

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: 18 April, 2017

CASE NO(S): PL881437-
S880055

PROCEEDING COMMENCED UNDER subsection 50(15) of the *Planning Act (Old Act)*, 1983,
as amended

Applicant
Appellant
Appellant (jointly):

Thomas Farm Estates
Martin Litman
The Alton Corporation, The Mail Must Go Thru
Incorporated, The Alton Artisan Guild in the
Carriage Works Limited and Others
Proposed Plan of Subdivision
Part of Lots 22 and 23, Concession 4, W.H.S. of the
former Township of Caledon

Subject:
Property Address/Description:

Municipality:
Regional File No.:
OMB Case No.:
OMB File No.:
OMB Case Name:

Town of Caledon
21T86060C
PL881437
S880055
Litman v. Peel (Regional Municipality)

Heard:

March 29, 2017 in Caledon, Ontario

APPEARANCES:

Parties

Alton Mills Inc.

Town of Caledon

Regional Municipality of Peel

Counsel

J. Pitman Patterson/R. Wood

K. Stavrankos/R. Ivanov

R. Maciver

**MEMORANDUM OF ORAL DECISION DELIVERED BY SHARYN VINCENT ON
MARCH 29, 2017**

INTRODUCTION

[1] This Prehearing Conference ("PHC") was convened to update the Board with respect to the outstanding approvals of a matter decided by the Board in 1989. Pursuant to s. 50(15) of the *Planning Act*, as it was then constituted, and the Board's decision on a proposed plan of subdivision and associated site specific by-law, the final approval of the Plan of Subdivision is vested with the Board.

[2] The new owners, Alton Mills Inc. ("Owner") acquired the lands located in the Alton Settlement area, at the south east corner of Queen Street South and Mississauga Road in 2007, and subsequently in 2010, purchased the abutting farm, referenced in the original decision as the Litman Farm, through an affiliated company, Osprey Valley Resorts.

[3] The original Board decision, through site specific By-law No. 83-88, had placed a Hold ("H") on several blocks of land in the easterly portion of the plan of subdivision which were within 150 metres ("m") of the then existing and operating barns of the Litman Farm which raised and trained race horses and provided boarding.

[4] The 'sensitive' use on the former Litman Farm has ceased, and the Alton Mills Inc are pursuing the removal of the H through the normal Council approval process with a goal of rolling in the former blocks as additional building lots to the draft plan. This course of action has both timing and administrative implications for finalizing the matter before the Board.

[5] The removal of the H is subject to the statutory requirements under the *Planning Act*, and if successful, will alter the lot numbering and associated references throughout the draft conditions and the subdivision Agreement flowing therefrom.

[6] Although the original owner had executed a subdivision agreement in 1991, the approval authorities and associated responsibilities have evolved over the passing

years. The Owner, the Town of Caledon and the Regional Municipality of Peel ("Region"), together with other in force agencies, have been working effectively to reconstitute the course of final approvals and expect to soon come to an understanding on the 11 conditions of the original 43, which remain outstanding.

[7] The Owner has undertaken to submit the last piece of analysis required to determine the appropriateness of removing the H and expects the study submission and consideration to run concurrently with the Region's finalization of the wording of the revised subdivision agreement to reflect amongst other things, the current roster of approval agencies.

[8] The parties on consent have therefore requested a further PHC mid-summer to potentially be converted to a settlement hearing. The Board directed that an appearance would only be required should one of the 11 outstanding matters proved to remain unresolved, or any other matter arising requiring adjudication by the Board. In the alternative, full settlement and final approval of the Plan will be heard via Telephone Conference Call.

[9] A one-day hearing was scheduled for **Friday, August 11, 2017 at 10 a.m. in the:**

**Council Chambers
Caledon Town Hall
6311 Old Church Rd
Caledon, ON**

[10] In the case of a settlement, the hearing will be converted to a TTC commencing at 9 a.m. on August 11, 2017 or an earlier date on consent of the parties and subject to the Board calendar.

[11] The parties were directed to update the Board at the earliest opportunity should settlement be achieved so as to release the requirement for an appearance from the Board schedule. A settlement will be finalized through written submissions and affidavit

evidence from the Owners planner.

[12] The member is seized, and no further notice is required.

"Sharyn Vincent"

SHARYN VINCENT
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario

Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248



Ontario Municipal Board
Commission des affaires municipales de l'Ontario

DB 82

F 214

R 880422
S 880055

IN THE MATTER OF Section 34 of the
Planning Act, 1983

AND IN THE MATTER OF appeals by Joan
Roberts, John Simpson, the Alton
Corporation, The Mail Must Go Thru
Incorporated and others against
Zoning By-law 88-83 of the
Corporation of the Town of Caledon
O.M.B. File No. R 880422

RECEIVED

MAR 15 1990

TOWN OF CALEDON
CLERKS DEPARTMENT

- and -

IN THE MATTER OF Section 50(15) of
the Planning Act, 1983

AND IN THE MATTER OF a referral to
this Board by The Regional
Municipality of Peel on a request by
Martin Litman and by the Alton
Corporation, The Mail Must Go Thru
Incorporated, the Alton Artisan Guild
in the Carriage Works Limited and
others for consideration of a
proposed plan of subdivision on lands
comprised of part of Lots 22 and 23,
Concession 4, W.H.S. of the former
Township of Caledon, or more
particularly situated at the
southeast corner of the 4th Line West
and Queen Street West in the
settlement of Alton
Regional File No. 21T-86060C
O.M.B. File No. S 880055

C O U N S E L :

D. Ostler	- for	the Town of Caledon
S. LeDrew	- for	Cobren Investments Inc.
D. Tyndale	- for	Martin Litman
Y. Hamlin	- for	Alton Corporation

SUPPLEMENTARY DECISION OF THE BOARD delivered by K. D. BINDHARDT

On December 12, 1989 the Board heard submissions by counsel for
Cobren Investments Inc. and the Town of Caledon regarding the final

The draft plan of subdivision, amended November 16, 1989, reflects the intent of the Board's decision dated May 8, 1989 and is approved. The Conditions of Draft Approval (Exhibit 44) dated December 7, 1989 are amended to change the reference in Condition 19(f) to Blocks 118 and 119 (from Block 119) and the conditions so amended are approved. The appeals against By-law 88-83 are allowed in part and By-law 88-83 is amended as shown in Appendix "A" to this decision. Schedule A to By-law 88-83 shall be replaced with a new Schedule A as identified in Appendix "B" to this decision.

DATED at TORONTO this 13th day of March, 1990.



K. D. BINDHARDT
MEMBER

✓
C.C. - PLANNING
COUNCIL
DAVID D.



R 880422
S 880055

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

APPENDIX "A"

To the Decision of the Ontario Municipal Board
Dated the 13th day of March, 1990.

Add to By-law 88-83 the following Section:

5.3 RURAL RESIDENTIAL HOLDING (RR-H) ZONE

5.3.1 USES PERMITTED BEFORE REMOVAL OF HOLDING SYMBOL

Before the removal of the holding symbol, in any RR-H zone, no person shall use any lot or construct, alter or use any building or structure for any purpose except an existing use.

5.3.2 USES PERMITTED AFTER REMOVAL OF HOLDING SYMBOL

After the removal of the holding symbol, in any RR-H zone, no person shall use any lot or construct, alter or use any building except in accordance with the uses in Section 5.1 and the provisions in Section 5.2.

5.3.3 REMOVAL OF HOLDING SYMBOL

The holding symbol shall not be removed unless and until there is no livestock building within 150 metres of any RR-H zone shown on Schedule A.

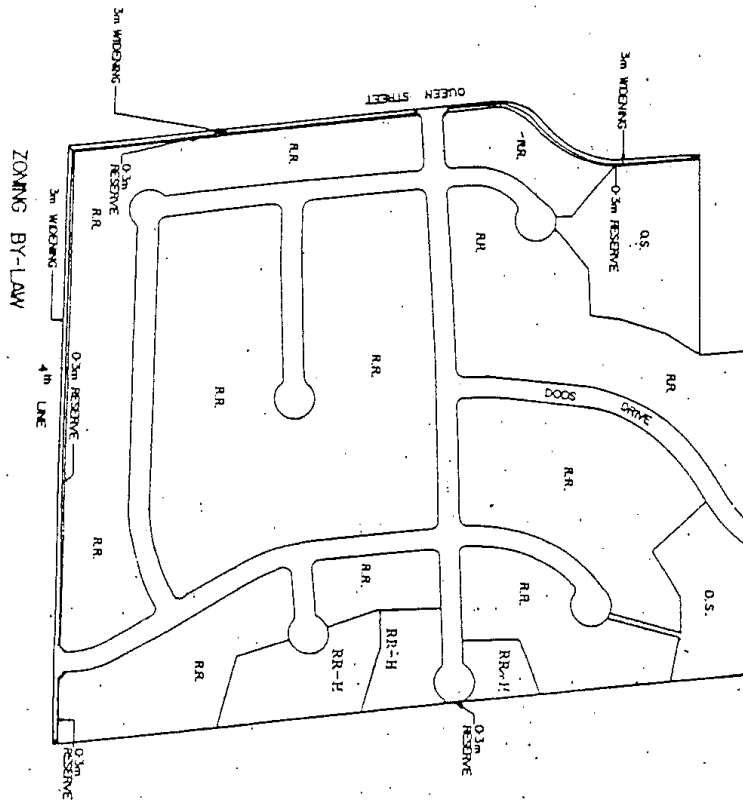


R 880422
S 880055

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

APPENDIX "B"

To the Decision of the Ontario Municipal Board
Dated the 13th day of March, 1990.



LEGEND

O.S. — OPEN SPACE
R.R. — RURAL RESIDENTIAL
RR-H — Rural Residential holding

THOMAS FARM ESTATES
PART OF THE SOUTHWEST HALVES OF LOTS
22,23 CONCESSION 4 West of Hurontario Street
Zoning By-Law 88-83
Schedule A
TOWN OF CALEDON



DB 81

F- 75

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

S 880055
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IN THE MATTER OF Section 34 of the Planning Act, 1983

AND IN THE MATTER OF appeals by Joan Roberts, John Simpson, the Alton Corporation, the Mail Must Go Thru Incorporated and others against Zoning By-law 88-83 of The Corporation of the Town of Caledon
O.M.B. File: R 880422

- and -

IN THE MATTER OF Section 50(15) of the Planning Act, 1983

AND IN THE MATTER OF a referral to this Board by The Regional Municipality of Peel on a request by Martin Litman and by the Alton Corporation, the Mail Must Go Thru Incorporated, the Alton Artisan Guild in the Carriage Works Limited and others for consideration of a proposed plan of subdivision on lands comprised of part of Lots 22 and 23, Concession 4, W.H.S. of the former Township of Caledon, or more particularly situated at the southeast corner of the 4th Line West and Queen Street West in the settlement of Alton
Regional File No. 21T-86060C
O.M.B. File: S 880055

C O U N S E L :

D. Ostler	- for	Town of Caledon
S. LeDrew	- for	Cobren Investments Inc.
D. Tyndale	- for	Martin Litman
Y. Hamlin	- for	Alton Corporation
A. Stubbs (agent)	- for	Joan Roberts, John Simpson and others

DECISION OF THE BOARD delivered by K.D. BINDHARDT

Cobren Investments Inc. purchased 90.81 acres, the subject land, in 1986. It is located in the west end of the Alton Settlement Area in the Town of Caledon south of Queen Street West and east of the 4th Line, both roads providing access to the site. The Town of Caledon Official Plan, approved by the Minister in 1979, designates the subject land as part of the

Alton Settlement Area, which permits residential use. By-law 1330, approved by the Ontario Municipal Board in 1963, zones the subject land Agricultural. By-law 80-21, enacted in 1980, rezones the subject land Rural Residential but was not approved by the Ontario Municipal Board and was repealed by By-law 87-250, enacted in October 1988 as the new comprehensive zoning by-law for the Town of Caledon. Appeals against By-law 87-250 have yet to be settled for which reason it is not yet in effect.

In July 1986, Cobren Investments Inc. made application for development of the subject land. A plan of subdivision was submitted to a public meeting in October, 1986 and the layout was altered, reducing the number of lots as a result of concerns expressed at that meeting, including those from the Health Unit. After a second public meeting in April, 1987, a further reduction in the number of lots was made, leading to the present layout for 119 lots as shown on Exhibit 36, the plan of subdivision red-lined by the Town of Caledon who supports the development proposal and enacted By-law 88-83. This by-law is site specific and free standing but identical in its provisions and regulations to By-law 87-250 as it applies to the subject land. When By-law 87-250 comes into effect, By-law 88-83 would, in fact, become superceded.

