
PART 4 GENERAL PROVISIONS

The provisions of this Part of the By-law shall apply to all lands within the *Town*, unless otherwise specified.

4.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

4.1.1 Permitted Uses

- a) *Buildings and structures and uses* that are subordinate and incidental to the principal *use* of the *lot* are permitted in all *zones*. Where this By-law provides that a *lot* may be used or a *building or structure* may be erected or used for a purpose, that purpose shall include any *accessory building or structure* or *accessory use*, provided the *main building, structure or use* is already in existence on the *lot*, but shall not include the following:
 - i) An automotive *use*;
 - ii) A *building* or part thereof used for human habitation except where a dwelling is a permitted *accessory use*;
 - iii) A guest room, except where expressly permitted elsewhere in this By-law;
 - iv) A *retail store*, except where expressly permitted elsewhere in this By-law; or,
 - v) Any *use* prohibited under Section 2.9 of this By-law.
- b) Legal *non-conforming uses* shall be permitted to have *accessory uses, buildings and structures* in accordance with the provisions in this section of the By-law and the provisions of the applicable *zone*.
- c) For the purposes of this By-law, *buildings* covered with cloth, plastic or similar flexible materials shall be required to meet the same requirements as permanent *buildings and structures*.
- d) Accessory building or structures may be used for an occupation for gain or profit subject to compliance to all applicable provision of this by-law.

4.1.2 Lot Coverage

Unless otherwise specified in this By-law, the total *lot coverage* of all detached *accessory buildings* and *structures*, except *swimming pools*, shall not be more than 15 percent.

Within a Commercial, Employment or Institutional *Zone*, all detached *accessory buildings* and *structures* shall be included in the total *lot coverage*.

4.1.3 Height

The maximum *height* of any detached *accessory building* or *structure* shall be as follows:

- a) In a Residential One (R1), Residential Two (R2) or Residential Three (R3) *Zone* - 4.0 metres;
- b) In a Rural Settlement Residential (R4) or Estate Residential (ER) *Zone* - 5.0 metres; or,
- c) In any Countryside, Commercial, Employment, Highway 400 Employment Lands, or Institutional (I) *Zone*, the *height* of any *accessory building* or *structure* shall not exceed the *height* restrictions for a *main building* in the respective *Zone*.

4.1.4 Setback and Yard Requirements

- a) *Accessory buildings* or *structures*, which are detached from the *main building*, shall be erected in compliance with the *yard* and *setback* requirements of the *zone* in which such *building* or *structure* is located.

Such *buildings* or *structures* shall not be closer to the *front lot line* or *exterior side lot line* than the required setback for the *main building* on the *lot* except as provided in Table 4.1 below, or unless otherwise provided by this By-law.

- b) For the purpose of this By-law, a fence, a retaining wall, a light standard, a sign, a heat pump, a swimming pool pump, filters and heaters, and an air conditioning unit including a roof mounted unit shall be deemed not to be structures. For the purpose of setback calculations, natural gas or electricity meters, dog houses, freestanding mail boxes, entrance pillars, statues, storage lockers under 1.0 metre high, bus shelters, composters, planters, and barbeques are not considered

structures for the determination of setbacks.

- c) Notwithstanding Table 4.1, if an *accessory building or structure* is larger in *ground floor area* than the *main building*, the setbacks for the *main building* or *structure* shall apply.

TABLE 4.1: SETBACKS FOR PERMITTED ACCESSORY BUILDING AND STRUCTURE ENCROACHMENT

PERMITTED STRUCTURE OF PERMITTED FEATURES	APPLICABLE REQUIRED YARDS	REQUIRED SETBACK OF ENCROACHMENT
ACCESSORY BUILDINGS/STRUCTURES:		
Residential accessory buildings/structures 3.0 m or less in <i>height</i>	<i>Rear or interior side yard</i>	No closer than 0.6 m from the <i>rear or side lot line</i> .
Residential accessory buildings/structures 3.1 m in <i>height</i> or greater	<i>Rear or interior side yard</i>	No closer than 1.2 m from the <i>rear or side lot line</i> .

4.1.5 Garages

In addition to those provisions in Tables 4.1 and 4.2, the following provisions shall also apply to *private garages* attached or detached to detached, semi-detached, and townhouse dwellings in Residential zones, excluding the Estate Residential “ER” zone:

- a) Notwithstanding any other provision of this By-law to the contrary, the minimum required setback from a *street line* to the front face of a *private garage* shall be 6.0 metres.
- b) No part of a *private garage* that is *attached* to a *dwelling unit* shall be closer to the *front lot line* than the *main building facade* except for the following:
 - i) Where the *building* has a *porch*, the *private garage* may extend 3.0 metres beyond the *main building façade*;
 - ii) Where the *building* does not have a *porch* the *private garage* may extend 1.0 metre beyond the *main building facade*.
- c) Notwithstanding b), where a *private garage* that is attached to a *dwelling unit* is located on a *corner lot* and the *openings* providing *pedestrian* and *motor vehicle* access are located on separate walls and facing separate *street lines*, no part of an attached garage shall project more than 3.5 metres beyond

the *dwelling*.

- d) Where a *private garage* is located in a *rear yard* it shall be set back from the *rear lot line* according to the following:
 - i) Where the garage is attached to the *main building* - 1.5 metres;
 - ii) Where the garage is detached from the *main building* - 0.6 metres.
- e) Where a *private garage* is accessed from a *lane*, it shall be set back from the *lot line* dividing the *lot* from the *lane* according to the following:
 - i) Where the garage is attached to the *main building* - 1.5 metres;
 - ii) Where the garage is detached from the *main building* - 0.6 metres.

Such a *private garage* shall also be setback 3.0 metres from an *interior side lot line*. A *motor vehicle* may be parked within this setback.

- f) For a *private garage* attached to a *dwelling*, the maximum width of the *opening* providing access for a *motor vehicle*, measured between the outside walls facing the *street line*, shall be:
 - i) 3.6 metres on a *lot* having less than 11.6 metres in *lot frontage*;
 - ii) 7.2 metres on a *lot* with a *lot frontage* between 11.6 metres and 22.0 metres; and,
 - iii) 11.0 metres on a *lot* with a *lot frontage* greater than 22.0 metres.

4.1.6 Gatehouses and Parking Shelters

The following provisions shall apply to gatehouses and parking shelters:

- a) Notwithstanding any other provision hereof to the contrary, a gatehouse not exceeding 10.0 square metres in *floor area* shall be permitted in any part of a front or exterior side yard in a Residential Three (R3) Zone or any Employment, or Highway 400 Employment Lands Zone.

- b) Nothing in this By-law shall apply to prevent the erection of a shelter for use solely by parking attendants or security personnel in any part of a *parking area* except within a *sight triangle*, provided that such shelter does not exceed 3.0 metres in *height* and 5.0 square metres in *gross floor area*.

