

**SECTION 10**

**HAMLET / VILLAGE COMMERCIAL ZONE (HVC)**

**10.1 Permitted Uses** (revised by By-law No. 209-2002)

Explanatory Note: See the servicing limitations of Sections 10.2.11 and 5.34.

a bakery;  
a bank or financial establishment;  
a beer/liquor store, including an on-premises brewing/ wine-making establishment;  
a bus depot;  
a business or professional office;  
a commercial or private school;  
a commercial recreational use;  
a convenience store;  
a day nursery;  
a department store;  
a dressmaking or tailor shop;  
a drug store;  
a dry cleaning depot or establishment;  
a farm produce sales outlet;  
a farmers' market;  
a film processing establishment;  
a florist shop;  
a funeral home;  
a government office;  
a grocery store;  
a home occupation in accordance with Section 3;  
a hotel;  
a laundromat;  
a medical clinic;  
a movie video rental/sales establishment;  
a parking lot or area;  
a personal service shop;  
a pet shop;  
a post office;  
a printing establishment;  
a private club;  
a public building;  
a public park;  
a rental shop;  
a repair shop;  
a retail store;  
a tavern;  
a taxi stand;

a theatre;  
an art, dance, music or photography studio;  
an assembly hall;  
an automobile repair establishment;  
an automobile sales and service establishment;  
an automobile service station;  
an eating establishment, restaurant or take-out;  
an emergency vehicle depot/office;  
an existing dwelling subject to Section 9;  
an institutional use;  
dwelling units in the rear and/or on the upper floor(s) of a commercial building;  
uses, buildings and structures accessory to the permitted uses.

## **10.2 Zone Regulations**

### **10.2.1 Lot Area, Minimum**

The minimum lot area shall be sufficient to accommodate a septic system approved by the appropriate authority, and such lot area shall not be less than 1400 square metres.

10.2.2 Lot Frontage, Minimum 23 metres

10.2.3 Front Yard, Minimum 3 metres

10.2.4 Interior Side Yard, Minimum 3 metres,  
except no side yard is required where a side lot line abuts a commercial zone.

10.2.5 Exterior Side Yard, Minimum 3 metres

10.2.6 Rear Yard, Minimum 7.5 metres

10.2.7 Lot Coverage, Maximum 35 percent

10.2.8 Building Height, Maximum 10 metres

10.2.9 Landscaped Open Space, Minimum 30 percent

### **10.2.10 Planting Strip**

A planting strip shall be provided in accordance with Section 5.21 adjacent to every portion of any lot line that abuts a Residential Zone or an existing residential lot.

10.2.11 Servicing Requirements

- (a) No commercial use shall be of a nature that requires municipal water and/or municipal sewage services.
- (b) No commercial use shall be permitted unless all requirements of the appropriate authority for sewage disposal are complied with.

10.2.12 Accessory Residential Uses

Accessory residential uses shall be permitted only in a part of a commercial use building (i.e. no detached dwelling unit) and only to the rear of and/or above the commercial use. Where an accessory residential use is provided, the lot area shall be sufficient to accommodate a septic system approved by the appropriate authority.

10.2.13 Outdoor Storage

The outdoor storage of goods or materials shall be permitted only in the interior side or rear yard of the main building provided that the following provisions are satisfied:

- (a) the outdoor storage is accessory to the use of the main building on the lot;
- (b) such outdoor storage complies with the yard requirements for accessory buildings and structures;
- (c) any portion of the lot area used for outdoor storage shall be completely concealed from view from the street or an abutting lot in a Residential Zone by a planting strip, fence, decorative masonry wall, or existing building on the lot, or combination thereof.

10.2.14 Outdoor Display Area

An outdoor display area shall be permitted in any yard on a lot provided that the following provisions are satisfied:

- (a) such outdoor display area is only for merchandise kept for sale, lease, or rent on the premises;
- (b) such outdoor display area shall be set back a minimum distance of 2 metres from a front or exterior side lot line and a minimum distance of 1 metre from an interior side or rear lot line;
- (c) notwithstanding the provisions of Clause (b) above, no outdoor display area shall be permitted in a required sight triangle on corner lots;
- (d) such outdoor storage shall not block-off or restrict access to the lot;
- (e) such outdoor display area is kept in a neat and attractive manner.

10.2.15 Loading Space Requirements, Parking Requirements, etc.

In accordance with Section 5.

### **10.3 Additional Requirements for an Automobile Service Station**

#### **10.3.1 Fuel Pump and Storage Tank Location**

- (a) Fuel pumps shall not be located closer than 4.5 metres to any street line or within a radius of 15 metres of the corner of intersecting streets on a corner lot.
- (b) Fuel storage tanks shall not be located closer than 1.5 metres to a lot line.

