner, caretaker, watchman or similar persons employed on the lot on which such single detached dwelling is located.



b) Non-Residential Uses Permitted

- i. a marina.

c) Regulations for Permitted Residential Uses

i. Minimum Lot Area	2,790 m <sup>2</sup>
ii. Minimum Lot Frontage	30 metres
iii. Minimum Front Yard	15 metres
iv. Minimum Side Yard	6 metres
v. Minimum Rear Yard	6 metres
vi. Maximum Lot Coverage	15%
vii. Maximum Height	9 metres

Yard requirements for that portion of a lot abutting a navigable waterway may be waived in respect of a marina facility, fuel pumps and similar structures associated with a Marina.

d) Regulations for Marina Uses

- i. Where an accessory dwelling unit consists of a detached single family dwelling the regulations of Subsection 5.3.5.2 c) vii shall apply excepting the minimum lot area shall be increased by 2,050 square metres, and the minimum floor area of the dwelling unit shall be 110 square metres of which a minimum of 74 square metres shall be on the ground floor.
- ii. Some lands zoned Recreation Commercial Exception One (RC-1) Zone are subject to flooding and as such are further governed by the Regulation known as "Fill, Construction, and Alteration to Waterway Regulation (Ont. Reg. 61/79)" as authorized by the Conservation Authorities Act. These regulations are administered by the Otonabee Region Conservation Authority.

e) Additional Regulations

i. Spatial Separation Requirements

Where a single detached dwelling is erected or any building or structure is altered or used for the purposes of a single detached dwelling on a lot in a Recreational Commercial (RC-1) Zone in conjunction with a permitted non-residential use, such single detached dwelling shall not be erected nor shall any building be altered or used for the purpose of a single detached dwelling within 10 metres of the permitted non-residential use.

ii. Dwelling unit in portion of non-residential building

A maximum of one dwelling unit may be permitted in a portion of a non-residential building permitted within the Recreational Commercial (RC-1) Zone in accordance with the requirements of the permitted non-residential building in which such dwelling unit is located.

iii. Planting Strips

Where the interior side or rear lot line of a lot within a Recreational Commercial (RC-1) Zone abuts a Residential Zone, an area adjoining such abutting lot line shall be used for no other purpose than for a planting strip in accordance with the provisions of Section 3.21 "Planting Strips" as set out in this By-law.

iv. Accessory Eating Establishment

Notwithstanding the permitted uses in the Recreation Commercial Exception One (RC-1) Zone, an eating establishment accessory to the marina use will be permitted in a building existing as of the date of passing of this By-law. No expansions to the existing building will be permitted without an amendment to this By-law.

5.3.5.2 Recreation Commercial Exception Two (RC-2) Zone

No person shall within any Recreational Commercial Exception Two (RC-2) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

a) Residential Uses

i. Prohibited

b) Non-Residential Uses Permitted

- i. a golf course and any buildings or structures accessory thereto, a clubhouse accessory to the golf course.

c) Regulations for Permitted Uses

i. Minimum Lot Area	39 hectares
ii. Minimum Lot Frontage	457 metres
iii. Minimum Front Yard	15 metres
iv. Minimum Side Yard	7.5 metres

v. Minimum Rear Yard 15 metres

d) Special Provisions

For the purposes of this By-law, a golf course is defined as a public or private area operated for the purpose of playing golf, and includes such accessory uses as a driving range, a practice green and a miniature golf course.

Notwithstanding the provisions of Section 3.20 "Parking Area Requirements" to the contrary, in the RC-2 Zone a minimum of 75 parking spaces are required.

5.3.5.3 Recreation Commercial Exception Three (RC-3) Zone

Notwithstanding any provision of Section 5.3 to the contrary, the following provisions and regulations shall apply to the Recreation Commercial Exception Three (RC-3) Zone:

a) Permitted Uses

- i. a golf course and any buildings and structures accessory thereto; and,
- ii. a club house accessory to the golf course.

b) For the purpose of the By-law a golf course shall be defined as follows:

A public or private area operated for the purpose of playing golf, including such accessory uses as a driving range, practice green and a miniature golf course.

c) Regulations for Uses Permitted in Section 5.3.5.4 a) i)

All of the provisions of Section 5.3.3 shall apply except for the following:

- i. Minimum Lot Frontage 540 metres
- ii. Minimum Lot Area 45 hectares

d) Regulations for Uses Permitted in Section 5.3.5.4 a) ii)

- i. Maximum Floor Area 505 square metres
- ii. Maximum Lot Coverage 20%

e) 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.

#### 5.3.5.4 Recreation Commercial Exception Four (RC-4) Zone

Notwithstanding the provisions of Sections 5 to the contrary, the following regulations shall also apply to those lands zoned Recreation Commercial Exception Four (RC-4) Zone.

##### a) Permitted Uses

- i. golf course including a clubhouse, assembly hall, pro shop and an eating establishment.

##### b) Regulations

- i. Minimum Lot Area 75 hectares
- ii. Minimum Front Yard 30 metres
- iii. Minimum Side Yard 15 metres
- iv. Minimum Rear Yard 15 metres
- v. Maximum Building Height 11 metres
- vi. Notwithstanding the provisions of Section 3.10 "Frontage on a Public Street" of this By-law, for lands zoned Recreation Commercial Exception Four (RC-4) Zone, frontage onto an improved public street shall not be required.

#### 5.3.5.5 Recreational Commercial Exception Five Holding (RC-5-H) Zone

No person shall within the Recreational Commercial Exception Five Holding (RC-5-H) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

##### a) Residential Uses Permitted

- i. an accessory single detached dwelling.

##### b) Non-Residential Uses Permitted

- i. a golf course and any buildings and structures accessory thereto;
- ii. a club house accessory to the golf course.

##### c) Regulations for Residential Permitted Uses

- i. Minimum Lot Area 60 hectares
- ii. Minimum Lot Frontage 350 hectares
- iii. Minimum Front Yard 15 metres
- iv. Minimum Side Yard 15 metres
- v. Minimum Rear Yard 15 metres

d) Special Regulations

For the purposes of the Recreational Commercial Exception Five Holding (RC-5-H) Zone, a golf course is defined as a public or private area operated for the purpose of playing golf, and includes such accessory uses as a driving range, practice green and miniature golf course.

e) Holding Provisions

The holding provisions attached to the Recreational Commercial Exception Five Holding (RC-5-H) Zone shall be removed only when the following actions have been secured to the satisfaction of the Township:

1. Servicing arrangements acceptable to the Township are provided;
2. Site Plan and access approval, together with all necessary permits have been obtained from Peterborough County and the Township of Cavan-Millbrook-North Monaghan; and
3. A Site Plan Agreement has been executed and registered on title in accordance with Section 41 of the Planning Act R.O.S. 1990 as amended.

5.3.5.5 Recreation Commercial Exception Five Holding (RC-5-H) Zone

All of the provisions and regulations of the Recreation Commercial (RC) Zone shall apply to the Recreation Commercial Exception Five Holding (RC-5) Zone except a Buddhist temple, spiritual retreat centre and accessory uses shall also be permitted. In addition, the maximum height for the temple shall be 17 metres (55.8 feet).

The holding provisions attached to the Recreation Commercial Exception Five Holding (RC-5-H) Zone shall be removed only when the following actions have been secured to the Township's satisfaction:

1. Servicing arrangements, acceptable to the Peterborough County City Health Unit and/or the Ministry of the Environment and the Township are provided;
2. Site Plan and access approval, together with all necessary permits have been obtained from the City of Kawartha Lakes and/or the Township of Cavan-Monaghan;
3. The subject properties are merged on title such that the properties are considered as one lot and shall not be dealt with separately; and
4. A Site Plan Agreement has been executed and registered on title in accordance with Section 41 of the planning Act, R.O.S. 1990, as amended.

## **SECTION 6 - INDUSTRIAL ZONES**

### **6.1 GENERAL INDUSTRIAL (GM) ZONE**

No person shall within any General Industrial (GM) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

#### **6.1.1 Residential Uses Permitted**

- a) a single detached dwelling accessory to the permitted use if occupied by an owner, caretaker, watchman or similar person employed on the lot on which such dwelling is located.

#### **6.1.2 Non-Residential Uses Permitted**

- a) Warehousing and wholesaling uses, industrial storage and servicing operations, cartage, express truck transport or bus terminal yards, contractor's yards, feed mills, fuel storage or supply yards, lumber yards,

municipal service garages, warehouses or storage yards, or concrete production plants, a wood products or planing mill, recreational vehicles and equipment service establishments, commercial and industrial service establishments, farm implement and heavy equipment service establishments, repair depots, building supplies sales centres, a retail outlet or wholesale outlet or business office accessory to a permitted use, an open storage use of goods or materials if accessory to a permitted use; motor vehicle body shop; and,

- b) Assembly, manufacturing and industrial uses which are not obnoxious by reason of odour, dust, smoke, gas, noise or vibration, and accessory uses excepting human habitation.

### 6.1.3 Regulations for Permitted Uses on Private Water and/or Sewer

6.1.3.1	Minimum Lot Area	.5 hectares
6.1.3.2	Minimum Lot Frontage	60 metres
6.1.3.3	Minimum Front Yard Depth	15 metres
6.1.3.4	Minimum Side Yard Width	6 metres
6.1.3.5	Minimum Rear Yard Depth	7.5 metres
6.1.3.6	Maximum Lot Coverage	50%
6.1.3.7	Maximum Height of Building	12 metres

### 6.1.4 Regulations for Permitted Uses on Public Water and Sanitary Sewer

6.1.4.1	Minimum Front Yard Depth	21 metres
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Except where the front lot line abuts an Industrial Zone the minimum front yard depth shall be	15 metres
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6.1.4.2	Minimum Exterior Side Yard Width	21 metres
---------	----------------------------------	-----------

Except where the exterior side lot line abuts an Industrial Zone the minimum exterior side yard with shall be	15 metres
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6.1.4.3	Minimum Interior Side Yard Width	12 metres
---------	----------------------------------	-----------

Except where the interior side lot line abuts an Industrial Zone the minimum interior side yard width shall be	3 metres
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6.1.4.4	Minimum Rear Yard Depth	21 metres
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Except where the rear yard lot line abuts an Industrial Zone the minimum rear yard depth shall be 7.5 metres

6.1.4.5 Minimum Landscaped Open Space 10%

6.1.4.6 Maximum Height of Building 12.5 metres

### 6.1.5 General Zone Provisions

All provisions of Section 3, "General Zone Provisions", as they apply to the use of land, buildings or structures permitted in the General Industrial (GM) Zone shall apply and be complied with.

### 6.1.6 Exceptions

#### 6.1.6.1 General Industrial Exception One (GM-1) Zone

All of the provisions and regulations of the General Industrial Zone (GM) shall apply to the General Industrial Exception One (GM-1) Zone except that:

- a) the minimum side yard setback shall be 8.7 metres;
- b) the minimum rear yard setback shall be 6 metres; and
- c) outside storage of goods and materials is prohibited.

In addition, all of the uses permitted in the Commercial Zone are also permitted on lands zoned General Industrial Exception One (GM-1) Zone.

#### 6.1.6.2 General Industrial Exception Two (GM-2) Zone

No person shall within any General Industrial Two (GM-3) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

##### a) Permitted Uses

Permitted uses shall include a fertilizer blending plant, storage warehouse, 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, together with accessory buildings and uses.

##### b) Regulations for Permitted Uses



All provisions and regulations for the General Industrial Zone (GM) shall apply to the General Industrial Exception Two (GM-2) Zone with the following exceptions:

- i. Minimum Lot Frontage 52.4 metres
- ii. Minimum Lot Area 1.8 hectares
- iii. The minimum westerly side yard of the industrial building existing as of October 23, 1990 shall be 7.9 metres.
- iv. The minimum westerly side yard for any building or structure to be erected after October 23, 1990 shall be 15.24 metres.

#### 6.1.6.3 General Industrial Exception Three (GM-3) Zone

No person shall within the General Industrial Exception Three (GM-3) zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

##### a) Permitted Uses

- i. a contractor's yard;
- ii. a warehouse, distribution or storage yard;
- iii. a planing mill;
- iv. a workshop or manufacturing plant;
- v. a retail outlet or wholesale outlet or business office accessory to a permitted use;
- vi. a dwelling in a portion of an industrial building if occupied by the owner, caretaker, watchman or other similar person employed on the lot on which such dwelling unit is located; and,
- vii. 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.

##### b) Regulations for Permitted Uses

- i. Notwithstanding Section 6.1.3.1 Minimum Lot Area, the Minimum Lot Area for the General Industrial Exception Three (GM-3) Zone shall be that of the entire parcel - 16 hectares.
- ii. Notwithstanding Section 6.1.3.2 Minimum Lot Frontage, the Minimum Lot Frontage for the General Industrial Exception Three (GM-3) Zone shall be that of the entire parcel - 452 metres.

- iii. Maximum Height 10.7 metres

iv. Minimum Rear Yard Setback

13.7 metres

6.1.6.4 General Industrial Exception Four (GM-4-h) Holding Zone

All of the provisions and regulations of the General Industrial (GM) Zone shall apply to the General Industrial Exception Four (GM-4-h) Holding Zone except that cartage, truck transport or bus terminal yard shall not be permitted.

The Holding provisions attached to the General Industrial (GM-4) Zone shall be removed only when the following actions have been secured to the satisfaction of the Township

- 1) The severance applications are approved by the Peterborough County Land Divisions Department and all conditions thereto have been satisfied;
- 2) A site plan agreement has been executed and registered in accordance with Section 41 of the Planning Act, R.S.O. 1990, as amended;
- 3) Servicing arrangements acceptable to the Township are provided; and
- 4) Site plan and access approval together with all necessary permits have been obtained from the Ministry of Transportation.

6.1.6.5 General Industrial Exception Five (GM-5) Zone

All of the provisions and regulations of the General Industrial (GM) Zone shall apply to the General Industrial Exception Five (GM-5) Zone except that:

- a) the minimum side yard shall be 12 metres;
- b) the minimum rear yard shall be 13.7 metres;
- c) the maximum height of building shall be 10.7 metres;
- d) the maximum setback from the front lot line to the farthest wall of a main building on a lot shall be 84 metres;
- e) where a portion of the lot abuts a Residential, Commercial, Institutional, or Open Space Zone, or abuts a front lot line which is directly opposite to a property within part of Lot 18, or is used for residential purpose at the date of passing of this By-law, a planting strip shall be provided and maintained along the abutting lot line in accordance with the provisions of Section 3.21 of this By-law;
- f) no buildings or structures shall be located within 5 metres of the Hazard Lands (H) Zone;
- g) a private access road, existing at the date of passing of the by-law, may be permitted within 5 metres of the Hazard Lands (H) Zone but

- such existing separation shall not be further reduced; and
- h) the lot frontage is deemed to the frontage on Moore Drive.

