

3.0 ZONES AND ZONE MAPS

3.1 ESTABLISHMENT OF ZONES

For the purpose of this By-law, the maps hereto annexed as Schedule “A”, Map 1 to Map 104 inclusive; Schedule “B”, Schedule “C”, Schedule “D”, Schedule “E”, Schedule “F”, Schedule “G”, Schedule “H”, Schedule “I”, Schedule “J”, Schedule “K”, Schedule “L”, Schedule “M”, Schedule “N” and Schedule “O”, shall be referred to as the zone maps of the Township of Malahide Zoning By-law and the zone maps shall be divided into one or more of the following zones:

ZONE CATEGORY SYMBOL

Agricultural Zones

General Agricultural	A1
Special Agricultural	A2
Large Lot Agricultural	A3
Small Lot Agricultural	A4

Residential Zones

Rural Residential	RR
Hamlet Residential	HR
Village Residential One	VR1
Village Residential Two	VR2
Mobile Home Park	MH

Commercial Zones

General Commercial	GC
Hamlet Commercial	HC
Rural Commercial	RC
Highway Commercial	HWC
Local Commercial	LC

Industrial Zones

General Industrial	M1
Rural Industrial	M2
Farm Industrial	M3
Extractive Industrial	M4

Other Zones

Institutional	I
Open Space	OS
Public Utility	U

3.2 USE OF ZONE SYMBOLS

The symbols listed in Section 3.1 shall be used to refer to land, buildings, and structures and the uses thereof permitted in this By-law in the said zones, and wherever in this By-law the word “zone” is used, preceded by any of the said symbols, such zones shall mean any area within the Township delineated on the zone maps and designated thereon by the said symbol.

3.3 **HOLDING SYMBOLS**

Where a zone symbol listed in Section 3.1 is used in conjunction with the holding symbol "H" as shown on the zone maps, no buildings or structures shall be erected or altered, save and except existing main buildings and structures and accessory buildings and structures permitted in the said zone and in accordance with the standards of the said zone, until the "H" symbol is removed in accordance with the Planning Act.

Where the holding symbol "H" is accompanied by a numbered suffix (e.g. H-1, H-2) as shown on the zone maps, removal of the "H" symbol shall be contingent upon the following matters being concluded.

a) **H-1 Services, Agreements, Site Plan Approvals**

To ensure the orderly development of lands and the adequate provision of municipal services, the required security shall be provided for the development agreement or subdivision agreement, and Council shall be satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, ensure a development agreement or subdivision agreement is executed by the applicant and the Township, prior to the removal of the "H-1" symbol.

b) **H-2 Noise and Vibration Attenuation**

To ensure that mitigating measures are undertaken in areas adjacent to transportation and utility corridors, an agreement shall be entered into, following consultation with relevant agencies, covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to the removal of the "H-2" symbol.

c) **H-3 Environmental Impact Study**

To determine the extent to which development will be permitted and ensure that development will not have a negative impact on relevant components of Natural Heritage Features (identified in the Township of Malahide Official Plan, the Provincial Policy Statement and the Ministry of Natural Resources), an agreement shall be entered into specifying appropriate development conditions and boundaries, based on an Environmental Impact Study prepared to the satisfaction of the Township, prior to removal of the "H-3" symbol.

d) **H-4 Erosion/Slope Instability Hazards**

To refine the One Hundred Year Erosion Limit (identified by the Conservation Authority having jurisdiction), assess the potential impacts of development and identify measures to avoid or address potential erosion/slope instability hazards, an agreement shall be entered into specifying appropriate development conditions and boundaries, based on a geotechnical study that has been prepared to the satisfaction of the Township, prior to removal of the "H-4" symbol.

e) H-5 Site Plan Control

To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under the site plan control provisions of the Planning Act, prior to the removal of the "H-5" symbol.

f) H-6 Landfill Sites

To ensure that development in the vicinity of operating and closed landfill sites will occur in a safe manner and in accordance with the Environmental Protection Act, agreements shall be entered into specifying any necessary studies and protective measures to the satisfaction of the Township, demonstrating that the development in the form and manner proposed will not be adversely affected, prior to the removal of the "H-6" symbol.

