



# Staff Report

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## Planning and Development Services – Planning Division

**Report To:** Committee of the Whole – Special Meeting  
**Meeting Date:** October 10, 2018  
**Report Number:** PDS.18.118  
**Subject:** Comprehensive Zoning By-law Final Report  
**Prepared by:** Shawn Postma, Senior Policy Planner

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### **A. Recommendations**

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THAT Council receive Staff Report PDS.18.118, entitled “Comprehensive Zoning By-law Final Report”;

AND THAT Council enact a new Comprehensive Zoning By-law for the Town of The Blue Mountains;

AND THAT Council repeal the Township of Collingwood Zoning By-law 83-40 and the Town of Thornbury Zoning By-law 10-77 and all amendments thereto save and except all provisions related to Short Term Accommodation uses.

AND THAT Council repeal all Minor Variances authorized by the Committee of Adjustment or the Ontario Municipal Board / Local Planning Appeal Tribunal that were enacted prior to the approval date of the Town of The Blue Mountains Official Plan, being July 21, 2016;

AND THAT Council confirm that adequate public notice has been provided on the Comprehensive Zoning By-law project and that in accordance with Section 34(17) of the Planning Act, RSO 1990, c.P.13, that further notice is not required;

AND THAT Council waive the two-year moratorium on all zoning by-law amendments to the new Town of The Blue Mountains Comprehensive Zoning By-law by declaring that Section 34(10.0.0.1) of the Planning Act, RSO 1990, c.P.13 does not apply in respect to any application for amendment to the new Comprehensive Zoning By-law.

### **B. Overview**

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The purpose of this report is to provide a final recommendation for approval of the new Town of The Blue Mountains Comprehensive Zoning By-law.

## **C. Background**

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The Town of The Blue Mountains Planning Division has undertaken a lengthy review of the Township of Collingwood Zoning By-law 83-40 and Town of Thornbury Zoning By-law 10-77. A draft version was released in April 2018, a Public Open House was held in May 2018 and the statutory Public Meeting was held in June, 2018. Over the summer months Planning Staff met with area stakeholders including developers, consultants, land owners and area residents to discuss the direction of the new Zoning By-law. Resulting from the Public Meeting and Stakeholder Meetings a number of modifications were proposed to the final version of the Zoning By-law document, and these modifications were presented to Committee of the Whole on September 17, 2018. The Committee endorsed those modifications, and now Staff has completed the update to the By-law and is presenting the final version of the Comprehensive Zoning By-law for Council Approval.

The Committee also provided direction to Staff to release the final version of the Zoning By-law Text and Mapping a minimum of two-weeks prior to the matter coming back to the Committee with a final recommendation. The Planning Services division has released this report and the final version of the Comprehensive Zoning By-law Text and Mapping on September 21, 2018.

## **D. Analysis**

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The Planning Services Division is now recommending final approval of the Comprehensive Zoning By-law. With the approval, a number of housekeeping items must also be considered:

1. That Council repeal the Township of Collingwood By-law 83-40 as amended and the Town of Thornbury Zoning By-law 10-77 as amended. All previous By-laws enacted in the Town will no longer be in force and effect, with the new Comprehensive Zoning By-law replacing these By-laws.
2. Concurrent with the Comprehensive Zoning By-law Project is the Short Term Accommodation (STA) Project. The STA project was separated from the Comprehensive Zoning By-law project so that issues related to the STA project could be dealt with through a more detailed review process. Staff recommend that since the STA project has not yet been completed, that the existing Zoning By-laws related to STA uses continue to apply. Once a new Zoning By-law is in full force and effect on the STA project, Planning Services Staff will bring forward a housekeeping amendment to insert the new STA By-law requirements into the new Comprehensive Zoning By-law and to repeal all former STA By-laws. In essence, development related to STA's will continue to be regulated under the Township of Collingwood and Town of Thornbury Zoning By-laws until such time as a housekeeping amendment is brought forward to implement the new amendments into the new Comprehensive Zoning By-law.
3. That Council repeal all minor variances that were enacted by the Committee of Adjustment or Ontario Municipal Board / Local Planning Appeal Tribunal that were enacted prior to July 21, 2016 (the date of approval of the New Official Plan). Planning Services Staff has not reviewed all variances that have been enacted. Instead a cut off

date was used to ensure sufficient time is provided for new construction to continue, and to delete all dated variances whether or not construction has started or not.

4. Planning Services Staff note that modifications have been made to the Draft Comprehensive Zoning By-law that was circulated in April 2018. As noted in the previous Staff Report and at the September 17, 2018 Committee of the Whole meeting, Staff strongly recommend that a second public meeting is not required and that Council confirm under Section 34(17) of the Planning Act that further notice is not required.
5. As noted in the previous Staff Report and as supported in principle at the September 17, 2018 Committee of the Whole meeting, a resolution is required to lift the two-year moratorium for Zoning By-law Amendments on all amendments to the new Comprehensive Zoning By-law.

Based on the foregoing, Development Services Staff are pleased to provide full support of the new Comprehensive Zoning By-law as attached to this Staff Report.

## **E. The Blue Mountains Strategic Plan**

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Goal #1: Create Opportunities for Sustainability

Objective #1 Retain Existing Business

Objective #2 Attract New Business

Objective #3 Promote a Diversified Economy

Objective #4 Support Value-Added Agriculture and Culinary Tourism

Objective #5 Improved Visibility and Local Identity

Goal #2: Engage Our Communities & Partners

Objective #1 Improve External Communication with our Constituents

Objective #2 Use Technology to Advance Engagement

Objective #3 Strengthen Partnerships

Goal #3: Support Healthy Lifestyles

Objective #1 Promote the Town as a Healthy Community

Objective #2 Increase the Range of Housing Choices and Promote Housing Affordability

Objective #3 Manage Growth and Promote Smart Growth

Objective #4 Commit to Sustainability

## **F. Environmental Impacts**

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Enhanced environmental protections are implemented in the Comprehensive Zoning By-law.

## **G. Financial Impact**

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Planning Services Staff have completed a majority of the new Zoning By-law in house minimizing fees associated with outside consultants. Additional financial obligations from the Town may come forward depending on appeals that may be received to the new Zoning By-law.

## **H. In consultation with**

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Public Open House May 28, 2018, Public Meeting on June 4, 2018, The Planning Division, The Building Division, The By-law Division, The Infrastructure and Public Works Department, The Senior Management Team, Meridian Planning Consultants, Area Landowners, Developers, Ratepayers Groups, Email Distribution List including local builders, real estate agents, developers, consultants, residents, and more.

## **I. Public Engagement**

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The topic of this Staff Report has been the subject of a Public Meeting and a Public Information Centre which took place on June 4, 2018 and May 28, 2018. Those who provided comments at the Public Meeting and/or Public Information Centre, including anyone who has asked to receive notice regarding this matter, have been provided notice of this Staff Report.

All written and verbal comments received were considered throughout this project and helped to make an informed recommendation.

## **J. Attached**

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1. The Town of The Blue Mountains Comprehensive Zoning By-law

Respectfully submitted,

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Shawn Postma  
Senior Policy Planner

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John Metras  
Acting Director of Planning and Development Services

For more information, please contact:  
Shawn Postma  
[planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)  
519-599-3131 extension 248



# **The Town of The Blue Mountains**

## **Zoning By-law 2018-**

*“Recreation at it’s Peak”*

October 10, 2018



**Before you review this By-law, a note to the reader....**

The Preamble Section of this document is not a formal part of the Zoning By-law. However, we recommend that you review the Preamble Section first as it can provide valuable information on how to use this By-law.

Please do not hesitate to contact the Town's Zoning Coordinator for assistance with this By-law at [zoninginfo@thebluemountains.ca](mailto:zoninginfo@thebluemountains.ca).

Detailed property information including written confirmation on the zoning, permitted uses, applicable agencies, open building permits/orders/cases, and other information on a property may be obtained by completing a Request for Information form and payment of applicable fee to the Zoning Coordinator.

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# PREAMBLE

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These pages explain the purpose of this Zoning By-law and how it should be used. These pages do not form part of the Zoning By-law passed by Council and are intended only to make the Zoning By-law more understandable and easier to reference.

## 1.0 PURPOSE OF THIS ZONING BY-LAW

The purpose of this Zoning By-law is to implement the policies of the Town of The Blue Mountains Official Plan. The Official Plan contains general policies that affect the use of land throughout the Town. These policies specify where certain land uses are permitted and, in some instances, specify what regulations should apply to the development of certain lands.

The Official Plan is a general document that is not intended to regulate every aspect of the built-form on a lot. In the Province of Ontario, this is the role of the Zoning By-law. Once an Official Plan is in effect, any Zoning By-law passed by Council must conform to the Official Plan. For example, if the Official Plan stated that lands in the vicinity of a significant natural feature are to remain in their natural state, the Zoning By-law would prohibit the erection of buildings or structures on those lands. A Zoning By-law can also specifically permit certain uses of land, such as retail stores in a downtown area.

It is noted that a portion of the Town is located within the Niagara Escarpment Plan Area and is administered through Niagara Escarpment Development Control by the Niagara Escarpment Commission. Any enquiries regarding development requirements on lands that are subject to Niagara Escarpment Development Control should be directed to the Niagara Escarpment Commission at:

Niagara Escarpment Commission  
99 King Street East, P.O. Box 308  
Thornbury, ON N0H 2P0

tel. 519-599-3340  
fax. 519-599-6326  
email. [nec Thornbury@ontario.ca](mailto:nec Thornbury@ontario.ca)  
web. [www.escarpment.org](http://www.escarpment.org)

## 2.0 HOW TO USE THIS BY-LAW

In order to reference this By-law most easily, a property owner should follow each of the steps listed below to determine what provisions apply to their particular property.

### A. [Locate the Property on a Map](#)

Maps in a Zoning By-law are called 'Schedule(s)'. The first step to using this By-law is to refer to the Zone Schedule(s) that are contained at the back

of the By-law to determine in which Zone category or categories your property is located.

The Zone category will be indicated on the Schedule(s) by a symbol or abbreviation. For example, you may see a symbol such as “C1” that applies to your property. This would indicate that your property is within the ‘Village Commercial (C1) Zone’. The Zone symbols or abbreviations are identified on the first page of Part 2.0 (Establishment of Zones) of the By-law.

Part 2.0 (Establishment of Zones) also provides assistance to help you identify the Zone boundaries on the Schedule(s). For example, if your property appears close to a Zone boundary and you are not sure how to determine exactly where that boundary is located, refer to Section 2.4 (Determining Zone Boundaries) of the By-law.

It is noted that in addition to the By-law itself, there may be other requirements of the Town in other By-laws that may have an impact on how a property can be used. For example, while this By-law may permit a certain use, other Town By-laws may also require that the use be licensed. There are also Provincial requirements to consider, particularly if a property is located near a Provincial highway. Permits may also be required in some cases from the Grey Sauble Conservation Authority or the Nottawasaga Valley Conservation Authority. For information on what requirements may exist for your property, please do not hesitate to contact the Town’s Zoning Coordinator for assistance at [zoninginfo@thebluemountains.ca](mailto:zoninginfo@thebluemountains.ca)

## B. [By-law Amendments, Minor Variances and Exceptions](#)

A Zoning By-law is not a static document; it is amended over time as demands and policies governing land use change. By-laws are commonly amended to change the zone to provide for a specific use or to prohibit a certain use. In some cases, special provisions are applied to a property or a series of properties that vary the zone provisions for that property. This type of variance is called an exception and exceptions to the By-law are contained within Part 9.0 (Exceptions).

You should also verify that your property is not the subject of an earlier Zoning By-law amendment or Minor Variance. Some of these amendments are identified in the Zone Schedule(s) and listed in Part 9.0 (Exceptions), Part 10.0 (Holding Provisions) and Part 11.0 (Temporary Uses) of this By-law. More recent amendments may not be included in the version of the By-law that is available at the time of review, while Minor Variances are not included in the By-law at all.

## C. [Permitted Uses and Zone Standards](#)

The next step to using this By-law is to determine what uses are permitted on your property. Parts 6.0, 7.0 and 8.0 of the By-law identify the permitted



uses for each Zone in the Town. The definitions in Part 3.0 (Definitions) can assist you if you are not sure of the nature of a use or how it has been defined for the purposes of this By-law.

Words that are defined in Part 3.0 are *italicized* throughout the By-law. If a word is not *italicized* it is not specifically defined.

Uses that are not identified as permitted uses within a particular Zone are not permitted in that specific Zone. It is noted that there are five Residential One (R1) sub-zones with varying lot frontages, areas and yard setbacks to reflect existing lots and provide for future residential neighbourhoods in the Town.

The next step is to determine what standards may apply to the uses on your property. Parts 6.0, 7.0 and 8.0 of the By-law identify the Standards for each Zone including minimum lot area, minimum frontage, minimum yards, maximum lot coverage for buildings, and the maximum permitted height of buildings.

#### D. General Provisions

Now that you are aware of the uses permitted on your property and the specific Zone Standards that apply to those uses, reference should be made to Part 4.0 (General Provisions) of this By-law. Part 4.0 contains a more generic set of standards known as 'General Provisions' that apply to all properties in all Zones throughout the Town. For example, the general provisions contain standards that regulate the construction of accessory structures, height exceptions and non-conforming/non-complying uses that apply to all properties regardless of where in the Town a property is located.

#### E. Parking and Loading

There is an additional section of the By-law that should be consulted when determining what provisions apply to your specific property. Part 5.0 (Parking and Loading) provides the parking and loading requirements for all permitted uses in the Town. If you are considering constructing a new use, changing the use, changing the location of parking and loading areas, or adding a new use to your property, you should review Part 5.0 to ensure that you are aware of the parking and loading requirements for the proposed use.

#### F. Exceptions, Holding Zones, Temporary Uses and Interim Control By-laws

Parts 9.0, 10.0, 11.0 and 12.0 contain specific requirements that may apply to your property. Lands subject to an exception covered in Part 9.0 (Exceptions) have specific use permissions or zone provisions that have been applied either in response to a landowner request or if there is a public interest objective in applying different rules on a property and/or in an area.

The provisions within an exception section are intended to take precedence over any other provision in the By-law. Lands subject to an exception will be specifically identified on the Schedule(s) with the exception number identified after the parent zone symbol.

Part 10.0 (Holding Provisions) contains specific requirements that describe what conditions need to be met in order to develop/establish permitted uses on a property. Lands subject to an exception will be specifically identified on the Schedule(s) with the use of a (-h) symbol followed by the Holding provision number.

Part 11.0 (Temporary Uses) identifies those properties that are subject to use permissions that only last for a specified period of time. Lands subject to an exception will be specifically identified on the Schedule(s) with the use of a (-t) symbol followed by the Temporary Use number.

**THE CORPORATION OF THE  
TOWN OF THE BLUE MOUNTAINS  
ZONING BY-LAW \_\_\_\_\_**

WHEREAS it is considered desirable to control development within the Town of The Blue Mountains in accordance with the Official Plan and to prohibit the use of land and the erection and use of buildings or structures except for certain purposes, and to regulate the type of construction and the height, bulk, location, size, floor area, character and use of buildings in accordance with the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

NOW THEREFORE the Council of the Corporation of the Town of The Blue Mountains enacts as follows:

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# PART 1.0

## INTERPRETATION AND ADMINISTRATION

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### 1.1 TITLE

This By-law may be referred to as the “The Blue Mountains Zoning By-law” and applies to all lands within the Town of The Blue Mountains except those lands that are subject to Development Control pursuant to the Niagara Escarpment Planning and Development Act, as shown on Schedule ‘A’ to this By-law.

### 1.2 CONFORMITY AND COMPLIANCE WITH BY-LAW

No person shall change the *use* of any *building*, *structure* or land or erect or *use* any *building* or *structure* or occupy any land, *building* or *structure* except in accordance with the provisions of this By-law.

### 1.3 INTERPRETATION

Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the Town of The Blue Mountains or any other requirement of the *County* of Grey, the Province of Ontario or the Government of Canada that may affect the *use* of lands, *buildings* or *structures* in the Town of Blue Mountains.

### 1.4 SEVERABILITY

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

### 1.5 REPEAL OF FORMER BY-LAWS

Subject to Section 1.5(a), By-law 83-40 of the former Township of Collingwood and By-law 10-77 of the former Town of Thornbury and all amendments thereto are hereby repealed.

- a) The provisions of the former Township of Collingwood 83-40, Town of Thornbury By-law 10-77 and all amendments thereto shall continue to apply to Short Term Accommodation Uses.

## 1.6 MINOR VARIANCES TO FORMER BY-LAWS

Where the Committee of Adjustment of the Town of The Blue Mountains or the Ontario Municipal Board/Local Planning Appeal Tribunal has authorized a minor variance from the provisions of By-laws 83-40 (former Township of Collingwood) or 10-77 (former Town of Thornbury) as amended, and the decision authorizing such minor variance has become final and binding after July 21, 2016 (approval date of the new Official Plan), the provisions of this By-law are deemed to be modified to the extent necessary to only and solely give effect to the provisions of that previous minor variance that would otherwise not be in conformity or compliance with this By-law.

## 1.7 ENFORCEMENT

Any person or directors or officers of any corporation convicted of a violation of this By-law is liable to penalties in accordance with the provisions of Sections 67 and 67.1 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

## 1.8 ILLUSTRATIONS

All illustrations or photos in this By-law are deemed to not be part of this By-law and are included only to assist with the interpretation of the By-law.

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# PART 2.0

## ESTABLISHMENT OF ZONES

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### 2.1 ZONES

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

Residential Zones (see Part 6.0)

- R1 Residential One
- R2 Residential Two
- R3 Residential Three

Commercial and Employment Zones (see Part 7.0)

- C1 Village Commercial
- C2 General Commercial
- C3 Resort Commercial
- C4 Harbour Commercial
- C5 Blue Mountain Village Commercial
- C6 Craighleith Village Commercial
- C7 Rural Commercial
- BMC Bruce Street/Marsh Street Corridor
- M1 General Employment
- M2 Rural Employment
- M3 Extractive Industrial

Agricultural, Rural, Recreational and Other Zones (see Part 8.0)

- A Agricultural
- RU Rural
- SA Special Agricultural
- D Development
- H Hazard
- W Wetland
- I Institutional
- REC1 Recreation One
- REC2 Recreation Two
- REC3 Recreation Three
- P Parking
- OS Open Space
- PU Public Utilities

## 2.2 ZONE SYMBOLS

The *Zone* symbols may be used to refer to *lots, buildings and structures* and to the *use of lots, buildings and structures* permitted by this By-law.

## 2.3 ZONE SCHEDULES

The *Zones* and *Zone* boundaries are shown on Schedule 'A' that is attached to and form part of this By-law.

## 2.4 DETERMINING ZONE BOUNDARIES

When determining the boundary of any *Zone* as shown on any Schedule forming part of this By-law, the following provisions shall apply:

- a) A boundary following a *public street, lane, private street, railway right-of-way, utility corridor or watercourse* shall be the *centreline* of such *public street, lane, private street, railway right-of-way, utility corridor or watercourse*;
- b) A boundary indicated as substantially following *lot* lines shown on a Registered Plan of Subdivision, or the municipal boundaries of the Town of The Blue Mountains shall follow such *lot* lines;
- c) A boundary indicated as following a *lot* line abutting an unopened road allowance shall follow the *centreline* of such road allowance; and,
- d) Where a *lot* falls into two or more *Zones*, each portion of the *lot* shall be used in accordance with the provisions of this By-law for the applicable *Zone*.

## 2.5 EXCEPTION ZONES AND TEMPORARY USES

Where a *Zone* symbol on the attached Schedule 'A' is followed by one or more numbers following the dash (-) symbol, such as R1-1- (exception), the numbers/letters following the dash (-) symbol refer to subsections in Part 9.0 (Exceptions) and Part 11.0 (Temporary Uses) of this By-law that apply to the lands noted.

## 2.6 HOLDING ZONES

Notwithstanding any other provision in this By-law, where a *Zone* symbol is followed by the letter '-h', no person can use the land to which the letter '-h' applies for any *use* other than the *use* which legally existed on the date the by-law applying the Holding provision came into effect, or expand or replace an existing *building* or *structure*, as the case may be until the '-h' is removed in accordance with the policies of the Official Plan.

Notwithstanding the above, this provision does not apply to the following *uses*, which are permitted without the need to remove the Holding provision:

- a) *A temporary sales office;*
- b) *Model homes* in accordance with Section 4.21 of this By-law; and,
- c) In addition, the existence of the Holding provision does not prevent the issuance of a *building* permit to the satisfaction of the Chief Building Official to make structural repairs, carry out façade improvements, improve and/or replace plumbing and electrical systems and/or replace openings. Site-specific or area-specific holding *zones* are detailed in Part 10.0 of this By-law.

## 2.7 DEFINITIONS

For the convenience of the reader, all words that are italicized in this By-law are defined in Part 3.0 of this By-law.

## 2.8 LAND OWNERSHIP

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



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## PART 3.0

# DEFINITIONS

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### ABBATOIR

Means an establishment where food animals are slaughtered, and includes any part of the establishment where:

- a) Food animals are received, kept or handled before they are slaughtered;
- b) Carcasses derived from food animals are dressed;
- c) Carcasses, parts of carcasses or meat products derived from food animals are produced, processed, packaged, labelled, handled, stored, distributed or sold;
- d) Inedible materials are processed, packaged, labelled, handled, stored, distributed or sold; or,
- e) Farm slaughtered carcasses are skinned or farm slaughtered carcasses and products are processed, handled, stored, packaged and labelled.

### ACCESSORY APARTMENT

Means a secondary *dwelling unit*, which is *accessory* to the principal *use* on the *lot*.

### ACCESSORY BUILDING OR STRUCTURE

Means a detached *building* or *structure*, the *use* of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the main *use* or *building* and located on the same *lot* and that is not used for human habitation.

### ACCESSORY FARM EMPLOYEE ACCOMMODATION

Means *buildings* or *structures* on a farm that are designed to be used for the accommodation of employees of the farm on a temporary or permanent basis.

### ACCESSORY OUTDOOR STORAGE

Means an area of land used in conjunction with a business located within a *building* or *structure* on the same *lot*, for the storage of goods and materials.

### ACCESSORY USE

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

### ADULT ENTERTAINMENT ESTABLISHMENT

Means an establishment or part thereof in which is provided, in pursuance of a trade, calling, business or occupation, goods or services or entertainment appealing to or designed to appeal to erotic or sexual appetites or inclinations.

*Adult entertainment establishment* includes an *adult entertainment parlour*, *adult video store*, *adult specialty store* and *body rub parlour*.

For the purposes of the definition of *adult entertainment establishment*, the following definitions also apply:

- a) “Goods” includes books, magazines, pictures, slides, film, disks, phonograph records, pre-recorded magnetic tape and any other viewing or listening matter, clothing and accessories;
- b) “Services or entertainment” includes activities, facilities, performances, exhibitions, viewings and encounters but does not include the exhibition of film approved under the Theatres Act;
- c) “Services or entertainment which are designed to appeal to erotic or sexual appetites or inclinations” and includes,
  - i. Services or entertainment of which a principal feature or characteristic is the nudity or partial nudity of any person, including, but not limited to the nudity or partial nudity of specified body areas; and,
  - ii. Services or entertainment in respect of which the word “nude”, “naked”, “topless”, “bottomless”, “sexy”, or any other word or any other picture, symbol or representation having like meaning or implication, is used in any advertisement.

#### ADULT SPECIALTY STORE

Means an establishment specializing in the sale of a variety of goods and materials made or designed to appeal to erotic or sexual appetites, but does not include a *retail store* or *convenience retail store*.

#### ADULT VIDEO STORE

Means an establishment where pre-recorded video tape, video discs, films and/or slides made or designed to appeal to erotic or sexual appetites or depicting sexual acts are offered for rent or sale where the proportion of adult videotapes to non-adult videotapes offered is equal to or exceeds the ratio of 10:100 (adult videotape to non-adult videotape). An *adult video store* shall not include facilities for the screening or viewing of such products.

#### AGGREGATE TRANSFER STATION

Means an area of land that is not associated with a licensed mineral aggregate operation where aggregate products are temporarily stored prior to shipment, and which may include facilities for the administration or management of the business and the storage of required equipment, but does not include the retail sale of aggregate products.

#### AGRICULTURAL USE

Means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry

and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm *buildings* and *structures*, including but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment. An Agricultural Use shall not include a cannabis production facility.

#### AGRI-TOURISM USES

Means farm-related tourism *uses* that promote the enjoyment, education or activities related to the farm operation such as farm machinery and equipment exhibitions (on a temporary basis), farm tours, petting zoos, hay rides and sleigh rides, processing demonstrations, pick-your-own produce establishments, small-scale farm theme playgrounds and small-scale educational establishments that focus on farming instruction.

#### AISLE

Means an area of land used by *motor vehicles* to access *parking spaces*.

#### ALTER

Means any modification to the structural component of a *building* or *structure* that results in a change of *use* or structural change, or any change in the *height*, bulk or floor area of a *building* or *structure*.

#### ANIMAL CARE ESTABLISHMENT

Means an establishment for the caring, grooming and training of household pets, but does not include a *kennel* or an *animal clinic*.

#### ANIMAL CLINIC

Means an establishment used by a veterinarian or group of veterinarians where animals are evaluated and/or treated for medical conditions and which may include the overnight care of animals (indoors) supervised by a licensed veterinarian.

#### ARENA

Means a *building* containing an ice surface used for skating related activities.

#### ART GALLERY

Means an establishment used for any combination of the preservation, exhibition, or sale of paintings and other works of art.

#### ASPHALT PLANT

Means a *use* of land, *building* or *structure*, or parts thereof, which produces and/or recycles asphalt or similar coated road stone and has equipment designed to heat and dry aggregate and to mix mineral aggregate with bitumen and/or tar, and includes the stockpiling and storage of bulk materials used in the process or finished product(s) manufactured on the premises, the storage and maintenance of equipment, and facilities for the administration or management of the business.

#### ATTACHED

Means a *building* otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent *building* or *buildings*.

#### ATTIC

Means that portion of a building situated wholly or partly within the roof of such building and which is not a half storey.

#### AUCTION SALES ESTABLISHMENT

Means an establishment used for the sale of items, in which the price is determined through bidding, and may include *accessory outdoor storage*.

#### BALCONY

Means an outdoor living area on a partially enclosed platform *attached* to or extended horizontally from one or more main walls of a *building* and which is only directly accessible from within the *building*.

#### BANQUET HALL

Means an establishment used for the purpose of catering to banquets, weddings, receptions or similar functions for which food and beverages are prepared and served.

#### BARRIER FREE

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

#### BASE LODGE

Means a *building* in which facilities are provided for recreational *use* which may include *restaurants*, lockers, change rooms, meeting areas, rental and sales facilities, places of entertainment, and ticket sales facilities, but shall not include facilities for overnight accommodation.

#### BASEMENT

Means a storey which is partly underground and has 50% or more of its height above the *finished grade* level adjacent to the exterior walls of the building.

#### BAY OR BOW WINDOW

Means a window with at least three panels set at different angles to create a projection from the outer wall of a *building*, which may or may not be supported by a foundation wall.

#### BED AND BREAKFAST ESTABLISHMENT

Means a dwelling that operates or offers no more than three *guest rooms* as places of temporary residence, lodging or occupancy by way of concession, permit, lease,

license, rental agreement or similar commercial arrangement throughout all or any part of a calendar year and that is the principal residence of the establishment's proprietor. *Bed and breakfast establishment* shall not mean or include *motel, hotel, short term accommodation, tourist cabin or cottage, hospital* or similar commercial or institutional uses.

#### BOARDING OR ROOMING HOUSE

Means a dwelling in which lodging with or without meals is supplied for gain to three or more persons other than the lessee, tenant or owner of said dwelling, or any member of his/her family, but does not mean or include a *motel, hotel, short term accommodation, bed and breakfast establishment, hospital*, similar commercial or institutional use or *apartment building*.

#### BOATHOUSE

Means a detached *accessory building or structure* which is designed or used for the sheltering of watercraft and watercraft-related equipment but does not include open walkways or uncovered docking facilities, and shall not be used for human habitation.

#### BODY-RUB

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

#### BODY-RUB PARLOUR

Means and includes any premises or part thereof where a *body-rub* is performed, offered or solicited in pursuance of a trade, calling, business or occupation, but does not include any premises or part thereof where the *body-rubs* performed, offered or solicited are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario.

#### BUILDING

Means a *structure* occupying an area greater than 10 square metres consisting of a wall, roof and floor or any of them, or a structural system serving the function thereof, including all plumbing, works, fixtures and services system appurtenant thereto.

#### BULK FUEL STORAGE FACILITY

Means an establishment used for the bulk storage of petroleum, petroleum products, chemicals, gases or similar substances.

#### BUSINESS OFFICE

Means an establishment used by an agency, business or organization for the transaction of administrative, clerical or management business, the practice of a

profession and/or the provision of government or social services and other similar services, but which does not include a *medical office*.

#### CAMPGROUND

Means an establishment consisting of at least five camping sites for the overnight and/or temporary camping or parking of *travel/tent trailers, truck campers, or tents* for recreational or vacation use and designed for seasonal occupancy only.

#### CANNABIS PRODUCTION FACILITY

Means the use of land, buildings or structures for the cultivation, processing, testing, destruction, packaging and shipping of cannabis used for medical and/or recreational purposes.

#### CANNABIS RETAIL STORE OR DISPENSARY

Means the use of land, building, structure or any part thereof used for the retail sale of cannabis or any product or substance produced in whole or in part from cannabis, and shall be deemed to include or not include a licensed Ontario Cannabis Retailer under the Ontario Cannabis Retail Corporation Act, 2017.

#### CARPORT

Means a *building or structure attached to a building* which is used for the parking or storage of one or more *motor vehicles* and which has at least one open wall, but does not include a *private garage*.

#### CEMETERY

Means:

- a) Land that has been established as a *cemetery* under the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, Chapter 33, a private Act or a predecessor of one of them that related to cemeteries;
- b) Land that was recognized by the registrar as a *cemetery* under a predecessor of the Funeral, Burial and Cremation Services Act, 2002, S.O. 2002, Chapter 33, that related to cemeteries;

And includes:

- c) Land that, in the prescribed circumstances, has been otherwise set aside for the interment of human remains; and,
- d) A mausoleum or columbarium intended for the interment of human remains.

#### CENTRELINE

Means, with reference to a *public street*, a line drawn parallel to and equidistant from the limits of the *public street* and with reference to a *private street* a line drawn parallel to and equidistant from the edges of the paved surface of the *private street*.

#### CHILD CARE CENTRE

Means an establishment operated by a person that is licensed in accordance with the Child Care and Early Years Act, as amended.

#### COMMERCIAL FITNESS CENTRE

Means an establishment in which facilities are provided for recreational or athletic activities such as body-building and exercise classes and may include associated facilities such as a sauna, a *swimming pool*, a solarium, a cafeteria and an accessory *retail store*.

#### COMMERCIAL GREENHOUSE

Means a *building* or *structure* used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation which are not necessarily transplanted outdoors on the same *lot* containing such greenhouse, but are sold directly from the *lot* either at wholesale or retail, and may include the sale of incidental seasonal merchandise.