## 6.2 EXTRACTIVE INDUSTRIAL (EM) ZONE

No person shall within any Extractive Industrial (EM) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

### 6.2.1 Permitted Uses

- a) The establishment of pits and quarries for the purpose of extracting natural materials from the earth, including gravel pits and quarries;
- b) The processing of natural materials including screening, sorting, washing, crushing, and stockpiling operations;
- c) Wayside Pits and Wayside Quarries; and,
- d) Agricultural uses and buildings or structures accessory thereto.

## 6.2.2 Regulations for Permitted Uses

6.2.2.1	Minimum Lot Area	2 hectares
6.2.2.2	Minimum Front Yard Depth	30 metres
6.2.2.3	Minimum Side Yard Width	30 metres
6.2.2.4	Minimum Rear Yard Depth	30 metres

## 6.2.3 Additional Regulations

### 6.2.3.1 Minimum Yards between any excavation and any lot line

- a) Minimum Front Yard 30 metres
- b) Minimum Side Yard 15 metres
- c) Minimum Rear Yard 15 metres
- d) Where any side or rear yard abuts an improved public street or road allowance, it shall be deemed a front yard for the purposes of this section.

6.2.3.2 Where any use permitted in Subsection 6.2.1a abuts any Residential Zone, the minimum yard requirements of Subsection 6.2.2 of this By-law shall be increased by 15 metres for that portion of the lot so abutting.

6.2.3.3 Where any Extractive Industrial Zone abuts any type of Residential Zone, or Open Space Zone, a planting strip shall be provided along that portion of the lot so abutting.

## 6.2.4 General Zone Provisions

All provisions of Section 3, "General Zone Provisions", as they apply to the use of land, buildings or structures permitted in the Extractive Industrial (EM) Zone shall apply and be complied with.

### 6.3 DISPOSAL INDUSTRIAL (DM) ZONE

No person shall within any Disposal Industrial (DM) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

#### 6.3.1 Non-residential Uses

- a) an approved waste disposal transfer site.

#### 6.3.2 Regulations for Permitted Uses

6.3.2.1	Minimum Lot Area	6,070.5 m <sup>2</sup>
6.3.2.2	Minimum Lot Frontage	60 metres
6.3.2.3	Minimum Front Yard Depth	9 metres
6.3.2.4	Minimum Side Yard Width	6 metres
6.3.2.5	Minimum Rear Yard Depth	6 metres
6.3.2.6	Maximum Lot Coverage	20%
6.3.2.7	Maximum Height of Building	12 metres

#### 6.3.3 Additional Regulations

- 6.3.3.1 Where a Disposal Industrial Zone abuts a Residential, Commercial, Institutional or Open Space Zone, the minimum side yard requirements shall be increased 100% for that portion of the zone so abutting.
- 6.3.3.2 Where a Disposal Industrial Zone abuts a Residential, Commercial, Institutional or Open Space Zone, a planting strip shall be provided for that portion of the lot so abutting in accordance with the regulations of Section 3.21 of this By-law.

#### 6.3.4 General Zone Provisions

All provisions of Section 3, "General Zone Provisions", as they apply to the use of land, buildings or structures permitted in the Disposal Industrial Zone (DM) shall apply and be complied with.

#### 6.3.5 Exceptions

##### 6.3.5.1 Disposal Industrial Exception One (DM-1) Zone

No person shall within any Disposal Industrial (DM) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

- a) Non-Residential Uses Permitted
  - i. An auto wrecking yard.

b) Regulations for Permitted Uses

i.	Minimum Lot Area	5 hectares
ii.	Minimum Lot Frontage	90 metres
iii.	Minimum Front Yard Depth	30 metres
iv.	Minimum Side Yard Width	7 metres
v.	Minimum Rear Yard Depth	7 metres
vi.	Maximum Lot Coverage	20%
vii.	Maximum Height of Building	12 metres

c) Additional Regulations

All provisions, of Section 6.3 “Disposal Industrial (DM) Zone ” excepting those in Section 6.3.3, as they apply to the use of land, buildings or structures permitted in the Disposal Industrial Exception One (DM-1) Zone shall apply and be complied with.

## 6.4 AIRPORT (AR) ZONE

No person shall within any Airport Industrial (AR) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

### 6.4.1 Non-Residential Uses

- a) an airport;
- b) airport related uses;
- c) a warehouse;
- d) a wholesale establishment;
- e) a forwarding depot or freight handling establishment;
- f) a contractor's establishment;
- g) an assembly plant;
- h) a manufacturing plant; and,
- i) resource management uses.

### 6.4.2 Regulations for Permitted Uses

6.4.2.1	Maximum Lot Coverage	40%
6.4.2.2	Minimum Lot Area	.5 hectare
6.4.2.3	Minimum Lot Frontage	60 metres
6.4.2.4	Minimum Front Yard Depth	15 metres
6.4.2.5	Minimum Side Yard Width	6 metres
6.4.2.6	Minimum Rear Yard Depth	7.5 metres
6.4.2.7	Maximum Height of Building	12 metres
6.4.2.8	Minimum distance between any building and a public highway shall be 30 metres.	

### 6.4.3 Special Regulations

In the Airport (AR) Zone, manufacturing industry means "the manufacturing, assembling or processing of component parts to produce finished products suitable for retail or wholesale trade, which is predominantly conducted within a wholly enclosed building the operation of which does not produce emissions of noise, smoke, odour, particulate matter or vibration which are detectable beyond any lot line.

### 6.4.4 General Industrial Exception One (AR-1) Zone

#### 6.4.4.1 Airport Exception One (AR-1) Zone

No person shall within any General Industrial Exception One (AR-1) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

- a) Non-Residential Uses Permitted
  - i. an airport; and,
  - ii. a forwarding depot or freight handling establishment.
  
- b) Regulations for Permitted Uses
  - i. Maximum Lot Coverage 40%
  - ii. Minimum distance between any building and a public highway 30 metres
  
- c) General Provisions

All provisions, excepting maximum lot coverage and minimum distance between any building and a public highway, of Section 6, "Airport(AR) Zone", as they apply to the use of land, buildings or structures permitted in the Airport Exception One (AR-1) Zone.



## SECTION 7 - INSTITUTIONAL (I) ZONE

No person shall within any Institutional (I) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

### 7.1 Non-Residential Uses Permitted

- a) one accessory dwelling;
- b) an auditorium;
- c) an arena or community centre;
- d) a cemetery;
- e) a church;
- f) a clinic;
- g) a firehall;
- h) a day care centre;
- i) a library;
- j) a municipal building;
- k) a nursery school;
- l) a nursing home;
- m) a police station;
- n) a post office;
- o) a private club;
- p) public use;
- q) a school;
- s) assembly hall;
- t) accessory uses;
- u) senior citizens' home;
- v) long term care facility; and,  
uses existing as of the date of passing of this By-law.

### 7.2 Regulations for Permitted Uses

7.2.1.1	Minimum Lot Area - private water and/or sewer	.4 hectares
7.2.1.2	Minimum Lot Area - public water and sewer	No minimum lot area
7.2.1.3	Minimum Lot Frontage - private water and/or sewer	38 metres
7.2.1.4	Minimum Lot Frontage - public water and sewer	No minimum lot frontage
7.2.1.5	Minimum Front Yard Depth	9 metres
7.2.1.6	Minimum Exterior Side Yard Width	9 metres
7.2.1.7	Minimum Interior Side Yard Width	9 metres
	except where the interior side lot line abuts a Commercial or Institutional Zone, no interior side yard is required	

7.2.1.8	Minimum Rear Yard Depth except where a rear lot line abuts a zone other than a Commercial or Institutional Zone, the minimum rear yard depth shall be	6 metres  9 metres
7.2.1.9	Minimum Dwelling Unit Area	
	i. Accessory dwelling	78 m <sup>2</sup>
	ii. Bachelor dwelling unit	55 m <sup>2</sup>
	iii. Other dwelling unit	55 m <sup>2</sup> plus an additional 14 m <sup>2</sup> for each bedroom
7.2.1.10	Minimum Landscaped Open Space	30%
7.2.1.11	Maximum Height of Building	12.5 metres

7.3 Additional Regulations

7.3.1 Flood Susceptible Lands

Lands which are within the flood plain and are identified with the sub-category (F) shall be utilized in accordance with Section 3.9 “Flood Susceptible Lands” of this By-law.

7.4 General Zone Provisions

All provisions of Section 3, “General Zone Provisions”, as they apply to the use of land, buildings or structures permitted in the Institutional (I) Zone shall apply and be complied with.

7.5 Institutional Zone Exceptions

7.5.1

7.5.2 Institutional Exception Two (I-2(F)) Zone

All of the provisions and regulations of the Institutional (I) Zone shall apply to the Institutional Exception Two (I2-(F)) Zone except that the permitted uses include a public use only.

7.5.2 Institutional Exception Two (I-2) Zone

All of the provisions and regulations of the Institutional (I) Zone shall apply to the Institutional Exception Two (I-2) Zone except that the minimum lot frontage requirement shall be 18.6 metres (61 feet).

## SECTION 8 - OPEN SPACE (OS) ZONE

No person shall within any Open Space (OS) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

### 8.1 Residential Uses Permitted

A dwelling unit accessory to a use permitted in Subsection 8.2 if used by an owner, caretaker, concessionaire or similar person;

### 8.2 Non-Residential Uses Permitted

- a) Outdoor recreational uses, and uses of buildings and structures accessory thereto, and for the purposes of clarification, but not so as to limit the generality of the foregoing, shall include ski trails, picnic grounds, boat launching sites;
- b) Agricultural uses and buildings, or structures accessory thereto excepting human habitation; and,
- c) A commercial establishment accessory to uses permitted in Subsection 8.2a.

### 8.3 Regulations for Permitted Uses

8.3.1.1	Minimum Lot Area	1 hectare
8.3.1.2	Minimum Lot Frontage	137 metres
8.3.1.3	Minimum Front Yard Depth	15 metres
8.3.1.4	Minimum Side Yard Width	7.5 metres
8.3.1.5	Minimum Rear Yard Depth	15 metres
8.3.1.6	Maximum Lot Coverage	3%

### 8.4 Additional Regulations

#### 8.4.1.1 Regulations for uses permitted in Subsection 8.2 (c)

Any accessory commercial use established in an Open Space (OS) Zone shall be established in accordance with the regulations of Subsection 5.1 of this By-law.

#### 8.4.1.2 Regulations for uses permitted in Subsection 8.1

Any accessory dwelling unit established in an Open Space (OS) Zone

shall be established in accordance with the regulations of Subsection 4.1 "Accessory Uses" this By-law.

## 8.5 General Zone Provisions

All provisions of Section 3, "General Zone Provisions", as they apply to the use of land, buildings or structures permitted in the Open Space (OS) Zone shall apply and be complied with.

## 8.6 Exceptions

### 8.6.1 Open Space Exception One (OS-1) Zone

Notwithstanding the provisions of Sections 8.2 and 8.3 to the contrary, the following regulations shall also apply to those lands zoned Open Space Exception One (OS-1) Zone.

#### 8.6.1.1 Permitted Uses

- a) fairgrounds and community centres.

#### 8.6.1.2 Regulations

- |                         |                      |
|-------------------------|----------------------|
| a) Minimum Lot Area     | 7,440 m <sup>2</sup> |
| b) Minimum Lot Frontage | 60 metres            |
| c) Minimum Front Yard   | 23 metres            |
| d) Minimum Side Yard    | 15 metres            |
| e) Minimum Rear Yard    | 15 metres            |
| f) Maximum Lot Coverage | 2%                   |

### 8.6.2 Open Space Exception Two (OS-2) Zone

RESERVED

### 8.6.3 Open Space Exception Three (OS-3) Zone

Notwithstanding the provisions of Sections 8.2 and 8.4 to the contrary, the following regulations shall also apply to those lands zoned Open Space Exception Three (OS-3) Zone:

#### 8.6.3.1 Permitted Uses

- a) stormwater management facility.

8.6.3.2 No buildings or structures of any kind are permitted in the Open Space Exception Three (OS-3) Zone.

## SECTION 9 - HAZARD LANDS (H) ZONE

No person shall within any Hazard (H) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

### 9.1 Permitted Uses

- a) Recreation uses of a non-intensive nature, including golf courses, parks, playgrounds, aircraft or boat launching, docking facilities excepting permanent buildings and structures;
- b) Agricultural uses, excepting permanent buildings or structures;
- c) Conservation uses; and,
- d) Flood control structures.

### 9.2 Regulations for non-permanent buildings and structures

- |                             |            |
|-----------------------------|------------|
| a) Minimum Lot Area         | 1 hectare  |
| b) Minimum Lot Frontage     | 137 metres |
| c) Minimum Front Yard Depth | 30 metres  |
| d) Minimum Side Yard Width  | 15 metres  |
| e) Minimum Rear Yard Depth  | 15 metres  |
| f) Maximum Lot Coverage     | 2%         |

### 9.3 Additional Regulations

Most lands zoned Hazard (H) are subject to one or more of the following: flooding, steep slope, unstable soils or bedrock, areas susceptible to erosion or locally or provincially significant wetlands and as such are further governed by the Regulation known as "Fill, Construction, and Alteration to Waterway Regulation" (Ont. Reg. 282/97 or any subsequent regulation made under Section 28 of the Conservation Authorities Act) as authorized by the Otonabee Region Conservation Authority. Permits are required for any development or site alteration within areas regulated by the Otonabee Region Conservation Authority.

### 9.4 General Zone Provisions

All provisions of Section 3, "General Zone Provisions", as they apply to the use of land, buildings or structures permitted in the Hazard (H) Zone shall apply and be complied with.

### 9.5 Exceptions

#### 9.5.1 Hazard Exception One (H-1) Zone

No person shall within the Hazard Exception One (H-1) Zone use any land or erect alter or use any building or structure except in accordance with the following provisions:

#### 9.5.1.1 Permitted Uses

- a) A golf course excepting buildings or structures unless used for flood control or irrigation purposes;
- b) Resource management uses excepting buildings or structures; and,
- c) Agricultural uses excepting buildings, dwellings or structures.

#### 9.5.1.2 Regulations

- a) In the Hazard Exception One (H-1) Zone, no building or structure shall be erected within 15 metres of any lot line.

#### 9.5.2 Hazard Lands Exception Two (H-2) Zone

All of the provisions and regulations of the Hazard lands (H) Zone shall apply to the Hazard Lands Exception Two (H-2) Zone except that one accessory building, 93 square metres (1000 square feet) in size, existing as of the date of the passing of the by-law, shall be permitted. Habitable rooms and/or plumbing are prohibited within the accessory building.

#### 9.5.3 Hazard Lands Exception Three (H-3) Zone

All of the provisions and regulations of the Hazard Lands (H) Zone shall apply to the Hazard Lands Exception Three (H-3) Zone except that the detached garage, 33.5 square metres (360 square feet) in size, existing on the date of passing of the by-law, shall be permitted.

## SECTION 10 - RURAL (RU) ZONE

No person shall within any Rural (RU) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

### 10.1 Residential Uses Permitted

- a) a single detached dwelling;
- b) a single detached dwelling as an accessory use to the uses permitted in Section 10.2.a and 10.2.b, the dwelling shall be occupied by an employee of the farm;
- c) the conversion of a single detached dwelling having a minimum floor area of 167.2 square metres at the date of the passing of this By-law to a duplex or semi-detached dwelling on one lot; and,
- d) a bed and breakfast establishment.

