

BY-LAW 06-54

COMPREHENSIVE ZONING BY-LAW

Clearview Township

EXPLANATORY NOTE TO BY-LAW 06-54

■ Sections, or portions thereof, that are highlighted in yellow are subject to appeals to the Ontario Municipal Board and remain under appeal until a decision of the Board is made.

LANDS AFFECTED

By-law 06-54 affects all lands within the corporate limits of the Township of Clearview.

EXISTING ZONING

All lands use by-laws of the former Townships of Nottawasaga and Sunnidale, the Village of Creemore and the Town of Stayner, and all amendments thereto, including amendments by the Township of Clearview, are hereby repealed in their entirety other than on lands shown in Schedule 'A' and 'B' to this By-law shown with a symbol indicating that the former by-laws continue to apply.

THE CORPORATION OF THE TOWNSHIP OF CLEARVIEW BY-LAW 06-54

WHEREAS it is considered desirable to control development and site alteration within the Township of Clearview in accordance with the Official Plan and to prohibit and regulate the use of land and the erection and use of buildings or structures except for certain purposes in accordance with the provisions of the Planning Act, R.S.O. 1990 c.P. 13 as amended.

NOW THEREFORE the Council of the Corporation of the Township of Clearview enacts as follows:

1 INTERPRETATION AND ADMINISTRATION

1.1 TITLE

This By-law shall be known as the “Township of Clearview Comprehensive Zoning By-law also further referred to herein as the “Zoning By-law”, or “this By-law”.

1.2 PURPOSE OF THE BY-LAW

The purpose of this By-law is to prohibit and regulate the use of land and the use and erection of buildings and structures except for such purposes and in such a manner as set out in this By-law. This By-law also establishes regulations for permitted uses and requirements. It is intended that this By-law implement the policies contained within the Clearview Official Plan, which was adopted by Council on September 19, 2001, and approved by the County of Simcoe on January 29, 2002, and has been, and will be, amended from time to time. This By-law must also conform to the Provincial Policy Statement and the Greater Golden Horseshoe Growth Management Plan.

This By-law is adopted by the Township of Clearview in order to ensure the safe and efficient movement of traffic, promote the development of an attractive and well-ordered community, further the comprehensive planning of the Township, and provide for the protection of agricultural resources and the environment.

Therefore, to best serve the interests of public health, safety, and general welfare, no development, **site alteration**, or use of land shall be permitted, nor shall any building permit, site plan approval, or any other municipal approval, be issued unless such development, **site alteration**, or use conforms and complies with the requirements of this By-law.

Accordingly, this By-law regulates the use of land within the Township of Clearview and the location, use, size, and shape of buildings and structures erected thereon, having regard for:

- a) The promotion of health, safety, convenience, and welfare of the public;
- b) The protection of the character and maintenance of the stability of residential, business, and industrial areas of the municipality and the promotion of the orderly and beneficial

- development of such areas;
- c) Encouraging the most appropriate use of land;
 - d) The prevention of the pollution of land, the conservation of resources, and the preservation of the natural amenities of the Township;
 - e) Securing of adequate light, air, and access including access to sunlight and wind for energy systems;
 - f) Particular suitability of the zone for specific uses;
 - g) Lessening the congestion of traffic on roads and facilitating of traffic flow by providing off-street parking of motor vehicles;
 - h) Securing safety from fire, flood, and other dangers;
 - i) Encouraging the protection of surface and ground water resources;
 - j) Facilitating adequate provisions for transportation, water supply, sewage disposal, drainage, schools, parks, and other public facilities; and,
 - k) Giving reasonable consideration to the character of the municipality, its landscapes, and the suitability for particular uses.

1.3 EFFECT OF BY-LAW

The effect of this By-law is to place all lands, including buildings and structures, within land use Zones, and to establish permitted uses and prohibited uses as well as regulations and provisions governing permitted uses and construction of buildings and structures within those Zones, all in accordance with the policies of the Township of Clearview Official Plan. **All lands use by-laws of the former Townships of Nottawasaga and Sunnidale, the Village of Creemore and the Town of Stayner, and all amendments thereto, including amendments by the Township of Clearview, are hereby repealed in their entirety other than on lands shown in Schedule 'A' and 'B' to this By-law shown with a symbol indicating that the former by-laws continue to apply.**

Note: Highlighted sentence in Section 1.3 is under appeal only with respect to the request to add that new aggregate extraction proposals shall also be subject to the former by-laws.

