



87 - 229

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

O 880068
R 880017

IN THE MATTER OF Section 17(11) of
the Planning Act, 1983

AND IN THE MATTER OF a referral to
this Board by the Honourable John
Eakins, Minister of Municipal
Affairs, on a request by George
Renton and Ted Bryk for consideration
of proposed Amendment No. 87 to the
Official Plan for the Town of Caledon
Minister's File 21-OP-0019-087
O.M.B. File No. O 880068

- and -

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

- and -

IN THE MATTER OF appeals by George
Renton and Ted Bryk against Zoning
By-law 87-229 of The Corporation of
the Town of Caledon
O.M.B. File No. R 880017

B E F O R E :

C.G. CHARRON
Member

- and -

T.F. BAINES
Member

Thursday, the 4th day
of August, 1988

THESE MATTERS having come on for public hearing this day and after the hearing
of these matters;

THE BOARD ORDERS that Amendment No. 87 to the Official Plan for the Town of
Caledon is hereby modified as set out in Schedule 'A' attached hereto and
forming part of this order, and as modified is hereby approved;

AND THE BOARD ORDERS that the appeals against Zoning By-law 87-229 are allowed in part and said by-law is hereby amended by deleting the following from section 5 subsection (2);

"(a) Dwelling Units per lot (maximum) - 198 units"

And substituting the following therefor:

"(a) Dwelling Units per lot (maximum) - 188 units"

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



SECRETARY

ENTERED
O.B. No. <u>088-1</u>
Folio No. <u>12</u>
SEP 23 1988

SECRETARY, ONT. MUNICIPAL BOARD

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 87-229

A BY-LAW TO REGULATE THE USE OF LANDS AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE TOWN OF CALEDON.

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

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

SECTION 1 INTRODUCTION(1) TITLE OF BY-LAW

This By-law may be cited as the Palgrave Retirement Community By-law.

(2) SCOPE OF THE BYLAW

(a) LANDS SUBJECT TO BY-LAW:

The provisions of this By-law shall apply to those lands lying within Part of Lot 26 and Part of Lot 27, Concession 6, of the former Township of Albion as identified on Schedule "A" attached hereto.

(b) CONFORMITY WITH BY-LAW:

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

(c) EXISTING USES CONTINUED:

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

(d) COMPLIANCE WITH OTHER RESTRICTIONS:

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

(3) INTERPRETATION OF BY-LAW

(a) SINGULAR AND PLURAL WORDS:

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

(i) words used in the singular number include the plural;

and

(ii) words used in the plural include the singular number.

(b) SHALL IS MANDATORY:

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

(c) USED AND OCCUPIED:

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

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

(d) BUILDING, STRUCTURE AND USE CLASSIFICATION:

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

(4) SCHEDULES TO BY-LAW

The following Schedule "A", the Palgrave Retirement Community, which is attached hereto, is hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein. The lands outlined on said Schedule "A" are hereby included in this By-law.

SECTION 2

DEFINITIONS

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

- (1) ACCESSORY BUILDING (See: BUILDING)
- (2) ACCESSORY USE (See: USE)
- (3) ALTER

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

- (a) to change any one or more of the external dimensions of such building or structure; or
- to change the type of construction of the exterior walls or roof of such building or structure; or
- to change the use of such building or structure; or
- to change the number of uses or dwelling units contained therein.

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

- to change the boundary of such lot with respect to a street or lane; or
- to change any dimension or area, relating to such lot, which is covered herein by a zone provision; or
- to change the use of such lot; or
- to change the number of uses located thereon.

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

- (4) ATTIC (See: STOREY)
- (5) BASEMENT (See: STOREY)
- (6) BOARDING HOUSE

"Boarding house" means a dwelling house, which contains not more than four (4) guest rooms wherein lodgings, with or without meals, are provided to the public for gain or profit.

- (7) BUILDING

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

- (a) ACCESSORY BUILDING:

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

- (b) MAIN BUILDING:

"Main building" means the building which contains the

principal use of the lot on which such building is located.