### 10.2 Non-Residential Uses Permitted

- a) a farm;
- b) resource management uses;
- c) a riding school or board stables, an animal hospital, a livestock sales barn, a hunting lodge;
- d) a farm produce sales outlet provided such produce is a product of the farm on which the outlet is located;
- e) a kennel;
- f) a home occupation in accordance with Section 3.15 "Home Occupation" of this By-law;
- g) a home industry in accordance with Section 3.14 "Home Industry" of this By-law;
- h) a cemetery existing on the date of passing of this By-law; and,
- i) a public park.

### 10.3 Regulations for Permitted Uses

- |  |             |
|--|-------------|
| a) Minimum Lot Area:                     | 20 hectares |
| b) Minimum Lot Frontage                  | 130 metres  |
| c) Minimum Front Yard Depth              | 30 metres   |
| d) Minimum Side Yard Width               |             |
| i. Buildings permitted in Sections 10.1  | 4 metres    |
| ii. Buildings permitted in Section 10.2  | 15 metres   |
| e) Minimum Rear Yard Depth               |             |
| i. Buildings permitted in Section 10.1   | 6 metres    |
| ii. Buildings permitted in Sections 10.2 | 15 metres   |

f) Minimum Dwelling Unit Area	
i. Habitable buildings permitted in Section 10.1.a	80 m <sup>2</sup>
g) Maximum Lot Coverage	
i. Habitable buildings permitted in Section 10.1	20%
h) Maximum Height of Building	9.1 m
i. Habitable buildings permitted in Section 10.1	9 metres
j) Maximum Number of Dwellings Per Lot	1
k) Maximum Number of Dwelling Units per Lot	1

#### 10.4 Additional Regulations

10.4.1 Creation of new non-farm residential lots by Consent to Land Severance  
Notwithstanding any provisions of this By-law to the contrary, non-farm residential lots created by land severance shall be permitted in the Rural (RU) Zone. The Rural Residential (RR) zone provisions contained in Section 4.5.3 will be applied to these lots.

#### 10.5 General Zone Provisions

All provisions of Section 3, “General Zone Provisions”, as they apply to the use of land, buildings or structures permitted in the Rural (RU) Zone shall apply and be complied with.

#### 10.6 Exceptions

##### 10.6.1 Rural Exception One (RU-1) Zone

In addition to the uses permitted in the Rural (RU) Zone, in the Rural Exception One (RU-1) Zone a temporary antique show and sale shall also be permitted.

For the purposes of the Rural Exception One (RU-1) Zone: 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.

##### 10.6.2 Rural Exception Two (RU-2) Zone

All of the provisions and regulations of the Rural (RU) Zone shall apply to the Rural Exception Two (RU-2) Zone except that a maximum of two single detached dwelling may be permitted.



### 10.6.3 Rural Exception Three (RU-3) Zone

All the provisions and regulations of the Rural (RU) Zone shall apply with the following exceptions:

a) Permitted Non-Residential Uses

- i. a gas regulator facility in a wholly enclosed building.

b) Regulations for Permitted Uses

i. Minimum Lot Area	780 m <sup>2</sup>
ii. Minimum Lot Frontage	17.07 metres
iii. Minimum Front Yard (north)	14.6 metres
iv. Exterior Side Yard (east)	7.3 metres
v. Minimum Rear Yard (south)	26.2 metres
vi. Interior Side Yard (west)	6.1 metres
vii. Maximum Lot Coverage	2.2%

c) Additional Regulations

- i. a gas regulator facility shall be enclosed by chain link fencing, at least 2.4 metres in height and a minimum setback of 1.52 metres from any enclosed structure;
- ii. access shall be provided by a locked gate;
- iii. a gas regulator facility on lands within the Rural Exception Three (RU-3) Zone shall be enclosed by a page wire fence; and,
- iv. a planting strip shall comprise of all areas between any property line and any security (chain link) fence; and shall consist of an unpierced and unbroken hedgerow of evergreen or perennial shrubs.

### 10.6.4 Rural Exception Four (RU-4) Zone

All provisions and regulations of the Rural (RU) Zone of this By-law shall apply with the following exceptions:

a) Regulations

i. Minimum Lot Area	13 hectares
ii. Minimum Floor Area per Dwelling Unit	69 m <sup>2</sup>

### 10.6.5 Rural Exception Five (RU-5) Zone

All provisions and regulations of the Rural (RU) Zone of this By-law shall

apply with the following exceptions:

a) Regulations

- |                        |             |
|------------------------|-------------|
| i. Minimum Lot Area    | 19 hectares |
| ii. Minimum Front Yard | 11.5 metres |
| iii. Minimum Side Yard | 5 metres    |

10.6.6 Rural Exception Six (RU-6) Zone

All the provisions and regulations of the Rural (RU) Zone shall apply with the following exceptions:

a) Permitted Uses

- i. a farm;
- ii. a riding school or boarding stables;
- iii. a farm produce sales outlet provided such produce is a product of the farm on which the outlet is located; and,
- iv. a home industry.

b) Regulations for Permitted Uses

- |                          |            |
|--------------------------|------------|
| i. Minimum Lot Area      | 9 hectares |
| ii. Minimum Lot Frontage | 289 metres |

10.6.7 Rural Exception Seven (RU-7) Zone

No person shall within the Rural Exception Seven (RU-7) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

a) Permitted Uses

- i. A single detached dwelling;
- ii. A hobby farm;
- iii. Resource management uses; and,
- iv. A home occupation.

b) Regulations for Permitted Uses

All of the provisions of the Rural(RU) Zone shall apply to the Rural Exception 7 (RU-7) Zone except that the minimum lot area requirement shall be 2.5 hectares and the minimum lot frontage requirement shall be 120 metres.

c) Special Provisions

For the purposes of the Rural Exception 7 (RU-7) Zone a hobby farm is defined as “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. A hobby farm may also include a single detached dwelling.”

10.6.8 Rural Exception Eight (RU-8) Zone

No person shall within Rural Exception Eight (RU-8) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

a) Permitted Uses

- i. An existing hog assembly yard.

b) Regulations for Permitted Uses

i. Minimum Lot Area	1.5 hectares
ii. Minimum Lot Frontage	126 metres
iii. Maximum Lot Coverage	15%
iv. Minimum Front Yard	27.8 metres
v. Minimum East Side Yard	27 metres
vi. Minimum West Side Yard	80 metres
vii. Minimum Rear Yard	45 metres

10.6.9 Rural Exception Nine (RU-9) Zone

All the provisions and regulations of the Rural (RU) Zone shall apply with the following exceptions:

- a) Minimum Lot Frontage 30 metres
- b) Minimum Lot Area 10 hectares
- c) Notwithstanding the definition of lot frontage, the largest lot frontage on Cathcart Crescent shall be deemed the lot frontage in the Rural Exception Nine (RU-9) Zone.

10.6.10 Rural Exception Ten (RU-10) Zone

No person shall within Rural Exception Ten (RU-10) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

a) Permitted Uses

- i. a farm;

- ii. a recreation ranch and camp;
- iii. a riding school and boarding stable;
- iv. resource management uses; and,
- v. one single detached dwelling on a lot, as an accessory use to the uses permitted in subsections i., ii., iii., and iv.

b) Regulations for Permitted Uses

The regulations of the Rural (RU) Zone shall apply with the following exceptions:

- i. Minimum Lot Area for all permitted uses 39.8 ha
- ii. Minimum Lot Frontage for all permitted uses 227 metres
- iii. The total cumulative gross floor area of all buildings and structures including washrooms and the sugar shack (but excluding existing decks and new decks used for access and egress to any new buildings and structures) permitted shall be 2973 m<sup>2</sup>
- iv. No building or structure shall be erected within 45 metres of the northerly lot line nor within 15 metres of the easterly or westerly lot lines nor within 91 metres of the southerly lot line.
- v. No building or structure shall exceed 11.6 metres in height nor 2 storeys.
- vi. With the exception of the single detached dwelling, no overnight accommodation shall be provided except for staff of and participants enrolled in programs offered by the recreation ranch and camp or riding school or boarding stable, and such shelter shall be provided in permanent building accommodation(s).
- vii. No overnight accommodation shall be provided in temporary shelter(s).
- viii. Parking for all permitted uses shall be located in accordance with the yard requirements of subsection iv.

c) Special Requirements

- i. No buildings or structures shall be permitted in Part B of Rural Exception 10 (RU-10) Zone as shown on Schedule "B1" except for the following:
  - approved washrooms; and,
  - a sugar shack as part of a permitted use, and not including any eating establishment or retail outlet.
- ii. No overnight accommodation shall be permitted in Part B of Rural Exception Ten (RU-10) Zone as shown on Schedule "B1".
- iii. No buildings or structures shall be permitted in Part C of Rural Exception Ten (RU-10) Zone as shown on Schedule "B1".

iv. No overnight accommodation shall be permitted in Part C of Rural Exception Ten (RU-10) Zone as shown on Schedule "B1".

d) Definitions

For the purposes of Section 10.6.10 of this By-law, the following definitions apply:

"Chapel" means a building or portion thereof used for the purpose of worship for persons who are enrolled as participants or instructors in a program conducted on the lands with a floor area not exceeding 103 square metres and seating for not more than 30 persons.

"Dining Hall" means a building or portion thereof in which dining areas are provided for the exclusive use of students and staff of the riding school and boarding stable or the recreation ranch and camp, but shall not include an eating establishment where food is offered for sale or sold to the public for immediate consumption therein.

"Permanent Building Accommodation" means permanent buildings or portions thereof, such as a bunk house or cabin, designed for the purposes of providing overnight accommodation for students and staff of the riding school and boarding stable or the recreation ranch and camp.

"Recreation Ranch and Camp" means a centre located on the lands accessory to the riding school and which is family oriented and has facilities and programs intended to improve the general health and spiritual well being of individuals and families through fellowship and participation in religious, educational, recreational and/or social activities. The facilities may include the use of a chapel, a dining hall, and recreational areas and also, the use of the riding school and boarding stable facilities including permanent building accommodations as defined herein. A recreation ranch and camp shall not include a hotel, motel, lodge or any other for of tourist establishment and recreational motor homes are not permitted as part of the ranch and camp.

"Riding School and Boarding Stable" means 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 arena and permanent buildings for the overnight accommodation of students and staff of the riding school and boarding stable. Other support facilities may include the use of a dining hall and recreational hall, tepees, wagons, cabin, washrooms and outdoor recreational riding and activity areas.

“Single Detached Dwelling” means one building consisting of one dwelling unit for the exclusive use and permanent use of the owners’ family or the use of a caretaker, watchman, employee or other similar person. The word “dwelling” shall not include a mobile home, recreational motor home, or recreational travel trailer.

“Sugar shack” means a farm building with a floor area not exceeding 56 square metres, used for the collection, production, bottling or packaging of maple syrup or maple products.

“Temporary Shelter” means the provision of overnight accommodation in shelters such as tents, tepees, wagons, tourist trailers, tourist vehicles or recreational motor homes or similar accommodation.

For the purpose of this section, words in the singular include the plural.

#### 10.6.11 Rural Exception Eleven (RU-11) Zone

No person shall within Rural Exception Eleven (RU-11) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

##### a) Permitted Uses

- i. agricultural uses excluding buildings;
- ii. resource management uses, excluding buildings; and,
- iii. a single detached dwelling or duplex in an existing building, if occupied by the owner, caretaker or watchman or other similar person.

##### b) Regulations

i. Minimum Lot Area	38 hectares
ii. Minimum Lot Frontage	205 metres
iii. Minimum Front Yard	10 metres
iv. Minimum Side Yard	15 metres
v. Minimum Rear Yard	15 metres
vi. Maximum Height	9 metres
vii. Minimum Floor Area per Dwelling Unit	83 m <sup>2</sup>

#### 10.6.12 Rural Exception Twelve (RU-12) Zone

Notwithstanding the permitted uses of the Rural Zone, a “Granny Suite”

shall be a permitted use in the Rural Exception Twelve (RU-12) Zone.

#### 10.6.13 Rural Exception Thirteen (RU-13) Zone

Notwithstanding the regulations of the Rural Zone, the following provisions shall apply to the Rural Exception Thirteen (RU) Zone:

##### a) Regulations

- |                          |             |
|--------------------------|-------------|
| i. Minimum Lot Area      | .9 hectares |
| ii. Minimum Lot Frontage | 35 metres   |

All other regulations of the Rural (RU) Zone shall apply to the Rural Exception Thirteen (RU-13) Zone.

#### 10.6.14 Rural Exception Fourteen (RU-14)

No person shall within the Rural Exception Fourteen (RU-14) use any land or erect, alter or use any building or structure except in accordance with the following general provisions:

##### a) Permitted Uses

- i. a business or professional office;
- ii. a convenience store;
- iii. a light equipment sales and rental establishment;
- iv. a personal service shop;
- v. a retail store;
- vi. a farm produce sales outlet;
- vii. a light manufacturing industry;
- viii. a motor vehicle repair garage;
- ix. a nursery;
- x. a mini warehouse and public storage facility;
- xi. a winery; and
- xii. a commercial school.

##### b) Regulations for Permitted Uses

- |                           |              |
|---------------------------|--------------|
| i. Minimum Lot Area       | .4 hectares  |
| ii. Minimum Lot Frontage  | 60.96 metres |
| iii. Maximum Lot Coverage | 40%          |
| iv. Maximum Height        | 9.144 metres |
| v. Minimum front Yard     | 15.24 metres |
| vi. Minimum Side Yard     | 6.1 metres   |
| vii. Minimum Rear Yard    | 6.1 metres   |

##### c) Additional Regulations

- i. For the purposes of this Bylaw, a mini warehouse and public storage facility is defined as "a building used for the temporary

storage of items in separately occupied, secured storage areas of lockers generally accessible by means of individual loading doors.

- ii. For the purposes of this By-law, a commercial school is defined as "a school conducted for hire or gain, other than a private academic, religious or philanthropic school, and includes the studio of a dancing teacher or music teacher, an art school, and any other such specialized school conducted for hire or gain.
- iii. All other relevant provisions and regulations of this By-law shall also be applied to the Rural Exception Fourteen (RU-14) Zone.

#### 10.6.15 Rural Exception Fifteen (RU-15) Zone

All of the provisions and regulations of the Rural (RU) Zone shall apply to the Rural Exception Fifteen (RU-15) Zone, except that the minimum lot area requirement shall be 14.5 hectares, the minimum lot frontage requirements shall be 183 metres, the minimum side yard requirement for the southern side yard shall be 135 metres and the minimum rear yard requirement shall be 442 metres. Notwithstanding any provision of the Rural Zone (RU) to the contrary, in the Rural Exception Fifteen (RU-15) Zone a single detached dwelling shall be permitted as a primary use and the regulations of Section 10.3 of the Rural (RU) Zone, except the minimum southern side yard requirement and the minimum rear yard requirement, shall apply thereto.

