

**The Corporation of the
City of Kawartha Lakes**

Oak Ridges Moraine Zoning By-law

By-law No. 2005-133

Passed by Council on March 28, 2006

Approved and Modified by the Minister of Municipal Affairs and Housing on August 8, 2007

**OFFICE CONSOLIDATION
May, 2010**

**DEVELOPMENT SERVICES – PLANNING DIVISION
CITY OF KAWARTHA LAKES**

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THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW NO. 2005-133

BEING A BY-LAW TO ADOPT A NEW COMPREHENSIVE ZONING BY-LAW FOR THE PORTION OF THE CITY OF KAWARTHA LAKES WITHIN THE OAK RIDGES MORaine CONSERVATION PLAN AREA PURSUANT TO SECTION 34 OF THE PLANNING ACT, R.S.O. 1990, C.P. 13, AS AMENDED, SECTIONS 9 AND 10 OF THE OAK RIDGES MORaine CONSERVATION ACT, 2001, AND TO PROVIDE PENALTIES FOR ITS CONTRAVENTION PURSUANT TO SECTION 67 OF THE PLANNING ACT, R.S.O. 1990, C.P. 13, AS AMENDED.

WHEREAS the Council of the Corporation of the City of Kawartha Lakes deems it expedient to repeal the portion of the geographic Township of Manvers Zoning By-law 87-06 within the Oak Ridges Moraine Conservation Plan Area;

AND WHEREAS the Amendment No. 104 to the Official Plan of the County of Victoria as adopted by Council on September 20, 2004 and approved and modified by the Minister of Municipal Affairs and Housing on May 11, 2005 which brought the Victoria County Official Plan into conformity with the Oak Ridges Moraine Conservation Plan.

NOW THEREFORE the Council of the City of Kawartha Lakes hereby enacts as follows:

- a) That the Zoning Regulations, Provisions and Schedules attached to and forming part of this By-law, are hereby adopted pursuant to Section 34 of the Planning Act, R.S.O. 1990, C.P. 13, as amended, and Sections 9 and 10 of the Oak Ridges Moraine Conservation Act, 2001, and may be cited as the "Oak Ridges Moraine Zoning By-law of the City of Kawartha Lakes".
- b) That Zoning By-law 87-06 of the geographic Township of Manvers is repealed as it applies to the area shown on Schedules A and B of By-law 2005-133.
- c) That subject to the approval of the Minister of Municipal Affairs and Housing this By-law shall come into force as of the day it is passed.

READ a first and second time this 7th day of June, 2005.

"Barbara A. Kelly"
Mayor

"Judy Currins"
Clerk

READ a third time and finally passed this 28th day of March, 2006.

"Barbara A. Kelly"
Mayor

"Judy Currins"
Clerk

Section 1

Title and Interpretation

1.1 TITLE

This By-law shall be known as the “Oak Ridges Moraine Zoning By-law” of the Corporation of the City of Kawartha Lakes.

1.2 APPLICATION

The provisions of this By-law shall apply to all those lands lying within the Oak Ridges Moraine Conservation Plan Area as shown on Schedule A.

1.3 INTERPRETATION OF WORDS

In this By-law:

- a) The word “shall” is mandatory.
- b) Words used in the present tense include the future tense, and the converse.
- c) Words used in the plural number include the singular number, and the converse.
- d) Unless the text requires otherwise:
 - i) The word “used” shall include “designed to be used”, “arranged to be used”, and “intended to be used”.
 - ii) The word “occupied” shall include “designed to be occupied”, “arranged to be occupied”, and “intended to be occupied”.
 - iii) The use of masculine gender shall include females as well as males and the converse.

1.4 REFERENCE TO STATUTES AND AGENCIES

Any reference to any statute within the body of this By-law shall be deemed to refer to the statutes contained in the Revised Statutes of Ontario, 1990, as amended from time to time and shall be deemed to include any Successor Statute thereof. Any reference to an agency by name shall be deemed to include any Successor thereof.

1.5 SCHEDULES TO THE BY-LAW

The following Schedules together with notations and references thereon, are included in, and form part of, this By-law:

Schedules A, B, C, D, E and F.

1.6 REDUCTION OF YARDS TO NON-COMPLIANCE

No lot shall be reduced in area by the conveyance, mortgage or other alienation of a part thereof so that any remaining yard or other open space is less than that required by this By-law. If any such reduction occurs, such lot and any building or structure thereon shall not thereafter be used by any person unless and until the said yard or requirements of this By-law are complied with.

1.7 DEFINITIONS

For the purposes of this By-law, the definitions and interpretations given herein shall govern. The presence of definitions of various uses contained in this By-law does not necessarily mean the use is permitted within the Corporation unless specifically listed as a permitted use in a Zone or Zones or within a General Provision.

1.8 MEASUREMENTS

The metric system of measurement shall be the only standard to be applied in this By-law.

1.9 ABBREVIATIONS

The following abbreviations, where used in this By-law, shall have the same meaning as if the word were printed in full:

du	dwelling unit
ha	hectare
square metres	square metre
m	metre
min.	minimum
max.	maximum
g.f.a.	gross floor area
glfa	gross leasable floor area
F.A.R.	floor area ratio
C.G.S.	Canada Geodetics Survey Datum

1.10 COMPLIANCE WITH OTHER LAWS

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a Federal, Provincial, County or governmental authority having jurisdiction to impose such restrictions.

Section 2 Administration

2.1 CONFORMITY REQUIREMENTS

No permit for the use of land or for the erection or use of any building or structure and no certificate of occupancy or approval of application for any municipal license within the jurisdiction of the Council shall be issued or given where the proposed building, structure or use is in violation of any provisions of this By-law.

Further, no person shall sever any lands from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building, structure or lot to be in contravention of this By-law.

2.2 COMPLIANCE WITH OTHER BY-LAWS

Nothing in this By-law shall relieve any person from the obligation to comply with the requirements of any other By-law of the municipality or the obligation to obtain any other license, permit, authority or approval lawfully required by a government authority having jurisdiction to make such restrictions.

In the event of any conflict between this By-law, or any amendment to this By-law and the requirements of any other By-law, the more restrictive or the By-law imposing the higher standards shall govern and apply unless the contents clearly requires otherwise.

2.3 PERSON DESIGNATED TO ADMINISTER BY-LAW

This By-law shall be administered and enforced by said person or persons as shall be appointed from time to time by By-law of the Corporation as the “By-law Enforcement Officer”.

2.4 INSPECTION OF PREMISES

Where a By-law Enforcement Officer, believes, on reasonable grounds, that this By-law is being contravened, the By-law Enforcement Officer or any person acting under his or her instructions may, upon producing proper identification, enter and inspect any property on or in respect of which he or she believes the contravention is occurring.

2.5 PENALTIES

Any person or corporation convicted of a breach of any provision of this By-law shall be subjected to such penalties or orders provided for in Section 67 of the Planning Act, R.S.O., 1990, as amended. Such penalties shall include:

- a) On a first conviction to a fine of not more than \$25,000; and
- b) On a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof on which the contravention has continued after the day on which the person was first convicted.

Where a corporation is convicted, the maximum penalty that may be imposed is:

- c) On a first conviction a fine of not more than \$50,000; and
- d) On a subsequent conviction to a fine of not more than \$25,000 for each day or part thereof on which the contravention has continued after the day on which the corporation was first convicted.
- e) Where a conviction is entered in respect of any contravention of this By-law, in addition to any other remedy or any penalty provided by this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person or corporation.

2.6 VALIDITY

Should any section or clause or provision of this By-law be declared by a court or competent jurisdiction to be invalid, the same shall not affect the validity of this By-law as a whole or any part thereof, other than the part so declared to be invalid.

2.7 PUBLIC ACQUISITION

No person shall be deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any lot has or have been conveyed to or are required by any public authority.

Section 3 Definitions

In this By-law, unless the context otherwise requires, the following terms when used shall have the meanings assigned to them as follows:

ACCESSORY USE means a use subordinate and naturally, customarily and normally incidental to and exclusively devoted to a main use of land or building and located on the same lot.

ACCESSORY BUILDING means a separate and subordinate building or structure on the same lot as the main building devoted exclusively to an accessory use.

ADVERSE EFFECT means any impairment, disruption, destruction or harmful alteration.

ADVERSELY AFFECT means to have an adverse effect on.

AGRICULTURAL USE means a use of land, buildings or structures for the purpose of forestry, field crops, fruit farming, market gardening, dairying, animal husbandry, poultry or beekeeping, and such uses as are customarily and normally related to agriculture and includes a farm dwelling and accessory buildings.

AGRICULTURAL-RELATED USES means commercial and industrial uses that are:

- a) small-scale;
- b) directly related to a farm operation; and
- c) required in close proximity to the farm operation.

ALTER means alteration or repair to the structural component of a building which would result in a change of use, or any increase in the volume of a building or structure.

ANIMAL AGRICULTURE means growing, producing and raising farm animals including, without limitation:

- a) livestock, including equines, poultry and ratites;
- b) fur-bearing animals;
- c) bees;
- d) cultured fish;
- e) deer and elk; and
- f) game animals and birds.

AQUIFIER VULNERABILITY means an aquifer's intrinsic susceptibility, as a function of the thickness and permeability of overlying layers, to contamination from both human and natural impact on water quality.

AREA OF NATURAL AND SCIENTIFIC INTEREST (EARTH SCIENCE) means an area that has been:

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

AREA OF NATURAL AND SCIENTIFIC INTEREST (LIFE SCIENCE) means an area that has been:

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

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.

AUTOMOBILE SERVICE STATION means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or have the ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operations of motor vehicles are executed.

BASEMENT means that portion of a building between two floor levels which is partly underground but which has more than one-half of its height from finished floor to underside of floor joists storey next above, above the average finished grade level adjacent to the exterior walls of the building.

BED AND BREAKFAST ESTABLISHMENT means an establishment that provides sleeping accommodation (including breakfast and other meals, services, facilities and amenities for the exclusive use of guests) for the travelling or vacationing public in up to three guest rooms within a single dwelling that is the principal residence of the proprietor of the establishment.

BLOCK means the smallest unit of land the boundaries of which consists entirely of public streets, shorelines, railroads, public parks, or any combination thereof.

BUILDING means any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment. Any tent, awning, bin, bunk or platform, vessel or vehicle used for any of the said purposes shall be deemed a "building".

BUILDING, MAIN means the building in which is carried on the principal purpose for which the lot is used.

BY-LAW ENFORCEMENT OFFICER means an employee of the City from time to time charged by the Corporation with the duty of enforcing the provisions contained herein.

CABIN, PRIVATE means a building for sleeping, containing no cooking or sanitary facilities and which is an accessory use to a dwelling unit.

CELLAR means that portion of a building between two floor levels which is partly or entirely underground but has more than one-half of its height, from finished floor to underside of floor joists of the storey next above, below adjacent finished grade.

CITY means the Corporation of the City of Kawartha Lakes.

CONDOMINIUM means the ownership of individual units in a multiple unit structure with common elements in which:

- a) The unit comprises not only the space enclosed by the unit boundaries but all material parts of the land within the space;
- b) The common element means all the property except the units; and
- c) The common element is owned by all of the owners as tenants in common.

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

CONVENIENCE STORE means a retail establishment where foodstuffs, tobacco, non-prescription drugs, magazines, newspapers and other household convenience items are provided for the local community and the travelling public.

COUNCIL means the "Council" of the Corporation of the City of Kawartha Lakes.

CUSTOM WORKSHOP means a building or part thereof used for the manufacture in small quantities of made to measure clothes or articles, and shall include upholstering, repair, refinishing of antiques and other art objects, but shall not include metal spinning, furniture manufacturing and the like.

DAYLIGHTING TRIANGLE means that part of a corner lot adjacent to the intersection of the exterior lot lines measured from such intersection the distance required by this By-law along each such street line and joining such points with a straight line. The triangular shaped land between the intersecting lines and the straight line joining the points the required distance along the street lines shall be known as the "daylighting triangle".

DEVELOPMENT means the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the Planning Act, the Environmental Assessment Act, or the Drainage Act, but does not include:

- a) the construction of facilities for transportation, infrastructure and utilities uses, as described in Section 41 of the Oak Ridges Moraine Conservation Plan by a public body;

or

b) for greater certainty:

- i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001; or
- ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.

DRY CLEANING ESTABLISHMENT means a building, or portion thereof where dry cleaning, dyeing, cleaning or pressing of articles or goods of fabric is carried on where only nonflammable solvents are or can be used.

