

## 2.0 GENERAL PROVISIONS

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### 2.1 ABSOLUTE MINIMUM DEVELOPMENT STANDARDS – VACANT LOTS

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Notwithstanding any provisions of this By-law to the contrary, no vacant lot shall be developed or built upon and no new primary uses shall be established, unless it meets all of the following criteria:

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

### 2.2 FRONTAGE ON A PUBLIC STREET

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

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

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

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

An access easement does not constitute frontage.

## 2.3 MUNICIPAL SERVICING REQUIREMENTS

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### 2.3.1 Within Full Municipal Service Areas

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

### 2.3.2 Outside of Full Municipal Service Areas

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

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

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

- wastes, pesticides, waste disposal leachate, waste radioactive prescribed substances, or reactive substances, each as defined in By-law 00-13 A By-law to Control Discharges to the Municipal Sewage Works, as may be amended from time to time; and
- vii) Any other industrial or commercial use where such use would result in any discharge of non-residential quality waste to the sewage collection system.

## 2.4 LEGAL NON-CONFORMING PROVISIONS

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

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

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

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

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

### 2.4.1 Legal Non-conforming Lots

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

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

#### 2.4.1.1 Vacant Legal Non-conforming Lots

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

- a) The lot meets all of the Absolute Minimum Development Standards outlined in Sec. 2.1 and all other provisions of this By-law.

- b) The lot has at least 5 m frontage and is located within a fully-serviced settlement area.
- c) The lot has at least 10 m frontage and is located outside of a fully-serviced settlement area.

A legal non-conforming vacant lot that is within a registered plan of subdivision approved between 1994 and 2009 shall be permitted to contain new uses and new buildings/structures in accordance with the pertinent zone and all other provisions of this By-law.

#### 2.4.1.2 Accessory dwelling units on Legal Non-conforming Lots

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

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

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

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

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

### 2.4.2 Legal Non-conforming Uses

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

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

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

### 2.4.3 Legal Non-conforming Buildings/Structures

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

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

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

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

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

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

- a) The building/structure or portion thereof shall not be reconstructed to exceed its legal non-conforming external dimensions, gross floor area or height.
- b) The reconstruction does not exceed the legal non-conforming footprint of the original building/structure or portion thereof as it existed prior to destruction/demolition.

#### 2.4.4 Alteration of Existing Lots

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

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

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

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

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

#### 2.4.5 Burden of Proof

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

### 2.5 ACCESSORY DWELLING UNITS

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#### 2.5.1 General Provisions for all Accessory Dwelling Units

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

- a) In Residential, Rural and Agricultural Zones, an accessory dwelling unit shall not exceed a habitable living space of 111 m<sup>2</sup>.

- b) A basement, whether finished or unfinished, shall be included in the calculation of habitable living space for the accessory dwelling.
- c) The accessory dwelling unit shall have separate sanitary facilities and kitchen facilities from the principal dwelling unit.
- d) The accessory dwelling unit shall have a means of ingress and egress to the outdoors that is separate from any means of ingress and egress for the principle dwelling unit.
- e) The accessory dwelling unit that is not a detached accessory dwelling unit, shall be an integral part of the single detached dwelling and be designed so as to maintain the general character of the dwelling and surrounding neighbourhood and shall not alter any façade facing a street.
- f) The accessory dwelling unit shall be provided with 1 parking space in accordance with the parking provisions of this By-law.
- g) No accessory dwelling unit shall be located, either wholly or in part, below the flood elevation of the regional storm in the flood plain, unless located in a flood fringes in a two zone area and dry flood-proofing measures are utilized.
- h) A new accessory dwelling unit shall not be permitted unless the Township is satisfied that adequate services exist to support the accessory dwelling unit, or an agreement has been entered into by the owner with the Township to provide such services.

### 2.5.2 Detached Accessory Dwelling Units in Rural & Agricultural Zones

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

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

## 2.6 ACCESSORY BUILDINGS, STRUCTURES AND USES

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

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

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

## 2.6.1 Provisions for Accessory Buildings

2.6.1.1 No accessory building shall be located in the required front or exterior side yard.

2.6.1.2 Other than in an Agricultural or Rural zone, no accessory building shall be located closer to a front lot line or exterior side lot line than the front or exterior side or wall of the primary building.

2.6.1.3 In the Agricultural and Rural zones, where the lot area is less than 2 ha in area, accessory buildings, other than an accessory dwelling unit or farm help accommodation, may be located 1.2 meters from the rear and interior side lot lines provided the accessory building does not exceed one storey in height and 64 square meters in area.