(8) BUILDING AREA

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

(9) BUILDING ENVELOPE

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

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

(10) BUILDING HEIGHT:

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

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

(11) BUILDING INSPECTOR:

"Building Inspector" means the officer or employee of the Corporation charged with the duty of enforcing the provisions of The Building Code Act, 1974 together with any Regulations made there-under and the provisions of the Building By-law.

(12) BUILDING PERMIT:

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

(13) CELLAR (See: STOREY)

(14) CLUB, PRIVATE

"Club, Private" means a building or part of a building used as a meeting place by the owner thereof and its guests or by members of a non-profit organization and their guests or by persons participating in a recreational activity within the zoned area.

(15) CLUSTER VILLA DWELLING HOUSE

"Cluster Villa Dwelling House" means a dwelling house containing 2 or more separate dwelling units each such dwelling unit shall be attached to another dwelling unit by an above grade common party wall and having an independent main entrance from a common vestibule or atrium.

(16) CONSERVATION AUTHORITY:

"Conservation Authority" means the Metropolitan Toronto and Region Conservation Authority.

(17) CORPORATION

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

(18) COUNCIL

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

(19) DETACHED:

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

(20) DRIVEWAY:

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

(21) DWELLING HOUSE:

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

(22) DWELLING UNIT

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

(23) DWELLING UNIT AREA (See: FLOOR AREA)(24) ERECT

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

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

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

(25) EXISTING

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

(26) FAMILY

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

(27) FINISHED GRADE

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

(28) FIRST STOREY (See: STOREY)(29) FLOOD PLAIN

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

(30) FLOOR AREA

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

(a) DWELLING UNIT AREA:

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

(31) FORESTRY USE

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

(32) GARAGE, PRIVATE

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

(33) GOLF COURSE

"Golf course" means lands which are used for the purpose of playing golf by the owner thereof and its guests or by members of a non-profit organization and their guests or by persons participating in a golf tournament.

(34) GRADE (See: FINISHED GRADE)(35) GROUP HOME

"Group home" means a dwelling house in which 3 to 10 unrelated

human beings live together as a single housekeeping unit under responsible supervision consistent with their requirements and as licensed or approved under Provincial Statute.

(36) HABITABLE ROOM

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

(37) HEIGHT (See: BUILDING HEIGHT)

(38) HOME PROFESSION

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

(39) LANDSCAPING AREA

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

(40) LEGAL SIGN (See: SIGN)

(41) LOT

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

(42) MAIN BUILDING (See: BUILDING)

(43) MAIN USE (See: USE)

(44) MOBILE HOME

"Mobile home" means a prefabricated building, designed to be transported on its own chassis (notwithstanding that its running gear is or may be removed), or by other means and designed and equipped for year-round occupancy, containing therein facilities for cooking or for installation of cooking equipment as well as sanitary facilities including a flush toilet and a shower or bathtub. This definition shall not include any tourist vehicle nor any trailer which has a gross floor area of less than 30.0 square metres.

(45) ONE-HALF STOREY (See: STOREY)

(46) PARK

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

tourist camp.

(a) PUBLIC PARK:

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

(b) PRIVATE PARK:

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

(47) PARKING AREA

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

(48) PARKING LOT

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

(49) PARKING SPACE

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

(50) PASSIVE RECREATIONAL USE

"Passive recreational use" means the non-active use of land for recreational purposes such as hiking, walking, and nature viewing.

(51) PERMITTED

"Permitted" means permitted by this By-law.

(52) PERMITTED USE

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

(53) PERSON

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

(54) PRIVATE ROAD

"Private Road" means a private thoroughfare not under the jurisdiction of any Public Body and created through the registration of a Plan of Condominium.

(55) PUBLIC PARK (See: PARK)

(56) PUBLIC ROAD

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

(57) PUBLIC USE

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

(58) REGION

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

(59) SEPTIC TANK

"Septic tank" means a tank in which the solid matter of continuously flowing sewage is disintegrated by bacteria.

(60) SIGN

"Sign" means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institute, organization or business.

(a) LEGAL SIGN:

"Legal sign" means a sign which complies with the sign by-laws of the Corporation.

