

SECTION 12 - HIGHWAY COMMERCIAL (CH) ZONE

12.1 Within a Highway Commercial (CH) Zone, no person shall use any land; erect, alter, enlarge, use or maintain any building or structure for any use other than as permitted in this section and also such use, building or structure shall be in accordance with the regulations contained or referred to in this section.

12.2 PERMITTED USES

12.2.1 Residential Uses:

- a) an attached accessory dwelling in accordance with the provisions of Section 3.11, except service stations, or other uses involving the sale of gasoline or other similar petroleum products.

12.2.2 Non-Residential Uses:

- a) motor vehicle service station or gas bar subject to the regulations of Section 12.3.4
- b) motor vehicle repair garage
- c) motor vehicle sales or rental establishment
- d) food and confectionary sales or restaurant accessory to a motor vehicle service station or gas bar
- e) sales, service, storage or repair of small internal combustion engines
- f) automatic or coin operated car wash with or without the sale of petroleum products incidental thereto
- g) marina
- h) farm implement sales outlet
- i) custom workshop
- j) service repair shop
- k) antique store
- l) restaurant including a drive-in or take-out restaurant or refreshment vehicle subject to Section 12.3.5
- m) building supply outlet
- n) recreational trailer sales, service and display
- o) prefabricated house, cottage or mobile home sales and display
- p) fruit and vegetable market
- q) nursery and garden centre
- r) outside display and sale of goods in accordance with the provisions of Section 3.39
- s) passive outdoor recreation use
- t) public use in accordance with the provisions of Section 3.29

12.3 ZONE PROVISIONS

12.3.1 Refer to Section 3 (General Provisions)

12.3.2 For all uses not otherwise set out herein.

12.3.2.1 Lot Area (minimum)

- a) lot served by a public water and sanitary sewer system 790 m² (8503.77 ft.²)
- b) other lots 1390 m² (14962.33 ft.²)

12.3.2.2 Lot Frontage (minimum)

- a) lot served by a public water and sanitary sewer system 20.0 m (65.62 ft.)
- b) other lots 30.0 m (98.43 ft.)

- 12.3.2.3 Front Yard Depth (minimum)
- a) lot served by a public water and sanitary sewer system 6.0 m (19.69 ft.)
 - b) other lots 9.0 m (29.53 ft.)
- 12.3.2.4 Rear Yard Depth (minimum)
- i) abuts a Commercial or Institutional Zone 7.5 m (24.61 ft.)
 - 3.5 m (11.48 ft.)
- 12.3.2.5 Interior Side Yard Width (minimum)
- a) lot served by a public water and sanitary sewer system; 4.0 m (13.12 ft.)
 - i) abuts a Commercial or Institutional Zone 3.5 m (11.48 ft.)
 - b) other lots; 4.5 m (14.76 ft.)
- 12.3.2.6 Exterior Side Yard Width (minimum)
- a) lot served by a public water and sanitary sewer system 6.0 m (19.69 ft.)
 - b) other lots 9.0 m (29.53 ft.)
- 12.3.2.7 Lot Coverage (maximum)
- a) lot served by a public water and sanitary sewer system 40%
 - b) other lots 30%
- 12.3.2.8 Building Height (maximum) 11.0 m (36.09 ft.)
- 12.3.2.9 Landscaped Open Space (minimum) 10%
- 12.3.2.10 Minimum setback from any Residential Zone (any yard) to any building, structure or outside storage 9.0 m (29.53 ft.)
- 12.3.2.11 Minimum rear yard setback of a principle building from any Residential Zone 14.0 m (45.93 ft.)
- 12.3.2.12 Adjacent to any Residential Zone a 3 metre (9.84 ft.) buffer strip, properly landscaped as may be required by a Site Plan Control Agreement through the provisions of the Planning Act, shall be provided along the abutting lot line.
- 12.3.2.13 Accessory Dwelling Units
- a) units per lot 1
 - b) gross floor area (minimum)
 - i) bachelor or one bedroom dwelling unit 42.0 m² (452.09 sq. ft.)
 - ii) for each additional bedroom 13.0 m² (139.94 sq. ft.)
 - iii) access to a dwelling unit shall be separate from access to Commercial use
- 12.3.2.14 All means of ingress and egress shall conform with the appropriate municipal regulations. In the case of a corner lot no means of ingress or egress shall be located within 15 m (49.21 ft.) of the intersection of the street lines.
- 12.3.2.15 Off street parking and loading in accordance with Sections 3.40 and 3.41
- 12.3.2.16 No parking space or part shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 3 m (9.84 ft.) of the boundary of any Residential Zone.