DWELLING means a dwelling unit.

DWELLING UNIT means one or more habitable rooms designed or intended for use by one household exclusively as an independent, separate housekeeping unit in which separate kitchen and sanitary facilities are provided for the exclusive use of the household with a private entrance from outside the building or from a common hallway or stairway inside the building.

DWELLING CONVERTED means a single detached dwelling, which because of size or design has been or can be converted into more than one dwelling unit. (B/L 92-18)

DWELLING, DUPLEX means a building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule.

DWELLING, SEMI-DETACHED means a building that is divided vertically into two dwelling units, each of which has independent entrance, either directly or through a common vestibule.

DWELLING, SINGLE DETACHED means a completely detached dwelling unit, but shall not include a mobile home.

EARTH SCIENCE VALUES means values that relate to the geological, soil and landform features of the environment.

ECOLOGICAL FEATURES means naturally occurring land, water and biotic features that contribute to ecological integrity.

ECOLOGICAL FUNCTIONS means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes, including hydrological functions and biological, physical, chemical and socioeconomic interactions.

ECOLOGICAL INTEGRITY, which includes hydrological integrity, means the condition of ecosystems in which:

- a) the structure, composition and function of the ecosystems are unimpaired by stresses from human activity;

- b) natural ecological processes are intact and self-sustaining; and
- c) the ecosystems evolve naturally.

ENDANGERED SPECIES means any native species, as listed in the regulations under the Endangered Species Act that is at risk of extinction throughout all or part of its Ontario range if the limiting factors are not reversed.

ERECT means to build, construct, reconstruct, alter or relocate and without limiting the generality of the foregoing shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

ESTABLISHED BUILDING LINE means the average distance from the street line or high water mark to existing buildings on the same side of a street within 150 metres of a lot, where a minimum of three dwellings have been built within this area prior to the date of the passing of this By-law.

EXISTING means "existing" as of the date of the passing of this By-law.

FARM PRODUCE OUTLET means an accessory use to an agricultural use which consists of the retail sale of agricultural products produced on the said farm.

FARM VACATION HOME means an establishment that provides sleeping accommodation (including participation in farm activities, meals, services, facilities and amenities for the exclusive use of guests) for the traveling or vacationing public in up to three guest rooms within a single dwelling that is located on a farm and is the principal residence of the proprietor of the establishment.

FARMERS MARKET shall mean an enclosed and/or open air market place, wherein individual stalls, spaces or areas are provided for the sale of farm produce including preserves by more than one vendor but does not include the sale of commercially produced canned goods or household non-food items.

FINISHED GRADE means with reference to a building or structure the average elevation of the finished grade of the ground immediately surrounding such structures, exclusive in both cases of any artificial embankment or entrenchment and when used with reference to a street, road or highway means the elevation of the street, road or highway established by the Corporation or other designated authority.

FISH HABITAT means the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out the life processes, as further identified by the Department of Fisheries and Oceans (Canada).

FLOOR AREA means the maximum area contained within the outside walls excluding in the case of a dwelling, any private garage, porch, veranda, unfinished attic, basement or cellar.

FOREST ACCESS ROAD means a one or two-lane unpaved road that is designed to provide access to and within a woodland for wildlife, fish and forest management purposes.

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

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

FORESTRY means the management, development, and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection of water supplies, and preservation of the recreation resource, and shall include areas owned or managed by the Ministry of Natural Resources or local conservation authority.

FUNERAL SERVICES ESTABLISHMENT means a premises established or maintained for the purpose of providing funeral services or funeral supplies to the public.

GARAGE means an enclosed structure for the storage of one or more motor vehicles in which no business, occupation, or service is conducted for profit.

GROUP HOME means a single housekeeping unit in a residential dwelling in which three to ten residents excluding staff or the receiving household, live under responsible supervision and who, by reason of their emotional, mental, social, or physical condition or legal status, require a group living arrangement for their well being. The home shall be licensed or approved for funding by the Provincial Government.

GROUNDWATER DISCHARGE means the discharge of subsurface water resulting from natural processes or from human intervention such as the use of stormwater management systems.

GROUNDWATER RECHARGE means the replenishment of subsurface water resulting from natural processes, such as the infiltration of rainfall and snow melt and:

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

GUEST ROOM means a room or suite of rooms which contain no facilities for cooking, and which are used or maintained for the accommodation of an individual or individuals to whom hospitality is extended for compensation.

HABITABLE ROOM means a room used or intended to be used primarily for human occupancy and shall include a room designed for living, sleeping, eating or preparing food, including a den, library, recreation room, sewing room or enclosed sunroom.

HABITAT OF ENDANGERED, RARE AND THREATENED SPECIES means land that:

- a) is an area where individuals of an endangered species, a rare species or a threatened species live or have the potential to live and find adequate amounts of food, water, shelter, and space needed to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species; and
- b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

HAZARDOUS WASTE has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.

HEIGHT means the vertical distance on a building or structure between the finished grade and the mean level between the eaves and ridge of a roof.

HEREAFTER shall mean after the date of the passing of any applicable provision of this By-law.

HEREIN shall mean in this By-law, and shall not be limited to any particular section of this By-law.

HIGH WATER MARK means the mark made by the action of water under natural conditions on the shore or bank of a body of water which action has been so common, usual and so long continued that it has caused a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.

HOME BUSINESS means an occupation that:

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

HOME INDUSTRY means a business that:

- a) is carried on as a small-scale use this is accessory to a single dwelling or agricultural operation;
- b) provides a service such as carpentry, metalworking, welding, plumbing, repair of small items or household appliances, electrical work including small engine repair, production of taxidermy works or crafts, primarily to the farming community;
- c) is carried on in an accessory building;
- d) does not include uses such as an auto repair or paint shop or furniture stripping;

- e) is carried out solely by members of household residing in the dwelling on a year round basis.

HOUSEHOLD means an individual person or a group of two or more persons who occupy jointly a single dwelling unit having a single common kitchen and living areas but does not include those persons occupying a dwelling unit as residents of a group home nor a boarding or rooming house.

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

HYDROLOGICAL FEATURES means:

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

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

HYDROLOGICAL INTEGRITY means the condition of ecosystems in which hydrological features and hydrological functions are unimpaired by stresses from human activity.

HYDROLOGICALLY SENSITIVE FEATURE means a hydrologically sensitive feature as described in Section 26 of the Oak Ridges Moraine Conservation Plan.

IMPERVIOUS SURFACE means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot.

KAME means a mound, hummock or conical hill of glacial origin.

KENNEL means any facility which houses dogs for the purpose of breeding, boarding or training.

KETTLE LAKE means a depression formed by glacial action and permanently filled with water.

KEY NATURAL HERITAGE FEATURE means a key natural heritage feature as described in Section 22 of the Oak Ridges Moraine Conservation Plan.

LANDFORM FEATURES means distinctive physical attributes of land such as slope, shape, elevation and relief.

LANDFORM CONSERVATION AREA means a landform conservation area as described in Section 30 of the Oak Ridges Moraine Conservation Plan.

LANDSCAPING means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

LANDSCAPED BUFFER means the open, unobstructed space at grade on a lot accessible by walking from the street on which the lot is located and used exclusively for landscaping.

LANE means a public thoroughfare which affords only a secondary means of access to abutting lots and which is not intended for general traffic circulation.

LIFE SCIENCE VALUES means values that relate to the living component of the environment.

LIQUID INDUSTRIAL WASTE has the same meaning as in Regulation 347 of the Revised Regulations of Ontario, 1990.

LOADING SPACE means an unencumbered area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle.

LOT means a parcel of land that is:

- a) described in a deed or other document legally capable of conveying an interest in the land; or
- b) shown as a lot block on a registered plan of subdivision.

LOT AREA shall mean the total horizontal area within the lot lines of a lot.

LOT, CORNER means a lot situated at the intersection of and abutting on two or more streets provided that the angle of intersection of such streets is not more than 135 degrees.

LOT COVERAGE, MAXIMUM means that percentage of the lot area covered by all buildings above ground level and shall not include that portion of such lot area which is occupied by a building or portion thereof which is completely below ground level, and for the purpose of this definition, the "maximum lot coverage" in each zone shall be deemed to apply only to that portion of such lot which is located within said zone.

LOT DEPTH means the horizontal distance between the front and rear lot lines. If the front and rear lot lines are not parallel, "lot depth" means the length of a straight line joining the middle of the front lot line with the middle of the rear lot line. When there is no rear lot line, "lot depth" means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

LOT FRONTAGE means the horizontal distance measured back from and parallel to the chord of the "lot frontage" a distance equivalent to the minimum front yard requirement for the zone. For the purposes of this paragraph, the chord of the "lot frontage" is a straight line joining the two points where the side lot lines intersect the front lot line. Where the front lot line and side lot line are joined by one or more curves, then the point of intersection of the straight line projection of the side and front lot lines shall be used as the point where the side lot line joins the front lot line. In the case of a corner lot, the shorter of the frontages shall be deemed the "lot frontage". "Minimum lot frontage" means the minimum length of lot frontage required onto an assumed and maintained year round, public street.

LOT LINE means any boundary of a lot.

LOT LINE, FLANKAGE means a side lot line which abuts the street on a corner lot.

LOT LINE, FRONT means, except in the case of a corner lot, or through lot, the line dividing the lot from the street. In the case of a corner lot, the shorter boundary line abutting the street shall be deemed the front lot line. In case each of such lot lines shall be of equal length, the "front lot line" shall be deemed to be the "front lot line" as established in the block by prior construction. In the case of a through lot, the "front lot line" shall be deemed to be "front lot line" as established in the block by prior construction.

LOT LINE, REAR means the lot line farthest from or opposite to the front lot line. In the case of a through lot the "rear lot line" shall mean the "rear lot line" as established in the block by prior construction.

LOT LINE, SHORE means any lot line or portion thereof which abuts a lake or river.

LOT LINE, SIDE means a lot line other than a front or rear lot line.

LOT, THROUGH means a lot bounded on two opposite sides by streets provided however that if any lot qualifies as being both a corner lot and a "through lot" as defined, such lot shall be deemed to be a corner lot.

LOW INTENSITY RECREATIONAL USES means recreational uses that have minimal impact on the natural environment, and require very little terrain or vegetation modification and few, if any, buildings or structures, including but not limited to the following:

- a) non-motorized trails;
- b) natural heritage appreciation;
- c) unserviced camping on public and institutional lands;
- d) accessory uses

MAJOR DEVELOPMENT means development consisting of:

- a) the creation of four or more lots;
- b) the construction of a building or buildings with a ground floor area of 500m² or more; or

- c) the establishment or a major recreational use as described in Section 38 of the Oak Ridges Moraine Conservation Plan.

MAJOR RECREATIONAL USES are recreational uses that require large-scale modification or terrain, vegetation or both and usually also require large-scale buildings or structures, including but not limited to the following:

- a) golf courses;
- b) serviced playing fields;
- c) serviced campgrounds;
- d) ski hills

MEANDER BELT means the land across which a stream shifts its channel from time to time.

MEDICAL CLINIC means a building or structure where members of the medical profession, dentists, chiropractors, osteopaths, and physicians or occupational therapists, either singularly or in a union provide diagnosis and treatment to the general public without overnight accommodation and shall include such uses as reception areas, offices, coffee shop, consultation, x-ray and minor operating rooms, and a dispensary, providing that all such uses have access only from the interior of the building, and shall not include any other establishment otherwise defined or classified in this By-law.

MINERAL AGGREGATE means, gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the *Aggregate Resources Act*, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline, syenite, talc, wollastonite, or other material prescribed under the Act.

MINERAL AGGREGATE OPERATION means,

- a) an operation, other than a wayside pit, conducted under a license or permit under the *Aggregate Resources Act*, and
- b) associated facilities used in extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products.

MODULAR HOME means a single detached dwelling which has been fabricated in two or more sections which cannot function independently from one another and are designed for transportation on streets on a flatbed or other trailer. Upon arrival at the site, the sections are placed on a foundation and are assembled to form one complete dwelling unit and generally not intended to be dismantled and relocated but shall not include a mobile home. (B/L 92-18)

MOTORIZED MOBILE HOME means any motor vehicle so constructed as to be a self-contained, self-propelled unit, capable of being utilized for the living, sleeping or eating accommodation of persons.

MOTOR VEHICLE means an automobile, truck, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, traction

engine, farm tractor, self propelled implement of husbandry or road building machine within the meaning of the Highway Traffic Act, R.S.O. 1970, Chapter 202, as amended.