4.1.7 **Outdoor Furnaces**

An *outdoor furnace* shall not be permitted:

- a) In any *front, exterior side or interior side yard* in any Residential, Commercial, Institutional (I), Open Space (OS) and Open Space Recreational (OSR) or Employment, or Highway 400 Employment Lands Zone; and,
- b) Within 5.0 metres of any *building, structure, fence, street, driveway, parking area, lot line, overhead wires, or other constructed item*.

4.1.8 **Communications Towers in Residential Zones**

An antenna, mast or communications tower in any Residential Zone, except for Federally licensed facilities, shall be subject to the following standards:

- a) Maximum *height* - equal to the maximum *height* permitted for a *main building* in the *zone* the facility is proposed to be located in;
- b) An antenna, mast, or tower shall not be permitted in a *front or exterior side yard*; and,
- c) A tower shall meet the *setbacks* for a *main building* in the *Zone* the tower is proposed to be located in.

4.1.9 **Shipping Containers**

Shipping containers and *trailers* shall not be placed or used on any *lot* in a Residential, Commercial or Prestige Employment (M2) *Zone*, or between any wall of a building and lot line abutting Highway 400 or a major arterial road, minor arterial road, or collector road as shown on Schedule 'G' of the Town Official Plan or its successor and shall only be located on a *lot* as an *accessory structure* used in conjunction with a permitted *agricultural use, transport terminal or warehouse*.

4.1.10 Accessory Waste Storage Areas

Accessory waste storage areas situated on lands within the Residential Three (R3) Zone and any Commercial (excluding the Core Commercial “C1” Zone), Employment, Highway 400 Employment Lands, or Institutional “I” Zones shall be subject to the following provisions:

- a) *Accessory waste storage areas* shall be located within the *main building* in the Residential Three (R3) Zone;
- b) If an *accessory building or structure* containing a *waste storage area* is located outside of the *main building* in any *zone* except the Residential Three (R3) Zone, it shall be located:
 - i) In an *interior side yard or rear yard* only;
 - ii) No closer to any *lot line* than required for an *accessory building* by this By-law;
 - iii) Outside of any required landscaped area or landscaped buffer;
 - iv) Shall not occupy any required *parking spaces* and *loading spaces* access to *parking spaces* and *loading spaces* or *driveways*; and,
 - v) If located in any Commercial, Employment, Highway 400 Employment Lands, Institutional (I) or *Waste Management (WM) Zone*, no closer than 7.5 metres to any Residential, Open Space or Environmental Protection Zone boundary.

4.2

ACCESS TO AN IMPROVED PUBLIC STREET

- a) Notwithstanding any other provision hereof to the contrary, no *person* shall *erect* any *building* on any *lot* that does not have frontage on an improved *public street* except as provided in Subsections (b) and (c) herein.
- b) Subsection (a) of this Section shall not apply to prevent the *use* of a *dwelling unit* on a *lot* having access to an improved *public street* via a *private street*.
- c) Subsection (a) of this Section shall not apply to prevent the erection or *use* of a *building* on a registered *lot* located in a plan of subdivision registered hereafter, provided that:
 - i) Such registered *lot* abuts and is directly legally accessible to vehicular traffic from a road designated on the said plan of subdivision and vested in the name of the *Town of Bradford West Gwillimbury*, notwithstanding that the said street may or may not

yet have been assumed by the *Town of Bradford West Gwillimbury*; and,

- ii) Such registered *lot* is subject to a subdivision agreement requiring that the said street be constructed to the satisfaction of the *Town of Bradford West Gwillimbury*.
- d) Where lands form a *lot*, block or unit in an approved plan of condominium, a roadway owned and maintained by a registered condominium corporation shall be deemed to be an improved *public street* for the purposes of this By-law.

4.3 ACCESSORY DWELLINGS

4.3.1 Residential Zones, Places of Worship

Where an *accessory dwelling* or *accessory dwelling structure* is permitted in a *Residential Zone* or *accessory* to a *place of worship* in this By-law:

- a) Unless otherwise permitted in this by-law, an *accessory dwelling* shall only be permitted within a *detached dwelling*, *semi-detached dwelling*, *townhouse dwelling* or a *place of worship*;
- b) A maximum of only 1 *accessory dwelling* is permitted to be located entirely within a *place of worship*;
- c) *Accessory Dwelling Structures* shall only be permitted on a *Parcel of Urban Residential Land* that contains a *detached dwelling*, *semi-detached dwelling*, or *townhouse dwelling*,
- d) Residential zoned lands in compliance with section 4.3.1 c) of this By-law, shall only contain a maximum of 2 *Accessory Dwellings* of which only 1 dwelling unit is permitted to be located within an *Accessory Dwelling Structure* subject to the zoning provisions of Table 4.1.1 of this By-Law;
- e) Except in Estate Residential “ER” zones, no more than one entrance to any *dwelling unit* is contained within any *main wall* facing a *street line*;
- f) The entrance to any *accessory dwelling* shall not be located within a *private garage*;
- g) The maximum *gross floor area* of the *accessory dwelling* shall be 49% of the *gross floor area* of the *main building*;
- h) The entrance to any *accessory dwelling structure* located in a *rear yard* shall be accessed by a continuous, unobstructed path of travel of at least 1.2 metres wide between the *main wall* of the building and the side *lot line* with access to a *public* or *private street*;
- i) *The maximum height of an Accessory dwelling structure*

- shall not exceed 4.0 metres;
- j) An *Accessory dwelling* or *Accessory Dwelling Structure* shall not be located within any hazardous lands as determined by the applicable Conservation Authority including, but not limited to, the regulatory flood limits or erosion hazard limits and/or lands that do not have safe access appropriate to the nature of the development and the natural hazard.
- k) Human habitation is not permitted in an accessory structure except for *accessory dwelling structures* as specifically permitted by this by-law.

TABLE 4.1.1: SETBACKS FOR PERMITTED ACCESSORY DWELLING STRUCTURES

PERMITTED STRUCTURE	APPLICABLE REQUIRED YARDS	REQUIRED SETBACK
ACCESSORY DWELLING STRUCTURE:		
<i>Residential accessory dwelling structure 4.0 m or less in height</i>	<i>Front yard</i>	No closer than 3.0 m from <i>Additional Dwelling Structure</i> to the closest wall of the main residential building.
	<i>Side yard</i>	No closer than 1.2 m from side lot line on one side and 0.6 m from the opposite side lot line on other side (applicable to one interior side yard only).
	<i>Rear yard</i>	No closer than 3.0 m from the rear lot line.