The proposed plan of subdivision provides for large lots with private sewage disposal systems which the Regional Health Officer has approved. Municipal water supply is available for all lots. More than 5% of the subject land has been assigned for park land and the layout of the subdivision provides for a traffic pattern compatible with the existing road pattern of the Settlement Area and capable of extension to the south. The applicants believe that the proposed development conforms to the Official Plan policies.

Several appeals against By-law 88-83 were filed and on a request by the objectors, the Regional Municipality referred consideration of the plan of subdivision to this Board. At the commencement of the hearing, the Alton Corporation withdrew their objections subject to the inclusion of conditions

outlined in Exhibit 2 as part of the draft plan approval. The objection by Mr. Martin Litman specifically relates to the impact of the proposed development on his farm operation. All other objections are of a general nature and relate to the impact of the proposed development on the Settlement Area as a whole.

Mr. Litman owns a farm immediately south of the proposed development. He breeds and trains his own race horses (trotters and pacers) and boards horses from time to time. His land is developed with a race track, a residence and barns which are located close to the boundary of the proposed development as indicated on Exhibit 5. Mr. Litman is experienced in his field and intends to expand his business in the future, possibly including other farm activities such as beef cattle. His objections to the proposed plan of subdivision are the proximity of residential lots to his barns, the inadequacy of the proposed fencing which separates residential areas from his paddock, the effect of blasting, which might be required during construction, on the well-being of his horses and the effect of the septic disposal systems proposed for the development on the quality of his water supply.

Mr. Litman believes that Sections 25.2.16 and 25.2.17 of By-law 87-250 require a minimum distance separation of 150 metres between his existing barns and any new residence in the subdivision. It is the Town's position that this provision does not apply in this case because no minimum distance separation is required in a residential zone. The Town believes that the impact of a farm operation on private residences is not a health concern but a nuisance concern and that adequate provisions can be made through warnings and covenants on title to make purchasers of residential property aware of the close proximity to a farm operation. The Town's planner stated that an arc of influence from existing barns is considered only when the Ministry comments on such conditions as a result of circulation. Such comments were received with regard to the existing farm operation west of the 4th Line and the layout of the plan of subdivision was revised as shown on Exhibit 36 to implement the arc of influence established

by the Ministry. As a result of the objections raised by Mr. Litman during the hearing, a calculation was made to determine a minimum distance separation from Mr. Litman's barns on the basis of his existing operation.

The Board finds the argument by the Town unacceptable. By-law 87-250, recently enacted and presumably reflecting the latest planning principles, provides for a 150 metre separation for either a farm to be located close to existing residential uses or a residential use to be located close to an existing farm use. To distinguish between the two possibilities, the by-law includes the two Sections 25.2.16 and 25.2.17. The fact that the residential zone in this by-law does not include these provisions does not eliminate the planning principle. If a housing development can be placed without regard to a minimum distance separation close to an existing farm, individual residences in an agricultural area should have the same right. The argument that a minimum distance separation should only be imposed as a result of comments from the Ministry and be based on the existing type and size of the farm operation is not reasonable. Mr. Litman has stated that he intends to increase his operation and the Board has heard no evidence to justify any restriction on his present and future operations. By-law 88-83 attempts to rezone the subject land from agricultural to residential use. To maintain the principle established in the Town's comprehensive zoning by-law, such rezoning should not occur within the area of a 150 metre arc from the barns on Mr. Litman's farm. If the residential zone extends into the arc, restrictions must be imposed to prevent the construction of residences within the arc.

With regard to Mr. Litman's other objections, the Board agrees with the position of the Town. The protection of the horses is not a public responsibility. If special fences are required because of the sensitivity of the horses, Mr. Litman should provide them or keep the horses from reaching the boundary where the impact from the adjoining neighbours could occur. From the evidence by the Health Inspector and the hydrogeologist, the Board is satisfied that the private septic disposal systems for the proposed development have been adequately reviewed and approved and that no

adverse impact from such disposal systems should occur on Mr. Litman's well. The flow of surface and subterranean water in the area is from the south west to the north east. Therefore, no fluids from septic disposal systems in the proposed development are likely to reach Mr. Litman's property. Also, the Board is satisfied from the evidence by the hydrogeologist that if blasting should be necessary during construction, the noise impact on the environment would be minimal, less than that of a thunderstorm. The proposed warning and/or covenant on title with regard to the farm operation is unnecessary if the 150 metre minimum distance separation is maintained.

No evidence was adduced to indicate the circumstances under which the Ministry requested the arc of influence around the farm buildings west of the 4th Line. No one appeared on behalf of the owners of that farm to object to the proposed development and consequently, the Board will make no changes to the proposed plan of subdivision regarding the protection of that farm as a consequence of Section 25.2.16 of By-law 87-250.

A number of citizens and property owners in Alton testified in opposition to the proposed development. The Board understands that over the past four years the construction of the water supply system and the housing development in the south west corner of the community, just east of the subject property, has caused considerable disruption in the community, leading to the closing of various businesses on Queen Street and Main Street and the occurrence of vandalism. Some residents believe that the introduction of the housing development referred to as Phases 1 and 2 has created a social problem as it brought a number of young people into the community who, because of a lack of recreational facilities, among other reasons, are disrupting the peaceful lifestyle which older residents who have lived in the community for some years wish to maintain. They feel that the proposed development would add to the problem.

The Board is most sympathetic to the concerns of the residents who would like to maintain the character of the community which is based on the single family residences of Victorian architecture on large lots in

accordance with the settlement area goals as stated in Section 2.1.11 of the Official Plan. The Board, however, has no jurisdiction to direct the type of architecture and landscaping for the proposed development so that it would blend into the existing character. When the Official Plan was approved and the Alton Settlement Area boundary established, the housing developments in Alton could have been avoided by excluding the large undeveloped areas to the west of the existing village. The Official Plan projects a Mature State Population of 1530 people for Alton by or after the year 2001. From this projection, it is obvious that the Town of Caledon expects residential development on the subject land. Section 2.5.12.1 of the Official Plan provides that servicing studies be carried out before development can take place and that development prior to such studies is restricted to 5% population growth per year. From the evidence, the Board is satisfied that the Burnside study of 1982 (Exhibit 20) and the Servicing Reports by Falby Candaras and Associates Ltd. of 1985 and 1987 meet this requirement. The evidence established that water supply is available to the proposed development, private septic sewage disposal systems are acceptable to the Regional Officer of Health and that storm water management can avoid flooding previously experienced during the construction of the subdivision to the east of the subject land. Storm water discharge can be managed to avoid any negative impact on the creek and pond. Any pollution presently occurring north of Queen Street would logically be caused upstream, not by the development south of Queen Street.

The lack of recreational facilities may contribute to the restlessness among young people and additional children in the community may add to the social problem. At the same time, the additional population may force the Town to improve the recreational facilities in Alton. It will surely contribute to the commercial life, perhaps bringing retail back to the existing stores, presently boarded up. In spite of the experience in Alton, there is no conclusive evidence before the Board to indicate that growth as anticipated and provided for in the Official Plan automatically leads to increased vandalism, undesirable traffic, pollution and social problems.

The Board is concerned about the density of the proposed development. The calculations regarding the present and proposed population, made during the hearing, indicate that with the completion of the proposed development and the approved senior citizen home, the population of Alton will be 1419, using a person per household ratio of 3.2 which the Town of Caledon has adopted. That means that a total growth of 111 persons or 35 single family residences remains for development within the Settlement Area. No study was conducted by the Town or anyone else to determine how much developable land is available within the Settlement Area and how such available land relates to the permitted population growth. Exhibit 5 indicates that a considerable amount of land north of Queen Street is designated for residential development and that some infilling within the core can be anticipated. The Board finds that the Town failed to assess the proposed development with regard to the appropriate distribution of population throughout the Settlement Area.

The Board has reviewed all of the evidence and argument by counsel and finds that development for single family residences on the subject land should be approved. Hopefully, the relatively large lots and a high quality in the design and construction of the residences and the landscaping will create an environment pleasing to the existing residents and will bring people to the community who will contribute to its well-being. The distance between the older part of Alton and the subject land will prevent any direct impact on the existing character of the small rural village. A concerted effort between the Town and the residents of Alton to cooperate should bring improvement to the recreational facilities. Nevertheless, the Board requires the plan of subdivision to be amended so that the 150 metre minimum separation distance from the barn on Mr. Litman's farm is maintained. This means a realignment of Streets "C" and "G" and the elimination of Street "F" in the proposed plan of subdivision. This realignment will, in all probability, reduce the number of lots which may be desirable in view of the limit on growth in the Settlement Area as previously referred to in this decision. As a result of the realignment of Street "G", the proposed park

identified as Block 120 on the proposed plan of subdivision may be relocated.

The Board directs the applicant to make the changes to the plan of subdivision as indicated and re-submit it to the Board for consideration and approval. No further hearing is required and the Board may be spoken to prior to the resubmission of the proposed plan of subdivision. The conditions as contained in Exhibit 39 shall be amended to include those agreed to between the Alton Corporation and the Town as stated in Exhibit 2 and should be amended to incorporate those matters identified and agreed to during the hearing. After the revised plan of subdivision has received draft approval by this Board, Schedule "A" to zoning By-law 88-83 shall be revised and any text of the by-law should be revised, if necessary, to comply with the approved Draft Plan of Subdivision and shall be submitted to the Board at which time the Board will allow the appeals in part and amend By-law 88-83 in accordance with the approved Draft Plan of Subdivision.

DATED at TORONTO this 8th day of May, 1989.


K.D. BINDHARDT
MEMBER



88 83
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JUN 27 1990 R 880422

TOWN OF CALEDON
CLERKS DEPARTMENT

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

IN THE MATTER OF Section 34 of the
Planning Act, 1983

AND IN THE MATTER OF appeals by Joan
Roberts, John Simpson, the Alton
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O.M.B. File No. R 880422

B E F O R E :

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Member

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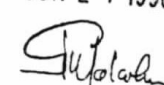
Tuesday, the 13th day
of March, 1990

THESE APPEALS having come on for public hearing, and the Board having
reserved its decision until this day;

THE BOARD ORDERS that the appeals are allowed in part and By-law
88-83 is hereby amended as set out in Schedule "1" and Schedule A to
By-law 88-83 is replaced with a new Schedule A as identified in
Schedule "2" attached hereto and forming part of this order;

AND THE BOARD ORDERS that in all other respects the appeals are
dismissed.


SECRETARY

ENTERED
O.B. No. ... R88-2
Folio No. ... 149
JUN 27 1990

SECRETARY, ONT. MUNICIPAL BOARD



R8800422

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Schedule " 1 "

to the order of
the Ontario Municipal Board
made on the 13th day of March , 1990

Add to By-law 88-83 the following Section:

5.3 RURAL RESIDENTIAL HOLDING (RR-H) ZONE

5.3.1 USES PERMITTED BEFORE REMOVAL OF HOLDING SYMBOL

Before the removal of the holding symbol, in any RR-H zone, no person shall use any lot or construct, alter or use any building or structure for any purpose except an existing use.

5.3.2 USES PERMITTED AFTER REMOVAL OF HOLDING SYMBOL

After the removal of the holding symbol, in any RR-H zone, no person shall use any lot or construct, alter or use any building except in accordance with the uses in Section 5.1 and the provisions in Section 5.2.

5.3.3 REMOVAL OF HOLDING SYMBOL

The holding symbol shall not be removed unless and until there is no livestock building within 150 metres of any RR-H zone shown on Schedule A.

