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SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

5.1 ACCESSORY USES, BUILDINGS OR STRUCTURES

(a) LIMITATION

No accessory building, structure or use shall be erected or established on any lot until the main building to which it is to be accessory has been erected, except as provided herein under "Construction Uses", or where such accessory building forms part of the main building.

(500-2001-0019) **(b) LOCATION (RESIDENTIAL)**

In a Residential Zone, an accessory building or structure shall not be erected in any yard other than an interior side yard or rear yard.

In the case of a lot fronting on Lake Simcoe or a navigable river, or a through lot having frontage on a road which is adjacent to the lake or a navigable river, an accessory building may be erected in the area between the main building and the required front yard provided the accessory building complies with all applicable setbacks.

In the case of a through lot, accessory buildings and structures may be permitted in the established rear yard area. Furthermore, notwithstanding Section 5.38, a reduced setback of 3 metres from the front lot line abutting the established rear yard may be permitted for buildings and structures having a maximum ground floor area of 11.14 square metres as well as for swimming pools.

Further, the established rear yard area shall be the yard opposite the established front yard area.

(500-2004-0004) An accessory building shall be located a minimum of 2 metres from a dwelling, except in a Residential zone where the accessory building is less than 10 square metres in floor area, the setback between the accessory building and a dwelling may be reduced to nil.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

(c) LOT FRONTAGE AND AREA (RESIDENTIAL)

In a Rural or Transitional Zone the minimum lot frontage and lot area requirements for an accessory building, structure or use to a permitted residential use, shall be the same as required for the residential use.

(d) YARDS

All accessory buildings and structures shall comply with the minimum yard requirements of the zone in which they are located, except:

- a satellite receiving dish shall be subject to the provisions set forth in Section 5.34 herein.

In a Residential Zone, the yards may be reduced to comply with the following:

- common semi-detached garages and carports which may be centred on the mutual lot line;
- an accessory building erected in the rear yard shall not be located closer than 1.2 metre to any lot line except where the rear yard adjoins a street, the minimum setback shall be 6 metres.
- an accessory building erected in a front yard as set forth in Section 5.1 (b), it shall not be located closer than 1 metre to a side lot line nor 6 metres to the front or exterior side lot lines;
- where the entrance to a private garage is from a lane or access street, such building shall be a minimum of 6 metres from the lane or access street;
- a parking attendant\security guard structure, on a lot zoned Medium Density Urban

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Residential (R3) or Institutional (I) may be permitted within the front yard but not closer than 3 metres to the front lot line.

In a Rural or Transitional Zone, the yards may be reduced to comply with the following:

- an accessory building or structure, excluding a building or structure used for livestock purposes or a home industry use, shall be setback a minimum of 3 metres from an interior side lot line.

(e) LOT COVERAGE

The total lot coverage of all accessory buildings shall not exceed ten percent of the lot.

(f) HEIGHT

The height of an accessory building or structure in a residential or commercial zone shall not exceed 3 metres measured from average grade to the highest point of the structure and in the case of a building from the average grade to the eaves, Further, where an accessory building or structure is of a peaked roof design, the height measured from average grade to the top of the peak shall not exceed 4.5 metres.

An attached accessory building or structure shall be subject to the same height provisions as the main building or structure.

A satellite dish shall be subject to the height provisions set forth in Section 5.34 herein.

(500-2003-0005) **(g) TEMPORARY ACCESSORY TENTS**

Notwithstanding 5.1 (a), (b), (c), (d), (e) and (f) as it applies to Rural or Residential zones, a 'Temporary Accessory Tent' used for a special occasion shall be permitted, subject to compliance

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with Town policy and the Town Building By-law.

5.2 BED AND BREAKFAST RESIDENCE

No bed and breakfast residence will be permitted in any zone unless the bed and breakfast residence is a permitted use and complies with other Town by-laws and licensing requirements.

5.3 BOAT STORAGE

In any residential zone, no person shall store any boat in any yard, except that one such boat may be stored in an interior side or rear yard provided that said boat shall not exceed 8 metres in length. Further, any boat exceeding 2.5 metres in height (including trailers must be positioned to comply with the minimum yard setback requirements for the appropriate zone.

5.4 CANADIAN NATIONAL RAILWAY SETBACK

Notwithstanding the yard requirements of this By-law, all buildings and structures shall be setback from the Canadian National Railway property, in accordance with the minimum distances as set forth below:

- residential, institutional, commercial (excluding a mechanical garage, light service shop and heavy service shop) and recreational uses 120 metres

except where such use is separated from the railway property by a 2.5 metre high safety berm, as defined and approved by CN, in which case the minimum setback shall be reduced to 30 metres.

- industrial uses (including a mechanical garage, light service shop and heavy service shop) 60 metres

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

except where such use is separated from the railway property by a 2.0 metre high safety berm, as defined and approved by CN, in which case the minimum setback shall be reduced to 15 metres.

- warehouse 15 metres

5.5 CHANGE OF USE

A use of land, building or structure which, under the provisions hereof, is not permitted within the zone in which such land, building or structure is located, shall not be changed except to a use which is permissible within such zone or unless approved by the Committee of Adjustment.

5.6 CONSTRUCTION USES

A building or structure incidental to construction, including a housing sales office, is permitted in all zones, but only for as long as it is necessary for the work in progress and until the work or housing sales are completed or abandoned. "Abandoned" in this subsection means the failure to proceed expeditiously with the construction work of sales. Such buildings or structures, including trailers, shall comply with the minimum yard requirements of the respective zone and shall not be used for overnight accommodation, except that a trailer may be used for such purposes subject to the provisions set forth by agreement with the Town of Georgina.

