

PART FIVE

GENERAL ZONE PROVISIONS

5. GENERAL PROVISIONS

5.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

a. PERMITTED USES

(B/L No.
2010-079)

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 including the storage of personal vehicles such as snowmobiles, antique cars, and recreational vehicles, but shall not include the following:

- i. any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot associated therewith, except as is specifically permitted in accordance with this By-law, or
- ii. any building used for human habitation except in accordance with this By-law, as is specifically permitted.

b. RELATION TO STREET

Except as otherwise provided herein, in all Zones, any accessory building or structure, which is not part of the principal or main building, shall be erected in conformity with the yard and setback requirements of the Zone in which such building is located, but shall not be located closer to the street line than the principal or main building on the lot.

Notwithstanding the foregoing, in the Rural (RU) Zone, a private garage may be located between the principal or main building on the lot and the street line, provided such private garage complies with the yard and setback requirements of the Zone in which such building or structure is located.

c. RELATION TO PRINCIPAL OR MAIN BUILDING

Except as may otherwise be provided herein, any accessory building or structure, which is not part of the principal or main building, shall not be erected closer than 2 metres to the principal or main building, unless such accessory building or structure is constructed of incombustible materials.

d. LOT COVERAGE AND HEIGHT

The total lot coverage of all accessory buildings and structures, except swimming pools, shall not exceed 5 percent of the lot area, nor shall the height of any accessory building or structure exceed 5 metres.

Notwithstanding the foregoing, within an Industrial Zone, the total lot coverage of all accessory buildings or structures shall not exceed 10 percent of the lot area, nor, shall the height of any accessory building or structure exceed the height restriction of the respective Industrial Zone.

(B/L Nos.
90-152
94-103
2002-043,
2017-172)

Notwithstanding the foregoing, within an Estate Residential (ER) Zone, a Hamlet Residential (HR) Zone, a Residential Cluster (RC) Zone and a Shoreline Residential (SR) Zone, the total gross floor area of all accessory buildings and structures on a lot, except a swimming pool, shall not exceed 60 square metres nor shall the height of any accessory building or structure exceed 5 metres. Within a Rural (RU) Zone, the total gross floor area of all accessory buildings and structures on a lot, except swimming pools and farm implement sheds, shall not exceed:

- i. 160 square metres where the lot has a lot area of less than 2 hectares;
- ii. 200 square metres where the lot has a lot area of between 2 and 8 hectares; and,
- iii. 250 square metres where the lot has a lot area of more than 8 hectares.

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The height of all accessory buildings and structures on a lot in the Rural (RU) Zone, except for swimming pools and farm implement sheds, shall not exceed:

- i. 6.5 metres where the lot has a lot area of 8 hectares or less; and,
- ii. 8.5 metres where the lot has a lot area greater than 8 hectares.

Further, notwithstanding the provisions of Section 5.1 h. accessory buildings and structures located in an interior side yard or a rear yard shall not be closer than 3 metres to the interior side lot line or rear lot line in the Rural Zone.

e. ACCESSORY STRUCTURE ENCROACHMENTS

Notwithstanding the yard and setback provisions of this By-law, to the contrary, drop awnings, clothes poles, flag poles, garden trellises, retaining walls, fences, signs or similar uses which comply with the By-laws of the Township, shall be permitted in any required yard or in the area between the street line and the required setback. Swimming pools shall be constructed in accordance with the relevant By-laws of the Township.

f. BOAT HOUSE, PUMP HOUSE OR DOCK

Notwithstanding the yard provisions of this By-law to the contrary, a boat house, pump house or a dock may be erected and used in the rear yard of a lot abutting on a navigable waterway, provided such accessory buildings or structures are located no closer than 3 metres to the side lot line or the projection thereof.

g. FIRE ESCAPES

Notwithstanding the yard and setback provisions of this By-law, to the contrary, unenclosed fire escapes, in which the stairsteps and floors are latticed in such a manner that the proportion of voids to solids is not less than two to one and in which guards consist of handrails and the structural members necessary for their support, may project into any required setback a maximum distance of 1.2 metres.

h. GARAGES OR OTHER ACCESSORY BUILDINGS OR STRUCTURES

Notwithstanding the yard and setback provisions of this By-law to the contrary, an attached or detached private garage or other accessory building or structure may be erected and used in an interior side or rear yard provided that:

i. INTERIOR SIDE YARD

Where such accessory building or structure is located in an interior side yard it shall not be closer than 1.2 metres to the interior side lot line.

ii. REAR YARD

Where such accessory building or structure is located in a rear yard it shall not be closer than 1.2 metres to the interior side lot line or rear lot line.

iii. COMMERCIAL AND INDUSTRIAL ZONES

Notwithstanding the foregoing, no accessory building or structure shall be erected closer than 3 metres to an interior side or rear lot line within an Industrial or Commercial Zone.

i. GATE HOUSE IN INDUSTRIAL ZONE

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Notwithstanding the yard and setback provisions of this By-law, to the contrary, in an Industrial Zone, a gate house shall be permitted in a required front or side yard or in the area between the street line and the required setback.

j. ORNAMENTAL STRUCTURES

Notwithstanding the yard and setback provisions of this By-law, to the contrary, sills, chimneys, cornices, eaves, gutters, parapets, pilasters, or other ornamental structures may project into any required yard or the area between the street line and the required setback a maximum distance of 0.6 metres.

k. UNENCLOSED PORCHES, BALCONIES, STEPS OR PATIOS

Notwithstanding the yard and setback provisions of this By-law, to the contrary, unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 1.5 metres, but not closer than 1.2 metres to any lot line, provided that in the case of porches, steps or patios such uses are not more than 1.8 metres above finished grade.

l. SATELLITE DISH

(B/L No.
90-27)