#### **10.3.2 Driveway Requirements**

Ingress or egress driveways shall:

- (a) not exceed 9 metres in width measured at the lot line;
- (b) not be located closer than 7.5 metres to any other driveway on the same lot, measured at the lot line;
- (c) not be located closer than 3 metres to any interior side or rear lot line, except where two abutting commercial lots share a driveway;
- (d) not be located closer than 15 metres to the corner of intersecting streets on a corner lot;
- (e) be surfaced with a hardtop material with adequate provision for drainage;
- (f) be limited to the number of driveways permitted by Section 5.17.2.

### **10.4 Special Zones**

#### **10.4.1 HVC-1**

- (a) Location: Part Lot 16, Concession 2, Mornington Ward (Poole) (formerly M1-23)
- (b) Notwithstanding any provision of this By-law to the contrary, the area zoned "HVC-1" shall be used only for an automobile repair establishment, a post office, and dwelling unit in a portion of the non-residential building, and accessory uses.
- (c) All other provisions of this By-law, as amended, shall apply.

#### **10.4.2 HVC-2**

- (a) Location: Part of Lots 20 through 26, Registered Plan 261, (Millbank) Mornington Ward (formerly HC-3)
- (b) Notwithstanding any provision of this By-law to the contrary, in addition to the uses permitted by Section 10.1, the area zoned "HVC-2" may be used for a woodworking business and one horse subject to the following additional requirements:
  - the maximum gross floor area used for the woodworking business shall be 168 square metres.
  - outdoor storage associated with the woodworking business shall not be permitted on the subject property with the exception that the outdoor display of finished wood products shall be permitted in the area directly to the east of the existing garage. Such display area shall be in line with the existing garage and shall not exceed 6 metres in width by 9.3 metres in depth.

- notwithstanding the provisions of Section 5.22(f) of this By-law to the contrary, the keeping of one horse may occur in the existing building containing the woodworking business.
- (c) All other provisions of this By-law, as amended, shall apply.

**10.4.3 HVC-3**

- (a) Location: Lots 9 and 20, Registered Plan 260, (Millbank) Mornington Ward (formerly HC-7)
- (b) Notwithstanding any provision of this By-law to the contrary, in addition to the uses permitted by Section 10.1, the area zoned "HVC-3" may be used for a garden centre and a furniture manufacturing establishment.
- (c) All other provisions of this By-law, as amended, shall apply.

**10.4.4 HVC-4** (revised by By-law No. 210- 2000)

- (a) Location: Lot 74, Part of Lots 76, 77 and 78, Part of John Street (closed), and Part of Waterloo Street (closed), Registered Plan No. 260 (Millbank) (formerly Township of Mornington) (formerly HC-9)
- (b) Notwithstanding the provisions of Section 10.1 of By-law No. 30-1999 to the contrary, additional permitted uses described as follows shall be permitted on the land in the "HVC-4" zone as shown on Key Map 8 of Schedule "A" to By-law No. 30-1999 (also shown on Schedule "A" to By-law No. 210-2000):
  - (i) a furniture manufacturing and related retailing business;
  - (ii) the warehousing, wholesaling, and retailing of citrus fruit;
  - (iii) accessory uses.
- (c) Notwithstanding the provisions of Section 10.2.7 of By-law No. 30-1999 to the contrary, the maximum lot coverage permitted on the land in the "HVC-4" zone as shown on Key Map 8 of Schedule "A" to By-law No. 30-1999 (also shown on Schedule "A" to By-law No. 210-2000) shall be 45 percent.
- (d) Notwithstanding the provisions of Section 10.2.9 of By-law No. 30-1999 to the contrary, the minimum landscaped open space requirement for the land in the "HVC-4" zone as shown on Key Map 8 of Schedule "A" to By-law No. 30-1999 (also shown on Schedule "A" to By-law No. 210-2000) shall be 22 percent.
- (e) Notwithstanding the provisions of Section 10.2.15 of By-law No. 30-1999 to the contrary, a minimum of 1 loading space shall be required for the uses permitted on the land in the "HVC-4" zone as shown on Key Map 8 of Schedule "A" to By-law No. 30-1999 (also shown on Schedule "A" to By-law No. 210-2000) and the location of such loading space shall be as shown in the related Site Plan Agreement pertaining to the subject land.
- (f) Notwithstanding the provisions of Section 10.2.15 of By-law No. 30-1999 to the contrary, a minimum of 18 parking spaces shall be required for the uses permitted on the land in the "HVC-4" zone as shown on Key Map 8 of Schedule "A" to By-law No. 30-1999 (also shown on Schedule "A" to By-law No. 210-2000).
- (g) All other provisions of this By-law, as amended, shall apply.