1.4 CHANGE IN USE AND OCCUPANCY

No person shall cause a change in the use of any lands, or of any building or structure on such lands, or of any part of a lot, structure, or building, and no person shall occupy any building or structure, in whole or in part, unless the use of any lands, or of any building or structure on such lands, or of any part of a lot, structure or building, is in conformance and compliance with the requirements of this By-law and any other requirement of the Township which must by legislation,

regulation, by-law, or agreement be satisfied prior to occupancy or use.

1.5 REDUCTIONS OF REQUIREMENTS

Except as a result of the actions of any public authority having statutory powers of expropriation, no person shall change the purpose for which any land or building is used, or erect any new building or addition to any existing building, or sever any lands from any existing building, or sever any lands from any existing parcel, if the effect of such action is to cause the original, adjoining, or remaining buildings or lands to contravene this By-law.

1.6 APPLICATIONS FOR AMENDMENTS TO THE ZONING BY-LAW

An application for amendment to this By-law shall be submitted in writing to the municipality on the appropriate forms which may be obtained from the municipal office.

Each application for amendment shall include a statement of the reasons why the applicant feels the amendment is necessary and a scale drawing of any proposed development. An application for amendment shall include a legal description of the lot(s) involved, the names and addresses of the owners of such lot(s) as well as any information required by the Planning Act and the municipality as specified in the application forms including checklists or guidelines appended thereto. Every application for amendment to this By-law shall be accompanied by a fee in accordance with the applicable fee schedule adopted by Council. Before dealing with the application, the municipality may, at its discretion, require a plan of survey by a Land Surveyor or a development plan submitted by a professional planner or professional engineer.

Council in making a decision regarding an amendment to the Zoning By-law shall:

- a) Comply with the requirements of the Planning Act;
- b) Comply with the requirements of the Provincial Policy Statement;
- c) Comply with the requirements of the Greater Golden Horseshoe Growth Management Plan;
- d) Comply with the County of Simcoe Official Plan;
- e) Conform with the intent of the policies of the Official Plan of the Township of Clearview;
and,
- f) Have regard to the intent of this Zoning By-law.

1.7 ZONE EXCEPTIONS

Where the Zone symbol designating certain lands, as shown on a Schedule, is followed by a dash and a number such as M1-1, then special provisions which may establish use, regulatory, or provisional exceptions, apply to such lands in addition to, or in place of, the normal Zone provisions. Lands designated in this manner shall be subject to all of the provisions, standards, and restrictions of the Zone, except as otherwise provided by the special provisions. These special provisions apply only to the lands to which such a Zone symbol is shown to apply.

Where the Zone symbol designating certain lands, as shown on a Schedule, is followed by a dash and a further symbol of one or more letters and numbers, then a set of standard additional uses may be permitted and there may be variations to the applicable provisions. Lands designated in this manner shall be subject to all of the provisions, standards, and restrictions of the Zone except for the allowance for additional uses and as otherwise provided by the special provisions. These special provisions apply on the lands to which such a zone symbol is shown to apply.

1.8 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 or which is specifically established as a permitted use in conjunction with the (H) symbol in this By-law, until the (H) is removed in accordance with the policies of the Township of Clearview Official Plan and the Planning Act, and in accordance with conditions established for the removal of the (H) in this By-law or any amendment thereto. Conditions for removal are set out in Schedule 'E'.

The Municipality may pass an amendment to this By-law to utilize the Holding Zone on lands where development is premature and may establish, as a condition for removal, that one or more of the following requirements have been met:

- a) Adequate sanitary, water, storm, and/or transportation services and facilities are available to serve the development;
- b) Any adverse environmental effects or constraints have been resolved;
- c) There is sufficient need for the development;

- d) Site plan, subdivision, and/or condominium approval has been obtained and any required development agreements entered into with the Municipality;
- e) Specific studies required by the Municipality have been submitted to and approved by the municipality; or,
- f) Any other lawful requirement that Council may impose for the proper and orderly development of the lands has been satisfactorily met.

1.9 BUILDING PERMITS

An application for a building permit shall contain all of the information required to determine whether or not an application conforms to and complies with the requirements of this By-law, and shall be submitted with the fee(s) so established by the Municipality for the processing of the application.

