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## HOW TO USE THIS BY-LAW

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### INTRODUCTION

These pages explain the purpose of this Zoning By-law and how it should be used. These pages do not form part of the Zoning By-law passed by *Council* and are intended only to make the Zoning By-law more understandable and easier to use.

This By-law applies to all lands in the Town of Caledon except those lands that are within the Niagara Escarpment Development Control Area, not including Terra Cotta, Cheltenham, Inglewood and Mono Mills, or are the subject of By-law 87-229, By-law 88-83, By-law 88-113 and By-law 89-24. The application of this By-law to lands within the Oak Ridges Moraine Conservation Plan will not take effect until By-law 2008-50 comes into force under the Oak Ridges Moraine Conservation Act, 2001. The application of this By-law to lands that are under appeal through the environmental and open space zoning by-law will not take effect until a decision is made by the Ontario Municipal Board for the site specific appeals of By-law 2007-42.

### Purpose of This Zoning By-law

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

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

The statutory authority to *zone* land is granted by the Ontario Planning Act. The Planning Act specifies what a By-law can regulate. A Zoning By-law can:

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

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

### **How to Use This By-law**

In order to reference this By-law most easily, a property owner should follow each of the steps listed below to determine what permissions apply to their particular property.

#### **1. Locate the Property on a Map**

The first step to using this By-law is to refer to the *zone* maps that are contained at the back of the By-law to determine in which *zone* category your property is located. The *zone* category will be indicated on the schedules by a symbol or abbreviation. For example, you may see a symbol such as “A3” beside your property. This would indicate that your property is within the “Small Agricultural Holdings” *Zone*. The *zone* symbols or abbreviations are explained in Section 2 of the By-law. Your lands may also be subject to an *Overlay zone* (e.g. “T”). Please note the overlay symbol.

Section 2 also provides assistance to help you identify the *zone* boundaries on the *Zone* Maps. For example, if your property appears close to a *zone* boundary and you are not sure how to determine exactly where that boundary is located, refer to Section 2.4 of the By-law. Section 2 also identifies the types of *Overlay zones* that may apply to your lands.

#### **2. By-law Amendments**

A Zoning By-law is not a static document; it is amended over time as demands and policies governing land *use* change. Before proceeding any further, you should verify that your property is not the subject of an earlier Zoning By-law amendment. While the Town strives to keep this By-law up-to-date, more recent amendments may not be included in the version of the By-law you are using. Staff in the Town's Planning Department will be able to assist you to confirm if your property has been subject to a more recent By-law amendment.

#### **3. Zone Provisions**

The next step to using this By-law is to determine what uses are permitted on your property. Sections 6 to 12 of the By-law identify the permitted *uses* and *zone* standards for each *zone* in the Municipality.

The definitions in Section 3 can assist you if you are not sure of the nature of a permitted *use* or how it has been defined for the purposes of this By-law. Words that are defined in Section 3 are italicized throughout the By-law. If a word is not italicized, it is not specifically defined. *Uses* which are not listed as permitted *uses* within a particular *zone* are not permitted in that *zone*.

You have now identified the *zone* in which your property is located and have identified what *uses* are permitted on your property. The next step is to determine what standards may apply to the *uses* on your property. Sections 6 to 12 of the By-law also identify the *zone* standards for each of the *zone* categories in the Municipality including standards for minimum *lot area*, minimum frontage requirements, minimum *yard* requirements, maximum *lot* coverage for *buildings*, maximum permitted height of *buildings* and in some cases, the minimum required landscaped open space on the *lot*.

#### **4. General Provisions**

Now that you are aware of the *uses* permitted on your property and the specific *zone* standards that apply to those *uses*, reference should be made to Section 4 of this By-law. Section 4 contains a more general set of standards known as 'General Provisions' that apply to all properties in all *zones* throughout the Municipality. For example, the general provisions contain standards that regulate the location of *accessory structures* on a *lot*, height exceptions, and *non-conforming/non-complying uses* that apply to all properties regardless of what *zone* the property is located. In addition, the General Provisions contain standards and regulations respecting the Overlay *zones*.

#### **5. Parking, Loading and Delivery**

Section 5 provides the *parking, loading and delivery* requirements for all *uses* permitted in the Municipality. If you are considering changing the *use* of your property or adding a new *use* to your property, you should review Section 5 to ensure that you are aware of the *parking* requirements for the proposed *use*.

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

The *Zone* symbol for your property may have included a special number suffix (e.g. "RE-2" or "A-341") or a letter suffix (e.g. "RE-H2 or RR-T2). These indicate that the lands are subject to a *Zone* Exception, *Holding Zone*, or a *Temporary Use Zone*. A *Zone* Exception is a set of site specific regulations that apply to your lands and that provides *use* and performance standards that are different than the parent *zone*. *Zone* exceptions are numbered consecutively and can be found in Section 13.1 - Table 13.1. *Holding Zones* can be found in Section 13.3 - Table 13.3, and *Temporary Uses* can be found in Section 13.4 - Table 13.4.