MOTOR VEHICLE, COMMERCIAL means any "commercial motor vehicle" within the meaning of the Highway Traffic Act.

MOTOR VEHICLE, UNLICENSED means a motor vehicle which is unregistered for the current year under the Highway Traffic Act.

MUNICIPALITY or CORPORATION means the Corporation of the City of Kawartha Lakes.

NATURAL SELF-SUSTAINING VEGETATION means self-sustaining vegetation dominated by native plant species.

NET DEVELOPABLE AREA means the area of a lot or site, less any area that is within a key natural heritage feature or a hydrologically sensitive feature.

NON-COMPLYING means that the building, structure or use does not meet the lot area, lot frontage, setback, lot coverage, height, floor area, parking, loading space and landscaping requirements contained herein.

NON-CONFORMING USE means the use of land, buildings, or structures for a purpose which is not included with the permitted uses for the zone in which such land, building, or structure is located.

OAK RIDGES MORaine CONSERVATION PLAN AREA and PLAN AREA mean the areas shown on Schedule A.

OBNOXIOUS means a use which from its nature or operation creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration; the emission of gas, fumes, dust or objectionable odour; or the unsightly storage of goods, wares, salvage, refuse matter, waste or other material.

PARK PRIVATE means any open space or recreational area, other than a public park, privately owned or controlled and may include therein one or more swimming, wading and boat facilities, picnic area, gardens, ski area or refreshment rooms and other recreational facilities but shall not include a mobile home park or trailer park.

PARK PUBLIC means any open space or recreational area, owned or controlled by the Corporation or by a Board, Commission or other Authority established under any statute of the Province of Ontario and may include therein parks or areas and may include one or more athletic fields, field houses, bleachers, swimming pools, botanical gardens, bandstands, skating rinks, tennis courts, bowling greens, boat liveries, bathing stations, curling rinks, refreshment rooms, fair grounds, golf courses, or similar uses.

PARKING LOT means an open area, other than a street, used for the temporary parking of two or more motor vehicles and available for public use whether free, for compensation or as an accommodation for clients, visitors, customers or residents.

PARKING SPACE means an area exclusive of driveways or aisles, for the temporary parking or storage of motor vehicles which has adequate access to permit ingress or egress of a motor

vehicle to and from a street. Each parking space shall be not less than: 2.8 metres in width; 17 square metres in area; and, 6 metres in length.

PARTIAL SERVICE means connections linking a building to:

- a) communal sewage or water service of a full municipal sewage or water service; and
- b) an individual on-site sewage or water system.

PERMITTED means "permitted" by this By-law.

PERSON means an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a "person" to whom the context can apply according to law.

PIT means land where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, manufacturing, or industrial purposes and has not been rehabilitated. It shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation or an excavation incidental to the construction of any public works.

PLACE OF ASSEMBLY means a building, or part thereof, in which facilities are provided for such purposes as meeting for civic, educational, political, religious, social, recreational or athletic purposes and shall include a banquet hall, private club or fraternal organization.

PLACE OF WORSHIP means a building dedicated to religious worship and may include a Synagogue, Church Hall, Church Auditorium, Sunday School, Convent, Monastery or Parish Hall.

PORTABLE ASPHALT PLANT means a temporary facility, to be dismantled at the completion of a construction project, where:

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

PREMISES means the area of a building or part thereof and/or land or part thereof used for residential or business purposes. In a multiple tenancy building, occupied by more than one business or dwelling unit, each area shall be considered a separate "premises".

PRIME AGRICULTURAL AREA means an area that is:

- a) designated as prime agricultural land in the relevant official plan; or
- b) identified through an alternative land evaluation system approved by the Government of Ontario.

PRIME AGRICULTURAL LAND means:

- a) land where fruit and vegetable crops and greenhouse crops are grown;
- b) agriculturally developed organic sold land; or
- c) land with Class 1, 2 or 3 soils according to the Canada Land Inventory.

PRO SHOP means a small building or portion of a recreational facility such as a golf, racquet or fitness club in which membership dues or user fees are collected and the retail sale of goods related to the activities associated with the facility is carried out.

PUBLIC AUTHORITY means any Federal, Provincial, County or Municipal agencies, and includes any commission, board, authority or department exercising any power of authority under any general or special Statute of Ontario with respect to any of the affairs or purposes of the municipality or a portion thereof and shall include any telephone company or power utility or Ontario Hydro.

PUBLIC UTILITY means a waterworks, gasworks, including works for the transmission, distribution, and supply of natural gas, electrical power or energy works, or system for the generation, transmission or distribution of electric light, heat or power, a telephone system, a street or other railway system, a bus or other public transportation system or any other works or system for supplying the inhabitants generally with necessaries or conveniences that are vested in or owned, controlled or operated by a municipality or municipalities or by a local board.

QUARRY means a place where consolidated rock has been or is being removed by means of any open excavation to supply material for construction, manufacturing or industrial purposes. It shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by the Corporation or an excavation incidental to the construction of any public works.

RAPID INFILTRATION BASIN” means a basin or system of basins at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.

RAPID INFILTRATION COLUMN” means a column or system of columns at or below surface grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.

RARE SPECIES means a native species that is not currently at risk of becoming threatened but, because of its limited distribution, small population or specialized habitat needs, could be put at risk of becoming threatened through all or part of its Ontario range by changes in land use or increases in certain types of human activity.

RESTAURANT means a building or structure or part thereof where food is prepared and offered for sale to the public for consumption within the building or structure but does not include a drive-in restaurant.

RESTAURANT, DRIVE-THROUGH means a restaurant having a drive-through component where food and drink are served for consumption on or off the premises.

RESTAURANT, TAKE-OUT means a building or part of a building designed, intended or used for the sale of food and refreshments to the general public but which does not include any provision for consumption of the food by the customer while in their vehicle, within the building or elsewhere on the site.

SAND BARRENS means land (not including land that is being used for agricultural purposes and no longer exhibits sand barrens characteristics) that:

- a) has sparse or patchy vegetation that is dominated by plants that are:
 - i) adapted to severe drought and low nutrient levels; and
 - ii) maintained by severe environmental limitations such as drought, low nutrient levels and periodic disturbances such as fire.
- b) has less than 25 percent tree cover;
- c) has sandy soils (other than shorelines) exposed by natural erosion; depositional process or both; and
- d) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

SATURATED ZONE means the zone below the water table where the spaces between soil grains area filled with water.

SAVANNAH means land (not including land that is being used for agricultural purposes and no longer exhibits savannah characteristics) that:

- a) has vegetation with a significant component of non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- b) has from 25 percent to 60 percent tree cover;
- c) has mineral soils; and
- d) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

SEASONAL RESIDENTIAL USE means a structure or structures for the housing of seasonal farm employees for no more than eight months per seasonal worker, but in no event shall be used for year around occupancy.

SEPTAGE DISPOSAL SITE means a premises licensed under the Environmental Protection Act or the Ontario Water Resources Act for the spreading and/or storage of septic waste collected from septic tanks, holding tanks or other forms of on-site sewage disposal system.

SELF SUSTAINING VEGETATION means vegetation dominated by plants that can grow and persist without direct human management, protection, or tending.

SETBACK means the distance between a lot line and the nearest main wall of any building, or structure, excavation or open storage use on the lot.

SIGNIFICANT means identified as significant by the Ministry of Natural Resources, using evaluation procedures established by that Ministry, as amended from time to time.

SINGLE DWELLING means a building containing only one dwelling unit;

SITE means the land subject to an application.

SITE ALTERATION means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include:

- a) the construction of facilities for transportation, infrastructure and utilities uses, as described in Section 41 or the Oak Ridges Moraine Conservation Plan, by a public body, or;
- b) for greater certainty:
 - i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001; or
 - ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.

SNACK BAR means an area or portion of a recreational facility such as a golf, racquet or fitness club involved in the retail sale of prepackaged food stuffs and the preparation and sale of take out foods such as soup, sandwiches, hotdogs, french fries, etc., but in any case does not constitute a licensed restaurant or banquet facility.

STORE, RETAIL means a building or part thereof in which goods, wares, merchandise, substances, articles or things are offered or kept for sale or rent directly to the public.

STOREY means that portion of a building other than a cellar, attic or half storey, included between the surface of any floor and the surface of the floor or roof above and shall include a basement.

STOREY, FIRST means the lowest storey of a building closest to finished grade having its ceiling two metres or more above average finished grade.

STREET, ROAD, or HIGHWAY means a "highway" within the meaning of The Highway Traffic Act, and shall also include private rights-of-way and roads in registered Plans of Subdivision that are to be assumed under a subdivision agreement.

STREET ACCESS means that any lot having a lot line or portion thereof which is also a street line shall be deemed to have "street access" provided that an access point can be obtained.

STREET, IMPROVED PUBLIC means a street, assumed by the Corporation, County or Province which has been constructed in such a manner so as to permit its use by normal vehicular traffic.

STREET LINE means a boundary line of a street.

STRUCTURE means anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground but does not include fences which do not exceed two metres.

STRUCTURAL ALTERATIONS means any change in the supporting members of a building such as bearing walls, columns, beams, girders and partitions.

SUBWATERSHED means an area that is drained by a tributary or some defined portion of a stream.

SURFACE CATCHMENT AREA means the area including and surrounding a kettle lake or wetland, from which surface runoff drains directly into the kettle lake or wetland.

SUSTAINABLE when used with respect to a natural resource, means the natural resource is able to support a particular use or activity without being adversely affected.

SWIMMING POOL means a structure which creates an artificial body of water of more than ten square metres in area used for bathing, swimming or diving but shall not include ponds.

TALLGRASS PRAIRIE means land (not including land that is being used for agricultural purposes and no longer exhibits tallgrass prairie characteristics) that:

- a) has vegetation dominated by non-woody plants, including tallgrass prairie species that are maintained by seasonal drought, periodic disturbances such as fire, or both;
- b) has less than 25 percent tree cover;
- c) has mineral soils; and
- d) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

THREATENED SPECIES means any native species that is at risk of becoming endangered throughout all or part of its Ontario range if the limiting factors are not reversed.

TIME OF TRAVEL means the time that is needed for groundwater to travel a specified horizontal distance in the saturated zone.

TOURIST HOME means a private dwelling that is not part of or used in conjunction with any other tourist establishment and in which there are a maximum of three rooms for rent to the travelling or vacationing public, whether rented regularly, seasonally or occasionally.

TOURIST TRAILER means a trailer that is used or intended to be used for recreational purposes and is not used for continuous habitation or as a permanent residence, notwithstanding that such trailer may be jacked up or its running gear may be removed.

TRAILER means any vehicle that is at any time drawn upon a highway by a motor vehicle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn, except as implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway.

TRAILER CAMP or PARK means an establishment consisting of camping lots and comprising land used or maintained as grounds for the camping or parking of tourist trailers, motorized mobile homes, truck campers or tents for recreational or vacation use.

UNSERVICED PARK means a park that provides recreational opportunities and facilities, including playing fields, but without outdoor lighting, accessory commercial facilities, paved parking lots or permanent water or sewer facilities;

USE means, when used as a noun, the purpose for which a lot or building or structure, or any combination thereof is designed, arranged, intended, occupied or maintained and "uses" shall have corresponding meanings. "USE" when used as a verb, "to use" or "used" shall have corresponding meanings.

VALLEYLAND means a natural area that occurs in a valley or other landform depression that has water flowing through or standing from some period of the year.

VETERINARY CLINIC means a building or part of a building in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be facilities provided for the sheltering of animals during the treatment period.

WALL, MAIN means the exterior front, side or rear wall of a building and shall include all structural members essential to the support of a fully or partially enclosed space or roof, where such members are nearer to a lot line than the said exterior wall.

WATERSHED means an area that is drained by a river and its tributaries.

WATER SETBACK means a yard extending between the high water mark and the nearest main wall of any building, structure, excavation, or open storage use on the lot, and "minimum water setback" means the minimum distance between the high water mark and the nearest main wall of any building, structure, excavation or open storage use on the lot.

WATER SYSTEM, COMMUNAL means a system of water supply municipally or privately owned which serves a minimum of three dwelling units.

WAYSIDE PIT or QUARRY means a temporary pit or quarry opened or used by or for a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

WELLHEAD PROTECTION AREA means the surface and subsurface area surrounding a water well or well field that supplies a public water system and through which contaminants are reasonably likely to move so as eventually to reach the water well or well field.