#### COMMERCIAL MOTOR VEHICLE

Means a *motor vehicle* having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highways.

#### COMMERCIAL RESORT UNIT

Means one room or a group of rooms in a *building* used or designed or intended to be used as a single, independent and separate housekeeping establishment:

- a) In which food preparation and sanitary facilities are provided for the exclusive *use* of such occupants;
- b) Which has a private entrance from a common hallway either inside or outside the *building*;
- c) Which is part of a rental or lease management program which consists of a minimum of ten *commercial resort units* in one or more *buildings*;
- d) In which the maximum habitation per housekeeping unit is restricted to 120 days per year; and,
- e) Which has been established to provide accommodation for gain or profit, but does not mean or include a *residential dwelling unit*, a *hotel* unit, a *motel* unit, an inn unit, a lodge unit, a *short term accommodation* unit, a dormitory unit or a hostel unit.

#### COMMERCIAL RESORT UNIT COMPLEX

Means a *building* or group of *buildings* containing a minimum of ten *commercial resort units* that is part of a *rental or lease management program*.



#### COMMERCIAL SCHOOL

Means an establishment used as a school conducted for gain, including a *studio* of a dancing teacher or a music teacher, an art school, a golf school, school of calisthenics, business or trade school and any other such specialized school.

#### COMMERCIAL SELF-STORAGE FACILITY

Means an establishment used for the temporary storage of household items and secured storage areas or lockers which are generally accessible by means of individual loading doors for each storage unit or locker.

#### COMMUNITY CENTRE

Means a multi-purpose facility or part of that facility that offers a variety of programs of a recreational, cultural, community service, informational, or instructional nature and, where the facility is owned and operated by the Town, other *uses* authorized through an agreement with the Town.

#### CONCRETE BATCHING PLANT

Means an establishment where concrete or concrete products used in *building* or construction is produced, and includes facilities for the:

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

#### CONSERVATION USE

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

#### CONSERVATION USE - WETLAND

Means an area of land that is generally left in its natural state and which is used for any combination of preservation, protection, or improvement of components of the natural heritage system.

#### CONTRACTORS YARD

Means an establishment used by any general contractor or builder where equipment and materials are stored, or where a contractor and/or builder performs shop and assembly work, and/or offers a trade or service, which is not generally open to the public, and includes, but is not limited to, *landscaping services*, excavators, roofing, industrial electricians, general construction services, and



welding services, or other similar services but does not include any other *use* as defined by this By-law.

#### COUNCIL

Means the Municipal *Council* of the Corporation of the Town of The Blue Mountains.

#### COUNTY

Means the Corporation of the *County* of Grey.

#### CREMATORIUM

Means an establishment devoted to the cremation of corpses.

#### CROSS COUNTRY SKI FACILITY

Means an area of land with trails used by skiers and which may include *accessory uses* and other *buildings* or *structures* devoted to the maintenance, administration and operation of the *cross country ski facility*.

#### DECK

Means a *structure* that rests upon the ground or is supported by posts or blocks that extend from the ground, which is intended for *use* as an outdoor amenity area, but does not include a *balcony* or *porch*.

#### DRIVEWAY

Means a defined area providing access for *motor vehicles* from a public or *private street* or a *lane* to facilities such as a *parking area*, *parking lot*, *loading space*, *private garage*, *building* or *structure*.

#### DRIVE-THROUGH SERVICE FACILITY

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

#### DRY CLEANING DEPOT

Means an establishment used for the purpose of receiving articles of goods of fabric to be subjected to the process of laundering elsewhere in another premises. These depots may also provide accessory clothing repair and alteration services.

#### DRY CLEANING PLANT

Means a facility in which the business of laundry or dry cleaning is housed and where the cleaning, drying, ironing and finishing of such goods are conducted.

#### DWELLING, ACCESSORY

Means a self-contained *dwelling unit* accessory to a non-residential *use*.

#### DWELLING, APARTMENT

Means a *dwelling unit* in a *building* containing four or more *dwelling units* that share a common access to the outdoors through a common vestibule and/or a common corridor system. A dwelling in any other type of *building* is not an *apartment dwelling*.

#### DWELLING, DUPLEX

Means a *dwelling unit* in a *building* that is divided horizontally into two *dwelling units*, each of which has an independent entrance either directly to the outside or through a common vestibule or a combination of both. A *dwelling unit* in any other type of *building* is not a *duplex dwelling*.

#### DWELLING, MULTIPLE

Means a *dwelling unit* in a *building* containing four or more *dwelling units* that would not be considered any other type of *dwelling unit* as defined by this By-law.

#### DWELLING, ROWHOUSE

Means one of three or more *dwelling units* divided by a vertical common wall each such *dwelling unit* having an independent entrance directly from outside the *building* and such *dwelling unit* shall be located on a separate *lot*.

#### DWELLING, SEASONAL

Means a dwelling that is not used for continuous habitation or as a permanent residence or a dwelling to be used for recreation but not occupied or intended to be occupied as a permanent residence or any combination of the two.

#### DWELLING, SEMI-DETACHED

Means a *dwelling unit* in a *building* that is divided vertically into two *dwelling units* that share a common wall above *grade*. A dwelling in any other type of *building* is not a *semi-detached dwelling*.

#### DWELLING, SINGLE DETACHED

Means a single *dwelling unit* which is not joined to any other dwelling.

#### DWELLING, TOWNHOUSE

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

#### DWELLING, TRIPLEX

Means a *dwelling unit* in a *building* that is divided horizontal or is divided horizontally and vertically into three *dwelling units*, each of which has an independent entrance to the outside or through a common vestibule or a

combination of both. A *dwelling* in any other type of *building* is not a *triplex dwelling*.

#### DWELLING UNIT

Means a suite operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

#### EMERGENCY HOUSING

Means emergency shelters or facilities that provide temporary lodging, board, and personal support services to homeless individuals in a 24-hour supervised setting.

#### EMERGENCY SERVICE FACILITY

Means a *building* that houses emergency personnel, their supplies, equipment and vehicles and may include an ambulance response facility, fire station or police station.

#### EQUESTRIAN CENTRE

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

#### EQUIPMENT SALES AND RENTAL ESTABLISHMENT

Means an establishment where machinery and equipment are offered or kept for rent, lease or hire under agreement for compensation, but shall not include any other establishment defined or classified in this By-law.

#### ESTABLISHED BUILDING LINE

Means the average distance from the *streetline* of existing *buildings* on one side of one block where more than one-half of the *lots* having street access upon the said side of the block have been built upon.

#### ESTATE WINERY

Means an agricultural use where fruit is grown and processed into wine, cider or similar uses, and may include an accessory retail and/or tasting room of up to 400m<sup>2</sup>.

#### FARM IMPLEMENT DEALER

Means an establishment where farm equipment is repaired, serviced or sold.

#### FARM PRODUCE OUTLET

Means an establishment accessory to an *agricultural use* where the majority of the products sold are produced or grown on the farm on the same *lot*.

#### FARM WINERY

Means an agricultural use where fruit is grown and processed into wine, cider or similar uses, and may include an accessory retail and/or tasting room, of up to 100m<sup>2</sup> or 25% of the total winery floor area.

#### FINANCIAL INSTITUTION

Means an establishment in which financial services are offered to the public and includes a bank, credit union, trust company, savings office, cheque cashing company, or any other retail banking operation.

#### FINISHED GRADE

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

#### FIRST STOREY

Means the storey with its floor closest to established grade and having its ceiling more than 1.8 metres above finished grade.

#### FLOOR AREA, GROSS

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

#### FLOOR AREA, GROSS LEASABLE

Means the aggregate of the floor areas of a *building* containing a number of retail and similar *uses* that are leased to tenants for their exclusive *use*, above or below *established grade*. For the purposes of this definition, common areas that are not designed nor leased for the exclusive *use* of a tenant are not included in the calculation of *gross leasable floor area*.

#### FLOOR AREA, GROUND

Means the area of a *lot* occupied by a *building* or *structure* measured at the exterior walls, excluding in the case of a *dwelling* any *private garage*, breezeway, *porch*, or veranda.

#### FLOOR AREA, NET

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

- a) *Motor vehicle parking areas* within the *building*;
- b) Stairways;

- c) Elevator shafts and other service and mechanical shafts;
- d) Service/mechanical rooms and penthouses;
- e) Washrooms;
- f) *Waste/recycling* rooms;
- g) Staff locker and lunch rooms;
- h) Bicycle lockers;
- i) Loading areas;
- j) Any space with a floor to ceiling *height* of less than 1.8 metres; and,
- k) Any part of a basement that is unfinished.

#### FOREST MANAGEMENT

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

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

#### FUNERAL HOME

Means an establishment used for the temporary placement of dead human bodies, and cremated human remains, so that persons may attend funeral services and pay their respects, but does not include a **crematorium**.

#### GARAGE WIDTH

Means the width of a *private garage* measured between the interior faces of the walls of the *private garage*.

#### GARDEN SUITE

Means a single dwelling unit that is located in a detached *residential structure* containing bathroom and kitchen facilities that is secondary to an existing *residential building* on a *lot* and that is designed to be portable.

#### GOLF COURSE

Means an area of land laid out for the purpose of playing golf with a series of holes and may include an *accessory golf driving range*, clubhouse, and other *buildings* and *structures* devoted to the maintenance and operation of the *golf course*.

## GOLF DRIVING RANGE

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

## GROUP HOME

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

## GUEST ROOM

Means a room used or maintained for guest accommodation.

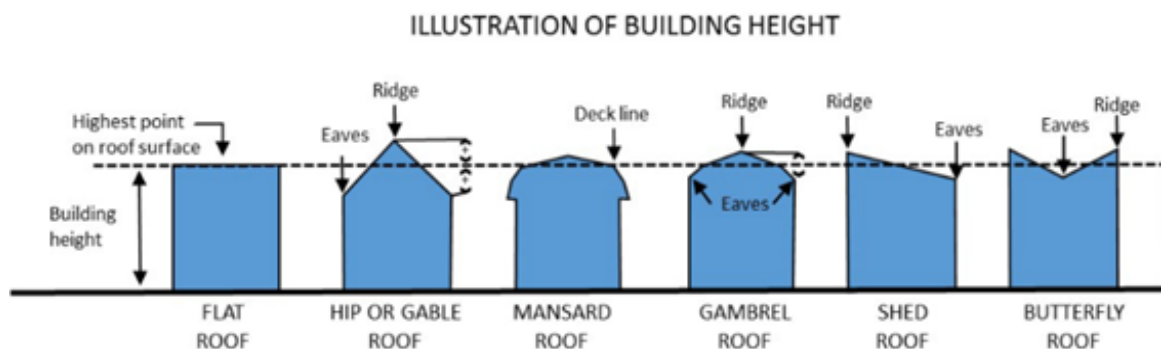
## HALF STOREY

Means the portion of a building located wholly or partly within a sloping roof having a floor area of not more than two thirds of the gross floor area of the storey below.

## HEIGHT

Means when used in reference to a *building* or *structure*, the vertical dimension between the *finished grade* of the wall of such *building* or *structure* facing the front *lot* line and:

- 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.



## HOME CHILD CARE

Means the caring of children in a *dwelling unit* in accordance with the Child Care and Early Years Act, as amended and which is not a *Child Care Centre*.

## HOME INDUSTRY

Means a small-scale *industrial use* with no show/display room, such as an art class, a dance class, a carpentry shop, a metal working shop, a welding shop, a tool and die shop or an electrical shop that provides services or wares to the rural community and which is an *accessory use*. For the purpose of this By-law, the repairing of *motor vehicles, mobile homes, trailers, and/or boats* is not a *home industry*.

## HOME BUSINESS

Means the *use* of part of a *dwelling unit* for a legal business activity that results in a product or service and which is clearly accessory to the principal *residential use* of the *dwelling unit*.

## HOSPITAL

Means a facility established for the purpose of the treatment of persons, and that is approved as a public *hospital* under The Public Hospitals Act, R.S.O. 1990, Chapter P.40, as amended, or any successor legislation.

## HOTEL

Means an establishment that contains one building or two or more connected or adjacent buildings that, throughout all or part of a calendar year, caters to the needs of the public by furnishing guest rooms for a fee, including all such establishments as defined from time to time by the Hotel Registration or Guests Act, R.S.O. 1990 c.H.17, as amended, but not including any other establishment otherwise defined or classified in this By-law. A Hotel may or may not:

- a) Supply food;
- b) Have an on-site management office;
- c) Include permanent staff accommodation;
- d) Include convention facilities;
- e) Include one or more dining rooms;
- f) Include recreational facilities for use by the guests;
- g) Be licensed under the Liquor Licence Act of Ontario.

## INDUSTRIAL USE

Means an establishment used for the warehousing of goods and materials; the processing of goods and materials; the assembly of manufactured goods; the manufacturing of goods; the repair and servicing of goods and similar *uses*; research laboratories; and printing establishments; including any permanent storage facilities or accessory equipment that is in conjunction with the *use*, but does not include a *motor vehicle* repair establishment, or a *motor vehicle body shop*.

## INFRASTRUCTURE

Means physical *structures* (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage

treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

#### KENNEL

Means an establishment where four or more dogs or cats are maintained, boarded, trained, bred or cared for in return for remuneration or kept for the purposes of sale, and may include enclosed outdoor exercise areas or pens.

#### LANDSCAPING

Means trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and shall not include *parking areas*.

#### LANE

Means a subsidiary thoroughfare that is not intended for general traffic circulation and which provides a public or private means of vehicular access to an abutting property.

#### LAUNDROMAT

Means an establishment where laundry machines, in which only water and detergents can be used, are made available to the general public for the purpose of cleaning clothes and other articles made of fabric.

#### LIBRARY

Means a facility used for the collection of printed, electronic, and pictorial material for *public use* for the purposes of study, reference, and recreation, and which may include meeting rooms for community *use*, activity areas, cafeteria, and space for recreational *uses*.

#### LIVE WORK UNIT

Means a *dwelling unit* that is not an accessory apartment having an area of not more than 200 square metres that contains a subsidiary business and personal services occupancy or a subsidiary low hazard industrial occupancy, and which is used and operated by one or more persons of a single household.

#### LOADING SPACE

Means an unobstructed area of land that is used for the temporary parking of one or more *commercial motor vehicles* while merchandise or materials are being loaded to or unloaded from such vehicle.

#### LOCK-OFF UNIT

Means a *village commercial resort unit* that has a private, separate access to a common hallway and an access door in the common, shared wall with an adjacent *village commercial resort unit*.



### LONG TERM CARE HOME

Means a place that is licensed as a long-term care home under the Long-Term Care Homes Act, 2007, S.O. 2007, c.8. and includes a municipal home, joint home or First Nations home.

### LOT

Means a parcel of land that is registered as a legally conveyable parcel of land in the Land Titles Registry Office.

### LOT AREA

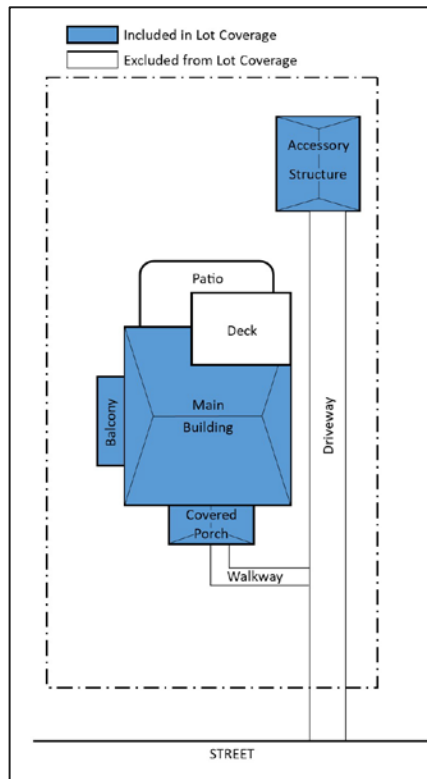
Means the total horizontal area within the *lot* lines of a *lot*.

### LOT, CORNER

Means a *lot* at the intersection of two or more *public streets* or upon two parts of the same *public street* with such *public street* or *public streets* containing an angle of not more than 135 degrees.

### LOT COVERAGE

Means the percentage of the *lot area* covered by all *buildings* and *structures*, but not including an in-ground pool or *deck*.



### LOT DEPTH

Means the horizontal distance between the mid-point of the front *lot* line and the mid-point of the *rear lot line*.

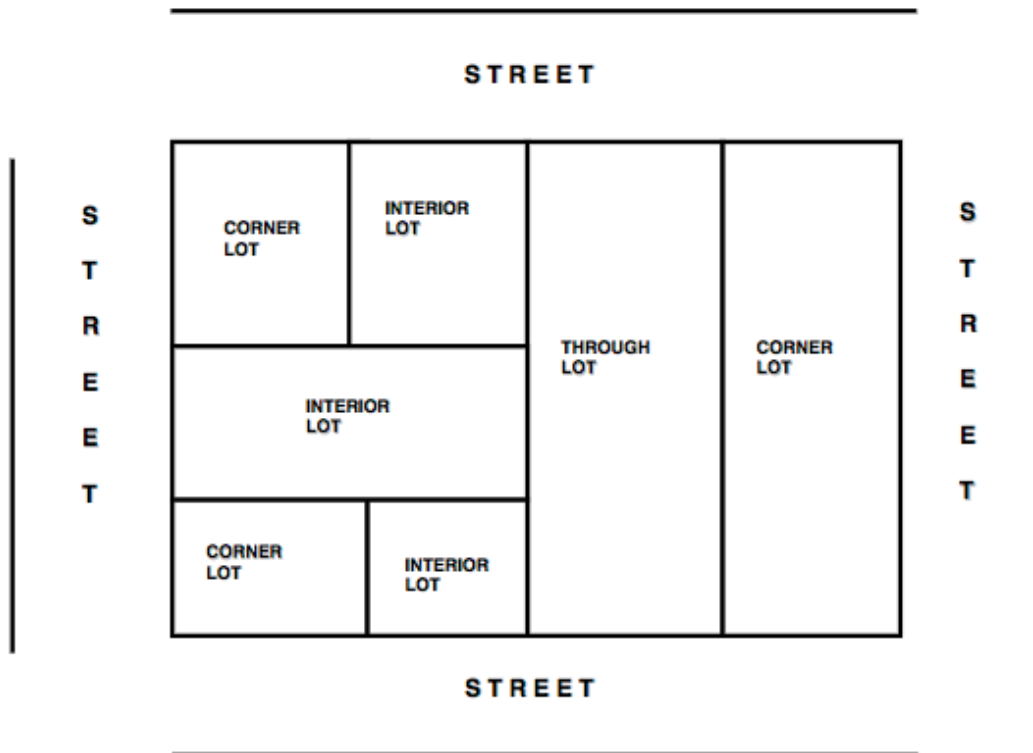
### LOT FRONTAGE

Means the horizontal distance between the interior side and/or exterior side *lot* lines, with such distance being measured perpendicularly to the line joining the mid-point of the front *lot* line with the mid-point of the *rear lot line* at a point on that line 6.0 metres from the front *lot* line.

In the case of a *lot* with no *rear lot line*, the point where two side *lot* lines intersect shall be the point from which a line is drawn to the mid-point of the front *lot* line. In the case of a *corner lot* with a *sight triangle*, the exterior side *lot* line shall be deemed to extend to its hypothetical point of intersection with the extension of the front *lot* line for the purposes of calculating *lot* frontage.

### LOT LINE

Means a line delineating any boundary of a *lot*.



### LOT LINE, EXTERIOR SIDE

Means the *lot* line of a *corner lot*, other than the front *lot* line, which divides the *lot* from a *public* or *private street*.

#### LOT, INTERIOR

Means a *lot* that is not a *corner lot* or a *through lot*.

#### LOT LINE, FRONT

Means the line that divides the *lot* from a *public* or *private street* but, in the case of:

- a) A *corner lot*, the shortest of the *lot* lines that divides the *lot* from a *public* or *private street* shall be deemed to be the front *lot* line;
- b) A *corner lot* where such *lot* lines are of equal length and where one *lot* line abuts a *County* road or Provincial highway, the front *lot* line shall be deemed to be that line which abuts the *County* road or Provincial highway;
- c) A *corner lot* where such *lot* lines are of equal length and where both *lot* lines abut *public streets* under the same jurisdiction, the Town may designate either *lot line* as the front *lot* line;
- d) A *lot* that does not abut a *public street* but which is separated from a *public street* by a *public park* and which is accessed by a *lane*, the shortest *lot* line that abuts the *public park* shall be deemed to be the front *lot* line; and,
- e) A *through lot*, the longest of the *lot* lines, which divides the *lot* from the *public streets*, shall be deemed to be the front *lot* line. If both such *lot* lines are of equal length, the Town may designate either *lot line* as the front *lot* line.

#### LOT LINE, INTERIOR SIDE

Means a *lot* line, other than a *rear lot line* that does not abut a *public* or *private street*.

#### LOT LINE, REAR

Means the *lot* line opposite from the front *lot* line.

#### LOT, THROUGH

Means a *lot* that is not a *corner lot* but has frontage on more than one a *public* or *private street*.

#### MAIN BUILDING

Means a *building* that functions as the *building* in which the principal use of the *lot* is carried out.

#### MARINA

Means an establishment containing docking facilities where watercraft and watercraft accessories are berthed, stored, serviced, repaired, and kept for sale or rent and which may include facilities for the sale of marine fuels and lubricants as well as facilities for watercraft wastewater pumping.

#### MEDICAL OFFICE

Means an establishment used for the medical, dental, surgical and therapeutic treatment of human beings including clinics operated by a number or variety of medical professionals, but does not include a public or private *hospital* or the office located in the medical professional's residence.

#### MINERAL AGGREGATE RESOURCES

Means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

#### MINERAL AGGREGATE RESOURCE OPERATION

Means:

- a) Lands under license or permit, other than for a *wayside pit or quarry*, issued in accordance with the Aggregate Resources Act, or successors thereto; and,
- b) Associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

#### MINIATURE GOLF COURSE

Means an establishment where the game of mini-putt is played using artificially constructed holes.

#### MINIMUM DISTANCE SEPARATION

Means formulae and guidelines developed by the Province, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock and manure storage facilities.

#### MOBILE HOME

Means any *dwelling unit* that is designed to be mobile, and constructed or manufactured to provide a permanent residence for one or more persons in accordance with the applicable Canadian Standards Association standards, but does not include a *truck camper, travel/tent trailer* or *tent* otherwise designed.

#### MOBILE HOME PARK

Means land that has been provided and designed for the location of two or more occupied *mobile homes*.

#### MODEL HOME

Means a *dwelling unit building* that is used on a temporary basis as a sales office and/or as an example of the type of *dwelling unit* that is for sale in a related development and which is not occupied or used for human habitation.

#### MODULAR HOME DWELLING

Means a *dwelling unit* manufactured in a remote facility in accordance with applicable Canadian Standards Association standards, and divided into multiple modules or sections that are delivered and assembled on the intended site of the use.

#### MOTEL

Means an establishment that contains *guest rooms* with no private cooking facilities that are rented on a temporary basis to the travelling public with each room being accessed from the outside. A *motel* may include such *accessory uses* as a *restaurant*, meeting rooms, *swimming pool*, recreational facilities for the use of guests, but shall not include any *adult entertainment establishment*.

#### MOTOR VEHICLE

Means an automobile, motorcycle, motor-assisted-bicycle, unless otherwise indicated in the Highway Traffic Act, as amended, and any other vehicle propelled or driven otherwise other than by muscular power.

#### MOTOR VEHICLE BODY SHOP

Means an establishment used for the painting, repairing of the interior, exterior, or undercarriage of *motor vehicle* bodies. *Motor vehicle washing establishments* are not permitted as an *accessory use*.

#### MOTOR VEHICLE GAS BAR

Means an establishment used only for the sale of *motor vehicle* fuels and *motor vehicle* accessories, and may also include accessory retail sales of convenience foods and beverages, car washes, propane filling station, but does not include the performance of repairs to a *motor vehicle*.

#### MOTOR VEHICLE REPAIR GARAGE

Means an establishment used for the repairing of *motor vehicles* and recreational trailers, vehicles or boats, but shall not include the sale of *motor vehicle* fuels or a *motor vehicle body shop*.

#### MOTOR VEHICLE SALES, LEASING AND/OR RENTAL ESTABLISHMENT

Means an establishment used for the sale, leasing and/or rental of *motor vehicles* and may include a *motor vehicle repair garage*.

#### MOTOR VEHICLE WASHING ESTABLISHMENT

Means an establishment in which the mechanical or hand washing of *motor vehicles* is carried out.

#### MOUNTAIN BIKE FACILITY

Means an area of land with trails used by non-motorized mountain bikes and which may include, as *accessory uses*, a *restaurant*, a clubhouse, a *retail store* selling mountain bike equipment and accessories, and other *buildings* or *structures* devoted to the maintenance, administration and operation of the *mountain bike facility*.

#### MUSEUM

Means an establishment used for the preservation of a collection of paintings, other works of art, objects of natural history, mechanical scientific or philosophical inventions, instruments, models or designs and which may also include libraries, reading rooms, laboratories and accessory office.

#### NATURE INTERPRETATION CENTRE

Means premises in which maps, exhibits and documents are displayed for the purpose of explaining the natural heritage system to the public.

#### NON-COMPLYING

Means a *building* or *structure* that does not comply with this By-law.

#### NON-CONFORMING

Means a *use* that is not a permitted *use* in the *Zone* in which the said *use* is situated.

#### ON-FARM DIVERSIFIED USES

Means *uses* that are secondary to the principal *agricultural use* of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, *home business*, home industry, *agri-tourism uses*, and *uses* that produce value-added agricultural products.

#### OUTDOOR DISPLAY AND SALES AREA, ACCESSORY

Means a display area, used in conjunction with the *main building* or *structure* on the same *lot*, for the accessory, outdoor display and/or sales of produce, merchandise or the supply of services in association with the primary *use* of the *lot*. Such a display and/or sales area may be wholly or partially contained within a *tent structure*.

#### OUTDOOR RECREATION USE

Means the use of land for *private parks*, playgrounds, outdoor skating, *golf course*, tennis courts, slide rides, picnic areas, *swimming pools*, day camps, hiking, snow skiing, mountain biking, and all similar *uses* but does not include a track for the

ricing of animals, *motor vehicles*, snowmobiles or motorcycles, *golf driving ranges*, *miniature golf course* or any permanent *buildings* or *structures* related to such uses.

#### OUTDOOR STORAGE

Means an area of land used for the *outdoor storage* of goods and materials in the open air or in portable objects such as shipping containers in association with the main *use of lot* and do not include an outdoor display and sales area.

#### OUTDOOR STORAGE USE

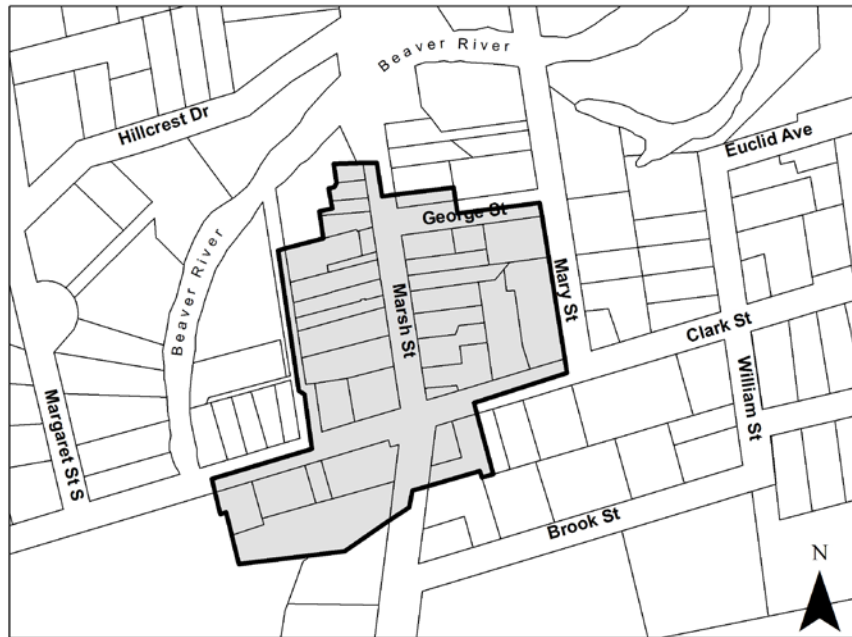
Means an *outdoor storage* area forming the main *use of a lot*, such as a *motor vehicle wrecking yard*, a *motor vehicle storage compound* or a construction equipment or materials *yard*.

#### PARK MODEL HOME

Means a trailer designed for temporary human habitation having permanent running gear attached and meeting Canadian Standards Association Standard Z240 and Z241.

#### PARKING AND LOADING AREA, CLARKSBURG

Means the area shown below:



#### PARKING AND LOADING AREA, THORNBURY

Means the area shown below:



#### PARKING AREA

Means an open area of land not located within a *public street* or *lane* that is intended for the *use* of parking of *motor vehicles* in marked *parking spaces*, but does not include a *driveway* or any area where *motor vehicles* for sale, rent or repair are kept or stored.

#### PARKING GARAGE

Means a *building*, or part thereof, used for the storage or parking of *motor vehicles*.

#### PARKING LOT

Means an area of land used for the parking of *motor vehicles* for a fee, with such *use* forming the principal *use* of a *lot*.

#### PARKING SPACE

Means an unobstructed space for the exclusive *use* of parking of a *motor vehicle*.

#### PASSIVE RECREATIONAL USE

Means outdoor recreational activities such as a nature observation, walking trails, hiking, canoeing or kayaking that require minimum facilities or development and that have minimal impact on the environment. A *nature interpretation centre* on lands owned by a *public authority* is also considered to be a *passive recreational use*.

#### PERSONAL SERVICE SHOP

Means an establishment providing services related to the grooming of persons (such as a barber or salon or the maintenance, or repair of personal articles and accessories), a premises providing small appliance or electronics repair services,



or a premises providing services related to the maintenance of a residence or business (such as private mail box, photocopying, or custodial services).

#### PLACE OF AMUSEMENT

Means an establishment that contains facilities that offer games of skill and competition for the amusement of the public, such as motion simulation rides, virtual reality games, video games, computer games, laser games and similar types of *uses*, but does not include casinos or any other establishment accommodating gambling or gaming activities, wagering or betting, video lottery and gaming machines or any other similar type of gambling *use*.

#### PLACE OF ENTERTAINMENT

Means a motion picture or live *theatre, arena*, auditorium, planetarium, concert hall and other similar *uses* but shall not include any *adult entertainment establishment*, any *use* entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or betting, video lottery or gaming machines, or any other similar type of gambling *use*.

#### PLACE OF WORSHIP

Means a facility used for the practice of religion and faith-based spiritual purposes wherein people assemble for religious worship, faith-based teaching, fellowship and community social outreach.

#### PLANTING STRIP

Means an area of land that is used exclusively for *landscaping* and can be crossed by *driveways* and *walkways* accessing a *lot* from the street.

