

THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2022-070

A by-law to amend Comprehensive Zoning By-law 2006-50 as amended, to enhance the implementation of the Town of Caledon Bolton Core Area Secondary Plan Area policies with respect to permitted uses and parking provisions in the Bolton Core Area

WHEREAS Section 34 of the Planning Act, as amended, permits the councils of local municipalities to pass zoning by-laws for prohibiting the use of land or the erecting, locating or using of buildings or structures for or except for such purposes as may be set out in the by-law;

AND WHEREAS the Council of The Corporation of the Town of Caledon deems it expedient to to pass a zoning by-law to enhance the implementation of the Bolton Core Area Secondary Plan Area policies of the Town of Caledon Official Plan with respect to permitted uses and parking provisions in the Bolton Core Area on lands legally described as Lots 4, 5, 12, 19 & 23, Part of Lots 1, 2, 3, 8, 9, 10, 11, 20, 21 & 22 and Maria Street on Plan BOL2 (Bolton); Part Lots 161, 172 & 184 on Block 1, BOL7 (Bolton); Part Lots A, 28, 29, 32, Lot 24, 25, 26, 27, 30, 31, 33, 34, 35 & 36 and Part Willow Street on Block 2, BOL7 (Bolton); Lots 2, 3, 4, 7 & 9 and Part Lots A, B, C, 1, 5, 6, 8, 10, 17, 25, 26 & 27 on Block 3, BOL7 (Bolton); Lots 5, 6, 8, 10, 11, 49, 50, 51, 54, 55, 57, 60, 66 & 128, Part Lots 1, 2, 3, 4, 7, 9, 12, 13, 14, 15, 16, 17, 18, 19, 48, 52, 53, 56, 58, 59, 61, 63, 64, 65, 67, 68, 69, 70, 73, 78, 89, 91 & 92, Part Dalton Street, Part Slancy Street, Part Temperance Street, Timothy Street on Block 4, BOL7 (Bolton); Lots 2, 11, 12, 18, 21, 22 & 26 and Part Lots 1, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 19, 20, 23, 24, 25, 31, 32, 33, 34 & 35 on Block 5, BOL7 (Bolton); Eliza Street, George Street and Part Hill Street on BOL7 (Bolton); Lots 36, 38, 41 & 43 and Part of Lots C, 30, 37, 39, 40 & 42 on BOL9 (Bolton); and Part of Lot 9, Concession 6 (Albion); Town of Caledon, Regional Municipality of Peel. Peel Standard Condominium Corporation No. 873; Peel Standard Condominium Corporation No. 1108.

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS that By-law 2006-50 as amended, being the Comprehensive Zoning By-law for the Town of Caledon, shall be and is hereby amended as follows:

1. That Schedule A to this Zoning By-law being a map to delineate the boundaries of the Bolton Core Overlay Zone as attached hereto, is hereby added as "Schedule G" to Comprehensive Zoning By-law 2006-50, as amended;
2. That Section 2.5 'Overlay Zones' of Comprehensive Zoning By-law 2006-50 is hereby amended by adding a new Subsection e) as follows:
 - e) Where lands fall within the boundary of the Bolton Core Overlay Zone as delineated on Schedule 'G' to this By-law, the applicable provisions and regulations of the underlying *zone* shall continue to apply, subject to the applicable provisions of Subsection 4.41 of this By-law.
3. That Section 4 'General Provisions' of Comprehensive Zoning By-law 2006-50 is hereby amended by adding a new Subsection 4.41 'Bolton Core Overlay Zone' as follows:

4.41 BOLTON CORE OVERLAY ZONE

4.41.1 Additional *Uses* Permitted in the Core Commercial (CC) Zone

In addition to the *uses* permitted in the Core Commercial (CC) Zone, the following additional *uses* shall be permitted on lands zoned Core Commercial (CC) within the Bolton Core Overlay Zone, as well as on lands subject to site specific zoning exceptions CC-44, CC-195, CC-247 and CC-581:

- a) *Accessory Outdoor Patio*
- b) *Accessory Outdoor Display or Sales Area*
- c) *Accessory Outdoor Seasonal Garden Centre¹*
- d) *Artisan Operation*
- e) *Bakery*

- f) *Catering Establishment*
- g) *Farmers Market¹*
- h) *Micro-Brewery*
- i) *Museum*
- j) *Occasional Use²*
- k) *Specialty Food Store*
- l) *Studio*

Footnotes

1. Shall only be permitted within the Community Core (CC) Zone, Special Exception CC-195 Zone and Special Exception CC-247 Zone. Shall not be permitted within the Special Exception CC-44 Zone and Special Exception CC-581 Zone.
2. Permitted only on lands identified on Schedule G of Comprehensive Zoning By-law 200650.

4.41.2 Additional Uses Permitted in the Institutional (I) Zone

In addition to the *uses* permitted in the Institutional (I) Zone, an *occasional use* shall also be permitted on lands within the Institutional (I) Zone as identified on Schedule 'G' of Comprehensive Zoning By-law 2006-50.

4.41.3 Definitions

Within the Bolton Core Overlay Zone, the following definitions shall apply:

“*Bakery*” means a *premises* used for the production, distribution and sale of baked goods and may include an *accessory restaurant*.

“*Catering Establishment*” means a *premises* where food and beverages are prepared for consumption off-site, but are not served on the *premises* or for takeout.

“*Micro-Brewery*” means a *premises* used for the small-scale manufacturing of specialty or craft beer, wine, cider, and/or spirits produced for retail sale on or off site, and which may be consumed on-site in conjunction with a permitted *restaurant*.