- 12.3.2.17 Accessory Buildings Refer to Section 3.7
- 12.3.3 Regulations for car wash
- 12.3.3.1 For an automatic car wash, a minimum of seven (7) waiting spaces and three (3) drying spaces shall be provided on the lot.
- 12.3.3.2 For a coin operated car wash, a minimum of three (3) waiting spaces and one (1) drying space shall be provided for each unit or bay on the lot.
- 12.3.4 Regulations for motor vehicle service station or gas bar
- 12.3.4.1 In addition to the regulations set out in Section 12.3.2, the following shall apply in regard to a motor vehicle service station or gas bar.
- 12.3.4.2 Lot Frontage (minimum)
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|---|-------------------|
| a) Lot served by public water and sanitary sewer system | 38 m (124.67 ft.) |
| b) Other lots | 45 m (147.64 ft.) |
- 12.3.4.3 Front Yard Depth (minimum)
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|---|------------------|
| a) Lot served by public water and sanitary sewer system | 10 m (32.81 ft.) |
| b) Other lots | 15 m (49.21 ft.) |
- 12.3.4.4 Rear Yard Depth (minimum) 7.5 m (24.61 ft.) except where the rear yard abuts a residential zone, the rear yard shall be a minimum of 15 m (49.21 ft.) of which 4.5 m (14.76 ft.) adjacent to the lot line shall be maintained in an open space condition.
- 12.3.4.5 Interior Side Yard Width (minimum)
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|--|--|
| a) 4 m on a lot served by public water and sanitary sewer system except that where the interior side lot line abuts a Commercial or Institutional Zone the minimum interior side yard width shall be 3.5 m (11.48 ft.). | |
| b) On other lots, 7.5 m (24.61 ft.) except where one or both side yards abut a Residential Zone the side yard shall be a minimum of 15 m (49.21 ft.) of which 4.5 m (14.76 ft.) adjacent to the lot line shall be maintained in an open space condition. | |
- 12.3.4.6 Exterior Side Yard (minimum) 10 m (32.81 ft.)
- 12.3.4.7 Landscape Open Space (minimum) 10%
- 12.3.4.8 Daylighting Triangle On a corner lot, a daylighting triangle of 15 m (49.21 ft.)

minimum shall be provided.

- 12.3.4.9 On a lot served by public water and sanitary sewer system, the minimum distance between any portion of the gasoline pump island and any lot line shall be 4.5 m (14.76 ft.) and on all other lots the distance shall be 6.0 m (19.69 ft.) from any lot line.
- 12.3.4.10 Where the lot is a corner lot, no portion of any gasoline pump island shall be located closer than 3.0 m (9.84 ft.) to a daylighting triangle.
- 12.3.4.11 No person owning, leasing or operating a motor vehicle service station or gasoline bar shall use or permit it to be used for the purpose of wrecking.
- 12.3.4.12 Storage of motor vehicles for repair shall not be in the front yard of a motor vehicle service station.
- 12.3.5 Regulations for refreshment vehicles
 - 12.3.5.1 No refreshment vehicle may be located within 300 metres (984.25 feet) of a restaurant including a drive-in or take-out restaurant except where such use is accessory to the restaurant.

12.4 ZONE EXCEPTIONS

- 12.4.1 CH-1, Lot 25, Concession VIII (Vespra)
4377 County Road 90, Roll No. 43 41 010 006 093 05 000
Vespra Zoning By-law Amendment No. 86-22 - Gas Station

A lot depth (minimum) of 41.5 m and a front yard depth (minimum) of 11.6 m shall be required. Fuel pump islands and fuel pumps may be located in any required minimum yard at a minimum distance of 7.5 m from any street line, with the exception of the front yard where a minimum distance from any street line shall be 2.6 m.