5.7 DISPLAY OF VEHICLES

For purposes of this by-law the display of vehicles shall be permitted as an accessory use to a permitted use. The display of vehicles shall be setback 3 metres from a lot line, except where a yard abuts a lot zoned Residential or Transitional in which case the minimum yard shall be the minimum for the main building.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

5.8 DWELLING UNIT BELOW GRADE

(a) CELLAR LOCATION

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 shall be used as a furnace room, laundry room, storage room, recreation room or a similar use.

(b) BASEMENT LOCATION

A dwelling unit, where it is a permitted use, may be located in a basement provided that the building in which it is located is fully served by both sanitary and storm sewers and that the finished floor level of such basement is above the level of the sewer into which the Town Engineer designates it to be drained.

5.9 ESTABLISHED BUILDING LINE

Notwithstanding any other provisions of this by-law save and except Section 5.30 - Planned Width of Street Allowance, in any Residential Zone a dwelling built between two existing dwellings, within 60 metres of each other on the same side of the street, and within the same block, may be built with a minimum front yard equal to the average of that of those adjacent dwellings. But this shall not be less than 3 metres and need be no greater than prescribed for the zone in which it is situated.

5.10 ENVIRONMENTAL PRIORITY AREA

(500-94-007)

(500-2001-0017)

In an environmental priority area as shown on Schedule 'A' hereto, the erection of buildings or structures, the removal or addition of land fill whether originating on the site or elsewhere, or the installation of a sewage disposal system shall require the approval of the Ministry of Natural Resources and/or the Lake Simcoe Region

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Conservation Authority. Notwithstanding the above, no building or structure other than a boathouse, dock or other marine facility or fence, shall be erected closer than 15 metres from any river, waterbody or watercourse (excluding man-made canals) and the annual highwater mark of Lake Simcoe, pursuant to Section 5.22 herein.

A reduced setback from a river, water body or water course and the annual highwater mark of Lake Simcoe as noted above, may be permitted for accessory buildings or structures, provided written approval specifying the minimum setback is received from the Lake Simcoe Region Conservation Authority and further provided that the accessory building or structure complies with all applicable setbacks of the zone in which it is located.

5.11 EXISTING BUILDINGS - REPAIR, RESTORATION, RECONSTRUCTION, REPLACEMENT, OR ENLARGEMENT

(500-95-017)

1. Nothing in this by-law shall prevent the repair, reconstruction or replacement to a safe condition of an existing building or structure containing a legal non-conforming use, provided there is no expansion of the legal non-conforming building, structure or use. In the case of replacement, such replacement must occur within one year of the demolition of the building or structure.

Prior to the expansion of any legal non-conforming use an approved minor variance or approved zoning amendment must be obtained.

2. Nothing in this by-law shall prevent the repair, reconstruction, replacement or enlargement of an existing building or structure containing a use permitted within that zone that does not comply with the yard, height, lot area, lot coverage provisions of this by-law for the zone in which it is located provided that:

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

- (500-97-075)
(500-2000-001)
(500-2001-0022)
- (a) where an existing building or structure, either in whole or in part, is located within a minimum yard such repair, reconstruction, replacement or enlargement does not increase the vertical space beyond a maximum of 2.0 metres or horizontal space beyond a maximum of 3.75 metres. Notwithstanding the above, the height of a building or structure shall not exceed the maximum height provisions for the zone in which it is located or extend further than the furthest point of existing encroachment.
 - (b) where an existing dwelling is to be replaced in whole or in part, that the replacement dwelling does not contain any more dwelling units than the one being replaced;
 - (c) where a building is destroyed by flood such repair, reconstruction or replacement including any enlargement, shall be subject to the approval of the Lake Simcoe Region Conservation Authority;
 - (d) any replacement building or structure shall be replaced within one year from the date that it is demolished or destroyed by fire.

5.12 FENCING REQUIREMENTS

Fences not exceeding 2 metres in height are permitted in all yards subject to compliance with all other provisions of this by-law. Any fence exceeding 2 metres in height must be erected in compliance with the minimum yard requirements for the appropriate zone. Notwithstanding the above, a fence in a Commercial, Industrial or Institutional zone may be erected to a height of 3 metres.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

5.13 FRONTAGE ON A ROAD OR STREET

Subject to compliance with all other applicable provisions of this by-law, no person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected fronts upon a public street, except:

- (a) in a registered plan of subdivision for which there exists a valid subdivision agreement, but the streets have not yet been assumed, or
- (b) in respect of a lot which does not front on a public street and which contains a legally existing building, in which case such building may be enlarged, reconstructed, repaired, renovated or replaced in accordance with Section 5.11 and accessory buildings may be erected, or
- (c) in respect of a lot where a street has been constructed to a standard approved by the Town for assumption, but where the Town has not yet assumed the street.

5.14 FUEL PUMPS

No person shall erect or use any pumps for dispensing motor fuels for sale, except in conjunction with one of the following:

- (a) an aerodrome or airport;
- (b) a marina, in which case it will be used only for dispensing fuels to marine craft or snowmobiles;
- (c) a motor vehicle gas bar;
- (d) a garage, mechanical or autobody.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

**5.15 GREATER RESTRICTIONS
(OTHER REGULATIONS AND BY-LAWS)**

This by-law shall not be effective to reduce or mitigate any restrictions imposed by any government authority having jurisdiction to make such restrictions. This includes other Town by-laws and the requirement to obtain any permit, license, permission, authority or approval.