#### 10.6.15 Rural Exception Fifteen Holding (RU-15-H) Zone

In addition to the uses permitted in the Rural (RU) Zone, a home industry with a maximum of four (4) employees who do not live on site, is permitted. All of the standard provisions and regulations of the Rural Zone (RU) apply to the Rural Exception Fifteen (RU-15) Zone except that the minimum lot area requirement is 12 hectares (30 acres).

Holding provisions attached to the Rural Exception Fifteen Holding (RU-15-H) Zone shall be removed only when the following actions have been secured to the satisfaction of the Township:

1. A Traffic Impact Study, acceptable to the Peterborough County Public Works Department, is completed for the existing entrance to the property; and
2. Any road improvements required as a result of the Traffic Impact Study are completed to the satisfaction of the County.

#### 10.6.16 Rural Exception Sixteen (RU-16) Zone



All of the provisions and regulations of the Rural (RU) Zone shall apply to the Rural Exception Sixteen (RU-16) Zone except that the minimum lot frontage requirement shall be 114 metres (375 feet).

#### 10.6.17 Rural Exception Seventeen (RU-17) Zone

All of the provisions and regulations of the Rural (RU) Zone shall apply to the Rural Exception Sixteen (RU-16) Zone except that the minimum lot frontage requirement shall be 45 metres (150 feet) and the minimum lot area requirement shall be 16 hectares (40 acres).

#### 10.6.18 Rural Exception Eighteen (RU-18) Zone

All of the provisions and regulations of the Rural (RU) Zone shall apply to the Rural Exception Eighteen (RU-18) Zone except that residential uses are prohibited.

#### 10.6.18 Rural Exception Eighteen (RU-18) Zone

All of the provisions and regulations of the Rural (RU) Zone shall apply to the Rural Exception Eighteen (RU-18) Zone except that the minimum lot frontage requirement shall be 14.5 metres (47.5 feet), the minimum lot area requirement shall be 591 square metres (0.14 acres), the minimum side yard requirement for the existing dwelling shall be 3.3 metres (11 feet).

#### 10.6.18 Rural Exception Eighteen Holding (RU-18-H) Zone

All of the provisions and regulations of the Rural (RU) Zone shall apply to the Rural Exceptions Eighteen (RU-18) Zone except that the minimum lot frontage requirement shall be 90 metres (295 feet), the minimum lot area requirement shall be 0.5 hectares (1.24 acres), the minimum front yard depth shall be 9 metres (29.5 feet) and the minimum side yard requirement for the existing dwelling shall be 3.3 metres (11 feet).

The Holding provisions attached to the Rural Exception Eighteen Holding (RU-18-H) Zone will be removed only when the Township is satisfied that the property owners have satisfied the requirements of the Otonabee Region Conservation Authority.

Until the Holding provisions are removed, only those uses existing as of the date of passing of the by-law are permitted.

#### 10.6.21 Rural Exception Twenty One (RU-21)

All of the provisions and regulations of the Rural (RU) Zone shall apply to the Rural Exception Twenty One (RU-21) Zone except that a garden suite shall be permitted on site, as a second dwelling unit, for a maximum of ten (10) years from the date of passing of the By-law. Upon expiry of the temporary use by-law, the subject lands will return to the Rural (RU) Zone.

For the purposes of this By-law, a garden suite is defined as "a one-unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable".

Access to the garden suite shall be by mutual use of the existing driveway.

The garden suite shall be serviced by an approved individual sewage disposal system.

The garden suite shall be occupied by Alexander Duthie and at such time as Mr. Duthie no longer resides in the garden suite, the suite shall be removed from the property.

#### 10.6.23 Rural Exception Twenty Three (RU-23) Zone

All of the provisions and regulations of the Rural (RU) Zone shall apply to the Rural Exception Twenty Three (RU-23) Zone except that the minimum lot area requirement shall be 17 hectares (42 acres).

#### 10.6.23 Rural Exception Twenty Three (RU-23) Zone

All of the regulations of the Rural (RU) Zone shall apply to the Rural Exception Twenty Three (RU-23) except that the minimum lot area requirement shall be 3.6 hectares (9 acres).

#### 10.6.24 Rural Exception Twenty Four (RU-24) Zone

All of the regulations of the Rural (RU) Zone will apply to the Rural Exception Twenty Four (RU-24) except that the minimum lot area requirement shall be 8.7 hectares (21.6 acres) and the minimum lot frontage requirement shall be 9 metres (29.5 feet).

#### 10.6.26 Rural Exception Twenty-Six (RU-26) Zone

All of the provisions and regulations of the Rural (RU) Zone shall apply

to the Rural Exception Twenty-Six (RU-26) Zone except that the minimum lot frontage requirement shall be 0 metres (0 feet).

#### 10.6.28 Rural Exception Twenty-Eight (RU-28) Zone

All of the provisions and regulations of the Rural (RU) Zone shall apply to the Rural Exception Twenty-Eight (RU-28) Zone except that the minimum lot area requirement shall be 18.2 hectares (45 acres).

#### 10.6.29 Rural Exception Twenty-Nine (RU-29) Zone

All of the provisions and regulations of the Rural (RU) Zone shall apply to the Rural Exception Twenty-Nine (RU-29) Zone except that the minimum lot area requirement shall be 19 hectares (47 acres) and the keeping of livestock in the existing livestock facility is prohibited.

#### 10.6.29 Rural Exception Twenty-Nine (RU-29) Zone

All of the provisions and regulations of the Rural (RU) Zone shall apply to the Rural Exception Twenty-Nine (RU-29) Zone except that the minimum lot area requirement shall be 18.2 hectares (45 acres), the minimum western side yard width of the existing livestock facility shall be 8 metres (26.25 feet) and the keeping of livestock in the existing livestock facility is prohibited.

#### 10.6.30 Rural Exception Thirty (RU-30) Zone

All of the regulations of the Rural (RU) Zone shall apply to the Rural Exception Thirty (RU-30) Zone in part of Lot 8, Concession 9 of the North Monaghan Ward except that the minimum lot area and lot frontage requirements shall be 20.5 hectares (50.6 acres) and 20 metres (66 feet) respectively. In addition, notwithstanding the provisions of Section 3.19 to the contrary, the zone boundary between the Rural Exception Thirty (RU-30) Zone and the Hazard Lands (H) Zone shall not be considered a lot line.

#### 10.6.31 Rural Exception Thirty-One (RU-31) Zone

All of the regulations of the Rural (RU) Zone shall apply to the Rural Exception Thirty-One (RU-31) Zone in part of Lot 8, Concession 9 of the North Monaghan Ward except that the minimum lot area requirement shall be 8.5 hectares (21 acres). In addition, notwithstanding the provisions of Section 3.19 to the contrary, the zone boundary between the Rural Exception Thirty-One (RU-31) Zone and the Hazard Lands (H) Zone shall not be considered a lot line.

## **SECTION 11 - AGRICULTURAL (A) ZONE**

No person shall within any Agricultural (A) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

### **11.1 Residential Uses**

- a) a single detached dwelling;
- b) a single detached dwelling as an accessory use to the uses permitted in Section 11.2.a and 11.2.b, the dwelling shall be occupied by an employee of the farm;
- c) the conversion of a single detached dwelling having a minimum floor area of 167.2 square metres at the date of the passing of this By-law to a duplex or semi-detached dwelling on one lot; and,
- d) a bed and breakfast establishment.

### **11.2 Non-Residential Uses**

- a) a farm including a farm house;
- b) riding school or boarding stables, an animal hospital, a livestock sales barn;
- c) conservation and forestry use;
- d) a home occupation;
- e) a home industry;
- f) a farm produce sales outlet as an accessory use;
- g) kennel; and,
- h) wayside pits and wayside quarries.

### **11.3 Regulations for Permitted Uses**

- a) Minimum Lot Area 40 hectares

b) Minimum Lot Frontage	130 metres
c) Minimum Front Yard Depth	30 metres
d) Minimum Side Yard Width	
i. Buildings permitted in Section 11.1	4 metres
ii. Buildings permitted in Section 11.2	15 metres
e) Minimum Rear Yard Depth	
i. Buildings permitted in Section 11.1	4 metres
ii. Buildings permitted in Section 11.2	15 metres
f) Minimum Dwelling Unit Area	80 m <sup>2</sup>

#### 11.4 Additional Regulations

11.4.1 Where any screening, sorting, washing, crushing, or stockpiling operation is located and such operation abuts any Residential Zone, or Estate Residential Zone, the minimum yard requirements shall be increased by 61.5 metres for the Front Yard and 76.5 metres for the Side and Rear Yards.

11.4.2 Creation of new non-farm residential lots by Consent to Land Severance

Notwithstanding any provisions of this By-law to the contrary, non-farm residential lots created by land severance shall be permitted in the Agricultural (A) Zone. The Rural Residential zone provisions contained in Section 4.5.3 will be applied to these lots.

11.4.3 Additional Regulations for the Keeping of Livestock

The keeping of livestock shall not be permitted on lots which are less than 1 hectare in size. In the case of lots which are from 1 hectare to 2 hectares in size, the keeping of a maximum of two (2) livestock units shall be permitted. The keeping of livestock on lots which are greater than 2 hectares in size shall be established in accordance with the Minimum Distance Separation formulas as calculated using the latest version of the MDSI calculation as published by the Ministry of Agriculture, Food and Rural Affairs.

#### 11.5 General Zone Provisions

All provisions of Section 3, "General Zone Provisions", as they apply to the use of land, buildings or structures permitted in the Agricultural Zone (A) shall apply and be complied with.

#### 11.6 Exceptions

#### 11.6.1 Agricultural Exception (A-1) Zone

No person shall within any Agricultural Exception (A-1) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

##### a) Permitted Uses

- i. all uses permitted in Section 11.1 and 11.2; and,
- ii. a community theatre.

##### b) Regulations for Permitted Uses

- i. Minimum Front Yard 92 metres
- ii. Minimum Rear Yard 1296 metres
- iii. Minimum Side Yard 15 metres
- iv. Maximum Height 9.2 metres
- v. On site parking shall be located in accordance with the yard requirements of Parking Provisions contained in Section 3.20.

#### 11.6.2 Agricultural Exception Two (A-2) Zone

All of the provisions and regulations of the Agricultural (A) Zone shall apply to the Agricultural Exception Two (A-2) Zone except that the minimum lot area requirement shall be 23 hectares (56.8 acres).

#### 11.6.2 Agricultural Exception Three (A-3) Zone

All of the provisions and regulations of the Agricultural (A) Zone shall apply to the Agricultural Exception Three (A-3) Zone except that the minimum lot area and lot frontage requirements shall be 30 hectares (74 acres) and 147.5 metres (484 feet).

#### 11.6.5 Agricultural Exception Five (A-5) Zone

All of the provisions and regulations of the Agricultural (A) Zone shall apply to the Agricultural Exception Five (A-5) Zone except that the minimum lot area requirement shall be 3.9 hectares (9.6 acres).

#### 11.6.6 Agricultural Exception Six (A-6) Zone

All of the provisions and regulations of the Agricultural (A) Zone shall apply to the Agricultural Exception Six (A-6) Zone except that the minimum lot area and lot frontage requirements shall be 38.9 hectares (96 acres) and 116.4 metres (380.5 feet) respectively. In addition, in the

Agricultural Exception Six (A-6) Zone, a maximum of two single detached dwellings are permitted.

## SECTION 12 - DEVELOPMENT (D) ZONE

No person shall within any Development (D) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

### 12.1 Residential Uses

- a) an existing single detached dwelling.

### 12.2 Non-Residential Uses

- a) a home occupation;
- b) a public use;
- c) an existing farm operation;
- d) an existing accessory dwelling house;
- e) a farm produce outlet; and,
- f) existing uses in addition to or other than those listed above.

### 12.3 Regulations for Permitted Uses

- |  |                     |
|--|---------------------|
| a) Minimum Front Yard Depth                  | 9 metres            |
| b) Minimum Exterior Side Yard Width          | 9 metres            |
| c) Minimum Interior Side Yard Width          | 3 metres            |
| d) Minimum Rear Yard Depth                   | 7.5 metres          |
| e) Minimum Dwelling Unit Area                | 92.5 m <sup>2</sup> |
| f) Maximum Lot Coverage                      | 1%                  |
| g) Maximum Height of Building                | 9.5 metres          |
| h) Maximum Number of Dwelling Houses Per Lot | 1                   |

### 12.4 General Provisions

All provisions and regulations of Section 3, General Zone Provisions, as they apply to the use of land, buildings or structures permitted in the Development Zone (D) shall apply and be complied with.

### 12.5 Exceptions

#### 12.5.1.1 Special Development (D-1) Zone

No person shall within any Special Development (D-1) Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions:

- a) Permitted Residential Uses
  - i. a single detached dwelling.



b) Permitted Non-Residential Uses

- i. a home occupation;
- ii. accessory uses;
- iii. a public park; and,
- iv. uses existing as of the date of passing of this By-law.

c) Regulations for Permitted Uses

- i. Minimum Lot Area: 7.68 hectares
- ii. Minimum Lot Frontage 190.5 metres
- iii. Minimum Front Yard Depth 9 metres
- iv. Minimum Exterior Side Yard Width 9 metres
- v. Minimum Rear Yard Depth 7.5 metres
- vi. Maximum Number of Dwellings per lot 1
- vii. Minimum Dwelling Unit Area 92.5 m<sup>2</sup>
- viii. Maximum Lot Coverage 10%
- ix. Maximum Height of Building 10 metres
- x. All other relevant sections of this By-law shall apply.

**SECTION 12A OAK RIDGES MORaine ZONES**

12A.1 Oak Ridges Moraine Environmental (ORME) Zone

12A.1.1 Permitted Uses

No person shall within an Oak Ridges Moraine Environmental (ORME) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

12A.1.2 General Zone Provisions

All provisions of Section 3 – General Provisions of this By-law applicable to the use of any land, building or structure permitted within the Oak Ridges Moraine Environmental (ORME) Zone shall apply and be complied with.

12A.2 OAK RIDGES MORaine CORE (ORMC) ZONE

12A.2.1 Permitted Uses

No person shall within an Oak Ridges Moraine Core (ORMC) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### 12A.2.2 General Zone Provisions

All provisions of Section 3 – General Provisions of this By-law applicable to the use of any land, building or structure permitted within the Oak Ridges Moraine Core (ORMC) Zone shall apply and be complied with.

### 12A.3 OAK RIDGES MORAIN LINKAGE (ORML) ZONE

#### 12A.3.1 Permitted Uses

No person shall within an Oak Ridges Moraine Linkage (ORML) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### 12A.3.2 General Zone Provisions

All provisions of Section 3 – General Provisions of this By-law applicable to the use of any land, building or structure permitted within the Oak Ridges Moraine Linkage (ORML) Zone shall apply and be complied with.

