



Municipality of Clarington

Zoning By-law 2005-109



*For lands within the
Oak Ridges Moraine
June 2005*



Last revised December 2010



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INTRODUCTION

The purpose of this Forward is to assist the reader in the use of the Zoning By-law. It provides an overview of how the By-law is organized, how to determine what a particular property may be *used* for, and the zoning regulations that apply to that property.

ORGANIZATION OF THE ZONING BY-LAW

The Zoning By-law is organized into four parts:

Part I - Scope and Interpretation

Sections 1 and 2 set out the provisions related to the administration, interpretation and use of the By-law.

Definitions for terms that are used in the By-law are provided in Section 3. For a few of the defined terms, the reader is directed to either Sections 4, 5 or 6 of the By-law. In these cases, the definition is listed with the provisions or regulations that apply to the defined term. For example, the definition of "*visibility triangle*" is found in Section 4.11 together with the general development regulations that govern *visibility triangles*.

Defined terms used in this By-law are indicated in italics. The definitions are listed alphabetically in Section 3. Where part of a defined term is underlined, the reader is referred to the underlined term in Section 3 to find the appropriate definition. For example, to find the definition of *gross commercial floor area*, the reader would look under the term *floor area*.

Part II - General Provisions

Sections 4, 5 and 6 outline the provisions that apply to all areas covered by the By-law regardless of the zoning on a parcel of land. Section 4, General Development Regulations, regulates such matters as *accessory buildings* and *visibility triangles*, while Section 5, Special Land Uses Provisions, regulates uses such as *home occupations* and *temporary dwellings*. Section 6, Off-Street Parking and Loading, provides regulations governing the provision of off-street parking and loading. When determining the permitted *uses* and the zoning regulations that apply to a specific property, the general provisions in these three sections should be reviewed in conjunction with the specific zone provisions for the property set out in Part III.

Part III - Zone Categories

Sections 7 through to 17 set out the permitted *uses* and the regulations that govern how properties within each zone may be *used*. The zones are grouped into the following categories based on the type of *use*:

- Section 7 Urban Residential Zone Category
- Section 8 Rural Settlement Zone Category
- Section 9 Commercial Zone Category
- Section 10 Industrial Zone Category
- Section 11 Institutional and Utility Zone Category
- Section 12 Open Space Zone Category
- Section 13 Agricultural Zone Category
- Section 14 Aggregate Extraction Zone Category
- Section 15 Temporary Zone Category
- Section 16 Future Development Zone Category
- Section 17 Major Recreation Zone Category

A zone category consists of the Parent Zone, Permitted Uses, and Regulations followed by exceptions to the Parent Zone. The *uses* permitted for each of the zones within a specific zone category and the regulations that apply to each of the zones, are set out in tables and or text. The permitted *uses* and regulations for any exception zones follow the main body of the parent zone. Within the Major Recreation Zone Category, there are no Parent Zone *uses* or regulations provided. The Major Recreation Zone Category is comprised only of zones specific to a primary land *use*. Letters and numbers, both on the schedules and in the text of this by-law identify these zones.

Part IV - Schedules

The Schedules contain the maps on which the specific zoning for individual properties is shown. The mapping is organized as follows:

- **Schedule E**

Schedule E is divided into a number of smaller maps for ease of reference. Index maps for each Schedule are provided to indicate which of the smaller maps a property is located on. *Street* names and the *lot lines* for individual properties are indicated on the Schedules to make it easier to determine the specific zone within which a property is located.

The zones are illustrated on the Schedules through the use of colour specific to a zone category and/or a zone symbol that consists of a letter and/or a number (e.g. RS1). Exception zones are indicated by adding a hyphen and a number to the parent zone symbol (e.g. RS1-1).

HOW TO USE THE TABLES

Tables have been used in the Zoning By-law to present the provisions of the By-law in a concise manner. Two types of tables are used - Permitted Use tables and Regulation tables.

The following basic rules will help the reader interpret the tables:

1. All regulations listed in a table are the minimum required, unless otherwise specified in the table.
2. All measurements in the table are provided in metric. The following abbreviations are used:
 - "m" means "metres"
 - "m²" means "square metres"
 - "ha" means "hectares".
3. Notations are indicated with a subscript number in brackets (#). The notation directs the reader to a specific condition that applies to the permitted use or regulation. These notations are provided at the bottom of the table and are considered to be part of the table.

Each type of table and its method of use are explained below.

Permitted Use Tables

These tables list the *uses* that are permitted in each zone. The individual zones are listed across the top of the table, while specific *uses* are listed along the left side of the table. *Uses* are grouped and are listed alphabetically within each group. As described in the legend, the letter "P" beside a *use* indicates that the *use* is permitted in the specified zone, while the symbol "~" indicates that the *use* is not permitted in the specified zone. The letter "P" followed by a notation (#) indicates that a *use* is permitted in the specified zone provided that the condition or conditions set out in the appropriate notation at the bottom of the table is satisfied. These notations are considered to be part of the table.

If a *use* is specifically defined in this By-law, but not listed by a Permitted Use table as being permitted within a specific zone, then that *use* shall not be permitted in that zone.

Regulation Tables

The Regulation Tables in Part II (Sections 4, 5 and 6) list the regulations that apply to the *uses* permitted by the General Provisions. The symbol "ZR" (Zone Regulation) means that the relevant regulation of the zone in which the *use* is located applies. The notations (#) refer the reader to the special regulations that are set out at the bottom of the table.

The Regulations for the Zone Categories (Part III) list the regulations that apply to the *uses* permitted in each zone. Generally the regulations are grouped into distinct categories such as; *lot area* and *lot frontage*, *yard setbacks*, *floor area*, *lot coverage*, *landscape area* and height. Each zone category may group these regulations differently. Other regulations or regulations specific to a *use* may be identified individually. The symbol "≠" within a regulation table indicates that a regulation does not apply in the specified zone. The notations (#) refer the reader to special regulations that are set out at the bottom of the table.

Exception Zones

Exception Zones are not identified in tables, but appear after the Permitted Use table and Regulations of the Parent Zone. Exception Zones are provided for *uses* that are different than the Parent Zone and/or do not meet one or more regulations of the Parent Zone. For example, the Parent Zone for the "RS1-1" Exception Zone is "RS1".

The regulations of the Parent Zone apply to the Exception Zone unless a different regulation is identified in which case the specific regulation listed applies.

NON-CONFORMING USES

When determining if a *use* is legal non-conforming in accordance with the provisions of Section 1.8 and the definitions found in Section 4.9, the following By-laws and their adoption dates shall be considered:

Former Township of Darlington	By-law 2111 adopted December 4, 1958
Former Township of Clarke	By-law 1592 adopted May 23, 1968
Former Town of Newcastle	By-law 84-63 adopted September 10, 1984

THE MUNICIPALITY OF CLARINGTON
BY-LAW NO. 2005-109

being a by-law to regulate the use of land, the erection of buildings or structures, the type of construction, the height, bulk, location, size, floor area, spacing, external design, character and use of buildings or structures within the Municipality of Clarington as shown on the map entitled "Oak Ridges Moraine Conservation Plan Land Use Designation Map" numbered 208, dated April 17, 2002 and on file in the offices of the Ministry of Municipal Affairs and Housing at Toronto (the Oak Ridges Moraine Boundary)

WHEREAS it is considered desirable to control the use of land, the erection and use of buildings or structures within the Municipality of Clarington as shown on the map entitled "Oak Ridges Moraine Conservation Plan Land Use Designation Map" numbered 208, dated April 17, 2002 and on file in the offices of the Ministry of Municipal Affairs and Housing at Toronto (the Oak Ridges Moraine Boundary) in accordance with Section 34 of the Planning Act;

NOW THEREFORE the Council of the Corporation of the Municipality of Clarington enacts the following By-law:

1. Scope of By-Law

1.1 Title

1.1.1 This By-law shall be cited as the "Municipality of Clarington Zoning By-law 2005-109."

1.2 Purpose

1.2.1 The purpose of this Zoning By-law is to:

- 1) Implement the policies of the Provincial Oak Ridges Moraine Conservation Plan;
- 2) Implement the policies of the Clarington Official Plan; as amended;
- 3) Detail the *use* of land, *buildings* or *structures* for or except for such purposes as set out in this By-law; and
- 4) Provide detailed regulations respecting the *use* of land and the location of *buildings* and *structures*.

1.3 Legislative Authority

1.3.1 This Zoning By-law is passed by the Council of the Municipality of Clarington pursuant to the provisions of the Planning Act and the Oak Ridges Moraine Conservation Act, 2001.

1.4 Area of Applicability

1.4.1 This By-law applies to the lands in the Municipality of Clarington within the Oak Ridges Moraine Plan Area as shown within the shaded area on the Rural Area Index Maps attached to and forming part of this By-law. These lands are also referred to in this By-law as "lands above the 245 metre contour" and within the Oak Ridges Moraine Area as designated by Ontario Regulation 01/02,

1.4.2 The Boundary of the Oak Ridges Moraine Plan Area, as shown on Schedule E has been established by the Province of Ontario Regulation 01/02. This area is shown on the Rural Area Index maps attached to and forming part of this By-law and can only be changed by the Province.

1.5 Contents of By-law

- 1.5.1 All references in this By-law to sections, regulations, exceptions, tables, figures, schedules and maps, refer to those in this By-law unless otherwise indicated.
- 1.5.2 Schedule E attached hereto, with the notations, zone boundaries, symbols and references shown thereon, show the area to which this By-law applies and shall form part of this By-law.
- 1.5.3 The Appendices do not form part of this By-law but are provided for the purposes of convenience only.

1.6 Effective Date

- 1.6.1 Pursuant to the provisions of the Oak Ridges Moraine Conservation Act, 2001, this By-law shall come into force on the day it is approved by the Minister of Municipal Affairs and Housing.

1.7 Repeal of Previous By-laws

- 1.7.1 RESERVED

1.8 Use of Land, Buildings or Structures to Conform

- 1.8.1 No land shall be *used* and no *building* or *structure* shall be located, constructed, or *used* in whole or in part, and no person shall undertake *development* or *site alteration* with respect to the land except in conformity with the provisions of this By-law, the Oak Ridges Moraine Conservation Plan and the Municipality of Clarington Official Plan, as amended.
- 1.8.2 No permit for the *use* of land or for the construction or *use* of any *building* or *structure* shall be issued where the proposed *building*, *structure*, or *use* is in violation of any provision contained in this By-law.
- 1.8.3 For the lands above the 245 metre contour, and within the Oak Ridges Moraine Area, the provisions of this By-law shall not apply to 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.

- 1.8.4 The provisions of this By-law shall not apply to prevent the construction or *use* of any *building* or *structure* for a *use* not permitted by this By-law for which a permit has been issued under the Building Code Act prior to the date of passing of this By-law, so long as:
- 1) The *building* or *structure*, when constructed, is *used* and continues to be *used* for the purpose for which it was constructed; and
 - 2) The permit has not been revoked under the Building Code Act.

1.9 Validity of By-law

- 1.9.1 The invalidity of the whole or any part of any one or more provisions of this By-law does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this By-law.

1.10 Relation to Other Government Requirements

- 1.10.1 This By-law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by the Municipality or by any government authority having jurisdiction to make such restrictions or regulations.
- 1.10.2 Compliance with this By-law does not relieve a property owner from full responsibility for complying with:
- 1) The requirements of the Ontario Building Code;
 - 2) The requirements of any federal, provincial, regional, municipal, or *conservation authority* legislation; and
 - 3) The conditions of any caveat, covenant, easement, or other instrument affecting a *building* or land.

Section 2

2.0 Interpretation of By-Law

2.1 Zone Boundaries

- 2.1.1 Where a zone boundary shown on a Schedule coincides with a *lot line* or a *street line*, the zone boundary shall be deemed to be the *lot line* or *street line* in question.
- 2.1.2 Where a zone boundary shown on a Schedule lies within a *lot*, the location of the zone boundary shall be determined by the scale of the Schedule, unless the location of the zone boundary is specified by dimensions on a map that forms part of an amendment to this By-law.

2.2 Split Zoning

- 2.2.1 Where a *lot* is divided into more than one zone, by the zone category or the limit of the Municipality of Clarington Zoning By-law, each separately zoned portion of the *lot* shall be *used* in accordance with the *use* provisions for the applicable zone. All *buildings*, *structures* and *uses* shall conform to the applicable zone regulations for that zone as if each separately zoned portion was a *lot*. However,
 - a. No *lot* shall have more than one *dwelling* on the whole of the *lot* except as specifically permitted by this By-law; and/or
 - b. Where this By-law limit divides a property, provided the *use* of that of the lot conforms, this By-law limit shall not be a zone limit for defining *yard setbacks*.

2.3 Permitted Uses

- 2.3.1 A *use* that is listed as being permitted shall only be permitted if it satisfies all applicable provisions of this By-law, including the regulations set out for the zone in which the *use* is permitted.
- 2.3.2 In Permitted Use tables, the letter "P" beside a *use* indicates that the *use* is permitted in the specified zone. The letter "P" followed by a notation indicates that the *use* shall only be permitted in the specified zone provided that the condition(s) set out in the notation at the bottom of the table is satisfied and that it satisfies all applicable provisions of this By-law. These notations are considered to be part of the table. The symbol "~~" indicates that the *use* is not permitted in the specific zone.
- 2.3.3 If a *use* is specifically defined in this By-law but not listed by a Permitted Use table as being permitted within a specific zone, then that *use* shall not be permitted in that zone.

Section 2

2.3.4 If a *use* that is not defined by this By-law is not identified as being permitted in a zone, that *use* shall be permitted if, in the opinion of the Director of Planning Services or his designate, that *use* is similar in character or purpose to a *use* that is permitted in the zone, provided it satisfies all applicable requirements of this By-law.

2.4 Regulations

- 2.4.1 The Regulation Tables in Part II (Sections 4, 5 and 6) list the regulations that apply to the *uses* permitted by the General Provisions. The symbol "ZR" (Zone Regulation) means that the relevant regulation of the zone in which the *use* is located applies. The notations (#) refer the reader to the special regulations that are set out at the bottom of the table.
- 2.4.2 The Regulations for the Zone Categories (Part III) list the regulations that apply to the *uses* permitted in each zone. Generally the regulations are grouped into distinct categories such as; *lot area* and *lot frontage*, *yard setbacks*, *floor area*, *lot coverage*, *landscape area* and height. Other regulations or regulations specific to a *use* may be identified individually. The symbol "≠" within a regulation table indicates that a regulation does not apply in the specified zone. The notations (#) refer the reader to special regulations that are set out at the bottom of the table.
- 2.4.3 Where the regulations of a parent zone are different from that within a special land use provision the more restrictive provision shall apply.

2.5 Use of Singular and Plural

- 2.5.1 When consistent with the context, words used in the singular include the plural, and words used in the plural include the singular, unless otherwise specified.

2.6 Measurements and Dimensions

- 2.6.1 All regulations contained in this By-law are the minimum required unless otherwise specified. All measurements and dimensions in this By-law are expressed in metric.

2.7 Definitions

- 2.7.1 Terms defined in this By-law are italicized and underlined for the purposes of convenience only. If a term defined by this By-law is not italicized and/or underlined, the definition provided by the By-law shall apply when consistent with the context.

Section 2

2.8 Floor Space Index

- 2.8.1 Where the *Floor Space Index* for a property is indicated on a schedule, the letter "T" shall mean "Total", the letter "C" shall mean "Commercial", and the letter "R" shall mean "Residential". The numbers shall indicate the maximum *Floor Space Index* for each type of use permitted for that property.
- 2.8.2 Where the maximum *Floor Space Index* for a property indicated on a Schedule is different than the maximum *Floor Space Index* indicated in a specific zone, the *Floor Space Index* indicated on the Schedule shall take precedence provided that the use meets all applicable regulations of this By-law.

2.9 Meaning of Terms

- 2.9.1 Where this By-law refers to "the Municipality", it shall mean The Corporation of the Municipality of Clarington. The word "Municipal" shall have the same meaning as "Municipality".
- 2.9.2 Where this By-law refers to "Council", it shall mean the Council of The Corporation of the Municipality of Clarington.
- 2.9.3 Where this By-law refers to "the Region", it shall mean The Corporation of the Regional Municipality of Durham. The word "Regional" shall have the same meaning as "Region".
- 2.9.4 Where this By-law refers to "the Province", it shall mean the Province of Ontario. The word "Provincial" shall have the same meaning as "Province".

2.10 Provincial Legislation

- 2.10.1 All references to names of Acts of the Provincial Legislature in this By-law, unless otherwise noted, are references to the R.S.O. 1990 edition, as amended from time to time, including successor legislation.

3. Definitions

The terms set out below shall have the following meanings:

Abattoir

An *establishment* where livestock, poultry or fur bearing animals are penned and slaughtered on a commercial basis, and may include the production and processing of meat products as *accessory uses*.

Accessory

See Section 4.1.1 a. for definition.

Adult Entertainment Parlour

An *establishment* in which goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations are provided as part of a trade, calling, business or occupation. The term "goods" includes books, magazines, pictures, slides, film, phonograph records, audio cassettes, compacts discs, or any other reading, viewing or listening matter. The terms "to provide", "services", and "services designed to appeal to erotic or sexual appetites or inclinations" are defined in the Municipal Act.

Adult Home Care

See Section 5.6.1 a. for definition.

Agricultural Fairground

Lands, *buildings or structures used* on a seasonal or temporary basis for an agricultural fair, including a *farmers market*, livestock show, rodeo, equestrian events and a carnival, and *accessory uses* such as a music concert, *flea market*, and concession stands.

Agricultural Related Uses

Means commercial and industrial uses that are,

- 1) Small scale,
- 2) Directly related to a farm operation, and
- 3) Required in close proximity to the farm operation.

Agricultural Research Centre

An *establishment used* for the purpose of conducting pure and applied research and experimentation in the field of agriculture, excluding all animals, and may include facilities such

as lecture rooms, administrative offices, laboratories, display rooms, service and machine shops to serve the research center operation, *green houses* and outdoor growing areas.

Agricultural Uses

Means,

- 1) Growing crops, including nursery and horticultural crops,
- 2) Raising livestock and other animals, including poultry and fish, for food and fur,
- 3) Aquaculture, and
- 4) Agro-forestry and maple syrup production.

Agri-tourism

Shall mean an agricultural *establishment* that provides a service to promote and educate the public about farming and agricultural activities. An *agri-tourism use* shall be located on the same *lot* as a *farm*. An *agri-tourism use* may include a *farm produce outlet*. *Agri-tourism* may include the following *uses*: corn or hay maze; petting zoo; hayrides; sleigh rides; buggy or carriage rides; seasonal activities/events related to the *farm* and *farm tours*, but shall not include: *restaurant*, amusement park, *special event*, overnight camping or *motorized recreational competition* with the exception of tractor pulls.

Aisle

See Section 6.3.1 a. for definition.

Amenity Area

An area that is designed and intended primarily for the leisure and recreation of the occupants of a *building* or site.

- **Common Amenity Area**

An *amenity area* provided for the common *use* of the occupants of a *building* or site. A *common amenity area* may be located either within a *building* or exterior to a *building* and may include such *uses* as games rooms, fitness rooms, *swimming pools*, children's playgrounds and similar indoor and outdoor recreational *uses*. The term *common amenity area* shall not include any lands zoned "Environmental Protection (EP)" or any *landscaped area* required by this By-law.

- **Private Amenity Area**

An *amenity area* immediately abutting a *dwelling* that is provided for the exclusive *use* of the occupants of the *dwelling*.

Animal Agriculture

Means growing, producing and raising farming animals including, without limitation,

- 1) Livestock, including equines, poultry and ratites,
- 2) Fur-bearing animals,
- 3) Bees,
- 4) Cultured fish,
- 5) Deer and elk, and
- 6) Game animals and birds.

Animal Enclosure

A *building, structure*, fenced area or any combination of the three that secures an animal from the public and is appropriately sized and constructed for the type of animal.

Animal Enclosure Holding Space

A secure secondary area, within an *animal enclosure* that allows for segregation of animals to enable cleaning, maintenance or veterinary procedures.

Animal Enclosure Security Area

An area between the *animal enclosure* and the public, with separate locking doors or gates, providing a buffer zone to keep the public from the animals and the animals from escaping.

Arena

An *establishment* that has as its *principal use* such recreational activities as curling, skating, hockey, lacrosse, or similar athletic activity, and may include *accessory uses* such as dressing rooms, snack bars, restaurants, pro shops, and bleachers.

Art Gallery

An *establishment* open to the public where the *principal use* is the exhibition of paintings, photographs, sculptures, pottery, and other visual art.

Assembly Hall

An *establishment* in which permanent or temporary seating is provided for an audience for athletic, civic, educational, entertainment, political, religious or social purposes.

Athletic Field

An area of land designed and *used* for the playing of organized sports such as baseball and soccer. The term *athletic field* may include *accessory uses* such as players benches, spectators bleachers, and *parking areas*.

Attached

A *building* otherwise complete in itself that depends for structural support or complete enclosure upon a division wall shared in common with an abutting *building*.

Attic

The portion of a *building* situated wholly or in part under a roof, but which is not a *storey* or a *one-half storey*.

Auction Centre

An *establishment* used for the sale of goods, materials and vehicles by public auction. Merchandise, with the exception of animals, to be sold on the premises may be temporarily stored for a maximum of 30 consecutive days.

- **Livestock Auction Centre**

An *auction centre* where *farm* animals are auctioned. *Farm* animals to be auctioned are not permitted to be kept at the *livestock auction centre* for continuous periods exceeding 24 consecutive hours.

Bank

An *establishment* where money is deposited, kept, loaned or exchanged, and shall include a trust company or credit union.

Banking Machine

See Section 5.1.1 a. for definition.

Banquet Hall

An *establishment* used for banquets, wedding receptions or similar functions, for which food and beverages are prepared and served to guests on the premises.

Bar

An *establishment* that sells liquor under a provincial license and that may provide live entertainment and/or dancing. The term *bar* shall not include an *adult entertainment parlour*.

Basement

The portion of a *building* between two floor levels that has less than 50% of its height below the average *finished grade* of the *lot* on which the *building* is located. The term *basement* shall not include a *cellar*.

Bed and Breakfast

See Section 5.2.1 a. for definition

Berm

A man-made mound of earth *used* to provide visual or acoustic screening, or to protect property.

Block

Shall mean a group of *lots* which are bounded either by *streets* or a combination of *streets*, *private roads*, rivers, or railway lines or parks.

Boarding or Rooming House

A *single detached dwelling* in which the owner and/or his agent resides and provides sleeping accommodation and washroom facilities for a fee in furnished rooms, with or without the provision of meals.

Boat Dock

A *structure* to which recreational boats and watercraft are secured while in the water. The term *boat dock* shall not include a *commercial dock facility*.

Boat House

An *accessory building* or *structure* designed or *used* for the sheltering of a boat or other type of watercraft.

Body-Rub

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

Body-Rub Parlour

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

Broadcasting Centre

An *establishment* used by a radio and/or television station to receive and/or broadcast telecommunication signals, and may include recording studios, *communication towers*, satellite dishes, and the parking of service and utility vehicles.

Breezeway

A roofed connection between two or more *buildings* that may be partially enclosed by walls.