Notwithstanding any other provision of this By-law to the contrary, the following Zone Provisions shall apply to and regulate satellite dishes on any lot:

- i. satellite dishes shall be prohibited in a front or exterior side yard;
- ii. no more than one satellite dish shall be permitted on a lot;
- iii. the provisions of this By-law relating to "structures" and "accessory structures" shall apply to satellite dishes where relevant;
- iv. maximum height of a satellite dish measured from the finished grade at the base of the satellite dish to the highest point of the dish may be 5 metres;
- v. no part of any satellite dish shall be located on a building or other structure.

m. WIND TURBINE OR WIND POWER GENERATING DEVICE

(B/L No.
2003-146)
2006-208

Notwithstanding the provisions of Zoning By-Law No. 81-19, as amended, to the contrary, a wind turbine or wind power generating device with a nameplate rating capacity of less than 10 kilowatts shall be permitted as an accessory use in the following Zone Categories only, where such is accessory to a principal use in existence and permitted in the Zone:

- Recreational (RE) Zone
- Recreational Open Space (OS) Zone
- Rural Industrial (M1) Zone
- Rural (RU) Zone
- Rural Resource Extraction (M3) Zone
- Waste Disposal Industrial (M4) Zone
- Aggregate Processing (M5) Zone

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The following Zone Provisions shall apply to and be complied with for the establishment of a wind turbine or wind power generating device with a nameplate rating capacity of less than 10 kilowatts where permitted:

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| a) | Minimum Yard Requirement
- all yards | equal to the height of the wind turbine or wind power generating device with a nameplate capacity of less than 10 kilowatts, with the exception of the M1 Zone where the setback shall be equal to the height of the wind turbine or wind power generating device or 30 metres whichever is less |
| b) | Maximum number of wind turbines or wind power generating device with a nameplate rating capacity of less than 10 kilowatts Per Lot | 1 only |
| c) | Minimum Lot Area Requirement | 2 hectares with the exception of lands in the M1 Zone where the minimum lot size shall be the minimum lot size permitted in that Zone |
| d) | Minimum setback from lands in any residential zone | 50 metres |
| e) | Maximum height | 37 metres |

Notwithstanding the provisions of Zoning By-law No. 81-19, as amended, to the contrary a wind turbine or wind power generating device with a nameplate rating capacity of between 10 and 50 kilowatts shall be permitted as an accessory use in the following Zoning Categories only, where such is accessory to the principal use in existence and permitted in the Zone and where the lot does not already contain a wind turbine or wind power generating device with a nameplate rating capacity of less than 10 kilowatts:

- Recreational (RE) Zone;
- Recreational Open Space (OS) Zone
- Accessory to a farm in the Rural (RU) Zone
- Rural Industrial (M1) Zone
- Rural Resource Extraction (M3) Zone
- Waste Disposal Industrial (M4) Zone
- Aggregate Processing (M5) Zone

The following Zone Provisions shall apply and be complied with for the establishment of the wind turbine or wind power generating device with a nameplate rating capacity of between 10 and 50 kilowatts where permitted:

- | | | |
|----|--|--|
| a) | Minimum Yard Requirements
- all yards | equal to the height of the wind turbine or power generating device with a nameplate capacity of between 10 and 50 kilowatts, with the exception of the M1 Zone where |
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| | | the setback shall be equal to the height of the wind turbine or wind power generating device or 30 metres whichever is less |
| b) | Maximum Number of Wind Turbines or wind power generating devices with a nameplate capacity of between 10 and 50 kilowatts Per Lot | 1 only |
| c) | Minimum Lot Area Requirement | 5 hectares, with the exception of lands in the M1 Zone where the minimum lot size shall be the minimum lot size permitted in that Zone |
| d) | Minimum setback from lands in any residential zone | 100 metres |
| e) | Maximum height | 56 metres |

n. PROPANE FUEL STORAGE AND HANDLING FACILITIES

(B/L No. 2018-168) Nothing in this section shall be deemed to supersede any more restrictive regulations enforced by any public agency with respect to propane fuel storage and handling facilities. Notwithstanding the provisions of Zoning By-law No. 81-19, as amended, to the contrary:

- i. A Propane Cylinder Exchange Facility, Propane Cylinder Handling Facility, Retail Propane Facility or Propane Transfer Facility shall only be permitted in the following Zone Categories:
 - Hamlet Commercial (C1) Zone;
 - General Commercial (C3) Zone;
 - Corridor Commercial Mixed Use (C4) Zone;
 - Main Street North Mixed Use (C5) Zone;
 - Rural Industrial (M1) Zone;
 - Urban Industrial (M2) Zone.
- ii. A Bulk Propane Storage Depot shall only be permitted in the following Zone Categories:
 - Rural Industrial (M1) Zone;
 - Urban Industrial (M2) Zone.
- iii. A Private Propane Facility shall only be permitted in the following Zone Categories:
 - Hamlet Commercial (C1) Zone;
 - General Commercial (C3) Zone;
 - Corridor Commercial Mixed Use (C4) Zone;
 - Main Street North Mixed Use (C5) Zone;
 - Rural Industrial (M1) Zone;
 - Urban Industrial (M2) Zone;
 - Rural Resource Extraction (M3) Zone;
 - Waste Disposal Industrial (M4) Zone;
 - Aggregate Processing (M5) Zone; and,
 - Rural (RU) Zone.

All regulations applicable to the respective zone shall also apply to propane fuel storage and handling facilities with the following exceptions:

- i. Propane fuel storage tanks shall not be permitted in any required front yard, side yard, or exterior side yard.
- ii. No part of a remote propane fuel dispensing island shall be permitted closer than 4.5 metres to a street line or lot line, and in the case of a corner lot, no

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part of a remote propane fuel dispensing island shall be permitted within 4.5 metres of a daylighting triangle.

