
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) No *accessory building* or *structure* shall be used for human habitation or an occupation for gain or profit, except if specifically permitted by 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* - 3.0 metres;
- b) In a Rural Settlement Residential (R4) or Estate Residential (ER) *Zone* - 5.0 metres; or,
- c) In any Countryside, Commercial, Employment, 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, and a sign 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 OR FEATURE	APPLICABLE REQUIRED YARDS	REQUIRED SETBACK OF PERMITTED ENCROACHMENT
ACCESSORY BUILDINGS/STRUCTURES:		
Residential <i>accessory buildings/structures</i> 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</i> or <i>side lot line</i> .
Residential <i>accessory buildings/structures</i> 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</i> or <i>side lot line</i> .
<i>Heat pumps</i> and <i>swimming pool pumps</i> , filters and heaters in Residential <i>zones</i>	<i>Rear or side yard</i>	No closer than 1.2 m from the <i>rear</i> or <i>side lot line</i> .
Central air conditioners for <i>apartment buildings</i> in all <i>zones</i>	Roof mounted only	None.
Central air conditioning units in a Residential <i>Zone</i> except for interior units in a <i>townhouse building</i>	<i>Rear or side yard</i>	No closer than 1.2 m from the <i>rear</i> or <i>side lot line</i> .
Central air conditioning units for an interior unit in a <i>townhouse building</i> in all <i>zones</i>	<i>Rear or front yard</i>	No closer than 1.2 m from the <i>front 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 *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 *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* 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 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, 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* is permitted in a Residential *Zone* or *accessory* to a *place of worship* in this By-law:

- a) The maximum number of *accessory dwellings* permitted on a *lot* shall be 1;
- b) An *accessory dwelling* shall only be permitted within a *detached dwelling, semi-detached dwelling or place of worship*;
- c) The *accessory dwelling* shall be located entirely within the same *main building* as the *detached dwelling, semi-detached dwelling or place of worship*;
- d) 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*;
- e) the entrance to the *accessory dwelling* is not located within a *private garage*;
- f) The minimum required *net floor area* for the *accessory dwelling* shall be 38.0 square metres; and,
- g) The maximum *gross floor area* of the *accessory dwelling* shall be 45% of the *gross floor area* of the *main building*.

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) Any *lot* upon which *accessory farm employee accommodation* is located shall be occupied as a residence by the operator of the business;
- b) Any *building* and any associated activity area used for the *accessory farm employee accommodation* shall be located no

further than 50.0 metres from the *detached dwelling* on the same *lot* and no closer than 6.0 metres from any *lot line*;

- c) *Accessory farm employee accommodation* shall be located in a *rear yard*;
- d) The minimum *net floor area* per person to be accommodated shall be 5.6 square metres;
- e) The *driveway* accessing the *accessory farm employee accommodation* is shared with the *driveway* that is used for the principal *use* on the *lot*; and,
- f) 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.
Canopies/Porticos	<i>Front, rear and exterior side yards</i>	May encroach 2.4 m into the required <i>front, rear and exterior side yards</i> .
	<i>Interior side yard</i>	May encroach 0.6 m into the required <i>interior side yard</i> .
Balconies/Steps/Fire Escapes	<i>Front, rear, and exterior side yards only in Residential zones</i>	May encroach 2.0 m into the <i>required yard</i> .
	<i>Interior side yard in Residential zones</i>	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.
	<i>All yards in all other Zones</i>	May encroach 2.0 m into the <i>required yard</i> .
Any residential <i>patio</i> or <i>restaurant patio</i> in the Core Commercial "C1"	<i>Front and exterior side yards</i>	Notwithstanding Schedule "D1" of this By-law, the maximum permitted <i>yard</i> may be increased to 3.0 metres if a <i>patio</i> is erected in the entire applicable <i>yard</i> .

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

PERMITTED STRUCTURE OR FEATURE	APPLICABLE REQUIRED YARD(S)	REQUIRED SETBACK OR PERMITTED ENCROACHMENT
Drop awnings, clothes poles, flag poles, garden trellises, <i>retaining walls</i> less than 1.0 m in <i>height</i> , or other similar <i>accessory structures</i>	Permitted in any required <i>yard</i> .	n/a
<i>Wheel chair ramps</i>	Permitted in any required <i>yard</i> .	n/a
Window-Mounted Air Conditioning Units in Residential <i>Zones</i>	All <i>yards</i>	May encroach 0.6 m into the required <i>yard</i> provided such units maintain a 0.6 m <i>setback</i> from the <i>lot line</i> .
Overhanging canopy and pump island for a <i>motor vehicle service station</i> or <i>gas bar</i>	<i>Front</i> or <i>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* without changing the primary residential character thereof;
- b) Not more than one non-resident employee, 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*;

- c) Any *dwelling unit* containing a *home occupation* or *custom workshop* shall be occupied as a residence by the operator of the business;
- d) The *use* is entirely restricted to the *dwelling unit* and is not conducted in whole or in part in any *accessory building, yard* or *private garage*;
- e) No more than one *home occupation* or *custom workshop* shall be permitted in any *dwelling* and in no case shall there be both a *custom workshop* and a *home occupation* in the same *dwelling*;
- f) The maximum *gross floor area* dedicated to the *home occupation* or a *custom workshop* shall be in accordance with the maximum *gross floor 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 <i>Zones</i>	25% or 50.0 sq.m, whichever is the lesser
• All other <i>Zones</i> , where permitted	25% up to a maximum of 100.0 sq.m

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

- g) There are no goods, wares or merchandise offered or exposed for sale, or sold or kept for sale on the *premises* other than those produced on the *premises*;
- h) There is no outside storage of materials, goods or vehicles in conjunction with the *home occupation use*;
- i) There is no external advertising other than a *sign* erected in accordance with the *Town Sign* By-law;
- j) A *home occupation* or *custom workshop* shall not create noise, vibration, fumes, odour, dust, glare or radiation that is detectable outside the *dwelling unit*; and,
- k) The following shall not be permitted as a *home occupation* or *custom workshop*:
 - i) *Adult entertainment use*;
 - ii) *Catering business*;
 - iii) *Dating/escort services*;
 - iv) *Paint shop*;

- v) Tattoo parlour;
- vi) *Taxi service depot/dispatch establishments;*
- vii) *Animal clinic - Large Animal and Animal clinic - small animal;*
- ix) Any *use* involving the storage, repair, maintenance and/or towing of *mobile homes, motor vehicles* or recreational vehicles;
- x) *Pet salon;* and,
- xi) *Fitness centre.*

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 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/alterd 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

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

- a) *Outdoor storage* 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* shall be screened by opaque fencing with a minimum *height* of 2.75 metres; and,
- d) *Outdoor storage* is not permitted within any *yard* adjoining a residential *zone* boundary.

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 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:

- a) No *building, structure, sign, wall or fence* shall be erected, located or placed, in whole or in part;
- b) No vehicle shall be parked or stored;
- c) 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

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*.

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.