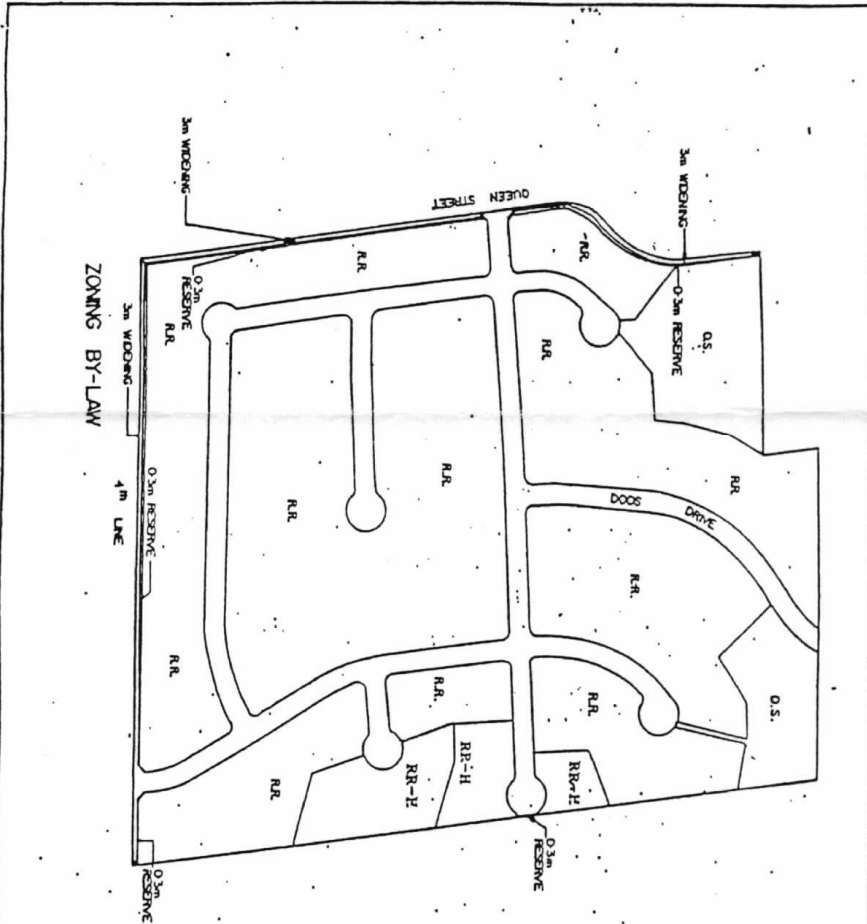
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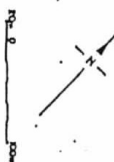
Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Schedule " 2 "

to the order of
the Ontario Municipal Board
made on the 13th day of March , 1990



THOMAS FARM ESTATES
PART OF THE SOUTHWEST HALVES OF LOTS
22, 23 CONVESSION 4 West of Huron Street
Zoning By-Law 88-83
Schedule A
TOWN OF CALEDON



LEGEND

- O.S. - OPEN SPACE
- R.R. - RURAL RESIDENTIAL
- R.R.-H - Rural Residential holding

NOTICE OF APPLICATION
by The Corporation of the Town of Caledon
for approval of a By-law to regulate land
use pursuant to Section 34 of The Planning
Act, 1983

TAKE NOTICE that the Council of The Corporation of the Town of Caledon hereby circulates By-law Number 88-83 passed on the 27th day of June, 1988, for approval.

A copy (or summarized copy) of the by-law is furnished herewith. A note giving an explanation of the purpose and effect of the by-law and stating the lands affected thereby is also furnished herewith.

ANY PERSON INTERESTED MAY, within the prescribed period according to The New Planning Act, 1983, send by registered mail or deliver to the Clerk of the Town of Caledon notice of objection to approval of the said by-law or any part thereof and shall indicate that if a hearing is held the objector or agent will attend at the hearing to state the objection.

ANY PERSON wishing to support the application for approval of the by-law may within 35 days of the passing of By-law # 88-83 by council send by registered mail or deliver to the Clerk of the Town of Caledon notice of his support of approval of the said by-law together with a request for notice of any hearing that may be held giving also the name and address to which such notice should be given.

WHEN NO APPEAL is filed, the zoning by-law comes into effect on the day of passing, subject to compliance with the provisions of Sections 34(19) and (20).

WHERE ONE OR MORE NOTICES OF APPEAL are filed with the office of the Clerk within the prescribed period, the Clerk will submit an application to the Ontario Municipal Board in accordance with Section 34(21) of the Act. The Ontario Municipal Board may approve of the said by-law but before doing so it may appoint a time and place when any objection to the by-law will be considered. Notice of any hearing that may be held will be given only to persons who have filed an objection or notice of support and who have left with or delivered to the Clerk undersigned, the address to which notice of hearing is to be sent.

THE LAST DATE FOR FILING OBJECTIONS will be August 1, 1988

DATED at the Town of Caledon, this 27th day of June, 1988

Gary A. Boyce
Clerk-Administrator
Town of Caledon
P. O. Box 1000
CALEDON EAST, Ontario L0N 1E0

THE CORPORATION OF THE TOWN OF CALEDON

EXPLANATORY NOTE TO BY-LAW NO. 88-83

The purpose of this by-law is to regulate the use of lands and the character, location and use of buildings and structures in Part of Lots 22 and 23, Concession 4, WHS, in the former Township of Caledon now Town of Caledon.

The effect of this by-law is to zone the foregoing lands Rural Residential (RR) and Open Space (OS) to permit the development of residential plan of subdivision in accordance with the provisions of the by-law.



Ontario Municipal Board

Commission des affaires municipales de l'Ontario

88 83
RECEIVED
JUN 27 1990 R 880422
TOWN OF CALEDON
CLERKS DEPARTMENT

IN THE MATTER OF Section 34 of the
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B E F O R E :

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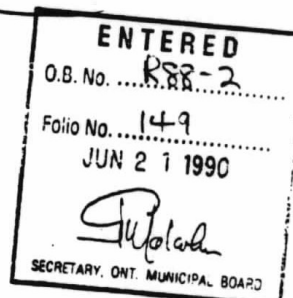
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THESE APPEALS having come on for public hearing, and the Board having
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THE BOARD ORDERS that the appeals are allowed in part and By-law
88-83 is hereby amended as set out in Schedule "1" and Schedule A to
By-law 88-83 is replaced with a new Schedule A as identified in
Schedule "2" attached hereto and forming part of this order;

AND THE BOARD ORDERS that in all other respects the appeals are
dismissed.


SECRETARY





R8800422

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Schedule " 1 "

to the order of
the Ontario Municipal Board
made on the 13th day of March , 1990

Add to By-law 88-83 the following Section:

5.3 RURAL RESIDENTIAL HOLDING (RR-H) ZONE

5.3.1 USES PERMITTED BEFORE REMOVAL OF HOLDING SYMBOL

Before the removal of the holding symbol, in any RR-H zone, no person shall use any lot or construct, alter or use any building or structure for any purpose except an existing use.

5.3.2 USES PERMITTED AFTER REMOVAL OF HOLDING SYMBOL

After the removal of the holding symbol, in any RR-H zone, no person shall use any lot or construct, alter or use any building except in accordance with the uses in Section 5.1 and the provisions in Section 5.2.

5.3.3 REMOVAL OF HOLDING SYMBOL

The holding symbol shall not be removed unless and until there is no livestock building within 150 metres of any RR-H zone shown on Schedule A.

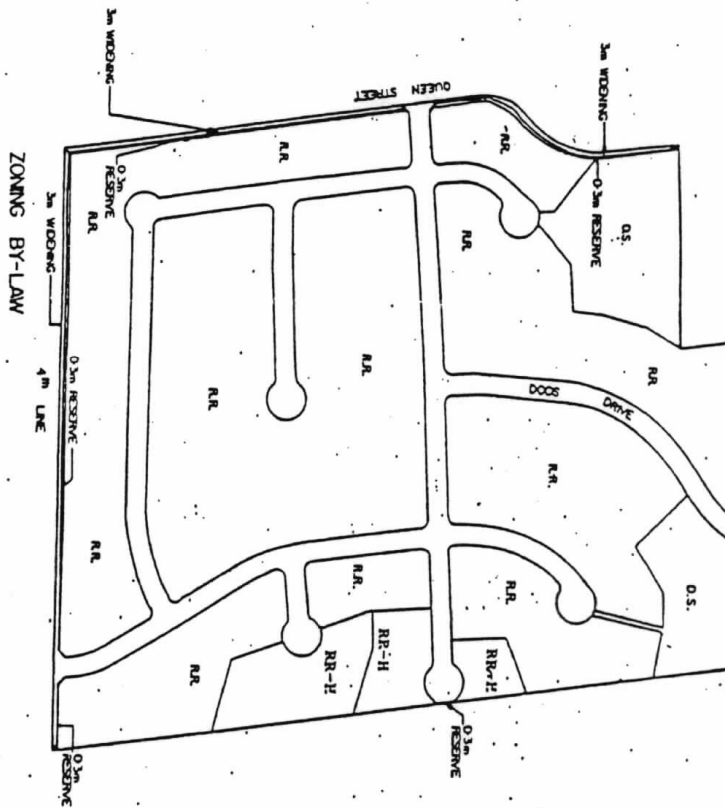


Ontario

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Schedule " 2 "

to the order of
the Ontario Municipal Board
made on the 13th day of March , 1990



LEGEND

O.S. - OPEN SPACE
R.L. - RURAL RESIDENTIAL
R.R.-H - Rural Residential Holding



THOMAS FARM ESTATES
PART OF THE SOUTHWEST HALVES OF LOTS
22.23 CONFESSION & West of Huron Street
Zoning By-Law 88-83
Schedule A
TOWN OF CALEDON

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 88-83

A BY-LAW TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN PART OF THE WEST HALF OF LOTS 22 AND 23, CONCESSION 4, WHS; IN THE FORMER TOWNSHIP OF CALEDON NOW THE TOWN OF CALEDON.

WHEREAS The Planning Act provides that the council of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures;

NOW THEREFORE the Council of the Corporation of the Town of Caledon ENACTS as follows:

SECTION 1

INTRODUCTION(1) TITLE OF BY-LAW

This By-law may be cited as the "THOMAS FARM ESTATES BY-LAW".

(2) SCOPE OF BY-LAW(a) LANDS SUBJECT TO BY-LAW:

The provisions of this By-law shall apply to Part of the West half of lots 22 and 23, Concession 4, WHS, in the former Township of Caledon now in the Town of Caledon.

(b) CONFORMITY WITH BY-LAW:

No building or structure shall hereafter be erected or altered nor shall the use of any building, structure or lot hereafter be changed, in whole or in part, except in conformity with the provisions of this By-law.

(c) EXISTING USES CONTINUED:

Nothing in this By-law shall prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

SECTION 1(2)(d)

INTRODUCTION

(d) BUILDING PERMIT ISSUED:

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law if the plans for such building or structure were approved by the Building Inspector prior to the date of passing of this By-law, provided:

- (i) when the building or structure is erected, it shall be used and shall continue to be used for the purpose for which the building permit was issued; and
- (ii) the erection of such building or structure is commenced within 2 years of the date of passing of this By-law and provided the erection of such building or structure is completed within a reasonable time after the erection thereof is commenced.

(e) COMPLIANCE WITH OTHER RESTRICTIONS:

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

(3) INTERPRETATION OF BY-LAW

(a) SINGULAR AND PLURAL WORDS:

In this By-law, unless the context requires otherwise:

- (i) words used in the singular number include the plural;
and
- (ii) words used in the plural include the singular number.

(b) SHALL IS MANDATORY:

In this By-law, the word "shall" is mandatory.

(c) USED AND OCCUPIED:

In this By-law, unless the context requires otherwise:

- (i) the word "used" shall include "designed to be used" and "arranged to be used"; and
- (ii) the word "occupied" shall include "designed to be occupied" and "arranged to be occupied".

SECTION 1(3)(d)

INTRODUCTION

(d) BUILDING, STRUCTURE AND USE CLASSIFICATION:

In this By-law, all buildings, structures and uses named as permitted uses and classified under the headings "RESIDENTIAL USES" or "NON-RESIDENTIAL USES" may be referred to as Residential or Non-Residential buildings, structures or uses respectively.

(4) SCHEDULE TO BY-LAW

The following Schedule, which is attached hereto, is hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein:

(a) SCHEDULE "A" - ZONE MAP

SECTION 2

DEFINITIONS

In this By-law, unless the context requires otherwise, the following definitions shall apply:

(1) CORPORATION

"Corporation" means the Corporation of the Town of Caledon.

(2) COUNCIL

"Council" means the Council of the Corporation of the Town of Caledon.

(3) REGION

"Region" means the Corporation of the Regional Municipality of Peel.

(4) ZONED AREA

"Zoned Area" means all the lands within the corporate limits of the Town of Caledon which are affected by this By-law.

(5) ALTER

"Alter", when used in reference to a building, structure or part thereof, means:

- (a) to change any one or more of the external dimensions of such building or structure; or

to change the type of construction of the exterior walls or roof of such building or structure; or

to change the use of such building or structure; or

to change the number of uses or dwelling units contained therein.

"Alter", when used in reference to a lot, means:

to change the boundary of such lot with respect to a street or lane; or

to change any dimension or area, relating to such lot, which is covered herein by a zone provision; or

SECTION 2(5) (a)

DEFINITIONS

to change the use of such lot; or

to change the number of uses located thereon.

"Altered" and "alteration" shall have corresponding meanings.

(5a) APARTMENT BUILDING (See: DWELLING HOUSE)

(6) BALCONY

"Balcony" means a partially enclosed platform attached to and extending horizontally from one or more main walls of a building and used as an outdoor porch or sundeck.

(7) BUILDING

"Building" means any structure, consisting of walls and a roof, which is used for shelter, accommodation or enclosure of persons, animals, equipment, goods or materials.

(a) ACCESSORY BUILDING:

"Accessory building" means a detached building of more than 10 square metres which is incidental, subordinate and exclusively devoted to a main building or main use and located on the same lot therewith.