- iii. Propane fuel storage tanks shall not be permitted closer than 120 metres to an institutional use, including schools, day nurseries, nursing homes, retirement homes and hospitals.
- iv. Private Propane Transfer Facility
Equipment used in the dispensing, storage, handling or transfer of propane fuel shall be located a minimum of 30 metres from a residential zone or existing dwelling house, or shall be separated from a lot in a residential zone or existing dwelling house by a street having a width of 30 metres or greater.
- v. Retail Propane Transfer facility
 - i) Minimum lot area 3000 square metres
 - ii) The lot is located a minimum of 30 metres from a residential zone or existing dwelling house, or shall be separated from a lot in a residential zone or an existing dwelling house by a street having a width of 30 metres or greater.
 - iii) Propane storage tanks shall not be permitted in a required front, side or exterior side yard and shall maintain a setback of 6 metres from a street line and 3 metres from any other lot line.
 - iv) The maximum aggregate storage capacity of propane fuel shall be 45,000 litres.

Where the Retail Propane Transfer Facility is in conjunction with a motor vehicle gasoline bar or motor vehicle service station, the regulations for the motor vehicle gasoline bar or motor vehicle service station shall also apply.

5.2 DWELLING UNITS BELOW GRADE

a. CELLAR

No dwelling unit shall, in its entirety, be located in a cellar. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling unit shall be used as a furnace room, laundry room, storage room, recreation room or for a similar use only, but, in no instance shall such a room be used to provide sleeping accommodation.

b. BASEMENT OR WALKOUT BASEMENT

(B/L No. 82-27)

A portion of a dwelling unit may be located in a basement or walkout basement, provided the finished floor level of such basement or walkout basement is not below the level of the sanitary or storm sewer or private effluent disposal facilities, as the case may be, serving the dwelling house in which such basement or walkout basement is located, and provided further, that the floor level of such basement is not more than 1.2 metres below finished grade.

5.3 ESTABLISHED BUILDING LINE IN RESIDENTIAL ZONE

Notwithstanding the yard and setback provisions of this By-law, to the contrary, where a permitted dwelling house is to be erected in a Residential Zone, between existing permitted dwelling houses, on the same block, such permitted dwelling house may be built with a yard and setback equal to the average setback of the adjacent dwelling houses on the same side of the street, within the block, but this yard depth shall not be less than 3 metres from the front or exterior side lot line, and need not be more than the minimum yard and setback requirements of this By-law.

5.4 EXISTING BUILDINGS, STRUCTURES AND USES

a. CONTINUATION OF EXISTING USES

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The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

b. PERMITTED EXTERIOR EXTENSION

The exterior of any building or structure which, at the time of passing of this By-law, was lawfully used for a purpose not permissible within the Zone in which it is located, shall not be enlarged, extended, re-constructed or otherwise structurally altered, unless such building or structure is thereafter to be used for a purpose permitted within such Zone, and complies with all requirements of this By-law for such Zone.

c. PERMITTED INTERIOR ALTERATION

The interior of any building or structure which, at the date of passing of this By-law, was lawfully used for a purpose not permissible within the Zone in which it is located, may be reconstructed or structurally altered, in order to render the same more convenient or commodious for the same purpose for which, at the passing of this By-law, such building or structure was lawfully used.

d. RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any non-conforming building or structure or part thereof, lawfully used on the date of passing of this By-law, provided that the strengthening or restoration does not increase the building height, size or volume or change the use of such building or structure.

e. PERMITTED BUILDINGS OR STRUCTURES

Where an existing building or structure is located on a lot having less than the minimum lot frontage and/or lot area, and/or having less than the minimum setback and/or side yard and/or rear yard required by this By-law, the said building or structure may be enlarged, reconstructed, repaired and/or renovated provided that:

- i. The enlargement, reconstruction, repair and/or renovation does not further reduce a front yard, and/or side yard and/or rear yard having less than the minimum required by this By-law;
- ii. The building or structure is being used for a purpose permissible within the Zone in which it is located; and
- iii. all other applicable zone provisions of this By-law are complied with.

(B/L No.
87-24)

f. EXISTING FLOOR AREA LESS THAN REQUIRED

Nothing in this By-law shall prevent the alteration of a permitted dwelling house or permitted dwelling unit, which legally existed on the 12th day of March, 1987, but which has a gross floor area less than that required by this By-law, provided such alteration does not decrease such gross floor area or contravene any other Zone Provision, other than minimum gross floor area of this By-law.

g. BUILDING PERMIT ISSUED

The provisions of this by-law shall not apply to prevent the erection or use, for a purpose prohibited by this By-law, or any building or structure, the plans for which have prior to the date of passing of this By-law been approved by the Chief Building Official, so long as the building or structure, when erected, is

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used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the date of the passing of this By-law and such building or structure is completed within a reasonable period of time after the erection thereof is commenced.

5.5 EXISTING UNDERSIZED LOTS

Where a lot, having a lesser lot area and/or lot frontage than required herein, existed at the date of passing of this By-law, or where such a lot is created as a result of an expropriation in accordance with Section 3.5 hereof, such smaller lot may be used and a permitted building or structure, except a triplex dwelling house, fourplex dwelling house, row dwelling house or apartment dwelling house, unless such existed on a lot in the Residential Multiple Density (RM) Zone on the date of passing of this By-law, may be erected, altered and/or used on such smaller lot, provided that all other applicable zone provisions of this By-law are complied with.

5.6 FLOOD PLAINS AND HAZARD LANDS

(B/L No. 82-27) For lands located in Flood Plains or other hazardous or environmentally sensitive areas regulated by a Conservation Authority or the Ministry of Natural Resources, prior written approval must be obtained from the appropriate Authority or Ministry to place or remove fill, to erect a building or structure and/or alter waterways on such lands. All conditions required by the Authority or Ministry must be satisfied prior to development.