Building

A *structure used for the shelter, accommodation or enclosure of persons, animals, goods, materials or equipment that is supported by columns or walls, has one or more floors, is covered by a roof and is permanently affixed to the land.*

- **Apartment Building**

A *building containing four or more dwellings that share a common entrance, common halls, stairs, elevators, and/or yards.*
- **Block Townhouse Building**

A *townhouse building which gains access to a street via a private road on a commonly held parcel of land and/or a common driveway.*
- **Corporate Office Building**

An *office building which is occupied by a single company and which serves as the corporate headquarters for the company.*
- **Duplex Building**

A *two storey building that is divided horizontally into two separate dwellings, with each dwelling having a separate entrance either directly from the outside or through a common vestibule.*
- **Fourplex Building**

Two *duplex buildings attached vertically by a common wall extending from the base of the foundation to the roof.*
- **Office Building**

A *building containing at least two business or administrative offices and/or professional service offices, which includes common halls, stairs and/or elevators, and which may also include services principally for the occupants of the building such as a cafeteria and a snack bar.*
- **Semi-Detached Building**

A *building* separated vertically into two separate *dwellings*, connected by a *common wall*, with each *dwelling* being located on a separate *lot* and having a separate entrance directly from the outside of the *building*.

- **Townhouse Building**

A *building* divided vertically or horizontally into a minimum of three separate *dwellings*, with each *dwelling* having a direct access from *finished grade*.

- **Triplex Building**

A *building* divided horizontally into three separate *dwellings*, with access to each *dwelling* being provided through a common vestibule.

Building Permit

An approval issued by the Chief Building Official of the Municipality of Clarington pursuant to the Building Code Act.

Building Supply Outlet

An *establishment* where primarily lumber and masonry products are stored and sold.

Bulk Fuel Distribution Establishment

An *establishment* where fuel is stored in bulk fuel storage tanks and sold to the operators of *commercial motor vehicles* or to a commercial distributor or reseller of the fuel. The term *bulk fuel distribution establishment* shall not include a *motor vehicle fuel bar*.

Bunkhouse

A *mobile home* located on a *farm* that is *used* for the accommodation of agricultural workers employed on the *farm* during the growing and harvest seasons. A *bunkhouse* shall consist of at least one bathroom and at least two *habitable rooms* that provide living, dining and sleeping accommodation in appropriate combinations.

Bus Terminal

An *establishment* where buses pick up and discharge fare-paying passengers and where buses are parked or housed on a temporary basis. The term *bus terminal* includes *accessory uses* such as a ticket office, parcel or luggage checking facilities, snack bar and a *restaurant*.

Business or Administrative Office

An *establishment* in which one or more persons are employed in conducting, managing, or administering a business. The term *business or administrative office* includes the administrative offices of a government agency, a non-profit organization, or a charitable organization.

Campground

A parcel of land where individual sites are rented on a transient or seasonal basis for the placement of *recreational trailers*, *recreational motor vehicles*, or *tents*, for recreational or vacation purposes. Accessory uses such as washrooms and laundry facilities are permitted.

Carport

A roofed *structure* open on at least two sides that is *accessory* to a *dwelling* and *used* for the parking or storage of a *motor vehicle*.

Caterer

An *establishment* in which meals are prepared and delivered for consumption off the premises at a social event. The term *caterer* does not include a *take-out restaurant*.

Cellar

The portion of a *building* between two floor levels that has 50% or more of its height below the average *finished grade* of the *lot* on which the *building* is located. The term *cellar* shall not include a *basement*.

Cemetery

Lands, *buildings* and *structures* subject to the Cemeteries Act *used* for the internment of deceased persons. Accessory uses may include a mortuary, and a mausoleum, but shall not include a *crematorium*.

Children's Home Care

See Section 5.6.1 b. for definition.

Commercial Dock Facility

An area of land and/or a *structure* attached to the shore of Lake Ontario where material, excluding liquid or chemical petroleum products, is stored and loaded and unloaded from ships. The term *commercial dock facility* includes the stockpiling of solid bulk materials, but shall not include a *warehouse*, a *bulk fuel distribution establishment*, the storage of liquid materials, or the handling of transport containers.

Common Wall

A vertical wall separating two *buildings* between the top of the footings to the underside of the roof and that is mutually common to both *buildings*.

Communication Tower

A *building or structure* that transmits and/or receives telephone, telex, satellite, radio and/or television signals. The term *communication tower* shall not include *buildings or structures used exclusively for dispatch communication*.

Concrete Batching Plant

A plant where dry materials are weighed, batched and distributed to trucks as part of a process to produce concrete. The dry materials may be mixed with the water in the truck or mixed with water in a stationary mixer prior to being distributed to the truck. A *concrete batching plant* may include concrete recycling.

Coniferous Planting Strip

A landscape feature comprised of coniferous tree species planted in such a manner as to visually screen the view of one property from the adjacent property.

Conservation

The management of natural resources in order to protect, maintain and enhance natural features, functions and ecosystems, including reforestation, erosion control, habitat improvement, and the rehabilitation of degraded land to produce a state or condition more closely reflecting natural forms, processes and attributes. This also includes the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities.

Conservation Authority

A *conservation authority* having jurisdiction in the Municipality of Clarington. The term *conservation authority* shall include the Central Lake Ontario Conservation, the Ganaraska Region Conservation Authority, the Kawartha Region Conservation Authority, and the Otonabee Region Conservation Authority.

Contractor's Yard

An enclosed area where a contractor stores equipment, vehicles and materials *used* in the conduct of this business.

Convention Centre

An *establishment* designed to accommodate large gatherings of people for events such as conferences, meetings, rallies, and trade shows. The term *convention centre* includes *restaurants and hotels*.

Corrections Residence

A secure facility licensed, funded or approved by the Province within which the residents, who are on probation, on parole, or awaiting trial, or who have been admitted to the facility for correctional or rehabilitation purposes, live together under 24 hour supervision in a group living arrangement.

Crematorium

A building or structure erected for the purpose of cremating human bodies under the Cemeteries Act, as amended. A *crematorium* may include such *accessory uses* as a chapel and a columbarium, but shall not include a *cemetery*.

Crisis Care Facility

See Section 5.3.1 a. for definition.

Day Care Centre

An *establishment* licensed by the Province and *used* for the temporary care and education of children on a regular basis for continuous periods not exceeding 24 consecutive hours. The term *day care centre* shall not include a *public school*, a *private school*, or a *school* for trainable mentally challenged children operating under appropriate legislation.

Deck

A structure that is located a minimum of 0.2 metres above *finished grade*, that does not have a roof, and that is *attached* to or abutting one or more walls of a *building* or is constructed separate from the *building*.

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, 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.

Drive-Through

The *use of land, buildings or structures, or part thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or an automated machine, to customers remaining in motor vehicles located in a drive-through queue aisle.* A *drive-through facility may be in combination with other uses such as a bank, dry cleaning establishment, dry cleaning distribution center, motor vehicle fuel bar, restaurant, or a store.* Despite the above, a *drive-through facility does not include a motor vehicle wash.*

Drive-Through Queue Aisle

See Section 6.4.1 a. for definition.

Driveway

Shall mean that portion of a *lot* designed to provide *motor vehicle* access from the *lot* to the traveled portion of the *street, private road or lane.*

Dry Cleaners Distribution Centre

An *establishment used for the collection and distribution of clothing and/or fabric articles which are dry-cleaned off the premises and for the pressing of any such clothing or articles.*

Dry Cleaning Establishment

An *establishment used for dry-cleaning, dry dyeing, cleaning, stain removal, or processing of clothing and/or fabric articles for a fee, only through the use of non-combustible and non-flammable solvents which emit no odours or fumes.* The term *dry cleaners establishment* shall include a *dry cleaning distribution centre.*

Dwelling

Two or more *habitable rooms* designed or intended for *use* by one household, in which washroom facilities and one kitchen are provided for the exclusive *use* of the household. The term *dwelling* does not include a *tent, a trailer, or a room or a group of rooms in a boarding or rooming house, a retirement home, a hotel, or a motel.*

- **Apartment Dwelling**

A *dwelling* located either within an *apartment building* or a *building* that contains other *uses* permitted by this By-law.

- **Bachelor Apartment Dwelling**

An *apartment dwelling* consisting of a maximum of two *habitable rooms* for living, dining, sleeping and kitchen accommodation in appropriate combination, and not more than one washroom.

- **Block Townhouse Dwelling**

A townhouse dwelling located in a block townhouse building.

- **In-House Apartment Dwelling**

An *apartment* dwelling located within a permitted *single detached dwelling* or *semi-detached dwelling* created through converting part of or adding onto the principal dwelling.

- **Semi-Detached Dwelling**

One of the two dwellings located in a semi-detached building, but not including an in-house apartment dwelling.

- **Single Detached Dwelling**

A completely detached *building* containing one *dwelling*.

- **Street Townhouse Dwelling**

A townhouse dwelling which fronts onto a street, is separated vertically from the other dwellings in the townhouse building, and has a separate entrance.

- **Townhouse Dwelling**

A dwelling located within a townhouse building.

Established Building Line

See Section 4.12.1 a. definition.

Establishment

A *building, structure* and/or area of land within or on which an activity referred to in this By-law is conducted.

Existing

A *use, building or structure* that was legally in existence on November 15, 2001, for all of the lands above the 245 metre contour.

Exotic Animal

Birds of prey, canines and felines excluding the domestic cat and dog, non-human primates, bears, elephants, crocodiles, venomous reptiles, boas and similar snakes, and any other animal that is not customarily raised or kept as part of a *farm*.

Façade

The exterior wall of a *building* facing a *street* or *private road*.

- **Principal Façade**

In the case of a *building* located on an *exterior lot* or a *through lot*, the *façade* within which the principal entrance to the *building* is located.

Farm Equipment and Supply Store

A *store* that provides *farm equipment* and *farm supplies*, and that may include facilities for the repair and maintenance of *farm equipment* as an *accessory use*.

Farm Occupation

An *accessory use* conducted on a *farm*, directly related to the *farm operation*, clearly secondary to the agricultural *use* of the *farm*, does not change the character or *use* of the *farm* for agricultural purposes, does not significantly alter the appearance of the *farm operation* and does not create or become a public nuisance particularly in respect to noise, traffic or parking.

Farm Produce Outlet

A *building* that is *accessory* to a *farm* and located on the same *lot*, in which fresh fruits, grains, grasses and vegetables grown on the *farm unit* are offered for sale, but may also include the limited sale of value-added *farm products* made from the produce grown on the *farm*, such as jam, pies, honey, wine or dairy products. The limited sale of preserving supplies, *home crafts*, flowers and bedding plants grown locally may also be included. A *farm produce outlet* shall have a maximum *floor area* and outdoor product display area of 95 square metres. The sale of meat and meat products, breakfast cereal, tobacco products, coffee, refreshments and food for consumption on the premises, housewares, paper products, magazines, soap, and pharmaceutical products is not permitted. The sale of lottery tickets and similar products not typically produced within the agricultural community is also not permitted.

Farm Produce Stand

A *building* or *structure* *accessory* to a *farm* in which fresh fruits, grains, grasses and vegetables grown on the *farm unit* are offered for sale. The limited sale of value-added *farm products* made from the produce grown on the *farm*, such as jam, pies and honey, is also permitted. A

farm produce stand shall have a maximum *floor area* and outdoor product display area of 25 square metres.

Farm Vacation Home

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

Farm Produce Warehouse

A *warehouse* used for the storage and wholesale distribution of *farm* produce, and may include a *store* for the sale of such *farm* produce as an *accessory use*.

Farm Winery

Buildings and structures accessory to a farm within which wine is produced from locally grown fruit. A *farm winery* may also include facilities for the storage and bottling of the wine.

Farmers Market

An *accessory use* conducted on a *farm* which is clearly secondary to the agricultural *use* of the *farm*, does not change the character or *use* of the *farm* for agricultural purposes, does not significantly alter the appearance of the *farm* operation and does not create or become a public nuisance particularly in respect to noise, traffic or parking.

Financial Office

An *establishment* where financial advice or services are provided to persons and businesses. The term *financial office* includes the offices of a finance company, mortgage company, insurance company, financial advisor, financial broker, and an investment company, but does not include a *bank*.

Finished Grade

The lowest elevation of the finished surface of the ground abutting the exterior walls of a *building or structure*.

Fitness Centre

An establishment that provides facilities for recreational or athletic activities, including but not limited to body-building and exercise classes.

Flea Market

An *establishment* where floor space is made available to two or more individual retail operators, and where the space allocated to each retail operator is not physically separated by walls which extend from the floor to ceiling from the space allocated to other retail operators.

Floor Area

The total horizontal area of a floor or floors.

- **Gross Commercial Floor Area**

The total of the *floor area* of each floor measured from the exterior face of the exterior walls, whether such floor is above or below *finished grade*, that is designed and/or used for commercial purposes permitted by the By-law, but excluding any part of the *building* used for mechanical equipment, parking, loading, common garbage storage, elevators, stairs or storage below *finished grade*. Where a floor is *used* for both residential and commercial *uses* permitted by this By-law, the *gross commercial floor area* shall be measured from the exterior face of exterior walls and/or the centre line of interior walls separating the commercial uses from the residential uses.

- **Gross Residential Floor Area**

The total of the *floor area* of each floor measured from the exterior face of the exterior walls, excluding *garages*, mechanical equipment, parking, loading, common garbage storage, elevators, stairs, *cellars*, unfinished *attics*, and sunrooms that are not habitable year round. Where two or more *dwellings* share a *common wall*, *gross residential floor area* shall be measured from the centre line of the *common wall*. In the case of an *apartment building* or a *block townhouse building*, *gross residential floor area* shall also include common indoor areas located within the same *building* or on the same *lot*. Where a floor is *used* for both residential and commercial *uses* permitted by this By-law, the *gross residential floor area* shall be measured from the exterior face of exterior walls and/or the centre line of interior walls separating the residential *uses* from the commercial *uses*.

Gross Leasable Floor Area

That portion of *gross commercial floor area* that is designed for the occupancy and exclusive *use* of tenants and that is capable of accommodating *uses* such as sales, display, storage or offices, and excludes public common areas and walkways. Where a single *use* occupies a floor, *gross leasable floor area* shall be measured from the exterior faces of exterior walls. Where a floor is divided into different *uses* by walls, *gross leasable floor area* shall be measured from the exterior face of exterior walls and/or the centre line of interior walls separating such *uses*.

Floor Space Index (F.S.I.)

The ratio of the total *floor area* occupied by a *use* to that area of a *lot* zoned to permit that *use*.

- **Commercial Floor Space Index**

The Floor Space Index using gross commercial floor area.

- **Residential Floor Space Index**

The F.S.I. using gross residential floor area.

Foundry

A *building* in which the *principal use* is the casting of metals.

Forestry

The management, development and cultivation of timber resources in accordance with *good forestry practice*.

Funeral Home

An *establishment used* for human funeral services, and may include space and facilities for embalming and performing other services *used* in the preparation of deceased persons for burial, the storage of caskets, funeral urns and other related funeral supplies, and the storage of funeral vehicles. A *funeral home* shall not include facilities for cremation.

Fur Garment Manufacturing

An *establishment used* for the designing, assembling, making, preparing, inspecting, finishing, treating, altering and repairing of fur garments. It may also include warehousing, displaying and selling of fur garments, but does not include the tanning of furs.

Gaming Establishment

An *establishment* operated on a commercial or for-profit basis and which offers to the public coin-operated gambling machines, *video lottery terminals*, gambling services through a special closed-circuit network or telephone network, and gaming tables with persons employed as dealers to supervise and officiate specific forms of gaming activity, for the purposes of wagering, gambling, or betting.

Garage

Shall mean a building, structure or part thereof, including a carport, designed and/or used for the parking of motor vehicles having adequate access to a driveway, and where household equipment incidental to the residential use may be stored.

Garage Sale

See Section 5.4.1 a. for definition.

Garden and Nursery Centre

An *establishment* where gardening materials and vegetation such as flowers, plants, shrubs, and trees are sold to the public. The term *garden and nursery centre* may include as an *accessory use* the sale or rental of such goods, products, and equipment normally required for gardening.

- **Seasonal Garden and Nursery Centre**

A *garden and nursery centre* that exists only during the growing season, to a maximum of seven consecutive months within a calendar year.

Garden Suite

A one unit residential *structure* containing washroom and kitchen facilities that is designed to be portable and that is *accessory* to a *single detached dwelling* constructed on the same *lot*.

Golf Course

An area of land operated for the purpose of playing golf, and may include *accessory uses* such as a *golf driving range*, a mini-putt, a club house, a *restaurant*, and a *bar*.

Golf Driving Range

An area of land where the sport of golf is practiced from individual tees, and may include *accessory buildings* and *structures* for the storage and rental of golf balls and golf clubs, a mini-putt, and a practice green.

Good Forestry Practice

The proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which it is being applied and that minimize detriments to forest values, including: significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health; and the aesthetic and recreational opportunities of the landscape. *Good forestry practice* includes the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees that must be removed in order to prevent contamination or infestation of other trees, or that no longer contribute to the achievement of forest values.

Ground Floor

The lowest storey of a building closest to finished grade.

Greenhouse

A *structure* whose roof and sides are made primarily of transparent or translucent material and within which plants are cultivated. Such *use* may also include the wholesale and/or retail sale of *greenhouse* products produced in the *greenhouse*, but shall not include a *greenhouse used* for cultivation of plants that will later be transplanted outdoors principally for the farmer's *use* on the *farm*.

Guardhouse

A *building*, either stand-alone or incorporated into the *principal building*, *accessory* to a permitted *industrial use*, *used* for property security or limited office space, but does not include a *dwelling* unit and shall be less than 13 square metres.

Habitable Room

A room within a *building* that is designed and *used* for year-round human occupation, including finished *basements*, *cellars* and *attics*.

Heavy Equipment

Large machinery and equipment such as cranes, backhoes and rental bleacher seating.

- **Heavy Equipment Sales**

An *establishment* where *heavy equipment* is kept for sale or rent.

- **Heavy Equipment Service**

An *establishment* where *heavy equipment* is serviced or repaired.

Home Appliance Service

An *establishment* for the servicing of household or domestic articles such as home electronics, vacuum cleaners, appliances, camera equipment, clocks and watches, bicycles, or other similar goods and appliances, but shall not include industrial or manufacturing processes as a method of servicing these items.

Home Craft

Small items composed of fabric, wood, or earthen materials that are made by hand or with the use of small tools, such as pottery, clothing, birdhouses and mailboxes.

Home Industry

See Section 5.5.1 a. for definition.

Home Occupation

See Section 5.6.1 c. for definition.

Hospital

An *establishment* approved under the Public Hospitals Act where persons suffering from injury, disease, or sickness receive medical treatment, and may be kept overnight or longer in order to receive appropriate medical treatment and care.

Hotel

An *establishment* that caters to the traveling public by furnishing private sleeping accommodations and washroom facilities, and consists of one or more *buildings* containing at least three individual rental accommodation units that share a common ground level entrance. A *hotel* may provide *accessory uses* such as a *restaurant*, *bar*, and conference and recreational facilities.

Hydrologically Sensitive Feature

Shall mean land that includes permanent and intermittent streams, wetlands, or seepage areas and springs.

Impervious Surface

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

Industrial Use

The assembly or processing of substances, goods or raw materials related to the manufacture or fabrication of finished goods, warehousing or bulk storage of goods, and may include *accessory uses* such as storage and facilities for receiving and shipping materials and goods.

- **Heavy Industrial Use**

An *industrial use* which includes the outdoor storage of raw materials, waste materials and/or finished products resulting from or produced by the *industrial use* on the *lot*, and/or an *industrial use* which, by reason of the materials used or the waste generated, or the amount of noise, smoke, dust, odour, and/or vibration it generates or is capable of generating, requires a certificate of approval under the Environmental Protection Act. The term *heavy industrial use* does not include a *warehouse*, a *waste disposal site*, a stockyard, an *abattoir*, a smelter or any *use* which uses a blast furnace or coke ovens, a pulp and paper mill, creosote treatment or manufacture, or the distillation of coal, tar, wood or bones.

- **Light Industrial Use**

An *industrial use* in which all assembly, processing, manufacturing, and fabrication operations and the storage of raw material and/or finished products are conducted within a fully enclosed *building*. The term *light industrial use* does not include a *warehouse* or an activity or *use* which requires a certificate of approval under the Environmental Protection Act.

Kennel

An *establishment* where four or more dogs, cats or other domestic animals of at least four months of age are boarded or trained for a fee, or kept for the purposes of breeding.

Kiosk

A *building* or *structure* with a maximum *floor area* of 10 square metres that is *accessory* to a permitted *building*, *structure*, or *use* and is located on the same *lot*.

Landscaped Area

See Section 4.7.1 a. for definition.

Lane

A road owned by the Municipality that provides either the primary access to abutting *lots* or the secondary access to abutting *lots* where the primary access/frontage is available from a *street*. The term *lane* shall not include a *street*.

Legal Non-Conforming Building, Structure or Use

See Section 4.9.1 a. for definition.

Light Equipment

Hand tools, small power tools, portable equipment, and machinery containing a small engine, such as air compressors, augers, automotive tools, cleaning equipment, light compaction equipment, concrete and masonry equipment, floor and carpet tools, gasoline generators, chain saws, jacks and hydraulic equipment, lawn and garden tools, ladders, moving equipment, painting and decorating equipment, pumps, scaffolding, welding equipment, sporting equipment, party supplies, and other similar tools and accessories.

- **Light Equipment Service**

An *establishment* where *light equipment* is serviced or repaired.

Loading Space

See Section 6.5.1 a. for definition

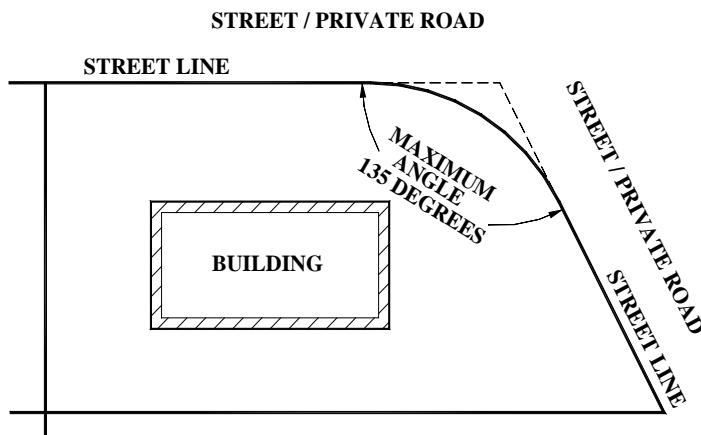
Lot

A parcel of land within a registered plan of subdivision or any land that may be legally conveyed under the exemption provided in Section 50 (3) (b) or Section 50 (5) (a) of the Planning Act, or a remnant of a *lot* that remains in private ownership after part of the *lot* has been expropriated.

- **Exterior Lot (See Figure 3 -1)**

A *lot* situated at the intersection of and abutting upon two *streets*, a *street*, and a *private road*, two *private roads* or the same *street* or *private road*, provided that the interior angle of the intersection of the *street lines* is not more than 135 degrees. In the case of a curved corner, the interior angle of the intersection shall be measured as the angle formed by the intersection of the extension of each of the *street lines*.

FIGURE 3 – 1
DETERMINING AN EXTERIOR LOT



- **Interior Lot**

A lot other than an exterior lot or a through lot.

- **Lot Area**

The total horizontal area bounded by the *lot lines* of a *lot*, including any lands usually covered by water.

