



MEMO

To:	Maryann Hunt, Tim Leitch
From:	Jamie Robinson, BES, MCIP, RPP Partner
Date:	November 28, 2024
File:	0765AN
Subject:	Tiny Township Dynamic Beach Initiatives

This correspondence has been prepared to provide you with an update on the status of the three documents that are being prepared to assist the Township in the future management of development and site alteration within dynamic beach areas. The Township of Tiny is in the process of undertaking a study of the management of Dynamic Beaches in the Township. The Dynamic Beach Study was completed by Aqua Solutions 5 Inc., and draft documents were provided to the Township in the summer of 2024.

Following receipt of these studies, Township staff and MHBC Planning have embarked on a process to draft amendments to the Township Official Plan and Zoning By-law and to prepare the Dynamic Beach Management By-law for public review and consultation. Drafts of these three documents are attached to this memorandum. The documents are attached as follows:

- Redlined version of Official Plan – Attachment 1
- Redlined version of Zoning By-law – Attachment 2
- Draft Dynamic Beach Management By-law – Attachment 3

It is recommended that the three draft documents attached to this memorandum be presented to Council at an upcoming Council meeting and that a timeline be established for public consultation on the three documents.

The highlights of all three by-laws are as follows:

Draft Official Plan Amendment

Modifications are proposed to the Township of Tiny Official Plan (Tiny OP) that achieve the following:

1. Identifies on an Appendix the location of Dynamic Beach Areas in the Township.
2. Create a framework for the establishment of Zoning By-law provisions to manage buildings and structures within dynamic beach areas.
3. Establish criteria within the Official Plan in order to evaluate applications for minor variance or Zoning By-law Amendment where permit buildings and structures are proposed within the Dynamic Beach Hazard Area.
4. Create a framework for the establishment of a Dynamic Beach By-law that manages site alteration within dynamic beach areas and requires a permit from the Dynamic Beach Management By-law for the establishment of any building and structure or site alteration within Dynamic Beach Areas.

Draft Zoning By-law Amendment

Modifications are proposed to the Township of Tiny Zoning By-law (Tiny ZBL) that achieve the following:

1. Identifies on a Schedule a Dynamic Beach Management Area Overlay Zone.
2. Establishes a framework for enlargement, repair, replacement or renovation of existing non-complying buildings or structures within Dynamic Beach Areas.
3. Establishes setbacks from Georgian Bay for buildings and structures, including retaining walls within the Dynamic Beach Management Area Overlay Zone.

Draft Dynamic Beach Management By-law

A Dynamic Beach Management By-law has been prepared. The key components of the Dynamic Beach Management By-law are as follows:

1. Recognizes and protects the dynamic nature of beaches, hazard impacts, their ecological value and that fact that many of these areas are developed.
2. Establishes a permitting system that requires a permit for all site alteration, building and structures that are proposed in the Dynamic Beach Management Area.
3. Permits to be issued by Township Staff, with appeals to Council or the Tribunal permitted where permits are denied.

Next Steps

1. Undertake community consultation via an Open House and Public Meeting in January/February.
2. Recommendation report and final by-laws to be presented to Council for approval April/May.

Attachments

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Redline Version of Official Plan



TOWNSHIP OF/CANTON DE
Tiny



OFFICIAL PLAN

Adopted by the Township of Tiny (By-law 18-098): November 26, 2018

Final Approval Letter by the County of Simcoe: December 9, 2021

Consolidated: October 12, 2023

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A INTRODUCTION

A.1 INTRODUCTION AND STRUCTURE

A.1.1 Purpose of the Official Plan

A.1.1.1 The Official Plan for the Township of Tiny is prepared under the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, of the Province of Ontario. The Official Plan provides a policy context for land use planning. The Official Plan sets out the goals objectives and land use policies, which will guide economic, natural heritage, and community-building decisions affecting the physical use of land within the *Township*.

A.1.1.2 Upon review of the 2001 Official Plan, Council determined that the Vision and many of the policies articulated in that document still upheld the approach that the Township of Tiny wanted to maintain.

A.1.1.3 The preparation of this Plan is primarily as a result of several *Provincial Plan* policy and legislative changes, and the updating of the County of Simcoe Official Plan.

A.1.2 Scope and Duration

A.1.2.1 The policy within the Official Plan applies to all the land within the corporate limits of the Township of Tiny.

A.1.2.2 As provided for in the *Planning Act*, where an Official Plan is in effect, no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform to the Official Plan. Prior to the *Province* or County of Simcoe carrying out or authorizing any undertaking that will directly affect the *Township*, the *Province* shall consult with, and have regard to, the policies of this Official Plan.

A.1.2.3 *Provincial Plans* are the senior documents in planning in Ontario and their policies prevail where there is a conflict between this Official Plan and the *Provincial Plans*. The Township of Tiny is within the area covered by the Growth Plan for the Greater Golden Horseshoe.

A.1.2.4 Notwithstanding the policies of this Official Plan, any land use decision is to be consistent with the *Provincial Policy Statement* (PPS). The PPS establishes minimum standards and permits municipalities to go beyond the minimum requirements of the PPS.

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A.1.2.5 The *County* of Simcoe Official Plan is the upper-tier Official Plan. The *Township* Official Plan is required to conform to the *County* of Simcoe Official Plan.

A.1.2.6 The planning policy horizon for this Official Plan is to the year 2031.

A.1.2.7 The Official Plan is considered to be a “living” document that will be monitored and updated to ensure that the intent of the *Township* goals and objectives are being addressed, community needs are being met, and the policies can be properly implemented.

A.1.2.8 Official Plan policy is implemented on a property specific basis through the implementing Zoning By-law and other applicable municipal by-laws, as is detailed in Section E (Plan Implementation & Administration) of this Official Plan. Any implementing Zoning By-law and other applicable municipal by-laws must conform to this Official Plan. Therefore, this Official Plan is the basis on which any new implementing Zoning By-law will be prepared.

A.1.3 **Vision**

A.1.3.1 This Official Plan recognizes that growth and change will occur in the Township over the planning policy horizon. The challenge in the future planning of the community is to ensure that the change that does occur enhances or maintains the quality of life now enjoyed by the Township's residents. This will be accomplished by promoting the stewardship of the Township's resources in a way that has the greatest positive impact on the quality of life for present and future generations.

A.1.3.2 According to Township residents, permanent and seasonal, it is the excellent quality of life that makes the Township a desirable place to live. This quality of life is created, in large part, by the character of the community, the open countryside, farmland, extensive wooded areas, wetlands, Georgian Bay, Farlain Lake, the Nipissing Ridge, the shoreline communities and the five *Settlement Areas*. These are the features that, taken together, contribute to the identity of the community that is of the greatest importance to the residents. It is the intent of the Official Plan to ensure that new development maintain, contribute and/or enhance this community identity.

A.1.3.3 The protection of the natural heritage features of the Township is a key component of the strategy to enhance the quality of life. On this basis, all of the policies in this Plan are based on an 'environment focused' philosophy.

A.1.3.4 The existing character of the community also contributes to the 'sense of place' felt by many residents. In order to maintain this character, this Plan sets out the long-term role and function of the rural area by establishing a

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permanent countryside that will permit the continued functioning of natural heritage systems, maintain the rural pattern of large land holdings and a landscape dominated by open fields and wooded areas. The agricultural areas of the Township are also considered to be integral to the character of the community. It is a policy of this Plan that these areas be preserved for future agricultural use so that they can continue to serve an important role in the local economy.

A.1.3.5 Much of the character of the developed areas is based on the form and structure of its neighbourhoods. As a result, it is the intent of the Official Plan to protect and improve each neighbourhood as a diverse, safe and attractive living environment for existing and future residents.

A.1.4 **Goals**

A.1.4.1 The goals of this Official Plan are as follows:

- a) Protect the natural environment with an 'Environment Focused' objective;
- b) Conserve the *Township's* natural resources;
- c) Protect the character of development and undeveloped areas;
- d) Direct growth and settlement to appropriate locations;
- e) Encourage appropriate economic development; and,
- f) Protect the *prime agricultural area* for long-term agricultural use and to support the agricultural sector.

A.1.5 **Structure of the Plan**

A.1.5.1 This Official Plan is divided into five parts, each of which is described below.

A.1.5.2 PART A (Introduction, Structure and Growth Management) contains the purpose of the Official Plan, its scope and its life span as well as the general Goals and Growth Management policies. The general approach to the Official Plan flows from this Section.

A.1.5.3 PART B (Land Use Designations) contains the land use policies that apply to lands throughout the *Township*.

A.1.5.4 PART C (Environmental Management and Groundwater Management Policies) contains the policies dealing with watercourses, floodplains, flood

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hazards, natural corridors, hazardous slopes and source water protection throughout the *Township*.

A.1.5.5 PART D (General Development Policies) contains policies that deal with land use planning matters, such as water and sewage servicing, transportation, *cultural heritage resources* and the subdivision of land that apply throughout the *Township*.

A.1.5.6 PART E (Plan Implementation and Administration) describes how the policies of the Official Plan will be implemented

A.1.5.7 PART F (Glossary) provides definitions for terms contained within the Official Plan.

A.1.5.8 PART G & H (Schedules & Appendices) are how the Plan is implemented and are organized as follows:

- a) Schedule A – Land Use;
- b) Schedule B – Natural Heritage Features;
- c) Schedule C – Transportation;
- d) Schedule D – Waste Disposal Sites;
- e) Schedule E – Source Water Protection;
- f) Schedule F – Dynamic Beach Overlay Area;
- g) Appendix 1 – Settlement Area Perkinsfield;
- h) Appendix 2 – Settlement Area Wyevale;
- i) Appendix 3 – Settlement Area Lafontaine;
- j) Appendix 4 – Settlement Area Wyebridge; and,
- k) Appendix 5 – Settlement Area Toanche.

A.2 LAND USE STRUCTURE

A.2.1 The Official Plan contains the following land use designations, which are found on Schedule A:

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A.2.1.1 Environmental Protection

A.2.1.1.1 The Environmental Protection designation is intended to include the following *natural heritage features and areas*:

- a) *Provincially Significant Wetlands*; and,
- b) *Provincially Significant Coastal Wetlands*.

A.2.1.2 Greenlands

A.2.1.2.1 The Greenlands designation is intended to include the following *natural heritage features and areas*:

- a) Other Evaluated Wetlands;
- b) Other Wetlands two (2) hectares or larger (including Coastal Wetlands that are not Provincially Significant);
- c) Significant Woodlands;
- d) Significant Valleylands;
- e) Significant Wildlife Habitat;
- f) Habitat of *Endangered and Threatened Species*;
- g) Provincially Significant *Areas of Natural and Scientific Interest*;
- h) Regionally Significant *Areas of Natural and Scientific Interest*;
- i) Nipissing Ridge;
- j) Natural Linkage Areas; and,
- k) Fish Habitat.

A.2.1.3 Shoreline

A.2.1.3.1 The Shoreline designation applies to those lands that have existing development or, in some cases, have historically been planned for development, for permanent and seasonal residential uses in close proximity to Georgian Bay and Farlain Lake.

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A.2.1.4 **Settlement Area**

A.2.1.4.1 The *Settlement Area* designation applies to Perkinsfield, Wyevale, Lafontaine, Toanche and Wyebridge.

A.2.1.5 **Country Residential**

A.2.1.5.1 The Country Residential designation applies to those lands that have existing registered plans of subdivision in the rural area.

A.2.1.6 **Employment Area**

A.2.1.6.1 The *Employment Area* designation applies to the *Township* Public Works Yard lands, the Huronia Airport lands and privately held lands in the vicinity of the Huronia Airport.

A.2.1.7 **Agricultural**

A.2.1.7.1 Lands designated Agricultural meet one or more of the following criteria:

- a) They consist of lands which are Classes 1, 2, or 3 according to the Canada Land Inventory;
- b) They consist of lands which, in spite of varying market conditions, are capable of sustaining viable agricultural operations;
- c) They support intensive farming operations; and/or,
- d) They are surrounded by or contiguous to other agricultural operations.

A.2.1.8 **Rural**

A.2.1.8.1 The Rural designation generally includes all of the rural areas in the *Township* that do not satisfy the criteria for lands in the Agricultural or Greenlands designations, and all lands that have existing rural employment and rural commercial uses. In addition, this designation includes all existing trailer parks/campgrounds and golf courses.

A.2.1.9 **Mineral Aggregate Resources One**

A.2.1.9.1 The Mineral Aggregate Resources One designation applies to existing *mineral aggregate operations*.

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A.2.1.10 Mineral Aggregate Resources Two

A.2.1.10.1 The Mineral Aggregate Resources Two designation is an overlay designation and applies to areas of primary and secondary *mineral aggregate resources*, but which are not the site of an existing *mineral aggregate operation*.

A.2.1.11 Land Use Schedules

A.2.1.11.1 All of the lands in the *Township* have been placed in one or more of the above land use designations, as shown on Schedule A to this Plan.

A.2.1.12 Natural Heritage System

A.2.1.12.1 The natural heritage system is comprised of the Environmental Protection designation and the Greenland designation. The natural heritage system of this Plan implements the County of Simcoe Official Plan, but has been further refined based on additional local review of features and linkages. Where there is conflict between the County of Simcoe Official Plan natural heritage system mapping and Township Official Plan natural heritage system mapping, the more refined Township Official Plan natural heritage system mapping shall apply.

A.2.1.13 Agricultural System

A.2.1.13.1 The agricultural system is comprised of the Agricultural Designation in the Township Official Plan and implements the County of Simcoe Official Plan. Where there is conflict between the County of Simcoe Official Plan agricultural system mapping and the Township Official Plan agricultural system mapping, the Township Official Plan agricultural system mapping shall apply.

A.3 GROWTH MANAGEMENT

A.3.1 Background

A.3.1.1 The Township of Tiny has five *Settlement Areas* within its geographic boundary, as well as extensive development along the shoreline of Georgian Bay and Farlain Lake. Historic development has occurred along the shoreline; however, it has been a policy of this Plan since 2001 to direct new development to the *Settlement Areas*. In October 2016, the *Township* completed a Growth Management Strategy (GMS) Report as a background document to the update of the Official Plan. The Report identified a

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deficiency in designated development lands and it recommended that the *Township* pursue a *Settlement Area* boundary expansion to one or more of its existing *Settlement Areas*. The basis of the recommendation was to direct growth to *Settlement Areas* where community facilities and appropriate *infrastructure* exists.

- A.3.1.2 In concert with the GMS, the *County* of Simcoe had identified that various parcels of land, which are designated Shoreline, within the *Township* be re-designated into an environmental category as part of the *County* of Simcoe's Greenlands system. The Shoreline designation permits residential and other forms of development to occur. The majority of the areas proposed by the *County* of Simcoe to proceed to an environmental land use category were based on the presence of *natural heritage features and areas*, including Significant Woodlands, Significant Valleylands, Regional Areas of Natural and Scientific Interest, and Other Wetlands two (2) hectares or larger.
- A.3.1.3 The PPS requires municipalities to make sufficient land available to meet projected needs for a time horizon of up to twenty-five (25) years. The GMS for the *Township* identified a need for an additional 171 units within the *Township* to accommodate the forecasted growth based on various factors. The GMS was based on the 2011 Census information, which was the most up-to-date information available at the time of the Report. As part of the GMS, it was determined that additional land would be required to accommodate the forecasted growth based on various factors.
- A.3.1.4 The 2011 Census identified that 11,232 people lived in the *Township*; this does not account for the seasonal population. The 2016 Census identified that this permanent population number grew to 11,787; a 5 percent increase over five years.
- A.3.1.5 The *County* of Simcoe Official Plan provides for a forecasted population for the *Township* of 12,500 to the year 2031. The *Township*, is therefore, planning for an additional permanent population of 713 people to the year 2031 or a 5.7 percent increase.
- A.3.1.6 The seasonal population also remains strong in the *Township* with approximately 50 percent of all households being seasonal. It is anticipated that seasonal growth will continue. The Provincial policies do not require that seasonal growth be planned for; however, within the *Township's* recreational context, it is prudent to do so. The *County* of Simcoe's 2016 residential land budget identified that 689 seasonal housing units will be required from 2011 to 2031.
- A.3.1.7 As is directed by the PPS, the Growth Plan directs new multiple lot development in rural areas to *Settlement Areas* but it does identify that it

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may be allowed in site-specific locations with approved zoning or designation that was in place at the inception date of the Growth Plan (June 16, 2006). However, the Growth Plan does not permit lands within key natural heritage areas to develop, including wetlands, ANSI's, significant woodlands and significant valleylands.

A.3.1.8 The *Township's* GMS identified that, with the *County* of Simcoe's proposed expansion of the *County* Greenlands designation in the Shoreline Area, there was insufficient lands in the *Township* to accommodate the forecasted growth and the *Settlement Areas* should be considered for expansion. This Plan provides for a combination of vacant *Settlement Area* lands and existing lots of record in the Shoreline to accommodate the forecasted population until such time as the *County Municipal Comprehensive Review* is completed.

A.3.1.9 Through the Growth Plan, the *Province* is directing the *County* of Simcoe to proceed to plan for forecasted population on a regional basis rather than on a municipality by municipality basis. The *County* of Simcoe, therefore, is required by the *Province* to do a regional wide *Municipal Comprehensive Review* and, firstly, direct growth to the Provincially identified Primary *Settlement Areas* (Midland/Penetanguishene, Collingwood, Alcona, Bradford and Alliston) and, secondly, to fully serviced *Settlement Areas*.

A.3.1.10 In order to properly plan for growth within the *Township* during the planning period, this Plan provides for the Shoreline designated lands to be retained in the Shoreline designation, except where appropriate to identify and protect key *natural heritage features and areas* in accordance with the *Township's* Environmental and Greenlands designations, while the Settlement boundaries remain static.

A.3.1.11 All development within the Shoreline will be evaluated in accordance with the Dynamic Beach Management By-law, the appropriate policies of this Plan, and the implementing Zoning By-law. This Official Plan recognizes the key role Dynamic Beaches play in the management of hazards and the importance of Dynamic Beach Areas from an ecological perspective and social perspective

A.3.1.12 This Official Plan recognizes that many Dynamic Beach Areas in the Township contain existing development.

A.3.1.13 The Official Plan policies protect non-developed Dynamic Beaches from development while providing a framework to carefully manage existing developed Dynamic Beach areas from future buildings, structures and incompatible uses. The approximate locations of Dynamic Beaches are identified on Appendix 1 to this Plan.

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- A.3.1.14 Dynamic Beaches will be placed in a Dynamic Beach Overlay Zone in the implementing Township Zoning By-law. The Zoning By-law will manage the development of buildings and structures including fences and retaining walls within the Dynamic Beach Overlay Zone. Within the Dynamic Beach Overlay Zone the regulations of underlying Zone will apply, along with the additional provisions of the Dynamic Beach Overlay Zone. The Limits of Dynamic Beach Overlay Zone can be modified by study without an amendment to the Zoning By-law.
- A.3.1.15 The Township may prepare a Dynamic Beach Management By-law that will apply to areas of Dynamic Beaches and areas recognized by the Dynamic Beach Overlay Zone or areas determined to be Dynamic Beaches through study.
- A.3.1.16 The primary function of the Dynamic Beach Management By-law is to manage site alteration within the Dynamic Beach Area. To this end a permit will be required for any site alteration within the Dynamic Beach Overlay or Dynamic Beach Overlay Zone. An additional function of the Dynamic Beach Management By-law will be to manage the establishment of buildings and structures, including fences and retaining walls, in the Dynamic Beach Overlay or the Dynamic Beach Overlay Zone through the issuance of permits. A permit from the Dynamic Beach Management By-law will be required prior to the establishment of any buildings or structures, including fences and retaining walls.
- A.3.1.17 The *Township* is also required to plan for forecasted employment growth. The GMS identified that there is sufficient land designated in *employment areas* to accommodate the forecasted employment to 2031 and, based on the historical absorption rates, there is sufficient employment land within the *Township* to accommodate the forecasted employment population beyond 2031.
- A.3.2 **Objectives**
- a) To restrict development adjacent to the *Settlement Areas* of Perkinsfield, Wyevale and Lafontaine to allow for consideration of a:
 - i. future minor adjustment opportunities; and,
 - ii. *Settlement Area* boundary expansion(s) upon the County of Simcoe finalizing the *Municipal Comprehensive Review*.

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- b) To maintain the Shoreline designation lands as an area to accommodate future permanent and seasonal growth in the *Township*;
- c) To ensure an orderly progression of *development*, including an efficient use of land, *infrastructure* and services;
- d) To create opportunity for employment within the *Township*; and,
- e) To encourage the development of *complete communities* within the *Settlement Areas* of Perkinsfield, Wyevale and Lafontaine.

A.3.3 **General Policies**

A.3.3.1 Development is directed to the *Settlement Areas*.

A.3.3.2 In order to ensure that future *Settlement Area* expansion opportunities are not compromised, development, including lot creation, is discouraged adjacent or in close proximity to the Perkinsfield, Wyevale or Lafontaine *Settlement Area* boundaries.

A.3.3.3 Expansion to the Shoreline and Country Residential Designations are prohibited.

A.3.4 **Density Targets**

The County of Simcoe Official Plan contains density targets that are to be considered as part of the review and evaluation of development applications that are within *Settlement Areas*.

A.3.5 **Settlement Area Boundary Expansion**

A.3.5.1 Expansions to a *Settlement Area* shall only be considered through a *Municipal Comprehensive Review* by the *County* of Simcoe. The *Municipal Comprehensive Review* will determine if the projected population and employment projections can be accommodated within the current *Settlement Area*, *Shoreline*, or *Employment Area* designations. Should it be determined that additional land is required to accommodate the projected growth, the *Township* will work closely with the *County* of Simcoe to determine the amount of land required and the appropriate location(s) to accommodate the projected growth.

A.3.5.2 Minor Adjustments may be made to the boundaries of *Settlement Areas* outside of a municipal comprehensive review in accordance with the following:

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- a) the change is minor rounding out and is in keeping with the rural character of the area; and,
- b) confirmation that water, wastewater and stormwater servicing can be provided for the long-term, with no negative impacts on water resources.

A.3.5.3 A Minor Adjustment to a Settlement Area boundary shall be considered through a County Official Plan Amendment and Township Official Plan Amendment.

A.3.5.3 *Settlement Area* expansion shall only be considered for the *Settlement Areas* of Perkinsfield, Wyevale and Lafontaine. Expansion to the existing *Settlement Areas* of Wyebridge and Toanche are not permitted.

A.3.5.4 The PPS requires municipalities to plan for growth. Between the PPS and the Growth Plan, the *Province* has identified policies which direct how growth should or shall be undertaken, including justifying the growth, form of growth and how to service for that growth, among other matters. The *Province* and the *County* of Simcoe direct growth to *Settlement Areas* with the PPS stating that the *development*, vitality and regeneration of rural *Settlement Areas* shall be promoted. These policy documents identify that the preferred form of servicing in *Settlement Areas* is full municipal services; however, *partial services* or *private services* are permitted in some circumstances. The PPS identifies that when directing *development* in rural *Settlement Areas*, consideration be given to the provision of appropriate service levels. The Growth Plan identifies that major growth is to be directed to fully serviced *Settlement Areas* and limited growth is to be directed to *Settlement Areas* with other forms of servicing. The Growth Plan does not prohibit growth in *Settlement Areas* with other forms of servicing. Servicing of *Settlement Areas* is to be financially viable. The Growth Plan further seeks to align *infrastructure* investments with growth management within the Simcoe *County* area.

A.3.5.5 The *Provincial* and *County* of Simcoe policies, therefore, permit the *development* of multiple lots on *private services* within the *Township's* Shoreline Designation, within the context of normal environmental and feasibility constraints.

A.3.5.6 Without full *Provincial* funding, development of a municipal sewage system for one or more of the partially serviced *Settlement Areas* within the *Township* is not financially viable. Given the Growth Plan population allocation for the *Township*, the amount of needed supply within the *Settlement Areas* does not provide for financially viable *private communal sewage services*. *Development* on *partial services* is potentially viable (municipal water and private sewage). The *County* of Simcoe policies also

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permit municipalities to develop servicing policies to address the scale of growth in partially serviced *Settlement Areas* in order to assess the need for full services.

- A.3.5.7 As identified in the *Township's* GMS, there is a potential option to accommodate the required permanent population outside of the *Settlement Areas*, within the existing approved Shoreline Designation lands on *private services*. This option is, however, now limited due to the expansion of the *Township's* Greenlands designation into the Shoreline Designation as a result of the natural heritage policies of the Growth Plan.

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B LAND USE DESIGNATIONS

B.1 ENVIRONMENTAL PROTECTION

B.1.1 Introduction

B.1.1.1 The Environmental Protection designation provides for the greatest protection from *development* and *site alteration* for *Provincially Significant Wetlands*. These wetlands have been identified by the *Province* and have been mapped on Schedule A to this Plan.

B.1.2 Objectives

- a) To implement the 'Environment Focused' objectives of this Plan;
- b) To identify *natural heritage features and areas* that are prohibited from *development* and *site alteration*;
- c) To maintain, restore and where possible, improve the ecological function and, biodiversity of Provincially Significant Wetlands and Provincially Significant Coastal Wetlands; and,
- d) To provide the tools to properly assess *development* applications located in close proximity to Provincially Significant Wetlands, Provincially Significant Coastal Wetlands.

B.1.3 Location

B.1.3.1 The Environmental Protection designation includes the following components of the *natural heritage system*:

- a) *Provincially Significant Wetlands*; and,
- b) *Provincially Significant Coastal Wetlands*.

B.1.3.2 Lands designated Environmental Protection are shown on Schedule A to this Plan. The individual components of the Environmental Protection designation are shown on Schedule B to this Plan. All of these areas are generally within the *County Greenlands System*.

PART B LAND USE DESIGNATIONS

B.1.4 Description of Components of the Natural Heritage System

B.1.4.1 The *natural heritage system* represents a network of Provincially Significant Wetlands, Provincially Significant Coastal Wetlands, *key natural heritage features*, *key hydrologic features*, natural areas and linkages that continue to exist after the area was settled, and the lands and waters that support the ecological functions critical to the survival of these areas. The following sections provide a description of those components of the *natural heritage system* that are within the Environmental Protection designation. It is recognized that areas outside of the Environmental Protection designation shown on Schedule A to this Plan also contribute to the health and function of the *natural heritage system*.

B.1.5 Wetlands

B.1.5.1 Wetlands are lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four types of wetlands are swamps, marshes, bogs and fens. Wetlands play a very important role in the *natural heritage system*, since they:

- a) Provide habitat for plants and animals;
- b) Store water for groundwater recharge purposes;
- c) Trap sediments, nutrients and contaminants thereby improving downstream water quality;
- d) Provide corridors for plant and animal movements; and,
- e) Provide flood control and protect shorelines from erosion.

B.1.6 Development Policies

B.1.6.1 *Development and site alteration* is not permitted within the Environmental Protection designation.

B.1.6.2 Nothing in Section B.1 (Environmental Protection) is intended to limit the ability of existing agricultural uses to continue on lands that are designated Environmental Protection.

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B.1.6.3 An Environmental Impact Study (EIS) may be undertaken to determine the accuracy of the limits of the Provincially Significant Wetland, Provincially Significant Coastal Wetland or the Environmental Protection designation.

B.1.6.4 Where an EIS has been undertaken and it has been demonstrated to the satisfaction of the Ministry of Natural Resources and Forestry that a Provincially Significant Wetland or Provincially Significant Coastal Wetland does not exist, an Official Plan Amendment shall not be required to remove these lands from the Environmental Protection Designation. In these circumstances, it must be demonstrated that the lands are not within a *Prime Agricultural Area*. Subject to this demonstration, the policies of the Rural designation shall apply.

B.1.7 **Adjacent Lands**

B.1.7.1 Adjacent lands are the lands adjacent to *natural heritage features and areas* where impacts must be considered and where the compatibility of the *development* proposal must be evaluated. For the purposes of this Plan, adjacent lands are defined as all lands within 120 metres of the Environmental Protection designation.

B.1.7.2 No *development* or *site alteration* shall be permitted on these adjacent lands unless an Environmental Impact Study (EIS) is completed and approved by the *Township*, subject to the comments of the appropriate agencies, which demonstrates that there will be no negative impact on the natural feature or their ecological functions. The scale and the contents of the EIS shall be determined at the time the *development* is proposed. The width of the adjacent lands may be increased or decreased, depending on the feature and the nature of the proposed *development*.

B.1.7.3 An appropriate *development* setback from the edge of any natural heritage feature or natural heritage area in the Environmental Protection designation shall be determined as part of the EIS required by this Section. Such a setback area may also be recognized in the implementing Zoning By-law either graphically or through the application of a setback.

B.1.8 **Implementation**

B.1.8.1 All lands in the Environmental Protection designation shall be placed in an Environmental Protection Zone in the implementing Zoning By-law.

B.1.8.2 The Environmental Protection Zone in the implementing Zoning By-law shall not permit *development* of buildings or structures, except in accordance with *provincial* and federal requirements.

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B.1.8.3 The Environmental Protection Zone in the implementing Zoning By-law shall not permit *site alteration*, except where permitted by the *Township's* Fill Control By-law.

B.1.8.4 The *Township* may apply a Site Plan Control By-law to all lands within and adjacent to the Environmental Protection designation.

B.2 GREENLANDS

B.2.1 Introduction

B.2.1.1 The Greenlands designation provides protection to *natural heritage features and areas, key natural heritage features and key hydrologic features* that are not designated Environmental Protection. Lands designated as Greenlands are mapped on Schedule A to this Plan and the individual components of the Greenlands designation are shown on Schedule B to this Plan. Not all of the identified *natural heritage features and areas, key natural heritage features and key hydrologic features* may be captured by the mapping in this Plan; however, the policies provide for their identification and protection, should these features be identified within the *Township*.

B.2.2 Objectives

- a) To implement the 'Environment Focused' objectives of this Plan;
- b) To maintain and enhance the ecological integrity of the *natural heritage system*, including linkages and related ecological functions amongst *natural heritage features and areas, key natural heritage features and key hydrologic features*;
- c) To provide the tools to properly assess *development* applications located within and in close proximity to *natural heritage features and areas, key natural heritage features and key hydrologic features*;
- d) To implement the Greenlands designation policies of the County of Simcoe Official Plan; and,
- e) To identify *natural heritage features and areas, key natural heritage features and key hydrologic features* that are restricted from development in accordance with the PPS and Growth Plan for the Greater Golden Horseshoe.

B.2.3 Component Parts

B.2.3.1 The Greenlands designation applies to components of the *natural heritage system* that are not included within the Environmental Protection

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designation. The Greenlands designation generally includes the following components of the *natural heritage system*:

- a) Other Evaluated Wetlands;
- b) Other Wetlands two (2) hectares or larger (including Coastal Wetlands that are not Provincially Significant);
- c) Significant Woodlands;
- d) Significant Valleylands;
- e) Significant Wildlife Habitat;
- f) Habitat of Endangered and *Threatened Species*;
- g) Provincially Significant *Areas of Natural and Scientific Interest*;
- h) Regionally Significant *Areas of Natural and Scientific Interest*;
- i) Portions of the Nipissing Ridge;
- j) Natural Linkages; and,
- k) *Fish Habitat*.

B.2.3.2 The limits of the Greenlands designation are considered to be approximate. Some of the features within the Greenlands designation may be significant enough to warrant their designation within the Environmental Protection designation after further study. In such cases, an amendment to Schedules A and/or B to this Plan will not be required. Such studies could be conducted by individuals/agencies and submitted to the Ministry of Natural Resources and Forestry and the *Township* for consideration.

B.2.4 **Description of the Components of the Natural Heritage System**

B.2.4.1 The *natural heritage system* represents a network of Provincially Significant Wetlands, Provincially Significant Coastal Wetlands, key *natural heritage features*, key *hydrologic features*, natural areas and linkages that continue to exist after the area was settled, and the lands and waters that support the ecological functions critical to the survival of these areas. The following sections provide a description of those components of the *natural heritage system* that are within the Greenlands designation. It is recognized that areas outside of the Greenlands shown on Schedule A to this Plan also contribute to the health and function of the *natural heritage system*.

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B.2.5 Other Evaluated Wetlands

B.2.5.1 Other Evaluated Wetlands are wetlands that are locally significant and are identified in the County Official Plan Schedules. These wetlands are identified on Schedule B to this Plan. Details about the function of wetlands can be found in Section B.1.5 (Wetlands).

B.2.6 Other Wetlands Two (2) Hectares or Larger

B.2.6.1 Other Wetlands two (2) hectares or larger are wetlands that are not locally significant and are not Provincially significant. These wetlands are identified on Schedule B to this Plan. Details about the function of wetlands can be found in Section B.1.5 (Wetlands).

B.2.6.2 Other Wetlands two (2) hectares or larger are found outside of the *Settlement Area* designation and outside of lots on registered plans of subdivision or existing lots of record within the Country Residential and Shoreline designations. This Plan recognizes that growth and *development* is directed to these areas and, based on the large area of natural heritage features, it is appropriate not to identify other wetlands two (2) hectares or larger within these areas.

B.2.7 Significant Woodlands

B.2.7.1 Significant Woodlands are woodlands that are:

- a) Ecologically important in terms of features, such as species composition, age of trees or stand history;
- b) Functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; and/or,
- c) Economically important due to site quality, species composition, or past management history.

B.2.7.2 Significant Woodlands are found outside of the *Settlement Area* and *Employment Area* designations and outside of lots on registered plans of subdivision or existing lots of record within the Country Residential and Shoreline designations. This Plan recognizes that growth and *development* is directed to these areas and based on the large area of natural heritage features, it is appropriate not to identify significant woodlands within these areas.

B.2.7.3 Significant Woodlands are identified as woodlands that are 50 hectares in size or larger and are identified on Schedule B to this Plan.

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B.2.8 Significant Valleylands

B.2.8.1 Significant Valleylands are natural areas in a valley or other landform depression that has water flowing through or standing for some period of the year. Significant Valleylands are identified on Schedule B to this Plan.

B.2.8.2 Significant Valleylands are identified based on the criteria and standards outlined in the Ministry of Natural Resources and Forestry Natural Heritage Reference Manual, which considers surface water and groundwater function, landform prominence, degree of naturalness and linkage function.

B.2.8.3 Significant Valleylands are found outside of the *Settlement Area* and *Employment Area* designations and outside of lots on registered plans of subdivision or existing lots of record within the Country Residential and Shoreline designations. This Plan recognizes that growth and *development* is directed to these areas and, based on the large area of natural heritage features, it is appropriate not to identify significant valleylands within these areas.

B.2.9 Significant Wildlife Habitat

B.2.9.1 Significant Wildlife Habitat is an area that is ecologically important in terms of features, functions, representation or amount and contributing to the quality and diversity of the area, and is identified using Provincially-defined Significant Wildlife Habitat criteria.

B.2.9.2 Significant Wildlife Habitat includes waterfowl nursery areas, deer wintering areas and other important bird areas identified using Provincially-defined Significant Wildlife Habitat criteria.

B.2.9.3 As new information becomes available, other Significant Wildlife Habitat areas may become known. This new information will be considered at the time a *development* application is submitted and when the Official Plan is reviewed.

B.2.10 Habitat of Endangered Species and Threatened Species

B.2.10.1 The *Endangered Species Act*, 2007 places a strong emphasis on science-based review and assessment of species.

B.2.10.2 Habitat of *endangered species* and *threatened species* is defined in the PPS and is generally comprised of areas that listed species depend on either directly or indirectly to carry on life processes, such as reproduction, rearing, hibernation, migration or feeding.

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B.2.10.3 These areas often exist in other *natural heritage features and areas* and are not identified on this Plan's Schedules due to their significance.

B.2.10.4 At the time of a *development* application, the presence of Habitat of *Endangered species* and *Threatened species* shall be confirmed by the applicant's environmental consultant in consultation with the Ministry of Natural Resources and Forestry and/or other applicable agencies.

B.2.11 **Provincially and Regionally Significant Areas of Natural and Scientific Interest**

B.2.11.1 Provincially and Regionally Significant *Areas of Natural and Scientific Interest* are identified on Schedule B to this Plan.

B.2.11.2 Both Earth Science and Life Science *Areas of Natural and Scientific Interest (ANSI's)* are areas of land and water containing natural landscapes or features that have been identified by the Ministry of Natural Resources and Forestry as having values related to protection, natural heritage appreciation, scientific study or education.

B.2.12 **Fish Habitat**

B.2.12.1 The majority of the shoreline along Georgian Bay is considered to be *Fish Habitat*. Some areas of inland lakes and watercourses are also considered to be *Fish Habitat*. *Fish Habitat* is comprised of the spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes. All proposed *development* and *site alteration* below the 176.96 metre C.G.D. elevation adjacent to Georgian Bay or in the water shall be subject to all applicable provincial and federal requirements.

B.2.13 **The Nipissing Ridge**

B.2.13.1 The Nipissing Ridge is a major geographical feature that extends along coastal areas of the *Township*, formed during the Nipissing phase high-water period of Lake Huron/Georgian Bay. The Nipissing Ridge is identified on Schedule B to this Plan. In the *Township*, a relatively short distance from the existing shoreline, the Ridge rises steeply in a relatively short distance from the existing shoreline. Much of the Nipissing Ridge is forested, and thus also provides natural heritage functions. In addition, the forested slopes provide stability from potentially dangerous erosion and slumping that occurs with the removal of forest cover.

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B.2.14 Dunes

B.2.14.1 Eolian (wind-blown) sand deposits, or dune complexes, occur in several forms in the *Township*. Dune complexes are found where there is an abundance of shoreline sand and prevailing winds are conducive to the transport of material through the constant movement and deposition of sand. Dune complexes range in size from large, 20 to 30 metre high stabilized systems, to low relief deposits with smaller, 2 to 3 metre high parabolic (U-shaped) dunes. Several *Areas of Natural and Scientific Interest* within the *Township* include locations where dunes are known to exist.

B.2.14.2 Natural Linkages

B.2.14.3 Natural Linkages are areas that are within the Greenland designation that are characterized by linear *natural heritage features and areas* such as streams, floodplains, steep slopes, valleys, contiguous narrow woodlands/hedgerows and wetlands that connect two or more *key natural heritage features* and *key hydrologic features* or areas.

B.2.14.4 Natural Linkages are important to the *natural heritage system*, as they:

- a) May allow for the passage of animals requiring a variety of habitats for their survival;
- b) May allow for the movement of plants and animals to other areas thereby increasing their population;
- c) May provide for hydrological linkages and movement corridors for various types of species; and,
- d) May provide for reproductive interchanges for plants and animals, thereby promoting genetic variations.

B.2.15 Other Areas Identified Through a Planning Process

B.2.15.1 These are areas of land where a detailed planning approval process has identified a natural heritage feature and/or an area or topographical feature that should be protected from *development*. Examples of such areas in the *Township* include major sand dune areas or low and wet areas that have not been classified as wetlands. The identification of new areas would only occur through the review of a *development* application requiring an amendment to this Plan or an amendment to the implementing Zoning By-law.

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B.2.16 Permitted Uses

B.2.16.1 The uses permitted on lands designated Greenlands include existing uses (legally established as of the date of adoption of this Plan), residential dwelling units (including home occupation, bed and breakfast establishment, or home industry), or uses where the use can be established in accordance with the requirements of Sections B.2.17 (Greenlands Development Policies) and B.2.18 (Greenlands Adjacent Lands) of the Plan including:

- a) Forest, fish and wildlife management;
- b) Conservation and flood or erosion control projects;
- c) Infrastructure authorized by an Environmental Assessment;
- d) Expansions to existing buildings and structures;
- e) Accessory structures and uses;
- f) Change in use of legally existing uses to a use that is more compatible with the Greenlands designation;
- g) Expansions or alterations to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses, subject to an EIS; and,
- h) Boardwalks, footbridges, fences and docks, subject to an EIS.

B.2.17 Development Policies

B.2.17.1 *Development and site alteration* is not permitted within the following *natural heritage features and area, key natural heritage features and key hydrologic features*, except for development and site alteration related to a permitted use identified in Policy B.2.16:

- a) Other Evaluated Wetlands;
- b) Other Wetlands Two (2) hectares or larger;
- c) Significant Woodlands;
- d) Significant Wildlife Habitat;
- e) Provincially Significant *Areas of Natural and Scientific Interest*;

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- f) Regionally Significant *Areas of Natural and Scientific Interest*; and,
- g) Significant Valleylands.

B.2.17.2 *Development and site alteration* is not permitted within *Fish Habitat*, except in accordance with *provincial* and federal requirements.

B.2.17.3 *Development and site alteration* is not permitted within habitat of *endangered species* and threatened species, except in accordance with provincial and federal requirements.

B.2.17.4 It is a policy of this Plan to protect the Nipissing Ridge feature from *development*, or any activity, such as tree removal, which might in anyway accelerate the natural erosion or breakdown of this feature.

B.2.17.5 In instances where Dunes exist outside of *Areas of Natural and Scientific Interest* and are identified though the completion of an EIS, the Study shall be required to evaluate the significance of the feature and whether it should be protected as part of any *development* proposal, in accordance with the information contained in the document titled, 2015 SSEA “Evaluation of Natural Heritage Conditions in the Township of Tiny”.

B.2.17.6 Where *development* is proposed in the Greenlands designation, but on lands not subject to *natural heritage features and areas, key natural heritage features and key hydrologic features* on Schedule B to this Plan, the requirement for the preparation of an EIS shall be determined in consultation with the *Township* and *County* through pre-consultation. Such a review shall consider connectivity and natural linkages that the Greenlands area may provide between *natural heritage features and areas, key natural heritage features and key hydrologic features*.

B.2.17.7 Nothing in this Section is intended to limit the ability of existing agricultural uses to continue on lands that are designated Greenlands.

B.2.17.8 Notwithstanding Section E.12 of this Plan, where an EIS is required for a use permitted in Section B.2.17, the following shall apply:

- a) Expansions or alterations to existing buildings and structures for agricultural uses, agriculture-related uses, or on-farm diversified uses, subject to an EIS – The EIS shall demonstrate that:
 - (i) there is no alternative, and the expansion or alteration in the feature is minimized and, in the vegetation protection zone, is directed away from the feature to the maximum extent possible; and,

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(ii) the impact of the expansion or alteration on the feature and its functions is minimized and mitigated to the maximum extent possible.

b) Boardwalks, footbridges, fences and docks – The EIS shall demonstrate how negative impacts are minimized.

B.2.17.9 Where an EIS has been undertaken and it has been demonstrated that *development* may proceed in accordance with the policies of this Plan, the County of Simcoe Official Plan, and applicable Provincial Policies, an Official Plan Amendment shall not be required to remove the lands from the Greenlands designation. In these circumstances, it must be demonstrated that the lands are not within a *Prime Agricultural Area*. Subject to this demonstration, the policies of the Rural designation shall apply.

B.2.17.10 An appropriate *development* setback from the edge of any feature in the Greenlands designation shall be determined as part of the EIS required by this Section. Such a setback area may be recognized in the implementing Zoning By-law either graphically or through the application of a setback.

B.2.17.11 Lots in the Greenlands designation that are in a Residential zone as of the date of adoption of this Plan are not subject to the policies of the Greenlands designation and shall be subject to the residential policies that are applicable to the Rural designation, with the exception of the residential lot creation policies in Section B.8.5.1 and B.8.5.2.

B.2.18 **Adjacent Lands**

B.2.18.1 Adjacent lands are the lands adjacent to *natural heritage features and areas* where impacts must be considered and where the compatibility of the *development* proposal must be evaluated.

B.2.18.2 For the purposes of this Official Plan, adjacent lands from *natural heritage features and areas, key natural heritage features and key hydrologic features* are defined as all lands:

a) Within 120 metres of the boundary of:

(i) Other Evaluated Wetlands;

(ii) Other Wetlands Two (2) hectares or larger;

(iii) Significant Woodlands;

(iv) Significant Valleylands;

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- (v) Significant Wildlife Habitat;
 - (vi) Provincially Significant *Areas of Natural and Scientific Interest*; and,
 - (vii) *Fish Habitat*.
- b) Within 50 metres of the boundary of a Regionally Significant Area of Natural and Scientific Interest.
- B.2.18.3 No *development* or *site alteration* shall be permitted on these adjacent lands unless an EIS is completed, subject to the comments of the appropriate agencies, which demonstrates that there will be no negative impact on the natural feature or their ecological functions.
- B.2.18.4 The scale and the contents of the required EIS shall be determined at the time the *development* is proposed. The width of the adjacent lands may be increased or decreased, depending on the feature and the nature of the proposed *development*.
- B.2.18.5 On adjacent lands, consent applications that do not result in the creation of a new lot, shall not be required to complete an EIS.
- B.2.18.6 If it is determined by a qualified biologist/ecologist that the subject property does not contain any *natural heritage features and areas, key natural heritage features and key hydrologic features* on the subject or adjacent lands that could be impacted by the proposed *development* and that the lands are not required as a connection, linkage or providing an ecological function to the *natural heritage system*, the *Township* may determine that no EIS would be required to be submitted.
- B.2.18.7 An appropriate *development* setback from the edge of any *natural heritage features and areas* in the Greenlands designation shall be determined as part of an EIS required by this Section. Such a setback area may be recognized in the implementing Zoning By-law.
- B.2.18.8 Only *development* applications for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision and Consent (only where new lot creation is proposed) within 120 metres of *Fish Habitat* shall require the preparation of an EIS.

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B.2.19 **Implementation**

B.2.19.1 Lands within the Greenlands Designation will be placed in an appropriate zone in the implementing Zoning By-law to ensure only those uses permitted by this Plan shall be permitted.

B.2.20 **Exceptions**

B.2.20.1 Greenlands Exception
Part of Lot 22, Concession 20 West

Notwithstanding any other provision of this Plan, the Greenlands Exception area can be created by consent as a separate residential lot from the original subject property being Part of Lot 22, Concession 20 West. The new waterfront lot shall be subject to Site Plan Control

B.3 SETTLEMENT AREA

B.3.1 **Introduction**

B.3.1.1 There are five *Settlement Areas* within the *Township*, which are Perkinsfield, Wyevale, Lafontaine, Wyebridge and Toanche. Perkinsfield, Wyevale and Lafontaine have municipal water systems. Lands designated Settlement Area are mapped on Schedule A to this Plan and the *Settlement Area* boundaries are mapped on all of the Official Plan Schedules and Appendices.

The five *Settlement Areas* are defined as *Rural Settlements* in the Growth Plan.

NOTE:

Non-Decision Lands within and abutting the Settlement Area Boundaries of Perkinsfield, Wyevale, Lafontaine, Wyebridge and Toanche are identified on Schedules A-E and Appendices 1-5 of this Plan. The County's non-decision relates to both the land use designation and the Settlement Area Boundary as it applies to these Non-Decision Lands. These areas of non-decision indicate interim mapping, where the designation of the 2001 Township Official Plan shall remain applicable, however, the policies of this Plan shall apply. Following the process and approval of a County initiated Official Plan amendment that will correct and clarify these Settlement Area Boundaries on Schedule 5.1 Land Use Designation to the County Official Plan, County Planning Staff will bring forward a recommendation to approve appropriate land use designations and settlement area boundaries for these Non-Decision Lands on the Township's Official Plan Schedules A-E and Appendices 1-5 that are in conformity with the County Official Plan.

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B.3.1.2 Perkinsfield, Wyevale and Lafontaine are the largest geographic *Settlement Areas*. Collectively, they host schools, fire stations, various recreational areas, including parks, and commercial and employment uses. It is a policy of this Plan that these communities contain a mix of land uses and will be the focus of *development*.

B.3.1.3 Wyebridge and Toanche are smaller *Settlement Areas* with limited services.

B.3.2 Objectives

- a) To maintain and create attractive communities with suitable amenities;
- b) To encourage the *development* of additional commercial uses where they are compatible with nearby uses and can be supported by rural service levels in the settlements of Perkinsfield, Wyevale and Lafontaine;
- c) To ensure that *Settlement Areas* are developed in a logical and cost-effective manner;
- d) To ensure that all new *development* contributes to the character of the settlement and the *Township*;
- e) To encourage the *development* of Perkinsfield, Wyevale and Lafontaine as *complete communities*;
- f) To direct growth to *Settlement Areas*, except as otherwise permitted in this Plan; and,
- g) To direct the majority of new development for industrial, office and other employment uses to the *Settlement Areas of Perkinsfield, Wyevale and Lafontaine and the Township's Employment Area*.

B.3.3 Permitted Uses

B.3.3.1 The uses permitted on lands designated Settlement Area include:

- a) Low density residential uses;
- b) Garden Suites and Second Units (as per the policies of D.10);
- c) Housing for older persons (as per the Policies of D.11);

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- d) Group homes;
- e) Small scale commercial uses;
- f) Institutional uses such as schools, emergency service stations, places of worship, community centres, libraries and similar uses;
- g) Bed and breakfast establishments (as per the policies of D.12);
- h) Public parks, open space areas and trails;
- i) Home occupations and community gardens; and,
- j) Legally existing small scale industrial uses.

B.3.3.2 Additional Permitted uses in Perkinsfield, Wyevale and Lafontaine include:

- a) Multi-unit residential;
- b) Mixed use developments;
- c) Small scale industrial development in the form of repair garages, warehouses, contractors yards, workshops or manufacturing and/or fabrication plants; and,
- d) Accommodation facilities such as hotels and motels.

B.3.4 **General Policies**

B.3.4.1 There is a hierarchy of *Settlement Areas* within the Township with Perkinsfield, Wyevale and Lafontaine being the Major *Settlement Areas* and Wyebridge and Toanche being the Minor *Settlement Areas*.

B.3.4.2 The Major *Settlement Areas* shall be the focus for *development* and these communities will strive to develop as *complete communities*.

B.3.4.3 The Minor *Settlement Areas* will continue to develop with a limited amount of *development* as low service and low density communities.

B.3.4.4 A *Settlement Area* boundary expansion is the responsibility of the *County* of Simcoe. *Settlement Area* boundary expansions shall proceed through an amendment to the *County* of Simcoe Official Plan as part of a *Municipal Comprehensive Review* as well as an amendment to this Plan as outlined in Section A.3 (Growth Management) in this Plan. Alternatively, minor

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adjustments may be considered in advance of the *Municipal Comprehensive Review* as per Section A.3.5.2 of this Plan.

- B.3.4.5 Settlement boundary expansion is not permitted for Toanche and Wyebridge.
- B.3.4.6 Boundary expansions to the Major or Minor *Settlement Areas* for legal or technical reasons or for minor adjustments that do not result in lot development is permitted without a *County Municipal Comprehensive Review* but does require an amendment to this Plan.
- B.3.4.7 Development within *Settlement Areas* will be subject to the applicable policies of this Plan including but not limited to Natural Heritage, Source Water Protection, Transportation, Sewage, Water and Stormwater Management.
- B.3.4.8 The controlled development of vacant land within *Settlement Areas* shall generally take place by plan of subdivision.
- B.3.4.9 Consideration of a trail system and trail linkages within new development proposals shall be considered and accommodated where appropriate.
- B.3.4.10 Retention of natural vegetation, where appropriate and feasible, shall be considered when reviewing any *development* application.
- B.3.4.11 The grouping of Institutional or public uses is encouraged where the sharing of uses would benefit the community or the *Township*.
- B.3.4.12 *Development*, including lot creation, is discouraged outside of but adjacent or in close proximity to Perkinsfield, Wyevale and Lafontaine in order to enable the efficient expansion of the *Township's Settlement Areas* when required.
- B.3.4.13 The establishment of new *Settlement Areas* shall be prohibited.

B.3.5 **Development Policies**

B.3.5.1 **Settlement Area Design**

- B.3.5.1.1 It is a policy of this Plan that the scale and location of new development in the settlements maintain and/or enhance the character of the *Settlement Area*. This will be accomplished by encouraging:
 - a) All new roads to blend into the character of the existing road pattern established within the *Settlement Area*;

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- b) All new and upgraded roads within the *Settlement Area* are to emphasize active transportation through the use of widened shoulders, bicycle lanes, abutting trails and/or sidewalks, as appropriate; and,
- c) The preservation and enhancement of historic features that exist in each *Settlement Area*.

B.3.5.2 Multi-Unit Residential Development

B.3.5.2.1 Multi-unit residential development shall consist of small scale apartments, semi-detached units, townhouses, and stacked housing structures or similar types of structures.

B.3.5.2.2 New multi-unit residential development may be permitted by the Township subject to approval of a Zoning By-law Amendment, other applicable policies of this Plan, and subject to the following:

- a) Multi-unit residential development shall be supported by water and sewage services that are appropriate for the form and type of *development* proposed and is to conform to the Servicing policies of this Plan;
- b) The built form and orientation of structures for multi-unit residential purposes shall be considerate of adjacent residential building types and orientation;
- c) Appropriate buffering and setbacks to neighbouring residential uses is required;
- d) Multi-unit residential uses shall provide adequate off-street parking and consideration shall be given to provision of bicycle racks;
- e) Traffic is appropriately addressed;
- f) Drainage is appropriately addressed; and,
- g) Vehicular access points shall be limited.

B.3.5.2.3 Large scale multi-unit developments are encouraged to:

- a) Locate where direct access to a major public road is available;

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- b) Locate close to public open space or alternatively shall provide adequate on-site outdoor recreational facilities; and,
- c) Locate in close proximity to commercial facilities and/or schools.

B.3.5.2.4 Multi-lot or multi-unit development proposals by plan of subdivision or condominium should include active transportation routes both internally and linkage to external routes and public areas. These elements may include but not be limited to sidewalks, trails and bicycle paths. Dedication of land for trails will be in accordance with the Planning Act.

B.3.5.2.5 Multi-unit development is subject to Site Plan Control excluding semi-detached and duplex dwellings.

B.3.5.2.6 For the purposes of this policy, multi-unit residential development is not considered a Garden Suite or residential Second Unit.

B.3.6 **Mixed-Use Development**

B.3.6.1 Commercial development may be permitted in the same building as residential development in the following circumstances:

- a) On the ground floor in the form of an owner or caretaker's residence; or,
- b) On upper floors from ground floor commercial for single or multi-unit residential development.

B.3.6.2 Mixed-use commercial with multi-unit residential development is only permitted in the *Settlement Areas* of Perkinsfield, Wyevale and Lafontaine.

B.3.7 **Commercial and Industrial Development Policies**

B.3.7.1 New Commercial and Industrial development may be permitted, subject to approval of a Zoning By-law Amendment. Such uses shall be developed in accordance with the applicable policies of this Plan as well as the following:

- a) Be at a scale that conforms to the character of the applicable *Settlement Area*;
- b) Is appropriate for the available water and sewage services available to the site;
- c) Traffic is appropriately addressed;
- d) Drainage is appropriately addressed;

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- e) Provide for adequate off-street parking and loading on the same lot as the permitted use. Consideration shall be given to the provision of bicycle racks;
- f) Provide for appropriate buffers and landscaping between the permitted use and institutional, recreational and residential uses;
- g) Provide that any required lighting shall be consistent with dark sky lighting principles and shall not flood adjacent properties with light;
- h) Provide for appropriate façade treatments which are compatible with the character of the neighbourhood;
- i) Provide for appropriate landscaping, including abutting any main transportation routes such as *Provincial Highways* and *County Roads*; and,
- j) Outdoor storage shall be appropriately screened and where appropriate, located at the rear of buildings.

B.3.7.2 New Commercial and Industrial uses are not permitted to be located in a predominately residential area and are encouraged to cluster near other Commercial or Industrial uses.

B.3.7.3 The *Township* may require the completion of various studies to determine the compatibility or appropriateness of a new commercial or industrial use.

B.3.7.4 Zoning of commercial lands to permit a new non-commercial or industrial use is discouraged. The *Township* may require a market study or needs analysis to determine if the rezoning of the commercial property can be supported.

B.3.7.5 Industrial uses are required to meet any regulatory guideline or policy, including those related to noise, emissions or vibrations.

B.3.7.6 New industrial and commercial development within the *Settlement Area* is subject to Site Plan Control.

B.3.8 Institutional Development

B.3.8.1 Institutional development may be permitted within the *Settlement Area* boundary. New large scale institutional uses may be required to demonstrate compatibility with surrounding or neighbourhood land uses.

B.3.8.2 Institutional uses may be subject to Site Plan Control.

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B.3.9 Land Division

B.3.9.1 Land Division is subject to the policies of this Plan, including the general Consent and Subdivision and Condominium policies of Sections D.7 (Consents) and D.8 (Subdivision and Condominium).

B.3.10 Plan of Subdivision Development

B.3.10.1 Prior to the consideration of an application for Plan of Subdivision, the *Township* shall be satisfied that the proposed Plan of Subdivision is of a scale and density that is compatible with existing development in the area.

B.3.11 New Residential Lots by Consent

B.3.11.1 The creation of new lots for a residential use by consent to sever is permitted, provided a Plan of Subdivision is not required in accordance with Section D.8 (Subdivision and Condominium).

B.3.12 Major Township Parks in the Settlement Areas

B.3.12.1 It is a policy of this Plan that the Major *Township* Parks in the *Settlement Area* will continue to provide a wide range of recreational opportunities for the *Township's* residents. It is also a policy of this Plan that, before any major changes to the facilities or the level of service in each of the Parks are made, a Park Master Plan be prepared to review the current and proposed functions of the Park and the type and scale of the improvements required to ensure that the Park meets the community's needs and is cost-effective to operate.

B.3.13 Implementing Zoning By-Law

B.3.13.1 Lands that are used for residential purposes shall be placed in a Residential Zone in the Implementing Zoning By-law. Lands that are used for non-residential uses shall be placed in appropriate zones that recognize the use.

B.3.13.2 All large tracts of undeveloped land that are designated *Settlement Area* shall be placed in a Future Development Zone. Permitted uses in this zone shall be restricted to uses that existed on the date the Implementing Zoning By-law comes into effect.

B.4 SHORELINE

B.4.1 Introduction

B.4.1.1 The Shoreline designation is the historic recreational area of the *Township* supporting cottage properties. The Shoreline designation has maintained this cottage area function and character but has evolved to accommodate permanent residential development in the form of new residential units and conversion of existing cottages. The Shoreline designation has limited commercial development, diverse geography and has a different character from the other developed areas of the *Township*. Lands designated as Shoreline are mapped on Schedule A to this Plan.

B.4.2 Objectives

- a) To ensure that the scale of new development is consistent with the scale and character of this predominantly residential area;
- b) To ensure that the impacts of new development on the *natural heritage features and areas*, vegetation and groundwater resources in the area are minimized;
- c) To ensure that new development on the undeveloped lands in the *Shoreline* designation is properly serviced by appropriate *sewage and water services*;
- d) To ensure that all existing sewage systems are upgraded wherever possible;
- e) To encourage improvements to the *infrastructure* in the *Shoreline* designation;
- f) To minimize the negative impact of public use in the *Shoreline* designation on the environment and adjacent residential areas;
- g) To minimize the negative impact of any new development near the shores of Georgian Bay and Farlain Lake on the quality of those lakes.
- h) To manage development and shoreline alteration in the Shoreline designation related to the Georgian Bay shoreline in accordance with the Dynamic Beach Management By-law and the appropriate policies of this Plan.

B.4.3 Permitted Uses

PART B LAND USE DESIGNATIONS

B.4.3.1 The uses permitted on lands designated Shoreline include single detached dwellings, Garden Suites (as per the policies of D.10), bed and breakfast establishments (as per the policies of D.12), small scale office and commercial uses, public and private community parks, public and private beaches, home occupations, small scale institutional uses, and legally existing multi-unit residential development and multiple residential development as of the date of the adoption of this Plan.

B.4.4 Residential Development Policies

B.4.4.1 The establishment of new Shoreline Areas or expansion of the Shoreline designation shall be prohibited.

B.4.4.2 *Development* on Private Roads is not permitted, except in accordance with the Transportation Policies of Section D.3 (Transportation) of this Plan.

B.4.4.3 Given the inability of the *Township* to provide municipal services to lands on Giant's Tomb Island, the residential lots on Giant's Tomb shall be placed in a Limited Service Residential Zone.

B.4.4.4 Retention of natural vegetation, where appropriate and feasible, shall be considered when reviewing any *development* application.

B.4.5 Land Division

B.4.5.1 Land Division is subject to the policies of this Plan including the general Consent and Subdivision and Condominium policies of Sections D.7 (Consents) and D.8 (Subdivision and Condominium).

B.4.6 Plan of Subdivision Development

B.4.6.1 Prior to the consideration of an application for Plan of Subdivision, the *Township* shall be satisfied that:

- a) The proposed Plan of Subdivision is of a scale and density that is compatible with existing development in the area; and,
- b) The proposed development will enhance or maintain the character of the area.

B.4.7 New Residential Lots by Consent, Lot Additions and Other Means

B.4.7.1 The creation of new lots for residential use by consent to sever is permitted, provided a Plan of Subdivision is not required in accordance with Section D.6.2. It is a policy of this Plan that new lots created by Consent or by Plan of Subdivision generally have a minimum lot area of 4,000 square metres.

PART B LAND USE DESIGNATIONS

B.4.7.2 There are a large number of vacant existing lots of record in the Shoreline designation that may be too small to support development on *private services*. It is a policy of this Plan to encourage the consolidation of these lots with adjoining lots to create a larger, more sustainable lot.

B.4.7.3 Additions to existing lots that have the effect of increasing the size of undersized existing lots of record is encouraged. Lots that are made larger in this manner shall be deemed to comply with the lot frontage and lot area requirements of the implementing Zoning By-law and shall not be subject to a minor variance. This policy also applies to new lots that are created as a result of the merging of two or more lots in an existing Plan of Subdivision.

B.4.7.4 Additions to existing lots that are vacant shall comply with the policies of Section D.1.3 (Preferred Means of Servicing).