#### **What happens if you can't meet the By-law's requirements?**

Sometimes it is not possible to meet all of the By-law's requirements and therefore a permit or approval cannot be issued. What do you do then? You could consider revising your building plans so they will meet all the requirements or, for new *uses*, you could look for lands that will "fit" your use. If these are not viable options, then you should discuss with Planning staff the other options that may be available, including either an application for minor variance or an application for rezoning. You are encouraged to talk to the Town's Planning Department as early as possible in order to review your plans and determine what course of action best suits your needs.

## Description of By-law Components

This By-law contains fourteen sections which together provide the land uses and standards applicable to all lands within the Municipality. These sections are as follows:

Section 1	Interpretation and Administration
Section 2	Establishment of Zones
Section 3	Definitions
Section 4	General Provisions
Section 5	Parking, Loading and Delivery
Section 6	Residential Zone Provisions
Section 7	Commercial Zone Provisions
Section 8	Industrial Zone Provisions
Section 9	Institutional Zone Provisions
Section 10	Agricultural and Rural Zone Provisions
Section 11	Environmental Policy Area Zone Provisions
Section 12	Open Space Zone Provisions
Section 13	Exceptions, Beacon Hall Lands, Holding Provisions and Temporary Use Zones
Section 14	Enactment
Schedule A	Zone Maps
Schedule B	Structural Envelopes (SE) Maps
Schedule C	Wayside Pits
Appendix 1	Lot Line/Yard Illustrations
Appendix II	Minimum Distance Separation Formula I and II

The purpose of each of these sections is described below.

### Section 1 – Interpretation and Administration

This section of the By-law specifies:

- what lands are covered by the By-law;
- that every parcel of land in the area covered by the By-law is to conform and comply with the By-law; and,
- what penalties can be levied against a *person* or a corporation if they contravene any provision in the By-law.

### Section 2 - Establishment Of Zones

This section establishes the *Zones* that apply to the lands covered by the By-law. This section also describes how to determine the location of the *Zone* boundaries on the *Zone* Maps.

### Section 3 - Definitions

It is necessary to define words in a Zoning By-law because it is a legal document. A By-law must be drafted so that it can be enforced in a court of law. These definitions will help provide clarity in the By-law and ensure that the By-law and its intent are applied consistently.

## **Section 4 - General Provisions**

This section contains a number of regulations that apply to certain types of *uses, buildings or structures* regardless of where in the Municipality or in what *zone* they are located.

## **Section 5 – Parking, Loading and Delivery**

*Parking, loading and delivery* facilities are required for almost all *uses* within the Municipality. This section provides the requirements for these facilities including such regulations as the number of spaces required for residential and commercial *uses*, minimum *driveway* width, minimum *parking space* size and the location of *parking* facilities on a *lot*.

## **Sections 6 to 12 – Zone Provisions**

Sections 6 to 12 identify the *uses* that are permitted in each *Zone* category. The effect of these *Zones* is to only permit certain *uses* in various parts of the Municipality. The only main *uses* permitted in a *zone* are those that are specified in the By-law. If a *use* is not specifically mentioned as a permitted *use* in a *zone* then it is not permitted. Similarly, if a *use* is defined in Section 3 of the By-law but does not appear as a permitted *use* in any *zone*, then it is not a *use* permitted by the By-law.

Sections 6 to 12 also contain a number of standards that control the placement, bulk and height of a *building* on a *lot*. This includes standards such as minimum *lot* size, minimum frontage, maximum *building height* or the maximum coverage of a *building* on a *lot*.

## **Section 13 – Zone Exceptions and Special Provisions, ‘Beacon Hall’ Lands, Holding Zones, and Temporary Use Zones**

This Section provides a consolidated list of properties that are subject to *Zone* Exceptions, Holding Provisions and Temporary *Use Zones*.

These sections contain a listing of property-specific exceptions to the By-law that have been granted by *Council* for individual or groups of properties. For example, the minimum *front yard* required in a specific *Zone* may be 7.5 metres. However, the required *front yard* may be reduced to a lesser number if deemed appropriate. This reduction may be accomplished by amending the By-law and excepting the property from the general standard. Exceptions are denoted on the *Zone* Schedules by the *Zone* symbol designating certain lands followed by a dash and a number, for example “A3-8”.

## **Section 14 - Enactment**

This section contains the signatures of the Mayor and the Clerk who signed the By-law when it was passed by *Council* in accordance with Section 34 of the Planning Act, R.S.O. 1990 c.P. 13, as amended.