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## A GUIDE TO THE USE OF THIS ZONING BY-LAW

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### INTRODUCTION

This section does not form part of the Zoning By-law passed by the Council of the Town of Bradford West Gwillimbury and is intended only to make the Zoning By-law more understandable.

### PURPOSE OF THIS ZONING BY-LAW

The purpose of this Zoning By-law is to implement the policies of the Town of Bradford West Gwillimbury Official Plan. The Official Plan contains general policies that affect the use of land throughout the Municipality, specifying where certain land uses are permitted and, in some instances, what regulations should apply to the development of certain lands.

The Official Plan is a general document that is not intended to regulate every aspect of the built form on a private lot. In the Province of Ontario, this is the role of the Zoning By-law. Once an Official Plan is in effect, any Zoning By-law passed by Council must conform to the Official Plan. For example, if the Official Plan stated that lands in the vicinity of a significant natural feature are to remain in their natural state, the Zoning By-law would prohibit the erection of buildings or structures on those lands.

The statutory authority to zone land is granted by the Planning Act, R.S.O 1990, c. P.13 as amended. A Zoning By-law can:

- prohibit the use of land or buildings for any use that is not specifically permitted by the By-law;
- prohibit the erection or siting of buildings and structures on a lot except in locations permitted by the By-law;
- regulate the type of construction and the height, bulk, location, size, floor area, spacing, and use of buildings or structures;
- regulate the minimum frontage and depth of a parcel of land;
- regulate the proportion of a lot that any building or structure may occupy;
- regulate the minimum elevation of doors, windows or other openings in buildings or structures;
- require parking and loading facilities be provided and maintained for a purpose permitted by the By-law; and,

- prohibit the use of lands and the erection of buildings or structures on land that is:
  - subject to flooding;
  - the site of steep slopes;
  - rocky, low-lying, marshy or unstable;
  - contaminated;
  - a sensitive groundwater recharge area or head water area;
  - the location of a sensitive aquifer;
  - a significant wildlife habitat area, wetland, woodland, ravine, valley or area of natural and scientific interest;
  - a significant corridor or shoreline of a lake, river or stream; or,
  - the site of a significant archaeological resource.

## HOW TO USE THIS BY-LAW

To determine what permissions apply to a particular property, the following steps are necessary.

### 1. Locate the Property on a Map

Refer to the Zoning Schedules included as part of this document to determine the zone or zones which affect the property. By referring to the Key Map, you can determine which specific Zoning Schedule shows the property. The zone category will be indicated on the schedules by a symbol or abbreviation - "R1-1", "C1" or "I". The symbol may also be followed by an asterisk and a number, and/or a set of brackets with a number or symbol and number - "R1-1\*27" or "C1(H2)" - which means that there are site-specific, Holding, Temporary Use, or Interim Control provisions additionally affecting that particular property.

### 2. Determine the Permitted Uses

Permitted uses and zone requirements for each zone in the Municipality are set out in Parts 6 to 10 of the By-law. If a term used is unclear, the definitions in Part 3 of the By-law provide clarification. The Planning Act requires that Zoning By-laws prohibit all uses except as may be specifically permitted.

Uses that are not identified as permitted uses within a particular zone are not permitted in that zone. For clarity, uses listed in Section 2.9 of this By-law are prohibited throughout the Town.

### 3. Determine the Standards

The next step is to determine what standards or regulations may apply to the uses on the property. These standards and regulations are also set out in Parts 6 to 10 of the text of the Zoning By-law. These include standards for minimum lot area, minimum frontage requirements, minimum yard requirements,

maximum lot coverage for buildings, maximum permitted height of buildings and in some cases, the minimum required landscaped open space on the lot. For site specific zone provisions, the “Exceptions” part of the By-law should be consulted.

#### **4. Review the General Provisions**

Part 4 of the By-law contains a more general set of standards known as 'General Provisions' that apply to all properties in all zones throughout the Town of Bradford West Gwillimbury. For example, the general provisions contain standards that regulate the location of accessory structures on a lot, height exceptions, and non-conforming or non-complying uses that apply to all properties throughout the Town.

#### **5. Assess the Parking and Loading Restrictions**

Part 5 provides the parking and loading restrictions for all uses permitted in the Town. If a change of use or a new use is being contemplated for a property then parking requirements for the proposed use should be assessed.

#### **6. Review Exceptions, Holding Zones and Temporary Uses**

By-laws are not static documents and lands may be subject to a zone exception, a holding zone, or a temporary use. These are identified in Parts 12 to 14 inclusive.

#### **7. Check Recent Zoning By-law Amendments and Minor Variances**

A Zoning By-law is amended over time as demands and policies governing land use change. Further, any property owner can apply for a Minor Variance to the standards of the Zoning By-law, which is not shown in the By-law (rather, the Town keeps notice of the Variance within its property files) and remains valid for the property in perpetuity. While the Town strives to keep this By-law up-to-date, more recent amendments and previous planning matters relating to your property may not be included in the version of the By-law you are using. Staff in Bradford West Gwillimbury's Planning Department will be able to assist you to confirm if your property has been subject to a recent By-law amendment or Minor Variance.

#### **8. Legal Non-Conforming and Legal Non-Complying Uses**

A legal non-conforming use is a use of land and/or building that legally existed on the date this Zoning By-law 2010-050 comes into effect under the Planning Act. To be legal, the use must have been permitted on the lands in accordance with the previous Zoning By-laws for the Municipality.

A legal non-complying building or structure is a building or structure that was legally erected in a location when Zoning By-law 2010-050 comes into effect under the Planning Act. To be legal, the location of the building or structure must have been authorized on the lands in accordance with the Municipality's previous Zoning By-laws. Alternatively, if the building or structure existed on the lands for a considerable number of years, the building or structure may be legal if it was legally erected before the first By-law for the Town of Bradford West Gwillimbury or the By-laws for the original municipality (i.e. Tecumseth, West Gwillimbury, Bradford) were enacted.