### 12A.4 OAK RIDGES MORAIN COUNTRYSIDE (ORMCO) ZONE

#### 12A.4.1 Permitted Uses

No person shall within an Oak Ridges Moraine Countryside (ORMCO) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### 12A.4.2 General Zone Provisions

All provisions of Section 3 – General Provisions of this By-law applicable to the use of any land, building or structure permitted within the Oak Ridges Moraine Countryside (ORMCO) Zone shall apply and be complied with.

#### 12A.4.3 Oak Ridges Moraine Countryside Exception One (ORMCO-1) Zone

All of the provisions and regulations of the Oak Ridges Moraine Countryside (ORMCO) Zone will apply to the Oak Ridges Moraine Countryside Exception One (ORMCO-1) Zone except that a meteorological tower, a maximum of 80 metres (263 feet) in height, shall also be a permitted use. All equipment and sensors on the tower shall be solar and/or wind powered.

For the purposes of this Zone, a meteorological tower shall contain equipment to measure wind speed and wind direction only.

This Zone will be deemed to be in full force and effect on February 6, 2006 and for a period not to three (3) years thereafter. Council may, by by-law, extend the temporary use period by as much as three (3) years at any one time. Upon expiry, the lands affected will revert to the Oak Ridges Moraine Countryside (ORMCO) Zone and the meteorological tower will not be considered an existing non-conforming use, as specified by the Planning Act, Section 39, R.S.O. 1990, as amended.

#### 12A.4.4 Oak Ridges Moraine Countryside Exception Two (ORMCO-2) Zone

All of the provisions and regulations of the Oak Ridges Countryside (ORMCO) Zone shall apply to the Oak Ridges Moraine Countryside Exception Two (ORMCO-2) Zone except that the construction of habitable buildings and structures is prohibited.

#### 12A.4.5 Oak Ridges Moraine Countryside Exception Three (ORMCO-3) Zone

Notwithstanding the provisions of Section 3.19, the zone boundaries of the Oak Ridges Moraine Countryside Exception Three (ORMCO-3) Zone shall not be considered lot lines. All of the other standard provisions and regulations of the oak Ridges Countryside (ORMCO) Zone shall apply to the Oak Ridges Moraine Countryside Exception Three (ORMCO-3) Zone.

### 12A.5 OAK RIDGES MORaine RURAL SETTLEMENT (ORMRS) ZONE

#### 12A.5.1 Permitted Uses

No person shall within an Oak Ridges Moraine Rural Settlement (ORMRS) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### 12A.5.2 General Zone Provisions

All provisions of Section 3 – General Provisions of this By-law applicable to the use of any land, building or structure permitted within the Oak Ridges Moraine Rural Settlement (ORMRS) Zone shall apply and be complied with.

### 12A.6 OAK RIDGES MORAIN EXTRACTIVE INDUSTRIAL (ORMEI) ZONE

#### 12A.6.1 Permitted Uses

No person shall within an Oak Ridges Moraine Extractive Industrial (ORMEI) Zone, use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses:

#### 12A.6.2 General Zone Provisions

All provisions of Section 3 – General Provisions of this By-law applicable to the use of any land, building or structure permitted within the Oak Ridges Moraine Extractive Industrial (ORMEI) Zone shall apply and be complied with.

### 12A.7 OAK RIDGES MORAIN ENVIRONMENTAL PLAN REVIEW (ORMEPR) ZONE

The Oak Ridges Moraine Environmental Plan Review (ORMEPR) is an overlay zone which identifies the area of influence from a key natural heritage feature or a hydrologically sensitive area and its associated vegetative protection zone. 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.”

## **SECTION 13 - DEFINITIONS**

“Section 13 contains terms and definitions which shall apply throughout the defined area of this By-law. Section 13A contains additional terms and definitions which shall also apply within the area designated ‘Oak Ridges Moraine Conservation Plan Area’ on the Maps comprising Schedules “C-1”, “C-2”, “D-1”, “E-1”, “E-2”, “E-2A”, “F-1”, “F-2”, “F-2A”, “F-3”, “F-3A”, “G-1”, “G-2” and “G-3”. Where there is any conflict between the definitions in Section 13 and those in Section 13A, as they apply to the area designated “Oak Ridges Moraine Conservation Plan Area” on the Maps comprising a part of this By-law, the definitions in Section 13A shall prevail.”

For the purposes of this By-law the definitions and interpretations given in this section shall govern. Words used in the present tense include the future; words used in the singular include the plural and words used in the plural include the singular number. The word “shall” is mandatory and not directory. The words “used” and “occupied” shall include the words “intended or arranged” and “designed to be used or occupied”. In this By-law, the following definitions shall apply:

- 13.1 “Accessory Building” shall mean a detached building that is clearly incidental, subordinate and exclusively devoted to a main building or use and located within the same lot.
- 13.2 “Accessory Use” shall mean a use that is clearly incidental, subordinate and exclusively devoted to a permitted use and carried on within the same lot and includes an attached private garage or carport.
- 13.3 “Agricultural Building” shall mean any building or structure customarily used in connection with a farm other than a residence.
- 13.4 “Agricultural Use” shall mean any agricultural use or uses, structures or buildings accessory thereto, including field crops, animal husbandry, tree nurseries and any other use customarily carried on in the field of general agriculture, including the sale, on the premises, of produce grown or raised on the premises.
- 13.5 “Airport” shall mean 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, hangars, taxiways, aircraft storage, tie-down areas and aviation fuel storage and handling.
- 13.6 “Alter” shall mean a structural change to a building such as an addition to the area or height or the removal of a part thereof, or any change thereto such as a construction of, cutting into or removal of any wall, partition, column, beam, joist,

floor or other support, or a change to or closing of any means of egress or a change to the exterior cladding or trim.

- 13.7 “Amusement Machine” means any mechanical or electronic machine or device intended for use as a game, entertainment or amusement offered for use by the public for profit or gain and shall include a pinball machine, billiard table, video game, shooting gallery or other similar machine or device but, shall not include any machine used only for the purpose of vending merchandise or services or playing recorded music.
- 13.8 “Animal Hospital” means a building or part of a building in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals, and in conjunction with which there may be facilities provided for the sheltering of animals during the treatment period.
- 13.9 “Arcade” means any building or room or parts of a building or room containing 4 or more arcade machines operated for gain, including where the operations of such game machines for gain is an accessory use or is not the primary use of the building or room.
- 13.10 “Arcade Machine” means any mechanical game machine or electronic game machine including a pinball machine operated for gain.
- 13.11 “Assembly Hall” shall mean a building or part thereof used for gatherings of persons for civic, educational, political, recreational, cultural, social or other purposes but does not include a cinema, theatre, or concert hall.
- 13.12 “Attic” means that portion of a building situated wholly or partly within the roof and which is not one-half story.
- 13.13 “Attached Building” means a building otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or a wall shared in common with an adjacent building or buildings.
- 13.14 “Auditorium” means a building or structure where facilities are provided for athletic, civic, educational, political, religious or social events. This definition may include an arena, community centre, gymnasium, stadium, theatre or similar use.
- 13.15 “Auto Repair Shop” means an establishment for the servicing, refinishing and rebuilding of automobiles, within a building.
- 13.16 “Auto Wrecking Yard or Salvage Yard” shall mean an establishment for outdoor storage of more than two unlicensed motor vehicles, for purposes of salvage, and/or the sale of parts therefrom.
- 13.17 “Basement” shall mean that portion of a building between two floor levels which

is partly underground but which has at least one half of its height from finished floor to finished ceiling above the average adjacent finished grade.

- 13.18 “Basement, Walkout” means that portion of a building which is partly underground, but which has more than 50% of the finished floor area not greater than 0.6 metres below the adjacent finished grade level adjacent to the exterior walls of the building and which has a door at or above the adjacent finished grade for entrance and exit directly to the outside.
- 13.19 “Bed and Breakfast Establishment” means a single detached dwelling house in which guest rooms are made available for the temporary accommodation of the travelling or vacationing public. Such establishment may offer meals to those persons patronizing the establishment. A bed and breakfast establishment shall not include an eating establishment, boarding or lodging house, or motel as defined herein.
- 13.20 “Boarder” shall include a roomer or a lodger.
- 13.21 “Boarding or Lodging House” means a dwelling house in which not more than 4 guest rooms are available for lodging, with or without meals, in return for monetary compensation to the owner or proprietor. A boarding or lodging house shall not include an eating establishment, bed and breakfast establishment, hotel or motel as defined herein.
- 13.22 “Boarding Kennel” means an establishment for the keeping, breeding, boarding, training or grooming of domesticated animals.
- 13.23 “Boulevard” means the property situated between a sidewalk and a curb, or if there is no curb, the travelled portion of a roadway.
- 13.24 “Building” shall mean any structures used or designed to be used for shelter, accommodation or enclosure of persons, animals or chattels.
- 13.25 “Building By-law” means the Ontario Building Code Act, R.S.O. 1980 and Regulations passed thereunder as may be amended from time to time.
- 13.26 “Building Envelope” means an area within which permitted buildings may be established.
- 13.27 “Building, Main or Principal” means the building or group of buildings designed and/or intended to accommodate the principal use of the lot on which it is situated.
- 13.28 “Building Permit” means a building permit issued by the Chief Building Official of the Township of Cavan-Millbrook-North Monaghan under the Building By-law.
- 13.29 “Building Supply Outlet” means a building or structure in which building or

construction and home improvement materials are offered or kept for sale at retail and may include the fabrication of certain materials related to home improvements but does not include any use or activity otherwise defined or classified herein.

- 13.30 “Bulk Storage Tank” means a tank 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 or fluid legally and properly kept in a retail store or a tank for storage merely incidental to some other use of the premises where such tank is located.
- 13.31 “Business or Professional Office” shall mean a building or part of a building in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff serve clients or patients who seek advice, consultation or treatments.
- 13.32 “By-law Enforcement Officer” means an officer or employee of the Municipality charged with the duty of enforcing the provisions of the By-laws of the Corporation including this By-law.
- 13.33 “Camp” shall mean
- (a) a camp operated by a charitable corporation approved under the Charitable Institutions Act;
  - (b) a summer camp within the meaning of the regulations under the Public Health Act; and,
  - (c) a club or camp owned by its members and operated without profit or gain.
- 13.34 “Camping Establishment” means a recreational facility operated by a public or private organization where persons are temporarily accommodated in tents or travel trailers, but shall not include a trailer park or mobile home park.
- 13.35 “Carport” means a portion of a dwelling house which is a roofed enclosure designed for the storage or parking of a motor vehicle with at least 40% of the total perimeter, including the main wall of the dwelling house to which such carport is attached, open and unobstructed.
- 13.36 “Cartage or Transport Depot” means a building structure or place where trucks or highway tractors are rented, leased, kept for hire, or stored or parked for remuneration, or from which trucks or highway tractors, stored or parked on the property, are dispatched for hire as common carriers, and which may include a bonded or sufferance warehouse.
- 13.37 “Cellar” shall mean a portion of a building between two floor levels partly or wholly underground and which has more than one half of its height, from finished floor to finished ceiling, below the adjacent ground level.
- 13.38 “Cemetery” means land that is set apart or used as a place for the interment of



the dead, within the meaning of The Cemeteries Act, R.S.O. 1990, as amended from time to time. A cemetery may include such accessory uses as mausoleums, crematoriums, and columbarium.

- 13.39 “Certificate of Occupancy” means a certificate issued by the Chief Building Official for the occupancy of any land, buildings or structures identifying the proposed use or activity as complying with this By-law.
- 13.40 “Chapel” means a building or portion thereof used for the purpose of worship for persons who are enfolded as participants or instructors in a program conducted on the lands with a floor area not exceeding 102 m<sup>2</sup> and seating for not more than 30 persons.
- 13.41 “Chief Building Official” means the official employed by the Municipality as appointed under the Building By-law and shall include any inspector likewise appointed.
- 13.42 “Church (Place of Worship)” means a building owned or occupied by a religious congregation or religious organization dedicated exclusively to worship and other religious activities. Accessory uses may include a church hall, church auditorium, Sunday School or Parish Hall.
- 13.43 “Clinic” shall mean an establishment used by two or more qualified medical practitioners including physicians, dentists, chiropractors, physiotherapists and their staff for the purposes of consultation, diagnosis and office treatment.
- 13.44 “Commercial Use” means the use of land, buildings or structures for the purpose of buying and selling of commodities and supplying of service but for the purpose of this By-law does not include a manufacturing industry, or any other such use considered to be noxious to the general public.
- 13.45 “Commercial Vehicle” means a motor vehicle having attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, police patrols, motor buses and tractors. A station wagon that is used for commercial purposes is to be considered a commercial vehicle.
- 13.46 “Commercial Plaza” means 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.
- 13.47 “Community Centre” means any tract of land, or buildings or any part of any building used for community activities, the control of which is vested in, a local board or agent thereof.
- 13.48 “Community Theatre” means 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:

13.48.1 facilities for serving food and beverage to patrons, and

13.48.2 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.

13.49 "Conservation" means the preservation, protection and improvement of the components of the natural environment through a comprehensive management and maintenance program administered by the local Conservation Authority, or other public authority, for individual or public use.

13.50 "Consulting Room" means the office and ancillary facilities commonly used by an individual, qualified medical practitioner for out-patient treatment.

13.51 "Contractor's Yard" shall mean a yard of any building trade or contractor where equipment and material are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified therein.

13.52 "Convenience Store" shall mean 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.

13.53 "Conversion" shall mean alteration and subsequent new use.

13.54 "Corporation" shall mean the Corporation of the Township of Cavan-Millbrook-North Monaghan.

13.55 "Council" shall mean the Council of the Corporation of the Township of Cavan-Millbrook-North Monaghan.

13.56 "County" means the Corporation of the County of Peterborough.

13.57 "Court" means an open or unoccupied space from ground to sky appurtenant to a building and bonded on two or more sides by the walls of the building.

13.58 "Dining Hall" means a building or portion thereof in which dining areas are provided for the exclusive use of students and staff of the riding school and boarding stable or the recreation ranch and camp, but shall not include an eating establishment where food is offered for sale or sold to the public for immediate consumption therein.

13.59 "Day Care Centre" means a day nursery operated for pre-school age children

within the meaning of the Day Care Nurseries Act, R.S.O. 1990 as amended.