B.4.7.5 The creation of new lots for residential purposes shall also comply with Section D.7 (Consents) of this Plan.

B.4.8 Multi-Unit Residential Development and Multiple Residential Development

B.4.8.1 Only legally existing multi-unit residential development as of the date of the adoption of this Plan is permitted.

B.4.8.2 Expansion to legally existing multi-unit residential development may be permitted, subject to the applicable policies of this Plan and the following:

- a) The expansion is small in scale;
- b) The built form shall be compatible with adjacent uses and structures;
- c) Appropriate buffering and setback to adjacent uses is provided;
- d) The servicing policies of this Plan are conformed with;
- e) Traffic is adequately addressed; and,
- f) Drainage is adequately addressed.

B.4.8.3 A rezoning and site plan approval may be required for the expansion.

B.4.8.4 For the purposes of this policy, multi-unit residential development is not considered a Garden Suite or a Second Unit as per Policy D.10 in this Plan.

PART B LAND USE DESIGNATIONS

B.4.8.5 New multiple residential development is not permitted. For the purpose of this Plan, multiple residential development is more than one residential unit located on one lot, which includes but is not limited to, cottage courts, but excludes multi-unit buildings and condominium units on one lot. Notwithstanding this, existing multiple residential development as per the date of the adoption of this Plan is permitted. In this context, existing means legally permitted and physically established.

B.4.8.6 Lands hosting existing multi-unit residential development and multiple residential development shall be placed in an appropriate zone to recognize their historic use.

B.4.9 **Shoreline Commercial Development Policies**

B.4.9.1 The main commercial area in the Shoreline designation is the Balm Beach community. There is a historical and unique relationship between the commercial area and residential areas of Balm Beach. New commercial uses, including tourist commercial uses that serve the wider region, are encouraged to locate in the Balm Beach area. Limited and small scale commercial and convenience commercial uses may locate outside of the Balm Beach area.

B.4.9.2 All new commercial uses, not currently permitted in the *Township's* implementing Zoning By-law, shall proceed by way of a Zoning By-law Amendment and shall be subject to Site Plan Control. Before considering an amendment to the implementing Zoning By-law in the Shoreline designation, the Township shall be satisfied that:

- a) The use serves the needs of the residents or visitors of the Shoreline area and is not more suitably located in a *Settlement Area*;
- b) The proposed use is compatible with the character of the Shoreline area;
- c) Adequate parking and loading facilities can be provided on site;
- d) Adequate buffering and landscaping shall be provided;
- e) Traffic is adequately addressed;
- f) Drainage is adequately addressed; and
- g) The proposed use can be serviced with an appropriate water supply and means of sewage disposal.

B.4.10 **Marinas**

PART B LAND USE DESIGNATIONS

B.4.10.1 Only marinas that are zoned for the use as of the date of adoption of this Plan are permitted in the Shoreline designation. Expansion to an existing marina zone boundary shall require an amendment to the Official Plan and shall only be considered if the following policies can be met:

- a) The expansion is compatible with the surrounding uses and with the character of the shoreline area;
- b) The expansion can be serviced with an appropriate water supply and means of sewage disposal;
- c) Traffic is adequately addressed;
- d) Adequate buffering and landscaping shall be provided;
- e) Drainage is adequately addressed; and,
- f) Adequate parking and loading facilities can be provided on site.

B.4.11 **Township Beach Parks with Master Plans/Management Plans**

B.4.11.1 There are five Beach Parks in the Shoreline designation that have Master Plans or Management Plans. These parks include Woodland Beach Park, Bluewater Beach Park, Jackson Beach Park, Balm Beach Park and Lafontaine Beach Park.

B.4.11.2 Park Master Plans or Management Plans have been prepared for each of these Parks to ensure that they are effectively planned and managed to both accommodate, public use and, to minimize use impacts on the environment and adjacent residential communities. Given the environment focused objectives of this Plan, the development of additional parking areas, facilities and other *infrastructure* to support these Parks should be carried out in a manner that ensures that the natural features and functions of these Parks are protected and/or enhanced.

B.4.11.3 All development and activity within each beach park with a Master Plan or Management Plan (including Environmental Restoration Plans) shall be developed in conformity with the applicable approved Plan. If the Park Master Plans or Management Plans (including Environmental Restoration Plans) identify areas for environmental protection, then the Greenlands policies of this Official Plan shall apply to those areas.

B.4.12 **Community Beach Parks and Road Allowances in the Shoreline Area**

PART B LAND USE DESIGNATIONS

B.4.12.1 In addition to the Beach Parks (as described in Section B.4.11), there are a number of other *Township*-owned beaches that are used for recreational purposes adjacent to Georgian Bay. These include smaller community beaches and road allowances accessing Georgian Bay. These areas are intended to be used on a low intensity basis by all Township residents.

B.4.13 **Implementing Zoning By-law**

B.4.13.1 Lands that are used for residential purposes shall be placed in a Residential Zone. Lands that are used for non-residential uses shall be placed in appropriate zones that recognize the use.

B.4.13.2 Lands that are accessed by a private road shall be placed in a Limited Service Residential Zone in accordance with Section D.3.11 (Development on Private Roads). The residential lots on Giant's Tomb Island shall also be placed in this zone to reflect the inability of the *Township* to provide services to Giant's Tomb Island.

B.4.13.3 All large tracts of undeveloped land that are designated Shoreline and that are not part of the Environmental Protection designation or Greenlands designation shall be placed in a Future Development Zone. Permitted uses in this zone shall be restricted to uses that legally existed on the date the implementing Zoning By-law comes into effect.

B.4.13.4 The implementing Zoning By-law may establish zone provisions in the Shoreline Designation to limit the height, width, massing and lot coverage of structures in order to limit built form and to ensure that the character of the area is maintained.

B.4.14 Dynamic Beach Overlay Area Development Policies

B.4.14.1 Lands within the Dynamic Beach Overlay Area shall be subject to a Dynamic Beach Management By-law and the policies of this Section in addition to all policies of this Plan.

B.4.14.2 Prior to any proposed buildings or structure, including fences and retaining walks, or site alteration on lands within the Dynamic Beach Overlay Area, the proponent shall satisfy the provisions of the Dynamic Beach Management By-law and be issued a permit by the Township of Tiny for the proposed works.

B.4.14.3 Notwithstanding any other section of this Plan, prior to the approval of any proposed development on lands within the Dynamic Beach Overlay Area, the proponent shall demonstrate conformity with the policies of this Section and obtain approval from the Township of Tiny.

PART B LAND USE DESIGNATIONS

B.4.14.4 In considering uses, buildings, structures or site alteration within the Dynamic Beach Overlay Area or Dynamic Beach Overlay Zone, the following shall be considered:

- a) Public access to the shoreline shall not be impacted.
- b) Dynamic movement of sand to and from neighbouring lots shall not be impacted.
- c) Opportunities shall be explored and implemented to revegetate, naturalize and stabilize lands between dwellings and the shoreline
- d) Potential impacts to public health and safety shall be avoided or where appropriate, mitigated.

B.5 COUNTRY RESIDENTIAL

B.5.1 Introduction

B.5.1.1 The Country Residential designation is a historical designation that allowed for the development of rural estate type residential development. New Country Residential development has not been permitted in the *Township* for some time in accordance with *Provincial* policy. The policies within this Plan are intended to provide for a planning framework to recognize the existing subdivision development within the Country Residential lands within the *Township*. Lands designated as Country Residential are mapped on Schedule A to this Plan.

B.5.1.2 The expansion of the Country Residential designation shall be prohibited.

B.5.2 Objectives

- a) To recognize the existing Country Residential developments in the *Township*.

B.5.3 Permitted Uses

B.5.3.1 Permitted uses on lands designated Country Residential are limited to single detached dwellings, home occupations, public parks, bed and breakfast establishments (as per the policies of D.12), Garden Suites and Second Units (as per the policies of D.10).

B.5.4 Development Policies

B.5.4.1 Lot creation in the Country Residential designation is not permitted.

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B.5.4.2 Servicing of lands designated Country Residential shall be subject to the servicing policies of Section D.1 (Water and Sewage Servicing) of this Plan.

B.5.4.3 Retention of natural vegetation, where appropriate and feasible, shall be considered when reviewing any *development* application.

B.5.5 **Implementing Zoning By-Law**

B.5.5.1 Lands designated Country Residential shall be placed in a Country Residential Zone or a zone that reflects a legally existing land use or a use permitted in the *Township's* implementing Zoning By-law.

B.6 **EMPLOYMENT AREA**

B.6.1 **Introduction**

B.6.1.1 The *Township* has two sole *employment areas* which are lands located in relation to the Huronia Airport and the *Township's* Public Works Yard lands on Concession 9 East. Lands designated as *Employment Area* are mapped on Schedule A to this Plan. There are various other areas that the *Township* provides policies for planning for employment uses; however, they do not form part of the *Employment Area* designation and are, thus, primarily subject to other policies of this Plan.

B.6.2 **Objectives**

- a) To provide lands for the creation of employment opportunities at appropriate locations;
- b) To ensure that the design of new industrial development is sensitive to the rural character of the Township;
- c) To ensure that new industrial development occurs in an orderly manner and is serviced with appropriate sewage and water services;
- d) To encourage the growth and development of the Huronia Airport in the regional economy;
- e) To protect the existing *Employment Areas* of the *Township*; and,
- f) To direct the majority of new development for industrial, office and other employment uses to the Settlement Areas of Perkinsfield, Wyevale and Lafontaine and the *Township's Employment Area*.

B.6.3 **Permitted Uses**

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B.6.3.1 The uses permitted on lands designated *Employment Area* include manufacturing, assembly, processing, fabrication, storage and/or warehousing uses, and research establishments, wholesaling establishments, offices and similar uses. Other permitted uses include *wayside pits* and *quarries* and *portable asphalt plants* for road works in the area where road work is occurring. No amendment to this Plan or to the implementing Zoning By-law shall be required for a *wayside pit* and *quarry* or a *portable asphalt plant*.

B.6.3.2 Permitted accessory uses include commercial uses that are small-scale and are supportive of the *Employment Area* including accessory retail to a permitted use.

B.6.3.3 Major retail uses are not permitted.

B.6.4 Development Policies

B.6.4.1 Minor expansions to the *Employment Area* designation may only be permitted if necessary to support the immediate needs of existing businesses and shall subject to the following policies:

- a) If for a new business, there is a demonstrated need for the expansion, and the traffic can be accommodated;
- b) If for an existing business, the expansion is minor in nature;
- c) Appropriate *sewage and water services* can be provided in accordance with the policies of this Plan;
- d) The use proposed for the expansion is compatible with the surrounding uses;
- e) An expansion to the *Employment Area* adjacent to the Huronia Airport is not permitted if it results in a conflict with the aviation operation of the airport by means of building or structure height, emissions, steam, or glare, the construction of habitat such as landscaping or stormwater management ponds which would encourage birds hazardous to the aviation sector to congregate in the area;
- f) No expansion is permitted into the Agricultural or Environmental Protection designations;
- g) Any expansion would be subject to Site Plan Control; and,
- h) An amendment to the Official Plan and Zoning By-law is required.

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B.6.4.2 Prior to considering an application for a Zoning By-law Amendment and/or Site Plan approval, the *Township* shall be satisfied that:

- a) Adequate parking and loading facilities are provided on the site;
- b) The proposed buildings are designed to blend in with their surroundings and with other buildings in the area;
- c) The proposed buildings or structures on untreed sites incorporate landscaping to enhance the site and surrounding area;
- d) Outdoor storage areas are substantially screened from view from passing traffic and are generally not permitted to locate in the front yard;
- e) The proposed use can be serviced with an appropriate water supply and means of sewage disposal;
- f) Where a proposed use abuts or is in close proximity to an existing residential use, fencing, landscaping, berming or a combination of these features are utilized to ensure that there is adequate screening between the uses;
- g) The new use would be required to meet any applicable guidelines for industrial uses and separation distance as well as requirements for odour, noise and vibration.

B.6.5 **Conversion of Employment Lands**

B.6.5.1 Conversion of lands from *Employment Area* to a non-employment use shall be considered through a *County Municipal Comprehensive Review* and would require an amendment to this Plan.

B.6.5.2 Notwithstanding the above, employment land conversions may be considered by the Township to remove lands from an *Employment Area* designation, in advance of the *Municipal Comprehensive Review*, provided the following criteria be demonstrated:

- i) There is a need for the conversion;
- ii) The employment lands are not required over the horizon of this Plan;

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- iii) The Township will meet the employment forecasts and maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan; and,
- iv) The conversion will not adversely affect the overall viability of the *Employment Area*.

B.6.6 Implementing Zoning By-Law

- B.6.6.1 All lands within the *Employment Area* designation shall be placed in an appropriate Employment Zone in the implementing Zoning By-law. Lands adjacent to Huronia Airport may be subject to height restrictions in the implementing Zoning By-law.

B.7 AGRICULTURAL

B.7.1 Introduction

- B.7.1.1 The Agricultural areas of the *Township* provide an important historical, character and economic base within the *Township*. The policies of this Plan provide for the protection and support of the agricultural sector in the *Township*. Lands designated as Agricultural are mapped on Schedule A to this Plan.

B.7.2 Objectives

- a) To maintain and preserve the agricultural resource base of the *Township*;
- b) To protect land suitable for agricultural production from *development* and land uses unrelated to agriculture, *agriculture-related uses* or *on-farm diversified uses*;
- c) To promote the agricultural industry and associated activities and enhance their capacity to contribute to the economy of the *Township*;
- d) To grow the *agri-tourism* sector;
- e) To preserve and promote the agricultural character of the *Township*;
- f) To provide opportunities for *agriculture-related uses* and *on-farm diversified uses*;

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- g) To minimize land use conflicts and require new land uses and new or expanding livestock facilities to comply with the *Minimum Distance Separation Formulae* where applicable; and,
- h) To protect *Prime Agricultural Areas* for long-term agricultural and related uses.

B.7.3 Permitted Uses

B.7.3.1 The uses permitted on lands designated Agricultural include all forms of agricultural uses, which include but are not limited to the growing of agricultural products, the raising of animals, birds and fish, for food, fur or fiber, and also includes trees for harvesting and turf-grass, *agriculture-related uses* and *on-farm diversified uses*. Additional uses which are an exception to the Agricultural designation may also be permitted as per the policies of B.7.10 of this Plan.

B.7.3.2 Permitted accessory uses include single detached, semi-detached and duplex dwellings, accommodation for on-farm labour, Garden Suites and Second Units (as per the policies of D.10), bed and breakfast establishments (as per the policies of D.12) and seasonal produce stands.

B.7.3.3 Uses permitted on lots which existed prior to the adoption of this Plan are not subject to the *Province's Minimum Distance Separation Formulae*.

B.7.4 Development Policies

B.7.4.1 *Development* on lands designated Agricultural should be designed and sited to minimize any adverse impact to the agricultural use of the property and surrounding agricultural properties.

B.7.4.2 Outside of *Settlement Areas*, land use compatibility between agricultural and non-agricultural uses are to be achieved by avoiding adverse impacts on the *agricultural system*. Where avoidance is not possible, minimizing and mitigating adverse impacts shall be required by the non-agricultural use.

B.7.4.3 *Agriculture-related uses* may utilize large tracts of land, while *on-farm diversified uses* are limited in area to generally no more than 2 percent of the lot area to a maximum of 1.0 hectare.

B.7.4.4 The re-use or repurposing of existing buildings for *agriculture-related uses* or *on-farm diversified uses* is encouraged.

B.7.4.5 The development of *agriculture-related uses*, and/or *on-farm diversified uses*, are subject to the following development policies:

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- a) Surrounding agricultural operations are not impaired or inconvenienced;
- b) The proposed use shall be appropriate to the rural service level available, including road access, water and waste water, and fire protection service;
- c) The lot size is adequate for the use and shall be limited to the minimum area required for the use, including any required parking, buffering and landscaping;
- d) Traffic is appropriately addressed;
- e) The proposed use is compatible with surrounding uses;
- f) The proposed use can be buffered from adjacent residential uses where appropriate;
- g) All required permits from other applicable agencies are obtained or are available;
- h) The cumulative impact of the proposed use in relation to other *agriculture-related uses* and/or *on-farm diversified uses* in the area will be evaluated to ensure that the agriculture nature of the area is not impaired;
- i) The use may be required to be site specifically zoned within the *Township's* implementing Zoning By-law; and,
- j) The use may be subject to Site Plan Control.

B.7.5 Commercial Dog Kennels

B.7.5.1 Commercial dog kennels may be permitted in the Agricultural designation as an *on-farm diversified use*, subject to an amendment to the implementing Zoning By-law. Before considering such an amendment, the *Township* shall be satisfied that:

- e) The size of the proposed dog kennel is appropriate for the area;
- f) The building housing the dog kennel is set back an appropriate distance from lot lines;
- g) The noise emanating from the kennel will not have an adverse impact on the enjoyment of adjacent properties; and,

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- h) A concentration of dog kennels does not already exist in the general vicinity of the proposed kennel.

B.7.5.2 A new dog kennel may also be subject to Site Plan Control to address issues such as buffering, the location and size of buildings and landscaping to minimize the impact of the use on adjacent land uses.

B.7.6 Temporary Uses

B.7.6.1 Temporary uses, as part of an *on-farm diversified use* may be permitted through a Temporary Use By-law and as outlined in this Plan. This includes but is not limited to an event being temporary in nature and is either a onetime use or is held infrequently and is also subject to the following development policies:

- a) Is limited in area and displaces little to no agricultural land;
- b) Any displaced agricultural land is immediately returned to agricultural production or use;
- c) Requires no re-grading or drainage changes;
- d) Any impact to the agricultural land is remedied such as compaction;
- e) No permanent structures are constructed;
- f) Off-site impacts, such as traffic, are limited;
- g) All applicable permits or other criteria is met, for example criteria under the Building Code and/or Fire Code; and,
- h) Does not require any special services from the *Township*, unless otherwise agreed to by the *Township*.

B.7.7 Accommodation for On-Farm Labour

B.7.7.1 Residential units for on-farm labour may be permitted subject to an amendment to the implementing Zoning By-law. Before considering such an amendment, the Township shall be satisfied that:

- a) There is a demonstrated need;
- b) The residential unit(s) may be stand-alone units or contained within an existing structure;

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- c) The residential unit(s) are accessed by the existing residential or farm driveway;
- d) Appropriate sewage, water, drainage and transportation matters have been appropriately addressed; and,
- e) The site is zoned to permit the applicable number of units and the use is restricted to farm help.

B.7.7.2 The implementing Zoning By-law shall identify that the residential unit cannot be severed including as a residential unit surplus to an existing farm dwelling.

B.7.8 **The Creation of New Residential Lots**

B.7.8.1 In accordance with the intent of this Plan to maintain and protect the agricultural resources of the *Township*, the creation of new lots for residential purposes shall generally not be permitted, as this Plan directs all new residential growth to *Settlement Areas* or existing vacant building lots.

B.7.8.2 New residential lots shall only be permitted if an existing residence is surplus to a farming operation as a result of a *farm consolidation*. The following criteria must also be satisfied:

- a) The new lot is limited in size to accommodate the residential use, including *sewage and water services*, and shall generally be no larger than 1.0 hectare in area. The Township shall zone the new lot to an appropriate residential zone category as a condition of any severance created under this policy;
- b) New residential dwelling units shall be prohibited on any remnant parcel created as a result of the severance. The *Township* shall zone the remnant parcel to prohibit the construction of a residential dwelling unit as a condition of any severance created under this policy; and,
- c) Applicable consent policies of Section D.7 (Consents) apply.

B.7.9 **The Creation of New Lots for Agricultural Purposes**

B.7.9.1 The creation of new lots for agricultural purposes may only be permitted for one of the following uses, and is also subject to the policies of the Plan:

- a) Agricultural uses and the lot for the agricultural use has a minimum lot area of 40 hectares or the original survey size, whichever is lesser; and,

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- b) *Agriculture-related uses*. The new lot is to be limited in size to accommodate the use and the required sewage and water service. Residential uses are prohibited on the severed lot. The *Township* shall zone the severed lot to prohibit the construction of a residential dwelling unit on the lot as a condition of any severance created under this policy.

B.7.10 **Exception to the Agricultural Designation**

B.7.10.1 Non-agricultural uses in the Agricultural designation may only be permitted as an exception to the Agricultural designation for the following uses:

- a) The extraction of *minerals, petroleum resources and mineral aggregate resources* in accordance with the applicable policies of this Plan, including Sections B.9 (Mineral Aggregate Resources One) and B.10 (Mineral Aggregate Resources Two); and,
- b) Limited non-residential uses through an amendment to this Official Plan and where all of the following are demonstrated:
 - (i) There is an identified need within the planning period of this Official Plan for additional land to be re-designated to accommodate the proposed use;
 - (ii) Alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations that avoid the Agricultural designation and are lower priority agricultural lands;
 - (iii) The use is compatible with the surrounding uses;
 - (iv) The proposed use complies with the *Minimum Distance Separation Formulae (MDS)*;
 - (v) Appropriate information has been provided to the *Township* which demonstrates that appropriate services can be provided for the use;
 - (vi) The proposed use will not be located in an area that may have an impact on the efficient and logical expansion of nearby *Settlement Areas*; and,
 - (vii) The use shall be subject to Site Plan Control.

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B.7.10.2 All commercial and industrial uses that are zoned for the permitted use as of the date of adoption of this Plan are also permitted.

B.7.10.3 *Development*, including lot creation, is discouraged outside of but adjacent or in close proximity to Major *Settlement Area* boundaries in order to enable the efficient expansion of the *Township's* Major *Settlement Areas* when required.

B.7.11 **Implementing Zoning By-Law**

B.7.11.1 All lands in the Agricultural designation shall be placed in an Agricultural Zone in the implementing Zoning By-law. Lands adjacent to Huronia Airport may be subject to height restrictions in the implementing Zoning By-law.

B.8 RURAL

B.8.1 **Introduction**

B.8.1.1 The Rural areas of the *Township* provide for a diversity of landscapes and built form. These are areas that are outside of *Settlement Areas* or built up areas, are not considered *Prime Agricultural Lands* nor environmentally sensitive within the context of the policies of this Plan and provide for a resource base. Lands designated Rural are mapped on Schedule A to this Plan. The policies of this Plan seek to reduce incompatible uses within the Rural area and to promote appropriate economic opportunities.

B.8.2 **Objectives**

- a) To preserve and promote the rural character of the *Township*;
- b) To prevent the intrusion of land uses that are incompatible with the rural character and/or natural resource activities of the area; and,
- c) To promote diversification of the economic base within the Rural designation.

B.8.2.1 The Rural designation applies to those rural lands in the *Township* that are not considered to be *Prime Agricultural Land*, *Settlement Area*, *Employment Area*, or part of the *natural heritage system*.

B.8.3 **Permitted Uses**

B.8.3.1 The uses permitted on lands designated Rural include those uses permitted in the Agricultural designation, as well as cemeteries, resource

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management uses, forestry, conservation, limited and small-scale tourism and recreational uses, and other rural land uses.

B.8.3.2 Other rural land uses include farm implement dealers, feed and fertilizer distribution facilities, greenhouses and seasonal produce stands. Rural industrial and rural commercial uses that cannot be located and/or are not appropriate in a *Settlement Area* or an *Employment Area* may be permitted in the Rural designation, subject to the development policies of this Plan, including Section B.8.6 (Other Rural Land Uses).

B.8.3.3 Institutional uses, such as schools, places of worship and community centres, which were zoned prior to the adoption of the Official Plan are permitted.

B.8.3.4 Permitted tourism accommodations within the Rural designation shall be limited to small scale accommodations, such as rural lodges and rental cabins as well as tent and trailer parks with existing designation and which were zoned at the time of adoption of this Plan.

B.8.3.5 All commercial and industrial uses that are zoned for the permitted use as of the date of adoption of this Plan are also permitted.

B.8.3.6 Uses which are permitted on lots that existed prior to the adoption of this Plan are not subject to the *Province's Minimum Distance Separation Formulae* (MDS).

B.8.4 **Development Policies**

B.8.4.1 The applicable development policies for the permitted agricultural uses found in the Agricultural designation apply, unless otherwise identified within this designation. Section B.7.10 shall not apply to the Rural designation.

B.8.4.2 The development of permitted uses in the Rural designation is subject to the following policies:

- a) The proposed use shall be appropriate to the rural service level available, including road access, water and sewage, and fire protection service;
- b) The lot size is adequate for the use and shall be limited to the minimum area required for the use, including services, any required parking, buffering and landscaping;
- c) The proposed use does not cause a traffic hazard;

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- d) The proposed use is compatible with the rural and/or agricultural character of the area and surrounding uses;
- e) The proposed use can be buffered from adjacent residential uses where appropriate;
- f) The proposed use has little or no impact on area agricultural uses;
- g) For a rural industrial use, the use is not located in the proximity of residential or other incompatible land uses and is in accordance with the applicable guidelines for industrial use distance separation;
- h) For a rural commercial use, the use must primarily serve the travelling public and tourists to the area on the basis of convenience and access;
- i) The use may be required to be site specifically zoned within the *Township's* implementing Zoning By-law;
- j) The proposed use will not preclude or hinder the establishment of new *mineral aggregate operations* within the Mineral Aggregate Resources One and Mineral Aggregate Resources Two designations; and,
- k) The use may be subject to Site Plan Control.

B.8.5 The Creation of New Lots

B.8.5.1 In accordance with the intent of this Plan to maintain the rural character of the *Township*, the majority of the new residential development is directed to *Settlement Areas* and existing lots of record. However, a limited number of new lots for residential purposes may be created in the Rural designation.

B.8.5.2 In this regard, no more than two residential lots can be created from any parcel of land over and above any qualifying residence which is surplus due to a farm consolidation. In considering the creation of a new lot for residential purposes, the *Township* shall be satisfied that:

- a) The severed lot is located where it would have the least impact on existing and future agricultural operations;
- b) The proposed lot is a minimum of 0.4 hectares in size and a maximum of 1.0 hectare, unless a larger lot size can be justified on the basis of the natural features on the property;

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- c) The remnant lot shall have a minimum lot area of no less than 19.8 hectares, regardless of the lot's Official Plan designation;
- d) The number of lots on Concession Roads, *County* Roads and *Provincial* Highways shall be restricted to avoid *strip* development, maintain the rural character and to maintain the original road function;
- e) The proposed lot complies with the *Province's* Minimum Distance Separation (MDS);
- f) No residential severance has been granted since January 1, 2000; and,
- g) The proposed lot complies with the criteria set out in Section D.8 (Consents) and Sections B.9 (Mineral Aggregate Resources One) and B.10 (Mineral Aggregate Resources Two) of this Plan.

B.8.5.3 If an existing residence is surplus to a farming operation as a result of a farm consolidation, the lot may be severed in accordance with the policies of the Agricultural Designation.

B.8.5.4 The creation of new lots for agricultural purposes may be permitted in accordance with the policies of the Agricultural Designation.

B.8.6 **Other Rural Land Uses**

B.8.6.1 Other Rural Land Uses may be permitted in the Rural designation, subject to an amendment to the implementing Zoning By-law. Before considering such an amendment, the Township shall be satisfied that:

- a) The site is located in proximity to an arterial road or highway or alternatively generates minimal traffic;
- b) Appropriate water, sewage and fire protection services are provided;
- c) The land use is compatible with surrounding and/or nearby land uses and that the *Provincial* industrial guidelines, where applicable, are addressed;
- d) For rural commercial uses, the use must primarily serve the travelling public and tourists to the area for the basis of convenience and access;
- e) Traffic is appropriately addressed;

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- f) Drainage is appropriately addressed; and,
- g) Spill containment or other operational matters are appropriately addressed.

B.8.7 Rural Lands Adjacent to a Settlement Area

B.8.7.1 Notwithstanding the above, for lands designated Rural within one kilometre of a defined boundary of a Major *Settlement Area*, the Town of Midland or the Town of Penetanguishene, the policies of Section B.7 (Agricultural) shall apply.

B.8.8 Commercial Dog Kennels

B.8.8.1 Commercial dog kennels may be permitted in the *Rural* designation subject to an amendment to the implementing Zoning By-law. Before considering such an amendment, the *Township* shall be satisfied that:

- a) The size of the proposed dog kennel is appropriate for the area;
- b) The building housing the dog kennel is set back an appropriate distance from lot lines;
- c) The noise emanating from the kennel will not have an adverse impact on the enjoyment of adjacent properties; and,
- d) A concentration of dog kennels does not already exist in the general vicinity of the proposed kennel.

B.8.8.2 A new dog kennel may also be subject to Site Plan Control to address issues, such as buffering, the location and size of buildings and landscaping, to minimize the impact of the use on adjacent land uses.

B.8.9 Implementing Zoning By-Law

B.8.9.1 All lands in the *Rural* designation shall be placed in a Rural Zone in the implementing Zoning By-law or a zone that reflects the legally existing land use. Lands in proximity to Huronia Airport may be subject to height restrictions in the implementing Zoning By-law.

B.8.10 Exceptions

B.8.10.1 Part of Lot 9, Concession 16 - Exception Policy Area

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Lands in Part of Lot 9, Concession 16, Township of Tiny shown as subject to the policies of this section on Schedule A to this Plan may be severed from the sand and gravel operation and used for a concrete batching plant, which means the processing and recycling of mineral aggregate and/or the production of secondary aggregate products. The introduction of any other land use shall require an amendment to this Plan. In addition, any proposed building or structure on the property including the expansion of existing buildings and structures for the above permitted uses shall be subject to site plan approval under the Planning Act.

B.8.10.2 Part of Lots 4 and 5, Concession 16 East (Parts 1-3, 51R-24268) - Exception Policy Area

Notwithstanding any other provision of this Plan, a maximum of one residential lot is permitted to be created by consent on lands being Part of Lots 4 and 5, Concession 16 East (Parts 1-3, 51R-24268). For any consent application, in regard to general consent policies, the Committee of Adjustment shall be satisfied that the required lot frontage on a public road that is maintained on a year-round basis, will in this case, also require the applicant to provide a transfer of land to the Township for the purposes of enlarging the road allowance for a snowplow turnaround. The final configuration of the land is to be determined by the Township and must be free and clear of any encumbrances. All costs associated with this condition shall be borne by the owners.

B.9 MINERAL AGGREGATE RESOURCES ONE

B.9.1 Introduction

B.9.1.1 The Mineral Aggregate Resources One designation identifies existing *mineral aggregate operations* within the *Township* of Tiny and outlines the policy context from a land use planning perspective. Lands designated as Mineral Aggregate Resources One are mapped on Schedule A to this Plan.

B.9.1.2 *Mineral Aggregate Operations* are not subject to the policies of the Environmental Protection or Greenlands designation in Sections B.1 and B.2 of this Plan, except for where specifically referred to in this Section.

B.9.2 Objectives

- a) To recognize existing *mineral aggregate operations*;
- b) To protect existing *mineral aggregate operations* and resources from activities that would preclude or hinder their continued use or expansion;

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- c) To minimize conflicts among incompatible land uses; and,
- d) To ensure that extractive activities are carried out with minimal environmental and social cost.

B.9.3 Permitted Uses

B.9.3.1 The uses permitted on lands designated Mineral Aggregate Resources One are limited to quarrying and the extraction of gravel, sand and other aggregates and associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products, such as asphalt and concrete, or the production of secondary related products.

B.9.3.2 Existing *mineral aggregate operations* shall be permitted to continue without the need for an Official Plan Amendment, a rezoning or a development permit under the *Planning Act*.

B.9.3.3 *Wayside pits and quarries* and portable asphalt and concrete plants used on public authority contracts are permitted without the need for an Official Plan Amendment, a rezoning, or a development permit under the *Planning Act*. In the Greenlands designation, *wayside pits and quarries* and portable asphalt and concrete plants used on public authority contracts are discouraged and are subject to the policies of Section B.10.4.2 (Mineral Aggregate Operations and Natural Heritage Features) of this Plan.

B.9.4 Adjacent Lands

B.9.4.1 Licensed *mineral aggregate operations* shall be protected from new *development* (through a *Planning Act* application), which would preclude or hinder their expansion or continued use.

B.9.4.2 In areas adjacent to the Mineral Aggregate Resources One designation, compatible uses include those related to other resources found in the area such as agriculture, forestry operations and other resource-related developments, as well as public utility installations, if their siting does not preclude or hinder aggregate development.

B.9.4.3 In some cases, setbacks between the uses may be required to minimize conflicts. In order to determine if a new use will not preclude or hinder the licensed *mineral aggregate operation* or its ability to expand, the development proponent will be required to demonstrate that the proposed use shall provide for the necessary mitigation of impacts arising from the existing aggregate extraction operation, including future phases that are

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under license but are yet to be extracted, to meet applicable *Provincial* standards, regulations and guidelines. The *Township* may require the submission of noise, traffic, air quality and water resources studies to demonstrate that this policy is met.

B.9.4.4 It shall be a policy of this Plan that new land uses generally within 300 metres (984 feet) of a Mineral Aggregate Resources One area are subject to this policy.

B.9.5 **Rehabilitation**

B.9.5.1 The rehabilitation of an existing *mineral aggregate operation* shall be progressive and in accordance with the *Aggregate Resources Act* Site Plan governing the operation.

B.9.6 **Re-designation**

B.9.6.1 Upon surrender of the Aggregate License, the policies of the Rural designation of this Plan shall apply to the lands. This does not preclude consideration of an appropriate and applicable Official Plan Amendment for the lands, either through an application or at the time of consideration of an Official Plan Update.

B.9.7 **Implementing Zoning By-law**

B.9.7.1 The implementing Zoning By-law shall place all existing *mineral aggregate operations* in a zone that permits *mineral aggregate operations*.

B.9.7.2 The implementing Zoning By-law may contain setbacks for extraction operations from adjoining properties designated for residential purposes by this Plan, municipal right-of-ways and property boundaries except when Mineral Aggregate Resources One are adjacent to each other the setbacks shall be in accordance with the requirements of the *Aggregate Resources Act*.

B.10 MINERAL AGGREGATE RESOURCES TWO

B.10.1 **Introduction**

B.10.1.1 The Mineral Aggregate Resources Two designation identifies areas of known *deposits of mineral aggregate resources* and aims to protect these areas from *development* that may preclude or hinder the establishment of future *mineral aggregate operations* in these areas. Lands designated Mineral Aggregate Resources Two are mapped on Schedule A to this Plan. The Mineral Aggregate Resources Two designation also includes policies and criteria that must be satisfied in order for a new *mineral aggregate*

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operation to be developed and ultimately be identified through the Mineral Aggregate Resources One designation.

B.10.2 Objectives

- a) To ensure that new *mineral aggregate operations* are carried out with minimal environmental, economic and social costs;
- b) To protect areas adjacent to or in known *deposits of mineral aggregate resources* from *development* and activities, which would preclude or hinder the establishment of new *mineral aggregate operations* or access to the resource;
- c) To encourage *mineral aggregate resources* be made available as close to markets as possible; and,
- d) To make available as much of the *mineral aggregate resources* as is realistically possible.

B.10.3 Permitted Uses

B.10.3.1 The Mineral Aggregate Resources Two designation includes known *deposits of mineral aggregate resources*, as shown on Schedule A to this Plan. The mapping is approximate and can be further refined without amendment to this Plan through detailed information and consultation with the *Province* and the *County*.

B.10.3.2 The Mineral Aggregate Resources Two designation is intended to function as an 'overlay' designation, meaning that development that is permitted in the underlying designation is only permitted if it does not preclude or hinder the development of the *mineral aggregate resource*.

B.10.3.3 The uses permitted on lands designated as Mineral Aggregate Resources Two are those of the underlying designation.

B.10.4 Development Policies

B.10.4.1 New Mineral Aggregate Operations or Expansions to Existing Operations

B.10.4.1.1 All new *mineral aggregate operations* and expansions to existing *mineral aggregate operations* shall require an amendment to the Official Plan to the Mineral Aggregate One designation and an amendment to the implementing Zoning By-law as well to satisfy the requirements of the

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Aggregate Resources Act or its successor.

- B.10.4.1.2 Applications for proposed new and/or expansions to existing *mineral aggregate operations* are to be supported by studies that are based on predictable, measurable, objective effects on people and the environment, and evaluated in accordance with *Provincial* policy, *Provincial* standards, regulations and guidelines, as well as the applicable policies of this Plan, and, if approved under the *Aggregate Resources Act*, will operate under a site-specific license/permit as issued by the Ministry of Natural Resources and Forestry.
- B.10.4.1.3 Demonstration of the need for *mineral aggregate resources*, including any type of supply/demand analysis, shall not be required, notwithstanding the availability, designation or licensing for extraction of *mineral aggregate resources* locally or elsewhere.
- B.10.4.1.4 The *Township* will consider an Official Plan Amendment to permit a new or expanded *mineral aggregate operation* based on the following:
- a) The effect of the *mineral aggregate operation* and mitigation measures to minimize impacts on:
 - (i) The natural features and ecological functions in accordance with the policies of Section B.10.4.2 (Mineral Aggregate Operations and Natural Heritage Features);
 - (ii) Nearby *Settlement Areas* or concentration of residential uses;
 - (iii) The agricultural resources in accordance with the policies of Section B.10.4.3 (Extraction in Prime Agricultural Areas);
 - (iv) *Sensitive land uses*;
 - (v) The quality and quantity of sensitive groundwater features in accordance with Section C.5.2 (Water Resource Management Report);
 - (vi) The quality and quantity of sensitive surface water features in accordance with Section C.5.2 (Water Resource Management Report);
 - (vii) Nearby wells used for drinking water purposes;
 - (viii) The groundwater recharge and discharge functions on the site and in the immediate area;

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- (ix) The effect of the noise, odor, dust and traffic generated by the proposed use on adjacent land uses;
- (x) How the impacts from the proposed *mineral aggregate operation* will be mitigated in order to lessen those impacts; and,
- (xi) How the site will be progressively rehabilitated, as per the policies of Section B.10.4.4 (Rehabilitation), to accommodate subsequent land uses after the extraction is completed. Rehabilitation shall consider approved and surrounding land uses and, where a concentration of *mineral aggregate operations* exists, comprehensive rehabilitation planning is encouraged.

- b) Evaluation of cumulative impact, which shall address:
 - i) Existing *mineral aggregate* operations in the immediate area; and,
 - ii) The proposed *mineral aggregate operations* on lands.

In considering the added impact of the new *mineral aggregate operation* to existing known impacts, the *Township* shall ensure that mitigation measures intended to lessen the added impact are reviewed and applied as required.

- c) The *County* may require an Archaeological Assessment and/or Cultural Heritage Report in support of a proposed new or expanded *mineral aggregate operation* to identify significant cultural features. If significant cultural features are identified, they shall be conserved, which may include mitigation measures and/or alternative development approaches.

B.10.4.1.5 The studies prepared in accordance with this Section shall demonstrate that the requirements of Section B.10.4.2 (Mineral Aggregate Operations and Natural Heritage Features) have been satisfied.

B.10.4.2 Mineral Aggregate Operations and Natural Heritage Features

B.10.4.2.1 Notwithstanding the Environmental Protection and Greenlands policies of Sections B.1 and B.2, new or expanded *mineral aggregate operations* and *wayside pits* and *quarries* are subject to the policies of this section:

- a) In accordance with the Growth Plan, within the *natural heritage system*, no new *mineral aggregate operation* and no new *wayside*

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pits and quarries, or any ancillary or accessory use, will be permitted in the following *key natural heritage features* and *key hydrologic features*:

- (i) *Significant wetlands, or significant coastal wetlands;*
 - (ii) *Habitat of endangered species and threatened species except in accordance with provincial and federal requirements; and,*
 - (iii) Significant woodlands, unless the woodland is occupied by young plantation or early successional habitat, as defined by the *Province*, in which case the application must demonstrate that Policies B.10.4.2.1 and B.10.4.4.2 c) have been addressed and that they will be met by the operation.
- b) In accordance with the Growth Plan, an application requiring a new approval under the *Aggregate Resources Act* to expand an existing *mineral aggregate operation* may be permitted in the *natural heritage system*, including in *key natural heritage features*, *key hydrologic features* and any associated *vegetation protection zones*, only if the related decision is consistent with the PPS and satisfies the rehabilitation requirements of the policies in this subsection.
- c) Any application for a new *mineral aggregate operation* will be required to demonstrate:
- (i) How the connectivity between *key natural heritage features* and *key hydrologic features* will be maintained before, during and after the extraction of *mineral aggregate resources*;
 - (ii) How the operator could replace *key natural heritage features* and *key hydrologic features* that would be lost from the site with equivalent features on another part of the site or on adjacent lands;
 - (iii) How the *water resource system* will be protected or enhanced; and,
 - (iv) How any *key natural heritage features* and *key hydrologic features* and their associated *vegetation protection zones* not identified in Policy B.10.4.2 will be addressed in accordance with Policies B.10.4.2.1 and B.10.4.4.2 c).

B.10.4.3 Extraction in Prime Agricultural Areas

B.10.4.3.1 Extraction of *mineral aggregate resources* in *prime agricultural areas* is

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permitted, provided the site will be rehabilitated back to an *agricultural condition*.

B.10.4.3.2 Complete rehabilitation to an *agricultural condition* is not required if:

- a) There is a substantial quantity of mineral aggregates below the water table warranting extraction; or,
- b) Other alternatives have been considered by the applicant and found unsuitable; and,
- c) Agricultural rehabilitation in remaining areas will be maximized.

B.10.4.3.3 Additionally, in *prime agricultural areas*, applications for new *mineral aggregate operations* will be supported by an *agricultural impact assessment* and, where possible, will seek to maintain or improve connectivity of the *agricultural system*.

B.10.4.4 Rehabilitation

B.10.4.4.1 For rehabilitation of new *mineral aggregate operation* sites, the following apply:

- a) The disturbed area of a site will be rehabilitated to a state of equal or greater *ecological value* and, for the entire site, long-term *ecological integrity* will be maintained or enhanced;
- b) If there are *key natural heritage features* or *key hydrologic features* on the site, or if such features existed on the site at the time of the application:
 - (i) the health, diversity and size of these *key natural heritage features* and *key hydrologic features* will be maintained or enhanced; and,
 - (ii) any permitted extraction of *mineral aggregate resources* that occurs in a feature will be completed, and the area will be rehabilitated as early as possible in the life of the operation.
- c) Aquatic areas remaining after extraction are to be rehabilitated to aquatic enhancement, which will be representative of the natural ecosystem in that particular setting or ecodistrict, and the combined terrestrial and aquatic rehabilitation will meet the intent of policy B.10.4.2.1;

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- d) Progressive rehabilitation shall be undertaken where aggregate extraction occurs in stages; and,
- e) In accordance with the Growth Plan, outside the *natural heritage system*, and except as provided in Policies B.10.4.2, final rehabilitation will appropriately reflect the long-term land use of the general area, taking into account applicable policies of this Plan and, to the extent permitted under this Plan, existing municipal and *provincial* policies. In *prime agricultural areas*, the site will be rehabilitated in accordance with Policy B.4.3 of this Plan.

B.10.4.4.2 In accordance with the Growth Plan, final rehabilitation for new *mineral aggregate operations* in the *natural heritage system* will meet these additional criteria:

- a) Where there is no extraction below the water table, an amount of land equal to that under natural vegetated cover prior to extraction, and no less than 35 per cent of the land subject to each license in the *natural heritage system*, is to be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a *prime agricultural area*, the remainder of the land subject to the license is to be rehabilitated back to an *agricultural condition*;
- b) Where there is extraction below the water table, no less than 35 per cent of the non-aquatic portion of the land subject to each license in the *natural heritage system* is to be rehabilitated to forest cover, which will be representative of the natural ecosystem in that particular setting or ecodistrict. If the site is also in a *prime agricultural area*, the remainder of the land subject to the license is to be rehabilitated in accordance with Policy B.10.7.2; and,
- c) Rehabilitation will be implemented so that the connectivity of the *key natural heritage features* and the *key hydrologic features* on the site and on adjacent lands will be maintained or enhanced.

B.10.4.5 **Transportation**

B.10.4.5.1 Applicants for new or expanded *mineral aggregate operations* shall work with the *Township, County and Ministry of Transportation* in determining the appropriate use of *Township, County and Provincial Roads* as haul routes. *County Roads and Provincial Highways* shall be the primary haul routes and *Township Roads* shall only be used to access the determined haul routes.

B.10.4.5.2 Where a *Township road* is required to access a *County Road or Provincial Highway* and there are two or more alternative routes, the route having the

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least impact shall be selected. If required, the cost of upgrading the roads shall be borne by the operators who require the upgrading.

B.10.4.6 Resource Recovery and Conservation

B.10.4.6.1 Strategies to conserve *mineral aggregate resources* within the *Township* shall be encouraged, including:

- a) The recovery and recycling of manufactured materials derived from *mineral aggregate resources* for reuse in construction, manufacturing, industrial, or maintenance projects as a substitute for new *mineral aggregate resources*;
- b) Recycling of manufactured materials derived from *mineral aggregate resources* may not be appropriate for every licenced aggregate site. Proposals shall be subject to the policies of Section B.10.4.; and,
- c) The wise use of *mineral aggregate resources*, including utilization or extraction of on-site *mineral aggregate resources* prior to development occurring.

B.10.5 Implementing Zoning By-law

B.10.5.1 The implementing Zoning By-law shall place all lands within the Mineral Aggregate Designation Two in a zone that reflects the underlying designation and permits only applicable residential uses, agricultural uses, passive recreational uses, conservation uses and forestry.

B.10.6 New Lot Creation

B.10.6.1 For any new consent applications, the severance policies of the underlying designation apply.

B.10.6.2 Notwithstanding the above, the *Township* may require an aggregate potential assessment or aggregate license compatibility assessment to ensure the resource or operation is not hindered or precluded by the proposed development.

B.10.7 Aggregate Resources Act Applications that Pre-date these Policies

B.10.7.1 Where an application under the *Aggregate Resources Act* has been received and deemed complete by the *Province* as of July 1, 2017, the Policies of Section B.10.4.2 (Natural Heritage Features) (b), (c), B.10.4.3 (Extraction in Prime Agricultural Areas) and B.10.4.4 (Rehabilitation) do not apply.

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C ENVIRONMENTAL MANAGEMENT AND GROUNDWATER MANAGEMENT POLICIES

C.1 INTRODUCTION

C.1.1 The Environmental Management and Groundwater Management Policies section provides protection of watercourses, hazardous lands and municipal drinking water sources from incompatible *development*. These policies also ensure that the natural process and human safety are considered when assessing *development* applications.

C.2 OBJECTIVES

- a) To recognize and protect all watercourses and other bodies of water in the *Township* from *development* that may have an impact on their function as an important component of the *natural heritage system*;
- b) To ensure that *development* does not occur on land that is unstable or susceptible to flooding and that *development* within the Dynamic Beach Overlay Area as illustrated on Schedule 'F' to this Plan is permitted only in accordance with the Dynamic Beach Overlay Area policies to the satisfaction of the Township of Tiny;
- c) To ensure that *development* does not occur on hazardous slopes;
- d) To protect the *quality and quantity of water* available for drinking water purposes;
- e) To ensure that the integrity of the *Township's* watersheds are maintained or enhanced;
- f) To identify what is required to support an application for *development* in an area that is considered to be environmentally sensitive; and,
- g) To identify what information is required to support an application that may have an impact on the hydrogeological resources of the *Township*.

C.3 WATERCOURSES

C.3.1 Function of Watercourses

C.3.1.1 All of the known watercourses in the *Township* as mapped on Schedule B to this Plan are considered to be environmentally sensitive since they may:

- a) Contain fish and wildlife habitat areas;
- b) Function as corridors for migrating wildlife habitat movement and vegetation dispersal;
- c) Form part of the Township's drainage system; and,
- d) Serve to maintain the quality and quantity of surface and ground water resources.

C.3.1.2 All watercourses, not shown on Schedule B to this Plan are subject to the Policies in this Section. Municipal drains, Municipal easements for drainage purposes, and roadside ditches are not subject to the policies of this Plan.

C.3.2 Implementation

C.3.2.1 It is the intent of this Plan to protect all watercourses from incompatible *development* and to minimize the impacts of such *development* on their function. The implementing Zoning By-law shall establish a setback for *development* from the top of bank of watercourses. The following shall be considered for *Planning Act* applications to reduce the required setback:

- a) The nature and stability of the soils;
- b) The nature and stability of the vegetation and cover;
- c) The slope of the land;
- d) The nature of existing and proposed drainage patterns;
- e) The nature of the fish and wildlife that may be present; and,
- f) The scale of the proposed *development*.

C.4 FLOODPLAINS AND FLOOD HAZARDS

C.4.1 Floodplains

C.4.1.1 Although flood plains have not been mapped in the *Township*, it is the intent of this Plan that no *development* or *site alteration* be permitted within the floodway of a river or stream system. Flood plain management shall occur on a watershed management basis, giving due consideration to the upstream, downstream and cumulative effects of *development*. The following policies shall apply to *development* proposed on lands susceptible to flooding, as determined by the Township under regional storm conditions:

- a) *Development* will generally be directed to areas outside of hazardous lands adjacent to a river, stream system or inland lake that is impacted by flooding hazards;
- b) *Development* and *site alteration* will not be permitted within the floodway of a river, stream system or inland lake unless, by their very nature, must locate within the floodway, including flood and/or erosion control works or minor additions or passive non-structural uses, which do not affect flood flows;
- c) *Development* and *site alteration* may be permitted within the flood fringe of a river, stream system or inland lake where flood depths and velocities would be less severe than those experienced within the floodway. Generally, lands located above the 1:100 year storm elevation and below the Regional Storm Event (Timmins storm of 1961) elevation would represent the flood fringe area. *Development* will only be permitted within the flood fringe provided the following criteria can be achieved:
 - (i) The hazards can be safely addressed and the *development* and *site alteration* can be carried out in accordance with established standards and procedures;
 - (ii) New hazards will not be created and existing hazards not aggravated;
 - (iii) No adverse environmental impacts will result;
 - (iv) Vehicles and people have a means of safely entering and exiting the area during times of flooding and other emergencies; and,

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- (v) The *development* does not include institutional uses or essential emergency services or the disposal, manufacturing, treatment or storage of hazardous substances.

C.4.1.2 The proponent of any *development* adjacent to any river, stream or small inland lake may be required to prepare a floodplain study, at the proponent's cost, to the satisfaction of the *Township*, subject to the comments of the appropriate agencies.

C.4.2 **Flood Hazards adjacent to Georgian Bay**

C.4.2.1 The Regulatory Flood Elevation (Flood Hazard Limit) for Georgian Bay is defined as 178.0 metres Canadian Geodetic Datum (CGD). The Flood Hazard Limit is illustrated on Schedule 'F' to this Plan and all lands within the setbacks associated with that dynamic beach hazard are captured within the Dynamic Beach Overlay Area.

C.4.2.2 With the exception of structures essential for boating purposes or structural works required for flood and/or erosion or sedimentation control, no building or structure shall be located adjacent to the shore of Georgian Bay, unless sited inland from the Regulatory Flood Elevation. For purposes of this policy, all structural works required for flood and/or erosion or sedimentation control shall be required to be approved through the permitting process in accordance with the Dynamic Beach Management By-law, in addition to any planning approvals that may also be required.

C.4.2.3 It is recognized that some lots in the shoreline area may be completely or partly below the Regulatory Flood Elevation. In addition, some of these same lots are the site of buildings or structures. It is a policy of this Plan to not permit the *development* of new buildings (except those essential for boating purposes or essential structural works required for flood and/or erosion or sedimentation control as described in C4.2.2 above) below this Elevation. Existing buildings and structures that are located wholly or partly below the Regulatory Flood Elevation will be considered to be legal non-complying uses in accordance with Section E.5 (Non-Complying Uses) of this Plan. For greater clarity, the replacement, repair or rebuilding of existing buildings and structures located wholly or partly below the Regulatory Flood Elevation or within the required setbacks to this Elevation will be evaluated in accordance with the policies of this Plan and will be encouraged to be located outside of hazard areas.

C.4.2.4 The location of the 178.0 metre Elevation must be established by way of a survey plan by a qualified professional for all new development and may

also be required when confirming the need for structural works or replacement of structural works as described in C.4.2.2 and C.4.2.3 above.

C.4.2.5 For new *development* requiring a *Planning Act* application, an assessment by a professional coastal engineer regarding the location of the proposed new *development* and its possible impact from shoreline natural hazards including the Dynamic Beach Hazard, may be needed, depending on the scale and location of the *development* and its nature. Factors to be considered in this assessment include, but are not limited to:

- a) The existing and proposed grades on the property;
- b) The location of existing man-made structures on the property;
- c) The topography and vegetation on the property;
- d) The nature of any modifications made, or proposed to be made to the topography on the property; and,
- e) The nature and location of man-made structure(s) or other impediments to wave action that exist or are proposed.

Determination of the need for an assessment will be based upon satisfying the requirements of the Dynamic Beach Management By-law, policies of this Plan and confirmed by Township staff through pre-consultation.

C.4.3 **Flood Hazards Adjacent to Farlain Lake**

C.4.3.1 The Township may consider the completion of a study to determine an appropriate setback for development adjacent to Farlain Lake. If such a study is completed, the development setback shall be implemented by the Township implementing Zoning By-law.

C.4.4 **Implementation**

C.4.4.1 The implementing Zoning By-law shall establish a setback for *development* from the Regulatory Flood Elevation.

C.4.4.2 The implementing Zoning By-law shall establish a minimum opening elevation of all buildings and structures above the Regulatory Flood Elevation adjacent to Georgian Bay.

C.4.4.3 The implementing Zoning By-law may regulate in-water structures.

C.5 WATER RESOURCE MANAGEMENT

C.5.1 Introduction

C.5.1.1 The majority of the *Township's* residents obtain drinking water from *individual on-site water services*. Other residents obtain water from municipally owned or *private communal water services*. Existing sources of municipal drinking water are to be maintained and protected for future use.

C.5.1.2 The *Township's* residents obtain municipal drinking water from a total of 16 water systems. There are a total of 45 municipal wells located within the *Township*. It is important to protect both the quality and quantity of drinking water sources in order to protect the supply of water in the *Township* for current and future residents, businesses and visitors.

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C.5.2 **Water Resource Management Report**

C.5.2.1 All major applications for *development* shall be supported by a Water Resource Management (WRM) Report. For the purposes of this Section, major applications include any *development* requiring an amendment to this Plan, all Plan of Subdivision/Condominium applications and major recreational uses, such as a golf course, or any other application deemed by the Township to have the potential to negatively impact a water resource. The WRM Report shall be prepared by a qualified professional to the satisfaction of the *Township* and the appropriate agencies. The purpose of the WRM Report is to investigate the impacts of the proposed *development* on water quality and quantity and provide recommendations on how to protect, improve or restore the *quality and quantity of water* as it relates to:

- a) The natural hydrological characteristics of the water resource;
- b) The proposed use on the groundwater recharge function;
- c) The proposed use on the quality and quantity of drinking water in adjacent private and municipal wells;
- d) Sensitive groundwater recharge/discharge areas, aquifers and headwater areas;
- e) The quality of the watercourses affected by the *development*;
- f) The water quality of Georgian Bay/Severn Sound watershed; and,
- g) The WRM report shall also provide recommendations on the potential to monitor water budgets for groundwater aquifers and surface water features.

**C.6 MUNICIPAL DRINKING WATER SUPPLY – SOURCE
WATER PROTECTION**

C.6.1 **Introduction**

C.6.1.1 The Source Protection Plan has been developed to protect existing and future supplies of municipal drinking water. The Source Protection policies contained in this Section have been developed to protect both the quality of drinking water and the quantity of drinking water for existing and future residents and businesses of the *Township* where there is a vulnerable threat to municipal drinking water as prescribed by the *Clean Water Act*.

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C.6.1.2 Wellhead Protection Areas, Highly Vulnerable Aquifers, Significant Groundwater Recharge Areas and Issues Contributing Areas are mapped on Schedule E to this Plan. The Wellhead Protection Areas (WHPAs) A through E relate to water quality considerations while WHPAs Q1 and Q2 relate to water quantity considerations. The following describes each of the Source Protection areas:

- a) Wellhead Protection Area A (WHPA-A): 100 metre radius surrounding a well.
- b) Wellhead Protection Area B (WHPA-B): Two (2) year travel time for water to enter the well.
- c) Wellhead Protection Area C (WHPA-C): Five (5) year travel time for water to enter the well.
- d) Wellhead Protection Area C1 (WHPA-C1): Ten (10) year travel time for water to enter the well.
- e) Wellhead Protection Area D (WHPA-D): Twenty-five (25) year travel time for water to enter the well.
- f) Wellhead Protection Area E (WHPA-E): The vulnerable area for groundwater supplies that are under the direct influence of surface water. The area is calculated based on a two (2) hour travel time of surface water to the municipal well.
- g) Wellhead Protection Area Q1 (WHPA-Q1): An area delineated through a Tier 3 Water Budget and Water Quantity Risk Assessment as being the combined area that is the cone of influence of the well and the whole of the cones of influence of all other wells that intersect that area.
- h) Highly Vulnerable Aquifer (HVA): An aquifer that can be easily changed or affected by contamination from both human activities and natural processes as a result of (a) its intrinsic susceptibility, as a function of the thickness and permeability of overlaying layers, or (b) by preferential pathways to the aquifer. The technical rules established under the *Clean Water Act* will permit the use of various methods, such as the Intrinsic Susceptibility Index (ISI), to determine those aquifers that are highly vulnerable. Ontario's ISI defines a highly vulnerable aquifer as having a value of less than 30. An ISI is a numerical indicator that helps to indicate where contamination of groundwater is more or less likely to occur as a result of surface contamination due to natural hydrogeological features. The ISI is the most commonly used method of index mapping and was the

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prescribed method set out in the *provincial* 2001/2002 Groundwater Studies.

- i) Significant Groundwater Recharge Area (SGRA): These are areas on the landscape that are characterized by porous soils, such as sand or gravel, which allows the water to seep easily into the ground and flow to an aquifer. A recharge area is considered significant when it helps maintain the water level in an aquifer that supplies a community with drinking water.
- j) Issues Contributing Area (ICA): The area of land where drinking water threats may contribute to a known drinking water issue. In the Georgian Sands Issues Contributing Area, nitrate was determined to be an issue.

C.6.1.3 The Source Protection Overlays may be updated without the need for an amendment to the Official Plan if a study is undertaken by the Source Protection Authority to refine these areas.

C.6.2 **Transition**

C.6.2.1 The transition policies of the Source Protection Plan shall apply to threat activities that have been applied for under the *Planning Act*, *Condominium Act* or *Building Code Act*, prior to July 1, 2015.

C.6.3 **No Planning Act or Change of Use Application**

C.6.3.1 No *Planning Act* Application may be made and no Building Permit or Change of Use Permit under the Ontario Building Code may be issued to establish a use that is detailed by policy RLU-1 of the Source Protection Plan. The implementing Zoning By-law shall detail these uses as set out in policy RLU-1 and provide direction for the Risk Management Official (RMO) to review the use and provide written notice in accordance with the *Clean Water Act*.

C.6.4 **Prohibited Uses**

C.6.4.1 The following uses are prohibited in accordance with Section 57 of the *Clean Water Act*, in WHPAs where they would be a significant drinking water threat:

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- a) *Waste disposal sites* within the meaning of Part V of the *Environmental Protection Act* (excluding storage of wastes described in clauses (p), (q), (r), (s), (t), or (u) of the definition of hazardous waste (O.Reg 347) and storage of hazardous or liquid industrial waste);
- b) Large (more than 10, 000 L) on-site sewage systems;
- c) Agricultural source material storage facilities;
- d) Non-agricultural source material storage facilities;
- e) Commercial fertilizer storage facilities;
- f) Pesticide storage facilities;
- g) Road salt storage facilities;
- h) Snow storage facilities;
- i) Fuel storage facilities;
- j) Dense Non-Aqueous Phase Liquid (DNAPL) storage;
- k) Organic solvent storage facilities; and,
- l) Outdoor confinement or farm animal yard in WHPA-A.

C.6.4.2 The RMO shall be responsible for determining when an existing or future use or activity is, or may be, a significant drinking water threat in accordance with the *Clean Water Act, 2006*; and whether the use or activity is prohibited or regulated through a Risk Management Plan in accordance with the Source Protection Plan.

C.6.5 **Pre-Consultation**

C.6.5.1 Prior to filing an application under the *Planning Act*, an applicant proposing a new use within a WHPA or ICA shall pre-consult with the *Township* and the RMO to determine if the proposed use would be a significant threat to drinking water. The RMO shall determine which studies are required for the application and identify the scope of issues and/or technical requirements that need to be addressed before such a use is permitted.

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C.6.6 **Complete Application**

C.6.6.1 An application submitted under the *Planning Act* within a WHPA or ICA where a proposed use or activity could be a significant threat to drinking water shall only be deemed complete under the *Planning Act* if submitted with a Section 59 Notice issued by the RMO, in accordance with the *Clean Water Act, 2006*, and where applicable in accordance with the Source Protection Plan.

C.6.7 **Risk Management Official**

C.6.7.1 The Risk Management Official (RMO) is an individual appointed by the *Township* under Part IV of the *Clean Water Act, 2006*. The RMO shall be responsible for determining whether uses are considered significant threats to drinking water and shall be responsible for the preparation of Risk Management Plans.

C.6.8 **Education and Outreach**

C.6.8.1 The *Township* may assist the Source Protection Authority and the Ministry of the Environment, Conservation and Parks in their endeavor to educate those engaged in applying, handling or storing of materials that could potentially lead to a significant threat to drinking water. In co-operation with the *Township's* RMO, the *Township* may undertake public education and outreach programs as required by the Source Protection Plan.

C.6.9 **Highly Vulnerable Aquifers**

C.6.9.1 A Highly Vulnerable Aquifer (HVA) is an aquifer used as a water supply for a well where the aquifer is particularly susceptible to contamination due to the proximity of the aquifer to the surface or to the type of materials found in proximity to the aquifer.

