



Township of King
Zoning By-law for the Countryside

By-law No. 2022-053

Final | September 2022

Prepared by WSP for the Township of King

Part 3 | General Provisions

The following provisions shall apply in all zones as may be applicable to the context:

3.1 Accessory Dwelling Unit

Where permitted by this By-law, an *accessory dwelling unit* shall be in accordance with the following provisions:

- a) A maximum of one *accessory dwelling unit* shall be permitted per *lot*.
- b) An *accessory dwelling unit* shall be permitted in a separate *accessory building*, provided that:
 - i) The *building* shall be located no closer than 3.0 m to any other non-residential *building* on the *lot*.
 - ii) The *building* shall be located in accordance with the setback requirements for the *main building* on the *lot*, as established in the *zone* provisions under Parts 6 – 9.
- c) An *accessory dwelling unit* shall be permitted as part of the *main building* on the *lot*, provided that the *accessory dwelling unit* shall be located either on the second *storey* of the *main building*, or at the rear of such *building* if the *accessory dwelling unit* is located within the *first storey*.
- d) The *accessory dwelling unit* shall have separate washroom and kitchen facilities from those of the non-residential use.
- e) The *accessory dwelling unit* shall have a separate *parking space* as provided in the parking requirements in Part 4.
- f) The *accessory dwelling unit* shall have an independent building entrance that is separate from the building entrance provided for the non-residential use.
- g) The *gross floor area* of the *accessory dwelling unit* shall not exceed fifty percent (50%) of the *gross floor area* of all other non-residential uses on the *lot*.
- h) An *accessory dwelling unit* shall not be permitted on the same *lot* as an *automobile service station* or an *automobile body repair garage*.
- i) An *accessory dwelling unit* or part thereof shall not be permitted within *hazardous lands*.

3.2 Accessory Uses, Buildings and Structures

3.2.1 General

- a) Where this By-law provides for a permitted *use*, that *use* shall include any *accessory uses, buildings or structures*.
- b) An *accessory building or structure* shall not be *used* for human habitation, except where specifically permitted by this By-law.
- c) A *building or structure* shall not be considered *accessory* if *attached* to the *main building*. For clarity, and without limiting the generality of the foregoing, an *attached private garage* shall be considered part of the *main building* and therefore shall be subject to the *lot and building* requirements for the *main building*, as provided in the *zone* provisions.
- d) Unless otherwise specifically provided by this By-law, the *accessory building or structure* shall be located on the same *lot* as the *principal use*.
- e) In any Residential *zone*, the maximum number of *accessory buildings* shall be limited to three (3) in accordance with the required of this By-law. For the purposes of clarity, this provision shall only apply to *buildings* and not *structures*, as defined by this By-law.

3.2.2 Setbacks

- a) Unless specifically provided by this By-law, no *accessory building or structure* shall be built closer to the *front lot line* or *side lot line* than the minimum distance required by this By-law for the *main building* on the *lot*.
- b) Where the *main building* is permitted closer than 1.2 m to the *front lot line* or *exterior side lot line*, no *accessory building or structure* shall be built closer than 1.2 m to the *front lot line* or *exterior side lot line*.
- c) Unless specifically provided by By-law, no *accessory building or structure* shall be built closer than 1.2 m to the *rear lot line* or *interior side lot line*.
- d) Unless specifically provided by this By-law, no *accessory building or structure* shall be built closer to a *street line* than the *main building*.
- e) Unless specifically provided by this By-law, no *accessory building or structure* shall be built closer than 1.8 m to the *main building*.

3.2.3 Height

- a) In any Commercial, Institutional, or Residential zone except the Rural Residential zone, an *accessory building or structure* shall not exceed 4.5 m in *height*.
- b) In the Rural Residential zone, the maximum *height* of an *accessory building or structure* shall be 7.0 m.
- c) In any other zone not identified in (a) and (b) above, the maximum *height* of a *building or structure accessory* to a residential use shall be 7.0 m.

3.2.4 Lot Coverage

- a) In any Hamlet Residential zone, the maximum *lot coverage* for *accessory buildings and structures* shall be ten percent (10%) of the *lot area* or 120.0 m², whichever is less.
- b) In the Rural Estate Residential zone, the maximum *lot coverage* for *accessory buildings and structures* shall be ten percent (10%) of the *lot area* or 140.0 m², whichever is less.
- c) In the Rural Residential zone, the maximum *lot coverage* for *accessory buildings and structures* shall be ten percent (10%) of the *lot area* or 160.0 m², whichever is less.
- d) In the A, AS, AR, NVR, GNH, ORF, ORC and ORL zones the maximum lot coverage of *buildings and structures accessory* to a residential use shall be:
 - i) for *lots* with a *lot area* less than or equal to 6.0 ha, the maximum *lot coverage* shall be 2% or 180.0 m², whichever is less.
 - ii) for *lots* with a *lot area* greater to than 6.0 ha, the maximum *lot coverage* for *buildings and structures accessory* shall be 2% or 250.0 m², whichever is less.
- e) Except where specifically excluded by this By-law, *accessory buildings and structures* shall also be included in the calculation of *lot coverage* for the purposes of determining compliance with the maximum *lot coverage* as provided in the applicable zone under Parts 6 to 10 of this By-law.
- f) Notwithstanding any other provision of this By-law:
 - i) A *balcony* without roofs shall not be included in the calculation of *lot coverage*.
 - ii) A *porch* shall be included in the calculation of *lot coverage*.
 - iii) A *deck* shall be included in the calculation of *lot coverage*.

3.3 Additional Residential Units

Where permitted by this By-law, a maximum of two *additional residential units* shall be in accordance with the following provisions:

- a) In any *zone* that permits a *single detached dwelling*, except an Oak Ridges Moraine *zone*, a maximum of two *additional residential units* shall be permitted per *lot*.
- b) In any Oak Ridges Moraine Countryside *zone*, a maximum of one *additional residential unit* shall be permitted per *lot* and shall be located within the same *building* as the *principal dwelling*. For clarity, *additional residential units* shall not be permitted within the Oak Ridges Moraine Natural Core and Linkage and Oak Ridges Moraine Feature Protection *zones*.
- c) Where two *additional residential units* are permitted on the same *lot*, only one *additional residential unit* shall be permitted in a detached *accessory building*.
- d) An *additional residential unit* permitted in a *detached accessory building* shall comply with the following provisions:
 - i) The *accessory building* containing the *additional residential unit* shall comply with the requirements for *accessory buildings* and *structures* in accordance Section 3.2 Accessory Uses, Buildings and Structures.
 - ii) The *gross floor area* of the *additional residential unit* shall not exceed 50% of the *gross floor area* of the *principal dwelling*, or 85.0 m², whichever is less.
 - iii) The *accessory building* shall not be permitted to be located within a *front yard* or *exterior side yard*.
 - iv) A 1.2 m wide unobstructed pedestrian access shall be provided to the entrance of the *additional residential unit* unless access is provided directly from a *street* or *lane*.
 - v) The maximum *height* of the *accessory building* shall be in accordance with Section 3.2.3 of this By-law.
 - vi) Notwithstanding any other provisions of this By-law, no *additional residential unit* shall be permitted within a *building* that is *used* to keep livestock.
- e) An *additional residential unit* within the same *building* as the *principal dwelling* shall not be permitted in conjunction with a *bed and breakfast* in the same *principal dwelling*.
- f) An *additional residential unit* within the same *building* as the *principal dwelling* shall not exceed 50% of the *gross floor area* of the *principal dwelling*.

- g) Each *additional residential unit* shall have one additional *parking space* provided in addition to the minimum number of *parking spaces* for the *principal dwelling* on the *lot* established in Part 4 of this By-law. The required *parking space* is permitted to be configured as a tandem *parking space*.
- h) An entrance to an *additional residential unit* within a *principal dwelling* shall be provided in accordance with the following provisions:
 - i) The entrance shall be separate from the main entrance of the *principal dwelling*, either as a separate exterior entrance located on a side wall or rear wall of the *principal dwelling*, via an *attached garage*, or from an indoor common vestibule within the *dwelling*.
 - ii) The entrance shall be accessible by an unobstructed hard landscaped surface walkway measuring a minimum of 1.2 m in width, or from a *driveway*.
 - iii) A new entrance shall not be permitted on the same wall as the main entrance to the *principal dwelling unit*.
- i) An *additional residential unit* or part thereof shall not be permitted within *hazardous lands*.