4.3.2 All Other Zones

- a) A *dwelling unit* shall be permitted *accessory* to permitted non- residential *uses* in any *Zone*, except:
 - i) Where a *dwelling unit* is identified as a permitted *use* in the same *Zone*; and,
 - ii) In the Institutional “I” *zone*, only one *accessory dwelling unit* shall be permitted *accessory* to a place of worship;

- b) The maximum number of *accessory dwellings* permitted on a *lot* shall be 1;
- c) An *accessory dwelling* shall only be permitted within the *main building*;
- d) The minimum required *net floor area* for the *accessory dwelling* shall be 35.0 square metres, plus 10.0 square metres for each bedroom;
- e) The maximum gross floor area of the accessory dwelling shall be the lesser of 45% of the gross floor area of the main building or 110m²; and,
- f) No dwelling unit shall be located within a portion of a non-residential building that is used:
 - i) To house livestock;
 - ii) As part of a *bulk fuel storage* operation or any *premises* that has flammable fluids or hazardous materials stored in bulk for commercial purposes;
 - iii) For a *motor vehicle body shop*;
 - iv) For a *motor vehicle gas bar*;
 - v) For a *motor vehicle repair establishment*; or,
 - vi) For a *service shop*.

4.4 ACCESSORY FARM EMPLOYEE ACCOMMODATION

Where *accessory farm employee accommodation* is permitted in a *Zone*, the following provisions shall apply:

- a) Shall be located on:
 - i) a farm property with or without an existing detached dwelling, having a Farm Business Registration (FBR) number registered through the Ontario Ministry of Agriculture, Food, Agribusiness, or applicable exemption thereto; or
 - ii) a property containing the farm owner's residence on a non-farm property; or
 - iii) in existing home on the farm property.
- b) Any building and any associated activity area used for the accessory farm employee accommodation shall be erected in compliance with the yard and setback requirements of the zone in which such building or structure is located.
- c) The minimum net floor area per person to be accommodated shall be 7.44 square metres;

- d) The farm employee accommodation shall utilise the same entrance and driveway as the entrance and driveway utilized for the farm operation and shall be connected to a suitable water supply and septic system; and
- e) The use is clearly subordinate and accessory to the principal use on the same lot.

4.5 ADULT ENTERTAINMENT USES

Notwithstanding any other provision hereof to the contrary, *adult entertainment uses* are prohibited in the *Town*, except where approved through an amendment to this By-law and in accordance with the following special setbacks:

- a) Minimum required setback between *adult entertainment uses* - 400.0 metres;
- b) Minimum required setback between an *adult entertainment use* and any Residential Zone boundary - 400.0 metres;
- c) Minimum required setback between an *adult entertainment use* and any Institutional (I) Zone boundary, *place of worship, public school, private school or day nursery* - 1,000 metres.

4.6 DAY NURSERIES

Where a *day nursery* is permitted, a minimum of 5.6 square metres of *outdoor amenity space* per child, based on the licensed capacity of the *premises*, shall be provided in accordance with the regulations of the Day Nurseries Act, R.S.O. 1990, c.D.2, as amended. The *outdoor amenity space* shall:

- a) Be located at ground level and abutting the *day nursery use*;
- b) Be surrounded by a fence having a minimum *height* of 1.2 metres; and,
- c) Be viewable without obstruction from at least two *openings* from the indoor component of the *use*.

4.8 DWELLING UNITS ON A LOT

Unless otherwise permitted in this By-law, no more than one *dwelling unit* shall be permitted on any *lot*.

4.9 ENCROACHMENTS FOR ALL BUILDINGS AND STRUCTURES

Main buildings, accessory buildings and structures are permitted to encroach into the required yard in a zone as outlined in Table 4.2.

For the purposes of this section, where the *exterior side lot line* of a *lot* abuts a *public lane*, the *side yard* abutting that *lot line* shall be deemed an *interior side yard* for the purposes of determining compliance with this Section.

TABLE 4.2: PERMITTED BUILDING AND STRUCTURE ENCROACHMENTS

PERMITTED STRUCTURE OR FEATURE	APPLICABLE REQUIRED YARD(S)	REQUIRED SETBACK OR PERMITTED ENCROACHMENT
STRUCTURAL AND ORNAMENTAL FEATURES:		
<i>Bay or bow windows</i>	<i>Front, rear and exterior side yards</i>	May encroach 1.0 m into the <i>required yard</i> for a maximum width of 3.0 m.
<i>Canopies/Porticos</i>	<i>Front, rear and exterior side yards</i>	May encroach 2.4 m into the <i>required front, rear and exterior side yards</i> .
	<i>Interior side yard</i>	May encroach 0.6 m into the <i>required interior side yard</i> .
<i>Balconies/Steps/Fire Escapes</i>	<i>Front, rear, and exterior side yards</i> only in Residential zones	May encroach 2.0 m into the <i>required yard</i> .
	<i>Interior side yard</i> in Residential zones	Steps may encroach 0.6m into the <i>required yard</i> , provided that it is no closer than 0.6m from the side lot line.
	All yards in all other Zones	May encroach 2.0 m into the <i>required yard</i> .
<i>Any residential patio or restaurant patio in the Core Commercial “C1”</i>	<i>Front and exterior side yards</i>	Notwithstanding Schedule “D1” of this By-law, the maximum permitted yard may be increased to 3.0 metres if a <i>patio</i> is erected in the entire applicable yard.
<i>Uncovered Patios</i>	<i>Rear and exterior side yards</i>	No closer than 0.6 m from the <i>lot line</i> .
<i>Pool surrounds and Uncovered Decks (0.6 m or less in height above finished grade)</i>	<i>Side yard</i>	No closer than 0.6 m from the <i>side lot line</i> .
	<i>Rear yard</i>	No closer than 1.2 m from the <i>rear lot line</i> .

PERMITTED STRUCTURE OR FEATURE	APPLICABLE REQUIRED YARD(S)	REQUIRED SETBACK OR PERMITTED ENCROACHMENT
<i>Pool surrounds and Uncovered Decks (Greater than 0.6 m in height above finished grade)</i>	<i>Interior side yard</i>	Required side yard setback of the zone in which the lot is located. This setback shall not apply where a side lot line extends from a common wall dividing attached dwelling units.
	<i>Exterior side</i>	No encroachment.
	<i>yard Rear yard</i>	No closer than 3.5 m to the rear lot line.
<i>Stairs used to access an uncovered deck or porch</i>	<i>Any setback for the deck or porch</i>	An additional 1.0 m from the deck or porch, but in no case shall the encroachment for the stairs be closer than 1.0 m to the lot line.
<i>Porches and underground cold cellars located entirely underneath a porch</i>	<i>Front, rear and exterior side yards</i>	May encroach 2.5 m into the required yard including eaves and cornices but shall be no closer than 1.0 m to the front and exterior lot line.
<i>Sills, belt courses, cornices, parapets, pilasters or other similar ornamental structures</i>	<i>Any yard or sight triangle</i>	May encroach 0.6 m into the required yard but not closer than 0.3 m to the side lot line.
<i>Eaves</i>	<i>Interior side yard and an end unit in a townhouse building</i>	May encroach 1.2 m into the required yard but not closer than 0.3 m to the side lot line.
<i>Eavestroughs and rainwater collectors</i>	<i>Permitted in any required yard</i>	n/a
<i>Chimneys</i>	<i>Any yard</i>	May encroach 0.6 m into the required yard for a maximum length of 2.0 m, but not closer than 0.3 m to the applicable lot line.
<i>Drop awnings, clothes poles, flag poles, garden trellises, retaining walls less than 1.0 m in height, or other similar accessory structures</i>	<i>Permitted in any required yard.</i>	n/a

PERMITTED STRUCTURE OR FEATURE	APPLICABLE REQUIRED YARD(S)	REQUIRED SETBACK OR PERMITTED ENCROACHMENT
<i>Wheel chair ramps</i>	Permitted in any required yard.	n/a
<i>Overhanging canopy and pump island for a motor vehicle service station or gas bar</i>	<i>Front or exterior side yard</i>	No part of any pump island or canopy used to cover a pump island shall be located closer than 6.0 m to any <i>street line</i> .