C.6.9.2 HVAs are identified on Schedule E of this Plan. Where major *development* applications, such as the storage of bulk fuels or chemicals, are proposed in a HVA, the *Township* shall encourage the use of mitigative measures in order to protect, improve or restore HVAs.

C.6.10 **Significant Groundwater Recharge Areas**

C.6.10.1 A Significant Groundwater Recharge Area (SGRA) is an area where an aquifer is recharged by natural processes, such as infiltration from rainfall or by human activities, such as stormwater management.

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C.6.10.2 SGRAs are identified on Schedule E of this Plan. Where major *development*, such as the storage of bulk fuels or chemicals, is proposed in an SGRA, the *Township* shall encourage the use of best management practices, such as low impact design, in order to protect SGRAs by maintaining pre-development recharge rates.

C.6.11 **Stormwater Management in Vulnerable Areas**

C.6.11.1 The design of new stormwater management facilities/systems in vulnerable areas shall minimize the risk of contaminating drinking water by encouraging grading and drainage designs that reduce ponding and direct any run-off outside of vulnerable areas where it would be a significant drinking water threat.

C.6.11.2 Where a *development* proposal includes stormwater management facilities/systems in a vulnerable area, a Stormwater Management Report shall be required to ensure that the design of the new facilities minimizes the risk to drinking water and directs the discharge to lands outside of vulnerable areas.

C.6.12 **Definitions**

C.6.12.1 For the purposes of this Section, any terms not defined in the Official Plan are subject to the definitions located in the Source Protection Plan.

C.7 HAZARDOUS SLOPES

C.7.1 The following policies shall apply to *development* proposed in association with steep slopes.

C.7.2 *Development* will not be permitted on slopes that are subject to active erosion or historic slope failure.

C.7.3 *Development* shall be sufficiently setback from the top of bank of hazardous slopes. The implementing Zoning By-law shall establish a setback for *development* from the top and toe of bank of hazardous slopes.

C.7.4 The following information shall be required for *Planning Act* applications to reduce the required setback:

- a) The location of the top and/or toe of slope has to be established by a qualified professional; and,

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- b) A slope stability analysis completed by a professional engineer regarding the location of the new *development* and its possible impact may be required. Factors to be considered in this assessment include, but are not limited to:
 - (i) Soil type and groundwater patterns;
 - (ii) Vegetation type and cover;
 - (iii) Severity of slope; and,
 - (iv) Nature of development.

C.8 CONSERVATION AND CLIMATE CHANGE

C.8.1 Policies

C.8.1.1 The *Township* shall support energy and water conservation, air improvement and protection and climate change adaptation by encouraging or promoting:

- a) Active transportation routes when considering *development*;
- b) Public transit planning;
- c) Compact development where appropriate;
- d) Mixed-use development within the *Township's Major Settlement Areas*;
- e) Design and site orientation, which maximizes the use of passive solar opportunities;
- f) Water recycling opportunities;
- g) Community gardens, including composting opportunities; and,
- h) Use of vegetation for renewable energy projects.

C.8.2 Tree Canopy and Natural Vegetation

C.8.2.1 The protection and enhancement of the tree canopy and natural vegetation within the Township will be achieved through the 'Environment Focused' objectives of this Plan.

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C.8.3 **Excess Soil**

C.8.3.1 Excess soil generated through development, construction, *site alteration*, including *infrastructure* development, is to be managed, where feasible and appropriate to:

- a) Re-use on site or locally to the extent possible, including consideration of use in future planning or construction projects;
- b) Provide for appropriate sites for excess storage in areas close to where development is concentrated or areas of potential soil re-use;
- c) The fill quality does not adversely affect the current or proposed use of the property, adjacent land uses or the natural environment;
- d) Temporary storage of fill is properly contained against the effect of blowing onto adjacent lands and run off; and,
- e) Be in compliance with the Township's Fill Control By-law.

D GENERAL DEVELOPMENT POLICIES

D.1 WATER AND SEWAGE SERVICING

D.1.1 Introduction

D.1.1.1 The *Township* does not have full municipal services. The *Township* hosts 16 water systems throughout the *Township*, including in the *Settlement Areas* of Perkinsfield, Wyevale and Lafontaine. There are also water systems within the Shoreline areas of the *Township*. The *Provincial* and *County* of Simcoe policies permit *private services* outside of *Settlement Areas* where no municipal or communal services are provided. The existing servicing system is the same both within and outside the *Township's Settlement Areas*, that being either *individual on-site sewage services and individual on-site water services* or municipal water with *individual on-site sewage systems*.

D.1.1.2 The *Province* and the *County* of Simcoe Official Plan provide policies that state that the preferred method of servicing for *Settlement Areas* is full municipal services. However, when directing development to *rural Settlement Areas* (like those in the *Township*), consideration is to be given to the provision of appropriate service levels and that *infrastructure* delivery be provided in a cost effective manner. As such, *partial services* or *individual on-site sewage services and individual on-site water services* are permitted in some circumstances.

D.1.2 Objectives

- a) To ensure that public health is protected;
- b) To plan for *sewage and water services* in a fiscally responsible manner for the *Township*;
- c) To protect the natural environment as per the Natural Heritage policies of this Plan, which are found in Sections B.1 (Environmental Protection) and B.2 (Greenlands) of this Plan;
- d) To protect the municipal drinking water supply as per the Source Water Protection policies of this Plan;
- e) To identify the preferred means of servicing in the *Township*;
- f) To ensure that all servicing options are considered when major new development is proposed;

- g) To ensure that appropriate agreements are in place before development on communal or municipal services occurs; and,
- h) To support sewage and water systems, which are financially supported by their users, to enable their effective operation and maintenance.

D.1.3 Preferred Means of Servicing

- D.1.3.1 The preferred means of servicing each Settlement Area is by full municipal water and sewage services. However, given the existing form of servicing in Perkinsfield, Lafontaine, Wyebridge, Wyevale and Toanche, the provision of full municipal services in these areas is not feasible. On this basis, the preferred means of servicing in Perkinsfield, Wyevale and Lafontaine is by municipal water systems and *individual on-site sewage services*, and the preferred means of servicing in Wyebridge and Toanche is by *individual on-site sewage services and individual on-site water services*.
- D.1.3.2 Should municipal sewage servicing become available in any area of the *Township*, the *Township* will enact a by-law that mandates connecting to the municipal sewage system in vulnerable areas where an *individual on-site sewage services is a significant drinking water threat*.
- D.1.3.3 The preferred means of servicing in the Shoreline area is by *individual on-site sewage services and individual on-site water services*. It is recognized that a number of municipal water systems already exist in the Shoreline area. Many of these systems were required to be developed by the *Province* as a condition of approval. The expansion of these systems to service new development may be permitted, provided the expansion is feasible and financially viable for the *Township*. All new development shall be serviced by *individual on-site sewage services*. The development of new 'stand-alone' *private communal water services* is generally not permitted.
- D.1.3.4 All new development on lands outside of the *Settlement Area* and Shoreline designations shall be serviced by *individual on-site sewage services and individual on-site water services*.
- D.1.3.5 New *partial services* shall only be permitted when necessary to address a failed water or sewage system(s) in existing development, or for infilling or minor rounding out of existing development, provided site conditions are suitable for such services.

PART E PLAN IMPLEMENTATION & ADMINISTRATION

D.1.4 **Planning for Water and Sewage Services**

D.1.4.1 *Sewage and water services* shall be planned to the satisfaction of the *Township* and applicable authority in a manner that:

- a) Existing services are effectively used;
- b) The means of servicing is feasible and financially viable;
- c) Complies with all regulatory requirements;
- d) Protects human health;
- e) Conforms to the environmental policies of this Plan;
- f) Promotes water conservation; and,
- g) Implements the recommendations of any required and approved hydrogeological study and/or functional servicing study.

D.1.4.2 Lot creation on municipal or *private communal water services and private communal sewage services* are only permitted if there is demonstrated sufficient reserve capacity in the system. If a review of the reserve capacity is required to be completed by the *Township*, the cost associated with the review shall be borne by the applicant.

D.1.4.3 Development of Garden Suites, residential Second Units, accessory units, or multi-unit residential developments may also be required to demonstrate sufficient reserve capacity.

D.1.5 **New Water and Sewage Systems or Expansions**

D.1.5.1 Where this Plan permits new or expanded municipal or communal *sewage and water services*, they will only be considered by the *Township* as follows:

- a) The system is financially viable to the *Township* or its users over the long term;
- b) Strategies for water conservation are considered;
- c) A comprehensive Master Plan or similar Plan undertaken on a watershed basis has been prepared, which demonstrates that any effluent discharge or water taking will not negatively impact water quality or quantity; and,

PART E PLAN IMPLEMENTATION & ADMINISTRATION

- d) In a *Settlement Area* serviced by rivers, inland lakes or groundwater, extension of services from Georgian Bay is not permitted unless it is required for public health and safety reasons within the existing settlement boundary.

D.1.5.2 The *Township* may plan for *sewage* and *water* systems beyond the year 2031.

D.1.5.3 Expansion of municipal water systems in *Settlement Areas* beyond the *Settlement Area* boundary shall not be permitted except as directed by the *Province* to remedy a health hazard.

D.1.6 **Communal Services and Responsibility Agreements**

D.1.6.1 The proponent of *private communal water services* and *private communal wastewater services* shall enter into a Responsibility Agreement with the *Township* before development occurs. Such an agreement is a legal agreement between the proponent and the *Township* that stipulates the conditions under which the *private communal water services* and *private communal wastewater services* will be constructed, operated and maintained, as well as the actions to be undertaken by the *Township* in the event of default. The agreement shall also specify the amount of up-front security deposits required for any remedial measures that may be necessary in the event of default.

D.1.7 **New Development in Proximity to Existing Water Supply Sources**

D.1.7.1 All new development shall be located in such a manner to ensure that it will not have an impact on the *quality and quantity of water* on municipal and *private communal water services*. In this regard, proponents of new development, excluding construction of a single residential unit on an existing lot of record, will be required to assess the impacts of their proposed development on these wells to the satisfaction of the *Township*.

D.1.7.2 In the area where a future *individual on-site sewage services* would be a significant drinking water threat, new development may be permitted only where the lot size for the proposed development is based on the most current version of Ministry of the Environment, Conservation and Parks guidelines for individual on-site servicing. Lots of record that existed prior to July 1, 2015 are exempted.

PART E PLAN IMPLEMENTATION & ADMINISTRATION

- D.1.7.3 Where possible, new *private communal sewage services* or *municipal sewage services* should be located outside of vulnerable areas where it would be a significant drinking water threat. Where a development proposal includes new *private communal sewage services* or *municipal sewage services*, a Master Environmental Servicing Plan shall be required as part of a complete application.
- D.1.7.4 The *Township* shall prohibit new *individual on-site sewage services* within WHPA-A in the Georgian Sands Issues Contributing Area. In areas in the Georgian Sands Issues Contributing Area outside of the WHPA-A, where a future *individual on-site sewage services* would be a significant drinking water threat, new development may be permitted only where the lot size for any proposed development that would include *individual on-site sewage services* is based on the most current version of MOECC's guidelines for individual on-site *water services* and *individual on-site sewage services*. Lots of record that existed prior to July 1, 2015 are exempted.
- D.1.7.5 Proponents of large scale development, which include but are not limited to settlement expansions, golf courses, airports and new *waste disposal sites*, shall also be required to provide to the satisfaction of the *Township* the following:
- a) Characterization of groundwater and surface water flows;
 - b) The quantity and quality of the water source;
 - c) Water use profile and forecast;
 - d) A water budget;
 - e) Identification of water conservation measures; and,
 - f) Master Environmental Servicing Plan.

D.2 STORMWATER MANAGEMENT

D.2.1 Stormwater Management Policies

- D.2.1.1 All major commercial, industrial, institutional and residential development proposals shall be supported by a Stormwater Management (SWM) Report. The content and depth of the SWM Report shall be determined when the development is proposed.

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D.2.1.2 The SWM Report shall be prepared by a qualified professional to the satisfaction of the *Township* and the appropriate agencies. The Report shall:

- a) Provide recommendations on a stormwater quantity system, which ensures that post-development run-off rates will not be greater than the pre-development run-off rates for storms up to and including the Timmins storm event;
- b) Document the possible impacts of development on watershed flow regimes, including their interconnection with groundwater resources;
- c) Provide recommendations on how to maintain pre-development water quality and improve run-off where appropriate;
- d) Document the means by which stormwater volume control will be provided; and,
- e) Determine and describe the necessary measures required to be undertaken during construction to mitigate the potential negative impacts of development.

D.2.1.3 All stormwater management facilities in a Plan of Subdivision shall be placed in the Environmental Protection Zone in the implementing Zoning By-law to reflect the potential for these lands to be flooded and to ensure that their intended use is recognized. Stormwater management facilities for condominium developments and other large single uses may be privately owned and maintained. Agreements with the *Township* may be required as a condition of approval, to provide for their continued maintenance.

D.2.1.4 Any stormwater management facility should be designed to conserve the landscape and natural features as much as possible, and shall be naturalized using native species.

D.3 TRANSPORTATION

D.3.1 Introduction

D.3.1.1 The Transportation Network within the *Township* is widespread and varied. It includes a hierarchy of roads, including a *Provincial* Highway, *County* Roads, *Township* Roads and private roads. The *Township* also hosts the Tiny Trail, which is a major trail network that traverses a significant length of the *Township*. Various other trails and opportunities for active transportation are included within the *Township*. The Huronia Airport is also located within the *Township*. The Airport serves an economic and

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transportation function. The *County* of Simcoe provides a regional transit system, which includes the Township of Tiny.

D.3.1.2 The policies of this Plan provide protection for these transportation systems, as well as opportunities to enhance and diversify the existing Transportation Network.

D.3.1.3 The Transportation Network is mapped on Schedule C to this Plan.

D.3.2 **Objectives**

- a) To facilitate the movement of both people and goods to and from various communities within the *Township* and to and from adjacent municipalities;
- b) To ensure that new development does not create a traffic hazard;
- c) To ensure appropriate right-of-way widths for all existing and proposed roads;
- d) To restrict development on unassumed roads;
- e) To restrict development on private roads and individual rights-of-way, unless an agreement on services is registered on title;
- f) To encourage active transportation, such as cycling and walking, within *Settlement Areas*, as well as other appropriate areas;
- g) To support the County of Simcoe's multimodal transportation system initiatives; and,
- h) To support the long-term operation and economic viability of the Huronia Airport.

D.3.3 **Roads**

D.3.3.1 Land Use abutting the *Township's* road network, including but not limited to entrances, is the jurisdiction of the applicable road authority, as well as the *Township*. Each class of road hosts differing requirements.

D.3.3.2 When designing and reconstructing the public road network, consideration will be given to the means in which to balance the needs of all road users, including pedestrians, cyclists, transit and vehicles. Pedestrian laneways within road allowances are to be encouraged whenever feasible.

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D.3.4 Highway 93

D.3.4.1 Highway 93 is a *Provincial* road that carries large volumes of traffic between northwestern Simcoe County and southern Ontario. It is anticipated that traffic flows on Highway 93 will increase in the future as the population of southern Ontario grows.

D.3.4.2 A small portion of Highway 93 is located in the *Township* and traverses through the *Settlement Area* of Wyebridge. Development and access to Highway 93 is restricted in accordance with *Provincial* Policy.

D.3.4.3 Provision shall be made for highway routing and expansion when considering applications for *development* adjacent to or in the vicinity of the Highway, as determined by the *Province*. The *Province* shall also be consulted on any stormwater management plans or proposals associated with any development application in the vicinity of the Highway.

D.3.5 County Roads

D.3.5.1 *County* of Simcoe Roads function as roads that serve a regional role by carrying traffic through the *Township* or from the *Township* to neighbouring municipalities.

D.3.5.2 *County* Roads traverse through Perkinsfield, Wyevale and Lafontaine. Access to *County* Roads outside of these Settlements will be restricted in accordance with *County* of Simcoe Policy, by-laws and guidelines.

D.3.5.3 Outside of *Settlement Areas*, *County* of Simcoe entrance permits may generally be obtained for approved uses on existing lots if no entrance currently exists and if safety and drainage can be adequately addressed to the satisfaction of the *County*. New entrances shall generally not be permitted to individual residential lots on *County* Roads if the lot was created after June 30, 1996, unless otherwise approved by the *County*. New municipal roads may be permitted in accordance with *County* policies.

D.3.5.4 Within *Settlement Areas*, *County* entrance permits to individual lots may be permitted, subject to safety and drainage being adequately addressed to the satisfaction of the *County*. New municipal roads may be permitted in accordance with *County* policies.

D.3.5.5 When considering development within *Settlement Areas*, the *Township* shall promote transit and active transportation routes along *County* Roads.

D.3.5.6 Reverse lotting along *County* Roads is discouraged. Where multi-lot development backing onto *County* Roads is considered and is necessary, landscaping features along the *County* Road will be required.

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D.3.5.7 Notwithstanding the entrance permissions provided for in this Plan or in the policies, by-laws and guidelines of the *County*, access to development shall be provided from a *Township* municipal road where feasible and not from a *County* Road. Exceptions for *mineral aggregate operations* will be provided.

D.3.5.8 When considering new entrances or new roads onto *County* Roads, or development in the vicinity of *County* Roads, the *County* of Simcoe may require, to their satisfaction, the following:

- a) Land dedication for applications on lands abutting *County* Roads for matters which may include but not be limited to expansions for active transportation routes or transit, extra lanes, sight triangles, sidewalks, engineering works, *infrastructure* and/or landscaping;
- b) A traffic impact analysis;
- c) Noise attenuation; and/or,
- d) Stormwater management analysis.

D.3.6 **Township Transportation Routes**

D.3.6.1 From a planning policy perspective, the *Township* has jurisdiction over a hierarchy of roads and other transportation routes, which include:

- a) Arterial Roads;
- b) Local Roads;
- c) Unassumed Roads;
- d) Condominium Roads;
- e) Private Roads; and,
- f) Trails.

D.3.6.2 Various land use approaches are applicable to each of these road/transportation route categories.

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D.3.7 Arterial Roads

D.3.7.1 These are roads that collect traffic from local roads and carry that traffic to *County Roads* and the *Provincial Highway* system.

D.3.7.2 Development proposed adjacent to Arterial Roads shall be evaluated to determine if the proposed land use is compatible with the planned function of the Arterial Road, as well as safety, other traffic impacts and drainage considerations. Buffering of development from Arterial Roads may be required.

D.3.7.3 Direct access to abutting properties will generally not be permitted unless there is no other alternative.

D.3.8 Local Roads

D.3.8.1 Local roads are those roads that carry traffic from the *Provincial* and *County Road* system and from the Arterial Roads to individual properties.

D.3.8.2 Proposals for development on Local Roads will be evaluated for safety and drainage and may be evaluated for other traffic impacts and buffering.

D.3.9 Unassumed Roads

D.3.9.1 Unassumed Roads are *Township*-owned rights-of-way that are neither opened nor assumed by the *Township*.

D.3.9.2 No development is permitted on Unassumed Roads unless otherwise permitted through an existing agreement.

D.3.9.3 It is not a policy of this Plan that Unassumed Roads be upgraded by the *Township*.

D.3.9.4 All lots that front on an Unassumed Road shall be subject to a Holding provision in the implementing Zoning By-law. The lifting of a Holding provision permitting any new development shall require the assumption of the Unassumed Road in compliance with Section D.3.12.

D.3.10 Private Roads

D.3.10.1 Private roads are lanes or roads maintained by private individuals or Condominium Corporations, which service more than one property. It is the policy of the *Township* to restrict new lot creation on private roads or individual rights-of way, unless the private road is in a Plan of Condominium.

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D.3.10.2 For the purpose of this Plan, the local road policies shall apply to Condominium Roads. A reduced right of way width may be permitted on a Condominium Road.

D.3.10.3 The construction or expansion of a permitted structure on an existing lot of record that is accessed only by a Private Road may be permitted, subject to Section D.3.11 (Development on Private Roads).

D.3.11 **Development on Private Roads**

D.3.11.1 The creation of a new lot on Private Roads is not permitted.

D.3.11.2 All lots that front on a Private Road shall be placed in a Limited Service Residential Zone in the implementing Zoning By-law. These lots shall also be subject to a Holding provision in the implementing Zoning By-law. The lifting of a Holding provision permitting any new development shall require the entering into of a Site Plan (Private Street Means of Access) Agreement. The construction of a principal structure or the enlargement, renovation or addition to an existing principal structure shall not be permitted until the Agreement is entered into between the landowner and the *Township*.

D.3.11.3 Prior to considering a Site Plan (Private Street Means of Access) Agreement, the Township shall be satisfied that:

- a) The use of the lot is permitted by the implementing Zoning By-law;
- b) The lot is an existing lot of record as of the date of adoption of this Official Plan; and
- c) Any other matter deemed appropriate by the *Township*.

D.3.11.4 The Site Plan (Private Street Means of Access) Agreement shall contain wording that generally identifies that the *Township* and *County* services are not provided to the properties and the *Township* is not responsible or liable in any way for the issuance of the building permits, among other matters as deemed appropriate by the Township.

D.3.11.5 This policy does not apply to Condominium Roads.

D.3.12 **Assumption of Unassumed Roads**

D.3.12.1 Subject to the applicable sections of the *Municipal Act*, in situations where landowners on an unassumed road request that the *Township* assume the unassumed road, the following criteria shall be met before the *Township* considers the assumption of the road:

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- a) The road to be assumed has direct access to, a public road maintained year-round;
- b) The unassumed road shall be brought up to an appropriate standard, acceptable to the *Township* and at no cost to the *Township*;
- c) A road construction agreement between the owner(s) and the Township shall be required at no cost to the Township; and
- d) The lot(s) adjacent to the unassumed road be properly rezoned.

D.3.12.2 The classification of an upgraded Unassumed Road may be modified on Schedule C, without the requirement for an Official Plan Amendment.

D.3.13 **Assumption of Private Roads**

D.3.13.1 Subject to the applicable sections of the *Municipal Act*, in situations where all landowners on a Private Road request that the *Township* assume the Private Road, the following criteria shall be met before the *Township* considers the assumption of the road:

- a) The road to be assumed has direct access to, a public road maintained year-round;
- b) The Private Road shall be brought up to an appropriate standard, acceptable to the *Township* and at no cost to the *Township*;
- c) A road construction agreement between all landowners and the Township shall be required at no cost to the Township; and
- d) The lots adjacent to the Private Road be properly rezoned.

D.3.13.2 The classification of an upgraded Private Road may be modified on Schedule C, without the requirement for an Official Plan Amendment.

D.3.14 **Active Transportation and Transit**

D.3.14.1 Active transportation is encouraged in the *Township*. Development applications will be evaluated for opportunities to incorporate active transportation, including but not limited to land dedication, connectivity to other routes and linking of neighbourhoods and *Settlement Areas*.

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- D.3.14.2 The Tiny Trail is the largest active transportation route that traverses the *Township*. The Trail forms part of the Trans Canada Trail System. Development applications that have the opportunity to connect active transportation routes to the Tiny Trail will be encouraged. Applications adjacent to the Trail will be evaluated with respect to compatibility with the Trail and its various uses, and mitigation may be required. Opportunities for trail heads may be required when evaluating development applications in proximity to the Tiny Trail.
- D.3.14.3 Active transportation routes from the Tiny Trail to the *Township's* five beach parks will be encouraged.
- D.3.14.4 Multi-lot or multi-unit development proposals by plan of subdivision or condominium should, unless otherwise provided in this Official Plan, include active transportation routes both internally and linkage to external routes and, where feasible and applicable, public areas. These elements may include but not be limited to sidewalks, trails and bicycle paths. Dedication for land for trails will be in accordance with the *Planning Act*.
- D.3.14.5 An off road multi-use trail is planned adjacent to *County Road 25* (Balm Beach Road East) linking Perkinsfield to Midland. Development applications shall be evaluated in association with this planned transportation route and land dedication or other means may be required by the *Township* and/or *County* in order to ensure that the development of this transportation route is accommodated.
- D.3.14.6 The *Township* will work with the *County* and its neighbouring municipalities to consider the feasibility of improved transit links between Midland, Penetanguishene, Tay and the *Township*.
- D.3.15 **Right-Of-Way Widths**
- D.3.15.1 Determining the appropriate right-of-way widths for *Provincial* Highways and *County* Roads is the responsibility of either the *Province* or the *County*.
- D.3.15.2 The minimum right-of-way width for all Arterial and Concession Roads is 26 metres. The minimum right-of-way width for all new *Township* local roads shall generally be 20 metres.

D.3.16 **Traffic Impact Studies**

D.3.16.1 Traffic Impact Studies may be required by the *Province, County* or *Township* to support a development application. The intent of such a Study is to ensure that the proposed development can be designed and sited to ensure that the impacts of the development on the adjacent road network are minimized, and safety and drainage concerns are appropriately addressed.

D.3.16.2 The *Township* shall require information contained within Traffic Impact Studies to be consistent with the *County's* General Guidelines for Traffic Impact Studies.

D.3.17 **Airport**

D.3.17.1 The Huronia Airport is located within the *Township*. The Airport is owned by the *Township*, as well as the Town of Midland and Town of Penetangushine. The Airport is an economic catalyst in North Simcoe, and provides recreational and emergency service functions. From a land use perspective it is a policy of this Plan to protect the role of the Airport and any future expansions or associated area businesses. Development on and around the Airport are also contained within the Employment policies of this Plan.

D.3.17.2 The Airport shall be protected from incompatible land uses by:

- a) Appropriately buffering or separating residential or other sensitive land uses from the Airport and associated Employment lands that surround the Airport;
- b) Prohibiting new residential and other sensitive land uses in areas near the 30 NEF/NEP contour and redevelopment of existing sensitive land uses shall only be permitted if there is no negative impact on the long term function of the Airport; and
- c) Discouraging uses that may cause a potential aviation safety hazard, which include but are not limited to development of ponds that attract birds or other habitat, and which would attract animals and provide access to the runways.

D.4 WASTE DISPOSAL SITES

D.4.1 Introduction

D.4.1.1 There are thirteen *Waste Disposal Sites* within the *Township* as mapped on Schedule D to this Plan. *Township* Site 39 is owned by the County of Simcoe and operates as a waste transfer and processing station. The *County* is the *Township's* service provider for solid waste disposal.

D.4.1.2 *Waste Disposal Sites*, and land uses within their vicinity, shall be located and designed in accordance with the *Environmental Assessment Act* and the *Planning Act* and the policies of this Plan. The *Province's D-4 Guideline* forms the basis of the *Township's Waste Disposal Site Policies* of this Plan.

D.4.2 Objectives

- a) To encourage reduction, reuse, and recycling of household and construction waste; and,
- b) To protect the health and safety of residents and the community from the potential adverse effects of *Waste Disposal Site* activities by restricting or controlling development in proximity to *Waste Disposal Sites*.

D.4.3 Policies

D.4.3.1 The *County* is responsible for the development, operation, monitoring, maintenance and rehabilitation of *County* owned and operated *waste disposal sites*. Policies with respect to the *County* sites are contained within the *County* of Simcoe Official Plan.

D.4.3.2 The *Township* and private owners are responsible for the development, operation, monitoring, maintenance and rehabilitation of their respectively owned waste disposal sites in accordance with applicable legislation.

D.4.3.3 Only *waste disposal sites* and approved accessory uses as per the Environmental Compliance Approval issued by the *Province* are permitted on sites hosting *waste disposal sites*.

D.4.3.4 The *D-4 Assessment areas* are where *waste disposal site* related impacts may be present. They are approximately 500 metres from the property line of an open site or 500 metres from the *fill area* of a closed site.

D.4.3.5 Sensitive land uses are not normally permitted within the *D-4 Assessment area* of an active *waste disposal site*. Sensitive land uses generally include,

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but are not limited to, permanent structures where people sleep or are present on a full time basis or where animals are housed or pastured; however, the precise definition is as defined by the *Province's D-4 Guideline*. The *D-4 Guideline* shall provide guidance as to any exceptions permitted.

- D.4.3.6 Through an assessment, if it is determined that the D-4 assessment influence area is more or less than the prescribed 500 metres, the *D-4 Assessment Area* may be reduced, or required to be expanded, to coincide with the actual influence area. The area of influence related to *County* owned sites shall be determined by the *County* in consultation with the *Province* or in the case of private sites, the *Township* shall consult with the *Province* directly.
- D.4.3.7 Where *development* is proposed within a *D-4 Assessment Area* of a *County* owned *waste disposal site*, the policies of the *County* shall apply.
- D.4.3.8 Where *development* is proposed within a *D-4 assessment area* of a *Township* or private *waste disposal site*, the *Township* will require a D-4 Study in accordance with the *D-4 Guidelines* from the *Province*. Such a Study may address matters including but not limited to:
- a) The impact of any potential methane gas migration;
 - b) Whether the proposed use will be adversely affected by noise, odor, dust or other nuisance factors from the *waste disposal site*;
 - c) Potential traffic impacts;
 - d) Whether the proposed use will be adversely affected by ground and surface water contamination by leachate migrating from the *waste disposal site*; and,
 - e) Any mitigation or monitoring required.
- D.4.3.9 The D-4 Study is intended to address these matters and other items outlined in the *Province's D-4 Guideline*, or its successor as required to ensure that the proposed land uses are compatible in nature and do not adversely impact upon each other.
- D.4.3.10 The D-4 Study required to support a development application within the *D-4 Assessment Area* shall be based on the type and/or scale of the development proposed.
- D.4.3.11 All lands within the *D-4 Assessment Area* shall be subject to a Holding provision in the implementing Zoning By-law. The lifting of a Holding

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provision permitting the development of any new use or new or enlarged buildings or structures within the assessment area shall not occur until the *D-4 Approval Authority* has confirmed that:

- a) The applicant has submitted of D-4 Study prepared by a qualified professional;
- b) The D-4 Study has been peer reviewed, at the expense of the applicant, by a qualified consultant in consultation with the *Province*; and,
- c) Any recommendations made in the D-4 Study, and any other applicable study, are implemented.

D.4.3.12 In cases where an amendment to the Official Plan and/or Zoning By-law is required to permit a proposed use in a *D-4 Assessment Area* or for a new or expanded *waste disposal site*, appropriate studies dealing with the matters set out above shall be submitted with the application.

D.4.3.13 An amendment to this Plan will be required for a new or expanded *waste disposal site*.

D.4.3.14 Deletion of a *waste disposal site* by the *Province* does not require an amendment to this Plan. A modification to the fill area of a closed waste disposal site or reduction to the assessment area by the Province also does not require an amendment to this Plan.

D.4.3.15 All new septage spreading proposals shall require an amendment to this Plan and the implementing Zoning By-law.

D.5 CULTURAL HERITAGE RESOURCES

D.5.1 Introduction

D.5.1.1 *Cultural heritage resources* may consist of buildings, structures, structural remains, archeology sites, artifacts, shipwrecks and submerged structures, cemeteries, burial grounds and other built and landscape features that are of cultural heritage significance. *Cultural heritage resources* are valued for the important contribution they make to our understanding of the history of a place, an event or a people.

D.5.2 **Objectives**

- a) To recognize that the maintenance of the *Township's cultural heritage resources* will contribute to the preservation of the *Township's* character;
- b) To ensure that the nature and location of *cultural heritage resources* are known and considered before land use decisions are made;
- c) To prevent the demolition, destruction, inappropriate alteration or use of *cultural heritage resources* and encourage *development* that is adjacent to significant *cultural heritage resources* be of an appropriate scale and character;
- d) To consult and seek the advice of the Beausoleil First Nation, Huron-Wendat Nation, Metis Nation of Ontario, the *Province*, the Township Heritage Advisory Committee or other established heritage organizations when making decisions regarding the conservation of *cultural heritage resources* in the *Township*.

D.5.3 **Policies**

- D.5.3.1 It is the intent of this Plan that the *Township's cultural heritage resources* be identified, inventoried, and shall be conserved and will be enhanced whenever practical, and that all new *development* should occur in a manner which respects the *Township's* physical heritage.
- D.5.3.2 The *Township* shall consider the interests of Indigenous communities in conserving cultural heritage and archeology resources.
- D.5.3.3 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.
- D.5.3.4 Conservation may be addressed through a Conservation Plan, Heritage Impact Assessment, stewardship, or through the provisions of the *Ontario Heritage Act*. For the purposes of this policy, “conservation” or “conserve” means the identification, protection, use and/or management of Cultural Heritage and *Archaeological Resources* in such a way that their heritage values, attributes and integrity are retained.
- D.5.3.5 *Development* proposed contiguous to a property that is designated under the *Ontario Heritage Act* is not permitted, unless it has been demonstrated through the completion of a Heritage Impact Assessment that the *Heritage Attributes* of the protected property will be conserved.

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D.5.3.6 The *Township* shall apply the provisions of the *Funeral, Burial & Cremation Services Act* and its regulations when marked and unmarked cemeteries or burial places are encountered during *development*, assessment or excavation.

D.5.3.7 The *Township* may require that significant *cultural heritage resources* and/or significant *cultural heritage landscapes* be zoned to provide appropriate protection of the resource. Other tools of protection may also be considered by the *Township*, including Site Plan Control and Conservation Easements.

D.5.3.8 The *Township* recognizes the duty to consult with Indigenous communities when considering *Planning Act* applications and will carry out consultation with these communities. The *Township* also recognizes that consultation requirements may vary and may be increased where there is the potential for Indigenous rights or claims to be impacted.

D.5.4 **Heritage Impact Assessments**

D.5.4.1 The *Township* may require a Heritage Impact Assessment where a proposed *development* or redevelopment:

- a) Is on or adjacent to a significant heritage resource or *cultural heritage landscape*;
- b) Is on, adjacent to, or in the immediate vicinity of a property designated under the *Ontario Heritage Act*;
- c) Is within or adjacent to the boundaries of a heritage conservation district; or,
- d) Proposes the removal, alteration or relocation of heritage resources.

D.5.4.2 The *Township* may scope or waive the requirement for a Heritage Impact Assessment where the scale and nature of the proposed *development* would not warrant the completion of the study.

D.5.4.3 A Heritage Impact Assessment shall be prepared by a qualified professional and include the following:

- a) Identification and evaluation of the heritage resources;
- b) A written and pictorial or photographic inventory of the heritage resource;

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- c) Assessment of the *development* proposal's impact on the heritage resources;
- d) The manner in which to mitigate any negative impacts; and,
- e) Any additional information, which may be required by the *Township* or applicable agency.

D.5.5 Designation of Heritage Properties

D.5.5.1 Pursuant to the *Ontario Heritage Act*, Council may, by by-law:

- a) Designate properties to be of historic and/or architectural value or interest;
- b) Define an area within the *Township* as an area to be examined for designation as a heritage conservation district; and/or,
- c) Designate any area within the *Township* as a heritage conservation district.

D.5.6 Archaeological Resources

D.5.6.1 The *Township* recognizes that there may be archaeological remnants of prehistoric and early historic habitation, as well as archaeological potential areas within the *Township*. Archaeological sites and resources contained within these areas can be adversely affected by *development*.

D.5.6.2 *Development* and *site alteration* is only permitted on lands containing *Significant Archeological Resources* or *Areas of Archeological Potential* if the resource has been *conserved* through removal and documentation, or by preservation on the site. If removal and documentation is undertaken, it shall only be done by licensed archeologists. If preservation is undertaken, *development* and *site alteration* that maintains the heritage integrity may be permitted.

D.5.6.3 The *Township* will require an Archaeological Assessment by an archeologist licensed by the *Province* for *development* applications where identified *Archeological Resources* exist or where the potential for such resources exist and will require it prior to approval of a Plan of Subdivision or Plan of Condominium proposing multi lot development.

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D.5.6.4 The *Township* shall consult appropriate *Provincial* government agencies, where an identified human cemetery, marked or unmarked human burial is affected by land *development*. The provisions under the *Ontario Heritage Act* and the *Funeral, Burial & Cremation Services Act* shall apply.

D.5.6.5 Indigenous communities and appropriate Provincial Ministries and Authorities will be notified, should Indigenous *archaeological resources* or burial places be found through an archaeological assessment. The Beausoleil First Nation and Huron-Wendat Nation shall be the first point of contact when resources are found. These Nations shall be provided with all archaeological assessments, even when evidence is not found.

D.6 LAND DIVISION

D.6.1 Introduction

D.6.1.1 The general lot creation policies are located within this Section of this Plan. Lot creation policies that are specific to particular land use designations are also found in their specific Sections of this Plan.

D.6.1.2 Lot or unit creations may proceed by the following methods:

- a) Consent;
- b) Registered Plan of Subdivision and/or the lifting of Part Lot Control within a Registered Plan of Subdivision; or,
- c) Registered Plan of Condominium.

D.6.1.3 The creation of lots and condominium units shall comply with the policies of this Plan and the implementing Zoning By-law.

D.6.1.4 Parkland dedication in accordance with the policies of this Plan, including Section E.9 (Parkland Dedication), shall be required for lot creation.

D.6.2 Preferred Means of Land Division

D.6.2.1 Land division by Plan of Subdivision, rather than by consent, shall generally be deemed necessary if:

- a) More than five new lots are being created;

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- b) The extension of an existing public road or the development of a new public road (or condominium road) is required to access the proposed lots;
- c) The extension of municipal or communal water or sewage services are required to service the proposed lots;
- d) The area that is proposed to be developed is not considered to be infilling;
- e) A Plan of Subdivision is required to ensure that the entire land holding or area is developed in an orderly and efficient manner;
- f) Detailed implementation mechanisms including but not limited to municipal agreements are required; or,
- g) The property is a large tract of land and requires a Plan of Subdivision or Condominium to establish an appropriate lot and/or road layout.

D.7 CONSENTS

D.7.1 General Consent Policies

D.7.1.1 This Section is intended to contain general consent policies that are to be considered with every application for consent.

D.7.1.2 Lot creation by consent shall only be considered in the limited circumstances permitted by the lot creation policies of the applicable land use designation and where it is determined that a Plan of Subdivision is not required.

D.7.2 General Criteria for New Lots Created by Consent

D.7.2.1 Prior to considering an application to create a new lot, the *Township* shall consider and/or be satisfied with the following:

- a) The proposed lot fronts on an open public road;
- b) The proposed lot does not front on a *Provincial Highway* or a *County Road* (outside of the *Settlement Area* designation);
- c) The proposed lot will not cause a traffic hazard;

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- d) The proposed lot can be serviced with appropriate *sewage and water services*;
- e) The proposed lot will not have a negative impact on the drainage patterns in the area;
- f) The proposed lot will not affect the orderly development of the remainder of the lands, if they are designated for development by this Plan;
- g) The proposed lot and use for the lot is compatible with the surrounding land uses;
- h) The proposed lot size and frontage is appropriate;
- i) The natural heritage policies of this Plan, which are included in the Environmental Protection and Greenlands Designations and found in Sections B.1 (Environmental Protection) and B.2 (Greenlands), and any applicable *County* and *Provincial* policies and regulations are adhered to;
- j) Whether the proposed lot(s) will inhibit or limit the potential for future planned development in the area;
- k) Whether the proposed lot will not preclude or hinder the establishment of new *mineral aggregate operations* within the Mineral Aggregate Resources One and Two designations; and,
- l) Other matters, as deemed appropriate by the *Township*.

D.7.3 **Other Consents**

- D.7.3.1 Consent may also be permitted for a technical or legal reason such as a boundary adjustments, lot additions, easements, right-of ways, validation of titles, or other similar purposes that do not result in the creation of a new lot.

D.7.4 **Boundary Adjustments**

- D.7.4.1 Boundary adjustments may be considered where the effect of the boundary adjustment is to consolidate or rationalize a property boundary. In reviewing an application for a boundary adjustment, the *Township* shall be satisfied that:

- a) No new lot will be created; and,

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- b) The boundary adjustment will not affect the viability of the use of the subject properties intended by this Plan.

D.7.5 Technical Severances

D.7.5.1 A technical severance to divide lands which have inadvertently merged in title may be granted, provided the *Township* is satisfied that:

- a) The merging of the land subject to the application was unintentional;
- b) The land subject to the application was not merged as a requirement of a previous planning approval;
- c) The subject lands, if re-divided, generally conform with any applicable minimum lot area standard within this Plan and generally conform with the requirements of the *Township's* Zoning By-law; and,
- d) There is no public interest served by maintaining the subject property as a single conveyable parcel.

D.7.6 Lots for Utilities

D.7.6.1 The creation of new lots for public *utilities*, communication *utilities* and water and sewer *infrastructure* may be permitted, provided:

- a) The area of the proposed lot is minimized and reflects what is required for the use; and,
- b) An amendment to the implementing Zoning By-law is required as a condition of Provisional Consent, whereby the permitted uses are related to the utility on the lot.

D.7.6.2 A new lot for a utility is not to be counted as part of the maximum number of lots permitted for a severance or whether a severance is permitted in the applicable land use designation.

D.7.6.3 Lots for *utilities* are discouraged in the Agricultural designation.

D.8 SUBDIVISION AND CONDOMINIUM

- D.8.1 This Section is intended to contain general Plan of Subdivision policies that are to be considered with every application for Plan of Subdivision.
- D.8.2 Prior to the consideration of approval of a Plan of Subdivision, the *Township* shall be satisfied that:
- a) Each of the proposed lots will front on an assumed public road;
 - b) The proposal conforms with the servicing policies of this Plan, including Section D.1 (Water and Sewage Servicing);
 - c) The proposal conforms with the Natural Heritage policies of this Plan including Sections B.1 (Environmental Protection) and B.2 (Greenlands);
 - d) Any proposed phasing shall be coordinated with abutting development, requirement for external works, and/or future phases, including the use of holding by-laws for future phases, if deemed necessary;
 - e) Any proposal shall be integrated with the adjacent plans with respect to matters including but not limited to parkland dedication, trails, roads and *infrastructure*;
 - f) Any proposal conforms to the growth management policies of this Plan; and,
 - g) Other matters as deemed appropriate by the *Township*, are addressed.
- D.8.3 Prior to the registration of any Plan of Subdivision, a Subdivision Agreement between the landowner and the *Township* will be required. Matters to be addressed in the Agreement may include but not be limited to financial considerations, provision of services, drainage, landscaping, land dedication, construction mitigation, and *County* requirements. The Agreement shall be registered against the title to the lands.
- D.8.4 Plans of Subdivision and Condominium shall be designed to minimize impacts on the transportation system, the *natural heritage features and areas*, or adjacent land uses.

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- D.8.5 Road design in Plans of Subdivision and Condominium shall consider means in which to balance the needs of all road users including pedestrians, cyclists, transit and vehicles.
- D.8.6 Plans of Subdivision or Condominium shall be integrated with adjacent lands, subdivisions, trails and roads.
- D.8.7 The policies in Section D.8 (Subdivision and Condominium) shall apply to plans of condominium, where applicable.

D.9 PART LOT CONTROL

- D.9.1 Council may, by by-law, exempt all or parts of a registered plan of subdivision from part lot control to permit the conveyance of portions of lots or blocks. By-laws to exempt lands from part lot control shall be limited to a period of not more than three (3) years.

D.10 GARDEN SUITES AND SECOND UNITS

D.10.1 Introduction

- D.10.1.1 Garden Suites and Second Units allow for affordable housing opportunities and are permitted in accordance with the policies of this Plan.
- D.10.1.2 Garden Suites are intended to provide for temporary and affordable accommodation on properties that host existing residential dwelling units. A Garden Suite is intended to be accommodated within the same general area of the lot as the existing dwelling. Garden Suites may be permitted through the passing of a Temporary Use By-law, as outlined below.
- D.10.1.3 Second Units provide for the opportunity to develop affordable housing units within the *Township*. Development of these units will assist in supporting the *County's* target of providing 10 percent affordable housing units to be created each year throughout the *County*.
- D.10.1.4 Garden Suites and Second Units may be subject to a *Township* licensing program as well as other *Township* criteria such as applicable Fire Code regulations.

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D.10.2 **Garden Suites**

D.10.2.1 Garden Suites may be permitted in the Shoreline, *Settlement Area*, Rural, Agricultural, Country Residential and Greenlands designations, where residential dwelling units are permitted.

D.10.2.2 Prior to passing a temporary use by-law for the establishment of a Garden Suite, the *Township* shall be satisfied that:

- a) The Garden Suite is secondary and incidental to the existing dwelling on the same lot;
- b) Appropriate on-site parking, sewage, water and drainage is provided for both the existing unit and the proposed Garden Suite;
- c) Appropriate buffering is provided, if deemed necessary, to any adjacent use;
- d) If serviced by a municipal or communal water supply, sufficient reserve capacity is available in the system; and,
- e) Not more than one Garden Suite is permitted per lot.

D.10.2.3 The maximum duration of the Garden Suite may be up to twenty (20) years with the option of applying for an extension of three (3) years thereafter until the use is no longer necessary.

D.10.2.4 The *Township* may require various studies to be undertaken in order to determine whether the Garden Suite is appropriate to be located on the lands as proposed.

D.10.2.5 Garden Suites may be subject to Site Plan Control and will be subject to all other applicable policies of this Plan.

D.10.2.6 The *Township* will require the Owner of the Lands on which the Garden Suite is located to enter into an agreement with the *Township* to deal with the following:

- a) The installation, maintenance and removal of the Garden Suite;
- b) The form of security that the *Township* may require for actual or potential costs to the *Township* related to the Garden Suite including removal of the Garden Suite upon the expiration of the agreement;
- c) That the Garden Suite will not be used for short term accommodations; and,

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- d) Any other matter deemed appropriate by Council, which is not limited to the size, location, or buffering of the Garden Suite.

D.10.3 **Second Units**

D.10.3.1 Second Units are permitted within a legally existing or permitted detached dwelling, semi-detached dwelling, or townhouse within the Rural, Agricultural, Greenlands, Country Residential and *Settlement Area* designations.

D.10.3.2 Second Units are permitted within a legally existing or permitted accessory structure, within the Rural, Agricultural, Greenlands, Country Residential and *Settlement Area* designations, where a residential use is also a permitted use.

D.10.3.3 Where a second unit is permitted up to two second units are permitted per lot. However, only one second unit is permitted in an accessory structure.

D.10.3.4 Second Units are subject to the following criteria:

- a) Appropriate on-site parking, sewage, water and drainage is provided for the existing and additional unit(s);
- b) If serviced by a municipal or communal water supply, confirmation that sufficient reserve capacity is available in the system;
- c) The Second Unit is secondary and incidental to the existing dwelling on the same lot;
- d) The conversion of existing dwelling units to accommodate a Second Unit(s) shall form an integral part of the primary dwelling unit and be designed to maintain the character of the dwelling;
- e) The lot fronts onto an open public road or condominium road; and
- f) The number of bedrooms is limited to ensure that the Second Unit is subordinate to the primary dwelling unit.

D.10.3.5 The *Township* may require site plan approval and/or municipal registration of Second Units.

D.11 HOUSING FOR OLDER PERSONS

D.11.1 Introduction

D.11.1.1 As with many communities in Ontario, the Township hosts an aging population. The Township is desirous to provide appropriate opportunity to allow its aging population to have suitable housing options.

D.11.2 Permitted Uses

D.11.2.1 Housing for older persons may include nursing homes, retirement homes, a building hosting independent living units including communal dining with other communal facilities such as on-site facility scale commercial uses and recreational uses. Independent living units are required to be collectively owned and managed by an operator.

D.11.2.2 Garden Suites and Second Units are also considered an appropriate form of housing for older persons. Policies for the development of Garden Suites and Second Units are contained in Section D.10 (Garden Suites and Second Units) of this Plan.

D.11.3 General Policies

D.11.3.1 Housing for older persons is permitted in the *Settlement Area* designation subject to a Zoning By-law Amendment.

D.11.3.2 Small scale proposals for housing for older persons may be permitted in other appropriate land use designation subject to an Official Plan Amendment and Zoning By-law Amendment excluding the Environmental Protection, Greenlands, Agricultural, and *Employment Area* designations.

D.11.3.3 Proposals may be considered for housing for older persons within appropriate designations subject to addressing issues of neighbourhood and community character, transportation issues, as well as the other applicable policies of this Plan.

D.11.3.4 Housing for older persons is encouraged to locate in close proximity to commercial uses, *public service facilities*, and recreational uses and amenities as well as near existing or planned transit corridors where available.

D.11.3.5 Reduced parking standards may be considered for housing for older persons and may be subject to a parking analysis.

D.11.3.6 The Township shall encourage the use of universal design features in site, building and suite design.

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- D.11.3.7 Development of housing for older persons are required to be appropriately designed for the site and context in which they are proposed including but not limited to scale, massing, and buffering to adjacent uses
- D.11.3.8 Housing for older persons may be subject to Site Plan Control.
- D.11.3.9 Appropriate on-site infrastructure shall be addressed, which includes but is not limited to sewage, water, drainage, access and parking.

D.12 BED AND BREAKFAST ESTABLISHMENTS

D.12.1 Introduction

- D.12.1.1 Where bed and breakfast establishments are permitted in this Plan, an amendment to the implementing Zoning By-law is required. Prior to considering such an amendment, the Township shall be satisfied that:
- a) The use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
 - b) Adequate on-site parking facilities are available on the lot for the proposed use;
 - c) The proposed use will not cause a traffic hazard as a result of its location on a curve or a hill;
 - d) The proposed use can be serviced with an appropriate water supply and an appropriate means of sewage disposal;
 - e) The owner resides in the dwelling during the operation of the bed and breakfast; and,
 - f) The proposed use may be subject to Site Plan Control.

D.13 CONTAMINATED SITES

- D.13.1 If the site of a proposed use is known or suspected to be contaminated, the *Township* shall require the proponent to complete a study prepared in accordance with the Ministry of the Environment, Conservation and Parks guidelines which determines the nature and extent of the contamination and the identification of a remedial plan if required. Where the need for remediation is identified, the site shall be restored in accordance with the

remediation plan before development occurs to ensure that there will be no adverse effects on the proposed uses or adjacent land uses. The *Township* may require a Record of Site Condition to be filed with the Ministry of the Environment, Conservation and Parks as proof of a remediated site.

D.14 RENEWABLE ENERGY

D.14.1 The *Township* is not a willing host for industrial wind turbines.

D.14.2 Ground Mounted Solar Facilities are permitted within the Agricultural designation only as on-farm diversified uses.

D.14.3 Ground Mounted Solar Facilities are permitted within the Rural designation subject to a Zoning By-law Amendment. The Zoning By-law Amendment shall:

- a) Demonstrate that the size and scale will be compatible with existing development in the area;
- b) Identify how any potential adverse effects will be mitigated; and
- c) Demonstrate how any visual impacts will be mitigated.

D.14.4 Ground Mounted Solar Facilities shall be subject to Site Plan Control. Site Plan Control Agreements may detail the extent, mass and location of ground mounted solar facilities and transmission and distribution systems as well as appropriate protocols for their ultimate decommissioning.

D.14.5 Small scale Ground Mounted Solar Facilities used exclusively for personal use and not for commercial gain may be considered accessory to a residential use and the system location must comply with all Zoning By-law regulations and be sited in a manner in order to limit the visual impact.

D.15 PUBLIC USES AND MUNICIPAL AND PUBLIC FACILITIES

D.15.1 All uses operated by a public authority including a Department of the Government of Canada, Province of Ontario, the *County* of Simcoe, the *Township*, any hydro generation or other utility company and the Severn Sound Environmental Association are permitted in any land use designation for the purpose of public service use including municipal *infrastructure* and *public service facilities*.

PART E PLAN IMPLEMENTATION & ADMINISTRATION

- D.15.2 All existing electric power facilities and the development of any new electric power facilities, including all works as defined in the *Power Corporation Act*, by Hydro One or Ontario Power Generation or its subsidiaries, such as transmission lines, transformer stations and distributing stations, shall be permitted within all land use designations throughout the *Township*, provided that such development satisfies the provisions of the *Environmental Assessment Act*, including regulations made under the Act, and any other relevant statutes.
- D.15.3 *Township* and other government or *public service facilities*, including but not limited to fire stations, work garages, ambulance stations, municipal buildings, libraries, schools, public recreation facilities and major parks, should be located in community hubs.
- D.15.4 Preference for location for *Township* and *public service facilities* should be provided for within or adjacent to the *Settlement Area* designation and secondarily within the Shoreline designation, where appropriate, to facilitate cost-effective service delivery and access to the *Township's* population concentration.
- D.15.5 Schools and major institutions are encouraged to be located within the *Settlement Area* designation.
- D.15.6 Prior to development of new *Township* and public service facilities, consideration of adaptive re-use of existing facilities should be considered wherever feasible.

OPA No. 1

D.16 CANNABIS PRODUCTION

D.16.1 Agricultural Cannabis Production Facility

- D.16.1.1 A Federally licensed agricultural cannabis cultivation facility may be permitted in the Agricultural, Rural and in the Greenlands designations on existing agricultural lands subject to the requirements of the Zoning By-law.
- D.16.1.2 Before considering an amendment to the Zoning By-law, the Township shall be satisfied that:
- a) The growing of cannabis will occur solely outdoors or within a greenhouse or building on the subject property. The growing of cannabis shall not be permitted in a hoop house.
 - b) The facility has been sited and designed in such a way as to address and/or mitigate any nuisance effects, as regulated by the Province.

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- c) The facility has been sited and designed in such a way as to address and/or mitigate any nuisance effects, as regulated by the Province.
- d) Appropriate water, sewage and fire protection services can be provided.
- e) The agricultural and rural character of the area will be preserved and may require the use of buffering and screening.
- f) The facility will not create a traffic hazard and can be appropriately serviced by transportation infrastructure.
- g) Drainage is appropriately addressed.
- h) Regard for adjacent sensitive land uses and that the impacts of odour, light, noise, dust, disposal of plant waste, and security are appropriately addressed.
- i) The lot size is appropriate for the proposed size of the operation.
- j) The facility shall be subject to Site Plan Control.

D.16.2 Industrial Cannabis Production Facility

D.16.2.1 A Federally licenced industrial cannabis production facility may be permitted in the Employment Area designation subject to the requirements of the Zoning By-law.

D.16.2.2 Before considering an amendment to the Zoning By-law, the Township shall be satisfied that:

- a) The growing of cannabis occurs solely indoors.
- b) The facility has been sited and designed in such a way as to address and/or mitigate any nuisance effects, as regulated by the Province.
- c) Mitigation measures are implemented to reduce impacts on settlement areas and sensitive land uses, and, to determine the appropriate separation distance of the proposed facility to these areas. An appropriate separation distance shall generally be 300 metres from a settlement area or to the nearest lot line of a sensitive land use unless a closer distance can be supported on the basis of an air treatment control system and the submitted technical studies.
- d) Appropriate water, sewage and fire protection services can be provided.

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- e) The agricultural and rural character of the area will be preserved and may require the use of buffering and screening.
- f) The facility will not create a traffic hazard and can be appropriately serviced by transportation infrastructure.
- g) Drainage is appropriately addressed.
- h) Regard for adjacent sensitive land uses and that the impacts of odour, light, noise, dust, disposal of plant waste, and security are appropriately addressed.
- i) The lot size is appropriate for the proposed size of the operation.
- j) The facility shall be subject to Site Plan Control.

OPA No. 2

D.17 SHORT-TERM RENTAL ACCOMMODATIONS

- D.17.1 The Township recognizes that dwelling units (including cottages) have been rented for years for various timeframes.
- D.17.2 The recent phenomenon of dwelling units being used as dedicated short-term accommodations has precipitated the need for management and regulation of short-term rental accommodations to protect the planned function of residential areas.
- D.17.3 The Township shall enact both Zoning By-law regulations and a Licensing By-law to regulate short-term rental accommodations which together shall:
 - a) Establish a definition of short-term rental accommodations;
 - b) Permit short-term rental accommodations within zones that permit a dwelling unit; and
 - c) Establish regulations to ensure the planned function of residential areas is maintained.
 - d) Establish regulations to ensure the character of residential areas and residential uses are maintained.
 - e) Establish regulations to minimize the potential negative impacts of short-term rental accommodations.

E PLAN IMPLEMENTATION & ADMINISTRATION

E.1 INTRODUCTION

- E.1.1 This Section identifies the key means that will be used by the *Township* to implement the policies of this Official Plan. However, the methods of implementing *Township* Official Plan policies as identified in this Section are not all-encompassing and are not intended to limit municipal authority. These policies must be read in conjunction with the other policies of this Plan.
- E.1.2 The goals, objectives, and policies of this Plan will be implemented through the implementing Zoning By-law as well as through other means such as municipal by-laws, Site Plan Control, municipal agreements and design guidelines. Supporting or technical information may be required to ensure that the goals, objectives, and policies are properly implemented.

E.2 OFFICIAL PLAN REVIEW PROCESS

- E.2.1 The *Township* shall initiate a review of this Official Plan no less than every ten (10) years after approval of this Plan and no less than five (5) years thereafter, unless this Plan has been replaced by a new Official Plan.
- E.2.2 The *Township* may initiate a review of this Official Plan, as deemed necessary by Council to ensure that this Plan:
- a) Has regard for matters of *Provincial* interest;
 - b) Conforms with *Provincial Plans* or does not conflict with them as the case may be;
 - c) Is consistent with the PPS;
 - d) Conforms with the *County of Simcoe* Official Plan; and,
 - e) Conforms to the vision that forms the basis of the policies of this Plan.

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E.2.3 Amendments to the Plan

E.2.3.1 It is the intent of this Plan to serve as the basis for managing change in the *Township* to the year 2031.

E.2.3.2 It is, therefore, a policy of this Plan that the Official Plan should only be amended when the policies of this Plan have been found to not address issues or alternatively, issues have been raised with respect to site specific proposals that must be addressed in a comprehensive manner or there are required changes as a result of *County* or *Provincial* policy.

E.2.3.3 Applications for amendments to this Plan shall be subject to the submission of supporting information demonstrating the following to the satisfaction of the *Township*:

- a) That the proposed amendment conforms to the vision and goals of this Official Plan;
- b) That the proposed amendment conforms to the general policies of this Official Plan;
- c) That the proposed amendment conforms to the land use designations as applicable of this Official Plan;
- d) That the proposed amendment conforms to the applicable policies of the *County* of Simcoe Official Plan and of the *Province*; and,
- e) Other matters as deemed applicable.

E.2.4 Minor Changes to the Official Plan

E.2.4.1 Changes to the text or Schedules of this Official Plan may be made without public notice and without an Official Plan amendment provided the general intent of the Official Plan is maintained and only for the following reasons:

- a) Changes to the numbers of sections or the order of sections in the Plan, but does not add or delete sections;
- b) Consolidation of previously approved Official Plan Amendments in a new document without altering any approved policies or schedules;
- c) Corrections to grammatical or typographical errors in the Plan which do not affect the intent or affect the policies or schedules;

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- d) To reword policies or re-illustrate mapping to clarify the intent and purpose of the Plan or makes it easier to understand, without affecting the intent or purpose of the policies or schedules; and,
- e) Translation of measurements to different units of measure, or changes in reference to legislation or changes to legislation where the legislation has changed.

E.2.4.2 In all other instances, notification to the residents of the *Township* of public meetings held by Council shall be given in accordance with the policies of this Official Plan and the *Planning Act*.

E.3 INTERPRETATION OF LAND USE BOUNDARIES

E.3.1 The boundaries between land uses designated on the Schedules to this Plan are approximate, except where they meet with roads, rivers, pipeline routes, transmission lines, lot lines or other clearly defined physical features and in these cases are not open to flexible interpretation. Where the general intent of the document is maintained, minor adjustments to boundaries will not require an amendment to this Plan.

E.3.2 It is recognized that the boundaries of the Mineral Aggregate Resources Two overlay designation, Environmental Protection designation and Greenlands designation (and more specifically, the natural heritage features and areas mapped on Schedule B to this Plan) may be imprecise and subject to change. Based on studies undertaken by a proponent and comments from applicable agencies, the *Township* shall determine the extent of the environmental areas and Mineral Aggregate Resources Two designation on a site by site basis when considering *development* proposals, in consultation with the appropriate agencies. Any minor refinement to either the Mineral Aggregate Resources Two overlay designation, Environmental Protection or Greenlands designation shall not require an Amendment to this Plan.

E.3.3 Where a lot is within more than one designation on the Schedules to this Plan, each portion of the lot shall be used in accordance with the applicable policies of that designation.

E.3.4 Where numbers or values are specified in this text, such quantities are intended as guidelines, unless otherwise specified by the policies of this Plan. Deviations from numbers or values, which are minor and restricted, may be permitted without an amendment to this Plan, provided that the principles and intent of this Plan are maintained.

E.4 BY-LAWS

E.4.1 Introduction

E.4.1.1 There are various types of by-laws which the *Township* utilizes to implement the policies of the Official Plan. These by-laws and their various forms are outlined herein.

E.4.2 Zoning By-laws

E.4.2.1 The *Township's* Zoning By-law implements the Official Plan. The implementing Zoning By-law will, amongst other matters, set standards and regulations and define more precisely the uses and limits of areas to be permitted for specific land uses, as generally and specifically provided for within this Plan.

E.4.2.2 For an application for an amendment to the *Township's* implementing Zoning By-law to be considered complete in accordance with the *Planning Act*, the *Township* may require the submission of reports or studies listed in Section E.10.2.1.

E.4.2.3 A review of the *Township's* implementing Zoning By-law shall be undertaken within three (3) years of the adoption of this Official Plan, in order to ensure that the Zoning By-law properly implements the policies of this Plan.

E.4.3 Temporary Use By-Laws

E.4.3.1 The *Township* may pass a Temporary Use By-law to authorize the temporary use of land, buildings or structures for any purpose as set out in the By-law that might otherwise be prohibited.