- **Lot Coverage**

The percentage of the *lot area* at *finished grade* covered by the vertical projection of all *buildings* and *structures*. Where a *lot* is divided into more than one zone, the *lot coverage* in each zone shall be calculated as it applies only to that portion of the *lot* that is located within the specific zone. An in-ground, on-ground or above-ground *swimming pool* shall not be considered as a *structure* for the purposes of calculating *lot coverage*.

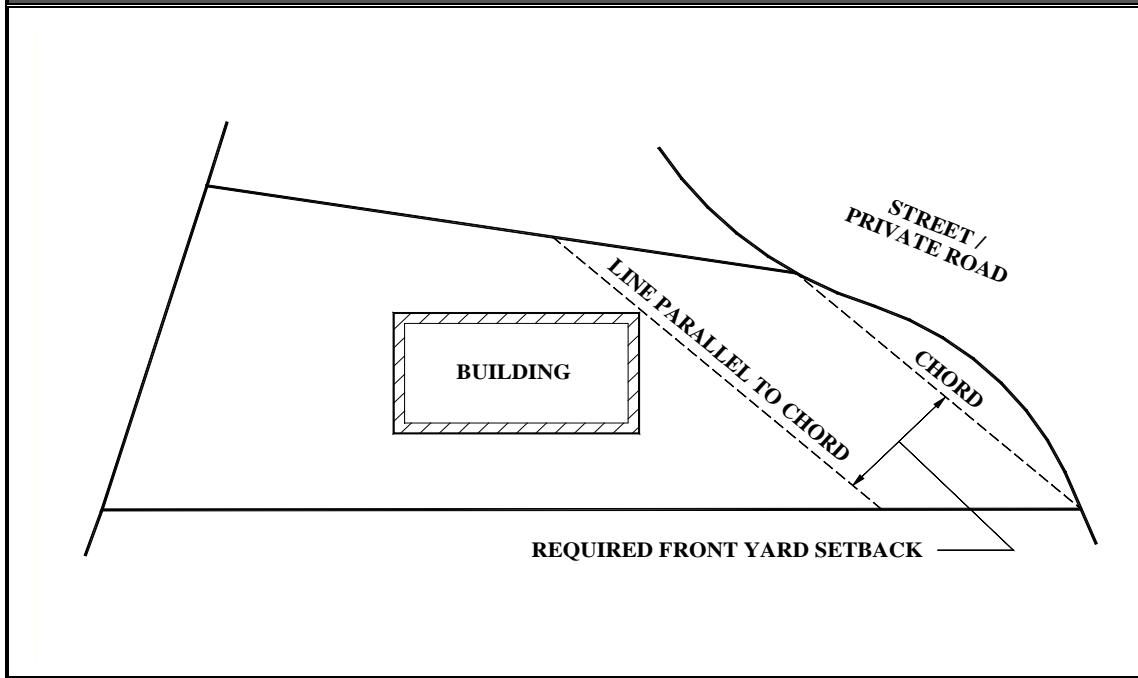
- **Lot Depth**

The horizontal distance between the *front* and *rear lot lines* of a *lot*. If the *front* and *rear lot lines* are not parallel, *lot depth* shall be the length of a straight line joining the mid-point of the *front lot line* with the mid-point of the *rear lot line*. When there is no *rear lot line*, *lot depth* shall be the length of a straight line joining the mid-point of the *front lot line* with the apex of the triangle formed by the *side lot lines*.

- **Lot Frontage (See Figure 3 - 2)**

The minimum straight-line distance between the *side lot lines* measured along the *front lot line* of a *lot*. Where the *front lot line* is not a straight line or where the *side lot lines* are not parallel, the *lot frontage* is measured along a line parallel to the chord of the *lot frontage* and set at a distance from the *front lot line* equal to the *front yard setback*. The chord of the *lot frontage* is measured as a straight line joining the points where each *side lot line* intersects the *front lot line*.

FIGURE 3 -2
DETERMINING LOT FRONTAGE



- **Through Lot**

A *lot* bounded on two opposite *lot lines* by *streets* and/or *private roads*. A *lot* that qualifies as both an *exterior lot* and a *through lot* shall be deemed to be an *exterior lot*. Where a *through lot* that is not an *exterior lot* has frontage on more than one *street*, the *front yard setback* provisions of the zone in which the *lot* is located shall apply to the *lot line* to which principal access to the *lot* is gained.

Lot Line

Any boundary of a *lot* or the vertical projection thereof.

- **Exterior Side Lot Line**

A side lot line abutting a *street* or *private road* on an *exterior lot*.

Front Lot Line

In the case of an *interior lot*, a *lot line* dividing the *lot* from the *street* or *private road* shall be deemed to be a *front lot line*. In the case of an *exterior lot*, the shorter *lot line* abutting a *street* or *private road* shall be deemed to be a *front lot line*, and the longer *lot line* abutting a *street* or *private road* shall be deemed to be an *exterior side lot line*. In the case

of a *through lot* whether or not such *lot* is deemed to be an *exterior lot*, the *lot line* where the principal access to the *lot* is provided shall be deemed to be a *front lot line*.

- **Interior Side Lot Line**

A side *lot line* that is not an exterior side *lot line*.

- **Rear Lot Line**

A *lot line* (or point of intersection of the *side lot lines*) furthest from and opposite to the *front lot line*.

- **Side Lot Line**

A lot line other than a front *lot line* or a rear *lot line*.

Marina

An *establishment* located on a navigable waterway containing a *boat dock* or mooring facilities for boats, personal watercraft, and other motorized and non-motorized watercraft. Facilities for the repair and servicing of watercraft and for the sale of marine accessories, fuels and lubricants may be provided.

Marine Sales and Service

An *establishment* where boats, other watercraft and marine accessories are displayed for sale or rent, and/or where marine equipment is serviced.

Marine Storage

An area of land within which recreational boats, yachts and *accessory equipment* are stored, maintained or repaired for a fee.

Medical Clinic

An *office building* occupied by *medical offices* which may include such *uses* as reception areas, office for consultation, examination, x-ray facilities, minor operating rooms, medical laboratories, and pharmacies, provided that all such *uses* have access from the interior of the *building*.

Medical Office

An *establishment* where medical physicians, dentists, chiropractors, optometrists, osteopaths, naturopaths, occupational or physical therapists, and/or other medical professionals, either singularly or in union, provide diagnosis and treatment to the general public without overnight accommodation.

Mineral Aggregate

Gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, and rock or other material prescribed under the Aggregate Resources Act as being suitable for construction, industrial, manufacturing and maintenance purposes.

- **Mineral Aggregate Crusher**

Equipment used to crush extracted *mineral aggregate*.

- **Mineral Aggregate Processing**

The screening, blending, and/or washing of extracted *mineral aggregate* by mechanical means, and shall include the stockpiling of the *mineral aggregate*.

- **Mineral Aggregate Recycling**

The crushing of used asphalt and concrete and the blending of it with sand and gravel or crushed stone, and shall include the temporary stockpiling of materials used in an active recycling operation on the same site.

Minimum Distance Separation Formulae

A guideline established by the Province to minimize nuisance complaints due to odour and thereby reduce potential land use conflicts by determining appropriate separation between livestock and manure storage facilities and neighbouring non-agricultural uses, including residential, institutional, industrial, commercial, or recreational uses.

Minimum Vegetation Protection Zone Area

Shall mean all land within a minimum of 30 metres adjacent to a *natural heritage feature* or a *hydrologically sensitive feature*.

Mobile Home

A *dwelling* designed to be mobile, and is constructed or manufactured to provide a temporary, mobile or portable residence for one or more persons, but does not include a *trailer* as defined by this By-law.

- **Mobile Home Park**

A parcel of land in single ownership where individual sites are made available on a rental basis for the placement of *mobile homes* for year round use, and each *mobile home* is connected to water service and sanitary sewer service. A *mobile home park* may include *accessory buildings* that contain recreational and social facilities for the use of the park's residents and for maintenance purposes of the *mobile home park*. The responsibility for maintenance of private internal roads, common areas and common *buildings* rests with the owner of the land.

Model Home

See Section 5.8.1 a. for definition.

Motel

An *establishment* that caters to the needs of the travelling public by furnishing private sleeping accommodations and washroom facilities and that consists of one or more *buildings* containing at least three individual rental accommodation units that have separate entrances from the outside. A motel may include accessory uses such as a restaurant, bar and recreational facilities.

Motor Vehicle

An automobile, truck, motorcycle, motor assisted bicycle and any other vehicle propelled or driven by other than muscular power, but shall not include *motor vehicles* running only upon rails, a motorized snow vehicle, traction engine, *farm tractor*, or a road building machine.

- **Commercial Motor Vehicle**

A *motor vehicle* used for commercial purposes with or without a permanently attached delivery body, and includes vehicles such as a *refreshment vehicle*, buses, cube vans, tow trucks, tilt and load dump trucks, and tractor-trailers.

- **Commercial Motor Vehicle Sales**

An establishment where new or used commercial *motor vehicles* are displayed for sale or rent. Permitted accessory uses include a *motor vehicle* body shop to be used only for commercial *motor vehicles*.

- **Motor Vehicle Body Shop**

An *establishment* where painting or repairing of the exterior and/or undercarriage of *motor vehicle* bodies is undertaken, and may include a towing service and *motor vehicle rentals* for customers as *accessory uses*.

- **Motor Vehicle Fuel Bar**

An *establishment* for dispensing fuel to *motor vehicles* that consists of fuel pumps, and a kiosk for the fuel bar attendant within which *motor vehicle* accessories and fluids and pre-packaged snack food items may be offered for sale.

- **Motor Vehicle Rentals**

An *establishment* where passenger *motor vehicles* and light duty *commercial motor vehicles* are kept for rent.

Motor Vehicle Repair Garage

An *establishment* where automotive maintenance is performed on *motor vehicles*, including oil changes, ignition timing adjustments, rust proofing, the installation or repair of transmissions, exhaust systems, brakes, automotive glass and tires, but shall not include a *motor vehicle body shop*. *Accessory uses* may include the limited sale of automotive products such as antifreeze, sparkplugs, and batteries.

- **Motor Vehicle Sales**

An establishment where new or used motor vehicles are displayed for sale or lease. Accessory uses may include a *motor vehicle* body shop and a *motor vehicle* repair garage.

- **Motor Vehicle Sales Campus**

A group of three or more *motor vehicle sales establishments* located either on one *lot* or on abutting *lots*.

- **Motor Vehicle Towing Establishment**

An enclosed area where *motor vehicles* impounded for a breach of the law may be taken or towed and stored temporarily until reclaimed.

- **Motor Vehicle Wash**

An *establishment* where mechanical equipment or self-service facilities are *used* for the washing of *motor vehicles*. A *motor vehicle wash* shall have water and sanitary sewer services provided by a *public authority*.

- **Motor Vehicle Wrecking Yard**

An *establishment* where *motor vehicles* are dismantled and made inoperative, and are stored primarily outside. A *motor vehicle* wrecking yard may include the sale of used *motor vehicle* parts, but shall not include *motor vehicle sales*, a *waste transfer station* or a *recycling facility*.

- **Recreational Motor Vehicle**

A *motor vehicle* constructed as a self-propelled and self-contained unit that is capable of being utilized for the sleeping, eating and living accommodation of one or more persons on a temporary basis.

Museum

A *building* where collections of art, objects of natural history, mechanical or scientific inventions, instruments, models, designs, documents, and artifacts such as furniture and clothing are preserved and displayed primarily for educational purposes and not for sale. A *museum* may include *accessory uses* such as gift shops, libraries, snack bars, reading rooms, laboratories and administrative offices.

Natural Heritage Feature

Shall mean land that includes wetlands; significant portions of the habitat of endangered, rare and threatened species; fish habitat; areas of natural and scientific interest (life science); significant valleylands; significant woodlands; significant wildlife habitat; sand barrens, savannahs and tallgrass prairies.

Naturalized Area

See Section 4.7.1 b. for definition.

Nursing Home

An *establishment* maintained and operated for persons requiring nursing care, as defined under the Nursing Homes Act.

Outdoor Storage Area

An area of land not located within a *building* that is *used* for the storage of goods, equipment or materials normally *accessory* to a permitted *use* located on the same *lot*.

Outdoor Storage Facility

An *establishment* for the storage, either in the open air or in unenclosed *buildings* that are open to the air on some side, of licensed personal *motor vehicles*, *recreational vehicles* or marine vehicles and their *trailers*. An *outdoor storage facility* shall not include a parking *lot*, an outdoor

retail display area, a *transport depot*, a *salvage yard*, the temporary storage of waste or other similar uses.

Park

An area permanently devoted to recreational *uses*, owned by or leased to a *public authority*, and used for both passive and/or active forms of recreation designed to serve the public.

- **Active Park**

A *park* that may include a recreation area, playground, *swimming pools*, picnic areas, gardens, boating facilities, playing fields, *parking areas* and recreational *structures* and facilities but shall not include a *campground* or *trailer park*.

- **Passive Park**

A *park* that provides passive recreation opportunities, such as non-motorized trails, bird sanctuaries, wildlife reserves, and may include *structures* and facilities necessary to encourage and promote recreational/educational/instructional pursuits.

Parking Area

See Section 6.3.1 e. for definition.

Commercial Parking Area

See Section 6.3.1 b. for definition.

- **Enclosed Parking Area**

See Section 6.3.1 d. for definition.

Parking Space

Shall mean an area not located on a *street*, *private road*, or *lane* that is used for the parking of more than one *motor vehicle* with or without a fee being charged, but shall not include any area where *motor vehicles* are kept or stored for sale or repair.

Personal Service

An *establishment* such as a hairdresser, a tailor shop, a shoe repair shop, a *dry cleaners distribution centre*, or a laundromat, in which services are provided for a fee to satisfy the needs of persons, but shall not include a *gaming establishment* or an *adult entertainment parlour*.

Pet Cemetery

Lands, *buildings* and *structures* used for the internment of domestic animals.

Pet Grooming

An *establishment* where domestic animals are groomed, but does not include retail sales of goods, overnight boarding of animals or outdoor animal facilities.

Pit

An area of land where unconsolidated *mineral aggregate* such as gravel, stone and sand is extracted pursuant to a license or a permit issued under the Aggregate Resources Act. A *pit* may include as an *accessory use* a *mineral aggregate crusher*, *mineral aggregate processing*, and/or *mineral aggregate recycling*.

- **Wayside Pit**

A temporary *pit* opened and *used* by or for a *public authority* solely for the purpose of a particular road construction project or contract and not located on a road allowance.

Place of Entertainment

An *establishment* where entertainment or amusement is provided for a fee, and includes such *uses* as a bingo hall, bowling alley, or an ice or roller skating rink, but shall not include a *gaming establishment* or an *adult entertainment parlour*.

Place of Worship

An *establishment* dedicated to religious worship such as a church, a synagogue, a mosque, or a temple. A *place of worship* may include *accessory uses* such as a *day care centre*, *school* of religious education, convent, monastery, rectory or *assembly hall*, and an *existing cemetery*.

Portable Asphalt Plant

A facility with equipment designed to heat and dry *mineral aggregate* and to mix *mineral aggregate* with bituminous asphalt to produce asphalt paving material, and includes stockpiling and storage of bulk materials used in the process. A *portable asphalt plant* is not of permanent construction and is to be dismantled at the completion of the construction project.

Porch

A *structure* connected to a main wall of a *building* and that has a roof supported in part either by pillars or by walls, provided that at least one side is open.

Postal Outlet

See Section 5.1.1. b. for definition.

Principal Building or Structure

The *building* or *structure* within which a *principal use* occurs.

Principal Use

The primary purpose for which a *lot, building, structure* or any combination thereof, is *used*, designed, arranged, occupied or maintained.

Printers/Publishers

An *establishment* in which the business of producing books, newspapers, magazines, periodicals, and advertising materials for sale or distribution are printed for a fee.

Private Airstrip

Land *used* for the landing and taking-off of aircraft. The term *private airstrip* shall not include a hanger.

Private Club

An *establishment* within which the members of an association, club, cultural group or community group meet periodically to conduct the activities of the association, and for social activities, cultural events, performances, or exhibitions.

Private Recreational Area

Land owned and maintained by a private organization that may include recreational facilities such as *swimming pools*, picnic areas and *athletic fields*.

Private Road

A road, the fee simple of which is owned by a single person, that is subject to one or more easements registered against title in favour of one or more abutting *lots* to which the easements are appurtenant. Such easements entitle the owners of the *lots* to *use* the *private road* for the purposes of access to and from the *lots*. The term *private road* includes a *private road* shown on a registered condominium plan, but does not include a *right-of-way*, a *street* or a *lane*.

Professional Service

An *establishment* in which a service is provided for a fee that administers to the needs of businesses, or a service is provided by professionally qualified persons and their staff to clients or patients who seek advice, consultation or treatment. The term *professional service* includes a travel agency, photographer, *veterinary clinic – domestic animals*, *veterinary clinic – farm animals*, *medical office*, legal office, real estate office, *financial office*, photocopy centre, private investigator, data processing and computer services, personnel agency, and similar *uses*.

Public Authority

Any department or agency of the Municipality of Clarington, the Regional Municipality of Durham, the Greater Toronto Transit Authority, a *conservation authority*, a *public school board*, the Government of Ontario, or the Government of Canada.

Public School Board

The term *public school board* shall include the Kawartha Pine Ridge District School Board, the Peterborough Victoria Northumberland and Clarington Catholic District School Board, the Conseil Scolaire de District Catholique Centre - Sud, or the Conseil Scolaire de District Centre - Sud - Ouest.

Public Storage Facility

An *establishment* used for the temporary self-service storage of items and seasonal, recreational or commercial vehicles, boats and *trailers* in rental/leasable storage areas or lockers within enclosed *buildings*, which are generally accessible by means of individual loading doors. *Outdoor storage areas* are only allowed as an *accessory use* where permitted by the zone. A *public storage facility* is only permitted abutting a *local street* or *collector street*.

Public Works Depot

An *establishment* operated by the Municipality, the Region, or the Province where equipment, *motor vehicles*, and materials such as road salt and sand used for public works purposes are stored and/or maintained.

Pumping Station

An *establishment* used for the purpose of pumping substances such as sewage, municipal water, oil or natural gas.

Quarry

An area of land where consolidated *mineral aggregate*, such as shale, stone, limestone, dolostone, sandstone, marble, granite, or rock is extracted pursuant to a license or a permit issued under the Aggregate Resources Act. A *quarry* may include as an *accessory use* a *mineral aggregate crusher*, *mineral aggregate processing*, and/or *mineral aggregate recycling*.

- **Wayside Quarry**

A temporary *quarry* opened and *used* by or for a *public authority* solely for the purpose of a particular road construction project or contract and not located on a road allowance.

Railway Yard

An *establishment used for activities directly associated with the operation of a railway, including but not limited to the loading and unloading of freight, and the maintenance, repair and storage of railway cars.* The term *railway yard* shall not include a *train station*.

Recreation Centre

A *building and associated lands owned by the Municipality and either operated by the Municipality or by a non-profit corporation for use by residents of the Municipality for community activities including, but not limited to recreational, athletic, social, charitable and educational purposes.*

- **Private Recreation Centre**

A *building and associated lands owned and operated by a private organization in which facilities are provided for the recreational, educational or social purposes of the residents of a site. Accessory uses may include a private club, a banquet hall, a professional service, a personal service, a restaurant, a financial office a business or administrative office, a convenience store, and a specialty store.*

Recreational Competition

Any competition involving sport or other recreational activities.

- **Motorized Recreational Competition**

Any competition involving sport and other recreational activities *using motorized vehicles for the purposes of entertainment or recreation, and may include tractor pulls, snowmobile races, motorcycle/moto-cross events, and automobile races.*

Recreational Vehicle

A vehicle that is *used predominantly for recreational purposes, including recreational trailers, snowmobiles, motorized and non-motorized boats, personal watercraft, all-terrain vehicles and recreational motor vehicles.*

- **Recreational Vehicle Sales and Service**

An *establishment where new and/or used recreational vehicles and related accessories are displayed for sale or rent and where recreational vehicles are serviced, repaired, and/or stored.*

- **Recreational Vehicle Storage**

A commercial establishment for the storage of licensed recreational vehicles and their trailers.

Recycling Facility

An *establishment* where non-hazardous solid waste such as paper, glass, metal, construction waste and plastic is collected, separated, or processed for further use. The processing and/or the storage of goods, wares, merchandise, or articles occurs wholly within a *building*. The term *recycling facility* shall not include any *outdoor storage area* or a *waste transfer station*.

Reforestation Area

An area in which trees with a minimum height of 30 centimetres representing at least three individual tree species have been planted.

Refreshment Vehicle

A *commercial motor vehicle* or *trailer* located either on a permanent or temporary basis where food or meals are offered for sale to the public for immediate consumption primarily off-site.

Research and Development Facility

An *establishment* where research is conducted to refine or develop products and/or services.

Residential Care Facility

See Section 5.3.1 b. for definition.

Resort

A commercial *establishment* where facilities are provided for recreational and related activities. *Accessory uses* may include *restaurants* and facilities for the sale, rental and repair of recreational equipment.

Restaurant

An *establishment* where prepared food and beverages are offered for sale to customers for immediate consumption.

- **Drive-Through Restaurant**

A restaurant with a drive-through.

- **Eat In Restaurant**

A *restaurant* in which tables and/or counters are provided for the use of customers.

- **Take-Out Restaurant**

A *restaurant* where tables and/or counters for the use of customers are not provided.

Retirement Home

A residential *building* maintained and operated for retired persons in need of residential care where each private bedroom or living area has separate washroom facilities and a separate entrance from a common hall, and common facilities are provided for the preparation and consumption of food. Common lounges, recreation rooms and short term medical care facilities may also be provided. The term *retirement home* includes a home for the aged as defined by the Homes for the Aged and Rest Homes Act.

Riding Arena

A *building* or *structure* where instruction for the riding, jumping, showing or racing of horses, ponies and similar equestrian animals is offered and may include *accessory uses* such as stables, dressing rooms, snack bars, tack shop and bleachers. A *riding arena* may include adjacent lands where pasturing, outdoor riding or outdoor instructional activities are available.

Riding Stable

An agricultural *establishment* where horses, ponies and similar equestrian animals are available for hire to the general public for outdoor riding, or where outdoor instruction in riding, jumping and showing is offered.

Right-of-Way

An area of land on which has been created and registered against the title of the *lot* on which it is located, perpetual easements appurtenant to one or more *lots* that provide access to such *lots* to a *street*. The term *right-of-way* shall not include a *private road*.

Salvage Yard

An *establishment* where goods or materials such as scrap metal are stored wholly or partly in the open. Limited processing of the stored materials is permitted as an *accessory use*. A *salvage yard* shall not include a *motor vehicle wrecking yard*.

Saw Mill

An *establishment* where timber is cut by machine. The temporary storage of uncut and cut wood and facilities for the sale of cut lumber are permitted as an *accessory use*.

School

An institution for instruction and may include a public, private or separate *school*, college, university or *commercial school*.

- Commercial School

A *school* conducted for profit or gain and shall include a music or dance studio, an art *school*, a golf *school*, a *school* of athletics, a business or trade *school*, and other specialized *schools*.

- **Elementary School**

A *school* that offers education for all or some of the grades from Junior Kindergarten to Grade Eight, recognized by the Ministry of Education and which may include facilities for boarding students registered at the *school*. A *day care centre* may be permitted as an *accessory use*.

