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**SECTION 4**  
**GENERAL PROVISIONS**

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#### 4.1 ACCESSORY OPEN STORAGE & OUTSIDE DISPLAY OR SALES AREA REGULATIONS

- 4.1.1 No *accessory outside display or sales area* shall comprise more than 35% of the *lot area*.
- 4.1.2 No *accessory outside display or sales area* shall encroach into or upon a *parking area*.
- 4.1.3 Each *accessory outside display or sales area* shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- 4.1.4 Unless otherwise specified, no *accessory open storage area* shall exceed 6m in height.
- 4.1.5 Unless otherwise specified no more than 50% of the lot area shall be used for an *accessory open storage area*.
- 4.1.6 Unless otherwise specified all *accessory open storage areas* shall be screened by a solid board fence or a chain link fence with opaque fencing material which is a minimum of 2m high.

#### 4.2 ACCESSORY USES

4.2.1 Any *use, building or structure* which is *accessory* to a permitted *use* in a *zone* shall be permitted in such *zone*. However, none of the following *accessory uses* shall be permitted in any *zone* unless such *accessory use* is listed as a permitted *use* in such *zone*:

- a *building* or portion thereof used as a *dwelling unit*;
- an *accessory gasoline pump island*;
- a *drive through service facility*;
- a *livestock facility*;
- an *accessory maintenance garage*;
- a *home occupation*
- an *accessory open storage area*;
- an *accessory outdoor seasonal garden centre*;
- an *accessory outside display or sales area*
- an *agri-tourism use*; and
- an *on-farm diversified use*.

4.2.2 Unless otherwise specified, in addition to the requirements of Section 4.2.1, *buildings* and *structures* accessory to a residential *use* and not subject to the Agricultural *Zone* standards are permitted subject to the following provisions:

- i) The *accessory building or structure* shall be located only
  - in an *interior side yard* with a minimum *setback* of 1.2 metres from the *interior side lot line*,
  - a *rear yard* with a minimum *setback* of 0.6 metres from the *rear lot line* and 1.2 metres from the *interior side lot line* except for the RE *Zone*, where the minimum *setback* from the *rear lot line* shall be 6 metres, or
  - in a *front yard* or *exterior side yard* on lots having a total area of 0.4ha or greater with a minimum *setback* to the *front lot line* and *exterior side lot line* equal to the minimum *yard* requirement of the applicable *zone* and a minimum *setback* from any other *lot line* of 1.5m.
- ii) The total *building area* of all *accessory buildings* shall not exceed 5% of the *lot area* on which it is located and shall not exceed the maximum *building area* permitted in the *zone* in which it is located.

- iii) The maximum height of an *accessory building* or *structure* is 4.5 metres, and 6.0 metres in the RE zone.
- iv) The minimum *building separation* is 1.5 metres.
- v) Site Plan approval has been granted for an *accessory building* or *structure* located within an EPA1 and EPA2 zone, if such *accessory structure* is subject to Site Plan approval.
- vi) In the case of lands within the *Oak Ridges Moraine Conservation Plan Area*, site plan approval is required for an *accessory building* or *structure* located within an EPA1-ORM and EPA2-ORM zone or within 90m of such a zone, if such an *accessory building* or *structure* is subject to Site Plan approval.

**4.2.3** Where there is no minimum setback specified for a permitted accessory building, the minimum yard requirement of the applicable zone shall apply.

**4.2.4** In order for an *accessory apartment* or *accessory dwelling unit* to be permitted in a zone, the following provisions must be met:

- i) An accessory apartment or accessory dwelling unit shall not be permitted on lands within the Oak Ridges Moraine Conservation Plan Area that are identified as Natural Core Area, Natural Linkage Area or Countryside Area on Schedule E;
- ii) Only one *accessory apartment* shall be permitted on a *lot*;
- iii) The maximum size of such *accessory apartment* shall be 30% of the *dwelling unit floor area* of the *dwelling* to which it is *accessory*;
- iv) The maximum size of such *accessory dwelling unit* shall be 30% of the *gross floor area* of a *building* or *unit* to which it is *accessory*.

**4.2.5** The maximum *net floor area* for an accessory office is 15% of the total *net floor area* of the unit or *building* containing the permitted use to which it is *accessory*.

### **4.3 ACCESS REGULATIONS**

**4.3.1** Notwithstanding any other provision in this By-law, no *building* or *structure* shall be erected on a *lot* that does not have frontage and access to a public *street* or on a private *street*.

**4.3.2** The maximum number of *entrances* per Residential *lot* shall be 2.

**4.3.3** The minimum *entrance setback* shall be 9 metres.

**4.3.4** The minimum *entrance separation* shall be 22.5 metres.

**4.3.5** The maximum *entrance width* shall be 12.5 metres.

**4.3.6** The minimum *entrance widths* for Institutional, Commercial and Industrial zones shall be 9 metres for a two-way *entrance* and 6 metres for a one-way *entrance* and for all other zones the minimum width shall be 3 metres.

#### **4.4 AIR CONDITIONERS AND HEAT PUMPS**

Air Conditioners and Heat Pumps shall be permitted in either a *rear* or *interior side yard* provided they are located no closer than 0.6 metres from any *lot line* or in any *exterior side yard* provided the minimum *exterior side yard* requirement is met.

#### **4.5 BED & BREAKFAST ESTABLISHMENTS**

**4.5.1** One *Bed & Breakfast Establishment* per lot shall be permitted within a single *detached dwelling* subject to the following:

i) On lands identified as Palgrave Estate Residential Community in the Town of Caledon Official Plan and *zoned* Estate Residential (RE) a *Bed & Breakfast Establishment* may be considered in any *detached dwelling*, subject to approval of a Minor Variance application and compliance with all applicable *zone* standards;

ii) On lands identified as Settlement Area in the Town of Caledon Official Plan a *Bed & Breakfast Establishment* may be considered in any *detached dwelling*, subject to approval of a Minor Variance application and compliance with all applicable *zone* standards.