E.4.3.2 The *Township* may pass Temporary Use By-laws permitting the following uses:

- a) Temporary housing;
- b) Temporary accommodation facilities;
- c) Temporary commercial uses and facilities;
- d) Garden Suites;
- e) Parking lots for a specific one-time event;

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- f) Industrial uses related to the resource base of the area and other similar uses; and,
- g) Other uses as deemed appropriate by the *Township*.

E.4.3.3 Such a use must maintain the intent of the Official Plan.

E.4.3.4 These temporary uses may be authorized for a specific time period up to three (3) years, except for Garden Suites as per the policies of this Plan and should be applied where it is considered inappropriate by the *Township* to permit the proposed use on a permanent or continuing basis and where alternatives such as relocation are not practical. Subsequent by-laws granting extensions of up to three (3) years may be considered by the *Township*. However, once the By-law has lapsed, the use must cease or otherwise will be viewed as contravening the *Township's* implementing Zoning By-law.

E.4.3.5 Prior to the approval of a Temporary Use Zoning By-law, the *Township* shall be satisfied that the following principles and criteria are met:

- a) The proposed use shall be of a temporary nature and shall not entail any major construction or investment on the part of the owner, so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;
- b) The proposed use shall be compatible with adjacent land uses and the character of the surrounding neighbourhood;
- c) The proposed use shall comply with the Natural Heritage policies of this Plan, which are included in the Environmental Protection and Greenlands Designations and found in Sections B.1 and B.2;
- d) The proposed use shall not require the extension or expansion of existing municipal services;
- e) The proposed use shall not create any traffic hazards within the area, nor shall it adversely affect the volume and/or type of traffic serviced by the area's roads; and,
- f) Parking facilities required by the proposed use shall be provided entirely on-site.

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E.4.4 Holding Provisions

E.4.4.1 The *Township* may pass a Zoning By-law that identifies a use of land, but prohibits the actual development of the land until a later date when identified conditions have been met. These conditions are set out in the implementing Zoning By-law applying to the lands subject to the Holding Provision. The objective of utilizing a Holding Provision is to ensure that:

- a) The appropriate phasing of development or redevelopment occurs;
- b) Development does not proceed until services and *utilities* are available to service the development;
- c) A subdivision agreement or other applicable agreement has been entered into;
- d) The policies related to development on a private road or unassumed road are addressed; and,
- e) Other matters deemed appropriate by the *Township* are addressed.

E.4.4.2 Council, at any time, may designate any Zone or part of a Zone as a Holding Zone by placing an “H” in conjunction with the Zone symbol in order to meet one of the above-mentioned objectives. During the interim period, when the Holding Zone is in place, uses permitted on the affected lands are limited to existing uses only.

E.4.4.3 Permitted uses on lands subject to a Holding provision shall be limited to those uses and structures that existed at the time of passing of the Holding By-law.

E.4.4.4 Exceptions may be considered within the implementing Zoning By-law for minor structures.

E.4.5 Inclusionary Zoning By-Laws

E.4.5.1 The *Township* may pass an Inclusionary Zoning By-law to encourage and promote the inclusion of affordable housing units.

E.4.6 Interim Control By-laws

E.4.6.1 The *Township* may pass an Interim Control By-law in accordance with the *Planning Act*, to prohibit the use of land, buildings or structures within the *Township* or within a defined area or areas thereof.

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E.4.6.2 The purpose of the Interim Control By-law is to prevent development or redevelopment until a review or study is undertaken in respect to land use planning policies in the *Township* or in the defined area or areas as established in the By-law.

E.4.6.3 The Interim Control By-law shall have an expiry date of no more than one (1) year from the date of the passing thereof or as provided for in the *Planning Act*. The By-law may be amended to increase the time period up to one (1) additional year or as provided for in the *Planning Act*.

E.4.7 **Minor Variances**

E.4.7.1 The *Township* may grant minor variances to the implementing Zoning By-law, pursuant to the *Planning Act* and subject to information demonstrating that the *Planning Act* criteria is met.

E.4.7.2 The Committee of Adjustment may impose conditions to the approval of minor variances to ensure the development is in-keeping with the policies of this Official Plan. The conditions may include, but are not limited to, the requirement for a development agreement in accordance with the policies of this Plan.

E.4.8 **Lot Deeming By-laws**

E.4.8.1 The *Township* may, by by-law, in accordance with the *Planning Act*, deem a lot or lots in an existing registered Plan of Subdivision not to be a lot in a Plan of Subdivision. Lot Deeming By-laws may be used:

- a) To ensure that lot sizes are appropriate for the proposed use from a servicing perspective;
- b) Where access is limited;
- c) Where the lands contain an environmental feature which should be conserved as per the policies of this Plan;
- d) In other circumstances that assist in achieving the goals and objectives of this Plan; or,
- e) In other circumstances as deemed appropriate by the *Township*.

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E.4.9 **Tree Cutting By-law**

E.4.9.1 The *Township* may consider enacting a Tree Cutting By-law, in accordance with the *Municipal Act*, to limit the removal of trees and/or vegetation in specific areas of the *Township* on lots that are not subject to the County of Simcoe Forest Conservation By-law.

E.4.9.2 The Township may alternatively consider an education and outreach initiative aimed at informing the public of the benefit of tree retention.

E.4.10 **Site Alteration By-law**

E.4.10.1 The *Township* may consider enacting a Site Alteration By-law, in accordance with the *Municipal Act*, to limit the site alteration of lots in specific areas of the *Township*.

E.4.11 **Minimum Standards of Maintenance and Occupancy By-law**

E.4.11.1 Council may enact a by-law in regard to minimum standards of maintenance and occupancy to help maintain a reasonable standard of building and property maintenance within the planning area.

E.4.12 **Community Benefits By-law**

E.4.12.1 The Township may pass a Community Benefits By-law in accordance with the *Planning Act*. The Community Benefits By-law may establish fees to pay for the capital costs associated with facilities, services and matters required to support new development and redevelopment as set out in the By-law.

E.4.12.2 Prior to passing a Community Benefits By-law, the Township shall prepare a community benefits strategy in consultation with the public that:

- a) identifies the facilities, services and matters that will be funded with community benefits charges; and
- b) complies with any prescribed requirements.

E.4.12.3 Notwithstanding the policies contained herein, the Township may allow an owner of land to provide an in-kind contribution in lieu of the prescribed cash payment as provided in the Community Benefits By-law.

E.4.12.4 The Community Benefits By-law shall prescribe that development or redevelopment shall not occur on land subject to a Community Benefits By-law prior to the Township having received the prescribed cash payment or

in-kind contribution, or prior to arrangements for their provision having been made to the satisfaction of the Township.

E.4.13 **Dynamic Beach Management By-law**

E.4.13.1 The Township may pass a Dynamic Beach Management By-law in accordance with the Municipal Act. The purpose of the Dynamic Beach Management By-law is to control site alteration and shoreline alteration on all lands within the Dynamic Beach Overlay Area as illustrated on Schedule 'F' to this Plan and require approval for any works in accordance with the by-law for obtaining the necessary permit(s) and/or other approvals by the Township prior to undertaking any works.

E.4.13.2 Notwithstanding Section E.4.7, approval of any minor variances to the implementing Zoning By-law pursuant to the Planning Act, for lands within the Dynamic Beach Overlay Area, will be based upon satisfactory demonstration of the location of the Flood Hazard Elevation of 178.0 metres on the subject property and rationale as to the hardship in meeting the required zoning standards.

E.4.13.3 Applications for permits under the Dynamic Beach Management By-law shall be considered in accordance with the requirements of that By-law and in accordance with the policies of Section B.4.14.3 of this Plan.

E.5 NON-CONFORMING AND NON-COMPLYING

E.5.1 Introduction

E.5.1.1 The following policies relate to non-conforming uses and non-complying structures, be they legal or not.

E.5.2 Non-Conforming Uses and Non-Complying Structures

E.5.2.1 As a general rule, existing uses that do not conform to the policies of this Plan should be phased out.

E.5.2.2 A non-conforming use is a use that does not conform to the uses in the *Township's* implementing Zoning By-law.

E.5.2.3 A non-complying structure is a structure that does not conform to the zone standards in the *Township's* implementing Zoning By-law.

E.5.2.4 If the use or structure legally existed prior to the date of the passage of the *Township's* implementing Zoning By-law they are deemed to be either legal non-conforming or legal non-complying respectively.

E.5.3 Legal Non-Conforming Uses

E.5.3.1 Existing uses that do not conform to the policies of this Plan may be zoned in the implementing Zoning By-law in accordance with their present use, provided that:

- a) The zoning will not permit any change of use or performance standard that may negatively impact adjoining uses;
- b) The use does not constitute a danger to surrounding land uses, humans or animals by virtue of their hazardous nature;
- c) The use does not interfere with the appropriate development of the surrounding lands; and,
- d) When the use is discontinued, a Zoning By-law Amendment to reinstate the use may only take place in accordance with the policies and intent of this Plan.

E.5.3.2 In some instances, it may be necessary and practical to allow for the extension or enlargement of legal non-conforming uses through the granting of a minor variance.

E.5.3.3 When considering a minor variance for an extension or enlargement of a legal non-conforming use, the *Township* may consider the following:

- a) The size of the enlargement in relation to the existing operation or use;
- b) Whether the proposed enlargement is compatible with the character of the surrounding area;
- c) The characteristics of the existing use in relation to noise, vibration, fumes, dust, smoke, odours, lighting and traffic generation, and the degree to which any of these factors may be increased or decreased by the enlargement; and,
- d) The possibilities of reducing nuisances through buffering, building setbacks, landscaping, Site Plan Control and other means to improve the existing situation, as well as minimize potential impacts from the enlargement.

E.5.3.4 New lots that are created as a result of the merging of two or more lots in an existing Plan of Subdivision or lots that are made larger as a result of a

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lot addition shall be deemed to comply with the lot frontage and lot area requirements of the *Township's* implementing Zoning By-law.

E.5.4 Legal Non-Complying Buildings and Structures

E.5.4.1 A legal non-complying building or structure may be enlarged, repaired, renovated, or replaced, provided that the enlargement, repair, renovation, or replacement:

- a) Does not further increase a situation of non-compliance;
- b) Complies with all other applicable provisions of this Official Plan and the implementing Zoning By-law;
- c) Does not increase the amount of floor area or volume in a required yard or setback area; and,
- d) Will not pose a threat to public health or safety.

E.6 SITE PLAN CONTROL

E.6.1 In accordance with the provisions of the *Planning Act*, the total area within the corporate limits of the *Township* of Tiny is described as a Site Plan Control area, and may be designated as such in a Site Plan Control By-law enacted by the *Township*.

E.6.2 The Site Plan Control By-law may exempt the following uses from the requirement to obtain Site Plan Approval:

- a) Single detached residential development;
- b) Agricultural and farm related buildings or structures that are utilized in farming operations and do not directly serve the public and/or do not charge public use fees;
- c) A *Mineral Aggregate Operation* licensed under the *Aggregate Resources Act*; and,
- d) Minor renovations and extensions.

E.6.3 Site Plan Control will be implemented, as detailed within the policies of this Plan.

E.6.4 Site Plan Control considerations include the following:

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- a) Ensure that the massing, location and exterior design of development is of high quality and compatible with adjacent uses and the *natural heritage features and areas*;
- b) Promote compatibility with adjacent and neighbourhood land uses;
- c) Ensure maintenance or restoration of vegetation or natural vegetative buffers, or provision of landscaping;
- d) Address exterior design elements of buildings including, but not limited to, character, scale, appearance, massing, design features, roof pitch, materials, and screening of rooftop mechanical and electrical equipment;
- e) Provide for safe, efficient and appropriate movement of vehicular, vessel and pedestrian access;
- f) Ensure the conveyance of road widening and easements required by the *Township, County, Province* or a public utility;
- g) Ensure that facilities are designed for persons with disabilities and older persons;
- h) Ensure proper grading, stormwater management, sewage disposal including the proper disposal of grey water, where applicable and construction mitigation measures are provided and shown on the plans;
- i) Ensure storage facilities, loading facilities, garbage disposal areas, parking areas and driveways are provided in an appropriate manner so as not to impede traffic flow or endanger pedestrians, and to facilitate a positive visual effect;
- j) Ensure the appropriate use of lighting, walls, fences, hedges, trees, shrubs or other ground cover or facilities for the landscaping of areas to enhance land use compatibility and facilitate a safe and visually pleasing environment;
- k) Ensure the safe storage of hazardous materials or equipment where applicable;
- l) Address matters related to any report or drawing which was required as part of the application; and,
- m) Other items as permitted under the *Planning Act*.

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E.6.5 An application for Site Plan Approval shall provide a Plan that demonstrates the form of development and may require:

- a) The location of all buildings and structures to be erected including future phases;
- b) The location of all facilities and works to be provided;
- c) The location of all facilities and works for road widenings, access ramps, driveways, parking, curbs, directional signs, loading spaces, surface materials, facilities for accessibility for persons with disabilities, walkways and pedestrian access, lighting, fire routes, and garbage storage;
- d) Easements and grading; and,
- e) Landscaping.

E.6.6 In exercising Site Plan Control, consideration shall be given to minimizing the potential impact of the application of road salt within vulnerable areas and where possible, should:

- a) Minimize the amount of impervious surface area requiring the application of salt during winter;
- b) Design site grading and drainage to reduce ponding;
- c) Direct run-off outside of vulnerable areas or to storm sewers; and,
- d) Provide for quality control measures to limit migration of sodium chlorides in storm run-off.

E.6.7 The *Township* may require the entering into a Site Plan Agreement as a condition of development of the lands. Such agreements shall be required prior to the issuance of a building permit and shall be registered on the title to the lands.

E.6.8 Information may be required to be submitted to support a Site Plan Control application as per Section E.10 of this Plan.

E.6.9 Site Plan Agreements entered into prior to the date of adoption of this Plan will remain valid and binding.

E.7 MUNICIPAL AGREEMENTS

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- E.7.1 The Township may require a proponent to enter into municipal agreements, as may be required in this Plan and in accordance with the *Planning Act*, *Municipal Act* or any other relevant statute.
- E.7.2 All municipal agreements will conform to this Plan and will be used to implement the policies of this Plan.

E.8 DARK SKY LIGHTING

- E.8.1 New and existing development are encouraged to provide exterior lighting that avoids trespass and glare on neighbouring properties, and lighting should be directed downwards rather than outwards.
- E.8.2 Full cut off Dark Sky compliant lighting shall be required for all Site Plan Control applications where appropriate and where not required for safety and security reasons.
- E.8.3 Exterior lighting shall not interfere with water navigation.
- E.8.4 The *Township* may require a detailed lighting plan for any *Planning Act* application.
- E.8.5 The *Township* may consider enacting an Outdoor Lighting By-law, in accordance with the *Planning Act* and *Municipal Act*, to address Dark Sky lighting and/or light trespass in specific areas or classes of development in the *Township*.

E.9 PARKLAND DEDICATION

- E.9.1 As a condition of any division of land, the *Township* shall require that land be dedicated to the *Township* for park or recreational purposes, as prescribed in the *Planning Act* (generally five percent for residential and two percent for commercial or industrial development). The *Township* shall only require parkland dedication where there is a net increase in the potential number of residential dwelling units on the lot or lots.
- E.9.2 Lands dedicated for park purposes under the *Planning Act* shall be acceptable as parkland only if the topography, shape, location and phase of the dedicated lands are considered acceptable by the *Township*.
- E.9.3 The *Township* may reject lands proposed for park dedication under the *Planning Act* and will accept in lieu thereof a cash payment equal to the value as prescribed by the *Planning Act*. Such monies shall be placed in a special parkland fund to be used solely for purposes permitted in accordance with

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the *Planning Act*.

E.9.4 Notwithstanding the policies contained herein, the *Township* may choose a combination of land, cash and/or the equivalent park upgrades in lieu of a cash payment.

E.9.5 Parkland dedication is not required when the *Township* considers consent applications for the severing of surplus farm dwelling units as part of a farm consolidation.

E.10 PRE-CONSULTATION AND COMPLETE APPLICATION

E.10.1 Pre-Consultation

E.10.1.1 Prior to the submission of an application for an Official Plan Amendment, Zoning By-law Amendment, a Site Plan Control application and/or an application for Subdivision/Condominium approval, the person or public body requesting the amendment or approval shall pre-consult with the *Township*. Pre-consultation may also be required prior to the submission of other planning applications to the *Township*.

E.10.2 Complete Application

E.10.2.1 For a development application to be considered complete, the *Township* may require that the following information or technical reports be submitted at the time of application:

- a) Planning Justification Report;
- b) Environmental Impact Study;
- c) Master Servicing Study/Servicing Options Report;
- d) Traffic Impact Study;
- e) D-4 Landfill Study;
- f) Settlement Capability Study;
- g) Agricultural Impact Assessment and/or MDS calculation;
- h) Affordable Housing Report;
- i) Fisheries Impact Study;

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- j) Marina Impact Study;
- k) Environmental Site Assessment;
- l) Wave Uprush Study/Coastal Engineering Study/Dynamic Beach Hazard Study;
- m) Hydrogeological Study/Hydrology Study;
- n) Stormwater Management Report;
- o) Growth Management Report;
- p) Wellhead Protection – Risk Assessment Report;
- q) Spray Analysis – Golf Courses;
- r) Flooding, Erosion, Slope Stability Reports;
- s) Noise and Vibration Impact Analysis;
- t) Odour, Dust and Nuisance Impact Analysis;
- u) Geotechnical/Soils Stability Report;
- v) Wind Study;
- w) Archaeological Assessment;
- x) Cultural Heritage Report and/or Heritage Impact Study;
- y) Scoped Water Budget;
- z) Parking Report/Analysis;
- aa) Shadow Analysis;
- bb) Tree Preservation Plan;
- cc) Urban Design Report;
- dd) Streetscape Study;
- ee) Functional Servicing Report;

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- ff) Illumination Study;
- gg) Servicing Feasibility Study;
- hh) Market or Financial Impact Study;
- ii) Affordable Housing Report;
- jj) Water Resource Management (WRM) Report;
- kk) Any additional information identified by the Township during pre-consultation; and/or,
- ll) Digital Plans, as applicable, including Draft Plans, Condominium Plans, Consent Plans, Site Plans and/or plans which visually depict the application, or as required under the *Planning Act*.

E.10.2.2 The need for any or all of these studies shall be determined by the *Township* following pre-consultation between the *Township* and the applicant.

E.10.2.3 The cost associated with all the required studies shall be the sole responsibility of the applicant. Costs incurred for the *Township* to peer review the studies, as required, shall also be the responsibility of the applicant.

E.10.2.4 The *Township* may establish a terms of reference for Technical Reports.

E.11 PLANS OF SURVEY

E.11.1 A Plan of Survey, prepared and certified by an Ontario Land Surveyor, may be required by the Township prior to consideration of a development application.

E.12 ENVIRONMENTAL IMPACT STUDIES

E.12.1 Where the need for an Environmental Impact Study (EIS) has been identified, the EIS shall be prepared by a qualified professional and in accordance with the requirements of this Section.

E.12.2 The *Township* will require an independent peer review of an EIS, at the applicant's cost.

E.12.3 **Purpose of an EIS**

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E.12.3.1 The purpose of an EIS is to:

- a) Collect and evaluate all the appropriate information in order to have a complete understanding of the boundaries, attributes and functions of relevant natural heritage feature(s); and
- b) Make an informed decision as to whether or not a proposed use will have a negative impact on the natural heritage features and ecological functions, and key hydrological features within the *Township*.

E.12.3.2 An EIS must describe the natural heritage features, key hydrological features and ecological functions, identify their significance and sensitivities and describe how they could be affected by a proposed use. The EIS should give consideration to the relevant aspects and inter-relationships of various components of the *natural heritage system* on and off the site. In addition, the EIS must address how the proposed *development* will protect, maintain or restore the critical natural features and ecological functions of the *natural heritage system*.

E.12.4 **Contents of an EIS**

E.12.4.1 The contents and scope of an EIS shall be determined through pre-consultation and shall be based on the natural heritage feature(s) and the proposed use.

E.13 PUBLIC NOTICE, PUBLIC MEETINGS AND OPEN HOUSES

E.13.1 At least one Open House shall be held if the Official Plan is being updated on a municipal wide basis, as prescribed by the *Planning Act*, or in the case of an update of the implementing Zoning By-law, or if it is related to a Community Planning Permit System. At least one public meeting shall also be held prior to consideration by Council of adoption of the *Township's* Official Plan and/or approval of the implementing Zoning By-law.

E.13.2 Where the *Township* is considering an Amendment to the Official Plan which is not a municipal wide Official Plan review, the *Township* shall ensure that at least one public meeting is held. Adequate information and material, including a copy of the proposed Amendment, shall be made available to the public in the manner prescribed under the *Planning Act*.

E.13.3 Notification to the residents of the *Township* of public meetings held by Council shall be given in accordance with the regulations of the *Planning Act*.

E.13.4 Special Notification Requirements for Commercial Uses

E.13.4.1 Where a Zoning By-law amendment affects lands in any commercial zone, or proposes to place lands in any commercial zone, notice of the public meeting shall be provided to all landowners within 750 metres of the lot lines of the lands subject to the rezoning. The additional notification requirement is only to apply to lands in the *Township* and therefore only the minimum requirements under the *Planning Act* shall apply to landowners in adjacent municipalities. In all other respects the applicable *Planning Act* requirements shall apply for notification purposes.

E.14 COMMUNITY IMPROVEMENT PLANS

E.14.1 Community Improvement means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a Community Improvement Project Area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, building, structures, works, improvements or facilities, or spaces therefore as may be appropriate or necessary. Community Improvement also includes the provision of Affordable Housing.

E.14.2 Community Improvement Project Areas are designated by by-law in compliance with the provisions of the *Planning Act* and are intended to identify areas in which Community Improvement Plans may be undertaken.

E.14.3 Criteria for Designating Community Improvement Project Areas

E.14.3.1 Community Improvement Project Areas may be designated by By-law based on one or more of the following criteria:

- a) The area contains areas of incompatible land uses, which may prejudice the functional or economic role of the area;
- b) The area has been identified as being deficient in terms of the level of municipal services (either soft or hard) because it no longer meets current development standards, is characterized as inefficient from a service delivery perspective or for a desired use, has inappropriate uses in a particular area or exhibits signs of aging;
- c) The area has been identified as being deficient or in need of enhancement in terms of neighbourhood and/or community

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parkland, recreational or community facilities (i.e. athletic fields, community centres, arenas, libraries, schools, senior citizen facilities, etc.);

- d) The area contains man-made hazards, such as poor street and intersection design, or flood control issues, which should be eliminated in order to ensure a greater degree of public safety;
- e) The area has been identified as one where the buildings are approaching the end of their functional life and should either be rehabilitated and restored for sequential uses in keeping with the nature of the area or demolished so as to allow for redevelopment of the site for a use more compatible with adjacent uses;
- f) The area contains vacant and underutilized lands, buildings or structures, which could be developed or redeveloped in a manner that reinforces the functional role of the area, provides opportunities for energy conservation and, at the same time, provides for the enhancement of the municipal tax base;
- g) The area has commercial uses, which require upgrading, streetscape improvement and/or improved off-street parking and loading facilities to aid the area's economic viability;
- h) The area has buildings of cultural significance;
- i) The area has an inadequate mix of housing;
- j) The area has vistas and visual amenities, such as waterfront, which would benefit from protection and enhancement and which provide opportunities for tourism, leisure and recreation;
- k) The area has transportation deficiencies, including inaccessible or deteriorated sidewalks, walkways, bike paths/lanes, and trails;
- l) The area has soil or water contamination because of chemicals or other pollutants; or,
- m) The area has opportunities for improvements to increase energy efficiency, reduce water demand and overall sustainability.

E.14.4 **Site and Locational Policies**

- E.14.4.1 An amendment to this Official Plan will be required to designate areas as Community Improvement Project Areas.

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E.14.4.2 The *Township*, may by by-law, designate lands in the *Township* as a “Community Improvement Project Area” and shall undertake the preparation of a Community Improvement Plan for such an area. Community Improvement Plans may provide direction, guidelines, and a strategy for any or all of the following:

- a) The basis for selection of the Community Improvement Project Area;
- b) The boundary of the area, the land use designations and the intent of the Official Plan;
- c) The nature of existing land uses, the physical condition of the buildings and structures, and the socioeconomic fabric of the community setting;
- d) The existing level of services and the nature of improvements proposed to the municipal *infrastructure* (that is, roads, water supply, storm sewers, public *utilities*, and other community and recreational facilities);
- e) The identification of properties proposed for acquisition and/or rehabilitation;
- f) The estimated costs, means of financing, and the staging and administration of the project;
- g) The provision for a range of financial assistance and incentive programs in the form of tax relief, loans, grants, development charges, and application fees to eligible parties or for eligible projects;
- h) The allocation of public funds, such as grants, loans, tax assistance or other financial instruments, for the physical rehabilitation, redevelopment or improvement of lands and building, to registered owners, assessed owners, tenants and assignees of lands or buildings;
- i) The permission of sufficient flexibility, as circumstances warrant, where projects and costing revisions are necessary;
- j) The phasing improvements and the means of implementation in order to permit a logical sequence of events to occur without creating unnecessary hardship for area residents and/or businesses;

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- k) The provision of involvement of citizens, property owners, tenants, public bodies and agencies, and other interested parties during the preparation of a Community Improvement Plan;
- l) The potential for stimulating private sector investment and an improved municipal assessment base; and,
- m) The potential for public/private partnerships, joint ventures, and cost-sharing arrangements.

E.14.4.3 Priority shall be given to those improvements relating to municipal services, public roads, street lighting, stormwater drainage, sidewalks, streetscape, and community and recreational facilities.

E.14.5 **Implementation of Community Improvement**

E.14.5.1 When a by-law has been passed to designate lands as a Community Improvement Project Area, the *Township* may implement the Community Improvement Policies in the following manner:

- a) Identify specific Community Improvement projects and prepare Community Improvement Plans;
- b) Participate in programs with senior levels of government;
- c) Acquire or rehabilitate land, if necessary, to implement adopted Community Improvement Plans;
- d) Encourage the orderly development of lands as a logical and progressive extension of development;
- e) Encourage the private sector to utilize available government programs and subsidies;
- f) Encourage rehabilitation of existing buildings and structures, which may adapt to an alternative, sequential use, compatible with surrounding community and the intent of the Official Plan;
- g) Review and, possibly enact specific Regulations in the implementing Zoning By-law, which provides for a range of appropriate uses according to permitted standards and encourages an efficient and integrated land use pattern;
- h) Review and, where appropriate, apply to the *Ontario Heritage Act*, to recognize, designate and protect heritage buildings and districts;

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- i) Enforce the *Township's* Property Standards By-law;
- j) Co-operate with and support constructive activities and programs undertaken by special interest groups within the designated Community Improvement Project Area; and,
- k) Co-operate with and support local activities and programs undertaken by local service organizations, particularly those which provide for improvements to recreational and community facilities where identified deficiencies exist.

E.14.5.2 In order to ensure the proper coordination and development of public works, notification of proposed improvements shall be provided to the appropriate public agency and any required approvals secured prior to affected works proceeding.

E.15 PARKS AND RECREATION MASTER PLAN

E.15.1 The Township will develop a Parks and Recreation Master Plan and will consider implementing the recommendations of the Plan in the Official Plan.

E.16 TRANSITION

E.16.1 Any application or matter that was commenced before this Plan comes into force shall be continued and finally disposed of under the former Township of Tiny Official Plan as it read on the day the application or matter was commenced.

E.16.2 Commenced as referenced in Section E16.1 shall be determined as follows:

- a) An application for an official plan amendment - the day the application was deemed to be complete, in those instances where the official plan amendment is not adopted prior to the adoption of this Plan;
- b) An application for a zoning by-law amendment - the day the application was deemed to be complete, in those instances where the zoning by-law amendment is not approved prior to the adoption of this Plan.
- c) An application for a plan of subdivision – the day the application was deemed to be complete, in those instances where the subdivision is not approved prior to the approval of this Plan.

F GLOSSARY

OPA No. 1

Agricultural Cannabis Production Facility: means the growing and harvesting of cannabis in an open-air setting and/or within a wholly enclosed building or structure which is authorized by a licence issued by Health Canada and located outside of an Employment Area. An Agricultural Cannabis Production Facility may include limited packaging and/or shipping as an accessory use which is necessary to make the product available to Cannabis licence holders including but not limited to cultivators, processors, wholesalers, retailers, analytical testers, researchers, and nurseries in accordance with all applicable federal licences. This definition does not include on-site sales as a principal use.

Agricultural System: the system mapped and issued by the *Township* in accordance with this Plan and is comprised of the Agricultural Designation.

Agriculture-related Uses: means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

Agri-tourism Uses: means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

Alternative Energy Systems: means a system that uses sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems. *Alternative energy systems* undertakings do not include renewable energy undertakings as defined in the *Green Energy and Green Economy Act*.

Archaeological Resources: includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

Areas of Archaeological Potential: means areas with the likelihood to contain *archaeological resources*. Methods to identify archaeological potential are established by the *Province*, but municipal approaches which achieve the same objectives may also be used. *The Ontario Heritage Act* requires archaeological potential to be confirmed through archaeological fieldwork.

Areas of Mineral Potential: means areas favourable to the discovery of mineral deposits due to geology, the presence of known mineral deposits or other technical evidence.

Areas of Natural and Scientific Interest (ANSI): means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education.

Built Heritage Resource: means a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an indigenous community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers.

OPA No. 1

Cannabis: means cannabis as defined in the *Cannabis Act* or its successor.

Complete Community: Places such as mixed-use neighbourhoods or other areas within cities, towns, and *Settlement Areas* that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and *public service facilities*. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

County: refers to the Corporation of the County of Simcoe unless otherwise specified. The County is a municipality for the purposes of *Provincial* legislation.

Cultural Heritage Landscape: means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an indigenous community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

D-4 Approval Authority: for all *County* owned or operated *waste disposal sites* the *County* is the *D-4 Approval Authority*. For all private and local municipality owned or operated *waste disposal sites*, the *Township* is the *D-4 Approval Authority*.

D-4 Assessment Area: refers to the lands generally within 500 metres of the *waste disposal site*, or more specifically, the area shown on Schedule D of this Plan. The *D-4 Assessment Area* may vary according to the actual waste cell location, depth and type of waste and existing conditions.

D-4 Guideline: means the *MECP Guideline D-4*, as amended and any successor guideline or legislation.

Deposits of Mineral Aggregate Resources: means an area of identified *mineral aggregate resources*, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the *Province* for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the *Planning Act*, but does not include:

- a) Activities that create or maintain *infrastructure* authorized under an environmental assessment process;
- b) Works subject to the Drainage Act; or
- c) For the purposes of Sections B.8 (Rural) and B.9 (Mineral Aggregate Resources One) concerning *Mineral Aggregate Resources*, underground or surface mining of *minerals* or advanced exploration on mining lands in significant *areas of mineral potential* in Ecoregion 5E, where advanced exploration has the same meaning as under the *Mining Act*. Instead, those matters shall be subject to *Provincial Policy*.

Dynamic Beach Hazard means the Dynamic Beach Hazard as defined in the Dynamic Beach Management By-law, as amended.

Employment Area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Endangered Species: means a species that is listed or categorized as an “Endangered Species” on the Ontario Ministry of Natural Resources’ official Species at Risk list, as updated and amended from time to time.

Environmental Protection Act: means the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended or any subsequent legislation.

Fill Area: means the area of a *Waste Disposal Site* set aside for landfilling.

Fish Habitat: means as defined in the Fisheries Act, c. F-14, the spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

Industrial Cannabis Production Facility: means any building or structure in an Employment Designation that is licenced and authorized by Health Canada to ship,

deliver, transport, destroy, grow, dry, export and/or import cannabis, including related research as may be permitted in the license authorized by Health Canada. This definition does not include on-site sales as a principal use.

Individual On-site Sewage Services: means sewage systems, as defined in O. Reg. 332/12 under the *Building Code Act*, that are owned, operated and managed by the owner of the property upon which the system is located.

Individual On-site Water Services: means individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for *development*. *Infrastructure* includes: sewage and water systems, septage treatment systems, waste management systems, electric power generation and transmission, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Key Hydrologic Areas: *Significant groundwater recharge areas, highly vulnerable aquifers, and significant surface water contribution areas* that are necessary for the ecological and hydrologic integrity of a *watershed*.

Key Hydrologic Features: Permanent streams, *intermittent streams*, inland lakes and their littoral zones, *seepage areas and springs*, and *wetlands*.

Key Natural Heritage Features: Habitat of *endangered species and threatened species; fish habitat; wetlands; life science areas of natural and scientific interest (ANSIs), significant valleylands, significant woodlands; significant wildlife habitat (including habitat of special concern species); sand barrens, savannahs, and tallgrass prairies; and alvars.*

Minerals: means metallic minerals and nonmetallic minerals as herein defined, but does not include *mineral aggregate resources or petroleum resources*.

Metallic *minerals* means those *minerals* from which metals (e.g. copper, nickel, gold) are derived.

Non-metallic *minerals* means those *minerals* that are of value for intrinsic properties of the *minerals* themselves and not as a source of metal. They are generally synonymous with industrial *minerals* (e.g. asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, and wollastonite).

Mineral Aggregate Operation: means

- a) Lands under license or permit, other than for *wayside pits and quarries*, issued in accordance with the *Aggregate Resources Act*;

- b) For lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal Zoning By-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and,
- c) Associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate resources* and derived products such as asphalt and concrete, or the production of secondary related products.

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

Minimum Distance Separation Formulae (MDS): means formulae and guidelines developed by the *Province*, as amended from time to time, to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

Municipal Comprehensive Review: A new Official Plan, or an Official Plan Amendment, initiated by an upper- or single-tier municipality under Section 26 of the *Planning Act* that comprehensively applies the policies and schedules of the Growth Plan for the Greater Golden Horseshoe.

Municipal Sewage Services: means a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a municipality.

Natural Heritage Features and Areas (Natural Heritage): means features and areas, including significant wetlands, significant and other coastal wetlands, habitat of *endangered species* and *threatened species*, *fish habitat*, significant woodlands, significant wildlife habitat, significant valleylands, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

Natural Heritage System: The system mapped by the Township as part of this Plan that is comprised of the Greenlands Designation and Environmental Protection Designation. .

On-farm Diversified Uses: means uses that are secondary to the principal *agricultural use* of the property, and are limited in area. *On-farm diversified uses* include, but are not limited to, home occupations, home industries, *agri-tourism uses*, ground mounted solar and uses that produce value-added agricultural products.

Partial Services: means

- a) *Municipal sewage services or private communal sewage services and individual onsite water services; or*
- b) *Municipal water services or private communal water services and individual on-site sewage services*

Petroleum Resources: means oil, gas, and salt (extracted by solution mining method) and formation water resources which have been identified through exploration and verified by preliminary drilling or other forms of investigation. This may include sites of former operations where resources are still present or former sites that may be converted to underground storage for natural gas or other hydrocarbons.

Portable Asphalt Plant: means a facility

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

Prime Agricultural Area: means areas where *prime agricultural lands* predominate. This includes areas of *prime agricultural lands* and associated Canada Land Inventory Class 4 through 7 lands, and additional areas where there is a local concentration of farms which exhibit characteristics of ongoing agriculture. Prime agricultural areas are to be identified by the Ontario Ministry of Agriculture, Food and Rural Affairs using guidelines developed by the *Province* as amended from time to time. A prime agricultural area may also be identified through an alternative agricultural land evaluation system approved by the *Province*.

Prime Agricultural Land: means specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands, as amended from time to time, in this order of priority for protection.

Private Services: means *individual on-site sewage services and individual on-site water services*.

Private Communal Sewage Services: means a sewage works within the meaning of section 1 of the *Ontario Water Resources Act* that serves six more lots or private residences and is not owned by a municipality.

Private Communal Water Services: means a non municipal drinking-water system within the meaning of section 2 of the *Safe Drinking Water Act* that serves six or more lots or private residences.

Provincial Plan: means a provincial plan within the meaning of Section 1 of the *Planning Act*.

Provincial Policy Statement (PPS): refers to the Provincial Policy Statement, issued under Section 3 of the *Planning Act*.

Province or Provincial: refers to the Province of Ontario and its Ministries.

Provincially Significant Coastal Wetlands: means a coastal Wetland identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the *Province*, as amended from time to time.

Provincially Significant Wetland: means a Wetland identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the *Province*, as amended from time to time.

Public Service Facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services. *Public service facilities* do not include *infrastructure*.

Quality and Quantity of Water: is measured by indicators associated with hydrologic function such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.

Rural Settlements: Existing hamlets or similar existing small *Settlement Areas* that are long established and identified in official plans. These communities are serviced by individual private on-site water and/or private wastewater systems, contain a limited amount of undeveloped lands that are designated for development and are subject to official plan policies that limit growth.

Sensitive land uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities

Settlement Area: means:

- a) Built up areas where *development* is concentrated and which have a mix of land uses; and,

- b) Lands which have been designated in an official plan for *development* over the long-term planning horizon provided for in policy 1.1.2 of the PPS. In cases where land in designated growth areas is not available, the *Settlement Area* may be no larger than the area where *development* is concentrated.

Sewage and Water Services: includes *municipal sewage services* and municipal water services, *private communal sewage services* and *private communal water services*, *individual on-site sewage services* and *individual on-site water services*, and *partial services*.

Significant Archaeological Resources: means the remains of any building, structure, activity, place or *cultural feature*, which because of the passage of time is on or below the surface of the land or water, and which has been identified and evaluated and determined to be significant to the understanding of the history of people or place. The identification and evaluation of this resource is based upon an archaeological assessment.

Site Alteration: means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

Strip Development: is lot creation in the Rural Designation which is arranged in linear configurations of more than three non-farm lots within 200 metres of the proposed lot line as measured along the frontage of one side of the road.

Threatened Species: means a species that is listed or categorized as a “Threatened Species” on the Ontario Ministry of Natural Resources’ official Species at Risk list, as updated and amended from time to time.

Township: means the Corporation of the Township of Tiny.

Utilities: include power, communications/telecommunications and other cable services, as well as gas and district energy services.

Vegetation Protection Zone: A vegetated *buffer area* surrounding a key natural heritage feature or *key hydrologic feature*.

Waste Disposal Site: includes the *Fill Area* and the *Buffer Area* of property which has been or is suspected to have been used as a landfill as well as property under *development* for landfilling, and means:

- a) Any land upon, into or through which, or building or structure in which, waste is deposited, disposed of, handled, stored, transferred, treated or processed; and,
- b) Any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment, or processing referred to in clause a).

Water Resource System: A system consisting of *ground water features* and areas and surface water features (including shoreline areas), and hydrologic functions, which provide the water resources necessary to sustain healthy aquatic and terrestrial ecosystems and human water consumption. The water resource system will comprise *key hydrologic features* and *key hydrologic areas*.

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

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Redline Version of Zoning by-law

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USERS GUIDE - HOW TO USE THIS BY-LAW

INTRODUCTION

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

PURPOSE OF THE ZONING BY-LAW

The purpose of this Zoning By-law is to implement the policies of the Township of Tiny Official Plan and to regulate the use of land and the construction of new *buildings* and *structures* throughout the municipality. The Official Plan contains general policies that affect the use of land throughout the Municipality. These policies specify where certain land *uses* are permitted and, in some instances, specify what regulations should apply to the development of certain lands. This By-law reflects the Township of Tiny Official Plan adopted by *Council* on November 26, 2018, which came into full force and effect on December 9, 2021.

The statutory authority to *zone* land and regulate land use is granted by the Ontario *Planning Act*. The *Planning Act* specifies what a By-law can regulate. A Zoning By-law can:

- prohibit the use of land or *buildings* for any use that is not specifically permitted by the By-law;
- prohibit the erection or siting of *buildings* and *structures* on a lot except in locations permitted by the By-law;
- regulate the type of construction and the *height*, bulk, location, size, floor area, spacing, and use of *buildings* or *structures*;
- regulate the minimum frontage and *lot area* of a parcel of land;
- regulate the proportion of a lot that any *building* or *structure* may occupy;
- regulate the minimum elevation of doors, windows or other openings in *buildings* or *structures*;
- require parking and loading facilities be provided and maintained for a purpose permitted by the By-law; and,
- prohibit the use of lands and the erection of *buildings* or *structures* on land that is:
 - subject to flooding;

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- the site of steep slopes;
- rocky, low-lying, marshy or unstable;
- contaminated;
- a sensitive groundwater recharge area or head water area;
- the location of a sensitive aquifer;
- a significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest; or
- a significant corridor or shoreline of a lake, river or stream.

HOW TO USE THIS BY-LAW

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

1. Locate the Property on a Map

The first step to using this By-law is to refer to the *zone* schedules and maps that are contained at the back of the By-law (in hardcopy formats), posted as Adobe (.pdf) documents on the *Township* website or to use the *Township's* Zoning Interactive Map on the *Township* website to determine which *zone* category your property is located in. The *zone* category will be indicated on the maps or in the Zoning Tool by a symbol or abbreviation. For example, you may see a symbol such as "SR" for the property. This would indicate that your property is within the "Shoreline Residential" *Zone*. The *zone* symbols or abbreviations are explained later in this guide and in Section 1 of the By-law.

Section 1 also provides assistance to help you interpret the *zone* boundaries on the zoning maps. For example, if your property appears close to a *zone* boundary and you are not sure how to determine exactly where that boundary is located, Section 1 of the By-law will provide appropriate guidance.

2. By-law Amendments

A Zoning By-law is not a static document; it is amended over time as demands and policies governing land use change. Before proceeding any further, you should verify that your property is not the subject of a Zoning By-law amendment. While the *Township* strives to keep this By-law up-to-date, more recent amendments may not be included in the version of the By-law you are using. Staff in the *Township's* Planning Department will be able to assist you to confirm if your property has been subject to a more recent By-law amendment.

3. Zone Provisions

The next step to using this By-law is to determine what *uses* are permitted on your property. Tables 4.1 to 4.6 in Section 4.0 of the By-law identify the permitted *uses* for each *zone* in the Municipality.

The definitions in Section 7.0 can assist you if you are not sure of the nature of a permitted use or how it has been defined for the purposes of this By-law. *Uses* which are not identified as permitted *uses* within a particular *zone* are not permitted in that *zone*. *Accessory uses* to a permitted use are permitted in accordance with the provisions of Section 2.0 of this By-law.

If your property is subject of one of the four overlay *zones* (Nipissing Ridge, Well Head Protection Area, Issues Contributing Area, and Huronia Airport) there will be additional restrictions on permitted *uses* and/or certain regulations. These additional regulations can be found in Section 2.0 of this By-law.

You have now identified the *zone* in which your property is located and have identified what *uses* are permitted on your property. The next step is to determine what standards may apply to the *uses* on your property. Section 5.0 will provide you with the specific *zone* standards that apply to any new *building* or *structure* (i.e. minimum *setbacks*, maximum lot coverage, maximum *height*, etc.).

4. General Provisions

Now that you are aware of the *uses* permitted on your property and the specific *zone* requirements that apply to those *uses*, reference should be made to Section 2.0 of this By-law. Section 2.0 contains a more general set of standards known as 'General Provisions' that apply to all properties in all *zones* throughout the Municipality. For example, the general provisions section contains standards that regulate the location of accessory *structures* on a lot and *height* exceptions, as well as providing guidelines for the potential expansion of legal *non-conforming* uses and/or *non-complying* buildings and structures. The General Provisions apply to all properties regardless of what *zone* the property is located in, unless otherwise specified.

5. Parking and Loading

Section 3.0 provides the parking and *loading space* requirements for all *uses* permitted in the Municipality. If you are considering changing the use of your property or adding a new use to your property, you should review Section 3.0 to ensure that you are aware of the parking requirements for the proposed use. All required parking generated by a change of use, new use or new *building* must be accommodated on-site and off the *public street*.

6. Exceptions, Holding Zones and Temporary Uses

As noted in #2 above, By-laws are not static documents and lands may be subject to a *zone* exception, a holding *zone*, or a temporary use. If a *zone* symbol is followed by a dash (-) and a number, the lands are subject to a site specific exception and are subject to site specific exception provisions in addition to all provisions of the parent *zone* and general provisions, unless otherwise stated in the exception. These can be found in Table 6.1 in Section 6.0. If the *zone* symbol is followed by an (H) or a (T), the lands are subject to holding symbol or temporary use, which can also be found in Section 6.0, Tables 6.2 and 6.3.

WHAT ARE THE TERMS 'LEGAL NON-CONFORMING' AND 'LEGAL NON-COMPLYING' FOR THE PURPOSES OF THIS BY-LAW?

A legal *non-conforming* use is a use of land and/or *building* that legally existed prior to a Zoning By-law coming into effect. To be legal, the use must have been lawfully established and permitted on the lands in accordance with the second Zoning By-law for the *Township* of Tiny (By-law 30-77 passed July 28, 1977) for the *Township*.

A legal *non-complying building* or *structure* is a *building* or *structure* that was legally constructed and in a location that was permitted at the time in accordance with the applicable Zoning By-law but does not comply with the current standards. Alternatively, if the *building* or *structure* existed before the passage of the second Zoning By-law for the *Township* of Tiny (By-law 30-77 passed July 28, 1977) the *building* or *structure* would be legal.

Guidance on both *non-conforming* and *non-complying uses* are provided in Section 2.0 General Provisions.

DESCRIPTION OF THE BY-LAW'S COMPONENTS

This By-law contains eight sections, which together, provide the land *uses* and standards applicable to all lands within the Municipality. These sections are as follows:

- Section 1.0 – Interpretation and Administration
- Section 2.0 – General Provisions
- Section 3.0 – Parking and Loading
- Section 4.0 – Permitted *Uses*
- Section 5.0 – Zone Standards
- Section 6.0 – Exceptions, Holding and Temporary Use Zones
- Section 7.0 – Definitions
- Section 8.0 – Enactment

The purpose of each of these Sections is described below.

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Section 1.0 - Interpretation and Administration

This section of the By-law specifies a range of interpretation and administration matters including the following:

- title of the By-law;
- what lands are covered by the By-law;
- that every parcel of land in the area covered by the By-law is to conform and comply with the By-law;
- that the requirements of the By-law must be met before a *building* permit is issued;
- the establishment of the *zones* and *zone* symbols used in the schedules and in this By-law; and
- what penalties can be levied against a *person* or a *corporation* if they contravene any provision in the By-law.

Section 2.0 - General Provisions

This section contains regulations that apply to certain types of *uses*, *buildings* or *structures* regardless of where in the Municipality or in what *zone* they are located. For example, this section contains provisions dealing with the construction of accessory buildings and structures in any *zone*, provisions to regulate the operation of *home occupations*, and overlay *zones* that apply to specific areas.

Section 3.0 - Parking and Loading

Parking and loading facilities are required for almost all *uses* within the Municipality. This section provides the requirements for parking facilities including such regulations as the minimum number of spaces required for a range of *uses*, minimum *driveway* widths, minimum *parking space* size, and the location of parking facilities on a lot.

Section 4.0 – Permitted Uses

This section identifies the *uses* that are permitted in each *Zone* category. The effect of these *Zones* is to only permit certain *uses* in various *zones* and areas of the Municipality. The only *uses* permitted in a *zone* are those that are specified in the By-law. If a use is not specifically mentioned as a permitted use in a *Zone*, then it is not permitted. Similarly, if a use is defined in Section 7.0 of the By-law but does not appear as a permitted use in any *zone*, then it is not a use permitted by the By-law.

Section 5.0 – Zone Standards

Zone Standards are set out in Section 5 of this By-law and contain a number of regulations that control the placement, bulk and *height* of *buildings* on a lot or parcel of land. This includes regulations such as minimum lot size, minimum *lot frontage*, maximum *building*

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height, or the maximum coverage of *buildings* and *structures* on a lot. Standards are provided in tables and are organized by broad *zone* categories.

Section 6.0 – Exceptions, Holding and Temporary Uses

This Section provides a consolidated list of properties that are subject to *Zone* Exceptions, Holding *Zones* and Temporary Use *Zones*. These are noted on the schedules to the By-law with the *zone* symbol and number (i.e. SR) or following the *zone* symbol (i.e. SR-H1, or RU-T3).

Section 7.0 - Definitions

It is necessary to define words in a Zoning By-law because it is a legal document. A By-law must be drafted so that it can be enforced in a court of law. These definitions will help provide clarity in the By-law and ensure that the By-law and its intent are applied consistently. If a word is not defined, refer to a dictionary and apply the defined term in the context for which that word is used.

Section 8.0 – Enactment

This section contains the signatures of the Mayor and the Clerk who signed the By-law when it was passed by *Council* in accordance with Section 34 of the *Planning Act*, R.S.O. 1990 c.p. 13.

DESCRIPTIONS OF ZONES

Below is a general description of the *zones* that are contained within this By-law which implement the land use *structure* and designations in conformity with the Township of Tiny Official Plan. For a better understanding of the origin of the *zones* and the policy basis for each *zone*, please refer to the Township of Tiny Official Plan.

Agricultural (A) Zone

This *zone* applies to lands within the Agricultural designation in the Township Official Plan.

Agricultural One (A1)

This *zone* applies to lands within the Agricultural designation in the Township Official Plan, which have been the subject of a farm consolidation consent application and are now prohibited from constructing a residential *dwelling unit*.

Country Residential (CR) Zone

This *zone* applies to *lots* in the *County* Residential designation in the Township Official Plan.

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Employment Area (EA) Zone

This *zone* applies to lands within the Employment Area designation in the Township Official Plan that can be used for industrial and commercial purposes.

Environmental Protection One (EP1) Zone

This *zone* applies to lands within the Environmental Protection designation in the Township Official Plan. All of the lands within this *zone* are provincially significant wetlands.

Environmental Protection Two (EP2) Zone

This *zone* applies to lands within the Greenlands designation in the Township Official Plan that are identified as wetlands. All of the lands within this *zone* are either other evaluated wetlands or other wetlands two hectares or larger. The boundaries of these wetlands are subject to correction through site-specific review.

Future Development (FD) Zone

This *zone* applies to lands within the Settlement Area and Shoreline designations in the Township Official Plan where the final form of development is not known and limited *uses* are permitted in the interim.

Greenlands (GL) Zone

This *zone* applies to all lands within the Greenlands designation in the Township Official Plan that are not wetlands. All of the lands within this *zone* contain at least one of the following features: significant woodlands, significant valleylands, provincially significant area of natural and scientific interest and regionally significant area of natural and scientific interest.

Hamlet Commercial (HC) Zone

This *zone* applies to lands within the Settlement Area designation in the Township Official Plan that can be used for commercial purposes.

Hamlet Employment (HE) Zone

This *zone* applies to lands within the Settlement Area designation in the Township Official Plan that can be used for industrial purposes.

Hamlet Residential (HR) Zone

This *zone* applies to residential *lots* within the Settlement Area designation in the Township Official Plan.

Institutional (I) Zone

This *zone* applies to *existing* institutional *uses* within all areas of the *Township*.

Limited Service Residential (LSR) Zone

This *zone* applies to all residential *lots* within the Shoreline designation in the Township Official Plan that are not accessed by a public assumed road.

TINY ZONING BY-LAW

Marina Commercial (MC) Zone

This *zone* applies to lands that are occupied by *existing marinas* within the *Township*.

Mineral Aggregate Resources (MAR) Zone

This *zone* applies to lands within the *Mineral Aggregate Resources I* designation in the Township Official Plan that are licensed by the Province of Ontario for the use of aggregate extraction.

Open Space (OS) Zone

This *zone* applies to public lands that are owned by the Federal Government, Provincial Government, *County* of Simcoe or the *Township* of Tiny.

Open Space One (OS1) Zone

This *zone* applies to private open space/recreational land including areas of user common or shared municipal ownership in subdivisions.

Rural Commercial (RC) Zone

This *zone* applies to lands within the Agricultural, Greenlands and Rural designations in the Township Official Plan that can be used for commercial purposes.

Rural Employment (RE) Zone

This *zone* applies to lands within the Agricultural, Greenlands and Rural designations in the Township Official Plan that can be used for industrial purposes.

Rural Residential (RR) Zone

This *zone* applies to residential *lots* within the Agricultural, Greenlands and Rural designations in the Township Official Plan.

Rural (RU) Zone

This *zone* applies to lands within the Rural designation in the Township Official Plan.

Shoreline Commercial (SC) Zone

This *zone* applies to lands within the Shoreline designation in the Township Official Plan that can be used for commercial purposes.

Shoreline Residential (SR) Zone

This *zone* applies to all residential *lots* within the Shoreline designation in the Township Official Plan.

Waste Disposal (WD) Zone

This *zone* applies to lands, which are the site of an open or closed *waste* disposal operation as listed by the Province of Ontario.

TINY ZONING BY-LAW

Below is a general description of the overlay *zones* that are contained within this By-law which implement the land use *structure* and designations in conformity with the Township of Tiny Official Plan. For a better understanding of the origin of the *zones* and the policy basis for each *zone*, please refer to the Township of Tiny Official Plan.

Hurononia Airport Overlay (HA) Zone

This overlay *zone* applies to lands adjacent to the Huronia *Airport* and within defined flight paths which require restrictions on *building heights* to protect public safety.

Issues Contributing Area Overlay (ICA1, ICA2) Zones

These overlay *zones* apply to lands which are identified as Issues Contributing Areas in the Township Official Plan. These overlay *zones* identify areas adjacent to municipal water systems and municipal water supply wells where there are known water quality issues and set out restrictions on land *uses* in order to protect ground water for *public use*.

Nipissing Ridge Overlay (NR) Zone

This overlay *zone* applies to lands which are identified as the Nipissing Ridge in the Township Official Plan. Development is only permitted within this overlay *zone* following the submission and approval of topographic information from a qualified professional (Ontario Land Surveyor, Professional Engineer or Certified Engineering Technologist) to confirm the exact location of the top and/or bottom of the Nipissing Ridge and where the proposed development complies with the minimum *setback* requirements of this By-law.

Well Head Protection Area Overlay (WHPA-A, WHPA-B, WHPA-C) Zones

These overlay *zones* apply to lands which are identified as a Well Head Protection Area in the Township Official Plan. These overlay *zones* relate to travel time distances for ground water supplying municipal water systems and set out restrictions on lands *uses* in order to protect ground water for *public use*.

ILLUSTRATIONS

The illustrations listed below and provided on the following pages help describe and explain some of the definitions, regulations and standards contained in this By-law.

- 1:100 year 178m GSC Elevation Lot Types
- Lot Types
- Lot Lines
- Yards
- *Building Types*
- *Main Building Height*
- *Accessory Building Height*
- Lot Coverage
- *Sight Triangles*
- *Setback from Slopes*
- *Setback from Watercourses*

TINY ZONING BY-LAW

- *Dark Sky Lighting*
- *Docks*
- *Fence Height*

WHAT TO DO NEXT?

Still stumped? Contact the *Township* Planning Department and they will try to answer your questions with respect to the zoning rules and regulations affecting your property. Contact information is available on the *Township* website at www.tiny.ca.

What if you are able to find your zoning, but the use you are proposing is not permitted or your *building* location does not comply with the relevant *setbacks*? You may need to apply for either a minor variance, Zoning By-law Amendment, or other planning application if you cannot or do not wish to change your development plans. In this instance, you should contact the *Township* Planning Department to discuss the other planning approvals that you may need and what would constitute a “complete application”.

If you found all the relevant information and you think you are ready for your construction project, information on the requirements for a *Building Permit* application pursuant to the Ontario *Building Code* are also available on the *Township* website at www.tiny.ca.