4.10 HEIGHT EXCEPTIONS

Except as otherwise provided in Subsections (a), (b) and (c) of this Section, no *building* or *structure* shall exceed the *building height* set out herein for the *zone* where such *building* or *structure* is located.

- a) Nothing in this By-law shall apply to restrict the *height* of any *structure* or part thereof functioning solely as:
 - i) An antenna, aerial, mast or communications tower, except on any *lot* in a Residential *Zone*;
 - ii) A barn;
 - iii) A belfry;
 - iv) A chimney or smokestack;
 - v) A church spire or steeple;
 - vi) A clock tower, bell tower or church tower;
 - vii) A cupola or other ornamental *structure* or device;
 - viii) An electric power *transmission tower* or line;
 - ix) An elevator or stairway penthouse;
 - x) A fire hall drying tower;
 - xi) A flag pole;
 - xii) A flight control tower, forest fire lookout tower or civil defense installation;
 - xiii) A light standard;
 - xiv) A lightning rod;
 - xv) A roof-top *structure* containing heating, cooling, ventilating or other mechanized equipment pertaining to the maintenance of a *building*, but only to a maximum of 50 percent of the area of the roof;
 - xvi) A silo or grain or feed storage elevator;
 - xvii) A water tower or tank; and,
 - xviii) A weathervane or other weather monitoring device.

- b) Decorative or architectural *structures* used to screen or cover mechanical equipment shall be exempt from the *height* requirements of this By-law.
- c) Nothing in this By-law shall apply to restrict the *height* of any *building* or *structure* associated with the following *uses*:
 - i) *Aggregate* processing facilities; and,
 - ii) *Buildings* associated with a *public works yard*.

4.11 HOME INDUSTRIES

- a) Only a *home industry* that legally existed on the effective date of this By-law shall be permitted within the *Town*, to a maximum *gross floor area* of that which existed on the effective date of this By-law.
- b) Notwithstanding Subsection (a) above, where a *home industry* established after the effective date of this By-law is permitted, the following provisions shall apply:
 - i) Not more than 2 employees, in addition to the residents of the *dwelling unit*, are permitted to be engaged in the business and working in the *dwelling unit*;
 - ii) Any *lot* upon which a *home industry* is located shall be occupied as a residence by the operator of the business;
 - iii) A *home industry* shall be permitted within an *accessory building*. Any *accessory building* used for the *home industry* shall be located no further than 30.0 metres from the *detached dwelling* on the same *lot* and no closer than 30.0 metres from any *lot line*;
 - iv) A *home industry* shall only be located on a *lot* with a minimum *lot area* of least 1 hectare;
 - v) The maximum *gross floor area* dedicated to the *home industry* shall not exceed 200.0 square metres;
 - vi) The *driveway* accessing the *home industry* is shared with the *driveway* that is used for the main *use* on the *lot*;
 - vii) The *use* shall be clearly subordinate and *accessory* to the main *use* on the same *lot*;
 - viii) Only the sale of goods that are primarily manufactured, processed, fabricated or produced on the *premises* is permitted;
 - ix) Outdoor storage of goods or materials related to a

home industry is permitted in the *rear yard* and *interior side yards* only, provided that the area occupied by such outdoor storage of goods or materials does not exceed 50 percent of the *gross floor area* of the *home industry*;

- x) Only currently licensed *motor vehicles*, associated with the *home industry*, are parked or stored on the *lot* and within an *interior side* or *rear yard*;
- xi) Any outdoor storage associated with the *home industry* shall be located within a fenced compound and screened from view in accordance with the requirements of Section 4.25 of this by-law;
- xii) There is no external advertising other than a sign erected in accordance with the *Town's Sign By-law*;
- xiii) The following shall not be permitted as a *home industry*:
 - i) *Catering business*;
 - ii) *Contractor's yards*; and,
 - iii) Any use involving the storage, repair, maintenance and/or towing of *mobile homes*, *motor vehicles* or recreational vehicles; and,
- xiv) *Home industry uses* shall not include the generation of or storage of *hazardous waste*, *liquid industrial waste*, or any severely toxic contaminant listed in Schedule 3 contaminants of Ontario Regulation 347 of the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended and shall not generate *sewage effluent* in excess of 4,500 litres per day.

4.12 HOME OCCUPATIONS AND CUSTOM WORKSHOPS

Where a *home occupation* or *custom workshop* is a permitted *use*, it shall be permitted subject to the following provisions:

- a) A home occupation shall be conducted as an indoor accessory use within a permitted dwelling unit or enclosed accessory building;
 - i) Notwithstanding the above, home occupation consisting of instructional swimming lessons may be conducted in an outdoor swimming pool;
- b) A Home Occupation shall not occupy parking spaces necessary to meet the cumulative parking requirements for all uses on the property;
- c) The dwelling or accessory building in which the home

occupation or custom workshop is located shall be the principal private residence of a person or persons conducting the home occupation;

- d) Not more than one non-resident employee who does not reside in the dwelling unit, in addition to the residents of the dwelling unit, is permitted to be engaged in the home occupation and custom workshop business and working in the dwelling unit and associated accessory building;
- e) The maximum gross floor area dedicated to the cumulative home occupation and associated accessory building or a custom workshop shall be in accordance with areas identified in Table 4.3, below:

TABLE 4.3: MAXIMUM FLOOR AREA FOR A HOME OCCUPATION OR *CUSTOM WORKSHOP*

ZONES	MAXIMUM GROSS FLOOR AREA
• All Residential Zones	Total permitted maximum area is equivalent to 25% of the dwelling's gross floor area or 50.0 sq.m, whichever is the lesser
• All other Zones, where permitted	For home occupations, the total permitted maximum area is equivalent to 25% of the dwelling's gross floor area up to a maximum of 100.0 sq.m For custom workshops, the total permitted maximum area is equivalent to 25% of the cumulative gross floor area of buildings on the lot, up to a maximum of 100.0 sq.m