**4.5.2** The operator of the *Bed & Breakfast Establishment* must reside within the *detached dwelling* containing the *Bed & Breakfast Establishment*.

**4.5.3** Section 4.5.1 above shall not apply to the following existing *Bed & Breakfast Establishments* so long as they continue in operation uninterrupted:

- i) Concession 6 WHS Pt Lot 27  
Municipally known as 115 King Street, Terra Cotta
- ii) Concession 4 WHS Pt Lot 29  
Municipally known as 14318 Creditview Road, Cheltenham

#### **4.6 CONSTRUCTION USES**

**4.6.1** A prefabricated or easily transportable *building* or *structure* which is incidental to the construction of the *main building* on a *lot* where such *main building* or *structure* is situated shall be permitted, but must be removed within 30 days of the Building Interior Final inspection being approved by the Town.

**4.6.2** Where the main *dwelling* on a property has been damaged or destroyed and is deemed uninhabitable by the Town of Caledon's Chief Building Official, a prefabricated or easily transportable temporary *dwelling* may be located on such property for a period of not more than one (1) year provided that the owner(s) of such property enters into an agreement with the Town of Caledon with respect to the location, servicing, securities and removal of such temporary dwelling.

#### **4.7 DRIVE-THROUGH SERVICE FACILITIES**

**4.7.1** Neither Section 4.7 or Footnote (13) of Table 7.1 shall apply to the following existing *drive-through service facilities* or to any facility that has received site plan approval for a *drive-through service facility* prior to August 14, 2012 provided there is no increase to existing deficiencies:

<b>No</b>	<b>Municipally Known as</b>	<b>Legal Description</b>
1	212 Queen Street South, Bolton	Part Lots 33, 34, Block 6, Plan BOL 7, being Parts 1, 2, 3 on Plan 43R-15446, Caledon
2	301 Queen Street South, Bolton	Part Lot 7, Concession 7, Block K, Plan 876, Caledon
3	306 Queen Street South, Bolton	Part Lots 1, 2, Block 6, Plan Bol 7, Caledon
4	20 Queen Street North, Bolton	Lots 10, 11, Part Lots 9, 12, Block 4, Plan BOL 7, being Parts 1 and 2 on Plan 43R-21988, Caledon
5	12550 Highway 50, Bolton	Part Lot 3, Concession 6, being Part 1, Plan 43R-21808, Caledon
6	12566 Highway 50, Bolton	Part Lot 3, Concession 6, Save and Except Parts 20, 21, Plan 43R-15539, Parts 9, 12, 13, 14, Plan 43R-29659, Part 2, Plan 43R-30494, Caledon
7	12596 Highway 50, Bolton	Part Lot 3, Concession 6, being Part 1, Plan 43R-29019, Caledon
8	12612 Highway 50, Bolton	Part Block 1, Plan 43M-808, Parts 76 and 77, Plan 43R-15328, Caledon
9	150 McEwan Drive, Bolton	Part Lot 4, Concession 7, being Parts 18, 19, 29, 37, 38, 43, 44, 45, 46, 47, 48, 50 Plan 43R-28518, Caledon
10	59 McEwan Drive, Bolton	Part Lot 4, Concession 7, designated as Part 1 on Plan 43R-32825
11	1 Queensgate Boulevard, Bolton	Part Lot 6, Concession 7, designated as Parts 1 on Plan 43R-843, Part 1 on Plan 43R-15624, Part 1 on Plan 43R-27163 Save and Except Part 2 on Plan 43R-9958, Parts 1, 2, 3, 4, 5, 6, 7 on Plan 43R-27194, Caledon
12	15935 Airport Road, Caledon East	Lots 1, 2, 3, Plan ALB 8, Caledon
13	19854 Airport Road, Mono Mills	Part Lots 3, 4, 5, Lot 6, Plan CAL 8, Part 66 foot road allowance CAL 8 being Part 1, Plan 43R-13173, Caledon
14	5960 Highway 9, Mono Mills	Part Lot 23, Concession 6, EHS, Part Lots 1, 2, Plan CAL 8, Caledon
15	5998 Mayfield Road, Caledon	Part Lot 18, Concession 6, EHS, designated as Parts 1 and 6, Plan 43R-31661, Caledon
16	Formally known as 18372 Hurontario Street, Caledon Village (Vacant Land)	Lot 2 John Street, Block 1 Plan CAL3; Lot 2, 3 Hurontario Street, Block 1, Plan CAL3; Lot 4, 5,6 Block 1, Plan CAL3, Part Lot 1, Block 1, Plan CAL3, being Part 1, Plan 43R-6378 and Part 1, Plan 43R-5644, Caledon
17	18423 Hurontario Street, Caledon	Part Lot 16, Concession 1, EHS, designated as Parts 8, 9, 11, 12, 14, 15, Plan 43R-24576; Part

		Lot 16, Concession 1 EHS Save and Except Parts 1, 2, 3, Expropriated Plan PR1300612, Caledon
18	15426 Airport Road, Caledon	Part Lot 4, Plan CAL16, on Road Allowance between Caledon and Chinguacousy being Part 1, Plan 43R-11700, Caledon
19	15935 Airport Road, Caledon	Lots 1,2,3, Plan ALB 8, Caledon
20	15426 Airport Road, Caledon	Part Lot 4, Plan CAL 16, on Road Allowance between Caledon and Chinguacousy being Part 1, Plan 43R-11700, Caledon

- 4.7.2 Establishment of any drive-through service facility shall require site plan approval.
- 4.7.3 A maximum of two (2) *queuing lanes* shall be permitted for each *drive-through service facility*.
- 4.7.4 All queuing spaces shall have a minimum length of 6 metres and a minimum width of 3 metres.
- 4.7.5 The *queuing lane* leading to the last point of the *order station* shall accommodate minimum *queuing space* requirements as set out in Table 4.1 plus one space for each point of service delivery.