- **Secondary School**

A *school* that offers education, which prepares students for an Ontario Secondary School diploma, recognized by the Ministry of Education and which may include facilities for boarding students registered at the *school*.

Shipping/Cargo Container

Shall mean a prefabricated metal container or box specifically constructed for transport of goods by rail, ship or transport truck.

Shopping Centre

An *establishment* containing a minimum of three commercial units, which is designed and managed as a single, comprehensively planned development with common on-site circulation and parking for *motor vehicles* and a common access to an abutting *street*.

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,

- 7) The construction of facilities for transportation, infrastructure and utilities uses, by a public body, or
- 8) For greater certainty,
 - a) The reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or
 - b) The carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.

Ski Resort

An establishment where snow skiing facilities including ski lifts, tows, maintenance shops, ski rental, sales, and instructions are provided. A ski resort may include as an *accessory use* a *restaurant* and/or a snack bar.

Sod Farm

Farm and where grass is grown on a commercial basis, and removed and transported, together with its supporting topsoil, for *use* in landscaping.

Speedway

An *establishment* where *motor vehicle* racing, competitions and training occur on a track. *Accessory uses* to the speedway may include, concession stands for the sale of food and souvenirs, grand stands, *buildings* for vehicle maintenance and storage, and may include overnight camping.

Special Event

See Section 5.11.1 a. for definition.

Store

An *establishment* in which goods, wares, merchandise, substances, or articles, whether for the personal *use* of customers or the *use* of a business, are kept and offered for sale or rent to customers who visit the *store*. The term *store* may include as an *accessory use* the storage on the premises of limited quantities of the merchandise sufficient only to service the *store*.

- **Brew-your-own Store**

A *store* where customers can make their own beer, wine, or other alcoholic beverages for consumption off the premises, and where the owner or operator may sell related equipment, bottles and ingredients, and may provide instruction to customers. The term *brew-your-own store* shall not include a beer, liquor or wine *store*.

- **Convenience Store**

A *store* that sells a limited range of food, household and convenience items.

- **Department Store**

A *store* containing a minimum of 5,000 square metres of *gross leasable floor area* organized into a number of individual departments and primarily engaged in the sale of a wide variety of commodities such as clothing, footwear, home furnishings and appliances, housewares, dry goods, sporting goods, toys, hardware, and *motor vehicle* supplies and

accessories. The term *department store* may include *accessory uses* such as a *motor vehicle repair garage*, a *restaurant*, a *pharmacy*, and other *personal services* and *professional services*.

- **Factory Outlet Store**

A *store* located on a *lot* on which the *principal use* is a *warehouse* or an *industrial use* and within which the products manufactured or stored by the *principal use* are sold. The maximum *floor area* of the *store* shall not exceed 20% of the *floor area* of the *principal building*, to a maximum size of 300 square metres.

- **General Merchandise Store**

A *store* primarily engaged in the sale of a limited variety of personal and household items such as clothing, footwear, small household appliances, hardware, housewares, dry goods and toys.

- **Grocery Store**

A *store* where all types of food and other household items are offered for sale, primarily on a self-service basis.

- **Home Improvement Store**

A *store* which offers a wide variety of home improvement products such as construction materials and tools, hardware, electrical supplies, plumbing and related fixtures, bathroom and kitchen cabinetry, doors and windows, home decorating materials including paint, wallpaper, flooring, carpeting, and lighting. The term *home improvement store* may include a *seasonal garden and nursery centre*.

- **Light Equipment Store**

A *store* where *light equipment* is kept for sale or rent.

- **Specialty Store**

A *store* that sells a limited range of merchandise, such as clothing, footwear, books, music, housewares, electronics, or furniture.

Storey

The portion of a *building*, other than an *attic*, *basement* or *cellar*, included between any floor level and the floor, ceiling or roof next above it. A mezzanine shall be deemed to be a *storey*.

- **One-Half Storey**

A *storey* located wholly or in part under a sloping roof in which there is sufficient space to provide a height between finished floor and finished ceiling of at least 2.3 metres over a *floor area* equal to at least 50% of the *floor area* of the *storey* immediately below.

Street

A road or public highway under the jurisdiction of the Municipality, the Region, or the Province that is maintained so as to allow normal *use* by *motor vehicles* throughout all seasons of the year, or a road or a public highway located within a registered plan of subdivision that has not yet been assumed by a *public authority*. The term *street* shall not include a *lane*.

- **Arterial Street**

A *street* having a width ranging from 26 metres to 50 metres.

- **Arterial, Type C**

A *street* having a width ranging from 26 metres to 30 metres.

- **Local Street**

A *street* having a width up to and including 23 metres.

- **Collector Street**

A *street* having a width between 23 metres and 26 metres.

Street Line

A limit of a street, private road or lane.

Street Related Building Entrance

A principal entrance to a *building* located in the part of a *façade* fronting onto a *street* and located within 0.2 metres above or below *finished grade*. A *street-related building entrance* shall be recessed a maximum of 6 metres from the *façade*.

Structure

A man-made construction that is fixed to the earth or *attached* to another *structure* on a temporary or permanent basis. The term *structure* shall include a free-standing fence or wall, but shall not include a *motor vehicle*, a truck trailer, a *recreational trailer*, a *recreational vehicle*, pavement, curbs, walkways or other open air surfaced areas.

Swimming Pool

An artificial body of water contained within an enclosure constructed of cement, plastic, fibreglass or similar material, having a depth greater than 0.45 metres and intended primarily for swimming and/or diving.

Tea Room and/or Tea Garden

Tea room and/or tea garden shall mean an establishment serving tea and light refreshments.

Temporary Sales Office

See Section 5.8.1 b. for definition.

Tent

A portable and temporary shelter with or without side panels that is not permanently fixed to the ground, that is supported by poles, and that is made of canvas, plastic or similar materials.

Theatre

An *establishment* devoted to showing motion pictures or live performances, and may include *accessory uses* such as a snack bar.

Trailer

A vehicle designed to be attached to a *motor vehicle* for the purposes of being drawn or propelled. The term *trailer* shall not include a *trailer* that is designed to be attached to a *commercial motor vehicle*.

- **Recreational Trailer**

A *trailer* constructed as a self-contained unit, capable of being utilized for the temporary living, sleeping, or eating accommodations of one or more persons.

- **Utility Trailer**

A *trailer* designed and *used* for the transport of materials and that is capable of being towed by a *motor vehicle*. The term *utility trailer* shall not include a *trailer* designed to be towed as part of tractor-trailer that is a *commercial motor vehicle*.

- **Trailer Park**

A parcel of land where individual sites are made available on a rental basis for transient and seasonal occupancy for the placement of *recreational trailers*, *recreational motor vehicles*, or *tents*, for recreational or vacation purposes.

Train Station

An *establishment* where passengers board and disembark from trains, and may include accessory uses such as a ticket office, *restaurant*, and luggage checking facilities. The term *train station* shall not include a *railway yard*.

Transport Depot

An *establishment* where commercial motor vehicles are kept for rent or lease, or are parked for a fee, or from which commercial motor vehicles are dispatched, and may include facilities for servicing and repairing the commercial motor vehicles stored at the site as an *accessory use*.

Transportation, Infrastructure and Utilities

Shall include public highways, transit lines, railways and related facilities, gas and oil pipelines, sewage and water service systems and lines and stormwater management facilities, power transmission lines, telecommunications lines and facilities, including broadcasting towers, bridges, interchanges, stations, and other structures above and below ground, that are required for the construction, operation of these uses and any rights of way required for these facilities.

Use

When used as a noun, the term *use* shall mean the purpose or function for which a *lot*, *building* or *structure* or any combination thereof, is designed, arranged, occupied or maintained. When used as a verb, *use* and *used* shall have corresponding meanings

Utility Substation

A *building* or *structure* *used* in connection with the transmission and delivery of electricity or telephone service, but does not include a telecommunications tower. An *outdoor storage area* is not permitted in association with this *use*.

Veterinary Clinic – Domestic Animals

An *establishment* where a veterinarian administers care for the cure, prevention, and treatment of disease and injury to domestic animals, not including *farm* animals, and that may also contain a shelter for domestic animals during the treatment period.

Veterinary Clinic – Farm Animals

An *establishment* where a veterinarian administers care for the cure, prevention and treatment of disease and injury to *farm* animals and that may also contain an *animal enclosure* for *farm* animals during the treatment period. A *veterinary clinic – domestic animals* may be permitted as *accessory* to the *veterinary clinic – farm animals*.

Video Arcade

An *establishment* containing four or more coin-operated pinball machines, video game machines, and any other electronic or mechanical machines used for entertainment purposes. The term *video arcade* shall not include a *video lottery terminal*.

Video Lottery Terminal

An electronic or mechanical machine used for the purposes of gambling or placing a bet or wager.

Visibility Triangle

See Section 4.11.1 a. for definition.

Warehouse

An *establishment* used for the storage and distribution of goods, wares, merchandise, substances, or articles, and includes facilities for the loading and unloading of *commercial motor vehicles*.

Waste Disposal Site

Land, *buildings* and/or *structures* where domestic and/or industrial, commercial or institutional waste is permanently stored or disposed of. The term *waste disposal site* includes a landfill site and an incinerator, but shall not include any facility for the disposal of liquid or hazardous wastes.

Waste Transfer Station

An *establishment* where waste or recyclable material is sorted, separated, and/or prepared for further transportation to a *waste disposal site* and/or a *recycling facility* located on a different *lot*.

Watercourse

A natural or man-made channel through which water flows on an intermittent or permanent basis.

Water Park

A commercial *establishment* in which water-based recreational activities such as *swimming pools* and water slides are provided.

Wind Farm

A *lot(s)* used for the generation of electricity by two or more *wind turbines*.

Wind Turbine

See Section 5.15 for definition.

Yard

See Section 4.12.1 b. for definition.

- **Exterior Side Yard**

See Section 4.12.1 b. i) for definition.

- **Front Yard**

See Section 4.12.1 b. ii) for definition.

- **Interior Side Yard**

See Section 4.12.1 b. iii) for definition.

- **Rear Yard**

See Section 4.12.1 b. iv) for definition.

- **Yard Setback**

See Section 4.12.1 b. v) for definition.

Zoo

An *establishment* open to the public in which animals are confined and displayed within appropriate enclosures, and which may include facilities for the training of animals.

Section 4

4.0 General Development Provisions

4.1 Accessory Buildings, Structures and Uses

4.1.1 For the purposes of this By-law:

- a. *Accessory* shall mean a *building, structure or use* that is normally incidental, subordinate and exclusively devoted to the *principal building, structure or use* located on the same *lot*, and that is established or constructed during or after the *establishment* or construction of the *principal building, structure or use*.

4.1.2 Where this By-law permits a *lot* to be used for a purpose permitted in the zone in which the *lot* is located, a *building, structure and/or use accessory* to the *principal use* of the *lot* shall be permitted, provided that:

- a. An *accessory building or structure* shall not be *used* for human habitation, except where specifically permitted in this By-law;
- b. Except in a Commercial or Industrial Zone, an *accessory building or structure* shall not be used for any activity for gain or profit, except where specifically permitted in this By-law;
- c. A *boat house*, pump house or *boat dock* may be constructed and *used* in the required *yard* of a *lot* which includes or abuts a navigable waterway, provided such *accessory building or structure* complies with all other requirements of the zone;
- d. An outdoor *swimming pool*, whether above-ground, on-ground or in-ground, shall be deemed not to be an *accessory structure* for the purposes of calculating either the total *lot coverage* for all *buildings and structures* or the total *floor area* for all *accessory buildings and structures*;
- e. Landscaping features such as hedges, trees, and shrubs, and *accessory structures* such as fences, freestanding walls, flag poles, and light standards are permitted in any required *yard* unless otherwise specifically prohibited in this By-law; and
- f. In a Commercial Zone, a maximum of three coin-operated entertainment machines such as pinball machine or a video game, but excluding a *video terminal* may be permitted as an *accessory use*
- g. No shipping/cargo container shall be used as an *accessory structure*.

4.1.3 Table 4-1 provides regulations for *accessory structures*. Where a zone category is not identified in Table 4-1, the *accessory building/structure* and *use* shall comply with the parent zone regulations.

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TABLE 4 – 1 REGULATIONS - ACCESSORY BUILDINGS, STRUCTURES AND USES							
Legend ≠ Not applicable ZR Zone regulation (#) Notation	Total Lot coverage (max)	Total accessory Floor Area (max)	Height (max)	<u>Yard Setbacks</u>			
				Front	Rear	Interior Side	Exterior Side
Rural Settlement Zones							
Detached garage	10% of lot area	90 m ² for lots less than 2 hectares 120 m ² for lots with a minimum lot area of 2 hectares	4.5 m	ZR	1.2 m ₍₁₎	1.2 m ₍₂₎	ZR
Antenna			≠	ZR	0.6 m measured from edge of antenna		ZR
Communications receiver			3.7 m	ZR	0.6 m measured from edge of communications receiver		ZR
Play equipment; Diving board; Pool slide			3 m	ZR	1.2 m	1.2 m	ZR
Climate control device			≠	ZR	ZR less 1 m	1.2 m	ZR less 1 m
Other uses			3 m if the floor area is less than 10m ² 4.5 m	ZR	1.2 m	1.2 m	ZR
Commercial and Industrial Zones							
All uses	50% of ground floor area of principal building	60 m ²	5 m	ZR	1.2 m	1.2 m	ZR

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Notations for Table 4-1

(1) Rear Yard setback where the rear yard abuts a lane – 2 metres

Institutional and Utility Zones							
All uses	10% of <u>lot area</u>	60 m ²	5 m	ZR	1.2 m	1.2 m	ZR
Agricultural and Open Space Zones							
Accessory to dwelling	10% of <u>lot area</u>	90 m ² for lots less than 2 hectares 120 m ² for lots with a minimum lot area of 2 hectares	5 m	ZR	1.2 m ₍₃₎	1.2 m ₍₃₎	ZR

(2) Interior side yard setback where there is a common wall with a detached garage on an abutting lot – 0 metres.

(3) Yard setback for parking commercial motor vehicle and recreational vehicle – 5 metres; where abutting a Rural Settlement Zone or a lot with a dwelling located within 15 metres of the common lot line – 10 metres.

4.2 Attached Garages and Carports

- 4.2.1 A garage or carport attached to a single detached dwelling, semi-detached dwelling, or townhouse dwelling may have a floor area not greater than 25% of the dwelling to which it is accessory or 25% of the prescribed minimum floor area for a residential dwelling within the applicable zone, whichever is greater.
- 4.2.2 An attached garage or carport shall be permitted to project closer to the street line than the façade of the dwelling to which it is attached, as measured between finished grade and a height of three metres, in accordance with Section 4.5.
- 4.2.3 The projection for the attached garage or carport may be measured from a porch with a depth of two metres and a minimum area of 4 square metres.

TABLE 4–2

REGULATIONS – ATTACHED GARAGES AND CARPORTS

Zone	Projection Permitted
A, NC, NL, RS1	2 m

- 4.2.4 An attached garage may not exceed 55% of the width of the façade of the dwelling unit to which it is attached.

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4.3 Dwellings Below Grade

- 4.3.1 A dwelling designed to have all or part of its *floor area* located partially below *finished grade* shall be permitted provided that:
- a. The window area of the *dwelling* above *finished grade* is equal to 10% of the total *floor area* of the *dwelling*; and
 - b. Each of the living room, the dining room, the kitchen, and the bedrooms has a window area above *finished grade* equal to 10% of the *floor area* of the room.

4.4 Frontage on a Street

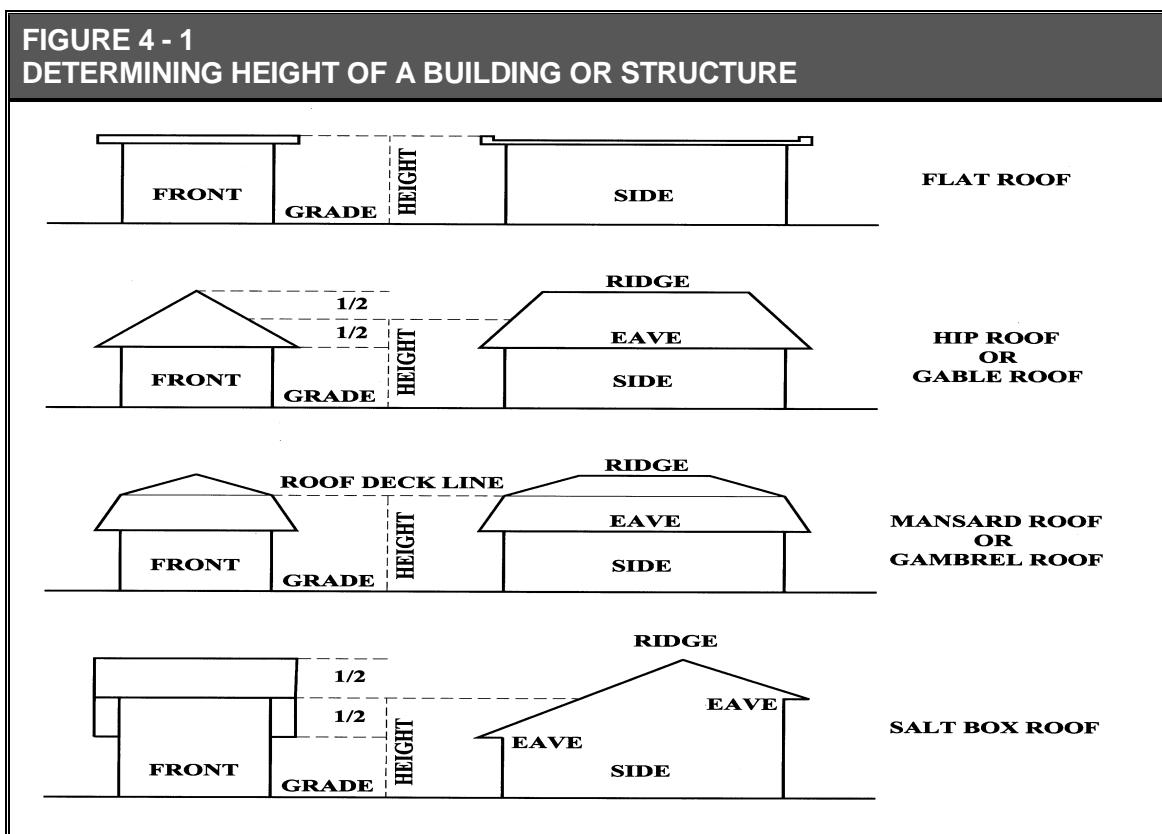
- 4.4.1 No *lot* shall be *used* and no *building* or *structure* shall be constructed or *used* on any *lot* unless such *lot* has frontage on and access to a *street*.
- 4.4.2 The provisions of Section 4.4.1 shall not apply to an *existing lot* that does not have frontage on a *street*, but that has access to an *existing private road* or an *existing perpetual right-of-way*.
- 4.4.3 Where an *existing building* or *structure* is located on a *lot* that does not have frontage on a *street* or on a *lot* that does not have access to a *perpetual right-of-way*, the provisions of Section 4.4.1 shall not apply to prevent the enlargement, extension or renovation of such *building* or *structure* or the construction and *use of accessory buildings or structures* on such *lot*.

4.5 Height of a Building or Structure

- 4.5.1 As illustrated in Figure 4-1, the height of a *building* or *structure* shall be measured as the vertical distance between the *finished grade* adjacent to each wall of the *building* or *structure* and:
- a. In the case of a flat roof, the highest point of the roof surface;
 - b. In the case of a gable or hip roof, the average height between the eaves and the ridge of the roof;
 - c. In the case of a mansard or gambrel roof, the roof *deck* line.
 - d. In the case of a saltbox roof, the average height between the eaves and the peak of the longer roofline.

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- 4.5.2 When determining the height of a *building or structure*, the following shall be excluded:
- Church spires, minarets, belfries, ornamental domes, chimneys, cupolas, clock towers, towers, flag poles, antennas;
 - Bulkheads, mechanical equipment, water tanks, solar collectors, skylights, vents and *structures* enclosing equipment or stairs, provided that such equipment or *structures* are less than 4.5 metres in height and do not occupy more than 30% of the area of the roof upon which they are located.



- 4.5.3 Except as specifically permitted by this By-law, the height restrictions provided by this By-law shall not apply to free-standing water tanks, flag poles, antennas, electricity transmission towers, *communication towers*, grain elevators, barns and silos.
- 4.5.4 A communications receiver with an area not greater than 0.5 square metres and mounted on the roof of a *building or structure* may project 1 metre above the highest point of the roofline of the *building or structure*.

Section 4

4.6 Holding (H) Symbols and Overlay Zones

- 4.6.1 Except in a case referred to in Section 4.6.2 of this By-law, where a zone symbol shown in a Schedule to this By-law is preceded by the symbol (H), until such time as the (H) symbol is removed from the land by amendment to this By-law, no land shall be *used* and no *building or structure* shall be constructed, enlarged, extended or *used* for any purpose other than for the purpose of continuing the *existing use* thereof, or for the purpose of *conservation*.
- 4.6.2 Where on a Schedule to this By-law a hatched area overlays a zone, the applicable provisions and regulations of the underlying zone shall continue to apply, however the hatched area denotes the Minimum Area of Influence Zone (MAOI) which depicts a 90 metre area of influence from a *natural heritage feature and/or hydrologically sensitive feature* and its associated *minimum vegetation protection zone area*.
- 4.6.3 Except in a case referred to in Section 4.6.2 of this By-law, where a zone symbol shown in a Schedule to this By-law is within the Minimum Area of Influence Zone (MAOI), a one-time addition to an aforesaid principal building or structure or any one or all accessory buildings or structures for the same purpose for which it was used on November 15, 2001, provided that:
- a. A minimum 5 metre *yard* setback from the nearest Environmental Protection Zone is maintained;
 - b. The removal of any *natural heritage feature and/or hydrologically sensitive feature* located on the lot does not exceed 15% of the area of the lot; and the applicable regulations contained in this By-law are complied with.

4.7 Landscaped Area

- 4.7.1 For the purposes of this By-law:
- a. *Landscaped Area* shall mean an open area designed and *used* to enhance the visual amenity of a *lot* and/or to provide a screen to mitigate any aspects that may detrimentally affect abutting *lots*. The area shall contain any combination of horticultural elements such as grass, flowers, shrubs, bushes, or trees, and may also contain architectural elements such as decorative stonework, planters, or screening. The area shall be located at the *finished grade* of a *lot*. The term *landscaped area* includes any surfaced walks, patios or

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similar areas, but shall not include any *driveway*, ramp, curb, *parking area*, or any space below, within or on top of a *building* or *structure*, or any lands zoned "EP - Environmental Protection".

- b. *Naturalized Area* shall mean an area designed to enhance and restore the self-sustaining vegetation, providing opportunities for connectivity enabling the movement of vegetation and wildlife.

4.7.2 *Landscaped areas* shall be provided in accordance with Table 4 - 3:

TABLE 4 - 3 REGULATIONS – LANDSCAPED AREAS				
Legend ≠ Not applicable	Rural Settlement Zones	Commercial Zones	Industrial Zones	Institutional Zones
<u>Front yard</u>	30%	0 - 3 m setback – area between <i>street line</i> and <i>building</i> shall be landscaped ⁽¹⁾		
<u>Exterior side yard</u>	70%	3.1 - 15 m setback – 3 m wide; greater than 15 m setback – 4.5 m wide		
<u>Interior side yard</u>	≠	where abutting a Rural Settlement Zone – 1.5 m		
<u>Rear yard</u>	≠			

Notations for Table 4 – 3

(1) A 3 metre wide *landscaped area* shall be provided where a *parking area* at *finished grade* abuts a *street line*

4.7.3 In all zones except Rural Settlement Zones, where a *landscaped area* is required by this By-law, nothing in this By-law shall apply to prevent such *landscaped area* from being traversed by a permitted *driveway* or *right-of-way*.