Note: *Floor area in basement or cellar not to be included within calculation*

- f) Only goods and merchandise produced on the premises or goods and merchandise associated with a permitted service conducted on the premises shall be offered for sale;
- g) There is no outside storage of materials or goods in conjunction with the home occupation use;
- h) There is no external advertising other than a sign erected in accordance with the Town Sign By-law;
- i) Where a home occupation involves hosting multiple home occupation visitors at a single time, one off-street parking space shall be provided for each home occupation visitor and

at no time shall the cumulative number of home occupation visitors exceed three, except in periods of transition between cohorts or scheduled sessions;

- j) There shall be no commodities sold or services rendered that require receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries;
- k) The home occupation and associated accessory building or custom workshop shall not become offensive, obnoxious, or create a public nuisance by reason of hours of operation or emission of odour, dust, smoke, noise, gas, glare, fumes, light, vibration, radiation, debris, heat, humidity, refuse or television, radio, or internet interference which is apparent from outside the dwelling unit and associated accessory building or custom workshop and/or which exceed limits established by Town by-laws and Provincial legislation;
- l) In addition to the provisions in section 1.3 and 1.4, home occupations shall comply with or satisfy all applicable local, provincial, and/or federal agencies regulations, legislation, policies, and approvals applicable to the proposed home occupation;
- m) The following shall not be permitted as a *home occupation or custom workshop*:
 - i) Adult entertainment use;
 - ii) Dating/escort services;
 - iii) Paint shop;
 - iv) Tattoo parlour;
 - v) Taxi service depot - greater than 1 vehicle;
 - vi) Animal clinic - Large Animal and Animal clinic - small animal;
 - vii) Any use involving the storage, repair, maintenance and/or towing of mobile homes, motor vehicles or recreational vehicles;
 - viii) Pet salon;
 - ix) Fitness centre;
 - x) Restaurant, Patio Restaurant, and Take-Out Restaurant and;
 - xi) Retail Store.

n) The following shall be permitted as a home occupation subject to the compliance will all provision of 4.12:

- i) Home-based Teaching;
 - i. Notwithstanding the above, music lessons are only permitted in detached dwellings.
- ii) Home-based Fitness Instruction;
 - i. Notwithstanding the above, dance instructions are only permitted in detached dwellings.
- iii) Outdoor Swimming Lessons;
- iv) Home-based Catering Business;
- v) Indirect Sales; and
- vi) Home-based Medical Practitioner and subject to the following provisions:
 - i. A maximum of two (2) examination rooms are permitted.
 - ii. Limit of one (1) primary licenced medical practitioner practicing at a time.
 - iii. No accommodation of patients overnight, it is prohibited.

4.13 LANDSCAPED OPEN SPACE REQUIREMENTS

4.13.1 General Requirements

a) Where this By-law specifically requires a minimum area of *landscaped open space* on a *lot*, no part of any *driveway*, *parking area*, *loading space*, *stoop*, *balcony* or *rooftop terrace*, other than an open landscaped area located directly above an underground *parking area* shall be deemed part of any such required *landscaped open space*.

4.13.2 Planting Strips - Location

A *planting strip* or buffer screen referred to in this Section may form a part of any *landscaped open space* required by this By-law and may form part of a required *yard*.

a) A 3.0 metre-wide *planting strip* abutting the full length of the applicable *lot line(s)* shall be required:

- i) Where a *lot* in an Institutional [excluding those *uses* subject to Section 4.25 of this By-law], Commercial [excluding the Core Commercial (C1) Zone], *Employment*, Highway 400 Employment Lands, or Open

- Space Recreational (OSR) Zone abuts an *interior side* or *rear lot line* of a *lot* in any Residential Zone;
 - ii) Where a *lot* zoned Residential Three (R3) abuts a *lot* in a Residential One (R1), Residential Two (R2) or Rural Settlement Area Residential (R4) Zone;
 - iii) Along a *street line* where *parking areas* are located adjacent to a *street*; and,
 - iv) Abutting all *public streets* having a width of 10.0 metres or greater in all *zones*, except in the Core Commercial One (C1), Residential One (R1), Residential Two (R2) or Rural Settlement Area Residential (R4) Zone;
- b) A 7.5 metre-wide *planting strip* abutting the full length of the applicable *lot line* shall be required:
 - i) Where a *community centre*, *long term care facility*, *nursing home*, *private school*, *public school* or *retirement home* abuts an *interior side* or *rear lot line* of a *lot* in any Residential Zone.
- c) Where *parking areas* are connected to *parking areas* on adjacent *lots*, or where a *driveway* or *aisle* provides ingress and/or egress to a *parking area*, *parking lot*, *loading space*, *private garage*, *carport*, *building* or *structure* a *planting strip* is not required.
- d) Any part of any *lot* which is not occupied by *buildings*, *structures*, *parking areas*, *driveways*, *loading spaces*, *agricultural uses*, *outdoor storage areas* or any other permitted *use* shall be maintained as *landscaped open space*.
- e) The percentage of *landscaped open space* required under the *Zone Requirements* of this By-law shall be calculated as a percentage of *lot area*.
- f) A *planting strip* or buffer screen referred to in this Section may form a part of any *landscaped open space* required by this By-law and may form part of a required *yard*.

4.14

MOBILE HOMES

Where a *mobile home* is a permitted *use*, it shall be subject to the following requirements:

- a) The *structure* shall be constructed to C.S.A. Standard

Z240 for *mobile homes*;

- b) The *structure* shall have at least 65.0 square metres of *gross floor area*;
- c) The *structure* shall be completely enclosed from the surface of the *finished grade* to the roof; and,
- d) The *structure* shall be serviced with water and sanitary sewage facilities.

4.15 MODEL HOMES

Model homes shall only be permitted on lands that have received Draft Plan of Subdivision or Condominium Approval for residential purposes provided that:

- a) Not more than 10 *model homes* shall be permitted on a *lot* in any *Residential Zone*; and,
- b) A Model Home Agreement is entered into with the *Town*.

4.16 MULTIPLE LOTS IN A DEVELOPMENT

4.16.1 More Than One Registered Lot

Notwithstanding any provisions or definitions hereof to the contrary, no *person* shall use two or more abutting registered *lots* as a single *lot* in order to comply with the requirements of this By-law unless:

- a) Such *lots* are held under the same ownership and are located in the same *zone* or, where such *lots* are located in different *zones*, the *use* of such *lots* is permitted in both or all the said *zones*; and,
- b) An Agreement between the *Town* and the owner has been registered against the title of both or all such registered *lots* to the effect that such registered *lots* thereafter shall be deemed to constitute a single, inseparable parcel of land and shall not be sold, conveyed or alienated in any way or for any purpose except together in one group as a single *lot*.

4.16.2 Parking Areas and Driveways in Residential Zones

Notwithstanding any provisions or definitions hereof to the contrary, no *person* shall use two or more abutting registered *lots* in any

Residential Zone, or portions of such *lots* as any part of a *parking area* or *driveway*, unless such *lots* are located in the same Residential Zone or, where such *lots* are located in different Residential Zones, the *use* of such *lots* is permitted in both or all the said *zones*.