TINY ZONING BY-LAW

Illustration 1 – 1:100 year 178m GSC Elevation

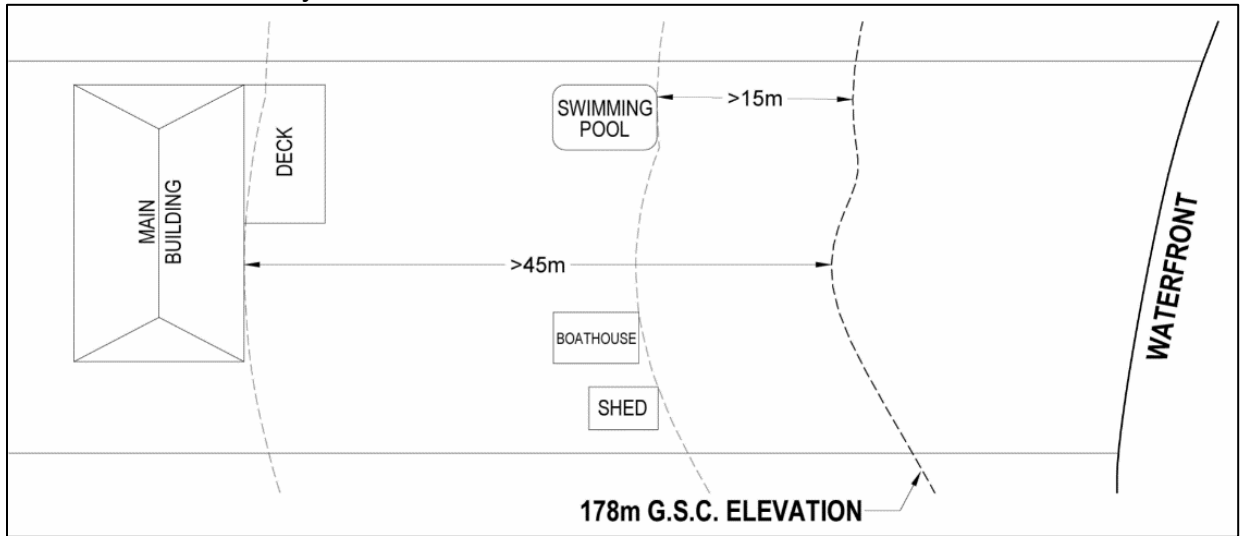
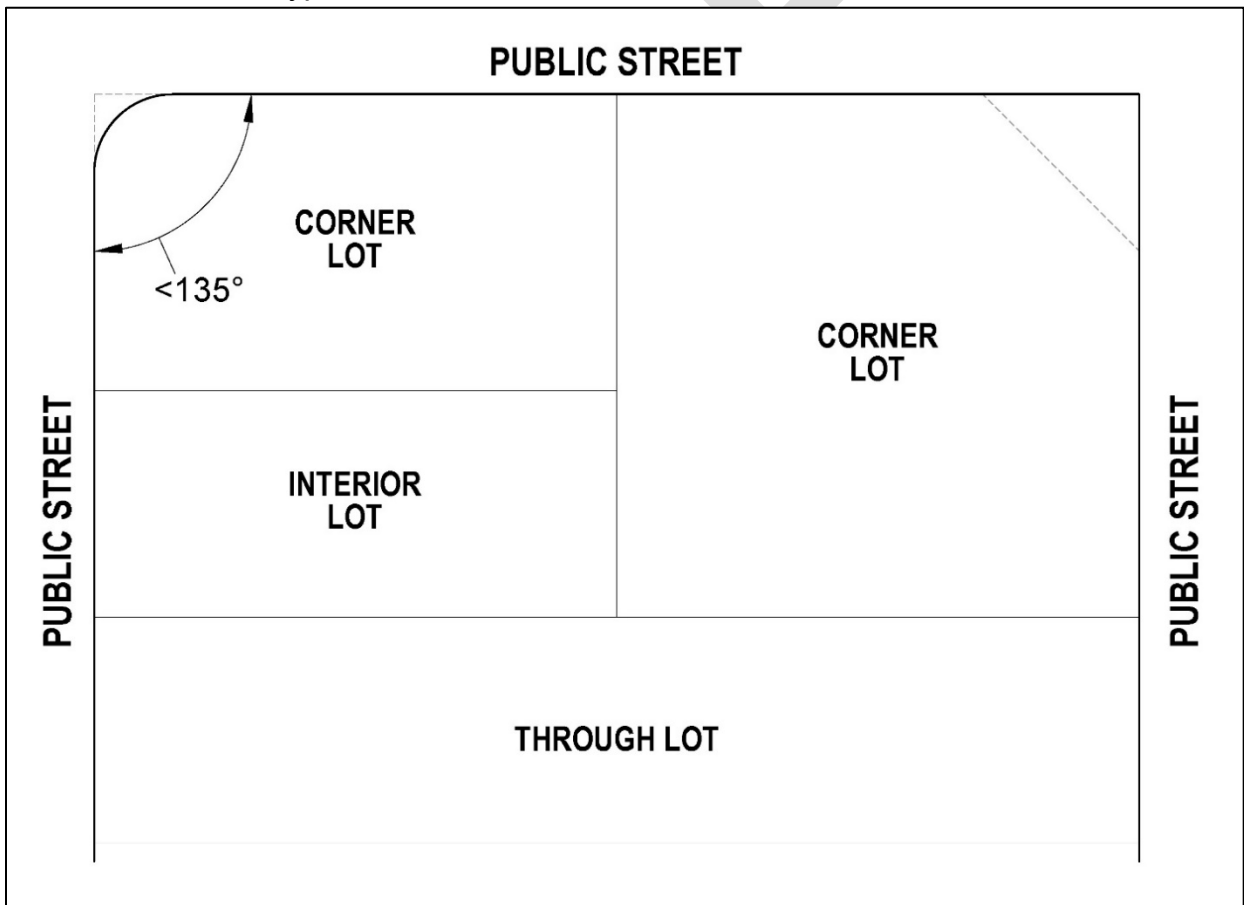


Illustration 2 – Lot Types



TINY ZONING BY-LAW

Illustration 5 – Building Types

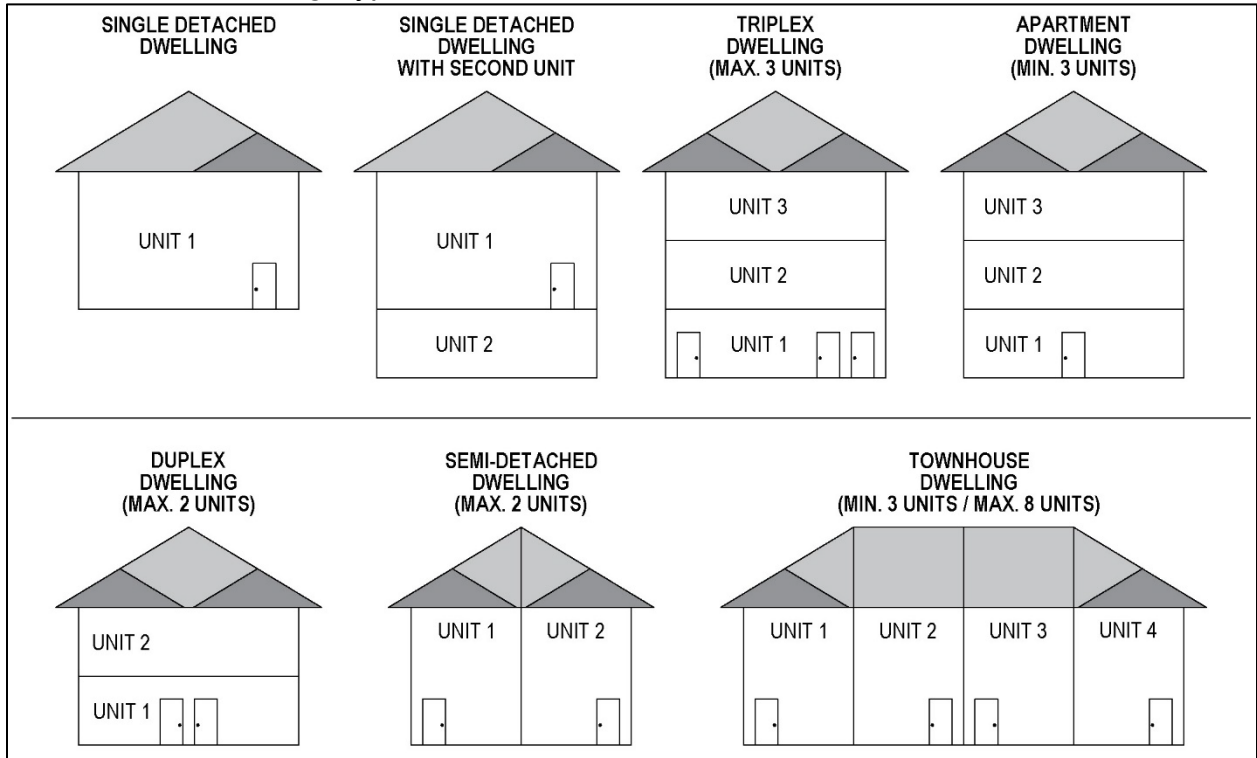
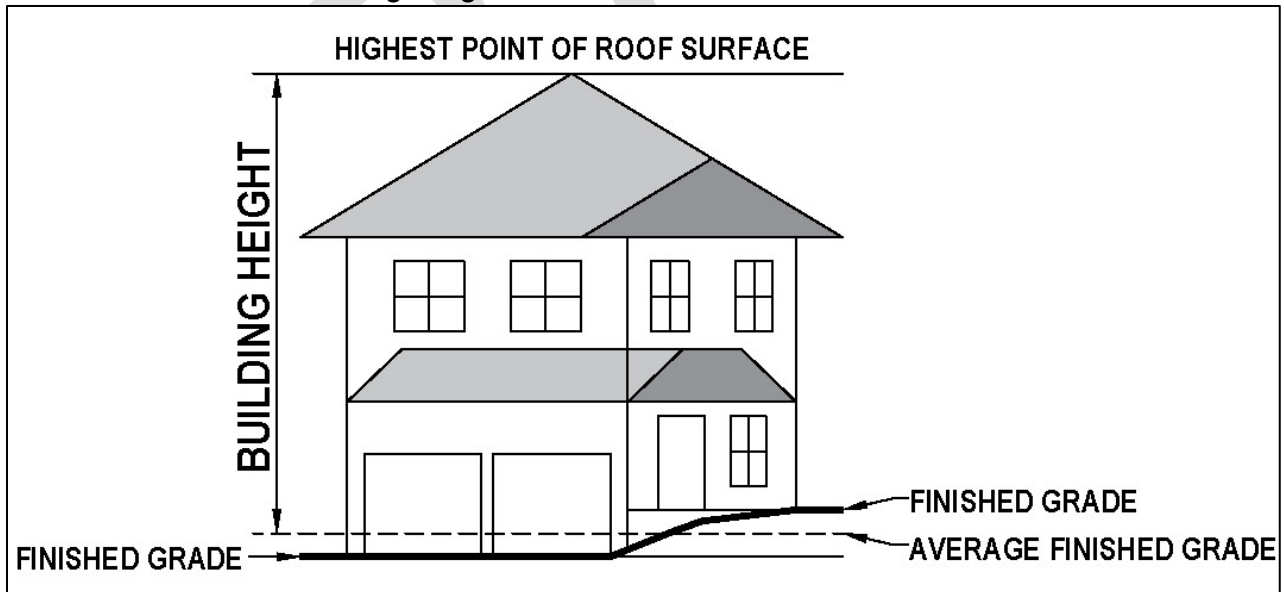


Illustration 6 – Main Building Height



TINY ZONING BY-LAW

Illustration 7- Accessory Building Height

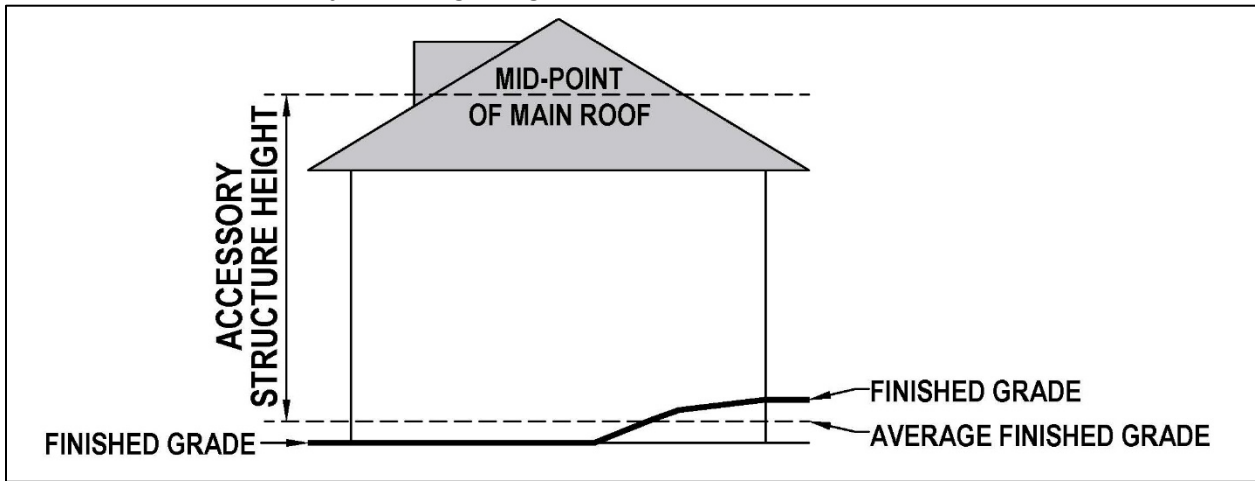
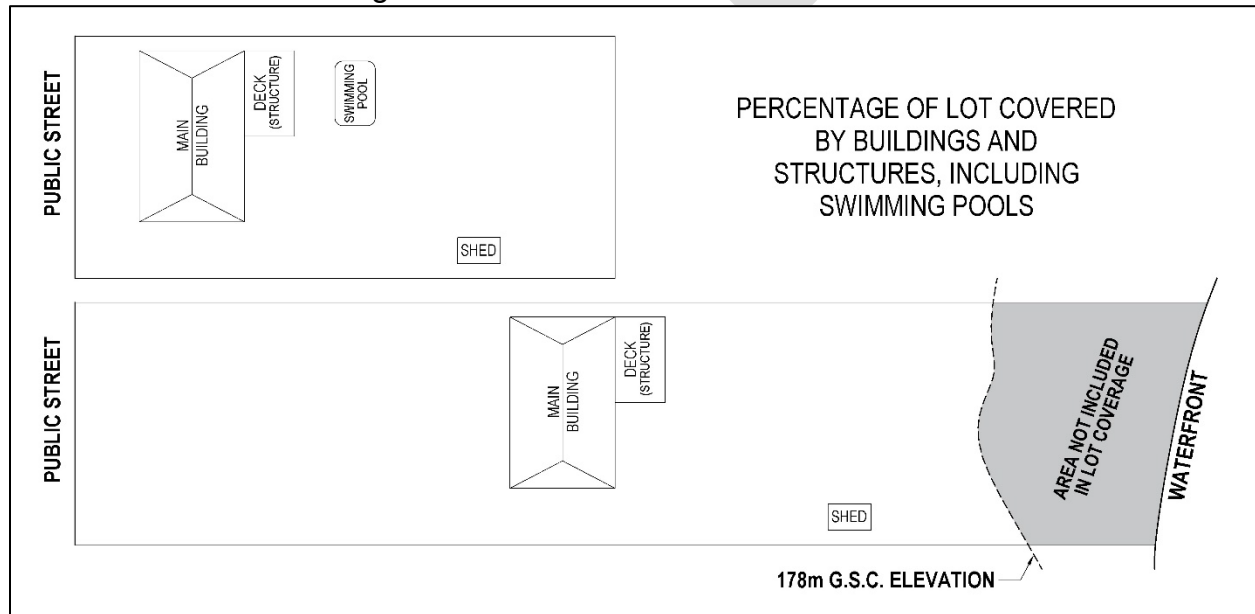


Illustration 8 – Lot Coverage



TINY ZONING BY-LAW

Illustration 9 – Sight Triangles

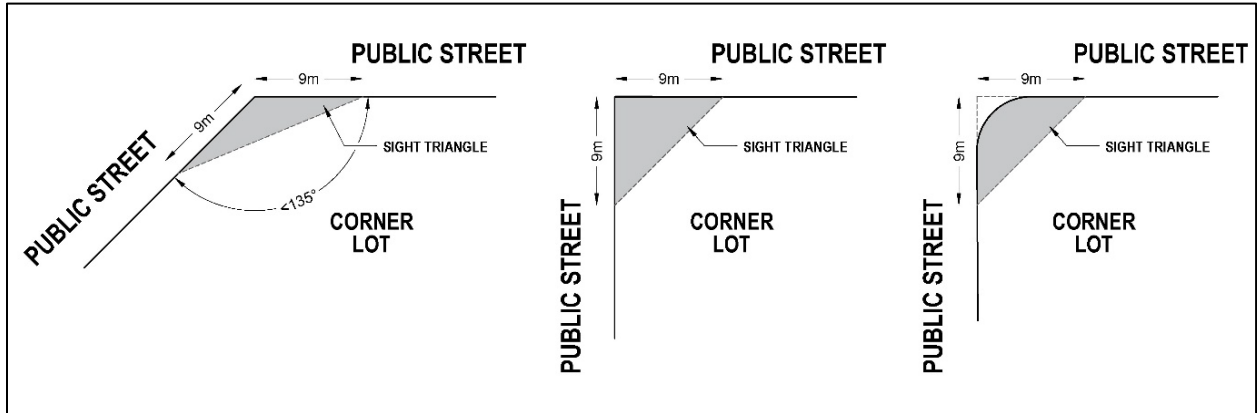
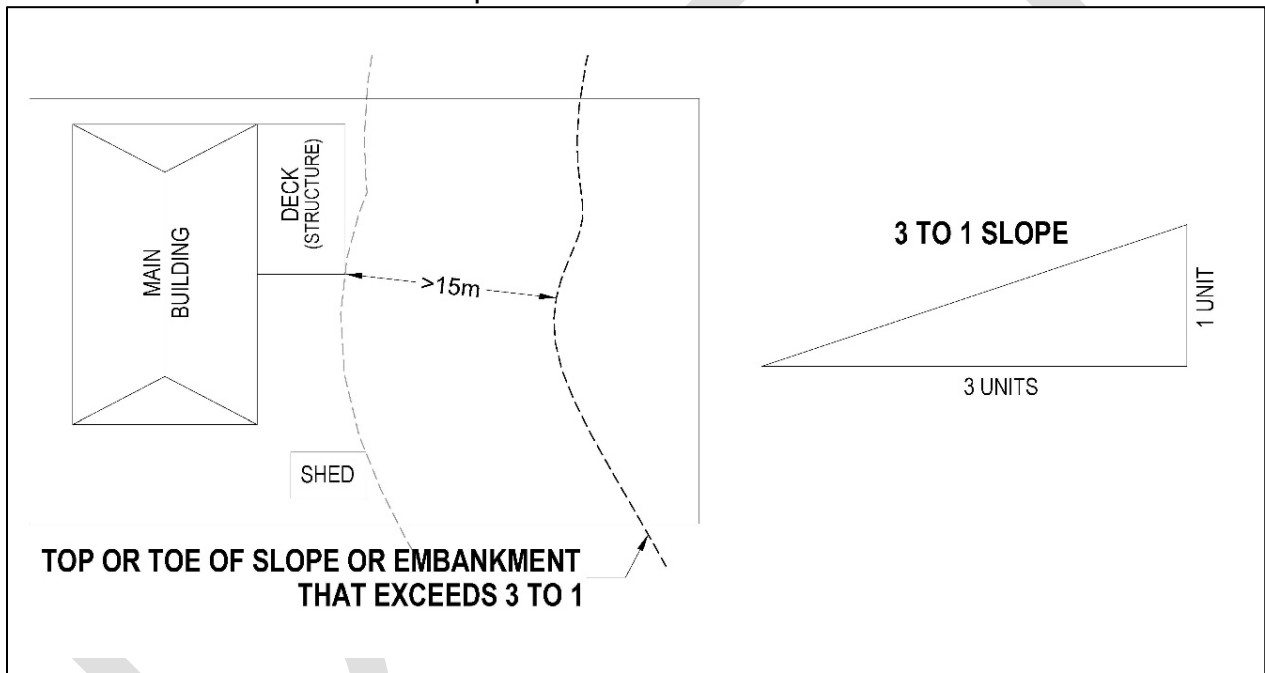


Illustration 10 – Setback from Slopes



TINY ZONING BY-LAW

Illustration 11 – Setback from Watercourses

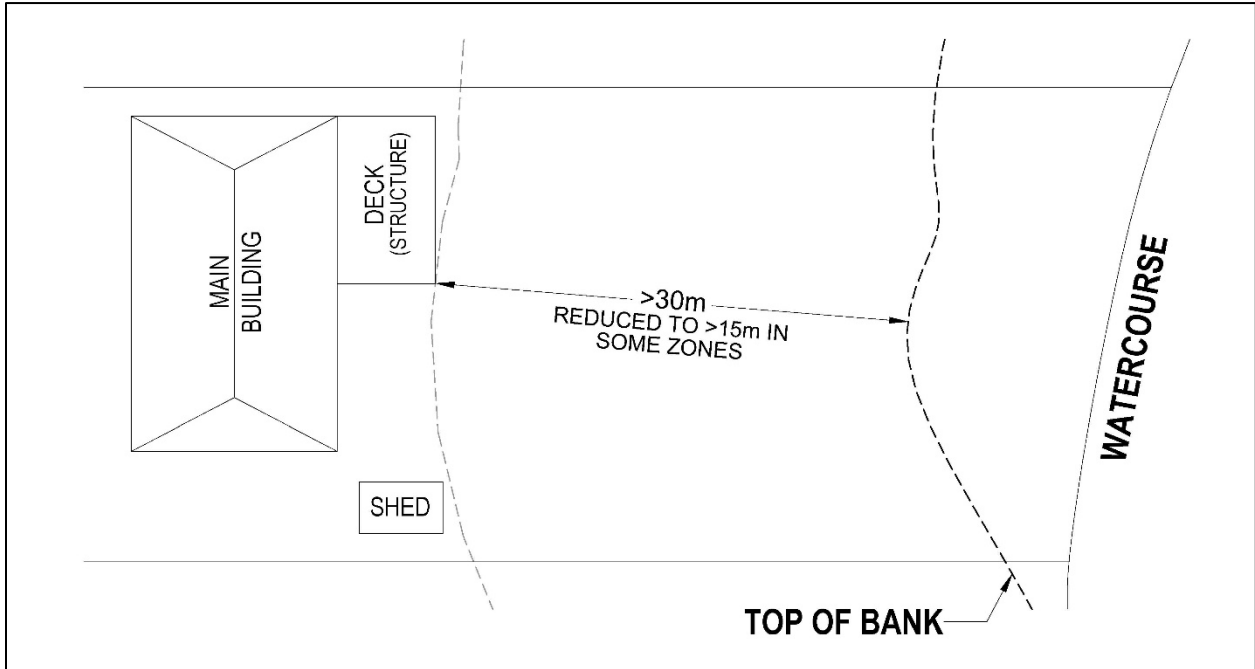
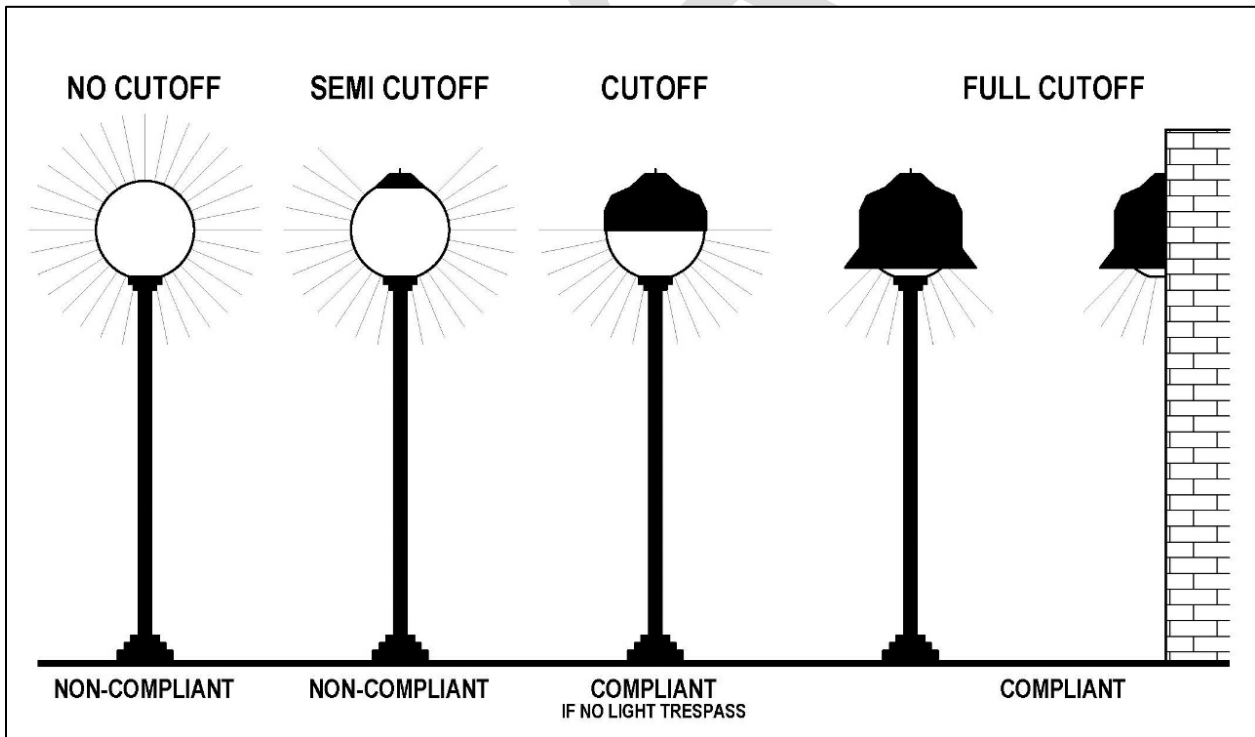


Illustration 12 – Dark Sky Lighting



TINY ZONING BY-LAW

Illustration 13 - Docks

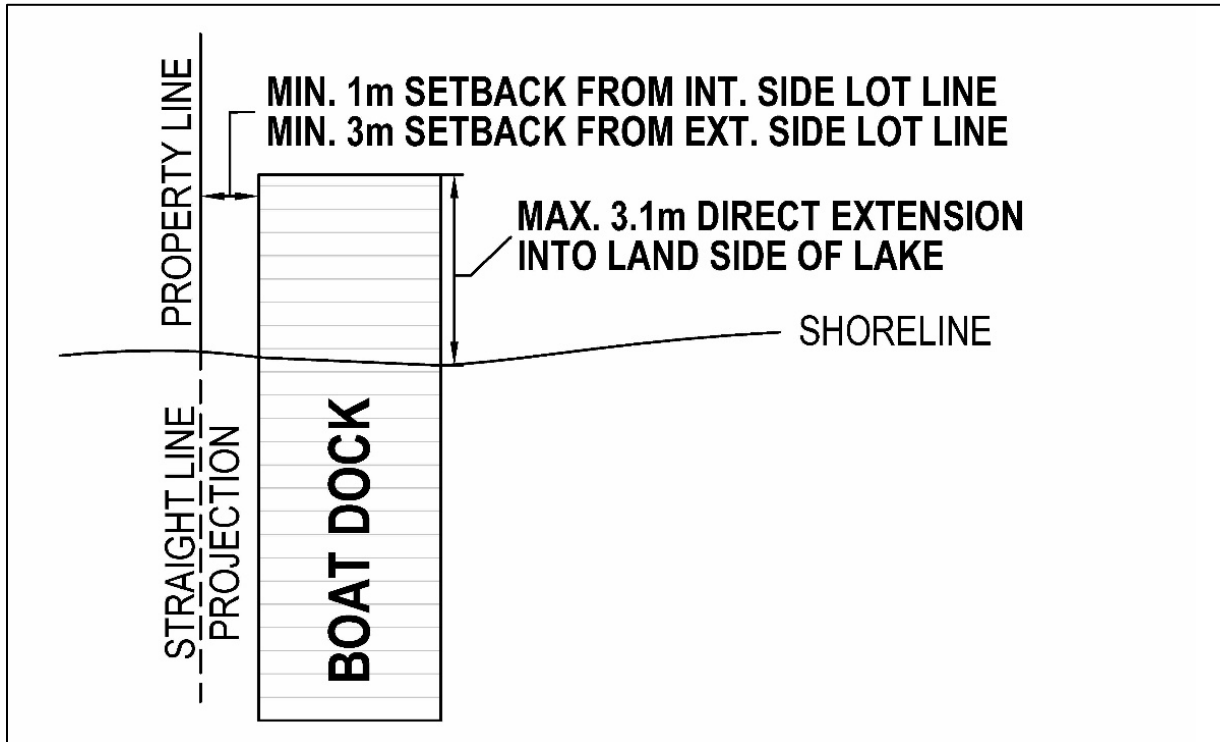
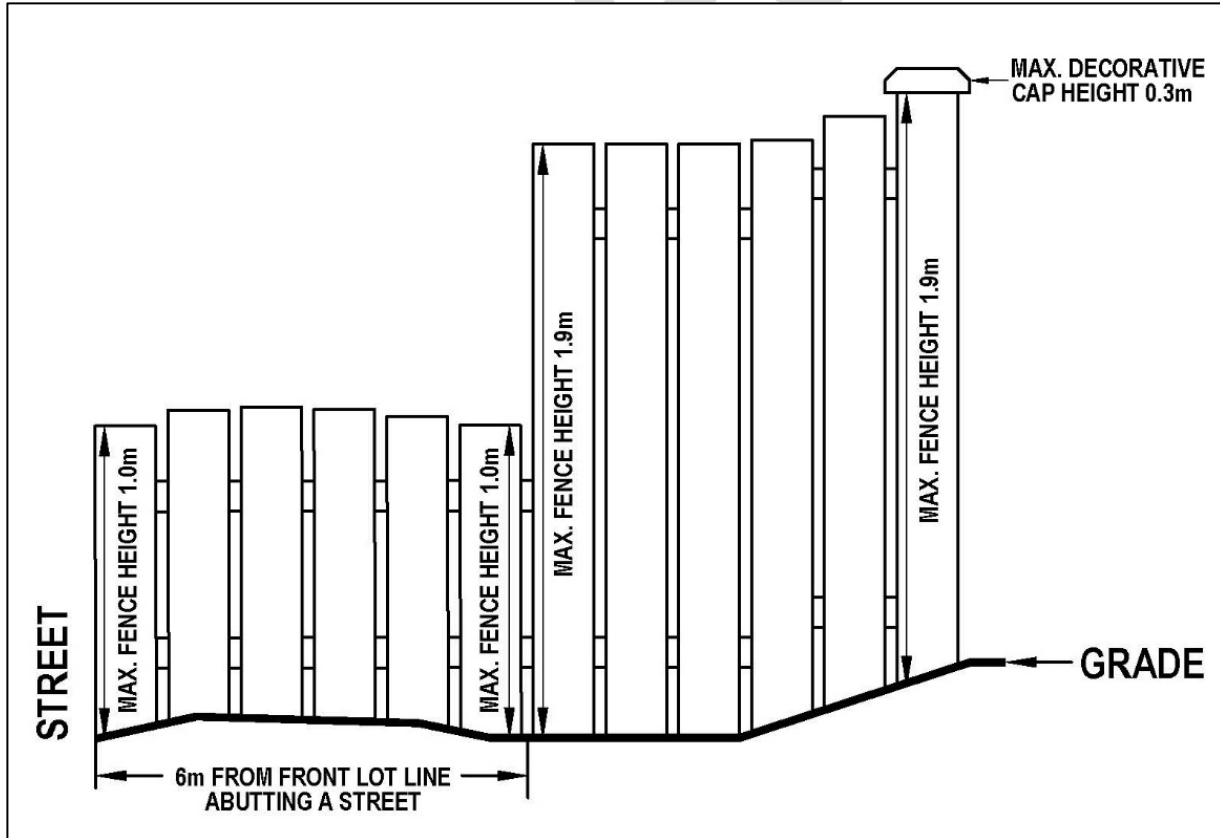


Illustration 14 - Fence Height



SECTION 1.0 INTERPRETATION AND ADMINISTRATION

1.1 TITLE

This By-law shall be referred to as the “Township of Tiny Zoning By-law 22-075”, “Tiny Zoning By-law”, or “By-law 22-075” and applies to all lands within the *Township* of Tiny. This By-law may be cited by its long title, its short title, or by its By-law number, and any such citation is to be taken as meaning the “Township of Tiny Zoning By-law 22-075” as amended.

1.2 ADMINISTRATION

This By-law shall be administered and enforced by municipal staff as appointed by the *Council* of the *Corporation* of the Township of Tiny.

1.3 COMPLIANCE WITH BY-LAW

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

1.3.2 No municipal permit, certificate or license shall be issued for the use of land or for the erection, *alteration* or use of any *building* or *structure* that is not in conformity and compliance with this By-law.

1.3.3 No person, other than a *public authority*, shall create or alter the boundaries of any lot by conveyance or otherwise such that the lot does not comply with the regulations of this By-law.

1.3.4 For the purposes of determining compliance with the regulations of this By-law, in the event of an expropriation or conveyance of a part of a lot by or to the *Township* or any other authority having the power of expropriation, the lot or the *building* or the use, as the case may be, will not be found to be in conflict with the provisions of this by-law by reason only of that expropriation or conveyance. For the purposes of this section expropriation means expropriation by the *Township* or any other authority having the power of expropriation, and conveyance means the taking or receiving of land by the *Township* or any other authority having the power of expropriation, either in satisfaction of a condition imposed on a provisional consent granted by the Committee of Adjustment or as a condition of the *Township's* site plan control

approval process, or any other process allowing the *Township* or any other expropriation authority having jurisdiction, the right to require such a conveyance.

1.3.5 To the extent of any conflict among the provisions of this By-law, the more restrictive provisions shall apply.

1.3.6 Any use not specifically permitted by this By-law shall not be permitted in the *Township of Tiny*.

1.4 BUILDING PERMITS AND MUNICIPAL LICENSES/PERMITS

The requirements of this By-law must be met before a *building* permit, Certificate of Occupancy, or approval of an application for municipal license or municipal permit is issued for the use of land or the use, erection, addition to or alteration of any *building* or *structure*.

1.5 INTERPRETATION

1.5.1 The provisions of this By-law are the minimum requirements except where a maximum requirement applies.

1.5.2 Nothing in this By-law shall serve to relieve any *person* from any obligation to comply with the requirements of any other By-law of the *Township of Tiny* or any other requirement of the *County of Simcoe*, the Province of Ontario or the Government of Canada that may affect the use of lands, *buildings* or *structures* in the municipality.

1.5.3 The following rules and definitions apply to this By-law, unless a contrary intention is evident from the context:

- a) this by-law is written in plain language;
- b) a deliberate attempt has been made to keep the words, the grammar and the syntax used as simple as possible while meeting the legal requirement for clear and precise legislation;
- c) the words used in the By-law have their ordinary meaning, unless otherwise defined in this By-law; and
- d) Definitions are given in this By-law to aid in the understanding and implementation of the true spirit, intent and meaning of the By-law. They are not to be used to avoid an obligation imposed by the By-law or any requirement enacted in a substantive provision of the By-law.

- 1.5.4 Despite the tense used in a provision:
 - a) every provision of this by-law is to be applied to the circumstances as they exist at the time in question; and
 - b) every obligation imposed by this by-law is a continuing one so long as either the use, the circumstances, the reason for the obligation, or the events which caused, precipitated or gave rise to the obligation continue.

- 1.5.5 This By-law is remedial in nature and shall be interpreted in a benevolent manner and read and applied in a way that will ensure the effective implementation of its provisions and intent.

- 1.5.6 Without limiting the generality of clause 1.5.5, where a situation arises that is not covered by a specific regulation, the provisions of this By-law apply by analogy to that situation, so that the application that is made of clause 1.5.5 is the one that ensures the effective implementation of this By-law.

- 1.5.7 Without limiting the generality of clauses 1.5.5 and 1.5.6, where a situation arises that is not covered by a specific regulation, or where two or more regulations are equally applicable, all provisions must be complied with or, where it is not possible to comply with all the provisions applicable, the most restrictive provisions must be complied with.

- 1.5.8 Despite clause 1.5.7, where an exception, suffix, schedule or overlay applies, the provisions imposed by that exception, suffix, schedule or overlay prevail over any other provision in the zoning By-law.

- 1.5.9 The system of division of the provisions of this by-law is as follows:
 - 1. Section;
 - 1.1 Subsection;
 - 1.1.1 Clause;
 - a) Subclause; and
 - b) Paragraph.

- 1.5.10 Despite clause 1.5.9, a reference to or citation of any of the above divisions as a "section" or "clause" does not invalidate that reference or citation, if the reference or citation is otherwise correct.

- 1.5.11 This By-law is gender-neutral and, accordingly, any reference to one gender includes the other.

- 1.5.12 Words in the singular include the plural, and words in the plural include the singular.

- 1.5.13 Appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, references to former enactments or enabling legislation do not form part of the by-law and are editorially inserted for convenience of reference only.
- 1.5.14 Tables are part of the By-law and are used throughout to present regulations in a concise format, and are structured with rows (horizontal) and columns (vertical) that are numbered and titled for reference purposes.
- 1.5.15 The system of measurement for this By-law is the Metric System. The abbreviations “m”, “m²”, “ha” may also be used in the By-law and shall mean “metres”, “square metres”, and hectares respectively.

1.6 ENFORCEMENT

- 1.6.1 Any *person*, and if the *person* is a *corporation*, every director or officer of the *corporation* who knowingly concurs in the contravention, is convicted of a violation of this By-law is liable, on first conviction to a fine of not more than \$25,000 and on the subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the *person* was first convicted.
- 1.6.2 Any *Corporation* convicted of a violation of this By-law is liable, on first conviction to a fine of not more than \$50,000 and on a subsequent conviction to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the *corporation* was first convicted.
- 1.6.3 Where a conviction is obtained under the clauses above, in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the *person* convicted.

1.7 VALIDITY

Should any section or provision of this By-law for any reason be declared invalid by a court of competent jurisdiction, such declaration does not affect the validity of the by-law as a whole and all the remaining sections or provisions of this by-law remain in full force and effect until repealed.

1.8 EFFECTIVE DATE

This By-law shall come into force the day it was passed if no appeals are received. Where one or more appeals are filed under subsection 34 (19) of the

Planning Act, the affected portions of this By-law do not come into force until all such appeals have been withdrawn or finally disposed of, whereupon the By-law, except for those parts of it that are repealed by or at the direction of the Ontario Land Tribunal, is deemed to have come into force on the day that it was passed.

1.9 REPEAL OF FORMER BY-LAWS

Township of Tiny Zoning By-law 06-001 and all amendments thereto are hereby repealed.

1.10 MINOR VARIANCES TO BY-LAW 06-001 AS AMENDED

Where the Committee of Adjustment of the *Township* of Tiny or the Ontario Land Tribunal has authorized a minor variance from the provisions of By-law 06-001 as amended, in respect of any land, *building* or *structure* and the decision of the Committee or the Ontario Land Tribunal authorizing such minor variance has become final and binding prior to the enactment of this By-law, the provisions of this By-law, as they apply to such land, *building* or *structure*, shall be deemed to be modified to the extent necessary to give effect to such minor variance for a period of five (5) years from the date of passing of this By-law.

1.11 TRANSITION

No provisions of this By-law act to prevent the issuance of a *building* permit for a development for which a complete application for Site Plan Control, Committee of Adjustment approval, or Zoning Amendment, was received by the *Township* on or before October 12, 2022, and provided a complete application for a *Building* Permit is received on or before October 12, 2022.

1.12 LOTS CREATED BY A WILL

A lot created by a Will after July 26, 1990 does not qualify for a *building* permit. If a lot created by a Will was created on or before July 26, 1990, a *building* permit may be available provided all other applicable provisions in this By-law are met.

1.13 ESTABLISHMENT OF ZONES

The Provisions of this By-law apply to all lands within the limits of the *Township* of Tiny. All lands in the *Township* are contained within one or more of the following *Zones* as set out in Table 1.1 below:

Table 1.1

ZONE	SYMBOL
Environmental and Open Space Zones	
Environmental Protection One	EP1
Environmental Protection Two	EP2
Open Space	OS
Open Space One	OS1
Residential Zones	
Rural Residential	RR
Country Residential	CR
Shoreline Residential	SR
Limited Service Residential	LSR
Hamlet Residential	HR
Greenlands	GL
Commercial and Employment Zones	
Shoreline Commercial	SC
<i>Marina</i> Commercial	MC
Hamlet Commercial	HC
Hamlet Employment	HE
Employment Area	EA
Rural Employment	RE
Rural Commercial	RC
Agricultural, Rural and Aggregate Zones	
Agricultural	A
Agricultural One	A1
Rural	RU
<i>Mineral Aggregate</i> Resources	MAR
Other Zones	
Future Development	FD
Institutional	I
<i>Waste Disposal</i>	WD
Nipissing Ridge Overlay	NR
Well Head Protection Area Overlay	WHPA-A, WHPA-B, WHPA-C
Issues Contributing Area Overlay	ICA1, ICA2
Huronia <i>Airport</i> Overlay	HA

1.14 ZONE SYMBOLS

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

1.15 ZONE SCHEDULES

The Zones and Zone boundaries are shown on Schedule A – Maps 1 to 60 inclusive and Schedule B – Maps 1 to 25 inclusive and are attached to and form part of this By-law.

1.16 DETERMINING ZONE BOUNDARIES

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

- a) a boundary indicated as following a highway, street, lane, utility corridor or *watercourse* shall be the centre-line of such highway, street, lane, utility corridor or *watercourse*;
- b) a boundary indicated as substantially following *lot lines* shown on a Registered Plan of Subdivision, or the municipal boundaries of the *Township* of Tiny shall follow such *lot lines*;
- c) where a boundary is indicated as running substantially parallel to a *street line* and the distance from the *street line* is not indicated, the boundary shall be deemed to be parallel to such a *street line* and the distance from the *street line* shall be determined according to the scale shown on the Schedule(s);
- d) where a lot falls into two or more *Zones*, each portion of the lot shall be used in accordance with the provisions of this By-law for the applicable *Zone*;
- e) where lands are shown within the EP1 or EP2 *zone* and further study and/or review to the satisfaction of the *Township* and any other applicable agency or authority, where required, demonstrates the lands are not part of the relevant feature, those lands shall be deemed to be zoned the applicable adjacent *zone* and the lands shall be used in accordance with the provisions of this By-law for the applicable *Zone*;
- f) where none of the above provisions apply, the *Zone* boundary shall be scaled from the Schedule(s);
- g) the Schedules forming part of this By-law were created using a Geographic Information System (GIS) and as such, the *Township* may make interpretations of the Schedules using the GIS software and other

applicable data at its sole discretion and without being subject to appeal;
and,

h) In no case is a *Zone* boundary dividing a lot into two or more *Zone* categories intended to function as a property boundary.

1.17 EXCEPTION ZONES

Where a *Zone* symbol on the attached Schedule(s) is followed by one or more numbers following the dash (-) symbol, such as SR-1, the numbers following the dash (-) symbol refer to Section 6.0 of this By-law.

1.18 HOLDING PROVISIONS

Notwithstanding any other provision in this By-law, where a *Zone* symbol is followed by the letter (H), no *person* shall use the land to which the letter (H) applies for any use other than the use which existed on the date this By-law was passed, until the (H) is removed in accordance with the provisions of Section 6.0 of this By-law, the policies of the Official Plan, and the requirements of the Planning Act, R.S.O. 1990 c.P. 13, as amended. Notwithstanding the above, a *Forestry Use* shall be permitted without the requirement to remove the holding (H) symbol.

1.19 TEMPORARY USES

Notwithstanding any other provision in this By-law, where a *Zone* symbol is followed by the letter (T), additional temporary *uses* shall be permitted on the property to which the letter (T) applies until the temporary use permission expires in accordance with the provisions for temporary *uses* as set out in the Planning Act, R.S.O. 1990 c.P. 13, as amended and specified in Table 6.3 in Section 6.0 of this By-law.

1.20 OVERLAY ZONES

Notwithstanding any other provision in this By-law, where a *Zone* symbol is overlain with an overlay *zone*, no *person* shall use the land to which the overlay *zone* applies for any use other than in accordance with the provisions of Section 2.22 of this By-law, the policies of the Official Plan, and the requirements of the Planning Act, R.S.O. 1990 c.P. 13, as amended.

1.21 DEFINITIONS

For the convenience of the reader, all terms that are italicized in this By-law are defined in Section 7.0.

1.22 LAND OWNERSHIP

No representation or implication is made by the *Township* nor should any inference be drawn from the Schedules attached to this By-law as to the ownership of private land and/or rights of access to such land. Ownership and access rights are legal matters that fall solely within the purview of the laws of the Province of Ontario and of a court of competent jurisdiction.

1.23 LANDS UNDER WATER

All lands under water of the inland lakes and rivers within the boundaries of the *Township* are subject to this By-law in addition to the requirements of both Federal and Provincial legislation. All lands under water not otherwise zoned may only be used in accordance with the zoning of the abutting and appertaining lands and the regulations of this By-law.

1.24 ISLANDS

All islands not identified as being within a *Zone* on the Schedules to this By-law shall be considered to be zoned Environmental Protection Two (EP2).

1.25 TECHNICAL REVISIONS TO THE ZONING BY-LAW

Revisions may be made to this By-law without the need for a zoning by-law amendment in the following cases:

- a) correction of numbering, cross-referencing, grammar, punctuation or typographical errors or revisions to format in a manner that does not change the intent of a provision;
- b) adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating and correcting lot and parcel lines, *infrastructure* information, keys, legends or title *blocks*;
- c) changes to appendices, footnotes, headings, indices, marginal notes, tables of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this by-law and are editorially inserted for convenience of reference only;
- d) the addition, removal or modification of a zoning code reference contained within column II of an exception found within Table 6.1; and,
- e) minor schedule revisions in accordance with Section 1.16 of this By-law.

SECTION 2.0 GENERAL PROVISIONS

2.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

- a) Where this By-law provides that land may be used or a *building* or *structure* may be *erected* or used for a purpose, that purpose may include any detached *accessory building*, *accessory structure* or *accessory use* located on the same lot as the principal use to which they are related.
- b) No detached *accessory building* or *accessory structure* shall be permitted to be used for sleeping or contain a *kitchen facility* or an occupation for gain, unless specifically permitted by this By-law.
- c) No detached *accessory building or structure* shall be *erected* on a lot prior to the erection of the *main building* on the lot.

2.1.1 Detached *accessory buildings and structures* to a residential use, except where otherwise regulated, shall:

- a) Be set back a minimum distance equal to the required *front yard* for the *main building* from the *front lot line*;
- b) Be set back a minimum distance of 1.0 metre from the *rear lot line*;
- c) Be set back a minimum distance equal to the required exterior side *yard* for the *main building* from the *exterior side lot line*;
- d) Be set back a minimum distance of 1.0 metre from the *interior side lot line*;
- e) Comply with Section 2.30 of this By-law, if applicable; and,
- f) Comply to the requirements of the Dynamic Beach Management By-law.

2.1.2 A *storage container* is not a permitted *accessory structure* in any Residential *Zone* except one as a temporary storage use associated with a construction project and in accordance with Section 2.31 of this By-law. No more than three

(3) *storage containers* are permitted on any lot other than in the following *zones*: MC, HC, HE, EA, RE, RC, and MAR.

2.1.3 The maximum height of any detached *accessory building* or structure is 5.0 metres.

2.1.4 The maximum *lot coverage* of all detached *accessory buildings and structures* on a lot that has an area of less than 1.0 hectares is 8 percent, or no more than 93 square metres, whichever is the lesser. On *lots* greater than 1.0 hectares, the maximum *lot coverage* for all detached *accessory buildings and structures* shall be 8%.

2.1.5 One (1) *bunkie* may be permitted on a lot in the Shoreline Residential (SR) *Zone* or the Limited Service Residential (LSR) *Zone* provided the *bunkie*:

- a) has a ground floor area of no more than 30 square metres (does not include a covered *porch* or *deck*);
- b) has no *kitchen facility*;
- c) is not used for profit;
- d) is *setback* 8.0 metres from the front and exterior *lot lines*;
- e) is *setback* 3.0 metres from the interior side and *rear lot lines*;
- f) is not within or attached to any other *building* or *structure* other than a covered *porch* or *deck*; and
- g) complies with Section 2.30 of this By-law, if applicable.

2.1.6 *Sports courts* may be permitted subject to meeting the following provisions:

- a) A *sports court* shall meet all the *accessory structure setbacks* of the applicable *zone*;
- b) *Fences* for the *sports court* shall meet the requirements of Section 2.10;
- c) Where a *sports court fence* is proposed to exceed the *height* limits of Section 2.10, the *fence* shall be *setback* a distance equal to the *fence height* from any property line to a maximum *fence height* of 3 metres; and
- d) *Sports court* lighting shall comply with the requirements of Section 2.21.

2.1.7 An accessory *structure* for the sole purpose of storing *County* solid waste management bins within the required *front yard* may be permitted, subject to the following provisions:

- a) The *structure* shall be located no closer than 3.0 metres to the *front lot line* and *exterior side lot line* and 1.0 metre from an *interior lot line*;
- b) The *structure* shall be no larger than 5 square metres and shall not have a *height* of greater than 2 metres;
- c) The *structure* shall be oriented perpendicular to the property line (shortest side facing the *front lot line*); and
- d) The *structure* shall not be located in a *sight triangle*.

2.2 ADDITIONAL DWELLING UNITS (SECOND UNITS)

2.2.1 Where an *additional dwelling unit* is listed as a permitted use in accordance with Section 4.0 of this By-law, the following provisions shall apply:

- a) A maximum of two *additional dwelling units* shall be permitted per lot including a maximum of one *additional dwelling unit* in the *principal dwelling* on the lot and a maximum of one *additional dwelling unit* as a detached accessory *structure* (excluding a *bunkie* and/or *boathouse*) on the lot.
- b) An *additional dwelling unit* shall only be permitted on a lot containing a *single detached dwelling unit*, *semi-detached dwelling unit* or *townhouse dwelling unit*;
- c) Where the *principal dwelling unit* is a *townhouse dwelling*, an *additional dwelling unit* is only permitted provided the lot on which the principal *townhouse dwelling unit* is located has a minimum frontage of 11 metres;
- d) *Additional dwelling units* shall only be permitted on a lot fronting on a *public street*;
- e) Where municipal water services are available, the *principal dwelling unit* and the *additional dwelling unit(s)* must be connected to such services. Confirmation from the *Township* is required to ensure that there is sufficient capacity in the water system for the *additional dwelling unit(s)*;
- f) An *additional dwelling unit* shall not be permitted on a lot with a, bed and breakfast, *group home*, or on a lot with a boarding and rooming house; and,

g) A *garden suite* is considered an *additional dwelling unit*.

2.2.2 Where an *additional dwelling unit* is permitted within the *principal dwelling* on a residential lot in accordance with Section 4.0, the following additional provisions shall apply:

- a) The *additional dwelling unit* shall be located entirely within the same *building* as the *principal dwelling unit*;
- b) The maximum gross floor area of the *additional dwelling unit* may not exceed 45% of the gross floor area of the *principal dwelling unit*; and,
- c) Notwithstanding Section 2.2.2 b), where the *additional dwelling unit* occupies the lowest floor of the *principal dwelling unit*, it may exceed the minimum size standards of this subsection.

2.2.3 Where an *additional dwelling unit* as a detached *accessory building* is permitted in accordance with Section 4.0 of this By-law, the following additional provisions shall apply:

- a) The *accessory building* containing the *additional dwelling unit* shall not be located in the *front yard* unless in the A, RU, GL, RR, CR or FD Zones;
- b) The maximum gross floor area of an *additional dwelling unit* in an *accessory building* shall not exceed 45% of the gross floor area of the *principal dwelling unit*;
- c) An additional residential unit within a detached *accessory building/structure* shall be located no more than 30 metres from the *principal dwelling unit* unless located in the A, RU or GL Zones; and
- d) The *accessory building* containing the *additional dwelling unit* shall be located a minimum of 3.0 metres from the *rear lot line* and *interior side lot line*.

2.3 ACCESSORY APARTMENT DWELLING UNIT IN A COMMERCIAL ZONE

2.3.1 Notwithstanding any other provisions of this By-law, *accessory apartment dwelling units* that are in the same *building* as a permitted *commercial use* in the Shoreline Commercial (SC), Hamlet Commercial (HC) and Rural Commercial (RC) Zones are permitted provided:

- a) the gross floor area of the *accessory apartment dwelling unit(s)* does not exceed 50% of the gross floor area of the principal use on the lot; and,
- b) the *accessory apartment dwelling unit* has a means of egress to the outside that is separate from any means of egress for another *dwelling unit* or any *commercial use*.

2.4 BOAT DOCKS

- 2.4.1 *Boat docks* are only permitted as an *accessory use*, unless specifically permitted as a principal use;
- 2.4.2 A *boat dock* shall be *setback* a minimum of 1.0 metres from an *interior side lot line* and 3.0 metres from an *exterior side lot line* including the straight line projection of the *lot lines* from where it meets the *lot line* at the water;
- 2.4.3 A *boat dock* is permitted to extend from or to be located in the *yard* abutting the lake of a lot, but any portion of a *boat dock* extending onto the land shall be permitted to extend a maximum of 3.1 metres on the land side of the lake and only as a direct extension of the *boat dock*. In all other instances an extension of the *boat dock* shall be considered a shore *deck* and subject to the regulations of Section 2.6; and
- 2.4.4 All *boat docks* shall meet the requirements of the applicable Provincial and Federal legislation.

2.5 BOATHOUSE ADJACENT TO GEORGIAN BAY SHORELINE

- 2.5.1 A *boathouse* is permitted on a lot that fronts on Georgian Bay provided:
 - a) It is *setback* a minimum of 1.0 metre from the *interior side lot line*.
 - b) It is *setback* the minimum distance of the minimum required front *yard* and/or exterior side *yard* for the *main building* on the lot;
 - c) It is not to be designed or used for sleeping or contain a *kitchen facility* or used for an *additional dwelling unit*;
 - d) The maximum height of a boathouse is 5.0 metres; and
 - e) For the purposes of this section, a *boathouse* adjacent to the Georgian Bay Shoreline shall be *setback* a minimum of 15 metres land ward from the 178 metres G.S.C elevation, and be required to obtain a permit under the Dynamic Beach Management By-law prior to issuance of a Building Permit.

2.6 DECKS

2.6.1 A *deck* that has an average floor *height* of less than 0.61 metres above *grade* is permitted, provided that:

- a) The *deck* is located no closer to the front lot line and *exterior side lot lines* than the minimum required front yard and minimum required exterior side yard requirements for the *main building*;
- b) The *deck* is located no closer than 1.0 metre from the interior side lot line or *rear lot lines*;
- c) The *deck* complies with Section 2.30 of this By-law, if applicable; and
- d) Notwithstanding the above provisions, stairs and landings used to access a *deck* are permitted to encroach a further 1.0 metres into a minimum required front yard and/or minimum required exterior side yard lot line. The landing shall be the minimum size required by the *Ontario Building Code*.

2.6.2 A *deck* that has an average floor *height* of 0.61 metres or greater above *grade* is permitted, provided that:

- a) The *deck* is located no closer than 3.0 metres to the *rear lot line*;
- b) The *deck* is located no closer to the *interior side lot lines* than the *interior side yard* requirement for the *main building*;
- c) The *deck* is located no closer to the front lot line and *exterior side lot lines* than the minimum required front yard and minimum required exterior side yard requirements for the *main building*;
- d) The *deck* complies with Section 2.30 of this By-law, if applicable; and,
- e) Notwithstanding the above provisions, stairs and landings used to access a *deck* are permitted to encroach no more than 1.0 metres into any minimum required yard. The landing shall be the minimum size required by the *Ontario Building Code*.

2.6.3 Where a new *deck* or a replacement of an existing *deck* is proposed on properties adjacent to the Georgian Bay shoreline, a Building Permit will only be issued provided a permit has been issued in accordance with the Dynamic Beach Management By-law and the provisions of Section 2.30 of this By-law and any other applicable provision is satisfied.

2.7 NUMBER OF DWELLING UNITS

Unless otherwise specified by this By-law, no more than one (1) *dwelling unit* is permitted on a lot.

2.8 ENCROACHMENTS INTO REQUIRED YARDS

- 2.8.1 Minor encroachments may encroach into any required *yard* no more than 1.0 metre for:
- a) Architectural features such as sills, belt courses, cornices, eaves or gutters, chimney breasts, pilasters, or roof overhangs;
 - b) cantilevered window bays (not cantilevered floor area);
- 2.8.2 Stairs and landings used to access a *main building*, roofed, unenclosed *porches* and balconies may encroach into the required front and/or *exterior side lot line* a distance of no more than 1.0 metre;
- 2.8.3 Drop awnings, clothes poles, flagpoles, garden trellises, *fences*, ground air conditioners and generators or other similar accessory *structures* may be permitted in any required *yard*;
- 2.8.4 Notwithstanding any other provision contained in this By-law, in any residential *zone* or the Shoreline Commercial (SC) *Zone* where a corner lot abuts an unopened road allowance, public or private lane not used for vehicular traffic, the subject *lot line* shall be considered an *interior side lot line*; and
- 2.8.5 *Bridges* may be permitted in any required *yard*. All *bridges* shall meet the requirements of the applicable Provincial and Federal legislation.

2.9 EXCEPTIONS TO HEIGHT REQUIREMENTS

- 2.9.1 The *height* requirements of this By-law shall not apply to church spires, church belfries, chimneys, clock towers, radio or television towers or antennas, telecommunication towers or mechanical penthouses occupying in the aggregate less than ten percent of the area of the roof of the *building* on which they are located, nor shall they apply to monuments, flag poles, silos or other *agricultural buildings*.
- 2.9.2 The height requirements of this By-law shall not apply to roof mounted solar facilities.

2.10 FENCES

- 2.10.1 Notwithstanding any other provision of this by-law:
- a) A *fence* in a *front yard* and within 6.0 metres of a *lot line* abutting a street shall have a maximum *height* of 1.0 metres;
 - b) In all other instances a *fence* shall not exceed a maximum *height* of 1.9 metres;
 - c) *Fence height* is to be calculated by taking the measurement from *grade* to the top of each post on both sides of the *fence*. No single *fence* post shall

- exceed a maximum *height* of 1.9 metres. Where a *fence* is located on top of a retaining wall, *grade* shall mean original *grade*;
- d) Decorative caps on top of a post may extend an additional 0.3 metres;
 - e) For reference to fences in *Sight Triangles*, see Section 2.29; and,
 - f) Shall comply to the requirements of the Dynamic Beach Management By-law and have an approved permit under that By-law.

2.11 FRONTAGE ON A PUBLIC STREET

Unless otherwise specified by this By-law, no *person* shall *erect* any *building* or *structure* and no *person* shall use any *building* or *structure*, lot or *block* unless the lot or *block* to be so used, or upon which the *building* is situated or *erected* or proposed to be *erected*, abuts or fronts on a street which is assumed by a *public authority* for maintenance purposes or is being constructed pursuant to a Subdivision Agreement with a *public authority*. For the purposes of this By-law, a lot separated from a *public street* by a *reserve* shall be deemed to abut the *public street*.

2.12 FRONTAGE ON A PRIVATE OR UNASSUMED STREET

The erection, *alteration* or replacement of any *main building* or *structure* on a lot which fronts on a private or *unassumed street* may be subject to a Holding Symbol. Notwithstanding any other provision in this By-law, *buildings* and *structures* that existed on the effective date of this By-law can be used for a purpose permitted by this By-law if the lot on which the *building* or *structure* is situated fronts on a private or *unassumed street*.

2.13 HOME INDUSTRY

2.13.1 Where a *home industry* is permitted in a *Zone*, the use is permitted provided:

- a) A maximum of four people, other than an occupant of the *dwelling unit*, may be engaged in the *home industry* at any time;
- b) The gross floor area of the *building* utilized by the *home industry* does not exceed a maximum of 200 square metres;
- c) The use is secondary to the principal use of the lot;
- d) Any accessory *outdoor storage* area is located in the *rear yard* and occupies no more than 300 square metres of *lot area*;
- e) *Motor vehicles*, associated with the *home industry*, shall only be parked or stored within the *interior side yard* or *rear yard*; and
- f) Only (1) *home industry* is permitted per lot.

2.14 HOME OCCUPATIONS

2.14.1 Where a *home occupation* is permitted in a *Zone*, the use is permitted provided:

- a) No more than one employee, in addition to the residents of the *dwelling unit*, is engaged in the business and working from the home occupation;
- b) The *home occupation* use shall be contained within the principle *dwelling unit* or within an *attached garage*. A *home occupation* shall not be conducted in whole or in part in any *additional dwelling unit*;
- c) No more than 25% of the gross floor area of the principle *dwelling unit* is used for the purpose of the *home occupation*;
- d) There is no sign, *outdoor storage* or display of material or equipment;
- e) There is no mechanical equipment used except that which is ordinarily used for housekeeping purposes or for any purpose of a *dwelling unit*;
- f) The sale of goods produced on site is only permitted if the sales are conducted by telephone, internet, or mail order. No display or show room is permitted;
- g) The use is secondary to the residential use and does not change the residential character of the *dwelling unit* and lot; and,
- h) Only (1) *home occupation* is permitted per lot.

2.15 MINIMUM OPENING ELEVATION

No *building(s)* with habitable living area located adjacent to Georgian Bay shall have any *building* opening below the elevation of 178.5 metres G.S.C.

2.16 MULTIPLE USES ON ONE LOT

Where any *building, structure* or lot is used for more than one purpose as provided in Section 6.0 of this By-law, the said *building, structure* or lot shall comply with the provisions of this By-law relating to each use. In the case of a conflict, the more stringent provision shall apply.

2.17 MULTIPLE ZONES ON ONE LOT

Where a lot is divided into more than one *Zone*, each portion of the lot shall be used in accordance with the provisions of this By-law for the applicable *Zone*.

2.18 NON-COMPLYING BUILDINGS AND STRUCTURES

2.18.1 Enlargement, Repair, Replacement or Renovation

A *non-complying building* or *structure* may be enlarged, repaired, replaced or renovated provided that the enlargement, repair, replacement or renovation:

- a) does not further encroach into a required *yard*;
- b) does not increase the amount of floor area or volume in a required *yard*;
- c) does not in any other way increase a situation of non-compliance; and,
- d) complies with all other applicable provisions of this By-law.

2.18.2 Non-Compliance as a Result of Expropriation

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a public authority, such acquisition results in a contravention of this By-law relating to minimum yards and/or setbacks, lot coverage or maximum permitted gross floor area, then the lands so acquired shall be deemed to continue to form part of the lot upon which the building or buildings are located in determining compliance with this By-law.

2.19 NON-COMPLYING LOTS

2.19.1 Non-Complying Lots

Notwithstanding the provisions of Section 5.0 as they relate to the minimum *lot area* and/or *lot frontage* for a lot, all *existing lots* registered in the Registry or Land Titles Office prior to the date of the enactment of this by-law, shall be deemed to have a minimum *lot area* and/or *lot frontage* as indicated in the Registry or Land Titles Office.

2.19.2 Non-Compliance as a Result of Expropriation

Notwithstanding any other provision of this By-law, where, as a result of the acquisition of part of a lot by a *public authority*, the lot, after the acquisition, is a *non-complying lot*, such *non-complying lot* may be used for any purpose permitted by this By-law within the *Zone* in which the lot is located, subject to Section 2.19.1.

2.20 NON-CONFORMING USES

No lands, *buildings* or *structures* shall be used except in conformity with the provisions of this By-law unless such use existed before the date of passing of By-law 30-77 (July 28, 1977) and provided that it has continued and continues to be used for such purpose.

2.21 OUTDOOR LIGHTING IN ALL ZONES

2.21.1 All outdoor lighting must be *dark sky* compliant.

2.22 OVERLAY ZONES

2.22.1 Nipissing Ridge (NR) Overlay Zone

- a) This Section applies to lands within the Nipissing Ridge (NR) Overlay *Zone*. The regulations set forth in this subsection shall apply to the applicable overlay *zone* and shall be in addition to those regulations set forth in the underlying *zone*. In the event of a conflict between the provisions of the regulations of this overlay *zone* and the provisions of the underlying *zone*, the provisions of the overlay *zone* shall prevail.
- b) The Nipissing Ridge (NR) Overlay *Zone* depicts the top and toe of slope of the Nipissing Ridge. However, it is recognized that the mapping in the Zoning By-law schedules of this *Zone* are not accurate. Therefore, site specific information as outlined below can be submitted to the *Township* which depicts the actual location of the feature.

- c) Notwithstanding any other provision of this By-law, no *building* or *structure* shall be located within 15.0 metres of the Nipissing Ridge (NR) Overlay Zone. This provision shall not prevent the expansion or replacement of *buildings* or *structures* that lawfully existed on July 28, 1977 within this *setback* area, provided the expansion or replacement does not have the effect of reducing the *setback* from the Nipissing Ridge (NR) Overlay Zone or increasing the volume or floor area of a *building* or *structure* in the *setback* area.
- d) Development may be permitted within the Nipissing Ridge (NR) Overlay Zone in accordance with the underlying *zone* or within the required *setback* in c) above without amendment to this By-law subject to the following information being submitted and approved by the *Township*:
 - i. The location of the top and/or toe of slope be established by a qualified professional.
 - ii. *Building* and *structures* shall not be permitted within 15.0 metres of the established toe and/or top of slope.

2.22.2 Well Head Protection Area (WHPA) Overlay Zone

- a) This Section applies to lands within the Well Head Protection Area (WHPA) Overlay Zones (WHPA-A, WHPA-B, WHPA-C). The regulations set forth in this subsection shall apply to the applicable overlay *zone* and shall be in addition to those regulations set forth in the underlying *zone*. In the event of a conflict between the provisions of the regulations of this overlay *zone* and the provisions of the underlying *zone*, the provisions of the overlay *zone* shall prevail.
- b) Within the WHPA-A Overlay Zone, the non-residential *uses* listed below are prohibited:
 - i. *Waste Disposal sites*
 - ii. Storage facilities for agricultural source material.
 - iii. Storage facilities for non-agricultural source material.
 - iv. Commercial fertilizer storage facilities.
 - v. Pesticide storage facilities.
 - vi. Road salt storage facilities.
 - vii. Snow storage facilities.
 - viii. Fuel storage facilities.
 - ix. Organic solvents storage facility;
 - x. Livestock grazing, outdoor confinement areas and farm animal *yards*.
 - xi. Storage facilities for dense non-aqueous phase liquids (DNAPLS).
 - xii. Small on-site sewage system.
 - xiii. Large (more than 10,000 litres) on-site sewage systems.

- c) Notwithstanding b) above, for *lots* of record that exist on the date of the approval of the source protection plan a small on-site sewage system is permitted.
- d) Within the WHPA-A Overlay *Zone* any residential fuel storage over 250 litres is prohibited.
- e) Within the WHPA-B or WHPA-C Overlay *Zone*, the non-residential *uses* listed below are prohibited:
 - i. *Waste Disposal sites*.
 - ii. Storage facilities for agricultural source material.
 - iii. Storage facilities for non-agricultural source material.
 - iv. Commercial fertilizer storage facilities.
 - v. Pesticide storage facilities.
 - vi. Road salt storage facilities.
 - vii. Snow storage facilities.
 - viii. Fuel storage facilities.
 - ix. Organic solvents storage facility.
 - x. Livestock grazing, outdoor confinement areas and farm animal *yards*.
 - xi. Storage facilities for dense non-aqueous phase liquids (DNAPLS).
 - xii. Large (more than 10,000 litres) on-site sewage systems.
- f) Notwithstanding e) above, where the Risk Management Official has issued a written direction pursuant to the Clean Water Act or its successor that a specified use is not a *significant drinking water threat*, the use is permitted in accordance with those regulations set forth in the underlying *zone*.