(b) MAIN BUILDING:

"Main building" means the building which contains the principal use of the lot on which such building is located.

(8) BUILDING AREA

"Building area" means that portion of the lot area of a lot permitted to be covered by one or more building envelopes.

(9) BUILDING BY-LAW

"Building by-law" means any by-law of the Corporation passed pursuant to the Building Code Act.

(10) BUILDING ENVELOPE

"Building envelope" means the total horizontal area of a building calculated by perpendicular projection onto a horizontal plane. This definition shall not include: --

SECTION 2(10) (a)

DEFINITIONS

- (a) sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or similar ornamental structures unless such structure projects more than 1.0 metres horizontally from an exterior wall of the building; or
- (b) unenclosed porches, balconies or steps unless such structure projects more than 2.0 metres horizontally from an exterior wall of the building.

(11) BUILDING HEIGHT

"Building height" means the vertical distance between the finished grade of the lot on which the building is situated and:

- (a) the highest point of the roof surface of a flat roof;
- (b) the deck line of a mansard roof; or
- (c) the median level between eaves and ridge of a gable, gambrel or hip roof.

(12) BUILDING INSPECTOR

"Building Inspector" means the officers or employees of the Corporation charged with the duty of enforcing the provisions of the Building Code Act, together with any Regulations made thereunder, and the provisions of any building by-law.

(13) BUILDING PERMIT

"Building permit" means a permit required by the Building By-law.

(14) BUILDING SEPARATION

"Building separation" means the least horizontal distance permitted between the nearest portions of any building envelopes on a lot.

(15) BUILDING SETBACK

"Building setback" means the least horizontal distance permitted between a lot line of a lot and the nearest portion of any building envelope or excavation on such lot.

(a) BUILDING SETBACK, FRONT:

"Front building setback" means the building setback on a lot measured from each front lot line of such lot.

SECTION 2(15) (b)

DEFINITIONS

(b) BUILDING SETBACK, FLANK:

"Flank building setback" means the building setback on a lot measured from each flank lot line of such lot.

(c) BUILDING SETBACK, REAR:

"Rear building setback" means the building setback on a lot measured from each rear lot line of such lot.

(d) BUILDING SETBACK, SIDE:

"Side building setback" means the building setback on a lot measured from each side lot line of such lot.

(16) CARPORT

"Carport" means a roofed structure, supported by columns, piers or not more than 2 walls, which is used for the sheltering of permitted vehicles.

(17) CONSERVATION AUTHORITY

"Conservation Authority" means either the Credit Valley Conservation Authority, the Nottawasaga Valley Conservation Authority, the Metropolitan Toronto and Region Conservation Authority or the South Lake Simcoe Conservation Authority.

(18) DENSITY

"Density" means the ratio of dwelling units to one net hectare of lot area.

(19) DETACHED

"Detached", when used in reference to a building, means a building which is not dependent on any other building for structural support or enclosure.

(20) DRIVEWAY

"Driveway" means an unobstructed passageway used to provide vehicular access from and entrance to a delivery space, loading space or parking space.

SECTION 2(21)

DEFINITIONS

(21) DRIVEWAY SETBACK

"Driveway setback" means the least horizontal distance permitted between a lot line or a lot and the nearest portion of any driveway on such lot.

(22) DWELLING HOUSE

"Dwelling house" means a detached building occupied or capable of being occupied as the home or residence of one or more persons. . This definition shall not include any part of any vehicle as defined herein.

(a) ACCESSORY DWELLING HOUSE:

"Accessory dwelling house" means a single-family dwelling house which is accessory to a permitted Non-Residential use and is occupied either by the family of the owner of such Non-Residential use or by the family of a person employed on the lot where such dwelling house is located.

(b) APARTMENT BUILDING:

"Apartment building" means a dwelling house containing 3 or more separate dwelling units. This definition may include a senior citizens apartment building but shall not include any dwelling house otherwise defined herein or specifically named elsewhere in this By-law.

(c) BOARDING HOUSE:

"Boarding house" means a dwelling house, erected prior to the date of passing of this By-law, which contains not more than 4 guest rooms wherein lodgings, with or without meals, are provided to the public for gain or profit.

(d) CONVERTED DWELLING HOUSE:

"Converted dwelling house" means a dwelling house, erected prior to the date of passing of this By-law, the interior of which has been altered so as to provide therein not more than 3 dwelling units.

(e) DUPLEX DWELLING HOUSE:

"Duplex dwelling house" means the whole of a dwelling house divided horizontally into 2 separate dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule.

SECTION 2(22) (f)

DEFINITIONS

(f) GROUP HOME:

"Group home" means a dwelling house in which 3 to 10 unrelated human beings live together as a single housekeeping unit under responsible supervision consistent with their requirements and as licensed or approved under Provincial Statute.

(g) SEASONAL DWELLING HOUSE:

"Seasonal dwelling house" means a dwelling house, containing only one dwelling unit, which is constructed and used as a secondary place of residence, for seasonal vacation and recreational purposes and not as the principal residence of the owner or occupant thereof.

(h) SEMI-DETACHED DWELLING HOUSE:

"Semi-detached dwelling house" means the whole of a dwelling house divided vertically by a common wall above finished grade into 2 separate dwelling units, each such dwelling unit having an independent entrance either directly from outside the building or through a common vestibule.

(i) SENIOR CITIZENS APARTMENT BUILDING:

"Senior citizens apartment building" means an apartment building operated by or for the Corporation or the Ontario Housing Corporation and occupied primarily by elderly persons.

(j) SINGLE-FAMILY DWELLING HOUSE:

"Single-family dwelling house" means a dwelling house containing only one dwelling unit.

(k) TOWNHOUSE:

"Townhouse" means the whole of a dwelling house divided vertically into 3 or more separate dwelling units, each such dwelling unit having 2 independent entrances directly from outside the building.

(22a) DWELLING UNIT

"Dwelling unit" means a suite of 2 or more habitable rooms, occupied by not more than one family, in which sanitary conveniences are provided and in which facilities are provided for cooking or for the installation of cooking equipment, and with an independent entrance either directly from outside the building or through a common corridor or vestibule inside the building. This definition shall not include any part of any vehicle as defined herein.

(a) ACCESSORY DWELLING UNIT:

"Accessory dwelling unit" means a dwelling unit which is part of and accessory to a permitted Non-Residential building other than an automobile service station or a commercial garage. Such dwelling unit shall be occupied either by the family of the owner of such Non-Residential building or by the family of a person employed on the premises where such dwelling unit is located.

(b) BACHELOR DWELLING UNIT:

"Bachelor dwelling unit" means a dwelling unit, consisting of one bathroom and not more than 2 habitable rooms, designed to provide living, dining, sleeping and kitchen accommodation in appropriate individual or combination room or rooms.

SECTION 2(23)

DEFINITIONS

(23) ENTRANCE

"Entrance", when used with reference to a lot, means an unobstructed passageway used to provide vehicular access from the travelled portion of a street or lane to a driveway.

(24) ENTRANCE SEPARATION

"Entrance separation" means the least horizontal distance permitted between the nearest portions of any entrances on a lot.

(25) ENTRANCE SETBACK

"Entrance setback" means the least horizontal distance permitted between an intersection of street lines and the nearest portion of any entrance, measured along the limit of the travelled portion of the street or lane.

(26) ENTRANCE WIDTH

"Entrance width" means the horizontal distance permitted between the extremities of an entrance, measured along the limit of the travelled portion of the street or lane.

(27) ERECT

"Erect" means to build, construct, place, reconstruct or relocate and, without limited the generality of the word, also includes:

- (a) any preliminary operation such as excavating, filling or draining;
- (b) altering any existing building or structure by an addition, enlargement, extension or other structural change; and
- (c) any work which requires a building permit.

"Erected" and "erection" shall have corresponding meanings.

(28) ESTABLISHED BUILDING LINE

"Established building line" means the average distance between the street line and existing buildings on one side of a continuous 300.0 metre strip of land where 5 or more lots having street access upon the said side of the street have been built upon.

(29) EXISTING

"Existing" means existing on the date of passing of this By-law.

(30) FAMILY

"Family" means one or more human beings related by blood, marriage or legal adoption, or a group of not more than 3 human beings who need not be related by blood, marriage or legal adoption, living together as a single housekeeping unit. This definition may also include domestic servants and not more than 2 roomers or boarders.

SECTION 2(31)

DEFINITIONS

(31) FINISHED GRADE

"Finished grade" means the median elevation between the highest and lowest points of the finished surface of the ground (measured at the base of a building or structure) but exclusive of any embankment in lieu of steps.

(32) FLOOD PLAIN

"Flood plain" means the area which would be subject to a flood hazard during a Regional Design Storm on a waterbody, according to Regulations approved under The Conservation Authorities Act.

(33) FLOOR AREA

"Floor area" means the horizontal area of a storey, measured between the exterior faces of the exterior walls at the floor level of such storey.

(a) DWELLING UNIT AREA:

"Dwelling unit area" means the aggregate of the floor areas of all habitable rooms in a dwelling unit.

(b) GROSS FLOOR AREA:

"Gross floor area" means the aggregate of all floor areas of a building or structure.

(c) GROUND FLOOR AREA:

"Ground floor area" means the floor area of the first storey of a dwelling unit, excluding any portion of such first storey which is not a habitable room and which has no habitable room, or portion thereof, located thereover.

(d) NET FLOOR AREA:

"Net floor area" means that portion of the gross floor area of a building which is used by a Non-Residential use defined herein or specifically named elsewhere in this By-law, but excluding:

- (i) any part of such building used by another Non-Residential use which is defined herein or specifically named elsewhere in this By-law;

SECTION 2(33) (d)

DEFINITIONS

- (ii) any part of such building used as a dwelling unit;
- (iii) any part of such building used for the parking or storage of motor vehicles;
- (iv) any part of such building used for equipment to heat such building or a portion thereof; and
- (v) the thickness of any exterior walls of such building.

(34) FORESTRY USE

"Forestry use" means the management, development and cultivation of timber resources.

(35) GARAGE, PRIVATE

"Private garage" means an accessory building or portion of a dwelling house which is fully enclosed and used for the sheltering of permitted vehicles. This definition shall not include a carport or other open shelter.

(36) GOLF COURSE

"Golf course" means a public or private premises which is used for the purpose of playing golf. This definition may include a par-3 golf course, a driving range, a miniature golf course or any similar use.

(37) HABITABLE ROOM

"Habitable room" means a room designed to provide living, dining, sleeping or kitchen accommodation for persons. This definition may include a bathroom, den, library or enclosed sun room but shall not include any private garage, carport, porch, verandah, unfinished attic, unfinished basement or unfinished cellar.

(38) HOME OCCUPATION

"Home occupation" means any occupation conducted for gain or profit within a dwelling unit. This definition may include dressmaking; hairdressing; instruction in arts, crafts, dancing or music to not more than 6 pupils at any one lesson; molding; painting; sculpting; weaving; or the making or repairing of garden or household ornaments, clothing, personal effects or toys.

SECTION 2(39)

DEFINITIONS

(39) HOME PROFESSION

"Home profession" means any profession practised within a dwelling unit. This definition may include the offices of an accountant, architect, auditor, dentist, drugless practitioner, engineer, insurance agent, land surveyor, lawyer, medical practitioner, notary, realtor or town planner.

(39a) LANDSCAPING AREA

"Landscaping area" means that portion of the lot area of a lot required for the growth and maintenance of grass, flowers, bushes, trees and other landscaping. This definition may include any surfaced walk, surfaced patio, play facility, or similar area but shall not include any driveway or ramp (whether surfaced or not) nor any curb, retaining wall, parking area, delivery space, loading space, swimming pool nor any open space beneath or within a building or structure.

(40) LOT

"Lot" means a parcel of land which is capable of being legally conveyed in accordance with the provisions of Section 49, of the Planning Act, 1983.

(a) CORNER LOT:

"Corner lot" means a lot having 4 or fewer lot lines and situated at the intersection of 2 street lines which contain an angle of not more than 135 degrees. Where such street lines are curved, the angle of intersection of the street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the side lot lines. In the latter case, the corner of the lot shall be deemed to be that point on the street line nearest to the point of intersection of the said tangents.

(b) EXISTING LOT:

"Existing lot" means a lot which, on the date of passing of this By-law, was held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry Office or Land Titles Office.

(c) FULLY SERVICED LOT:

"Fully service lot" means a lot which is served by a public water system and a sanitary sewer system.

(d) INTERIOR LOT:

"Interior lot" means a lot, other than a corner lot or a through lot, which has street access.

(e) PARTLY SERVICED LOT:

"Partly serviced lot" means a lot which is served by either a public water system or a sanitary sewer system.

(f) THROUGH LOT:

"Through lot" means a lot, other than a corner lot, which has street access on 2 or more street lines.