3.4 Agricultural Cannabis Production Facilities and Medical Cannabis Production Sites

Notwithstanding any other provision of this By-law, an *agricultural cannabis production facility* or *medical cannabis production site* within the Agricultural (A) zone shall be in accordance with the following provisions:

- a) The minimum *lot area* shall be 10.0 ha.
- b) An *agricultural cannabis production facility* or indoor *medical cannabis production site* shall be:
 - i) located in a *detached and enclosed building or structure* which contains no other *uses*;
 - ii) equipped with *air treatment control*; and
 - iii) setback a minimum of 150.0 m from a *sensitive land use* or any Residential zone, Institutional zone, or Open Space zone.
- c) An outdoor *medical cannabis production site* shall be setback a minimum of 500.0 m from a *sensitive land use* or any Residential zone, Institutional zone, or Open Space zone.
- d) *Open storage* of goods, materials, or supplies shall be prohibited.

- e) Outdoor signage and advertising shall be prohibited.
- f) A *building or structure used for security purposes for an agricultural cannabis production facility or medical cannabis production site* may be located in the required *front yard* and shall be located a minimum of 2.0 m from any *lot line*.
- g) All development in relation to the establishment of or expansion to an *agricultural production facility or medical cannabis production site* shall be subject to an approved *site plan*.
- i) Any change to the provisions of this section shall require a Zoning By-law Amendment.

3.5 Ancillary Retail

Where permitted by this By-law, an *ancillary retail use* shall be in accordance with the following provisions:

- a) The *ancillary retail* and display of goods shall include only goods manufactured, processed, fabricated or repaired as part of the *principal use*.
- b) The maximum gross floor area of the *ancillary retail use* shall be 15% of the total *gross floor area* of the *principal use*.
- c) Parking for the *ancillary retail use* shall be provided in accordance with the provisions of Part 4 of this By-law, in addition to the parking required for the *principal use* of the *lot*.

3.6 Automobile Related Uses

3.6.1 General Restrictions

- a) An *automobile body repair garage and automobile repair garage* shall not include the sale of motor vehicles or a *scrap yard*.
- b) An *automobile sales and service establishment* shall not include a *scrap yard*.
- c) An *automobile service station* shall not include the sale of motor vehicles or *scrap yard*.
- d) An *automobile washing establishment* shall not include an *accessory drive-through or scrap yard*.

3.6.2 Automobile Service Station

- a) Where permitted by this By-law, an *automobile service station* shall have a minimum lot frontage and minimum lot depth in accordance with **Table 3-1**:

Table 3-1: Automobile Service Station Lot Frontage and Depth Requirements

	Interior Lot	Corner Lot
i) Minimum Lot Frontage	33.0 m	40.0 m
ii) Minimum <i>Lot Depth</i>	40.0 m	40.0 m

- c) No portion of any fuel pump associated with an *automobile service station* shall be located closer than 6.0 m from any *front lot line* or *exterior lot line* and 12.0 m from any other *lot line*.
- d) A weather canopy associated with the fuel pumps of an *automobile service station* shall be permitted to encroach into the required *minimum front yard and exterior side yard* by up to 3.0 m.
- e) The maximum width of a *driveway* at the *street line* shall be not more than 9.0 m and the minimum width not less than 7.5 m.
- f) The minimum interior angle of a *driveway* to a *street line* shall be forty-five (45) degrees and the maximum interior angle of a *driveway* to a *street line* shall be ninety (90) degrees.
- g) The area included between *driveways* or between *driveways* and a *street line* or any *lot line* as required by this By-law shall not be *used* for any purpose other than *landscaping*.
- h) No gasoline pumps or other service station equipment shall be located or maintained in any *parking area*. Stations for charging electric vehicles shall be permitted in any *parking area*.
- h) All other requirements of the applicable *zone* shall apply, including the required minimum required *yards*.

3.6.3 Automobile Washing Establishment

Where permitted by this By-law, *planting strips* shall be provided in association with an *automobile washing establishment* in accordance with the specific *zone*.

3.7 Backyard Chickens

In any Hamlet Residential, Rural Residential or Rural Estate Residential *zone*, the following provisions shall apply to the raising and keeping of *chicken hens*:

- a) The raising and keeping of *chicken hens* shall not be permitted where the minimum *lot area* is less than:

- i) 0.2 ha in the Hamlet Residential *zone*;
 - ii) 0.8 ha in the Rural Estate Residential *zone*; or
 - iii) 2.0 ha in the Rural Residential *zone*.
- b) In any Hamlet Residential *zone* and the Rural Estate Residential *zone*, the maximum number of *chicken hens* shall be subject to the following requirements:
 - i) Where the total *lot area* is 0.2 ha or less, the maximum number of *chicken hens* shall be six (6).
 - ii) Where the total *lot area* is greater than 0.2 hectare, the maximum number of *chicken hens* shall be six (6) per hectare, but in no case shall the total number of *chicken hens* be greater than 18.
- c) In the Rural Residential *zone*, the maximum number of *chicken hens* shall be six (6) per hectare or a total of 30, whichever is less.
- f) Any *accessory building* or *structure* or part thereof used as a *chicken coop* shall be subject to *accessory buildings* and *structures* requirements of this By-law, subject to the following exception:
 - i) The maximum *height* shall be 2.4 m.
- g) The raising and keeping of a chicken hen in any *accessory building* or *structure* containing a *dwelling unit* shall be prohibited.
- h) The raising and keeping of a *chicken rooster* shall be prohibited.
- i) The processing of *chicken hens*, including any use defined as an *abattoir*, shall be prohibited.
- j) The *retail* sale of any by-product of a *chicken hen* shall not be permitted, and without limiting the generality of the foregoing, this shall include the *retail* sale of chicks, eggs and manure.

3.8 Bed and Breakfast

Where permitted by this By-law, a *bed and breakfast* shall be in accordance with the following provisions:

- a) A *bed and breakfast* shall only be permitted in a *single detached dwelling*.
- b) The *bed and breakfast* shall be operated by the person or persons whose *principal* residence is in the *single detached dwelling*.
- c) Parking shall be provided in accordance with Section 4.

- d) A *bed and breakfast* shall be limited to a maximum of five (5) guest rooms.

3.9 Buildings to be Moved

In all *zones*, no *building* requiring a building permit for construction shall be moved within the area covered by this By-law or shall be moved into the limits of the area covered by this By-law without a building permit from the *Municipality*.

3.10 Commercial Patios

Where permitted by this By-law, a *commercial patio* shall be in accordance with the following provisions:

- a) A *commercial patio* shall not be permitted in any *yard* abutting a Residential *zone*.
- b) The area *used* for a *commercial patio* shall be included in the calculation of *lot coverage*.
- c) Parking shall be provided for any *commercial patio* in accordance with the provisions of Part 4 of this By-law.
- d) Where a *commercial patio* covers a portion of a *parking area*, it shall not cause a deficiency in meeting the minimum required parking for *existing uses* on the *lot*.
- e) A *commercial patio* shall be subject to an approved *site plan*.

3.11 Commercial Vehicles, Recreational Vehicles and Trailers in Residential Zones

- a) On a *lot* in a Hamlet Residential, Rural Residential or Rural Estate Residential *zone*, a maximum of one (1) *commercial vehicle* shall be permitted to be parked, stored or kept in a *driveway* or *private garage*, provided the vehicle and any attached equipment does not exceed 2.0 m in *height* above *grade* and 5.6 m in length. A *commercial vehicle* shall not be permitted in any other location on the *lot*.
- b) On a *lot* in a Hamlet Residential *zone*, a maximum of one (1) *recreational vehicle, trailer* or similar vehicle shall be permitted to be parked, stored or kept in the *interior side yard* or *rear yard*. One (1) additional *recreational vehicle, trailer* or similar vehicle shall be permitted to be parked, stored or kept in a *private garage*. A *recreational vehicle, trailer* or similar vehicle shall not be permitted in any other location on the *lot*.
- c) On a *lot* in a Rural Residential or Rural Estate Residential *zone*, the following requirements shall apply:
 - i) A maximum of one (1) *recreational vehicle, trailer* or similar vehicle shall be permitted to be parked, stored or kept in the *interior side yard, rear yard* or

driveway. Where a *recreational vehicle, trailer* or similar vehicle is parked, stored or kept on a *driveway*, it shall not obstruct or otherwise occupy a minimum *parking space* as required by this By-law.