Not limiting the generality of the forgoing requirement, in addition to the requirements of the Ontario Building Code, the Planning Act, and any other by-law of the Township, every application for a building permit shall be accompanied by a plan, in the number of copies required by the Township, showing the following:

- a) The true shape and dimension of the lot to be used or upon which it is proposed to erect any building or structure;
- b) The proposed location, height, and dimensions of any building, structure, or use proposed for such lot;
- c) Proposed locations and dimensions of any yards and setbacks;
- d) The location of all existing buildings or structures on the lot;
- e) A signed statement as to the uses or purposes for which such building or alteration is intended;
- f) The proposed location of parking spaces, driveways, loading spaces, and landscaping areas;
- g) All services and utilities adjacent to and on the lot;
- h) Existing and proposed grades and all drainage features on the lot;
- i) The limits of natural vegetation and natural features on the lot; and,
- j) Any other information the Zoning Administrator or Chief Building Official considers necessary to determine whether a building, structure, or work conforms and complies with the requirements of applicable legislation and this By-law.

Each application is to be signed by the registered owner of the lot or by the registered owner's agent duly authorized in writing and filed with the Chief Building Official.

No development, relocation, or demolition shall be undertaken within the Township unless a permit has first been obtained.

No building or structure which would have required a building permit for its construction shall be moved to any location within the Township without the issuance of a building permit by the Township.

The lot and the location of every building or structure to be erected thereon is to be staked out on the ground before construction is commenced. Notwithstanding the issuance of any approval or provision of any information by the Township, it shall be the full responsibility of the owner or occupier to ensure that any use of lands, buildings, or structures, and the construction of a building or structure conforms and complies with the requirements of this By-law.

The lack of a survey, a mistake, an error, or an omission by any person required to comply with the provisions of this By-law, does not relieve that person from liability for failure to comply with the provisions of this By-law.

This section shall not be construed to impose upon Township officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

1.10 OCCUPANCY OF PARTIALLY COMPLETED DWELLINGS

No building shall be used for human habitation before all of the requirements of the Ontario Building Code and any applicable legislation, regulation, or agreement have been met and the proposed use complies with and conforms to this By-law.

1.11 OCCUPATION OF UN-SERVICED BUILDINGS OR STRUCTURES

No building or structure which is intend for human habitation or by virtue of its use requires sanitary facilities and/or a supply of potable water, shall be occupied until facilities for sewage disposal and potable water have been installed, made fully operational, and have been approved for use and deemed to be satisfactory for use by the Township or the responsible authority and proof of same has been supplied to the Township where it is not the responsible authority.

1.12 MUNICIPAL SERVICES AND ERECTION AND USE OF BUILDINGS AND STRUCTURES

In those areas deemed as being within full municipal service areas by the Township, no permanent building or structure requiring potable water or sewage disposal facilities shall be erected or utilized unless such buildings or structures are served by a municipal water supply system and a municipal sanitary sewage disposal facility.

In those areas deemed as being within partial municipal service areas (municipal water only) by the Township, no permanent building or structure requiring potable water shall be erected or utilized unless such buildings or structures are served by a municipal water supply system.

- a. All buildings, structure, or uses connected to municipal sewage collection systems shall be required to comply with the municipality's sewer use by-law, By-law 00-13, A By-law to Control Discharges to the Municipal Sewage Works, as may be amended from time to time.
- b. All buildings, structures, or uses connected to partnered sewage collection system shall also be required to comply with the Town of Wasaga Beach sewer use by-law, By-law 2010-62, as may be amended from time to time.
- c. In areas which are serviced by the portion of the sewage collection system through which effluent is directed to the Wasaga Beach Sewage Treatment Plant, the following uses shall be prohibited on any land or in any building or structure notwithstanding the permitted uses of the zone applying to such lands:
 - i. The manufacturing, processing, fabricating of, assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses, where such a use would result in any discharge or non-residential quality waste to the sewage collection system;
 - ii. The breaking up, dismantling and separating into parts of any article, machinery or vehicle where such use would result in any discharge of non-residential quality waste to the sewage collection system;
 - iii. The storage or treatment of waste materials as a non-incident activity;
 - iv. The extraction or processing of sand, gravel, clay, turf, soil, rock, stone or similar substances;
 - v. The repair of any vehicle, equipment or machinery unless such use is equipped with facilities to pre-treat any discharge so that such discharge meets the

requirement of By-law 00-13 A By-law to Control Discharges to the Municipal Sewage Works, as may be amended from time to time;