SECTION 2(40)(g)

DEFINITIONS

(g) UNSERVICED LOT:

"Unserviced lot" means a lot which is served by neither a public water system nor a sanitary sewer system.

(41) LOT AREA

"Lot area" means the total horizontal area within the lot lines of a lot, excluding the horizontal area of any flood plain or marsh located on such lot.

(42) LOT FRONTAGE

"Lot frontage" means the horizontal distance between the 2 lot lines which intersect the front lot line of a lot, such distance being measured along a line which is parallel to the front lot line and distant from the front lot line a distance equal to the minimum front building setback required herein for the specified use in the zone where such lot is located.

(43) LOT LINE

"Lot line" means any boundary of a lot or the vertical projection thereof.

(a) FRONT LOT LINE:

"Front lot line" means, in the case of an interior lot, the lot line dividing the lot from the street. In the case of a corner lot, the shorter lot line abutting a street shall be deemed to be the front lot line except where the lot lines abutting a street are the same length, the lot line used for the principal entrance to the lot shall be deemed to be the front lot line. In the case of a through lot, the lot line used for the principal entrance to the lot shall be deemed to be the front lot line.

(b) FLANK LOT LINE:

"Flank lot line" means any lot line other than a front lot line which is also a street line.

(c) REAR LOT LINE:

"Rear lot line" means any lot line which is not a front lot line, a flank lot line or a side lot line.

SECTION 2(43)(d)

DEFINITIONS

(d) SIDE LOT LINE:

"Side lot line" means a lot line which intersects a front lot line or a flank lot line provided that, if any side lot line or portion thereof is the rear lot line on an abutting lot, such lot line or portion thereof shall be deemed to be a rear lot line.

(44) MARINE FACILITY

"Marine facility" means a building or structure which is used to place a boat into or take a boat out of a waterbody; or to moor, to berth or to store a boat. This definition may include a boat launching ramp, boat lift, dock or boathouse, but shall not include any building used for human habitation or any boat service, repair or sales facility.

(45) NON-COMPLYING

"Non-complying", when used in reference to a lot, building or structure, means a lot, building or structure which does not comply with one or more of the zone provisions of the zone in which such lot, building or structure is located.

(46) NON-CONFORMING

"Non-conforming", when used in reference to a use, means a use which is not a permitted use in the zone where such use is located. When used in reference to a building or structure, "non-conforming" means a building or structure which is used for a use which is not a permitted use in the zone where such building or structure is located.

(47) PARK

"Park" means an area, consisting largely of open space, which may include a recreational area, playground, playfield or similar use, but shall not include a mobile home park or a tourist camp.

(a) PUBLIC PARK:

"Public park" means a park owned or operated by the Corporation or the Region, any local board of the Corporation or the Region, or any Authority, Board, Commission or Ministry established under any statute of Ontario or Canada.

(b) PRIVATE PARK:

"Private park" means a park other than a public park.

SECTION 2(48)

DEFINITIONS

(48) PARKING AREA

"Parking area" means an area or structure provided for the parking of vehicles and includes any related driveways and parking spaces, but shall not include any part of a street or lane. This definition may include a carport or private garage.

(49) PARKING LOT

"Parking lot" means any parking area other than a parking area which is accessory to a permitted use and located on the same lot therewith.

(50) PARKING SPACE

"Parking space" means a portion of a parking area, exclusive of any driveways, which may be used for the temporary parking or storage of a vehicle.

(51) PERMITTED

"Permitted" means permitted by this By-law.

(52) PERMITTED USE

"Permitted use" means a use which is permitted in the zone where such use is located.

(53) PERSON

"Person" means any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

(53a) PLAY FACILITY

"Play facility" means a fenced or enclosed space, above ground, which is designed for use by children.

(53b) PLAY FACILITY AREA

"Play facility area" means that portion of the lot area of a lot required to be used for all play facilities on such lot.

(54) PUBLIC USE

"Public use" means a building, structure or lot used for public services by the Corporation or the Region, any local board of the Corporation or the Region, any Authority, Board, Commission or Ministry established under any statute of Ontario or Canada, any telephone or telegraph company, any public utility corporation or any railway company authorized under The Railway Act. For the purposes of this By-law, a public use shall also include a cemetery, a church, a fire hall, a hospital, a municipal office, a museum, a police station, a post office, a public library, a public park and a school.

SECTION 2(55)

DEFINITIONS

(55) SEWAGE TREATMENT FACILITY

"Sewage treatment facility" means a building or structure, approved by the Ministry of the Environment, where domestic and/or industrial waste is treated.

(56) SEWER SYSTEM, SANITARY

"Sanitary sewer system" means a system of underground conduits, operated by the Corporation or by the Ministry of the Environment, which carries sewage to a sewage treatment facility.

(57) SEWER SYSTEM, STORM

"Storm sewer system" means a sewer which carries storm surface water and storm drainage, but does not carry sewage or industrial waste.

(58) SIGHT TRIANGLE

"Sight triangle" means the triangular space on a lot formed by 2 intersecting street lines and a line drawn from a point in one street line across such lot to a point in the other street line, each such point being 9.0 metres from the point of intersection of the street lines (measured along the street lines). Where the 2 street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

(59) STOREY

"Storey" means that portion of a building or structure between any floor level of such building or structure and the floor, ceiling or roof next above such floor level.

(a) FIRST STOREY:

"First storey" means the storey with its floor closest to finished grade and having its ceiling at least 1.5 metres above finished grade.

(b) SECOND STOREY:

"Second storey" means that portion of a building situated above the first storey and in which there is a vertical dimension of at least 2.0 metres (measured from finished floor to finished ceiling) over a floor area equal to at least 75% of the floor area of the storey next below.

SECTION 2(59)(c)

DEFINITIONS

(c) ONE-HALF STOREY:

"One-half storey" means that portion of a building situated wholly or partly within the roof and in which there is a vertical dimension of at least 2.0 metres (measured from finished floor to finished ceiling) over a floor area equal to at least 50% of the floor area of the storey next below.

(d) ATTIC:

"Attic" means that portion of a building situated wholly or partly within the roof but which is not a one-half storey.

(e) BASEMENT:

"Basement" means any storey below the first storey which is at least 50% above finished grade (measured from finished floor to finished ceiling).

(f) CELLAR:

"Cellar" means any storey below the first storey which is more than 50% below finished grade (measured from finished floor to finished ceiling).

(60) STREET

"Street" means a public thoroughfare under the jurisdiction of either the Corporation, the Region or the Province of Ontario. This definition shall not include a lane or a private right-of-way.

"Street allowance" shall have a corresponding meaning.

(a) PRIMARY ARTERIAL ROAD:

"Primary Arterial Road" means a street designated as a "PRIMARY ARTERIAL ROAD" on Schedule "A" hereto.

(b) SECONDARY ARTERIAL ROAD:

"Secondary Arterial Road" means a street designated as a "SECONDARY ARTERIAL ROAD" on Schedule "A" hereto.

(c) PRIMARY COLLECTOR ROAD:

"Primary Collector Road" means a street designated as a "PRIMARY COLLECTOR ROAD" on Schedule "A" hereto.

(d) SECONDARY COLLECTOR ROAD:

"Secondary Collector Road" means a street designated as a "SECONDARY COLLECTOR ROAD" on Schedule "A" hereto.

SECTION 2(60)(e)

DEFINITIONS

(e) PROVINCIAL HIGHWAY:

"Provincial Highway" means a street designated as a "PROVINCIAL HIGHWAY" on Schedule "A" hereto.

(f) REGIONAL ROAD:

"Regional Road" means a street designated as a "REGIONAL ROAD" on Schedule "A" hereto.

(g) TOWN ROAD:

"Town Road" means a street designated as a "TOWN ROAD" on Schedule "A" hereto.

(61) STREET ACCESS

"Street access" means, when referring to a lot, that such lot has a lot line or portion thereof which is also a street line.

(62) STREET LINE

"Street line" means the limit of a street allowance and is the dividing line between a lot and a street.

(63) STREET SETBACK

"Street setback" means the least horizontal distance required between the centreline of a street allowance and the nearest part of any building envelope or excavation on a lot (measured at right angles to such centreline).

(64) STRUCTURE

"Structure" means anything constructed or erected, the use of which requires location on or in the ground, or attached to something having location on or in the ground.

(65) USE

"Use", when used as a noun, means the purpose for which a lot, building or structure, or any combination thereof, is designed, arranged, occupied or maintained.

"Uses" shall have a corresponding meaning.

"Use", when used as a verb, "used" and "to use" shall have corresponding meanings.

SECTION 2(65)(a)

DEFINITIONS

(a) ACCESSORY USE:

"Accessory use" means a use which is incidental, subordinate and exclusively devoted to a main building or main use and located on the same lot therewith.

(b) MAIN USE:

"Main use" means the principal use of a lot.

(66) WATERBODY

"Waterbody" means any bay, lake, natural watercourse or canal, other than a drainage ditch or irrigation channel.

(67) WATER SYSTEM, PUBLIC

"Public water system" means a distribution system of underground piping and related storage, including pumping and purification appurtenances, owned and operated by the Region or by the Ministry of the Environment.

(68) YARD

"Yard" means a space, appurtenant to a building, structure or excavation, located on the same lot as the building, structure or excavation, and which space is open, uncovered and unoccupied from the ground to the sky except for such accessory buildings, structures or uses as are specifically permitted.

(a) FRONT YARD:

"Front yard" means a yard located between the front lot line and the nearest part of any excavation or main building on the lot and extending across the full width of the lot.

(b) FLANK YARD:

"Flank yard" means a yard located between a flank lot and the nearest part of any excavation or main building on the lot and extending for the full length of such flank lot line but excluding any front yard.

(c) REAR YARD:

"Rear yard" means a yard located between a rear lot line and the nearest part of any excavation or main building on the lot and extending for the full length of such rear lot line but excluding any front yard or flank yard.

SECTION 2(68)(d)

DEFINITIONS

(d) SIDE YARD:

"Side yard" means a yard located between a side lot line and the nearest part of any excavation or main building on the lot and extending for the full length of such side lot line but excluding any front yard, flank yard or rear yard.

(e) PRIVACY YARD:

"Privacy yard" means a yard adjoining an exterior wall of a dwelling unit or mobile home, clear and unobstructed by any public or common pedestrian access, driveway or surface parking area, other than a private driveway serving only such dwelling unit or mobile home.

(69) ZONE

"Zone" means a designated area of land use shown on Schedule "A" hereto and includes any special zone used in this By-law.

(70) ZONE PROVISION

"Zone provision" means any provision of this By-law which is listed under the heading "ZONE PROVISIONS" or "SPECIAL PROVISIONS" and includes anything contained in Section 3 hereof which is applicable to the zone or use.

(71) ZONING ADMINISTRATOR

"Zoning Administrator" means the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

SECTION 3

GENERAL PROVISIONS(1) ACCESSORY USES

Any use, building or structure which is accessory to a permitted use in a zone shall be permitted in such zone except that none of the following accessory uses shall be permitted in any zone unless such accessory use is listed as a permitted use in such zone:

- (a) an accessory manufacturing use;
- (b) a building or portion thereof used for human habitation;
- (c) a gasoline pump island;
- (d) a livestock building;
- (e) any occupation for gain or profit conducted within or accessory to a dwelling unit;
- (f) an open storage area
- (g) an outside display or sales area.

(2) ACCESS REGULATIONS

No person shall erect any building or structure in any portion of the Zoned Area unless the lot upon which such building or structure is to be erected abuts a Primary Arterial Road, a Secondary Arterial Road, a Primary Collector Road, a Secondary Collector Road or a Town Road as defined herein. This provision shall not apply to a lot on a registered plan of subdivision registered subsequent to the date of passing of this By-law.

(3) CONSTRUCTION USES

- (a) A building or structure incidental to construction on the lot where such building or structure is situated shall be permitted in any portion of the Zoned Area, but only for as long as it is necessary for the work in progress and until the work is completed or abandoned.
- (b) "Abandoned" in this subsection means the failure to proceed expeditiously with the construction work or the failure to undertake any construction work during any continuous 6 month period.

SECTION 3(4)

GENERAL PROVISIONS

(4) DELIVERY SPACE REGULATIONS

(a) SIZE:

Each delivery space shall be at least 9.0 metres long, 3.5 metres wide and have a vertical clearance of at least 3.0 metres.

(b) LOCATION:

The required delivery spaces shall be provided on the lot occupied by the building, structure or use for which the said delivery spaces are required and shall not form a part of any street, lane, parking space or loading space. No portion of any delivery space shall be located closer than:

(i) 3.0 metres to any street line; or

(ii) 6.0 metres to any Residential zone.