5.16 GREATER RESTRICTIONS - LIVESTOCK OPERATION SETBACKS

Notwithstanding any other provision of this By-law, no person shall construct, renovate or enlarge a livestock building or manure storage facility without the approval of the Ministry of Agriculture and Food. Further, the livestock building or manure storage facility setbacks listed in Section 28.4 (h) may be increased in accordance with the Agricultural Code of Practice as revised, amended or replaced from time to time.

5.17 GREATER RESTRICTIONS - PRIVATE SEWAGE DISPOSAL SYSTEMS

Notwithstanding any other provision of this By-law, no person shall erect any building or structure that is to be serviced by a private sewage disposal system, without the approval of the Director, Part 8, of the Environmental Protection Act or the Ministry of the Environment, as required. Further, notwithstanding the minimum lot area requirement provided herein for any permitted use, where the approval of a private sewage disposal system requires a lot area greater than the minimum requirement herein, the minimum lot area shall be that required for the said approval.

Further, unless specifically provided for herein, no dwelling, other than a single family dwelling, may be constructed or used on a lot, unless served by sanitary sewers.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

5.18 HAWKER OR PEDLAR USE

No use of land by a hawker or pedlar shall be permitted in any zone unless "hawker or pedlar use" is a permitted use and conforms with the following provisions:

- (a) Limitation: The total number of hawkers or pedlars uses per lot shall not exceed one. Further, a hawker or pedlar use shall not be permitted on a lot which does not contain a non-residential building.
- (b) Yard Setbacks: In accordance with the minimum yard requirements for the respective zone.
- (c) Parking: In accordance with the provisions of Section 5.28 herein.
- (d) Licensing: In addition to complying with the above, all hawkers or pedlars must be licensed pursuant to the Town's applicable licensing by-law.

5.19 HEIGHT EXCEPTIONS

Notwithstanding the height provisions contained herein, nothing in this By-law shall apply to prevent the erection, alteration, or use of the following: air conditioning duct, barn or silo, belfry, church spire, chimney, drive-in theatre screen, elevator enclosure, flag pole, grain elevator, penthouses and similar constructions enclosing equipment or stairs, playground equipment, radio or television tower or antenna, ventilator or skylight, water tank, windmill, or similar uses. A satellite dish shall be subject to height provision set forth in Section 5.34 herein.

5.20 HOME INDUSTRY

No home industry shall be permitted in any zone unless home industry is a permitted use and conforms

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

to the following provisions:

- (a) not more than three persons, other than the resident occupant or his/her family, shall be employed in such home industry;
- (b) there shall be no external display or advertising, other than a legal sign, to indicate to persons outside, that any part of the lot is being used for home industry purposes;
- (c) parking is provided in accordance with Section 5.28;
- (d) the floor area shall not exceed 190 square metres;
- (e) such home industry is clearly secondary to the main use of the property and does not create or become a public nuisance, particularly in regard to traffic, parking, noxious odours or emissions of smoke.
- (f) the owner has been issued a certificate of occupancy by the Town.

5.21

HOME OCCUPATION

No home occupation shall be permitted in any zone unless home occupation is a permitted use and conforms to the following provisions:

- (a) members of the family residing in the dwelling unit operate the home occupation;
- (b) no person, other than a member of the family, is engaged in canvassing, delivering or as a go-between in distributing merchandise to customers;
- (c) no more than two persons not resident in the dwelling shall be employed;

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

- (d) there is no display visible from outside the premises, other than a legal sign, to indicate that any part of the dwelling house, unit or lot is being used for a purpose other than residential;
- (e) such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance, particularly in regard to traffic, parking, noise, noxious odours or emission of smoke;
- (f) such home occupation does not interfere with television or radio reception;
- (g) not more than 25% of the residential floor area of the dwelling is used for the purpose of home occupation uses.
- (i) the operation of a personal service shop shall be limited to one operator at any one time;
- (j) the owner has been issued a certificate of occupancy by the Town.

5.22

LAND ABUTTING A NAVIGABLE WATERWAY

Notwithstanding the permitted uses, yard, height, and lot coverage provisions of this By-law where land abuts a navigable waterway and is zoned Residential, Open Space, or Rural, a boat house, dock or wharf shall be permitted provided such buildings or structures are used for non-commercial recreational purposes only. Such uses, buildings or structures shall be subject to the following requirements:

(a) MINIMUM YARDS:

1 metre, except that where the lot line abuts a navigable body of water the yard may be reduced to nil.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

(b) HEIGHT (MAXIMUM) :

5 metres, except that within 30 metres of the centre line of a public road the maximum height shall be 1 metre above the said centre line of the road.

Notwithstanding the above, where the subject lot contains a dwelling or where the subject lot is of sufficient size that a dwelling can be erected thereon as set forth below, the maximum height for a boat house, dock or wharf shall be 5 metres in all cases.

(c) LOT COVERAGE (MAXIMUM) :

Not Applicable.

5.23

LAND SUITABILITY FOR USE

Notwithstanding any other provisions of this by-law, no habitable building or structure shall be erected, altered or used on land which, by reason of its rocky, low lying, marshy or unstable character, is unsuitable for the provision of satisfactory foundation support, water supply, sewage disposal or drainage facilities.