2.6.1.4 In the Agricultural and Rural zones, where the lot area is less than 2 ha in area, accessory buildings shall not exceed 200 square meters in area.

2.6.1.5 In the Agricultural and Rural zones, where the lot area is less than 2 ha in area, agricultural buildings shall not be permitted.

2.6.1.6 In Residential zones, other than an Residential Estate zone, an accessory building may be located 1.2 meters from the rear and interior side lot lines.

2.6.1.7 In Residential Estate zones, an accessory building may be located 1.8 meters from the rear and interior side lot lines.

## 2.6.2 Coverage Calculations for Accessory Buildings & Structures

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

- Accessory buildings over 10 square meters in area
- Above-ground swimming pools and hot tubs that protrude over 1.0 m above the lowest finished grade surrounding the pool.
- Porches.
- Above-ground decks having platforms that protrude more than 0.6 m above lowest finished grade surrounding the structure.

## 2.6.3 Swimming Pools & Hot Tubs

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

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

## 2.7 ENCROACHMENTS INTO REQUIRED YARDS

### 2.7.1

#### General Encroachments

Notwithstanding anything in this By-law to the contrary, the following items may encroach into a required yard as follows:

<b>Feature</b>	<b>Yards in which the Encroachment is Permitted</b>	<b>Minimum Required Setback or Maximum Permitted Projection</b>
Architectural elements (e.g., cornices, sills, cantilevered window bays)	All yards	0.6 m projection into the required yard
Stairs and landings (sized maximum 1.2 m in width and depth) used to access a building or an accessibility ramp	All yards	0.6 m setback from the lot lines
Steps to a porch or deck	Front and exterior side yard	1.5 m projecting into the required yard
Porches and decks having a height less than 2.0 m above the lowest finished grade (at all points around the perimeter of the platform)	Rear yard	3.0 m from the rear lot line
	Interior side yard	0.75 m from the interior side lot line
Roof eaves and balconies higher than 2.0 m above finished grade	All yards	0.75 m setback from lot lines
Unenclosed fire escape and necessary structural supports	All yards	1.2 m projection into the required yard
Mechanical Equipment For single detached, semi-detached, duplex's and townhouses	Front yard	4 m setback from the front lot line
	Exterior side yard	3.0 m from the exterior side lot line
	Interior side yard	1.2 m from the interior side lot line
	Rear yard	3.0 m from the rear lot line
Window or through wall air conditioner	All yards	0.5 m projecting into the required yard



<b>Feature</b>	<b>Yards in which the Encroachment is Permitted</b>	<b>Minimum Required Setback or Maximum Permitted Projection</b>
Overhead utilities, wires or other aerial appurtenances; fences, hedges, landscaping materials; uncovered open terraces or patios; and, ponds, ornaments, flagpoles, children’s play equipment, permitted signs or like landscaping amenities	All yards	No setback required

### 2.7.5 Fencing

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

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

### 2.7.6 Utility Roof Structures

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

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

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

## 2.8 BACKYARD CHICKENS

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

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

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

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

## 2.9 BED & BREAKFAST ESTABLISHMENTS

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

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

- a) Shall clearly be a secondary and incidental use of the lot and principal dwelling.
- b) Shall be conducted entirely within the dwelling except for an associated outdoor amenity area.
- c) Where located within a settlement area, the outdoor amenity area for guests shall be fully screened by a fence or landscaping screen so as to limit disturbance to neighbours.
- d) Where located within a settlement area, the parking area for guests shall be hard surfaced, shall not be located any closer than 3 metres to a neighbouring property, and shall be screened from any adjacent residential use with a landscaping screen or fence.

- e) The parking spaces attributable to a guest use shall be designated for the exclusive use of the guests and shall be so signed.
- f) May include the serving of food to guests but shall not include in-room meal preparation areas for guests, and shall not include serving of meals, as a service, to any party other than the occupants of the guest rooms.
- g) Shall not be an exclusive use of a dwelling, and at least one bedroom shall remain available on a full-time basis for the residents of the dwelling.
- h) Shall be conducted by at least one of the residents of the dwelling unit.
- i) Shall be occupied by the owner or tenant at any times when guest rooms are available to or occupied by the traveling public.
- j) Shall not alter the residential character of the building or neighbourhood as a consequence of alterations to the building associated with, or required for the use, noise, or the frequency of external contact.
- k) Shall not employ more than one employee who is not a resident of the dwelling unit.
- l) Shall not involve the outdoor storage or display and shall have a single sign of no greater than 0.5 metres in surface area.