(61) STOREY

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

(a) FIRST STOREY:

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

(b) SECOND STOREY:

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

(c) ONE-HALF STOREY:

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

(d) ATTIC:

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

(e) BASEMENT:

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

(f) CELLAR:

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

(62) STRUCTURE

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

(63) TRAILER

"Trailer" means any vehicle designed to be towed by another vehicle.

(64) TOURIST TRAILER:

"Tourist trailer" means a trailer capable of being used for the temporary living, sleeping or eating accommodation of persons (notwithstanding that its running gear is or may be removed).

(65) TOURIST VEHICLE

"Tourist vehicle" means a self-propelled vehicle capable of being used for the temporary living, sleeping or eating accommodation of persons. This definition may include a bus, motor home, truck or van. For the purposes of this By-law, "tourist vehicle" shall include a tourist trailer.

(66) USE

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

"Uses" shall have a corresponding meaning.

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

(a) ACCESSORY USE

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

(b) MAIN USE:

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

(67) VEHICLE

"Vehicle" means an automobile, a boat, a commercial motor vehicle, a farm implement, a mobile home, a motorcycle, a snowmobile, a tourist vehicle or a trailer.

(68) ZONE

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

(69) ZONED AREA

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

(70) ZONE PROVISION

"Zone provision" means any provision of this By-law which is listed under the heading "ZONE PROVISIONS" or "SPECIAL PROVISIONS" and includes anything contained in Section 4 hereof which is applicable to the zone or use.

(71) ZONING ADMINISTRATOR

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

SECTION 3

GENERAL PROVISIONS(1) ACCESSORY USES

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

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

(2) ACCESSORY BUILDING

No accessory building shall be permitted within the zoned area unless such building is specifically listed as a permitted use within a zone.

(3) REAL ESTATE AND CONSTRUCTION USES

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

(4) DWELLING UNITS

(a) LOCATION IN BASEMENT:

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

(b) LOCATION IN CELLAR:

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

Residential building.

(5) ENVELOPE, STRUCTURE

Notwithstanding the setback provisions of this By-law to the contrary, where a permitted building or structure is to be erected on a lot within a structure envelope, such permitted building or structure may be erected closer to the street line or lot lines, or the centreline of the street, as the case may be, than required by this By-law.

(6) HEIGHT EXCEPTIONS

- an air-conditioner duct;
- a belfry;
- a chimney;
- a clock tower;
- an electric power facility other than a building;
- an elevator penthouse;
- a flag pole;
- a power transmission tower;
- a radio antenna;
- a railroad signal;
- a skylight;
- a television antenna;
- a ventilator;
- a windmill.

(7) HOME INDUSTRIES AND HOME PROFESSIONS

No home industry, home occupation or home profession shall be permitted in any portion of the Zoned Area.

(8) GROUP HOMES AND BOARDING HOUSE

No group home or a boarding house shall be permitted in any portion of the Zoned Area.

(9) ILLUMINATION

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

(10) OBNOXIOUS USES

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

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

(11) PARKING AREA REGULATIONS

(a) SIZE:

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

(b) LOCATION:

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

(c) SURFACE:

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

(d) COMMERCIAL MOTOR VEHICLE ZONES:

No person shall use any parking area or parking space in the Zoned Area for the parking or storage of any commercial motor vehicle as defined in The Highway Traffic Act.

(12) PUBLIC USES

(a) STREETS AND INSTALLATIONS:

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

(13) SIGHT TRIANGLES

(a) SIZE:

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

(b) USES PROHIBITED:

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

- (i) a building, structure or use which would obstruct the vision of drivers of vehicles;

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

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

(14) SIGN

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

(15) STORAGE OF SPECIAL VEHICLES

(a) VEHICLES PERMITTED:

No person shall use any land in the Zoned Area for the purpose of parking or storing any vehicle other than an automobile, except for:

- (i) one boat which shall not exceed 8.0 metres in length; or
- (ii) one mobile home which shall not exceed 15.0 metres in length; or
- (iii) two snowmobiles; or
- (iv) one tourist trailer which shall not exceed 8.0 metres in length, exclusive of hitch or tongue; or
- (v) one tourist vehicle which shall not exceed 8.0 metres in length.