**Table 4.1**

Permitted Uses with Drive-through Service Facilities	Minimum No. of Spaces
Restaurants	8
Motor Vehicle Washing Establishment	10
All Other Uses	3

- 4.7.6 Queuing lanes shall only be located in the rear yard or side yard and not between the drive-through service facility and a street.
- 4.7.7 Queuing lanes shall be clearly delineated by a curbed barrier and shall be independent of any parking, loading or delivery area.
- 4.7.8 An *escape lane* is required where there are more than 10 *queuing spaces* required except where the *drive-through service facility* has 2 *queuing lanes*.
- 4.7.9 Where a lot containing a drive-through service facility abuts any residential, institutional, open space or EPA zones, the setbacks from the closest point of the drive-through service facility to any of these zones shall be determined through submission of impact assessment studies. Such impact assessment studies shall be prepared in accordance with the Town of Caledon "Terms of Reference for Studies to Determine Setbacks for Drive-through Service Facilities".

**4.7.10** In addition to any other planting strip requirements otherwise set out:

- i. A minimum 2 metre wide *planting strip* is required on both sides of a *queuing lane* except where the lane is adjacent to a *building*.
- ii. Notwithstanding any other setback requirement, a minimum 3 metre *landscaping strip* is required where a *drive-through service facility* is located adjacent to a *park, open space, or an EPA zone*.

#### **4.8 DWELLINGS PER LOT**

No more than one *dwelling* shall be permitted per *lot*.

#### **4.9 ESTABLISHED BUILDING LINE**

Notwithstanding the *setback* provisions of this By-law, where a permitted principal *building* or *structure* is to be constructed on a *lot* with an *established building line*, it may be constructed closer to the *street line* or the centre line of the *street*, than required by this By-law provided that it is not constructed closer to the *street line* or the centre line of the *street*, than the existing *established building line*.

#### **4.10 FENCES**

Unless otherwise provided herein, nothing in this By-law shall apply to prevent the construction, *alteration* or *use* of any fence, provided such fence complies with the By-laws of the *Corporation* regulating fences and provided such fence complies with the provisions of this By-law regarding *sight triangles* and *building envelopes*.

#### **4.11 GARBAGE ENCLOSURES, PRIVATE**

*Private Garbage Enclosures* in non-residential *zones* shall comply with the following:

- a) minimum setback from a Residential *zone* shall be 10.0 m;
- b) shall be located outside of any required landscaped area; and
- c) shall not be located on any required *parking area* or obstruct any required *parking space*.

#### **4.12 GARDEN SUITES**

**4.12.1** A "*Garden Suite*" may be considered within certain zones within the Town of Caledon subject to a Temporary *Use* By-law. The Zones within which a *Garden Suite* may be considered are as follows:

- a) Estate Residential (**RE**) *Zone*;
- b) Rural Residential (**RR**) *Zone*;
- c) Residential One (**R1**) *Zone*;
- d) Agricultural (**A1**) *Zone*;
- e) Rural (**A2**) *Zone*;
- f) Small Agricultural Holdings (**A3**) *Zone*; and
- g) Environmental Policy Area 2 (EPA2) *Zone*.

**4.12.2** Notwithstanding the above, *Garden Suites* shall not be permitted on lands within the *Oak Ridges Moraine Conservation Plan Area* that are identified as Natural Core Area, Natural Linkage Area or Countryside Area on Schedule E to this By-law

#### **4.13 HEIGHT EXCEPTIONS**

**4.13.1** The *building* or *structure* height provisions of this By-law shall not apply to the following *uses*:

- an agricultural feed or bedding storage *use*;
- an agricultural silo;
- an agricultural wind mill or wind turbine;
- an air handling duct;
- an antenna outside a settlement area;
- a barn;
- a belfry;
- a bridge;
- a chimney;
- a corn crib;
- a drying elevator
- an elevator penthouse;
- a farm implement shed;
- a flag pole;
- a railroad signal;
- a skylight;
- a spire;
- a tower outside a settlement area;
- a water storage tank.

**4.13.2** The *building* or *structure* height provisions of this By-law shall apply to any tower or antenna within a settlement area, non-agricultural wind mill or wind turbines, gantry cranes and industrial silos.

**4.13.3** Any *building* or *structure* not listed in Section 4.13.1 above will be subject to the maximum *building height* provisions of the applicable zone.

#### **4.14 HOME INDUSTRIES (ORM)**

**4.14.1** A *home industry* shall not be permitted in any *zone* unless it complies with the following provisions:

**4.14.2** Not more than 3 *persons*, other than an occupant of the *premises*, shall be employed in the *home industry* .

**4.14.3** There shall be no external display or advertising, other than a lawful sign, to indicate to *persons* outside that any part of the *lot* is being used for *home industry* purposes.