## 2.10 DWELLING UNITS

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2.10.1 A maximum of one (1) dwelling unit is permitted on a lot, except where specifically permitted otherwise in this By-law.

2.10.2 Dwelling units shall have the following minimum dwelling unit areas:

- a) Single detached dwellings 100m<sup>2</sup>
- b) Semi-detached, linked and duplex dwellings 90m<sup>2</sup>
- c) Townhouse, triplex, fourplex, fiveplex or sixplex dwelling units 80m<sup>2</sup>
- d) All other dwelling units 37m<sup>2</sup> plus 9m<sup>2</sup> per bedroom

## 2.11 GROUP HOMES

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- 2.11.1 A group home shall be located within a single detached dwelling and is permitted within the RS, RS1, RS2, RS3, RU and AG Zones.
- 2.11.2 A group home shall comply with the regulations of the applicable zone.
- 2.11.3 A maximum of one (1) group home is permitted on a lot.
- 2.11.4 The residential appearance and character of the dwelling shall be maintained.

## 2.12 HOME OCCUPATIONS & INDUSTRIES

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### 2.12.1 Home Occupations

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

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

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

- a) Shall clearly be a secondary and incidental to a permitted residential use.
- b) Shall be conducted either entirely within the primary dwelling and/or an attached garage.
- c) Shall be conducted by at least one of the residents of a dwelling unit located on the same lot.
- d) Shall not occupy more than twenty-five percent (25%) of the gross floor area of the dwelling unit and attached garage.
- e) Shall not occupy an area of more than 75 m<sup>2</sup>, including storage areas.
- f) Shall not create a parking nuisance, noise, vibration, fumes, odour, dust, glare, or radiation that is evident outside the building in which the use occurs.
- g) Shall not alter the residential character of the building or neighbourhood as a consequence of alterations to the building

associated with, or required for, the use or the frequency of external contact.

- h) Shall not employ more than one (1) employee who is not a resident of the dwelling unit on the lot.
- i) Shall not involve the outdoor storage or outdoor display of materials or finished products.
- j) Shall not involve the use or storage of hazardous substances in types or quantities exceeding those normally found in a residential use.
- k) Shall not involve the repair or maintenance of small engines, motor vehicles, construction equipment or vehicles, or industrial equipment or vehicles.
- l) Shall not involve an occupation defined in this By-law as an adult entertainment business.
- m) Shall not involve a retail use or provide a retail space except telephone or mail order sales of goods is permitted.
- n) Shall not, other than on lands zoned Agricultural or Rural, require receipt or delivery of merchandise, goods, or equipment by other than intermittent delivery by a passenger motor vehicle or by parcel or letter carrier mail service using motor vehicles typically employed in residential deliveries.
- o) Shall not include or involve any outdoor storage, display or retail sales.

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

### 2.12.2 Home Industries

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

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

- a) Shall clearly be secondary and incidental to a permitted residential use.
- b) Shall be conducted either entirely within a primary dwelling or an accessory building thereto.
- c) Shall be conducted by at least one of the residents of a dwelling unit located on the same lot.
- d) Shall not occupy more than twenty-five percent (25%) of the gross floor area of the dwelling unit, more than 50 percent of the gross

floor area of a detached accessory building, located within a detached accessory building.

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

## **2.13 LANDSCAPING REQUIREMENTS**

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### **2.13.1 General Landscaping Requirements**

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

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

### **2.13.2 Landscaping Screen Required**

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

- a) Where a commercial or industrial use or zone abuts a residential use or zone.
- b) Where a parking area contains 4 or more required spaces and abuts a residential use or zone.

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

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

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

### 2.13.3 Screening of Dumpsters

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

## 2.14 PARKING AND LOADING REQUIREMENTS

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### 2.14.1 GENERAL PARKING AND LOADING PROVISIONS

#### 2.14.1.1 Calculations Resulting in a Fraction

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

#### 2.14.1.2 Use of Required Spaces

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

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

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

#### 2.14.1.3 Multiple Uses

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

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

#### 2.14.1.4 Existing Insufficient Spaces & Snow Storage

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

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

#### 2.14.2 Number of Regular Spaces Required

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

##### 2.14.2.1 Residential Uses

Dwelling Unit	2 spaces
Accessory dwelling unit	1 space
Bed and Breakfast Establishment	1 additional parking space per guest room