#### PORCH

Means a *structure* with a roof and at least one side that is open and unenclosed, is accessed by stairs from grade and which provides access to the *first storey* of a *dwelling unit*.

#### PORTABLE ASPHALT PLANT

Means a facility:

- a) With equipment designed to heat and dry aggregate and to mix aggregate with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process; and,
- b) Which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

#### PORTABLE CONCRETE PLANT

Means a *building* or *structure*:

- a) With equipment designed to mix cementing materials, aggregate, water and admixtures to produce concrete, and includes stockpiling and storage of bulk materials used in the process; and,
- b) Which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

#### PRIVATE CLUB

Means an establishment used as a meeting place by members and guests of members of non-profit and non-commercial organizations for community, social, recreational, or cultural purposes. This definition does not include *uses* that are normally carried out as a commercial enterprise and shall not include any *adult entertainment establishment*.

#### PRIVATE GARAGE

Means an *accessory building* which is designed or used for the sheltering of a private *motor vehicle(s)* 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*.

#### PRIVATE PARK

Means an open space or recreational area other than a *public park*, operated on a commercial and/or private member basis, and which includes one or more recreational *uses*.

#### PRIVATE RECREATIONAL USE

Means a small scale *use* designed to serve a private group of local residents, such as *private clubs*, health and fitness clubs, tennis courts, parks and other private recreational facilities. Where permitted, *private recreational uses* shall have a gross floor area not exceeding 250 square metres.

#### PRIVATE SCHOOL

Means a *building* or *structure* or part thereof used as an academic school which secures the major part of its funding from sources other than government agencies.

#### PRIVATE STREET

Means a private thoroughfare not under the jurisdiction of the Town, the *County* of Grey or the Province of Ontario or created through the registration of a plan of condominium.

#### PUBLIC AUTHORITY

Means the Government of Canada, Province of Ontario, *County* of Grey or The Town of The Blue Mountains and any agency, board or commission thereof.

#### PUBLIC PARK

Means any area of land under the jurisdiction of a *public authority* that is designed and/or maintained for recreational purposes. Without limiting the generality of the foregoing, a *public park* may include municipal parks and playgrounds, *golf courses*, *swimming pools*, tennis courts, bowling greens, *arenas*, boating facilities and sports fields and ancillary retail *uses*. However, this definition does not imply that the *public park* will be developed for active or recreational *uses*.

#### PUBLIC SCHOOL

Means a facility used as an academic school under the jurisdiction of a Provincially approved educational institution or parochial school operated on a non-profit basis.

#### PUBLIC STREET

Means a roadway owned by a *public authority* and for the purposes of this By-law does not include a *private street* or *lane*.

#### PUBLIC USE

Means any *use* of land, *buildings* or *structures* by or on behalf of a *public authority*.

#### PUBLIC WORKS YARD

Means a facility where salt and/or sand is stored in addition to *motor vehicles* and equipment owned and operated by a *public authority*.

#### RECREATIONAL EQUIPMENT SALES, RENTAL AND SERVICE ESTABLISHMENT

Means an establishment where recreational equipment such as canoes, kayaks, skis, snowboards, mountain bikes, segways, rowboats and other similar non-motorized types of recreational equipment is sold, rented or serviced.

#### RECREATIONAL ESTABLISHMENT

Means a *building* or *structure* that has been designed and equipped for the conduct of sports and leisure time activities such as a billiard or pool room, bowling alley, ice/curling or roller skating rink and other similar *uses*, but shall not include a *commercial fitness centre*, *adult entertainment parlour*, any *use* entailing the outdoor operation or racing of animals or motorized vehicles, a casino or any other establishment accommodating or providing gambling or gaming activities, wagering or bettering, video lottery or gaming machines, or any other similar type of gambling *use*, or any other sports or leisure time *use* otherwise defined in this By-law.

#### RECREATIONAL TRAILER OR VEHICLE

Means any vehicle that is suitable for being attached to a *motor vehicle*, in accordance with applicable Canadian Standards Association standards, for the purpose of being drawn or is self-propelled, and may be capable of being used on a short term recreational basis for living, sleeping or eating accommodation of human beings and includes a *travel/tent trailer*, trailer camper, motorized camper, motorhome or boat trailer.

#### RECYCLING ESTABLISHMENT

Means a facility in which used materials are separated and/or processed and then shipped to other users that will then use those materials to manufacture new or recycled products.

#### RENTAL OR LEASE MANAGEMENT PROGRAM

Means a program that provides for the management of a commercial resort unit including rental bookings and 24-hour contact information to respond to maintenance, security and general complaints. Housekeeping, interior and exterior property management may also be provided.

#### REPAIR SHOP

Means an establishment used for the servicing, repairing or renting of articles, goods or materials, and may include an outlet for service and repair done off premises, but does not include any *use* involving the sale, rental or servicing of *motor vehicles*.

#### RESERVE

Means a strip of land abutting a *public street* and owned by a *public authority* having jurisdiction over the *public street*. For the purposes of this By-law, a *lot* separated from a *public street* by a *reserve* shall be deemed to abut that *public street*.

#### RESIDENTIAL CARE FACILITY

Means *residential* facilities in which residents who have a range of emotional, psychiatric, physical, developmental, or social disadvantages or problems live in a 24-hour supervised setting, and receive both room and board and support with daily living, including *group homes*, *second level lodging homes* and *treatment centres*.

#### RESIDENTIAL PATIO

Means an outside area made of impermeable material, with a maximum *height* of 0.3 metres that is accessory to a *dwelling unit*.

#### RESTAURANT

Means an establishment in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the *building* and which may include the preparation of food in a

ready-to-consume state for consumption off the premises, but shall not include a *drive-through service facility*.

#### RETAIL STORE

Means an establishment in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the public but does not include any *use* otherwise defined by this By-law.

#### RETIREMENT HOME

Means a facility that provides accommodation primarily to retired persons or couples where each private bedroom or living unit or *assisted living dwelling units* has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided, and where common lounges, recreation rooms and medical care facilities may also be provided.

#### SALVAGE YARD

Means an area outside of an enclosed *building* where scrap metal and *motor vehicles* are disassembled and dismantled, or where *motor vehicles* in an inoperable condition or used *motor vehicle* parts are stored or re-sold.

#### SAW AND/OR PLANING MILL

Means premises where timber is cut, sawed or planed either to finished lumber or as an intermediary step and may include facilities for the kiln drying of lumber and the sale of such products to the public.

#### SCHOOL PORTABLE

Means a temporary *building* or *structure* designed to serve as a classroom on a *lot* that is also the site of a *public school*.

#### SECOND LEVEL LODGING HOME

Means a *single detached dwelling* which has been converted as a lodging or rooming house and is occupied by not less than eleven persons and not more than twenty persons exclusive of staff, who live under supervision as a single housekeeping unit and require 24-hour *residential*, sheltered, specialized or group care.

#### SETBACK

Means the horizontal distance from a *lot* line or a defined physical feature measured at right angles to such line or feature to the nearest part of any *building* or *structure* on the *lot*.

## SHIPPING CONTAINER

Means a freight container that is used for the transportation and storage of goods and materials that are loaded onto trucks, trains or ships for the purpose of moving of goods and materials. A shipping container shall also include, but not be limited to the body of a transport trailer or a straight truck and any prefabricated portable metal storage unit. For the purpose of this definition, a shipping container does not have wheels or include a *motor vehicle* or a transport trailer.

## SHOPPING CENTRE

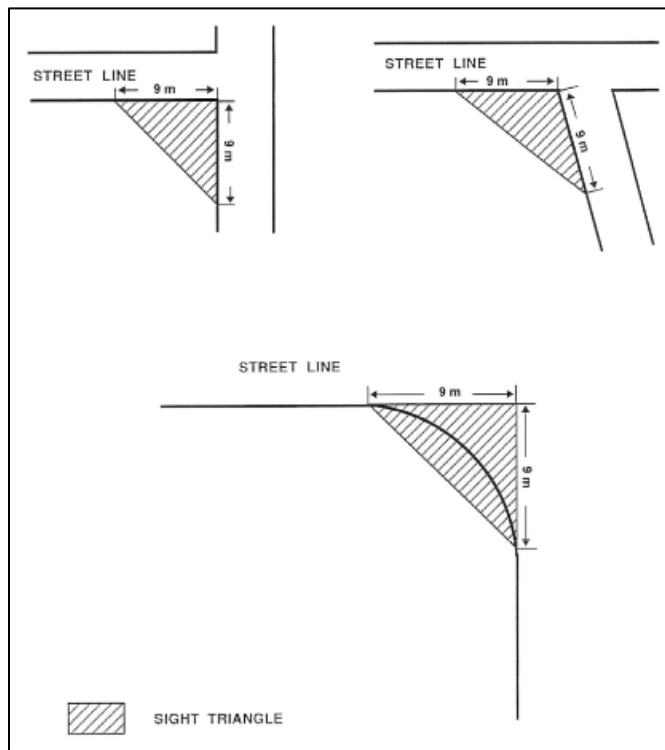
Means a group of commercial *uses* that has been designed and developed as a unit, for which access is provided from the outside through a common entrance(s) to an internal, climate controlled, covered mall.

## SHORT TERM ACCOMMODATION

Means a *building* or *structure* or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way or concession, permit, lease, license, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year. *Short term accommodation uses* shall not mean or include a *motel*, *hotel*, *bed and breakfast establishment*, *tourist cabin or cottage*, *hospital*, *commercial resort unit*, *village commercial resort unit* or similar commercial or institutional *use*.

## SIGHT TRIANGLE

Means an unobstructed triangular area where the front *lot* line and exterior side *lot* line meet on a *corner lot*.



#### SKI-LIFT FACILITY

Means facilities for the transport of people from the base of a ski hill to the top of the ski hill, such as a T-bar Lift, chair lift and magic carpet lift.

#### SKI RESORT

Means a commercial or private establishment where snow skiing facilities are provided.

#### SKI TRAILS

Means trails for downhill skiing, cross-country skiing or mountain biking.

#### SNACK BAR

Means an establishment where snacks are sold.

#### SPECIAL NEEDS HOUSING

Means any housing, including dedicated facilities, that is designed to accommodate individuals with specific needs beyond economic needs and includes: long term care facilities and *retirement homes*, where varying degrees of support services are provided including meal preparation, laundry, housekeeping, respite care and attendant services, *emergency housing* and *residential care facilities*.

#### STACKING LANE

Means an area of land that is used exclusively for *motor vehicles* whose occupants are waiting to be provided with goods, materials or services.

#### STORAGE CONTAINER

Means any portable device that is open or closed, in which a material can be stored, handled, treated, transported, recycled or disposed of.

#### STOREY

Means that portion of a *building* between the surface of a floor and the floor, ceiling, or roof immediately above.

#### STORMWATER MANAGEMENT FACILITY

Means end-of-pipe management facilities being a detention or retention basin, which may include a permanent pool, designed to temporarily store and treat collected stormwater runoff and release it at a controlled rate.

#### STREETLINE

Means the dividing line between a *lot* and a public or *private street*.

#### STRUCTURE

Means anything that is erected, built or constructed of parts joined together and attached or fixed permanently to the ground or any other *structure*. For the purpose

of this By-law, a fence, a light standard, transformers, and a sign are deemed to not be *structures*. For the purpose of setback calculations, natural gas or electricity meters, dog houses, antennas, freestanding mail boxes, *driveway* entrance features, statues, storage lockers under 1 metre high, pool pumps and filters not inside *accessory buildings*, flag poles, free standing trellises, shopping cart enclosures, waste receptacles, school bus shelters, composters, planters, and barbeques are not considered *structures* for the determination of setbacks.

#### STUDIO

Means an establishment used as a working place for the creation of paintings, sculptures, pottery, glass, wrought iron and other objects or items that are the subject of art.

#### SUPERMARKET

Means an establishment containing a complete departmentalized food store selling a comprehensive line of groceries, baked goods, fresh fruit and vegetables, canned goods, dairy products, frozen foods, and fresh and frozen meats. Other accessory lines may include confectionary, drugs and cosmetics, household supplies, hardware, commercial service *uses* such as dry cleaning and financial services, and a seasonal garden centre.

#### SWIMMING POOL

Means an artificial body of water, located wholly or partially outdoors, the container of which is constructed of man-made materials, in which the depth of the water at any point can exceed 0.5 metres and shall include above-ground pools, hot tubs and whirlpools, but shall not include a natural, dug or damned pond that is primarily used for aesthetic, stormwater management or agricultural purposes.

#### TANDEM PARKING

Means two *parking spaces* arranged such that one of the two *motor vehicles* that are parked does not have independent access to a private or *public street*.

#### TARP STRUCTURE

Means a *structure* that is constructed out of material and/or plastic and/or vinyl that is designed to protect *motor vehicles* or other items from weather related events such as rain or snow.

#### TEMPORARY SALES OFFICE

Means the temporary use of land or the temporary use or erection of a building, structure, mobile home or trailer for a sales and rental office incidental to the construction of one or more dwellings approved under a Plan of Subdivision, Plan of Condominium, or Site Plan Approval.

#### TENT

Means every kind of temporary shelter for sleeping that is not permanently affixed to the site and that is capable of being easily moved.



#### THEATRE

Means an establishment that is used for the showing of motion pictures or for dramatic, musical or live performances. For the purposes of this definition, an *adult entertainment parlour* or an *adult video store* is not considered to be a *theatre*.

#### TOURIST CABIN OR COTTAGE

Means a seasonal *dwelling unit* operated or offered as a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement, throughout all or any part of a calendar year.

#### TRADE AND CONVENTION CENTRE

Means an establishment where facilities are provided for the displaying of goods and/or services for the general public, such as an auto show or a computer trade show or where groups of people meet for civic, educational, political, religious or social purposes.

#### TRAILER, TRANSPORT

Means any vehicle so constructed that it is suitable for being attached to a *motor vehicle* for the purpose of being drawn or propelled by the *motor vehicle* and is capable of being used for the transport of goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.

#### TRAILER PARK

Means an area of land used for the temporary or seasonal parking of *travel/tent trailers, recreational trailer or vehicle, truck campers* and/or *tents* occupied by the travelling or vacationing public.

#### TRANSPORT TERMINAL

Means an establishment used for the purpose of storing, servicing, washing, repairing or loading of trucks and *transport trailers* with materials or goods that are not manufactured, assembled, warehoused, or processed on the same *lot*.

#### TRAVEL/TENT TRAILER

Means a trailer which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities and which has running gear and towing equipment that is permanently attached, has a current license and is not permanently affixed to the ground.

#### TRAVEL/TENT TRAILER SITE

Means a site in a *trailer park* or *campground* that is used for the temporary parking or storing of a *travel/tent trailer, recreational trailer or vehicle, truck camper* or *tent*.

#### TREATMENT CENTRE

Means a *single detached dwelling* which is occupied by not more than 20 people exclusive of staff, who live as a single housekeeping unit, and require 24-hour *residential*, sheltered, specialized or group care, and treatment and rehabilitation for addiction to drugs or alcohol.

#### TRUCK CAMPER

Means a unit that is constructed in a manner such that it may be attached to a *motor vehicle*, as a separate unit, and is capable of being temporarily utilized for living, sleeping or eating.

#### USE

Means the purpose for which any portion of a *lot, building or structure* is designed, arranged, intended, occupied or maintained.

#### VETERINARY CLINIC

Means an establishment used by a veterinary surgeon for the treatment and care of animals, birds or other livestock.

#### VILLAGE COMMERCIAL RESORT UNIT

Means one room or a group of rooms forming a single commercial accommodation unit within a Village Commercial Resort Unit Complex in which:

- a) Culinary and sanitary facilities are provided for the exclusive use of the unit; and,
- b) Access to the unit is provided by a private entrance from a common hallway inside the building; and,
- c) Is not used or designated as a principal residence; but does not mean or include a residential dwelling unit, hotel unit, a motel unit, an inn unit, a lodge unit, a dormitory unit, a hostel unit, or any other use defined herein.

#### VILLAGE COMMERCIAL RESORT UNIT COMPLEX

Means a building or group of buildings containing 10 or more Village Commercial Resort Units which:

- a) Is serviced by a central lobby facility; and,
- b) Is part of a rental or lease management program, including housekeeping services, with a minimum of 80% of the Village Commercial Resort Units restricted to occupancy by any one individual person for one or more periods of time not to cumulatively exceed a total of 120 days per year; and,
- c) The remaining 20% may be exempt from the 120 day per year occupancy limitation; and,
- d) Contain accessory recreational and/or commercial uses.

## WAREHOUSE

Means an establishment that is used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, food substances and articles.

## WASTE

Means a material licensed or included within a Certificate of Approval issued by Federal, Provincial, or Regional Governments which is not hazardous and not needed by the generator of that material, that is destined for either final disposal or for reprocessing to create a usable product or material, but does not include a by-product of a manufacturing process that is used unaltered in another manufacturing process.

## WASTE COMPOSTING FACILITY

Means:

- a) Any land upon, into or through which, or *building* or *structure* in which organic *waste* that is to be diverted from landfill is deposited, stored, processed and recycled into compost for retail and wholesale purposes; and,
- b) Any operation carried out or machinery or equipment used in connection with the depositing, storage, transfer, processing or recycling referred to in clause a).

## WASTE DISPOSAL SITE

Means any land upon, into or through which, a *building* or *structure* in which, *waste* is deposited, disposed of, handled, stored, transferred, treated or processed and includes any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment or processing of *waste*.

## WASTE, HAZARDOUS

Means any substance or material licensed or included within a Certificate of Approval issued by Federal, Provincial, or Regional Governments that, by reason of its toxic, caustic, corrosive or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

## WASTE STORAGE AREA

Means space allocated either within a *main building* or in an *accessory building or structure* where garbage, refuse or recycling materials are temporarily stored while awaiting disposal, but does not include any storage for *hazardous waste* or materials.

## WASTE TRANSFER STATION

Means the *use* of land for the collection of *waste* into bulk containers for the further transport to a land fill site, recycling facility or other *waste* disposal facility.

## WAYSIDE PIT OR QUARRY

Means a temporary pit or quarry opened and used by a *public authority* solely for the purpose of a particular project or contract of road construction or maintenance and which is not located within the right-of-way of a *public street*.

## WHOLESALE ESTABLISHMENT

Means a *building* or *structure* used for the sale and distribution of goods and materials for resale purposes only.

## WOODCHIPPING ESTABLISHMENT

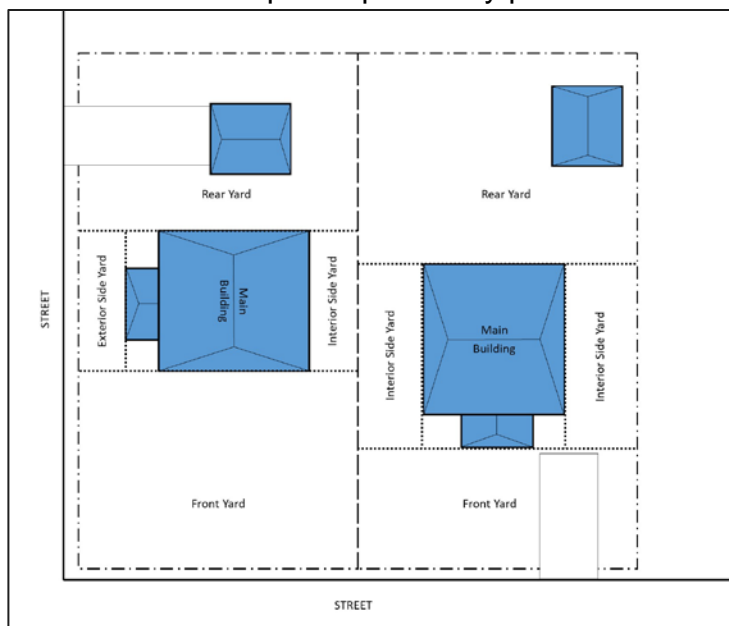
Means an establishment in which timber from the same *lot* or from another location is fed into a wood-chipping machine for the purpose of producing woodchips and which may include, as an *accessory use*, the retail sale of the woodchips to the public.

## WORKSHOP

Means an establishment 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 plumbing and electrical contractor's or a heating/air conditioning contractor's shop, a commercial welder's shop, or similar *uses*.

## YARD

Means an open, uncovered space on a *lot* adjacent to a *building* and unoccupied by *buildings* or *structures* except as specifically permitted in this By-law.



#### YARD, EXTERIOR SIDE

Means the *yard* of a *corner lot* extending from the *front yard* to the *rear yard* between the exterior side *lot* line and the nearest main wall of the *main building* or *structure* on the *lot*.

#### YARD, FRONT

Means a *yard* extending across the full width of the *lot* between the front *lot* line and the nearest main walls of the *main building* or *structure* on the *lot*.

#### YARD, INTERIOR SIDE

Means a *yard* other than an *exterior side yard* that extends from the *front yard* to the *rear yard* between the interior side *lot* line and the nearest main walls of the *main building* or *structure* on the *lot*.

#### YARD, MAXIMUM

Means the maximum distance of a *yard* measured horizontally from the nearest point of a *building* or *structure* to the applicable *lot* line.

#### YARD, MINIMUM

Means the minimum distance of a *yard* measured horizontally from the nearest point of a *building* or *structure* to the applicable *lot* line.

#### YARD, REAR

Means a *yard* extending across the full width of the *lot* between the *rear lot line* and the nearest main walls of the *main building* or *structure* on the *lot*.

#### ZONE

Means a designated area of land *use(s)* shown on the Zoning Schedule(s) of this By-law.

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# PART 4.0

## GENERAL PROVISIONS

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### 4.1 ACCESSORY APARTMENTS

A maximum of one *accessory apartment* unit is permitted in a *single detached, semi-detached, townhouse dwelling* or within a detached accessory building to a *single detached, semi-detached, or duplex dwelling* but is not permitted on the same lot used for a *short term accommodation*.

#### 4.1.1 Accessory Apartment Dwelling Within a Primary Dwelling

An *accessory apartment* unit is permitted to be located in a *single detached, semi-detached, duplex or townhouse dwelling* provided that:

- a) The *use* is *accessory* to the principle use on the same *lot*;
- b) The maximum floor area of the *accessory apartment unit* is not greater than 50% of the *gross floor area* of the main *dwelling unit*; and,
- c) The maximum number of bedrooms per unit is 2.

#### 4.1.2 Accessory Apartment Dwellings Within a Detached Structure (Urban)

An *accessory apartment* unit is permitted to be located in a detached *accessory structure* to a *single detached, semi-detached or duplex dwelling* provided that:

- a) The *use* is *accessory* to the principle use on the same lot;
- b) The maximum floor area of the *accessory* is not greater than 50% or the *gross floor area* of the main dwelling unit;
- c) The maximum number of bedrooms per unit is 2;
- d) The *use* is located in accordance with the *yard setbacks* applicable to the main *dwelling* in the applicable *zone*;
- e) The *use* does not exceed the maximum *lot coverage* for *accessory structures*;
- f) The *use* does not exceed a maximum *height* of 4.5 metres;
- g) The *use* shares the same driveway entrance as the main *dwelling unit*;

- h) An *accessory apartment unit* does not already exist within the primary *dwelling* on the same *lot*; and,

#### 4.1.3 Accessory Apartment Dwellings Within a Detached Structure (Rural)

An *accessory apartment unit* is permitted to be located in a detached *accessory structure* to a *single detached dwelling* provided that:

- a) The requirements of Section 4.1.2 are met;
- b) The *lot* is not less than 0.8 hectares in size;
- c) The *use* is located not more than 50 metres from the primary *dwelling*; and,
- d) The *use* complies with *Minimum Distance Separation* requirements.

#### 4.2 ACCESSORY APARTMENT DWELLINGS IN A COMMERCIAL ZONE

Notwithstanding any other provisions of this By-law, where *accessory dwellings* are permitted in the same *building* as a permitted commercial use, the following shall apply:

- a) *Accessory dwellings* are only permitted above the first storey or rear of a commercial *building*.

#### 4.3 ACCESSORY BUILDINGS, STRUCTURES AND USES

Unless otherwise specified, *accessory uses, buildings and structures* are permitted in all *zones* and are subject to the following provisions:

- a) No *accessory building or structure* can be erected on a *lot* prior to the erection of the *main building* on the *lot*.
- b) No *accessory building or structure* can be used for human habitation or as a *home industry or home business*, unless expressly permitted by this By-law.
- c) No *accessory building or structure* can be located within an easement that is in favour of a *public authority*.
- d) *Accessory buildings or structures* shall be located no closer to the front or exterior side *lot line* than the *main building*, in the R1, R2, R3, BMC, C1, C2, C3, C4, C5, C7, M1 or M2 *Zones*.
- e) *Accessory buildings or structures* shall be located no closer to the front or exterior side *lot line* than the minimum *front yard*

and *exterior side yard* requirement for the *main building* in the M3, A, SA, RU, I, REC, P or OS Zones.

- f) An *accessory building* or *structure* in an *interior side yard* must be located no closer than 1.2 metres from the *interior side lot line*.
- g) An *accessory building* or *structure* in a *rear yard* must be located no closer than 1.2 metres from the *rear lot line* and *interior side lot line*.
- h) The maximum *height* of *accessory buildings* or *structures* (except detached *private garages*) in all zones is 4.5 metres. Notwithstanding the above, agricultural *buildings* are exempt from this provision.
- i) The maximum height for a detached private garage in all zones is 5.0 metres.
- j) The maximum *lot coverage* of all *accessory building* or *structures* (including a detached *private garage*) on a *lot* in any Residential Zone is 10%.

#### 4.4 ACCESSORY FARM EMPLOYEE ACCOMMODATION

*Accessory farm employee accommodation* is subject to the following provisions:

- a) *Accessory farm employee accommodation* shall be located no closer than 30 metres from any *lot* line.
- b) *Buildings* or *structures* for *accessory farm employee accommodation* shall only be located on a *lot* with a minimum *lot area* of least 10 hectares.
- c) The *accessory farm employee accommodation* shall be clearly secondary and accessory to the principal use on the same *lot*.
- d) No *accessory farm employee accommodation* shall be located in, or *attached* to, any other farm *building* or *structure*.

#### 4.5 ACCESSORY OUTDOOR STORAGE

Open air operations, storage and display of goods or materials are prohibited in any required *front yard* or in any required *side yard* abutting a *public street* or in any required buffer area abutting any Residential Zone.



## 4.6 ADULT ENTERTAINMENT ESTABLISHMENTS

*Adult entertainment establishments* are subject to the following provisions:

- a) *Adult entertainment establishments* are only permitted on an interior lot;
- b) An *adult entertainment establishment* is not permitted on any property located closer than 800 metres to the property line of another parcel containing or zoned for a residential, institutional, park or retail commercial use;
- c) An *adult entertainment establishment* must be located within a free-standing, single storey building and must be the sole use on a lot;
- d) A body rub parlour, adult specialty store or adult video store is permitted in a multi-occupancy building to a maximum of 15% of the gross floor area of the building or 150 square metres, whichever is less;
- e) Accessory uses are not permitted in conjunction with any adult entertainment establishment and an adult entertainment establishment shall not be considered an accessory use; and,
- f) Adult entertainment establishments are only permitted on lots connected to full municipal services.

## 4.7 BARRIER FREE ENTRANCES

Nothing in this By-law prevents the establishment of barrier-free entrances in accordance with the requirements of the Ontario Building Code. In addition, nothing prevents the location of barrier-free entrances in a *private garage* that is *attached* to a *dwelling unit* provided the required number of *parking spaces* can still be provided.

## 4.8 BED AND BREAKFAST ESTABLISHMENTS

A *bed and breakfast establishment* shall only be permitted in a *single detached dwelling* and through an amendment to this By-law in accordance with the Town's Official Plan.

## 4.9 BOATHOUSE, DOCKS AND SHORELINE STRUCTURES

*Boathouses*, docks and other shoreline *structures* are subject to the provisions below.

### 4.9.1 Boathouses

*Boathouses* are permitted on a *lot* having shoreline frontage onto Georgian Bay and are subject to the following provisions:

- a) *Boathouses* shall be *setback* a minimum of 2.0 metres from the interior side *lot line* or the projection of the interior side *lot line* where it meets the 177.9 metre G.S.C. elevation.
- b) The width of the *boathouse*, which is measured from the exterior faces of the walls of the *boathouse*, shall not exceed 30% of the width of the *lot* as measured at the 177.9 metre G.S.C. elevation.
- c) For the purposes of this provision, the width of the *lot* at the 177.9 metre G.S.C. elevation shall be measured by drawing a line between the points where the two interior side *lot lines* intersect with the 177.9 metre G.S.C. elevation. If the *lot* is a *corner lot*, the width of the *lot* shall be measured by drawing a line between the point where the interior side *lot line* intersects with the 177.9 metre G.S.C. elevation and a point where the exterior side *lot line* intersects with the 177.9 G.S.C. metre elevation.
- d) *Boathouses* shall not be used for human habitation and shall not include kitchen or sanitary facilities.
- e) *Boathouses* shall not exceed a height of 4.5 metres above the 177.9 metre G.S.C. elevation.

#### 4.9.2 Docks

Docks are permitted on a *lot* having shoreline frontage onto Nottawasaga Bay provided:

- a) They are set back a minimum of 2.0 metres from *the interior side lot line* or the projection of the *interior side lot line* where it meets the 177.9 metre G.S.C. elevation;
- b) The width of all docks shall not exceed 30 percent of the width of the *lot* at the 177.9 metre G.S.C. elevation; and
- c) The maximum combined surface area of all docks, including any *attached* fingers, and open *decks* above the water shall be 112.0 square metres.

#### 4.9.3 Shoreline Structures

The following additional provisions apply to other shoreline *structures*:

- a) Boat lifts shall be located within or adjacent to the permitted dock and/or *boathouse*;
- b) Gazebos, pergolas or other similar *structures* shall not be permitted on a dock.

#### 4.10 CARETAKER/SECURITY GUARD ACCESSORY DWELLINGS

Notwithstanding any other provisions of this By-law, where an accessory *dwelling* is permitted for a caretaker or security guard in the same *building* as a permitted use, the following shall apply:

- a) A maximum of one *accessory dwelling* is permitted per *lot* and shall be located within a main *building*;
- b) A maximum of 1 bedroom is permitted in the *accessory apartment dwelling*; and,
- c) Shall not exceed a *gross floor area* of 75.0 square metres.

#### 4.11 DECKS

An uncovered or unenclosed *deck* may project into any required *yard* a maximum distance of 1.5 metres. In no case shall a permitted projection be located closer than .5 metres from any lot line.

#### 4.12 ENCROACHMENTS INTO REQUIRED YARDS (EXCLUDING DECKS)

Every part of any required *yard* by this By-law shall be open and unobstructed by a *structure* from the ground to the sky, provided that these *structures* are listed in **Table 4.1** shall be permitted to project into the required *yards* indicated for the distances specified.