- ii) One (1) additional *recreational vehicle, trailer* or similar vehicle shall be permitted to be parked, stored or kept in a *private garage*.
- c) No *recreational vehicle, trailer*, or similar vehicle shall be permitted to be used for human habitation while parked, stored, or kept in accordance with sub-sections b) or c).
- d) In a Hamlet Residential, Rural Residential or Rural Estate Residential *zone*, a parked, stored or kept *recreational vehicle, trailer* or similar vehicle shall not exceed 7.5 m in length, excluding any hitch or tongue, and the *height* shall not exceed 3.4 m.
- e) No *commercial vehicle, recreational vehicle* or *trailer* shall be parked, stored or kept on a *lot* with no *principal dwelling* in a Residential *zone*.
- f) No *commercial vehicle, recreational vehicle* or *trailer* shall be located closer than 1.2 m from a *side lot line*.
- g) Where one or more *commercial vehicles, recreational vehicles, trailers* or similar vehicles are kept, stored or parked on a *lot* in any Residential *zone* in accordance with the provisions of this section, the minimum number of required *parking spaces* as applicable in accordance with Section 4 shall be maintained.
- h) In any Residential *zone*, the *parking* or storage of heavy equipment or commercial motor vehicles having a registered gross weight of more than 4,500 kilogram shall only be permitted within a wholly enclosed *building* or *structure*.

3.12 Community Garden

Where permitted by this By-law, a *community garden* shall be provided in accordance with the following provisions:

- a) The number of *buildings* and *enclosed structures* associated with the *community garden* shall be limited to 2 and shall include only a maximum of one *accessory* storage shed and a maximum of one *accessory* greenhouse.
- b) The maximum combined *gross floor area* of all permitted *buildings* and *enclosed structures* shall be 70.0 m².
- c) All *buildings* and *structures* associated with the *community garden* shall be subject to the *yard* requirements for *main buildings* in accordance with the applicable zone provisions, except that:

- i) In no case shall a *building* or an *enclosed structure* be located closer than 3.0 m to any *lot line*.
- ii) In no case shall a *building* or *structure* be greater than 4.0 m in *height*.

3.13 Drive-Through

Where permitted by this By-law, a *drive-through* shall be provided in accordance with the following provisions:

- a) A *drive-through* shall include a minimum of eight (8) designated *stacking spaces* for a *drive-through* associated with a *restaurant*, and a minimum of three (3) designated *stacking spaces* for a *drive-through* associated with any other *use*.
- b) A *stacking space* shall be a minimum of 5.5 m in length and 3.0 m in width.
- c) *Stacking spaces* shall not be included in the calculation of required parking and shall not be located within any *parking aisle* or *driveway*.
- d) A *stacking lane* shall not be permitted within 20.0 m of a Residential zone.
- e) Notwithstanding clause d) a *stacking lane* may be permitted within 7.5 m and 20.0 m of a Residential zone if a noise wall is provided to the satisfaction of the *Municipality*.
- f) No part of a *stacking lane* or *stacking space* shall be located in the required minimum *front yard* or required minimum *exterior side yard*.
- g) *Planting strips* shall be provided in association with a *drive-through* in accordance with the specific *zone*.

3.14 Farm Help Dwelling

Where permitted by this By-law, a *farm help dwelling* shall be provided in accordance with the following provisions:

- a) A *farm help dwelling* shall only be permitted as *accessory* to an *agricultural use*.
- b) A *farm help dwelling* shall only be permitted in a detached *additional residential unit* and shall be subject to Section 3.3.d).
- c) The minimum *floor area* of a *farm help dwelling* shall be 58.0 m².
- d) Notwithstanding Section 3.3.d), the maximum *floor area* of a *farm help dwelling* shall be 182.0 m².
- e) A *farm help dwelling* shall not be permitted in the *principal* residence of the owner or operator of the *agricultural use*.

- f) Access to a *farm help dwelling* shall be from a shared *driveway*.
- g) In the Agricultural (A) and Greenbelt Natural Heritage (GNH) zones, a *farm help dwelling* shall only be permitted on a *lot* with a minimum *lot area* of 20.0 ha.
- h) A minimum of 75% of the *existing lot area* shall be utilized for *agricultural uses*.
- i) A minimum distance of 6.0 m shall be required between a *farm help dwelling* and the nearest point of any other *building* or *structure*.
- j) Parking shall be provided in accordance with Part 4 of this By-law.
- k) A *farm help dwelling* shall only be permitted on a *lot* legally *existing* on the date of passing of this By-law.
- l) A *farm help dwelling* shall be subject to an approved *site plan*.

3.15 Frontage on a Road or Street

- a) In addition to all other provisions of this By-law, no person shall be permitted to *erect* any *building* or *structure* on any *lot* in any *zone* unless the *lot* has the minimum *frontage* on a *street* to accommodate the minimum *driveway* requirements of this By-law.
- b) Notwithstanding sub-section a), a *building* or *structure* may be reconstructed, renovated, repaired, and *used* on a *lot* which does not have *lot frontage* on a *street*, subject to the following requirements:
 - i) The *building* or *structure* shall be subject to an approved *site plan*.
 - ii) The total *gross floor area* of the *building* or *structure* shall not exceed two times the *existing gross floor area*.
 - iii) *Accessory uses, buildings, and structures* shall be permitted but subject to an approved *site plan*, provided that all other provisions of this By-law are met.
- c) If part of a *lot* has been conveyed to the Municipality, the *Region* or the *Province* for street widening or other purposes, and the owner has retained an uninterrupted and permanent right of access for persons and vehicles over such part, then that part of the *lot* abutting such part so conveyed and not affected by any reserve, easement, or right-of-way, shall be deemed to have *frontage* on that portion of the public *street* adjoining the part so conveyed.

3.16 Garden Suites

A *garden suite* may only be permitted as a temporary use in any Hamlet Residential or Hamlet Rural zone by way of a temporary use by-law pursuant to Section 39 of the Planning Act, and in accordance with the following provisions:

- a) A *garden suite* may only be established for a maximum duration of 20 years, calculated from the date of issuance of a building permit.
- b) A maximum of one *garden suite* may be permitted on a *lot*.
- c) A *garden suite* shall be located on the same *lot* as a *principal single detached dwelling*.
- d) A *garden suite* shall only be permitted within the *rear yard* or *interior side yard*.
- e) A *garden suite* shall be considered an *accessory building* and subject to Section 3.2 of this By-law.
- f) The maximum *floor area* of a *garden suite* shall not exceed 85.0 m².
- g) Parking shall be provided in accordance with the provisions of this By-law.

3.17 Group Homes and Institutional Residences

Where permitted by this By-law, a *group home* or *institutional residence* shall be in accordance with the following provisions:

- a) Parking shall be provided in accordance with Part 4.
- b) The *group home* or *institutional residence* shall comprise the sole use of the *dwelling*.
- c) The *group home* or *institutional residence* shall be in accordance with the provisions of the applicable *zone*.
- d) The *group home* or *institutional residence* shall be subject to *Provincial* approval or licensing as may be required.

3.18 Height Exceptions

The *height* requirements of this By-law shall not apply to the following *structures*:

- a) a spire or steeple associated with a *place of worship*;
- b) a belfry;
- c) a flagpole;

- d) a clock tower;
- e) a chimney;
- f) a water tank or water tower;
- g) a radio, communications, or television tower or antenna;
- h) an air conditioner duct;
- i) ventilator or skylight;
- j) elevator enclosures and rooftop mechanical equipment, provided it does not exceed 4.0 m in *height*;
- k) a barn, grain elevator, silo, or other *accessory structure*, excluding any *dwelling*, related to an *agricultural use*;
- l) a wind energy device; or
- m) a roof-mounted solar panel.