5.24

LIVESTOCK IN RESIDENTIAL AREAS

(RAISING OR KEEPING OF ANIMALS, POULTRY, REPTILES OR INSECTS IN RESIDENTIAL AREAS - PROHIBITED)

No person shall use any land, building or structure in a Transitional or Rural zone on a lot of less than 0.4 ha, or in a Residential zone, for the keeping or raising of animals, poultry, reptiles or insects except as allowed by a specific municipal by-law which sets forth regulations for keeping of the same.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

5.25

LOADING SPACE REQUIREMENTS

(a) LOADING SPACE AREA

For every building or structure hereafter erected for a Commercial, Industrial, or Institutional use involving the shipping, loading or unloading of persons, animals, goods or materials, there shall be provided and maintained loading facilities on land that is not part of a street, comprised of one or more loading spaces, at least 11 metres long, and 4 metres wide, and having a vertical clearance of at least 4.5 metres.

Non-Residential Floor Area of Building	Number of Loading Spaces Required	
	Commercial / Industrial	Institutional
185 sq m or under	Not required	Not required
exceeding 185 sq m and up to 550 sq m	1	1
exceeding 550 sq m and up to 2,300 sq m	2	1
exceeding 2,300 sq m and up to 7,400 sq m	3	2
exceeding 7,400 sq m	3 spaces plus one (1) additional space for each 9,200 sq m or fractional part thereof in excess of 7,400 sq m	

(b) ACCESS

Access to loading or unloading spaces shall be by means of a driveway or aisle at least 4 metres wide contained within the lot on which the spaces are located within the zone in which the use is located and leading to a street or a lane at least 6 metres wide.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

(c) YARDS WHERE PERMITTED

The required loading spaces shall be located only in an interior side or rear yard, unless set back from the street line a minimum distance of 25 metres. Further, a loading space shall not be located closer than 1.5 metres to an interior side or rear lot line.

(d) ADDITION TO EXISTING BUILDING

If a building, which existed on the date of passing of this by-law has insufficient loading space as required therein, that deficiency will not be required to be made up prior to construction of an addition. However, no addition may be built and no change of use may occur which would result in an increase in that deficiency.

5.26 MULTIPLE USES ON ONE LOT

Where any land or building is used for more than one purpose, all provisions of this by-law shall be complied with in respect of each use.

5.27 OUTDOOR STORAGE - RESIDENTIAL

In a Transitional or Rural Zone where a lot is less than 0.4 ha in size or in a Residential zone the outdoor storage of leisure vehicles accessory to a residential use, shall be restricted to the rear yard or interior side yard, and the total number of such items that may be stored on a lot at any time shall be restricted to three.

In a Transitional or Rural Zone where a lot is greater than 0.4 ha in size the total number of leisure vehicles stored on a lot at any time shall not exceed six.

Further, a leisure vehicle exceeding 2.5 metres in height must comply with the minimum accessory structure setback for the appropriate zone.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Notwithstanding the above and any other provisions of this by-law, the storage or parking of a motor vehicle, boat or recreational vehicle on any lot in a Residential Zone on which a main building has not been erected shall not be permitted unless:

- (a) the storage or parking takes place on the rear half of the lot, and
- (b) the lot is owned by the owner of the adjacent lot on which a principal residence is erected, provided the storage use of the vacant lot ceases at such time as the said adjacent lot, is conveyed to a new owner who does not own interest in both lots.

5.28

(500-2005-0016)

(500-2011-0009)

PARKING AREA REGULATIONS

SPACE REQUIREMENTS

For every building or structure to be erected or enlarged, off-street parking spaces exclusive of aisles or driveways, shall be provided and maintained in conformity with the following schedule:

(a) PARKING SPACE SIZE

Standard Parking Space

- where angle to aisle is not parallel 3.0m X 5.7m
- parallel to aisle 3.0m X 7.0m

(500-97-050)

Standard Parking Space - School, Public

- where angle to aisle is not parallel 2.75m X 5.7m
- parallel to aisle 2.5m X 7.0m

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Notwithstanding the above, where a required parking space for a single family dwelling, semi-detached dwelling or linked dwelling in a Low Density Urban Residential zone is located in a driveway private to the unit and within the front yard, the width of the parking space shall be a minimum of 2.5 metres.

(b) NUMBER OF PARKING SPACES (MINIMUM)

RESIDENTIAL USES

Type of Use	Minimum Number of Required spaces
a single family dwelling, semi-detached dwelling or linked dwelling consisting of two dwelling units	three per unit, two of which may be in a driveway private to the unit and in the front yard
duplex dwelling, or one or two dwelling units within a non-residential building	two per unit, one of which may be in a driveway private to the unit and in the front yard
townhouse dwelling fronting onto a public street	two per unit, one of which may be in a driveway private to the unit and in the front yard
townhouse dwelling or linked townhouse fronting onto an access street or common driveway	two per unit, one of which may be in a driveway private to the unit and in the front yard, plus one per every four units for visitor parking

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<p>a building containing three or more dwelling units (excluding townhouse dwellings or link townhouse dwellings)</p>	<p>one and three quarter per unit</p>
<p>bed and breakfast residence</p>	<p>one per each bed and breakfast guest room in addition to the spaces required for the single family dwelling</p>
<p>Single family dwelling, semi-detached dwelling unit or townhouse dwelling unit containing an accessory apartment (500-2012-0009)</p>	<p>Notwithstanding any provisions in this By-law to the contrary, a total of three (3) parking spaces must be provided on the subject lot, provided they meet the following:</p> <ul style="list-style-type: none"> - Only one (1) of the three (3) parking spaced required can be in a garage. - Two (2) of the three (3) parking spaces required must have direct driveway access to a public road or street or access road or street.