- vi. Any use which results in a discharge of fuel, hazardous industrial waste, hazardous waste chemicals, ignitable substances, pathological wastes, pesticides, waste disposal leachate, waste radioactive prescribed substances, or reactive substances, each as defined in By-law 00-13 A By-law to Control Discharges to the Municipal Sewage Works, as may be amended from time to time; and
- vii. Any other industrial or commercial use where such use would result in any discharge of non-residential quality waste to the sewage collection system.

1.13 NON-COMPLYING AND NON-CONFORMING USES, BUILDINGS, AND STRUCTURES

1.13.1 BUILDING PERMITS, MUNICIPAL LICENSES AND PERMITS, LAND DIVISION, AND SITE PLAN APPROVAL SHALL NOT BE GRANTED UNLESS CONFORMING AND COMPLYING WITH THIS BY-LAW

No building permit, no approval of any application for a municipal license or permit, no municipal land division approval, and no site plan approval shall be issued where the proposed lot, building, structure, or use of land, building, or structure is in violation of any standard, requirement, provision, regulation, or other aspect of this By-law.

1.13.2 NON-CONFORMANCE, NON-COMPLIANCE, AND LEGAL STATUS

Non-conforming uses, including buildings and structures, are those uses which are not permitted uses in the By-law, or in a particular applicable Zone category, or uses which are specifically prohibited by this By-law. Any use of a lot, building, or structure which is not permitted by this By-law, or by the applicable Zone category, is a prohibited use.

A non-complying use, building, or structure is one which does not comply with the regulations, standards, or provisions of this By-law and is distinguished from a non-conforming use by not having reference to permitted or prohibited uses.

A use, building, or structure may therefore be non-conforming, non-complying, or both.

Where a use, building, or structure has been established lawfully prior to the enactment of this By-law, it shall be considered to have legal non-conforming or legal non-complying status as applicable. Accordingly, 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 the passing of this By-law, so long as it continued to be used for that purpose.

Such legal non-conforming and legal non-complying status shall not affect the strict, uniform enforcement of all other legislation, regulations, or by-laws designed for the protection of the health, welfare, and safety of the citizens of the Township including, but not limited to, the fire and building codes.

A non-conforming use of any building, structure, or land which has been abandoned shall not thereafter be returned to such non-conforming use. A non-conforming use shall be considered abandoned when:

- The use has discontinued;
- The intention of the owner to discontinue the use is apparent;
- The characteristic equipment and furnishings of the non-conforming use have been removed from the premises; or,
- The use has been replaced by a conforming use.

A legally existing use or occupation of land, building, or structure, or any activity in connection therewith including any site alteration which, under the provisions of this By-law, is not permissible within the Zone in which such land, building, or structure is located, shall not be changed except to a use or activity connected therewith which is permissible within such Zone.

1.13.3 UNLAWFUL USES, BUILDINGS OR STRUCTURES

Any use, building, or structure established in violation of a predecessor of this By-law or any legislative or regulatory requirement will be deemed to have been established unlawfully and will not be considered as a legal non-conforming or legal non-complying use, building, or structure and is therefore in violation of this By-law unless otherwise provided for specifically in the exceptions contained herein. Proof of legal non-conforming or legal non-complying status must be provided by the owner.

1.13.4 NON-COMPLYING LOTS – LOT AREA AND FRONTAGE

A lot in existence prior to the effective date of this By-law that does not meet the lot area or lot

frontage requirements of the applicable Zone, may continue to be used for existing legal uses existing at the time of adoption of this By-law and not having ceased since adoption of the By-law. Permitted accessory uses to the existing primary use may also occur.

An existing building on a lot with less frontage or area may be enlarged provided that the enlargement meets all other provisions of this By-law, the lot has a minimum frontage of 10 metres, and has sufficient area to accommodate services. The erection of new, and expansion of existing permitted accessory buildings and structures to the existing primary use, may also occur provided that all other provisions of this by-law are complied with.

A new building or structure on a lot in a registered plan of subdivision approved for residential use by the Township of Clearview through final subdivision approval between January 1, 1994 and January 1, 2010, may be erected on a lot with less frontage or area than the zoning provisions of this by-law. The minimum frontage and minimum area requirements for those lots shall be those provided by the approved lot.