- 13.60 “Dry Cleaners Distribution Station” means a building or part of a building used for the purpose of collection and distribution of articles or goods of fabric to be subjected to the process of dry cleaning, and related activities elsewhere at a dry cleaner’s plant.
- 13.61 “Duplex” shall mean a residential dwelling divided horizontally into two dwelling units.
- 13.62 “Dwelling” shall mean a building consisting of one or more dwelling units but shall not include a mobile home, recreational motor home or recreational travel trailer, as herein defined.
- 13.63 “Single Detached Dwelling” means one building consisting of one dwelling unit for the exclusive use and permanent use of the owners’ family or the use of a caretaker, watchmen, employee or other similar person. The word “dwelling” shall not include a mobile home, recreational motor home or recreational travel trailer.
- 13.64 “Semi-Detached Dwelling” means one (1) of two (2) vertically attached dwelling houses, having a continuous fully-attached common masonry wall, where the units overlay, above and below finished grade connecting the two (2) dwellings, each of which has a separate independent entrance from the outside.
- 13.65 “Linked Semi-Detached Dwelling” means one (1) of two (2) attached dwellings having a common party wall attached below finished grade connecting the two (2) dwellings, each of which has a separate independent entrance directly from the outside.
- 13.66 “Duplex Dwelling” means the whole of a dwelling that is divided horizontally into two (2) separate dwelling units, each of which has a separate, independent entrance either directly from the outside or through a common vestibule.
- 13.67 “Converted Dwelling” means an existing dwelling which was originally designed, intended and used as a single detached dwelling, which has been lawfully altered or converted so as to provide a maximum of two (2) dwelling units, neither of which is located in a cellar, and each of which has a separate, independent entrance either directly from the outside or through a common vestibule.
- 13.68 “Triplex Dwelling ” means the whole of a dwelling house that is divided horizontally into three (3) separate dwelling units, each of which has a separate independent entrance either directly from the outside or through a common vestibule.
- 13.69 “Fourplex Dwelling” means two (2) vertically attached duplex dwellings having a continuous fully attached unpierced common masonry wall above finished grade

connecting the two (2) dwellings, each of which has a separate, independent entrance either directly from the outside or through a common vestibule.

- 13.70 "Row Dwelling" means a series of three (3) to six (6) attached dwelling units under a common roof, which may be staggered, with each dwelling unit being attached above and below finished grade to another dwelling unit or units by a continuous fully attached unpierced vertical party wall without openings from basement or cellar to roof, with each dwelling unit having a separate, independent entrance directly from the outside.
- 13.71 "Linked Row Dwelling" means a row dwelling with each dwelling unit having a common party wall attached below grade connecting the units, each of which has a separate independent entrance directly from the outside.
- 13.72 "Maisonette Dwelling" shall mean a dwelling unit consisting of a single unit of one storey either detached or as part of a multiple unit dwelling with independent and separate access.
- 13.73 "Apartment Dwelling" means the whole of a dwelling containing four (4) or more dwelling units having a common entrance from street level and a separate entrance only from an internal corridor system, and the occupants of which have the right to use in common the halls and/or stairs, and/or elevators, yards and other facilities.
- 13.74 "Dwelling Unit" shall mean one or more habitable rooms designed or intended for use by one household exclusively as an independent and separate unit in which separate kitchen and sanitary facilities are provided for the exclusive use of the household with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 13.75 "Bachelor Dwelling Unit" means a dwelling unit consisting of one (1) bathroom and not more than two (2) habitable rooms and providing therein living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms.
- 13.76 "Apartment Dwelling Unit" means a dwelling unit consisting of one (1) bathroom and three (3) or more habitable rooms.
- 13.77 "Dwelling Unit Area" means the habitable area contained within the inside walls of a dwelling unit, excluding any private garage, carport, porch, veranda, unfinished attic, cellar or sun room (unless such sun room is habitable in all seasons of the year); and excluding common hallways, common stairways or other common areas, and the thickness of exterior walls.
- 13.78 "Eating Establishment" shall mean 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, dairy bar, coffee shop, snack bar, refreshment room or stand.

- 13.79 "Eating Establishment, Take-Out" means a building or part of a building deigned, intended or used for the sale of food and refreshments to the general public but which does not include any provision for consumption of the food by the customer while in his vehicle, within the building or elsewhere on the premises.
- 13.80 "Eave" means a roof overhang, free of enclosing walls, without supporting columns.
- 13.81 "Equipment Sales and Rental, Heavy" means a building or part of a building or structure in which heavy machinery and equipment are offered or kept for rent, lease or hire, but shall not include any other establishment defined or classified in this By-law.
- 13.82 "Equipment Sales and Rental, Light" means a building or part of a building in which light machinery, tools and equipment are offered for sale or kept for lease or hire, but shall not include any other establishments defined or classified in this By-law.
- 13.83 "Erect" means to build, construct, reconstruct, alter, enlarge and relocate and without limiting the generality of the foregoing is taken to include any associated physical operation such as excavating, grading and structural alteration of any existing building or structure by an addition, deletion, enlargement or extension.
- 13.84 "Established Building Line" means the average distance from the street line of existing buildings on one (1) side of one block where more than one half (.5) of the lots having street access upon the said side of the block have been built upon.
- 13.85 "Existing Use" shall mean a use lawfully existing on the day of passage of this By-law.
- 13.86 "Factory Outlet" means a building or part of a building, accessory to a permitted industrial use, where the products manufactured by that industry are kept for wholesale or retail sale.
- 13.87 "Farm" shall mean land used for the tillage of soil and the growing of vegetables, fruits, grains and other staple crops including livestock raising, dairying, or wood lots.
- 13.88 "Farm Implement and Equipment Sales and Services Establishment" means a building, structure or area where farm implements, equipment and farm supplies are kept for sale at retail and may include facilities for the servicing of such implements or equipment but shall not include any other establishment otherwise defined or classified herein.

- 13.89 “Farm Produce Outlet” means a use, accessory to a permitted farm, which consists of the retail sale of agricultural products produced on the farm where such outlet is located.
- 13.90 “Finished Grade” shall mean the average elevation of the finished surface of the ground at ground level of a building or structure.
- 13.91 “First Storey” means that portion of a building with its floor closest to the finished grade and having its ceiling at least 1.8 metres above finished grade.
- 13.92 “Fish Habitat” means those parts of the environment upon which fish depend directly or indirectly, in order to carry out their life processes.
- 13.93 “Fishery Resource Area” means any body of water sustaining or having the potential to sustain healthy game, forage and commercial fish populations including bait fish.
- 13.94 “Flood Plain” means those lands which are subject to flooding during a Regulatory Flood.
- 13.95 “Floor Area” means total floor area as measured from exterior walls but excluding basements, and cellars and private garages.
- 13.96 “Floor Area, Gross” shall mean the aggregate of the horizontal areas of each floor, whether any such floor is above or below grade, measured between the exterior faces of the interior walls of the building or structure at the level of the floor, exclusive however of:
- a) any part of the building or structure below finished grade which is used for heating equipment, the storage or parking of motor vehicles, locker facilities, children\*s play areas and other accessory uses, or used as living quarters by the caretaker, watchman or other supervisor of the building or structure, and private attached garage, carport, porch, verandah, sunroom (unless such sunroom is habitable at all times).
- 13.97 “Floor Area, Ground” means 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.
- 13.98 “Floor Area, Manufacturing” shall mean that portion of the gross floor area of an establishment which is used for manufacturing purposes but does not include areas used for the storage of finished products or offices.
- 13.99 “Garage, Private” means a detached accessory building or portion of a dwelling which is designed or used for the sheltering of a private motor vehicle and

storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed. For the purposes of this By-law a private garage excludes a carport or other open shelter.

13.100 "General Office" means any building or part of a building in which one or more persons are employed in the management, direction or conducting of an agency, business, brokerage, labour or fraternal organization, but excludes such uses as retail sale, manufacture, places of assembly and amusement.

13.101 "Gas Regulator Facility" shall mean 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.

13.102 "Golf Course" shall mean a public or private area operated for the purposes of playing golf, and includes a par 3 golf course but does not include driving ranges, miniature courses and similar uses.

13.103 "Group Home" means a single housekeeping unit in a residential dwelling in which four to ten residents, excluding staff or the receiving family, live under responsible supervision and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being. The group home shall be licensed or approved for funding by the Provincial Government.

13.104 "Guest Room" means a room or suite of rooms used or maintained for the accommodation of an individual or individuals to whom hospitality is extended for remuneration.

13.105 "Habitable Room" means a room in a dwelling which is used or intended for living, sleeping, eating or food preparation but does not include a bathroom, toilet room, storage or laundry room, and corridor.

13.106 "Height" shall mean with reference to a building the vertical distance measured from the average finished grade level at the front elevation of such building to

- a) in the case of a flat roof, the highest point of the roof surface, or the parapet, whichever is the greater, and
- b) in the case of a pitched roof, a point midway between the eaves and the ridge, but in calculating the height of a building, any construction used as ornament or for the mechanical operation of the building such as a mechanical penthouse, or a chimney, tower, cupola, or steeple is not to be included.

13.107 "Height Above Sea Level" means the perpendicular distance measured from sea level to the highest point of a building or structure including any attachments thereto.

- 13.108 "Home Industry" shall mean a gainful occupation including a woodworking, window frame, boat repair, welding, plumbing, machine or repair shop, or blacksmith, or similar use, conducted in whole or in part in an accessory building to a single detached dwelling by the residents.
- 13.109 "Home Occupation" shall mean the use of part of a dwelling or part of any accessory building for occupations or professions which are compatible with a domestic household.
- 13.110 "Hospital" shall mean a public or private institution as defined under The Public Hospitals Act or under The Private Hospitals Act.
- 13.111 "Hotel" means an establishment that consists 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.
- 13.112 "Improved Public Street" shall mean a public highway currently maintained on a year-round basis by a public authority so as to permit its use by motor vehicles.
- 13.113 "Kennel" means a place where dogs and other domestic animals other than poultry, are bred and raised, and are sold or kept for sale or boarded. (NOTE: Kennels should be licensed in accordance with the Livestock Licensing Act and the Township's Animal Control By-law.)
- 13.114 "Landscaped Open Space" means the open, unobstructed space, at finished grade on a lot, accessible by walking from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, patio or similar area, but shall not include any driveway or ramp, whether surfaced or not, nor any curb, retaining wall, parking area or open space beneath or within a building or structure.
- 13.115 "Lane" means a public thoroughfare which affords only a secondary means of access for vehicular traffic to abutting lots, and which is not intended for general traffic circulation.
- 13.116 "Laundromat" means a building or part thereof where self-service or coin operated laundry machines, using only water detergents and additives, are made available to the public for the purposes of laundry cleaning. This definition does not include dry-cleaning, dyeing or pressing.
- 13.117 "Library" means a public library within the meaning of the Public Libraries Act, R.S.O. 1990, as amended.



13.118 "Liquor Licensed Premises" means any building, structure or premises licensed under the Liquor License Act, R.S.O., 1980 as amended.

13.119 "Livestock Housing Capacity" means the total maximum number of livestock that can be accommodated in a livestock facility at any one time.

13.120 "Livestock Facilities" means barns, buildings or structures where animals are housed and shall also include beef feedlots and the associated manure storage facilities.

13.121 "Livestock Unit" means the equivalent values for various types of animals and poultry based upon manure productions and production cycles.

13.122 "Loading Space" means an off-street space on the same lot as the building or contiguous to a group of buildings for the temporary parking of a commercial vehicle, while loading or unloading merchandise or materials and such space must abut a street, lane, road or other appropriate means of severance.

13.123 "Long Term Care Facility" means an institution or part of an institution licensed or approved to provide accommodation and meals, personal care, nursing services and medical care and treatment to persons requiring care.

13.124 "Lot" shall mean a parcel or tract of land

- a) which is a whole lot as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a By-law passed pursuant to Section 50 of The Planning Act, c13 RSO 1990, as amended from time to time, or
- b) which is a separate parcel of land without any adjoining lands being owned by the same owner or owners directly or indirectly as of the date of passing of this by-law, and which is described in a deed or other document legally capable of conveying an interest in land, or the description of which is the same as in a deed which has been given consent pursuant to Section 50 of The Planning Act, c13 RSO 1990, as amended from time to time, or
- c) is the whole remnant remaining to an owner or owners after a conveyance made with consent pursuant to Section 50 of The Planning Act, c13 RSO 1990, as amended from time to time, but for the purposes of this paragraph no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been acquired by the Township or other government agency.

13.125 "Lot Area" shall mean the horizontal area within the boundary lines of a lot.

13.126 "Lot, Corner" shall mean a lot situated at the intersection of and abutting upon two or more streets provided that the angle of intersection is not more than 135 degrees.

13.127 "Lot, Interior" means any lot which has street access, other than a corner lot.

13.128 "Lot, Through" means any lot having street access on two (2) or more street lines, other than a corner lot.

13.129 "Lot Coverage" shall mean the percentage of the lot area covered by the ground floor area of all buildings, including accessory buildings, decks, porches, verandas and stairs.

13.130 "Lot Frontage" shall mean the horizontal distance between the side lot lines measured at right angles. Where such lines are not parallel, the lot frontage shall be the distance between the side lot lines measured on a line 15.24 metres from the front lot line. Where two sides of a lot abut an improved public street, the shorter lot line that so abuts shall be deemed the lot frontage.

13.131 "Lot Depth" shall mean the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line.

13.132 "Lot Line" shall mean any boundary of a lot.

13.133 "Front Lot Line" means, in the case of an interior lot, the line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed the front lot line and the longer lot line abutting a street shall be deemed an exterior side lot line.

In the case of a through lot or a corner lot whose exterior lot lines are the same length, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.

13.134 "Rear Lot Line" means, in the case of a lot having four (4) or more lot lines, the lot line farthest from and opposite to the front lot line. If a lot has less than four (4) lot lines, there shall be deemed to be no rear lot line.

13.135 "Side Lot Line" means a lot line other than a front or rear lot line.

13.136 "Manufacturing Industry" means the manufacturing, assembly or processing of component parts to produce finished products suitable for retail trade, but does not include food, beverage, tobacco, rubber, leather, textile or knitting, printing, metal fabricating or similar industries, if these operations involve stamping presses, furnaces or other large-scale machinery.

- 13.137 "Marina" means a building, structure or place, containing docking facilities, launching ramps, and boat lifts, and located on a navigable waterway where boats and boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of Marina fuels may be provided.
- 13.138 "Marine Facility" shall mean an accessory building or structure which is used to take a boat into or out of a navigable waterway, or to moor a boat. This definition shall include a launching ramp, boat lift, or dock but shall not include any building used for human habitation or any boat servicing, repair or sales facility.
- 13.139 "Medical Clinic" means a building or part of a building where members of the medical profession including dentists, chiropractors, physicians or occupational therapists, either singularly or in union, provide diagnosis and treatment to the general public without overnight accommodation.
- 13.140 "Medical Office" means a building or part of a building that is used solely and singularly by a physician, dentist or drugless practitioner and their staff for the purpose of consultation and diagnosis, but does not include treatment.
- 13.141 "Mobile Canteen" means any vehicle, whether mechanically propelled, or otherwise, from which food, refreshments or merchandise is sold, or offered for sale to the public.
- 13.142 "Mobile Home" shall mean a transportable factory-built, single detached dwelling unit designed in one or more units to be towed on its own chassis by a special towing vehicle or transported on a railway flat and assembled on the site into one integral unit and which is designed for continuous occupancy on a year-round basis.
- 13.143 "Mobile Home Site" shall mean a parcel of serviced land for the placement of a mobile home and for the exclusive use of the occupants.
- 13.144 "Mobile Vendor" means any operator of a mobile canteen as defined herein who has received a license to operate such a mobile canteen and may include an employee, agent or servant of the licensee.
- 13.145 "Modular Home" shall mean any dwelling that is designed in more than one unit and is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a mobile home, recreational travel trailer or recreational motor vehicle as defined herein.
- 13.146 "Motel" shall mean 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 Licence Act, but does not include any other establishment otherwise

defined or classified in this By-law.