Notwithstanding the above, where a single family dwelling, semi-detached dwelling or townhouse dwelling existed on a lot as of March 4, 1993, such a dwelling may be enlarged, reconstructed, repaired, renovated or replaced, provided that no additional dwelling units are created, and provided that the dwelling complies with all other provisions herein, unless specifically exempted.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Further, and notwithstanding the above, the parking provisions as set forth below shall apply until March 4, 1995 to residential uses permitted on lands which were zoned for single family, semi-detached, or townhouse dwelling units prior to March 4, 1993, and provided the Town has issued a building permit for such use prior to March 4, 1995.

Type of Use	Required spaces
a building containing one or two dwelling units	two per unit, one of which may be in a driveway private to the unit and in the front yard
a building containing three or more dwelling units	one and three-quarters per unit

NON-RESIDENTIAL USES

Type of Use	Required spaces
Commercial:	
restaurant	10 per 95 sq m of non-residential floor area
bakery or bakeshop, garden centre, health care - clinic, retail store, laundromat, place of amusement, wholesale establishment	5.5 per 95 sq m of non-residential floor area
catering establishment (500-2007-0003)	3.5 per 95 sq m of non-residential floor area
multi-unit commercial centre (500-2006-0006)	5.5 per 95 sq m of non-residential floor area; except where 50% of the total non-residential

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	<p>floor area is devoted to a restaurant, auditorium, arena, church, funeral home(chapel), hall, commercial or private club, the parking requirement for these uses shall be calculated based on the requirement for this individual use. Notwithstanding these provisions, parking for a theatre use shall be calculated based on the requirement for this use.</p>
<p>bank, building supply and equipment establishment, business or professional office, bowling alley, convenience retail store, personal or light service shop, dry cleaning outlet, equipment sales establishment, mechanical garage, motor vehicle sales and/or rental establishment - automobile, commercial, and/or recreational vehicles, studio, taxi stand</p>	<p>3.5 per 95 sq m of non-residential floor area</p>
<p>tourist information centre, veterinary clinic (animal hospital)</p>	<p>3.5 per 95 sq m of non-residential floor area</p>
<p>golf ball driving range or miniature golf course</p>	<p>1 per tee or hole</p>
<p>golf courses</p>	<p>3 per hole</p>

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

<p>hawker or pedlar use (500-2001-0011)</p>	<p>1 per hawker or pedlar use; except where a Hawker or Pedlar licence is issued for the sale of Fireworks, no parking space shall be required</p>
<p>home occupation (500-2012-0009)</p>	<p>3.5 per 95 sq m of residential floor area used for home occupation purposes.</p> <p>Where a single family dwelling contains an accessory apartment, a minimum of one parking space is required for a home occupation regardless of the floor area of the home occupation and the home occupation parking spaces are in addition to the residential parking spaces required for a dwelling containing an accessory apartment.</p> <p>Notwithstanding Section 5.28(g), parking required for a home occupation is permitted within the minimum front or exterior side yard.</p>
<p>Marina</p>	<p>1 per each slip in addition to that provided for retail space</p>

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

hotel, motel, motor hotel	1 per rental unit for the first twenty units and thereafter one per two units, plus 10 per 95 sq m of non-residential floor area devoted to public use
motor vehicle fuel bar or washing establishment	2 spaces per establishment
recreational vehicle park and/or tent campground	1 per site plus 5 per park or campground for visitors
refreshment vehicle	2 per vehicle
refreshment cart	1 per cart
schools, commercial or private	5.5 per 95 sq m
tennis courts (commercial)	4 spaces per court
temporary structure/use, commercial (as defined by Section 2.198 B), and 5.37 A))	nil
recreational baseball batting cage	1 per batting station
Industrial:	

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

<ul style="list-style-type: none"> - warehouse or public storage building - all other industrial uses including home industry and printing shop, but excluding a mechanical garage 	<p>1 per 95 sq m of non-residential floor area</p> <p>2 per 95 sq m of non-residential floor area</p>
<p>Place of Assembly:</p>	
<p>an airport, auditorium, arena, church, funeral home (chapel), hall, commercial or private club, theatre</p>	<p>1 per 5 seats (or 3m of bench seats). If no fixed seats exist, then 10 per 95 sq m of non-residential floor area devoted to use by the public (10 spaces minimum)</p>
<p>Institutional:</p>	
<p>hospitals and nursing homes</p>	<p>1 per bed</p>
<p>school, public (500-97-050)</p> <ul style="list-style-type: none"> - elementary - secondary 	<p>2 per teaching classroom or portable teaching classroom plus 5 spaces for a day nursery provided in a school facility</p> <p>4 per teaching classroom or portable teaching classroom plus 10 spaces for a day nursery provided in a school facility</p>

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

day nursery (500-97-050)	2.5 per each classroom, none required for day nursery in church or apartment dwelling
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(c) ACCESSIBLE PARKING

(Deleted by By-law No. 500-2011-0009)

(d) CASH-IN-LIEU OF PARKING

Notwithstanding Section 5.28 (b), where a cash-in-lieu of parking agreement has been executed, the parking space requirement for a building, structure or lot which is the subject of the agreement shall be the requirement set forth in 5.28 (b) less the number of spaces exempted by the cash-in-lieu agreement.

(e) ADDITION TO EXISTING USE

When a building or structure has insufficient parking on the date of passing of this By-law to conform to the requirements herein, this By-law shall be interpreted to require that the deficiency be made up prior to the construction of any addition.