- 12.4.2 CH-2, Lot 14, Concession V (Vespra)
2 Currie Drive, Part of Roll No. 43 41 010 003 273 00 0000
Vespra Zoning By-law Amendment No. 88-33 as amended by Zoning By-law Amendment No. 97-063
Currie Truck Centre

The use of the front yard abutting Bayfield Street North (Highway 26) may be used for outside display and sale purposes but shall be limited to a maximum of fifty five (55) percent of the front yard area.

- 12.4.3 CH-3, Lot 33, Concession I, W.P.R. (Vespra)
1633 Old Second South, Part of Roll No. 43 41 010 001 192 00 0000
Vespra Zoning By-law Amendment No. 93-23 - Farrington

The permitted uses within this zone are restricted to the following: the sale and repair of snowmobiles, all-terrain vehicles, motorcycles and personal watercraft; the sale of accessory equipment to snowmobiles, motorcycles, all-terrain vehicles and personal watercraft and the open storage of equipment and machinery being sold or repaired. Furthermore the lot frontage (minimum) requirement shall be 0.0 m and the maximum total gross floor area of all building shall not exceed 350.0 m².

- 12.4.4 CH-4, East half of Lot 5, Concession X (Vespra)
2454 Ronald Road, Roll No. 43 41 010 005 164 20 0000
2466 Ronald Road, Roll No. 43 41 010 005 156 00 0000
Zoning By-law Amendment No. 94-149 - Giffen

The existing accessory dwelling shall maintain a westerly side yard width (minimum) of 29.0 m and a front yard setback (minimum) of 6.0 m.

- 12.4.5 CH-5, Lot 24, Concession X, Part 1, Plan 51R-16558A, (Vespra)
4712 County Road 90, Roll No. 43 41 010 006 208 00 0000
(Zoning By-law Amendment No. 96-021 - Fox Fleet)

The permitted uses within this zone are restricted to the storage, display and sale of automobiles.

- 12.4.6 CH-6, Lot 24, Concession VIII (Vespra)
662 County Road 90, Roll No. 43 41 010 006 088 01 0000
(Miller Lumber)

In addition to the permitted uses of this section a retail and/or wholesale store for the storage, display and sale of lumber, building supplies and other similar new goods or materials which may include outside storage in accordance with the provisions of this By-law may be permitted.

- 12.4.7 CH-7, Lot 14, Concession V (Vespra)
1152 Bayfield Street North, Roll 43 41 010 003 274 00 0000
(Zoning By-law Amendment No. 99-091 which repeals and replaces Zoning By-law Amendment No. 99-087 – Tony's Auto / Wade)
(Zoning By-law Amendment No. 5000-089 (1531411 Ontario Limited ZBA) replaces Zoning By-law 99-091)

That the permitted uses of the Highway Commercial (CH) Zone shall apply save and except for those uses involving the sale of gasoline or petroleum products. The outdoor display and sale of prefabricated buildings is permitted in accordance with the provisions of Section 3.39.

CH-7, Lot 14, Concession V, Vespra
1005 Snow Valley Road, 43 41 010 003 278 00 0000
5000-016 – Marcelli Nursery

The permitted uses within this zone shall include a day nursery school and indoor playground.

- 12.4.8 CH-8, Lot 9 and 10, Concession I, W.P.R. (Vespra)
528 Penetanguishene Road, Part of Roll No. 43 41 010 001 084 10 0000
Zoning By-law Amendment No. 99-016 (Larway Greenhouse)

The permitted uses within this zone are restricted to a nursery and garden center, a fruit and vegetable market, a tourist information center, the outside display and sale of goods in accordance with the provisions of Section 3.39, an attached or detached accessory dwelling in accordance to the provisions of Section 3.11 and a public use.