WETLAND means land such as swamp, marsh, bog or fen (not including land that is being used agricultural purposes and no longer exhibits wetland characteristics) that:

- a) is seasonally or permanently covered by shallow water or has the water table close to or at the surface;
- b) has hydric soils and vegetation dominated by hydroptic or water-tolerant plants;
- c) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

WILDLIFE HABITAT means land that:

- a) is an area where plants, animals and other organisms live or have the potential to live and find adequate amounts of food, water, shelter and space to sustain their population, including an area where a species concentrates at a vulnerable point in its annual or life cycle and an area that is important to a migratory or non-migratory species; and
- b) has been further identified, by the Ministry of Natural Resources or by any other person, according to evaluation procedures established by the Ministry of Natural Resources, as amended from time to time.

WOODLAND means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees

YARD means an open, uncovered space on a lot appurtenant to a building (except a court) and unoccupied by buildings or structures except as specifically permitted elsewhere in this By-law. In determining "yard" measurements, the minimum horizontal distance from the respective lot lines shall be used. Where a daylighting triangle is provided for on a corner lot, the minimum "yard" requirement from the hypotenuse of the daylighting triangle shall be the lesser of the "yards" required along the exterior lot lines.

YARD, FLANKAGE means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the flankage lot line and the nearest main wall of the main building or structure.

YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot and "minimum front yard" means the minimum depth of a "front yard" on a lot between the front lot line and the nearest main wall of the main building or structure on the lot.

YARD, REAR means a yard extending across the full width of a lot between the rear lot line and the nearest main wall of any building or structure on the lot and the "minimum rear yard" means the minimum depth of a "rear yard" on a lot between the rear lot line and the nearest main wall of the main building or structure on the lot.

YARD, SIDE means a yard extending from the front yard to the rear yard of a lot between a side lot line and the nearest main wall of any building or structure on the lot and "minimum side yard"

means the minimum width of a "side yard" on a lot between a side lot line and the nearest main wall of the main building or structure on the lot.

ZONE means the designated area of land use shown on the schedules of this By-law.

ZONE OF CONTRIBUTION, when used in reference to a period of time, means the area within which the water pumped from a well originates during that time.

Section 4

Zones and Zoning Maps

4.1 ZONES AND ZONING MAPS

For the purpose of this By-law, the maps attached hereto as Schedule A to Schedule B, inclusive, shall be referred to as the Zoning Maps for the Oak Ridges Moraine Area and are hereby declared to form part of this By-law. The following zones are hereby established as illustrated on the maps attached hereto as Schedule A to Schedule B, inclusive, and such zones may be referred to by the appropriate symbol:

Zones	Symbols
Community Facility	CF
General Commercial	C1
General Industrial	M1
Oak Ridges Moraine Core Area	ORMCA
Oak Ridges Moraine Country Rural Settlement	ORMSA
Oak Ridges Moraine Countryside Area	ORMCS
Oak Ridges Moraine Environmental Protection	ORMEP
Oak Ridges Moraine Linkage Area	ORMLA
Oak Ridges Moraine Mineral Extraction	ORMME
Rural Residential Type One	RR1

4.2 INTERPRETATION OF ZONE BOUNDARIES

Where any uncertainty exists as to the location of the boundary of any of the said zones, as shown on the Zoning Maps, the following rules shall apply:

- a) Where a zone boundary is indicated as following a highway, a street, lane, watercourse or railway right-of-way, such zone boundary shall be construed to follow the centre line of the street, land, watercourse, or railway right-of-way.
- b) Where zoning boundaries are indicated as approximately following lot lines, such lot lines shall be deemed to be the said boundary.
- c) Where zoning boundaries are indicated as approximately parallel to the line of any street and the distance from such street is not indicated, such zoning boundaries shall be construed as being parallel to such street and the distance there from shall be determined by the use of the scale shown on the Zoning Maps.
- d) Where zoning boundaries follow the corporate limits of the Municipality, the corporate limits are the boundaries.
- e) Where zoning boundaries follow a shoreline, the boundary is the shoreline.

Where any zone boundary is left uncertain after application of the provisions of paragraphs a), b), c), d) and e) noted above, then the boundary line shall be determined according to scale on the Zoning Maps.

Zone boundaries shall be measured in accordance with the scale on the Zoning Maps unless dimensions shown on the Zoning Maps provide greater accuracy.

4.3 HOLDING ZONES

Where the zone symbol applying to certain lands as shown on a Schedule is followed by a dash and the letter “H” (i.e. CF(H)) the lands have been placed in a “Holding Zone” pursuant to Section 36 of the Planning Act, as amended. The Holding Symbol “H” shall be removed at such time in the future when plans to develop the lands have been submitted and approved by the Corporation and the criteria detailed in the Official Plan have been met. When the Holding Symbol has been removed, the lands shall be developed according to the requirements of the Zone used in conjunction with the Holding Symbol.

Notwithstanding the above, non-structural agricultural uses, existing uses, and conservation or forestry uses exclusive of buildings or structures, shall be permitted as interim uses on lands in a “Holding Zone”, until the Holding Symbol “H” is removed by bylaw passed by Council of the City of Kawartha Lakes.

Section 5 General Provisions

5.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

a) Permitted Uses

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

- i) Any occupation for gain or profit conducted within or accessory to a dwelling unit or on the lot, except as specifically permitted within this By-law.
- ii) Any building or part thereof used for human habitation, except as specifically permitted within this By-law does not include uses such as an auto repair or paint shop or furniture stripping.

b) Location

Except as otherwise provided for herein, an accessory building shall only be erected in a side or rear yard and shall comply with the following requirements:

- i) An accessory building may be erected not closer than 1.3 metres from a rear lot line and 1.3 metres from the side lot line or closer to a flanking street than the required front yard setback for the zone in which it is located and shall not be closer than 1.3 metres to a residential building.
- ii) A garage may be erected in the front yard on a lot which has a shore lot line provided that it has setbacks not less than the minimum front yard and side yard setbacks required for a main building in the applicable zone.
- iii) In the RR1, ORMSA, ORMLA or ORMCS zones, a building accessory to a residential use which exceeds a floor area of 60 square metres shall be subject to a minimum setback of 6 metres from a side or rear lot line and 15 metres from a flankage lot line.
- iv) A garage accessory to a residential use in the RR1, ORMSA, ORMLA or ORMCS zones may be erected in a front yard subject to a minimum setback of 15 metres from the front lot line, 15 metres from a flankage lot line and 6 metres from a side lot line.
- v) In addition to clause iv) above, where a garage is erected within 10 metres of a side lot line in a front yard in an RR1, ORMSA, ORMLA or ORMCS zones and is within 45 metres of a dwelling on an immediately abutting lot which is less than 10 metres from the common lot line then the garage shall not locate closer to the common lot line than a line projected toward the front lot line with

an interior angle of 30 degrees from an origin at the intersection of the minimum side yard on the abutting lot with a line projected from the limit of the front yard on the subject land or the limit of the front yard on the abutting property, whichever front yard has the least depth.

- vi) Notwithstanding the setbacks from side and rear lot lines in clause i), above, an accessory building in an RR1, ORMSA, ORMLA or ORMCS zones which exceeds 4.3 metres in height shall have a minimum setback from a side or rear lot line of 6 metres.
- vii) An accessory building for an agricultural use shall have a minimum setback of 9 metres from a side or rear lot line and 15 metres from a flankage lot line.

c) Lot Coverage and Height

The total lot coverage of all accessory buildings shall not exceed 8 percent of the lot area. The height of an accessory building or structure, in a residential zone or to a residential use, shall not exceed 5 metres (16.4 ft.). Further, the height of such accessory building or structure shall be measured as the mean level between eaves and ridge of a gabled, hip, gambrel or mansard roof, or other type of pitched roof.

d) Accessory Structures

Notwithstanding the yard and setback provisions of this By-law, drop awnings, flag poles, garden trellises, retaining walls, fences, signs or similar uses are permitted in any required yard or in the area between the street line and the setback provided they comply with all other provisions of this By-law.

e) Swimming pools

A swimming pool shall be permitted in a side or rear yard of a lot provided that it meets the setback provisions of the appropriate Zone.

f) Satellite Dishes

A satellite dish shall only be permitted in the rear yard when it exceeds 1 metre in diameter.

5.2 CONSTRUCTION USES

- a) On a lot where a building permit has been issued for a dwelling, a mobile camper trailer or tourist trailer may be used for habitation until such time that the construction is completed or the building permit has lapsed, provided it is no longer than 9 months from the first issuance of the building permit.
- b) On a lot where a building permit has been issued for a dwelling, a building or structure may be used for the storage of materials and equipment until such time that the construction is completed or the building permit has lapsed provided it is no longer than 9 months from the first issuance of the building permit.

5.3 DAYLIGHTING TRIANGLE

Notwithstanding any other provisions of this By-law, in a residential, commercial or industrial zone on a corner lot, a fence, hedge, shrub, bush or tree or any other structure, vegetation or grade shall not be permitted to exceed a height greater than 75 centimetres above finished grade of the streets that abut the lot within the daylighting triangle for a distance of 6 metres from their point of intersection. No sign shall be permitted within or to overhang the required daylighting triangle.

5.4 EXEMPTION FOR LOT FRONTAGE AND AREA REQUIREMENTS

Where a lot has less lot area and/or lot frontage than required herein at the date of passing of this By-law or where such lot is created as a result of expropriation or where a lot is reduced in size due to land being acquired by the City or Province such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot provided that said lot has a minimum lot area of 750 square metres, a minimum lot frontage of 15 metres, and that all other requirements of this By-law are complied with.

5.5 ESTABLISHED BUILDING LINE IN BUILT-UP AREA

Notwithstanding the yard, setback and landscaping provisions of this By-law, where there is an established building line extending on both sides of the lot, such permitted building or structure may be erected closer to the street line or high water mark than required by this By-law provided such permitted building or structure is not erected closer to the street line or high water mark than the established building line on the date of passing of this By-law.

5.6 EXTERNAL DESIGN

The following building materials shall not be used for the exterior vertical facing on any wall of any building or structure within the Corporation:

- a) Tar paper or building paper; or
- b) Asphalt fibre board

5.7 PITS AND QUARRIES

No pit or quarry shall be established or made in any area of the Corporation except in a zone where a pit or quarry is included under the heading "Permitted Uses" in this By-law.

5.8 GREATER RESTRICTIONS

This By-law shall not reduce or mitigate any more stringent restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

5.9 HEIGHT EXCEPTION

Notwithstanding the height provisions herein contained, nothing in this By-law shall apply to prevent the erection, alteration, or use of the following buildings or structures provided the use is permitted:

- a) barn, church spire, belfry, flag pole, clock tower, chimney, water tank, windmill, non-commercial wind turbine, non-commercial radio or television tower or antenna serving one lot, air conditioner duct, grain elevator, or, silo or corn crib.

5.10 NON-CONFORMING USE AND NON-COMPLYING PROVISIONS

- a) Previously Existing Uses

Nothing in this By-law applies to prevent the use of any land, building or structure for a purpose prohibited by this By-law if the land, building or structure was lawfully used for that purpose on November 15, 2001 and continues to be used for that purpose.

- b) Non-conforming Uses

No person shall use any land or erect or use any building or structure except for those uses permitted in the zone in which such land, building or structure is or is to be located. Uses existing prior to the date of passing of this By-law may continue as an existing, legal, non-conforming use.

A non-conforming use shall not be enlarged, extended, reconstructed or otherwise structurally altered unless such building or structure is thereafter to be used for a purpose permitted within such zone, and complies with all requirements for such zone.

- c) Non-complying Uses

A non-complying use, building or structure may be enlarged or extended provided that the extension or enlargement complies with the requirements of this By-law.

- d) Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure or part thereof, lawfully used on the date of passing of this By-law, provided that the strengthening or restoration does not increase the building height, size or volume or change the use of such building or structure, except such minor changes as may be expressly required for the restoration of the building or structure to a safe condition.

- e) Building Permit Issued

The provisions of this By-law shall not apply to prevent the erection or use, for a purpose prohibited by this By-law of any building or structure, the plans for which have prior to the date of passing of the By-law been approved by the Plans Review Officer, as long as the building or structure when erected is used and continues to be used for the purpose for which it was approved and provided the erection of such building or structure is commenced within six months or as provided for in the

Building Code Act after the date of the passing of this By-law and such building or structure is completed within one year after the erection thereof is commenced.

f) Damaged Buildings

Nothing in this By-law shall prevent the rebuilding or repair of any building or structure that is damaged or destroyed by causes beyond the control of the owner subsequent to the date of passing of this By-law provided that the dimensions of the original building or structure are not increased and the use of the building or structure is not altered, provided such rebuilding or repair is conducted within two years.