5.7 FRONTAGE ON IMPROVED PUBLIC ROAD

No person shall erect any building or structure in any Zone, after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected has frontage upon an improved public road, and such building or structure complies with the setback provisions of this By-law.

The above provision shall not apply to prevent the erection of a permitted building or structure on a lot in registered plan of subdivision where a properly executed Subdivision Agreement or Development Agreement has been entered into with the Township, notwithstanding that the street or streets will not be assumed by the Township until the end of the maintenance period. When such street or streets have been assumed by the Township, it shall be classified as an improved public road without further formality or amendment to this By-law or Schedule "B1" or "B2" hereof.

(B/L Nos. 81-34 81-57) The above provision shall also not prevent the lots contained within Registered Plans of Subdivision Nos. 414, 664, 733, 749, 794, 798, 799 and 856 provided all other applicable provisions of this By-law are complied with.

(B/L No. 88-69) Notwithstanding the provisions of Sections 4.9.2 b. i. and 5.7 or any other provision of Zoning By-law No. 81-19, as otherwise amended, to the contrary, those lands legally described as comprising Part 1 on Plan 40R-10807, deposited on the 17th day of November, 1987, and Part 1 on Plan 40R-8433 deposited on the 29th day of October, 1984, and generally located on the west side of Marion Drive, may have access, for the purpose of the issuance of a building permit(s) by legal right-of-way to Marion Drive, or by a minimum lot frontage of 5 metres on Marion Drive, provided all other applicable Zone Provisions of Zoning By-law No. 81-19, as amended, are complied with.

5.8 GROUP HOMES

(B/L No. 2002-109) A Group Home - Type 1 is permitted within a single detached dwelling in a residential zone subject to the facility being annually registered with the Corporation under the authority of The Municipal Act, R.S.O. 1990, and the following minimum distance separation provisions:

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- a. between a Group Home - Type 1 and another Group Home - Type 1: 300 metres
- b. between a Group Home - Type 1 and a Group Home Type - 2 800 metres

5.9 HEIGHT EXCEPTIONS

(B/L No. 90-27) Notwithstanding the height provisions of this By-law, to the contrary, nothing in this By-law shall apply to prevent the erection, alteration or use of a permitted barn or silo, or the following listed accessory buildings or structures, provided the main or principal use is permitted within the Zone in which it is located and provided all other applicable provisions of this By-law are complied with: a church spire, a belfry, a flag pole, a clock tower, a chimney, a water tank, a windmill, a radio or television tower or antenna, an air conditioner duct, a grain elevator, incidental equipment required for processing, external equipment associated with internal equipment or machinery and conveying equipment. The provisions of this Section 5.9 shall not apply to satellite dishes which shall be subject to the provisions of Section 5.1 (1) hereof.

5.10 HOME OCCUPATION

The following regulations shall apply to a permitted dwelling unit or dwelling house wherein a home occupation is permitted in addition to a residential use:

- (B/L No. 2010-079) a. No more than one person, other than the operator of the business who shall be an occupant of the dwelling unit and other occupants of the dwelling unit, shall be engaged in the home occupation.
- b. There shall be no display, other than a sign erected in conformity with the By-laws of the Township, to indicate to persons outside that any part of the dwelling house or unit is being used for a purpose other than residential.
- (B/L. No. 2010-079) c. Such home occupation shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling house or dwelling unit, nor create or become a public nuisance ore create noise, vibration, fumes, odour, dust, glare or radiation which is evident outside the dwelling unit.
- d. Such home occupation shall not interfere with television or radio reception of others in adjacent buildings or structures.
- B/L. No. 2010-079) e. There shall be no goods, wares or merchandise offered for sale on the premises, other than those produced on the premises including custom or artisanal products. However, telephone, internet or mail order of sale of goods, wares and merchandise shall be permitted, provided that customers for such a use do not enter the premises to inspect, purchase or take possession of goods for home occupations in the R1, R2, RM, ER, RC, SR and HR Zones other than between 9 am and 5 pm Monday through Friday, with a limit of a maximum of five visits per day.
- B/L No. 2010-079) f. There shall be no outside animal enclosures or external storage of goods or materials, including any outside processing or outdoor display of materials or finished products.
- g. Not more than 25 percent of the gross floor area of the dwelling house or dwelling unit shall be used for the purposes of home occupation, and such home occupation shall be conducted entirely within the dwelling house or dwelling unit.

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- h. There shall be no mechanical or other equipment used except that which is customarily employed in a dwelling house or dwelling unit for domestic or household purposes or for use by a dentist, drugless practitioner, physician, or other professional person.

B/L No. 2010-079) i. Commercial motor vehicles shall only be permitted to be parked on the lot in accordance with the provisions of Section 5.15 g. of this By-law, and, in addition, one parking space shall be provided for any employee who does not reside in the dwelling unit.

5.11 LOADING SPACE REQUIREMENTS

- a. Loading or unloading spaces are required under this By-law in accordance with the Loading Space Requirement Tables set forth herein, and the owner of every building or structure erected for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials shall provide and maintain on the lot loading and unloading spaces accordingly. For the purposes of this By-law each loading or unloading space shall be 9 metres in length, 3.5 metres in width and have a vertical clearance of 4 metres. In addition, adequate space shall be provided for the parking of vehicles awaiting access to the loading or unloading spaces.

(B/L No. 2019-099) Notwithstanding the foregoing, any uses, buildings and structures in the Downtown Commercial (C3) Zone shall be subject only to the loading requirements applicable to the "GROSS FLOOR AREA OF BUILDINGS WHICH ARE SPECIFICALLY BUILT AS OFFICE, FINANCIAL ESTABLISHMENT OR INSTITUTIONAL BUILDINGS, WITH THE EXCEPTION OF EDUCATIONAL INSTITUTION BUILDINGS" or where applicable the loading requirements for "APARTMENT DWELLING HOUSE, NURSING HOME, HOME FOR THE AGED, RETIREMENT HOME OR SENIOR CITIZEN HOUSING". Further, any uses, buildings or structures in the Downtown Commercial (C3) Zone shall not be subject to the regulations of Section 5.11 b.