#### **4.15 HOME OCCUPATIONS**

**4.15.1** A *home occupation* shall not be permitted in any *zone* unless it complies with the following provisions:

**4.15.2** No more than 25% of the *dwelling unit* area shall be used for the purpose of a *home occupation use*.

**4.15.3** No *accessory building* shall be constructed, *altered* or used for the purposes of a *home occupation*.

**4.15.4** Any *dwelling unit* containing a *home occupation* shall be occupied as a residence by the operator.



- 4.15.5 Not more than 1 *person*, other than an occupant of the *dwelling unit* containing the *home occupation*, shall be engaged in the *home occupation*.
- 4.15.6 There shall be no external display or advertising on the lot, other than a lawful sign, to indicate to *persons* outside that any part of the house, *dwelling unit* or *lot* is being used for a purpose other than residential.
- 4.15.7 On any *lot* containing a *home occupation*, there shall be no goods, wares or merchandise, other than those produced on the *premises*, offered or displayed for sale or rent on such *premises*.
- 4.15.8 No part of any *lot* containing a *home occupation* shall be used as an *accessory open storage area* to that *home occupation use*.

#### 4.16 HOUSEHOLD SALES

No household sale (e.g., garage sale or auction) shall be permitted except where a *lot* has a *dwelling unit*, and there shall be no more than two such household sales per annum at one location and no such sale shall exceed two days in duration.

#### 4.17 INFRASTRUCTURE

Nothing in this By-law shall prevent the *use* of land for a *street* or prevent the installation and maintenance of a water main, sanitary sewer main, storm drainage works, *stormwater management facility*, flood control works, gas main, gas or oil pipeline, lighting fixture, or overhead or underground electrical, telephone or other supply or communication line, distribution station or *structure* clearly ancillary to the foregoing, provided that the location of such *street*, main, line, fixture or *structure* has been approved by the *Corporation* or the Region. Notwithstanding the preceding sentence, this approval by the *Corporation* shall not be required for any public works project where the location of the facilities which make up such project have been authorized pursuant to the Environmental Assessment Act or the Canadian Environmental Assessment Act.

New publicly initiated transportation, infrastructure and utilities uses may be permitted to cross an Oak Ridges Moraine Environmental Policy Area (EPA1-ORM and EPA2-ORM) *zone*, as shown on Schedule A Zone Maps, Schedule B Structure Envelope Maps and Schedules D, E and F to this By-law, in accordance with the applicable policies of the Official Plan.

#### 4.18 LOTS CONTAINING MORE THAN ONE USE

Where a *lot* contains more than one *use* which is not an *accessory use*, the *lot area* requirement shall be the sum of the requirements for each separate *use*. The *lot frontage* requirement shall be the greatest of the *lot frontage* requirements for each separate *use* in the *zone* where such *lot* is located.

#### 4.19 LOTS DIVIDED INTO MORE THAN ONE ZONE

- 4.19.1 Where a *lot* is divided into more than one *zone*, the measurement of the required *yards* and *setbacks* shall be from property lines and not *zone* lines and the *zone* standards of the *zone* in which the *building* or *structure* is located shall apply.
- 4.19.2 Where a *lot* is divided into more than one *zone*, the *lot* shall be used in accordance with applicable provisions for the *zone* in which the *use*, *building* or *structure* is located.

**4.19.3** For all *lots* that are divided into more than one *zone* and for all *buildings* and *structures* that are located on a *lot* that is divided into more than one *zone*, compliance with standards shall be determined in accordance with the following:

- i) When calculating *lot area* the entire *lot area* will be used and the most restrictive of the minimum *lot area* standards shall apply;
- ii) When calculating *lot frontage*, the *zone* standard for the *zone* in which the frontage is located shall apply. If the frontage extends through more than one *zone*, the most restrictive of the minimum *lot frontage* standards shall apply;
- iii) When calculating *landscaping area* the entire *lot* will be used and the most restrictive of the minimum *landscaping area* standards shall apply;
- iv) When calculating any other *zone* standard that is expressed as a percentage, it shall be calculated as a percentage of the zoned area and not as a percentage of the *lot area*.

#### **4.20 MEDICAL MARIJUANA PRODUCTION FACILITY**

One *medical marijuana production facility* is permitted on a *lot* zoned for Prestige Industrial or Serviced Industrial use provided that all of the following criteria have been met:

**4.20.1** The licensed producer shall provide to the Clerk of the Town of Caledon, a copy of a current and valid production license issued by Health Canada.

**4.20.2** A *medical marijuana production facility* shall be at least 150m from:

- a) a *lot* in a:
  - i) residential *zone*; and
  - ii) Institutional *zone*; and
- b) a *lot* within the lands identified as Villages, Hamlets and Palgrave Estate Residential Community in the Town of Caledon Official Plan; and
- c) a *lot* containing a:
  - i) *School*;
  - ii) *Day nursery*;
  - iii) *Community Centre*; or
  - iv) *Training facility* aimed primarily at children less than 16 years of age

Despite the required minimum distances noted above, no *medical marijuana production facility* lawfully established under these provisions shall be deemed to be a violation under this section by the subsequent erection of a residential or institution use constructed on another lot.

**4.20.3** No outdoor signage or advertising shall be permitted.

**4.20.4** Accessory open storage shall not be permitted with a *medical marijuana production facility*.

**4.20.5** *Loading / Delivery Spaces* shall be located only within the *rear yard* or within a wholly enclosed *building*.

**4.20.6** A *medical marijuana production facility* shall require Site Plan approval, pursuant to Section 41 of the *Planning Act, R.S.O. 1990, as amended*, and in accordance with the Town of Caledon Site Plan Control By-law, as amended. The property owner(s) shall be required to enter into a development agreement with the Town prior to the use of any land or any development of the land.

**4.20.7** Any proposal to permit a *medical marihuana production facility* in a zone other than a Prestige Industrial or Serviced Industrial zone shall require approval of a zoning by-law amendment under Section 34 of the *Planning Act, R.S.O. 1990, c. P. 13, as amended*, and shall be in accordance with the Marihuana for Medical Purposes Regulations, SOR/2013-119.