**Table 4.1: Permitted Encroachments.**

Structure	Required Yard in which Projection is Permitted	Maximum Projection
Sills, cornices, chimneys, eaves, gutters, pilasters, parapets, or any other ornamental structure	Any <i>yard</i> .	1 metre
Exterior stair-cases	<i>Side</i> or <i>rear yard</i> .	1.5 metres
Balconies, unenclosed <i>porches</i> , covered or uncovered steps and patios	Any <i>yard</i> .	1.5 metres
Air conditioners, generators, and heat pumps	<i>Interior side</i> and <i>rear yard</i> .	Must be set back a minimum of 0.6 metres from the interior and rear <i>lot</i> lines.
	<i>Exterior side yard</i> .	Must be set back a minimum of 1.5 metres from the exterior side <i>lot</i> line.

Structure	Required Yard in which Projection is Permitted	Maximum Projection
Air conditioners, generators, and heat pumps (continued)	<i>Front yard.</i>	Not permitted in <i>front yard.</i>

#### 4.13 EXCEPTIONS TO HEIGHT REQUIREMENTS

The *height* requirements of this By-law shall not apply to:

- a) *Place of worship* belfries and spires;
- b) Clock towers and flagpole;
- c) Communication towers and antennas;
- d) Water storage tanks;
- e) Silos, cooling towers, chimneys and other stacks in an *Employment Zone*;
- f) Monuments;
- g) Any ornamental roof construction features including but not limited to domes, towers, cupolas, and steeples that are not used and/or designed for human habitation;
- h) All heating, ventilation and air conditioning equipment (hvac) that is not enclosed in a mechanical penthouse;
- i) Aggregate processing facilities;
- j) Solar panels;
- k) *Buildings* and *structures* associated with a public works yard ;
- l) *Agricultural buildings* and *structures*, including silos and grain elevators;
- m) Any ornamental roof construction features including but not limited to domes, chimneys, towers and steeples that are not designed for human habitation; and,
- n) Any mechanical features, such as structures containing a mechanical penthouse or the equipment necessary to control an elevator.

#### 4.14 FRONTAGE ON A PUBLIC STREET

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

- a) The *lot* abuts or fronts on a *public street* which is assumed by by-law by a *public authority* for maintenance purposes; or,

- b) The *building* or *structure* is being constructed pursuant to a Subdivision Agreement with a *public authority*; or,
- c) The *lot* fronts on a *private street* within a Plan of Condominium that either provides direct access to a *public street* or which connects with other *private streets* within a Plan of Condominium or other Plans of Condominium to access a *public street*.

#### 4.15 HOME BUSINESSES

*Home businesses* are subject to the following provisions:

- a) Not more than one employee, in addition to the residents of the *dwelling unit*, shall be engaged in the *home business* and working in the *dwelling unit*.
- b) The operator of the business shall occupy the *dwelling unit* containing a *home business* as a residence.
- c) The *use* is entirely restricted to the *dwelling unit* and shall not be conducted in whole or in part in any *accessory building* or *structure* or *private garage*.
- d) The maximum *gross floor area* dedicated to the *home business* shall be 25% of the *gross floor area* of the *dwelling unit* or 50 square metres whichever is the lesser in the R1, R2 and R3 *Zones* and no more than 100 square metres in any other *zone*.
- e) The *use* shall be clearly secondary to the *use* of the dwelling as a *dwelling unit* and there is no change in the external character of the dwelling or *lot* as a private residence, except for a legal sign in accordance with Town's Sign By-law.
- f) There shall be no goods, wares or merchandise offered or exposed for sale, or sold or kept for sale on the premises other than those produced on the premises.
- g) There shall be no outside storage of materials, goods or vehicles in conjunction with the *home business*.
- h) A *home business* shall not create noise, vibration, fumes, odour, dust, glare or radiation that is detectable outside of the *dwelling unit*.
- i) The following *uses* shall not be permitted as a *home business*:
  - i. *Adult entertainment establishment*;
  - ii. *Animal clinics*;
  - iii. *Kennels*;
  - iv. *Dating/escort services*;

- v. *Contractors yards*;
- vi. Taxi service depot/dispatch establishments and limousine businesses;
- vii. Any use involving the storage, repair, maintenance and/or towing of *motor vehicles or recreational trailers or vehicles*; and,
- viii. Any use requiring ventilation, other than ventilation typically found in any residence.

#### 4.16 KENNELS

*Kennels* are subject to the following provisions:

- a) The maximum floor area of a *kennel* shall not exceed 93 square metres including outdoor exercise areas and pens;
- b) The minimum *setback* of *kennel* and any related facilities from a lot line is 100 metres; and,
- c) Where dogs are permitted to use an outside area, a fence is required that has a *height* of at least 1.2 metres and the wall of an adjacent *building* may be included as part of such fenced area.

#### 4.17 LOCK-OFF UNITS

Where permitted, *lock-off units* shall:

- a) Have a minimum suite size of 25 square metres;
- b) Have a maximum suite size of 50 square metres;
- c) Be restricted to one lock-off per *village commercial resort unit*, and,
- d) Be restricted to a maximum of 20% of the total number of *village commercial resort units* within a *village commercial resort unit complex*.

#### 4.18 MINIMUM DISTANCE SEPARATION

No *residential*, institutional, commercial, industrial or recreational use, located on a separate *lot* and otherwise permitted by this By-law shall be erected or enlarged unless it complies with the Minimum Distance Separation (MDS I) formula calculated using the Province's Minimum Distance Separation (MDS) Formulae as amended from time to time.

Notwithstanding any other *yard* or *setback* provision in this By-law, no livestock facility shall be erected or enlarged unless it complies with the Minimum Distance Separation Formula (MDS II) calculated

using the Province's Minimum Distance Separation (MDS) as amended from time to time.

#### 4.19 MODEL HOMES AND TEMPORARY SALES OFFICE

*Model homes* and a *temporary sales office* shall only be permitted on lands that have received Draft Plan of Subdivision or Condominium approval for *residential* purposes provided that:

- a) Not more than 10% of the total number of *residential* units contained in the Draft Approved Plan of Subdivision are constructed as *model homes* to a maximum of 3 *model homes*;
- b) The *model home* is built within a *lot* defined by the Draft Approved Plan of Subdivision; and,
- c) The *model home* complies with all other requirements of this Zoning By-law for the applicable type of *dwelling unit*.
- d) The *temporary sales office* is limited to a maximum period of three years and that the temporary sales office is not used for human habitation.

#### 4.20 MULTIPLE USES AND ZONES ON ONE LOT

- a) Where any *building, structure* or *lot* is used for more than one purpose as provided by this By-law, the said *building, structure* or *lot* must comply with the provisions of this By-law relating to each *use*.
- b) Where a *lot* is divided into more than one *zone*, each portion of the *lot* must be used for a purpose that is permitted within each applicable *zone*. *Accessory buildings or structures* must be located in the same *zone* as the *main building*. In no case shall the *zone* boundary function as a *lot* line for the purposes of determining required *setbacks* and *minimum yards*. Notwithstanding the above, the maximum permitted *lot coverage* shall apply only to the portion of the *lot* that is within each respective *zone*, as required.

#### 4.21 NON-COMPLYING BUILDINGS AND STRUCTURES

A *non-complying building* or *structure* that does not comply with this By-law, but which was legally erected/altereD in accordance with a by-law that was in effect in accordance with Section 34 of the Planning Act R.S.O. c. P. 13 as amended at the time of construction and/or alteration may be replaced, enlarged, repaired or renovated provided that the replacement, enlargement, repair or renovation does not further encroach into a required *yard* and does not in any other way increase a situation of non-compliance.

#### 4.22 NON-COMPLYING LOTS

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

#### 4.23 NON-CONFORMING USES

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

#### 4.24 ON-FARM DIVERSIFIED USES AND OTHER RURAL USES

A Winery, Agricultural Tourism use or Home Industry may occur individually, together, and/or with a Farm Produce Outlet on a lot where each is otherwise permitted.

Where a Farm Winery, Agricultural Tourism use or Home Industry is located together on a lot with a Farm Produce Outlet, the gross floor area and storage areas of all such uses on the lot shall contribute to the calculation of maximum permitted floor and storage areas for the Farm Produce Outlet in Section 4.26.3.

##### 4.24.1 Agri-Tourism Uses

Temporary or seasonal Agri-Tourism uses are permitted accessory to an agricultural use on lots of at least 10 hectares in size, subject to the following provisions:



- a) Retail sales are permitted in conjunction with a Home Industry, Seasonal Agricultural Stand, Farm Produce Outlet, or Farm Winery, as otherwise permitted by this By-law;
- b) The use shall not include a restaurant or banquet hall nor any accommodation component (e.g. tourist establishment, campground, trailer park, etc.);
- c) Where a petting zoo, children's playground or outdoor activity is provided as part of an Agricultural Tourism use, it shall be setback a minimum of 30.0m from any lot line and may include equipment typical of a school playground such as swings, slides, and climbers and may not include motorized vehicles and/or rides;
- d) Associated buildings or structures (e.g. picnic shelters, washrooms, dedicated areas within on-farm buildings) shall not exceed a combined gross floor area of 75 square metres.

#### 4.24.2 Farm Wineries

Farm Wineries are subject to the following provisions:

- a) A minimum of 2.0 hectares must be planted with vines, apple or other fruit trees; and
- b) The retail sale of wine produced on-site shall be permitted, provided any on-site tasting room and retail floor space does not exceed the lesser of 100 square metres or 25% of the total winery floor area (excluding any below ground floor area). The on-site retail floor space for non-agricultural and/or non-Grey County agricultural products shall not exceed 5% of the total floor area.

#### 4.24.3 Estate Wineries

Estate wineries are subject to the following provisions:

- a) A minimum 8 hectares (20 acres) must be planted with vines, apples trees or other fruit trees;
- b) The retail sale of wine and wine related products, and a hospitality room where food and wine is prepared and served, will be permitted when such *uses* are *accessory* to complement the estate winery; and,
- c) The maximum total floor area for retail and hospitality *uses* shall be 400 square metres so as not to detract from the main *use* of the land and not adversely affect other *uses* permitted in the area.

#### 4.24.4 Farm Produce Outlet

Where a Farm Produce Outlet is identified as a permitted use in a zone, the use is permitted subject to the following:

- a) On a lot 10.0 hectares or greater in the Special Agricultural or Rural zones, or on a lot 20 hectares or greater in the Agricultural zone, the maximum gross floor area of the farm produce outlet shall be 250 square metres; and
- b) Outdoor storage is permitted up to a maximum of 750 square metres.

#### 4.24.5 Home Industries

Home Industries are subject to the following provisions:

- a) Maximum size of a home industry:
  - i) On a lot 20 hectares or greater, the maximum gross floor area dedicated to the home industry shall be 250 square metres;
  - ii) On a lot at least 4 hectares, but less than 20 hectares, the maximum gross floor area dedicated to the home industry shall be 25% of the gross floor area of the dwelling unit, or where in an accessory structure, a maximum of 55 square metres.
- b) The use shall be clearly secondary and accessory to the principal use on the same lot;
- c) Only the sale of goods that are primarily manufactured, processed, fabricated, or produced on the premises shall be permitted;
- d) Outdoor storage of goods or materials, and outdoor display and sales areas, related to a home industry shall be permitted in the rear yard and interior side yards only;
- e) Only currently licensed motor vehicles, associated with the home industry, shall be parked or stored on the lot and within an interior side or rear yard;
- f) No external advertising other than a sign erected in accordance with The Town of The Blue Mountains Sign By-law is permitted in conjunction with the home industry;
- g) The following uses shall not be permitted as a home industry:
  - i) Adult entertainment establishment;
  - ii) Dating/escort services;

- iii) Taxi service depot/dispatch establishments and limousine businesses; and
- iv) Any use involving the storage, repair, maintenance and/or towing of motor vehicles or recreational trailer or vehicles.

## 4.25 PHASED CONDOMINIUMS

Unless provided elsewhere, where a plan of condominium is proposed to be developed as a phased condominium as defined and set out in the Condominium Act, S.O. 1998, Chapter 19 the lands shall be considered as one singular property for the purpose of determining conformity with the provisions of the Zoning By-law and temporary *lot* lines created as a result of the phasing shall not be considered.

## 4.26 PLANTING STRIP REQUIREMENTS

### 4.26.1 Planting Strip – Location

- a) A 3.0 metre-wide *planting strip* adjacent to the full length of the *lot line* shall be required:
  - i. Where a *lot* in an Institutional (I), Recreation (REC) or any Commercial Zone [except in the Bruce Street/Marsh Street Corridor and Village Commercial (BMC and C1) Zones] abuts an interior side or *rear lot line* of a *lot* in any Residential Zone;
  - ii. Where a *lot* zoned Residential Three (R3) abuts a *lot* zoned Residential One (R1) or Residential Two (R2);
- b) Where a *lot* in any Employment or Industrial Zone abuts an *interior side or rear lot* of a *lot* in any Residential Zone, a 5.0 metre-wide *planting strip* shall be required adjacent to the full length of the *lot line*;
- c) Where *parking areas* are connected to *parking areas* on adjacent *lots*, a *planting strip* is not required; and,
- d) Where there is an opaque wall or opaque fence having a height of 1.5 metres or more, the width of the *planting strip* may be reduced to 1.8 metre in width.

### 4.26.2 Planting Strip – Contents

Required *planting strips* shall contain one or more of the following screening devices:

- a) A continuous row of trees;
- b) A continuous hedgerow of evergreens, bushes or shrubs;
- c) A berm;

- d) A wall; or,
- e) A fence.

#### 4.26.3 Planting Strip – Design

Screening devices comprising a required *planting strip* shall:

- a) Be arranged so as to form a dense or opaque screen or barrier;
- b) Be designed to have an ultimate height of not less than 1.5 metre above the elevation of the ground at the nearest *lot line*, provided that they do not obstruct a *sight triangle*; and,
- c) Be uninterrupted except where traversed by pedestrian walkways or permitted *driveways*, in which case no such screening devices shall be required within 1.0 metre thereof.

#### 4.27 PROHIBITED USES

The following uses are not part of any use permitted by this By-law:

- a) The *use of any tent, trailer or motor vehicle* for human habitation, except where such *tent, trailer or motor vehicle* is located in a *campground, in a trailer park or in a mobile home park*;
- b) The *use of any accessory building or structure* for human habitation or for gain or profit, unless such *uses* are specifically permitted by this By-law;
- c) The storage or use of *shipping containers* on a *lot* unless *outdoor storage* is specifically permitted on the *lot* by this By-law or if the *shipping container* is permitted on a temporary basis on a *lot* in a Residential Zone in accordance with Section 4.31 of this By-law;
- d) The permanent placement of *shipping containers* on a *lot* in a Residential Zone;
- e) The *use of a truck, bus, coach body or rail car* for human habitation or for storage purposes;
- f) The storage of disused or partially dismantled *motor vehicles, rail cars, streetcars, buses, truck bodies or trailers*, unless otherwise permitted by this By-law;
- g) The parking or storage of trailers or *commercial motor vehicles* on a vacant *lot*; and,
- h) The manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, creosote, explosives, fireworks, glue, petroleum or tar.

## 4.28 PUBLIC USES

- a) Nothing in this By-law prevents the use of any land, *building* or *structure* as a *public street* or for *infrastructure*.
- b) **Public uses** are permitted in all **Zones**.
- c) Where a **public use** is permitted in any **zone**, the following provisions apply:
  - i. Such *public use* must comply with all applicable *zone* standards, and parking and loading requirements of the *zone* in which it is located;
  - ii. No *outdoor storage* or *outdoor storage use* is permitted unless specifically permitted in the *zone* in which the *public use* is located; and,
  - iii. Any *accessory use* to a *public use* must be clearly incidental and accessory to the main *use*.

## 4.29 REDUCED FRONT YARD REQUIREMENTS

### 4.29.1 All Zones

Notwithstanding any other provision in this By-law, where a vacant *lot* exists or is created between two developed *lots* or where an addition to an existing *building* is proposed, and where the *buildings* on the abutting *lots* on either side are located closer to the front *lot* line than is required by this By-law, such permitted building or structure may be erected closer to the front lot line than required by this By-law, provided such building or structure is not closer to the front lot line than the established building line on the date of passing of this by-law.

## 4.30 SHIPPING CONTAINERS

Notwithstanding any other provision in this By-law, the temporary placement of one *shipping container* is permitted per *lot* in a Residential *Zone* provided the *shipping container*:

- a) Is located on the *driveway*;
- b) Is set back a minimum of 1.0 metre from any *lot line*;
- c) Has a maximum height of 2.5 metres, a maximum width of 2.5 metres and a maximum length of 6.0 metres; and,
- d) Is not located on the *lot* for more than 30 days in a calendar year.

#### 4.31 SHORT TERM ACCOMODATION

All Short Term Accommodation Use provisions are as required under the Township of Collingwood 83-40 and Town of Thornbury By-law 10-77 as amended.

#### 4.32 SIGHT TRIANGLES

Notwithstanding any other provision of this By-law, no *building* or *structure*, fence, wall, vegetative planting or *landscaping* that has a *height* of greater than 1.0 metre shall be permitted in a *sight triangle* on a *corner lot* that is measured according to the provisions set out in **Table 4.2** below.

**Table 4.2 – Sight Triangles**

		Subject lot has frontage onto a:		
		Local street	Collector street	County Road or Provincial Highway
Other street:	Local street	6.0 metres	7.0 metres	12.0 metres
	Collector street	7.0 metres	7.0 metres	12.0 metres
	County Road or Provincial Highway	12.0 metres	12.0 metres	12.0 metres

#### 4.33 SPECIAL SETBACKS

Notwithstanding any other provision in this By-law, the special *setbacks* as set out below shall apply.

##### 4.33.1 Setback from Certain Roads

No *building* or *structure* shall be located any closer to any *County Road* than as set out in By-law 2669 of the *County* of Grey, or its successor. In addition, no *building* or *structure* shall be located any closer than 14.0 metres to edge of the right-of-way of a Provincial Highway.

##### 4.33.2 Special Setbacks from Georgian Bay

- a) Notwithstanding any other provision in this By-law, buildings and structures shall not be located:
  - i) Within 15.0 metres of the 177.9 metre G.S.C. elevation adjacent to Georgian Bay; and
  - ii) Any closer to the 177.9 metre G.S.C. elevation than the minimum required rear yard setback or the average distance between main buildings from the 177.9 metre G.S.C. elevation on immediately abutting lots.

- b) This provisions applies to:
  - i) The habitable area of any main building or accessory building;
  - ii) A building or structure with a non-habitable floor area, including a swimming pool, deck, gazebo, pergola, or garage; and
  - iii) A private sewage system.
- c) This provision does not apply to a boathouse, dock, boat lift, boat launching ramp, marine railway, or waterline and heat pump loop.
- d) This provision shall not prevent:
  - i) The expansion of a main building, accessory building or structure that lawfully existed as of the date of passing of this by-law;
  - ii) The erection of a second storey over any building or structure that lawfully existed in any location on a lot as of the date of passing of this by-law;
  - iii) The replacement of a building or structure that lawfully existing as of the date of passing of this by-law.

#### 4.34 SWIMMING POOLS

A *swimming pool* shall be permitted as an *accessory use* to any permitted *residential use* and the following provisions apply:

- a) A *swimming pool* may be located in the side yard of any *lot* if:
  - i. No part of such *swimming pool* or associated deck and/or fence is located closer to any lot line or street line than the minimum distance required for the principal *building* located on such lot;
  - ii. The maximum *height* of such pool or associated *deck* and/or fence is 1.2 metres above the *average finished grade* level of the ground adjoining and within 4.5 metres of such *swimming pool*; and,
  - iii. Any *building* or *structure*, other than a *dwelling* required for changing clothing or for pumping or filtering facilities or other similar *accessory uses*, complies with the provisions of this By-law respecting *accessory buildings* on such *lot*.
- b) A *swimming pool* may be located in the *rear yard* of any *lot* if no part of such *swimming pool* or associated *deck* and/or fence is located closer to any *lot line* or *street line* than the

minimum distance required for any *accessory building* located on such *lot*.

- c) A *swimming pool* shall not be considered as part of a *lot coverage* provided no part of the *swimming pool* or its railing protrudes more than 1.2 metres above the ground level surrounding the *swimming pool*.

#### 4.35 USES OF LOTS WITHOUT BUILDINGS

Unless expressly permitted by this By-law, no permitted *use* in any Residential, Commercial or Employment *Zone* is permitted unless a *main building* is erected on the same *lot*.

#### 4.36 TEMPORARY CONSTRUCTION AND SALES OFFICES

- a) Nothing in this By-law shall prevent *uses* incidental to construction, such as a construction camp or other such temporary work camp, tool shed, scaffold or other *building* or *structure* incidental to the construction, only for so long as the same are necessary for work in progress that has neither been finished nor abandoned.
- b) Nothing in this By-law shall prevent the *use* of land for a temporary sales office for the sale of residential, industrial or commercial suites subject to the following provisions:
- d) The temporary sales office must be located on lands that are subject to a draft approved plan of subdivision, plan of condominium or an approved site plan control agreement under the Planning Act. A temporary sales office may also be located on lands that are subject to an approved site plan control agreement under the Planning Act.
- e) A temporary sales office shall be constructed on a *lot* in accordance with following required minimum *yards*:
  - *Front yard* - 6.0 metres
  - *Exterior side yard* - 6.0 metres
  - *Interior side yard* - 1.2 metres
  - *Rear yard* - 7.5 metres
- f) The maximum *height* of a temporary sales office shall be 6.5 metres.
- g) The maximum ground floor area of a temporary sales office shall be 200 square metres.



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## PART 5.0

# PARKING AND LOADING STANDARDS

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### 5.1 GENERAL PARKING PROVISIONS

#### 5.1.1 Restriction on Use of Land, Buildings and Structures

No person shall *use* any land, *building* or *structure* in any *Zone* for any purpose permitted by this By-law, unless the minimum number of *parking spaces* required are provided in accordance with the provisions of this Part of the By-law.

#### 5.1.2 Off-Street Parking

Off-Street parking and loading areas and spaces shall be provided in accordance with the standards of this By-law for all new development, enlargement of existing *buildings* and *uses*, or any change of *use*.

#### 5.1.3 Location of Parking

Required *parking spaces* shall be located on the same lot as the use that requires the parking and shall be used exclusively for that purpose.

#### 5.1.4 Existing Parking

The following provisions apply where an existing *use*, *building* or *structure* has insufficient parking on the date of passing of this By-law:

- a) Any enlargements to the *use*, *building* or *structure* shall require parking based on the expansion or enlargement only. In the case of a change in use the number of new *parking spaces* required will be determined by calculating difference between the existing parking and what is required by the new *use*.
- b) Existing *uses*, *buildings* and *structures* which have insufficient parking on the date of passing of this By-law are permitted to continue, but shall maintain their existing parking and loading areas.

#### 5.1.5 Size of Parking Spaces

General Parking spaces shall be a minimum of 2.75 metres wide and 5.5 metres long. These dimensions do not apply to Accessible Parking Spaces, which are set out in Section 5.7.

### 5.1.6 Width of Parking Aisles

The width of parking *aisles* within a *parking area* or *parking garage*, must be in accordance with the following:

- a) For two-way *aisles*, the minimum *aisle* width must be 6.0 metres;
- b) For one-way *aisles* or *aisles*, the minimum *aisle* width must be 3.0 metres;
- c) Where the *aisle* width in a *parking area* or *parking garage* is less than 6.0 metres, the *aisle* must be one-way;
- d) In the case of angle parking, the minimum width of an aisle is 6.0 metres, except as set out below in *Table 5.1* for angled off-street parking accessed by a one-way aisle; and,
- e) Notwithstanding the above, *parking areas* and *parking garages* that legally existed on the effective date of this By-law are exempt from the minimum *aisle* width requirements set out in sub-sections a) b) and c).

**Table 5.1 – Angled Off-Street Parking Requirements Where Access is Via a One-Way Aisle.**

Angle of Parking (Degrees)	Minimum Required Aisle Width (Metres)
0-44	3.6
45-59	5.2
60-90	5.8

### 5.1.7 Width of Access Ramps and Driveways

Except for a *single detached, semi-detached* or *townhouse dwelling*, access ramps and *driveways* accessing a *parking area* or *parking lot* shall be a minimum of 3.0 metres in width for one-way traffic and a minimum of 6.0 metres in width for two-way traffic.

### 5.1.8 Surface Treatment

*Parking spaces, parking areas* and *driveways* to any *parking area* or *parking lot* must be surface treated with asphalt, concrete, concrete pavers or similar material. Pervious parking materials (such as permeable pavers, porous asphalt, plastic grids, etc. and not including an aggregate, gravel or other similar surface type) shall also be permitted. The above provisions do not apply to:

- a) Any zone which permits a single detached dwelling;
- b) Any property in the A, RU, SA, M2, M3, REC1, REC2 REC3, PU, and H zones;
- c) Where a use is proposed for conversion from residential to a primarily non-residential use; the parking lot is located a

minimum of 11.0 metres from any street line; and the surface of the driveway giving access to the parking area of parking lot is treated with asphalt, concrete, concrete pavers or similar material; and,

- d) Parking areas and parking spaces servicing seasonal commercial recreational facilities such as golf courses or ski resorts. These facilities may utilize a permeable aggregate surface. Access to the parking area or parking lot is surface treated with asphalt, concrete, concrete pavers or similar material.

#### 5.1.9 Calculation of Parking Requirements

Where the minimum number of *parking spaces* is calculated on the basis of a rate or ratio, the required number of *parking spaces* shall be rounded to the next higher whole number.

#### 5.1.10 More Than One Use on a Lot

The parking requirements for more than one *use* on a single *lot* or for a *building* containing more than one *use*, shall be the sum total of the parking requirements for each of the component *uses*, unless otherwise noted.

#### 5.1.11 Parking Garages

*Parking garages* shall comply with the provisions for the *main building* in accordance with this By-law. No *setbacks* or *yards* shall be required for any portion of a *parking garage* if it is constructed completely below the *established grade*. This exemption shall also apply to ventilation shafts and housings, stairways and other similar facilities associated with below grade *parking garages* that extend from below *established grade*.

#### 5.1.12 Cash in Lieu of Parking

Notwithstanding the parking requirements of this By-law, Council may enter into an Agreement, under Section 40 of the Planning Act, to exempt a property from parking through a payment of cash in lieu of parking. Such an Agreement shall supersede the requirements of this By-law.

### 5.2 SPECIAL AREA EXEMPTIONS

#### 5.2.1 The Village at Blue Mountain

Parking regulations of By-law 2000-50 continue to apply to the lands known as The Village at Blue Mountain, more particularly described as Lots 6, 10, 14 and 15 on Registered Plan 1065.

### 5.2.2 Downtown Area

Within the *Thornbury Parking and Loading Area* and the *Clarksburg Parking and Loading Area*, no additional parking or loading spaces are required for any change of non-residential use of an existing building provided the existing parking and loading spaces are maintained.

### 5.2.3 Recreation Zones

Within the REC1, REC2 and REC3 zones required parking spaces may be located on a separate lot.

## 5.3 RESIDENTIAL ZONES – PARKING AND ACCESS

### 5.3.1 Location of Parking and Driveways

The following provisions apply to the location of parking and driveways in the Residential zones:

- a) On a residential lot parking is only permitted within a private garage, carport, or on a driveway. For multi-unit residential lots, parking is also permitted on a surface parking area.
- b) On a lot with a single detached or semi-detached dwelling, a driveway used for parking is permitted within a required yard.
- c) Driveways and surface parking areas must be setback a minimum of 1 metre from a side lot line.
- d) Parking areas shall be setback a minimum of 1.2 metres from any building or structure.
- e) Vehicles shall not be parked parallel to the street on any driveway unless such parking space is a minimum of 7.5 metres from the front lot line.

### 5.3.2 Size of Driveways

- a) The maximum driveway width shall be equal to the greater of:
  - i) The garage door(s) width plus 1.5 metres; or
  - ii) 6.1 metres.
- b) A minimum of 50% of the front or exterior side yard in which the driveway is located is landscaping

### 5.3.3 Number of Driveways

On lots with a frontage of less than 45.0 metres, only one driveway entrance from a *public street* onto the *lot* is permitted. On lots with a continuous frontage of 45.0 metres or greater, a second driveway may be permitted, provided:

- a) The *front lot line* has unbroken road frontage of more than 45.0 metres; or
- b) The *exterior side lot line* has unbroken road frontage of more than 60.0 metres; and,
- c) In all cases, the minimum distance between two separate driveways on one *lot*, measured along the street line, shall be 15 metres.

#### 5.3.4 Parking of Recreational Trailers, Vehicles or Boats

The outdoor parking or storage of any recreational trailer, vehicle or boat is permitted in any *residential zone*, but shall be subject to the following provisions:

- a) A recreational trailer, vehicle or boat may be parked or stored on a *lot* provided they are parked or stored on a driveway, and they are a minimum of 3.0 metres from any *lot* line adjacent to a *public street* or a 0.3 metre reserve adjacent to a *public street*.
- b) A recreational trailer, vehicle or boat, or combination thereof, having a height of 1.8 metres or more shall not be closer than 2 metres from any side or rear lot line.
- c) A recreational trailer, vehicle or boat, shall not be parked or stored within the *sight triangle* formed by the outer edge of the street pavement or curb lines for a distance of 15.24 metres from their point of intersection.
- d) No storage of any recreational vehicle shall be permitted unless a *main building* has been constructed.
- e) A maximum of two recreational vehicles are permitted to be stored on a *lot*.

#### 5.3.5 Parking of Commercial Motor Vehicles in Residential Zones

Within any *Residential zone*, the owner or occupant of a *dwelling* unit may use a *parking space* for the purposes of parking or storage of one commercial *motor vehicle*, provided such *motor vehicle* does not exceed a capacity of 4,500 kg, and is parked or stored on a driveway.

#### 5.3.6 Required Parking Spaces for Residential Uses

The number of *parking spaces* required for *residential uses* shall be calculated in accordance with the standards set out in **Table 5.2** below.

**Table 5.2 – Residential Parking Requirements**

Use	Number of Minimum Parking Spaces (per unit, unless otherwise specified)
<i>Single detached, semi-detached, rowhouse and townhouse dwelling unit</i>	2 parking spaces
<i>Apartment building dwelling unit or Multiple dwelling unit</i>	<ul style="list-style-type: none"> <li>• 1 parking space per studio/bachelor unit;</li> <li>• 1.25 parking spaces per 1-bedroom unit;</li> <li>• 1.75 parking spaces per 2-bedroom unit;</li> <li>• 2.25 parking spaces per 3-bedroom unit or larger; and,</li> <li>• Plus 0.25 parking spaces per dwelling unit for visitor parking.</li> </ul>
<i>Accessory dwelling unit</i>	1 parking space
<i>Home Business and Home Industry</i>	1 parking space for each employee who does not reside on the lot, in addition to parking required for the residential use.
<i>Bed and breakfast Establishment</i>	1 space per guest room in addition to the requirement for the residential use
<i>Group Home</i>	As required per the unit type plus 0.25 parking spaces per dwelling unit for visitors
<i>Retirement home</i>	0.5 parking spaces/bed
<i>Commercial Resort Unit</i>	2 parking spaces per dwelling unit plus 0.25 parking spaces per dwelling unit for visitors

## 5.4 NON-RESIDENTIAL PARKING REQUIREMENTS

### 5.4.1 Parking Area Location on a Lot in Relation to Buildings and Structures

Notwithstanding any other provisions of this By-law, parking areas shall be setback a minimum of 1.2 metres from any building or structure.