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LOADING SPACE REQUIREMENT TABLES

(B/L No. 2008-063)	GROSS FLOOR AREA OF BUILDING INCLUDING AN EDUCATIONAL INSTITUTION BUILDING with the exception of buildings which are specifically built as office buildings, including a financial establishment, any apartment dwelling houses, nursing homes, homes for the aged, retirement homes or senior citizens' housing and institutional buildings, other than educational institution buildings	LOADING SPACE
	280 square metres or less	0 space
	Exceeding 280 square metres but not 2,300 square metres	1 spaces
	Exceeding 2,300 square metres but not 7,500 square metres	2 spaces
	Exceeding 7,500 square metres	3 spaces plus 1 additional space for each additional 9,200 square metres or fractional part thereof in excess of 7,500 square metres
(B/L No. 2008-063)	GROSS FLOOR AREA OF BUILDINGS WHICH ARE SPECIFICALLY BUILT AS OFFICE, FINANCIAL ESTABLISHMENT OR INSTITUTIONAL BUILDINGS, WITH THE EXCEPTION OF EDUCATIONAL INSTITUTION BUILDINGS	LOADING SPACE
	2,300 square metres or less	0 spaces
	Exceeding 2,300 metres, but not 11,600 square metres	1 space
	Exceeding 11,600 square metres	2 spaces
	APARTMENT DWELLING HOUSE, NURSING HOME, HOME FOR THE AGED, RETIREMENT HOME OR SENIOR CITIZEN HOUSING	0 spaces

b. ACCESS

Access to loading or unloading spaces shall be by means of a driveway at least 6 metres in width contained on the lot on which the spaces are located and leading to an improved public road.

c. LOADING SPACE SURFACE

Driveways, loading and unloading spaces, and related aisles and turning areas shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such loading and unloading facilities shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or similar material and shall include provisions for drainage facilities.

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d. LOCATION

The loading space or spaces required shall be located in the interior side or rear yard unless such space or spaces are removed from the street line a minimum distance of 15 metres.

e. ADDITIONS TO OR CHANGE IN USE OF EXISTING BUILDINGS

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the gross floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the gross floor area, then additional loading spaces shall be provided as required by paragraph (a) of this Section, in accordance with the provisions of the Loading Space Requirement Table for such addition.

5.12 MULTIPLE USES ON ONE LOT

Where any land, building or structure is used for more than one permitted use, the applicable zone provisions of this By-law which serve to regulate each such use shall be complied with.

5.13 MULTIPLE ZONES ON ONE LOT

(B/L No. 89-31) Where a lot is divided into more than one Zone under the provisions of this By-law, each such portion of the said lot shall be used in accordance with and comply with the Zone provisions of this By-law for the applicable Zone.

5.14 NOXIOUS TRADE

(B/L No. 87-72) Except as may otherwise be specifically permitted under this By-law, no use shall be permitted which, from its nature or the materials used therein, is defined as a noxious trade, business or manufacture under The Public Health Act, R.S.O., 1980, c. 409, as amended, or the Regulations promulgated thereunder.

5.15 PARKING AREA REGULATIONS

a. PARKING SPACE REQUIREMENTS

(B/L Nos. 90-108 91-58) Parking spaces and areas are required under this By-law, in accordance with the Parking Space Requirement Table, and the owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises, from time to time, parking spaces and areas accordingly.

All parking spaces and areas under this By-law shall be provided on the same lot as the use that requires such spaces and areas.

b. PARKING AREA SURFACE

Parking spaces, areas and driveways connecting the parking space or area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such parking spaces or areas shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or similar material and shall include provisions for drainage facilities.

c. INGRESS AND EGRESS PROVISIONS

(B/L No. 2008-046) The following regulations shall apply to all lots with the exception of lots where a commercial, institutional or industrial use is the main or principal use or activity of the lot.

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- i. Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 3 metres but not more than 9 metres in perpendicular width.
- ii. The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 metres.
- iii. The minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 metres.
- iv. The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- v. Every lot shall be limited to the following number of driveways namely:
 - (a) up to the first 15 metres of lot frontage, not more than one driveway;
 - (b) greater than 15 metres of lot frontage but not more than 30 metres of frontage, not more than two driveways with a combined width not exceeding 30 percent of the lot frontage; and
 - (c) for each additional 30 metres of lot frontage, not more than one additional driveway.

d. MORE THAN ONE USE ON A LOT

When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use.

e. PARKING AREA LOCATION ON LOT

Notwithstanding the yard and setback provisions of this By-law, to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback as set out below:

(B/L No.
2017-061)

- i. In any Residential Zone, other than a lot in the Residential Multiple Density (RM) Zone used for a triplex, fourplex or apartment dwelling house, and the Rural (RU) Zone, the required parking spaces may be located in a driveway, or other parking area on the same lot as the dwelling unit.
- ii. In a Community Facility (CF), Recreational (RE), Recreational Open Space (OS) or Commercial Zone, or on a lot in the Residential Multiple Density (RM) Zone used for a triplex, fourplex or apartment dwelling house, a parking area may be located in any yard, provided no part of any parking area, other than a driveway, is located closer than 3 metres to any street line, or within a sight triangle.
- iii. In a Rural Industrial (M1) or Urban Industrial (M2) Zone, a parking area may only be located within a rear or interior side yard. A parking area for visitors only, however, may be located in the front or exterior side yard, provided that no part of the parking area, other than a driveway, is located closer than 3 metres to any street line or side lot line, or within a sight triangle.