The establishment of new uses and the erection of new buildings or structures, subject to the above exceptions, shall not be permitted.

1.13.5 EXTENSION OF NON-CONFORMING USES

A non-conforming use of part of a parcel of land shall not be extended inside or outside a building or structure and no additional building or structure shall be erected upon the parcel while the non-conforming use continues.

A non-conforming use shall in no way be expanded or extended to displace a conforming use.

If such non-conforming use or portion thereof is discontinued or changed to a conforming use, any future use of such parcel, building, structure, or portion thereof shall be in conformity and compliance with the provisions of this By-law.

1.13.6 REPAIR, REPLACEMENT, RENOVATION OR ENLARGEMENT

Nothing in this By-law shall apply to prevent the repair, replacement, or reconstruction of any legal non-conforming or non-complying building or structure which is damaged by causes beyond the control of the owner, or which is demolished and reconstructed by the owner in accordance with approvals issued by the Township.

A legal non-conforming or non-complying building or structure may be repaired, replaced, or reconstructed in accordance with the conditions which existed on the day of the passage of this By-law.

A legal non-complying building or structure may be enlarged provided that the enlargement:

- a) Does not continue to, or further, encroach into a required minimum yard or into the setback;
- b) Does not increase the amount of floor area or building or structural volume in a required minimum yard or setback;
- c) Does not in any other way increase a situation of non-compliance; and,
- d) Complies with all other applicable provisions and requirements of this By-law.

1.13.7 LOT SIZE OR BOUNDARY ALTERATION

No lot shall be reduced in area or altered with respect to boundaries either by the conveyance or alienation of any portion thereof, or otherwise, so as to create a situation of non-compliance or non-conformance.

1.13.8 NON-CONFORMITY OR NON-COMPLIANCE CREATED BY PUBLIC ACQUISITION

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

1.13.9 COMPLIANCE AND CONFORMANCE RESPONSIBILITY

The responsibility for conformance and compliance with the By-law shall be the responsibility of the land owner. In accordance with the enforcement and penalty provisions of this By-law, other parties may also be in violation of this By-law and be subject to enforcement and penalties thereby associated with, where also responsible for any act or omission which results in a failure to conform or comply with this By-law. A mistake, error, or omission by any person required to conform or comply with the provisions of this By-law does not relieve that person from liability for failure to conform or comply with the provisions of this By-law.

1.14 SEVERABILITY

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

1.15 COMPLIANCE WITH OTHER RESTRICTIONS

This By-law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by the Township or any other Federal or Provincial government authority having lawful jurisdiction to make such restrictions or regulations. Where the requirements of this By-law and those of any government authority are in conflict, the greater, most restrictive, or most stringent requirements shall apply.

In the event of conflict between this By-law and any general or special by-law, this By-law shall prevail. However, nothing in this Zoning By-law shall serve to relieve any person from the obligation to comply with the requirements of any other by-law of the Municipality in force from time to time, or the obligation to obtain any license, permit, authority, or approval required under any by-law of the Municipality.

1.16 ESTABLISHMENT OF ZONES

For the purposes of this By-law, all land within the boundaries of the Township of Clearview are hereby divided and established into “Zones” which are represented on the Zoning Schedules of this By-law.

AGRICULTURAL ZONES

- AG AGRICULTURAL
- AG-ER AGRICULTURAL – RESIDENTIAL USE EXCEPTION
- AG-EL AGRICULTURAL – LIVESTOCK USE EXCEPTION
- AGI AGRICULTURALLY RELATED INDUSTRIAL