##### 2.14.2.2 Non-residential Uses

All commercial and industrial uses shall have:

<b>Use</b>	<b>Parking Ratio</b>
Adult Entertainment	4 parking spaces plus 1 space per 2 seats or 1 space per 5 m <sup>2</sup> of gross floor area for uses not requiring seating
Art Gallery	1 parking space per 20 m <sup>2</sup> of gross floor area
Assembly Hall	1 parking space per 3 occupants
Banquet Hall	1 parking space per 5 occupants
Bowling Alley	3 parking spaces for each bowling lane
Building Supply Outlet	1 parking space per 45 m <sup>2</sup> of gross floor area
Business and Professional Office	1 parking space per 10 m <sup>2</sup> of gross floor area
Commercial Greenhouse	1 parking space per 45 m <sup>2</sup> of gross floor area



Commercial School	3 parking spaces plus 1.25 additional parking spaces for every classroom
Commercial Self-storage Facility	1 parking space per 500 m <sup>2</sup> of gross floor area
Community Centre	1 parking space per 5 m <sup>2</sup> of gross floor area
Contractor's Yard	1 parking space per 45 m <sup>2</sup> of gross floor area
Curling Rink	4 parking spaces for each curling sheet
Custom Workshop	1 parking space per 45 m <sup>2</sup> of gross floor area
Data Processing Centre	1 parking space per 10 m <sup>2</sup> of gross floor area
Day Care Centre	2 parking spaces per classroom
Dry Cleaning Distribution Depot	1 parking space per 20 m <sup>2</sup> of gross floor area
Dry Cleaning Establishment	1 parking space per 20 m <sup>2</sup> of gross floor area
Equipment Sales and Rentals	1 parking space per 20 m <sup>2</sup> of gross floor area
Farm Implement Dealer	1 parking space per 20 m <sup>2</sup> of gross floor area
Farmers' Market	3 parking spaces per stall or booth
Financial Institution	1 parking space per 10 m <sup>2</sup> of gross floor area
Fitness Centre	1 parking space per 10 m <sup>2</sup> of gross floor area
Funeral Home	1 parking space per 10 m <sup>2</sup> of gross floor area accessible to the public
Golf Course	24 parking spaces per nine holes
Golf Driving Range	2 spaces plus 1 parking space per tee
Hotel	2 spaces plus 1 parking space per room
Industrial Use	2 spaces plus 1 parking space per 45 m <sup>2</sup> of gross floor area for the first 3,001 m <sup>2</sup> and then 1 parking space per 100 m <sup>2</sup> for the remaining gross floor area
Laundromat	1 parking space per 20 m <sup>2</sup> of gross floor area
Library	1 parking space per 20 m <sup>2</sup> of gross floor area
Medical Clinic	4 parking spaces per practitioner
Motel	2 spaces plus 1 parking space per room
Motor Vehicle Body Shop	1 parking space per 45 m <sup>2</sup> of gross floor area
Motor Vehicle Repair Establishment	1 parking space per 45 m <sup>2</sup> of gross floor area
Museum	1 parking space per 20 m <sup>2</sup> of gross floor area
Nursing or Assisted Care Facility	0.5 staff parking spaces for every 3 residents of the facility plus 0.5 visitor parking spaces for every 3 residents
Personal Service Shop	1 parking space per 10 m <sup>2</sup> of gross floor area
Place of Entertainment	1 parking space per 10 m <sup>2</sup> of gross floor area
Places of Worship	1 parking space for every 4 persons seating capacity in the primary assembly area and 1 space per office and additional parking spaces for any other use as listed as relevant uses (e.g. if a classroom is provided the provision of 1.25 spaces per classroom for a school use should be utilized)
Printing Establishment	1 parking space per 45 m <sup>2</sup> of gross floor area
Private Club	1 parking space per 10 m <sup>2</sup> of gross floor area
Recycling Establishment	1 parking space per 45 m <sup>2</sup> of gross floor area
Research Laboratory	1 parking space per 45 m <sup>2</sup> of gross floor area
Restaurant	1 space per 3 seats