### 5.4.2 Parking Illumination

Parking lighting fixtures shall be provided in accordance with the following provisions:

- i) No part of the lighting fixture shall be more than 7.5 metres above grade; and shall be installed in such a manner that all light emitted by the fixture, either or indirectly, is projected below the lamp and onto the lot the lighting is intended to serve.

### 5.4.3 Minimum Parking Spaces Required

The number of parking spaces required for non-residential uses shall be calculated in accordance with the standards set out in **Table 5.3** below.

**Table 5.3 – Non-Residential Parking Requirements**

Use	Minimum Parking Space Requirement (net floor area unless otherwise noted)
<i>Art Gallery</i>	1/40 m <sup>2</sup>
<i>Auction Sales Establishment, Banquet Hall</i>	1/5.8 m <sup>2</sup>
<i>Business Office</i>	1/30 m <sup>2</sup>
<i>Campground, Trailer Park</i>	1 travel/tent trailer site
<i>Child Care Centre</i>	1.5/ classroom plus 1/30 m <sup>2</sup>
<i>Commercial Fitness Centre</i>	1/15 m <sup>2</sup>
<i>Commercial School</i>	1/20 m <sup>2</sup>
<i>Commercial Self Storage Facility</i>	1/5 m <sup>2</sup> of office use plus 1/100 m <sup>2</sup> , of the building, except where the driveway access to the storage unit has a minimum width of 7 metres, in which case no additional parking shall be required
<i>Community Centre</i>	1/10 m <sup>2</sup>
<i>Equestrian Centre</i>	1/6 persons of capacity
<i>Farm Produce Outlet</i>	1/45 m <sup>2</sup>
<i>Financial institution</i>	1/18 m <sup>2</sup>
<i>Funeral Home</i>	Minimum 10 spaces plus 1/13 m <sup>2</sup>
<i>Golf Course</i>	8/hole
<i>Golf Driving Range, Miniature Golf Course</i>	1.5/tee
<i>Hospital</i>	1/21 m <sup>2</sup>
<i>Hotel, Motel</i>	1.3/room
<i>Industrial Use</i>	1/30 m <sup>2</sup> for the first 1,000 m <sup>2</sup> 1/100 m <sup>2</sup> for the floor area between 1,000 and 5,000 m <sup>2</sup> plus 1/200 m <sup>2</sup> in excess of 5,000 m <sup>2</sup>
<i>Institutional Use</i>	Unless otherwise defined, 1/20 m <sup>2</sup>
<i>Long Term Care Facility</i>	0.5/bed
<i>Medical Office, Physician or other drugless Health Practitioner</i>	3 spaces per practitioner
<i>Motor vehicle Service Station Motor Vehicle Sales, Leasing and/or Rental Establishment, Motor vehicle body shops, Motor vehicle Repair Establishment</i>	1/20 m <sup>2</sup> of Office and Public Space
<i>Museum</i>	1/40 m <sup>2</sup>

Use	Minimum Parking Space Requirement (net floor area unless otherwise noted)
<i>Place of Amusement, Place of Entertainment or Theatre</i>	1/9 m <sup>2</sup> or one space per 4 seat capacity, whichever is greater
Place of Worship	1/9 m <sup>2</sup> or one space per 4 persons of worship area capacity, whichever is the greater
<i>Private or Public School</i>	4/classroom
<i>Restaurants, Private Club</i>	1/5.8 m <sup>2</sup>
<i>Retail Store, Personal Service Shop, Repair Shop, Equipment Sales and Rental Establishment, Farm Implement Dealer, Greenhouse Commercial</i>	1/20 m <sup>2</sup> unless otherwise described
<i>Ski Facility, Snowboard Facility, Outdoor Recreation</i>	1 per 4 persons of capacity
<i>Trade and Convention Centre</i>	1/20 m <sup>2</sup> plus the parking requirement for accessory restaurants and banquet halls
<i>Transport Terminal</i>	1/90 m <sup>2</sup>
<i>Veterinary Clinic</i>	1/16.9 m <sup>2</sup>
Warehouse	<p>If associated office or retail net floor areas are 15% or less of the total net floor area up to 7,000 m<sup>2</sup> – 1/90 m<sup>2</sup>.</p> <p>7,000 to 20,000 m<sup>2</sup> – 78 parking spaces plus 1/145 m<sup>2</sup> of net floor area or portion thereof over 7,000 m<sup>2</sup>.</p> <p>Over 20,000 m<sup>2</sup> – 168 spaces plus 1/170 m<sup>2</sup> of net floor area or portion thereof over 20,000 m<sup>2</sup>.</p> <p>If associated office or retail net floor area is more than 15% of the total net floor area, the standards for office and retail uses apply.</p>
Other uses not listed above	1/30 m <sup>2</sup>



## 5.5 SHARED PARKING PROVISIONS

### 5.5.1 More Than One Use on a Lot

Where more than one of the *uses* listed in **Table 5.4** are located on the same *lot*, *parking spaces* may be shared between the *uses*, and the cumulative total of *parking spaces* required for all the *uses* on the *lot* may be reduced using **Table 5.4**.

### 5.5.2 Shared Parking Calculations

The number of *parking spaces* required for the *lot* under this section is calculated as follows:

- Multiply the number of *parking spaces* required for the land use in Section 5.5.3 by the percentages shown in **Table 5.4** for that *use* in each of the eight time periods;
- Repeat a) for each of the *uses* on the *lot*;
- For each time period, add the *parking space* calculations for all the *uses* to arrive at a cumulative total; and,

The largest cumulative total for all the *uses* in any time period is the number of *parking spaces* required for the *lot*.

**Table 5.4 – Shared Parking (Percentage of Required Parking Permitted to be Shared)**

Land Use	Time Period							
	Weekday				Saturday			
	II Morning	III Noon	IV Afternoon	V Evening	VI Morning	Vii Noon	VIII Afternoon	IX Evening
<i>Business Office; Medical Office</i>	100%	90%	100%	15%	20%	20%	10%	5%
<i>Financial Institution</i>	80%	100%	100%	10%	80%	100%	60%	10%
<i>Retail Store; Personal Service Shop</i>	75%	80%	85%	75%	60%	90%	100%	50%
<i>Restaurant</i>	30%	90%	60%	100%	30%	80%	50%	100%
<i>Theatre; Place of Amusement or Entertainment</i>	40%	40%	60%	85%	40%	70%	80%	100%

## 5.6 BARRIER FREE PARKING

### 5.6.1 Dedicated Barrier Free Parking

Dedication Barrier Free Parking must be provided, for multi-unit *residential buildings*, and non-*residential uses and buildings*.

The ratios required by the Ontario Regulation 191/11 and the Provincial Offices Act, in effect at the time of the creation of this By-law are set out in **Table 5.5**. Legislation is updated from time-to-time by the Province of Ontario, and where this By-law differs, the Ontario Legislation shall prevail.

**Table 5.5 – Required Number of Barrier Free Parking Spaces**

Number of Required Parking spaces	No. of Barrier-free Parking Spaces	Type of Spaces Required
1-12	1 <i>parking space</i>	Type A.
13-100	4% of the required <i>parking spaces</i>	Equally divided between Type A and Type B, if an even number of <i>parking spaces</i> is required. Any additional 'odd' <i>parking space</i> may be either Type A or B. A Minimum of one Type A <i>parking space</i> shall be provided.
101-200	1 <i>parking space</i> plus 3% of required parking spaces.	As Above.
201-1000	2 <i>parking spaces</i> plus 2% of required parking spaces.	As Above.
1001 +	11 <i>parking spaces</i> plus an additional 1% of required.	As Above.

### 5.6.2 Barrier Free Parking Space Standards

The following provisions apply as barrier free *parking space* standards:

- a) Where a Type A *parking space* is required or provided, it shall be a minimum width of 3.4 metres and a minimum length of 5.8 metres;
- b) Where a Type B *parking space* is required or provided, it shall be a minimum width of 2.4 metres and a minimum length of 5.8 metres;

- c) Each *parking space* shall be paved and the access from the parking space to the main entrance of the *main building* on the *lot* shall be paved;
- d) Each *parking space* shall have a vertical clearance of 3.0 metres; and,
- e) An access *aisle*, having a minimum width of 1.5 metres and extending the full length of the *parking space* shall be provided adjacent to all barrier free *parking spaces*. An *aisle* may be shared by two barrier-free *parking spaces*.

## 5.7 BICYCLE PARKING REQUIREMENTS

Bicycle parking spaces are required for the uses listed in **Table 5.6**, in addition to any required *parking spaces* for *motor vehicles*.

**Table 5.6 – Bicycle Parking Requirements**

Use	Required Bicycle Parking Standards
Retail, service commercial, institutional	2 <i>parking spaces</i> plus 1 space /1000 m <sup>2</sup> <i>gross floor area</i> .
<i>Industrial Use</i>	2 <i>parking spaces</i> plus 0.25 <i>parking spaces</i> /1000 m <sup>2</sup> <i>gross floor area</i> .
Elementary and Secondary School	1 <i>parking space</i> /10 students & 1 <i>parking space</i> /35 employees
Any non-residential building that contains 5 <i>dwelling units</i> or more.	0.7 <i>parking spaces</i> /dwelling unit to a total maximum of 15 <i>parking spaces</i> .

## 5.8 LOADING SPACE REQUIREMENTS

- a) Loading spaces are required for non-residential uses, subject to the standards of **Table 5.7**.
- b) A loading space shall be at least 3.5 metres in width, 20.0 metres in length, with a minimum vertical clearance of 4.5 metres.
- c) Loading spaces shall have a required setback to a street or highway of a minimum of 15.0 metres.
- d) Minimum number of loading spaces required are set out in **Table 5.7**.

**Table 5.7 – Loading Space Requirements**

Gross Floor Area	Number of Required Loading Spaces
2000-7000 m <sup>2</sup>	1
7001-10000 m <sup>2</sup>	2
Every additional 2500 m <sup>2</sup> over 10000 m <sup>2</sup>	1

# PART 6.0

## RESIDENTIAL ZONES

### 6.1 ZONES

Uses permitted in a Residential Zone are denoted by the symbol 'X' in the column applicable to that Zone and corresponding with the row for a specific permitted use in **Table 6.1**.

**Table 6.1 – Residential Zone Use Permissions**

Permitted Use	R1	R2	R3
<i>Accessory apartment</i>	X	X	
<i>Apartment building</i>			X
<i>Duplex dwelling</i>		X	
<i>Group home</i>	X		
<i>Home child care</i>	X	X	X
<i>Home industry</i>			
<i>Home business</i>	X	X	X
<i>Multiple dwelling</i>		X	
<i>Retirement home</i>			X
<i>Rowhouse Dwelling</i>		X	
<i>Semi-detached dwelling</i>		X	
<i>Single detached dwelling</i>	X		
<i>Townhouse dwelling</i>		X	
<i>Triplex dwelling</i>		X	

### 6.2 ZONE STANDARDS

Regulations for uses permitted in Section 6.1 are set out in **Table 6.2**. A number(s) following the Zone standard, Zone heading or description of the standard, indicates that one or more special provisions apply. These special provisions are listed below **Table 6.2**.

**Table 6.2.1 – Residential Zone Standards (Part A)**

Zone Standard	R1-1	R1-2	R1-3	R1-4	R1-5
Minimum <i>lot area</i> (m <sup>2</sup> )	550	450	360	2,000	1,390
Maximum lot coverage	30%	35%	40%	20%	N/A
Minimum <i>lot frontage</i> (m)	18.0	15.0	12.0	30.0	24.0
Minimum <i>front yard</i> (m)	7.5	6.0	6.0	9.0	9.0
Minimum <i>exterior side yard</i> (m)	5.0	2.4	2.4	9.0	7.5

Zone Standard	R1-1	R1-2	R1-3	R1-4	R1-5
Minimum <i>interior side yard</i> (m)	2.0	1.2 (1)	1.2(1)	5.0	3.0
Minimum <i>rear yard</i> (m)	9.0	6.0	6.0	7.5	9.0
Maximum <i>height</i> (m)	9.5	8.0		9.5	
Maximum <i>height</i> (storeys)	2.5	2.0		2.5	

**Special Provisions:**

- (1) Minimum *interior side yard* – 1.2 metres on one side, 0.6 metres on other side.

**Table 6.2.2 – Zone Standards for the R2 and R3 Zones (Part B)**

Zone Standard	Semi-detached Dwelling	Duplex & Triplex Dwellings (2)	Multiple Dwelling (1) (2)	Apartment Dwelling (1)(2)	Rowhouse Dwelling (1)	Townhouse Dwelling (1)
Minimum <i>lot area</i> (m <sup>2</sup> )	350.0	500.0	600.0	600	190	650
Minimum <i>lot frontage</i> (m)	9.0	16.5	20.0	20.0	6.0	18.0
Minimum <i>front yard</i> (m)	6.0	7.5			6.0	7.5
Minimum <i>exterior side yard</i> (m)	3.0	4.0	7.5	7.5	4.0	7.5
Minimum <i>interior side yard</i> (m)	1.2 (3)	2.4			1.2	4.5
Minimum <i>rear yard</i> (m)	6.0	7.5				
Maximum <i>height</i> (m)	9.5	9.5	11.0	11.0	11.0	11.0
Maximum <i>height</i> (storeys)	2.5	2.5(5)	3	3	3	3

**Special Provisions:**

- (1) Where new *lots* are created under the registration of a Phased Condominium in accordance with the Condominium Act, 1998, S.O. 1998, c.19, as amended the minimum *lot area*, minimum *lot frontage* and maximum *lot coverage* standards shall not apply, the minimum required front, rear or side *yards* from the applicable new *lot* lines shall be zero and the new *lot* shall not require frontage onto a *public street* in accordance with Section 4.15 of this By-law.
- (2) A minimum amenity area of 10 square metres per *dwelling unit* shall be provided on the *lot* said *dwelling unit* is located.
- (3) Required on one side only.
- (4) Required for end unit.

- (5) The maximum height for triplex dwellings shall be 3.0 storeys or 11.0m.

# PART 7.0

## COMMERCIAL AND EMPLOYMENT ZONES

### 7.1 ZONES

Uses permitted in a Commercial and Employment Zones are denoted by the symbol 'X' in the column applicable to that Zone and corresponding with the row for a specific permitted use in **Table 7.1**.

If a number(s) following the symbol 'X' or identified permitted use, then one or more special provisions may apply. Special provisions are listed below **Table 7.1** (if applicable).

**Table 7.1 – Commercial and Employment Zone Use Permissions**

Permitted Use	COMMERCIAL							EMPLOYMENT			
	C1	C2	C3	C4	C5	C6	C7	BMC	M1	M2	M3
<i>Apartment Building</i>	X					X		X			
<i>Dwelling Unit in a Non-Residential Building</i>	X (1)										
<i>Accessory Outdoor Storage</i>									X	X	X
<i>Agricultural Use</i>											X
<i>Arena</i>					X						
<i>Art Gallery</i>	X	X		X	X	X	X	X			
<i>Auction Sales Establishment</i>		X									
<i>Banquet Hall</i>	X	X			X						
<i>Bed and Breakfast Establishment</i>	X (1)					X	X	X			
<i>Bulk Fuel Storage Facility</i>									X	X	X(7)
<i>Business Office</i>	X	X	X		X	X	X	X	X		
<i>Child Care Centre</i>	X	X			X		X	X			
<i>Commercial Fitness Centre</i>	X		X		X	X		X			
<i>Commercial Greenhouse</i>		X									
<i>Commercial Resort Complex</i>	X	X	X	X	X	X					
<i>Commercial School</i>	X	X		X (3)				X			

Permitted Use	COMMERCIAL								EMPLOYMENT		
	C1	C2	C3	C4	C5	C6	C7	BMC	M1	M2	M3
Commercial Self-Storage Facility									X		
Community Centre	X	X		X			X				
Conservation Use											X
Contractors Yard									X	X	
Drive-Through Service Facility		X									
Dry Cleaning Depot	X	X				X					
Dry Cleaning Plant									X		
Emergency Service Facility	X	X			X	X	X	X	X	X	
Equipment Sales and Rental Establishment	X	X		X	X	X			X		
Farm Implement Dealer		X					X		X	X	
Farm Produce Outlet											
Financial Institution	X					X					
Forest Management						X					X
Funeral Home	X							X			
Golf Driving Range		X									
Home Child Care	X				X		X	X			
Hotel	X	X		X	X		X				
Industrial Use									X	X	
Institutional Use	X	X				X	X	X			
Laundromat	X	X			X	X					
Library		X				X	X	X			
Live Work Unit						X	X	X			
Marina				X							
Medical Office	X					X		X			
Mineral Aggregate Resource Operation											X (4)
Miniature Golf Course		X			X						
Motel	X	X		X	X		X				
Motor Vehicle Body Shop									X		
Motor Vehicle Gas Bar		X				X					
Motor Vehicle Sales, Leasing and/or Rental Establishment		X									
Motor Vehicle Repair Garage		X							X		



Permitted Use	COMMERCIAL								EMPLOYMENT		
	C1	C2	C3	C4	C5	C6	C7	BMC	M1	M2	M3
Motor Vehicle Washing Establishment		X				X			X		
Multiple Dwelling						X		X			
Museum		X		X		X		X			
Parking Garage	X	X		X	X	X					
Parking Area	X	X	X	X	X	X	X	X	X	X	X
Parking Lot	X	X		X	X	X					
Personal Service Shop	X	X			X	X	X	X			
Place of Amusement	X			X	X	X					
Place of Entertainment	X			X	X	X	X				
Place of Worship	X	X				X	X	X			
Private Club	X	X	X	X	X	X	X				
Private Park	X	X	X	X	X	X	X				
Private Recreational Use			X		X	X	X				
Private School	X	X									
Public Park	X	X	X	X	X	X	X	X			
Public School	X	X									
Recreational Equipment, Sales, Rental and Service Establishment	X	X		X	X	X	X				
Recreational Establishment	X	X	X	X	X	X	X	X	X	X	
Recycling Establishment									X	X	
Repair Shop	X	X		X	X	X	X	X			
Restaurant	X	X		X	X	X					
Retail Store	X	X		X (5)	X	X	X	X			
Retail Store, Accessory				X (5)	X	X	X	X	X (6)	X (6)	
Retirement home	X	X				X	X	X			
Saw and/or Planing Mill										X	
Supermarket	X	X			X						
Theatre	X				X						
Tourist Information Centre				X	X	X					
Trade & Convention Centre	X				X						
Transportation Terminal									X	X	

Permitted Use	COMMERCIAL								EMPLOYMENT		
	C1	C2	C3	C4	C5	C6	C7	BMC	M1	M2	M3
<i>Veterinary Clinic</i>		X				X		X			
<i>Village Commercial Resort Unit</i>					X						
<i>Village Commercial Resort Unit Complex</i>					X						
<i>Warehouse</i>									X	X (2)	
<i>Waste Transfer Station</i>									X		
<i>Wholesale Establishment</i>		X			X	X			X		
<i>Woodchipping Establishment</i>										X	

**Special Provisions:**

- (1) Not permitted on the ground floor.
- (2) Must be related to and supportive of agricultural operations.
- (3) Only boating instruction schools are permitted.
- (4) Minimum *setback* of any extractive operation from any existing *residential use*, or land zoned to permit *residential use* – 30 metres. Minimum *setback* of edge of any pit or quarry from any *lot* line – 15 metres.
- (5) Only tourist related retail and retail sale of *marina* supplies and other commodities related to recreation and boating is permitted.
- (6) A retail *use* accessory to the principal employment *use* is permitted provided the floor area of the accessory retail *use* does not exceed 20% of the floor area of the principal employment *use*.
- (7) Must be related to and supportive of an aggregate processing facility.

**7.2 ZONE STANDARDS**

Regulations for *uses* permitted in Section 7.1 are set out in **Table 7.2**. A number(s) following the *Zone* standard, *Zone* heading or description of the standard, indicates that one or more special provisions apply. These special provisions are listed in **Table 7.2** below. For the Bruce Street Marsh Street ‘BMC’ Zone, the Residential ‘R1-1’ Zone Standards of Table 6.2.1 shall apply.

**Table 7.2 – Commercial and Employment Zone Standards**

Zone Standards	C1	C2	C3	C4	C5	C6	C7	M1	M2	M3
Minimum <i>lot frontage</i> (m)	0	15.0	30.0	30.0	9.0	30.0	18.0	30.0	60.0	0
Minimum <i>front yard</i> (m)	0 (1)	3.0	7.5	9.0	10.0	30.0	7.5	15.0	14.0	15.0
Minimum <i>exterior side yard</i> (m)	0	2.0	5.0	6.0	5.0	5.0	6.0	5.0 (2)	14.0	15.0
Minimum <i>interior side yard</i> (m)	0 (2)	2.0 (2)	5.0 (2)	4.5 (3)	4.0(2)	5.0 (2)	2.0(2)	5.0 (2)	7.5 (3)	15.0
Minimum <i>rear yard</i> (m)	0 (2)	7.0m (3)	4.8 (3)	7.5 (3)	8.0 (3)	N/A	9.0	7.5 (3)	7.5 (3)	15.0
Maximum <i>height</i> (m)	11.0									

**Special Provisions:**

- (1) Maximum permitted *yard* is 10 metres for *buildings* that have a *gross floor area* less than 464 square metres.
- (2) Minimum required *yard* abutting a Residential *Zone* boundary – 6.0 metres.
- (3) Minimum required *yard* abutting a Residential *Zone* boundary – 9.0 metres.

# PART 8.0

## AGRICULTURAL, RURAL, RECREATIONAL AND OTHER ZONES

### 8.1 ZONES

Uses permitted in the Agricultural, Rural, Recreational and Other Zones are denoted by the symbol 'X' in the column applicable to that Zone and corresponding with the row for a specific permitted use in **Table 8.1**.

If a number(s) follows the symbol 'X' or identified permitted use, then one or more special provisions may apply. Special provisions are listed below **Table 8.1** (if applicable).

**Table 8.1 – Agricultural, Rural, Recreational and Other Zone Use Permissions**

Permitted Use	A	SA	RU	D	H	W	I	REC1	REC2	REC3	P	OS	PU
Accessory Apartment	X	X	X	X (3)									
Accessory Farm Employee Accommodation	X	X	X										
Agricultural Use	X	X	X	X	X (4)	X (1)						X (1)	
Agri-Tourism Use	X	X	X										
Arena							X						
Base lodge								X				X (1)	
Cemetery							X						
Child Care Centre							X	X	X				
Commercial Greenhouse	X	X	X										
Community Centre							X						
Conservation Use	X	X	X	X	X (6)		X	X	X	X		X	
Conservation Use - Wetland						X							
Emergency Service Facility							X						
Farm Produce Outlet	X	X	X										

Permitted Use	A	SA	RU	D	H	W	I	REC1	REC2	REC3	P	OS	PU
Farm Winery	X	X	X										
Forest management	X	X	X	X	X (6)	X (1)		X	X	X		X	
Golf course					X (6)				X				
Golf Driving Range									X				
Group Home	X	X	X				X						
Home Child Care	X	X	X	X (3)									
Home Industry	X	X	X										
Home Business	X	X	X	X (3)									
Hospital							X						
Library							X						
Long Term Care Facility							X						
Museum							X						
On-Farm Diversified Use	X	X	X										
Outdoor Recreation Use					X (6)			X	X	X		X (1)	
Parking Lot											X		
Parking Garage											X		
Passive Recreational Use	X (6)	X (6)	X	X									
Place of Worship							X						
Private Club								X	X	X			
Private park					X (1)		X	X	X	X		X (5)	
Private Recreational Use								X	X	X			
Private School							X						
Public Park	X	X	X		X	X	X	X	X	X	X	X	
Public School							X						
Recreational Establishment							X	X	X	X	X	X (5)	
Residential Care Facility							X						
Retirement Home							X						
Single Detached Dwelling	X	X	X	X (5)						X (2)			
Ski-Lift Facility								X					
Ski Resort								X					
Snack bar								X	X	X			
Veterinary Clinic			X										

## Special Provisions

- (1) Existing *uses* only. All *buildings* or *structures* are prohibited, unless for flood or erosion control.
- (2) Only permitted accessory to an existing *campground* or *trailer park* for gatekeeper or caretaker.
- (3) Only permitted within a *single detached dwelling* that existed on the effective date of this By-law.
- (4) Only existing *golf courses* are permitted.
- (5) No *buildings* or *structures* are permitted, except for the following:
  - a) Renovated or minor expansions to existing *buildings* and *structures* which were legally established on the date of passage of this By-law;
  - b) Non-habitable *buildings* connected with *public parks* (i.e. picnic shelters);
  - c) Flood and erosion/sedimentation control *structures*;
  - d) Fences, provided they will not constitute an obstruction or debris catching obstacle to the passage of flood waters or create or aggravate an erosion problem; and,
  - e) Recreational facilities, as approved by the Niagara Escarpment Commission, on lands identified as being prominent escarpment slope. *Buildings* and *structures* (excluding docks and *boathouses* which are portable or floating in nature) will be *setback* 30 metres from all lakes.
- (6) *Passive recreational uses* shall only be permitted on lands owned by a *public authority*.

## 8.2 ZONE STANDARDS

Regulations for *uses* permitted in Section 8.1 are set out in **Table 8.2**. A number(s) following the *Zone* standard, *Zone* heading or description of the standard, indicates that one or more special provisions apply. These special provisions are listed below **Table 8.2**.

**Table 8.2 - Agricultural, Rural, Recreational and Other Zone Standards**

Zone Standard	A	SA	RU	D	H &W	I	REC1	REC2	REC3	P	OS	PU
Minimum <i>lot area</i> (ha)	40.0 (2)	10.0 (2)	20.0 (2)	(1)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum <i>lot frontage</i> (m)		150.0		(1)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum <i>front yard</i> (m)		15.0		(1)	N/A			7.5			9.0 (3)	5.0
Minimum <i>exterior side yard</i> (m)		15.0		(1)	N/A	4.0		7.5			9.0 (3)	5.0
Minimum <i>interior side yard</i> (m)		8.0		(1)	N/A	4.0		7.5			9.0 (3)	5.0
Minimum <i>rear yard</i> (m)		15.0		(1)	N/A			7.5			9.0 (3)	5.0
Maximum <i>height</i> (m)		11.0		(1)	N/A			11.0			4.5	11.0

**Special Provisions**

- (1) As existing on the date of passing of this By-law.
- (2) For lots 2.0ha or less, the regulations and permitted uses of the Residential R1-4 zone shall apply with the exception of lot frontage and lot area requirements which shall be as existing at the date of passing of this By-law.
- (3) A minimum distance of 12.0m shall be provided from a public street and a minimum of 15.0m shall be provided from any residential zone.

# PART 9.0 EXCEPTIONS

## 9.1 EXCEPTIONS

The provisions of this By-law are modified as set out in **Table 9.1** below.

The exception number of each *zone* exception corresponds to an area of the Town identified on the Zoning Schedule(s) by the same number.

**Table 9.1 – Exceptions**

Exception Number	Zone	Special Provisions
1	R1-1-1	These lands may also be used for a funeral home, chapel and accessory uses.
2	C5-2	The maximum number of residential units in this area shall be eighty-three (83) units and the maximum commercial gross floor area for all permitted uses shall be 9,300 square metres. In addition to the parking requirements of Section 5, 274 parking spaces are required within this area.
3	C5-3	The maximum number of residential dwelling units within this area shall be one hundred and seventy-five (175) units.
4	C3-4 C4-4	These lands shall only be used for a Commercial Resort Unit Complex and accessory uses, buildings and structures thereto including but not limited to a sales office and recreational buildings. The maximum density of commercial resort units on these lands shall be 103 units.
5	M2-5	These lands shall only be used for an abattoir associated buildings and structures and accessory uses.
6	C4-6	These lands shall only be used for parking uses and a private tennis court.
7	C1-7	These lands may also be used for a Motor Vehicle Gas Bar.
8	M1-8	These lands shall only be used for a warehouse limited to self-storage and/or mini-storage business.
9	R1-1-9	These lands may also be used for a Bed and Breakfast Establishment.
10	M2-10	These lands shall only be used for an Agricultural produce sorting, grading, packing, warehouse building and accessory uses. Open Storage



Exception Number	Zone	Special Provisions
		with a maximum height of 4.6 metres shall be permitted in the westerly side yard only.
11	SA-11	These lands may only be used for agricultural use, forest management or conservation use, temporary farm help accommodation, and uses, buildings and structures accessory to these permitted uses. A single detached dwelling shall not be permitted.
12	C1-12	Existing single detached dwellings as well as accessory uses, buildings and structures as of the date of passing of this By-law are permitted to continue. Minor additions, expansions and new accessory buildings and structures to existing residential uses may be permitted up to a maximum of 10% of the existing residential dwelling footprint.
13	OS-13	Two storage buildings with a combined maximum footprint of 1000 square metres shall be permitted within the building envelope identified for this exception. The maximum footprint for an individual storage building shall be 600 metres and the maximum height for an individual storage building shall be 9.0 metres measured to the highest point of the roof surface. No other buildings or structures, other than those listed as permitted uses, may be located within the building envelope without an amendment to this By-law.
14	R1-4-14	One single detached dwelling with a maximum footprint of 185 square metres shall be permitted.
15	H-15	A private septic system may be permitted on these lands.
16	R1-1-16	The minimum rear yard setback for the main building shall be 24 metres and the minimum rear yard setback for all accessory buildings and structures, including swimming pools and tennis courts, shall be 15 metres. The minimum front yard setback shall be 6.0 metres.
17	H-17	A private septic system may be permitted on these lands.
18	M2-18	These lands may also be used for a bus garage or terminal and a commercial garage and uses, buildings and structures accessory thereto.
19	PU-19	These lands may also be used as a municipal waste disposal site.
20	R1-1-20	These lands may also be used as a commercial fitness centre.
21	C2-21	These lands shall only be used as a retail store, business office and an equipment sales and rental establishment and buildings and structures accessory uses. An accessory dwelling is permitted in accordance with the zone regulations.