4.8 Lots Deficient in Area and/or Frontage

4.8.1 Land may be *used*, and a *building* or *structure* may be constructed, altered or *used* on a *lot* having a lesser *lot area* and/or *lot frontage* than required by this By-law, provided that the *lot* is legally conveyable on the day prior to the passing of this By-law, or is created as a result of expropriation. The *building*, *structure* or *use* must conform to all other applicable provisions and regulations of this By-law.

4.8.2 The provisions of Section 4.8.1 shall not apply to permit the establishment of a non-residential *use* on any *lot* less than 2 hectares in area located in the A, NC, or NL Zones.

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4.9 Non-Conforming Buildings, Structures and Uses

- 4.9.1 For the purposes of this By-law:
- a. *Legal Non-Conforming Building, Structure or Use* shall mean any land, building, or structure used for any purpose prohibited by this By-law provided such land, building or structure was lawfully used for such purpose on November 15, 2001, as long as it continues to be used for that purpose;
- 4.9.2 Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any *legal non-conforming building or structure* or part thereof, provided that the strengthening or restoration does not increase the height, *floor area* or volume of the *building or structure*.
- 4.9.3 Where a *lot* has been created in the A, NC, or NL Zones in accordance with the provisions of the Clarington Official Plan, that portion of the original *lot* which is deficient in *lot area* from which the severed *lot* has been created shall be deemed to be an *existing* non-complying lot and shall be deemed to comply with the minimum setback requirements of Section 4.12.6 and 4.12.7 of this By-law.
- 4.9.4 Nothing in the By-law shall prevent an expansion of a *legal non-conforming building or structure* on the same lot or expansion of an existing institutional use, provided that such expansion does not represent a change in use, and the expansion will not contravene any provision of this By-law or further increase the non-compliance.
- 4.9.5 Nothing in this By-law shall prevent the reconstruction within twenty-four (24) months, within the same location and dimensions of any *legal non-conforming building or structure* or part thereof, that is damaged or destroyed by causes beyond the owner's control, and the reconstructed *building or structure* shall be deemed to be an *existing building or structure* if there is no change in use and no intensification of the use.

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4.10 Servicing Requirements

- 4.10.1 Except as specifically provided for in this By-law, no *building or structure* may be constructed or enlarged and no *use* may be established on any *lot* unless:
- The *lot* is serviced by a private potable water supply system and a private sanitary waste disposal system installed in accordance with the requirements of the appropriate *public authority*.
- 4.10.2 Subsection 4.10.1 does not prevent the construction or *use* of a *building or structure* accessory to any *use* permitted in the zone.
- 4.10.3 Subsection 4.10.1 does not prevent the construction or *use* of a *farm building or structure*.

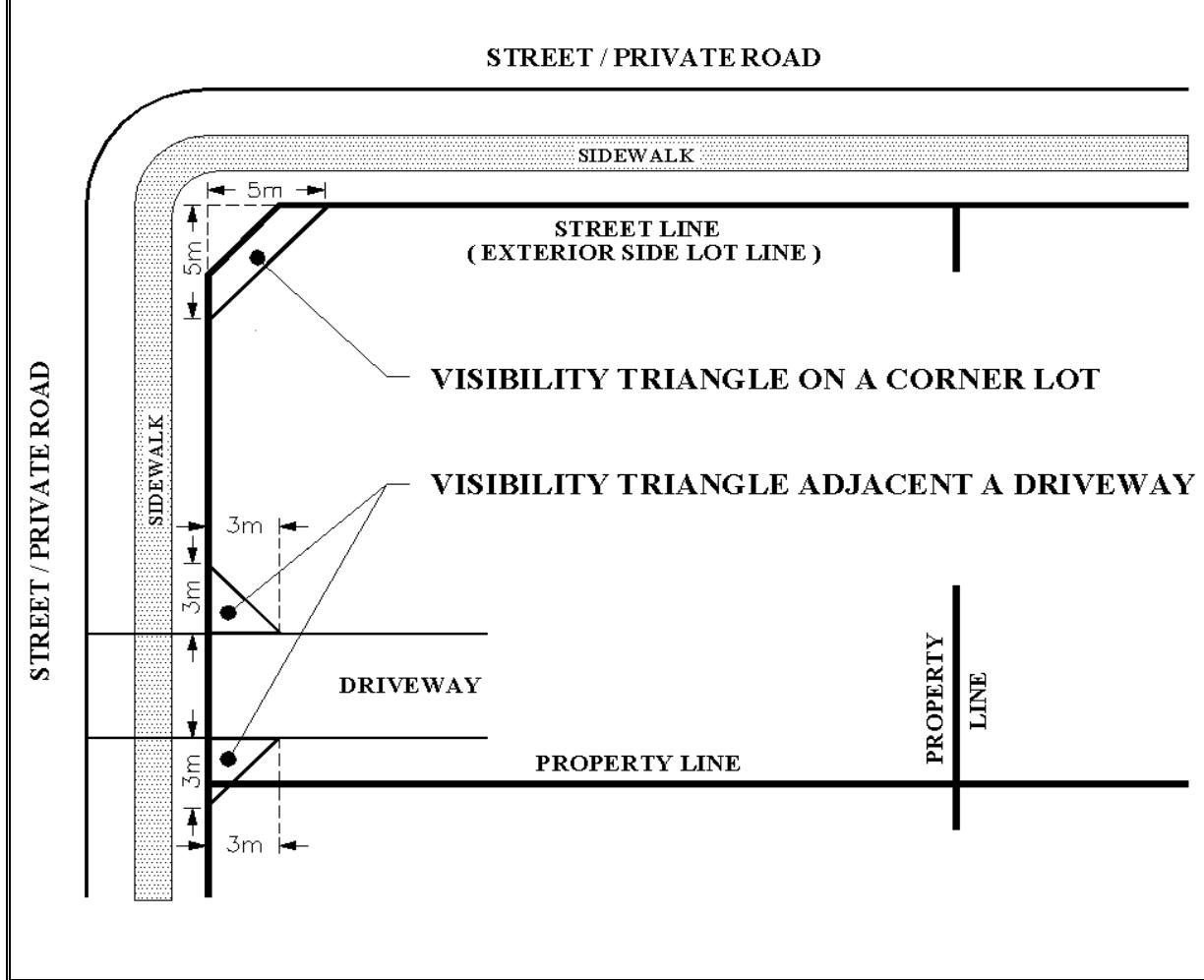
4.11 Visibility Triangles

- 4.11.1 For the purposes of this By-law:
- Visibility Triangle* shall mean a triangular-shaped area of land abutting a *lane, street or private road* that is required to be kept free of obstructions that could impede the vision of a pedestrian or the driver of a *motor vehicle* exiting onto or driving on the *lane, street or private road*.
- 4.11.2 As illustrated in Figure 4-2, a *visibility triangle* shall be determined as follows:
- The *visibility triangle* adjacent to an *exterior side lot line* shall be the area enclosed by each of the *street lines* measured to a point 5 metres back from the intersection of the *street lines*, and a diagonal line drawn between these two points;
 - The *visibility triangle* for a *driveway, lane, or right-of-way* shall be the area enclosed by the line along the limits of the *driveway* and the *street line* measured to a point 3 metres back from the intersection of the *street lines* and the limits of the *driveway, lane, or right-of-way* and a diagonal line drawn between these two points.
- 4.11.3 Within a visibility triangle:
- No *building or structure* shall be constructed, no *motor vehicle, trailer or recreational vehicle* shall be parked or stored;
 - No fence shall be constructed with a height greater than 0.75 metres; and

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- c. No landscaping feature, including shrubs or trees, are permitted that would impede vision between 0.75 metres and 2.5 metres of height.
- 4.11.4 No parking space or driveway shall be permitted within a *visibility triangle* formed at the intersection of any combination of *streets, private roads, rights-of-way, or lanes*.

**FIGURE 4-2
DETERMINING VISIBILITY TRIANGLES**



4.12 Yards and Yard Setbacks

- 4.12.1 For the purposes of this By-law:

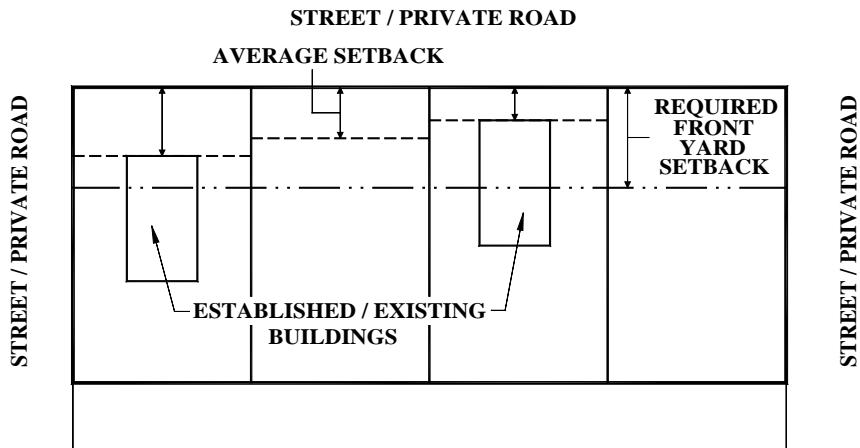
- a. *Established Building Line* (see Figure 4 - 3) shall mean the average yard setback from the *street line* of the *existing principal buildings* on one side of a *street or private road* with a minimum of three *lots* where at least 50% of the *lots* on that side of the *street or private road* have been built upon;

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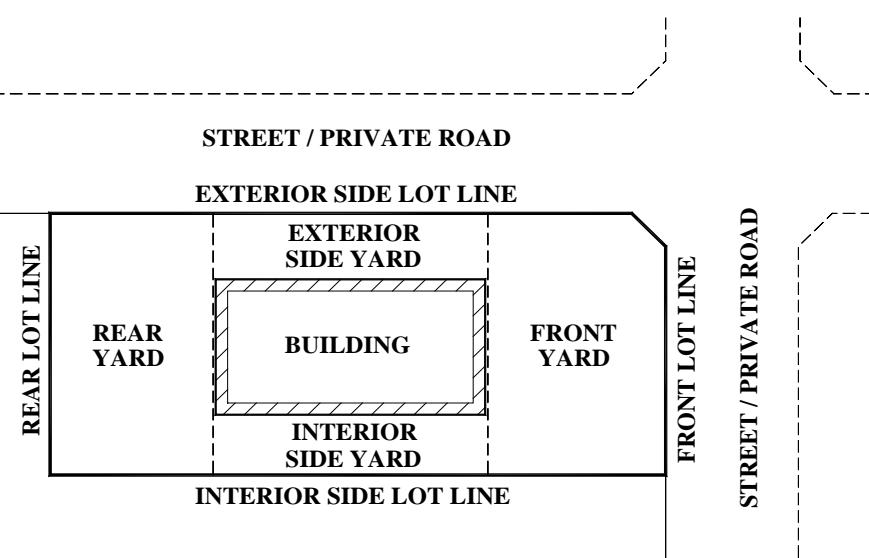
- b. *Yard* (see Figure 4 - 4) shall mean an open space located on the same *lot* as a *building* or *structure*, that is open, uncovered and unoccupied from the ground to the sky except for such *accessory buildings, structures or uses* or projections that are specifically permitted in this By-law;
- i) *Exterior Side Yard* shall mean a *yard* extending from an *exterior side lot line* to the wall of the *building, structure* or *outdoor storage area* extending from the *front yard* to the *rear yard*;
 - ii) *Front Yard* shall mean a *yard* extending across the full width of the *lot* between the *front lot line* and the wall of the *building or structure* permitted on the *lot*;
 - iii) *Interior Side Yard* shall mean a *yard* extending from an *interior side lot line* to the wall of the *building, structure* or *outdoor storage area* extending from the *front yard* to the *rear yard*;
 - iv) *Rear Yard* shall mean a *yard* extending across the full width of the *lot* between the *rear lot line* and any wall of the *principal building, structure* or *outdoor storage area* permitted on the *lot*;
 - v) *Yard Setback* (see Figure 4 - 5) shall mean the shortest distance required by the By-law between a *lot line* and the nearest part of any wall of any *building, structure* or *use* on the *lot*.
- 4.12.2 As illustrated in Figure 4-3, where there is an *established building line* extending on one or both sides of a *lot* in a Rural Settlement or Commercial Zone, the minimum *front yard setback* required for a *principal building* on the *lot* may be reduced to the *established building line* as measured within 60 metres of the *lot*.

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**FIGURE 4 - 3
DETERMINING ESTABLISHED BUILDING LINE**

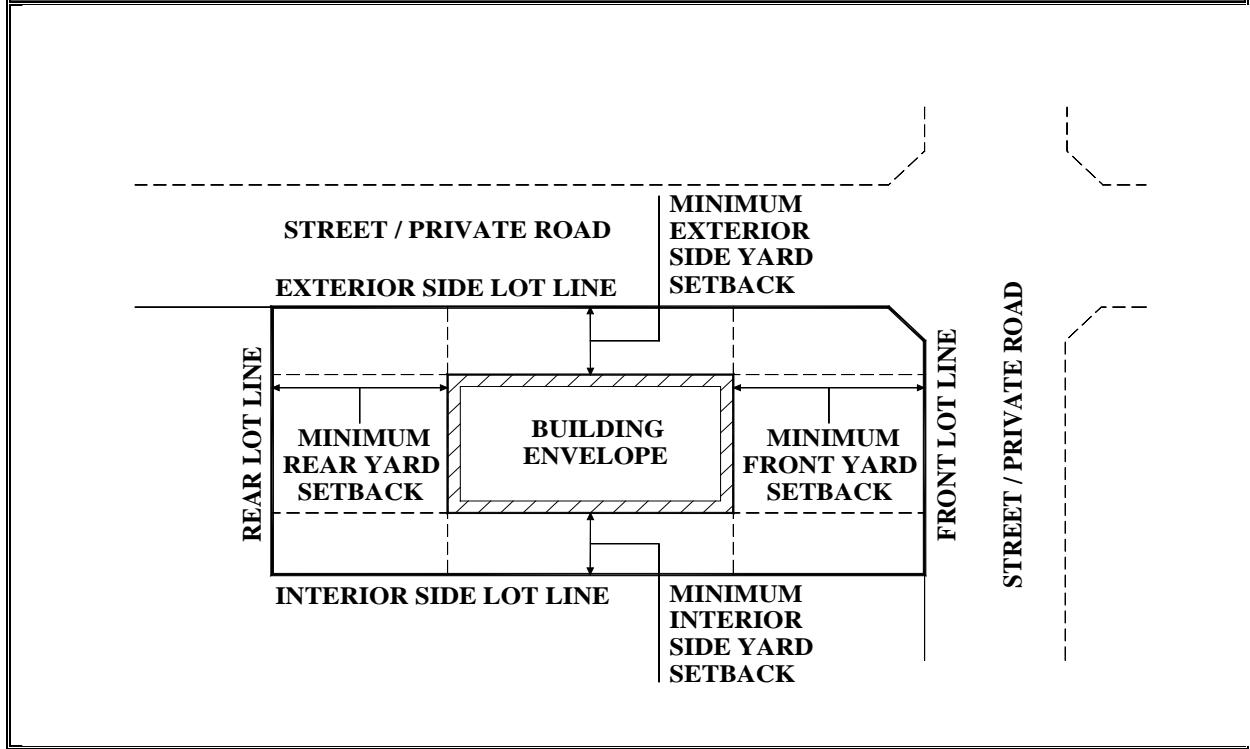


**FIGURE 4 - 4
TYPES OF YARDS**



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**FIGURE 4 - 5
DETERMINING YARD SETBACKS**



- 4.12.3 All residential *buildings* shall have a minimum 30 metre yard setback from any railway property line.
- 4.12.4 Except as specifically provided for in this By-law, all *buildings* and *structures* shall be setback 30 metres from any watercourse not located within an 'Environmental Protection - EP' Zone.
- 4.12.5 Projections into required yard setbacks are permitted in accordance with the provisions of Table 4-4.

Section 4

4.12.6

TABLE 4 – 4
REGULATIONS - PROJECTIONS INTO REQUIRED YARD SETBACKS

Structure	Yard into which projection is permitted	Projection into required yard setback (max)
Access ramps for physically disabled; exterior stairs and fire escapes	<i>Single detached dwelling, semi-detached dwelling - rear yard and side yard</i>	1 m, provided no <u>yard</u> setback is reduced to less than 1.2 m
	<i>Triplex, fourplex, apartment building, townhouse building, mixed use building - rear yard and side yard</i>	1 m, provided no <u>yard</u> setback is reduced to less than 1.5 m
Awnings, balconies, canopies, decks or porches on a residential building	All	1.5 m, provided no <u>yard</u> setback is reduced to less than 1.2 m.
Awnings or canopies in a Commercial, Industrial or Institutional Zone	All	3 m, provided the canopy or awning is a minimum height of 2.5 m above <i>finished grade</i>
Belt courses, chimneys, cornices, eaves, gutters, parapet, pilaster, or sills	All	0.6 m
Cantilevered floors; window bays	All	0.75 m, provided no <u>yard</u> setback is reduced to less than 1.2 m

- 4.12.7 No residential, institutional, industrial, commercial or recreational use, located on a separate lot otherwise permitted by this By-law shall be erected or enlarged unless it complies with the *Minimum Distance Separation Formulae*.
- 4.12.8 Notwithstanding any other yard or setback provision in this By-law, no livestock facility shall be erected or enlarged unless it complies with the *Minimum Distance Separation Formulae*.
- 4.12.9 Sections 4.12.7 and 4.12.8 shall not apply to:
- A residential building constructed on an existing lot or a lot within a registered plan of subdivision.
 - A livestock facility located within the limits of a settlement

Section 5

5.0 Special land Use Provisions

5.1 Banking Machines and Postal Outlets

5.1.1 For the purposes of this By-law:

- a. *Banking Machine* shall mean an electronic machine used by the general public to conduct electronic financial transactions.
- b. *Postal Outlet* shall mean a building where postal services including mailing, delivery and sorting of mail is carried out. Accessory uses may include post office boxes and the retail sale of mail related items such as stamps and envelopes.

5.1.2 A *banking machine* or *postal outlet* shall be permitted in any Commercial or Industrial Zone provided it is located within a *principal building* permitted within that and may be accessed from within or from outside the *building*.

5.2 Bed and Breakfast

5.2.1 For the purposes of this By-law:

- a. Bed and Breakfast shall mean an *establishment* that provides sleeping accommodation (including breakfast and other 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 detached dwelling* that is the *principal* residence of the proprietor of the *establishment*.

5.2.2

**TABLE 5 - 1
REGULATIONS - BED AND BREAKFAST**

Number of guest rooms (max)	3
Number of <i>parking spaces</i>	1 per guest room in addition to spaces required for the <i>dwelling</i>
Location of all <i>parking spaces</i>	Any <i>yard</i> , provided no more than 3 <i>parking spaces</i> are located in the <i>front yard</i> or <i>exterior side yard</i>
<i>Landscape area</i>	30% in <i>front yard</i>

Section 5

5.3 Crisis Care Facilities and Residential Care Facilities

5.3.1 For the purposes of this By-law:

- a. *Crisis Care Facility* shall mean an *establishment* operating as a single housekeeping unit and *used* for the short term accommodation of a minimum of three persons, not including staff, who live under supervision and who require a temporary living arrangement for their well being;
- b. *Residential Care Facility* shall mean an *establishment* operating as a single housekeeping unit, for a maximum of eight individuals, exclusive of staff and/or receiving persons, with social, legal, emotional, mental and/or physical disabilities, and where the well-being of its residents is provided for and supported through self-help, professional care, guidance and supervision. The term *residential care facility* shall not include a *corrections residence*.

5.3.2 A *crisis care facility* and *residential care facility* shall be permitted in all dwelling types within all zones where residential uses are permitted provided the facility complies with Table 5-2;

TABLE 5 - 2 REGULATIONS - CRISIS CARE FACILITIES AND RESIDENTIAL CARE FACILITIES	
<i>Private amenity area</i>	The greater of: i) 20 m ² per resident; or ii) 150 m ² total Must be located in <i>rear yard</i>
<i>Floor area per resident</i>	20 m ² of <i>gross residential floor area</i>
<i>Number of parking spaces</i>	1 per every two bedrooms

5.4 Garage Sales

5.4.1 For the purposes of this By-law:

- a. *Garage Sale* shall mean a temporary and occasional activity *accessory* either to a *dwelling*, or a *building used* by a non-profit or community organization. Items sold at a *garage sale* shall be owned by either the occupants of the *dwelling* or a non-profit or community organization.

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5.4.2

TABLE 5 - 3 REGULATIONS - GARAGE SALES	
<i>Building type</i>	<i>Places of worship, public school, private school, recreation centres,</i>
<i>Dwelling type</i>	<i>Single detached, semi-detached, duplex, townhouse</i>
<i>Duration (max)</i>	<i>3 consecutive days during daylight hours only</i>
<i>Location on lot</i>	<i>Exterior side yard, front yard, and/or attached garage</i>
<i>Number permitted (max)</i>	<i>3 garage sales per calendar year</i>

5.5 Home Industries

5.5.1 For the purposes of this By-law:

- a. *Home Industry* shall mean a small scale industrial operation that is carried on, in whole or in part, in accordance with the provisions of this By-law, as *accessory to a permitted single detached dwelling*.

5.5.2 The following are examples of *uses* that are permitted to be conducted as a *home industry*:

- a. Custom furniture making or restoration;
- b. Small engine repair;
- c. Welding;
- d. Woodworking and crafts; and
- e. The production of value - added agricultural products such as cider, honey or wine.

5.5.3 The following are examples of *uses* that are not permitted to be conducted as a *home industry*:

- a. Automotive repair, automotive painting, *motor vehicle body shop* or furniture stripping;
- b. Any *use* that could create a public nuisance due to noise, glare, dust, odours, vibration, interruption of communication signals, or traffic generation, and
- c. Any *use* that requires receipt or delivery of merchandise, goods or equipment by motor vehicles exceeding 4 tonnes at registered gross vehicle weight.

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5.5.4

TABLE 5 - 4 REGULATIONS - HOME INDUSTRIES	
Legend	
<i>(#)</i> Notation	
<u>Lot Area</u>	0.8 ha
Location on <i>lot</i>	<i>Single detached dwelling</i> ⁽¹⁾ , attached garage, or accessory building
<i>Floor area (max) of home industry</i>	200 m ²
<i>Floor area (max) of all accessory buildings if home industry located on lot</i>	200 m ²
Number of employees (max)	4 people, which may include 2 persons who do not reside in the <i>dwelling</i> ⁽²⁾
<u>Yard setback</u>	ZR ⁽³⁾
Parking ⁽⁴⁾	1 space for each employee that resides on a different <i>lot</i> , plus the number of spaces for the <i>use</i> required by Section 6
Outdoor Storage	No exterior display or storage of goods

Notations for Table 5 - 4

- (1) 50% (max) of *dwelling* may be used for a *home industry* to a maximum of 200 m² whichever is less.
- (2) Where a *home industry* is located on the same *lot* as a *home occupation*, the regulations in Table 5 - 4 regarding maximum *floor area* and number of employee shall apply in total, to both the *home occupation* and *home industry*.
- (3) Accessory building containing a *home industry* shall be located in the *rear yard*.
- (4) *Parking spaces* are not required for a *home industry* that does not require the delivery or pick-up of goods, does not have clients coming to the *dwelling*, and does not have employees who reside on a different *lot*.