3.19 Home Industries

Where permitted by this By-law, a *home industry* shall be subject to the following provisions:

- a) The following *uses* shall be classified as a *home industry* when not *accessory* to a *principal agricultural use*:
 - i) Blacksmithing;
 - ii) Carpentry;
 - iii) Electrical work;
 - iv) Metalworking; and
 - v) Welding.
- b) In addition to those *uses* permitted under a) above, the following additional *uses* shall be permitted where a *home industry* is *accessory* to a *principal agricultural use*:
 - i) Equipment repair;
 - ii) Manufacturing or fabrication shop;
 - iii) Sawmill;
 - iv) Seasonal storage of boats or trailers;

- v) Welding shop; and
 - vi) Woodworking shop.
- c) In no case shall the following *uses* be classified as a *home industry*:
 - i) *Automobile repair garage*;
 - ii) *Automobile body repair garage*;
 - iii) Furniture stripping; and
 - iv) Heavy equipment sales, rental and services establishment.
- d) A *home industry* shall be wholly located within an *accessory building or structure*, subject to Section 3.2 Accessory Uses, Building and Structures of this By-law.
- e) A *home industry* shall have a maximum of three employees, where at least one employee shall be a resident of the *principal dwelling*.
- f) A *home industry* shall have a maximum *gross floor area* of 100.0 m².
- g) *Open storage* and an *open product display accessory* to a *home industry* shall be prohibited.
- h) The *accessory retail* of goods produced in conjunction with the *home industry* may be permitted. The *accessory retail use* shall not occupy more than 25% *gross floor area* devoted to a *home industry*.
- i) A *home industry* shall be subject with the *Municipality's* Noise By-law and all other applicable By-laws of the *Municipality*.

3.20 Home Occupations

Where permitted by this By-law, a *home occupation* shall be in accordance with the following provisions:

- a) A *home occupation* shall be conducted entirely within the *dwelling unit* and shall not be permitted in any detached *accessory building or structure*.
- b) The *home occupation* shall not occupy more than 25.0 percent of the *gross floor area* of the *dwelling unit* or 28.0 m², whichever is lesser.
- c) The *home occupation* shall employ at least one (1) individual who resides in the *dwelling unit* and shall not employ more than one (1) other individual who does not reside in the *dwelling unit*.

- d) The *home occupation* shall not result in the alteration of the exterior of the *dwelling unit*.
- e) The *home occupation* shall not include the *open storage* of goods, materials or equipment, or display of goods visible from outside the *dwelling unit*.
- f) The *home occupation* shall not create noise, vibration, fumes, odour, dust, glare or radiation which is beyond the normal use of the *dwelling unit* or which becomes offensive or obnoxious or creates a nuisance.
- g) The *home occupation* shall not result in more than two (2) clients, students or customers of the *home occupation* to be on the *premises* at any one time. Where a *home occupation* is a *private home child care*, this provision shall not apply.
- h) The *home occupation* shall not use signage which draws attention to the fact that a *dwelling unit* is used for a *home occupation* except in accordance with the *Municipality's Sign By-law*.
- i) Notwithstanding subsection a), a *swimming pool* may be used as part of a *home occupation*.
- j) Without limiting the generality of the foregoing provisions or the definition of *home occupation*, the following *uses* shall not be considered *home occupation*:
 - i) *veterinary clinics* or *agricultural animal clinics*;
 - ii) *uses* involving repairs or painting for *motor vehicles*, *commercial vehicles*, *trailers*, and/or *recreational vehicles*;
 - iii) the *office* of a *medical practitioner* or dentist;
 - iv) *in-person retail*; and
 - v) *light or heavy industrial uses*, including those *uses* classified as a *home industry*.

3.21 Industrial Cannabis Processing Facilities & Medical Cannabis Production Sites

Notwithstanding any other provision of this By-law, an *industrial cannabis processing facility* or *medical cannabis production site* within the Rural Employment (RM) zone shall be in accordance with the following provisions:

- a) An *industrial cannabis production facility* or *medical cannabis production site* shall be:
 - i) located in a *detached* and *enclosed building* or *structure* which contains no other *uses*;
 - ii) equipped with *air treatment control*; and

- iii) setback a minimum of 150.0 m from a *sensitive land use* or any Residential zone, Institutional zone, or Open Space zone.
- b) An outdoor *medical cannabis production site* shall be setback a minimum of 500.0 m from a *sensitive land use* or any Residential zone, Institutional zone, or Open Space zone.
- c) *Open storage* shall be prohibited.
- d) A *building* or *structure* used for security purposes for an *industrial cannabis production facility* or *medical cannabis production site* may be located in the required *front yard* and shall be located a minimum of 2.0 m from any *lot line*.
- e) All development in relation to the establishment of or expansion to an *agricultural production facility* or *medical cannabis production site* shall be subject to an approved *site plan*.
- f) No minor variance to the provisions of Section 3.21 shall be permitted by the *Committee of Adjustment* and shall only be considered by way of an amendment to this By-law.
- g) Notwithstanding anything to the contrary, a holding symbol (H) shall be applied to a lot as part of any development application for any new *industrial cannabis processing facility* or *medical cannabis production site*. For clarity, no *person* shall *use* any land, *erect*, *alter*, or *use* any *buildings* or *structures* for such purposes until such time as the holding symbol (H) is removed by an amendment to this By-law. The holding symbol (H) shall not be removed until confirmation that the proponent has satisfactorily demonstrated compliance with the Environment Protection Act, as amended, and regulations has been satisfied.

3.22 Kennels

Where permitted by this By-law, a *kennel* shall be subject to the following provisions:

- a) On an *existing lot* of record as of October 7th, 1974, a *kennel* shall be permitted on a *lot* having a minimum *lot area* of 6.0 ha.
- b) In all other cases, a *kennel* shall only be permitted on a *lot* having a minimum *lot area* of 10.0 ha or greater.
- c) Any portion of a *kennel* shall be located a minimum 60.0 m from any *dwelling unit* located on a separate *lot*.
- d) A *kennel* shall be located a minimum of 15.0 m to the nearest *street line*.

- e) A *kennel* shall be required to obtain a kennel license in accordance with all applicable law and requirements of the *Municipality*.

3.23 Mineral Aggregate Operations

3.23.1 Open Storage for a Mineral Aggregate Operation

No *building*, part of a *building*, *structure* or *open storage* of goods or materials on a *lot* used for a *mineral aggregate operation* shall be located within:

- a) 90.0 m of any *lot line* abutting a Hamlet Residential, Rural Residential or Rural Estate Residential *zone*; or
- b) In all other cases, 30.0 m from any *lot line*.

3.23.2 Fencing Required

A fence with a minimum required *height* of 1.8 m shall be *erected* and maintained along the perimeter of a *lot* or the area of a *lot* used for a *mineral aggregate operation*.

3.23.3 Minimum Planting Strip

- a) A minimum *planting strip* shall be required in the *front yard*, *side yard* and *rear yard* of any *lot* used for a *mineral aggregate operation*.
- b) Where a *lot* is used for a *mineral aggregate operation*, a required *planting strip* shall be located a minimum distance of 15.0 m from any *lot line* that abuts a *street* or a Hamlet Residential, Rural Residential or Rural Estate Residential *zone*.
- c) The minimum *height* of a required *planting strip* on a *lot* used for a *mineral aggregate operation* shall be 1.8 m.
- d) The minimum width of a required *planting strip* on a *lot* used for a *mineral aggregate operation* shall be 3.0 m.

3.24 Minimum Distance Separation (MDS) Formulae

- a) Notwithstanding any other *yard* or *setback* provisions of this By-law, no residential, institutional, commercial, or industrial *use*, located on a separate *lot* and permitted within an Agricultural *zone* or any *zone* in which *agriculture uses* are permitted, shall be *erected* or *altered* unless it complies with the Minimum Distance Separation One (MDS I) *setback* from a livestock facility, calculated using the formulas published by the *Province*, as may be amended from time to time.
- b) Notwithstanding any other *yard* and *setback* provisions of this By-law, no *building* or *structure used* or intended to be *used* for the raising, breeding or keeping of livestock or manure storage shall be established or *enlarged* on a *lot* except in accordance with

the requirements of the Minimum Distance Separation Two (MDS II) setback, calculated using the formulas published by the *Province*, as may be amended from time to time.

3.25 Multiple Uses on One Lot

Where any *land* or *building* is *used* for more than one purpose, all provisions of this By-law relating to each *use* shall be complied with. Where there is a conflict between two provisions, the most restrictive shall apply.