(f) USE OF PARKING AREAS

Where a parking area is permitted or required by this By-law, no person shall use such parking area for parking any motor vehicle unless such vehicle bears a motor vehicle license which is currently valid. Further, no person shall use a parking area in a Residential zone to park any tow truck (as defined herein), commercial motor vehicle or commercial trailer (as defined by the Highway Traffic Act), with the exception of the following:

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

- (i) commercial motor vehicles or commercial trailers having a maximum length of 7 metres, a maximum width of 2.5 metres and a maximum height of 2.2 metres; and,
- (ii) one school bus per residential lot, provided the lot contains a dwelling.

The parking of large school buses (bus as defined in The Highway Traffic Act and school bus as defined herein) designed to carry in excess of twenty passengers, however, are also subject to the following setback requirements:

- 1.5 metre (minimum) setback from the interior side and rear lot lines; and,
- 4.0 metre (minimum) setback from the front and exterior side lot lines.

(g) LOCATION

Required parking spaces and driveways shall be provided on the same lot occupied by the building or structure except where cash-in-lieu of parking agreement has been executed.

(500-94-007)

In the case of a building containing residential and commercial uses, the parking area intended for the residential use shall be designated separately as determined by the Site Plan Review Committee, from the parking area intended for the commercial use.

Where a home occupation use is proposed, the parking required for such use shall not be located within the minimum front or exterior side yard.

(h) YARDS

Uncovered surface parking areas may be permitted in the required yards as set forth below:

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Zone	Yard in Which Parking Area is Permitted
Residential and Transitional	All yards, provided that no part of any parking area, other than a driveway or parking spaces located within a driveway as provided in Section 5.28 (b), are located within the minimum front yard or exterior side yard
Airfield, Commercial, Industrial, Institutional, Open Space, and Rural	All yards, provided that no part of any parking area, other than a driveway, is located closer than 1.5 metres to any lot line

(500-94-007) Notwithstanding the required 1.5 metre setback set forth above, commercial parking areas located contiguously on abutting lots, shall be permitted subject to a site plan agreement between the owners of the subject land and the Town.

Underground parking areas are permitted within 1.5 metres of a lot line or "Planned Width of Street Allowance".

(i) ACCESS - DRIVEWAYS, AISLES, AND ACCESS STREETS

(500-2005-0016) Notwithstanding any other provisions of this by-law, where a driveway or parking area for a single family dwelling, semi-detached dwelling, linked dwelling or townhouse dwelling in Low Density Urban Residential or Medium Density Urban Residential zones is located within the minimum front yard, the width of the driveway or parking area shall be a minimum of 3 metres and shall not exceed 55% of the lot frontage.

Access to and from parking areas shall be provided by means of unobstructed driveways at least 3 metres, for ingress or egress only, and 6.0 metres

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

for combined ingress and egress, but not more than 9 metres wide.

The minimum width of an access street shall be 6.0 metres, except where the access street also serves as a parking aisle, in which case the minimum width of that part of the access street shall be the width required for the aisle, but not less than 6.0 metres.

The minimum distance between a driveway and the intersection of street lines, measured along the street line intersected by such driveway, shall be 9 metres for all Residential zones and 15 metres for all other zones.

The minimum angle of intersection between a driveway and a street shall be 60 degrees.

The minimum width of aisles which are required in a parking area shall be determined by the angle between the side of the parking space and said aisle, and whether the aisle provides one-way or two-way access, as follows:

Angle of Space to Aisle	Aisle Width	Traffic Direction
Parallel	3.0 metres	one-way
Parallel	6.0 metres	two-way
30 degrees	3.5 metres	one-way
45 degrees	4.0 metres	one-way
60 degrees	5.0 metres	one-way
90 degrees	7.0 metres	two-way

(j) PARKING PROVISIONS EXCEPTION - SITE PLANS

(Deleted by By-law No. 500-97-054)

5.29

PLACES OF AMUSEMENT (PROHIBITION)

Places of amusement are prohibited on lots abutting the following streets:

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

<u>Street</u>	<u>Distance</u>
Atherton Crescent	Entire length
Baseline Road	Dalton Road to a point 1500 metres west of Dalton Road
Bessborough Drive	entire length
Biscayne Boulevard	entire length
Church Street	Woodbine Avenue to Natanya Boulevard
Dalton Road	Black River Road to Catering Road
Glenwoods Avenue	Woodbine Avenue to Hillside Drive
High Street	Dalton Road to Market Street
Lowndes Avenue	entire length
Metro Road	Elmview Gardens to First Avenue
Patchell Crescent	entire length
Riverglen Drive	entire length
The Queensway South	Maple Avenue to Elmdale Avenue
The Queensway South	Bayview Avenue to Riverglen Drive
The Queensway North	Parkview Avenue to Old Homestead

5.30

PLANNED WIDTH OF PUBLIC STREET ALLOWANCE

Where a lot abuts a public street which is listed in TABLE 1 - PLANNED WIDTH OF STREET ALLOWANCE to have a "planned width of street allowance", the limit of the "planned width of street allowance", if it lies within the lot, shall be construed to be the front or exterior side lot line for the purpose of applying the minimum yard provisions of this by-law.

In interpreting the above, the following criteria will govern:

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

- (a) the width will be as listed in Table 1,
 - (b) the limit shall be distant half the width from the centre line,
 - (c) the centre line shall be the centre line of construction as shown on the latest reference plan deposited, as of the date of passing of this by-law, by the appropriate Authority or, where no such plan has been deposited, the centre line of the original road allowance,
- (500-2000-002) (d) notwithstanding the planned street width set forth below, where the appropriate road authority has provided written confirmation that a lesser planned street width is required, then the lesser standard shall apply.