- 12.4.9 CH-9 , Lot 5, Concession I, (Flos)
Zoning By-law Amendment No. 98-104, Roll No. 43 41 030 001 077 01 0000
(3406 Horseshoe Valley Road West - Chase now Blue Moon Marine)

In addition to the permitted uses of this section a cartage, express or transportation terminal, warehouse or inside storage building subject to the provisions of the General Industrial/Outside Storage (MO) Zone, Section 20.3, is permitted. A car wash and restaurant are not permitted, however a drive-in or take-out restaurant or refreshment vehicles subject to Section 12.3.5 is permitted.

- 12.4.10 CH-10, Lot 16, Concession IX, (Flos)
2376 County Road 92, Roll No. 43 41 030 004 006 00 0000
(Zoning By-law Amendment No. 2000-079 - Brown / Baker)

In addition to the permitted uses of this section and notwithstanding the provisions of Section 3.38, Outside Storage, an impound yard located at the rear of the subject property for the purpose of temporary storage of towed vehicles incidental to the towing business on the site may be permitted. For the purposes of this By-law an impound yard shall be described as a building or open compound used for the temporary storage of motor vehicles and/or other items which have been seized and impounded due to a motor vehicle accident, By-law violation or other similar circumstance and may include an accessory office. Furthermore an indoor storage facility of 10 units along the east side of the property may be permitted.

- 12.4.11 CH-11, Lot 16, Concession IX (Flos)
3242 Crossland Road, Roll No. 43 41 030 004 002 00 0000

A farm produce (dairy) warehousing, distribution and retail facility with accessory office and administrative uses is permitted.

- 12.4.12 CH-12, Lot 6, Concession II (Flos)
1008 Rainbow Valley Road, Roll No. 43 41 030 003 045 00 0000

A single detached dwelling is permitted on the same lot as a nursery and garden center.

- 12.4.13 CH-13, Lot 5, Concession VIII (Flos)
127 Yonge Street South, Part of Roll No. 43 41 030 002 372 00 0000

A single detached dwelling is permitted subject to the provisions and regulations of the Residential Rural (RR) Zone.

- 12.4.14 CH-15, Lot 5, Concession VIII, (Flos)
127 Yonge Street South, Part of Roll No. 43 41 030 002 372 00 0000
Zoning By-law Amendment No. 98-048 (Webdensco - Redevelopment)

Permitted uses are limited to Dry Uses and may include a retail and/or wholesale store for the storage, display and sale of lumber, building supplies and hardware goods and other similar goods or materials which may include outside storage; outside display and sale of goods; a motor vehicle sales or rental establishment; sales, service, storage or repair of small internal combustion engines such as snow machines, outboard motors or lawnmowers; a service repair shop; a marine sales and service establishment; recreational trailer sales, service and display outlet; a prefabricated houses/cottage sales and display outlet; mobile homes sales and display outlet; swimming pool sales and display outlet; commercial retail store; a personal service shop excluding beauty salon and/or barber shop; a merchandise service shop; a custom workshop; a government, business or professional office; a bank, trust company or financial office; a photography or artist studio; a commercial printing shop; a lifestyle and leisure sales outlet; a taxi stand; a garden

display and sales centre; a furniture retail and warehouse store; a service trade shop; a commercial copy and printing shop; an auction outlet; an antique, craft and gift outlet; a lawn and garden implement dealer; a refreshment vehicle; public uses; a parking lot or structure including facilities associated with the principal use(s) as permitted above. The rear yard depth (minimum) shall be 5.82 m (19.09 ft).

Dry Uses shall mean the purpose for which any land, building or structure, or any part or combination thereof that is designed, arranged, intended, occupied or maintained and is serviced by a septic system that has an approved maximum sewage volume capacity rating as certified by the Simcoe County District Health Unit or other regulating authority.