3.26 Mushroom Farms

Where permitted by this By-law, *mushroom farms* shall be in accordance with the following provisions:

- a) A *building* or *structure* used for a *mushroom farm* shall be *setback* a minimum 60.0 m from the *front lot line*.
- b) No stockpiles of waste, manure, fertilizer, or compost shall be permitted within 90.0 m of any *dwelling*, including a *farm help dwelling* or *seasonal farm help dwelling*.

3.27 Non-Conformity and Non-Compliance

- a) Nothing in this By-law shall apply to prevent the *use* of any land, *building* or *structure* for any purpose prohibited by the By-law, if such land, *building* or *structure* was lawfully *used* for such purpose on the day of the passing of this By-law, and so long as it continues to be *used* for that purpose.
- b) The provisions of this By-law shall not apply to prevent the *erection* or *use* for a purpose prohibited by this By-law of any *building* or *structure*, the plans for which have been approved prior to the date of passing of this By-law, so long as the *building* or *structure* when *erected* is *used* and continues to be *used* for the purpose for which it was *erected*.
- c) The portion of an *existing* permitted *building* or *structure* on a *lot* which does not comply with the *yard setbacks*, *height*, *floor area* and other *lot* and *building* requirements may be repaired, renovated, and reconstructed, provided that the repair, renovation, or reconstruction does not further reduce those *lot* and *building* requirements which do not comply with the By-law, and provided that all other requirements of the By-law are complied with, including but not limited to Section 3.44. For clarity, the portions of an *existing* permitted *building* or *structure* which comply with the *yard setbacks*, *height*, *floor area* and other *lot* and *building* requirements may be repaired, renovated, and reconstructed provided that all other requirements of the By-law are complied with.

- d) Notwithstanding any other provisions of this By-law, a vacant *lot* held in distinct and separate ownership on the date of passage of this By-law having less than the minimum *lot frontage* and/or *lot area* required by this By-law may be *used* for a purpose permitted in the *zone* in which said *lot* is located provided that all other applicable provisions in this By-law are complied with, including but not limited to Section 3.44.
- e) Where a *lot* having a lesser *lot frontage*, *depth* or *area* than that required by this By-law is created by expropriation or highway widening or other land acquisition by the *Municipality*, the *Region*, the *Province* or the Government of Canada, or any other *public authority*, such *lot* shall be deemed to conform with this By-law and a *building* or *structure* may be *erected*, *altered* or repaired and *used* on such *lot* provided that it conforms to all other requirements of this By-law.
- f) Where a *non-conforming use* has been discontinued for a period exceeding 365 days, the discontinued *use* shall not be re-established, and all permitted *use* provisions of this By-law shall apply.
- g) Where an *existing building* or *structure* containing a *non-conforming use* is involuntarily destroyed or damaged, in whole or in part, by fire or natural event, nothing shall prevent the reconstruction and re-establishment of the *non-conforming use* provided the reconstruction does not increase the *height*, setbacks, size, or volume of the *building* or *structure*.
- h) Nothing in this By-law shall apply to prevent the continued *use* of land, *building* or *structure* for an *agricultural use* as permitted by this By-law or any addition or expansion of such *use* provided that any additions or expansion of such *use* complies with requirements of any *zone* in which an *Agricultural use* is permitted.

3.28 Number of Single Detached Dwelling Units on One Lot

Not more than one (1) *single detached dwelling* shall be *erected* or permitted on any *lot* unless otherwise explicitly permitted in accordance with the provisions of this By-law.

3.29 On-Farm Diversified Uses

Where permitted by this By-law, *on-farm diversified uses* shall be in accordance with the following provisions:

- a) An *on-farm diversified use* shall be located on a *lot* having a minimum *lot area* of 4.0 ha and containing a *principal agricultural use*.
- b) The *area of operation* for an *on-farm diversified use* shall not exceed a combined total of 1.0 ha. (10,000.0 m²) or 2% of the *lot area* on which the *use* is proposed, whichever is less.

- i) The maximum *gross floor area* of all *buildings* and *structures* shall be 20% of the *area of operation* provided no single *building* or *structure* shall have a *gross floor area* greater than 500.0 m².
- ii) Where an *on-farm diversified use* is located within an *existing building* or *structure* that has a *gross floor area* greater than 500.0 m², no more than 500.0 m² of *gross floor area* of the *building* or *structure* shall be used for the *on-farm diversified use*.
- iii) In calculating the *area of operation*, 100% of the area needed for *parking spaces* for the *on-farm diversified use* shall be included.
- iv) In calculating the *area of operation* where an *on-farm diversified use* uses an *existing access laneway* or *parking area*, the area of the *existing laneway* or *parking area* shall not be included.
- v) For the purpose of interpreting Section 3.29, where a *home industry* is part of an *on-farm diversified use*, the area used for a *home industry use* shall be subject to the maximum *gross floor area* as permitted by Section 3.19 of this By-law.
- c) An *on-farm diversified use* shall be subject to the Minimum Distance Separation (MDS) Formulae where an *on-farm diversified use* includes an *agri-tourism uses*, *on-farm shop or café*, food service use or provides overnight accommodations.
- d) *Agricultural event venues* that are beyond the scale of *agri-tourism uses* and are intended to host event more than two (2) times per calendar year shall only be permitted on a temporary basis by way of a temporary use by-law pursuant to Section 39 of the Planning Act.
- e) The total enclosed *floor area* of a *building* or *structure* devoted to *retail* sales shall not exceed 50% of the *floor area* of all *buildings* and *structures* used in conjunction with the *on-farm diversified use*. This provision shall not apply to a *farm produce outlet*.
- f) Where permitted by this By-law as an *on-farm diversified use*, the maximum electricity generation of a *ground-mounted solar facility* shall be 10 kilowatts.

3.30 Open Product Display

Where permitted by this By-law, *open product display* shall be in accordance with the following provisions:

- a) *Open product display* shall be permitted in any *yard*, subject to a minimum *setback* of 6.0 m from any *lot line*.
- b) *Open product display* areas shall not exceed 20% of the *lot area*.

- c) *Open product display* shall not be located within any required *parking area* or within any required *planting strip*.
- d) *Open product display* shall include the parking of *motor vehicles* or *commercial vehicles* for sale or awaiting repair in association with a permitted *use*.
- e) *Open product display* shall be prohibited on a vacant *lot*.

3.31 Open Storage

Where permitted by this By-law, *open storage* shall only be permitted in accordance with the following provisions:

- a) *Open storage* shall only be permitted as an *accessory use* where it is permitted by this By-law.
- b) *Open storage* shall be prohibited in the *front yard* and *exterior side yard*.
- c) *Open storage* shall be prohibited in any *yard* abutting a Hamlet Residential, Rural Residential, Rural Estate Residential, or Open Space *zone*.
- d) *Open storage* shall not be permitted within a minimum *side yard* or *rear yard* as required by the applicable *zone*, except where a *side yard* or *rear yard* abuts another *zone* which permits *open storage*.
- e) Where *open storage* is permitted in a *side yard* or *rear yard*, the minimum distance between the *open storage* and the *lot line* shall be 3.0 m
- f) *Open storage* shall not apply to prevent the parking of *motor vehicles* or *commercial vehicles* for sale in an *open product display* or awaiting repair in association with a permitted *use*.
- g) *Open storage* areas shall not be permitted to be located closer to any *lot line* than the *main building* on the *lot*.
- h) *Open storage* areas shall not exceed 50% of the *lot area*.
- i) *Open storage* areas shall be screened on all sides with an opaque fence or *landscaping* or a combination of both.
- j) *Open storage* shall be prohibited on a vacant *lot*.
- k) *Open storage* shall be subject to an approved *site plan*.

3.32 Pet Day Care

Where permitted by this By-law, a *pet day care* shall not be located closer than 45.0 m to any Residential zone and the *use* shall be separated by at least 45.0 m from a *dwelling* on any other *lot*.