5.6 Home Occupations

5.6.1 For the purposes of this By-law:

- a. *Adult Home Care* Shall mean a *home occupation* that provides temporary care and companionship to senior citizens and/or adults with disabilities on a regular basis for a continuous period not exceeding 24 consecutive hours;
- b. *Children's Home Care* shall mean a *home occupation* that provides temporary care and education of children on a regular basis and for continuous periods not exceeding 24 consecutive hours;

Section 5

- c. *Home Occupation* shall mean an occupation or business that is carried on in accordance with all provisions of this By-law, within a *dwelling* as *accessory* to a permitted residential *use*.
- 5.6.2 A *home occupation* may be conducted in association with any permitted *dwelling* subject to the provisions of Section 5.6 and further provided that the *home occupation* is clearly accessory to the residential *use* of the *dwelling* and does not change the residential character of the *dwelling*.
- 5.6.3 The following *uses* are permitted to be conducted as a *home occupation*:
- a. Personal service;
 - b. Professional service;
 - c. Business or administrative office;
 - d. Instructional service for a maximum of three students at one time;
 - e. *Home craft* business;
 - f. Caterer;
 - g. Children's home care;
 - h. Adult home care; and
 - i. Home appliance service.
- 5.6.4 The following *uses* are not permitted to be conducted as a *home occupation*:
- a. Retail sales, with the exception of *home craft* products;
 - b. Light equipment service;
 - c. Motor vehicle repair garage;
 - d. Motor vehicle body shop;
 - e. Furniture stripping
 - f. Any *use* that could create a public nuisance due to the levels of traffic, noise, glare, dust, odours, or vibration associated with the *use*, or due to the interruption of communication signals.
- 5.6.5 In the case of an *apartment dwelling* or a *townhouse dwelling*, a *home occupation* shall be restricted to a *business or administrative office* which does not require the delivery or pick-up of goods, does not have clients coming to the *dwelling*, and does not have employees who reside on a different *lot*.
- 5.6.6 An *adult home care* may accommodate a maximum of five adults that do not reside in the *dwelling* at one time. The *rear yard* of the *dwelling* may be used as *accessory* to the *adult home care establishment*.

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5.6.7 A *children's home care* may accommodate a maximum of five children, not including the owner's children. The rear yard of the *dwelling* may be used as accessory to the *children's home care*.

5.6.8

**TABLE 5 - 5
REGULATIONS - HOME OCCUPATIONS**

Legend

(#) Notation

Floor area (max)	30% of <i>dwelling</i> , to a maximum of 100 m ² (1)
Number of employees (max)	3 people, which may include 1 person who does not reside in the <i>dwelling</i> (1)
Parking(2)	1 space for an employee that resides on a different <i>lot</i> , plus the number of spaces required by Section 6
Location on <i>lot</i>	Not permitted in <i>accessory building</i> or <i>attached garage</i>
Outdoor Storage	No exterior display or storage of goods

Notations for Table 5 - 5

- (1) Where a *home industry* is located on the same *lot* as a *home occupation*, the regulations in Table 5 - 4 regarding maximum *floor area* and number of employee shall apply in total, to both the *home occupation* and *home industry*.
- (2) *Parking spaces* are not required for a *business* or *administrative office* that does not require the delivery or pick-up of goods, does not have clients coming to the *dwelling*, and does not have employees who reside on a different *lot*.

5.7 In-House Apartment Dwellings

5.7.1 An *in-house apartment dwelling* shall only be permitted in a *single detached dwelling* or a *semi-detached dwelling* located in an Urban Residential Zone, provided that sanitary sewer and water services to the *in-house apartment dwelling* are provided by a *public authority*.

5.7.2 An *in-house apartment dwelling* which existed prior to November 16, 1995 and which is located within a *townhouse dwelling* shall be deemed to be a permitted use, provided that sanitary sewer and water services to the *in-house apartment dwelling* are provided by a *public authority*.

5.7.3 An *in-house apartment dwelling* shall have minimum *floor area* of 40 square metres.

5.7.4 One *parking space* shall be provided for each *in-house apartment dwelling*. A *parking space* is not required for an *in-house apartment dwelling* established prior to November 16, 1995.

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5.8 Model Homes, Temporary Sales Offices and Construction Uses

5.8.1 For the purposes of this By-law:

- a. *Model Home* shall mean a finished *dwelling* that is *used* as an example of a product offered for sale to purchasers by a realtor, builder, developer, or contractor. The *dwelling* may be furnished but not occupied as a residence while being used as a *model home*;
- b. *Temporary Sales Office* shall mean a *mobile home* or a permanent *building*, including a *model home*, used exclusively by a realtor, builder, developer or contractor on a temporary basis for the sale, display and marketing of residential *lots* and *dwellings* within a draft approved subdivision or condominium plan.

5.8.2 A *building permit* for a *model home* in a draft approved plan of subdivision may be issued provided that:

- a. The *model home* is located in the draft approved subdivision plan;
- b. The developer has entered into a subdivision agreement with the Municipality;
- c. The developer has entered into an agreement with the appropriate *public authority* regarding the provision of sanitary sewer and water services
- d. The *model home* complies with the regulations of the zone in which it is located.

5.8.3 A *temporary sales office* for a draft approved subdivision or condominium plan may be located on lands within the draft approved plan. The *temporary sales office* shall be removed or cease operation no later than the sale of the last *lot* or the occupation of the last *dwelling*.

5.8.4 A minimum of eight *parking spaces* shall be provided for a *model home* or a *temporary sales office*.

5.8.5 Temporary *buildings* or *trailers* associated with construction work are permitted on a *lot*, or on lands within a draft approved subdivision or condominium plan for the duration of construction work or for as long as the *building permit* is active, whichever comes first. No temporary *building* or *trailer* intended for construction work purposes shall be located in a *visibility triangle* or *used* for human habitation.

Section 5

5.9 Portable Asphalt Plants

5.9.1 A *portable asphalt plant* used to supply materials to a construction project undertaken by or on behalf of a *public authority* shall be permitted on a temporary basis in any zone except an Environmental Protection (EP) Zone or a Rural Settlement (RS1) Zone provided that the proposed *use*:

- a. Is located a minimum of 30 metres from any lands zoned EP; and
- b. Is located a minimum of 90 metres from any *residential lot*.

5.10 Public Use Exemptions

5.10.1 The provisions of this By-law shall not apply to prohibit the use of land, or the *use of buildings or structures* within any part of the Municipality for the following purposes:

- a. A fire station, a police station, ambulance station, commuter *train station* provided on behalf of a *public authority*, except within the A, NC, NL, EP and P zones within the Oak Ridges Moraine;
- b. Sanitary sewer or water facilities and systems provided by or on behalf of a *public authority*;
- c. A municipal or community service, including a *park* and passive recreational trails, provided by the Municipality, a local board of the Municipality, or a tenant of the Municipality on land or in a *building or structure* owned by or leased to the Municipality. Municipal or community service uses are limited to *passive parks* within the NC and NL zones.
- d. Conservation and environmental education, including passive recreational trails, on lands owned by or leased to a *Conservation Authority*;
- e. The processing of heavy water, electricity generation and research including but not limited to the production of nuclear energy, and administration and consumer and public relations in connection with electricity generation on land or in a *building or structure* owned by or leased to Ontario Power Generation;
- f. An electricity transmission corridor, including towers and lines, on any land or *structure* owned by or leased to Veridian Corporation of the Hydro One Network Inc.
- g. An oil or natural gas transmission corridor, including pipes and necessary *pumping stations*, in/on land or in any *building or structure* owned by

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Hydro One Network Inc., Trans Canada Pipelines, TransNorthern Pipeline or InterProvincial Pipeline, or successor companies.

- h. Publicly initiated Transportation, Infrastructure and Utilities.

5.10.2 The provisions of this By-law shall not apply to prohibit the *use* of land, *buildings* or *structures* within any part of the Municipality for the following *uses* provided such *uses existed* on November 15, 2001 and continue to be *used* for that purpose:

- a. A public school;
- b. A railway corridor owned by St. Lawrence & Hudson or by C.N. Rail; and
- c. *Electricity substations* on lands owned by or leased to Veridian Corporation or Hydro One Network Inc.

5.10.3 The provisions of this By-law shall not apply to prohibit the location, construction or *use* within a road allowance in any part of the Municipality for a road, or for any *structure*, wires, transformers or equipment for the purposes of signal receiving, electricity or gas transmission or distribution, telecommunication, or cable television reception, transmission and distribution.

5.10.4 The following requirements shall apply to lands, *buildings* or *structures* being *used* for a public *use* pursuant to the provisions of Section 5.10.1, 5.10.2, and 5.10.3:

- a. No goods, materials or equipment shall be stored in the open except in Industrial Zones where outdoor storage is permitted; and
- b. The regulations of the specific zone with respect to *parking spaces*, *loading spaces*, *landscaped area*, *outdoor storage area*, yard *setbacks*, and the location of *buildings* and *structures* shall be complied with.

5.10.5 The provisions of Section 5.10 shall not apply to the *use* of any *lot*, *building* or *structure* that does not conform to the provisions of the Clarington Official Plan.

5.11 Special Events

5.11.1 For the purposes of this By-law:

- a. *Special Event* shall mean an activity that is of a temporary duration and that is limited to one or more of the following *uses*: an exhibition, a fair, a parade, a carnival, or a religious or music festival. The term *special event* shall not include a *motorized recreational competition*;
- b. *Temporary* for the purposes of Section 5.11, *temporary* shall mean the combined total duration of all *special events* held on one *lot* shall not

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exceed seven days in a calendar year. In the case of a music festival or other *special event* capable of producing excessive noise levels, only one such event may be held for a duration of no longer than three days on a *lot* in a calendar year.

- 5.11.2 In any Commercial or Industrial Zone, the *parking area* may be *used* for a *special event* provided that the number of *parking spaces* remaining is not reduced below 75% of that required by Section 6 for the commercial *uses* on the *lot*.
- 5.11.3 *Special events* licensed by the Municipality are not subject to the *parking space* and *loading space* requirements set out in Section 6.
- 5.11.4 A *special event* is permitted on any *lot* or *street* owned by a *public authority*, a *private school*, or a *place of worship*, or any lot owned privately providing it is commercially or industrial zoned.

5.12 Temporary Living Quarters

- 5.12.1 A *mobile home*, a *recreational motor vehicle*, *recreational trailer* or an *existing dwelling* may be *used* as temporary living quarters for a period not to exceed six months while a permitted *dwelling* is under construction on the same *lot*, provided that:
 - a. The owner of the *lot* enters into an agreement with the Municipality agreeing to remove the temporary living quarters from the *lot* immediately after the expiration of the six month period or with the occupation of the new *dwelling*, whichever occurs first;
 - b. The *mobile home*, *recreational motor vehicle* or *recreational trailer* is located on the *lot* in compliance with the *yard setbacks* of the zone in which it is located; and
 - c. The temporary living quarters are serviced with adequate sanitary sewer and water services approved by the appropriate *public authority*.

5.13 Use of Mobile Homes, Recreational Motor Vehicles and Recreational Trailers as Dwellings

- 5.13.1 The *use* of a *mobile home*, a *recreational motor vehicle* or a *recreational trailer* as a *dwelling* is prohibited in all zones except as otherwise specified in this By-law.
- 5.13.2 A *mobile home park* and a *campground* are prohibited in all zones except as otherwise specified in this By-law.

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5.14 Wayside Pits and Quarries

- 5.14.1 A *wayside pit* or a *wayside quarry* is permitted for a maximum of 18 months, with possible extension, in any zone except an Environmental Protection (EP) Zone, Rural Settlement (RS1) Zone and a Natural Core (NC) Zone provided that the proposed use is not located within:
- A minimum of 30 metres from any land zoned EP; and
 - A minimum of 30 metres from any residential lot.

5.15 Wind Turbines

- 5.15.1 For the purposes of this By-law:

- Wind turbine* shall mean an energy conversion system, which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base, and pad transformer, if any.

- 5.15.2 A maximum of one *wind turbine* is permitted on a *lot* in all zones as *accessory to a permitted use*.

- 5.15.3 Regulations

- Lot Area

<i>Lot area</i>	4000 m ²
-----------------	---------------------

- Yard Setbacks⁽¹⁾

<i>Front yard</i>	15 m
<i>Exterior side yard</i>	15 m
<i>Interior side yard</i>	15 m
<i>Rear yard</i>	15 m

(1) All *yard setbacks* are measured from the outermost tip or part of the *wind turbine*, which includes the blade.

- Blade Clearance

<i>Above finished grade</i>	6 m
<i>Above accessory buildings and structures and farm buildings</i>	4.5 m to the highest point of each roofline

- Height Requirements

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- i) Maximum height shall be 91.4 m to the highest extension of any blade.

Section 6

6.0 Off-Street Parking and Loading

6.1 Parking Spaces

6.1.1 For the purposes of this By-law:

- a. *Parking Space* shall mean an area not located on a street, private road, or lane and exclusive of aisles, ramps or columns for parking one motor vehicle and may include a private garage. The different types of parking spaces are illustrated in Figure 6-1.

6.1.2

**TABLE 6 - 1
REGULATIONS - PARKING SPACE DIMENSIONS**

Legend ≠ Not applicable (#) Notation	<i>Parking space</i>		Other Regulations
	Width ⁽¹⁾	Length	
Angle⁽²⁾	2.75 m ⁽³⁾	5.7 m measured on the angle	≠
Parallel	2.75 m ⁽³⁾	7 m	≠
Perpendicular	2.75 m ⁽³⁾	5.7 m; or 5.4 m in front of <i>landscaped area or walkway</i>	Width of <i>landscaped area or walkway</i> - 2.4 m
Tandem	2.75 m ⁽³⁾	5.7 m	≠
Physically Disabled	1 space - 4.5 m 2 or more abutting spaces - 3.4 m each	5.7 m	≠
Garage	3 m	5.7 m	Area - 18.6 m ²

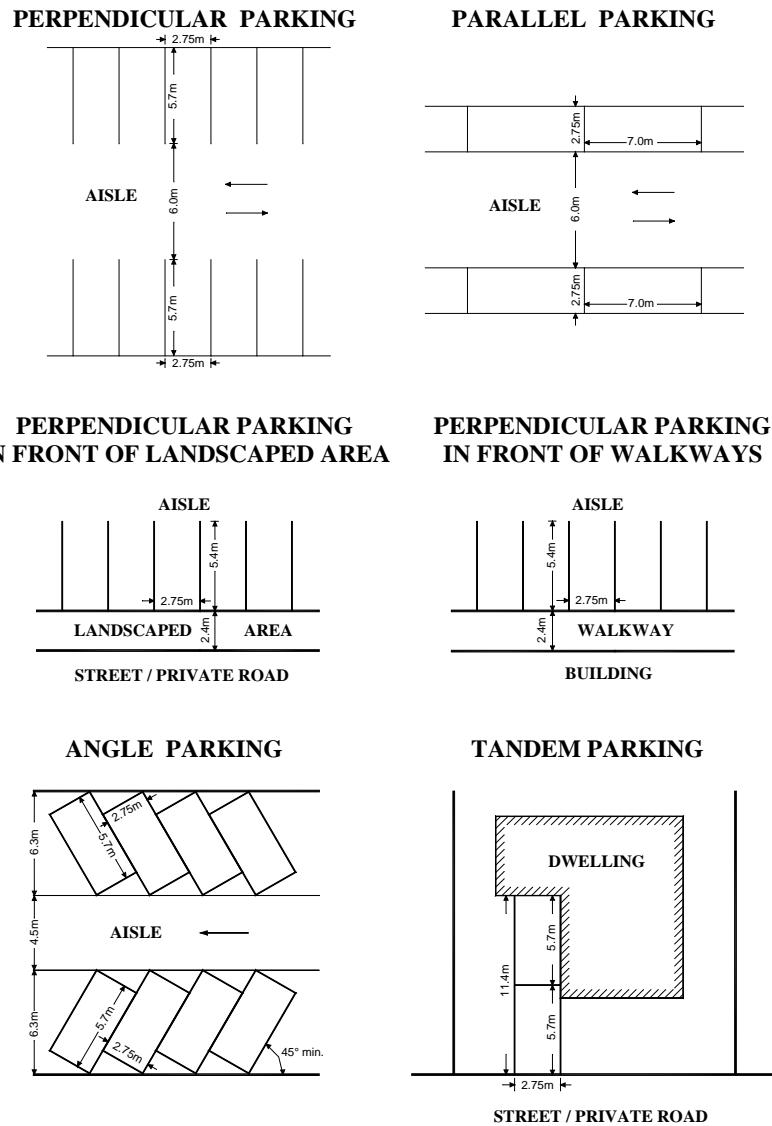
Notations for Table 6 - 1

- (1) Where a *parking space* abuts a wall along its length, the minimum required width of the *parking space* shall be increased by 0.25 metres. In the case of a 2 car *garage*, the minimum width of only 1 *parking space* must be increased.
- (2) Angle of *parking space* - 45 degrees
- (3) Total width of 2 outdoor perpendicular *parking spaces* for a *single detached, semi-detached or duplex dwelling* - 4.6 metres.

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6.1.3 Every building, structure or lot used for a purpose set out in this By-law shall provide and maintain parking spaces in accordance with the provisions of Section 6.

**FIGURE 6 - 1
TYPES OF PARKING SPACES**



6.1.4 Required parking spaces and parking areas shall only be used for the parking of motor vehicles that are incidental to the permitted use that requires the

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parking. All *motor vehicles* occupying a required *parking space* shall be operative and currently licensed.

- 6.1.5 Within any Rural Settlement Zone one *commercial motor vehicle* not exceeding 4 tonnes registered gross weight at capacity may *use* a required *parking space*.
- 6.1.6 The *parking spaces* required for a permitted residential *use* and/or a *home occupation* may be provided in tandem.
- 6.1.7 In a zone which permits a *farm use*, a maximum of one *commercial motor vehicle* may be parked, either outside or within an *accessory building* or *structure*;

6.2 Parking Space Requirements

- 6.2.1 Unless otherwise permitted by this By-law, *parking spaces* shall be provided on the same *lot* as the *building*, *structure* or *use* requiring the parking and shall be calculated in accordance with the requirements specified in Section 6. The number of required *parking spaces* shall be rounded up to the next whole number.

6.2.2

**TABLE 6 - 2
REGULATIONS - NUMBER OF PARKING SPACES**

Type of Use	Number of <i>Parking Spaces</i>
Residential	
<i>Single Detached; Semi-Detached</i>	2 outdoor spaces per <i>dwelling</i>
<i>Duplex; Street Townhouse</i>	2 spaces per <i>dwelling</i>
<i>1 bedroom apartment dwelling; Bachelor apartment dwelling</i>	1.25 spaces, plus 0.25 visitor spaces per <i>dwelling</i>
<i>2 bedroom apartment dwelling</i>	1.5 spaces, plus 0.25 visitor spaces per <i>dwelling</i>
<i>3 or more bedroom apartment dwelling</i>	1.75 spaces, plus 0.25 visitor spaces per <i>dwelling</i>
<i>Home Industry</i>	Table 5-4
<i>Home Occupation</i>	Table 5-5
<i>In-House Apartment</i>	Section 5.7
<i>Other permitted residential uses</i>	2 spaces per <i>dwelling</i>
Commercial	
<i>Flea Market; Grocery Store; Retail Warehouse; Shopping Centre</i>	1 space for every 20 m ² of gross <i>leasable floor area</i>

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TABLE 6 - 2 REGULATIONS - NUMBER OF PARKING SPACES	
Type of Use	Number of Parking Spaces
<i>Business or Administrative Office; Day Care Centre; Office <u>Building</u>; Personal Service; Professional Service; Store</i>	1 space for every 30 m ² of gross <i>leasable floor area</i>
<i>Medical Office, Veterinary Clinic</i>	1/18 m ² of gross <i>floor area</i> Where a <i>medical office</i> is a <i>home occupation</i> - 1 space for every 30 m ² of the <i>dwelling used for the home occupation</i>
<i>Hotel; Motel</i>	1 per suite or guest room
<i>Adult Entertainment Parlour; Bar; Take-Out Restaurant only</i>	The greater of: i) 7 spaces; or ii) 1 space for every 7 m ² of publicly accessible <i>floor area</i>
<i>Drive-Through Restaurant, Eat-In Restaurant (with or without Take-Out Restaurant)</i>	The greater of: i) 10 spaces; or ii) 12 space per 100 m ² gross <i>floor area</i>
Gathering Places	
<i>Arena; Art Gallery; Assembly hall; Auction Centre; Banquet Hall; Funeral Home; Museum; Place of Entertainment; Place of Worship; Private Club; Recreation Centre; Theatre; Other similar gathering places</i>	The greater of 1 per: i) 5 fixed seats; ii) 3 m of bench seating; or iii) 9 m ² of <i>floor area</i>
<i>Bowling Alley</i>	3 spaces per <i>bowling lane</i>
<i>Curling Rink</i>	4 spaces per <i>curling sheet</i>
<i>Golf Course</i>	3 spaces per <i>hole</i>
<i>Golf Driving Range</i>	1 space per <i>tee/mat</i>
<i>Fitness Centre</i>	1 space per 30 m ² of publicly accessible <i>floor area</i>
<i>Marina</i>	1.25 spaces per <i>boat slip</i>
<i>Mini-Putt</i>	1.5 spaces per <i>hole</i>
Schools	
<i>Elementary</i>	The greater of: i) 2 per classroom; or ii) 1 per 10 m ² of total <i>floor area</i> in the <i>assembly hall</i> and <i>cafeteria</i>
<i>Secondary; Commercial</i>	The greater of: i) 5 spaces per classroom; or ii) 1 space per 10 m ² of <i>floor area</i> in the <i>assembly hall</i> and <i>cafeteria</i>
Health Care	
<i>Nursing Home;</i>	1 space per every 4 beds

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TABLE 6 - 2 REGULATIONS - NUMBER OF PARKING SPACES	
Type of Use	Number of Parking Spaces
<i>Retirement Home</i>	
<i>Hospital</i>	The greater of 1 space per: i) 2 beds; or ii) 50 m ² of <i>floor area</i>
<i>Crisis Care Facility; Residential Care Facility</i>	Table 5-2

TABLE 6 – 2...continued REGULATIONS - NUMBER OF PARKING SPACES	
Industrial	
<i>Abattoir; Industrial Uses</i>	1 space per 30 m ² for first 500 m ² of floor area; 1 space per 90 m ² of <i>floor area</i> between 501 m ² and 2,000 m ² , plus; and 1 space per every 500 m ² of <i>floor area</i> above 2001 m ²
<i>Industrial Mall</i>	1 space per 20 m ² of <i>gross leasable floor area</i>
Other	
<i>Other permitted uses</i>	1 space per 30 m ² of <i>floor area</i>

- 6.2.3 Where the required *parking spaces* cannot be provided on the same *lot* as the *use* requiring the parking, the required *parking spaces* may be located on another *lot*, subject to the following:
- The *parking spaces* are located within 150 metres walking distance of the *use* requiring the parking;
 - The *parking spaces* are located either on lands within the same zone as the *use* requiring the *parking spaces* or within a Commercial or Industrial Zone;
 - The owners of both *lots* shall enter into an agreement with the Municipality, to be registered against title of both *lots*, and said agreement shall guarantee that the land provided for parking shall continue to be so *used* until the owners provide alternate *parking spaces* in accordance with the requirements of this By-law.
- 6.2.4 Where a *building, structure* or *lot* accommodates more than one type of *use*, the more restrictive *parking space* requirement shall apply.
- 6.2.5 Where a *use* defined by this By-law is not listed in Table 6-2, the *parking space* requirement for that *use* shall be based on the requirement for *uses* of a similar nature.