**10.4.5 HVC-5**

- (a) Location: Part of Waterloo Street (closed), Part of John Street (closed), Lots 66, 67 and Part of Lots 64 and 65, Registered Plan 260, (Millbank) Mornington Ward (formerly HC-10)
- (b) Notwithstanding any provision of this By-law to the contrary, in addition to the uses permitted by Section 10.1, the area zoned "HVC-5" may be used for a furniture manufacturing establishment, subject to the following additional requirement:
  - a minimum of 16 parking spaces are required.
- (c) All other provisions of this By-law, as amended, shall apply.

**10.4.6 HVC-6** (deleted by By-law 208-2010– rezoned to C1-2)

**10.4.7 HVC-7** (deleted by By-law 208-2010- rezoned to C1-3)

**10.4.8 HVC-8** (deleted by By-law 208-2010- rezoned to C1-4)

**10.4.9 HVC-9** (deleted by By-law 208-2010-rezoned to C1-5)

**10.4.10 HVC-10**(deleted by By-law 208-2010-rezoned to C1-6)

**10.4.11 HVC-11**

- (a) Location: Part of Lot 10, Concession 6, Mornington Ward (Newton) (formerly M1-28)
- (b) Notwithstanding any provision of this By-law to the contrary, the land in the "HVC-11" zone shall be used only for a use described as a carpentry business. Permitted buildings shall be limited to a maximum gross floor area of 300 square metres and no open storage is permitted in any yard.
- (c) All other provisions of this By-law, as amended, shall apply.

**10.4.12 HVC-12**

- (a) Location: Part of Lot 15, Concession 1, Ellice Ward (formerly C-1)
- (b) Notwithstanding any provision of this By-law to the contrary, an additional use described as a recreational vehicle sales and rental business shall be permitted in the "HVC-12" zone and a use described as an automobile service station shall not be permitted in the "HVC-12" zone.
- (c) All other provisions of this By-law, as amended, shall apply.

**10.4.13 HVC-13**(deleted by By-law 208-2010– rezoned to C1-7)

**10.4.14 HVC-14**

- (a) Location: Part of Lot 17, Concession 1, (Lot 28, Plan 511), Ellice Ward (Sebringville) (formerly C-9)
- (b) Notwithstanding any provisions of Section 10.3.1 of this By-law to the contrary, the minimum distance between the most southerly fuel pump island on land in the "HVC-

14" zone and the front lot line of the subject property shall be 2.92 metres. Further, the minimum distance between a weather canopy over the fuel pumps on the subject property and the front lot line of the subject property shall be 1.52 metres.

- (c) All other provisions of this By-law, as amended, shall apply.

**10.4.15 HVC-15** (added by By-law No. 205-2001)

- (a) Location: Part of Lot 9, Concession 7, Mornington Ward
- (b) Notwithstanding the provisions of Section 10.1 of By-law No. 30-1999 to the contrary, the following use provisions shall apply in addition to those set out in Section 10.1 for the land in the "HVC-15" zone as shown on Key Map 6 of Schedule "A" to By-law No. 30-1999 (also shown on Schedule "A" to By-law No. 205-2001):
  - (i) An additional use described as a small equipment sales, service, and rental business shall be permitted on the subject land.
  - (ii) Any permitted residential use shall be limited to one accessory dwelling unit located in the rear and/or upper floor of a commercial building.
- (c) Notwithstanding the provisions of Section 10.2.3 of By-law No. 30-1999 to the contrary, the minimum front yard for the land in the "HVC-15" zone as shown on Key Map 6 of Schedule "A" to By-law No. 30-1999 (also shown on Schedule "A" to By-law No. 205-2001) shall be 7.5 metres.
- (d) Notwithstanding the provisions of Section 10.2.3 of By-law No. 30-1999 to the contrary, the minimum side yard for all buildings and structures on the land in the "HVC-15" zone as shown on Key Map 6 of Schedule "A" to By-law No. 30-1999 (also shown on Schedule "A" to By-law No. 205-2001), excepting accessory buildings and structures, shall be 7.5 metres. The minimum side yard for accessory buildings and structures shall be 3.5 metres.
- (e) All other provisions of By-law No. 30-1999, as amended, shall apply.

**10.4.16 HVC-16** (added by By-law No. 203-2004)

- (a) Location: Part of Lot 9, Concession 7, Mornington Ward
- (b) Notwithstanding the provisions of Section 10.1 of By-law No. 30-1999 to the contrary, an additional use described as a wooden wall panel assembly and manufacturing operation and accessory uses shall be permitted on a parcel of land located in the "HVC-16" zone as shown on Schedule "A" to By-law No. 30-1999 (also shown on Schedule "A" to By-law No. 203-2004).
- (c) All other provisions of By-law No. 30-1999, as amended, shall apply.