AGC AGRICULTURALLY RELATED COMMERCIAL

AGK AGRICULTURAL BOARDING KENNEL

RURAL ZONES

RU RURAL

RUK RURAL BOARDING KENNEL

RESIDENTIAL ZONES

RE RESIDENTIAL ESTATE

RS RESIDENTIAL HAMLET

RS1 RESIDENTIAL LARGE LOT

RS2 RESIDENTIAL LOW DENSITY

RS3 RESIDENTIAL MULTIPLE LOW DENSITY

RS4 RESIDENTIAL MEDIUM DENSITY

RS5 RESIDENTIAL MULTIPLE MEDIUM DENSITY

RS6 RESIDENTIAL HIGH DENSITY

RS-BB SETTLEMENT AREA BED AND BREAKFAST

DEVELOPMENT ZONES

DA DEVELOPMENT AREA

INSTITUTIONAL ZONES

IN INSTITUTIONAL

INR1 INSTITUTIONAL RESIDENTIAL 1

INR2 INSTITUTIONAL RESIDENTIAL 2

RECREATIONAL ZONES

REC RECREATION LANDS

RECT RECREATIONAL TRAIL

COMMERCIAL ZONES

RECC COMMERCIAL RECREATION LANDS

C1 GENERAL COMMERCIAL

C2 HIGHWAY COMMERCIAL

C3 SERVICE COMMERCIAL

C4 LARGE FORMAT COMMERCIAL

C5	NEIGHBOURHOOD COMMERCIAL
C6	COUNTRY COMMERCIAL
CT1	COMMERCIAL TRANSITION 1 OVERLAY
CT2	COMMERCIAL TRANSITION 2 OVERLAY

INDUSTRIAL ZONES

MG	GENERAL INDUSTRIAL
MP	PRESTIGE INDUSTRIAL
MR	RESTRICTED INDUSTRIAL
MA	AIRPORT INDUSTRIAL
MW	WASTE DISPOSAL AREA
WDAA	WASTE DISPOSAL AREA OVERLAY
MARA	MINERAL AGGREGATE RESOURCE AREA OVERLAY

ENVIRONMENTAL AND HAZARD ZONES

EP	ENVIRONMENTAL PROTECTION
FP	HAZARD LAND OVERLAY
FPSP	HAZARD LAND SPECIAL POLICY OVERLAY
AR	ARCHAEOLOGICAL ASSESSMENT OVERLAY
SM	STORMWATER MANAGEMENT FACILITIES

NIAGARA ESCARPMENT ZONE

NEC	NIAGARA ESCARPMENT
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EXTRACTION ZONE

EX1	EXTRACTION INDUSTRIAL ABOVE THE WATER TABLE
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1.17 ZONING SCHEDULES

The land use Zones, which include overlay Zones and notations, for all lands covered by this By-law are shown on zoning maps in Schedules "A" and "B" to this By-law. Such schedules, with all notations, references, dimensions, designations, and other necessary information shown thereon, are hereby adopted and made part of this Zoning By-law for reference. Such schedules may hereinafter be referred to as "Maps", "Zoning Maps", "Schedules", or "Zoning Schedules".

The symbols used on the Schedules attached hereto, refer to the appropriate Zones established by this By-law. These symbols may be used to refer to lands, buildings, structures, and the uses of lands, buildings, and structures permitted by this By-law in the said Zones, and whenever in this By-law the word "Zone" is used immediately preceded or followed by any of the said symbols, such Zones shall mean any area within the Township of Clearview within the scope of this By-law delineated on a Zoning Map and designated thereon by the said symbol.

1.18 UNDERWATER ZONING

All areas of the Township of Clearview which are underwater shall be subject to all of the regulations of the zone which immediately adjoins the water area. If the water area adjoins two (2) or more zones, the boundaries of each zone shall be construed to extend into the water area to the midpoint of a watercourse or water body in a straight line until they meet the other zone.

1.19 ZONES NOT ON MAPS

The zoning maps of this By-law may be amended to utilize any zone in this By-law, or any zone created in an amendment thereto, regardless of whether or not such zone had previously appeared on any zoning map.

1.20 MULTIPLE USES ON ONE LOT

Notwithstanding any other provisions of this By-law, where any land, building, or structure is used for more than one purpose, all provisions of this By-law shall be complied with for each use, except in the case of lot area, lot frontage, coverage, and minimum yard requirements, in which the greater, most restrictive, or most stringent requirement shall apply.

1.21 PROPERTIES WITH MORE THAN ONE ZONE

Where a lot is divided into more than one Zone, each such portion of said lot shall be considered separately for the purposes of determining permitted uses and zone provisions and each such portion shall conform to the provisions of the appropriate zone. Notwithstanding this requirement, in regard to the provisions for minimum lot area, minimum lot frontage, maximum lot coverage, maximum building height, and number of buildings, the greater, most restrictive, or most stringent requirement of the Zone shall apply to the entire lot and uses thereon.