- 12.4.15 CH-16, Lot 5, Concession VIII, (Flos)
127 Yonge Street South, Part of Roll No. 43 41 030 002 372 02 0000
Zoning By-law Amendment No. 98-048 (Webdensco - TIMBR MART Redevelopment)

Permitted uses are limited to Dry Uses and may include sales, service, storage or repair of small internal combustion engines such as snow machines, outboard motors or lawnmowers; a service repair shop; swimming pools sales and display outlet; commercial retail store; a personal service shop excluding beauty salon and/or barber shop; a merchandise service shop; a custom workshop; a government, business or professional office; a bank, trust company or financial office; a photography or artist studio; a commercial printing shop; a lifestyle and leisure sales outlet; a taxi stand; a garden display and sales centre; a furniture retail and warehouse store; a service trade shop; a commercial copy and printing shop; an auction outlet; an antique, craft and gift outlet; a lawn and garden implement dealer; a post office or private mail/courier business, public uses; and a shopping center in which buildings may be used for retail or wholesale stores in accordance with the permitted uses above. No outside storage is permitted.

Dry Uses shall mean the purpose for which any land, building or structure, or any part or combination thereof that is designed, arranged, intended, occupied or maintained and is serviced by a septic system that has an approved maximum sewage volume capacity rating as certified by the Simcoe County District Health Unit or other regulating authority.

- 12.4.16 CH-17, Lot 7, Concession IX, (Elmvale)
134 Queen Street West, Roll No. 43 41 040 001 558 00 0000
Elmvale Consolidation By-law No. 93-47

The existing use (neighbourhood store) is permitted.

- 12.4.17 CH-18, Lot 5, Concession VIII, (Elmvale)
69 Yonge Street South, Roll No. 43 41 040 001 052 00 0000
Elmvale Consolidation By-law No. 93-47 - Elmvale Veterinary Clinic

A veterinary clinic is permitted.

- 12.4.18 CH-19, Lot 7, Concession VIII, (Elmvale)
157 Queen Street West, Roll No. 43 41 040 001 217 60 0000
Elmvale Consolidation By-law No. 93-47 - Proposed Elmvale Home Hardware

A building supply, hardware and lumber retail store, including outside storage is permitted. Furthermore residential uses shall be limited to one attached accessory dwelling.

12.4.19 CH-20, Lot 6, Concession VIII, (Elmvale)
58 Yonge Street South, Roll No. 43 41 040 001 182 01 0000
2 Train Avenue West, Roll No. 43 41 040 001 182 02 0000
Elmvale Consolidation By-law No. 93-47 - Former OMAFRA Building & Severed Lot

Business, professional and government offices shall be permitted.

12.4.20 CH-21, Lot 6, Concession VIII, (Elmvale)
42 Yonge Street South, Roll No. 43 41 040 001 180 00 0000
Elmvale Consolidation By-law No. 93-47 - Beacock

A semi detached dwelling is permitted.

12.4.21 CH-22, Lot 6, Concession VIII, (Elmvale)
56 Yonge Street South, Roll No. 43 41 040 001 185 00 0000
Zoning By-law Amendment No. 97-065 - Simply Country / Beleskey

The interior side yard width (minimum) shall be 1.64 m.

12.4.22 CH-23, Part of Lot 48, Concession 1 E.P.R. (Medonte)
Part 1 on Reference Plan 51R-22349
2365 Cassell Drive, Roll No. 43 41 020 001 021 00 0000
Zoning By-law Amendment No. 2001-070 - Gilroy / Enercraft

Manufacturing is a permitted use.

12.4.23 CH-24, Lot 32, Concession 1 W.P.R. (Vespra)
2840 Penetanguishene Road, Part of Roll No. 43 41 010 001 188 10 0000
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A business and professional office is permitted.

12.4.24 CH-25, Lot 24, Concession VIII, (Vespra)
4346 County Road 90, Part of Roll No. 43 41 010 006 083 00 0000
Vespra ZBA No. 90-25 - Bradford Greenhouse

The permitted uses shall be limited to a fruit and vegetable market, a nursery and garden centre, an agricultural use and public use, and may include outside display, sale and storage in accordance with Section 3.39 .

As amended by ZBA 5000-018 & 5000-090

Notwithstanding the provisions of Section 3.41.1, a minimum of 5 loading spaces is required.

12.4.25 CH-26, Part of Lots 48 & 49, Concession 1; Part 1 on 51R-19304
2333 Cassell Drive, Roll No. 43 41 020 001 022 00 0000
Zoning By-law Amendment No. 5000-001 – G. Hall and Sons

A tool and die business may also be permitted.