**4.20.8** A *medical marihuana production facility* shall comply with all applicable zone standards.

#### **4.21 MINOR VARIANCE APPROVALS**

Where the Committee of Adjustment of the Town of Caledon or the Ontario Municipal Board has authorized a Minor Variance from the provisions of By-law 87-250, in respect of any land, *building* or *structure* and the decision of the Committee of Adjustment of the Town or the Ontario Municipal Board authorizing such Minor Variance has become final and binding, the provisions of this By-law, as they apply to such land, *building* or *structure*, shall be deemed to be modified to the extent necessary to give effect to such Minor Variance and the land, *building* or *structure* shall be deemed to comply with this By-law in so far as it relates to the approved variance.

#### **4.22 MODEL HOMES AND TEMPORARY SALES STRUCTURE**

Model homes and a temporary sales *structure* shall be permitted subject to all of the following:

**4.22.1** The lands on which the model homes are to be constructed have received draft plan approval under the provisions of the Planning Act, as may be amended from time to time.

**4.21.2** The lands are zoned to permit *detached, semi-detached* and/or *street townhouse dwellings*.

**4.22.3** The location of the model homes shall comply with the provisions of this By-law and the expected registered plan of subdivision.

**4.22.4** A maximum of four (4) model homes shall be permitted on lands with draft plan approval.

**4.22.5** One (1) temporary sales *structure* may be located on lands which are the subject of a draft approved plan of subdivision or condominium in any Residential, Commercial or Industrial Zone provided that:

- i) the temporary sales *structure* is located in accordance with the *zone* provisions for the *zone* in which it is located;
- ii) a Temporary Sales *Structure* or similar Agreement has been executed with the Town; and,
- iii) a minimum of 1 *parking space* shall be provided for each 20m<sup>2</sup> of *net floor area* of the sales structure.

#### **4.23 NON-COMPLYING BUILDINGS, STRUCTURES AND LOTS**

**4.23.1** Nothing in this By-law shall prevent:

- a) the enlargement, reconstruction, renovation or repair of an *existing non-complying building* or *structure* or the enlargement, reconstruction, renovation or repair of an existing *building* or *structure* on a *non-complying lot* provided such enlargement, reconstruction, renovation or repair shall not further contravene any *existing* non-compliance and any other *zone* provisions.

- b) The use of any lot, building or structure within an EPA1, EPA2 or OS zone for any purposes prohibited by this by-law if such lot, building or structure was lawfully used for such purpose on the date of passing of By-law 2007-42 (being March 20, 2007) and for so long as it continues to be used for that purpose;
- c) The use of any lot, building or structure within the Oak Ridges Moraine Conservation Plan Area for any purpose prohibited by this by-law provided such lot, building or structure, was lawfully used for such purpose on November 15, 2001 or provided a permit has been issued under subsection 8(2) of the Building Code Act, 1992 on or before November 15, 2001 for the erection of a building or structure for which:
  - i) The permit has not been revoked under subsection 8(10) of the building Code Act, 1992, and
  - ii) the building or structure when erected is used and continues to be used for the purpose for which it was erected.

With respect to lands within the Oak Ridges Moraine Conservation Plan Area:

- d) Nothing in this By-law applies to prevent the expansion of an existing building or structure on the same lot, if the applicant demonstrates that,
  - i) the building or structure lawfully existed on November 15, 2001;
  - ii) the lands are located no closer than 90m from an Environmental Policy Area zone; and
  - iii) The proposed development shall not further contravene any existing non-compliance or any other zone provisions.
- e) Nothing in this By-law applies to prevent the expansion of an existing institutional use, if the applicant demonstrates that,
  - i) the use lawfully existed on November 15, 2001,
  - ii) there will be no change in use; and
  - iii) the lands are located no closer than 90m from an Environmental Policy Area zone; and
  - iv) the proposed development shall not further contravene any existing non-compliance or any other zone provisions.

**4.23.2** Nothing in this By-law shall prevent the *use* of an *existing vacant lot* which has a lesser *lot area* or *lot frontage* than the applicable minimum *lot area* or minimum *lot frontage* required herein provided:

- a) the proposed *use* of such *lot* is a permitted *use*; and
- b) the proposed *use, building or structure* shall not contravene any other *zone* provisions.

**4.23.3** No person shall be deemed to have contravened any provision of this By-law by reason of the fact that any part or parts of any *lot* has or have been or is or are conveyed to or acquired by the *Corporation*, the Region, any local board of the *Corporation* or the Region, any Authority, Board, Commission or Ministry established under any statute of Ontario or Canada, any telephone or

telegraph company, any public utility corporation or any railway company authorized under the Railway Act.

**4.23.4** Where an *existing non-complying building, structure or lot* is the subject of a planning application (excluding a Rezoning application) or approval, no *building, structure or lot* shall be deemed to be in contravention of any provision of this By-law if the amount of the non-compliance is not being increased.

**4.23.5** Where an *existing non-complying building or structure*, including the foundation therefore, is demolished or removed, the *building or structure* will be deemed to be non-existent and Section 4.22 will no longer apply thereto except that, if one building permit is issued for the demolition and reconstruction of such *building* or a demolition permit has been issued therefore within the last five (5) years, Section 4.23 will continue to apply.

**4.24 NON-CONFORMING BUILDINGS AND STRUCTURES**

**4.24.1** Nothing in this By-law shall 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 effective date of this By-law and for so long as it continues to be used for that purpose and with respect to lands within the Oak Ridges Moraine Conservation Plan Area, provided such lot, building or structure, was lawfully used for such purpose on November 15, 2001 and continues to be used for that purpose, or the erection or use for a purpose prohibited by this By-law

**4.24.2** Nothing in this By-law shall prevent the rebuilding or repair of an *existing non-conforming building or structure* that is damaged, destroyed or demolished subsequent to the effective date of this By-law, provided that rebuilding or repair will not increase any external dimensions of the original *building or structure* and the *use* of the *building or structure* is not *altered*, unless *altered* to a permitted *use*.