3.33 Planting Strips

- a) A *planting strip* with a minimum width of 1.5 m shall be required abutting the full length of the applicable *lot lines*:
 - i) Along the *front yard* or *exterior side yard*, where any *parking area* is located in the *front yard* or *exterior side yard*. For clarity, this shall not apply to driveways for *single detached dwellings* or *additional residential units*.
- b) A *planting strip* with a minimum width of 3.0 m shall be required along the full length of the applicable *lot lines*:
 - i) Where a *lot* in a Commercial, Employment or Institutional zone abuts an *interior side lot line* or *rear lot line* of a *lot* in a Residential zone.
 - ii) Along the *front lot line* and *exterior side lot line* for *lots* in a Commercial, Employment or Institutional zone. This shall not apply to *lots* zoned Hamlet Commercial (HC).
- c) A *planting strip* with a minimum width of 6.0 m shall be required abutting the full length of the applicable *lot lines*:
 - i) Where a *lot* zoned Rural Employment (RM), Rural Employment Greenbelt (RMG), or Agriculture Related (AR) abuts a *street* or a *lot* in any zone that permits a residential use or and Open Space (OS) zone.
- e) Driveways and walkways shall be permitted to cross a planting strip.

3.34 Private Home Child Care

Where permitted by this By-law, a *private home child care* shall be subject to the provisions for *home occupations* (Section 3.20).

3.35 Public Uses Permitted

- a) The provisions of this By-law shall not apply to the use of any land and zone or to the *erection* or *use* of any *building* or *structure* for the purpose of public service by the *Municipality*, and/or any *public authority*, any department of the *Region*, any department or Ministry of the Government of Canada or the *Province*, or any

telecommunications, gas or utility company, provided that where such land, *building* or *structure* is located:

- i) Notwithstanding any other provisions of this By-law, the *open storage* of goods, materials or equipment in conjunction with a public works yard shall be permitted, in accordance with Section 3.31, excluding sub-clause c).
- ii) The *lot coverage*, *yard setbacks*, parking and loading requirements and *height* provisions shall be complied with;
- iii) A public works yard shall be permitted on a *lot* abutting a Residential zone provided that:
 - 1) The minimum *setback* from the *lot line* abutting Residential zone shall be 12.0 m;
 - 2) A *planting strip* is provided in accordance with Section 3.33; and,
- iv) An *office* shall be permitted as an *accessory use*.
- b) Nothing in this By-law shall prevent the installation of a watermain, *sanitary sewer* main, storm sewer main, gas main, pipe line or overhead or underground hydro, and telecommunications line provided that the location of such main or line has been approved by the *Municipality* or is undertaken by a *public authority*.
- c) Within the *Oak Ridges Moraine Conservation Plan Area*, the provisions of Section 8.4 shall apply to public uses.

3.36 Replacement of Existing Single Detached Dwelling

Where a *single detached dwelling* is intended to be demolished and replaced, the original *single detached dwelling* shall be permitted to remain on a *lot* during the construction of the new *dwelling* provided that:

- a) The *lot* shall be subject to an approved *site plan*;
- b) Only one *dwelling* is occupied at any one time;
- c) A demolition permit is issued by the *Municipality* with respect to demolition of the original *dwelling*, and an agreement with the *Municipality* has been entered into by the owner which, among other matters, requires the demolition of the original dwelling a specified amount of time from the issuance of the Certificate of Occupancy for the replacement *dwelling*; and
- d) All other provisions of this By-law shall apply to the replacement *dwelling* as if the original *dwelling* was demolished.

3.37 Residential Lot

No *person* shall *erect* or *use* any *building* or *structure* for *residential uses* unless such *building* is *erected* upon a *lot* as defined by this By-law and in accordance with all other provisions of this By-law.

3.38 Seasonal Commercial Use

Where permitted by this By-law, a *seasonal commercial use* shall be subject to the following provisions:

- a) Where a *seasonal commercial use* covers a portion of a *parking area*, it shall not result in a deficiency in meeting the minimum required *parking* for *existing uses* on the *lot*.
- b) A *seasonal commercial use* shall not require any additional *motor vehicle* or bicycle parking to be provided while it is in operation.
- c) A *seasonal commercial use* shall be permitted in any yard that does not abut a Residential zone.
- d) A *seasonal commercial use* shall be located no closer than 6.0 m to any *lot line*.
- e) A *seasonal commercial use* shall not obstruct any *driveway*.
- f) A *seasonal commercial use* shall occupy a maximum of twenty percent (20%) of the *lot area*.
- g) *Seasonal commercial uses* shall be permitted on a *lot* for a maximum of 120 total days during each calendar year. For clarity, the maximum number of days shall be inclusive of all *seasonal commercial uses* provided on the *lot* during any given calendar year.
- h) Any *buildings* or *structures* associated with the *seasonal commercial use* shall not be subject to the provisions of Section 3.2 but shall be subject to the provisions of this section.

3.39 Seasonal Farm Help Dwelling

Where permitted by this By-law, a *seasonal farm help dwelling* shall be subject to the following provisions:

- a) A *seasonal farm help dwelling* shall only be permitted as *accessory* to an *agricultural use*.
- b) The minimum *floor area* of a *seasonal farm help dwelling* shall be 58.0 m².
- c) The maximum *floor area* of a *seasonal farm help dwelling* shall be 80.0 m².

- d) A minimum of 75% of the *existing lot area* shall be utilized for *agricultural uses*.
- e) The use of a *seasonal farm help dwelling* shall not exceed an aggregate total of nine months in each calendar year.
- f) A *seasonal farm help dwelling* shall not be permitted in the principal residence of the owner or operator of the *agricultural use* or within the same *building* or *structure* used to shelter livestock or farm animals.
- g) *Seasonal farm help dwellings* may be contained in more than one *building*. For clarity, seasonal farm dwellings may not exceed the maximum floor area set out in subsection c).
- h) A *mobile home* or *recreational vehicle* may be used for a *seasonal farm dwelling*.
- i) Access to a *seasonal farm help dwelling* shall be from a shared *driveway*.
- j) Where a *seasonal farm help dwelling* is permitted by this By-law, the *lot* and *building* requirements of the applicable *zone* shall apply to the *seasonal farm help dwelling*.
- k) A minimum distance of 6.0 m shall be required between a *seasonal farm help dwelling* and the nearest point of any other *building* or *structure*.
- l) *Parking* shall be provided in accordance with Part 4 of this By-law.
- m) A *seasonal farm help dwelling* shall be subject to an approved *site plan*.

3.40 Shipping Containers

Where permitted by this By-law, a *shipping container* shall only be permitted in accordance with the following provisions:

- a) A *shipping container* shall not be permitted *accessory* to a *residential use*, where a *residential use* is the principal *use* of a *lot*.
- b) A *shipping container* shall only be permitted as an *accessory use*.
- c) A *shipping container* shall be considered an *accessory structure* and subject to Section 3.2 of this By-law.
- d) A *shipping container* shall be located a minimum distance of 10.0 m from any *lot line* abutting a Hamlet Residential, Residential Estate or Rural Residential *zone*.
- e) The *use* of a *shipping container* for human habitation shall be prohibited.
- f) A *shipping container* shall only be permitted where the minimum *lot area* is:

- i) 4.0 ha or greater in the Agricultural (A) and Agricultural Related (AR) zones;
 - ii) 2.0 ha in the Agricultural Speciality Crop (AS) zone; and
 - iii) 0.4 ha or greater in all other zones.
- g) A *shipping container* shall only be permitted in a *rear yard*.
- h) The maximum number of *shipping containers* on a *lot* shall be 2.
- i) Notwithstanding any other provision of this By-law, a *shipping container* may be temporarily placed on a *lot* in any *zone*:
 - i) For a period of not more than 10 days for loading and unloading of the *shipping container*.
 - ii) For a period of not more than 1-year for the storage of supplies and equipment during construction for which a building permit has been issued by the *Municipality*.
- j) Except when located in the Specialty Crop Agricultural (AS) zone, a *shipping container* shall be subject to an approved *site plan* pursuant to Section 41 of the Planning Act.
- k) Where permitted by this by-law, a *shipping container* shall be screened on all sides with an opaque fence or *landscaping* or a combination of both.
- l) A *shipping container* shall be maintained in good condition, free from rust, painted to remove any markings and/or labels and comply with all applicable provisions of this By-law.