5. GENERAL PROVISIONS

f. ADDITIONS TO, OR CHANGES IN THE USE OF, EXISTING BUILDINGS AND STRUCTURES

(B/L No. 91-58)

The parking space requirements referred to herein shall not apply to any building or structure in existence at the date of passing of this By-law so long as the existing gross floor area is not increased by more than 10 percent of the floor area of the building or structure, existing on the date of passing of the By-law. However, all parking spaces and areas existing on the lot and used in conjunction with the existing building or structure but less than the minimum parking requirements of Zoning By-law No. 81-19 shall be retained.

Further, if an addition is made to a building or structure which increases the gross floor area by more than 10 percent, as of the date of passing of Zoning By-law No. 81-19, the minimum parking requirement shall consist of all existing parking spaces and areas which are less than or equal to the minimum parking requirements of Zoning By-law No. 81-19 plus the parking spaces for the addition as required by the Parking Space Requirement Table.

Where a change in use occurs to the building or structure in existence as of the date of passing of Zoning By-law No. 81-19, excluding eating establishments and drive-in eating establishments, all parking spaces and areas existing on the lot which are less than or equal to the minimum requirements of Zoning By-law No. 81-19 shall be retained. An eating establishment or drive-in restaurant shall comply with the parking space requirements of this By-law.

The provisions of this paragraph shall not apply to require the establishment of parking spaces for a dwelling house which existed at the date of passing of this By-law.

g. USE OF PARKING SPACES AND AREAS

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only, and for the vehicles used in operations incidental to the permitted uses in respect of which such parking spaces and areas are required or permitted.

Notwithstanding the foregoing, the owner or occupant of any lot, building or structure, in any Residential First Density (R1), Residential Second Density (R2) or Residential Multiple Density (RM) Zone, may use any private garage of which he is the owner or occupant, erected upon any such lot, for the housing or storage of one commercial motor vehicle, which is operated by himself, and which does not exceed a one ton capacity. Alternatively, the owner or occupant may park or store one commercial motor vehicle, not exceeding one-half ton capacity, outside on such lot, provided such vehicle is operated by himself. However, no person shall, in any Residential First Density (R1), Residential Second Density (R2) or Residential Multiple Density (RM) Zone, use any lot, building or structure for the parking, storing or housing of more than one commercial motor vehicle.

5. GENERAL PROVISIONS

PARKING SPACE REQUIREMENT TABLE

TYPE OR NATURE OF USE	MINIMUM OFF STREET PARKING REQUIREMENTS
Assembly Hall, Auditorium, Arena, Community Centre, Place of Entertainment, Place of Worship, Private Club or other similar places of assembly not otherwise specified herein.	1 parking space for each four persons that may be legally accommodated at any one time.
Bowling Alley	3 parking spaces for each bowling lane.
Business and/or Professional Office, Financial Establishment, Retail Commercial Establishment, Personal Service Shop including a Home Occupation.	1 parking space for each 20 square metres of gross floor area of the building directly related to the specified permitted use.
Curling Rink	4 parking spaces for each curling sheet plus such additional parking as is required for a lounge licensed in accordance with The Liquor Licence Act of Ontario.
Dry Cleaners Establishment	1 parking space for each 9 square metres or fraction thereof of gross floor area, with a minimum requirement of 4 parking spaces.
Eating Establishment, Tavern	1 parking space for each 9 square metres or fraction thereof of gross floor area, or 1 parking space for each 4 person or fraction thereof, legal capacity, whichever is greater.
Golf Course	24 parking spaces for each 9 holes of golfing facilities.
Home For the Aged, Nursing Home	1 parking space for each four beds or fraction thereof.
Hospital	1 parking space for each 2 beds or fraction thereof, or 38 square metres of gross floor area whichever is the greater.
Hotel, Motel	1 parking space for each guest room, cottage or cabin plus such parking facilities as are required for an eating

5. GENERAL PROVISIONS

PARKING SPACE REQUIREMENT TABLE (continued)

TYPE OR NATURE OF USE	MINIMUM OFF STREET PARKING REQUIREMENTS
<p>Liquor Licensed Premises exclusive of an eating establishment but including an entertainment lounge, public house accommodated at any one time. lounge licensed in accordance with the Liquor Licence Act of Ontario, S.O., 1975, c. 40, as amended, and the Regulations thereunder.</p>	<p>establishment or entertainment lounge licensed in accordance with the Liquor Licence Act of Ontario.</p> <p>1 parking space for each 4 persons that may be legally</p>
<p>Manufacturing, Processing Assembling or Fabricating Plant, Wholesale Establishment Warehouse located on privately serviced Lands.</p>	<p>1 parking space per 100 square metres of gross floor area or portion thereof. Where a retail sales component is included with such uses the requirement shall be 1 parking space per 70 square metres of gross floor area or portion thereof for the entire building.</p>
<p>Manufacturing, Processing, Assembling or Fabricating Plant, Wholesale Establishment or Warehouse on municipal services.</p>	<p>1 parking space per 35 square metres of gross floor area or portion thereof.</p>
<p>Medical, Veterinary or Dental Clinic, or, Offices of a Drugless Practitioner</p>	<p>5 parking spaces per practitioner, plus 1 parking space for each examination room exceeding 5 such rooms per office.</p>
<p>Post Office, Museum, Art Gallery, Public Library</p>	<p>1 parking space for each 35 square metres of gross floor area.</p>
<p>Residential</p>	
<p>(i) Apartment, Triplex, Fourplex or converted Dwelling House</p>	<p>1 1/2 parking spaces for each dwelling unit.</p>
<p>(ii) Boarding or Lodging House</p>	<p>1 parking space for each dwelling unit plus one parking space per guest room.</p>
<p>(iii) Senior Citizens' Housing</p>	<p>1 parking space for each two dwelling units or</p>