**4.24.3** Nothing in this By-law shall prevent the strengthening to a safe condition of an *existing non-conforming building or structure* provided that the external dimensions of the original *building or structure* are not increased, the strengthening or expansion will not change the location of any *building or structure* and the *use* of the *building or structure* is not *altered*, unless *altered* to a permitted *use*.

**4.25 PERMITTED ENCROACHMENTS**

The following structural projections from a principal *building* are permitted to encroach into any required *yard* in accordance with the following provisions:

**Table 4.2**

<b>Permitted Ornamental Structure</b>	<b>Maximum Permitted Distance of Encroachment Into a Required Yard</b>
Bay windows/Eaves	0.6m
<i>Balconies or Decks</i> more than 0.6m in height above grade	2m
Sills, cornices, parapets, pilasters, or other similar ornamental structures	1m

Permitted Ornamental <i>Structure</i>	Maximum Permitted Distance of Encroachment Into a Required <i>Yard</i>
Canopies/Porticos/Uncovered steps	2m
Chimneys or Vents	0.6m
Drop awnings, flag poles, garden trellises, retaining walls or other similar <i>accessory structures</i>	Permitted in any required <i>yard</i> .

#### 4.26 PLANTING STRIPS

**4.26.1** A *planting strip* referred to in this subsection may form part of any *landscaping area* required by this By-law.

**4.26.2** Where a *driveway* or *walkway* extends through a *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*.

#### 4.27 PRIVACY YARDS

Where this By-law requires a *privacy yard* to be provided, the size of such *privacy yard* shall be calculated in accordance with the following:

- a) The minimum depth of a *privacy yard* shall be the distance (measured from and at right angles to the exterior wall adjoining the *privacy yard*) set out in this By-law for the applicable *use* in the *zone* where the *use* is located.
- b) The minimum width of a *privacy yard* shall be 5 metres (measured parallel to the exterior wall adjoining such *privacy yard*) so that, on each side of the vertical centreline of the window requiring such *privacy yard*, there shall be a minimum width of 2.5 metres.

#### 4.28 PROHIBITED USES

**4.28.1** No *person* shall, within the Zoned Area, use any land or *construct, alter* or use any *building* or *structure* for any of the following purposes:

- an *adult entertainment parlour, live*
- an ammonia, bleaching powder or chlorine manufacturing *use*
- an ammunition manufacturing or storage *use*
- an animal black or bone black manufacturing *use*
- an animal glue or fish glue manufacturing *use*
- an animal hide storage *use*
- an arsenal
- an asphalt manufacturing or refining *use*
- a blast furnace
- a blood boiling *use*
- a *body rub parlour*
- a carbon manufacturing *use*
- a chemical processing *use*
- a coal yard
- a coal oil refining *use*
- a coke oven
- a *drag strip facility*

- an explosives manufacturing or storage *use*
- a fertilizer manufacturing *use*
- a fireworks manufacturing or storage *use*
- a fish oil extraction *use*
- a fowl killing establishment
- a gas manufacturing *use*
- a grease, lard or tallow manufacturing or refining *use*
- an industrial liquid waste treatment or storage *use*
- a kerosene distillation or refining *use*
- a metal smelting *use*
- a *motocross circuit*
- a *motor vehicle race track*
- a *noxious use*
- a noxious waste disposal area
- a petroleum distillation or refining *use*
- a rendering plant
- a rolling mill
- a soap boiling *use*
- a tannery
- a tar distillation or manufacturing *use*
- a tripe boiling *use*

**4.28.2** Except for a *use* that lawfully existed on or before November 15, 2001, with respect to lands within the *Oak Ridges Moraine Conservation Plan Area* that are identified as Areas of High Aquifer Vulnerability on Schedule D, in addition to the uses listed above, no person shall use any land or construct, alter or use any *building* or *structure* for any of the following purposes:

- generation or storage of *hazardous waste* or *liquid industrial waste*
- waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities
- underground or above-ground bulk storage tanks that are not equipped with a secondary containment device
- the storage of contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario 1990, as amended.

**4.28.3** Except for a use that lawfully existed on or before November 15, 2001, with respect to lands within the Oak Ridges Moraine Conservation Plan Area that are identified as Natural Core Area, Natural Linkage Area or Countryside Area on Schedule E, in addition to the uses listed in the sections above, no person shall use any building or structure for any of the following purposes:

- a) Natural Core Area
  - extractive industrial operations including wayside pits, or expansions thereof
  - intensive recreational uses
  - agricultural related industrial and commercial uses.
- b) Natural Linkage Area
  - intensive recreational uses
  - agricultural related industrial and commercial uses

- c) Countryside Area
  - intensive recreational uses where the underlying land use designation is either Prime Agricultural or General Agricultural area.

#### **4.28.4 Rapid Infiltration Basins and Columns**

Notwithstanding any provision of this By-law, with the exception of those uses legally existing on November 15, 2001, which may continue until the use(s) cease(s), new rapid infiltration basins and new rapid infiltration columns are prohibited on lands within the Oak Ridges Moraine Conservation Plan Area, as shown on Schedule A Zone Maps, Schedule B, SE Maps and Schedule D, E and F to this By-law.

#### **4.29 PUBLIC USES**

**4.29.1** Except within an EPA1 and EPA2 *zone*, nothing in this By-law shall prevent the *use* of land in any part of the *Zoned Area* for the following *Public Uses*:

- a *Community Centre*
- an *Emergency Service Facility*
- a *Government Office*
- a *Hospital*
- a *Post Office*
- a *Public Library*
- a *Public Park* or *Recreational Facility*
- a *School*
- a *Public Works Yard*

Except as provided above, the only *Public Uses* permitted in a specific *zone* shall be those *Public Uses* listed as permitted *uses*.