**10.4.17 HVC-17** (added by By-law No. 213-2005)

- (a) Location: Part of Lot 15, Concession 7, Mornington Ward
- (b) Notwithstanding the provisions of Section 10.1 of By-law No. 30-1999 to the contrary, the land in the "HVC-17" zone as shown on Key Map 8 of Schedule "A" to By-law No. 30-1999 (also shown on Schedule "A" to By-law No. 213-2005) shall be used only for a shop for buggy repair and the sale of buggy parts and a single-detached dwelling use.
- (c) All other provisions of By-law No. 30-1999, as amended, shall apply.

**10.4.17(A) HVC-17(A)** (added by By-law 216-2006 OMB Approved)

- (a) Location: Part of Lot 16, Concession 7 (described as Pt. 1 on RP 44R-2371, Millbank), formerly in the Township of Mornington,
- (b) Notwithstanding the provisions of Section 10 of By-law No. 30-1999 to the contrary, an additional permitted use a wind turbine structure (i.e. small wind energy generation system) shall be permitted on the land in the “HVC-17” zone as shown on Key Map 8 of Schedule “A” to By-law No. 30-1999 (also shown on Schedule “A” to By-law No. 216-2006) subject to the following provisions:
  - (i) Minimum front yard requirement 110 metres
  - (ii) Minimum side and rear yard requirements 15.24 metres
  - (iii) Maximum height (measured to top of blade tip) 50 metres
- (c) Prior to the issuance of a building permit for the proposed wind turbine structure, the property owner shall obtain all necessary permits and approvals from the Ministry of the Environment for the proposed wind turbine structure, including a Certificate of Approval for Noise, and submit same to the Township of Perth East.
- (d) All other provisions of By-law No. 30-1999, as amended, shall apply.

**10.4.18 HVC-18** (deleted by By-law 208-2010-rezoned to C1-8)

**10.4.19 HVC-19** (added by By-law 214-2009)

- (a) Location: Part of Lot 36, Concession 9, North Easthope Ward
- (b) Notwithstanding any provisions of By-law No. 30-1999 to the contrary for the parcel of land zoned “HVC-18” as shown on Key Map 31 of Schedule “A” to By-law No. 30-1999 (also shown on Schedule “A” to By-law No. 214-2009), the following special provisions shall apply: at the date of the passing of this by-law.
  - i) Rear Yard, minimum 5.0 m
  - ii) Landscaped open space , minimum: as existing at the date of passing of this by-law
  - iii) Lot area, minimum 1250 m<sup>2</sup>
- (c) All other provisions of By-law No. 30-1999, as amended, shall apply.

**10.4.20 HVC-20** (added by By-law 217-2009)

- (a) Location: Part Lot 8 registrars compiled plan 511, Ellice Ward
- (b) Notwithstanding any provisions of this By-law to the contrary, the permitted uses shall be in accordance with Section 10.1, except the following uses shall not be permitted:
  - Bus depot, automobile repair establishment and automobile service station.
- (c) All other provisions of this By-law, as amended, shall apply.



**10.4.21 HVC-21** (added by By-law 211-2015, amended by 205-2017)

(a) Location: Part of Lot 12, Plan 484, Mornington Ward

(b) Notwithstanding Section 10.1 of By-law No. 30-1999 to the contrary, permitted uses within the “HVC-21” zone shall include:

- (i) an antique store;
- (ii) barber shop or hair dresser;
- (iii) a beer parlour or cocktail bar;
- (iv) a boutique;
- (v) a caterer’s establishment;
- (vi) a club, private;
- (vii) a convenience business service establishment;
- (viii) a convenience (or variety store);
- (ix) a department store;
- (x) a dress maker or tailor;
- (xi) an eating establishment, restaurant;
- (xii) an eating establishment, takeout or fast food;
- (xiii) a florist;
- (xiv) government administrative office;
- (xv) a home decorating store;
- (xvi) a home improvement store;
- (xvii) a liquor, beer, or wine store;
- (xviii) an office;
- (xix) an office, business;
- (xx) an office service;
- (xxi) a personal service establishment;
- (xxii) a pharmacy;
- (xxiii) a place of entertainment;
- (xxiv) a post office;
- (xxv) a rental establishment;
- (xxvi) a repair shop;
- (xxvii) a retail store;
- (xxviii) a service commercial centre;
- (xxix) a taxi establishment;
- (xxx) a variety store;
- (xxxi) industrial uses limited to:
  - Warehousing;
  - Cold heading/manufacturing of fasteners in accordance with the Acoustic Impact Assessment prepared by R.J. Burnside and Associates Limited (project no. 300040895.0000); and,
- (xxxii) an accessory residential use being a single-detached dwelling as existing on the date of passing of this by-law, with additions/alterations thereto.

(c) All other provisions of this By-law, as amended, shall apply.

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