Exception Number	Zone	Special Provisions
22	C2-22	These lands may only be used as a retail store, service commercial use, recreational equipment sales, rental and service establishment, motel, and uses, buildings and structures accessory thereto. An accessory dwelling is permitted in accordance with the zone regulations.
23	R1-1-23 RU-23	These lands may also be used for campground. The maximum number of camping sites shall be 25.
24	R1-1-24	The minimum rear yard on these lands shall be 15 metres.
25	C1-25 M2-25	These lands shall only be used for an agricultural produce processing and packing plant and/or warehouse and, buildings, structures and accessory uses.
26	C7-26 D-26	These lands shall only be used for a farm produce outlet and a retail nursery and buildings, structures and accessory uses.
27	REC3-27	<p>These lands may only be used for a campground and buildings, structures and accessory uses. A maximum of 157 camping sites are permitted. In addition, one single detached dwelling, one retail store, and a trailer sales, area for a maximum of two trailers shall be permitted as accessory uses to the campground. The following parking provisions apply to these lands:</p> <ul style="list-style-type: none"> <li>• A minimum of one (1) parking space shall be provided on each camping site;</li> <li>• A minimum of eleven (11) visitor parking spaces shall be provided in a central location; and,</li> <li>• A minimum of two (2) parking spaces shall be provided per trailer located in the trailer sales area.</li> </ul> <p>The minimum yard setback from any residential zone shall be 7.6 metres.</p>
28	REC3-28	These lands may also be used for private outdoor recreation uses. A maximum of one (1) building with a maximum gross floor area of 50 square metres shall be permitted for change room and snack bar purposes. One (1) building with a maximum gross floor area of 25 square metres shall be permitted for an accessible washroom facility.
29	R1-1-29	For these lands the maximum of height for a dwelling shall be 7.62 metres, the minimum side yard setback on one side shall be 4 metres and the minimum front yard setback shall be 9 metres. For the purpose of this exception, height shall be measured from the lowest elevation of finished grade at the front elevation of the structure to the peak of the roof.
30	R1-1-30	For these lands the minimum side yard setback for an interior lot shall be 4 metres on one side and the minimum front yard setback for all lots shall be 9 metres.

Exception Number	Zone	Special Provisions
31	R2-31	<p>These lands may only be used for a maximum of 16 horizontally-attached dwelling units, as well as uses, buildings and structures accessory thereto. The following provisions shall also apply:</p> <ul style="list-style-type: none"> <li>• The maximum height for residential buildings shall be 2.5 storeys and/or 9.15 metres measured from the average finished grade level at front elevation of such building to the peak of the roof;</li> <li>• All residential buildings shall be setback a minimum of 15 metres from the Private Open Space OS2 Zone, or 10 metres from the top of any approved shoreline protection works, whichever is lesser;</li> <li>• The minimum front yard setback shall be 14 metres;</li> <li>• The required parking may also be obstructed and within the required setback from buildings by stacking the parking adjacent to and within an attached private garage; and,</li> <li>• All buildings shall be flood-proofed to ensure that all openings are above an elevation of 179.2 metres G.S.C.</li> </ul>
32	R1-1-32	<p>For these lands the minimum rear yard for the main building shall be 24 metres. The minimum rear yard for all accessory buildings and structures, including swimming pools and tennis courts, shall be 15 metres.</p>
33	D-33	<p>These lands may also be used as a business office and outdoor recreation uses limited to a playground as well as, uses, buildings and structures accessory thereto.</p>
34	REC1-34	<p>These lands may only be used for ski trails and lift facilities, parking areas, recreational facilities, outdoor recreational uses and existing approved base lodges and maintenance facilities.</p>
35	REC1-35	<p>These lands shall only be used for ski trails, ski lift facilities, walkways, parking lots, an observation deck and a pavilion with a maximum floor area of 1,000 square metres.</p>
36	M2-36	<p>These lands shall only be used for an Agricultural produce sorting, grading, packing and warehouse building, as well as uses accessory thereto. Open storage shall only be permitted in the westerly side yard and the rear yard west of the southerly projection of the easterly limit of the building within the industrial zone boundary.</p>
37	M3-37	<p>These lands shall not contain any buildings or structures accessory to the extractive industrial operation. Access to the extractive industrial operation is not permitted onto County Road 13. The setback for extraction may be zero (0) metres from the northernmost side lot line.</p>
38	R1-1-38	<p>The following provisions apply:</p> <ul style="list-style-type: none"> <li>• If an attached private two car garage is provided, the minimum front yard setback shall be 4.5 metres for a maximum of 50% of the lot</li> </ul>

Exception Number	Zone	Special Provisions
		<p>frontage. The remainder of the lot shall meet the minimum required front yard setback of 7.5 metres.</p> <ul style="list-style-type: none"> <li>If a detached private garage is provided in accordance with the zone regulations the 1 minimum front yard setback shall be 4.5 metres for a maximum of 50% of the frontage and the minimum side yard setback on one side shall be 5.4 metres. The remainder of the lot shall meet the minimum front yard setback of 7.5 metres.</li> </ul>
39	RU-39	A single detached dwelling shall not be permitted on these lands.
40	R2-40	These lands shall only be used for a maximum of eight (8) residential dwelling units and uses, buildings and structures accessory thereto.
41	R2-41	These lands shall only be used for a maximum of fifteen (15) dwelling units and uses, buildings and structures accessory thereto.
42	R2-42	These lands shall only be used for a maximum of forty-two (42) dwelling units and uses, buildings and structures accessory thereto.
43	R1-1-43	One single detached dwelling may be permitted on these lands. A private driveway agreement on Town owned lands executed between the owner and the Town shall be deemed to meet the By-law requirements for direct access and frontage onto an improved public street.
44	R2-44	These lands shall only be used for a maximum of sixty-five (65) dwelling units and uses, buildings and structures accessory thereto.
45	R1-1-45	For these lands the minimum front yard setback shall be 6.0 metres where an attached private garage is provided.
46	RU-46	<p>Notwithstanding any other provisions of this By-law to the contrary, these lands may be used only for a golf course and related uses to include a clubhouse, miniature golf, pavilion, single detached dwelling, maintenance building, internal roads, servicing and parking areas.</p> <p>The clubhouse may only include a pro shop, administrative offices, storage, locker rooms, maintenance and utility uses, kitchen, dining lounge and seating area and similar golf related uses.</p> <p>The clubhouse shall not exceed 2 storeys with a total floor area of 275 square metres for the main floor. The basement shall be restricted to storage, locker rooms, maintenance and utility uses. Any second storey shall be restricted to office and staff related lunchroom, storage and washroom uses only.</p>

Exception Number	Zone	Special Provisions
		<p>The maintenance building shall not exceed a total floor area of 340 square metres.</p> <p>The pavilion shall be restricted to an open air roof structure with no walls, and with a maximum of 240 square metres ground area coverage.</p> <p>The single detached dwelling shall not exceed 2 storeys, shall be used for caretaker management purposes only, and shall not exceed a total floor area of 400 square metres.</p> <p>A minimum of 24 parking spaces shall be required for each 9 holes of golfing facilities, and a minimum of 24 parking spaces shall be required for the miniature golf facilities.</p> <p>A buffer strip, which shall be used for landscaping and road access purposes only, shall be provided with a minimum width of 30 metres along any public street and the easterly side lot line, and with a minimum width of 15 metres along the southerly lot line. No buildings or structures or any fairways or other operational uses shall be permitted within this required buffer strip.</p> <p>The temporary use of a trailer to be used as a pro shop prior to the construction of the clubhouse shall be permitted for a maximum period of 2 years, or until such time as the clubhouse is constructed, whichever comes first.</p>
47	R1-1-47	For these lands the minimum front yard setback shall be 6.0 metres where an attached private garage is provided and the minimum rear yard setback shall be 5.0 metres.
48	OS-48	These lands may also be used for outdoor recreational uses excluding buildings greater than 50m <sup>2</sup> in size, walkways, trails, ski trails and associated ski lift facilities and buildings. Minimum required setbacks are 9 metres from any lot line, 12 metres from a public street, or 15 metres from a residential zone.
49	R2-49	For these lands a surface parking lot may be permitted in accordance with the Parking provisions of this By-law.
50	R1-1-50	For these lands the minimum front yard setback shall be 17.5 metres and the maximum height shall be 2 storeys.
51	R1-1-51	For these lands the minimum front yard and exterior side yard setbacks shall be 12.0 metres and the maximum height shall be 2 storeys.
52	R2-52	For these lands the maximum number of dwelling units shall be 22.

Exception Number	Zone	Special Provisions
53	R2-53	For these lands the maximum number of dwelling units shall be 60.
54	A-54	These lands may also be used for a kennel as an accessory use to the dwelling unit, with a building having a maximum gross floor area of 150 square metres, a maximum height of 1 storey (4.3 metres), plus exterior animal runs, to be located a minimum distance of 27 metres from the front lot line. The maximum number of animals associated with the kennel shall not exceed ten (10).
55	R1-1-55 REC1-55	<p>For these lands the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• The existing 54 units are hereby recognized, and may be enlarged or demolished and constructed, subject to the restrictions set out in this exception.</li> <li>• The maximum ground floor area of any dwelling shall not exceed 300 square metres;</li> <li>• The maximum height of any dwelling shall be 2.0 storeys.</li> <li>• No part of any dwelling shall be closer than 9 metres from any other dwelling; and,</li> <li>• Accessory uses, buildings or structures shall be permitted in accordance with the General Provisions of this By-law shall not be built closer than 9 metres to an adjacent dwelling or other accessory building.</li> </ul>
56	OS-56	<p>For these lands the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• The existing 17 units and existing base lodge are hereby recognized, and may be enlarged or demolished and constructed, subject to the restrictions set out in this exception;</li> <li>• The maximum ground floor area of any dwelling may be enlarged or reconstructed by a maximum of 33.5 square metres;</li> <li>• The maximum height of a dwelling unit shall be 2.5 storeys, up to a maximum of 8.5 metres measured from the lowest point of finished grade to peak of roof. For the purposes of this Exception a basement or cellar in a dwelling unit shall be considered a storey;</li> <li>• No part of any dwelling shall be closer than 9 metres from any other dwelling;</li> <li>• Accessory uses, buildings or structures shall be permitted in accordance with the General Provisions of this By-law and shall not be built closer than 9 metres to an adjacent dwelling or other accessory building.</li> </ul>
57	OS-57	<p>For these lands the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• The existing 4 units are hereby recognized;</li> </ul>

Exception Number	Zone	Special Provisions
		<ul style="list-style-type: none"> <li>• Existing dwellings may be demolished and constructed however, no new addition or enlargement shall be permitted.;</li> <li>• Accessory buildings and structures shall not be permitted.</li> </ul>
58	R1-3-58	<p>These lands may only be used for the development of a maximum of 164 residential dwelling units and buildings and structures accessory thereto. These lands shall be developed in accordance with the Residential R1-3 Zone provisions, save and except for the following:</p> <p>(a) The R1-3 provisions shall be modified to these lands as follows:</p> <ul style="list-style-type: none"> <li>i) Minimum lot area: 300m<sup>2</sup>;</li> <li>ii) Minimum lot frontage: 10.5m;</li> <li>iii) Minimum Front Yard: 6.0m, except where an attached garage is provided, the front of the dwelling, excluding the attached garage, may be 5.0m;</li> <li>iv) Minimum Exterior Side Yard: 2.4m;</li> <li>v) Maximum Lot Coverage: 50%;</li> <li>vi) All other provisions of the R1-3 zone shall apply.</li> </ul> <p>(b) Rowhouse units and townhouse/multi units shall also be permitted subject to the applicable R2 provisions, as modified for these lands as follows:</p> <ul style="list-style-type: none"> <li>i) Minimum Front Yard: 6.0m, except where an attached private garage is provided, the front of the dwelling, excluding the attached private garage, may be 5.0m;</li> <li>ii) Minimum Rear Yard: 7.5m;</li> <li>iii) Minimum Side Yard: 1.5m for end units only, except those lots shown in hatching on the attached Schedule "A-1", where the minimum side yard shall be 4.0m;</li> <li>iv) Minimum Exterior Side Yard: 3.75m from a Public Street;</li> <li>v) Minimum Distance Between a Dwelling and a Private Road: 2.75m;</li> </ul> <p>(c) Stormwater Management Facilities and Trails may also be permitted in the R1-3 zone;</p> <p>(d) A unit established under a Vacant Land Plan of Condominium shall be considered a Lot in accordance with Section 3.0 of this By-law, as amended;</p> <p>(e) Notwithstanding the provisions of Section 5.0, parking may be located 0 metres from a lot line;</p> <p>(f) Where any lot abuts an OS zone accessory buildings and structures shall not be permitted within the rear yard.</p>
59	C6-59 I-59 OS-59	<p>The following provisions shall apply to the Lands:</p> <p>A. Residential R1-1 Zone: The maximum number of residential lots shall be 21; Lots abutting a public walkway block shall be permitted to have</p>

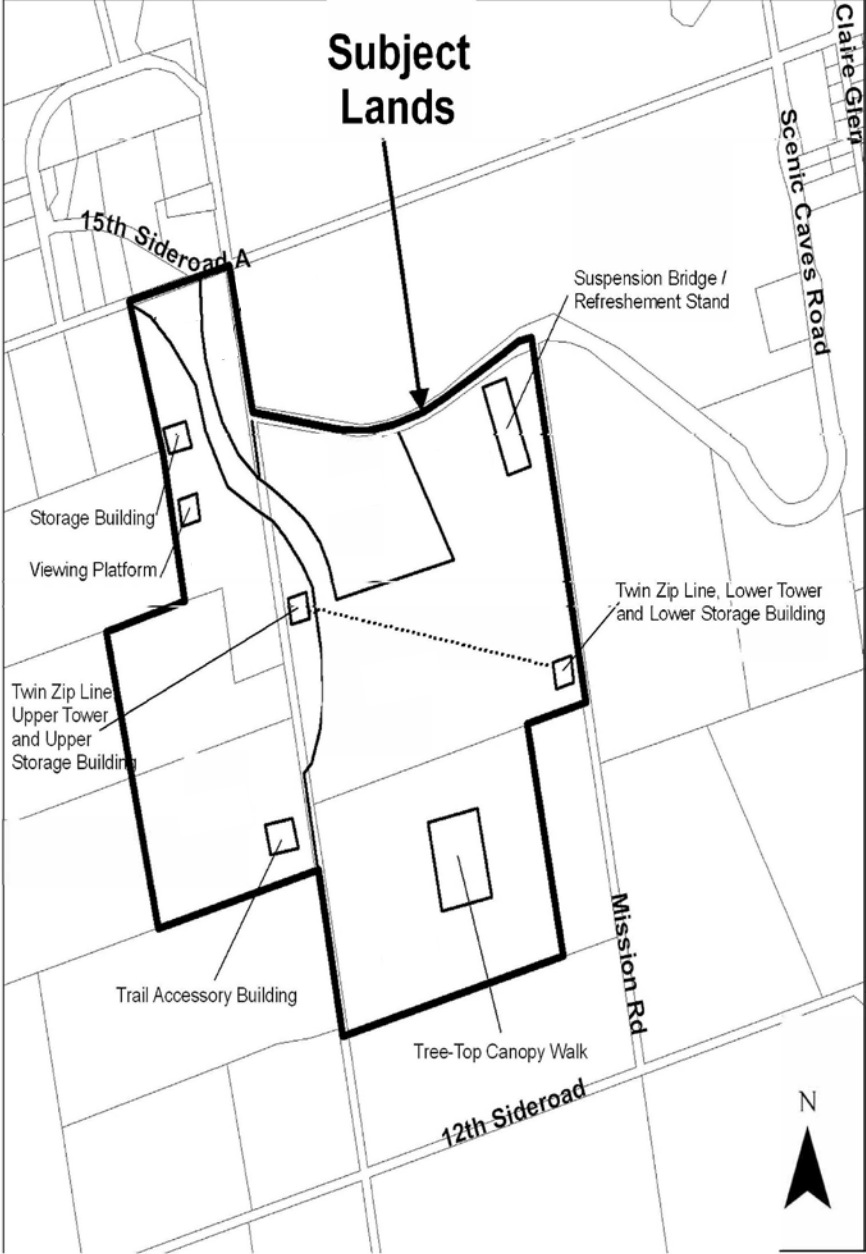
Exception Number	Zone	Special Provisions
	R1-1-59 R2-59 REC3-59	<p>a side yard abutting the public walkway block of 1.2 metres; Lots abutting the Georgian Bay shoreline shall be permitted to have a front yard setback of 6.0 metres and a rear yard setback of 6.0 metres; On lots abutting Georgian Bay, no person shall construct or maintain a building or structure within the required rear yard; Buildings and structures shall not exceed 8.0 metres in height.; The general exceptions contained in this By-law as they relate to permissible projections shall continue to apply.</p> <p>B. Residential R2 Zone: The maximum number of residential dwelling units shall be 115; The minimum interior and exterior side yard setback for an end dwelling unit in a series of three or more attached dwelling units shall be 2.0 metres; These lands may also be developed with single detached residential dwellings in accordance with the Residential R1-3 Zone provisions, save and except the minimum lot frontage for an interior lot may be 9.75 metres, and may also be developed with semi-detached dwellings in accordance with the Residential R2 Zone provisions; Buildings and structures shall be permitted to have a front yard setback of 6.0 metres and a rear yard setback of 7.5 metres; Buildings and structures containing 5 residential units or less shall be located a minimum of 8.0 metres from Highway 26; Buildings and structures containing 6 residential units or more shall be located a minimum of 14.0 metres from Highway 26; Buildings and structures shall not exceed 8.0 metres in height; The general exceptions contained in this By-law as they relate to permissible projections shall continue to apply. Prior to the removal of the Holding symbol (-h) a maximum of three model homes may be permitted on these lands subject to the granting of Site Plan Approval under Section 41 of the Planning Act including the execution of a required Agreement.</p> <p>C. Institutional I Zone: In addition to those uses identified in the Institutional I Zone, a seniors' building as well as uses, buildings and structures accessory thereto shall be permitted; The maximum number of residential dwelling units and/or sleeping/care rooms shall be 130; The minimum front yard setback shall be 6.0 metres; Buildings and structures shall be located a minimum of 14.0 metres from Highway 26; Buildings or structure shall not exceed 13.0 metres in height.</p> <p>D. Commercial C6 Zone: Only those uses contained within the C6 zone, uses permitted under Section (B) - Residential R2 zone of this By-law and live/work units as defined by the Ontario Building Code shall be permitted on these lands in accordance with the applicable provisions save and except for the following: (i) The maximum number of dwelling units and/or live/work units permitted on the Lands zoned C6</p>



Exception Number	Zone	Special Provisions
		<p>and located to the east of Hope Street shall be 60. (ii) The maximum number of dwelling units and/or live/work units permitted on the lands zoned C6 and located to the west of Hope Street shall be 14. (iii) The minimum front yard setback from a public street, other than Highway 26, shall be 0.0 metres. (iv) Buildings and structures shall be located a minimum of 14.0 metres from Highway 26. (v) Buildings shall not exceed 11.0 metres in height. (vi) The maximum lot coverage shall be 50%. (vii) The minimum required number of parking spaces to be provided shall be 3.5 spaces per 100 square metres of gross floor area or portion thereof. (viii) The maximum gross floor area of commercial space shall be determined based on a market analysis prepared in accordance with the Official Plan for any floor area exceeding 2,000 square metres, however in no case shall the maximum gross floor area exceed 9,100 square metres. (ix) The maximum gross floor area of an individual use shall be 1,625 square metres, save and except one supermarket having a maximum gross floor area of 2,300 square metres. (x) The maximum number of branches of a bank or financial institution shall be one and such branch of a bank or a financial institution shall have a maximum gross floor area of 600 square metres.</p> <p>E. Recreational REC3 Zone: Notwithstanding the provisions of the REC3 zone, the minimum front yard shall be 7.5 metres and the minimum side yard from all zones shall be 3.0 metres.</p>
60		<p>For these lands the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• These lands may be developed to a maximum of 198 dwelling units;</li> <li>• The minimum front yard setback shall be 4.25 metres;</li> <li>• The minimum rear yard setback shall be 3.0 metres;</li> <li>• The minimum interior side yard setback shall be 1.5 metres;</li> <li>• The minimum exterior side yard setback shall be 4.5 metres; and,</li> <li>• The maximum lot coverage shall be 50%.</li> </ul> <p>For these provisions, a unit within a Plan of Condominium shall have the same meaning as a lot:</p> <ul style="list-style-type: none"> <li>• A minimum of two (2) parking spaces is required per unit, one of which must be located on Vacant Land Plan of Condominium Unit.</li> </ul> <p>Prior to the removal of the holding (-h) symbol, any existing Recreational Vehicle, Park Model Trailer or Mobile Home may be permitted to be relocated to a site approved under a Development Agreement subject to the following provisions:</p>


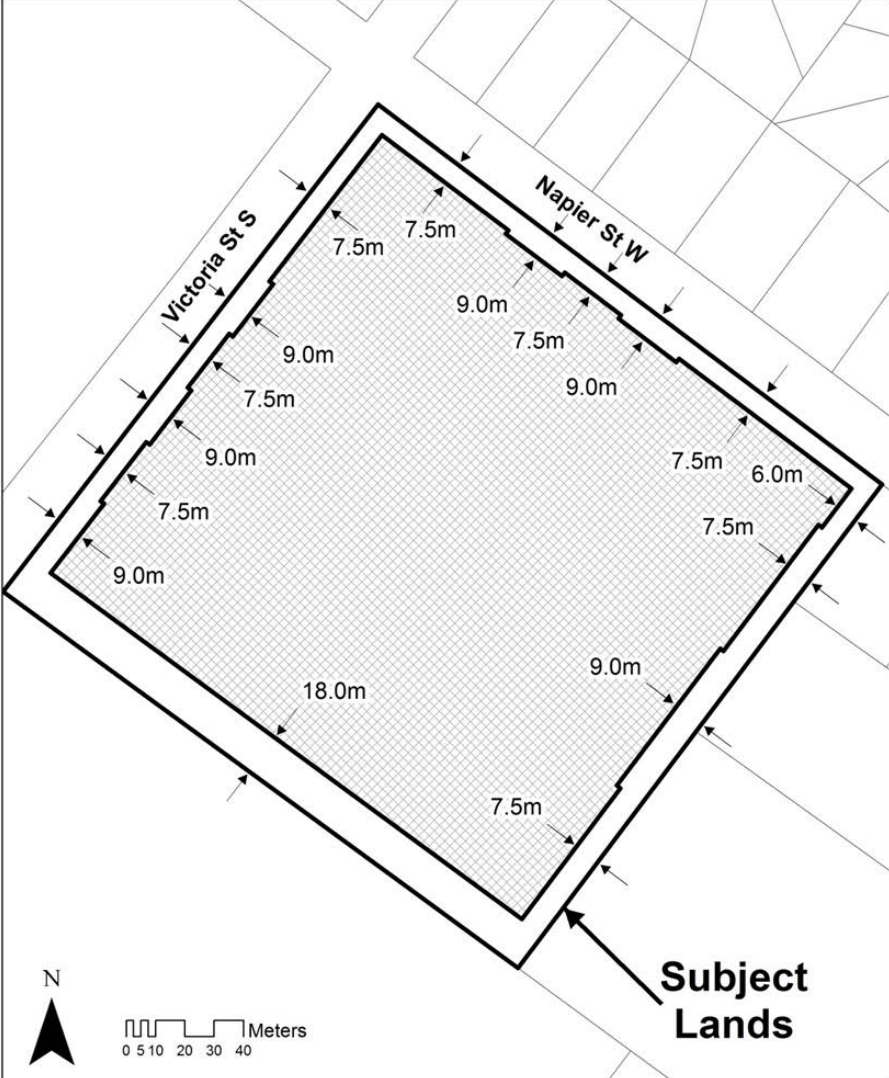
Exception Number	Zone	Special Provisions
		<ul style="list-style-type: none"> <li>• The minimum front yard shall be 4.25 metres</li> <li>• The minimum rear yard shall be 3 metres;</li> <li>• The minimum side yard shall be 1.2 metres on one side and 3 metres on the other side;</li> <li>• The minimum setback from internal lane shall be 4.5 metres;</li> <li>• The maximum lot coverage shall be 40%;</li> <li>• The minimum landscaped area shall be 50%;</li> <li>• Open storage shall not be permitted;</li> <li>• The minimum number of parking spaces per site is two (2);</li> <li>• The maximum accessory deck area shall be 18.6 square metres;</li> <li>• The maximum accessory storage shed shall be 7.5 square metres; and,</li> <li>• The existing park model trailer units shall be permitted year round occupancy.</li> </ul> <p>Recreational vehicles existing as of date of passing of this By-law shall be permitted for a maximum occupancy of 180 days per year and restricted to the period between May 1 and October 31;</p> <p>Park Model Trailers that comply with the appropriate CSA standards for year round occupancy shall be permitted; An accessory shed is permitted and shall be located in the rear half of the site and located a minimum distance of one (1) metre from the side or rear site line or 4.5 metres from an internal lane; and,</p> <p>The relocation of any existing deck or shed shall be exempt from lot coverage, maximum size and setback provisions contained in this exception.</p>
61	R2-61	For these lands the maximum number of dwelling units shall be 243. The minimum required setback for any building or structure from the Georgian Trail shall be thirty (30) metres.
62	OS-62 R1-3-62 R1-4-62 R2-62	<p>For these lands the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• Single detached and semi-detached dwellings are the only permitted dwelling types;</li> <li>• The maximum number of dwelling units shall be 609;</li> <li>• The development of these lands shall only proceed on full municipal services;</li> <li>• Three (3) Model Homes may be constructed in any Phase or Sub-Phase in advance of the removal of the Holding 'h' Symbol provided that the owner enters into a Model Home Agreement with the Corporation of the Town of The Blue Mountains;</li> <li>• A private road established under a Common Elements Condominium in accordance with the <i>Condominium Act</i> shall also be deemed to be</li> </ul>

Exception Number	Zone	Special Provisions
		<p>a Public Street in accordance with the definition of Street, Improved Public or Public Street.</p> <ul style="list-style-type: none"> <li>• For single detached dwellings the minimum lot area shall be 370 square metres and the minimum lot frontage shall be 10.5 metres; and,</li> <li>• For semi-detached dwellings the minimum lot area shall be 235 square metres and the minimum lot frontage shall be 7.62 metres.</li> </ul> <p>The following provisions shall apply to single detached and semi-detached dwellings:</p> <ul style="list-style-type: none"> <li>• The minimum front yard setback shall be 6.0 metres;</li> <li>• The minimum rear yard setback shall be 9.0 metres except where a lot which has a rear lot line which is contiguous to lands zoned Hazard or Private or Public Open Space may have a minimum rear yard setback of 7.5 metres;</li> <li>• The minimum interior side yard shall be 1.5 metres;</li> <li>• The minimum exterior side yard shall be 6.0 metres;</li> <li>• The maximum lot coverage shall be 38%;</li> <li>• The minimum setback from the centre line of a road shall be 16.0 metres;</li> <li>• The maximum height shall be two (2) storeys;</li> <li>• The maximum lot coverage for an accessory structure shall be 8%; and,</li> <li>• The minimum yard setback for an accessory structure shall be except where a common side wall may be centred on the mutual side lot line.</li> </ul> <p>The following shall apply to non-commercial private recreational building or facility:</p> <ul style="list-style-type: none"> <li>• The maximum floor area shall be 930 square metres;</li> <li>• The minimum yard setback shall be 1.0 metres;</li> <li>• The minimum setback from the centre line of a road allowance shall be 30 metres; and,</li> <li>• The maximum height shall be 2 storeys.</li> </ul>
63	H-63 OS-63 R1-4-63 RU-63	<p>These lands may also be used for outdoor recreation uses limited to hiking, cross country skiing, dog sledding, sleigh rides, snowshoeing, parking and a private park. The following other buildings/uses are permitted:</p> <ul style="list-style-type: none"> <li>• a maximum 11 square metre snack bar;</li> <li>• A maximum 750 square metre storage building;</li> <li>• A maximum 85 square metre accessory building to the trails;</li> <li>• A tree-top canopy walk;</li> </ul>

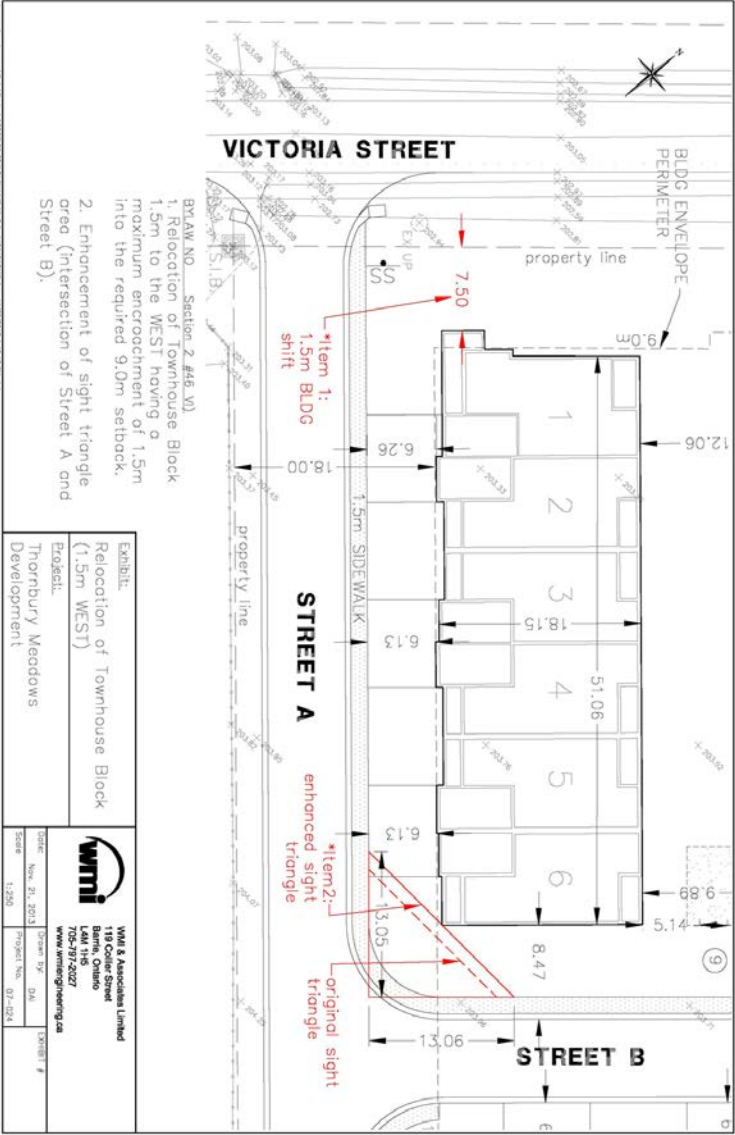
Exception Number	Zone	Special Provisions
		<ul style="list-style-type: none"> <li>• A suspension bridge; and,</li> <li>• A viewing platform with a maximum height of 30.5 metres.</li> </ul> <p>The above-mentioned uses shall only be located on the subject lands in accordance with the building envelopes identified below. (Additional buildings and accessory uses shall only be permitted through an amendment to this By-law.</p>  <p>The map, titled 'Subject Lands', shows a central area bounded by 15th Sideroad A to the north, 12th Sideroad to the south, and Mission Rd to the east. To the west, it is bounded by Claire Glen and Scenic Caves Road. The map includes several building envelopes, each marked with a small square icon. Labels on the map include: 'Storage Building' (two locations), 'Viewing Platform', 'Twin Zip Line, Upper Tower and Upper Storage Building', 'Trail Accessory Building', 'Tree-Top Canopy Walk', 'Twin Zip Line, Lower Tower and Lower Storage Building', and 'Suspension Bridge / Refreshment Stand'. A north arrow is located in the bottom right corner of the map area.</p>