**4.29.2** Except for those facilities described in Clause 4 of this Subsection, any *Public Use* shall comply with all *zone* provisions for the *zone* in which it is located.

**4.29.3** Any above-ground, utility or *public use* of a non-linear nature which is located in a Residential *zone* shall be enclosed in a *building* designed, located and maintained in general harmony with the Residential *buildings* permitted in such *zone*.

**4.29.4** Except within an EPA1 and EPA2 *zone*, *Public Uses* owned and/or leased by the Town of Caledon are permitted in all *Zones* provided that the *yard*, outside storage, parking and loading, and landscaping regulations and standards required for the *Zone* where the lands are located are complied with and the *accessory uses* to such *public use* shall be clearly incidental and *accessory* to the principal *use* and shall not exceed 15% of the total *floor area* of the principal *use* on the lands.

#### **4.30 REFERENCES TO LEGISLATION**

**4.30.1** Where this By-law makes reference to a provincial or federal Act or regulation and specific sections, sub-sections or clauses thereto, no amendment to this By-law is required where there is a change in the name of the legislation or a change in the numbering of the sections, sub-sections or clauses of the Provincial or Federal Act or regulations.

#### **4.31 SATELLITE DISHES**

Satellite dish antennae are permitted in any *Zone* provided that:



- a) satellite dish antennae do not exceed a diameter of 0.6 metres in any Residential Zone;
- b) ground mounting within the *front yard* or *exterior side yard* of a *lot* in any Residential Zone is prohibited; and.
- c) minimum yard requirements of the applicable zone are met.

**4.32 SEPARATION DISTANCES**

All *buildings* and *structures* containing a *use* indicated in **Table 4.2 – Minimum Separation Distance From Residential Zones**, shall comply with the applicable minimum separation distance required.

**Table 4.3**

Use	Minimum Separation Distance From a Residential Zone
<b>Adult Video Store</b>	100m (1)
<i>Reserved for Future Use</i>	
<i>Reserved for Future Use</i>	
<i>Reserved for Future Use</i>	
<i>Reserved for Future Use</i>	
<i>Reserved for Future Use</i>	
<i>Reserved for Future Use</i>	
<i>Reserved for Future Use</i>	

**Notes to Table 4.2:**

- (1) A minimum separation distance of 100 metres shall be required from Regional Road 50 and Coleraine Drive.

**4.33 SETBACK FROM RAILROAD**

No part of any *dwelling unit* shall be located within 50 metres of a railroad right-of-way.

**4.34 SIGHT TRIANGLES**

Notwithstanding any other provisions of this By-law, on a *corner lot*, within the *sight triangle*, the following provisions shall apply:

**4.34.1** The distance from the point of intersection of the *street lines* and forming the *sight triangle* shall be 9 metres, except where one of the *street lines* is a Regional Road, where the distance shall be 15 metres.

**4.34.2** Within any area defined as a *sight triangle*, the following uses shall be prohibited:

- (a) a *building, structure* or *use* which would obstruct the vision of drivers of vehicles;
- (b) a fence, tree, hedge, bush or other vegetation, the top of which exceeds 1 metre in height above the elevation of the *street*;
- (c) any portion of a *parking space*;
- (d) a berm or other ground surface which exceeds the elevation of the *street* by more than 0.5 metres;
- (e) a sign, the body of which is less than 4 metres above the elevation of the *street*.

The provisions of this clause shall not apply at any intersection controlled by traffic signal lights.

#### **4.35 SPECIAL SETBACKS**

Notwithstanding any other provisions in this By-law, the following special *setbacks* shall apply:

- 4.35.1** Provincial Highway *Setbacks* - *Buildings* and *structures* shall be *setback* a minimum of 14 metres from the boundary of a Provincial Highway Right-of-Way;
- 4.35.2** Natural Gas Distribution Systems - No *building* or *structure* shall be located any closer than 7 metres to any natural gas pipeline right-of-way, or any above-ground natural gas facility or equipment operated as part of a natural gas distribution system;
- 4.35.3** Minimum Distance Separation: *Livestock Facilities*
- a) Unless otherwise specified and notwithstanding any other *yard* or *setback* provisions of this By-law to the contrary, no residential, institutional, commercial, industrial, or recreation *use* located on a separate *lot* and otherwise permitted by this By-law, shall be established and no *building* or *structure* for such *use* shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) requirements applied in accordance with the MDS I Implementation Guidelines.
  - b) Notwithstanding any other *yard* or *setback* provisions of this By-law, to the contrary, no livestock facility or manure storage facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) requirements applied in accordance with the MDS II Implementation Guidelines.
  - c) Notwithstanding the above noted provisions, where an *existing use* that was in compliance with the MDS provisions is changed, the new *use* shall also be subject to MDS I or MDS II provisions, whichever is applicable. For the purposes of this subsection, a change in the type of livestock *use* housed is considered to be a change of *use*.
  - d) MDS I shall not be applicable to existing vacant lots of record.