5.11 DWELLING UNIT RESTRICTION

Except as specifically provided for in other sections of this By-law, a maximum of one dwelling unit per lot shall be permitted.

5.12 PARKING REQUIREMENTS

a) Off-street parking

For every building or structure to be erected, off-street parking having unobstructed access to a public street shall be provided and maintained in conformity with the following:

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Auction or sales barn	4 per 9 square metres of gross floor area
Commercial, Uses	1 per 30 square metres of floor area
Hotel, Motel, Tourist Establishment	1 per guest room plus additional spaces as required for restaurants, liquor licenced premises, similar uses, but excluding lobbies, hallways and similar areas.
Industrial and Warehouse	For the first 2,800 square metres of the premises, 1 per 40 square metres of floor area or portion thereof and for any additional floor area, 1 per 100 square metres of floor area or portion thereof.
Laundry and Dry Cleaners, Cleaners, Coin Operated Laundry	1 per 2 cleaning units.
Liquor Licensed Premises	1 per 4 persons accommodated plus 1 per 2 employees.

Museums and Libraries	1 per 65 square metres of floor area, minimum 5.
Office-Business, Professional or Government	1 per 30 square metres of floor area or portion thereof.
Place of Assembly	1 per 6 fixed seats or 1 per 7.5 square metres of floor area, whichever is greater.
Residential	2 per dwelling unit.
Restaurant	1 per 5 square metres of floor area devoted to patron use.
Schools - Nursery, Public or Separate	1.5 per teaching classroom or equivalent.
Service Shop	1 per 15 square metres of floor area.
Trailer Camp Any Other Use	1.5 per camping lot. 1 per 100 square metres of floor area.

- b) The following development standards shall apply to all parking lots required under this By-law:
- i) the parking lot shall have visible boundaries and shall be suitably drained;
 - ii) Except as provided elsewhere in this By-law, the parking lot shall be located on the same lot as the use for which it is intended to serve;
 - iii) When a building or structure has insufficient parking on the date of passing of this By-law to conform to the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, however, any addition shall provide the necessary parking required under this By-law;
 - iv) No driveway shall be located closer than 15 metres from the limits of the right-of-way at the street intersection;
 - v) Where a building or structure accommodates more than one type of use, the parking requirements shall be the sum of the requirement of the separate uses;
 - vi) Access to the required parking areas shall be provided by means of unobstructed driveways or passageways at least 4 metres in width. For access to parking spaces the aisle width shall be 4 metres for parallel to 45 degrees parking. For 46 degrees to 90 degrees parking, the aisle width shall be 7.5 metres; and

- vii) The parking spaces within the parking lot shall be identified by such means as painted lines or cement parking curbs.

c) Other Parking Regulations

- i) Parking spaces and areas required by Subsection 5.12 a) shall only be used for the parking of motor vehicles bearing current, valid licence plates and for vehicles necessary or incidental to permitted uses in respect of which such parking spaces or areas are required.
- ii) Within any RR1 zone, a maximum of one school bus or one commercial motor vehicle having a registered gross vehicle weight of less than 9 tonnes and which is owned or operated by the occupant of a lot may be parked or stored on such lot.
- iii) No lot or part of a lot within any residential zone except a private garage or other permitted building shall be used for the storage of unlicensed motor vehicles or parts of motor vehicles.

5.13 OFF STREET LOADING SPACE REQUIREMENTS

- a) For every building or structure hereafter erected, or for every addition to an existing building, in a Commercial or Industrial Zone involving the frequent shipping, loading or unloading of persons, animals, goods, wares or merchandise there shall be provided and maintained by the owner of the building at the premises, loading facilities on land that is not part of a highway, parking lot, or required driveway, comprised of 1 or more loading space 17 metres long, 4 metres wide and having a vertical clearance of at least 4.5 metres with access to a street and according to the floor area of the building or structure as follows:

FLOOR AREA OF BUILDINGS	NUMBER OF LOADING SPACES
less than 280 square metres	no loading spaces
280 square metres up to and including 2300 square metres	1 loading space
over 2300 square metres	2 loading spaces

- b) In addition, no loading space or platform or loading door shall be located in any yard or wall of any building or structure which adjoins or faces a street. With the exception of automobile parking lots, parking lot(s) for the use of commercial and industrial traffic shall be provided but shall not be located in any yard flanking a street.
- c) Where an addition to an existing building has the effect of increasing total floor area to 281 square metres or greater, the provisions herein shall apply.

5.14 LANDSCAPING

- a) In any zone, all landscaping shall be in accordance with the definition of Landscaping and shall be maintained in a healthy condition and shall be neat and orderly in appearance.
- b) Where the property boundary of a Commercial or Industrial Zone abuts a Residential or Community Facility Zone or is within 15 metres of a residential use on a separate lot, a landscaped buffer not less than 5 metres in width within the Commercial or Industrial Zone boundary shall be provided. The landscaped buffer shall provide high and low level visual screening and consist of a mixture of deciduous and evergreen planting. As a minimum, the landscaped buffer shall consist of a continuous unpierced hedgerow of evergreens or shrubs, not less than 1.5 metres high at planting, immediately adjacent to the lot line or portion thereof along which such landscaped buffer is required. The landscaped buffer may be reduced in width to 2 metres where an opaque fence, 1.5 metres in height, is constructed in conjunction with the landscaped buffer.

5.15 MULTIPLE USES

Where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with. Where a multiple use is located within or adjacent to a Residential Zone, landscaping provisions shall be provided in accordance with Subsection 5.14.

5.16 MULTIPLE ZONES ON A LOT

Where a lot which existed at the date of passing of this By-law is located within two or more zones, the provisions of the applicable zone, save and except lot area and lot frontage, shall apply to each portion of such lot provided the lot, as a whole, has a minimum lot frontage of 15 metres. In such instances, the zone boundary shall be considered a lot line for the purposes of interpreting and applying the "zone" and "general" provisions of this By-law. However, no lot shall be created within any zone unless the lot created and the remnant lot comply with the minimum lot area and lot frontage requirements of the applicable zone.

5.17 OBNOXIOUS AND PROHIBITED USES

No use shall be permitted which, from its nature or the materials used therein, is declared to be an offensive trade, business or manufacturing concern under the Public Health Act or regulations there under.

5.18 PUBLIC USES PERMITTED

- a) The provisions of this By-law shall not apply to the use of any land or to the erection of any building or structure for the purpose of public service by the City, any telephone or telegraph company or gas company, and Department of the Government of Ontario or Canada, including Ontario Hydro, provided that where such building or structure is located in a Residential Zone:
 - i) No goods, material, or equipment shall be stored in the open.

- ii) The lot coverage and yard requirements prescribed for the RR1 Zone shall be complied with; and
- iii) Any building erected under the authority of this paragraph shall be designed and maintained in general harmony with residential buildings of the type permitted in such zone.

b) Streets & Installations on Streets

Nothing in this By-law shall prevent land to be used as a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line or overhead or underground hydro, telephone or other supply and/or communication line, provided that the location of such installation has been approved by the Corporation.

5.19 RELOCATED BUILDINGS

In all zones, no buildings, residential or otherwise, shall be moved within the area covered by this By-law or shall be moved into the limits of the area covered by this By-law without a permit from the Chief Building Official.

5.20 WATER SETBACK REQUIREMENT

The minimum water setback shall supersede all other setback requirements.

5.21 THROUGH LOTS

Where a lot other than a corner lot has frontage on more than one (1) street, the front yard setback and other requirements contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located.

In the case of a through lot having boundaries dividing the lot from the streets of equal length, accessory buildings may be located in one or the other yard adjoining a street, but no closer to the street line than the minimum front yard requirement.

5.22 GROUP HOMES

- a) Group homes, shall be permitted in the RR1 zone.
- b) No group home shall be permitted within 1.5 kilometres of another group home within the area shown on Schedules A and B of this By-law.
- c) The group home shall only be permitted in a single detached dwelling.
- d) Group homes shall be located on an improved public street, assumed and maintained year round.

5.23 HOME BUSINESSES

The following regulations apply to dwelling units wherein a home business is permitted:

- a) The use is secondary to the use of the dwelling unit as a private residence;
- b) It does not change the external character of the premises as a private residence;
- c) There shall be no display, other than a sign erected in conformity with the By-laws of the municipality, to indicate to persons outside that any part of the dwelling unit or lot is being used for a purpose other than residential.
- d) It does not create or become a public nuisance with respect to noise, traffic or parking;
- e) Parking shall be provided in accordance with Subsection 5;
- f) All goods and materials are stored within a wholly enclosed building; and
- g) It does not occupy more than twenty-five per cent of the floor area of the dwelling unit.

5.24 HOME INDUSTRIES

The following regulations apply to the building wherein a home industry is permitted

- a) not more than 100 square metres of floor area in all accessory buildings on any lot be devoted to a home industry use;
- b) there shall be no external display or advertising, other than a lawful sign, to indicate to persons outside that any part of the lot is being used for home industry purposes; and
- c) the minimum lot area of a lot being used for home industry purposes shall be 1.0 hectares;
- d) the home industry building is setback a minimum of 20 metres from all lot lines;
- e) the home industry building is setback a minimum of 60 metres from a residential zone; and
- f) the home industry building is setback a minimum of 30 metres from an existing dwelling on a separate lot.

5.25 FRONTAGE ON PUBLIC STREETS

- a) No person shall erect any building or structure in any Zone after the date of the passing of this By-law, unless the lot upon which such building or structure is to be erected fronts upon and gains direct access onto an improved public street, maintained year round.
- b) Notwithstanding the provisions of Subsection 5.24 a), the provisions of this By-law shall not prevent the erection of a permitted building or structure on a lot in a Registered Plan of Subdivision where a subdivision agreement has been entered

into with the Municipality and registered on title, whereby the street is to be assumed and maintained year round by the Municipality.

5.26 PUBLIC ACQUISITION

Any land acquired by the Municipality, County, Public Authority or Province which results in a legally conveyable lot becoming non-complying or further reducing an existing non-complying legally conveyable lot then the lot shall be deemed to be an existing legal non-complying lot. The requirements of Subsection 5.4 shall apply to such lots.

5.27 SPECIAL EVENT

Shall mean an event, the duration of which is temporary in nature and which is limited to one or more of the following uses: an exhibition, a fair, festival, or a recreational and/or motor vehicle type competition.

For the purpose of this definition, "temporary" shall mean that the combined total duration of all Special Events held on one property shall not exceed seven (7) days in a calendar year.

For the purpose of this By-law, a Special Event occurring on a lot owned by the Corporation of the City of Kawartha Lakes, any School Board or any public authority or any Department, or any Ministry of the Government of Ontario, or any Conservation Authority established by the Government of Ontario, or a community centre shall be deemed to be a public use.

5.28 MINIMUM DISTANCE SEPARATION FORMULAE

All development will comply with the Minimum Distance Separation Formulae contained in the publication "Minimum Distance Separation (MDS) Formulae, Implementation Guidelines, Publication 707, Ministry of Agriculture, Food and Rural Affairs, Queen's Printer, Toronto, 2006", as amended from time to time.

Minimum Distance Separation I (MDS I):

Notwithstanding any other provisions of this by-law to the contrary, lands to be rezoned from a ORMCA, ORMLA, and a ORMCS Zone, to a Zone to permit a residential, institutional, commercial, industrial or recreation use, will comply with the MDS I.

Notwithstanding any other provisions of this by-law to the contrary, a residential use to be located upon an existing lot of record greater than 1.0 hectares in size and permitted by a ORMCA, ORMLA, and a ORMCS Zone, will comply with the MDS I.

Notwithstanding any other provisions of this by-law to the contrary, a residential use to be located upon an existing lot of record 1.0 hectares or less in size and permitted by a ORMCA, ORMLA, and a ORMCS Zone, will not be required to comply with the MDS I.

Minimum Distance Separation II (MDS II)

Notwithstanding any other provisions of this by-law to the contrary, a new or expanding livestock facility permitted by a ORMCA, ORMLA, and a ORMCS Zone, will comply with the MDS II.