Exception Number	Zone	Special Provisions
64	SA-64	For these lands the maximum floor area within accessory building(s) for a home industry shall be no greater than 400 square metres. No open storage is permitted.
65	R1-1-65	For these lands the minimum front yard setback shall be 6.0 metres.
66	R1-1-66	<p>These lands may only be used for a single detached dwelling and the existing detached garage that existed on the lands on the date of enactment of this By-law. The following provisions shall also apply:</p> <ul style="list-style-type: none"> <li>• The minimum front yard setback is 0.5 metres;</li> <li>• The minimum interior side yard setback is 1.3 metres and 2.0 metres. The 1.3 metre setback applies solely to the lot line approximately 7.0 metres northerly and approximately parallel to the limit of the Craigmere Crescent Road Allowance;</li> <li>• The setback from Centreline of Road Allowance is 10.5 metres;</li> <li>• No yard encroachments shall be permitted save and except for sills, cornices, eaves, gutters and pilasters having a maximum projection from the main wall of 0.45 metres;</li> <li>• The Maximum height of the dwelling shall be 1.5 storeys up to a maximum height of 7.5 metres; and,</li> <li>• A garage may be attached to the single detached dwelling by way of a breezeway structure.</li> </ul>
67	R1-3-67	<p>For these lands the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• The minimum front yard setback shall be 6.0 metres;</li> <li>• The minimum interior side yard setback shall be 1.5 metres on one side and 9.0 metres on the other side;</li> <li>• The minimum exterior side yard setback shall be 6.0 metres; and,</li> <li>• The minimum rear yard setback shall be 2.0 metres.</li> </ul>
68	R1-3-68	<p>For these lands the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• The minimum front yard setback shall be 6.0 metres;</li> <li>• The minimum interior side yard setback shall be 1.5 metres;</li> <li>• The minimum exterior side yard setback shall be 6.0 metres; and,</li> <li>• The minimum rear yard setback shall be 6.0 metres.</li> </ul>
69	R1-3-69	<p>For these lands the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• The minimum front yard setback shall be 6.0 metres;</li> <li>• The minimum interior side yard setback shall be 1.5 metres; and,</li> <li>• The minimum rear yard setback shall be 4.5 metres.</li> </ul>
70	R1-4-70	For these lands the following provisions shall apply:

Exception Number	Zone	Special Provisions
		<ul style="list-style-type: none"> <li>• A maximum of two (2) dwelling units shall be permitted;</li> <li>• The minimum lot frontage requirement shall be 12 metres;</li> <li>• The minimum front yard setback shall be 6.0 metres;</li> <li>• The minimum rear yard setback shall be 7.5 metres;</li> <li>• The minimum interior side yard setback shall be 1.5 metres; and,</li> <li>• The maximum permitted lot coverage shall be 40%.</li> </ul>
71	R2-71	<p>For these lands the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• A maximum of two (2) dwelling units shall be permitted;</li> <li>• The minimum lot frontage requirement shall be 9 metres;</li> <li>• The minimum front yard setback shall be 6.0 metres;</li> <li>• The minimum rear yard setback shall be 7.5 metres;</li> <li>• The minimum interior side yard setback shall be 1.6 metres; and,</li> <li>• The maximum permitted lot coverage shall be 40%.</li> </ul>
72	R2-72	<p>For these lands the following shall apply:</p> <ul style="list-style-type: none"> <li>• A maximum of seven (7) dwelling units shall be permitted;</li> <li>• The minimum lot frontage requirement shall be 6.5 metres;</li> <li>• The minimum front yard setback shall be 6.0 metres;</li> <li>• The minimum rear yard setback shall be 7.5 metres;</li> <li>• The minimum exterior side yard setback shall be 5.0 metres;</li> <li>• The minimum interior side yard setback shall be 4.0 metres;</li> <li>• The maximum permitted height shall be 2 storeys; and,</li> <li>• The maximum permitted lot coverage shall be 40%.</li> </ul>
73	R2-73	<p>In addition to the list of permitted uses and the minimum yard setbacks to the Residential 'R2' Zone and the minimum parking space requirements, the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• A maximum of eighty-six (86) Land Lease Community Homes shall be permitted on these lands;</li> <li>• A minimum of three (3) single detached dwellings shall be provided and have direct driveway access to Napier Street;</li> <li>• A minimum of fourteen (14) semi-detached dwellings shall be provided and have direct driveway access to Napier Street or Victoria Street;</li> <li>• Townhouse dwellings shall not have direct driveway access to Napier Street or Victoria Street;</li> <li>• Buildings and/or structures shall be located within the Building Envelope below.</li> </ul>

Exception Number	Zone	Special Provisions
		<div style="text-align: center; margin-bottom: 10px;">  </div>  <p data-bbox="591 1549 1474 1822">Balconies, canopies, patios, steps, and unenclosed porches may not project outside of the Building Envelope shown below, except that, two (2) unenclosed porches may encroach a maximum of 2.0 metres into the required southerly 18.0 metre setback beyond the Building Envelope and one (1) unenclosed porch attached to the south-westerly townhouse dwelling Block may encroach a maximum of 1.5 metres into the required westerly 9.0 metre setback from Victoria Street beyond the Building Envelope below;</p>



Exception Number	Zone	Special Provisions
		 <p><b>EXHIBIT NO. Section 2 (#46, XI)</b>  1. Relocation of Townhouse Block 1.5m to the WEST having a maximum encroachment of 1.5m into the required 9.0m setback.  2. Enhancement of sight triangle area (Intersection of Street A and Street B).</p> <p><b>Item 1:</b> 1.5m BLDG shift  <b>Item 2:</b> enhanced sight triangle  <b>original sight triangle</b></p> <p><b>WMI &amp; Associates Limited</b>  Planning &amp; Consulting  Barré, Ontario  L4M 1H5  705-97-2027  www.wmi.ca  www.wmi@wmi.ca</p> <p><b>WMI</b>  Order: Nov. 20, 2014  Scale: 1:250  Drawn by: DJL  Project No.: 07-024</p>
74	C1-74	<p>For these lands the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>The main wall of at least one retail building opposite of Arthur Street West shall be located no greater than 14.0 metres from the front lot line;</li> <li>The main wall of all other retail buildings opposite of Arthur Street West shall be located no greater than 68.0 metres from the front lot line;</li> </ul>



Exception Number	Zone	Special Provisions
		<ul style="list-style-type: none"> <li>• The minimum front yard for a Motor Vehicle Gas Bar shall be 12.5 metres;</li> <li>• A maximum of two (2) driveways shall be established on the lot, with a maximum of one (1) driveway provided to each street, being Victoria Street North and Arthur Street West, with a maximum driveway width of 9.0 metres.</li> </ul>
75	R2-75	<p>For these a maximum of 45 townhouse dwelling units are permitted. The following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• The minimum front yard setback shall be 41.4 metres;</li> <li>• The minimum exterior side yard setback shall be 4.4 metres;</li> <li>• The minimum interior side yard setback shall be 4.1 metres; and,</li> <li>• The minimum rear yard setback shall be 7.7 metres.</li> </ul>
76	R2-76-h22	<p>The maximum building height shall be 2.5 storeys. For the purposes of this Exception, a walkout basement shall be counted as the first storey. The minimum yard setback from the King Street lot line shall be 6.0 metres.</p>
77	R2-77	<p>These lands shall only be used for a maximum of twenty-two (22) semi-detached dwellings, two (2) single detached dwellings and buildings, structures and accessory uses to the foregoing permitted uses. The semi-detached dwelling Zone Standards identified in Table 6.2.2 to this By-law shall also apply to single detached dwellings. The following provisions shall apply for all single detached dwellings and semi-detached dwellings on these lands:</p> <ul style="list-style-type: none"> <li>• The minimum front yard setback shall be 7.5 metres;</li> <li>• The minimum interior/exterior side yard setback shall be 7.5 metres;</li> <li>• The minimum rear yard setback shall be 7.5 metres; and,</li> <li>• The maximum permitted height shall be 2 storeys.</li> </ul>
78	C1-78	<p>For these lands the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• The main wall of the retail building opposite Arthur Street West shall be located no greater than 39.0 metres from the front lot line;</li> <li>• The minimum rear yard setback for the retail store building shall be 3.0 metres</li> <li>• The parking space(s) shall be permitted within the front yard of the retail store building, abutting Arthur Street, with a minimum setback of 30.4 metres;</li> <li>• The Minimum lot frontage for a Motor Vehicle Gas Bar shall be 41.3 metres;</li> <li>• The minimum front yard setback for Motor Vehicle Gas Bar (Arthur Street) shall be 11.0 metres; and,</li> </ul>

Exception Number	Zone	Special Provisions
		<ul style="list-style-type: none"> <li>The minimum side yard setback abutting a public street for Motor Vehicle Gas Bar (Elma Street) shall be 4.3 metres.</li> </ul>
79	RU-79	These lands may also be used for outdoor recreation uses save and except for golf courses and tennis courts.
80	R1-1-80	<p>For these lands the following shall apply:</p> <ul style="list-style-type: none"> <li>The minimum front yard setback shall be 8.0 metres;</li> <li>The minimum setback from the Centreline of Road Allowance shall not apply;</li> <li>The minimum easterly interior side yard setback for all buildings and structures shall be 4.0 metres, with no yard encroachments permitted within this yard; and,</li> <li>The zone boundary is the top of the existing revetment, plus a 4.0 metre landward setback.</li> </ul>
81	R1-1-81	<p>For these lands the following shall apply:</p> <ul style="list-style-type: none"> <li>The minimum front yard setback shall be 8.0 metres;</li> <li>The minimum setback from the Centreline of Road Allowance shall not apply;</li> <li>The minimum westerly interior side yard setback for all buildings and structures shall be 4.0 metres, with no yard encroachments permitted within this yard; and,</li> <li>The zone boundary is the top of the existing revetment, plus a 4.0 metre landward setback.</li> </ul>
82	SA-82	These lands may also be used for a veterinary clinic, inclusive of retail sales of products that are associated with the veterinary clinic, as well as buildings, structures and accessory uses that are accessory thereto.
83	R1-1-83	For these lands the minimum westerly yard setback shall be 6.0 metres. No buildings or structures shall be permitted within the westerly yard.
84	R1-1-84	For these lands the minimum easterly yard setback shall be 6.0 metres. No buildings or structures shall be permitted within the easterly yard.
85	A-85	<p>These lands may also be used for a kennel and the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>The maximum floor area shall be 250 square metres;</li> <li>The maximum number of dogs shall be 10;</li> <li>The minimum distance from the front lot line for the building shall be 215 metres; and,</li> <li>The minimum side yard setback shall be 100 metres.</li> </ul>

Exception Number	Zone	Special Provisions
86	R2-86	These lands shall only be used for a maximum of nineteen (19) dwelling units with a maximum height of 2.5 storeys.
87	C2-87	For these lands a restaurant shall not be permitted on these lands.
88	REC1-88	For these lands a base lodge is not permitted. Buildings and structures shall be limited to a maximum floor area of 50 square metres.
89	R1-1-89	A private water pumping station having a maximum size of 60m <sup>2</sup> and located 15m from the top of bank of the stream is also permitted on those lands lying and being in the Town of The Blue Mountains, comprised of Part of Lot 24, Concession 3.
90	R1-1-90	A private unenclosed tennis court including lighting, fencing, landscaping and a maximum 10 square metre accessory structure may be permitted on these lands prior to the main dwelling being constructed on the lands. The private unenclosed tennis court shall be setback a minimum distance of 1.5 metres from the rear lot line and southerly side lot line.
92	PU-92 REC3-92	<p>For these lands the following provisions shall apply:</p> <ul style="list-style-type: none"> <li>• These lands may only be used for a Commercial Recreational Use consisting of a Horse Park and related facilities including grand prix rings, warm up areas, hunter rings, indoor riding arenas, parking, trails, vendor trade areas and eating establishments accessory to a horse show and open space areas;</li> <li>• A Commercial Resort Unit Complex may be permitted with the maximum number of units determined based on a Market Analyses in accordance with the Official Plan, however not to exceed 300 units;</li> <li>• Accessory commercial retail space shall not exceed 1,300 square metres of gross floor area; and,</li> <li>• For the purposes of this Exception, “Commercial Recreational Uses” means open air recreational events such as equestrian and horse show events, rodeos, dog shows, car shows, concerts, festivals, sporting contests and other similar activities and includes the use of existing facilities, buildings and/or spaces for weddings or other social events but shall not include the use of the lands for overnight camping, gaming or gambling uses or adult entertainment establishment uses. In addition, temporary tents for event purposes associated with the “Commercial Recreational Uses” may be erected on the subject lands for a period of not greater than 14 days.</li> </ul>
93	C3-93	This land may only be used for a Commercial Resort Unit Complex, an Administration/Recreation Building containing an eating establishment, and a check-in desk for the administration of off-site Short Term Accommodation and Commercial Resort Units, subject to the provisions of

Exception Number	Zone	Special Provisions
		<p>this exception. In addition and further to the regulations Resort Commercial C3 Zone, the following regulations shall apply:</p> <ul style="list-style-type: none"> <li>• Maximum number of on-site Commercial Resort Units 144;</li> <li>• Minimum number of parking spaces 241;</li> <li>• Maximum floor area for on-site Commercial Resort Units 81 square metres;</li> <li>• Maximum floor area for the Administration/Recreation Building 635 square metres;</li> <li>• Minimum yard setback from the westerly lot line 70 metres;</li> <li>• Maximum number of beds 504;</li> <li>• Maximum floor area for an eating establishment 130 square metres;</li> <li>• Maximum floor area for meeting rooms 187 square metres; and,</li> <li>• Maximum floor area for a Laundry Facility 140 square metres.</li> </ul> <p>The following definitions shall apply to this land only:</p> <p>"Administration/Recreation Building" may include administration offices and facilities, meeting rooms, an eating establishment, and a check-in desk for the administration of off-site Short Term Accommodation and off-site Commercial Resort Units or the use of the general public. The Administration/Recreation Building may also include indoor and outdoor recreational facilities and maintenance facilities for the use of the Commercial Resort Unit Patrons and Guests only.</p> <p>"Bed" is defined as a bed capable of accommodating one (1) person. As an example, a double, queen or king size bed is counted as two beds.</p> <p>"Building Area" shall mean the area comprised of buildings and structures.</p> <p>"Commercial Resort Unit Patrons and Guests" shall mean the owners of the Commercial Resort Units and registered guests residing in accommodations of the Commercial Resort Unit Complex on this land.</p> <p>"Landscaped Open Space" shall mean open space comprised of lawn and ornamental shrubs, flowers and trees and may include space occupied by paths, walks, pedestrian bridges, signs, unenclosed wheelchair lifts or ramps, courts, patios, decks and swimming pools and associated pumphouse facilities, but shall not include parking areas, traffic aisles, driveways or vehicular ramps. All buildings and structures within the Landscape Open Space areas shall comply with applicable yard setback requirements, except that the required setback from a watercourse shall not apply, subject to any required site plan, construction or engineering design approvals in accordance with any other applicable statute, by-law or regulation.</p>


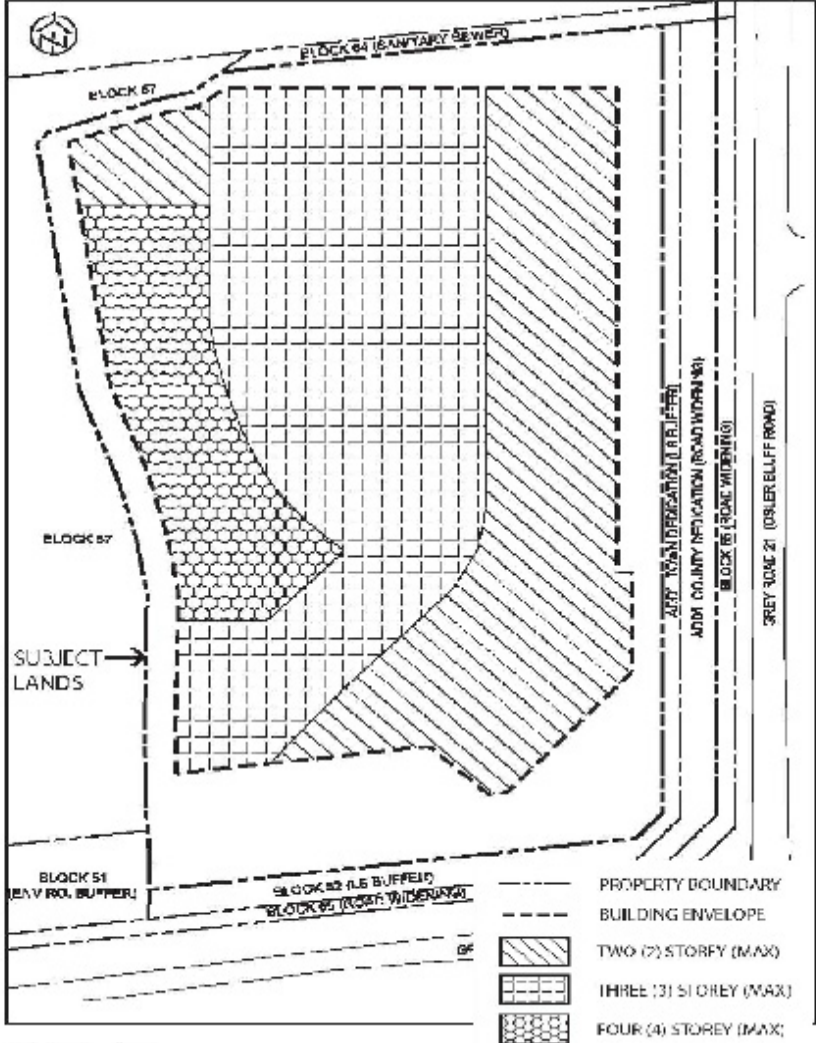

Exception Number	Zone	Special Provisions
		<p>"Laundry Facility" shall include the launder and the transfer of on-site laundry materials as well as the storage and sorting of laundry generated at off-site Short Term Accommodation and Commercial Resort Units. For greater certainty, the Laundry Facility will not be used for the cleaning of laundry generated off-site.</p> <p>"Parking Area" means an area provided for the parking of motor vehicles and may include aisles, parking spaces, and related ingress and egress lanes but shall not include any part of a highway, street, road or lane. Parking Area may include a tennis court structure and garbage collection receptacles which do not obstruct aisles, parking spaces and ingress and egress lanes.</p> <p>No enlargement of the existing buildings and structures are permitted without an amendment to this By-law.</p>
94	C1-94	<p>Notwithstanding any other provision of this By-law, the following shall be permitted: the existing two-storey main building to be located a minimum distance of 1.0 metres from the easterly side lot line and a minimum distance of 6.7 metres from the westerly side lot line; to permit the reduction of the minimum planting strip width for landscaping to 0.0 metres along the easterly and westerly interior side lot lines; to permit the reduction of the minimum parking area setback to 0.0 metres from the existing deck and 0.8 metres for the proposed storage building; to permit the reduction of the minimum parking setback abutting a residential zone to a minimum of 2.0 metres; to permit the reduction of the minimum parking spaces to 3 parking spaces for the event coordination business commercial use and accessory apartment dwelling unit; to permit the existing gravel surface treatment for the parking area and parking spaces; and to permit the construction of a maximum 104.1 square metre footprint area two-storey storage building to be located a minimum distance of 4.7 metres from the easterly side lot line, a minimum distance of 1.2 metres from the westerly side lot line, and a minimum distance of 1.2 metres from the rear lot line on the subject property.</p>
95	R1-1-95	The minimum lot frontage requirement shall be 17.2 metres.
96	I-96	These lands may also be used for a single detached dwelling in accordance with the Residential R1-1 zone provisions.
97	R1-1-97	The minimum rear yard setback shall be 15 metres.
100		
101	R2-101	These lands may be used for a maximum of 12 units

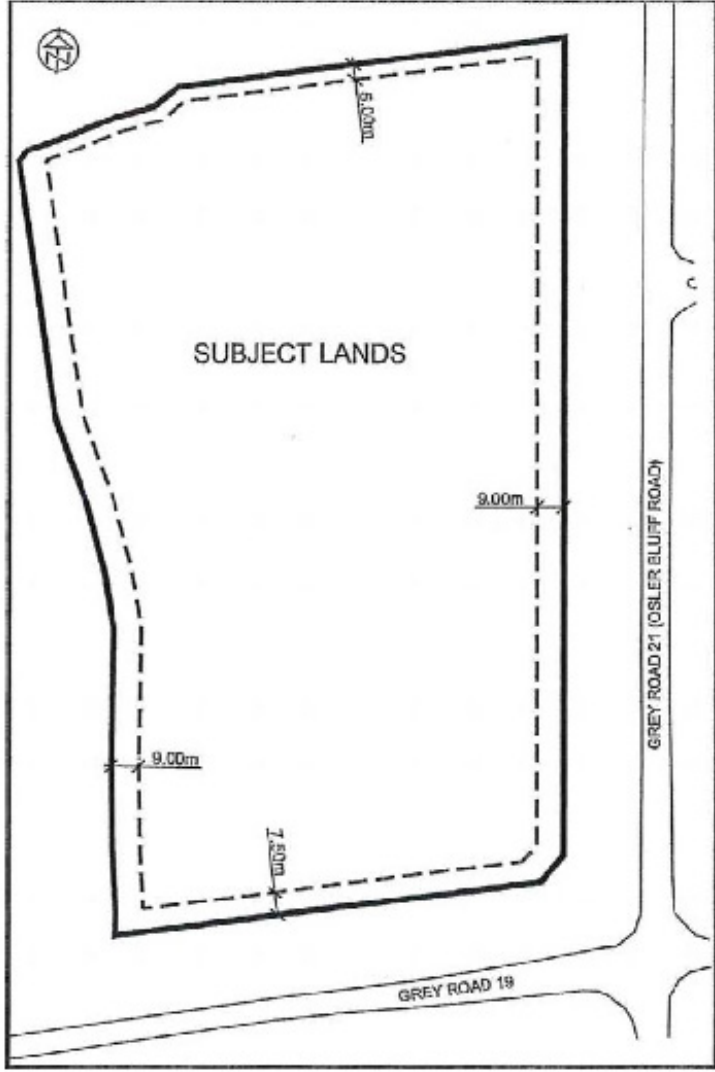
Exception Number	Zone	Special Provisions
102	R1-1-102	The minimum lot frontage shall be 8.0m.
103	R2-103-h27	<p>A maximum of 190 residential units consisting of multi units, townhouse units and semi-detached units shall be permitted on these lands.</p> <p>Notwithstanding the maximum height requirements for the R2 zone, for villa unit buildings a maximum height of three (3) storeys and 11.1m shall be permitted. In the case of a pitched roof on a villa building, the maximum permitted height of 11.1m shall be measured at the midpoint of the pitched roof but in no circumstance shall the peak of the pitched roof be higher than 13.6m.</p>
104	R2-104-h27	A maximum of 4 semi-detached units with a maximum building height of 8.1m shall be permitted on these lands.
105	OS-105	No development or site alteration shall be permitted on these lands.
106	R1-1-106	The minimum interior side yard setback shall be 1.2m.
107	R2-107	A maximum permitted height of three (3) storeys and 11.0m shall be permitted on these lands.
108	OS-108-h28	<p>One single detached dwelling and accessory buildings and structures may be permitted on a lot without frontage on an open and maintained road for those lands located and being in the Town of The Blue Mountains, comprised of Part of Lot 24, Concession 7.</p> <p>A single detached dwelling shall have a maximum height of 1.5 storeys and shall only be located within the building envelope identified on the Schedule.</p>
109	R3-109	<p>The following definitions, list of provisions, list of permitted uses and provisions shall apply to these lands:</p> <ol style="list-style-type: none"> <li>(1) Apartment houses shall be permitted;</li> <li>(2) Uses, buildings and structures accessory to the use permitted in Clause 1 excluding home occupation and home industries shall be permitted;</li> <li>(3) The maximum number of apartment house dwelling units permitted on the subject lands shall be two hundred and thirty units;</li> <li>(4) The front lot line shall be deemed the lot line separating County Road 21 and the subject lands;</li> <li>(5) The minimum yard setback requirements for buildings and/or structures shall be: <ul style="list-style-type: none"> <li>- Front: 9.0m (County Road 21);</li> <li>- Interior Side: 5.0m;</li> <li>- Exterior Side: 7.5m (County Road 19);</li> </ul> </li> </ol>

Exception Number	Zone	Special Provisions
		<ul style="list-style-type: none"> <li>- Rear: 9.0m;</li> <li>(6) Notwithstanding Section 5), Buildings and/or Structures Minimum Yard Setback requirements, all main buildings and amenity buildings shall be located within the Building Envelope depicted on Schedule 'D1'. Parking, Driveways, Loading Spaces, Garbage/Recycling, and other similar facilities and other similar accessory facilities be no closer than 1.8m to any rear or side lot line;</li> <li>(7) The maximum number of apartment house buildings shall be twelve (12);</li> <li>(8) The maximum building heights shall be : two (2) storeys - elevation of highest roof ridge – 11.0m; Three (3) storeys – elevation of highest roof ridge – 13.8m; and Four (4) storeys – elevation of highest roof ridge – 15.9m; and shall be located on the lands as depicted on Schedule 'B1';</li> <li>(9) Parking Space: one and one-half (1.5) parking spaces, inclusive of visitor and accessible parking, for each Apartment House Dwelling Unit;</li> <li>(10) Number of Driveway Entrances: one (1) maximum (County Road 21);</li> <li>(11) Number of Emergency Entrances: One (1) maximum (County Road 19);</li> <li>(12) A private community recreation building and a pool amenity area, complete with an observation and pool change room building and facility pump house, and maintenance building have a combined</li> </ul>

Exception Number	Zone	Special Provisions
		<p>maximum total building gross floor area for all accessory buildings of 500m<sup>2</sup> shall be permitted on these lands;</p> <p>(13) The maximum height of all accessory amenity buildings may not exceed two (2) storeys: Elevation of Highest Roof Ridge – 11.0m;</p> <p>(14)</p> <p>(15) Despite any future severance, partition or division of the subject lands, the provisions of this By-law shall apply to the whole of the subject lands as if no severance, partition or division occurred.</p>



Exception Number	Zone	Special Provisions
		<p style="text-align: center;"><b>Town of The Blue Mountains</b>  Schedule 'B1' - Maximum Building Height  By-law No. _____</p> <p style="text-align: center;"><b>Town of The Blue Mountains</b>  Schedule 'B1' - Maximum Building Height  By-law No. _____</p> <p style="text-align: center;">  </p> <p style="text-align: center;">  </p> <p style="text-align: center;">  </p>

Exception Number	Zone	Special Provisions
		<p style="text-align: center;"><b>Town of The Blue Mountains</b></p> <p style="text-align: center;">Schedule 'D1' – Building Envelope By-law No. _____</p> <div style="text-align: center;">  </div>



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# PART 10.0

## HOLDING PROVISIONS

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### 10.1 HOLDING PROVISIONS

Notwithstanding any other provision in this By-law, where a *Zone* symbol is followed by the letter “-h” and a number – for example RU-h1 no person shall use or permit the *use* of the land to which the letter “-h” applies for any *use* other than the *use* which legally existed on the date the By-law applying the holding provision came into effect until the Hold “-h” is removed in accordance with the provisions of the Holding “-h”, policies of the Official Plan and the Planning Act, as amended.

Council may pass a By-law pursuant to Section 36 of the Planning Act, as amended to remove the Holding “-h” Symbol, thereby placing the lands in the *zone* indicated by the *zone* symbol, when all of the applicable requirements have been met. For the purposes of this By-law, a number of distinct holding provisions have been applied as set out in Section 10.3 for area specific holding provisions and **Table 10.1**, below.

### 10.2 SITE-SPECIFIC OR AREA-SPECIFIC HOLDING PROVISIONS

#### 10.2.1 Holding Provision (h1) – Lands Adjacent to Wetland Zone

The Holding (h1) provision applying to lands within 120.0 metres of the Wetland (W) *Zone* and those lands within 30 metres of Locally Significant Wetlands. The Holding (h1) may be lifted if a Development Permit and/or exemption has been obtained from the Grey Sauble Conservation Authority, Nottawasaga Valley Conservation Authority, an approval has been obtained from the Grey Sauble Conservation Authority or Nottawasaga Valley Conservation Authority, and provided the proposed development will not have a negative impact on the wetland and its associated ecological functions.

Any development application that requires a *building* permit within the area shown as subject to this Hold shall be required to submit this assessment, with the following exceptions:

1. Reconstruction or replacement of existing *dwellings*; and,

2. Additions and alterations to existing  *dwellings* provided that the additions or alterations are not located closer to the feature than the existing dwelling.

### 10.2.2 Holding Provision (h2) – Areas of Natural and Scientific Interest (ANSI – Life Science) and Adjacent Lands

The Holding (h2) provision applying to Areas of Natural and Scientific Interest (ANSI – Life Science) identified in the Official Plan and lands within 50.0 metres of the ANSI – Life Science may be lifted if a Development Permit and/or exemption has been obtained from the Grey Sauble Conservation Authority or its successor, an approval has been obtained from the Grey Sauble Conservation Authority or the Nottawasaga Valley Conservation Authority and provided the proposed development will not have a negative impact on the ANSI and its associated ecological functions.

Any development application that requires a  *building* permit within the area shown as subject to this Hold shall be required to submit this assessment, with the following exceptions:

1. Reconstruction or replacement of existing  *dwellings*; and,
2. Additions and alterations to existing  *dwellings* provided that the additions or alterations are not located closer to the feature than the existing dwelling.

### 10.2.3 Holding Provision (h3) – Landfill Sites

The Holding (h3) provision applying to closed or open landfill sites, as identified in the Official Plan, may be lifted once a study has been prepared by a qualified engineer and submitted for review in accordance with the Ministry of the Environment, Conservation and Parks Guideline D-4, indicating that the lands to be developed are secure from potential methane gas and/or leachate migration from the landfill site or what remedial measures or conditions are required prior to any development approval being granted.

This provision applies to lands within defined assessment areas from the fill area of a closed  *waste disposal site* identified in Environmental Impact Studies prepared in July 2010 for the Thornbury Closed Landfill site and Clarksburg Closed Landfill site. This Hold will be lifted upon receipt of an assessment report prepared by a qualified engineer in accordance with Guideline D-4 (April 1994) of the Province of Ontario or its successor.

Any development application that requires a *building* permit within the area shown as subject to this Hold shall be required to submit this assessment, with the following exceptions:

1. Reconstruction or replacement of existing dwellings;
2. Additions and alterations to existing dwellings; and,
3. Construction of *accessory buildings or structures*.

#### 10.2.4 Holding Provision (h4a and h4b) – Lands Within Source Water Protection Areas

The Holding (-h4a) provision applies to significant drinking water threats within Water Intake Protection Zones / Events Based Areas (EBAs) EBA-50,000 and EBA-100,000. The (-h4a) provision prohibits land uses which include the handling and storage of more than 50,000 litres of fuel and 100,000 litres of fuel. The (-h4a) provision may be lifted once it is determined through a risk assessment under the *Clean Water Act, 2006* is completed demonstrating that the proposed development does not pose a risk to source water areas.