3.41 Sight Triangle

- a) On any *corner lot*, a *sight triangle* as defined in this By-law shall be provided in accordance with **Table 3-2**:

Table 3-2: Sight Triangle Requirements

Intersection	Minimum Sight Triangle (All Zones Except Employment Zones)	Minimum Sight Triangle (Employment Zones)
i) Local Road and Local Road	5.0 m	10.0 m
ii) Local Road and Collector Road	5.0 m	10.0 m

Intersection	Minimum Sight Triangle (All Zones Except Employment Zones)	Minimum Sight Triangle (Employment Zones)
iii) Collector Road and Collector Road	10.0 m	12.0 m
iv) Rural Collector Road and Urban Collector Road	15.0 m	15.0 m
v) Any Road and Arterial Road	15.0 m	15.0 m

- b) For the purposes of interpreting clause a) of this section, the road classifications shall be as indicated in the current applicable Transportation Master Plan, as considered to be the most current road classification by the *Zoning Administrator*.

3.42 Swimming Pools

- a) A swimming pool shall be permitted as an *accessory use* to any *residential use*.
- b) The minimum *setback* of a *swimming pool* to any *lot line* shall be 1.5 m. The *setback* shall be measured from the inside wall of the *swimming pool*.
- c) A *swimming pool* shall be permitted in the *side yard* of any *lot* provided that:
- in a Residential zone, a *swimming pool* shall not be located closer to any side *lot line* or *street line* than the *principal dwelling*;
 - the maximum *height* of such *swimming pool* shall be 1.5 m above the *established grade* level of the ground both adjoining and within 4.5 m of such *swimming pool*; and
 - any *building* or *structure*, other than the *main building*, required for changing clothing or for pumping or filtering facilities, or other similar *accessory uses*, shall be in accordance with the provisions applicable to *accessory buildings* on such *lot* under Section 3.2.
- d) Every *swimming pool erected* in any *zone* shall comply with all applicable laws and requirements of the *Municipality* which governs the enclosure of *swimming pools*.
- e) Notwithstanding any other provision of this By-law, a *swimming pool* shall be excluded in the calculation of *lot coverage*.

3.43 Temporary Construction Uses Permitted

Nothing in this By-law shall prevent *uses* incidental to construction such as a construction trailer, a tool shed, scaffold or other *building* or *structure* incidental to the construction, provided that these *uses* shall be permitted only for so long as the same are necessary for work in progress which has been neither finished nor abandoned, and for which a building permit has been issued and remains in force.

3.44 TRCA and LSRCA Regulated Areas (Schedule “A” Overlay)

Schedule “A” includes an approximation of the areas regulated by the Toronto and Region Conservation Authority (TRCA) and the Lake Simcoe Region Conservation Authority (LSRCA). These areas are subject to the applicable regulation under Section 28 of the Conservation Authorities Act, as amended, for any development (including *site alteration*), any interference with wetlands, and alterations to shorelines and *watercourses*. In this regard, TRCA, or LSRCA must be contacted prior to any such work taking place in the Regulated Area.

Development in the Conservation Authorities Act, as amended, is defined as: (a) the construction, reconstruction, *erection* or placing of a *building* or *structure* of any kind; (b) any change to a *building* or *structure* that would have the effect of altering the use or potential *use* of the *building* or *structure*, increasing the size of the *building* or *structure* or increasing the number of *dwelling units* in the *building* or *structure*; (c) site grading; or (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

The Regulated Area may differ from the area delineated on Schedule “A”, as it may be subject to changes resulting from new environmental information obtained by the TRCA or LSRCA over time. The final boundaries of the Regulated Area shall be determined by TRCA or LSRCA, as applicable. Further, if there is a conflict between the description of regulated areas in the text of the regulation and the areas as shown on the regulated area mapping (as shown in the Schedule “A” Regulated Area delineation) the description of areas in the regulation prevails.

The following provisions shall apply to all lands within the Regulated Area (on Schedule “A” or to lands that meet the description of regulated areas in the regulation by TRCA or LSRCA, as applicable):

- a) Development (as defined above) is subject to TRCA or LSRCA review, as appropriate, and may require a permit pursuant to the applicable regulation, prior to any works taking place.
- b) The Regulated Area shown on Schedule “A” may be subject to change. The final boundaries of the Regulated Area shall be determined by TRCA or LSRCA, as appropriate.

- c) The following *uses* shall be prohibited in lands identified as *hazardous lands* or hazardous sites, as determined by the *Municipality* in consultation with TRCA or LSRCA, as appropriate:
 - i) institutional *uses* including hospitals, long-term care homes, retirement homes, *private home child cares*, *child care centres* and schools;
 - ii) *additional residential units* and *accessory dwelling units*;
 - iii) *garden suites*;
 - iv) essential emergency services including fire, police, ambulance stations and electrical substations; and
 - v) *uses* associated with disposal, manufacture, treatment or storage of *hazardous substances*.

3.45 Uses Prohibited in All Zones

- a) Notwithstanding any other provisions contained in this By-law, the following *uses* are prohibited in the defined area unless specifically permitted by this By-law: blood boiling; bone boiling; extracting oil from fish or animal matter; storing hides; soap manufacturing; tripe boiling; tanning hides and skins; manufacturing gas; manufacturing or storing fertilizers from dead animals or fish; manufacturing cement or brick; receiving, storing or dumping of liquid, jellied, congealed, or concentrated industrial wastes of any kind; metal smelting or a foundry; drop forge industries; blast furnaces; refineries; aircraft engine testing; and, *obnoxious uses*.
- b) The *use* of any land or *lot* for the purpose of a trailer park, tourist trailer park or a *mobile home* park is prohibited.
- c) The *use* of any land or *lot* for the purposes of a track for the racing of animals, motor vehicles or motorcycles or go-carts or snowmobiles is prohibited, except such a *use* by a club or organization which is licensed by the *Municipality* for such *uses*.
- d) The *use* of any land or *lot* for the purpose of a *scrap yard* except as specifically provided by this By-law is prohibited.
- e) The *use* of any land or *lot* for the purpose of a *contractors yard* is prohibited.
- f) The *use* of any land or *lot* for the purpose of a *waste disposal facility* is prohibited.
- g) The making or establishment of pits or quarries is prohibited, and no person shall *use* land or *erect* any *building* or *structure* for the purpose of processing, washing, sorting, screening or crushing rock, sand or gravel except as expressly provided for in this By-law.

- h) The *use of a shipping container, commercial vehicle, recreational vehicle*, truck, bus, coach or streetcar body, trailer or boat for the purposes of human habitation is prohibited, except as specifically provided by this By-law.

3.46 Waste Storage

The storage of garbage, recycling and other waste shall be in accordance with the following provisions:

- a) In any *zone* where the *principal use* is an employment or commercial use, garbage, recycling and other waste shall only be stored in a fully enclosed *waste containment structure*, with or without a roof, or within a wholly enclosed *building*.
- b) Notwithstanding subsection a), in-ground refuse containers are not required to be within a fully enclosed *waste containment structure* or wholly enclosed within a *building*.
- c) A waste containment structure shall only be permitted in an *interior side yard* or *rear yard*.
- d) A *waste containment structure*, where provided, shall be setback a minimum of 3.0 m from any abutting Residential *zone* and shall be subject to all other provisions for *accessory structures* under Section 3.2.
- e) A *waste containment structure* shall not be permitted within any required *planting strip*.
- f) Notwithstanding the provisions of this section, any container temporarily used in association with construction activities shall be permitted in any *yard* during construction, provided it is located no closer than 1.2 m from any *lot line*.

3.47 Wellhead Protection Areas (Schedule “B-1”)

- a) The following requirements shall apply to all lands shown as “WHPA-A”, “WHPA-B”, “WHPA-C” or “WHPA-D” on Schedule B-1.
 - i) Where there is a conflict between the requirements of this By-law and the Clean Water Act, the requirements of the Clean Water Act shall prevail.
 - ii) Where there is a conflict between the requirements of this By-law and the Credit Valley – Toronto and Region – Central Lake Ontario (CTC) Source Protection Plan, the more restrictive requirements shall prevail.
 - iii) Where there is a conflict between the requirements of this By-law and the South Georgian Bay Lake Simcoe (SGBLS) Source Protection Plan, the more restrictive requirements shall prevail.

- iv) Notwithstanding any other provision or permitted *uses* of this By-law, on any *lot* located within each of the following geographic areas as delineated on Schedule “B-1”, the corresponding *uses* or activities shall be prohibited in accordance with **Table 3-3**, unless otherwise deemed to be permitted subject to an approved Risk Management Plan issued by the *Region*. This requirement shall not apply to *uses* or activities that are incidental to normal quantities intended for personal or household *use*.