TABLE 1 - PLANNED WIDTH OF STREET ALLOWANCE	
REGION OF YORK ROADS	
Road Name & Description	Planned Street Width
Kennedy Road (Y.R. 3)	
- Ravenshoe Rd. (Y.R. 32) to Baseline Rd. (Y.R. 8A)	36 metres
- Baseline Rd. (Y.R. 8A) to Mahoney Ave.	30 metres
- Mahoney Ave. to Metro Rd. (Y.R. 78)	26 metres
Woodbine Avenue (Y.R. 8)	
- Ravenshoe Rd. (Y.R. 32) to Metro Rd. (Y.R. 78)	36 metres
- Metro Rd. (Y.R. 78) to Lake Dr.	20 metres
Baseline Road (Y.R. 8A)	
- Woodbine Ave. (Y.R. 8) to Elizabeth Dr.	36 metres
- Elizabeth Dr. to Dalton Rd. (Y.R. 9)	30 metres
High Street (Y.R. 9)	

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

- Highway 48 to Dalton Rd. (Y.R. 9)	20 metres
Dalton Road (Y.R. 9)	
- Baseline Rd. (Y.R. 8A) to Black River Rd. (Y.R. 80)	26 metres
- Black River Rd. (Y.R. 80) to Metro Rd. (Y.R. 78)	30 metres
The Queensway (Y.R. 12)	
- Ravenshoe Rd. (Y.R. 32) to Glenwoods Ave.	36 metres
- Glenwoods Ave. to Morton Ave. (Y.R. 78)	30 metres
Park Road (Y.R. 18)	
- Ravenshoe Rd. (Y.R. 32) to a point 264 m north of Black River Rd.	30 metres
- From a point 264 m north of Black River Rd. to Lakeshore Rd.	26 metres
Pefferlaw Road (Y.R. 21)	
- Hwy. 48 to C.N.R. and from Main St. to Durham Road 23	30 metres
- C.N.R. to Main St.	20 metres
Ravenshoe Road (Y.R. 32) (500-94-007)	
- west Town limit to 500 metres west of Victoria Road (Y.R. 82)	36 metres
- 500 metres west of Victoria Road (Y.R. 82) to Durham Road 23	30 metres
Glenwoods Avenue (Y.R. 33) (500-2001-0012)	
- The Queensway South (Y.R. 12) to Woodbine Ave. (Y.R. 8)	36 metres
Morton Avenue (Y.R. 78)	

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

- Woodbine Ave. (Y.R. 8) to 450 m east of The Queensway (Y.R. 12)	36 metres
- The Queensway (Y.R. 12) to 450 m east thereof	30 metres
Metro Road (Y.R. 78)	
- The Queensway (Y.R. 12) to Dalton Rd. (Y.R. 9)	30 metres
Old Homestead Road (Y.R. 79)	
- Metro Rd. (Y.R. 78) to Station Rd.	30 metres
Black River Road (Y.R. 80)	
- Dalton Rd. (Y.R. 9) to Park Rd. (Y.R. 18)	30 metres
Weir's Sideroad (Y.R. 81)	
- Ravenshoe Rd. (Y.R. 32) to Old Homestead Rd. (Y.R. 79)	30 metres
Victoria Road (Y.R. 82)	
- Ravenshoe Rd. (Y.R. 32) to Durham Rd. 23	30 metres

(500-94-007) Additional width may be required for sight triangles, cuts, fills, additional turning lanes at intersections, high-occupancy vehicle lanes and for accommodating bicycles, sidewalks and landscaping where appropriate.

TOWN OF GEORGINA ROADS	
Road Name & Description	Planned Street Width
Malone Road - Jackson's Point Ave. to east limit	15 metres
Pinery Lane (500-94-007) - Rosnell Ct. to Lorne St.	15 metres
Simcoe Street - Rosnell Ct. to Thompson Dr.	15 metres

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Rosnell Court - Lake Dr. to Pinery Lane	15 metres
Thompson Drive - Lake Dr. to Pinery Ave.	15 metres
DeGeer Street - Lake Dr. to Nasello Ave.	15 metres
Sedore Street - Lake Dr. to north limit	15 metres
Cameron Avenue - Lake Dr. to north limit	15 metres
Larsen Avenue - Dalton Rd. to Sedore St.	15 metres
River Street - High St. to north limit	15 metres
Queen Street - St. James St. to Black River Rd.	15 metres
St. James Street - River St. to Georgina Ave.	15 metres
Fairpark Lane - Snooks Rd. to St. James St.	15 metres
Market Street - High St. to Georgina St.	15 metres
Middle Street - Fairpark Lane to west limit	15 metres
West Street - Fairpark Lane to High St.	15 metres
Snooks Road - High St. to Fairpark Ln.	15 metres
Hawkins Street - High St. to east limit	15 metres
East Street - High St. to east limit	15 metres
King Street - Georgina Ave. to west limit	15 metres
Roanoke Road - Dalton Rd. to west limit	15 metres