(c) ACCESS:

Access to delivery spaces shall be by means of a driveway at least 3.5 metres wide contained within the lot on which the delivery spaces are located and leading to a street or lane located within or adjoining the zone in which the use is located.

(d) SURFACE:

The driveways and delivery spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

(e) ADDITION TO OR CHANGE OF EXISTING USE:

When a building or structure has insufficient delivery spaces on the date of passing of this By-law to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition if such addition does not increase the gross floor area of such building or structure by more than 10%. However, no addition may be built and no change of use may occur if the effect of an addition or change of use would be to increase such deficiency.

SECTION 3(5)

GENERAL PROVISIONS

(5) DWELLING UNITS

(a) LOCATION ADJACENT TO RAILWAY:

No part of any dwelling unit shall be located within 50.0 metres of a railway right-of-way.

(b) LOCATION IN BASEMENT:

No part of any dwelling unit shall be located in the basement of a Non-Residential building. A dwelling unit may be located in the basement of a Residential building, provided that the finished floor level of such basement is not below the level of any sanitary sewer system or storm sewer system serving the building in which such basement is located and provided further that the finished floor level of such basement is not more than 1.0 metres below finished grade.

(c) LOCATION IN CELLAR:

No part of any dwelling unit shall be located in the cellar of any Non-Residential building. No part of any dwelling unit, except a furnace room, laundry room, recreation room, storage room, washroom or similar room, shall be located in the cellar of a Residential building.

(6) ESTABLISHED BUILDING LINE

Notwithstanding the setback provisions of this By-law to the contrary, where a permitted building or structure is to be erected on a lot within an established building line, such permitted building or structure may be erected closer to the street line or the centreline of the street, as the case may be, than required by this By-law provided such permitted building or structure is not erected closer to the street line or the centreline of the street, as the case may be, than the existing established building line.

(7) FLOOD PLAIN REGULATIONS

(a) USE OF FLOOD PLAINS:

No person shall, within any flood plain, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following uses:

- an agricultural use, other than a building;
- a forestry use, other than a building;
- a marine facility;
- a parking lot;
- a public use.

SECTION 3(7)(b)

GENERAL PROVISIONS

(b) APPROVAL OF CONSERVATION AUTHORITY:

No building shall be erected or altered within any flood plain or within a distance of 7.5 metres from any flood plain, except with the written approval of the Conservation Authority having jurisdiction in the area.

(8) GRAVEL PITS AND STONE QUARRIES

No gravel pit or stone quarry shall be established or made in any portion of the Zoned Area except in a zone where such use is a permitted use. No gravel pit or stone quarry shall be established or made in any landscaping area or planting strip required by this By-law.

(9) HEIGHT EXCEPTIONS

The building height provisions of this By-law shall not apply to the following uses:

- an air conditioner duct;
- a barn;
- a belfry;
- a bridge;
- a bulk storage tank;
- a chimney;
- a church spire;
- a clock tower;
- a communications tower;
- a corn crib;
- a drying elevator;
- an electric power facility other than a building;
- an elevator penthouse;
- a farm implement shed;
- a feed or bedding storage use;
- a flag pole;
- a power transmission tower;
- a radio antenna;
- a railroad signal
- a railroad switching tower;
- a silo;
- a skylight;
- a stack;
- a television antenna;
- a ventilator;
- a water storage tank;
- a windmill.

SECTION 3(10)

GENERAL PROVISIONS

(10) HOME INDUSTRIES

No home industry shall be permitted in any portion of the Zoned Area unless such home industry complies with the following provisions:

(a) EMPLOYMENT:

Not more than 3 persons, other than an occupant of the premises, shall be employed in the home industry;

(b) ADVERTISING:

There shall be no external display or advertising, other than a lawful sign, to indicate to persons outside that any part of the lot is being used for home industry purposes.

(11) HOME OCCUPATIONS AND HOME PROFESSIONS

No home occupation or home profession shall be permitted in any portion of the Zoned Area unless such home occupation or home profession complies with the following provisions:

(a) SIZE:

Not more than 20% of the dwelling unit area shall be used for the purpose of home occupation or home profession uses.

(b) ACCESSORY BUILDINGS:

No accessory building shall be erected, altered or used for the purposes of a home occupation or home profession.

(c) OCCUPANCY:

Any dwelling unit containing a home profession shall be occupied as a residence by the professional user.

(d) EMPLOYMENT:

Not more than one person, other than an occupant of the dwelling unit containing the home occupation or home profession, shall be employed in the home occupation or home profession.

SECTION 3(11) (e)

GENERAL PROVISIONS

(e) ADVERTISING:

There shall be no external display or advertising, other than a legal sign, to indicate to persons outside that any part of the dwelling house, dwelling unit or lot is being used for a purpose other than residential.

(f) SALES OR RENTALS:

On any lot containing a home occupation, there shall be no goods, wares or merchandise, other than those produced on the premises, offered or exposed for sale or rent on such premises.

(g) OPEN STORAGE AREA:

No part of any lot containing a home occupation or home profession shall be used as an open storage area accessory to that home occupation or home profession use.

(12) ILLUMINATION

Lighting fixtures which are not public uses and which are designed for exterior illumination shall be installed with the light directed downward and deflected away from adjacent lots and streets. Such lighting fixtures shall not be more than 9.0 metres above ground and no closer than 4.5 metres to any street line.

(13) LOADING SPACE REGULATIONS

(a) SIZE:

Each loading space shall be at least 14.0 metres long, 3.5 metres wide and have a vertical clearance of at least 4.5 metres.

(b) LOCATION:

The required loading spaces shall be provided on the lot occupied by the building, structure or use for which the said loading spaces are required and shall not form a part of any street, lane, parking space or delivery space. No portion of any loading space shall be located closer to any street line than the minimum front building setback for such building, structure or use in the zone where it is located.

SECTION 3(13)(c)

GENERAL PROVISIONS

(c) ACCESS:

Access to loading spaces shall be by means of a driveway at least 3.5 metres wide contained within the lot on which the loading spaces are located and leading to a street or lane located within or adjoining the zone in which the use is located.

(d) SURFACE:

The driveways and loading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

(e) ADDITION TO OR CHANGE OF EXISTING USE:

When a building or structure has insufficient loading spaces on the date of passing of this By-law to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition if such addition does not increase the gross floor area of such building or structure by more than 10%. However, no addition may be built and no change of use may occur if the effect of an addition or change of use would be to increase such deficiency.

(14) LOTS CONTAINING MORE THAN ONE USE

Where a lot contains more than one use which is not an accessory use as defined herein, the lot area requirement shall be the sum of the requirements for the separate uses thereof; however, the lot frontage requirement shall be the greatest of the lot frontage requirements for each individual use in the zone where such lot is located.

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

(15) LOTS DIVIDED INTO MORE THAN ONE ZONE

Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located. Each such portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions; however, for the purposes of determining minimum lot area and minimum lot frontage, the entire lot shall be considered.

SECTION 3(16)

GENERAL PROVISIONS

(16) NON-COMPLYING BUILDINGS, STRUCTURES AND LOTS

(a) ALTERATIONS TO NON-COMPLYING BUILDINGS AND STRUCTURES:

Nothing in this By-law shall prevent the enlargement, reconstruction, renovation or repair of an existing, non-complying building or structure or the enlargement, reconstruction, renovation or repair of an existing building or structure on an existing, non-complying lot provided such enlargement, reconstruction, renovation or repair shall not:

- (i) increase the portion of the lot area covered by building envelopes if such coverage exceeds the applicable maximum building area permitted herein;
- (ii) reduce the size of any yard adjoining that portion of such building or structure which is less than the applicable minimum building setback required herein;
- (iii) reduce the distance between 2 building envelopes if such distance is less than the applicable minimum building separation required herein;
- (iv) increase the overall vertical dimension of such building or structure if such dimension exceeds the applicable maximum building height permitted herein;
- (v) reduce the dwelling unit area of any dwelling unit if it is less than the applicable minimum dwelling unit area required herein;
- (vi) reduce the gross floor area of any building or structure if it is less than the applicable minimum gross floor area required herein;
- (vii) increase the net floor area of any building or structure if it exceeds the applicable maximum net floor area permitted herein;
- (viii) reduce the portion of the lot used for landscaping purposes if such portion is less than the applicable minimum landscaping area required herein;
- (ix) reduce the size of any planting strip required herein;
or
- (x) contravene any other zone provisions.

SECTION 3(16)(b)

GENERAL PROVISIONS

(b) USE OF UNDERSIZED VACANT LOTS:

Nothing in this By-law shall prevent the use of a vacant lot which has a lesser lot area and/or lot frontage than the applicable minimum lot area and/or minimum lot frontage required herein provided:

- (i) such lot is an existing lot as defined herein;
- (ii) the proposed use of such lot is a permitted use; and
- (iii) the proposed use shall not contravene any other zone provisions.

(17) NON-CONFORMING BUILDINGS AND STRUCTURES

(a) REBUILDING OR REPAIR PERMITTED:

Nothing in this By-law shall prevent the rebuilding or repair of an existing non-conforming building or structure that is damaged or destroyed subsequent to the date of passing of this By-law, provided that the external dimensions of the original building or structure are not increased and the use of the building or structure is not altered, unless altered to a permitted use.

(b) STRENGTHENING PERMITTED:

Nothing in this By-law shall prevent the strengthening to a safe condition of an existing non-conforming building or structure, provided that the external dimensions of the original building or structure are not increased and the use of the building or structure is not altered, unless altered to a permitted use.

(18) OBNOXIOUS USES

No person shall, within the Zoned Area, use any land or erect, alter or use any building or structure for any of the following purposes:

- an abattoir;
- an animal or fish glue manufacturing use;
- a blood boiling use;
- a fertilizer manufacturing use;
- a fowl-killing establishment;
- a gas manufacturing or distributing use;
- a noxious use;
- a tannery.

SECTION 3(19)

GENERAL PROVISIONS

(19) OUTSIDE DISPLAY OR SALES AREA REGULATIONS

(a) SIZE:

No outside display area shall comprise more than 35% of the lot area.

(b) LOCATION:

No outside display area shall overlap with a parking area.

(c) SURFACE:

Each outside display area shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

(20) PARKING AREA REGULATIONS

(a) SIZE:

Each parking space shall be at least 6.0 metres long, 2.5 metres wide and have an area of at least 18.0 square metres and a vertical clearance of at least 2.0 metres.

(b) LOCATION:

The required parking area shall not form a part of any street, lane, delivery space or loading space. The required parking area shall be provided on the lot occupied by the building, structure or use for which the said parking area is required.

(c) SURFACE:

Each parking area, driveway and entrance connecting the parking area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

(d) ADDITION TO OR CHANGE OR EXISTING USE:

When a building or structure has insufficient parking spaces on the date of passing of this By-law to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition if such addition does not increase the gross floor area of such building or structure by more than 10%. However, no addition may be built and no change of use may occur if the effect of an addition or change of use would be to increase such deficiency.

SECTION 3(20)(e)

GENERAL PROVISIONS

(e) RESTRICTIONS IN RESIDENTIAL ZONES:

No person shall use any parking area or parking space in a Residential zone except in accordance with the following:

- (i) Not more than one vehicle per dwelling unit shall be a commercial motor vehicle as defined in The Highway Traffic Act.
- (ii) The manufacturer's rated capacity of any such commercial motor vehicle shall not exceed 3,000.0 kilograms.

(21) PLANTING STRIPS

(a) LANDSCAPING AREA:

A planting strip referred to in this subsection may form part of any landscaping area required by this By-law.

(b) INTERRUPTION FOR DRIVEWAY OR WALKWAY:

Where a driveway or walkway extends through a planting strip, it shall be permissible to interrupt the planting strip within 3.0 metres of the edge of such driveway or within 1.5 metres of the edge of such walkway.

(c) VEGETATION HEIGHT IN SIGHT TRIANGLE:

No vegetation within a sight triangle shall exceed a height of 1.0 metres.

(22) PRIVACY YARDS

Where this By-law requires a privacy yard to be provided, the size of such privacy yard shall be calculated in accordance with the following:

- (a) The minimum depth of a privacy yard shall be a distance (measured from and at right angles to the exterior wall adjoining such privacy yard) as set out herein for the applicable use in the zone where such use is located.
- (b) The minimum width of a privacy yard shall be 5.0 metres (measured parallel to the exterior wall adjoining such privacy yard so that, on each side of the vertical centreline of the window requiring such privacy yard, there shall be a minimum width of 2.5 metres).

SECTION 3(23)

GENERAL PROVISIONS

(23) PUBLIC USES

(a) STREETS AND INSTALLATIONS:

Nothing in this By-law shall prevent the use of land for a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipeline, lighting fixture, or overhead or underground electrical, telephone or other supply or communication line, or structure clearly ancillary to the foregoing, provided that the location of such street, main, line, fixture or structure has been approved by the Corporation. Notwithstanding the preceding sentence, this approval by the Corporation shall not be required for any public works project where the location of the streets, mains, lines, fixtures and structures which make up such project have been authorized pursuant to The Environmental Assessment Act, 1975.