13.147 "Motor Vehicle" shall mean an automobile, truck, motorcycle, motorized snow vehicle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act.

13.148 "Motor Vehicle, Commercial" means a commercial motor vehicle within the meaning of The Highway Traffic Act, R.S.O., 1990, as amended.

13.149 "Motor Vehicle, Derelict" means a motor vehicle within the meaning of the Highway Traffic Act, R.S.O., 1990, as amended, whether or not same is intended for use as a private passenger motor vehicle or not, which is inoperable and has no market value as a means of transportation or has a market value that is less than the cost of repairs required to render the said motor vehicle operable.

13.150 "Motor Vehicle Body Shop" shall mean 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 vehicle is under repair, but shall not include any other establishment otherwise defined or classified in the By-law.

13.151 "Motor Vehicle Dealership" shall mean 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.

13.152 "Motor Vehicle Gasoline Bar" shall mean one or more pump islands, each consisting of one or more gasoline pumps, and a shelter having a floor area of not more than 2.3 square metres, which shall not be used for the sale of any product other than liquids and small accessories required for the operation of motor vehicles, but shall not include any other establishment otherwise defined or classified in this By-law.

13.153 "Motor Vehicle Repair Garage" shall mean a building or structure where the exclusive service performed or executed on motor vehicles for compensation shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and installation, rust proofing, motor vehicle diagnostic centre, major and minor mechanical repairs or similar use and in conjunction.

13.154 "Motor Vehicle Sales, Used" shall mean 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.

13.155 "Motor Vehicle Service Station" shall mean 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 charged, or where only minor mechanical or running repairs essential to the actual operation of motor vehicles are executed or performed.

13.156 "Motor Vehicle Wash" means a building or structure containing facilities for washing motor vehicles for profit or gain either using production line methods and mechanical devices or by a self-service operation, and for the purposes of this By-law includes a motor vehicle gasoline bar, but shall not include any other use or activity otherwise defined or classified in this By-law.

13.157 "Motorized Snow Vehicle" shall mean a motorized snow vehicle within the meaning of The Motorized Snow Vehicle Act.

13.158 "Multiple Residential" means a residential building or structure containing three or more dwelling units.

13.159 "Nave" shall mean that portion of a church or place of worship where the congregation assembles during normal services and which is generally located between the chancel and the vestibule or narthex.

13.160 "Non-Conforming" shall mean the use of land, building or structure which does not comply with the provisions of the By-law for the zones in which such land, building or structure is located, as of the date of the passing of this By-law.

13.161 "Noxious" when used with reference to any use or activity in respect of any land, building or structure or a use or activity which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason of destructive gas or fumes, dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, machinery parts, junk, waste or other material, a condition which may become hazardous or injurious with regards to health and safety or which prejudices the character of the surrounding area or which interferes with or may interfere with the normal enjoyment of any use or activity in respect of any land building or structure.

13.162 "Nursery" shall mean a place where trees, shrubs and plants are kept and sold.

13.163 "Nursery School" means a building or part of a building containing facilities licensed under the Day Care Nurseries Act, R.S.O. 1990, as amended.

13.164 "Nursing Home" shall mean a building other than a hospital in which the proprietor supplies for hire or gain, lodging with or without meals and, in addition,

provides nursing, medical or similar care and treatment, if required, and includes a rest home or convalescent home, but does not include any other establishment otherwise defined or classified in this By-law.

13.165 “Off-Street Parking” means space provided for the temporary storage of motor vehicles on the same lot as the subject use.

13.166 “One-Half Storey” means that portion of a building situated wholly or partly within the roof and in which there is a vertical dimension of at least 2.3 metres (measured from the finished floor to finished ceiling) over a floor area equal to at least 50% of the floor area of the storey below.

13.167 “Outside Storage” means the storage of goods in the open air and in unenclosed portions of buildings, which are open to the air on the sides.

13.168 “Park, Private” shall mean any open space or recreational area, other than a public park, privately owned or controlled and may include therein one or more swimming, wading and boat facilities, picnic area, gardens, ski area or refreshment rooms.

13.169 “Park, Public” shall mean any open space or recreational area, owned or controlled by the Corporation or by any Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein parks or areas and may include one or more athletic fields, field houses, bleachers, swimming pools, botanical gardens, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fair grounds, golf courses, or similar uses.

13.170 “Parking Area” means an area or structure provided for the parking of motor vehicles and includes any related aisles, parking spaces or driveways, but shall not include any part of a street. This definition may include a private garage.

13.171 “Parking Lane” means that part of the travelled portion of the roadway which is exclusively devoted for the purpose of the parking of motor vehicles, and excludes that lane or lanes which are devoted to the passage of motor vehicles.

13.172 “Parking Lot” shall mean an area provided for the parking of motor vehicles and related ingress or egress lanes.

13.173 “Parking Space” shall mean an area of not less than 18.57 square metres [3.05 m x 6.09 m] exclusive of any aisles or ingress or egress lanes, usable for the temporary parking or storage of motor vehicles, and may include a private garage.

13.174 “Permanent Building Accommodation” shall mean permanent buildings or portions thereof, such as a bunk house or cabin, designed for the purpose of providing overnight accommodation for students and staff of the riding school

and boarding stable or the recreation ranch and camp.

- 13.175 "Person" shall include an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors, or other legal representatives of a person to whom the same can apply according to law.
- 13.176 "Personal Service Shop" means a building in which persons are employed in supplying services and otherwise administering to the individual and personal needs of persons and includes barber shops, beauty parlours, shoe repair shops, and depots for collecting dry cleaning and laundry, haberdashery and similar uses.
- 13.177 "Pit" means a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral, or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside pit.
- 13.178 "Place of Amusement" means a building or structure or part of a building or structure wherein game facilities are provided, such as billiard tables, pin-ball games, video games and similar game activities.
- 13.179 "Place of Entertainment" shall mean and includes a theatre, auditorium, dance hall, cinema, billiard or pool hall, arcade, bowling alley, ice or roller skating rink, curling rink, or arena.
- 13.180 "Place of Worship" shall mean a building dedicated to religious worship and includes a church, synagogue or assembly hall and may include such accessory uses as a nursery school, a school of religious education, convent, monastery or parish hall.
- 13.181 "Planting Strip" means an area free of any building structure or pavement where natural or cultivated vegetation is maintained in a manner consistent with adjoining yards.
- 13.182 "Private Club" means a building or part of a building located on private land, and used as a meeting place for members of an athletic, social or recreational club or organization, not operated for gain or profit.
- 13.183 "Private Road" shall mean a thoroughfare which affords a means of access to abutting lots from a street and is not intended for general traffic circulation.
- 13.184 "Private Indoor Riding Arena" means a detached accessory building for the indoor exercise of a maximum of two (2) horses owned and exclusively used by the property owner(s) residing on the lot.
- 13.185 "Public Authority" shall mean Federal, Provincial, District, County or Municipal

agencies, and includes any commission, board, authority or department established by such agency.

13.186 "Public Use" means a building, structure or lot used for public services by the Corporation or the County, any local board of either the Corporation or the County, any Conservation Authority established by the Government of Ontario, any Ministry or Commission of the Government of Ontario or Canada, or any telephone company.

13.187 "Public Utilities" shall include public utility corporation as defined in the Public Utilities Corporations Act.

13.188 "Quarry" means a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry or open pit metal mine.

13.189 "Recreation or Athletic Club" means a lot or building or part of a lot or building where a club is operated for gain or profit by supplying facilities for physical fitness and recreation.

13.190 "Recreation Ranch and Camp" means a centre located on the lands accessory to the riding school and which is family oriented and has facilities and programs intended to improve the general health and spiritual well being of individuals and families through fellowship and participation in religious, educational, recreational and/or social activities. The facilities may include the use of a chapel, a dining hall, recreational areas and also, the use of the riding school and boarding stable facilities including permanent building accommodations as defined herein. A recreation ranch and camp shall not include a hotel, motel, lodge or any other form of tourist establishment and recreational motor homes are not permitted as part of the ranch and camp.

13.191 "Recreational Motor Home" shall mean a self-propelled vehicle designed for seasonal or temporary living, sleeping or eating accommodation, including a truck camper.

13.192 "Recreational Travel Trailer" shall mean any vehicle that is at any time drawn upon a highway by a motor vehicle as a separate unit, and capable of being utilized for the seasonal or temporary living, sleeping, or eating accommodation of persons.

13.193 "Recreational Use-Active" means a recreational use or activity with buildings or requires alteration of soil or topography and includes such activities as golf courses, playing fields, trailer parks, campgrounds and conservation areas involving built structures.



- 13.194 "Recreational Use-Passive" means an activity or use of land carried out for recreational purposes which does not require the construction of buildings or the alteration of soil or topography and includes open space and environmental areas.
- 13.195 "Residential, Non-Farm" means a dwelling unit not located on the same lot as a subject farm.
- 13.196 "Resource Management Use" shall mean the preservation, protection and improvement of the natural environment through comprehensive management and maintenance for both the individual and society's uses, both in the present and in the future. Resource Management Use also means the management, development, and cultivation of timber resources to ensure the continuous production of wood or wood products, the provision of proper environmental conditions for wildlife, the protection against floods and erosion, the protection and production of water supplies and the preservation of the recreational resource.
- 13.197 "Retail" shall mean the sale of goods directly to the consumer.
- 13.198 "Riding School or Boarding Stable", means 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 for the overnight accommodation of students and staff of the riding school and boarding stable. Other support facilities may include the use of a dining hall and recreational hall, tepees, wagons, cabin, washrooms and outdoor recreational riding and activity areas.
- 13.199 "Right-of-Way, Private" means a private road which affords access to abutting lots and does not include a lane, street, road or highway as herein defined.
- 13.200 "Salvage Yard" means an establishment where goods, wares, merchandise, articles or things are processed for further use and where such goods, wares, merchandise articles or things are stored wholly or partly in the open. This definition may include a junk yard, a scrap metal yard or an automobile wrecking yard.
- 13.201 "Satellite Dish" means a device designed to receive communication signals from a satellite.
- 13.202 "School" shall mean a school under the jurisdiction of a Board as defined by the Ministry of Education.
- 13.203 "Second Storey" means that portion of a building situated above the first storey and in which there is a vertical dimension of at least 2.3 metres (measured from the finished floor to the finished ceiling) over a floor area equal to at least 75% of the floor area of the storey next below.

- 13.204 "Senior Citizens\* Home" shall mean any home for Senior Citizens sponsored and administered by any public agency or any service club, church or other non-profit organization, either of which obtains its financing from Federal, Provincial, or Municipal Governments or agencies, or by public subscription or donation or by any combination thereof, and such homes shall include auxiliary uses such as club and lounge facilities, usually associated with Senior Citizens development.
- 13.205 "Service Shop" shall mean a building or part of a building, not otherwise defined or classified herein, and whether conducted in conjunction with a retail store or not, for the servicing or repairing of articles, goods or materials.
- 13.206 "Service Shop, Light" means a building or part of a building whether conducted in conjunction with a retail store or not, for the servicing or repairing of household or domestic articles and, without limiting the generality of the foregoing, shall include, but shall not be limited to the repair and servicing of radio and television receivers, vacuum cleaners, appliances, shoes, cameras, toys, watches, clocks, bicycles or other similar goods and appliances, but shall not include industrial or manufacturing uses or a motor vehicle repair shop.
- 13.207 "Setback" means the horizontal distance between the high water mark and/or the property line and the nearest wall of any building or structure.
- 13.208 "Sewage Treatment Facility" means a building or structure, approved by the Ministry of the Environment, where domestic and/or industrial waste is treated.
- 13.209 "Sewer System, Sanitary" means a system of underground conduits, operated by the Municipality or by the Ministry of the Environment, which carries sewage to a sewage treatment facility which is in accordance with the standards of the Ministry of the Environment.
- 13.210 "Sewer System, Storm" means a sewer which carries storm surface water and storm drainage, but does not carry sewage or industrial waste.
- 13.211 "Shopping Centre" means a group of commercial establishments conceived, designed, developed and managed as an interdependent and inter-related unit by a single owner or tenant, or a group of owners or tenants acting in collaboration and related in location, size and type to the surrounding local and distant trade area which it serves, as opposed to a central business area comprising unrelated individual commercial establishments.
- 13.212 "Shopping Plaza" means a group of commercial establishments which are not interdependent or inter-related and which have been designed, developed and managed as a unit by a single owner or tenant, or a group of owners and tenants and primarily serves the immediate surrounding trade area.
- 13.213 "Sight Triangle" means the triangular area enclosed by the street lines of a

corner lot and a line drawn from a point in one street line to a point in the other street line, each such point being 9.0 metres from the point of intersection of the street lines (measured along the street lines). Where the two (2) street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

- 13.214 “Sign” means a name identification, description device, display or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or lot 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.
- 13.215 “Small Animal Office” means a facility directed by a veterinarian, or group of veterinarians for examination, diagnostic, prophylactic and medical services to companion animals excluding major surgery and overnight containment and care facilities.
- 13.216 “Storey” means that portion of a building other than an attic, basement, or cellar, which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling or roof above it.
- 13.217 “Street” shall mean a public highway or public road which affords the principal means of access to abutting lots but does not include a lane or private right-of-way or private road.
- 13.218 “Street Access” means, when referring to a lot, that such lot has a lot line or portion thereof which is also a street line.
- 13.219 “Street Line” shall mean the limit of the road or street allowance and is the dividing line between the lot and the street.
- 13.220 “Stormwater Management Facility” means a facility that attenuates the peak flow for various durations and frequencies and addresses the quality of stormwater runoff.
- 13.221 “Structure” shall mean anything that is erected, built or constructed or parts joined together or requiring a foundation to hold it erect including anything prefabricated on or off the site.
- 13.222 “Sub-Post Office” shall mean an outlet of the Canadian Postal Service which is concerned with the retail aspects of the postal service.
- 13.223 “Sugar Shack” means a farm building with a floor area not exceeding 56m<sup>2</sup>, used for the collection, production, bottling or packaging of maple syrup or maple

products.