2.22.3 Issues Contributing Area (ICA) Overlay Zone

- a) This Section applies to lands within the Issues Contributing Area (ICA) Overlay *Zone* (ICA-1, ICA-2). The regulations set forth in this subsection shall apply to the applicable overlay *zone* and shall be in addition to those regulations set forth in the underlying *zone*. In the event of a conflict between the provisions of the regulations of this overlay *zone* and the provisions of the underlying *zone*, the provisions of the overlay *zone* shall prevail.
- b) Within the ICA-1 and ICA-2 Overlay *Zone*, the *uses* listed below are prohibited:
 - i. Small on-site sewage system.
 - ii. Storage facilities for agricultural source material.

- iii. Storage facilities for non-agricultural source material.
 - iv. Commercial fertilizer storage facilities.
 - v. Pesticide storage facilities.
 - vi. Livestock grazing, outdoor confinement areas and farm animal yards.
- c) Notwithstanding b) above, for *lots* of record that exist on the date of the approval of the source protection plan a small on-site sewage system is permitted.
- d) In addition to b) above, the storage and handling of dense non-aqueous phase liquids (DNAPLS), excluding incidental volumes for personal/domestic use, are prohibited in the ICA-2 Overlay Zone.

2.22.4 Huronia Airport (HA) Overlay Zone

- a) This Section applies to lands within the Huronia Airport (HA) Overlay Zone. The regulations set forth in this subsection shall apply to the applicable overlay zone and shall be in addition to those regulations set forth in the underlying zone. In the event of a conflict between the provisions of the regulations of this overlay zone and the provisions of the underlying zone, the provisions of the overlay zone shall prevail.
- b) Notwithstanding any other provision in this By-law, the maximum *height* of any *building* or *structure*, including *agricultural buildings*, shall not exceed 11.0 metres on the lands within the Huronia Airport (HA) Overlay Zone.

2.22.5 Dynamic Beach Management Area Overlay Zone

- a) This Section applies to all lands along the shoreline of Georgian Bay identified as Dynamic Beach Management Area Overlay Zone on the Zoning By-law map schedules;
- b) The regulations set forth in this sub-section shall apply to lands within the overlay zone and shall be in addition to those regulations set forth in the underlying zone.
- c) Notwithstanding Section 2.18 Non-Complying Buildings and Structures, any proposed enlargement, repair, replacement or renovation of an existing non-complying building or structure, including retaining walls, and fences that were legally existing as of the date of this By-law, shall be required to demonstrate compliance with the Dynamic Beach Management By-law, and obtain a permit under that By-law as required, and to ensure the following are satisfied:
- a. It does not further encroach into a required yard;
 - b. It does not increase the amount of floor area or volume in a required yard;

- c. It does not in any other way increase a situation of non-compliance; and
- d. It complies with all other applicable provisions of this By-law.

2.23 PROHIBITED USES

The following *uses* are prohibited in any *Zone*:

- a) The use of any *tent, trailer* or *motor vehicle* for human habitation, except where such *tent, trailer* or *motor vehicle* is located in a *trailer park* or where a maximum of one (1) *tent* is used as an incidental and occasional use accessory to a residential dwelling.
- b) The use of any *accessory building or structure* or *boathouse* for human habitation unless otherwise permitted by this By-law.
- c) The storage of disused rail cars, streetcars, buses, truck bodies or *trailers* without wheels.
- d) The parking and storage of *motor vehicles, trailers* or commercial *motor vehicles* on a vacant lot.
- e) The *outdoor storage* of partially dismantled *motor vehicles* or *trailers* or *motor vehicle* or *trailer* parts unless otherwise permitted by this By-law.
- f) *Obnoxious uses.*
- g) The manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, creosote, explosives, fireworks, glue, petroleum or tar.
- h) The bulk storage of industrial chemicals, *hazardous waste* or liquid industrial *waste* as defined under the Environmental Protection Act, as amended.

The provisions of this section do not apply to *waste disposal sites* in the *Waste Disposal (WD) Zone*.

2.24 PUBLIC USES

- a) The provisions of this By-law shall not apply to prevent the use of any land, *building* or *structure* by any *public authority*, except for a *waste disposal site*, provided that:
 - i. Such use, *building* or *structure* complies with the required *yard setback(s)* and *height* provisions of the *Zone* in which it is located; and,

- ii. No *outdoor storage* is permitted unless such *outdoor storage* is specifically permitted in the *Zone* in which the use is located.
- b) Notwithstanding the above provisions, *buildings* and *structures* associated with a public works *yard* owned by a *public authority* are exempt from the *height* requirements of this By-law.
- c) Nothing in this By-law shall prevent a *public authority* from providing or using land as a street nor prevent the installation of a utility main including a water main, sanitary sewer, storm sewer, gas main, pipeline or overhead or underground hydro, telephone or other utility supply or communication lines.

2.25 REDUCED YARD REQUIREMENT

- 2.25.1 Notwithstanding any other provision in this By-law, where a vacant lot exists between two developed *lots*, with the *main building* on one or both of the developed *lots* having a *front yard* less than required, the required *front yard* of the vacant lot may be the average of the *front yards* of the two developed *lots*, provided the required *front yard* on the vacant lot is not less than 50 percent of the *front yard* required for that lot; and
- 2.25.2 On a *through lot*, the *minimum required yard* abutting both streets is equal to the minimum required *front yard* in the *Zone*.

2.26 RESIDENTIAL FUEL STORAGE

Fuel storage (i.e. gasoline, diesel) over 250 litres is prohibited on all *lots* zoned residential.

2.27 RETAINING WALLS

- 2.27.1 Where all of a *retaining wall* is 1 metre in *height* or less of exposed wall face, it shall meet the following provisions:
 - a) Is permitted in all *yards*; and
 - b) Required *setback* is 0.0 metre.
- 2.27.2 Where any portion of a *retaining wall* is greater than 1 metre in *height* of exposed wall face the entire *retaining wall* shall meet the following provisions:
 - a) Shall be *setback* in compliance with the requirements for an accessory *structure*; and
 - b) The provisions of subsection 2.30 shall not apply.

2.27.3

A *retaining wall* shall not be located below the 178 metre G.S.C. elevation adjacent to Georgian Bay unless for flood control purposes, and subject to the following:

a) Any proposed new *retaining wall* must be in compliance with the Dynamic Beach Management By-law and have an approved permit under that By-law;

2.28 SHORT-TERM RENTAL ACCOMODATIONS

2.28.1 A *Short-Term Rental Accommodation* shall only be permitted in the following zones:

- a) Shoreline Residential (SR)
- b) Limited Services Residential (LSR)
- c) Hamlet Residential (HR)
- d) Rural Residential (RR)
- e) Country Residential (CR)
- f) Rural (RU)
- g) Agricultural (A)
- h) Greenlands (GL)
- i) Future Development (FD)

2.28.2 Please refer to Section 3.0 for the minimum parking requirements.

2.28.3 A Short-Term Rental Accommodation shall not be permitted in an accessory building or structure including any additional dwelling unit.

2.29 SIGHT TRIANGLE

Notwithstanding any other provisions of this By-law, on a corner lot, within the *sight triangle*, no *building, structure, fence, sign, wall, vegetative planting* or landscaped *grade* may be greater than 1.0 metre in *height*.

2.30 SPECIAL SETBACKS

Notwithstanding any other provisions in this By-law, the following special *setbacks* shall apply.

2.30.1 Setbacks from Georgian Bay Shoreline

2.30.1.1 The *main building* including a any attached covered porch or *bunkie* shall be *setback* a minimum of 45 metres from the 178 metre G.S.C. elevation adjacent to Georgian Bay.

2.30.1.2 All detached accessory *buildings* or *structures* including, but not limited to a *detached garage, shed, swimming pool, deck* including any sun-deck or rooftop deck shall be *setback* a minimum of 15 metres from the 178 metre G.S.C. elevation adjacent to Georgian Bay. Fences shall not be permitted within 45 metres of 178 metres G.S.C. A fence is permitted along a property line where a dwelling has been constructed, but may only project 10 metres from the wall of the dwelling closest to Georgian Bay and shall be no closer than 15 metres to the 178 metre G.S.C.

2.30.1.3 Within the *yard* facing the water's edge of Georgian Bay in the shoreline Residential (SR) and Limited Shoreline Residential (LSR) Zones, where the required setback of 45 metres from the 178 metre G.S.C. elevation cannot be met due to insufficient lot depth, no *main building* shall be located any closer than 20 metres to the 178 metre G.S.C. elevation.

2.30.1.4 This provision shall not prevent:

- a) The expansion of the *main building* that existed on the date this By-law comes into effect and the erection of a *Bunkie*, provided the expansion or *Bunkie* does not decrease the setback to the 178 metre G.S.C. elevation. In addition, no part of the expansion or *Bunkie* is permitted to be located within 15.0 metres of the 178 metre G.S.C. elevation and must meet the requirements of the Dynamic Beach Management By-law and a permit is approved under the Dynamic Beach Management By-law.
- b) The erection of a second storey over any *building* or *structure* that existed in any location on a lot when this By-law comes into effect,

provided the additional floor area complies with all other applicable provision in this By-law.

2.30.1.5 Please refer to Section 2.15 for the minimum opening elevation.

2.30.2 *Setbacks* from Environmental Protection One (EP1) Zone

Notwithstanding any other provision in this By-law, no *building* or *structure* shall be located within 30.0 metres of any Environmental Protection One (EP1) Zone.

Notwithstanding the above, this provision does not apply to a lot in a Plan of Subdivision or a lot created by consent that exists on the effective date of this By-law.

2.30.3 *Setbacks* from Watercourses

Notwithstanding any other provision in this By-law, no *building* or *structure* shall be located within 30.0 metres of the top of bank of any *watercourse*. The *setback* is reduced to 15.0 metres in the following Zones:

Country Residential (CR) Zone;
Rural Residential (RR) Zone;
Shoreline Residential (SR) Zone;
Limited Service Residential (LSR) Zone;
Shoreline Commercial (SC) Zone;
Marina Commercial (MC) Zone;
Employment Area (EA) Zone;
Hamlet Residential (HR) Zone;
Hamlet Commercial (HC) Zone;
Hamlet Employment (HE) Zone;
Future Development (FD) Zone; and,
Institutional (I) Zone.

2.30.4 *Setbacks* from Slopes

Notwithstanding any other provision in this By-law and notwithstanding that the slope may not be identified on the schedules to this By-law, no *building* or *structure* shall be located within 15.0 metres of the toe and top of a slope or embankment that exceeds 3 to 1 (33%). This provision does not apply to slopes directly associated with municipal roadside ditches.

Notwithstanding the minimum *setback* of this Section, a lesser *setback* may be permitted, without the need to amend this By-law, where permission has been granted by the *Township* and any other applicable agency or authority through

the submission of studies and/or reports deemed acceptable to the Director of Public Works or designate.

2.30.5 *Setbacks* for Group Homes

No *group home* shall be located any closer than 1000 metres to any other *group home*.

2.30.6 Minimum Distance Separation (MDS)

- a) Notwithstanding any other *yard* or *setback* provisions in this By-law, *MDS* formulae as amended by the Province from time to time shall be applied to all *zones* where livestock facilities and anaerobic digesters are permitted.
- b) *MDS* | *setbacks* do not apply to residential development on *existing lots* of record.

2.30.7 *Setback* from *County* Roads

Notwithstanding any other provision in this By-law, no *building* or *structure* shall be located any closer to any *County* Road than as set out in the applicable By-law of the *County* of Simcoe.

2.30.8 *Setback* from Provincial Highway

Notwithstanding any other provision in this By-law, no *building* or *structure* shall be located any closer than 14.0 metres to a Provincial Highway or as set out in the applicable regulation of the Ministry of Transportation.

2.31 TEMPORARY USES

2.31.1 The following temporary *uses* are permitted in all *Zones*:

- a) A tool shed, construction *trailer*, *storage container*, scaffold or other *building* or *structure* incidental to construction is permitted in all *Zones* on the lot where the construction is taking place provided that a valid *building* permit has been issued and for so long as the work is in progress or for one year, whichever is less, from the date the *building* permit is issued. The location of the *storage container* must be *setback* a minimum of 3 metres from the front and/or *exterior side lot lines* and 1 metre from all other *lot lines*.
- b) Where a dwelling is destroyed by fire or an Act of God, a *mobile home* or a *recreational vehicle* may be permitted as a temporary dwelling while the primary dwelling is being constructed or reconstructed on the

premises, for so long as work is in progress or two years, whichever is the lesser from the date the *building* permit is issued for the primary dwelling house.

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2.32 GROUND MOUNTED SOLAR FACILITIES

- 2.32.1 *Ground Mounted Solar Facilities* are permitted in the Agricultural (A) Zone as an accessory use with a maximum *lot coverage* of 2% up to a maximum of 1 hectare and the facilities shall meet all *setbacks* for accessory *structures* in the Zone.
- 2.32.2 Small scale *Ground Mounted Solar Facilities* used exclusively for personal use and not for commercial gain are permitted as an accessory residential use subject to complying with all *setback* requirements for an accessory *structure* and shall not be located in a *front yard*.

2.33 WAYSIDE PIT, PORTABLE ASPHALT AND/OR CONCRETE PLANTS

- 2.33.1 A *wayside pit, portable asphalt plant* and portable concrete plant for a road project of the *Township, County* or the Province are permitted in all *zones* except within the EP1, EP2, GL and all residential *zones* while the road work is occurring.

SECTION 3.0 PARKING AND LOADING

3.1 PARKING AREA REQUIREMENTS

3.1.1 When any new development is constructed, when any *existing* development is enlarged, or when any use is changed, off-street vehicular *parking spaces* shall be provided in accordance with the standards of this By-law. Any *parking space* required by this By-law must be maintained and available for parking purposes and used exclusively for that purpose.

3.1.2 The *parking space* requirements referred to herein shall not apply to any *building* or *structure* lawfully in existence on the date of passage of this By-law, so long as the gross floor area is not increased, and the use or number of *dwelling units* does not change. If any addition is made to a *building* or *structure* that increases its gross floor area or number of units, then *parking spaces* for the addition shall be provided in accordance with the *parking space* requirement Tables. Where a change in use occurs, *parking spaces* shall be provided for such new use in accordance with the requirements of the *parking space* requirement Table.

3.2 SIZE OF PARKING SPACES AND AISLES

3.2.1 *Parking spaces* shall have a minimum width of 3.0 metres and a minimum length of 6.0 metres. The length of any *parking space* and the width of the adjacent aisle shall be in accordance with Table 3.1 as follows:

Table 3.1

Column 1	Column 2
Angle of Parking space with Aisle	Min. Perpendicular Width of Aisle
60 to 90 degrees	6.0 metres
59 to 45 degrees	5.2 metres
44 degrees or less	3.6 metres

3.2.2 Access to a *parking area* from a *public street* shall be provided by an unobstructed *driveway* with a valid Entrance Permit from the applicable authority.

3.3 LOCATION OF USE AND PARKING

Parking spaces shall be located on the same lot as the use that requires the parking, except that *parking spaces* for a *commercial use* may be located on a separate lot used for commercial purposes provided the lot is within 300 metres of the lot on which parking for a *commercial use* is required provided an agreement pursuant to Sections 40 and/or 41 of the *Planning Act, R.S.O. 1990 c.P. 13* as amended is entered into.

3.4 MORE THAN ONE USE ON A LOT

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

3.5 PARKING AREA LOCATION ON A LOT

3.5.1 Notwithstanding any other provisions of this By-law, uncovered surface *parking areas* shall be permitted in a required *yard* provided that:

- a) no *parking space* shall be permitted on a lot closer to any *street line* than 2.0 metres;
- b) no *parking spaces* for *buildings* containing four or more *dwelling units* shall be permitted in any required front, interior or exterior side *yard(s)*;
- c) for a *driveway* that provides access to and from a *public street*, the minimum length of the *driveway* shall be 6 metres measured from the *street line*.
- d) no *driveway* or *parking area* is permitted within 3.0 metres of the boundary of a Residential Zone, if the *driveway* or *parking area* is in a non-residential Zone.

3.6 PARKING OF COMMERCIAL MOTOR VEHICLES

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

3.7 PARKING OF OVER-SIZED VEHICLES

- 3.7.1 No *trailers*, truck campers, camper *trailers*, boats or boat *trailers* are permitted to be parked out of doors in the required front or exterior side *yards* and on that portion of any *driveway* that is within the required front or exterior side *yards*.
- 3.7.2 Only those *trailers*, truck campers, camper *trailers*, boats or boat *trailers* registered in name of the owners of the property on which they are parked shall be permitted.

3.8 RESIDENTIAL PARKING REQUIREMENTS

- 3.8.1 The minimum parking requirement for residential *uses* shall be in accordance with Table 3.2 as follows:

Table 3.2

Column 1	Column 2
Type or Nature of Use	Minimum Off-Street Parking Requirements
<i>Additional Dwelling Units</i>	1 <i>parking space</i> per <i>additional dwelling unit</i> (tandem parking permitted)
<i>Bed and Breakfast Establishments</i>	1 <i>parking space</i> for every room or each suite or unit used for the purposes of lodging for the traveling public, in addition to the required parking for the <i>dwelling unit</i>
<i>Day Nurseries and Group Homes</i>	1 <i>parking space</i> for every non-resident staff member in addition to the required parking for the <i>dwelling unit</i>
<i>Home Occupation/ Home Industry</i>	1 <i>parking space</i> for each employee in addition to the parking requirements for the residential use
<i>Single, Semi, Duplex Dwellings</i>	1 <i>parking space</i> per <i>dwelling unit</i>
<i>Townhouse, Dwelling, Apartment Dwelling, Dwelling Triplex</i>	1 <i>parking space</i> per <i>dwelling unit</i> plus 0.25 spaces per <i>dwelling unit</i> for visitor parking in a designated visitor <i>parking area</i>

<i>Short-Term Accommodation</i>	<i>Rental</i>	1 <i>parking space</i> per every two bedrooms (tandem parking permitted). In the case of an odd number of bedrooms, the minimum parking requirement shall be based on the next even number
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3.8.2 Where the minimum number of *parking spaces* is calculated on the basis of a rate or ratio, the required number of spaces shall be rounded to the higher whole number.

3.9 NON-RESIDENTIAL PARKING REQUIREMENTS

The minimum parking requirements for non-residential *uses* shall be in accordance with Table 3.3 as follows:

Table 3.3

Column 1	Column 2
Type or Nature of Use	Minimum Off-Street Parking Requirements
<i>Assembly Hall, Place of Entertainment</i>	The greater of 1 <i>parking space</i> per 4 seat capacity or 1 <i>parking space</i> per 9 m ² of gross floor area
<i>Hospital, Nursing or Retirement Home</i>	3 <i>parking spaces</i> for every four beds
<i>Hotel, Motel, Tourist Establishment, Tourist Cabin Establishment</i>	1 <i>parking space</i> per guest room, plus 1 <i>parking space</i> for every four <i>persons</i> to be accommodated according to the maximum permitted capacity in a <i>restaurant</i> or <i>assembly hall</i> on the same lot.
<i>Industrial use</i>	1 <i>parking space</i> per 70 m ² of gross floor area
<i>Marina</i>	1 <i>parking space</i> per <i>boat slip</i>
<i>Medical office</i>	3 <i>parking spaces</i> per practitioner
<i>Place of worship</i>	1 <i>parking space</i> per 5.5 m ² of gross floor area
<i>Restaurant</i>	The greater of 1 <i>parking space</i> per 9 m ² of gross floor area or 1 space for every 4 <i>persons</i> to be accommodated at maximum permitted capacity
<i>Retail store, Personal service shop and Repair shop, Dry cleaning depot</i>	1 <i>parking space</i> per 20 m ² of gross floor area

Column 1 Type or Nature of Use	Column 2 Minimum Off-Street Parking Requirements
<i>Commercial Self-Storage Facility</i>	1 <i>parking space</i> per 300 m ² of gross floor area
School	The greater of: - 1 <i>parking space</i> per classroom; - 1 <i>parking space</i> per 4.6 m ² of gross floor area in the gym or auditorium;
Uses permitted by this By-law other than those listed in this Table	1 <i>parking space</i> per 37 m ² of gross floor area

3.10 ACCESSIBLE PARKING

3.10.1 Designated *parking spaces* for disabled *persons* shall be provided in accordance with the provisions of this By-law and the Accessibility for Ontarians with Disabilities Act. The minimum parking requirements for accessible parking shall be as shown in Table 3.4 below:

Table 3.4

Column 1 Use	Column 2 No. of Required Parking spaces	Column 3 No. of Accessible Parking Spaces
<i>Hospitals, Medical offices, Nursing homes, Retirement homes</i>	1 to 30	Minimum of 1 space
	31 to 60	Minimum of 2 spaces
	61 to 100	Minimum of 3 spaces
All other <i>uses</i> not listed above ¹	1 to 19	Minimum of 1 space
	20 to 100	Minimum of 2 spaces
	101 to 200	Minimum of 3 spaces
	201 to 400	Minimum of 4 spaces

Note: 1. Does not apply to GL, RR, CR, SR, LSR, HR, A, A1 and RU Zones

3.10.2 Each off-street accessible *parking space* shall be a minimum of 6.0 metres long, 5.0 metres wide and have a vertical clearance of 3.0 metres.

3.10.3 In determining the location of the required accessible *parking spaces*, locations that provide greater accessibility in terms of distance from an accessible entrance or provide user convenience shall be selected.

3.10.4 For the purposes of subsection 3.10.3, the following criteria shall be considered in determining user convenience:

- a) Protection from the weather;
- b) Security;
- c) Lighting;
- d) Priority of maintenance.

3.11 QUEUING LANES

3.11.1 Where drive-through service facilities are permitted, queuing lanes are required and shall be exclusive of any other parking space and aisle requirements contained within this By-law and shall be provided in accordance with the provisions of this Section.

3.11.2 The minimum queuing space requirements within a designated queuing lane shall be as set out in Table 3.5. In addition, one space shall be provided for each point of service delivery.

Table 3.5

Column 1	Column 2	Column 3
Use Associated with Drive-Through Service Facility	Minimum Required Ingress Spaces	Minimum Required Egress Spaces
<i>Financial Institution</i>	3	1
Restaurant	10	2
<i>Motor Vehicle Service Station or Fuel Bar</i>	3	1
<i>Motor Vehicle Washing Establishment</i>	2 per bay	2
All Other Uses	3	1

3.11.3 Required ingress spaces shall be located before the first point of contact and required egress spaces shall be located after the final point of contact.

3.11.4 The length of the queuing lane associated with the drive-through service facility shall be the total number of required ingress spaces and egress spaces, plus one space for each point of service delivery and shall not form part of the required parking spaces or aisles.

3.11.5 Where multiple queuing lanes are required on a lot, the queuing space requirements shall be provided for each individual queuing lane in compliance with the provisions of this Section.

3.11.6 All queuing spaces shall be rectangular in shape, with a minimum length of 6.0 metres and a minimum width of 2.75 metres.

- 3.11.7 Queuing lanes and all order boxes using voice communication to order shall be located no closer than 30 metres from any road line or any Residential Zone.
- 3.11.8 Queuing lanes shall be unobstructed and shall be delineated by pavement markings or physical barriers, and shall be independent of the balance of the parking area.

3.12 OFF-STREET BICYCLE PARKING FACILITY REQUIREMENTS

- 3.12.1 Bicycle parking facilities shall be provided and maintained for the identified *uses of lots, buildings and structures* in accordance with Table 3.6:

Table 3.6

Column 1	Column 2
Use	Minimum Bicycle Parking Facilities (number of bicycles)
Any use outside a settlement area	No minimum requirement
<i>Art gallery, club, commercial school, daycare, financial institution, medical clinic, office, personal service shop, recreation facility, restaurant, retail store, studio</i>	1 per 1000 m ² of gross floor area or 2, whichever is greater
<i>Apartment dwelling</i>	1 per <i>dwelling unit</i>
<i>Industrial use</i>	2 plus 0.25 per 1000 m ² of gross floor area
School, private or public	0.5 per classroom, excluding portables

- 3.12.2 Notwithstanding clause 3.12.1, in no case shall the number of bicycles required to be accommodated exceed 10 for any use.

3.13 LOADING SPACE REQUIREMENTS

- 3.13.1 When any new non-residential development is constructed, when any *existing* non-residential development is enlarged, or when any non-residential use is changed, provision shall be made for off-street vehicular *loading spaces* as required in Table 3.7:

Table 3.7

Column 1	Column 2
Gross Floor Area of Building	Loading Space
278 m ² or less	<i>0 loading spaces</i>
279 m ² to 2322 m ²	<i>2 loading spaces</i>
2323 m ² or greater	<i>3 loading spaces plus 1 additional loading space for each additional 9290 m² gross floor area or fraction thereof in excess of 7432 m² gross floor area</i>

3.13.2 In addition to the above, the following provisions shall apply to each *loading space*:

- a) Each *loading space* shall be a minimum of 9 metres long, 3.5 metres wide and have a vertical clearance of at least 4 metres;
- b) *Loading spaces* must be provided adjacent to the primary use or *building* on the same lot as the use or *building* for which it is required. Required *loading spaces* shall be located in the *interior side yard* or *rear yard*;
- c) Access to a *loading space(s)* shall be by means of a *driveway* at least 6.0 metres wide contained within the lot on which the space(s) are located and leading to a street or land located within or adjoining the Commercial or Employment *Zone(s)*;
- d) In any Commercial, Institutional or Employment *Zone*, no *loading space* shall be located closer than 3 metres to any interior side *lot line* or *rear lot line* that abuts a Residential *Zone*.

3.13.3 The *loading space* requirements of this By-law shall not apply to any *building* in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased. If an addition is made to the *building* or *structure* that increases the gross floor area, then additional *loading spaces* shall be provided as required by the regulations of this By-law. Notwithstanding the above, for each school, one (1) *loading space* shall be required.

SECTION 4.0 PERMITTED USES

4.1 ZONES

Uses that are permitted in the following *Zone* categories are identified on the following Permitted Use Tables:

ZONES

Environmental and Open Space Zones
 Residential Zones
 Commercial Zones
 Employment Zones
 Agricultural, Rural, and Aggregate Zones
 Other Zones

TABLE

Table 4.1
 Table 4.2
 Table 4.3
 Table 4.4
 Table 4.5
 Table 4.6

Permitted *uses* in a *Zone* are noted by the symbol 'X' in the column for that *Zone* corresponding with the row for a specific permitted use. A number or numbers following the symbol 'X', or following the *Zone* heading, or following the name of a permitted use, indicates that one or more special provisions apply to the noted use or *Zone*. Special provisions are listed at the end of each table. If a use is not listed on the table, it is not permitted.

TABLE 4.1 – ENVIRONMENTAL AND OPEN SPACE ZONES

	Column 1	Column 2	Column 3	Column 4	Column 5
	PERMITTED USE	Environmental Protection (EP1)	Environmental Protection Two (EP2)	Open Space (Public Lands) (OS)	Open Space (Private Lands) (OS1)
1.	Agricultural use	X(1)(2)	X(1)(2)		
2.	<i>Agricultural intensive use</i>	X(1)(2)	X(1)(2)		
3.	<i>Agricultural specialized use</i>	X(1)(2)	X(1)(2)		
4.	<i>Conservation use</i>	X	X	X	X
5.	<i>Nature interpretation centre</i>	X	X	X	X
6.	Park, public	X(2)	X(2)	X	

	Column 1	Column 2	Column 3	Column 4	Column 5
	PERMITTED USE	Environmental Protection (EP1)	Environmental Protection Two (EP2)	Open Space (Public Lands) (OS)	Open Space (Private Lands) (OS1)
7.	Park, private				X

Special Provisions

- (1) Only *agricultural uses* that existed on the date of passage of this By-law are permitted.
- (2) No *buildings or structures*, except those required for flood and erosion control are permitted.

TABLE 4.2 - RESIDENTIAL ZONES

	Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
	PERMITTED USE	Rural Residential (RR)	Country Residential (CR)	Shoreline Residential (SR)	Limited Service Residential (LSR)	Hamlet Residential (HR)	Greenlands (GL)
1.	<i>Additional Dwelling Units</i>	X	X			X	X
2.	<i>Boarding house</i>					X	
3.	<i>Child Care Centre</i>					X	
4.	Dwelling, single detached	X	X	X	X	X	X
5.	Dwelling, semi-detached	X				X	
6.	Dwelling, duplex	X				X	
7.	<i>Forestry Use</i>						X
8.	<i>Group Home A</i>	X				X	
9.	Home occupation	X	X	X	X	X	X
10.	<i>Home industry</i>						X

11.	<i>Private home daycare</i>	X	X	X	X	X	X
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TABLE 4.3 - COMMERCIAL ZONES

	Column 1	Column 2	Column 3	Column 4	Column 5
	PERMITTED USE	Shoreline Commercial (SC)	Marina Commercial (MC)	Hamlet Commercial (HC)	Rural Commercial (RC)
1.	<i>Agricultural support use</i>			X	X
2.	<i>Assembly hall</i>	X		X	
3.	<i>Bed and breakfast establishment</i>	X		X	
4.	<i>Building supply outlet</i>			X	
5.	<i>Business office</i>	X		X	
6.	<i>Commercial school</i>			X	
7.	<i>Convenience store</i>	X		X	X
8.	<i>Craft shop/studio</i>	X		X	X
9.	<i>Day nursery</i>			X	
10.	<i>Dwelling, Detached</i>		X		
11.	<i>Dry cleaning depot</i>	X		X	
12.	<i>Emergency service depot</i>	X		X	X
13.	<i>Equipment sales and rental establishment</i>			X	X
14.	<i>Farm implement dealer</i>			X	X
15.	<i>Financial Institution</i>			X	
16.	<i>Funeral home</i>			X	
17.	<i>Garden Centre</i>				X
18.	<i>Gasoline establishment</i>			X	X
19.	<i>Hotel/Motel</i>	X		X	
20.	<i>Library</i>			X	
21.	<i>Marina</i>		X		
22.	<i>Medical office</i>	X		X	
23.	<i>Motor vehicle dealership</i>			X	
24.	<i>Motor vehicle repair garage</i>			X	
25.	<i>Museum</i>			X	
26.	<i>Nursery</i>			X	
27.	<i>Personal service shop</i>	X		X	X
28.	<i>Place of amusement</i>	X		X	
29.	<i>Private club</i>	X		X	
30.	<i>Private school</i>			X	
31.	<i>Recreational equipment sales and rental</i>	X		X	X
32.	<i>Repair shop</i>			X	X

	Column 1	Column 2	Column 3	Column 4	Column 5
	PERMITTED USE	Shoreline Commercial (SC)	Marina Commercial (MC)	Hamlet Commercial (HC)	Rural Commercial (RC)
33.	Restaurant	X		X	
34.	Retail store	X		X	X
35.	Tourist establishment	X		X	
36.	Tourist cabin establishment	X			
37.	Veterinary clinic			X	X
38.	Woodworking or Metalworking Establishment			X	X

TABLE 4.4 - EMPLOYMENT ZONES

	Column 1	Column 2	Column 3	Column 4
	PERMITTED USE	Employment Area (EA)	Hamlet Employment (HE)	Rural Employment (RE)
1.	Agricultural support use		X	X
2.	Airport	X		
3.	Assembly hall	X		
4.	Bulk fuel depot	X		X
5.	Business office	X		
6.	Commercial school	X		X
7.	Commercial self-storage facility	X	X	X
8.	Contractors yard	X		X
9.	Convenience store	X		
10.	Dwelling, Detached			X
11.	Emergency service depot	X		
12.	Equipment sales and rental establishment	X		
13.	Farm implement dealer	X		X
14.	Garden Centre			X
15.	Gasoline establishment	X		
16.	Hotel/Motel	X		
17.	Industrial use	X	X	X
18.	Medical office	X		
19.	Motor vehicle body shop			X
20.	Motor vehicle repair garage			X
21.	Personal service shop	X		
22.	Private club	X		
23.	Private school	X		

	Column 1	Column 2	Column 3	Column 4
	PERMITTED USE	Employment Area (EA)	Hamlet Employment (HE)	Rural Employment (RE)
24.	Recreational equipment sales and rental	X		
25.	<i>Repair shop</i>	X		
26.	Restaurant	X		
27.	<i>Retail store</i>	X		
28.	<i>Saw mill, or planing mill or woodchipping establishment</i>			X
29.	Service and repair shop			X
30.	Transportation terminal	X	X	X
31.	<i>Warehouse</i>		X	X
32.	<i>Woodworking or Metalworking Establishment</i>	X	X	X

TABLE 4.5 - AGRICULTURAL, RURAL AND AGGREGATE ZONES

	Column 1	Column 2	Column 3	Column 4	Column 5
	PERMITTED USE	Agricultural (A)	Agricultural One (A1)	Rural (RU)	Mineral Aggregate Resources (MAR)
1.	<i>Additional dwelling units</i>	X		X	
2.	<i>Agricultural use</i>	X	X	X	X
3.	<i>Agricultural intensive use</i>	X	X	X	
4.	<i>Agricultural specialized use</i>	X	X	X	
5.	<i>Conservation use</i>	X	X	X	
6.	Dwelling, Detached	X		X	
7.	Dwelling, duplex	X		X	
8.	Dwelling, semi-detached	X		X	
9.	<i>Emergency service depot</i>			X	
10.	<i>Equestrian facility</i>	X		X	
11.	<i>Farm produce outlet</i>	X		X	
12.	<i>Forestry use</i>	X	X	X	X
13.	<i>Group Home A</i>			X	
14.	<i>Hobby farm</i>	X		X	
15.	<i>Home industry</i>	X		X	
16.	Home occupation	X		X	
17.	<i>Mineral aggregate operation</i>				X

18.	Nature interpretation centre	X		X	
19.	Nursery	X		X	
20.	Private home daycare			X	
21.	Saw mill, planing mill or woodchipping establishment			X	
22.	Veterinary clinic	X		X	

TABLE 4.6 - OTHER ZONES

	Column 1	Column 2	Column 3	Column 4
	PERMITTED USE	Institutional (I)	Future Development (FD)	Waste Disposal (WD)
1.	Accessory Detached Dwelling	X		
2.	Agricultural use		X	X
3.	Cemetery	X		
4.	Child Care Centre	X		
5.	Community centre	X		
6.	Conservation use	X	X	
7.	Detached Dwelling		X	
8.	Emergency service depot	X		
9.	Forestry use		X	X
10.	Library	X		
11.	Nature interpretation centre			
12.	Nursing home	X		
13.	Place of worship	X		
14.	Public office	X		
15.	Public Service Facility	X		
16.	Recycling establishment			X
17.	Retirement home	X		
18.	School, Public	X		
19.	Utilities	X		
20.	Waste disposal site			X
21.	Waste transfer station			X

SECTION 5.0 ZONE STANDARDS

5.1 ZONE STANDARDS

Standards for the following *Zone* categories are identified in the following Sections:

ZONES

Environmental, Open Space, and Greenlands *Zones*
 Residential *Zones*
 Commercial *Zones*
 Employment *Zones*
 Agricultural, Rural and Aggregate *Zones*
 Other *Zones*

TABLE

Table 5.1
 Table 5.2
 Table 5.3
 Table 5.4
 Table 5.5
 Table 5.6

A number following the *Zone* Standard, *Zone* heading or the description of the standard, indicates an additional *Zone* requirement. These additional standards are listed at the end of each subsection as special provisions.

TABLE 5.1 - ENVIRONMENTAL, OPEN SPACE AND GREENLAND ZONES

	ZONE STANDARD	Environmental Protection One (EP1)	Environmental Protection Two (EP2)	Open Space (OS)	Open Space One (OS1)	Greenlands (GL)
1.	Minimum lot area	n/a	n/a	n/a	n/a	n/a
2.	Minimum <i>lot frontage</i>	n/a	n/a	n/a	n/a	n/a
3.	<i>Minimum required front yard</i>	n/a	n/a	8.0 metres	8.0 metres	8.0 metres
4.	<i>Minimum required exterior side yard</i>	n/a	n/a	8.0 metres	8.0 metres	8.0 metres
5.	<i>Minimum required interior side yard</i>	n/a	n/a	3.0 metres	3.0 metres	3.0 metres
6.	<i>Minimum required rear yard</i>	n/a	n/a	8.0 metres	8.0 metres	8.0 metres
7.	Maximum <i>lot coverage</i>	n/a	n/a	30%	30%	20%

8.	Maximum <i>height</i>	n/a	n/a	11.0 metres	11.0 metres	11.0 metres
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NOTE: Reference should also be made to Section 2.0 for other applicable *setbacks*.

NOTE: Where “n/a” is noted in any of the cells in Table 5.1, it shall mean the *existing* frontage and area of the parcel, or the *setback* or *height* of a *structure* on the parcel, as existed on the day of passing of this By-law.

TABLE 5.2 - RESIDENTIAL ZONES

	ZONE STANDARD	Rural Residential (RR)	Country Residential (CR)	Shoreline Residential (SR)	Limited Service Residential (LSR)	Hamlet Residential (HR)
1.	Minimum lot area	4000 m ²	8000 m ²	4000 m ²	4000 m ²	2000 m ²
2.	Minimum <i>lot frontage</i>	38 metres	45 metres	30 metres	30 metres	30 metres
3.	<i>Minimum required front yard</i>	8.0 metres	8.0 metres	8.0 metres	8.0 metres	8.0 metres
4.	<i>Minimum required exterior side yard</i>	8.0 metres	8.0 metres	8.0 metres	8.0 metres	8.0 metres
5.	<i>Minimum required interior side yard</i>	3.0 metres	4.0 metres	3.0 metres and 1.8 metres (1)	3.0 metres and 1.8 metres (1)	3.0 metres and 1.8 metres (1)
6.	<i>Minimum required rear yard</i>	7.5 metres	7.5 metres	7.5 metres	7.5 metres	7.5 metres
7.	Maximum <i>lot coverage</i>	30%	30%	25%	25%	30%
8.	Maximum <i>height of dwelling</i>	11.0 metres	11.0 metres	11.0 metres	11.0 metres	11.0 metres

NOTE 1: Reference should also be made to Section 2.0 for other applicable *setbacks*.

NOTE 2: Reference should be made to Section 2.19. This section recognizes the *lot area* and *lot frontage* of *existing lots* of record.

NOTE 3: Reference should be made to Section 6.0 with respect to definitions for the zone standards.

Special Provisions

- (1) In addition, *attached garages* and *carports* can encroach into the *required interior side yard* provided they are no closer than 1.0 metre from the *interior side lot line*. This provision only applies to the 1.8 metre side of the *required interior side yard* in order to ensure the 3 metre side is maintained.

TABLE 5.3 - COMMERCIAL ZONES

	ZONE STANDARDS	Shoreline Commercial (SC)	Marina Commercial (MC)	Hamlet Commercial (HC)	Rural Commercial (RC)
1.	Minimum lot area	4000 m ²	4000 m ²	2000 m ²	2000 m ²
2.	Minimum <i>lot frontage</i>	30 metres	30 metres	30 metres	38 metres
3.	<i>Minimum required front yard</i>	8.0 metres	8.0 metres	8.0 metres	8.0 metres
4.	<i>Minimum required exterior side yard</i>	8.0 metres	8.0 metres	8.0 metres	8.0 metres
5.	<i>Minimum required interior side yard</i>	3.0 metres (3)	7.5 metres	3.0 metres (3)	7.5 metres
6.	<i>Minimum required rear yard</i>	6.0 metres	6.0 metres	6.0 metres	6.0 metres
7.	Maximum <i>lot coverage</i>	40%	40%	40%	40%
8.	Maximum <i>height</i>	11.0 metres	11.0 metres	11.0 metres	11.0 metres

NOTE 1: Reference should also be made to Section 2.0 for other applicable *setbacks*.

NOTE 2: Reference should be made to Section 2.19. This section recognizes the *lot area* and *lot frontage* of *existing lots* of record.

NOTE 3: Reference should be made to Section 6.0 with respect to definitions for the zone standards.

Special Provisions

- (1) The *minimum lot frontage* for *hotels* and *motels* shall be increased to 48 metres if the *lot* is not serviced by a water system operated by a *public authority*.
- (2) The *minimum lot area* for a *tourist cabin establishment* or a *tourist establishment* is 3,000 m² plus 500 m² for each additional guest room or tourist cabin, if the *use* has four or more rooms or tourist cabins.
- (3) The *minimum required interior side yard* shall be 7.5 metres if the *yard* abuts a Residential Zone boundary.

TABLE 5.4 - EMPLOYMENT ZONES

	ZONE STANDARDS	Employment Area (EA)	Hamlet Employment (HE)	Rural Employment (RE)
1.	Minimum lot area	4000 m ²	2000 m ²	4000 m ²
2.	Minimum <i>lot frontage</i>	30 metres	30 metres	38 metres
3.	<i>Minimum required front yard</i>	8.0 metres	8.0 metres	8.0 metres
4.	<i>Minimum required exterior side yard</i>	8.0 metres	8.0 metres	8.0 metres
5.	<i>Minimum required interior side yard</i>	3.0 metres (1)	3.0 metres (1)	7.5 metres
6.	<i>Minimum required rear yard</i>	6.0 metres	6.0 metres	6.0 metres
7.	Maximum <i>lot coverage</i>	40%	40%	30%
8.	Maximum <i>height</i>	11.0 metres	11.0 metres	11.0 metres

NOTE 1: Reference should also be made to Section 2.0 for other applicable *setbacks*.

NOTE 2: Reference should be made to Section 2.19. This section recognizes the *lot area* and *lot frontage* of existing lots of record.

NOTE 3: Reference should be made to Section 6.0 with respect to definitions for the zone standards.

Special Provisions

- (1) The *minimum required interior side yard* shall be 7.5 metres if the *yard* abuts a Residential Zone boundary.

TABLE 5.5 - AGRICULTURAL, RURAL AND AGGREGATE ZONES

PART A - ZONE STANDARDS (A, A1, RU, MAR)

STANDARD	
Minimum <i>lot area</i>	19.8 ha
Minimum <i>lot frontage</i>	152 metres
Minimum required <i>front yard</i>	8.0 metres
Minimum required exterior side <i>yard</i>	8.0 metres
Minimum requires interior side <i>yard</i>	3.0 metres
Minimum required <i>rear yard</i>	7.5 metres
Maximum <i>lot coverage</i>	30%
Maximum <i>height</i>	11.0 metres

PART B - PROVISIONS FOR CERTAIN BUILDINGS (A, A1, RU, MAR)

	<i>Barns, agricultural buildings</i>	<i>Veterinary clinics, home industries and including any accessory outdoor storage</i>
Minimum <i>setback</i> from <i>front lot line</i>	30.0 metres	30.0 metres
Minimum <i>setback</i> from <i>exterior side lot line</i>	30.0 metres	30.0 metres
Minimum <i>setback</i> from <i>interior side lot line</i>	30.0 metres	30.0 metres
Minimum <i>setback</i> from <i>rear lot line</i>	30.0 metres	30.0 metres
Maximum <i>height</i>	N/A	11.0 metres

NOTE 1: Reference should also be made to Section 2.0 for other applicable *setbacks*.

NOTE 2: Reference should be made to Section 2.19. This section recognizes the *lot area* and *lot frontage* of *existing lots* of record.

NOTE 3: Reference should be made to Section 6.0 with respect to definitions for the zone standards.

TABLE 5.6 - OTHER ZONES

	ZONE STANDARDS	Future Development (FD)	Institutional (I)	Waste Disposal (WD)
a)	Minimum lot area	4000 m ²	8000 m ²	8000 m ²
b)	<i>Minimum lot frontage</i>	38 metres	45 metres	45 metres
c)	<i>Minimum required front yard</i>	8.0 metres	8.0 metres	8.0 metres
d)	<i>Minimum required exterior side yard</i>	8.0 metres	8.0 metres	8.0 metres
e)	<i>Minimum required interior side yard</i>	3.0 metres	7.5 metres	7.5 metres
f)	<i>Minimum rear yard</i>	7.5 metres	7.5 metres	7.5 metres
g)	<i>Maximum lot coverage</i>	30%	30%	30%
h)	<i>Minimum open space</i>	n/a	n/a	n/a
i)	<i>Maximum height</i>	11.0 metres	15.0 metres	n/a

NOTE 1: Reference should also be made to Section 2.0 for other applicable *setbacks*.

NOTE 2: Reference should be made to Section 2.19. This section recognizes the *lot area* and *lot frontage* of *existing lots* of record.

SECTION 6.0 EXCEPTION ZONES, HOLDING ZONES, TEMPORARY USES

6.1 EXCEPTIONS

The provisions of this By-law are modified as set out in Table 6.1 below for *Zone* Exceptions which are shown on the attached Schedule(s) with a *Zone* Symbol followed by one or more numbers following the dash (-) symbol, such as SR-1, where the numbers following the dash (-) symbol refer to Exceptions number that apply to the lands noted.

- Column 1 - Sets out the exception number of each *zone* exception which corresponds to an area of the *Township* identified on the Zoning Schedules by the same number and *zone*, preceded by a dash and the, denoting an exception. (i.e. SR-88)
- Column 2 - Sets out the additional uses permitted in the zone exception, if applicable.
- Column 3 - Sets out the only uses permitted in the zone exception, if applicable.
- Column 4 - Sets out the prohibited uses in the zone exception, if applicable.
- Column 5 - Sets out any special zone requirements for the zone exception, if applicable.
- Column 6 - Sets out any additional provisions for the zone exception, if applicable.

All other provisions of the *zone*, unless specifically modified or amended by this Section, continue to apply to the lands subject to this Section.

TABLE 6.1

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
RU-1	A <i>woodworking establishment</i> within an <i>existing</i> accessory structure			a) The <i>woodworking establishment</i> is not to exceed 10.4 metres by 22.9 metres; b) No outside storage is permitted as part of the <i>woodworking establishment</i> .	
SR-2				Minimum <i>lot area</i> – 0.6 ha	
SR-3				a) Min lot area – 0.4 ha b) Min required rear yard – 0 metres	The portion of the <i>lot</i> Zoned SR-55 may be included in calculating the area of the <i>lot</i> for development purposes
SR-4	Two bedroom <i>bed and breakfast establishment</i>				
RR-5	Two bedroom <i>bed and breakfast establishment</i>				
HR1-6	A three bedroom <i>bed and breakfast establishment</i>				
SR-7	A three bedroom <i>bed and breakfast establishment</i>				
RU-8	Restaurant/chip wagon			Minimum <i>setback</i> from Lafontaine Road West (County Road 26) – 10 metres	For the purposes of this Exception, a Restaurant/ Chip Wagon means <i>premises</i> where a <i>trailer</i> is used for the preparation and serving of food

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
					and refreshments to the public for consumption.
SR-9	<i>Single detached dwelling</i>			a) Minimum <i>lot area</i> – 2 ha b) Maximum footprint for detached accessory <i>structure</i> – 140 m ²	
RR-10	Storage and service shop for electrical contracting			Maximum service shop ground floor area – 120 m ²	
RR-11	<i>Home industry</i>			Maximum <i>home industry</i> gross floor area – 310 m ²	
GL-12 RU-12	<i>Accessory building</i> used for a <i>studio</i> and storage area for a music business			Maximum music business gross floor area – 52 m ²	
SR-13	<i>Home industry Contractors yard</i>				
SR-14	Duplex				
SR-15	<i>Semi-detached dwelling</i>				
SR-16				a) Minimum <i>lot area</i> – 3600 m ² b) Minimum lot frontage – 50 metres	a) All buildings and structures, except boathouses, shall be setback no less than 15 metres from the 178 metres GSC elevation b) No openings to any dwellings shall have an elevation of less than

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
					178.1 metres, GSC elevation.
SR-17				<ul style="list-style-type: none"> a) Minimum <i>lot area</i> – 2400 m² b) Minimum lot frontage – 50 metres c) Minimum setback from the top of slope – 1 metres 	<ul style="list-style-type: none"> a) All buildings and structures, except boathouses, shall be set back no less than 15 metres from the 178 metres GSC elevation. b) This By-law shall not prohibit the erection of structures which are necessary and form an integral part of a properly engineered stairway or walkway system for traversing the slope.
SR-18				<ul style="list-style-type: none"> a) Minimum <i>lot area</i> – 2,400 sq. metres; b) Minimum lot frontage – 50.0 metres c) Minimum setback from the top of slope – 12.0 metres 	<ul style="list-style-type: none"> a) All <i>buildings and structures</i>, except <i>boathouses</i>, shall be set back no less than 15 metres from the 178 metres GSC elevation. b) This By-law shall not prohibit the

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
					erection of <i>structures</i> , which are necessary and form an integral part of a properly engineered stairway or walkway system for traversing the slope.
SR-19				<ul style="list-style-type: none"> a) Minimum <i>lot area</i> – 6,700 sq. metres b) Minimum lot frontage – 80.0 metres 	All <i>buildings</i> and <i>structures</i> , except <i>boathouses</i> , shall be set back no less than 15 metres from the 178 metres GSC elevation.
SR-20				<ul style="list-style-type: none"> a) Minimum <i>lot area</i> – 14,000 sq. metres b) Minimum lot frontage – 80.0 metres 	
SR-21				Minimum <i>setback</i> from centerline of Concession 21W – 270.0 metres.	
SR-22				<ul style="list-style-type: none"> a) Minimum <i>lot area</i> – 0.8 ha b) Minimum lot frontage – 60.0 metres 	
SR-23		<i>Apartment dwelling</i>		<ul style="list-style-type: none"> a) Maximum number of 1 bedroom units – 3 b) Maximum number of 2 bedroom units – 8 	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
RE-24	a) <i>Motor vehicle body/repair shop</i> b) <i>Salvage or wrecking yard</i>				
EA-25		a) An aircraft construction business and the manufacturing of aircrafts and aircraft parts; b) An accessory <i>single detached dwelling</i> .		Minimum <i>setback</i> of industrial <i>buildings</i> or <i>structures</i> from dwellings units on adjacent <i>lots</i> – 90.0 metres	
GL-26					No tower or <i>structure</i> for overhead lighting may be <i>erected</i> which could be mistaken by a mariner as the Giant's Tomb Island navigation light.
GL-27 RU-27	<i>Assembly hall</i>				
OS1-28		a) Dock b) <i>Private park</i> c) <i>Single detached dwelling</i>			All <i>buildings</i> and <i>structures</i> , except <i>boathouses</i> , shall be set back no less than 15 metres from the 178 metres GSC elevation.
OS1-29		a) Outside boat storage facility b) <i>Parking lot</i>			

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
		c) <i>Private park</i>			
OS-30		A <i>conservation use</i>			
EP2-31		<i>Single detached dwelling</i>		The provisions of the Greenlands (GL) Zone shall apply.	
RU-32		a) Existing structures on the date of passage of this By-law b) Golf course	A club house	Minimum required <i>landscaping</i> strip width adjacent to the <i>street line</i> – 3.0 metres.	
RR-33	a) Industrial and warehousing uses b) Veterinary clinic c) Business office d) Assembly and repair shop e) Contractor's yard f) Service and repair shop.				
RU-34 and GL-34	A three bedroom <i>bed and breakfast establishment</i>				
A-35	A microwave repeater tower				
RU-36	a) Private recreational park consisting of a meeting hall, picnic shelter, campsite area and supporting			a) Maximum sleeping facility capacity – 40 b) Maximum number of campsites – 10 c) Minimum <i>lot</i> size – 5.26 ha.	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
	recreational facilities				
RU-37 and GL-37	<p>a) A five hole <i>golf course</i> with only the following <i>accessory buildings or structures</i>:</p> <ul style="list-style-type: none"> i. maintenance sheds; ii. pumphouses; iii. shelters for weather protection; iv. washroom facilities. <p>b) Passive recreational uses</p>		<i>Saw/planning mill and woodchipping establishment</i>		
RU-38	A detached <i>building</i> for the storage of materials and equipment associated with a roofing business			<ul style="list-style-type: none"> a) Minimum <i>lot area</i> – 7.0 ha b) Maximum detached <i>building</i> gross floor area – 133.8 sq. metres. 	
RU-39 and GL-39	<ul style="list-style-type: none"> a) A <i>golf driving range</i> b) Accessory reception booths and washroom facility 			<ul style="list-style-type: none"> a) Maximum reception booth gross floor area – 16.0 sq. metres. b) Minimum required number of <i>parking spaces</i> – 10 	
RU-40 and GL-40	<ul style="list-style-type: none"> a) Indoor storage facilities for the storage and repair of commercial <i>tents</i> b) Manufacturing of farm fabric 			<ul style="list-style-type: none"> a) Minimum <i>lot area</i> – 16.0 ha b) Minimum <i>lot frontage</i> – 30.0 metres c) Maximum total gross floor area – 1063.0 sq. metres. 	Total gross floor area shall include storage areas within either a permanent or temporary <i>structure</i> .