4.17 MULTIPLE USES ON A LOT

Where any *building*, *structure* or land is used for more than one purpose, the said *building*, *structure* or land shall comply with the provisions of this By-law relating to each *use*. In the case of a conflict, the more stringent provision shall apply.

4.18 MULTIPLE ZONES ON ONE LOT

Where a *lot* is divided into more than one *zone* under the provisions of this By-law, the *lot area* and *lot frontage* requirements of the most restrictive *zone* on the *lot* shall be applied to the entire *lot*.

The *lot area* and *lot frontage* requirements of the most restrictive *zone* on the *lot* shall be applied to the entire *lot*.

This provision does not apply to lands that are subject to a Holding (H) Provision. This provision is also subject to Section 4.8 of this By-law.

4.19 NON-COMPLYING BUILDINGS AND STRUCTURES

4.19.1 Replacement, Enlargement, Repair or Renovation

A *non-complying building* or *structure* that does not comply with this By-law, but which was legally erected/ altered in accordance with the by-laws in force at the time of construction and/or *alteration* is permitted to be enlarged, repaired, or renovated provided that the replacement, enlargement, repair, or renovation:

- a) Does not further increase a situation of non-compliance;
- b) Complies with all other applicable provisions of this By-law.

4.19.2 Reconstruction and Restoration to a Safe Condition

Nothing in this By-law shall apply to prevent the reconstruction, repair, strengthening or restoration to a safe condition of any legally existing *building* or *structure* that is damaged or destroyed by means

beyond the control of the owner that was lawfully used prior to the effective date of this By-law. Such a *building* or *structure* is *permitted* to be reconstructed provided:

- a) that the original *building* or *structure* or the *yards* appurtenant thereto are not altered in any way except in conformity with this By-law, unless these changes are necessary to provide for flood proofing purposes;
- b) that a *building* permit for the reconstruction is obtained within 24 months of the damage being done; and,
- c) that the non-compliance may not be further increased.

4.19.3 Permitted Exterior Works

On the exterior of a *building* or *structure*, the installation of eaves troughs, siding, brick or insulation whose sole purpose is to improve the exterior of a *building* or *structure* that was lawfully used for a purpose not permissible within the *zone* in which it is located prior to the effective date of this By-law shall be permitted provided that the *floor area* of the *building* or *structure* is not expanded in any way, except in conformity with this By-law.

4.19.4 Permitted Interior Alteration

The interior of any *building* or *structure* that was lawfully used for a purpose not permissible within the *zone* in which it is located prior to the effective date of this By-law, is permitted to be reconstructed or structurally altered, in order to render the *building* or *structure* more convenient for the existing purpose for which it was lawfully used.

4.19.5 Building Permit Already Issued

The provisions of this By-law shall not apply to prevent the construction, erection, or *use*, for a purpose prohibited by this By-law, of any *building* or *structure* for a permit has been issued or plans have, prior to the effective date of this By-law, been approved by the Chief Building Official, so long as the *building* or *structure*, when constructed or erected, is used and continues to be used for the purpose for which it was erected.

4.19.6 Driveways and Required Parking Spaces

Notwithstanding any other provision of this By-law, where, as a

result of an acquisition of land by a *public authority*, such acquisition results in a contravention of this By-law relating to the minimum required number of *parking spaces*, minimum size of *parking spaces*, minimum width of a *driveway*, location of *parking spaces* and/or *driveways* or minimum required *setbacks* and/or *yards* for *driveways* and/or *parking spaces*, then the lands so affected are deemed to comply with this By-law to the extent it complied with this By-law on the day before the expropriation was finalized.

4.19.7 Non-compliance as a Result of New Road Construction

Notwithstanding any other provision in this By-law, where as a result of the establishment of a new public road abutting a *lot* that would have been considered an *interior lot* prior to the establishment of the public road, such *lot* shall continue to be considered an *interior lot* for the purposes of determining compliance with this By-law.

4.20 NON-COMPLYING LOTS

4.20.1 Existing Lots

A *lot* in existence prior to the effective date of this By-law that does not meet the *lot area* and/or *lot frontage* requirements of the applicable *Zone*, is permitted to be used and *buildings* and *structures* thereon be erected, enlarged, repaired or renovated provided the *use* conforms with the By-law and the *buildings* or *structures* comply with all of the other provisions of this By-law.

4.20.2 Non-compliance as a Result of an Acquisition of Land (Road Widening)

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a *public authority*, such acquisition results in:

- a) a contravention of this By-law relating to minimum *yards* and/or *setbacks*, landscape requirements, *lot coverage* or maximum permitted *gross floor area* or *net floor area*, then the lands so acquired shall be deemed to continue to form part of the *lot* upon which the *building* or *buildings* are located in determining compliance with this By-law.
- b) a *non-complying lot*, such *non-complying lot* may be used for any purpose permitted by this By-law within the *Zone* in which the *lot* is located, provided that:

- i) Such *lot* as reduced is accessible to vehicular traffic from a road either directly or via private access;
- ii) No change is made to such *lot* or to any *building* or *structure* thereon, subsequent to the date of the said acquisition, that would increase the degree of any non-conformity resulting from such acquisition or that would contravene any other provision hereof; and,
- iii) This provision is not construed as mitigating or legalizing any non-conformity or contravention pertaining to such *lot* prior to the date of such acquisition.

4.21 NON-CONFORMING USES

The provisions of this By-law shall not apply to prevent the *use* of any existing *lot*, *building* or *structure* for any purpose prohibited by this By-law if such existing *lot*, *building* or *structure* was lawfully used for such purpose, prior to the effective date of this By-law and provided that the *lot*, *building* or *structure* continues to be used for that purpose and is not altered in any way except in conformity with this By-law.

4.22 OPENINGS FACING A LOT LINE

An *opening* for a door that provides access to the interior of a *main building* and/or an *accessory building* shall not be permitted in any portion of a wall facing a *lot line* that is located less than 1.2 metres from the same *lot line*.

This provision shall not apply in the Core Commercial (C1) Zone.

4.23 OUTDOOR DISPLAY AND SALES AREAS

Where an *outdoor display and sales area* is permitted as an *accessory use*, the following provisions apply:

- a) The outdoor display and sales area shall comply with the following *setbacks*:
 - i) Maximum distance between *outdoor display and sales area(s)* and a *building* containing the principal *use* of the *lot* - 12.0 metres;
 - ii) Minimum distance for *outdoor display and sales area(s)* from a Residential Zone - 7.5 metres.

- b) The *outdoor display and sales area* must be located outside of any required *parking spaces*, loading areas and required *planting strips*; and,
- c) The *outdoor display and sales area* shall be established and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and comprised in whole or in part of one or more materials including asphalt, concrete, concrete or brick pavers, gravel or similar materials; and,
- d) *Motor vehicle sales, leasing and/or rental establishments* or any accessory sale of *motor vehicles* where permitted by this By-law, are not subject to the provisions of Subsection (a)(i) above.