Table 3-3: Prohibited Uses and Activities in Wellhead Protection Areas

Area (as delineated on Schedule “B-1”)	Prohibited Uses and Activities
Wellhead Protection Areas B and C	<p>The handling, storage, processing (including part of other manufacturing processes) and manufacturing of <i>dense non-aqueous phase liquid</i> (DNAPLs), including:</p> <ul style="list-style-type: none"> i) Dry cleaning activities which utilize DNAPLs in the cleaning processes; ii) Automotive sales and service which use degreasers, paints, enamels, cleaners and adhesives containing DNAPLs; iii) Printing, publishing and allied industrial establishments which utilize DNAPLs as part of the printing process; iv) Establishments selling paints, enamels, furniture strippers, paint thinners and lacquers containing DNAPLs; v) Establishments which store, use or sell cleaning supplies and glass cleaners which contain DNAPLs; and vi) Manufacturing and industrial establishments which utilize DNAPLs as part of manufacturing and/or processing.
Wellhead Protection Area A	<p>All of the <i>uses</i> and activities prohibited in Wellhead Protection Areas B and C under clause a), and:</p> <ul style="list-style-type: none"> i) Waste storage sites and facilities for the landfilling of municipal waste and/or solid non-hazardous industrial or commercial waste; ii) Waste disposal sites where liquid industrial waste is injected into a well; iii) Wastewater treatment plant & disposal facility (includes lagoons, communal/municipal sewage

Area (as delineated on Schedule “B-1”)	Prohibited Uses and Activities
	<p>treatment facilities, large sewage vaults at sewage pumping stations – but excluding facilities regulated under the <u>Nutrient Management Act</u>, 2002);</p> <p>iv) Waste storage and disposal sites and facilities for hazardous liquid industrial waste at landfills and transfer stations;</p> <p>v) Waste storage and disposal sites and facilities for wastes described in the clauses for p, q, r, s, t and u of the definition of hazardous waste (<u>O. Reg. 347</u>) at landfills and transfer stations as outlined in the Assessment Reports;</p> <p>vi) Waste disposal facilities including:</p> <ol style="list-style-type: none"> 1. PCB waste; 2. Tailings from mines. 3. Petroleum refining waste sites and facilities for landfarming; and 4. Hazardous waste storage, treatment and disposal sites and facilities. <p>vii) Road salt storage facilities where the quantity is more than 5,000 tonnes;</p> <p>viii) Snow storage facilities and disposal sites (includes <i>parking areas</i>):</p> <ol style="list-style-type: none"> 1. At or above <i>grade</i> where the storage area is more than 1 ha in area, except in emergency scenarios; and 2. Below <i>grade</i> where the storage area is more than 0.01 ha in area. <p>ix) Non-residential, industrial, commercial, institutional, agricultural and multi-residential liquid fuel and fuel oil storage facilities where the fuel is stored partially or below grade where the fuel quantity is more than 250 litres or 2,500 litres above grade which includes, but is not limited to the following facilities:</p> <ol style="list-style-type: none"> 1. Permanent or mobile fuel or gasoline <i>retail</i> outlets; 2. Automobile service stations;

Area (as delineated on Schedule "B-1")	Prohibited Uses and Activities
	<ol style="list-style-type: none"> 3. Bulk plants; 4. Marinas; 5. Private fuel outlets; and 6. <i>Agricultural uses.</i> <p>x) The handling, storage, processing (including part of other manufacturing processes) and manufacturing of organic solvents including, but not limited to the following:</p> <ol style="list-style-type: none"> 1. Automobile sales and service establishments which use degreasers, paints, enamels, cleaners and adhesives containing organic solvents; and 2. Establishments which store, use or sell cleaning supplies and glass cleaners which contain organic solvents. <p>xi) Agricultural storage <i>buildings used</i> for agricultural source material (ASM) which includes but is not limited to the following materials:</p> <ol style="list-style-type: none"> 1. Animal manure including bedding materials; 2. Milk house wash water; 3. Mushroom compost; 4. Regulated compost; and 5. Animal yard run-off and manure. <p>xii) Storage of pesticides in facilities:</p> <ol style="list-style-type: none"> 1. For <i>retail</i> sale or storage in relation to its use in extermination where the total mass in any form (liquid, solid or gas) is more than 250 kg; and 2. Where it is manufactured, processed or wholesaled for <i>retail</i> and extermination where the total mass is more than 2,500 kg. <p>xiii) Commercial fertilizer storage facilities for <i>retail</i> sale or stored in relation to its application where the total mass in any form (liquid or solid) is more than 2,500 kg;</p>

Area (as delineated on Schedule “B-1”)	Prohibited Uses and Activities
	<p>xiv) Agricultural outdoor confinement or farm animal yards where the number of confined animals would generate more than 300 nutrient units/ha/year; and</p> <p>xv) Storage facilities for Non-Agricultural Source Material (NASM) – Category 1.</p>

- vi) Where a *use* is prohibited in Wellhead Protection Areas A, B and C, as indicated in **Table 3-3**, and the *use* was legally *existing* prior to the effective date of this By-law, the *use* shall continue to be permitted in accordance with the permitted *uses* of the underlying *zone*, but no *expansion* of any *building* or *structure* for the prohibited *use* as indicated in Table 3-3 of this By-law shall be permitted.

3.48 Yard and Setback Encroachments Permitted

- a) Every part of any *yard* required by this By-law shall be open and unobstructed by any *structure* from the ground to the sky, provided that the *structures* listed in **Table 3-4** shall be permitted to encroach into the minimum *yards* indicated for the distances specified.

Table 3-4: Permitted Yard and Setback Encroachments

Structure	Yard	No part of any <i>building</i> or <i>structure</i> shall project into the specified <i>yard</i> more than:
i) Building architectural elements, including sills, belt, courses, cornices, gutters, chimneys, pilasters, eaves, parapets, canopies or fireplaces	Any <i>yard</i>	0.6 m
ii) Window bays	<i>Front, rear and exterior side yards only</i>	0.9 m, at a maximum width of 3.0 m
iii) <i>Balconies</i>	<i>Front, rear and exterior side yards only</i>	1.8 m

Structure	Yard	No part of any <i>building</i> or <i>structure</i> shall project into the specified <i>yard</i> more than:
iv) <i>Porches</i> not exceeding one (1) storey in height and uncovered terraces (including access stairs from <i>grade</i>)	<i>Front, rear and exterior side yards</i> only	2.4 m including eaves and cornices, up to 0.6 m from the <i>front lot line</i>
v) <i>Decks</i> with a <i>height</i> no greater than 0.6 m from <i>grade</i> (including access stairs from <i>grade</i>)	<i>Rear and interior side yards</i> only	Up to 0.6 m from a <i>lot line</i>
vi) <i>Decks</i> with a <i>height</i> greater than 0.6 m, but less than 3.0 m, from <i>grade</i> (including access stairs from <i>grade</i>)	<i>Rear yard</i> only	1.5 m
vii) Air conditioners, heat pumps, swimming pool pumps/filters/heaters	<i>Rear, exterior side and interior side yards</i> only	Up to 0.6 m from any <i>lot line</i>
viii) Unenclosed barrier-free access ramps	<i>Any yard</i>	Up to 0.6 m from any <i>lot line</i>
ix) Rain barrels and rain harvesting system components	<i>Rear, exterior side and interior side yards</i> only	Up to 0.6 m from any <i>lot line</i>
x) <i>Porte cochère</i> , portico or similar architectural components of <i>buildings</i> or <i>structures</i>	<i>Any yard</i>	The required minimum <i>yard</i> in accordance with the <i>zone</i> and all other provisions of this By-law (no additional encroachment is permitted)
xi) <i>Commercial patio</i>	<i>Front yard</i> or <i>exterior side yard</i>	Up to 0.00 m from the <i>front lot line</i> or <i>exterior lot line</i>

- b) Notwithstanding the *yard* and *setback* provisions of this By-law, clothes poles shall be permitted in any required *side yard* or *rear yard* or in the area between the road or *street line* and the required *setback*.

- c) Notwithstanding the *yard* and *setback* provisions of this By-law, drop awnings, flag poles, garden trellises, fences, retaining walls, signs erected in accordance with the provisions of the *Municipality's* By-law regulating signs, or other similar *accessory structures* shall be permitted in any required *yard* or in the area between the road or *street line* and the required *setback*.