Notwithstanding any other provisions of this by-law to the contrary, the MDS II calculated separation distances will be measured from the nearest point of an existing vacant lot of record 1.0 hectares in size or less, to the nearest point of the proposed livestock facility. The existing lot of record is permitted by a ORMCA, ORMLA, and a ORMCS Zone and the proposed livestock facility is permitted by a ORMCA, ORMLA, and a ORMCS Zone.”

5.29 SECOND DWELLINGS

In the ORMCA, ORMLA, and ORMCS Zones, a second dwelling shall be permitted subject to the following:

- a) The property on which the second dwelling use is located has to be classed as a farm by MPAC, and shall be on a lot of at least 20 hectares.
- b) A maximum of one second dwelling per lot.
- c) A covenant be registered on title that the residence will be used for full-time farm help only.

5.30 SEASONAL RESIDENTIAL USE

In the ORMCA, ORMLA, and ORMCS Zones, a seasonal residential use shall be permitted subject to the following:

- a) The property on which the seasonal residential use is located has to be classed as a farm by MPAC, and be on a lot of at least 20 hectares.
- b) The seasonal residential uses cannot exceed 250 square metres in area and may be contained in more than one building.
- c) A covenant be registered on title that the residence will be used only for seasonal residential use.
- d) That the seasonal residential use shall not exceed eight months per seasonal worker in each calendar year.

Section 6 Special Provisions

6.1 PROHIBITED USES

- a) Notwithstanding any other provisions of this By-law to the contrary, the following uses are prohibited within an Area of High Aquifer Vulnerability as indicated by the zone shown on Schedule D attached hereto and forming part of this By-law:
 - i) Generation and storage of hazardous waste or liquid industrial waste;
 - ii) Waste disposal sites and facilities, organic soil conditioning sites and snow storage and disposal facilities;
 - iii) Underground and above-ground storage tanks that are not equipped with an approved secondary containment device;
 - iv) Storage of a contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.
- b) Notwithstanding Section (a) above, storage by an individual for personal or family use of the following is permitted in areas of High Aquifer Vulnerability:
 - i) petroleum fuels;
 - ii) petroleum solvents;
 - iii) pesticides, herbicides and fungicides;
 - iv) construction equipment;
 - v) inorganic fertilizers;
 - vi) road salt, and
 - vii) contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 or the revised regulation of Ontario.
- c) Notwithstanding any other provisions of this by-law to the contrary the following use is prohibited in the areas shown on Schedules A and B attached hereto and forming part of this by-law:
 - i) The storage, field spreading, or construction of berms of paper biosolids created by the paper manufacturing process, or other similar processes, either in the form of pure fibre biosolids or as mixed with other materials.

6.2 EXPANSION OF EXISTING BUILDINGS AND STRUCTURES

- a) New accessory uses, buildings and structures, including swimming pools, related to the existing uses are permitted in any zone provided that:
 - i) the accessory use, building or structure complies with all provisions of the applicable zone;

- ii) such expansion complies with all provisions of the applicable zone; and
 - iii) such expansion will not, to the extent possible, adversely affect the ecological integrity of the Oak Ridges Moraine. A natural heritage evaluation and/or hydrological evaluation may be required and will be approved by the City in consultation with the local Conservation Authority.
- b) Where the expansion of an existing building or structure or the establishment of an accessory use, building or structure intrudes or areas within the Environmental Review Area as shown on Schedule C and/or Schedule F, the applicant shall submit a natural heritage evaluation and/or a hydrological evaluation completed in accordance with the Oak Ridges Moraine Conservation Plan and will be approved in consultation with the local Conservation Authority. All costs of studies and peer review shall be at the expense of the applicant.

6.3 MINERAL AGGREGATE OPERATIONS

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

6.4 LANDFORM CONSERVATION AREA

- a) Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply within a Landform Conservation Area (Category 1) as indicated on Schedule E attached hereto and forming part of this By-law:
- i) the net developable area of the site that is disturbed shall not exceed 25 percent of the total site area; and
 - ii) the net developable area of the site that has impervious surfaces shall not exceed 15 percent of the total site area.
- b) Notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply within a Landform Conservation Area (Category 2) as indicated on Schedule E attached hereto and forming part of this By-law:
- i) the net developable area of the site that is disturbed shall not exceed 50 percent of the total site area; and
 - ii) the net developable area of the site that has impervious surfaces shall not exceed 20 percent of the total site area.
- c) The provisions of Section 6.4 a) and b) shall not apply to mineral aggregate operations and wayside pits and quarries.

6.5 INFILTRATION BASINS AND COLUMNS

New rapid infiltration basins and new rapid infiltration columns as defined in Section 3.1 of this By-law are prohibited on lands within Schedules A and B.

6.6 TRANSPORTATION INFRASTRUCTURE AND UTILITIES

- a) Notwithstanding any other provisions of this By-law to the contrary, all new transportation, infrastructure and utilities uses listed below, and all upgrading or extension of existing transportation, infrastructure and utilities uses, including the opening of a road within an unopened road allowance, are prohibited on lands within an ORMEP Zone, ORMCA Zone, and ORMLA Zone as shown on Schedules A and B to this By-law:
- i) public highways
 - ii) transit lines, railways and related facilities;
 - iii) gas and oil pipelines;
 - iv) sewage and water service systems and lines and stormwater management facilities;
 - v) power transmission lines;
 - vi) telecommunication lines and facilities, including broadcasting towers;
 - vii) bridges, interchanges, stations, and other structures, above and below ground, that are required for the construction, operation or use of the facilities listed in Clauses i) to vi) above; and
 - viii) rights-of-way required for the facilities listed in Clauses i) to vii) above.
- b) Notwithstanding Section 6.6 a) of this By-law to the contrary, publicly initiated transportation, infrastructure and utilities uses may be permitted to cross on Oak Ridge Environmental Protection Zone, as shown on Schedules A to B of this By-law in accordance with all applicable policies of the Amendment 104 of the Victoria County Official Plan.

6.7 Notwithstanding any other provisions of this By-law to the contrary, lands zoned Oak Ridges Moraine Environmental Protection may be included in the calculation of any zone provisions for adjoining lands, provided that such lands used in the calculation are part of the same lot.

6.8 Notwithstanding any provision of this By-law to the contrary, all development shall comply with all applicable Official Plan policies related to the Oak Ridges Moraine Conservation Plan Area

6.9 Notwithstanding any other provisions of this By-law to the contrary, where lands are considered an existing lot created prior to November 15, 2001, and are located within Oak Ridges Moraine Heritage Features, as shown on Schedule C, and said lot or a portion of said lot is located within one or more of the natural heritage and/or hydrologically sensitive features identified and shown on Schedule C, to this By-law, then the following provision shall apply, excepting those properties located in the Rural Settlement Designation of Amendment No. 104 to the Official Plan of the County of Victoria:

The only uses permitted shall be uses legally existing as of November 15, 2001; and

- a) Agricultural uses if:
 - i) the agricultural use would have been permitted by the Township of Manvers Zoning By-law 87-06, as amended, on November 15, 2001; and
- b) single detached dwelling if:
 - i) the use, erection and location would have been permitted by the Township of Manvers Zoning By-law 87-06, as amended, on November 15, 2001; and
 - ii) the applicant demonstrates, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Oak Ridges Moraine Plan Area; and
- c) accessory uses to the above permitted uses;
- d) conservation projects and flood erosion control projects.

No development other than that outlined in Section 6.9 a), b), c) and d), including the creation of new lots, or a change in land use, or the construction of buildings or structures which require approval under the Planning Act, the Environmental Assessment Act or the Drainage Act shall occur on lands within the area shown on Schedule C, to this By-law without amendment to, or relief from, this By-law, in accordance with the provisions of the Planning Act.

6.10 Notwithstanding the provisions of Subsection 6.9 above, where lands are considered an existing lot created prior to November 15, 2001, and said lot or a portion of said lot is located within a significant woodland as shown on Schedule F, to this By-law, an accessory use, structural addition and/or site alteration including filling, grading and excavation shall be permitted on said lot subject to compliance with the following provisions, excepting those properties located in the Rural Settlement Designation of Amendment No. 104 to the Official Plan of the County of Victoria:

- a) the use, erection, location or expansion would have been permitted by the Township of Manvers Comprehensive Zoning By-law 87-06 and complies with Sections 28, 29, 45(7) and (8), and Section 47 of the Oak Ridges Moraine Conservation Plan;
- b) As far as practically possible, tree removal be limited to the area required for the use, erection or expansion requested.

6.11 Notwithstanding any other provision of this By-law to the contrary on any lands currently containing a trailer camp or park, no expansion of the area used for the parking of tourist trailers, mobile camper trailers or truck campers is permitted beyond that which legally existed on November 15, 2001.

6.12 No habitable room shall be added on to any tourist trailer, mobile camper trailer or truck camper unless it is portable and is made of the same material and at the same quality as

the unit to which it is being added. The trailer shall only be used and occupied on a seasonal basis for six months from May 1st through October 31st inclusive of the same calendar year.

Section 7

Oak Ridges Moraine Environmental Protection (ORMEP Zone)

7.1 PERMITTED USES

No person shall hereafter change the use of any building or structure or erect or use any building or structure in an Oak Ridges Moraine Environmental Protection (ORMEP) Zone, except for the following uses:

- a) fish, wildlife and forest management;
- b) conservation projects including flood and erosion control project;
- c) publicly initiated transportation, infrastructure and utilities uses in accordance with the applicable policies of the Official Plan;
- d) low intensity recreation; and
- e) accessory uses to the above permitted uses.

7.2 PROHIBITION OF BUILDING CONSTRUCTION

Within any Oak Ridges Moraine Environmental Protection (ORMEP) Zone, no person shall hereafter erect any building or structure, except structures for flood and erosion control authorized by a Conservation Authority or the Ministry of Natural Resources.

7.3 SPECIAL PROVISIONS

All provisions contained in Section 6 Special Provisions where applicable to any land, lot, building, structure, or use within the Oak Ridges Moraine Environmental Protection (ORMEP) Zone, shall apply.

Section 8

Oak Ridges Moraine Core Area (ORMCA) Zone

8.1 PERMITTED USES

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in the Oak Ridges Moraine Core Area (ORMCA) Zone, except for the following uses:

- a) fish, wildlife and forest management;
- b) conservation projects including flood and erosion control projects;
- c) agricultural uses;
- d) low intensity recreational uses;
- e) publicly initiated transportation, infrastructure and utilities;
- f) home business;
- g) bed and breakfast establishments;
- h) unserviced parks;
- i) home industries;
- j) farm vacation homes; and
- k) single detached dwelling if:
 - i) the use, erection and location would have been permitted by the Township of Manvers Zoning By-law 87-06, as amended, on November 15, 2001; and
 - ii) the applicant demonstrates, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Oak Ridges Moraine Plan Area; and
- m) accessory uses to the above permitted uses.

8.2 REGULATIONS

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Oak Ridges Moraine Core Area (ORMCA) Zone, except in conformity with the following zone requirements.

- a) Minimum lot area 32 hectares

b) Minimum lot frontage	183 metres
c) Minimum front yard	30 metres
d) Minimum exterior side yard	15 metres
e) Minimum interior side yard	9 metres
f) Minimum rear yard	20 metres
g) Maximum building height:	
i) Building accessory to farm	No restriction
ii) Other uses	10 metres
h) Maximum lot coverage	10 percent
i) Maximum number of dwelling units	1

8.2.1 Notwithstanding the above, dwelling units shall be subject to the setback requirements of the RR1 Zone. Where a lot is created by consent, such lot shall only be used in accordance with the provisions of the RR1 Zone of this By-law and shall not exceed a lot area of 1.0 hectares.

8.2.2 In the case of an accessory building being used for the parking or storage of school buses or commercial motor vehicles on a lot in an agricultural zone, the maximum height of such building shall be 6 metres and the total floor area for all accessory buildings on the lot shall not exceed 150 square metres.

8.3 SPECIAL PROVISIONS

All provisions contained in Section 6 Special Provisions, where applicable to any land, lot, building, structure, or use within the Oak Ridges Moraine Core Area (ORMCA) Zone, shall apply.