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6.2.6 When an addition to a *building* occurs, or the *use* of a *building, structure*, or *lot* changes, the provisions of Section 6.6 of this By-law shall apply.

6.2.7 The required *parking spaces* shall be dedicated as parking for the physically disabled in accordance with Table 6-3.

TABLE 6 - 3

REGULATIONS - NUMBER OF PARKING SPACES FOR THE PHYSICALLY DISABLED

Legend	
(#)	Notation
	Number of Parking Spaces Required By Table 6 - 2
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Greater than 1000	21 spaces plus 1 space for every additional 100 spaces or part thereof over 1000

Notations for Table 6 - 3

⁽¹⁾ *Nursing homes, retirement homes, hospitals, medical clinics and medical offices* shall provide twice the number of *parking spaces* for the physically disabled as required by Table 6 - 3.

6.3 Parking Area Location and Design Standards

6.3.1 For the purposes of this By-law:

- a. *Aisle* shall mean that part of a *parking area* used for the maneuvering or circulation of *motor vehicles*. An *aisle* shall have a minimum width of 4.5 metres for one-way traffic or 6 metres for two-way traffic;
- b. *Commercial Parking Area* shall mean a *parking area* where short term parking of *motor vehicles* is provided for a fee, and may include a *kiosk* for the parking attendant as an *accessory use*;
- c. *Driveway* shall mean that portion of a *lot* designed to provide *motor vehicle* access from the *lot* to the traveled portion of the *street, private road or lane*;
- d. *Enclosed Parking Area* shall mean a *parking area* located within a *building or structure*, including multi-storey structures such as aboveground or underground *garages*;

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- e. *Parking Area* shall mean an area not located on a *street, private road, or lane* that is used for the parking of more than one *motor vehicle* with or without a fee being charged, but shall not include any area where *motor vehicles* are kept or stored for sale or repair.
- 6.3.2 In all Commercial, Industrial and Institutional Zones every open air *parking area* shall provide for snow storage purposes, an area equivalent to 5% of the area of the required *parking spaces* and associated *aisles*.
- 6.3.3 *Parking areas and parking spaces* located at *finished grade* are permitted in all yards provided that the following provisions are complied with:
 - a. In all zones except the Rural Settlement Zone, no *driveway or parking space* shall be located within 7.5 metres of a *side lot line* abutting a Rural Settlement Zone, or within 1.5 metres of a *rear lot line* abutting a Rural Settlement Zone;
 - b. In a Commercial Zone, no part of any *parking space or parking area* other than a *driveway* shall be located within 1.5 metres of a *street line* or within a required *visibility triangle*;
 - c. In a Rural Settlement Zone, no part of any *parking space or parking area* other than a *driveway* shall be located within 1 metre of a *street line* or within a required *visibility triangle*; and
 - d. In a Rural Settlement Zone, for all non-residential uses, parking shall not be permitted between the *building* and *front* or *exterior* side property lines; and
 - e. In a zone which permits a *farm use, commercial motor vehicle* parking shall not be permitted between the *building* and *front* or *exterior* side property lines, and no *commercial motor vehicle* parking shall be permitted within 15 metres of a lot containing a residential *use*.
- 6.3.4 *Parking spaces, parking areas, aisles* and *driveways* shall be constructed and maintained with a stable surface that is capable of permitting access under all climatic conditions.

6.4 Drive-Through Queue Aisle

- 6.4.1 For the purposes of this By-law:
 - a. *Drive-Through Queue Aisle* shall mean an on-site stacking lane that is used exclusively for *motor vehicles* waiting for service from a *drive-through window*, which is separated from other vehicular traffic and pedestrian circulation by barriers, markings or signs.

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6.4.2 Each drive-through establishment shall provide a drive-through queue aisle for the queuing of motor vehicles.

6.4.3

TABLE 6 - 4 REGULATIONS - DRIVE-THROUGH QUEUE AISLES			
Drive-through Establishment	Queue Aisle		
	Length	Width (1)	Separation from Street line
<i>Banking machine; Other</i>	24 m		
<i>Restaurant</i>	i) Between pick-up window and order board - 24 m; ii) Beyond order board - 48 m	3 m	18 m

Notations for Table 6 - 4

(1) Minimum radius shall be 9 metres

6.4.4 A *drive-through queue aisle* shall be separate from all *driveways, parking areas, and/or loading spaces* on site, and shall not be located within a *visibility triangle*.

6.4.5 Where a *drive-through queue aisle* abuts a residential *use*, the *queue aisle* shall be setback 12 metres from the *lot line* and shall be screened from the residential *use* by a 2 metre high wall or decorative closed board fence.

6.5 Loading Spaces

6.5.1 For the purposes of this By-law:

a. *Loading Space* shall mean an unobstructed area of land that is provided on the same *lot* upon which the *principal use* is located, and which is *used* for the temporary parking of one *commercial motor vehicle* while merchandise or materials are being loaded onto or unloaded from such vehicle.

6.5.2 Every *building or structure used* for a purpose that requires the loading or unloading of goods or materials, including animals, shall provide and maintain *loading spaces* in accordance with the provisions of Section 6.5.

6.5.3 *Loading spaces* shall be provided on the same *lot* as the *building, structure or use* requiring the *loading space* and shall be calculated in accordance with the regulations in Table 6 - 5. All *loading spaces* shall provide a vertical clearance of 5 metres.

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6.5.4

**TABLE 6 - 5
REGULATIONS - NUMBER OF LOADING SPACES**

Legend	Loading Space Requirements	
	Length - 11 m Width - 4 m	Length - 7.5 m Width - 3 m
Residential and Health Care		
<i>Apartment Building</i> - 1 to 30 apartments	1	≠
<i>Apartment Building</i> - 31 to 90 apartments	1	≠
<i>Apartment Building</i> - 91 or more apartments	2	≠
<i>Hospital</i>	4	≠
<i>Nursing Home; Retirement home</i>	2	≠
Commercial and Gathering Places		
<i>Assembly hall; Bar; Business or Administrative Office; Convenience Store; Motor vehicle Repair Garage; Personal Service; Professional Service; Place of Entertainment or Restaurant</i>	1	≠
Permitted uses with 100 m ² to 300 m ² gross commercial floor area	≠	1
Permitted uses with 301 m ² to 1,000 m ² gross commercial floor area	1	≠
Permitted uses with 1,000 m ² to 7,000 m ² gross commercial floor area	2	≠
Permitted uses with greater than 7,000 m ² gross commercial floor area	3	≠
Industrial		
Permitted uses with up to 1,000 m ² gross floor area	1	≠
Permitted uses 1,001 m ² to 3,000 m ² gross floor area	2	≠
Permitted uses with 3,001 m ² to 7,000 m ² gross floor area	3	≠
Permitted uses with greater than 7,000 m ² gross floor area	3 spaces, plus 1 space for every additional 10,000 m ² or portion thereof	≠

6.5.5 Access to *loading spaces* shall be provided by means of an *aisle* located on the same *lot* as the *use* requiring the *loading spaces*. The *aisle* shall be a minimum of 6 metres wide and shall lead to a *driveway*.

6.5.6 *Loading spaces* shall not be provided in tandem and must be located abutting the *building* or *structure* for which they are required.

6.5.7 *Loading spaces* shall be located in the *interior side yard* or *rear yard*. In Industrial Zones, *loading spaces* are also permitted in the *front yard* and *exterior side yard* provided the spaces are setback from the *street line* a minimum distance of 20 metres.

Section 6

- 6.5.8 When an addition to a *building* occurs, or the *use* of a *building, structure*, or *lot* changes, the provisions of Section 6.6 of this By-law shall apply.

6.6 Additions To or Change in Use of Buildings

- 6.6.1 The *parking space* and *loading space* requirements of this By-law shall not apply to any *existing building or structure*, so long as the *existing floor area* of the *building or structure* is not increased or the *use* of the *building or structure* is not changed to a *use* that requires a greater number of *parking spaces* or *loading spaces*.
- 6.6.2 Where an addition is made to a *building or structure* that increases the total *floor area* of the *building or structure*, then *parking spaces* and *loading spaces* for the addition shall be provided in accordance with the requirements of this By-law.
- 6.6.3 Where the *use* of a *building, structure* or *lot* changes, *parking spaces* and *loading spaces* for the new *use* shall be provided in accordance with the requirements of this By-law.

6.7 Recreational Vehicle and Trailer Parking

- 6.7.1 A recreational vehicle or trailer, and any load thereon, may be parked on a driveway.
- 6.7.2 Storage or parking of trailers or recreational vehicles shall be permitted within a garage, carport or other permitted accessory structure, but within a settlement area, as identified in the Clarington Official Plan, shall not be permitted within a tent, shelter, canopy, enclosure or similar structure covered with fabric, polyester or similar covering material.
- 6.7.3 The parking or storage of a maximum of three recreational vehicles or trailers, and any load thereon, shall be permitted in any side yard or rear yard.
- 6.7.4 The owner may not store or park in the open more than three recreational vehicles or trailers, and any load thereon, on a lot.

Section 7

7.0 Urban Residential Zone Category (Reserved)

Section 8

8.0 Rural Settlement Zone Category

8.1 Zones

8.1.1 The Rural Settlement Zone Category consists of the following zones:

- a. (RS1) Rural Settlement One
- b. (RS2) Rural Settlement Two (RESERVED)
- c. (RS3) Rural Settlement Three (RESERVED)

8.2 Permitted Uses

8.2.1

**TABLE 8-1
PERMITTED USES – RURAL SETTLEMENT ZONES**

Legend	
P	Permitted
~	Not permitted
P(#)	Permitted subject to notation
Residential Uses	
<i>Bed and Breakfast</i>	P
<i>Home Occupation</i>	P ₍₁₎
<i>Single Detached Dwelling</i>	P
Non-Residential Uses	
<i>Existing Cemetery</i>	P
<i>Model Home/Temporary Sales Office</i>	P
<i>Place of Worship</i>	P
<i>Residential Care Facility</i>	~

Notations for Table 8-1

(1) With the exception of catering

8.3 Regulations

8.3.1 RS1 – Rural Settlement One Zone Regulations

Section 8

a. Lot Area and Lot Frontage

Residential and Non-Residential Uses		
<u>Lot area</u>	(min)	4000 m ²
	(max)	6000 m ²
<u>Lot frontage</u>	(min)	30 m
	(max)	40 m

b. Yard Setbacks

Residential and Non-Residential Uses	
<u>Front yard</u>	15 m
<u>Exterior side yard</u>	15 m
<u>Interior side yard</u>	5 m
<u>Rear yard</u>	15 m

c. Landscaped Area and Lot Coverage

Residential and Non-Residential Uses	
<u>Landscaped area</u>	35%
<u>Lot coverage (max)</u>	15%

d. Floor Area

- i) The minimum *floor area* shall be 110 square metres.

e. Height

- i) The maximum height shall be 10.5 metres.

8.4 Exception Zones

8.4.1 RS1 Exception Zones

8.4.1.1 RS1-1

a. Permitted Uses:

- i) All RS1 zone uses

Section 8

b. Regulations:

- | | | |
|-----|--------------|--------------------|
| i) | Lot frontage | 45 metres |
| ii) | Lot area | 8000 square metres |

c. Except as amended herein, all other provisions of this By-law, as amended, shall apply.

Added by By-Law 2008-049

8.4.1.2 RS1-2

a. Permitted Uses:

- i) All RS1-1 zone uses

b. Regulations

- | | | |
|----|----------|--------------|
| i) | Lot area | 1.9 hectares |
|----|----------|--------------|

c. Except as amended herein, all other provisions of the By-law, as amended, shall apply.

Added by By-law 2016-046

8.4.1.3 RS1-3

Notwithstanding the provisions of 8.3.1 a., those lands zoned "RS1-3 on the Schedules to this By-law shall be subject to the following regulations:

a. Lot Area (minimum) 4000 square metres

b. Lot Frontage (minimum) 30 metres

Section 8

Section 9

9.0 Commercial Zone Category

9.1 Zones

9.1.1 The Commercial Zone Category consists of the following zones:

- a. (C1)-Street-Related Commercial Zone (RESERVED)
- b. (C2)-Downtown Commercial Zone (RESERVED)
- c. (C3)-Primary Commercial Zone (RESERVED)
- d. (C4)-Secondary Commercial Zone (RESERVED)
- e. (C5)-Office Commercial Zone (RESERVED)
- f. (C6)-Neighbourhood Commercial Zone
- g. (C7)-Highway Commercial Zone
- h. (C8)-Motor Vehicle Service Zone

9.2 Permitted Uses

9.2.1

**TABLE 9 – 1
PERMITTED USES - COMMERCIAL ZONES**

Legend	C6	C7	C8
P Permitted			
~ Not permitted			
P(#) Permitted subject to notation			
Residential			
<i>Apartment Dwelling</i>	P ₍₁₎	~	~
Eating Establishments			
<i>Bar</i>	~	P	~
<i>Refreshment Vehicle</i>	~	P ₍₃₎	~
<i>Restaurant</i>	P	P	~
▪ <i>Fast Food Restaurant</i>	P	P	~
▪ <i>Take-Out Restaurant</i>	P	P	~
▪ <i>Drive-Through Restaurant</i>	~	P	~
Entertainment Uses			
<i>Place of Entertainment</i>	~	P	~
Gathering Places			
<i>Assembly Hall</i>	~	P	~
<i>Auction Centre</i>	~	P	~
<i>Banquet Hall</i>	~	P	~
<i>Convention Centre</i>	~	P	~
<i>Cultural Centre</i>	~	P	~
<i>Fitness Centre</i>	~	P	~
<i>Private Club</i>	~	P	~

Section 9

TABLE 9 - 1 (Continued) PERMITTED USES - COMMERCIAL ZONES			
Motor Vehicle Uses			
<i>Motor Vehicle Fuel Bar</i>	~	P	P
<i>Motor Vehicle Rentals</i>	~	P	~
<i>Motor Vehicle Repair Garage</i>	~	P	P(5)
Motor Vehicle Uses (Continued)			
Legend			
P Permitted	C6	C7	C8
~ Not permitted			
P(#) Permitted subject to notation			
<i>Motor Vehicle Sales</i>	~	P	~
<i>Motor Vehicle Wash</i>	~	P	~
<i>Recreational Vehicle Sales and Service</i>	~	P	~
Personal and Professional Uses			
<i>Bank</i>	P	~	~
▪ <i>Drive-Through Bank</i>	~	P	~
<i>Business or Administrative Office</i>	P	~	~
<i>Caterer</i>	P	~	~
<i>Day Care Centre</i>	P	~	~
<i>Dry Cleaning Distribution Centre</i>	P	~	~
<i>Funeral Home</i>	~	P	~
<i>Hotel</i>	~	P	~
<i>Medical Clinic</i>	P	~	~
<i>Motel</i>	~	P	~
<i>Personal Service</i>	P	~	~
<i>Professional Service</i>	P	~	~
<i>Veterinary Clinic</i>	P	~	~
Retail Uses			
<i>Flea Market</i>	~	P	~
<i>Garden and Nursery Centre</i>	~	P	~
▪ <i>Seasonal Garden and Nursery Centre</i>	~	P	~
<i>Marine Sales and Service</i>	~	P	~
<i>Store</i>			
▪ <i>Convenience Store</i>	P	~	P(4)
▪ <i>Farm Equipment and Supply Store</i>	~	P(6)	~
▪ <i>General Merchandise Store</i>	P	P(6)	~
▪ <i>Home Improvement Store</i>	~	P(6)	~
▪ <i>Light Equipment Store</i>	~	P	~

Section 9

TABLE 9 - 1 (Continued)
PERMITTED USES - COMMERCIAL ZONES

▪ Specialty Store	P	P(7)	~
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Notations for Table 9 - 1

- (1) Permitted within a *building* containing a permitted non-residential *use*
- (2) Permitted on the *ground floor* of an *office building*
- (3) Permitted as *accessory* to a permitted non-residential *use* provided it is not located within 60 m of either a *restaurant* or playground equipment located in a *park*
- (4) *Gross leasable floor area* (max) - 150 square metres
- (5) Permitted as *accessory* to a *principal use*
- (6) *Gross leasable floor area* (min) - 2000 square metres
- (7) *Gross leasable floor area* (max) - 700 square metres

9.3 Regulations

- 9.3.1 C1 - Street-Related Commercial Zone Regulations (RESERVED)
- 9.3.2 C2 - Downtown Commercial Zone Regulations (RESERVED)
- 9.3.3 C3 - Primary Commercial Zone Regulations (RESERVED)
- 9.3.4 C4 - Secondary Commercial Zone Regulations (RESERVED)
- 9.3.5 C5 - Office Commercial Zone Regulations (RESERVED)
- 9.3.6 C6 - Neighbourhood Commercial Zone Regulations

a. Lot Area and Lot Frontage

<u>Lot area</u>	2000 m ² ₍₁₎
<u>Lot frontage</u>	20 m

(1) Minimum *lot area* of 4000 m² for *lots* without full municipal services

b. Yard Setbacks

<u>Front yard</u>	3 m
<u>Exterior side yard</u>	3 m
<u>Interior side yard</u>	2 m; 0 m where a <i>building</i> has a <i>common wall</i> with a <i>building</i> on an adjacent <i>lot</i>
<u>Rear yard</u>	5 m; abutting a Rural Settlement Zone 7.5 m; and an additional 1 m setback for every 1 m of <i>building height</i> above 10 m

Section 9

c. Floor Space Index ⁽¹⁾

<i>Commercial F.S.I.</i>	0.25
<i>Residential F.S.I.</i>	0.25
Total F.S.I.	0.5

(1) Where a use meets all the applicable regulations of this By-law but a different maximum *F.S.I.* is indicated on the Schedules in brackets following the zone symbol, such *F.S.I.* shall take precedence over the maximum *F.S.I.* indicated above. The letter "T" shall mean "Total", the letter "C" shall mean "Commercial", and the letter "R" shall mean "Residential."

d. Landscaped Area

- i) Minimum *landscaped area* shall be 20%.

e. Height

- i) Maximum height shall be 12 metres.

f. Gross Leasable Floor Area

- i) Maximum *gross leasable floor area* shall be 300 square metres.

9.3.7 C7 – Highway Commercial Zone Regulations

a. Lot Area and Lot Frontage

<u>Lot area</u>	3000 m ² ⁽¹⁾
<u>Lot frontage</u>	50 m

(1) Minimum *lot area* of 4000 square metres for *lots* without full municipal services

b. Yard Setbacks

<u>Front yard</u>	5 m up to 14 m in height, 8 m setback for the portion of the <i>building</i> above a height of 14 m
<u>Exterior side yard</u>	2 m for <i>buildings</i> up to 14 m in height, 4.5 m <u>yard</u> setback for the portion of the <i>building</i> above a height of 14 m; 0 m where a <i>building</i> has a <i>common wall</i> with a <i>building</i> on an adjacent <i>lot</i> ; abutting a Rural Settlement Zone, 5 m for <i>buildings</i> up to 10 m in height; 1 m additional setback for every 1 m of height above 10 m;

Section 9

c. Floor Space Index⁽¹⁾

<i>Commercial F.S.I.</i>	0.3
<i>Residential F.S.I.</i>	≠
Total F.S.I.	0.3

(1) Where a use meets all the applicable regulations of this By-law but a different maximum *F. S. I.* is indicated on the Schedules in brackets following the zone symbol, such *F.S.I.* shall take precedence over the maximum *F.S.I.* indicated above. The letter "T" shall mean "Total", the letter "C" shall mean "Commercial", and the letter "R" shall mean "Residential".

d. Landscaped Area

- i) Minimum *landscaped area* shall be 20%.

e. Height

- i) Maximum height shall be 10 metres.
- ii) Maximum height for *hotel* or *motel* shall be 30 metres.

9.3.8 C8 – Motor Vehicle Service Station Zone Regulations

a. Lot Area and Lot Frontage

<u>Lot area</u>	2000 m ² ⁽¹⁾
<u>Lot frontage</u>	40 m

(1) Minimum *lot area* of 4000 m² for *lots* without full municipal services

b. Yard Setbacks

<i>Front yard</i> and exterior side <i>yard</i>	i) <i>Building</i> - 3 m; ii) Fuel pump island and/or weather canopy – 5 m
<i>Interior side yard</i> and <i>rear yard</i>	i) <i>Building</i> – 5 m; ii) <i>Canopy</i> – 20 m abutting residential; 5 m abutting non-residential

c. Floor Space Index⁽¹⁾

<i>Commercial F.S.I.</i>	0.25
<i>Residential F.S.I.</i>	≠
Total F.S.I.	0.25

(1) Where a use meets all the applicable regulations of this By-law but a different maximum *F.S.I.* is indicated on the Schedules in brackets following the zone symbol, such *F.S.I.* shall take precedence over the maximum *F.S.I.* indicated above. The letter "T" shall mean "Total", the letter "C" shall mean "Commercial", and the letter "R" shall mean "Residential."

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- d. Landscaped Area
 - i) Minimum *landscaped area* shall be 20%.
- e. Height
 - i) Maximum height shall be 6 metres.
 - ii) Maximum height for a *motor vehicle fuel bar* canopy shall be 10 metres.

9.4 Exception Zones

- 9.4.1 C1 Exception (RESERVED)
- 9.4.2 C2 Exception (RESERVED)
- 9.4.3 C3 Exception (RESERVED)
- 9.4.4 C4 Exception (RESERVED)
- 9.4.5 C5 Exception (RESERVED)
- 9.4.6 C6 Exception (RESERVED)
- 9.4.7 C7 Exception
 - 9.4.7.1 C7-1
 - a. Permitted Uses
 - i) Refreshment Vehicle
 - ii) Restaurant
 - iii) Eat in Restaurant
 - iv) Take-Out Restaurant
 - v) Drive-Through Restaurant
 - vi) Motor Vehicle Fuel Bar
 - vii) Motor Vehicle Repair Garage
 - viii) Motor Vehicle Sales
 - ix) Recreational Vehicle Sales and Service
 - x) Garden & Nursery Centre
 - xi) Home Improvement Store

Section 9

- b. Regulations
 - i) *Refreshment Vehicle* is permitted as an *accessory use* to a permitted non-residential *use* provided it is not located within 60 metres of either a *restaurant* or playground equipment located in a *park*.
 - ii) *Home Improvement Store* shall have a minimum *gross leasable floor area* of 2000 square metres.
- c. Except as amended herein, all other provisions of this By-law, as amended, shall apply.

9.4.8 C8 Exception

9.4.8.1 C8-1

- a. Permitted Uses
 - i) Motor Vehicle Fuel Bar
 - ii) Eat-in Restaurant accessory to a Motor Vehicle Fuel Bar.
- b. Except as amended herein, all other provisions of this By-law, as amended, shall apply.