5. GENERAL PROVISIONS

PARKING SPACE REQUIREMENT TABLE (Continued)

TYPE OR NATURE OF USE	MINIMUM OFF STREET PARKING REQUIREMENTS
(B/L No. 2017-061)	<p data-bbox="1089 494 1295 529">fraction thereof.</p> <p data-bbox="342 567 829 715">(iv) Single Detached, Semi-Detached, Link, Duplex, Triplex and Row House Dwelling House approved after April 24, 2017</p> <p data-bbox="1089 567 1435 1158">2 parking spaces per dwelling unit and 0.5 visitor parking spaces per row house dwelling unit shall be required. Such spaces shall not be located in a private garage, but shall be located in a driveway or other parking area on the same lot as the dwelling unit or in the case of the visitor parking area for row houses on the same lot or on other lands controlled by the related condominium corporation.</p>
(v) Residential other than specified herein.	1 parking space per dwelling unit.
Schools	
(i) Elementary	<p data-bbox="906 1373 1094 1408">The greater of:</p> <p data-bbox="672 1454 1398 1489">(a) 1 1/2 parking spaces per classroom; or</p> <p data-bbox="672 1526 1422 1634">(b) 1 parking space per 9 square metres of floor area in the gymnasium; or</p> <p data-bbox="906 1671 1422 1776">(c) 1 parking space per 9 square metres of floor area in the auditorium</p>
(ii) Secondary	<p data-bbox="906 1814 1094 1849">The greater of:</p> <p data-bbox="906 1886 1317 1967">(a) 4 parking spaces per classroom; or</p> <p data-bbox="906 2005 1422 2110">(b) 1 parking space per 9 square metres of floor area in the auditorium.</p>
Shopping Plaza, Department Store, Food Supermarket	5.5 parking spaces for each 100 square metres of gross leasable floor area.
Undertaking Establishment	1 parking space for each five seating spaces or fraction thereof with a minimum of ten parking spaces.
Workshop	1 parking space per 35 square metres of gross floor area.

5. GENERAL PROVISIONS

c. DRIVEWAYS AND WALKWAYS

In all cases where ingress and egress driveways or walkways extend through a required planting strip, it shall be permissible to interrupt the planting strip within 3 metres of the edge of such driveway or within 1.5 metres of the edge of such walkway.

d. MAINTENANCE

Where a planting strip is required, it shall be planted, nurtured and maintained by the owner or owners of the lot on which such planting strip is located.

e. LANDSCAPED OPEN SPACE

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.

5.18 PUBLIC USES

a. PUBLIC SERVICES

Except as provided in paragraph (b) hereof, the provisions of this By-law shall not apply to prohibit the use of any lot or the erection or use of any building or structure for the purposes of public uses provided by the Township, or any Public Authority including any department of the Regional Municipality of Durham or any Department or Ministry of the Government of Canada or Ontario, or any Conservation Authority established by the Government of Ontario, and, for the purposes of this Section, shall include Ontario Hydro, any telephone or telegraph company and any natural gas distribution system operated by a Company distributing gas to the residents of the Township, which company possesses all the necessary powers, rights, licences and franchises.

b. LOCATION RESTRICTIONS

Notwithstanding any other provision contained in this By-law to the contrary, where a public use is only permitted within a specific Zone classification, then such public use shall only be permitted within that Zone or Zones.

c. PROVISIONS

Where a public use is not specifically restricted to any one zone but is permitted within any Zone, no land, building or structure is to be used for the purposes of a public use unless the following provisions are complied with, namely:

- i. no goods, materials or equipment shall be stored outside the building or structure located on the lot, except as may otherwise be permitted under this By-law;
- ii. the zone provisions of the Zone in which the use is located shall be complied with except as otherwise provided in paragraph d. of this By-law;
- iii. no building or structure erected in accordance with the provisions of this Section shall be used for the purposes of an office or maintenance or works depot; and,
- iv. that such building or structure is designed and maintained in general harmony with the uses permitted within the respective Zone.
- v. notwithstanding any other provision of this By-law to the contrary, no transmission or telecommunication tower shall be constructed such that its vertical height, from finished grade to the highest point of the tower exceeds 46 metres.

5. GENERAL PROVISIONS

This provision shall not apply to any such tower in existence on the 10th day of April, 1989.

d. STREETS AND INSTALLATIONS

Nothing in this By-law shall prevent land to be used as a street or highway, or prevent the installation of a watermain, sanitary sewer, storm sewer, gas main, pipeline or overhead or underground hydro or communication line or high voltage and extra high voltage electrical facilities owned and operated and maintained by Ontario Hydro.

5.19 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any land, building or structure is used or erect any building, or structure, or addition to any existing building or structure, or sever any lands, 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.

5.20 SIGHT TRIANGLES

On a corner lot, within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 9 metres measured along the street line from the point of intersection of the street lines, no motor vehicle, as defined in The Highway Traffic Act, shall be parked, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected, and no land shall be used for the purposes of growing shrubs or trees in excess of 0.6 metres in height. Such triangular space shall hereinafter be referred to as a "sight triangle". Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

5.21 SIGNS

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the By-laws of the Township.

5.22 SPECIAL USES PERMITTED

A tool shed, construction trailer, scaffold or other building or structure incidental to construction is permitted in all Zones within the Township on the lot where it is situated and only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the failure to proceed expeditiously with the construction work.

5.23 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.

5.24 TRAILER PARK AND PRIVATE RECREATIONAL USES

The establishment of trailer parks, mobile home parks, private clubs, commercial clubs, camping establishments or private recreational parks shall be prohibited within the area covered by this By-law, save and except where such are specifically permitted.