Section 9

Oak Ridges Moraine Linkage Area (ORMLA) Zone

9.1 PERMITTED USES

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Oak Ridges Moraine Linkage Area (ORMLA) Zone, except in conformity with the following zone requirements:

- a) fish, wildlife and forest management;
- b) conservation projects including flood and erosion control projects;
- c) agricultural uses;
- d) transportation, infrastructure and utilities;
- e) home business;
- f) home industries;
- g) bed and breakfast establishments;
- h) farm vacation homes; and
- i) unserviced parks;
- j) low intensity recreational uses;
- k) wayside pits;
- l) single detached dwelling if:
 - i) the use, erection and location would have been permitted by the Township of Manvers Zoning By-law 87-06, as amended, on November 15, 2001; and
 - ii) the applicant demonstrates, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Oak Ridges Moraine Plan Area; and
- m) accessory uses to the above permitted uses.

9.2 REGULATIONS

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Oak Ridges Moraine Linkage Area (ORMLA) Zone, except in conformity with the following zone requirements:

- | | |
|-------------------------------------|----------------|
| a) Minimum lot area | 32 hectares |
| b) Minimum lot frontage | 183 metres |
| c) Minimum front yard | 30 metres |
| d) Minimum exterior side yard | 15 metres |
| e) Minimum interior side yard | 9 metres |
| f) Minimum rear yard | 20 metres |
| g) Maximum building height: | |
| a) Building accessory to farm | No restriction |
| b) Other uses | 10 metres |
| h) Maximum lot coverage | 10 percent |
| i) Maximum number of dwelling units | 1 |

9.2.1 Notwithstanding the above, dwelling units shall be subject to the setback requirements of the RR1 Zone. Where a lot is created by consent, such lot shall only be used in accordance with the provisions of the RR1 Zone of this By-law and shall not exceed a lot area of 1.0 hectares.

9.2.2 In the case of an accessory building being used for the parking or storage of school buses or commercial motor vehicles on a lot in an agricultural zone, the maximum height of such building shall be 6 metres and the total floor area for all accessory buildings on the lot shall not exceed 150 square metres.

9.3 SPECIAL PROVISIONS

All provisions contained in Section 6 Special Provisions, where applicable to any land, lot, building, structure, or use within the Oak Ridges Moraine Linkage Area (ORMLA) Zone, shall apply.

Section 10

Oak Ridges Moraine Country Side Area (ORMCS) Zone

10.1 PERMITTED USES

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Oak Ridges Moraine Country Side Area (ORMCS) Zone, except in conformity with the following zone requirements:

- a) agricultural uses;
- b) fish, wildlife and forest management;
- c) low intensity recreational uses;
- d) conservation projects and flood and erosion control projects;
- e) transportation, infrastructure and utilities;
- f) home business;
- g) home industries;
- h) bed and breakfast establishments;
- i) farm vacation homes;
- j) wayside pits;
- k) agriculture-related uses;
- l) single detached dwelling if:
 - i) the use, erection and location would have been permitted by the Township of Manvers Zoning By-law 87-06, as amended, on November 15, 2001; and
 - ii) the applicant demonstrates, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Oak Ridges Moraine Plan Area.
- m) accessory uses to the above permitted uses.

10.2 REGULATIONS

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Oak Ridges Moraine Country Side Area (ORMCS) Zone, except in conformity with the following zone requirements:

- | | |
|-------------------------------------|----------------|
| a) Minimum lot area | 32 hectares |
| b) Minimum lot frontage | 183 metres |
| c) Minimum front yard | 30 metres |
| d) Minimum exterior side yard | 15 metres |
| e) Minimum interior side yard | 9 metres |
| f) Minimum rear yard | 20 metres |
| g) Maximum building height: | |
| i) Building accessory to farm | No restriction |
| ii) Other uses | 10 metres |
| h) Maximum lot coverage | 10 percent |
| i) Maximum number of dwelling units | 1 |

10.2.1 Notwithstanding the above, dwelling units shall be subject to the setback requirements of the RR1 Zone. Where a lot is created by consent, such lot shall only be used in accordance with the provisions of the RR1 Zone of this By-law and shall not exceed a lot area of 1.0 hectares.

10.2.2 In the case of an accessory building being used for the parking or storage of school buses or commercial motor vehicles on a lot in an agricultural zone, the maximum height of such building shall be 6 metres and the total floor area for all accessory buildings on the lot shall not exceed 150 square metres.

10.3 SPECIAL PROVISIONS

All provisions contained in Section 6 Special Provisions, where applicable to any land, lot, building, structure, or use within the Oak Ridges Moraine Country Side Area (ORMCS) Zone, shall apply.

Section 11

Oak Ridges Moraine Country Rural Settlement (ORMSA) Zone

11.1 PERMITTED USES

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Oak Ridges Moraine Country Rural Settlement (ORMSA) Zone, except in conformity with the following zone requirements:

- a) fish, wildlife, and forest management;
- b) conservation projects including flood and erosion control projects;
- c) transportation, infrastructure and utilities;
- d) low intensity recreational uses;
- e) agricultural uses;
- f) agriculture related uses;
- g) home businesses;
- h) home industries;
- i) bed and breakfast establishments;
- j) farm vacation homes;
- k) unserviced parks;
- l) single detached dwelling if:
 - i) the use, erection and location would have been permitted by the Township of Manvers Zoning By-law 87-06, as amended, on November 15, 2001; and
 - ii) the applicant demonstrates, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the Oak Ridges Moraine Plan Area; and
- m) accessory uses to the above permitted uses.

11.2. REGULATIONS

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Oak Ridges Moraine Country Rural Settlement (ORMSA) Zone, except in conformity with the following zone requirements:

- | | |
|-------------------------------------|----------------|
| a) Minimum lot area | 32 hectares |
| b) Minimum lot frontage | 183 metres |
| c) Minimum front yard | 30 metres |
| d) Minimum exterior side yard | 15 metres |
| e) Minimum interior side yard | 9 metres |
| f) Minimum rear yard | 20 metres |
| g) Maximum building height: | |
| i) Building accessory to farm | No restriction |
| ii) Other uses | 10 metres |
| h) Maximum lot coverage | 10 percent |
| i) Maximum number of dwelling units | 1 |

11.2.1 Notwithstanding the above, dwelling units shall be subject to the setback requirements of the RR1 Zone. Where a lot is created by consent, such lot shall only be used in accordance with the provisions of the RR1 Zone of this By-law and shall not exceed a lot area of 1.0 hectares.

11.2.2 In the case of an accessory building being used for the parking or storage of school buses or commercial motor vehicles on a lot in an agricultural zone, the maximum height of such building shall be 6 metres and the total floor area for all accessory buildings on the lot shall not exceed 150 square metres.

11.3 SPECIAL PROVISIONS

All provisions contained in Section 6 Special Provisions, where applicable to any land, lot, building, structure, or use within the Oak Ridges Moraine Country Rural Settlement (ORMSA) Zone, shall apply.

Section 12

Oak Ridges Moraine Mineral Extraction (ORMME) Zone

12.1 PERMITTED USES

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Oak Ridges Moraine Extraction (ORMME) Zone, except in conformity with the following zone requirements:

- a) Mineral aggregate operations;
- b) accessory uses to the above permitted uses.

12.2 REGULATIONS

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in an Oak Ridges Moraine Extraction (ORMME) Zone, except in conformity with the following zone requirements:

- a) Minimum lot area 10 hectares
- b) Minimum lot frontage 180 metres
- c) Minimum front yard 30 metres
- d) Minimum side yard 15 metres
- e) Minimum rear yard 30 metres
- f) Minimum flankage yard 30 metres
- g) Minimum excavation setback
 - i) from any lot line 15 metres
 - ii) from any street line 30 metres
 - iii) from any lot line which abuts a residential zone 30 metres
- h) Minimum open storage area and public processing plant setbacks
 - i) from any lot line 30 metres
 - ii) from any lot line which abuts a Residential zone 90 metres
- i) Accessory uses, parking etc: In accordance with the provisions of Section 5 hereof
- j) Notwithstanding the minimum side yard requirement in 12.2 d) or the minimum rear yard in 12.2 e), the minimum side or rear yard can be eliminated if two abutting property owners are zoned ORMME and licenced under the *Aggregate Resources Act* and both licences contain no setback requirements between the extraction areas in the two

operations. This will permit the mineral aggregate material to be extracted along the common boundary so that no ridge will exist between the two licenced properties.

Section 13

Rural Residential Type One (RR1) Zone

13.1 RR1 USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Rural Residential Type One (RR1) Zone, except for the following uses:

- a) Single detached dwelling;
- b) Home business;
- a) Park.

13.2 REGULATIONS

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Rural Residential Type One (RR1) Zone, except in conformity with the following zone requirements:

	<u>Communal or Municipal Water Supply Provided</u>	<u>Individual Water Supply & Sewage Disposal</u>
a) Minimum lot area	1400 square metres	2000 square metres
b) Minimum lot frontage	30 metres	38 metres
c) Minimum front yard	15 metres	15 metres
d) Minimum rear yard	6 metres	6 metres
e) Minimum flankage yard	15 metres	15 metres
f) Minimum side yard	3 metres	3 metres
g) Minimum water setback	15 metres	15 metres
h) Maximum lot coverage	30 percent	25 percent
i) Minimum dwelling unit floor area	100 square metres	100 square metres
j) Maximum height	11 metres	11 metres
k) Maximum number of dwelling units	1	1

l) Accessory uses, parking, etc, in accordance with the provisions of Section 5 hereof.

13.3 RR1 SPECIAL REQUIREMENTS

13.3.1 Notwithstanding Subsection 13.2, articles a), b), j) and i), a single detached dwelling ,may be changed to a converted dwelling with a maximum of 2 dwelling units provided the dwelling existed prior to the passing of this By-law and it meets the following requirements:

	<u>Communal or Municipal Water Supply Provided</u>	<u>Individual Water Supply & Sewage Disposal</u>
a) Minimum lot area	2000 square metres plus 500 square metres for each additional dwelling unit over 2	2800 square metres plus 900 square metres for each additional dwelling unit over 2
b) Minimum lot frontage	35 metres	45 metres
c) Minimum dwelling unit floor area for each dwelling unit	85 square metres	85 square metres

13.4 RR1 SPECIAL ZONES

13.4.1 Notwithstanding Subsections 13.2, articles a), c), d), and f), land zoned RR1-S2 shall be subject to the following zone provisions:

a) Minimum lot area	3000 square metres
b) Minimum front yard	18 metres
c) Minimum side yard	7.6 metres
d) Minimum rear yard	30 metres

13.4.2 Notwithstanding Subsections 13.2, articles a), c), d) and f), lands zoned RR1-S3 shall be subject to the following zone provisions:

a) Minimum lot area	5900 square metres
b) Minimum front yard	18 metres
c) Minimum side yard	7.6 metres
d) Minimum rear yard	50 metres

13.4.3 Notwithstanding Subsections 13.2, articles a), c), and f), lands zoned RR1-S4 shall be subject to the following zone provisions:

- | | | |
|----|--|--------------------|
| a) | Minimum lot area | 7700 square metres |
| b) | Minimum front yard | 18 metres |
| c) | Minimum side yard | 7.6 metres |
| d) | Minimum rear yard adjacent to Ontario Hydro easement | 3 metres |
- 13.4.4 Notwithstanding Subsections 13.2, articles a), b) and c), and f), lands zoned RR1-S5 shall be subject to the following zone provisions:
- | | | |
|----|----------------------|--------------------|
| a) | Minimum lot area | 2600 square metres |
| b) | Minimum lot frontage | 40 metres |
| c) | Minimum front yard | 18 metres |
| d) | Minimum side yard | 7.6 metres |
- 13.4.5 Notwithstanding Subsection 13.2, articles a), b), d), and e), and Subsection 5, article b), land zoned RR1-S6 shall be subject to the following zone provisions:
- | | | |
|----|--|-------------------------------------|
| a) | Minimum lot area | 4000 square metres |
| b) | Minimum lot frontage | 30 metres |
| c) | Minimum rear yard | 10 metres |
| d) | Minimum flankage yard | 10 metres |
| e) | Notwithstanding any provision of Subsection 13.2 or article 5.1 b) to the contrary, on land zoned RR1-S6 a detached garage may be permitted in the front yard and when located in a front yard shall be subject to the following minimum setbacks: | |
| | i) | 10 metres from a front lot line; |
| | ii) | 10 metres from a flankage lot line; |
| | iii) | 3 metres from a side lot line. |
- 13.4.6 Notwithstanding articles 13.2, articles a), i) and k), or any provision of article 5.1, article c) to the contrary, land zoned RR1-S7 shall be subject to the following zone requirements:
- | | | |
|----|--------------------------------------|--------------------|
| a) | Minimum lot area | 1600 square metres |
| b) | Minimum floor area per dwelling unit | |
| | - single detached dwelling | 100 square metres |
| | - one bedroom dwelling unit | 70 square metres |
| | - two bedroom dwelling unit | 85 square metres |