(b) ZONES WHERE PERMITTED:

Except as provided in clause (a) hereof, public uses shall be permitted in all zones provided:

- (i) they satisfy the zone provisions of the zone in which they are located; and
- (ii) at a minimum, the following number of parking spaces are provided in accordance with Section 3(20) hereof:
 - (1) church
 - the greater of:
 - 1 for each 6 fixed seats or fraction thereof: or
 - 1 for each 9.0 square metres of net floor area or portion thereof
 - (2) fire hall, museum, post office or public library
 - 1 for each 45.0 square metres of net floor area or portion thereof
 - (3) hospital
 - 1 for each 1.3 beds or fraction thereof

SECTION 3(23)(b)(ii)(4)

GENERAL PROVISIONS

- | | |
|--|---|
| (4) municipal office | - 1 for each
30.0 square metres of
net floor area
or portion thereof |
| (5) police station | - the greater of:
1 for each
15.0 square metres
of net floor area
or portion thereof;
or
1 for each
4 persons
design capacity |
| (6) school, elementary
(up to grade 8) | - 1.5 for each
classroom |
| (7) school, secondary
(grades 9 through 13) | - 6 for each
classroom |
| (8) other public uses | - nil |

(c) REQUIREMENTS IN RESIDENTIAL ZONES:

Any above-ground non-recreational public use which is located in a Residential zone shall be enclosed in a building designed, located and maintained in general harmony with the Residential buildings permitted in such zone.

(24) SETBACK FROM HAZARD LANDS ZONE

No building or structure, other than a flood control building or structure or a marine facility, shall be located closer than 7.5 metres to the boundary of any Hazard Lands zone.

(25) SIGHT TRIANGLES

(a) SIZE:

The distance from the point of intersection of the street lines shall be 9.0 metres.

SECTION 3(25)(b)

GENERAL PROVISIONS

(b) USES PROHIBITED:

Within any area defined as a sight triangle, the following uses shall be prohibited:

- (i) a building, structure or use which would obstruct the vision of drivers of vehicles.
- (ii) a fence, tree, hedge, bush or other vegetation, the top of which exceeds 1.0 metres in height above the elevation of the street;
- (iii) any portion of a parking space;
- (iv) a berm or other ground surface which exceeds the elevation of the street by more than 0.5 metres;
- (v) a sign, other than a pole sign, the body of which is not less than 4.0 metres above the elevation of the centreline of the street.

The provisions of this clause shall not apply at any intersection controlled by traffic signal lights.

(26) SIGNS

Nothing in this By-law shall apply to prevent the erection, alteration or use of any sign, provided such sign complies with the by-laws of the Corporation regulating signs and provided such sign complies with the provisions of this By-law regarding sight triangles.

(27) STORAGE OF SPECIAL VEHICLES

(a) VEHICLES PERMITTED:

No person shall use any lot in any Residential zone for the purpose of parking or storing any vehicle other than an automobile, except for:

- (i) one boat which shall not exceed 8.0 metres in length; or
- (ii) one mobile home which shall not exceed 15.0 metres in length; or
- (iii) two snowmobiles; or

SECTION 3(27)(a)(iv)

GENERAL PROVISIONS

- (iv) one tourist trailer which shall not exceed 8.0 metres in length, exclusive of hitch or tongue; or
- (v) one tourist vehicle which shall not exceed 8.0 metres in length.

(b) YARDS WHERE PERMITTED:

In any Residential zone, the parking or storage of any vehicle listed in clause (a) of this subsection shall only be permitted in a private garage, carport or other building and not in any parking space or sight triangle, except in an RM zone or any special zone related thereto, such vehicle may be parked or stored in a side yard or rear yard but no closer than 1.0 metres to any lot line.

(c) TEMPORARY STORAGE OR PARKING:

In a Residential zone, other than an RM zone or any special zone related thereto, the parking or storage of any vehicle listed in clause (a) of this subsection may be permitted for a period of not more than 120 hours in any one calendar month in a front yard or flank yard.

(28) STREET SETBACKS

No person shall erect any building in any portion of the Zoned Area unless such building complies with the following street setback requirements:

- (a) PRIMARY ARTERIAL ROAD: - 23.0 metres,
plus the minimum front building setback required for such use in the zone where it is located.
- (b) SECONDARY ARTERIAL ROAD: - 20.5 metres,
plus the minimum front building setback required for such use in the zone where it is located.
- (c) PRIMARY COLLECTOR ROAD: - 18.0 metres,
plus the minimum front building setback required for such use in the zone where it is located.
- (d) SECONDARY COLLECTOR ROAD: - 15.0 metres,
plus the minimum front building setback required for such use in the zone where it is located.

SECTION 3(28)(e)

GENERAL PROVISIONS

- (e) TOWN ROAD: - 10.0 metres,
plus the minimum front building setback required for such use
in the zone where it is located.

Notwithstanding the provisions of this Section, no person shall erect any building unless such building complies with any street setback requirements lawfully imposed by the Region.

(29) SWIMMING POOLS

Swimming pools shall be regulated by the Corporation's Swimming Pool By-law.

(30) TOURIST TRAILERS AND MOBILE HOMES

(a) LOCATION OF TOURIST TRAILERS:

No tourist trailer shall be erected, altered or used in any portion of the Zoned Area except in a permitted tourist camp.

(b) LOCATION OF MOBILE HOMES:

No mobile home shall be erected, altered or used in any portion of the Zoned Area except in a permitted mobile home park.

(31) WATER SETBACKS

No building or structure, other than a marine facility, shall be located closer than 7.5 metres to the high water mark of a waterbody.

SECTION 4

ZONES

1) ZONE CLASSIFICATION

For the purpose of this By-law all lands within the Zoned Area shall be classified as a Residential or Restricted Zone. Following the name is a corresponding alpha-numeric symbol referred to herein as a "Zone Symbol".

- a) RESIDENTIAL ZONE
Rural Residential RR
- b) RESTRICTED ZONE
Open Space OS

(2) ZONE SYMBOLS

The zone symbols listed in Section 4(1) hereof may be used to refer to buildings and structures, the uses of lots, buildings and structures permitted by this By-law in the said zones, and whenever in this By-law the word "zone" is used, preceded by any of the said zone symbols, such reference shall mean any portion of the Zoned Area delineated on Schedule "A" and designated thereon by the said zone symbol.

(3) ZONE BOUNDARIES

The extent and boundaries of all zones and special zones are shown on Schedule "A" hereto. When determining the location of a zone boundary on Schedule "A" or on any schedule which amends Schedule "A", the following provisions shall apply:

(a) CORPORATION BOUNDARIES:

All boundaries of the Corporation shall be zone boundaries.

(b) LOT OR CONCESSION LINES:

A zone boundary indicated as approximately following a lot line or concession line shall be deemed to follow such lot line or concession line.

(c) STREET LINES:

A zone boundary indicated as approximately following a street line shall be deemed to follow such street line.

(d) RIGHTS-OF-WAY:

A zone boundary indicated as approximately following a right-of-way for a private road, railroad, power line, pipeline, etc., shall be deemed to follow such right-of-way.

(e) SHORELINES:

A zone boundary indicated as approximately following a shoreline of a waterbody shall be deemed to be the high water mark of such waterbody.

SECTION 4(3) (f)

ZONES

(f) SUBDIVISION LOT LINES:

A zone boundary indicated as approximately following a lot line on a plan of subdivision shall be deemed to follow such lot line.

(g) OTHER PROPERTY LINES:

A zone boundary indicated as approximately following any other property line shall be deemed to follow such property line.

(h) DIMENSIONS AND MEASUREMENTS:

If the location of a zone boundary cannot be determined using any of the preceding methods, its location shall be according to the dimensions shown on the schedule. If such dimensions are not shown, its location shall be as measured on the schedule at the original size and scale of such schedule.

(4) PERMITTED USES AND ZONE PROVISIONS

For each zone listed in Section 4(1) hereof, there shall be a section of this By-law which sets out the permitted uses and the zone provisions for such zone.

(5) SPECIAL ZONES

Where a zone symbol is followed by a dash and a number (for example, "RM-1"), this denotes a special zone. The permitted uses and the zone provisions for such special zone shall be set out in subsections of the section of this By-law applicable to the said zone symbol.

(6) EXEMPTIONS

Where a zone symbol is followed by a dash, the letter "E" and a number (for example, "R1-E(1)") this denotes an exemption. The lands so designated shall be subject to all the requirements of the zone represented by such zone symbol except as otherwise provided by the specific exemptions listed in the appropriate subsection of Section 6.

SECTION 5 RURAL RESIDENTIAL (RR) ZONE

5.1 USES PERMITTED

In any RR Zone, no person shall use any lot or construct, alter or use any building or structure for any purpose except 1 or more of the following uses:

5.1.1 RESIDENTIAL USES:

- a one-family house

5.1.2 NON-RESIDENTIAL USES:

- a home occupation
- a home profession

5.2 ZONE PROVISIONS

In any RR Zone, no person shall use any lot or construct, alter or use any building or structure except in accordance with the following provisions:

- | | | |
|--------|------------------------------------|---|
| 5.2.1 | LOT AREAS (minima): | |
| | (a) unserviced lot | - 2,000 square metres |
| | (b) partly serviced lot | - 1,390 square metres |
| 5.2.2 | LOT FRONTAGES (minima): | |
| | (a) unserviced lot | - 30 metres |
| | (b) partly serviced lot | - 21 metres |
| 5.2.3 | DWELLING UNITS PER LOT (maximum): | - 1 only |
| 5.2.4 | BUILDING AREA (maximum): | - 25% |
| 5.2.5 | BUILDING SETBACK, FRONT (minimum): | - 9 metres |
| 5.2.6 | BUILDING SETBACK, FLANK (minimum): | - 9 metres |
| 5.2.7 | BUILDING SETBACKS, REAR (minima): | |
| | (a) main building | - 9 metres |
| | (b) accessory building | - 1.5 metres |
| 5.2.8 | BUILDING SETBACKS, SIDE (minima): | |
| | (a) main building | - 3 metres on 1 side;
1.5 metres on other side |
| | (b) accessory building | - 1.5 metres |
| 5.2.9 | BUILDING SEPARATION (minimum): | - 1.5 metres |
| 5.2.10 | BUILDING HEIGHTS (maxima): | |
| | (a) main building | - 9.5 metres |
| | (b) accessory building | - 4.5 metres |

SECTION 5

RR ZONE

- | | |
|---|---|
| 5.2.11 DWELLING UNIT AREA (minimum): | - 110 square metres |
| 5.2.12 LANDSCAPING AREA (minimum): | - 40% |
| 5.2.13 DRIVEWAY SETBACK (minimum): | - 0.5 metres |
| 5.2.14 PARKING SPACES (minima): | |
| (a) Residential uses | - 1 for each dwelling unit |
| (b) Non-Residential uses | - the greater of:
2 per lot; or
1 for each
20 square metres
of net floor area
or portion thereof |
| | |
| 5.2.15 PARKING SPACE LOCATION: | |
| No part of any parking space, other than a driveway,
shall be located closer to any street line than | - 9 metres |
| | |
| 5.2.16 GENERAL PROVISIONS: | |
| In addition to the above, the provisions of Section 3 shall apply. | |

SECTION 6 OPEN SPACE (OS) ZONE

6.1 USES PERMITTED

In any OS Zone, no person shall use any lot or construct, alter or use any building or structure for any purpose except 1 or more of the following uses:

6.1.1 RESIDENTIAL USES:

- an accessory dwelling unit

6.1.2 NON-RESIDENTIAL USES:

- an auditorium
- a beach
- a camping ground
- a cemetery
- a community centre or facilities and associated uses
- a conservation use
- a conservation school
- a dormitory accessory to a conservation school
- a fairground
- a fishing club
- a forestry use
- a golf course
- a horticultural nursery
- a hunt club
- a marine facility
- a park
- a parking lot
- a restaurant accessory to a permitted OS use
- a ski area

6.2 ZONE PROVISIONS

In any OS Zone, no person shall use any lot or construct, alter or use any building or structure except in accordance with the following provisions:

6.2.1 LOT AREAS (minima):

- | | |
|-----------------|--------------|
| (a) golf course | - 4 hectares |
| (b) other uses | - nil |

6.2.2 LOT FRONTAGES (minima):

- | | |
|-----------------|-------------|
| (a) golf course | - 60 metres |
| (b) other uses | - 6 metres |

6.2.3 DWELLING UNITS PER LOT (maximum):

- 1 only

SECTION 6

OS ZONE

- 6.2.4 BUILDING AREA (maximum): - the greater of:
10%; or
20 square metres
- 6.2.5 BUILDING SETBACKS (minima):
(a) Residential uses - 7.5 metres
(b) marine facility - nil
(c) other Non-Residential uses - 7.5 metres
- 6.2.6 BUILDING SEPARATION (minimum): - 3 metres
- 6.2.7 BUILDING HEIGHT (maximum): - 9.5 metres
- 6.2.8 DWELLING UNIT AREA (minimum): - 55 square metres
- 6.2.9 LANDSCAPING AREA (minimum): - 50%
- 6.2.10 DRIVEWAY SETBACK (minimum): - 1.5 metres
- 6.2.11 PARKING SPACES (minima):
(a) Residential uses - 1 for each dwelling unit
(b) Non-Residential uses - nil
- 6.2.12 PARKING SPACE SETBACKS (minima):
(a) from any street line - 1.5 metres
(b) from a lot line abutting a Residential zone
or abutting a lot containing a Residential use - 4.5 metres
- 6.2.13 GENERAL PROVISIONS:
In addition to the above, the provisions of Section 3 shall apply.