Section 10

10.0 Industrial Zone Category (Reserved)

Section 11

11.0 Institutional and Utility Zone Category

11.1 Zones

11.1.1 The Institutional and Utility Zone Category consists of the following zones:

- a. (N) Institutional Zone
- b. (U) Utility Zone

11.2 Permitted Uses

11.2.1

TABLE 11-1
PERMITTED USES – INSTITUTIONAL AND UTILITY ZONES

Legend	N	U
P Permitted		
~ Not permitted		
P(#) Permitted subject to notation		
Court House	P	~
Day Care Centre	P	~
Hospital	P	~
Library	P	~
Municipal Administration Building	P	~
Museum	P	~
Public Works Depot	~	P
Pumping Station	~	P
Recreation centre	P	~
School		
• Elementary School	P	~
• Secondary School	P	~
Utility Substation	~	P
Water Pollution Control Plant	~	P
Water Supply Plant	~	P

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11.3 Regulations

11.3.1 N - Institutional Zone Regulations

a. Lot Area and Lot Frontage

<u>Lot area</u>	
<i>Elementary school</i>	2.0 ha
<i>Secondary school</i>	6.5 ha
All other uses	460 m ²
<u>Lot frontage</u>	
<i>Elementary school</i>	The greater of 140 m; or 25% of the site perimeter
<i>Secondary school</i>	The greater of 280 m; or 25% of the site perimeter
All other uses	40 m

b. Yard Setbacks

<i>Front yard</i> ⁽¹⁾	6 m
<i>Exterior side yard</i> ⁽¹⁾	The greater of: i) 4.5 m; or ii) 1.5 m for each storey or partial storey up to 7.5 m
<i>Interior side yard</i>	7.5 m
	10 m abutting a Rural Settlement Zone
<i>Rear yard</i>	7.5 m
	10 m abutting a Rural Settlement Zone

⁽¹⁾ Where there is an *established building line*, the *front yard* or *exterior yard* setback shall be within 2 metres of the *established building line*.

c. Landscaped Area and Lot Coverage

<i>Landscaped area</i>	30%
	40% abutting a Rural Settlement Zone
<i>Lot coverage</i>	40%
	30% abutting a Rural Settlement Zone

d. Height

- i) The maximum height of an *elementary school* shall be 3 storeys;
- ii) The maximum height of a *secondary school* shall be 4 storeys;

Section 11

- iii) The maximum height of all other *buildings* shall be 6 *storeys* up to 25 metres, except where abutting a Rural Settlement Zone the maximum height shall not be greater than 4 *storeys* up to 18 metres.
- e. *Outdoor Storage Areas* are not permitted.
- f. Portable *school buildings* shall comply with all yard setbacks.

11.3.2 U – Utility Zone Regulations

- a. Lot Area and Lot Frontage

<u>Lot area</u>	460 m ²
<u>Lot frontage</u>	15 m

- b. Yard Setbacks

<u>Front yard</u>	6 m
<u>Exterior side yard</u>	6 m
<u>Interior side yard</u>	3 m
<u>Rear yard</u>	3 m

- c. Landscaped Area and Lot Coverage

<u>Landscaped area</u>	40%
<u>Lot coverage</u>	40%

- d. Height

- i) All *buildings* and *structures* shall have a maximum height of 12 metres except where abutting a Rural Settlement Zone the maximum height shall be 10.5 metres.

Section 12

12.0 Open Space Zone Category

12.1 Zones

12.1.1 The Open Space Zone Category consists of the following zones:

- a. (EP) Environmental Protection Zone
- b. (NC) Natural Core Zone
- c. (NL) Natural Linkage Zone
- d. (P) Park Zone

12.2 Permitted Uses

12.2.1

**TABLE 12-1
PERMITTED USES – ENVIRONMENTAL PROTECTION, NATURAL CORE, NATURAL LINKAGE, AND PARK ZONES**

Legend	EP	NC	NL	P
P Permitted				
~ Not permitted				
P _(#) Permitted subject to notation				
Residential Uses				
<i>Bed and Breakfast</i>	P ₍₂₎	P ₍₂₎	P ₍₂₎	~
<i>Bunkhouse</i>	P ₍₃₎	P ₍₁₎	P ₍₁₎	~
<i>Home Occupation</i>	P ₍₂₎	P ₍₂₎	P ₍₂₎	~
<i>Mobile Home</i>	~	P ₍₁₎	P ₍₁₎	~
<i>Single Detached Dwelling</i>	P ₍₃₎	P ₍₃₎	P ₍₃₎	~
<i>Farm Vacation Home</i>	P ₍₂₎	P ₍₂₎	P ₍₂₎	~
Environmental Management Uses				
<i>Conservation</i>	P	P	P	P
<i>Flood and Erosion Control Projects</i>	P	P	P	P
<i>Reforestation</i>	P	P	P	P
<i>Stormwater Control Structures</i>	~	P	P	P

Section 12

Non-Residential Uses				
<i>Agricultural Uses</i>	P ₍₃₎	P	P	~
<i>Animal Agriculture</i>	P ₍₃₎	P	P	~
<i>Farm Occupation</i>	~	P	P	~
<i>Greenhouse</i>	P ₍₃₎	P	P	~
<i>Riding Arena</i>	P ₍₃₎	P	P	~
<i>Riding Stable</i>	P ₍₃₎	P	P	~
Recreational Uses				
<i>Park, Passive</i>	P	P	P	P
<i>Park, Active</i>	~	~	~	P
<i>Transportation, Infrastructure and Utilities Uses</i>	P ₍₄₎	P	P	P

Notations for Table 12-1

- (1) Only permitted as a second *dwelling* that is a temporary, mobile or portable unit on the *lot* for persons employed on the *farm*.
- (2) Only *permitted* in *dwellings existing* as of November 15, 2001 or if permission to construct a single detached *dwelling* existed on November 15, 2001.
- (3) Applies to *uses existing* as of November 15, 2001 or if permission to construct a single detached *dwelling* existed on November 15, 2001.
- (4) With the exception of stormwater control *structures*.

12.3 Regulations

12.3.1 EP - Environmental Protection Zone Regulations

- a. Existing residential *uses* shall comply with the zone regulations for residential *uses* within the Agricultural Zone with the exception of 13.3.1 A a.
- b. Existing non-residential *uses* shall comply with the zone regulations for non-residential *uses* within the Agricultural Zone with the exception of 13.3.1 A a.

Section 12

12.3.2 NC - Natural Core Zone Regulations

a. Lot Area and Lot Frontage

		Residential uses	Non-Residential uses	
			Greenhouses	All other non-residential uses
<u>Lot area</u>	(min)	4000 m ²	40 ha ⁽²⁾	40 ha ⁽²⁾
	(max)	6000 m ²	≠	≠
<u>Lot frontage</u>		30 m	150 m	100 m ⁽¹⁾

(1) Farm exclusive of buildings require a minimum frontage of 10 metres.

(2) For lots with a lot area less than 40 ha, greenhouses and all other non-residential uses will be permitted upon existing lots of record.

b. Yard Setbacks

		Residential uses	Non-Residential uses	
			Greenhouses ⁽¹⁾	All other non-residential uses
<u>Front yard</u>		6 m	15 m	15 m
<u>Exterior side yard</u>		6 m	15 m	15 m
<u>Interior side yard</u>		2 m	50 m	15 m
<u>Rear yard</u>		10 m	50 m	15 m

(1) Loading spaces and areas must comply with setback regulations

c. Landscaped Area and Lot Coverage

		Residential uses	Non-Residential uses	
			Greenhouses	All other non-residential uses
<u>Landscaped area</u>		35%	≠	≠
<u>Lot coverage</u>		15%	15%	5%

d. Floor Area

- i) Minimum *floor area* for residential *uses* shall be 110 square metres except a *bunkhouse* shall be a minimum of 60 square metres.

e. Height

- i) Maximum height of residential *uses* shall be 10.5 metres

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f. Residences for Farm Employees

- i) One second dwelling that is a temporary, mobile or portable unit where permitted provided it is used by persons employed on the farm having a minimum lot of area of 20 hectares.

g. Minimum Distance Separation Formulae

- i) All farm and non-farm development shall comply with the Minimum Distance Separation (MDS) Formulae.

12.3.3 NL - Natural Linkage Zone Regulations

a. Lot Area and Lot Frontage

		Residential uses	Non-Residential uses	
			Greenhouses	All other non-residential uses
<u>Lot area</u>	(min)	4000 m ²	40 ha ⁽²⁾	40 ha ⁽²⁾
	(max)	6000 m ²	≠	≠
<u>Lot frontage</u>		30 m	150 m	100 m ⁽¹⁾

(1) Farm exclusive of buildings require a minimum frontage of 10 m.

(2) For lots with a lot area less than 40 ha, greenhouses and all other non-residential uses will be permitted upon existing lots of record.

b. Yard Setbacks

		Residential uses	Non-Residential uses	
			Greenhouses ⁽¹⁾	All other non-residential uses
<u>Front yard</u>		6 m	15 m	15 m
<u>Exterior side yard</u>		6 m	15 m	15 m
<u>Interior side yard</u>		2 m	50 m	15 m
<u>Rear yard</u>		10 m	50 m	15 m

(1) Loading spaces and areas must comply with setback regulations

c. Landscaped Area and Lot Coverage

		Residential uses	Non-Residential uses	
			Greenhouses	All other non-residential uses
<u>Landscaped area</u>		35%	≠	≠
<u>Lot coverage</u>		15%	50%	5%

Section 12

- d. Floor Area
 - i) Minimum *floor area* for residential *uses* shall be 110 square metres except a *bunkhouse* shall be 60 square metres.
- e. Height
 - i) Maximum height of residential *uses* shall be 10.5 metres.
- f. Residences for Farm Employees
 - One second dwelling that is a temporary, mobile or portable unit where permitted provided it is used by persons employed on the farm having a minimum lot area of 20 hectares.
- g. Minimum Distance Separation Formulae
 - All farm and non-farm development shall comply with the Minimum Distance Separation (MDS) Formulae.

12.3.4 Park Zone Regulations

- a. Yard Setbacks

<i>Front yard</i>	6 m
<i>Exterior side yard</i>	6 m
<i>Interior side yard</i>	7.5 m
<i>Rear yard</i>	7.5 m

- b. Height
 - i) Maximum height shall be 5 metres.

12.4 Exception Zones

12.4.1 EP Exception Zones

12.4.1.1 EP-1 Zone

- a. Permitted Uses:
 - i) Club House
 - ii) Conservation
 - iii) Reforestation

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- iv) Single detached dwelling.
- b. Regulations:
- | | | |
|------|-----------------------------------|--------------|
| i) | Lot area | 13 hectares |
| ii) | Lot <i>frontage</i> | 200 metres |
| iii) | Yard setback | |
| a) | Front <u>yard</u> setback | 15 metres |
| b) | Exterior side <u>yard</u> setback | 15 metres |
| c) | Interior side <u>yard</u> setback | 15 metres |
| d) | Rear <u>yard</u> setback | 15 metres |
| e) | Density (max) | 16 dwellings |
| f) | Landscaped area | 10% |
| g) | <u>Lot</u> coverage (max) | 5% |
| h) | Height | 10.5 metres |
- c. Except as amended herein, all other provisions of this By-law, as amended, shall apply.

12.4.1.2 EP-2 Zone

- a. Permitted Uses
- | | |
|------|------------------------------------|
| i) | Agricultural Uses |
| ii) | Conservation |
| iii) | Flood and Erosion Control Projects |
| iv) | Private radio communications tower |
| v) | Reforestation |
- b. Regulations
- | | | |
|------|--|------------------|
| i) | An <i>Agricultural</i> Use that existed as of November 15, 2001 shall be permitted | |
| ii) | Private radio communications tower
<i>Floor area</i> (max) | 50 square metres |
| iii) | Height of tower (max) | 80 metres |
- c. Except as amended herein, all other provisions of this By-law, as amended, shall apply.

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NC Exception Zones

12.4.2.1 NC-1 Zone

a. Permitted Uses:

- i) *Bed and Breakfast*
- ii) *Home Occupation*
- iii) *Single Detached Dwelling*
- iv) *Farm Vacation Home*
- v) *Conservation*
- vi) *Agricultural Uses*
- vii) *Flood and Erosion Control Projects*
- viii) Passive Park
- ix) Reforestation
- x) Specialty store for the sale of antiques and crafts
- xi) Tea room and/or tea garden, and business or administrative office ancillary to a permitted use

b. Permitted Uses:

- i) Lot Area 4 hectares
- ii) Lot Frontage 45 metres
- iii) Yard Setback
 - a) *Front Yard* setback 7.5 metres
 - b) *Exterior Side Yard* setback 15 metres
 - c) *Interior Side Yard* setback 15 metres
 - d) *Rear Yard* setback 15 metres
- iv) Lot Coverage (Max)
- v) Only a *Single Detached Dwelling*, *Agricultural Use*, Specialty store for the sale of antiques and crafts, *Tea Room and/or Tea Garden* that existed as of November 15, 2001 shall be permitted.

c. Except as amended herein, all other provisions of this By-law, as amended, shall apply.

Section 13

13.0 Agricultural Zone Category

13.1 Zones

13.1.1 The Agricultural Zone Category consists of the following zone:

- a. (A) Prime Agricultural Zone

13.2 Permitted Uses

13.2.1

**TABLE 13-1
PERMITTED USES – AGRICULTURAL ZONE**

Legend	
P Permitted	A
~ Not permitted	
P(#) Permitted subject to notation	
Residential Uses	
<i>Bed and Breakfast</i>	P
<i>Bunkhouse</i>	P ₍₁₎
<i>Home Occupation</i>	P
<i>Single Detached Dwelling</i>	P
<i>Farm Vacation Home</i>	P
Non-Residential Uses	
<i>Agricultural Uses</i>	P
<i>Agriculture – Related Uses</i>	P
<i>Animal Agriculture</i>	P
<i>Cemetery₍₃₎</i>	P
<i>Conservation</i>	P
<i>Farm Occupation</i>	P
<i>Farm Produce Outlet</i>	P
<i>Farm Produce Warehouse</i>	P
<i>Flood and Erosion Control Projects</i>	P
<i>Greenhouse₍₂₎</i>	P

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Non-Residential Uses (Cont'd)	
<i>Place of Worship</i> ⁽³⁾	P
Reforestation	P
<i>Riding Arena</i>	P
<i>Riding Stable</i>	P
<i>Sod Farm</i>	P
<i>Transportation, Infrastructure and Utilities</i>	P

Notation for Table 13-1

- (1) Only permitted as a second *dwelling* that is a temporary, mobile or portable unit on the *lot* for persons employed on the *farm*
(2) *Greenhouse* regulations see Section 13.3.1
(3) Applies to *uses existing* as of November 15, 2001

13.3 Regulations

13.3.1 A - Prime Agricultural Zone Regulations

a. Lot Frontage and Lot Area

	Residential uses	Non-Residential uses	
		Greenhouses	All other non-residential uses
<i>Lot frontage</i>	30 m	150 m ⁽²⁾	100 m ⁽¹⁾
<i>Lot area</i>	(min)	4000 m ²	2 ha
	(max)	7000 m ²	≠ 40 ha

- (1) Applies to *single detached dwelling* only
(2) *Farm* exclusive of *buildings* require a minimum frontage of 10 metres
(3) For lots with a *lot area* less than 40 hectares, greenhouses and all other non-residential uses will be permitted upon existing lots of record.

b. Yard Setbacks

	Residential uses	Non-Residential uses	
		Greenhouses ⁽¹⁾	All other non-residential uses
<i>Front yard</i>	6 m	15 m	15 m
<i>Exterior side yard</i>	6 m	15 m	15 m
<i>Interior side yard</i>	2 m	50 m	15 m
<i>Rear yard</i>	10 m	50 m	15 m

(1) Loading spaces and areas must comply with *yard* setback regulations

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c. *Landscaped Area and Lot Coverage*

	Residential uses	Non-Residential uses	
		Greenhouses	All other non-residential uses
<i>Landscaped area</i>	35%	≠	≠
<i>Lot coverage</i>	15%	15%	5%

d. *Floor Area*

- i) Minimum *floor area* for residential *uses* shall be 110 square metres except a *bunkhouse* shall be 60 square metres.

e. Height

- i) Maximum height of residential *uses* shall be 10.5 metres.

f. Existing Residences

- i) *Existing* residences shall comply with the zone requirements for residential *uses* set out above.

g. Residences for Farm Employees

- i) One second dwelling that is a temporary, mobile or portable unit where permitted provided it is used by persons employed on the farm having a minimum lot area of 20 hectares.

h. Minimum Distance Separation Formulae

All farm and non-farm development shall comply with the Minimum Distance Separation (MDS) Formulae.

Added by By-Law 2019-058

13.4 A Exception Zones

13.4.1 A-1 Zone

Notwithstanding Section 13.2, the lands zoned A-1 on the Schedules to this By-law may only be used for the Non-Residential Uses set out in Section 13.2.1

Section 14

14.0 Aggregate Extraction Zone Category

14.1 Zones

14.1.1 The Aggregate Extraction Zone Category consists of the following zone:

- a. (AE) Aggregate Extraction Zone

14.2 Permitted Uses

14.2.1

**TABLE 14-1
PERMITTED USES – AGGREGATE EXTRACTION ZONE**

Legend	
P	Permitted
~	Not permitted
P (#)	Permitted subject to notation
Aggregate Extraction	
<i>Pit</i>	P
Environmental Management Uses	
<i>Conservation</i>	P
Non-residential Uses	
<i>Agricultural Uses</i>	P

14.3 Regulations

14.3.1 AE - Aggregate Extraction Zone Regulations

- a. Yard Setbacks

	<i>Farm</i>	<i>Pit</i>
<i>Front yard</i>		
<i>Exterior side yard</i>	13.3.1(b) Non-Residential uses	15 m _{(1) (2)}
<i>Interior side yard</i>		
<i>Rear yard</i>		15 m _{(1) (2) (3)}

⁽¹⁾ Mineral aggregate crusher, Mineral aggregate processing or Mineral aggregate stockpile not permitted within 30 metres of any abutting lot zoned Rural Settlement or within 30 metres of a dwelling on adjacent lands held under distinct and separate ownership and not permitted within 30 metres of any abutting highway or waterbody

⁽²⁾ Business and administrative office may be permitted with a 15 metre setback

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- (3) Where interior side yard or rear yard abuts an interior side yard or rear yard of a lot also zoned AE, the interior side yard or rear yard may be reduced to 15 metres

b. *Floor Area*

	<i>Farm</i>	<i>Pit</i>
<u>Floor area (max)</u>	100m ²	≠

c. *Lot coverage*

	<i>Farm</i>	<i>Pit</i>
<u>Lot coverage</u>	13.3.1(c) Non-Residential uses	≠

Added by By-Law 2006-168

14.4 AE EXCEPTION ZONES

14.4.1 AE-1 Zone

a. Accessory Uses:

- i) The importation and stockpiling of limestone for the purpose of resale and blending with material extracted on-site is permitted as an accessory use, provided that no more than 50,000 tonnes is imported annually and further provided that the owner has filed a report with the Municipality demonstrating that a minimum of 100,000 tonnes of aggregate was extracted from the pit in the previous calendar year.

b. Regulations:

- i) Notwithstanding 14.3, the following additional yard requirements shall apply:
- a) The northerly interior side yard shall be a minimum of 15 metres, except where adjacent to an Environmental Protection (EP) Zone, in which case the northerly interior side yard shall be a minimum of 30 metres and shall contain a naturalization area;
- b) any aggregate processing plant, including crushing and other processing equipment, shall be located a minimum of 7.5 metres below natural grade and no closer to any residence than the following:

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- (i) 300 metres, where the equipment is located up to 22.5 metres below natural grade;
 - (ii) 400 metres, where the equipment is located between 5 metres and 22.5 metres below natural grade;
 - (iii) 500 metres, where the equipment is located 7.5 metres below natural grade;
- ii) A maximum disturbed area of 45 hectares is permitted,
- c. For the purpose of Section 14.4.1, the following definitions shall apply:

Disturbed Area

Shall mean the area of the licensed pit which is used for aggregate operations including the extraction, processing and stockpiling of aggregates and which has not completed final rehabilitation. "Disturbed Area" shall not include the areas subject to the Oak Ridges Moraine Pilot Project as defined on a drawing entitled "Progressive and Final Rehabilitation Plan" prepared by Skelton Brumwell dated July 19, 2006.

Natural Grade

Shall mean the elevations depicted on a drawing entitled "Existing Features and Cross Sections" prepared by Skelton Brumwell dated July 19, 2006 with the exception of the Existing Licensed Pit, in which case "natural grade" shall mean the average of the nearest spot elevation on the east and west sides of the existing licensed area.

Naturalization Area

Shall mean an area designed and managed to restore and enhance self-sustaining vegetative cover including trees to provide for connectivity with natural heritage features and enabling the movement of wildlife and the disbursement of native plant species.

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Added by By-Law 2014-0008

15.0 Temporary Zones

15.1 T-1 Temporary Zone One

a. Permitted Uses

- i) Agricultural Uses
- ii) Camping and vehicle parking associated with permitted uses on adjacent parcels with tax assessment roll nos. 18-17-010-110-1800, 18-17-010-110-1801, 18-17-010-110-1802 and 18-17-010-110-1803.

b. Regulations

- i) Yard setback to dripline of woodlot 15 metres
- ii) Yard setback to property with a residential use 15 metres
- iii) The lands may be used for camping and vehicle parking for a music festival only between July 15th and August 15th.
- iv) The lands may be used for camping and vehicle parking for *motorized recreational competition* events for a maximum of 10 days in any calendar year only between May 1st and October 10th.

Pursuant to the requirements of Section 39 of the Planning Act, 1990, as amended, the campground use may be permitted for a period of three years, ending on January 27, 2017.

Added by By-Law 2014-056

15.2 T2 Temporary Zone Two

a. Permitted Uses

- i) Agriculture Uses
- ii) Camping, vehicle parking, temporary ticket processing booths and portable washroom facilities associated with a music festival permitted on Canadian Tire Mosport Park parcels with tax assessment roll no. 18-17-010-110-1800, 18-17-010-110-1801, 18-17-010-110-1802 and 18-17-010-110-1803.

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b. Regulations

- i) Yard setback to dripline of woodlot 15 metres
- ii) The lands may only be used for camping, vehicle parking, temporary ticket processing booths and portable washroom facilities between July 15 and August 15.

Pursuant to the requirements of Section 39 of the Planning Act, 1990, as amended, the campground use may be permitted for a period of three years, ending on May 26, 2017.

Deleted by By-Law 2014-057

Section 16

16.0 Future Development Zones (Reserved)

Section 17

17.0 Major Recreational Zones (Reserved)

Glossary to Zones

A	Prime Agricultural Zone
AE	Aggregate Extraction Zone
C1	Street-Related Commercial Zone
C2	Downtown Commercial Zone
C3	Primary Commercial Zone
C4	Secondary Commercial Zone
C5	Office Commercial Zone
C6	Neighbourhood Commercial Zone
C7	Highway Commercial Zone
C8	Motor Vehicle Service Zone
EP	Environmental Protection Zone
MR	Major Recreation Zone
N	Institutional Zone
NC	Natural Core Zone
NL	Natural Linkage Zone
P	Park Zone
RS1	Rural Settlement One Zone
U	Utility Zone