5.25 TRUCK, BUS AND COACH BODIES

(B/L No. No truck, bus, coach or streetcar body, or structure of any kind, other than a dwelling

5. GENERAL PROVISIONS

87-72) unit erected and used in accordance with this By-law, The Building Code Act, R.S.O., 1980, c. 51, as amended, and the Regulations passed thereunder, and all other By-laws of the Township, shall be used for human habitation or within any area affected by this By-law, whether or not the same is mounted on wheels.

5.26 PRIVATE HOME DAYCARE

(B/L No. 90-49) Private Home Day Care as defined in Section 1.127 a. of Zoning By-law 81-19, shall be permitted in a legal dwelling unit in the following zones:

Rural (RU) Zone
 Residential Cluster (RC) Zone
 Estate Residential (ER) Zone
 Shoreline Residential (SR) Zone
 Hamlet Residential (HR) Zone
 Residential First Density (R1) Zone
 Residential Second Density (R2) Zone
 Residential Multiple Density (RM) Zone

5.27 TWO UNIT HOUSE

(B/L Nos. 97-092 2017-100) Notwithstanding any other provision of Zoning By-law No. 81-19, as amended, to the contrary, where a single-family dwelling house, semi-detached dwelling house or row house dwelling house is permitted in Zoning By-law No. 81-19, as amended, a Two Unit House shall also be permitted in such Zone.

A Two Unit House for the purposes of Section 5.27 shall include two residential units in a detached house, semi-detached house or rowhouse located in the Environmental Protection (EP) Zone, if no building or structure ancillary or accessory to the detached house, semi-detached house or rowhouse contains a residential unit.

A second residential unit shall only be permitted where:

- a) a minimum of two parking spaces are provided for the second residential unit outside of a garage in the driveway or other parking area associated with the lot on which the second residential unit is located in addition to the parking spaces provided for the main residential unit;
- b) there are two points of ingress and egress from the second residential unit; and,
- c) all other applicable zoning requirements are met.

5.28 ACCESSORY RESIDENTIAL UNITS IN THE HAMLET RESIDENTIAL (HR) ZONE

(B/L No. 2009-041 2017-100)

Notwithstanding the provisions of Section 4.8, an accessory residential unit shall be permitted in the Hamlet Residential (HR) Zone in accordance with the provisions of Section 5.27.

5.29 MODEL HOMES

(B/L Nos. 2009-149 2011-036) Model Homes shall be permitted in all R1, R2, RM, HR and ER Zones including zones which are subject to a Holding Symbol, subject to the following:

- a) the lands on which the model homes are to be constructed must have received draft plan approval under the Planning Act;
- b) the draft approved Plan of Subdivision must consist of not fewer than 5 residential lots;
- c) not more than 10% of the total number of dwelling houses contained in the draft approved Plan of Subdivision shall be constructed as model homes and

5. GENERAL PROVISIONS

in no circumstances shall more than 5 dwelling houses be used as model homes and where the subdivision consists of less than 10 dwelling houses but more than 5 residential lots, a maximum of 1 model home may be permitted;

- d) each model home must be built within a lot as shown on the draft approved Plan of Subdivision;
- e) appropriate servicing must be available for each proposed model home; and,
- f) the model home will comply with all other requirements of this Zoning By-law as if the draft plan of subdivision was registered.

5.30
(B/L Nos.
2010-079
2011-036)

HOME INDUSTRY

The following regulations shall apply to a home industry use other than a use which is federally regulated and has received approval from the Federal government to operate:

- a. Home industry uses may be carried out in a legally existing single detached dwelling; a legally existing single detached dwelling and an accessory building or buildings; or solely in an accessory building or buildings to a legally existing single detached dwelling or farm.
- b. No more than three people, other than the operator of the business who shall be an occupant of the single detached dwelling or operator of the farm, and other occupants of the single detached dwelling, shall be engaged in the home business.
- c. There shall be no display, other than a sign erected in conformity with the By-laws of the Township, to indicate that any part of the single detached dwelling or farm is being used for a purpose other than a single detached dwelling or farm.
- d. The home industry shall be clearly secondary to the main permitted residential and/or farm uses and shall not change the character of the single detached dwelling or farm buildings, nor create or become a public nuisance or create noise, vibration, fumes, odour, dust, glare or radiation which is evident outside the single detached dwelling or accessory building or buildings.
- e. There shall be no goods, wares or merchandise offered for sale on the premises, other than those produced on the premises, with the exception that the telephone, internet or mail order of sale of goods, wares and merchandise shall be permitted.
- f. There shall be no outside animal enclosures other than for farm animals, and no external storage of goods or materials associated with the home industry use.
- g. An underground or above-ground storage tank may be permitted provided it is equipped with an approved secondary containment device.
- h. Not more than 25 percent of the gross floor area of the single detached dwelling shall be used for the purposes of the home industry. Where an accessory building or buildings is being used, either solely for the home industry or in addition to the space in the single detached dwelling, the maximum gross floor area of an accessory building or buildings being used for the home industry shall be 93 sq. metres.
- i. There shall be no more than four commercial motor vehicles or pieces of equipment parked on the lot. In addition, one parking space shall be provided for each employee who does not reside in the dwelling unit.

5. GENERAL PROVISIONS

Any accessory building or buildings being used for the home industry use shall be located a minimum of 6 metres from any property line.

5.31 DRUG TREATMENT AND HARM REDUCTION FACILITIES

(B/L No. 2023-058) Drug treatment and harm reduction facilities shall be permitted in any hospital or in any other facility operated under the auspices of Durham Region Health Department. However, stand-alone clinic facilities for drug treatment such as those located in drug stores, shelters, or medical offices or clinics, excluding residential treatment programs shall only be permitted in the Corridor Commercial/Mixed Use (C4) Zone, provided that such a use shall have a waiting area which can accommodate a minimum of 10 patients.