4.24 OUTDOOR STORAGE AND OUTDOOR PROCESSING

Where *accessory outdoor storage* and outdoor processing is permitted in a *zone*, the following provisions apply:

- a) *Outdoor storage* and outdoor processing shall be permitted only in a *rear* or *interior side yard* and shall not be located any closer than 9.0 metres to any *street line*;
- b) The *height* of stored materials shall not exceed 4.5 metres;
- c) *Outdoor storage* and outdoor processing shall be screened by opaque fencing with a minimum *height* of 2.75 metres; and,
- d) *Outdoor storage* and outdoor processing is not permitted within any *yard* adjoining a residential *zone* boundary.
- e) Notwithstanding subsection a), *outdoor storage* and outdoor processing shall not be permitted between any wall of a building and lot line abutting Highway 400 or a major arterial road, minor arterial road, or collector road as shown on Schedule 'G' of the Town Official Plan or its successor.

4.25 PATIOS

Restaurant patios are permitted *accessory* to any *restaurant* subject to the following provisions:

- a) A *restaurant patio* shall be permitted in any *yard* with no required *setback* to the applicable *lot line*, except that in a *rear yard* it shall be located no closer to the *rear lot line* than required for an *accessory building* by this By-law;

- b) Notwithstanding Subsection (a) above, a *restaurant patio* shall not be permitted within a *sight triangle* required by this By-law;
- c) Notwithstanding Subsection (a) above, a *restaurant patio* shall not be located within any *planting strip* required by Section 4.13 of this By-law;
- d) Notwithstanding Subsection (a) above, a *restaurant patio* shall be *setback* a minimum of 30.0 metres from any Residential Zone; and,
- e) The maximum *height* of a *restaurant patio* shall be 4.0 metres.

4.26 PITS AND QUARRIES

4.26.1 Establishment

Notwithstanding any other provision of this By-law to the contrary, the making or establishment of mines, pits and quarries, other than permitted wayside pits and quarries, shall be expressly prohibited throughout the zoned area except:

- a) Where licensed by the Province of Ontario under the Aggregate Resources Act, R.S.O. 1990, c.A.8, as amended or the Mining Act, R.S.O. 1990, c.M.14, as amended; and,
- b) Where specifically permitted by this By-law.

4.26.2 Processing

No person shall use land or *erect* any *building* or *structure* for the purpose of processing, washing, screening, sorting or crushing rock, sand gravel and/or peat except as required for the construction of a permitted *building* or *structure* or services related thereto, and as expressly provided for in this By-law.

4.27 PUBLIC USES

- a) This By-law shall not prevent the *use* of any land or the erection or *use* of any *building*, *structure*, or *service facility* for the purpose of public service, by any of the following:

- (i) The *Corporation* or any of its local boards as defined by the Municipal Act, 2001, S.O. 2001, c.25, as amended;
- (ii) The *County* or any of its local boards as defined by the Municipal Act, 2001, S.O. 2001, c.25, as amended;
- (iii) Telecommunication/communications line providers, power distribution providers, and/or any natural gas distribution system operated by the *corporation* or a company possessing all the necessary powers, rights, licenses, and franchises;
- (iv) Any Conservation Authority established by the Government of Ontario;
- (v) Any *use* permitted under the Railway Act (Canada) or any other statute of Ontario or Canada governing railway operation, including tracks, spurs and other rail Facilities; and,
- (vi) Agencies of the Provincial or Federal governments.

Except in the Environmental Protection (EP) and Natural Heritage System One (NHS1) Zones.

- b) Notwithstanding Subsection (a) above, nothing in this By-law shall prevent the use of any *public street* for the installation of utility infrastructure or lines including a water main, sanitary sewer, storm sewer, gas main, pipeline or overhead or underground hydro line, sewage pumping station, *Town well* and related *structure*, water storage tower, water reservoir, noise attenuation *structures*, pump houses, flood and erosion control facilities, pumping stations, waste water treatment plants or other utility supply or telecommunications infrastructure.
- c) Notwithstanding the generality of the above, any *use*, *building* or *structure* on lands within a Residential *zone* shall comply with the relevant standards of the *zone* in which such *use*, *building*, or *structure* is located, the General Provisions contained in Part 4 and the Parking and Loading provisions contained in Part 5 of this By-law. Applicable minimum lot area and and/or lot frontage regulations contained herein are exempted.
- d) Where a *public use* is located in any Residential *Zone*, *accessory outdoor storage* shall be prohibited.

4.27.1 List of Permitted Uses

Unless identified to the contrary, septic systems, noise attenuation *structures*, pump houses, flood and erosion control facilities, pumping stations, waste water treatment plants may be permitted in any zone.

4.28 REDUCTION OF REQUIREMENTS

No *person* shall change the purpose for which any land, *building* or *structure* is used or *erect any building, structure*, or addition to any *existing building or structure*, or reduce the area of any *lot*, if the effect of such action is to cause the original, adjoining, remaining or new *building, structure* or *lot* to be in contravention with this By-law.

4.29 SERVICES REQUIRED: BRADFORD URBAN AREA AND BOND HEAD RURAL SETTLEMENT AREA

The following provisions apply in a Highway 400 Employment Lands Zone or to all lands shown on Schedules 'B' and 'C' of this By-law:

- a) Notwithstanding the provisions of this By-law to the contrary, no lands shall be used and no *building* or *structure* shall be erected, altered, enlarged or used unless full municipal water and sanitary sewer capacity are available and *Council* has allocated full municipal water and sanitary sewer capacity to service the said lands, *building* or *structure*.
- b) For the purposes of this Section, the availability of full municipal water and sanitary sewer capacity shall be determined by the Director of Engineering Services in accordance with servicing allocation policies approved by *Council* from time to time.

4.30 SIGHT TRIANGLES

4.30.1 Application

Notwithstanding any other provision of this By-law, a *sight triangle* shall be required on a *corner lot* at an at-grade intersection of two or more *streets* or of a *street* and a railway right-of-way that is measured according to the provisions set out in Table 4.4, below:

TABLE 4.4: SIGHT TRIANGLE DIMENSIONS (DISTANCE FROM LOT LINE POINT OF INTERSECTION)

		SUBJECT LOT HAS ACCESS ONTO A:		
		LOCAL STREET	COLLECTOR STREET	COUNTY ROAD OR PROVINCIAL HIGHWAY
OTHER RIGHT-OF-WAY	LOCAL STREET	3.5 metres	7.5 metres	15.0 metres
	COLLECTOR STREET OR ARTERIAL ROAD	7.5 metres	10.0 metres	15.0 metres
	COUNTY ROAD OR PROVINCIAL HIGHWAY	30.0 metres	30.0 metres	30.0 metres
	RAILWAY	<ul style="list-style-type: none"> For lands on Schedule 'A' of this By-law, the <i>sight triangle</i> shall be measured 365.8 metres along the railway line, boundary from the centreline of the applicable street, and 112.8 metres along the street from the centreline of the railway line. For lands on Schedules 'B' and 'C' of this By-law, 15.0 metres. 		