Restaurant, Take Out and Drive Through	5 parking spaces per 20 m <sup>2</sup> of gross floor area
Retail Store	1 space plus 1 parking space per 20 m <sup>2</sup> of gross floor area
Retirement Home	1 space per unit plus 0.5 visitor parking spaces for every 3 units
Saw Mill or Planing Mill	1 parking space per 45 m <sup>2</sup> of gross floor area
School	3 spaces plus 1.25 parking spaces per classroom for elementary schools; 3 spaces plus 4.25 parking spaces per classroom for secondary schools
Service Shop	1 parking space per 20 m <sup>2</sup> of gross floor area
Theatre	1 parking space per 3 seats
Timeshare Establishment	1.5 parking spaces per timeshare unit
Transportation Terminal	1 parking space per 100 m <sup>2</sup> of gross floor area for the first 5,000 m <sup>2</sup> and then 1 parking space per 200 m <sup>2</sup> of gross floor area for any remaining gross floor area
Veterinary Clinic	3 parking spaces per practitioner
Warehouse	1 parking space per 100 m <sup>2</sup> of gross floor area for the first 5,000 m <sup>2</sup> and then 1 parking space per 200 m <sup>2</sup> of gross floor area for any remaining gross floor area
All other uses unless specified	1 parking space per 10 m <sup>2</sup> of gross floor area

### 2.14.3 Number of Barrier-free Spaces Required

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

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

#### 2.14.4 Number of Loading Spaces Required

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

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

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

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

### 2.15 DESIGN OF PARKING AREAS & DRIVEWAYS

The following design criteria shall apply to all parking areas.

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

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

## 2.15.2 Number of Driveways Permitted

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

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

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

## 2.15.3 Permitted Locations of Driveways

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

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

## 2.15.4 Permitted Locations for Parking Areas

All parking areas shall be setback a minimum of 1.0 m from interior side and rear lot lines in all zones.

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

- a) Not be located on the landscaped open space portion of a front yard and/or side yard.
- b) For single detached, semi-detached and duplex dwellings, not be wider than 40% of the lot frontage, as defined, and not more than 45% of the coverage of the total area of the front yard.
- c) For townhouse dwellings, not be wider than 50% of the frontage of the townhouse dwelling and not more than 50% of the coverage of the total area of the front yard.
- d) Shall not exceed a width of 9 meters at any point.

## 2.15.5 Permitted Locations for Loading Spaces

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

Loading spaces shall be setback a minimum distance of 10.0 metres from any residential zone boundary or a residential use lot line, other than residential uses that are located within a commercial or industrial building or that require the provision of a loading space.

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

### 2.15.6 Requirement for Parking Area Finishing

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

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

#### 2.15.6.1 Parking Areas within Settlement Areas

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

#### 2.15.6.2 Parking Areas outside of Settlement Areas

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

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

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

### 2.15.7 Parking Area Snow Storage

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

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

### 2.15.8 Illumination of Parking Areas

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

## 2.16 PARKING PROVIDED ON ADJACENT LOTS

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

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

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

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

## 2.17 HISTORIC DOWNTOWN PARKING & LOADING EXCEPTIONS

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

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

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

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

## 2.18 SHARED PARKING FACILITIES FOR INSTITUTIONAL FACILITIES

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

## 2.19 SHARED ENTRY REGISTERED ON TITLE

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

## 2.20 SIGHT TRIANGLES

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The following items are prohibited within a designated sight triangle:

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

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

## 2.21 QUEUING REQUIREMENTS

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

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

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

## 2.22 VEHICLE PARKING STANDARDS

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

### 2.22.1 General Vehicle Parking Standards

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

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

### 2.22.2 Commercial Vehicle Parking Standards

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

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

### 2.22.3 Recreational Vehicle Parking Standards

A maximum of two (2) recreational vehicles are permitted to be parked outside on a lot as an accessory to a residential use, provided the



recreational vehicles are licensed, operable and are owned by an occupant of the dwelling unit.

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

#### 2.22.4 Personal Vehicle Parking Standards

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

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

### 2.23 MINIMUM DISTANCE SEPARATION

---

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

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

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

### 2.24 OUTDOOR DISPLAY AND SALES

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

An area devoted to outdoor display and sales shall:

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

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

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

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

## 2.25 OUTDOOR STORAGE

---

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

An area devoted to outdoor storage shall:

- a) Not be located closer to a front or exterior side lot line than the front or exterior side wall of a primary building on the lot.
- b) Meet all provisions of the pertinent zone, including setbacks, height and lot coverage.

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

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

In addition to the provisions of this section, where outdoor storage involves permitted moving containers, the containers shall not be stacked.

## 2.26 RESTAURANT PATIO PROVISIONS

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

- a) A restaurant patio shall not exceed thirty five percent (35%) of the gross floor area of the restaurant to which it is accessory.
- b) A restaurant patio abutting or within 3.0 m of a public right-of-way shall have a floor or deck area no greater than 1.0 m above ground level.
- c) No additional parking is required for a temporary or seasonal patio with 12 seats or less.
- d) A restaurant patio shall be setback 10 m from a residential zone and any ground floor residential use.