“*Occasional Use*” means the short term *use* of any *lot* or *building* for a specific occasion or community event such as recreation, entertainment, community gathering or other similar activities. An *occasional use* may include *uses* such as but not limited to, blood donor clinics, bingo, benefit dances, shows, concerts, festivals, banquets or special purpose and/or seasonal sales such as bake sales, craft sales, plant and produce sales, and Christmas tree sales. An *occasional use* does not include *household sales* as defined by this By-law.

“*Studio*” means a *premises* used for the study of an art or recreational pursuit such as visual arts, dancing, music, or instruction of other recreational interests but shall not include such *uses* operated as a *home occupation*.

4.41.4 Use Provisions

4.41.4.1 *Accessory Outdoor Patios*

Where an *accessory outdoor patio* is permitted within the Bolton Core Overlay Zone of this By-law, the following provisions shall apply:

- a) *Outdoor patios* shall only be permitted as an *accessory use*;
- b) An *accessory outdoor patio* shall only be permitted seasonally between May 1st and October 31st;
- c) The maximum seating capacity of an *accessory outdoor patio* shall not exceed 50% of the seating capacity of the principal *use*;
- d) Notwithstanding Section 5.2.10 of this By-law to the contrary, within the Bolton Core Overlay Zone, no additional *parking spaces* shall be

required for an *accessory outdoor patio* beyond that which is required for the principal use;

- e) An *accessory outdoor patio* shall be permitted in accordance with the requirements of Section 2.8 'Conservation Authority Regulations' of this By-law;
- f) An *accessory outdoor patio* shall be located in accordance with the following:
 - i) Notwithstanding any other provision of this By-law to the contrary, an *accessory outdoor patio* shall be located in accordance with the following *setback* requirements:
 - Front Yard* - 0 metres
 - Rear Yard* - 3 metres
 - Interior Side Yard* - 0 metres
 - Exterior Side Yard* - 0 metres
 - ii) Notwithstanding the requirements of Section 4.41.4.1(f)(i), the limits of an *accessory outdoor patio* shall be setback a minimum of 10 metres from a Residential Zone. An *accessory outdoor patio* located above the first story of the *building* in which it is located shall be set back a minimum of 20 metres from any Residential Zone. For the purposes of this provision, the minimum *setback* distance shall be measured horizontally from the nearest part of the *accessory outdoor patio* to the nearest *lot line* of the Residential Zone;
 - iii) An *accessory outdoor patio* may be permitted to encroach into a public *street* where formal approval has been received from the applicable authority having jurisdiction for such *street*;
 - vi) Notwithstanding the requirements of Section 4.41.4.1(f)(i) and 4.41.4.1(f)(iii), an *accessory outdoor patio* shall not be located in a *sight triangle*; and,
 - v) An *accessory outdoor patio* may be permitted to encroach into the required *parking spaces* for the associated principal use. Notwithstanding, an *accessory outdoor patio* may not encroach upon barrier-free *parking spaces* or *parking spaces* required for a residential use.

4.41.4.2 Occasional Uses

Where an *occasional use* is permitted in accordance with the locations identified on 'Schedule G Bolton Core Overlay Zone' of this By-law, the following provisions shall apply:

- a) An *occasional use* is permitted in any *building, structure* or on any *lot* in accordance with the requirements of the *zone* in which it is located;
- b) An *occasional use* shall be permitted in accordance with the requirements of Section 2.8 'Conservation Authority Regulations' of this By-law;
- c) An outdoor *occasional use* shall only be permitted seasonally between May 1st and October 31st. Notwithstanding, temporary outdoor sales for seasonal goods, which may include Christmas trees, are exempt from this requirement;
- d) An outdoor *occasional use* may be permitted to encroach into required *parking spaces* on the *lot* on which it is located. Notwithstanding, an outdoor *occasional use* may not encroach upon required barrier-free *parking spaces* or required parking for a residential use.

4.41.5 Parking in the Bolton Core

Notwithstanding any other provisions of this By-law to the contrary, the following parking regulations shall apply with the Bolton Core Overlay Zone:

- a) Where in the Commercial Core (CC) Zone, there is a change in the *use* of a *premises* or portion thereof from one non-residential *use* to another nonresidential *use*, additional *parking spaces* shall only be required for *premises* that have a *gross floor area* greater than 250 m². Where a change in *use* occurs between a residential *use* and a non-residential *use* or vice versa, the minimum *parking space* requirement of this By-law shall apply;
 - b) Notwithstanding the off-site distance for *parking spaces* permitted by Section 5.2.8 'Location of Required Parking, Loading and Delivery Spaces', required *parking, loading and delivery spaces* for any commercial *use* permitted within the Community Core (CC) Zone may be located on another *lot* within 200 metres of the *lot* on which *parking, loading or delivery spaces* would be required for a *use*. In all other respects, the requirements of Section 5.2.8 continue to apply.
4. That Section 5.2.3 'Non-Residential Parking Requirements' of Comprehensive Zoning Bylaw 2006-50 be amended by adding the following parking standard to Table 5.2:


Type of Nature of Use	Minimum Off-Street Parking Requirements
<i>Studio</i>	<i>1 parking space per 100 m² of net floor area or portion thereof</i>


5. That Section 5.2.9 'Cash-In-Lieu of Parking' of Comprehensive Zoning By-law 2006-50, as amended, be deleted in its entirety.

Enactment

This By-law shall come into full force and effect on the day of its passing.

Enacted by the Town of Caledon Council this 19th day of July, 2022.


Allan Thompson, Mayor


Laura Hall, Town Clerk