3.4 COMPOUND ZONES

Where two or more zone symbols divided by a "/" are shown on the zone maps as applying to a lot, the lot may be used for any use permitted in any one of the zones included in the compound zone symbol, or for any combination of uses thereto, subject to the following:

- a) the general use regulations and the special use regulations applicable to the zones included in the compound zone shall apply;
- b) in the case of a conflict between combinations of uses from two (2) or more zones, the greater or more restrictive regulations shall apply.

3.5 MULTIPLE ZONES

Where a lot is subdivided into more than one zone, the regulations applicable to these zones shall apply to the respective areas so zoned, and the zone lines shall be deemed to be lot lines for the purposes of this By-law.

3.6 SPECIAL USE REGULATIONS

Within any zone, special use regulations shall apply and, in addition to such special use regulations, the general use regulations shall also apply unless a contrary intention appears otherwise, in which case the special use regulations shall supercede and prevail over the general use regulations of the zone.

3.7 'SITE-SPECIFIC' ZONES

All zones may be subdivided into one or more defined areas within which greater or lesser restrictions shall apply. These 'site-specific' zones shall be identified by reference to the symbol of a zone together with a number so as to differentiate 'site-specific' zones within a zone from each other and from other areas within the zone. Within a 'site-specific' zone, all requirements of this By-law including the General Regulations (Section 4) and the General Use Regulations and the Special Use Regulations applicable to the zone within which the 'site-specific' zone is located shall apply and, unless a contrary intention appears otherwise, the following shall apply:

- a) if the 'site-specific' zone establishes regulations different from the General Regulations of this By-law including the General Use Regulations and Special Use Regulations applicable

to the zone within which the defined area is located, the exceptions shall supersede and prevail over such corresponding regulations of this By-law;

- b) if the 'site-specific' zone permits one (1) or more uses for the defined area, such permitted use or uses shall be the only purpose or purposes for which land, building or structures within the defined area shall be used unless the contrary intention appears otherwise;
- c) if the 'site-specific' zone specifically permits one (1) or more uses in addition to those otherwise permitted in the zone within which the defined area is located, any and all of the other exceptions applicable to the defined area shall also apply to the additional permitted use or uses and not only to the uses not otherwise permitted in the zone;
- d) where a 'site-specific' zone is followed by reference to the name of the owner, tenant, company name, municipal address or other description shown in italics and contained in parentheses, the said reference is intended for information purposes only and does not constitute part of this By-law.

3.8 INTERPRETATION OF ZONE BOUNDARIES

Where any uncertainty exists as to the location of the boundary of any of the said zones as shown on a zone map, the following shall apply:

- a) unless otherwise shown, the boundary of the zones as shown on the zone maps are the centre lines of the road allowances or lot lines and the projection thereof;
- b) where zone boundaries are indicated as approximately parallel to the line of any road and the distance from such road is not indicated, such zone boundaries shall be construed as being parallel to such road and the distance there from shall be determined by the use of the scale shown on the zone maps;
- c) unless otherwise indicated, a road, lane, railway or electrical transmission line right-of-way, or watercourse included on the zone maps, is included within the zone of the adjoining lands on either side thereof; and where such road, lane, right-of-way, or watercourse serves as a boundary between two (2) or more different zones, a line midway in such road, lane, railway or electrical transmission line right-of-way, or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones unless specifically indicated otherwise;
- d) in the event a road or street shown on a zone map is closed, the lands formerly on the said road or street shall be included within the zone of the adjoining property on either side of the said closed road or street, and the zone boundary shall be the former centre line of the said closed road or street;
- e) where zone boundaries appear to follow a lot line, they shall be deemed to follow the lot line.