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
	shelters and <i>tents</i> and wholesale distribution of same.				
RU-41 and GL-41	A <i>home industry</i>			<ul style="list-style-type: none"> a) Minimum <i>lot area</i> – 3.6 ha b) Minimum <i>lot frontage</i> – 125.0 metres. c) Maximum total gross floor area of the <i>home industry</i> – 558.0 sq. metres. d) Maximum <i>height</i> of <i>home industry</i> – 5.0 metres. 	The retail sale of any product is not permitted
RU-42 and GL-42	<ul style="list-style-type: none"> a) Boat storage facility b) <i>Woodworking establishment</i> 			<ul style="list-style-type: none"> a) Maximum number of detached boat storage <i>buildings</i> – 8 b) Maximum gross floor area for 4 detached boat storage <i>buildings</i> – 651 square metres c) Maximum gross floor area for 2 detached boat storage <i>buildings</i> – 1487 square metres d) Maximum gross floor area for 2 detached boat storage <i>buildings</i> – 1896 square metres e) Maximum boat storage <i>building</i> 	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
				<p><i>height</i> – 9.2 metres</p> <p>f) Minimum <i>landscaped open space</i> area width adjacent to Macavalley Road and Concession Road 16 East – 3.0 metres</p> <p>g) The <i>woodworking establishment</i> use is limited to one <i>building</i> having an area not to exceed 298 square metres</p>	
A-43	<p>a) Retail sales of produce grown on- and off-site;</p> <p>b) A seasonal fruit, vegetable, flower or farm produce stand</p>			The farm produce stand shall not exceed 30 sq. metres.	
RU-44 and GL-44	A home occupation relating to the manufacturing, refurbishing and sale of antiques, collectibles and reproductions in an <i>accessory building</i> with no outside storage			<p>a) Maximum <i>accessory building</i> length – 16.9 metres.</p> <p>b) Maximum <i>accessory building</i> width – 9.2 metres.</p>	
RU-45 and GL-45	A fiberglass <i>repair shop</i>		a) Expansion of <i>existing</i> use	Detached <i>accessory structure</i> shall not exceed 167.17 sq. metres.	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
			b) Small motor repairs c) <i>Outdoor storage</i>		
HC-46	A contractor's <i>yard</i>				
GL-47				a) Maximum <i>accessory building</i> gross floor area – 140.0 sq. metres. b) Maximum number of horses accommodated in the <i>accessory building</i> – 3	
HR-48		Seniors Residential Housing Complex		Minimum Lot Frontage: 26 metres Minimum required parking spaces: 104 (including 4 accessible spaces)	
RU-49 & GL-49	a) Single detached dwelling b) Private park c) Chartered club whose primary purpose is for recreational purposes.				
SC-50	a) Single detached dwelling b) Private park c) Chartered club whose primary purpose is for				

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
	recreational purposes.				
RU-51		<ul style="list-style-type: none"> a) <i>Conservation use</i> b) <i>Golf course</i> c) <i>Golf driving range</i> d) <i>A nature interpretation centre</i> 			
SR-52				<ul style="list-style-type: none"> a) Maximum <i>bunkie</i> footprint – 72.0 sq. metres. b) Minimum required <i>front yard</i> – 13.0 metres. c) Minimum required <i>side yard</i> – 1.0 metre. e) Minimum required <i>rear yard</i> – 7.5 metres. 	
SC-53		<i>A private club</i>		<ul style="list-style-type: none"> a) Minimum <i>lot area</i> – 4047 sq. metres. b) Minimum <i>lot frontage</i> – 90.0 metres. c) Minimum required <i>front yard</i> – 8.0 metres. d) Minimum required <i>interior side yard</i> – 8.0 metres. e) Minimum required exterior side 	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
				<p>yard – 8.0 metres.</p> <p>f) Minimum required rear yard – 8.0 metres.</p> <p>g) Maximum lot coverage – 30%</p> <p>h) Maximum height – 11.0 metres.</p>	
MAR-54	A tree stump dump				
SR-55		<p>a) <i>Conservation</i> uses</p> <p>b) <i>Passive outdoor recreational</i> uses</p>	<p>a) All <i>Buildings</i> and <i>structures</i></p> <p>b) <i>Septic</i> systems</p>		
SR-56				Minimum lot area – 6,400 square metres	All <i>buildings</i> and <i>structures</i> , except <i>boathouses</i> , shall be <i>setback</i> not less than 15 metres from the 178 metres GSC elevation.
RU-57 and GL-57	<p>a) <i>Home industry</i> – woodworking furniture shop</p> <p>b) <i>Home industry</i> – boat top making, upholstery shop.</p>			Minimum lot area – 4.0 ha.	<p>a) Outside storage is prohibited relative to the <i>home industry</i></p> <p>b) The <i>home industry</i> is limited to the <i>existing structure</i></p>
GL-58					<i>Existing</i> uses and <i>buildings</i> and <i>structures</i> accessory thereto which may include a minor extension, an addition which

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
					shall not exceed 19 square metres or the replacement of an <i>existing building</i> which is less than 75 square metres or an extension or enlargement of the floor area to 75 square metres is permitted
SR-59	A two (2) bedroom apartment				
SR-60					All <i>buildings</i> and <i>structures</i> shall be <i>setback</i> not less than 15 metres from the 178 metres GSC elevation. All <i>buildings</i> and <i>structures</i> shall be <i>setback</i> not less than 30 metres from water's edge of Georgian Bay.
RU-61 and GL-61	Gift and <i>craft shop</i>				
A-62	A two-bedroom <i>bed and breakfast establishment</i>				
HR-63	A two-bedroom <i>bed and breakfast establishment</i>				
RU-64 and GL-64	A woodworking shop within an <i>existing accessory structure</i> .			a) <i>Home industry</i> not to exceed 9.75 metres by 18.28 metres b) Outside storage is	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
				prohibited relative to the <i>home industry</i>	
RU-65 and GL-65	A transmission <i>repair shop</i> .			a) The transmission <i>repair shop</i> to be housed within an <i>existing</i> 9.1 metres by 17.6 metres detached steel <i>building</i> b) No outside storage is permitted relative to the transmission <i>repair shop</i> c) No more than 3 vehicles may be parked outside at any given time that are in relation to the business	
GL-66					All of the lands subject to the GL-66 <i>Zone</i> shall be deemed to be one <i>lot</i> only for the purpose of this By-law.
RE-67	A used <i>motor vehicle dealership</i>				
HE-68	a) Contractor's shop b) <i>Service and repair shop</i> .			a) Minimum required <i>front yard</i> -14 metres. b) Minimum required exterior side <i>yard</i> -3 metres. c) Minimum required <i>interior</i>	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
				<i>side yard -1.5 metres.</i>	
RU-69 and GL-69	A three Bedroom <i>Bed and Breakfast Establishment</i>			a) One <i>parking space</i> per rental room b) One <i>parking space</i> for the detached dwelling	
HC-70		A gift and antique shop			
HR-71		a) A <i>single detached dwelling</i> b) A home occupation		a) Minimum <i>lot area</i> – 4.0 hectares b) Minimum <i>lot frontage</i> – 75 metres	
SR-72				All <i>buildings and structures</i> , except <i>boathouses</i> , shall be set back no less than 15 metres from the 178 metres GSC elevation	
LSR-73				All <i>buildings and structures</i> , except <i>boathouses</i> , shall be set back no less than 15 metres from the 178 metres GSC elevation.	
OS1-74				All <i>buildings and structures</i> , except <i>boathouses</i> , shall be set back no less than 15 metres from the 178 metres GSC elevation	
SC-75		a) An eight unit <i>motel</i> b) A separate		a) Minimum <i>Lot Frontage</i> – 30 metres.	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
		<p>detached four unit residential dwelling and one unit is to accommodate the owner or caretaker</p> <p>c) The rental of non-motorized watercraft, such as canoes, paddle boats, and sail boats.</p>		<p>b) Minimum <i>Lot Area</i> – 2100 sq. metres.</p> <p>c) Minimum <i>setback</i> distance from centreline of road – 10 metres.</p> <p>d) Minimum <i>interior side yard setback</i> – 2.3 metres.</p> <p>e) Minimum distance between <i>buildings</i> – 5.5 metres.</p> <p>f) Parking shall be permitted within the required <i>front yard</i></p> <p>g) Minimum number of <i>parking spaces</i> – 19</p>	
SR-76				<p>a) Minimum <i>lot area</i> – 7,410 sq. metres.</p> <p>b) Minimum <i>lot frontage</i> – 50 metres.</p> <p>c) Minimum required <i>front yard</i> – 8 metres.</p> <p>d) Minimum required <i>interior side yard</i> – 3 metres.</p> <p>e) Minimum required <i>rear yard</i> – 100 metres.</p>	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
				f) Maximum <i>lot coverage</i> – 8%	
HE-77	A <i>Single Detached Dwelling</i>				
OS1-78	Accessory <i>Boathouse</i> no living accommodation				
OS1-79	One detached <i>structure</i> (garage)			<ul style="list-style-type: none"> a) Maximum <i>lot coverage</i> – 93 square metres b) Maximum <i>building height</i> – 5.0 metres c) Minimum <i>interior side yard setbacks</i> – 3.0 metres d) Minimum <i>Front Yard Setback</i> – 8.0 metres e) Minimum <i>Rear Yard Setback</i> – 7.5 metres 	That, as may be required, the subject lands will provide for a septic system that will service the subject lands and a dwelling on the waterfront lands across the street on the east side of West Shore Drive described as Parts 17, 18, 29, and 30, 51R-37915 (Roll #14-382-00), in accordance with all applicable Provincial and Municipal regulations and approvals
RU-80		<ul style="list-style-type: none"> a) <i>Trailer Park</i> b) Maximum of 290 seasonal sites for <i>tents</i> and <i>trailer</i> c) Seasonal group camping area with the 	Any hunting for which a fee or other consideration is paid to the owner or operator.	<ul style="list-style-type: none"> a) Minimum <i>Setback</i> from the top of bank of Nipissing Bluff – 20.0 metres b) Minimum <i>Lot Area</i> – 26 hectares c) Minimum <i>Lot Frontage</i> – 50 metres 	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
		<p>potential to accommodate no more than 75 campers</p> <p>d) 10 cabins for year round use</p> <p>e) Passive recreational trails and observation tower, provided no motorized vehicles are permitted on such trails except for construction and maintenance purposes</p> <p>f) Recreational and open space uses such as tennis and basketball courts and a baseball diamond</p> <p>g) Lodge/recreation complex including a dwelling</p>		<p>d) Maximum Gross Floor Area for Lodge/Recreation Complex – 1,500 square metres</p>	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
		<p><i>unit as an accessory use to the recreational park for the park owner and/or manager, but which does not include any accommodation facilities</i></p> <p>h) Medical clinic for a maximum of two practitioners, and related medical services;</p> <p>i) A tuck shop</p> <p>j) Laundry facilities</p> <p>k) Comfort stations (washrooms and shower facilities)</p> <p>l) Indoor or outdoor <i>swimming pool</i>;</p> <p>m) <i>Mountain bike facilities</i></p>			
GL-81 EP2-81		a) Passive recreational trails	a) Any motorized vehicles		

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
		b) <i>Conservation use</i>	(including all terrain vehicles and motorbikes) on any recreational trails, except for construction and maintenance purposes b) Any <i>buildings</i> and <i>structures</i> , except for a kiosk that has a floor area of less than 10 square metres c) Any hunting for which a fee or other consideration is paid to the owner or operator d) No buildings or structures		
A-82	Private access <i>driveway</i> in association with development on <i>Lot 25</i> , Concession 2		Any hunting for which a fee or other consideration is paid to the owner or operator		
SR-83	A detached <i>accessory apartment dwelling unit</i>			a) <i>Accessory apartment dwelling</i> shall	All <i>buildings</i> and <i>structures</i> , except <i>boathouses</i> , shall be set back no

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
				<p>not exceed 144 square metres</p> <p>b) Maximum <i>lot coverage</i> for all accessory <i>structures</i> – 167 square metres</p>	less than 15 metres from the 178 metres GSC elevation
SC-84		<p>a) <i>Bed and Breakfast establishment</i></p> <p>b) <i>Convenience Store</i></p> <p>c) <i>Craft Shop/ Studio</i></p> <p>d) <i>Hotel/ Motel</i></p> <p>e) <i>Private Club</i></p> <p>f) <i>Tourist Establishment</i></p> <p>g) <i>Tourist Cabin Establishment</i></p> <p>The only permitted <i>accessory uses</i> are:</p> <p>a) <i>Business Office</i></p> <p>b) <i>Dry Cleaning Depot</i></p> <p>c) <i>Personal Service Shop</i></p> <p>d) <i>Place of Amusement</i></p>		<p>a) Maximum Permitted <i>Lot Coverage</i> – 25%</p> <p>b) Minimum Width of <i>Landscaping</i> adjacent to the south <i>lot line</i> where required – 3.5 metres</p> <p>c) Required <i>landscaping</i> is required to begin at a point that is 25.4 metres from the 178 metres GSC elevation and which extends eastwards to the private right of way on the lands.</p> <p>d) For the purposes of Subsection b), <i>landscaping</i> means a combination of indigenous trees, indigenous shrubs, common grass and other</p>	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
		e) Recreational Equipment Sales and Rental f) Restaurant		horticultural elements which are designed to enhance the visual amenity of a property and buffer and soften views to the subject property where such <i>landscaping</i> is required from adjacent land uses. Such <i>landscaping</i> will include a combination of species to provide buffer function. Any naturally regenerating <i>landscaping</i> shall be left undisturbed.	
RR-85	a) <i>Home Industry</i> b) The <i>Home Industry</i> allows for the welding, fabricating and repair of motorized vehicles and/or trailer		Mechanical repairs to any types of motorized vehicles and/or small engines		
SR-86				a) Minimum <i>lot area</i> – 8,661 square metres b) Minimum <i>lot frontage</i> – 78.75 metres	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
				<ul style="list-style-type: none"> c) Minimum required <i>front yard</i> – 8 metres d) Minimum required <i>interior side yard</i> – 3 metres e) Minimum required <i>rear yard</i> – 100 metres f) Maximum <i>lot coverage</i> – 6% g) Minimum required <i>setback</i> from top of bank or <i>watercourse</i> – 30 metres 	
SR-87				<ul style="list-style-type: none"> a) Minimum <i>lot area</i> – 10,086 square metres b) Minimum <i>lot frontage</i> – 71 metres c) Minimum required <i>front yard</i> – 8 metres d) Minimum required <i>interior side yard</i> – 3 metres e) Minimum required <i>rear yard</i> – 100 metres f) Maximum <i>lot coverage</i> – 5% g) Minimum required <i>setback</i> from top of bank or 	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
				<i>watercourse – 30 metres</i>	
RR-88	Boat Top Upholstery and Inflatable Boat <i>Repair Shop</i>		a) Mechanical repairs to any types of motorized vehicles and/or small engines b) No outside storage	Shop shall not to exceed 112 square metres	
HR-89	<i>Taxi Business</i>				
HC-90	<i>Small Animal Veterinary Clinic</i>				
MAR-91	<i>Woodchipping Establishment</i>				
RE-92	<i>Duplex Dwelling</i>				
RR-93	Six unit <i>Bed and Breakfast Establishment</i>				
RU-94 and GL-94			a) Dwelling, Detached b) Dwelling, Duplex c) Dwelling, Semi-Detached		
SR-95	One detached <i>structure (garage)</i>			a) Minimum ground floor area- 65 m ² b) Maximum <i>lot coverage</i> – 9.3 % c) Maximum <i>building height</i> - 5 metres d) Minimum <i>interior side yard setbacks</i> - 3.0 metres and 2.3 metres	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
				e) Minimum <i>front yard setback</i> - 9.58 metres	
GL-96	<i>A commercial dog kennel</i>			Maximum ground floor area for <i>commercial dog kennel</i> – 72 square metres	
SR-97				Minimum <i>Rear Yard Setback</i> for all <i>Buildings and Structures</i> – 125 metres.	
SR-98				Minimum <i>Rear Yard Setback</i> for all <i>Buildings and Structures</i> – 135 metres.	
SR-99				Minimum <i>Rear Yard Setback</i> for all <i>Buildings and Structures</i> – 145 metres.	
SR-100				Minimum <i>Rear Yard Setback</i> for all <i>Buildings and Structures</i> – 80 metres.	
SR-101				a) Minimum <i>Lot Frontage</i> – 68 metres. b) Minimum <i>Lot Area</i> – 1.5 ha.	
SR-102				a) Minimum <i>Lot Frontage</i> – 69 metres. b) Minimum <i>Lot Area</i> – 1.6 ha.	
SR-103				a) Minimum <i>Lot Frontage</i> – 88 metres. b) Minimum <i>Lot Area</i> – 4.4 ha.	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
SR-104				<ul style="list-style-type: none"> a) Minimum <i>Lot Frontage</i> – 88 metres. b) Minimum <i>Lot Area</i> – 5.5 ha. 	All <i>buildings and structures</i> , except <i>boathouses</i> , shall be <i>setback</i> no less than 8.41 metres from the 178 metres GSC elevation
SR-105				<ul style="list-style-type: none"> a) Minimum <i>Lot Frontage</i> – 88 metres. b) Minimum <i>Lot Area</i> – 5.2 ha. c) Minimum <i>Front Yard Setback</i> for all <i>Buildings and Structures</i> – 350 metres. d) Minimum <i>Rear Yard Setback</i> for all <i>Buildings and Structures</i> – 150 metres. 	
GL-106	Permitted uses for SR Zone				
RU-107 and GL-107			<ul style="list-style-type: none"> a) Dwelling, Detached b) Dwelling, Duplex c) Dwelling, Semi-Detached 		
RU-108 and GL-108			<ul style="list-style-type: none"> a) Dwelling, Detached b) Dwelling, Duplex c) Dwelling, Semi-Detached 		
RU-109 and GL-109	Boat Salvage Establishment		<ul style="list-style-type: none"> a) Boat Repair Garage b) Boat Storage Facility 		A Boat Salvage Establishment is an establishment where boats are disassembled and where the component parts

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
					are then sorted and packaged and are offered for sale, with all of these activities occurring inside a <i>building</i>
SR-110					All <i>buildings</i> and <i>structures</i> , except <i>boathouses</i> , shall be <i>setback</i> no less than 15 metres from the 178 metres GSC elevation
I-111		Fire Reservoir			
RU-112			a) Dwelling, Detached b) Dwelling, Duplex d) Dwelling, Semi-Detached		
RR-113				Minimum required <i>setback</i> from top of bank of <i>watercourse</i> – 15 metres	
HC-114	<i>Single Detached Dwelling</i>				
HR-115				Minimum <i>Front Yard Setback</i> – 4.2 metres	
SR-116	<i>Accessory Buildings and Structures</i>		<i>Single Detached Dwelling</i>		
GL-117	<i>Bunkie</i> with plumbing (no <i>kitchen facility</i>)			a) Maximum Floor Area for <i>Bunkie</i> - 110 m ² b) Maximum <i>Height</i> for <i>Bunkie</i> – 8.0 metres	
RU-118		Concrete batching plant		a) Minimum <i>Lot Area</i> - 2.5 ha.	For the purposes of this Exception

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
				b) Minimum <i>Lot Frontage</i> - 150 metres. c) Minimum <i>Front Yard</i> - 20 metres. d) Minimum <i>Interior Side Yard</i> - 20 metres. e) Minimum <i>Exterior Side Yard</i> - 60 metres. f) Minimum <i>Rear Yard</i> - 20 metres. g) Maximum <i>Lot Coverage</i> - 10% h) Maximum <i>Building Height</i> - 11 metres.	a Concrete Batching Plant means a <i>premises</i> used for the processing or recycling of <i>mineral aggregate</i> and/or production of secondary aggregate products.
GL-119		Permitted Uses for RR Zone		a) Minimum <i>Lot Frontage</i> – 80 metres. b) Minimum <i>Lot Area</i> – 1.6 ha.	
RR-120				Minimum <i>Setback</i> for all <i>buildings</i> and <i>structures</i> from the water's edge of Farlain Lake – 30 metres	
SR-121					A septic system is permitted that will service the subject lands and a dwelling on the waterfront lands across the street on the east side of West Shore Drive described as Parts 16 and

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
					31, 51R-37915 (Roll #14-382-02), in accordance with all applicable Provincial and Municipal regulations and approvals.
RR-122				<ul style="list-style-type: none"> a) Minimum <i>setback</i> for all <i>buildings and structures</i> from the water's edge of Farlain Lake – 30 metres b) Maximum <i>lot coverage</i> of all detached <i>accessory buildings and structures</i> – 186 square metres 	
GL-123		<ul style="list-style-type: none"> a) <i>Accessory Residential Uses</i> including a <i>swimming pool</i>, tennis court or other <i>outdoor recreational uses</i>. b) <i>Accessory Buildings or Structures</i> to support the permitted <i>uses</i> in a) above only. 		<ul style="list-style-type: none"> a) Minimum <i>Front Yard Setback</i> – 8 metres b) Minimum <i>Exterior Side Yard Setback</i> – 8 metres c) Minimum <i>Interior Side Yard Setback</i> – 7.5 metres d) Minimum <i>Rear Yard Setback</i> – 7.5 metres e) Maximum <i>Lot Coverage</i> – 93 m² f) Maximum <i>Height</i> – 5 metres 	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
RU-124 GL-124 A-124	<i>Assembly Hall, Outdoor Education Centre</i>				
RU-125	<i>Trailer Park</i>				
RU-126 GL-126	<i>Trailer Park</i>				
RC-127	<i>All uses permitted in the HC Zone</i>				
RC-128	<i>All uses permitted in the HC Zone</i>				
RC-128	<i>All uses permitted in the HC Zone</i>				
RC-129	<i>Business Office</i>				
RU-130 GL-130	<i>Contractors Yard</i>				
SR-131	<i>Bunkie with plumbing and sanitary facility (no kitchen facility)</i>			<ul style="list-style-type: none"> a) <i>Maximum Lot Coverage for all detached accessory building and structures - 126 m2</i> b) <i>Minimum Interior Side Yard Setback (two-storey dwelling) - 3.0 metres and 1.0 metre</i> c) <i>Minimum Required Ground Floor Area (two-storey dwelling) - 23 m2</i> d) <i>Notwithstanding any other General Provision or Zone Standard of this By-law, the existing former cottage building, as located and</i> 	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
				constructed, may be used as a <i>Bunkie</i>	
SR-132	<i>Bunkie</i> with plumbing and sanitary facility (no <i>kitchen facility</i>)			<ul style="list-style-type: none"> a) Minimum <i>Front Yard Setback</i> – 5.5 metres b) Maximum Ground Floor Area – 68 square metres c) Notwithstanding any other General Provision or <i>Zone</i> Standard of this By-law, the <i>existing accessory structure</i>, as located and constructed, may be used as a <i>Bunkie</i> 	
HR-133	Dwelling, Triplex				
GL-134		Dwelling, Single Detached		<ul style="list-style-type: none"> a) Minimum <i>Lot Area</i> – 1.8 ha b) Minimum <i>Lot Frontage</i> – 0 metres 	
GL-135			<ul style="list-style-type: none"> a) Any <i>building of structure</i> b) <i>Site Alteration</i> 	<ul style="list-style-type: none"> a) Minimum <i>Lot Area</i> – 1.8 ha b) Minimum <i>Lot Frontage</i> – 0 metres 	
HR-136				<ul style="list-style-type: none"> a) The required Minimum Setback from Top of Bank of <i>Watercourse</i> shall be measured from the Rear <i>Lot Line</i> and shall be no less than 7.5 metres 	

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Exception Number	Additional Permitted Uses	Only Permitted Uses	Uses Prohibited	Special Zone Requirements	Other Provisions
HR-137				a) The required Minimum Setback from Top of Bank of <i>Watercourse</i> shall be measured from the Rear <i>Lot</i> Line and shall be no less than 10 metres	
MAR-138		Only agricultural uses, forestry uses and mineral aggregate operation which only includes aggregate extraction, transport of aggregate and processing of aggregate (excluding aggregate recycling and washing) is permitted in the MAR-138 zone.		a) Where MAR zones are adjacent to each other, a 0.0 m setback is permitted. b) The MAR-138 zone size shall be 15.3 hectares.	
EP2-139	Stormwater Management Pond				

6.2 HOLDING ZONES

In accordance with Section 1.18, the following Holding Symbols are applied to a property and no *person* shall use the land to which the letter (H) applies for any *use* other than the *use* which existed on the date this By-law was passed, until the (H) is removed in accordance with the requirements of Table 6.2, the

policies of the Official Plan and the requirements of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended.

TABLE 6.2

Column 1	Column 2	Column 3
Holding Symbol	Restrictions	Requirements and Other Provisions
(H1)	The Holding (H1) symbol applies to lands within the assessment area of an open or closed <i>waste disposal site</i> .	The Holding symbol may be lifted once <i>Council</i> is satisfied that the proposed <i>use</i> will be compatible with the <i>waste disposal</i> assessment area in accordance with the Official Plan.
(H1A)	The Holding (H1A) provision applies to lands within the downgradient groundwater assessment area of a <i>waste disposal site</i> and only applies where there is a <i>building</i> permit or planning application, which relates to a change requiring a new groundwater well or a doubling or more in water demand from an <i>existing well(s)</i> and where the well is located within the Holding (H1A) <i>Zone</i> .	The Holding (H1A) symbol may be lifted once <i>Council</i> is when the applicant has provided a copy of the water well record for a new well from which the water supply is obtained. In cases where there is a new groundwater well or a doubling or more in water demand from an <i>existing well</i> , groundwater quality shall be tested by an accredited laboratory and assessed by a qualified professional hydrogeologist or engineer and shall include comments on the location of the well intake screen with respect to the landfill and available hydrogeological information. The scope of the testing must consist of, at a minimum, a four-hour pumping test at the proposed peak demand pumping rate. Water samples shall be collected in the first hour and the end of the test pumping period. Chemical analysis of the water samples must include, at a minimum, typical general inorganic water quality indicator, major ion and metal parameters and volatile organic compounds.
(H2)	The Holding (H2) symbol applies to <i>lots</i> on <i>private streets</i> or <i>streets</i> which have not been assumed for	The Holding symbol may be lifted once an appropriate site plan agreement has been entered into

Column 1	Column 2	Column 3
Holding Symbol	Restrictions	Requirements and Other Provisions
	maintenance purposes by the <i>Township</i> .	and registered on title in accordance with the Official Plan.
(H3)	The Holding (H3) symbol applies to lands zoned Shoreline Residential Exception 6 (SR-3) in Part of <i>Lot 26</i> , Concession 2; Plan M-787, <i>Lots 2, 4-8</i> .	The Holding (H3) symbol shall not be removed until <i>Council</i> is satisfied that: a) the owner has applied for approval for the installation of, and undertaken to install only a septic system designed to denitrify the effluent at the point of discharge to the tile bed to a concentration of less than 10mg/L on an average annual basis; and, b) the owner of the property has entered into a long-term maintenance agreement with a septic system installer acceptable to the <i>Township</i> that would provide for the long term maintenance and monitoring of the septic system.
(H4)	That the Holding (H4) symbol applies to the lands zoned Hamlet Commercial "HC" in Part <i>Lot 14</i> , Concession 9, (Part 2, Plan 51R-29857).	The Holding (H4) symbol shall not be removed until: a) a site plan control agreement is approved between the <i>Township</i> and the land owner.
(H5)	That the Holding (H5) symbol applies to the lands zoned Shoreline Residential Exception Two "SR-2" in Part of <i>Lot 21</i> , Concession 20.	The Holding (H5) symbol shall not be removed until: a) it is shown to the satisfaction of the <i>Township</i> that a sufficient water supply exists to service the <i>lots</i> ; b) it is shown to the satisfaction of the <i>Township</i> that the development of the <i>lots</i> will not have an adverse effect on adjacent wells as determined by the monitoring of the test well; and

Column 1 Holding Symbol	Column 2 Restrictions	Column 3 Requirements and Other Provisions
		c) it is shown to the satisfaction of the <i>Township</i> that no contamination from or interference with the stump dump exists as determined by the monitoring of the test well.
(H6)	That the Holding (H6) symbol applies to the lands zoned Shoreline Residential “SR” in Part of <i>Lots</i> 20, 21, and 22, Concessions 20 and 21, Plans M-607, M-608, and M-609.	The Holding (H6) symbol shall not be removed until: a) detailed engineered site plans and grading plans are approved by the <i>Township</i> .
(H7)	That the Holding (H7) symbol applies to the lands zoned Hamlet Commercial “HC” in Part of <i>Lot</i> 14, Concession 4.	The Holding (H7) symbol shall not be removed until: a) a site plan control agreement is approved between the <i>Township</i> and the land owner.
(H8)	That the Holding (H8) symbol applies to the lands zoned Shoreline Residential “SR” in Part of <i>Lot</i> 23, Concession 4.	The Holding (H8) symbol shall not be removed until: a) a road improvement agreement is approved between the <i>Township</i> and the land owner. The agreement is to ensure that the applicant constructs the road to Municipal standards to the satisfaction of the <i>Township</i> prior to any <i>Building</i> Permit being issued for the <i>lot</i> .
(H9)	That the Holding (H9) symbol applies to the lands zoned Greenlands “GL” and Environmental Protection Two “EP2” in Part of <i>Lot</i> 18, Concession 8.	The Holding (H9) symbol shall not be removed until: a) a site plan control agreement is approved between the <i>Township</i> and the land owner. The Site Plan Control Agreement shall contain provisions which: i. Require the <i>building/septic</i> envelope(s) to be located on generally level ground and in a

Column 1 Holding Symbol	Column 2 Restrictions	Column 3 Requirements and Other Provisions
		<p>location that results in a minimal loss of trees;</p> <p>ii. Identify areas that shall be protected in its natural forested state;</p> <p>iii. Specify what improvements and other works are required to construct <i>driveways</i> from both Louis Avenue and Joel Road onto the lands in a manner which minimizes the impact of such construction on neighbouring properties; and,</p> <p>v. Ensure that drainage from the site does not impact on neighbouring properties.</p>
(H10)	<p>That the Holding (H10) symbol applies to the lands zoned Hamlet Commercial “HC” in Part of <i>Lot 18</i>, Concession 16 (Part 2, 51R-34019).</p>	<p>The Holding (H10) symbol shall not be removed until:</p> <p>a) a site plan control agreement is approved between the <i>Township</i> of Tiny and the land owner and the Site Plan Control Agreement with the <i>Township</i> is to ensure that all proposed development for the subject properties conform to the by-laws and policies of The County of Simcoe Transportation and Engineering Division and the <i>Township</i> of Tiny Public Works Department requirements. The County of Simcoe is to approve, in principle, the contents of the Site Plan Control Agreement.</p>
(H11)	<p>That the Holding (H11) symbol applies to the lands zoned Rural Employment “RE” in Part of <i>Lot 10</i>, Concession 13 (314 Concession 13 East).</p>	<p>The Holding (H11) symbol shall not be removed until:</p> <p>a) An assessment related to Eastern Whip-poor-will and its habitat has been completed and conformity with the Endangered Species Act,</p>

Column 1	Column 2	Column 3
Holding Symbol	Restrictions	Requirements and Other Provisions
		<p>2007(ESA) or its successor as it relates to Section 9 and Section 10 of the ESA has been demonstrated and all appropriate clearances have been obtained all to the satisfaction of the <i>Township</i>.</p>

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6.3 TEMPORARY USES

The following Temporary *Uses* shall be permitted in the noted property zoned with a temporary use symbol and number (i.e. (T1)) as set out in Table 6.3. All other provisions of the *Zone* and this By-law shall apply unless specifically modified and/or amended by this Section.

TABLE 6.3

Column 1	Column 2	Column 3
Temporary Use Symbol	Temporary Use	Requirements and Other Provisions
(T1)	The Temporary Use (T1) symbol applies to the lands zoned Rural Residential “RR” in Part of <i>Lot 12</i> , Concession 9. The temporary use permitted shall be a <i>Garden Suite</i> unit.	The Temporary Use shall be permitted until May 12, 2024, after which the use shall be prohibited.
(T2)	The Temporary Use (T2) symbol applies to the lands zoned Rural Residential “RR” in Part of <i>Lot 8</i> , Concession 15. The temporary use permitted shall be a <i>Garden Suite</i> unit.	The Temporary Use shall be permitted until October 10, 2024, after which the use shall be prohibited.
(T3)	The Temporary Use (T3) symbol applies to the lands zoned Agricultural “A” in Part of <i>Lot 16</i> , Concession 17. The temporary use permitted shall be a <i>Garden Suite</i> unit.	The Temporary Use shall be permitted until June 29, 2025, after which the use shall be prohibited.
(T4)	The Temporary Use (T4) symbol applies to the lands zoned Rural “RU” in Part of <i>Lot 14</i> , Concession 5 West. The temporary use permitted shall be a <i>Garden Suite</i> unit.	The Temporary Use shall be permitted until June 29, 2025, after which the use shall be prohibited.
(T5)	The Temporary Use (T5) symbol applies to the lands zoned Agricultural “A” in Part of <i>Lot 16</i> , Concession 1 West. The temporary use permitted shall be a <i>Garden Suite</i> unit.	The Temporary Use shall be permitted until May 11, 2025, after which the use shall be prohibited.

Column 1	Column 2	Column 3
Temporary Use Symbol	Temporary Use	Requirements and Other Provisions
(T6)	The Temporary Use (T6) symbol applies to the lands zoned Rural "RU" and Greenlands "GL" in Part of <i>Lot 13, Concession 12</i> . The temporary use permitted shall be a <i>Garden Suite</i> unit.	The Temporary Use shall be permitted until May 28, 2038, after which the use shall be prohibited.
(T7)	The Temporary Use (T7) symbol applies to the lands zoned Rural "RU" in Part of <i>Lot 13, Concession 9 East</i> . The temporary use permitted shall be a <i>Garden Suite</i> unit.	<p>Special Provisions for the <i>Garden Suite</i></p> <ul style="list-style-type: none"> a) <i>Garden Suite</i> shall be located in the <i>rear yard</i> b) Minimum <i>Interior Side Yard Setback</i> – 3 metres c) Minimum <i>Rear Yard Setback</i> – 3 metres <p>The Temporary Use shall be permitted until September 26, 2036, after which the use shall be prohibited.</p>
(T8)	The Temporary Use (T8) symbol applies to the lands zoned Greenlands "GL" in Part of <i>Lot 2, Concession 16</i> . The temporary use permitted shall be a <i>Trailer</i> for human habitation.	The Temporary Use shall be permitted from April 1, 2022 to December 1, 2023, after which the use shall be prohibited.
(T9)	The Temporary Use (T9) symbol applies to the lands zoned Greenland "GL" in Part of <i>Lot 6, Concession 15</i> . The temporary use permitted shall be a <i>Garden Suite</i> unit.	<p>Special Provisions for the <i>Garden Suite</i></p> <ul style="list-style-type: none"> a) Minimum <i>Front Yard Setback</i> – 20 metres b) Minimum <i>Interior Side Yard Setback</i> – 10 metres <p>The Temporary Use shall be permitted until May 29, 2037, after which the use shall be prohibited.</p>
(T10)	The Temporary Use (T10) symbol applies to the lands zoned Rural	Special Provisions for the <i>Garden Suite</i>

Column 1	Column 2	Column 3
Temporary Use Symbol	Temporary Use	Requirements and Other Provisions
	Residential "RR" in Part of <i>Lot 22</i> , Concession 17. The temporary use permitted shall be a <i>Garden Suite</i> unit.	<p>a) The <i>Garden Suite</i> shall be located in the <i>rear yard</i> of the property.</p> <p>The Temporary Use shall be permitted until May 29, 2037, after which the use shall be prohibited.</p>
(T11)	The Temporary Use (T11) symbol applies to the lands zoned Rural "RU" in Part of <i>Lot 14</i> , Concession 17. The temporary use permitted shall be a <i>Garden Suite</i> unit.	The Temporary Use shall be permitted until June 25, 2038, after which the use shall be prohibited.
(T12)	The Temporary Use (T12) symbol applies to the lands zoned "GL" and known as 251 Macavalley Road. The temporary use permitted shall be a <i>Garden Suite</i> unit.	The Temporary Use shall be permitted until February 2, 2042, after which the use shall be prohibited.
(T13)	<p>The Temporary Use (T13) symbol would apply to the North Part of Lot 24, Concession 2 West and permit the use of an Agricultural Fair and applies to the lands zoned Agricultural – Exception Eighty Two (A-82).</p> <p>An Agricultural Fair is a farm related event that showcases agricultural practices and includes events related to agricultural equipment, produce/food, local crafts/producers, local history (displays, associations, service providers) and musical entertainment.</p>	<p>The Temporary Use shall be permitted on August 18, 19 and 20, 2023 and shall cease and be deemed repealed on August 21, 2023</p> <p>That the temporary use is subject to the Owner and the Township executing a Temporary Use agreement prior to the by-law coming into force and effect.</p>

SECTION 7.0 DEFINITIONS

7.1 Certain definitions may include permitted *uses* and regulations, which shall be observed in addition to those contained in other sections of this By-Law.

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z

A

ACCESSORY APARTMENT DWELLING UNIT

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

ACCESSORY BUILDING OR STRUCTURE

Means a detached *building* or *structure*, the use of which is naturally and normally incidental to, subordinate to, or exclusively devoted to, the principal use or *main building* on the same *lot* and shall include a residential *water storage tank*.

ACCESSORY USE

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

AGRICULTURAL BUILDING

Means a *building* or *structure*, other than a *barn*, that is used to store agricultural equipment and/or to grow specialty crops and/or from which agricultural products are sold and includes a *greenhouse*.

AGRICULTURAL USE

Means the use of land for the growing, producing, keeping or harvesting of farm products.

AGRICULTURAL INTENSIVE USE

Means the use of land for the purpose of raising livestock such as poultry or cattle for consumption and may include a *feedlot*.

AGRICULTURAL SPECIALIZED USE

Means lands where specialty crops such as tender fruits (i.e. peaches, cherries, apples, plums, grapes), other fruit crops, ginseng, vegetable crops and *greenhouse* crops are predominantly grown, usually resulting from soils that have suitability to produce specialty

TINY ZONING BY-LAW

crops, or lands that are subject to special climatic conditions, or a combination of both; and/or a combination of farmers skilled in the production of specialty crops, and of capital investment in related facilities to produce, store or process specialty crops. An *agricultural specialized use* may also consist of a market garden where the products that are grown on the *lot* are sold.

AGRI-TOURISM USE

Means those farm-related tourism *uses*, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

AIRPORT

Means an area of land used for the landing, storing and taking off of aircraft and their passengers and/or freight and may include, as *accessory uses*, ticket *office*, restaurants, parcel shipping facilities, customs, *business offices* and *retail stores*.

ALTERATION

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

ALTERNATIVE ENERGY SYSTEM

Means a system that *uses* sources of energy or energy conversion processes that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional energy systems. *Alternative energy systems* undertakings do not include renewable energy undertakings as defined in the Green Energy and Green Economy Act.

ANIMAL SHELTER

Means *premises* where the care of lost, abandoned, neglected or rescued domestic animals is offered as the principal use, but shall not include a *commercial dog kennel* or *veterinary clinic*.

ARCHAEOLOGICAL RESOURCES

Includes artifacts, archaeological sites, marine archaeological sites, as defined under the *Ontario Heritage Act*. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the *Ontario Heritage Act*.

ART GALLERY

Means a *premises* used for any combination of the preservation, production, exhibition, or sale of paintings or other works of art as the principal use.

ASSEMBLY HALL

Means *premises* used for the gathering together of a number of *persons* for charitable, civic, cultural, educational, fraternal, religious, political, recreational, social or like purposes, and may include facilities for the consumption of food or drink.

ATTIC

Means the unfinished space between the roof and the ceiling of the top *storey* of a *building*.

AVERAGE FINISHED GRADE

Means the *grade* elevation of the *lot* calculated as the average of all *grades* measured at the mid-point of each exterior wall of the *building*.

B

BALCONY

Means a partially enclosed platform projecting from the main wall of a *building* which is not supported by vertical uprights other than the wall itself and which is only accessible from within the *building*.

BARN

Means a *building* that is designed or used to shelter animals such as cattle, poultry, horses or swine.

BASEMENT

Means that portion of a *building* located below the *first storey*.

BED AND BREAKFAST ESTABLISHMENT

Means a part of a *single detached dwelling unit* in which not more than three bedrooms are used or maintained for the accommodation of the traveling public, in which the owner of the *dwelling unit* resides and supplies lodgings with or without meals for hire or pay but does not include a *group home* or *tourist establishment*.

BLOCK

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

BOARDING HOUSE

Means a *dwelling unit*, containing not more than ten guest rooms which are maintained for the accommodation of the public, in which the owner or lessee supplies, for hire or gain, lodgings with or without meals but does not include any other establishment otherwise defined or classified in this By-law.

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COMMERCIAL DOG KENNEL

Means *premises* where dogs are boarded.

BOATHOUSE

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

BOAT DOCK

Means an uncovered *structure* for the mooring of boats or for access the water , attached to or forming part of the land and used in conjunction with a use of the land.

BOAT SLIP

Means a mooring space on a navigable water body or *watercourse* that is used to secure a boat or other marine craft to an adjacent shoreline *structure* such as a dock, a pier or a wharf.

BRIDGE

Means an uncovered structure designed and constructed to provide pedestrian or vehicle access across a stream or other feature to provide access from one portion of a property to another portion.

BUFFER AREA (LANDFILLING SITE)

Shall mean the area owned or controlled by a *Landfilling Site* operator that is not the *waste fill area* as set out in a Certificate of Approval in which only *uses* accessory to the depositing and *Landfilling* activities carried on in *the waste fill area* are permitted.

BUILDING

Means a *structure* occupying an area greater than 10 square metres consisting of any combination of a wall, roof and floor, or a structural system serving the function thereof, including all associated works, *fixtures* and service systems.

BUILDING, APARTMENT

Means a *building* containing three or more *dwelling units* that share a common external access to the outside through a common vestibule and a common corridor system.

BUILDING, MAIN

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

BUILDING SUPPLY OUTLET

Means *premises* where *building*, construction and home improvement materials are offered or kept for retail sale.

BULK FUEL DEPOT

Means *premises* where petroleum, gasoline, fuel, oil, gas or flammable liquid or fluid is stored, warehoused and/or kept for retail sale.

BUNKIE

Means an *accessory building* or *structure* that is designed or used to provide sleeping accommodations accessory to a permitted residential use.

BUSINESS OFFICE

Means *premises* used for conducting the affairs of businesses, professions, services, industries, governments, or like activities, in which the chief product of labour is the processing and/or storage of information rather than the production and distribution of goods.

C

CANNABIS

Means *cannabis* as defined in the *Cannabis Act* or its successor.

CANNABIS PRODUCTION FACILITY, AGRICULTURAL

Means the growing and harvesting of *cannabis* in an open-air setting and/or within a wholly enclosed *building* or *structure* which is authorized by a licence issued by Health Canada. An *Agricultural Cannabis Production Facility* may include limited packaging and/or shipping as an *accessory use* which is necessary to make the product available to *Cannabis* license holders including but not limited to cultivators, processors, wholesalers, retailers, analytical testers, researchers, and nurseries in accordance with all applicable federal licenses. This definition does not include on-site sales.

CANNABIS PRODUCTION FACILITY, INDUSTRIAL

Means any *building* or *structure* licensed and authorized by Health Canada to ship, deliver, transport, destroy, grow, dry, export and/or import *cannabis*, including related research as may be permitted in the licence authorized by Health Canada. This definition does not include on-site sales.

CARPORT

Means a *building* or *structure* that is not wholly enclosed, and is used for the parking or storage of one or more private *motor vehicles*.

CEMETERY

Means land that has been established or recognized as a *cemetery* under the laws of the Province that is used for the interment of human remains and may include a mausoleum or *columbarium*, but does not include a *funeral home* establishment.

CHILD CARE CENTRE

Means *premises* where more than 5 children are provided with temporary care and/or guidance for a continuous period not exceeding twenty-four hours and are licensed in accordance with the Child Care and Early Years Act, 2014 or its successor.

TINY ZONING BY-LAW

COLUMBARIUM

Means a *building* or *structure* used for the interment of cremated human remains in sealed compartments.

COMMERCIAL USE

Means the use of land, *buildings* or *structures* for the supply or sale of goods and services.

COMMERCIAL SELF-STORAGE FACILITY

Means *premises* used for the temporary storage of household items in storage areas or lockers, which are generally accessible by means of individual loading doors and the outdoor storage of seasonal, recreational or *commercial vehicles*, boats and *trailers*.

COMMUNITY CENTRE

Means land or *buildings* or part thereof used for community, cultural, recreational or social purposes as a *public use*, including a community recreation centre as defined in Provincial legislation.

CONSERVATION USE

Means an area of land that is generally left in its natural state and which is used to preserve, protect and/or improve components of the *natural heritage system* and may include, as an *accessory use*, hiking trails and/or cross country ski trails, *buildings* and *structures* such as *nature interpretation centre* and public information centre.

CONTRACTORS YARD

Means an area of land upon which *motor vehicles* designed to assist with the movement of earth and/or fill and/or which are designed to assist in the construction or renovation of *buildings* or *structures* or the *landscaping* of land are stored.

CONVENIENCE STORE

Means *premises* supplying groceries and other daily household needs to the immediate surrounding area.

CORPORATION

Means The *Corporation* of the *Township* of Tiny.

COUNCIL

Means the Municipal *Council* of The *Corporation* of The *Township* of Tiny.

COUNTY

Means the *Corporation* of the *County* of Simcoe unless otherwise specified. The *County* is a municipality for the purposes of Provincial legislation.

CRAFT SHOP/STUDIO

Means *premises* in which a handicraft is conducted for gain or profit and may include the sales of such handicraft.

CROSS COUNTRY SKI FACILITY

Means an area of land with trails used by skiers and which may include, as *accessory uses*, a restaurant, a clubhouse, a *retail store* selling ski equipment and accessories, a fitness centre, a *dwelling unit* for an owner/caretaker, and other *buildings* or *structures* devoted to the maintenance, administration and operation of the *cross country ski facility*.

D

DAYCARE, PRIVATE HOME

Means a dwelling used for the temporary care of five or fewer children, other than children residing in the dwelling as a principal residence, for a continuous period not exceeding 24 hours.

DARK SKY

Means lighting of outdoor areas that eliminates light trespass on adjacent land and eliminates skyglow where lights are provided with shielded cut-off *fixtures*.

DECK

Means an accessory attached or detached *structure* with no roof or walls except for visual partitions and railings which is constructed on piers or a foundation above-grade and used as an outdoor living area but does not include a *balcony*, landing or a stair.

DRIVEWAY

Means that portion of a *lot* used to provide vehicular access from a roadway to an off-street parking or loading area located on the same *lot*.

DRY CLEANING DEPOT

Means *premises* where articles of fabric are dropped off, stored or picked-up by members of the public, but does not include a *dry cleaning establishment*.

DRY CLEANING ESTABLISHMENT

Means *premises* in which articles of fabric are subjected to the process of dry cleaning, dry dyeing or cleaning in a laundry plant and for the pressing and distribution of any such articles or goods that have been subjected to any such process.

DWELLING

Means a separate *building* containing one or more *dwelling units*.

DWELLING UNIT

Means two or more rooms used, designed or used for one or more individuals living as a single housekeeping unit, with living, sleeping and sanitary facilities, and one *kitchen facility* and one *wet bar*, having a private entrance from outside the *building* or from a common hallway or stairway inside or outside the *building*.

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DWELLING UNIT, ACCESSORY

Means a *dwelling unit* that is accessory to a permitted principal use.

DWELLING UNIT, ADDITIONAL

Means a *dwelling unit* that is self-contained, subordinate to and located within the same *building* or on the same *lot* as/of a *principal dwelling unit*.

DWELLING, APARTMENT

Means a *building* containing five (5) or more *dwelling units* which have a common entrance from the street level and are connected by a common corridor.

DWELLING, SINGLE DETACHED

Means a *building* containing one *dwelling unit*.

DWELLING, SEMI-DETACHED

Means a *dwelling unit* contained within a *building* containing two *dwelling units* which are separated by a common wall dividing the pair of *dwelling units* vertically, in whole or in part, each of which has an independent entrance, either directly from the outside or through a common vestibule.

DWELLING, DUPLEX

Means a *dwelling unit* contained within a *building* that is divided horizontally into two separate *dwelling units*, each of which has an independent entrance either directly from the outside or through a common vestibule.

DWELLING, FOURPLEX

Means a *dwelling* containing four (4) *dwelling units*.

DWELLING, PRINCIPAL

Means a *dwelling unit* that has a greater floor area than the *accessory dwelling unit* in the same *dwelling*.

DWELLING, TOWNHOUSE

Means a *dwelling unit* in a *building* where three or more attached *dwelling units* are separated by common masonry walls above *grade* dividing the *dwelling units* vertically, in whole or in part, each of which *dwelling units* have an independent entrance, directly from the outside.

DWELLING, TRIPLEX

Means a *dwelling unit* contained in a *building* containing three *dwelling units*, each of which has an independent entrance either directly from the outside or through a common vestibule.

DYNAMIC BEACH

Is the Dynamic Beach Hazard and means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large*

TINY ZONING BY-LAW

inland lakes, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of;

- the *flooding hazard* limit
- plus a dynamic beach allowance. PPS (Proposed April 12, 2024/same as 2020)

[For the Georgian Bay Shoreline the '*Dynamic Beach Hazard*' and the "*Standard Dynamic Beach Hazard*" which consists of the following;

- i. The MNRF 100 year Water Level elevation (i.e. 178 m GSC'28, currently being updated),
+ PLUS
- ii. The *Wave Effects/Wave Uprush* and *Overtopping Flood Component* of 15m + PLUS The *Dynamic Beach Allowance* of 30m.

= the total *Dynamic Beach Hazard* distance of the MNRF 100 year Level + plus 45m, as provided in accordance with the provincial technical Guidelines (i.e. 'the 'MNRF in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches' (2001)).

D-4 APPROVAL AUTHORITY

Means for all *County* owned or operated *waste disposal sites* the *County* is the *D-4 Approval Authority*. For all private and local municipality owned or operated *waste disposal sites*, the *Township* is the *D-4 Approval Authority*.

D-4 ASSESSMENT AREA

Means the lands generally within 500 metres of the *waste disposal site*, or more specifically, the area shown on Schedule D of this Plan. The *D-4 Assessment Area* may vary according to the actual *waste* cell location, depth and type of *waste* and *existing* conditions.

D-4 GUIDELINE

Means the *MECP* Guideline D-4, as amended and any successor guideline or legislation.

E

EMERGENCY SERVICE DEPOT

Means a garage or supply facility that houses emergency personnel, their supplies and vehicles and shall include an ambulance response facility, fire station or police station.

ERECT

Means to alter, build, construct, reconstruct, move or enlarge a *building* or *structure*, including any physical operation and preparatory work such as excavating, filling, grading, or draining land for a *building* or *structure*, and any work which requires a *building* permit under the Ontario Building Code.

EQUESTRIAN FACILITY

Means an area of land where horses are boarded and ridden by their owner(s) or rented to others and/or where horseback-riding lessons may be given.

EQUIPMENT SALES AND RENTAL ESTABLISHMENT

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

EXISTING

Means lawfully *existing* on the date of passing of By-law 30-77 (July 28, 1977) unless otherwise specified.

F

FARM IMPLEMENT DEALER

Means *premises* where farm equipment is repaired, serviced or sold.

FARM PRODUCE OUTLET

Means *premises* where fruits, vegetables, meat and dairy products that are grown or produced on a farm and are sold.

FEEDLOT

Means an area of land within a pen or corral wherein livestock such as cattle, horses, sheep, goats and/or swine are maintained in close quarters for the purpose of finishing prior to shipment to market.

FENCE

Means a composition serving as an enclosure, a barrier, or boundary delineation, usually made of posts or stakes joined together by boards, wire, rope or rails.

FINANCIAL INSTITUTION

Means a *premises* used to provide financial services to the public.

FIRST STOREY

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

FLOODPLAIN

Means for a river, stream and small inland lake system, the area, usually low lands adjoining a *watercourse*, which has been or may be subject to flooding hazards.

FLOODPROOFING

Means the act of designing or altering *buildings* and *structures* so as to reduce or eliminate the potential for flood damages.

FLOOR AREA, GROSS

Means the aggregate of the floor area measured between the exterior faces of the exterior walls of the *building* or *structure* at the level of each floor, and in the case of a *dwelling unit*, excluding any *porches*, verandas or sunrooms (unless habitable in all seasons or the year), any *basement* or cellar or attached garage.

FLOOR AREA, GROUND

Means the floor area of the lowest *storey* of a *building* approximately at or first above the finished *grade* level excluding any *basement*, cellar or subcellar, which area is measured between the exterior faces of the exterior walls at the floor level of such *storey*, but excludes *car parking areas* within the *building* and for the purpose of this paragraph, the walls of an inner court are and shall be deemed to be exterior walls.

FORESTRY USE

Means an area of land or managed forest used for the cultivating and harvesting of trees for the purpose of producing commercial and non-commercial wood products in accordance with sustainable forest management practices and on which the cutting of wood harvested from the *lot* on which the *forestry use* is located for transport is permitted.

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For the purposes of this By-law, a *forestry use* does not include a saw and/or wood planing mill or a wood-chipping establishment.

FUNERAL HOME

Means *premises* that is designed or used for the purpose of providing funeral services to the public and includes facilities intended for the preparation of corpses for interment or cremation.

G

G.S.C. (GEOLOGICAL SURVEY OF CANADA)

Means, when used in conjunction with a number, the elevation of the land above sea level according to the Geological Survey of Canada.

GARAGE, ATTACHED

Means an attached *accessory building* to a *main building* which is designed or used for the sheltering of a private *motor vehicle* and/or storage of household equipment incidental to the principal use on the *lot*, and which is fully enclosed and roofed and excludes a *carport* or other open shelter. An *attached garage* shares a common wall with the *main building* or is connected by enclosed living space.

GARAGE, DETACHED

Means a detached *accessory building* or portion of a *building* which is designed or used for the sheltering of a private *motor vehicle* and/or storage of household equipment incidental to the principal use on the *lot*, and which is fully enclosed and roofed and excludes a *carport* or other open shelter.

GARDEN CENTRE

Means a *premises* used for the display and retail sale of goods related to gardening and *landscaping*.

GARDEN SUITE

Means a *dwelling unit* contained in a detached *accessory building* and which is designed to be used on a temporary basis. A *Garden Suite* is only allowed on a *lot* where a primary residential use exists and is subject to a temporary use by-law under the requirements of the Planning Act, R.S.O. 1990 c.P. 13 as amended.

GASOLINE ESTABLISHMENT

Means *premises* where *motor vehicle* fuels are sold and/or dispensed with or without facilities for minor mechanical or running repairs essential to the operation of a *motor vehicle*.

GOLF COURSE

Means a public or private area operated for the purpose of playing golf, and includes such *accessory uses* as a restaurant, a *retail store* that sells golf equipment and accessories,

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a *dwelling unit* for an owner/caretaker, fitness centre and other *buildings* or *structures* devoted to the maintenance and operation of the *golf course* and may include, as *accessory uses*, a *golf driving range* and a miniature golf facility.

GOLF DRIVING RANGE

Means an indoor or outdoor public or private facility dedicated to the driving of golf balls from fixed golf tees.

GRADE

Means the level of the ground adjacent to the outside wall of a *building* or *structure*.

GREENHOUSE

Means a *building* or *structure* that is designed or used for the growing of crops, trees and/or plants indoors.

GROUND MOUNTED SOLAR FACILITIES

Means a solar energy collection system installed at ground level and that is not attached to and is separate from any *building* on the parcel of land on which the facilities are located.

GROUP HOME

Means a *dwelling unit* designed or used for the accommodation of 3 to 10 *persons*, exclusive of staff, living under supervision in a *dwelling unit* and whom by reason of their emotional, mental, social, or physical condition or legal status, require a group living arrangement for their well-being. A *group home* shall be licensed or approved under an applicable Provincial Statute(s). For the purposes of this By-law, *group homes* will be classified either as *Group Home A* or *Group Home B*.

GROUP HOME A

Means a *group home* primarily for *persons* who have been referred by a *hospital*, recognized social services agency or health professional.

GROUP HOME B

Means a *group home* operated primarily for *persons* who have been placed on probation, released on parole, or admitted for correctional purposes.

H

HAZARDOUS WASTE

Means the same as in Ontario Regulation 347 under the Environmental Protection Act or its successor.

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HEIGHT

Means with reference to a main or principal *building* or *structure*, the vertical distance measured between the *average finished grade* to the highest point of the roof or the parapet, whichever is the greater.

Means with reference to an *accessory building* or *structure*, the vertical distance measured between the *average finished grade* to:

- a) the highest point of the roof surface or the parapet, whichever is the greater, of a flat roof;
- b) the deckline of a mansard roof;
- c) the mean level between the lowest eave and the highest ridge of a gabled, hip or gambrel roof or other type of pitched roof or where multiple roofs are provided in the same *structure*;
- d) in case of a *structure* with no roof, the highest point of the said *structure*.

Notwithstanding the above, any ornamental roof construction features including towers, steeples or cupolas, shall not be included in the calculation of *height*. Mechanical features, such as *structures* containing the equipment necessary to control an elevator, are permitted to project a maximum of 5.0 metres above the highest point of the roof surface, regardless of the *height* of the *building*. Notwithstanding the above, *buildings* and *structures* associated with a public works *yard* owned by a *public authority* are exempt from the *height* requirements of this By-law.

HOBBY FARM

Means an area of land on which a *barn*, stable or shelter where animals are kept may be *erected* to house no more than four (4) livestock units kept for recreational purposes or for personal consumption by the occupant(s) of a *dwelling unit* on the same *lot* and in accordance with the requirements of the Nutrient Management Act or its successor. For the purpose of this definition, (1) livestock *unit* shall mean one horse, cattle, sheep, pig, goat, chicken, turkey or similar domestic livestock animal.

HOME INDUSTRY

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

HOME OCCUPATION

Means the use of part of a *dwelling unit* for an occupation or business activity that results in a product or service and which is secondary to the principal use of the *dwelling unit*.

HOSPITAL

Means any institution, *building* or other *premises* established for the treatment of *persons* afflicted with or suffering from sickness, disease or injury, for the treatment of convalescent or chronically ill *persons* that is approved under the Public Hospitals Act as a public *hospital*.

HOTEL

Means *premises* that contains rooms with no private cooking facilities that are rented on a temporary basis to the public or *dwelling units*, or a combination of both, equipped to be occupied as temporary accommodation for the public, and which contains a public dining area and which also may contain meeting rooms and accessory banquet facilities.

I

INCINERATION

Shall mean the controlled burning of solid *waste* for the purpose of *waste* destruction and/or achieving volume and weight reduction or to change *waste* characteristics.

INDUSTRIAL USE

Means *premises* used for the warehousing of goods and materials, the assembly of manufactured goods, the manufacturing of goods, the repair and servicing of goods and similar *uses*.

INFRASTRUCTURE

Means physical *structures* (facilities and corridors) that form the foundation for development and includes but not limited to sewage and water systems, septage treatment systems, *waste* management systems, electric power generation and transmission, communications, telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

J

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K

KITCHEN FACILITY

Means a combination of cooking facilities, food storage areas and food preparation facilities that comprises part of a *dwelling unit* and which is accessory to the *dwelling unit*.

L

LANDSCAPED OPEN SPACE

Means the open unobstructed space from ground to sky at *grade* which is suitable for the growth and maintenance of grass, flowers, bushes and other *landscaping* and includes any surfaced walk, patio or similar area but does not include any *driveway* or ramp, whether surfaced or not, any curb, retaining wall, *parking area* or any open space beneath or within any *building* or *structure*.

LANDSCAPING

Means an outdoor area of a *lot* not covered by *buildings* or *structures* and comprised exclusively of vegetation such as grass, shrubs, flowers and trees, and/or other permeable surfaces used for walks, patios, *decks*, *fences* and decorative surface treatments, but does not include *parking areas* or *driveways*.

LANDFILLING

Shall mean the disposal of *waste* by deposit, under controlled conditions, on land and includes compaction of *waste* into a cell and covering the *waste* with cover material at regular intervals.

LANDFILLING SITE

Shall mean a *waste disposal site* which is used only for the depositing or *Landfilling* of Approved *Waste* operated in accordance with the terms and conditions of an approved C. of A. and an approved Design and Operations Report and for greater clarity, is not used for the storage, transfer, *incineration*, treatment or processing of *waste*. A *Landfilling Site* shall contain both a *Waste Fill Area* and a *Buffer Area*.

LANE

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

LIBRARY

Means *premises* containing printed, electronic and pictorial material for *public use* for purposes of study, reference and recreation.

LOADING SPACE

Means an off-street space on the same *lot* as the *building*, or contiguous to a group of *buildings*, for the temporary parking of a *commercial motor vehicle* while loading or unloading merchandise or materials.

LOT

Means a parcel of land that is registered as a legally conveyable parcel of land in the Land Registry Office and in accordance with the Planning Act.

LOT AREA

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

LOT, CORNER

Means a *lot* at the intersection of two or more streets or upon two parts of the same street with such street or streets containing an angle of not more than 135 degrees or a *lot* upon which the tangents at the street extremities of the *interior side lot lines* contain an angle of not more than 135 degrees. The corner of a *lot* on a curved corner shall be that point on the *street line* nearest the point of intersection of the said tangents.

LOT COVERAGE

Means that percentage of the *lot* covered by all *buildings* and *structures*, including *swimming pools*, shall not include that portion of such *lot area* that is occupied by a *building* or *structure* or portion thereof that is completely below *grade*. *Lot coverage* in each *Zone* shall be deemed to apply only to that portion of such *lot* that is located within said *Zone*. Notwithstanding the definition of “*Lot*” contained in this section and the definition of “*Lot Coverage*” above, for the purposes of determining *Lot Coverage* on lands zoned Shoreline Residential (SR), Limited Service Residential (LSR), Shoreline Commercial (SC), Hamlet Residential One (HR1), Hamlet Commercial (HC), and Marina Commercial (MC) the term *lot* shall not include any area of a *lot* which falls between a *front lot line*, a *side lot line* or a *rear lot line* and the 178 metre G.S.C. elevation where that area is located on the shoreline side of the 178 metre G.S.C. Elevation.

LOT FRONTAGE

Means the horizontal distance between the interior side and/or *exterior side lot lines*, with such distance being measured perpendicularly to the line joining the mid-point of the *front lot line* with the mid-point of the *rear lot line* at a point on that line 8.0 metres from the *front lot line*. In the case of a *lot* with no *rear lot line*, the point where two *interior side lot lines* intersect shall be the point from which a line is drawn to the mid-point of the *front lot line*. In the case of a *corner lot* with a daylighting triangle, the *exterior side lot line* shall be deemed to extend to its hypothetical point of intersection with the extension of the *front lot line* for the purposes of calculating *lot frontage*. In the case of a *lot* that abuts Georgian Bay, Farlain Lake or any inland lake, the *front lot line* is the *lot line* that the primary *driveway* crosses to access the *lot* from a street.

LOT, INTERIOR

Means a *lot* situated between adjacent *lots* and having access to one street.

LOT LINE, INTERIOR SIDE

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

LOT LINE

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

LOT LINE, EXTERIOR SIDE

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

LOT LINE, FRONT

Means the line which divides the *lot* from a street but, in the case of:

- a) a *corner lot*, the shortest of the *lot lines* that divides the *lot* from a street shall be deemed to be the *front lot line*;
- b) a *corner lot* where such *lot lines* are of equal length and where one *lot line* abuts a *County Road* or *Provincial Highway*, the *front lot line* shall be deemed to be that line which abuts the *County Road* or *Provincial Highway*;
- c) a *corner lot* where such *lot lines* are of equal length and where both *lot lines* abut a *public street* under the same jurisdiction or two *private streets*, the *Corporation* may designate either *street line* as the *front lot line*;
- d) a *lot* that is separated from a *public street* by a *public park* and provided the *lot* is accessed by a lane, the shortest *lot line* that abuts the *public park* shall be deemed to be the *front lot line*; and,
- e) a *through lot*, the longest of the *lot lines* which divide the *lot* from the street shall be deemed to be the *front lot line*. If both such *lot lines* are of equal length, the *Corporation* may designate either *street line* as the *front lot line*.

LOT LINE, REAR

Means the *lot line* opposite to and most distant from the *front lot line*.

LOT, THROUGH

Means a *lot* bounded on opposite sides by a public or *private street*. However, if the *lot* qualifies as being both a *corner lot* and a *through lot*, such *lot* is deemed to be a *corner lot* for the purposes of this By-law.

M

MARINA

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

MECP

Shall mean the Ministry of the Environment, Conservation and Parks or its successor.

MEDICAL OFFICE

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

MINERAL AGGREGATE

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

MINERAL AGGREGATE OPERATION

Means:

- a) Lands under license or permit, other than for *wayside pits* and quarries, issued in accordance with the *Aggregate Resources Act* or its successor;
- b) For lands not designated under the *Aggregate Resources Act*, established pits and quarries that are not in contravention of municipal Zoning By-laws and including adjacent land under agreement with or owned by the operator, to permit continuation of the operation; and,
- c) Associated facilities used in extraction, transport, beneficiation, processing or recycling of *mineral aggregate* resources and derived products such as asphalt and concrete, or the production of secondary related products.

MINIMUM DISTANCE SEPARATION FORMULAE (MDS)

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

MOBILE HOME

Means a *dwelling unit* that is designed to be mobile and constructed or manufactured in accordance with the Ontario Building Code Act to provide a permanent residence for one or more *persons*, but does not include a *trailer*, *travel/tent trailer*, *truck camper*, *park model trailer* as otherwise defined.

MOBILE HOME PARK

Means an area of land that is the site of three or more *mobile homes* that are occupied on a permanent or seasonal basis.

MODULAR HOME

Means any dwelling that is factory built and transported on its own chassis or frame so that it can be placed on a permanent foundation, and constructed or manufactured to provide a permanent year-round residence in accordance with the applicable Canadian Standards Association standard, but does not include a *mobile home*, *park model home*, *travel trailer*, *tent trailer* or *trailer* otherwise defined.

MOTEL

Means *premises* that contain rooms with no private cooking facilities that are rented on a temporary basis to the public with each room being accessed from the outside.

MOTOR VEHICLE

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

MOTOR VEHICLE, BODY SHOP

Means *premises* used for the painting and/or repairing of the exterior and/or the undercarriage of *motor vehicle* bodies.

MOTOR VEHICLE, COMMERCIAL

Means a *motor vehicle* which is designed for the transport of goods and which is used for business, employment or commercial purposes.

MOTOR VEHICLE DEALERSHIP

Means *premises* where a vendor of new or used *motor vehicles* displays such vehicles for sale or rent and in conjunction with there may be a *motor vehicle repair garage* or a *motor vehicle body shop*.

MOTOR VEHICLE REPAIR GARAGE

Means *premises* used for the repairing of *motor vehicles*.

MOUNTAIN BIKE FACILITY

Means an area of land with trails used by non-motorized mountain bikes and which may include, as *accessory uses*, a restaurant, a club house, a *retail store* selling mountain bike equipment and accessories, fitness centres, a *dwelling unit* for an owner/caretaker

and other *buildings* or *structures* devoted to the maintenance, administration and operation of the *mountain bike facility*.

MUSEUM

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

N

NATURAL HERITAGE SYSTEM

Means lands that are part of a network of natural areas and/or regenerated areas and the lands that support the ecological functions critical to the survival of these areas.

NATURE INTERPRETATION CENTRE

Means a *building* or *structure* in which maps, exhibits and documents are displayed for the purpose of explaining the *natural heritage system* to the public.

NON-CONFORMING

Means an *existing* use or activity of any land, *building* or *structure* that is not identified in the list of permitted *uses* for the *Zone* in which it occurs as of the date of passing of this By-law.

NON-COMPLYING

Means a *lot*, *building* or *structure* that does not meet the regulations of the *Zone* in which it is located as of the date of passing of this By-law.

NURSERY

Means an area of land where the growing of trees, bushes, shrubs and other plants and flowers for *landscaping* purposes are carried out for gain.

NURSING HOME

Means *premises* in which lodging is provided with or without meals and in addition, provides nursing or medical care and treatment in accordance with the *Nursing Homes Act*, as amended, but does not include a *hospital*.

O

OBNOXIOUS USE

Means a use which, from its nature or operation, creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration, or by reason of the emission of gas, fumes, dust or objectionable odour, or by reason of the matter, *waste* or other material generated by the use, and without limiting the generality of the foregoing, shall

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include any *uses* which may be declared to be a noxious or offensive trade or business under the Public Health and Promotion Act, as amended.

OCCASIONAL OR SPECIAL EVENT

Means any use which occurs occasionally and for a short period of time under a special event permit issued by the *Township* such as a fair, midway, sale or auction, festival and social, cultural or sporting event.

OFFICE

Means a *premises* where the affairs of businesses, professions, services, industries, governments, non-profit organizations or like activities are conducted, in which the chief product of labour is information services.

OUTDOOR DISPLAY AND SALES AREA

Means an area of land used for the display of goods and materials accessory to a principal use for a business located within a *building* or *structure* on the same *lot*.

OUTDOOR LIGHT FIXTURES

Means outdoor artificial illuminating devices, installed or portable, used for flood lighting, general illumination or advertisement.

OUTDOOR RECREATION

Means the use of land for *golf courses*, parks, picnic areas, playgrounds, playing courts, skating rinks, snow skiing, splash pads, sports fields, *swimming pools* and similar *outdoor recreation* facilities.

OUTDOOR STORAGE

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

OUTDOOR STORAGE USE

Means an *outdoor storage* area forming the principal use of a *lot*. For the purposes of this definition, the *outdoor storage* of *motor vehicles* is not considered to be an *outdoor storage use*.

P

PARK, PRIVATE

Means an open space or recreational area other than a *public park*, operated on a commercial and/or private member basis, and which may include areas for hiking and/or horse-riding, beach areas, picnic areas, tennis courts, lawn bowling greens, outdoor skating rinks, athletic fields and *accessory buildings* which may include change rooms, meeting rooms and washrooms.

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PARK, PUBLIC

Means any area of land under the jurisdiction of a *public authority* that is designed and/or maintained for passive and/or active recreational purposes.

PARKING AISLE

Means an unobstructed driving route located within a *parking area* and designed to provide access to *parking spaces* by *motor vehicles*, and that is connected to a *driveway* but does not include a *driveway*.