SECTION 7

ADMINISTRATION(1) ZONING ADMINISTRATOR

This By-law shall be administered by the Zoning Administrator.

(2) ISSUANCE OF BUILDING PERMITS AND LICENSES

Notwithstanding any provision of the Building By-law or any other by-law of the Corporation to the contrary, no building permit or license shall be issued where the proposed building, structure or use would be in violation of any provision of this by-law.

(3) REQUESTS FOR AMENDMENTS

Every request for an amendment to this By-law shall be accompanied by 3 copies of the Corporation's "APPLICATION FOR AMENDMENT TO ZONING BY-LAW".

(4) INSPECTION(a) CONDITIONS FOR ENTRY:

Subject to clause (b) of this subsection, the Zoning Administrator, Building Inspector or any other officer or employee of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties under this By-law.

(b) RESTRICTIONS FOR ENTRY OF DWELLING UNITS:

Notwithstanding any provision of clause (a) of this subsection to the contrary, no officer or employee of the Corporation shall enter any room or place being used as a dwelling unit or part thereof without the consent of the occupant except under the authority of a search warrant issued pursuant to the Provincial Offences Act.

SECTION 7

ADMINISTRATION

(5) VIOLATIONS AND PENALTIES

Every person who uses any lot, or erects, alters or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use, alteration or erection, or who violates any provision of this By-law or causes or permits a violation, shall be guilty of an offence and upon conviction therefor, shall forfeit and pay a penalty, at the discretion of the presiding justice for each such offence, and every such penalty shall be recoverable under the Municipal Act and the Provincial Offenders Act. Each day of violation shall constitute an offence.

(6) REMEDIES

In case any building or structure is to be erected or altered or any part thereof is to be used, or any lot is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the provisions of the Planning Act or the Municipal Act in that behalf.

(7) VALIDITY

If any section, clause or provision of this By-law, including anything contained in Schedule "A" attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

(8) EXISTING BY-LAWS

All by-laws passed under Section 34 of the Planning Act or a predecessor which apply to the lands within the limits of the Zoned Area are hereby repealed. This repeal includes the following by-laws:

By-law 1330 of the Former Township of Caledon;

By-law 80-21 of the Town of Caledon.

APPROVAL

This By-law shall become effective on the date hereof, pursuant to
Section 34 of the Planning Act, 1983.

THIS BY-LAW given its first reading this 27th day of June....., 1988.

THIS BY-LAW given its second reading this 27th day of June....., 1988.

THIS BY-LAW read a third time and passed this 27th day of June....., 1988.

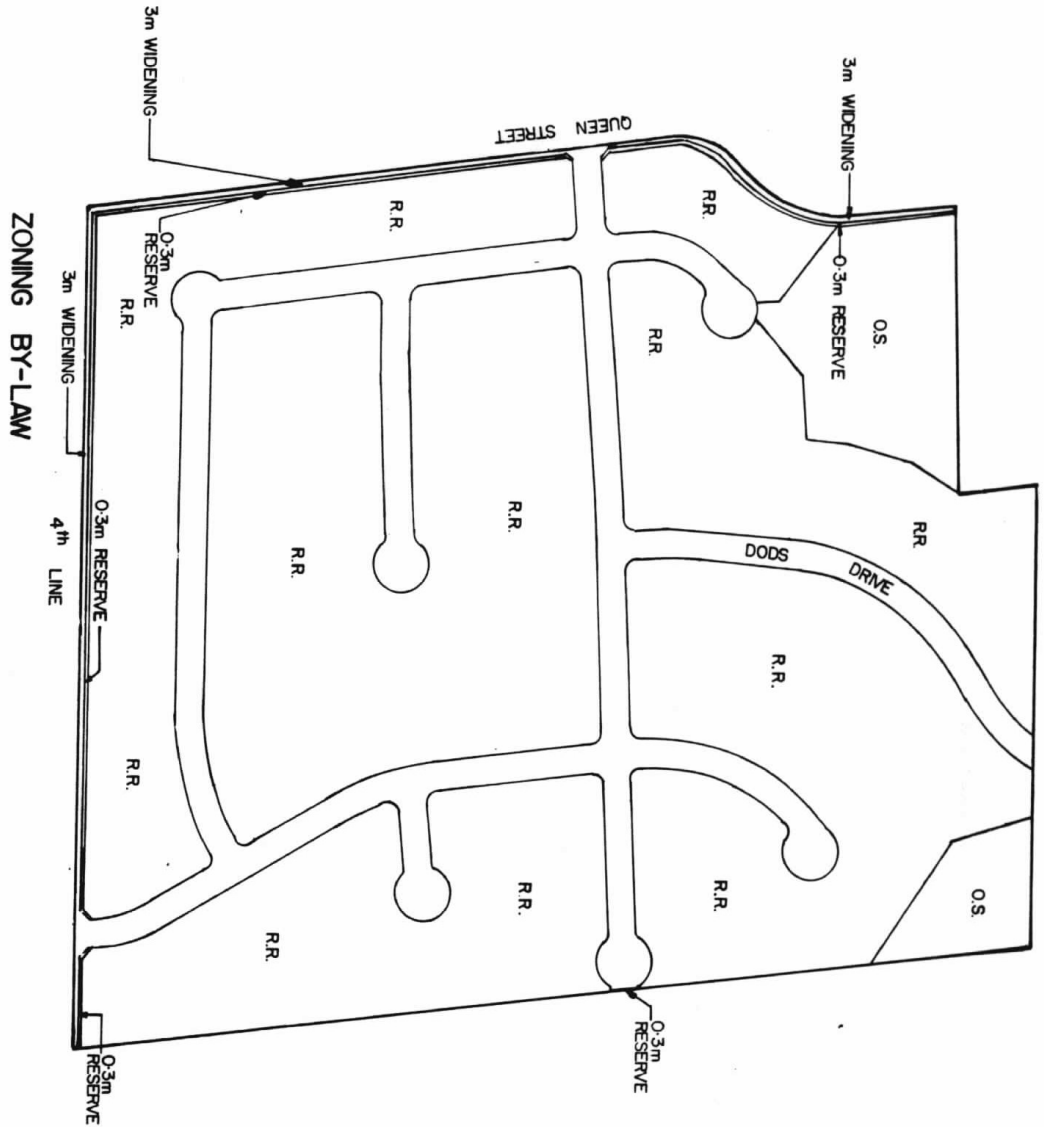
Signed: _____

(Mayor)

Signed: _____

(Clerk)

(SEAL)



LEGEND

O.S. — OPEN SPACE
R.R. — RURAL RESIDENTIAL



20m 0 100m

THOMAS FARM ESTATES
PART OF THE SOUTHWEST HALVES OF LOTS
22,23 CONCESSION 4 West of Hurontario Street
Zoning By-Law 88-83
Schedule A
TOWN OF CALEDON

NOTE

The following Metric Conversion Table is provided for convenient reference only, and does not form part of the Zoning By-law.

METRIC CONVERSION TABLE

This Metric Conversion Table provides approximate Imperial measurement equivalents of many of the metric measurements used in the Caledon Zoning By-law. Because these equivalents can only be approximate, this Table does not form part of the Zoning By-law but is provided only for convenience.

DISTANCE

<u>METRIC</u> (metres)	<u>IMPERIAL</u> (feet, inches)	<u>METRIC</u> (metres)	<u>IMPERIAL</u> (feet, inches)
0.5	1 7.7	19.5	63 11.7
1.0	3 3.4	20.0	65 7.4
1.5	4 11.1	20.5	67 3.1
2.0	6 6.7	21.0	68 10.8
2.5	8 2.4	22.5	73 9.8
3.0	9 10.0	23.0	75 5.5
3.5	11 5.8	24.0	78 8.9
4.5	14 9.2	25.0	82 0.2
5.0	16 4.9	27.0	88 7.0
6.0	19 8.2	30.0	98 5.1
7.0	22 11.6	36.0	118 1.3
7.5	24 7.3	38.0	124 8.1
8.0	26 3.0	39.0	127 11.4
9.0	29 6.3	40.0	131 2.8
9.5	31 2.0	41.0	134 6.2
10.0	32 9.7	45.0	147 7.7
10.5	34 5.4	48.0	157 5.8
11.0	36 1.1	50.0	164 0.5
12.0	39 4.4	60.0	196 10.2
12.5	41 0.1	68.5	224 8.9
13.5	44 3.5	75.0	246 0.8
14.0	45 11.2	79.0	259 2.2
15.0	49 2.6	90.0	295 3.3
15.5	50 10.2	120.0	393 8.4
16.5	54 1.6	150.0	492 1.5
17.0	55 9.3	300.0	984 3.0
18.0	59 0.7	422.15	1,385 0.8

METRIC CONVERSION TABLE (Cont'd.)

AREA			
METRIC (square metres)	IMPERIAL (square feet)	METRIC (square metres)	IMPERIAL (square feet)
2.5	26.91	280.0	3,013.89
5.0	53.82	371.0	3,993.41
6.0	64.58	408.0	4,391.67
10.0	107.64	420.0	4,520.84
15.0	161.46	460.0	4,951.39
18.0	193.75	464.0	4,994.45
20.0	215.28	520.0	5,597.23
30.0	322.92	550.0	5,920.14
37.0	398.26	555.0	5,973.96
37.5	403.65	557.0	5,995.49
40.0	430.56	650.0	6,996.54
45.0	484.38	695.0	7,480.91
51.5	554.34	837.0	9,009.38
55.0	592.00	910.0	9,795.15
56.0	602.78	925.0	9,956.61
60.0	645.83	1,162.0	12,507.65
65.0	699.65	1,390.0	14,961.82
70.0	753.47	1,485.0	15,984.39
74.0	796.53	1,625.0	17,491.34
80.0	861.11	1,700.0	18,298.63
82.5	888.02	1,740.0	18,729.19
90.0	968.75	2,000.0	21,527.80
93.0	1,001.04	2,040.0	21,958.36
97.0	1,044.10	2,200.0	23,680.58
97.5	1,049.48	2,325.0	25,026.07
100.0	1,076.39	2,700.0	29,062.53
102.0	1,097.92	2,750.0	29,600.73
110.0	1,184.03	2,759.0	29,697.60
115.0	1,237.85	2,800.0	30,138.92
120.0	1,291.67	3,000.0	32,291.70
120.5	1,297.05	3,100.0	33,368.09
125.0	1,345.49	3,500.0	37,673.65
130.0	1,399.31	3,510.0	37,781.29
139.0	1,496.18	4,000.0 (0.4 ha)	43,055.60
148.0	1,593.06	4,500.0	48,437.55
152.5	1,641.49	4,650.0	50,052.14
153.0	1,646.88	6,000.0 (0.6 ha)	64,583.40
162.0	1,743.75	8,000.0 (0.8 ha)	86,111.20
165.0	1,776.04	10,000.0 (1.0 ha)	107,639.00
170.0	1,829.86	15,000.0 (1.5 ha)	161,458.50
180.0	1,937.50	20,000.0 (2.0 ha)	215,278.00
185.0	1,991.32	25,000.0 (2.5 ha)	269,097.50
198.0	2,131.25	40,000.0 (4.0 ha)	430,556.00
200.0	2,152.78	60,000.0 (6.0 ha)	645,834.00
220.0	2,368.06	80,000.0 (8.0 ha)	861,112.00
222.5	2,394.97	400,000.0 (40.0 ha)	4,305,560.00
275.0	2,960.07		

Note: 1 acre = 43,560 square feet

METRIC CONVERSION TABLE (Cont'd.)WEIGHT

<u>METRIC</u> (kilograms)	<u>IMPERIAL</u> (pounds)
23.0	50.7
908.0	2,001.8
3,000.0	6,613.9