(b) WHERE PERMITTED:

The parking or storage of any vehicle listed in clause (a) of this sub-section shall only be permitted in a private garage, carport or other building and not in any required parking space. Such vehicles may be parked in a parking space specifically designed and intended for such use.

(16) SWIMMING POOLS

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

(17) TOURIST TRAILERS AND MOBILE HOMES

(a) LOCATION OF TOURIST TRAILERS:

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

(b) No mobile home shall be erected, altered or used in any portion of the Zoned Area.

(18) SETBACK FROM ROADS

(a) Where this By-law establishes a setback requirement from a Public Road, such setback shall be measured from the closest edge of the public road allowance.

(b) Where this By-law establishes a setback requirement from a Private Road, such setback shall be measured from the closest edge of the pavement of such Private Road.

SECTION 4

ZONES(1) ZONE CLASSIFICATION

For the purpose of this By-law, all lands within the Zoned Area are divided into zones and are classified as Residential or Restricted Zones. Following each zone name is a corresponding alphanumeric symbol referred to herein as a "zone symbol".

(a) RESIDENTIAL ZONE

Cluster Villa Zone CV

(b) RESTRICTED ZONES

Environmental Type 1 Zone	EZ1	Primary Natural Communities
Environmental Type 2 Zone	EZ2	Secondary Natural Communities
Environmental Type 3 Zone	EZ3	Tertiary Natural Communities
Environmental Type 4 Zone	EZ4	Wetlands
Environmental Type 5 Zone	EZ5	Dry Swales

Open Space Zone OS

(2) ZONE SYMBOL

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

(3) ZONE BOUNDARIES

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

(a) LOT OR CONCESSION LINES:

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

(b) STREET LINES:

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

(c) RIGHTS-OF-WAY

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

(d) SHORELINES:

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

(e) SUBDIVISION OF LOT LINES:

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

(f) OTHER PROPERTY LINES:

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

(g) DIMENSIONS AND MEASUREMENTS:

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

(4) PERMITTED USES & ZONE PROVISIONS

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

(5) SPECIAL ZONES

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

SECTION 5

CLUSTER VILLA ZONE (CV)(1) USES PERMITTED

No person shall within any CV Zone use any land or erect, alter or use any building or structure for any purpose except one or more of the following CV uses.

(a) RESIDENTIAL USES

- a cluster villa dwelling house.

(b) NON-RESIDENTIAL USES

- one accessory building

(2) ZONE PROVISIONS

No person shall within any CV Zone use any land or erect, alter or use any building or structure except in accordance with the following provisions.

- (a) Dwelling Units per lot (maximum) - 198 units
- (b) Dwelling Units per cluster villa dwelling house (maximum) - 6 units
- (c) Building Setback from any Public Road (minimum) - 25.0 metres
- (d) Building Setback from a Private Road (minimum) - 8.0 metres
- (e) Building Separation (minimum) - 15.0 metres
- (f) Building Height (maximum) - 9.0 metres
- (g) Dwelling Unit Area (minimum) - 75 sq. metres
- (h) Parking Spaces (minimum) - one parking space per dwelling unit and two visitor parking spaces per cluster villa dwelling house shall be provided and thereafter maintained for each cluster villa dwelling house.
- (i) Parking Space Location - no part of any parking space shall be located closer than 6.0 metres from any private road.
- (j) Accessory Building Provisions - one accessory building having a maximum height of 4.5 metres and having a maximum floor area of 100 sq. m. may be located per lot provided that such accessory building is separated from any other building by a minimum of 15.0 metres and is not located closer than 25.0 metres from a Public Road and 10.0 metres from a Private Road.

(k) General
Provisions

In accordance with the provisions of
Section 3 hereof.

(l) Site Plan:

In addition to the the provisions of
this By-law no person shall within
any CV Zone use, alter or erect any
building or structure except in
accordance with a site plan approved
pursuant to the provisions of Section
40 of the Planning Act, 1983.