## 2.27 RENEWABLE ENERGY FACILITIES

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

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

subject to the provisions applying to accessory structures including applicable general provisions and zone provisions.

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

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

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

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

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

- a) The adoption of a comprehensive amendment to this By-law;
- b) Minimum setback from an on-site dwelling shall be equal to the height of facility;
- c) Minimum setback from an off-site dwelling, institutional use, recreational building, or campground or trailer park shall be the height of the facility plus 350 metres;
- d) Minimum setback from an Environmental Protection Area shall be equal to the height of the facility;
- e) Minimum setback from a street shall be equal to the height of the facility; and,
- f) Minimum lot area shall be 20 ha.

## 2.28 SETBACK FROM SLOPES

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

## 2.29 SETBACK FROM A RAILWAY

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

## 2.30 SETBACK FROM A COUNTY ROAD OR PROVINCIAL HIGHWAY

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### 2.30.1 County Roads

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

### 2.30.2 Provincial Highways

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

## 2.31 TEMPORARY USES

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

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

Notwithstanding the permitted uses of this By-law, the temporary provision of a model home or residential sales office is permitted on the draft plan lands regardless of the zone, as long as the owner has entered into an agreement with the Municipality. Each model home and/or sales office shall provide a minimum of four (4) parking spaces.

Nothing in this By-law shall prevent the temporary storage of a moving container accessory to a residential use for the purpose of moving services for a period not exceeding 5 days in any 10-consecutive month period.

## 2.32 YARD AND GARAGE SALES & AUCTIONS

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

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

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

## 2.33 PUBLIC AND RECREATIONAL USES

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

2.33.2 Where the public use involves a building, the building shall be subject to the applicable general and zone provisions of this By-law.

## 2.34 USES PERMITTED IN ALL ZONES

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Uses permitted in all zones include:

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

Where the use involves a building, the building shall be subject to the applicable general and zone provisions of this By-law.

## 2.35 USES PROHIBITED IN ALL ZONES

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

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

- a) Any use that is not specifically defined and listed in the permitted uses of a zone or permitted by the General Provisions of this By-law shall not be permitted in that zone.
- b) Hotels, inns, motels, and recreational vehicles used as a permanent residence.
- c) Short-term accommodation uses.
- d) The use of any recreational vehicle for human habitation, except where such vehicle is located in a permitted camping establishment, trailer park, or mobile home park where habitation is temporary or seasonal in nature.
- e) The use of any structure, vehicle, shipping container, moving container, or street or rail car for storage or human habitation.
- f) The use of any accessory building for human habitation, except where specifically permitted.
- g) The use of any shipping container, street or rail car.
- h) The use of any portable structure or vehicle for vending of merchandise or food except in accordance with By-law 14-42 or its successors.
- i) The outdoor storage of vehicles or parts of vehicles other than in a permitted wrecking or scrap yard.
- j) Outdoor furnaces in a Residential Zone or within 30 metres of the lot line of a lot containing a Residential Zone or residential use.
- k) Noxious uses.
- l) Tracks, parks, or other areas developed for the racing, jumping or running of vehicles unless specifically permitted by this By-law. This is not intended to interfere with any lawful use of a public road or highway, or enjoyment of private property by the owners or tenants of such property or the use of an organized trail approved by the Township.
- m) The manufacturing, refining, rendering, bulk storage or distillation of fertilizers, oil, glue from organic sources, acids, ammonia, chlorine, coal, creosote, explosives, petroleum, tar, fireworks, ammunition, glue, petroleum, tar, or other hazardous materials unless specifically permitted as a use in this By-law or stored for sale in direct association with a permitted use in the Zone and on the property on which the permitted use occurs.
- n) The bulk storage of industrial chemicals and the storage of radioactive, hazardous waste, hazardous biological waste, or liquid industrial waste unless specifically permitted by this By-law or stored for sale in direct association with a permitted use in the Zone and on the property on which the permitted use occurs.

- o) The manufacturing or bulk storage of combustible, explosive, inflammable, or dangerous liquids, gases, or materials unless specifically permitted as a use in this By-law or stored for sale in direct association with a permitted use in the Zone and on the property on which the permitted use occurs.
- p) Rendering of fats or animal products, a tannery, or an abattoir unless specifically permitted.