- | | |
|--|-------------------|
| - dwelling unit, more than two bedrooms | 100 square metres |
| c) Maximum number of accessory buildings | 1 |
| d) Maximum lot coverage for accessory buildings | 15 square metres |
| e) There shall be a maximum of 2 residential buildings which may consist of 2 single detached dwellings or one single detached dwelling and one multiple residential building containing a maximum of four dwelling units. | |
| f) There shall be a maximum of 9 bedrooms in the two residential buildings combined. | |

13.4.7 RR1-S8 reserved for D06-31-144

Section 14

General Commercial (C1) Zone

14.1 C1 USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in a General Commercial (C1) Zone, except for the following uses:

- a) Automobile service station
- b) Art or antique shop
- c) Bakery
- d) Bank, financial institution or money lending agency
- e) Business or professional office
- f) Club whether fraternal or operated for profit
- g) Medical clinic
- h) Museum or library
- i) Photography studio
- j) Public and private parking lot
- k) Recreational establishment including premises for billiards, bowling, curling, dancing, roller ice skating, theatre or cinema and arcades
- l) Restaurant
- m) Retail store, service shop, personal service and repair shop
- n) Upholstering and furniture repair establishment
- o) Funeral services establishment
- p) Dwelling unit

14.2 C1 ZONE REQUIREMENTS

No person shall hereafter change the use of any building, structure or land or erect or use any building or structure in a General Commercial (C1) Zone, except in conformity with the following zone requirements:

	<u>Communal or Municipal Water Supply Provided</u>	<u>Individual Water Supply & Sewage Disposal</u>
a) Minimum lot area	1400 square metres	2000 square metres
b) Minimum lot frontage	30 metres	38 metres
c) Minimum front yard	15 metres	15 metres
d) Minimum side yard	3 metres	3 metres
e) Minimum rear yard	6 metres	6 metres
f) Minimum flankage yard	15 metres	15 metres
g) Maximum lot coverage	30 percent	25 percent
h) Maximum height	11 metres	11 metres
i) Maximum number of dwelling units	1	1
j) Accessory uses, parking, etc., in accordance with the provisions of Section 5 hereof.		

14.3 C1 SPECIAL REQUIREMENTS

- a) Where two commercial uses are situated on abutting lots zoned C1, the interior side yard requirement shall not be required.

14.4 CI SPECIAL ZONES

14.4.1 Notwithstanding Subsection 16.1, the only permitted uses on land zoned C1-S1 shall be as follows:

- a) Business or professional office
- b) Medical Clinic
- c) Photography studio
- d) Service shop
- e) 3 dwelling units

14.4.2 Notwithstanding Subsection 16.2, the uses permitted on land zoned C1-S1 shall be subject to the following requirements:

- a) Minimum lot area 0.6 hectares
- b) Minimum lot frontage 9 metres

- c) Minimum front yard 165 metres
- d) Minimum rear yard 13 metres
- e) Minimum western side yard 15 metres
- f) Minimum eastern side yard 45 metres
- g) Maximum gross floor area devoted to commercial use 200 square metres
- h) Minimum gross floor area per dwelling unit 70 square metres
- i) Maximum number of dwelling units 3
- j) The provisions of Section 5 shall apply to land zoned C1-S1.

14.4.3 Notwithstanding the requirements of Section 16.2, on lands zoned C1-S2, the following requirements shall apply:

- a) Minimum lot frontage 28 metres
- b) Minimum side yard 2.5 metres

14.4.4 General Commercial Exception Three (C1-S3) Zone

Notwithstanding Subsections 14.1 and 14.2, lands zoned C1-S3 may also be used for the purposes of a convenience store and veterinary clinic and shall be subject to the following requirements:

Minimum side yard 1 metre

On land zoned C1-S3(H), the Holding (H) symbol will be removed to allow redevelopment once the following requirements have been fulfilled:

- a. the site plan, building elevations and site landscaping plans have been approved by the Planning Department;
- b. all matters relating to the provision of well and septic services, lot grading, and stormwater management have been approved by the appropriate approval authority; and,
- c. the applicant has entered into a fully secured site plan agreement with the City of Kawartha Lakes by April 3, 2010.”

(2009-181)

Removal of the (H) By-Law 2010-057 passed by Council April 27, 2010

Section 15 General Industrial (M1) Zone

15.1 M1 USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in a General Industrial (M1) Zone, except for the following uses:

- a) Any manufacturing or industrial undertaking that is conducted and wholly contained within an enclosed building and is not considered to be obnoxious or hazardous by reason of sound, odour, inflammability, dust, fumes or smoke and which shall not be detrimental in appearance or effect to surrounding uses.
- b) A motor vehicle engine and body repair and paint shop
- c) A printing establishment
- d) Boat and marine supply, storage, repair and related sales establishment
- e) Building supply and equipment depot
- f) Farm implement dealer
- g) Grain drying and storage facility
- h) Feed mill
- i) Fertilizer mixing plant
- j) Food processing plant
- k) Machine or welding shop
- l) Sawmill
- m) Grain cleaning plant
- n) Truck or bus storage area or terminal
- o) Concrete mixing plant
- p) Warehouse
- q) Construction business and sub-trades
- r) Heavy equipment business

15.2. REGULATIONS

In a General Industrial (M1) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | |
|---|--------------------|
| a) Minimum lot area | 4000 square metres |
| b) Minimum lot frontage | 30 metres |
| c) Minimum front yard | 15 metres |
| d) Minimum rear yard | 11 metres |
| e) Minimum side yard | 6 metres |
| f) Maximum lot coverage | 50 percent |
| g) Maximum height | 11 metres |
| h) Minimum flankage yard | 15 metres |
| i) Accessory uses, parking, etc, in accordance with the provisions of Section 5 hereof. | |

15.3 M1 SPECIAL ZONES

15.3.1 Notwithstanding Subsection 15.1, land zoned M1-S1(H) shall only be used for the following dry uses which shall not require water for cooling or washing as it relates to an industrial process and/or consumption of water as part of the process and which do not discharge processing waste to a sub-surface waste disposal system:

- a) Any manufacturing or industrial undertaking that is conducted and wholly contained within an enclosed building and is not considered to be obnoxious or hazardous by reason of sound, odour, flammability, dust, fumes or smoke, and which shall not be detrimental in appearance or effect to surrounding land uses;
- b) Recreational vehicle/vessel and marine supply, storage, repair and related sales establishment;
- c) Warehouse;
- d) Wholesale distribution centre;
- e) Carpentry shop;
- f) Electrical shop, including electrical manufacturing and repair;
- g) Light equipment rental and service establishment;
- h) Self storage rental units;
- i) Research and development establishment;
- j) Business office accessory to an on-site industrial use;
- k) Outside storage accessory to an on-site industrial use.

- l) A minimum setback of 45 metres shall be provided between residential dwelling units and any buildings, accessory uses or outdoor storage areas associated with uses specified above by clauses a) to k), all inclusive.

The regulations as set out in section 15.2 shall apply to land zoned M1-S1(H)
(By-Law 2007-202)

15.3.2 Notwithstanding Subsection 15.1, land zoned M1-S2 shall only be used for the following:

- a) Any manufacturing or industrial undertaking that is conducted and wholly contained within an enclosed building, but specifically excluding book binding, book manufacturing, printing or bindery services;
- b) Boat and marine supply, storage, repair and related sales establishment;
- c) Farm implement dealer; and
- d) Warehouse.

In addition to the requirements of Subsection 15.2, land zoned M1-S2 shall be subject to the following requirements:

- e) a minimum rear yard setback of 20 metres;
- f) a minimum setback of 60 metres shall be provided between residential dwelling units and any permitted buildings or structures;

15.3.3 Notwithstanding Subsection 15.1, land zoned M1-S3 shall only be used for the following:

- a) A motor vehicle engine and body repair and paint shop;
- b) Bulk fuel storage establishment;
- c) Food processing plant;
- d) Machine or welding shop;
- e) Custom workshop;
- f) Construction business and sub-trades;
- g) Heavy equipment business;
- h) Any manufacturing or industrial undertaking that is conducted and wholly contained within an enclosed building, but specifically excluding book binding, book manufacturing, printing or bindery services;
- i) Boat and marine supply, storage, repair and related sales establishment;
- j) Farm implement dealer; and
- k) Warehouse

In addition to the requirements of Subsection 17.2, land zoned M1-S3 shall be subject to the following requirements:

- l) A minimum setback of 90 metres shall be provided between residential dwelling units and any buildings, accessory uses or outdoor storage uses associated with uses specified above by clauses a) to g), all inclusive. A minimum setback of 60 metres shall be provided between residential dwelling units and any buildings or accessory uses associated with uses specified above by clauses h) to k), all inclusive.

15.3.4 Notwithstanding Subsection 15.1, land zoned M1-S4 shall only be used for the following dry uses which shall not require water for cooling or washing as it relates to an industrial process and/or consumption of water as part of the process and which do not discharge processing waste to a subsurface waste disposal system:

- a) A motor vehicle engine and body repair and paint shop;
- b) Bulk fuel storage establishment;
- c) Food processing plant;
- d) Machine or welding shop;
- e) Custom workshop;
- f) Construction business and sub-trades;
- g) Heavy equipment business;
- h) Any manufacturing or industrial undertaking that is conducted and wholly contained within an enclosed building but specifically excluding book binding, book manufacturing, printing or bindery services;
- i) Boat and marine supply, storage, repair and related sales establishment;
- j) Farm implement dealer;
- k) Warehouse;
- l) An auction barn;
- m) Motor vehicle, construction equipment or marine equipment sales, service and rentals; and
- n) Wholesale or retail sales uses devoted to a single, non-perishable product line requiring large storage or display areas.

In addition to the requirements of Subsection 15.2, land zoned M1-S4 shall be subject to the following requirements:

- o) A minimum setback of 90 metres shall be provided between residential dwelling units and any buildings, accessory uses or outdoor storage uses associated with uses specified above by clauses a) to g), all inclusive. A minimum setback of 60 metres shall be provided between residential dwelling units and any buildings or accessory uses associated with uses specified above by clauses h) to k), all inclusive.
- 15.3.5 Notwithstanding Subsection 15.1, land zoned M1-S5 shall only be used for industrial uses permitted by the M1-S3 zone but excluding a bulk fuel storage establishment. The requirements of the M1-S3 zone shall apply in all other respects.
- 15.3.6 Notwithstanding Subsection 15.1, land zoned M1-S6 shall only be used for those uses permitted under the M1-S3 zone exclusive of a bulk fuel storage establishment.

Notwithstanding article 15.2 a) or any provision of article 15.3.3, clause l) to the contrary, land zoned M1-S6 shall be subject to the following zone requirements:

- a) Minimum lot area 3400 square metres
- b) The minimum setback from a rear lot line for a motor vehicle parking area accessory to a permitted use shall be 5 metres.
- c) Notwithstanding that there may be more than 15 metres to a residential use, the landscaping provisions of article 5.14 b) shall apply along the rear lot line.

All other requirements of Section 15.2 and the M1-S3 Zone shall apply.

Section 16

Community Facility (CF) Zone

16.1 CF USES PERMITTED

No persons shall hereafter change the use of any building, structure or land or erect or use any building or structure in a Community Facility (CF) Zone, except for the following uses:

- a) Park
- b) Arena
- c) Assembly Hall
- d) Cemetary
- e) Municipal Office
- f) Place of Worship
- g) Post Office
- h) Library
- i) Non-commercial school
- j) Private club or fraternal organization
- k) Community centre
- l) Municipal, hydro, or communication facility

16.2 REGULATIONS

In a Community Facility (CF) Zone, no person shall hereafter erect or use a building except in conformity with the following requirements:

- | | |
|---------------------------------|--------------------|
| a) Minimum lot area | 2000 square meters |
| b) Minimum lot frontage | 38 metres |
| c) Minimum front yard | 7.5 metres |
| d) Minimum side yard | 4.5 metres |
| e) Maximum rear yard | 7.5 metres |
| f) Maximum height of structures | 12 metres |

- g) Accessory uses, parking etc, in accordance with the provisions of Section 5 hereof.
- 16.3 CF SPECIAL REQUIREMENTS**

Subsection 16.2, articles a) and b), shall not apply to those uses permitted in Subsection 16.1, articles a), d) and l).