SECTION 6

ENVIRONMENTAL ZONES(1) PERMITTED USES

No person shall within any EZ Zone use any land or erect, alter or use any building or structure for any purpose except one or more of the following uses identified by a dot underneath the corresponding zone symbol:

USE	ZONE SYMBOL				
	EZ1	EZ2	EZ3	EZ4	EZ5
Park	*	*	*	*	*
Conservation Use	*	*	*	*	*
Flood Control Use	*	*	*	*	*
Forestry Use	*	*	*	*	*
Passive Recreational Use	*	*	*	*	*
Golf Course Fairway				*	*
Roadway/Driveway					*
Residential Yard/ Amenity Area		*	*		*

(2) ZONE PROVISIONS

No person shall within any EZ Zone use any land or erect, alter or use any building or structure except in accordance with a site plan approval pursuant to the provisions of Section 40 of the Planning Act, 1983.

SECTION 7

OPEN SPACE (OS) ZONE(1) USES PERMITTED

No person shall within any OS Zone use any land, erect, alter or use any building or structure for any purpose except one or more of the following OS uses:

(a) RESIDENTIAL USES

prohibited

(b) NON-RESIDENTIAL USES

- a golf course and accessory club house
- a private club
- a passive recreational use
- a park
- one accessory building

(2) ZONE PROVISIONS

No person shall within any OS Zone use any land, erect, alter or use any building or structure except in accordance with the following provisions:

(a) CLUB HOUSE

- (i) Setback from Private Road (minimum) - 20.0 metres
- (ii) Floor Area (maximum) - 1,200.0 sq. metres
- (iii) Building Height (maximum) - 9.0 metres
- (iv) Parking Spaces (minimum) - the greater of one space per 15.0 sq. metres of total floor area or one space per four persons according to the maximum design capacity of the building.
- (v) Parking Space Location - No part of any parking spaces shall be located closer than 5.0 metres from any private road.

(b) ACCESSORY BUILDING PROVISION

One accessory building having a maximum height of 4.5 metres and a maximum floor area of 100.0 sq. metres may be located per lot provided that such accessory building is separated from any other building by a minimum distance of 15.0 metres and is not located closer than 15.0 metres from a Public Road and 10.0 metres from a Private Road.

- (c) No person shall within any OS Zone use any land or erect, alter or use any building or structure except in accordance with a site plan approval pursuant to the provisions of Section 40 of the Planning Act, 1983.

SECTION 8

ADMINISTRATION(1) ZONING ADMINISTRATOR

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

(2) ISSUANCE OF BUILDING PERMITS AND LICENSES

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

(3) REQUESTS FOR AMENDMENTS

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

(4) INSPECTION(a) CONDITIONS FOR ENTRY:

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

(b) RESTRICTIONS FOR ENTRY OF DWELLING UNITS:

Notwithstanding any provisions of clause (a) of this sub-section to the contrary, no officer or employee of the Corporation shall enter any room or place being used as a dwelling unit or part thereof without the consent of the occupant except under the authority of a search warrant issued pursuant to Section 16 of The Summary Convictions Act (R.S.O. 1970).

(5) VIOLATIONS AND PENALTIES

(a) Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable,

- (i) on a first conviction to a fine of not more than \$20,000; and
- (ii) on a 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 he was first convicted.

(b) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is,

- (i) on a first conviction a fine of not more than \$50,000; and
- (ii) on a subsequent conviction 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, and not as provided in subsection (1).

- (c) Where a conviction is entered under subsection (1), 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.

(6) REMEDIES

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

(7) VALIDITY

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

(8) EXISTING BY-LAWS

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

- (a) BY-LAWS OF THE FORMER TOWNSHIP OF ALBION
By-law No. 840
- (b) BY-LAWS OF THE TOWN OF CALEDON
By-law No. 80-21

APPROVAL

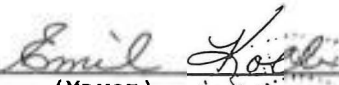
This By-law shall become effective on the date hereof, pursuant to Section 34 of the Planning Act, 1983.

THIS BY-LAW given its first reading
this 30th day of November, 1987.

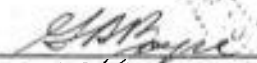
THIS BY-LAW given its second reading
this 30th day of November, 1987.

THIS BY-LAW read a third time
and passed this 30th day of November, 1987.

SIGNED


(Mayor)

SIGNED


(Clerk)