The Holding (-h4b) provision applies to significant drinking water threats within Wellhead Protection Areas (WHPAs). The (-h4b) provision prohibits the following land uses:

- Waste disposal sites within the meaning of Part V of the Environmental Protection Act;
- The establishment, operation or maintenance of a system that collects, stores transmits, treats or disposes of sewage;
- The application of agricultural source material to land;
- The storage of agricultural source material;
- The management of agricultural source material;
- The application of non-agricultural source material to land;
- The handling and storage of non-agricultural source material;
- The application of commercial fertilizer to land;
- The handling and storage of commercial fertilizer;
- The application of pesticide to land;
- The handling and storage of pesticide;
- The application of road salt;
- The handling and storage of road salt;

- The storage of snow;
- The handling and storage of fuel;
- The handling and storage of a dense non-aqueous phase liquid (DNAPL);
- The handling and storage of an organic solvent;
- The management of runoff that contains chemicals used in the de-icing of aircraft;
- The use of land as livestock grazing or pasturing land, an outdoor confinement area or farm-animal yard.

The (-h4b) provision may be lifted once it is determined through a risk assessment under the *Clean Water Act, 2006* is completed demonstrating that the proposed development does not pose a risk to source water areas.

#### 10.2.5 Holding Provision (h5) – Lands Adjacent to a Municipal Waste Water Facility

The Holding (h5) provision applies to land uses and development which may be sensitive to the odours, noise and other contaminants within 100 metres of a municipal wastewater facility (sewage treatment plant). The Holding Provision (h5) may be lifted once it is determined through relevant study to address the current and future impacts and to assess appropriate design, buffering and separation distances in conformity with the Ministry of Environment and Climate Change guidelines to the satisfaction of the County of Grey and Town of The Blue Mountains.

#### 10.2.6 Holding Provision (h6) – Lands Subject to a Future Plan of Subdivision

The Holding (h6) provision applies to lands that have received Zoning Approval and Draft Plan Approval for a future Plan of Subdivision. The Holding Provision (h6) may be lifted upon the following:

- i) Execution of a Subdivision Agreement
- ii) Registration of a Plan of Subdivision.

#### 10.2.7 Holding Provision (h7) – Lands Subject to a Future Site Plan or Plan of Condominium

The Holding (h7) provision applies to lands that have received Zoning Approval and/or Draft Plan Approval for a future Plan of Condominium. The Holding Provision (h7) may be lifted upon the following:

- iii) Execution of a Development Agreement
- iv) Granting of Site Plan Approval or the Registration of a Plan of Condominium.

### 10.3 SITE-SPECIFIC HOLDING PROVISIONS

**Table 10.1 – Site-specific Holding Provisions**

Holding Number	Zone	Conditions for Removal
h8	R1-1-43-h8	<ul style="list-style-type: none"> <li>i. Granting of Site Plan Approval</li> <li>ii. Execution of Development Agreement</li> <li>iii. Identification of a suitable building envelope in consultation with the Grey Sauble Conservation Authority and Niagara Escarpment Commission</li> </ul>
h9	OS-h9	<ul style="list-style-type: none"> <li>i. Completion of a Parks Management Plan</li> </ul>
h10	REC3-92-h10	<p>The holding '-h' symbol shall not be removed from any part of these lands until the following has been completed:</p> <ul style="list-style-type: none"> <li>i. Execution of a Master Development Agreement,</li> <li>ii. Approval by the Grey Sauble Conservation Authority of a watercourse relocation permit and construction thereof in accordance with the regulations under the Conservation Authorities Act,</li> <li>iii. Approval of a Traffic Impact Study by the Town, County of Grey and Ministry of Transportation.</li> </ul> <p>The holding '-h' symbol shall not be removed in parts of these lands until such time as the following has been completed:</p> <ul style="list-style-type: none"> <li>i. Site Plan Approval and the execution of of a Development Agreement</li> <li>ii. Approval of a slope stability study by the Grey Sauble Conservation Authority for any building or structure located on or within 7.5 metres of the ridge identified as a Special Policy Area</li> <li>iii. A market study has been prepared and accepted by the Town that supports the number of Commercial Resort Units being considered under a Site Plan Approval and/or Plan of Condominium.</li> </ul> <p>Prior to the removal of the holding '-h' symbol, one temporary Horse Show event not to exceed three weeks in a calendar</p>



Holding Number	Zone	Conditions for Removal
		year ad with no new permanent buildings or structures may be permitted subject to the granting of Site Plan Approval and the execution of a Site Plan Agreement by the Town.
h11	M3-h11	Execution of a Development Agreement in accordance with the provisions of the Official Plan.
h12	R1-1-h12	Execution of a Development Agreement for the extension of Arlberg Crescent and related works.
h13	R1-1-h13	<ul style="list-style-type: none"> <li>i. Execution of a Development Agreement for the extension of Arlberg Crescent and related works</li> <li>ii. Installation of a public walkway and related works.</li> </ul>
h14	R1-1-59-h14	<ul style="list-style-type: none"> <li>i. Execution of a Master Development Agreement,</li> <li>ii. Execution of Development Agreement,</li> <li>iii. Registration of a Plan of Subdivision.</li> </ul>
h15	C6-59-h15	<ul style="list-style-type: none"> <li>i. Execution of a Master Development Agreement,</li> <li>ii. Granting of Site Plan Approval,</li> <li>iii. Execution of Development Agreement,</li> <li>iv. Completion of a Commercial Market Study supporting the permitted commercial uses in excess of 2,000 square metres of gross floor area,</li> <li>v. Registration of a Plan of Subdivision</li> </ul>
h16	I-59-h16	<ul style="list-style-type: none"> <li>i. Execution of a Master Development Agreement,</li> <li>ii. Granting of Site Plan Approval,</li> <li>iii. Execution of Development Agreement.</li> <li>iv. Registration of a Plan of Subdivision</li> </ul>
h17	REC3-59-h17	<ul style="list-style-type: none"> <li>i. Execution of a Master Development Agreement,</li> <li>ii. Granting of Site Plan Approval,</li> <li>iii. Execution of Development Agreement,</li> <li>iv. Completion of a Parks Management Plan</li> </ul>
h18	OS1-59-h	Completion of a Parks Management Plan
h19	R1-3-62-h19 OS1-62-h19	<ul style="list-style-type: none"> <li>i. Execution of a Master Development Agreement,</li> <li>ii. Execution of a Subdivision Agreement or Site Plan Agreement,</li> <li>iii. Registration of a Plan of Subdivision or Granting of Site Plan Approval.</li> </ul>
h20	R1-1-h20	Completion of a geotechnical evaluation to ensure long term slope stability prior to construction or re-development.

Holding Number	Zone	Conditions for Removal
h21	R2-h21	<ul style="list-style-type: none"> <li>i. Granting of Site Plan Approval,</li> <li>ii. Execution of Development Agreement</li> </ul>
h22	R2-h22	<ul style="list-style-type: none"> <li>i. Execution of Development Agreement,</li> <li>ii. Registration of a Plan of Subdivision,</li> <li>iii. Registration of a Plan of Condominium</li> </ul>
h23	R2-77-h23	<ul style="list-style-type: none"> <li>i. Granting of Site Plan Approval,</li> <li>ii. Execution of Development Agreement,</li> <li>iii. Relocation of watercourse,</li> <li>iv. Completion of a Stormwater Management Plan to the satisfaction of the Grey Sauble Conservation Authority.</li> </ul>
h24	C3-93-h24	Proposed to be removed May 14 COW and May 28 Council.
h25	C2-87-h25	<ul style="list-style-type: none"> <li>i. Granting of Site Plan Approval,</li> <li>ii. Execution of Development Agreement,</li> <li>iii. Completion of a Parking Management Plan.</li> </ul>
h26	R1-1-46-h26	<ul style="list-style-type: none"> <li>i. Registration of a Plan of Subdivision</li> <li>ii. Restoration of the cobble berm and/or flood proofing to the satisfaction of the Town in consultation with the Grey Sauble Conservation Authority</li> </ul>
h27	R2-103-h27; R2-104-h27	<ul style="list-style-type: none"> <li>i. Execution of a Subdivision Agreement;</li> <li>ii. Registration of a Plan of Subdivision;</li> <li>iii. Execution of a Section 37 Agreement</li> </ul> <p>Notwithstanding the above requirements, a maximum of six (6) model homes may be constructed prior to the removal of the 'h' symbol, provided that the owner enters into a model home agreement to the satisfaction of the Town of The Blue Mountains.</p>
h28	OS-108-h28	<ul style="list-style-type: none"> <li>i. Execution of an agreement in accordance with Section D2.3.3 of the Official Plan 2016, as amended.</li> </ul>
h29	R3-109-h29	<ul style="list-style-type: none"> <li>i. The execution of a Site Plan Agreement under Section 41 of the Planning Act;</li> <li>ii. The execution of a Bonusing Agreement under Section 37 of the Planning Act.</li> </ul>
h30	R1-1-h30	<ul style="list-style-type: none"> <li>i. Execution of a Subdivision Agreement</li> <li>ii. Registration of a Plan of Subdivision</li> </ul>

Holding Number	Zone	Conditions for Removal
h31	R1-1-h31	i. Confirmation that a road connection is or is not required between Woodland Park Road and the Subject Lands through an approved Addendum Environmental Assessment.

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# PART 11.0

## TEMPORARY USES

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### 11.1 TEMPORARY USES

Where on Schedule(s) to this By-law, a *zone* symbol is followed by the letter “t”, a number for example RU-t1 -, one or more additional but temporary *uses* are permitted on the lands noted until the permission granted by the site specific Temporary Use By-law expires in accordance with the policies of the Official Plan and Section 39 of the Planning Act, R.S.O. 1990, c.P.13, as amended. **Table 11.1**, below, identifies the Temporary Use *Zones* within the Municipality.

**Table 11.1 – List of Temporary Use Zones**

Temporary Use Number	Zone	Temporary Use Provisions	Date Enacted	Date Expires
t1	D-t1	These lands may also be used as a shelter for cats within the existing dwelling for a temporary period not to exceed three (3) years.	Oct. 16, 2017	Oct. 16, 2020

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PART 12.0  
INTERIM CONTROL BY-LAWS

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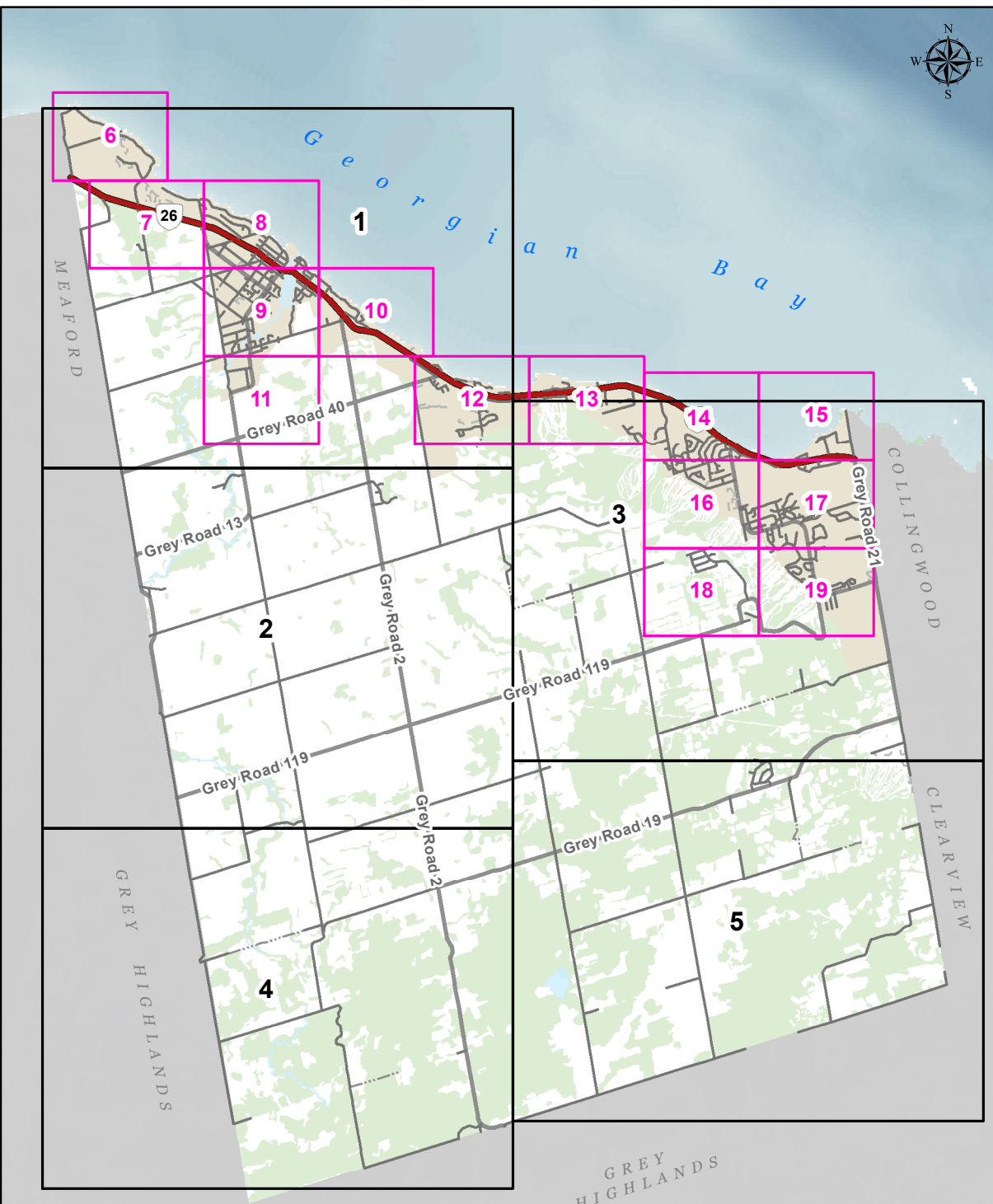
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PART 13.0  
ENACTMENT

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**Legend**

**Zoning h Provision Overlay**

- (h1) Wetland
- (h2) Area of Natural and Scientific Interest (ANSI)
- (h3) Landfill
- (h4a) Source Water Protection
- (h4b) Source Water Protection
- (h5) Sewage Treatment Plant (STP)
- 177.9 GSCA Elevation (100 yr Flood Line)
- NEC Development Control

**DRAFT Zoning**

**Zone**

- Residential One (R1-1)
- Residential One (R1-2)
- Residential One (R1-3)
- Residential One (R1-4)
- Residential One (R1-5)
- Residential Two (R2)
- Residential Three (R3)
- Rural (R)
- Village Commercial (C1)
- General Commercial (C2)
- Resort Commercial (C3)
- Harbour Commercial (C4)
- Blue Mountain Village Commercial (C5)
- Craighleith Village Commercial (C6)
- Rural Commercial (C7)
- Bruce Street / Marsh Street Corridor (BMC)
- Recreation One (REC1)
- Recreation Two (REC2)
- Recreation Three (REC3)
- General Employment (M1)
- Rural Employment (M2)
- Extractive Industrial (M3)
- Development (D)
- Public Utilities (PU)
- Institutional (I)
- Open Space (OS)
- Wetland (WL)
- Hazard (H)
- Parking (P)
- Agricultural (A)
- Special Agricultural (SA)

Rural Pages Urban Pages

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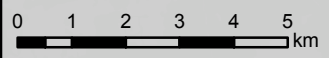
THIS IS NOT A PLAN OF SURVEY.

**Data Sources:**

Town of The Blue Mountains, County of Grey, County of Simcoe and Ontario Ministry of Natural Resources.

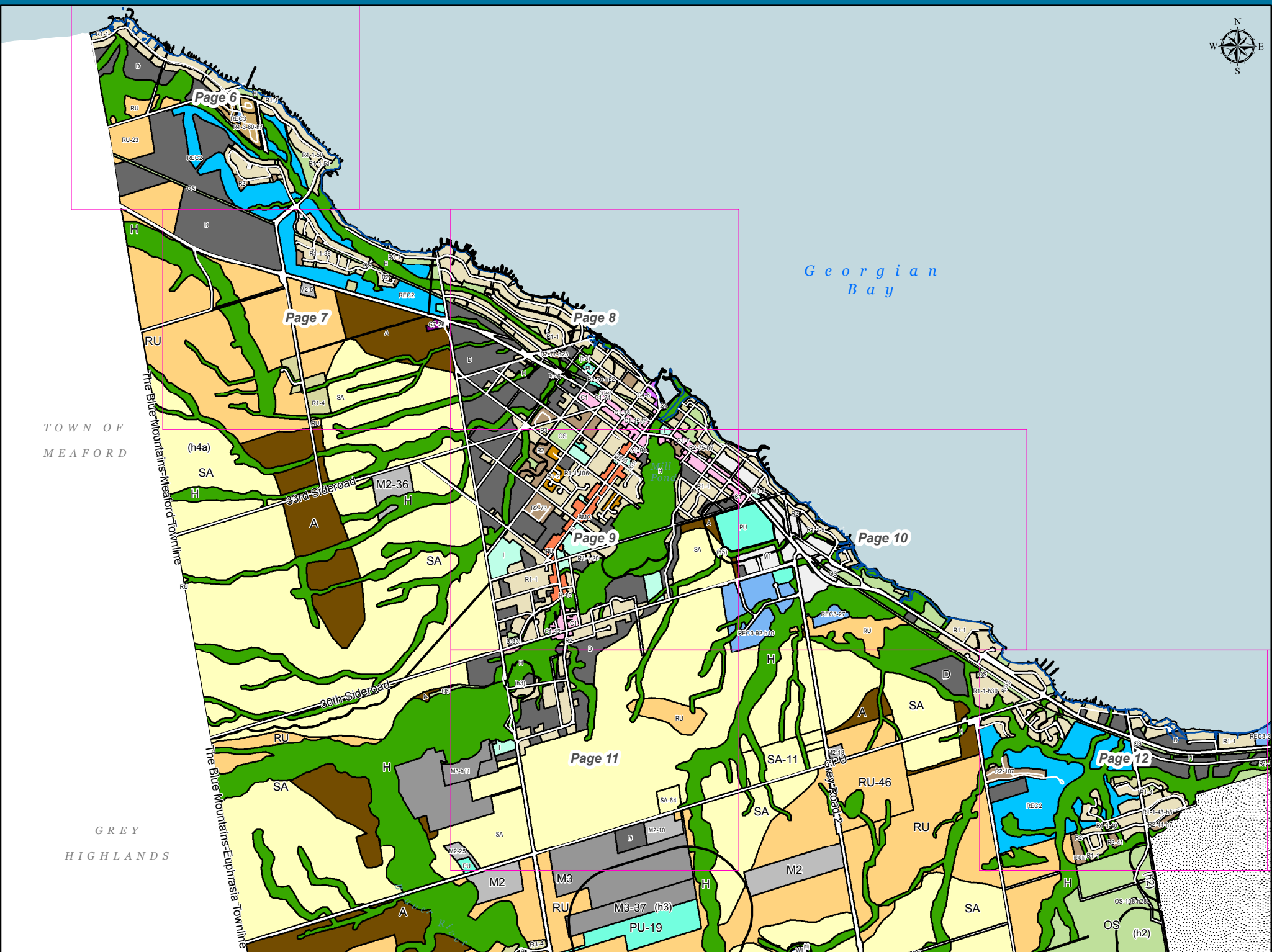
Universal Transverse Mercator Projection, Zone 17

For more information please visit [www.thebluemountains.ca](http://www.thebluemountains.ca)



**Scales:**  
 Rural Pages (1-5): 1:42,000  
 Urban Pages (6-19): 1:10,000

**DRAFT**

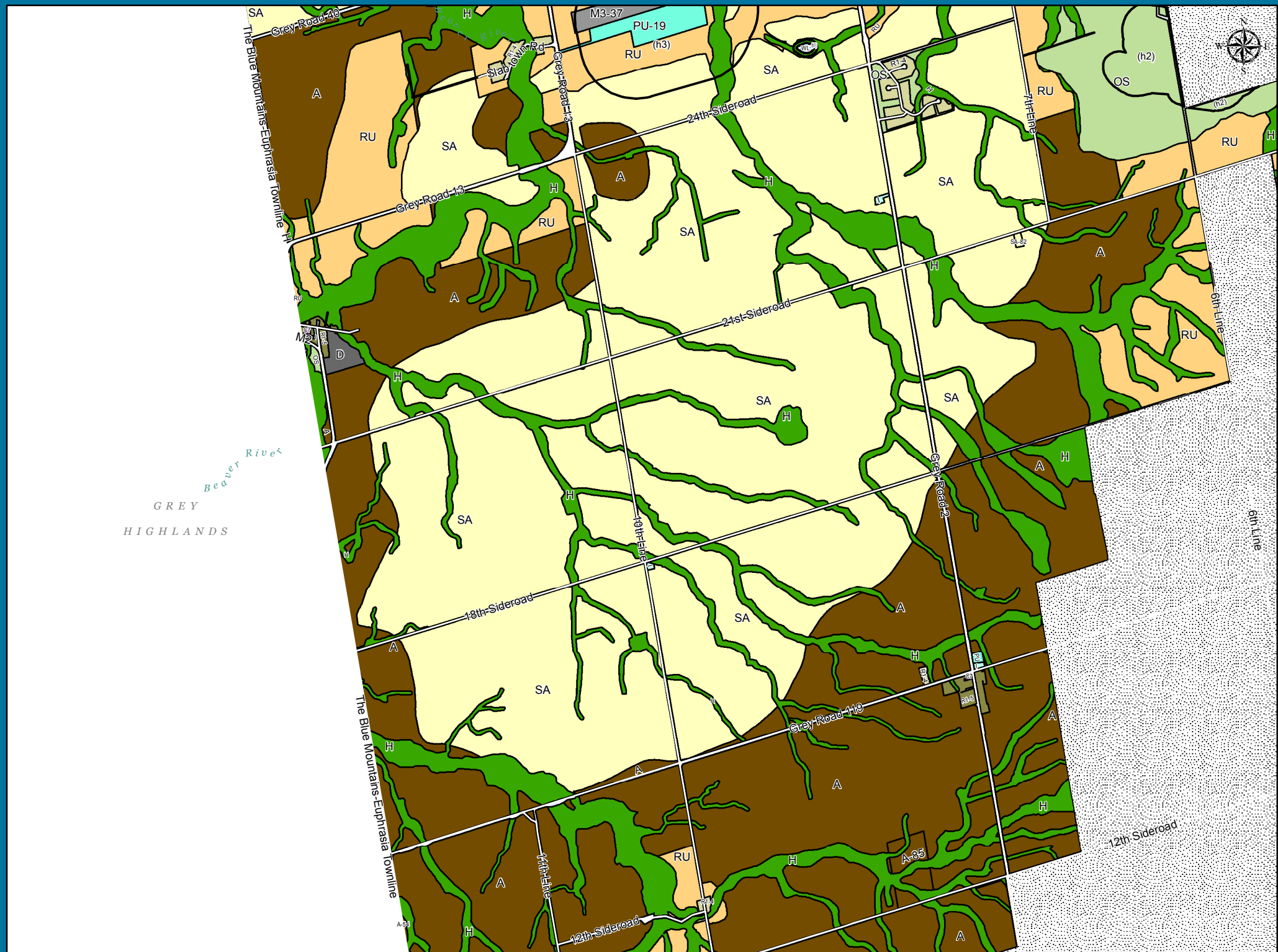


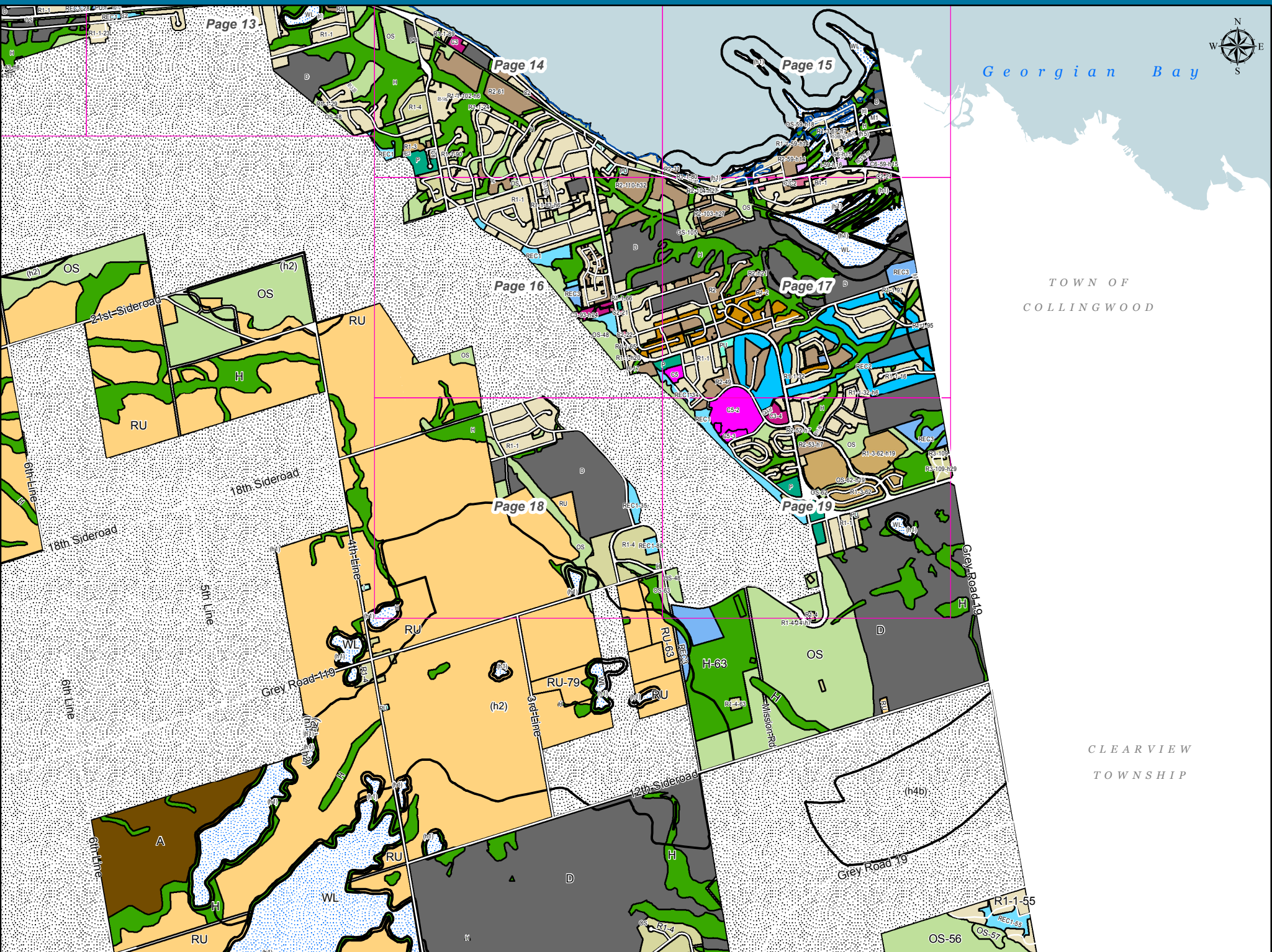
TOWN OF  
MEAFORD

Georgian  
Bay

GREY  
HIGHLANDS







Georgian Bay

TOWN OF  
COLLINGWOOD

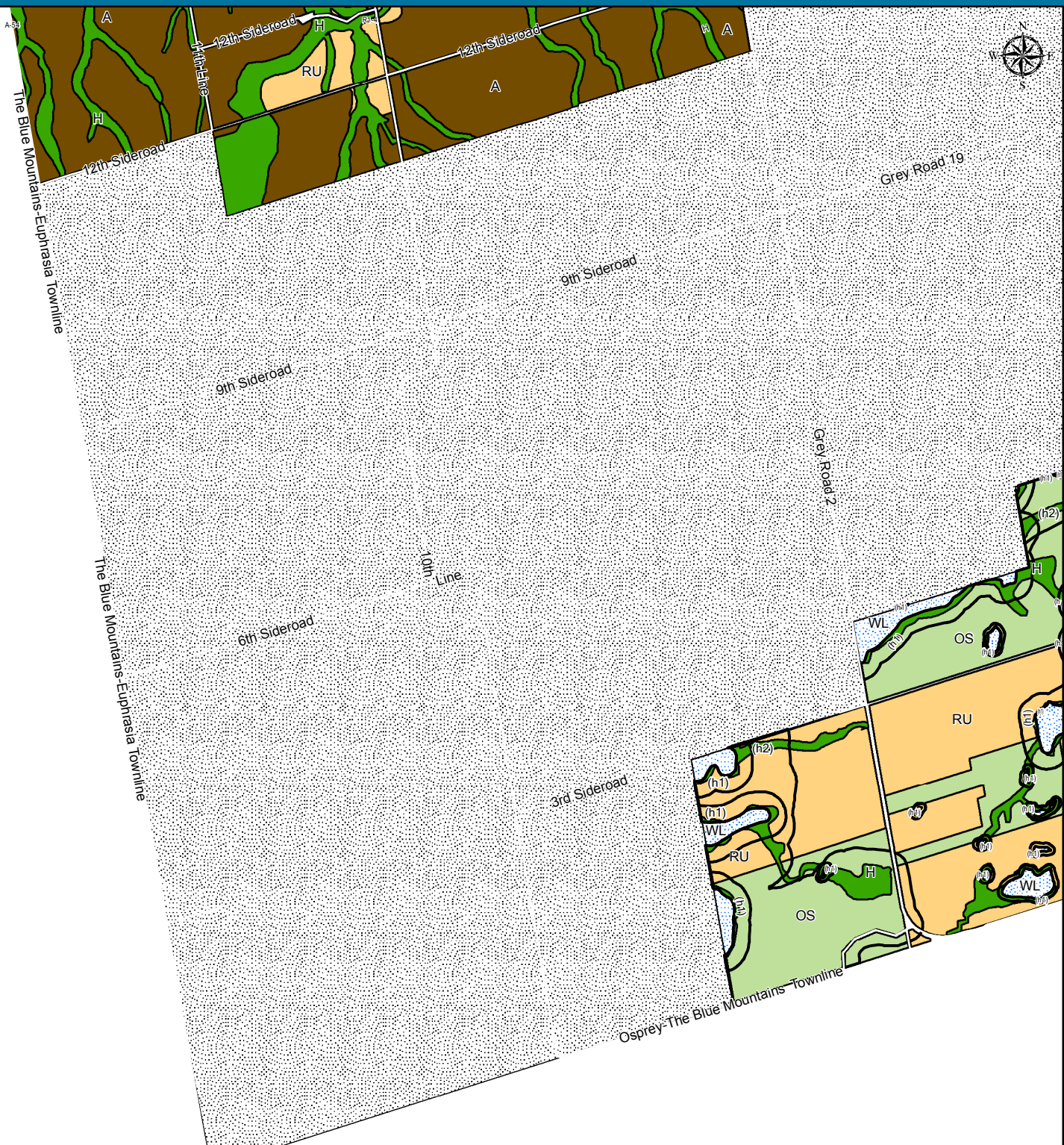
CLEARVIEW  
TOWNSHIP



Beaver River



GREY  
HIGHLANDS





CLEARVIEW  
TOWNSHIP

GREY  
HIGHLANDS