1.22 USE OF HEADINGS

The use of headings appearing at various places throughout this By-law, have been inserted as a matter of convenience and for reference only and in no way define, limit, or enlarge the scope or meaning of this By-law or any of its provisions. Such headings may therefore be altered or revised without necessity of a zoning by-law amendment.

1.23 ZONE BOUNDARIES

The Zones and zone boundaries are shown on the schedules to this By-law which are attached to and form part of this By-law.

Unless the location of a zone boundary is specified by the dimensions on the zoning map or interpretation is otherwise provided for herein, a zone boundary which lies within a lot shall be fixed by the scale of the zoning map.

A zone boundary shown approximately at a lot line is deemed to be at the boundary of the lot line.

A zone boundary shown approximately at the centre line of streets, lanes, or other public thoroughfares, a railway line or transmission line, shall be deemed to follow the centre line of the right-of-way. A zone boundary shown approximately at the limit of the right-of-way of a street shall be deemed to follow the limit of the right-of-way of the street.

Whenever any street, alley, or portion thereof is closed, or whenever any land included in any railway right-of-way shall cease to be used for railway purposes, the land formerly included in such street, alley, or railway right-of-way, shall be deemed to be included within the zone in which the same was situated until, or, wherever any such street, alley, or railway right-of-ways was on a zone boundary, then the land formerly included in any such street, alley, or railway right-of-way shall be deemed to be divided between the zones adjoining on either side, in such manner that the zone boundary shall follow the centre line of such former street, alley, or railway right-of-way.

Where a zone boundary is shown following approximately the top of a bank of a shoreline, watercourse, or top or bottom of a slope, the zone boundary is deemed to be at the top of the bank of the shoreline, watercourse, or top or bottom of a slope, and moves with any change in the bank, creek, stream, channel, or top or bottom of a slope. Where a slope is associated with a

shoreline or watercourse, the zone boundary shall be at the top of the slope.

Where a zone boundary is indicated as following the limits of a natural heritage feature, the limits of that feature as specified in mapping prepared and approved by the authority responsible for identifying the natural heritage feature, and as approved by the Township, shall be the boundary. Where a land owner submitted to the Township, an environmental impact study which has been approved in writing by the Township of Clearview and the approval authority responsible for identifying the natural heritage feature, and that study specifically addresses the limits of a natural heritage feature, the boundary shall follow the limits of such a feature as identified in the approved environmental impact study without an amendment to this By-law. **Where such a study is approved in writing by the Township, the Township may correct the mapping without an amendment to this By-law. Such a correction may also occur where the Township and the Nottawasaga Valley Conservation Authority agree, as a result of an investigation, that the limits of the natural heritage feature are incorrectly indicated on the schedules.**

The corrections discussed above are considered to be matters of interpretation of the By-law with technical adjustments made being considered implementation of those interpretations. Such corrections are not amendments to this By-law.

Where a zone boundary is indicated as following the limits of a flood line or fill line prepared by the Nottawasaga Valley Conservation Authority (NVCA), where registered under the Conservation Authorities Act and approved by the Township, the boundary shall follow such flood line or fill line, as may be amended from time to time.

Where a zone boundary is shown as approximately following municipal limits, it shall be deemed to be following municipal limits.

Where physical or cultural features existing on the ground are at variance with those shown on or by the zoning schedules, the actual location on the ground shall govern.

In instances where any further uncertainty exists, or a request by an owner is made in writing to Council for a further determination, Council shall then interpret the intent of the map as to the location of the zone boundary by a resolution of Council, in accordance with the interpretation clauses of this By-law.

1.24 INTERPRETATION

For the purposes of this By-law:

- a) The definitions and interpretations given herein shall govern;
- b) The words "used" and "occupied" shall include the words "intended" or "arranged" and "designed to be used or occupied";
- c) The words "he" and "his" include the words "she" and "her" as well as corresponding gender neutral terms;
- d) The provisions and regulations of the By-law shall be held to be the minimum requirements except where the word "maximum" is used, in which case the maximum requirements shall apply;
- e) Where a use is not specifically indicated as a permitted use in this By-law, it shall be a prohibited use;
- f) When not inconsistent with the context or intent, words used in the present tense include the future;
- g) The word "shall" is always mandatory and not merely permissive; and,
- h) Unless the contrary intention appears, words imparting the singular number only shall include more persons, parties, or things of the same kind than one, and the converse.

Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either-or", the conjunction shall be interpreted as follows:

- a) "and" indicates that all the connected items, conditions, provisions, or events shall apply in any combination;
- b) "or" indicates that the connected items, conditions, provisions, or events may apply single or in combination; and,
- c) "either-or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

Any use which is not permitted by this By-law is a prohibited use. Where a use is not listed as a permitted use in a zone category such a use is a prohibited use in that zone category. Where a use is specifically permitted in a zone, that zone category shall be the only zone category in which such a specifically permitted use may occur.

The provisions of this By-law are held to be the minimum requirements adopted for the promotion of public health, safety, convenience, and general welfare.

In the event of an inconsistency or conflict between two or more provisions, standards, or requirements of this By-law, the more stringent restrictions shall prevail.

Numerical figures used in this By-law are given in metric units and are intended to provide the sole standard governing the provisions of the By-law.

Where any Act or portion of an Act is referred to in this By-law, such reference shall be interpreted to refer to any subsequent re-titling, renumbering of sections, or other amendments or changes to such Act.

Any typographical error, spelling error, capitalization error, grammatical error, punctuation error, or a map error may be corrected by the Township at any time without restriction and without amendment to this By-law and shall not affect the validity of any provision or requirement of this By-law. Where there is any dispute in regard to the intent of the By-law, in such circumstances, Council shall clarify the intent of the By-law through such correction by resolution.

The purpose of the definitions included in this By-law is to define words, terms, and phrases which are necessary for the understanding, administration, and enforcement of this By-law or which are not part of common English language. Terms, words, and phrases in this By-law which are not defined in this By-law but are defined in the Planning Act, R.S.O. 1990, c.P.13, **and other by-laws of the Township of Clearview**, have the meaning expressed in that Act **and the appropriate by-laws**. Words, phrases, and terms neither defined in this By-law nor in the Act **or in other by-laws of the Township of Clearview**, shall be given their usual and customary meaning except where the context clearly indicates a different meaning in which case the Township shall determine the appropriate meaning.

Provisions established in this By-law may apply to a Zone or a use as is so indicated by the text of this By-law.

The aerial photography and lot fabric shown on the zoning schedules or maps is provided as background information only, and may be updated by the Township at any time without requiring

an amendment to this By-law.

1.25 INCORPORATION OF AMENDMENTS

Amendments to this By-law, duly adopted by Council, may be incorporated into a consolidated version of this By-law without the necessity of further amendment to this By-law or formal adoption of the consolidated By-law.

1.26 CONTINUATION OF PROSECUTION FOLLOWING REPEAL

The passage of this By-law does not affect the right of the Township of Clearview to prosecute any violation of the previous By-laws, if the violation occurred while the previous By-laws were in effect.

1.27 CONFORMITY AND COMPLIANCE WITH THE BY-LAW

No person shall use and no owner shall permit the use, or intended use, of any land, building, or structure, after the passage of this By-law except in conformity and compliance with the provisions and regulations of this By-law.

No person and no owner shall permit a building or parts thereof, or other structures to be erected, raised, moved, placed, reconstructed, extended, enlarged, or altered, except in conformity and compliance with the provisions herein.

Notwithstanding the issuance of any approval or provision of any information by the Township, it shall be the full responsibility of any person using lands, buildings, or structures, and the owner or occupier, to ensure that any use of lands, buildings, or structures and the construction of a building or structure conforms and complies with the requirements of this By-law.

Zoning affects every structure and use, and extends horizontally and vertically.

1.28 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT

The provisions of this By-law shall be administered and enforced by the Zoning Administrator. The Zoning Administrator shall include, singly or collectively: the Director of Planning and

Development; a Planner so designated by the Director of Planning and Development; the Clerk; the Township solicitor; the Township By-law Enforcement Officer; the Chief Building Official; a Building Inspector so designated by the Chief Building Official; and, any other person designated from time to time by the Council of the Township.

If the Zoning Administrator finds that any of the provisions of this By-law are being violated, they shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. They shall order discontinuance of illegal use of land, buildings, or structures; the removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or, shall take any other action authorized by this By-law or applicable law to ensure compliance with or to prevent violation of its provisions.

Administration, enforcement, and associated processes, procedures, and penalties shall be established, determined, and carried out in accordance with relevant legislation and law.