PARKING AREA

Means an open area, other than a street, used for the temporary parking of two or more *motor vehicles* and available for *public use* but does not include the storing of impounded or wrecked vehicles in a specifically designated area or compound.

PARKING FACILITY, BICYCLE

Means an unobstructed area for the parking of one or more bicycles:

- a) with an adjacent pole, rack or other *fixture* anchored to the ground or to a permitted *building* or *structure* to which one or more bicycles can be secured; or
- b) an enclosed storage space within which one or more bicycles can be secured.

PARKING SPACE

Means an area of land that is used for the temporary parking of *motor vehicles*.

PERSON

Means any individual human being, association, firm, partnership, *corporation*, trust, incorporated company, organization, trustee or agent, the heirs, executors, or other legal representatives of a *person* to whom the same can apply according to Federal and/or Provincial law.

PERSONAL SERVICE SHOP

Means *premises* in which services involving the care of *persons* or their apparel are offered and includes a barber shop, a hair dressing shop, a beauty shop, a shoe repair establishment, a *dry cleaning depot*, or similar service establishments.

PLACE OF AMUSEMENT

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

PLACE OF ENTERTAINMENT

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

PLACE OF WORSHIP

Means *premises* used by a charitable religious group(s) for the practice of religious rites.

PLANTING STRIP

Means an area of *landscaped open space* located immediately adjacent to a *lot line* or portion thereof and on which is situated one or more of the following screening devices: a continuous row of trees, a continuous hedgerow of evergreens or shrubs, a berm, a wall or an opaque *fence*.

PORCH

Means a *structure*, including a deck, abutting a wall of a *building* having a roof but with walls that are generally open and unenclosed.

PORTABLE ASPHALT PLANT

Means a facility:

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

PREMISES

Means an area of a *building* occupied or used by a business or enterprise. In a multiple tenancy *building* occupied by more than one (1) business, each business area shall be considered a separate *premises*. Each individual unit proposed and/or registered in a Plan of Condominium shall also be considered individual *premises*.

PRIVATE CLUB

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

PRIVATE HOME DAYCARE

Means the *accessory use* of a *dwelling unit* for the temporary care and custody of not more than five children who are under ten years of age who do not live in the *dwelling unit* and is operated for reward or compensation for a continuous period not exceeding twenty-four hours.

PROVINCE OR PROVINCIAL

Refers to the Province of Ontario and its Ministries and agencies.

PUBLIC AUTHORITY

Means the *Corporation* or the *County* of Simcoe, or any local board of either the *Corporation* or the *County*, any Ministry or Commission of the Government of Canada or Ontario, and any telephone or telecommunications company.

PUBLIC OFFICE

Means a *business office* or other use operated by a *public authority* that is devoted to the administration of government.

PUBLIC SERVICE FACILITY

Means land, *buildings* and *structures* for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, long-term care services, and cultural services. Public service facilities do not include *infrastructure*.

PUBLIC USE

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

Q

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R

RECREATIONAL EQUIPMENT SALES AND RENTAL ESTABLISHMENT

Means *premises* where recreational equipment such as canoes, kayaks, rowboats and other similar non-motorized types of recreational equipment is sold or rented.

RECREATIONAL VEHICLE

Means any *vehicle* that is suitable for being attached to a *motor vehicle* for the purpose of being drawn or is self-propelled, and is capable of being used on a short-term recreational basis for living, sleeping or eating accommodation of human beings and includes a travel *trailer*, pick-up camper, motorized camper, *park model trailer* or *tent trailer*. This definition shall not include a *mobile home*.

RECYCLING ESTABLISHMENT

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

REPAIR SHOP

Means *premises* used primarily for the repair of household articles but shall not include shops for the repair of internal combustion engines, *motor vehicles* or other similar *uses*.

RESERVE

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

RESTAURANT

Means *premises* in which the principal business is the preparation and serving of food and refreshments to the public for consumption at tables within or outside the *building* and which may include the preparation of food in a ready-to-consume state for consumption off the *premises*.

RETAIL STORE

Means *premises* in which goods, wares, merchandise, substances, articles or things are displayed, rented or sold directly to the general public.

RETAINING WALL

Means a *structure* or feature that retains material, such as earth, and prevents it from sliding or eroding away.

RETIREMENT HOME

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

S

SALVAGE OR WRECKING YARD

Means an area of land where *motor vehicles* are wrecked or disassembled and resold; a place where second-hand goods, including *waste* paper, bottles, automobile tires, clothing, other scrap materials and salvage are collected to be sorted and may include a place where used lumber and/or *building* materials are stored for sale or resale.

SAW AND/OR PLANING MILL

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

SCHOOL, COMMERCIAL

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

SCHOOL, PUBLIC

Means a school as defined by the Education Act, as amended, under the jurisdiction of a public, separate, a college or university, or any other school whether or not the same is also a boarding school, and includes any dormitory *building* accessory to such school.

SCHOOL, PRIVATE

Means a school not under the jurisdiction of a Board as defined in the Education Act, as amended.

SENIORS RESIDENTIAL HOUSING COMPLEX

Means an apartment building designed for the accommodation of the elderly, which is managed by a non-profit organization, a charitable institution, or a public housing authority.

SENSITIVE LAND USE

Means *buildings*, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

SERVICE AND REPAIR SHOP

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

SETBACK

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

SHORT-TERM RENTAL ACCOMMODATION

Means the secondary use of a residential *dwelling unit* that offers a place of accommodation or temporary residence, or occupancy by way of concession, permit, lease, licence, rental agreement or similar arrangement for twenty-eight (28) consecutive calendar days or fewer with no on-site management throughout all or part of the year. *Short-term rental accommodation uses* shall not mean a *motel*, *hotel*, *bed and breakfast establishment*, *tourist establishment*, *tourist cabin establishment*, or similar commercial accommodation use. For the purposes of this definition, a secondary use shall mean secondary in terms of time the *dwelling unit* is used as a *short-term rental accommodation*.

SIGHT TRIANGLE

Means the triangular space formed by the *street lines* and a line drawn from a point in one *street line* to a point in the other *street line*, each such point being 9 metres, measured along the *street line* from the point of intersection of the *street lines*. The distance shall be increased to a minimum of no less than 15.0 metres for Provincial Highways, *County Roads* and Municipal Arterial Streets. Where the two *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*.

SIGNIFICANT DRINKING WATER THREAT

Means a drinking water threat, as defined in the Clean Water Act, that according to a risk assessment as defined in the Clean Water Act, poses or has the potential to pose a significant risk to the safety of drinking water.

SITE ALTERATION

Means activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of a site.

SPORTS COURT

Means an outdoor unenclosed playing surface for recreational activities including but not limited to a tennis court, pickleball court, or basketball court, but shall not include a beach volleyball court comprised of temporary posts and net.

STACKING LANE

Means a continuous on-site queuing lane that includes *stacking spaces* for *motor vehicles* which is separated from other vehicular traffic and pedestrian circulation by barriers, markings, or signs.

STACKING SPACE

Means a rectangular space designed to be used for temporary queuing of a *motor vehicle* in a *stacking lane*.

STORAGE CONTAINER

Means a rail or seaway container which is traditionally used for the shipping and transportation of goods and materials. A re-designed *storage container* used for the construction of a dwelling where a *building* permit has been issued is not a *storage container*.

STOREY

Means that portion of a *building* between the surface of a floor and the floor, ceiling or roof immediately above. Any portion of a *building* partly below *grade* level shall be deemed a *storey* where its ceiling is at least 1.8 metres above *grade*. Any portion of a *storey* exceeding 4.2 metres in *height* shall be deemed to be an additional *storey*.

STREET LINE

Means any *lot line* that divides a *lot* from a *public street*.

STREET, PRIVATE

Means a private road or right-of-way that accesses multiple properties but is not owned by the *Corporation* or any other *Public Authority*.

STREET, PUBLIC

Means a roadway owned and maintained by a *Public Authority* which affords a principal means of access to abutting *lots* and for the purposes of this By-law does not include a lane, a *private street* or a private right-of-way. For the purposes of identifying a *lot* as a *corner lot*, *through lot* or through *corner lot*, an unopened road allowance owned by a *public authority* is deemed to be a *public street*.

STREET, UNASSUMED

Means a roadway owned by a *Public Authority* that is not maintained.

STRUCTURE

Means anything that is *erected*, built or constructed, the use of which requires location on or in the ground or which is attached to something having location on or in the ground. For the purpose of this By-law, a light standard, sign, or *fence* shall be deemed not to be *structures*.

STUDIO

Means a *premises* used primarily for the instruction and performance of art, dancing, language, music, photography or similar *uses*, and includes the retail sale of artifacts produced on the *premises* as an *accessory use*.

SWIMMING POOL

Means any body of water located outdoors on a *lot* privately owned property in which the depth of the water at any point can exceed 0.8 metres and shall include any support *structure*, but does not include a body of water associated with an *agricultural use*, an *agricultural intensive use* or an *agricultural specialized use*.

T

TAXI

Means a *vehicle* used for commercial purposes that being the carrying of passengers for a fee.

TAXI BUSINESS

Means a *building* or part of a *building* wherein a *business office* is contained for the administration and dispatching of *taxi* vehicles for gain or hire, but does not include the servicing or repair or such vehicles.

TINY ZONING BY-LAW

TENT

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

TRAVEL/TENT TRAILER SITE

Means a site in a *trailer park* that is used for the temporary parking or storing of a *trailer* or truck camper or *tent*.

TOURIST CABIN ESTABLISHMENT

Means a *tourist establishment* comprised of two or more cabins arranged singly or in pairs and in which cooking facilities may be provided.

TOURIST ESTABLISHMENT

Means *premises* designed or used for the traveling or vacationing public, and that has facilities for accommodation and may serve meals or provide kitchen facilities within each unit and may furnish equipment, supplies or services to *persons* for recreational purposes, but does not include a *trailer park*.

TOWNSHIP

Means the *Corporation* of the *Township* of Tiny.

TRAILER

Means a *vehicle* that is at any one time drawn upon a street by a *motor vehicle*, but for the purposes of this By-law, does not include a *mobile home* dwelling.

TRAILER, PARK MODEL

Means a seasonal recreational *building* constructed in conformance to CAN/CSA-Z241 and intended to be used as a seasonal recreational *building* of residential occupancy.

TRAILER PARK

Means *premises*, designed or used for seasonal occupancy only, consisting of camping sites for the overnight, temporary camping or parking of *Recreational Vehicles*, or *tents* for recreational or vacation use. One *Mobile Home* or *single detached dwelling* is permitted in a *Trailer Park* for the residential use of the caretaker/owner with a valid Business License issued by the *Township*.

TRANSPORTATION TERMINAL

Means *premises* in which goods or wares are stored and where trucks are stored, serviced, repaired and loaded or unloaded.

U

USE

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

UTILITIES

Includes power, communications, telecommunications and other cable services, as well as gas and district energy services.

V

VEHICLE

Means an automobile, bus, *commercial vehicle*, farm tractor or implement, heavy equipment, snow vehicles, tractor *trailer*, transit *vehicle* and any other *vehicle* propelled or driven by any means, within the meaning of a *vehicle* under the Highway Traffic Act.

VEHICLE, COMMERCIAL

Means a *vehicle* having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, police patrol, motor bus and tractor used for hauling purposes on the highways and any *vehicle* bearing commercial license plates, and any *vehicle* within the meaning of a *commercial motor vehicle* under the Highway Traffic Act.

VETERINARY CLINIC

Means *premises* where a veterinary surgeon treats domestic animals, birds or other livestock and in which such animals may be boarded.

VETERINARY CLINIC, SMALL ANIMAL

Means *premises* where one or more licensed veterinarian and any associated staff provide medical, surgical, grooming or similar services on site solely for small animals and/or household pets, but does not include a *commercial dog kennel*.

W

WAREHOUSE

Means *premises* in which goods or wares are stored and where trucks are stored, loaded or unloaded.

WASTE

Means ashes, garbage, refuse, domestic *waste*, industrial *waste* or municipal refuse and other such materials as are designated in the regulations of the Environmental Protection Act, as amended.

WASTE APPROVED

Shall mean domestic, commercial and solid industrial *waste* which is *Non-Hazardous Waste approved for Landfilling at a Landfilling Site* in accordance with an Approval issued by the Province for a *Landfilling Site*.

WASTE DISPOSAL SITE

Means includes the Fill Area and the *Buffer Area* of property which is or has been or is suspected to have been used as a landfill as well as property under development for *landfilling*, and means:

- a) Any land upon, into or through which, or *building* or *structure* in which, *waste* is deposited, disposed of, handled, stored, transferred, treated or processed; and,
- b) Any operation carried out or machinery or equipment used in connection with the depositing, disposal, handling, storage, transfer, treatment, or processing referred to in clause a).

WASTE FILL AREA

Shall mean an area on the surface of a *Landfilling Site* beneath which or above which Approved *Waste* may be disposed of by deposit or *landfilling* as set out in a C. of A.

WASTE MANAGEMENT TRUCK ROUTE

Shall mean the route to be used for the transportation of *waste* to the *Landfilling Site* as approved by *Council* after the *Waste Management Truck Route Study* has been carried out in accordance with Subsection 9.9 of By-law 06-01.

WASTE, NON-HAZARDOUS

Shall mean any *waste* that is not defined or categorized or described as hazardous in the Environment Protection Act, R.S.O. 1990 c.E. 19 or its regulations.

WASTE TRANSFER STATION

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

WATERCOURSE

Means an identifiable depression in the ground in which a flow of water intermittently or continuously occurs. Municipal drains and easements for drainage purposes and roadside ditches are not a *watercourse*.

WATER STORAGE TANK

Means a *structure* that is designed to hold water in a container that rests on the ground or is elevated and which contains water used for human and/or animal consumption.

WAYSIDE PIT

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

WET BAR

Means a combination of a counter, sink, fridge and storage area facilities that comprises part of a *dwelling unit* and which is accessory to the *dwelling unit* but does not include any cooking facilities.

WOODCHIPPING ESTABLISHMENT

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

WOODWORKING/METALWORKING ESTABLISHMENT

Means *premises* where wood and/or metal is used and/or processed into unfinished or finished goods for domestic, commercial or *industrial use*.

X

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Y

YARD

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

YARD, EXTERIOR SIDE

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

YARD, FRONT

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

YARD, INTERIOR SIDE

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

YARD, MINIMUM REQUIRED

Means the minimum distance of a *yard* required from a *lot line*. No part of a required minimum *yard* for a *building* or *structure* shall be included as part of a required minimum *yard* for another *building* or *structure*. In calculating *minimum required yards*, the minimum horizontal distance from the respective *lot lines* shall be used.

TINY ZONING BY-LAW

YARD, REAR

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

Z

ZONE

Means an area of land use(s) shown on the Zoning Schedules of this By-law.

DRAFT

**SECTION 8.0
ENACTMENT**

This By-law shall come into effect upon the date of passage hereof, where no objections are received or, where objections are received, upon approval of the Ontario Land Tribunal in accordance with the *Planning Act, R.S.O. 1990 c.P. 13* as amended.

READ A FIRST AND SECOND TIME THIS 12th DAY OF OCTOBER 2022.

READ A THIRD TIME AND FINALLY PASSED THIS 12th DAY OF OCTOBER 2022.

THE CORPORATION OF THE TOWNSHIP OF TINY

MAYOR, George Cornell

CLERK, Sue Walton

3

Draft Dynamic Beach Management By-law

DRAFT

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW NUMBER _____

A By-law to regulate Dynamic Beach Management in the Township of Tiny

Whereas Part II and Part III General and Specific Municipal Powers of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to pass a bylaw to provide the services and other things that the municipality considers necessary or desirable for the municipality; managing and preserving the public assets of the municipality; the health, safety and well-being of persons, the protection of persons and property, including consumer protection, culture, parks, recreation and heritage, drainage and flood control, structures, fostering the current and future economic, social and environmental well-being of the municipality including respecting climate change; and delivering and participating in provincial programs and initiatives;

And Whereas Part II General Municipal Powers Section 8(1) General Municipal Powers of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues. 2006, c. 32, Sched. A, s. 8;

And Whereas Section 9 General Municipal Powers of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act. 2006, c 32, Sched. A, s. 8;

And Whereas Section 11(1-4), Spheres of Jurisdiction, of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality may;

11 (1) provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4). 2006, c. 32, Sched. A, s. 8;

11(2) pass by-laws, subject to the rules set out in subsection (4), respecting the following matters:

1. Governance structure of the municipality and its local boards.
2. Accountability and transparency of the municipality and its operations and of its local boards and their operations.
3. Financial management of the municipality and its local boards.
4. Public assets of the municipality acquired for the purpose of exercising its authority under this Municipal Act or any other Act.
5. Economic, social and environmental well-being of the municipality, including respecting climate change.

6. Health, safety and well-being of persons.
7. Services and things that the municipality is authorized to provide under subsection (1).
8. Protection of persons and property, including consumer protection. 2006, c. 32, Sched. A, s. 8; 2017, c. 10, Sched. 1, s. 2;

11(3) pass by-laws, subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction:

5. Culture, parks, recreation and heritage.
6. Drainage and flood control, except storm sewers.
7. Structures, including fences and signs;

And Whereas Part III Specific Municipal Powers and Nuisance, Section 142 Natural Environment, Site alteration of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to enact a bylaw to:

142 (2) Without limiting sections 9, 10 and 11, a local municipality may,

- a. prohibit or regulate the placing or dumping of fill;
- b. prohibit or regulate the removal of topsoil;
- c. prohibit or regulate the alteration of the grade of the land;
- d. require that a permit be obtained for the placing or dumping of fill, the removal of topsoil or the alteration of the grade of the land; and
- e. impose conditions to a permit, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of topsoil and the rehabilitation of the site. 2006, c. 32, Sched. A, s. 76 (1);

And Whereas Part XII Fees and Charges, Section 391 By-laws re: Fees and Charges, the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality;

391 (1) to impose fees or charges on persons,

- a) for services or activities provided or done by or on behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
- c) for the use of its property including property under its control. 2006, c. 32, Sched. A, s. 163 (1);

And Whereas Part XII Fees and Charges, Section 398 (1-2) By-laws Re: Fees and Charges, Debt of the Municipal Act, authorizes a Municipality to (1) add fees and charges on a person which constitute a debt of the person to the municipality or local board, respectively. 2001, c. 25, s. 398 (1); 2006, c. 32, Sched. A, s. 170 (1).

398 (2) The treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, or of a local board whose area of jurisdiction includes any part of the municipality shall, add fees and charges imposed by the municipality, upper-tier municipality or local board, respectively, to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes:

1. In the case of fees and charges for the supply of a service or thing to a property, the property to which the service or thing was supplied.

2. In all other cases, any property for which all of the owners are responsible for paying the fees and charges. 2001, c. 25, s. 398 (2); 2006, c. 32, Sched. A, s. 170 (2); 2017, c. 10, Sched. 1, s. 69;

And Whereas Part XIV Enforcement, Section 425 Offences and Penalties, Authority to Create Offences, of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to pass bylaws providing that a person who contravenes a bylaw of the Municipality passed under the Municipal Act is guilty of an offence; 2006, c. 32, Sched. A, s. 184;

And Whereas Part XIV Enforcement Section 429 Offences and Penalties, Authority to Establish Fines of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to establish a system of fines for offences under a bylaw of the Municipality passed under the Municipal Act; 2006, c. 32, Sched. A, s. 184;

And Whereas Part XIV Enforcement Section 431 Offences and Penalties, Additional Order to Discontinue Or Remedy, of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes that where any bylaw of a Municipality under the Municipal Act is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the bylaw, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order (a) prohibiting the continuation or repetition of the offence by the person convicted; and (b) in the case of a by-law described in section 135 or 142, requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate. 2006, c. 32, Sched. A, s. 184;

And Whereas Part XIV Enforcement, Powers Of Entry, Sections, 435 Conditions Governing Powers Of Entry, 436 Power of Entry Re Inspection and 437 Restriction Re Dwellings of the Municipal Act 2001, S.O. 2001, c.25, as amended, the municipality has the power to pass by-laws providing that the Municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the bylaw of the Municipality passed under the Municipal Act is being complied with. The power of entry shall be exercised by an employee, officer or agent of the municipality or a member of the police service of the municipality;

And Whereas Part XIV, Enforcement, Orders and Remedial Actions, Section 444 Order to Discontinue Activity, of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes that where a Municipality is satisfied that a contravention of a bylaw of the Municipality passed under the Municipal Act has occurred, the Municipality may make an order requiring the person who contravened the bylaw or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity. 2006, c. 32, Sched. A, s. 184;

And Whereas Part XIV, Enforcement, Orders and Remedial Actions, Section 445 Work Order, of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes that where a Municipality is satisfied that a contravention of a bylaw of the Municipality passed under the Municipal Act has occurred, the Municipality may make an order requiring the person who contravened the bylaw or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention. 2006, c. 32, Sched. A, s. 184; 2009, c. 33, Sched. 21, s. 6 (38);

And Whereas Part XIV, Enforcement, Orders and Remedial Actions, Section 446 Remedial Action, of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes that where a Municipality has passed a bylaw under the Municipal Act the Municipality has the authority under the Municipal Act or any other Act to direct or require a person to do a matter or thing, the Municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense. 2006, c. 32, Sched. A, s. 184;

And Whereas the Council for the Township of Tiny, consistent with provincial law and policy, deems it desirable and in the public interest to enact a 'Dynamic Beach Management By-law' for the health, safety and environmental well-being of the Municipality and for protecting areas adjacent to the shorelines of Georgian Bay, rivers and navigable waterways, inland lakes for the purpose of:

- Achieving consistency with the with the Provincial Planning Statement, PPS (2024) or as updated from time to time;
- Achieving consistency with the Protecting the Public Health and Safety Policies in the Provincial Planning Statement issued under Section 3 (i.e. 3.1 - Natural Hazards) of the *Planning Act*;
- Achieving consistency with the Wise use and management of Resources in the Provincial Planning Statement issued under Section 2 (i.e. 2.1 Natural Heritage and 2.2 Water Policies) in of the *Planning Act*;
- Protecting risk to life and property;
- Achieving the objectives of the Official Plan for the Township of Tiny;
- Protection of the *Dynamic Beach Hazard* areas along the Georgian Bay shoreline (i.e. MNRF 100 year Flood Level PLUS 45m);
- Protection and preservation of the natural shorelines and coastal process along the Georgian Bay shoreline;
- Managing, regulating, and controlling the removal, maintenance and protection of natural areas including but not limited to natural vegetation, habitat and features, and channel(s) of any small creeks that flow through the dune and beach.
- Achieving a greater proportion of natural/native vegetative contiguous cover;
- Preventing erosion and slope instability hazards;
- Preventing topographical changes to the properties in the shoreline areas;
- Contribute to improving human health and quality of life; and
- Achieving the management of impacts due to climate change and cumulative impacts along the Georgian Bay shoreline.
- Protecting natural heritage features and areas, the ecological functions, significant wetlands, coastal wetlands, significant Wildlife habitat, significant woodlands, significant areas of natural and scientific interest;
- Protecting habitat of endangered species and threatened species, except in accordance with provincial and federal requirements;
- Protect the diversity and connectivity of natural features and the long-term ecological function and biodiversity of the natural heritage systems, recognizing the linkages between and among the natural heritage features and area, surface water features and ground water features.

- Reducing the negative impacts on the environment;
- Maintaining and enhancing natural habitat;
- Minimize the destruction or injuring of natural vegetation, habitat and natural areas;
- Achieving increased ecological health based on the status of indicator species and maintenance of natural biodiversity;
- Protecting fish habitat in accordance with provincial and federal requirements;
- Minimizing stress on waterbodies and watercourses;
- Maintaining and enhance water quality;
- Managing development within the Dynamic Beach Areas.

DRAFT

NOW THEREFORE the Council of the Corporation of the Township of Tiny enacts as follows:

1. Title
2. Interpretation
3. General Provisions
 - 3.1. Land Subject to By-law
 - 3.2. Site Specific Dynamic Beach Hazard Limits Delineate
4. Prohibitions
5. Permitted Exceptions for Consideration
6. Specific Exemptions (Statutory Limitations)
7. Application Requirements for a Permit
8. Permit Conditions,
9. Permit Revocation, Expiry, Renewal, and Transfer of Permit
10. Agreement
11. Appeal
12. Orders
13. Remedial Action
14. Entry and Inspection
15. Obstruction
16. Penalty
17. Conflict and Application of Other Laws
18. Severability
19. Effective Date

1. Title

- 1.1 This By-law may be cited as the “Dynamic Beach Management By-law”. In the text of the by-law, it is referred to as "this By-law".

2. Interpretation

- 2.1. “Adverse effects” as defined in the Environmental Protection Act, means one or more of:
- (a) impairment of the quality of the natural environment for any use that can be made of it;
 - (b) injury or damage to property or plant or animal life;
 - (c) harm or material discomfort to any person;
 - (d) an adverse effect on the health of any person;
 - (e) impairment of the safety of any person;
 - (f) rendering any property or plant or animal life unfit for human use;
 - (g) loss of enjoyment of normal use of property; and
 - (h) interference with normal conduct of business. PPS (Proposed April 12, 2024)
- 2.2. “Applicant” means the person, owner or their agent (as authorized in writing) who submits an application to the Township of Tiny for a permit pursuant to the provisions of this By-law.
- 2.3. “Applicable law” means any Provincial or Federal statute or regulation and/or any Official Plan, By-law of the County of Simcoe or of the Township that touches on the matters of drainage, *Hazardous Lands*, for the *Dynamic Beach Hazards* along the Georgian Bay Shoreline (i.e.: a Total = MNRF 100 year Water Level (178 m GSC’28, currently being updated), PLUS 45m for the *Dynamic Beach Hazard*, as provided in the provincial technical guidelines (i.e. ‘MNRF in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches’ (2001)) or protection of the environment as provided in the *Natural Heritage* Section 4.1 of the PPS (Proposed April 12, 2024). Additionally it includes but is not limited to the *Ontario Building Code Act*, the *Planning Act*, the *Environmental Assessment Act*, the *Ontario Heritage Act*, the *Clean Water Act*, the *Electricity Act*, the *Aggregate Resources Act*, the *Drainage Act*, the *Tile Drainage Act*, the *Environmental Protection Act*, the *Public Transportation and Highway Improvement Act*, and the *Municipal Act*, each as amended from time to time, and to any regulation, official plan or other plan or similar document enacted or established under such legislation.
- 2.4. “Areas of natural and scientific interest (ANSI)” means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education. PPS (Proposed April 12, 2024)
- 2.5. “Coastal wetland” means,
- a) any *wetland* that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or
 - b) any other *wetland* that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the

1:100 year floodline (plus wave run-up) of the large water body to which the tributary is connected. (Proposed April 12, 2024/same as 2020)

- 2.6. "Complete application" means an application as described in Section 5 of this By-law and/or as approved by the Township of Tiny or their designate.
- 2.7. "Council" means the elected Council of the Corporation of the Township of Tiny.
- 2.8. "County" means the County of Simcoe.
- 2.9. "Cultural heritage landscape" means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. PPS (Proposed April 12, 2024)
- 2.10. "Development" means,
- (a) the construction, reconstruction, erection or placing of a building or structure of any kind, whether installed on, above or below the surface of land or water,
 - (b) including any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,
 - (c) site grading, or
 - (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere ("activité d'aménagement").
- 2.11. "*Dynamic Beach Hazard*" means areas of inherently unstable accumulations of shoreline sediments along the *Great Lakes - St. Lawrence River System* and *large inland lakes*, as identified by provincial standards, as amended from time to time. The *dynamic beach hazard* limit consists of;
- the *flooding hazard* limit
 - plus a dynamic beach allowance. PPS (Proposed April 12, 2024/same as 2020)
- [For the Georgian Bay Shoreline the '*Dynamic Beach Hazard*' and the "*Standard Dynamic Beach Hazard*" which consists of the following;
- i. The MNRF 100 year Water Level elevation (i.e. 178 m GSC'28, currently being updated),
+ PLUS
 - ii. The *Wave Effects/Wave Uprush* and *Overtopping Flood Component* of 15m +
PLUS The *Dynamic Beach Allowance* of 30m.
- = the total *Dynamic Beach Hazard* distance of the MNRF 100 year Level + plus 45m, as provided in accordance with the provincial technical Guidelines (i.e. 'the 'MNRF in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches' (2001)).

The '*Standard Dynamic Beach Hazard*' area limits may be refined and delineated by a Site Specific Dynamic Beach Hazard Study. The requirements for the study in order to apply for

a permit have been outlined in Section 7). The Site Specific Dynamic Beach Hazard Study must be carried out in accordance with the provincial technical Guidelines (i.e. 'MNRF in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches' (2001)).

If proposing to reduce or increase the '*Standard Dynamic Beach Hazard*' area then a Coastal Engineering and/or Coastal Geomorphology Site Specific Study of the Dynamic Beach Processes at the site is required to be carried out by a qualified professional Coastal Engineer or qualified Coastal Geomorphologist with specialized and demonstrated experience in the assessment of Dynamic Beach processes. The Site Specific Dynamic Beach Hazard Study consists of determining the *Dynamic Beach Hazard* Limit setback by carrying out the following Site Specific Study;

- i. The MNRF 100 year Water Level elevation indicated on the survey (i.e. 178 m GSC'28, currently being updated), + PLUS
- ii. The *Wave effects/Wave Uprush* and Overtopping Flood Component (Standard setback of 15m) or as determined by a Site Specific Dynamic Beach Study for the *Wave effects/Wave Uprush* and Overtopping allowance. + PLUS
- iii. The Dynamic Beach Allowance (Standard setback of 30m) or the allowance for the Dynamic Beach Allowance as determined by the Site Specific Dynamic Beach Study
= the total *Dynamic Beach Hazard* Limit setback.]

- 2.12. "Dynamic Beach Management Agreement" means the agreement in form and content set out in Section 3.1 to this By-law.
- 2.13. "Designate" means a person who is an employee of the Township of Tiny and who has been appointed by the Director to administer all or part of this By-law on behalf of the Director.
- 2.14. "Director" means the Director of Engineering for the Township of Tiny, or the Designate, who is responsible for the administration and interpretation of this By-law.
- 2.15. "Drainage" means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by an artificial method.
- 2.16. "Dump" or "dumping" means the depositing of material in a location other than where the material was obtained and includes the movement and depositing of material from one location on a property to another location on the same property.
- 2.17. "Ecological function" means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions. PPS(Proposed April 12, 2024/same as 2020)
- 2.18. "Engineer" means a Professional Engineer currently licensed to practice in the Province of Ontario.
- 2.19. "Erosion" means the detachment and movement of material, soil, sediment or rock fragments by water, wind, ice, or gravity.

- 2.20. "Erosion Hazard" means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the;
- 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span),
 - [PLUS] an allowance for slope stability, and
 - [PLUS] an erosion/erosion access allowance. PPS (Proposed April 12, 2024/same as 2020)
- 2.21. "Fill" means any type of material deposited or placed on land and includes, but is not limited to, stone, rock, gravel, concrete, sod, turf, recycled asphalt (RAP) and soil.
- 2.22. "Fish" means fish, which as defined in the Fisheries Act, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles. (Proposed April 12, 2024/same as 2020).
- 2.23. "Fish habitat" as defined in the Fisheries Act, means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas. PPS (Proposed April 2024)
- 2.24. "Flooding Hazard" means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:
- along the shorelines of the Great Lakes - St. Lawrence River System [Including Georgian Bay] and large inland lakes, the *flooding hazard* limit is based on the one hundred year flood level plus an allowance for *wave effects* and *other water-related hazards*. PPS (Proposed April 12, 2024)
- 2.25. "Grade" at any point on the land means the elevation of the ground surface of the land; and
- "Existing Grade" means the grade as it existed prior to any *site alteration*;
 - "Finished Grade" means the actual grade after the *site alteration*; and
 - "Proposed Grade" means the grade proposed by an applicant for a Dynamic Beach Management Permit.
- 2.26. "Great Lakes - St. Lawrence River System" means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario. PPS (Proposed April 12, 2024/same as 2020)
- 2.27. "Ground water feature" means water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations. PPS (Proposed April 12, 2024/same as 2020)
- 2.28. "Habitat of endangered species and threatened species" means habitat within the meaning of Section 2 of the Endangered Species Act, 2007. PPS (Proposed April 12, 2024/same as 2020)
- 2.29. "Hazardous lands" means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the Great Lakes - St. Lawrence River System [Including Georgian Bay], this means the land, including that covered by water, between

the international boundary, where applicable, and the furthest landward limit of the *flooding hazard*, *erosion hazard* or *dynamic beach hazard* limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard*, *erosion hazard* or *dynamic beach hazard* limits. PPS (Proposed April 12, 2024/same as 2020)

- 2.30. “Heritage attributes” means as defined under the Ontario Heritage Act, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest. PPS (Proposed April 12, 2024)
- 2.31. “Hydrologic function” means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things. PPS (Proposed April 12, 2024/same as 2020)
- 2.32. “Infrastructure” means, physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, active transportation systems, oil and gas pipelines and associated facilities. PPS (Proposed April 12, 2024)
- 2.33. “Large Inland Lakes” means, those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event. PPS (Proposed April 12, 2024/same as 2020)
- 2.34. “Marina” means premises containing docking facilities where watercraft and watercraft accessories are berthed, stored, serviced, repaired, and kept for sale or rent and which may include facilities for the sale of marine fuels and lubricants as well as facilities for watercraft wastewater pumping. ZBL #22-075, (Nov. 2023).
- 2.35. “Marine facilities” means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future marine facilities. PPS (Proposed April 12, 2024/same as 2020)
- 2.36. “Natural Heritage Features and Areas” means features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area. PPS (Proposed April 12, 2024)
- 2.37. “Natural heritage system” means, a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a

natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue. The Province has a recommended approach for identifying natural heritage systems, but municipal approaches that achieve or exceed the same objective may also be used. PPS (Proposed April 12, 2024/same as 2020)

- 2.38. "Officer" means a Municipal Law Enforcement Officer for The Township of Tiny.
- 2.39. "One hundred year flood level " means,
- a) for the shorelines of the Great Lakes [Including Georgian Bay], the peak instantaneous still water level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equaled or exceeded in any given year; PPS (Proposed April 12, 2024/same as 2020)
- 2.40. "Other water-related hazards" means water- associated phenomena other than *flooding hazards* and *wave effects* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming. PPS (Proposed April 12, 2024)
- 2.41. "Owner" means the registered owner of the Site.
- 2.42. "Permit" means a fill permit issued under the authority of this By-law.
- 2.43. "Permit Holder" means the owner as defined in this By-law or the person in possession of the property and includes a lessee, a mortgagee in possession or a person in charge of the property, to whom a valid Dynamic Beach Management Permit has been issued.
- 2.44. "Person" means any individual human being, association, firm, partnership, corporation, trust, incorporated company, sole proprietorship, , organization, trustee or agent, the heirs, executors, or other legal representatives of a person to whom the same can apply according to Federal and/or Provincial law, and includes an applicant for a permit under this By-law as the context requires.
- 2.45. "Provincial Policy Statement (PPS)" or "Policy Statement" means the document that was issued under the Section 3 of The Planning Act. The PPS provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians. PPS (Proposed April 12, 2024)
- 2.46. "Ponding" means the accumulation of surface water.
- 2.47. "Public Nuisance" means an activity or activities, intentional or negligent in origin, which have a detrimental impact on the use and enjoyment or properties in the vicinity of the premises.
- 2.48. "Remove or removal" means excavation or extraction of any fill which lowers the existing grade, which includes soil stripping.
- 2.49. "Renew" or "renewal" as it relates to a Permit under this By-law means the extension of the Permit under the same terms and conditions as the original application for the Permit without modification, enlargement, extension or addition, subject to the authority of the Township or their designate to allow such minor modification, enlargement, extension or addition that, in their sole and absolute discretion, are appropriate and the Township (or its designate) determination shall be final.

2.50. "Retaining wall" means a wall designed to contain and support fill which has a finished grade higher than that of adjacent lands.

2.51. "Significant" means,

a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant using evaluation criteria and procedures established by the Province, as amended from time to time;

b) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history. These are to be identified using criteria and procedures established by the Province;

c) in regard to other features and areas in policy 4.1, ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system; and

d) in regard to mineral potential, an area identified as provincially significant through provincial guidance, such as the Provincially Significant Mineral Potential Index.

Criteria for determining significance for the resources identified in section c) - d) are provided in provincial guidance, but municipal approaches that achieve or exceed the same objective may also be used.

While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. PPS (Proposed April 12, 2024)

2.52. "Site Alteration" means '*structures*' and activities, such as the temporary or permanent placement, dumping or removal or excavation of any material, or the alteration of the grade by any means including the removal of vegetation (i.e. including but not limited to beach/dune grasses, shrubs, trees), vegetative cover, materials, the compaction of soil/material or the creation of impervious surfaces, or any combination of these activities that would change the landform, the natural processes and vegetative characteristics of a site originating on the site or elsewhere ("activité d'aménagement"). *Site alteration* as defined "this By-law" Dynamic Beach Management By-law includes activities and '*structures*'.

- [In areas where the *Dynamic Beach Hazard* prevails '*structures*' as defined in "this By-law", comprises of 'hard' and 'soft' shoreline *structures* including but not limited to; flexible and ridged revetments and seawalls, groynes, artificial headlands, breakwaters, detached breakwaters, sheet pile walls and beach nourishment.
- Additionally in areas where the *Dynamic Beach Hazard* prevails '*structures*' as defined in "this By-law", are prohibited and also include but are not limited to the following; bunkie, boathouses, decks, docks, garages, and auxiliary buildings.]

2.53. "*Structure*" means, any material, or combination of materials joined together, that are constructed, reconstructed, built or erected, or which is attached to something having

location for the use of which requires location on, above or below the surface of land or water, including any change that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure.

For the purpose of this By-law, a light standard, sign, or fence shall be deemed not to be *structures*. Tiny ZBL #22-075 (Nov 2023).[In areas where the *Dynamic Beach Hazard* prevails '*structures*' as defined in "this By-law", comprises of 'hard' and 'soft' shoreline *structures* including but not limited to; flexible and ridged revetments and seawalls, groynes, artificial headlands, breakwaters, detached breakwaters, sheet pile walls and beach nourishment]. In areas where the *Dynamic Beach Hazard* prevails '*structures*' as defined in "this By-law", are prohibited and also include but are not limited to the following; bunkie, boathouses, decks, docks, garages, and auxiliary buildings.]

- 2.54. "Soil" means material commonly known as earth, top soil, loam, subsoil, clay, sand, silt or gravel.
- 2.55. "Surface Water Feature" means water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics. PPS (2020)
- 2.56. "Swale" means a shallow depression in the ground sloping to a place of disposal of surface water for the purpose of providing a method of drainage.
- 2.57. "Topsoil" in Section 142 (1) of the Municipal Act, means those horizons in a soil profile, commonly known as the "O" and the "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat. 2001, c. 25, s. 142 (1). Municipal Act (consolidated April 1, 2024)
- 2.58. "Threatened species" means a species that is classified as "Threatened Species" on the Species at Risk in Ontario List, as updated and amended from time to time. PPS (Proposed April 12, 2024/same as 2020)
- 2.59. "Township of Tiny" or "Township" means the Corporation of the Township of Tiny.
- 2.60. "Watercourse" means an identifiable depression in the ground in which a flow of water seasonally or continuously drains.
- 2.61. "Water resource systems" means a system consisting of ground water features and areas, surface water features (including shoreline areas), natural heritage features and areas, and hydrologic functions, which are necessary for the ecological and hydrological integrity of the watershed. PPS (Proposed April 12, 2024)
- 2.62. "Wave effects" means the movement of water up onto a shoreline or structure following the breaking of a wave, including wave uprush, wave set up and water overtopping or spray; the limit of wave effects is the point of furthest landward horizontal movement of water onto the shoreline. PPS (Proposed April 12, 2024)
- 2.63. "Wetlands" means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of

abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens.

Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be wetlands for the purposes of this definition. PPS (Proposed April 12, 2024/same as 2020)

- 2.64. “Wildlife habitat” means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species. PPS (Proposed April 12, 2024/same as 2020)
- 2.65. “Woodlands” means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. Woodlands may be delineated according to the Forestry Act definition or the Province’s Ecological Land Classification system definition for “forest”. PPS (Proposed April 12, 2024/same as 2020)

3. General Provisions

3.1 Lands Subject to By-law

This By-law applies to all *Dynamic Beach Hazard* lands along the Georgian Bay Shoreline in the Township of Tiny.

This includes but is not limited to *Dynamic Beach Hazards* that are located on the lands zoned Shoreline Residential (SR), Environmental Protection One (EP1), Environmental Protection Two (EP2), Greenlands (GL), Limited Service Residential (LSR), Marina Commercial (MC), Open Space (OS), Shoreline Commercial (SC), and Shoreline Residential (SR) as defined in the Township Official Plan and Zoning By-law. The lands subject to the Dynamic Beach Management By-law are identified in Appendix A to the By-law.

3.2. Site Specific Dynamic Beach Hazard Limits Delineate

The ‘*Standard Dynamic Beach Hazard*’ Limits maybe refined and delineated by a Site Specific Dynamic Beach Hazard Study. An amendment to the Dynamic Beach Management By-law shall not be required to modify Appendix A of this By-law which identified the approximate limits of Dynamic Beaches within the Township. The requirements for the study in order to apply for a permit have been outlined under the **Section 2 ‘Dynamic Beach Hazard’** definition. The Site Specific Dynamic Beach Hazard Study must be carried out in accordance with the provincial technical guidelines (i.e. the ‘MNR in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches’ (2001)). The *Dynamic Beach Hazard* must be undertaken in alignment with provincial direction and technical guidance/standards as outlined in the definitions section and throughout this By-law.

If proposing to reduce or increase the '*Dynamic Beach Hazard*' area from the '*Standard Dynamic Beach Hazard*' Limit setback, then a Coastal Engineering and/or Coastal Geomorphology Site Specific Study of the Dynamic Beach Processes at the site is required to be carried out by a qualified professional Coastal Engineer or qualified Coastal Geomorphologist with specialized and demonstrated experience in the assessment of Dynamic Beach processes.

[The Site Specific Dynamic Beach Hazard Study consists of determining the *Dynamic Beach Hazard* Limit setback by carrying out the following;

1. The MNRF 100 year Water Level elevation indicated (i.e. 178 m GSC'28, or as updated from time to time) on the survey, + PLUS
2. The Wave Uprush and Overtopping Flood Component (Standard setback of 15m) or as determined by a Site Specific Dynamic Beach Study for the Wave Uprush and Overtopping allowance. + PLUS
3. The Dynamic Beach Allowance (Standard setback of 30m) or the allowance for the Dynamic Beach Allowance as determined by the Site Specific Dynamic Beach Study to determine the Site Specific Dynamic Beach Allowance = the total *Dynamic Beach Hazard* Limit setback.]

3.3 Requirement for Permit

A permit shall be required for any building, structure or site alteration within the Dynamic Beach Management Area.

4 Prohibitions

4.1 No person shall carry out *site alteration* on any lands within the '*Hazardous Lands*' of the '*Dynamic Beach Hazard*' along the shoreline of Georgian Bay in the Township of Tiny without having first obtained a Dynamic Beach Management Permit in accordance with this By-law.

4.2 No person shall cause, permit or perform a *site alteration* on land of the *Dynamic Beach Hazard* within the Township other than in conformity with the terms and conditions of any permit issued under this By-law and the regulations prescribed in this By-law.

4.3 No person shall cause, permit, or perform a *site alteration* within *Dynamic Beach Hazard* along the Georgian Bay Shoreline the area specified in **Section 3** this By-law.

4.4 No person shall carry out the construction of buildings or structures or undertake *site alteration* in a way that:

- Creates any new natural hazard or aggravates existing natural hazards
- Causes any adverse environmental impacts

- Causes negative impacts to the natural features, functions and coastal processes.
- Creates public safety issues including impacts on abutting properties
- Does not address the items outlined in **Section 8.2**
- Has the potential to substantially change the movement of existing or future sand to and from a neighbouring lot(s).

4.5 No person shall carry out *site alteration* or alter the existing grade of a property in a way that negatively impacts drainage on another property, any creek system, or the channel of any small creek that flows through beach and dune system on the property.

4.6 No person shall fail to comply with an order issued under **Section 12** of this By-law.

4.7 This By-law is not intended to and shall not circumvent any development approval process which is required under the *Planning Act*.

4.8 Where a Permit has not been issued and any person is in contravention of this By-law, the Township or their designate may issue an Order requiring the person to remove and restore the land to a condition it was prior to commencement of such work, to the satisfaction of the Township within the time set out (i.e. 12 months) in the Order.

4.9 Notwithstanding any other provision of this By-law, the Township may in its sole and absolute discretion require that, as a condition of the issuance of a Permit under this By-law, the owner or any other person deemed appropriate enter into an agreement with the Township respecting the work contemplated by the Permit containing such terms and conditions as the Township considers appropriate, including, without limiting the generality of the foregoing, the posting of financial security and the Township is hereby delegated authority to execute any such agreement authorized under this By-law.

5. Permitted Exceptions for Consideration

5.1 The Township may consider the exception to allow a *site alteration*, and Dynamic Beach Management permit within the *Dynamic Beach Hazard* for the restoration, revitalization or rehabilitation of the beach/dune areas. The appropriate beach/dune materials (e.g. beach/dune grasses, shrubs, trees, vegetation etc.), and the appropriate beach/dune materials (e.g. appropriate grain size materials such as sand, gravel, cobble etc.) may be considered for the restoration of the Natural Vegetation and coastal features within the Dynamic beach/dune system.

If proposing to carry out restoration, revitalization or rehabilitation of the beach/dune areas through a Dynamic Beach Management permit, then a Dynamic Beach Study would need to be carried out by a qualified professional Coastal Engineer or a qualified Coastal Geomorphologist

with specialized and demonstrated experience in the assessment and understanding of the Dynamic Beach processes.

The Site Specific Dynamic Beach Hazard Study must be carried out in accordance with the 'MNRF in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches' (2001) as updated from time to time, the Lake Huron Center for Coastal Conservation (LHCCC) 'Dune Planting Guide' (2010) or similar appropriate documents should be consulted for guidance on the planting and management methods of beach/dune grasses, shrubs and trees.

5.2 Controlled access points through the dunes to the beach would be encouraged through the use of natural walkways (e.g. roped natural beach area, rolling boardwalks used for accessibility) and supported by restoration, revegetation of natural beach/dune area (e.g. beach/dune grasses, shrubs, trees etc.). The path may be simply left as bare sand, or covered with mulch, bark chips or similar materials and placed particularly towards the landward end of the path. When the site allows, straight paths should be avoided and supported by the planting of appropriate vegetation to encourage trapping of the natural beach material.

The 'MNRF in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches' (2001) as updated from time to time, the Lake Huron Center for Coastal Conservation (LHCCC) 'Dune Planting Guide' (2010) or similar appropriate documents should be consulted for guidance on the planting and management methods of beach/dune grasses, shrubs and trees.

6. Specific Exemptions (Statutory Limitations)

6.1 Notwithstanding Section 3 of this By-law, a person may undertake *Site Alteration* without applying for a Dynamic Beach Management Permit provided that the *Site Alteration* is undertaken:

- As part of an activity or matter conducted by the Township, a local board of the township, as part of the construction, extension, alteration, maintenance or operation of works undertaken by the Township of Tiny
- As part of an activity or matter conducted by the Township on lands that are under the Township's control (e.g. Road Allowance, Parks, Washrooms, playground equipment, park amenities etc.).
- Public Safety and Emergency repair work performed in consultation with the Town, subject to any requirement from the Director to obtain a permit for the continuation of such work.
- By a transmitter or distributor for the purpose of constructing and maintaining a transmission system or a distribution system, as defined in the Electricity Act, as amended.
- As part of the construction, extension, alteration, maintenance or operation of works under Section 26 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P. 50, as amended.

6.2 For Existing Development within the *Dynamic Beach Hazard*: Only Interior alterations (e.g. renovations, repairs) to existing habitable and non-habitable buildings and *structures* including unattached garages and/or accessory buildings. Permit.

6.3 The exemption from the permit requirements under this by-law do not provide an exemption from other applicable regulations and conditions under this by-law.

6.4 All *site alterations* shall be performed in compliance with the general regulations, conditions, and schedules as may be reasonable in the applicable circumstances to prevent any detrimental impact on the use and enjoyment of neighbouring properties and other properties in the vicinity of the site and the environment.

7. Application Requirements for Permit

7.1 Permits shall be issued by the Delegated Authority unless it is not in compliance with the By-Law. If the application deviates from the standard by-law requirements or if it deviates from the Committee of Adjustment recommendations, the application may be required to be presented to Council.

The application shall be approved and Permit issued in accordance with the delegated Authority once.

- a) The Township is satisfied that the lands which are the subject of the application for a Permit are not within an area where the *development* or *site alteration* is prohibited.
- b) The applicant has fulfilled all requirements of this By-law and all other applicable laws.
- c) It has been reviewed and approved by the Township Staff or Township's Consultant. All costs associated with the review of the application by the Township Engineering Consultant shall be borne by the applicant.

7.2 An applicant for a Dynamic Beach Management Permit shall submit the following to the Township:

- i. A completed application in the form prescribed by the Township.
- ii. The applicable permit fee, calculated in accordance with the Township's Fee Schedule By-law, as amended.
- iii. A Dynamic Beach Management Permit Application, which meets the applicable standards and contains but is not necessarily limited to the following information and requirements outlined in the following sections.
- iv. Township has the right to seek peer review at the applicant's expense.
- v. Confirmation of comments from abutting land owners or where comments are not available, confirmation of a reasonable attempt to obtain comments.

7.3 The Dynamic Beach Management Permit application must include a completed application form.

If proposing to reduce or increase the '*Dynamic Beach Hazard*' area, as Referenced in the definitions and Section 3.2, the '*Standard Dynamic Beach Hazard*' Limits maybe refined and delineated by a Site Specific Dynamic Beach Study. The requirements for the study, in order to apply for a permit have been outlined in the definitions under the '*Dynamic Beach Hazard*' and Section 3.2 The '*Site Specific Dynamic Beach Study*' must be carried out in accordance with the provincial technical guidelines (i.e. 'MNRF in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches' (2001)).

[The '*Site Specific Dynamic Beach Hazard Study*' consists of determining the *Dynamic Beach Hazard* Limit setback by carrying out the following and providing the resulting locations on the Site drawing/survey;

- i. The MNRF 100 year Water Level elevation indicated (i.e. 178 m GSC'28, or as updated from time to time), + PLUS
- ii. The *Wave Effects/Wave Uprush* and Overtopping Flood Component (Standard setback of 15m) or as determined by a '*Site Specific Dynamic Beach Study*' for the *Wave Effects/Wave Uprush* and Overtopping allowance. + PLUS
- iii. The Dynamic Beach Allowance (Standard setback of 30m) or the allowance for the Dynamic Beach Allowance as determined by the Site Specific Dynamic Beach Study to determine the Site Specific Dynamic Beach Allowance
- iv. = the total *Dynamic Beach Hazard* Limit setback, indicated on the survey.]

The Site Specific Dynamic Beach study needs to be carried out by a qualified professional Coastal Engineer or qualified Coastal Geomorphologist with specialized and demonstrated experience in the assessment of Dynamic Beach processes.

- 1) Where applicable, the location of; creeks, streams, including creeks of any small creeks that flow through the beach and dune system as these often dry up in the summer or may have a relatively stagnant estuary, inland lakes, ditches, other watercourses and other bodies of water on or adjacent to the subject property.
- 2) Access to site must be reviewed by the Township. Equipment routes, restoration plans, avoid natural features, replant, approved plan by Township and part of the permit and permit reviewing process. The Construction Access Documented Plan to include the hazards, routes, equipment and restoration plans.
- 3) Depending on the nature of the application and the features present on the property, additional application obligations related to slope stability may be required including:
 - A plan showing the design details to proper scale of any *site alteration*, '*structures*', or slope stability *structures* that may be required and the dimensions of any materials (e.g. including soft/sand and hard/armourstone materials) to be used in construction including distances to property lines.

- Where applicable the location of any Erosion and Slope Instability issues and areas, on the subject property
Additional engineering studies are to be carried out by a qualified professional Geotechnical engineer with specialized and demonstrated experience in slope stability issues in accordance with the provincial technical guidelines (i.e. 'MNR in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches', and 'Stable Slopes - Geotechnical Principles' (2001)).

4) Depending on the nature of the application and the required area of expertise, the appropriate professional Engineer may be required to be retained.

7.4 Every Dynamic Beach Management Permit application shall be accompanied by the prescribed fee, payable in accordance with the Township of Tiny Fee By-law, as may be amended from time to time.

7.5 The Township may require a security deposit as noted in the Township Fees By-law to secure the performance of the work for which the permit is being applied. The Township may draw upon the security posted to recover the cost of the Township performing any required work which the owner has failed to perform or to cover any other costs, such as engineering, as part of the review of the application. The Township may require an administration fee for the administration or a security deposit.

8. Permit Conditions

8.1. The Township may issue a permit for buildings, structures or *site alteration* provided the applicant has fulfilled all of the requirements of this By-law.

8.2. The Township may issue a permit for building, structure or *site alteration* provided the Director is satisfied that the proposal will not result in:

- i. Public safety issues, including impacts on abutting properties.
- ii. Negative impacts or interference to the coastal processes; (e.g. the littoral/sediment transport processes such as; on/off shore, alongshore, up drift and downdrift, this includes the whole beach/dune system within the *Dynamic Beach Hazard*) of the Georgian Bay Shorelines. This also includes the abutting, updrift and downdrift properties along the Georgian Bay shoreline.
- iii. Any new natural hazards being created and existing natural hazards are not aggravated.
- iv. No adverse environmental impacts will result.
- v. Any Erosion and Slope Stability issues.
- vi. Pollution of water.
- vii. New Flooding, drainage or ponding on the site or abutting lands.
- viii. Detrimental impacts on vegetation, including but not limited to beach/dune grasses, shrubs, trees and vegetation located on the lands.

- ix. Detrimental effect on matters of inherent biological sensitivity such as aquifer recharge, water quality, unusual plants or wildlife and over wintering habitats
- x. Contaminating the natural environment.

9. Permit Revocation, Expiry, Renewal, Transfer of Permits

9.1 The Township may revoke a Permit for the following reasons:

- i. It was issued on mistaken, false or incorrect information.
- ii. It was issued in error.
- iii. The owner and/or applicant requests in writing, that it be revoked.
- iv. The terms of an agreement under this By-law have not been complied with.
- v. Work authorized under the Permit has not been commenced prior to its expiry date.
- vi. The owner or any other person has failed to comply with the provisions of this By-law or any other Township By-law.
- vii. If the owner or any other person has failed to maintain the minimum deposit balance or vendor payments.

9.2 When work has taken place after the date upon which a Permit has expired, the fees for an application for each Permit required shall double the amount specified in the Township Fee Schedule By-law, as amended.

9.3 Where a Permit has not been issued and any person is in contravention of this By-law, an Officer of the Township may issue an Order for removal requiring the person to restore the land to the condition it was prior to the commencement of such work to the satisfaction of the Township within the time set out in the Order.

The Township or the Townships approved contractor has the right to complete the works based on the original plan for the actual costs at the owner's expense plus a 10% administration fee and any other applicable fines. Failure to pay would be added to the tax roll and collecting them in the same manner as property taxes if unpaid within 60 days.

9.4 Permits issued under this By-law shall:

- (a) Be valid for a period of two (2) years from the date of issuance, unless otherwise authorized by the Township in writing.
- (b) Expire one (1) year after the date of issuance if work is not commenced under the Permit, which determination shall be at the Township's sole and absolute discretion and be final.

9.5 A Permit may be renewed prior to the expiry date set out in the Permit upon receipt of a complete application to the Township in accordance with this By-law and payment of the prescribed fees in accordance with the Township's Fee Schedule By-law, as amended.

9.6 A Permit which has expired may be renewed at the sole discretion of the Township within three (3) months from the date of expiry upon receipt of a complete application to the Township in accordance with this By-law and payment of the prescribed fees of 50% of the original Permit fee, in accordance with the Township's Fee Schedule By-law, as amended.

A Permit may be renewed at any time prior to its expiry for an additional three (3) months, 90 day period by an Applicant making a written application to the Township accompanied by a payment of the prescribed fees of 50% of the original Permit fee, provided that the Permit requirements imposed by this Bylaw, respecting that any previous agreements made, are not amended or changed.

9.7 If title of the land for which a Permit has been issued is transferred while the Permit remains in effect, the Permit shall terminate and become null and void unless the owner of the lands, no later than thirty (30) days from the date of the transfer of title of the land:

- (a) Provides the Township with an undertaking satisfactory to the Township to comply with all the conditions under which the existing permit was issued.
- (b) Applies for and obtains a new Permit in accordance with the provisions of this By-law.

9.8 If a Permit is expired, cancelled or revoked after work has commenced and prior to the completion of the *site alteration*; the owner shall forthwith restore the land to its original condition or stabilize the site to the satisfaction of the Township in a manner that will prevent adverse impacts on the environment, said property and on abutting properties and the environment.

The Township or the Townships contractor has the right to complete the works based on the original plan at the owner's expense, for the actual costs plus a 10% administration fee and any other applicable fines. Failure to pay would be added to the tax roll and collecting them in the same manner as property taxes if unpaid within 60 days.

10. **Agreement**

10.1 Where deemed appropriate by the Township, the owner may be required to enter into an agreement with the Township which may be registered on title to the land on which the work is to be performed which agreement shall include but not limited to the following:

- a) No *Site Alteration* will take place within the '*Hazardous Lands*' of the '*Dynamic Beach Hazard*'.
- b) The *Site Alteration* is in accordance with this By-law and the terms and conditions outlined in Sections 7 to 9.

11 Appeal

11.1 Any person applying for a permit shall have such rights of appeal to the Ontario Lands Tribunal in relation to refusal thereof as set out in the Municipal Act, 2001.

12 Orders

12.1 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a Discontinue Activity Order, requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

12.2 If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a Work Order, requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

12.3 Where a Permit has not been issued and any person is in contravention of this By-law, the Township or their designate may issue an Order requiring the person to remove and restore the land to a condition it was prior to commencement of such work, to the satisfaction of the Township within the time set out (i.e. in the agreed upon time set out by the Township) in the Order.

12.4 The Work Order shall set out:

- a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred.
- b) The work to be done and the date by which the work must be done.

12.5 A Work Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

12.6 A Work Order under Section 12 may require work to be done even though the facts which constitute the contravention of this By-law were present before this By-law making them a contravention came into force.

12.7 No person shall fail to comply with a Work Order issued pursuant to Section 12.

12.8 The Discontinue Activity Order shall set out:

- a) Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred.
- b) The date by which there must be compliance with the Discontinue Activity Order.

12.9 A Discontinue Activity Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

12.10 No person shall fail to comply with a Discontinue Activity Order issued pursuant to Section 12.

12.11 In the event the Officer is unable to serve an Order under the provisions of this By-law, the Order shall be posted in a conspicuous place on the property, and the placing of the Order shall be deemed to be sufficient service of the Order on the property owner.

The Township or the Townships contractor has the right to complete the works based on the original plan for the actual costs at the owner's expense plus a 10% administration fee and any other applicable fines. Failure to pay would be added to the tax roll and collecting them in the same manner as property taxes if unpaid within 60 days.

13. Remedial Action

13.1 Where an Order has been issued to direct or require an owner or person to do a matter or thing, in default of it being done by the person directed or required to do it, the Township may cause the matter or thing to be done at the person's expense.

13.2 Where any of the matters or things are remediated in accordance with Section 13.1, the matters or things may be immediately disposed of.

13.3 The Township shall recover the expense in doing a matter or thing referred to in Section 13.1 by action, or by adding the costs plus a 10% administration fee to the tax roll and collecting them in the same manner as property taxes.

14. Entry and Inspection

14.1 An Officer may enter onto land at any reasonable time as set out in the Township of Tiny Power of Entry By-law 07-082, as amended.

15. Obstruction

15.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.

15.2 Any person, who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his/her duties.

16. Penalty

16.1 In addition to any other remedy available to the Township, every person who

contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law, is guilty of an offence under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

16.2 Every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not be less than \$250 and the maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, C. 25, as amended.

16.3 For the purpose of continuous offences, every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

(a) Notwithstanding Section 16.3 and the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

16.4 For the purpose of multiple offences, every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.

(a) Notwithstanding Section 16.4 and the provisions of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the total of all daily fines for the offence is not limited to \$100,000.

16.5 Every person who contravenes any section of this By-law under a Part 1 Certificate of offence, upon conviction shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

16.6 Upon conviction any penalty imposed under this By-law may be collected under the authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

The Township or the Townships approved contractor has the right to complete the works based on the original plan at the owner's expense, for the actual costs plus a 10% administration fee and any other applicable fines. Failure to pay would be added to the tax roll and collecting them in the same manner as property taxes if unpaid within 60 days.

17. **Conflict And Application Of Other Laws**

- 17.1 If there is a conflict between this By-law and another Federal, Provincial, County of Simcoe or Township of Tiny legislation, regulation or By-law (e.g. By-law enacted by the Council of the County of Simcoe or Township of Tiny) the more restrictive legislation prevails.
- 17.2 If there is a conflict between this By-law and any other Township legislation, the more restrictive legislation prevails.

18. Severability

18.1 Where a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

19. Effective Date

19.1 This By-law shall come into full force and take effect on the date of passing thereof.

READ A FIRST AND SECOND TIME on this XXth day of XXX 202X.

READ A THIRD TIME and finally passed this XXth day of XXX 202X.

David Evans, Mayor

Sue Walton, Clerk