- 13.224 "Tavern" means an establishment within the meaning of and licensed under the Liquor Licence Act, R.S.O., 1980, as amended.
- 13.225 "Temporary Shelter" means the provision of overnight accommodation in shelters such as tents, tepees, wagons, tourist trailers, tourist vehicles or recreational motor homes or similar accommodation.
- 13.226 "Tillable Hectares" means the total area of land including pasture that can be worked or cultivated.
- 13.227 "Tourist Establishment" shall include a tourist home, a lodge, a private club, a ski resort and club.
- 13.228 "Tourist Vehicle" means any self-propelled vehicle capable of being used for the temporary living, sleeping or eating accommodation of persons. This definition may include a bus, motor home, truck or van.
- 13.229 "Tourist Trailer" means any trailer capable of being used for the temporary living, sleeping or eating accommodation of persons, notwithstanding that such trailer is jacked up or that its running gear is removed. The definition shall not include a mobile home as defined herein.
- 13.230 "Trailer" means a trailer as defined in the Highway Traffic Act.
- 13.231 "Use" means the purpose for which any land, building, structure or premises, or part thereof
- a) is arranged, designed or intended to be used, or
  - b) is or may be occupied or maintained, and the word used has a corresponding meaning.
- 13.232 "Vacation Dwelling" means a building used or intended for use as occasional residential accommodation by a person or persons occupying a permanent residence elsewhere, and for purposes of clarification, but not so as to limit the generality of the foregoing definition, shall include a summer cottage or ski chalet.
- 13.233 "Veterinarian Clinic" means a building or part of a building in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals.
- 13.234 "Warehouse" means a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, articles or things and may include accessory facilities for a wholesale or retail commercial outlet.
- 13.235 "Waste Disposal Area" means a place where garbage, refuse or domestic or

industrial waste, exclusive of liquid industrial waste, is disposed of, dumped or incinerated.

- 13.236 “Watercourse” means any body of water or natural channel or canal for a perennial stream of water other than a drainage or irrigation channel.
- 13.237 “Water Supply Plant” means a building or structure, approved by the Ministry of the Environment, where water is treated for human consumption.
- 13.238 “Water System, Public” means a distribution system of underground piping and related storage, including pumping and purification appurtenances, owned and operated by the Municipality or by the Ministry of the Environment.
- 13.239 “Wayside Pit” or “Wayside Quarry” means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract or road construction and not located on the road right-of-way.
- 13.240 “Workshop” shall mean a building or structure where manufacturing is performed by tradesmen requiring manual or mechanical skills and may include a carpenter\*s shop, a locksmith\*s shop, a gunsmith\*s shop, a tinsmith\*s shop, a commercial welder\*s shop, or similar uses.
- 13.241 “Yard” shall mean an open, uncovered space on a lot appurtenant to a building and unoccupied by buildings or structures except as may be expressly permitted in this By-law and in determining yard measurements minimum horizontal distance from the respective lot lines is to be used.
- 13.242 “Yard, Exterior Side” shall mean a side yard immediately adjacent to a public street.
- 13.243 “Yard Front” shall mean a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot.
- 13.244 “Yard, Minimum Front” shall mean the minimum depth of a front yard on a lot between the front lot line and the nearest wall of any building or structure on the lot.
- 13.245 “Yard, Rear” shall mean a yard extending across the full width of a lot between the rear lot line and the nearest wall of any building or structure on the lot.
- 13.246 “Yard, Minimum Rear” shall mean the minimum depth of a rear yard on a lot between the rear lot line and the nearest wall of any building or structure on the lot.
- 13.247 “Yard, Side” shall mean a yard extending from the front yard to the rear yard of a lot, and between a side lot line and the nearest wall of any building or structure on the lot.

13.248 “Yard, Minimum Side” shall mean the minimum width of a side yard on a lot between a side lot line and the nearest wall of any building or structure on the lot.

13.249 “Yard, Required” means a yard with the minimum front yard depth, rear yard depth, or side yard width required by the provisions of this By-law. A required side yard shall extend from the required front yard to the required rear yard or, in the case of a lot which has no rear lot line, the required side yard shall extend from the required front yard to the opposite required side yard.

13.250 “Zone” means the category of use or activity of land buildings, structures or activities permitted by this By-law.

**PART 13A - OAK RIDGES MORaine CONSERVATION PLAN AREA DEFINITIONS**

**13A.1 “Accessory Use”** means a use of land, buildings or structures that is normally incidental or subordinate to the principal use, building or structure located on the same lot.

**13A.2 “Adverse Effect”** means any impairment, disruption, destruction or harmful alteration.

**13A.3 “Adversely Affect”** means to have an adverse effect on.

**13A.4 “Agricultural Uses”** means:

- (a) growing crops, including nursery and horticultural crops;
- (b) raising livestock and other animals, including poultry and fish, for food and fur;
- (c) aquaculture; and
- (d) agro-forestry and maple syrup production.

**13A.5 “Agriculture-related Uses”** means commercial and industrial uses that are:

- (a) small-scale;
- (b) directly related to a farm operation; and
- (c) required to be in close proximity to the farm operation.

**13A.6 “Animal Agriculture”** means growing, producing and raising farm animals including, without limitation:

- (a) livestock, including equines, poultry and ratites;
- (b) fur-bearing animals;
- (c) fees;
- (d) cultured fish;
- (e) deer and elk; and

(f) game animals and birds.

**13A.7 “Aquifer Vulnerability”** means 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.

**13A.8 “Area of Natural and Scientific Interest (Earth Science)”** means 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 using evaluation procedures established by that Ministry, as amended from time to time.

**13A.9 “Area of Natural and Scientific Interest (Life Science)”** means 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 using evaluation procedures established by that Ministry, as amended from time to time.

**13A.10 “Bed and Breakfast Establishment”** means 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 up to three guest rooms within a single dwelling that is the principal residence of the proprietor of the establishment.

**13A.11 “Connectivity”** means the degree to which key natural heritage 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.

**13A.12 “Development”** means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the Planning Act, the Environmental Assessment Act, or the Drainage Act, but does not include:

- (a) the construction of facilities for transportation, infrastructure and utilities uses, as described in Section 41 of the Oak Ridges Moraine Conservation Plan by a public body; or
- (b) for greater certainty:
  - i. the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001; or
  - ii. the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.

**13A.13 “Dwelling Unit”** means 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.

**13A.14 “Earth Science Values”** mean values that relate to the geological, soil and landform features of the environment.

**13A.15 “Ecological Features”** means naturally occurring land, water and biotic features that contribute to ecological integrity.

**13A.16 “Ecological Functions”** means 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.

**13A.17 “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.

**13A.18 “Endangered Species”** means any native species, as listed in the regulations under the Endangered Species Act, that is at risk of extinction throughout all or part of its Ontario range if the limiting factors are not reversed.

**13A.19 “Farm Vacation Home”** means an establishment that provides sleeping accommodation (including participation in farm activities, meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in up to three guest rooms within a single dwelling that is located on a farm and is the principal residence of the proprietor of the establishment.

**13A.20 “Fish Habitat”** means the spawning grounds and 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).

**13A.21 “Forest Access Road”** means 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.



**13A.22 “Forest Management”** means 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.

**13A.23 “Groundwater Recharge”** means 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.

**13A.24 “Habitat of Endangered, Rare and Threatened Species”** means land that:

- (a) is an area where individuals of an endangered species, a rare species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species; and
- (b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

**13A.25 “Hazardous Waste”** has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.

**13A.26 “Home Business”** means an occupation that:

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

**13A.27 “Home Industry”** means a business that:

- (a) is carried on as a small-scale use that is accessory to a single dwelling or agricultural operation;
- (b) provides a service such as carpentry, metalworking, welding, electrical work or blacksmithing, primarily to the farming community;
- (c) may be carried on in whole or in part in an accessory building; and
- (d) does not include uses such as an auto repair or paint shop or furniture stripping.

**13A.28 “Hydrological Cycle”** means 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.

**13A.29 “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.

**13A.30 “Hydrological Functions”** means 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.

**13A.31 “Hydrological Integrity”** means the condition of ecosystems in which hydrological features and hydrological functions are unimpaired by stresses from human activity.

**13A.32 “Hydrologically Sensitive Feature”** means a hydrologically sensitive feature as described in Section 26 of the Oak Ridges Moraine Conservation Plan.

**13A.33 “Impervious Surface”** means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot.

**13A.34 “Kame”** means a mound, hummock or conical hill of glacial origin.

**13A.35 “Kettle Lake”** means a depression formed by glacial action and permanently filled with water.

**13A.36 “Key Natural Heritage Feature”** means a key natural heritage feature as described in Section 22 of the Oak Ridges Moraine Conservation Plan.

**13A.37 “Landform Features”** means distinctive physical attributes of land such as slope, shape, elevation and relief.

**13A.38 “Landform Conservation Area”** means a landform conservation area as described in Section 30 of the Oak Ridges Moraine Conservation Plan.

**13A.39 “Life Science Values”** means values that relate to the living component of the environment.

**13A.40 “Liquid Industrial Waste”** has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.

**13A.41 “Lot”** means a parcel of land that is:

- (a) described in a deed or other document legally capable of conveying an interest in the land; or
- (b) shown as a lot or block on a registered plan of subdivision.

**13A.42 “Major Development”** means 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.

**13A.43 “Major Recreational Uses”** are recreational uses that require large-scale modification of terrain, vegetation or both and usually also require large-scale buildings or structures, including but not limited to the following:

- (a) golf courses;
- (b) serviced playing fields;
- (c) serviced campgrounds;
- (d) ski hills.

**13A.44 “Meander Belt”** means the land across which a stream shifts its channel from time to time.

**13A.45 “Mineral Aggregate”** means 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.

**13A.46 “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 the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products.

**13A.47 “Natural Self-Sustaining Vegetation”** means self-sustaining vegetation dominated by native plant species.

**13A.48 “Net Developable Area”** means the area of a lot or site, less any area that is within a key natural heritage feature or a hydrologically sensitive feature.

**13A.49 “Oak Ridges Moraine Conservation Plan Area” and “Plan Area”** means the areas described in Section 5.3.10 h).

**13A.50 “Partial Service”** means connections linking a building to:

- (a) a communal sewage or water service or a full municipal sewage or water service; and
- (b) an individual on-site sewage or water system.

**13A.51 “Portable Asphalt Plant”** means 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.

**13A.52 “Prime Agricultural Area”** means an area that is:

- (a) designated as prime agricultural land in the relevant official plan; or
- (b) identified through an alternative agricultural land evaluation system approved by the Government of Ontario.

**13A.53 “Prime Agricultural Land”** means:

- (a) land where fruit and vegetable crops and greenhouse crops are grown;
- (b) agriculturally developed organic soil land; or
- (c) land with Class 1, 2 or 3 soils according to the Canada Land Inventory.

**13A.54 “Rapid Infiltration Basin”** means 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.

**13A.55 “Rapid Infiltration Column”** means 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.

**13A.56 “Rare Species”** means a native species that is not currently at risk of becoming threatened but, because of its limited distribution, small population or specialized habitat needs, could be put at risk of becoming threatened through all or part of its Ontario range by changes in land use or increases in certain types of human activity.

**13A.57 “Retirement Home”** means 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.

**13A.58 “Sand Barrens”** means 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 or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

**13A.59 “Saturated Zone”** means the zone below the water table where the spaces between soil grains are filled with water.

**13A.60 “Savannah”** means 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 or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

**13A.61 “Self-Sustaining Vegetation”** means vegetation dominated by plants that can grow and persist without direct human management, protection, or tending.

**13A.62 “Significant”** means identified as significant by the Ministry of Natural Resources, using evaluation procedures established by that Ministry, as amended from time to time.

**13A.63 “Single Dwelling”** means a building containing only one dwelling unit;

**13A.64 “Site”** means the land subject to an application.

**13A.65 “Site Alteration”** means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include:

- (a) the construction of facilities for transportation, infrastructure and utilities uses, as described in Section 41 of the Oak Ridges Moraine Conservation Plan, by a public body, or
- (b) for greater certainty:
  - (i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001; or
  - (ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.

**13A.66 “Small-Scale Commercial, Industrial and Institutional Uses”:**

- (a) are supportive of, complimentary to or essential to uses that are permitted in Countryside area of the Oak Ridges Moraine Conservation Plan;
- (b) do not require large-scale modification of terrain, vegetation or both or large-scale buildings and structures; and
- (c) include, but are not limited to:
  - (i) farm implement stores, feed stores and country markets;
  - (ii) portable mineral aggregate crushing plants, portable asphalt plants and composting plants; and

(iii) schools, places of worship, community halls, retirement homes and cemeteries, intended mainly to serve nearby Rural Settlements within the Plan Area.

**13A.67 “Subwatershed”** means an area that is drained by a tributary or some defined portion of a stream.

**13A.68 “Surface Catchment Area”** means the area including and surrounding a kettle lake or wetland, from which surface runoff drains directly into the kettle lake or wetland.

**13A.69 “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.

**13A.70 “Tallgrass Prairie”** means 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 or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

**13A.71 “Threatened Species”** means any native species that is at risk of becoming endangered throughout all or part of its Ontario range if the limiting factors are not reversed.

**13A.72 “Time of Travel”** means the time that is needed for groundwater to travel a specified horizontal distance in the saturated zone.

**13A.73 “Unserviced Park”** means a park that provides recreational opportunities and facilities, including playing fields, but without outdoor lighting, accessory commercial facilities, paved parking lots or permanent water or sewer facilities;

**13A.74 “Valleyland”** means a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.

**13A.75 “Watershed”** means an area that is drained by a river and its tributaries.

**13A.76 “Wayside Pit”** means a temporary pit opened or used by or for a public body solely for the purpose of a particular project of road construction and not located on the road right-of-way.

**13A.77 “Wellhead Protection Area”** means 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.

**13A.78 “Wetland”** means 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 or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

**13A.79 “Wildlife Habitat”** means land that:

- (a) is an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water, shelter and space to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species; and
- (b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

**13A.80 “Woodland”** means 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.

**13A.81 “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.”



## **SECTION 14 - VALIDITY AND EFFECTIVE DATE**

### **14.1 Validity**

Every provision of this By-law is declared to be severable from the remainder of the By-law, and if any provision of this By-law shall be declared invalid by a court of competent jurisdiction, such declarations shall not affect the validity of the remainder.

### **14.2 Repeal of Existing By-laws**

By-law No.#1982-11 (North Monaghan) and all amendments thereto are hereby repealed.

By-law No. 2252 (Cavan) and By-law No. 1991-16 (Millbrook) are hereby amended to replace all areas save and except for those areas labelled on the Zone Maps as Oak Ridges Moraine. In the areas labelled "Oak Ridges Moraine" By-law No. 2252 and By-law 1991-16 shall continue to apply.

Subject to notice of the passing of this By-law in accordance with the provisions of Section 34 (18) of the Planning Act, this By-law shall come into force on the date of passing by the Council of the Corporation of the Township of Cavan-Millbrook-North Monaghan where no notice of appeal or objection is received pursuant to the provisions of Section 34 (19) of the Planning Act, R.S.O., 1990 c.P.13. Where notice of an appeal or objections is received as a result of the circulation of the notice of passing of the By-law, this By-law does not come into force until all such appeals have been disposed of whereupon the By-law shall be deemed to have into force on the day it was passed pursuant to Section 34 (30) of the Planning Act, c. R.S.O., 1990 c.P.13, as amended, except for such parts thereof as are repealed or amended in accordance with the direction of the Municipal Board or as are repealed or amended by the Municipal Board or by the Lieutenant Governor in Council pursuant to Sections 34 (26) and 34 (30) of the Planning Act.

READ FIRST TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2004

READ A SECOND TIME ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2004

READ A THIRD TIME AND FINALLY PASSED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2004

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Clerk



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