The provisions of this Section shall not apply to any *lot* located in the Core Commercial (C1) Zone, or where this By-law does not require an *exterior side yard*.

4.30.2 Prohibition of Obstructions

Within any part of a *sight triangle* as defined herein:

- No *building, structure, sign, wall or fence* shall be erected, located or placed, in whole or in part;
- No vehicle shall be parked or stored;
- Landscaping materials are permitted to be located or allowed to grow and any land raised, but in no case greater than 1.0 metre in height above the average elevation of the sight triangle, determined by averaging the elevations of the three corner points thereof, or being located in such a manner as to impede or obstruct in any way the field of view across such sight triangle for persons driving vehicles on an abutting street.

4.30.3 Permitted Encroachments

Notwithstanding Section 4.30.2 a) above, sills, cornices, parapets, pilasters, or other similar ornamental structures and eaves and eaves

troughs shall be permitted to encroach into a *sight triangle*, in accordance with Section 4.9 of this By-law.

4.31 SPECIAL SETBACKS AND SEPARATION DISTANCES

4.31.1 Group Homes

Notwithstanding any other *setback* provision in this By-law to the contrary, the *minimum required setback* between a *Group Home Type 1* or *Group Home Type 2* and another *Group Home Type 1* or *Group Home Type 2* shall be 450.0 metres.

4.31.2 Minimum Distance Separation and Lot Requirements for Livestock

Notwithstanding any other *yard* or *setback* provisions in this By-law to the contrary, no residential, institutional, commercial, industrial or recreational *use* located on a separate *lot* and otherwise permitted by this By-law shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) Formulae as developed by the Ontario Ministry of Agriculture and Rural Affairs, as amended from time to time, attached as Schedule 'E' to this By-law.

Notwithstanding any other *yard* or *setback* provision in this By-law to the contrary, no *building* housing livestock or manure handling facility shall be erected or expanded unless it complies with the Minimum Separation Distance (MDS II) Formulae as developed by the Ontario Ministry of Agriculture and Rural Affairs, as amended from time to time, attached as Schedule 'E' to this By-law.

4.31.3 Highway 400

- a) Notwithstanding any other provision of this By-law to the contrary, all *buildings* and *structures* shall be *setback* a minimum of 14.0 metres from the Highway 400 *street line*.
- b) Notwithstanding subsection a) above, all *buildings* and *structures* and the following features shall be *setback* a minimum of 14.0 metres from the Highway 400 *street line* on land Highway 400 Employment Lands Zone:
 - i) Any minimum *parking space*, including a barrier-free *parking space*, *bicycle parking space*, or *stacking space*;

- ii) Any loading space/dock;
- iii) Any aisle leading to any of the features listed in subsection a) and b) above;
- iv) *Drive-throughs*
- v) Fire routes and,
- vi) Stormwater management facility.

4.31.4 TransCanada Pipeline

Notwithstanding any other provision of this By-law to the contrary, no permanent *building* or *structure* shall be located within 7.0 metres of the pipeline right-of-way. *Accessory structures* shall have a minimum *setback* of at least 3.0 metres from the limit of the right-of-way. No *building* or *structure* is permitted within 3.0 metres of the right-of-way.

4.31.5 Setbacks from Watercourses and Canals

Notwithstanding any other provision of this By-law to the contrary, all *buildings* or *structures* shall be *setback* a minimum of 15.0 metres from the top of bank of any *watercourse*. Notwithstanding the above, docks for personal *use* are permitted.

4.31.6 Railroads

Notwithstanding any other provision of this By-law to the contrary, all *buildings* and *structures* shall be *setback* 30.0 metres from any *lot line* abutting a railroad right-of-way. This provision shall not apply in any Commercial or Employment *Zone*.

4.32 THROUGH LOTS

Where a *lot*, which is not a *corner lot*, has *lot frontage* on more than one *street*, the *setback* and *front yard* requirements contained herein shall apply on each *street* in accordance with the provisions of the *Zone* or *Zones* in which such *lot* is located.

4.33 DOCKS

A maximum of one *dock* per *lot* with *watercourse* access shall be permitted, subject to the following:

- a) Minimum side yard setback of 3.0 m;
- b) Maximum width of *dock* 3.0 m; and,
- c) Maximum length of *dock* 9.0 m.

4.34 SWIMMING POOLS

A *swimming pool* is permitted as an *accessory use* to a permitted residential *use*, subject to the following:

- a) No *swimming pool* shall be permitted in a *front yard*;
- b) No *swimming pool* shall be permitted closer to an *exterior lot line* than the required *exterior side yard setback* of the applicable *zone*;
- c) No *swimming pool* shall be permitted closer to a *rear* or *interior side lot line* than 1.2 metres; and,
- d) The maximum *height* of an above grade *swimming pool* shall be 1.8 metres.

4.35 ZONE STANDARDS FOR AGRICULTURAL CANNABIS CULTIVATION FACILITY

- a) Any *Agricultural Cannabis Cultivation Facility* must be setback a minimum of 300 metres from a school, daycare, playground, sporting venue, park, recreational area, residence, *place of worship*, *community centre* or any other place where people regularly gather or sleep;
- b) Any *Agricultural Cannabis Cultivation Facility* must be setback a minimum of 150 metres from any Settlement Area boundaries.
- c) A completely enclosed security fence having a minimum height of 1.8 metres shall be provided and maintained around the perimeter of the *Agricultural Cannabis Cultivation Facility*.
- d) Hooped style, free-standing *greenhouses* or other temporary style structures that are not adequately constructed as to

prevent unwanted emissions, will not be permitted.

4.36 ZONE STANDARDS FOR AGRICULTURAL CANNABIS MICRO-CULT/VATION FACILITY

- a) Notwithstanding Table 9.2, the minimum lot area for an *Agricultural Cannabis Micro-Cultivation Facility* shall be 2 hectares.
- b) Any *Agricultural Cannabis Micro-Cultivation Facility* must be setback a minimum of 300 metres from a school, daycare, playground, sporting venue, park, recreational area, residence, *place of worship*, *community centre* or any other place where people regularly gather or sleep;
- c) Any *Agricultural Cannabis Micro-Cultivation Facility* must be setback a minimum of 150 metres from any Settlement Area boundaries.
- d) A completely enclosed security fence having a minimum height of 1.8 metres shall be provided and maintained around the perimeter of the *Agricultural Cannabis Micro-Cultivation Facility*.
- e) Hooped style, free-standing *greenhouses* or other temporary style *structures* that are not adequately constructed as to prevent unwanted emissions, will not be permitted.