#### **4.36 STORAGE OF SPECIAL VEHICLES**

- 4.36.1** Subject to section 5.2.20, no person shall use any *lot* that is subject to Residential *Zone* provisions for the purpose of parking or storing any vehicle other than a motor vehicle that is in operable condition and that bears a license plate with a currently valid sticker, except for:
- a) 1 trailer which shall not exceed 5 metres in length.
  - b) 1 school bus
- 4.36.2** On any *lot* subject to Residential *Zone* provisions, the parking or storage of any *motor vehicle* other than an automobile, truck or motorcycle shall only be permitted in a *private garage*, *carport* or other *building* and not in any yard and not in any *parking space* or *driveway*.
- 4.36.3** On any *lot* subject to Residential *Zone* provisions, other than an RM *zone* or any exception *zone* related thereto, a *tourist trailer* or *tourist vehicle* not exceeding 8m in length (exclusive of hitch or tongue) may be temporarily parked in a *driveway* for a period of not more than 24 hours in any 1 calendar month for the sole purposes of loading, unloading or cleaning. Under no circumstance shall the *vehicles* be used for the purpose of sleeping, eating, gathering or any other residential type *use*.

#### **4.37 TOURIST TRAILERS AND MOBILE HOMES**

##### **4.37.1 Location Of *Tourist Trailers*:**

No *tourist trailer* shall be constructed, *altered* or used in any portion of the Zoned Area except in a permitted *tourist camp*.

##### **4.37.2 Location Of *Mobile Homes***

No *mobile home* shall be constructed, *altered* or used in any portion of the Zoned Area except in a permitted *mobile home park*.

#### **4.38 WAYSIDE PITS AND PORTABLE ASPHALT PLANTS**

**4.38.1** A *wayside pit*, *wayside quarry* or *portable asphalt plant* is permitted in any *Zone*, but in no case shall they be located in the following areas:

- a) Designated Settlement Areas in the Town of Caledon Official Plan;
- b) Registered and Draft Approved Plans of Subdivision located outside designated Settlement Areas;
- c) The Escarpment Natural and Protection Area designations in the Niagara Escarpment Plan;
- d) The Core Areas of the Greenland System in the Region of Peel Official Plan;
- e) The Environmental Policy Area designations in the Town of Caledon Official Plan;
- f) For *wayside quarries*, within 200 metres measured horizontally from the brow of the Niagara Escarpment or any greater *setback* required by the Niagara Escarpment Commission;
- g) *Cemeteries* and other human burial sites;
- h) Kettle lakes and their catchments;
- i) Natural lakes and their shorelines.
- j) Within the shaded areas shown on Schedule E to this By-law.

#### **4.39 WELLHEAD PROTECTION AREA**

##### **4.39.1 Prohibited Uses in *Wellhead Protection Areas***

In addition to prohibited uses listed in Section 4.28, no *person* shall, within the *Wellhead Protection Areas* as shown in Schedule 'A' to this By-law, use any land or *construct*, *alter* or use any *building* or *structure* for any of the following purposes:

- a *bulk storage facility*
- a *cemetery*
- a chemical manufacturing or industrial plant.
- a *dry cleaning or laundry plant*
- an electroplating or metal fabricating operation
- a facility generating, treating or disposing hazardous waste
- a food processing plant
- a *furniture and wood stripping and refinishing operation*
- a *garage, maintenance, accessory*
- a *gasoline pump island, accessory*
- a *golf course* (not including a driving range or a miniature golf course)
- a *motor vehicle gas bar*
- a *motor vehicle rental establishment*
- a *motor vehicle repair facility*
- a *motor vehicle sales establishment*
- a *motor vehicle service centre*
- a *motor vehicle used sales establishment*
- a *motor vehicle washing establishment*

- a nursery, horticultural
- a nursery, commercial
- an open storage area, wellhead
- a salvage yard
- a sewage disposal system with subsurface discharge greater than 4500 litres/day
- a storage tank – underground (not containing water)
- a storage tank – aboveground (not containing water)
- a transportation depot
- an underground pipeline for transmission of oil, gasoline or other liquid petroleum products
- a wayside pit or quarry
- a wood preserving and treating operation

**4.39.2 Prohibited Uses in Wellhead Protection Areas within the Oak Ridges Moraine Conservation Plan Area**

Except for a use that lawfully existed on or before November 15, 2001, in addition to prohibited uses listed in the Section above, no person shall, within the *Wellhead Protection Areas* as shown in Schedule 'A' to this By-law, use any land or construct, alter or use any building or structure for any of the following purposes:

- generation or storage of hazardous waste or liquid industrial waste
- waste disposal sites and facilities, organic soil conditioning sites, and snow storage and disposal facilities
- the storage of petroleum fuels, petroleum solvents and chlorinated solvents, pesticides, herbicides and fungicides, construction equipment, inorganic fertilizers, any road salt, except by an individual for personal or family use
- the storage of contaminants listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990 as amended.

**4.39.3 Prohibited Uses in Wellhead Protection Areas – WP2 within the Oak Ridges Moraine Conservation Plan Area**

Except for a use that lawfully existed on or before November 15, 2001, in addition to prohibited uses listed in Section 4.27, no person shall, within the *Wellhead Protection Areas* as shown in Schedule 'A' to this By-law, use any land or construct, alter or use any building or structure for any of the following purposes:

- storage of animal manure, except by an individual for personal or family use
- animal agriculture, except by an individual for personal or family use
- storage of agricultural equipment, except by an individual for personal or family use

**4.39.4 Existing Uses in Wellhead Protection Areas**

Except for a use that has been permitted by a site-specific amendment to this By-law, enacted pursuant to section 3.1.5.12.3 b) of the Town of Caledon Official Plan, where a use is prohibited in *Wellhead Protection Areas* by this By-law and the use was legally established prior to October 30, 2000, the use shall continue to be permitted in accordance with the following:

- a) the use provisions of the underlying existing zoning,
- b) a non-residential building or use expansion limit of 10% of the building or use that existed on October 30, 2000.

**4.39.3 Exception**

Notwithstanding Section 4.38.2b) above, the provision regarding a non-residential building expansion shall not apply to the meat packing operation located at 8070 Old Church Road (Part West Half Lot 21, Conc. 5 (Albion)).