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Boyer's Sideroad - Metro Rd. to Warden Ave.	25 metres
Glenwoods Avenue (500-2001-0012) - Woodbine Ave. to Hwy. 48	25 metres
Pollock Road - Woodbine Ave. to Cryderman's Side Road	25 metres
Baldwin Road - McCowan Rd. to Hwy. 48	25 metres
Black River Road - Park Rd. to Virginia Blvd.	25 metres
Stoney Batter Road - Hwy. 48 to Ravenshoe Rd.	25 metres
Weir Sideroad - Hwy. 48 to Old Homestead Rd.	25 metres
8 th Concession Road - Burke St. to Ravenshoe Rd.	25 metres
7 th Concession Road - Metro Rd. to Ravenshoe Rd.	25 metres
6 th Concession Road - Hwy. 48 to Durham Rd. 23	25 metres
5 th Concession Road - Baseline Rd. to Ravenshoe Rd.	25 metres
4 th Concession Road - Hwy. 48 to Durham Rd. 23	25 metres
3 rd Concession Road - Hwy. 48 to Durham Rd. 23	25 metres
2 nd Concession Road - Lake Simcoe to Ravenshoe Rd.	25 metres
2 nd Concession Road - Hwy. 48 to Victoria St.	25 metres
1 st Concession Road - Lake Simcoe to Ravenshoe Rd.	25 metres

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Civic Centre Road - Baseline Rd. to Metro Rd.	25 metres
Bowling Green Road - Elmdale Ave. to south limit	15 metres
Tennis Road - Elmdale Ave. to south limit	15 metres
Crestwood Drive - Shorecrest Rd. to Lake Dr.	15 metres
Church Street - The Queensway to Woodbine Ave.	25 metres
Cameron Avenue - Cameron Crescent to The Queensway	15 metres

If not individually listed, the planned street width for local roads shall be 20 metres.

(500-94-007)

Further, street names may be changed by By-Law passed by either the Councils of the Region of York or Town of Georgina. Where a street name is changed, the planned width of street allowance shall apply to the respective street, notwithstanding the name change.

5.31

PLANTING STRIPS (NON-RESIDENTIAL USES)

Where a lot is used for non-residential purposes, excluding a home occupation use, and abuts a lot zoned Residential, then a strip of land abutting said lot line shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection. Further, in C2, C4, M1 and M2 Zones, a planting strip shall be required along the front and exterior lot lines.

(a) WIDTH

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Where land is required to be used for no other purpose other than a planting strip, it shall have a minimum width as follows:

- Industrial Uses 8 metres
except along the front and exterior lot lines, in 'M1' and 'M2' zones, which shall be 3 metres.
- 'C4' Zone Uses 8 metres
except along the front and exterior lot lines, which shall be 3 metres.
- Other Non-Residential Uses 3 metres

(b) INTERRUPTION FOR WALK

A walk, providing pedestrian access from a non-residential parking lot to a residential lot may interrupt a planting strip at an angle of 60 to 90 degrees.

(c) LANDSCAPED OPEN SPACE

A planting strip referred to in this subsection may form part of any landscaped open space required by this by-law.

5.32

RECREATIONAL VEHICLES

The use, parking or storage of recreational vehicles shall be restricted to the Recreational Commercial (C6) zone, except where such vehicle is parked or stored as an accessory use to a leisure vehicle sales area or in accordance with Section 5.27.

5.33

REFRESHMENT VEHICLES, BICYCLE UNITS, AND CARTS

No refreshment vehicle, bicycle unit, or cart shall be permitted in any zone unless a refreshment vehicle, bicycle unit or cart is a permitted use and

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

conforms with the following provisions:

- (a) Use Restriction: a refreshment vehicle, bicycle unit or cart shall only be permitted on a lot incidental to a permitted non-residential uses, excluding a dock or boat house in an Open Space (OS) Zone.
- (b) Limitation: The total number of all refreshment vehicles, bicycle units or carts per lot shall not exceed one.
- (c) Yard Setbacks: In accordance with the minimum yard requirements for the respective zone.
- (d) Parking: In accordance with the provisions of Section 5.28 herein.
- (e) Licensing: In addition to complying with the above, all refreshment vehicles, bicycle units and carts must be licensed pursuant to the Town's applicable licensing by-law.

5.34

SATELLITE DISHES

Notwithstanding any other provisions herein to the contrary, the following provisions shall apply to satellite receiving dishes on any lot:

- (a) not more than one satellite receiving dish shall be permitted on a lot;
- (b) satellite receiving dishes shall not be permitted within the front or exterior side yard of any lot;
- (c) except in General Commercial (C1), Shopping Centre Commercial (C4), or Institutional (I) Zones the maximum height of a satellite receiving dish and appurtenances shall not exceed 8 metres from the finished grade to the highest point of the satellite receiving dish.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

- (d) in General Commercial (C1), Shopping Centre Commercial (C4), or Institutional (I) Zones the maximum height of a satellite receiving dish and appurtenances, if located on a roof, shall be 5 metres above a roof. Otherwise the maximum height shall not exceed 8 metres from the finished grade to the highest point of the satellite receiving dish.

- (e) yard requirements for the location of a satellite receiving dish shall be in accordance with the relevant provisions established for accessory buildings, structures and uses contained within this By-law measured to the extremities of the satellite dish.

5.35

SIGHT TRIANGLES

(a) SIZE OF SIGHT TRIANGLE

The size of a sight triangle at the intersection of two streets or a street and an operative railroad right-of-way shall be as follows, and the greater provision shall apply:

where local street lines intersect

- in a Residential zone 6 metres
- in a Commercial or Institutional Zone 9 metres
- in all other zones 15 metres

where a local road intersects

- a Regional Road 15 metres

where a Regional Road

- intersects a Regional Road 30 metres

where a railroad right-of-way intersects a street line and

- with the Pefferlaw Road 15 metres
- all other intersections 45 metres

Notwithstanding the above, where one of the streets which intersect is either a Provincial or Regional

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Road, and where the Province or the Region of York have size standards which are less than those set forth above, then the lesser standard shall apply.

(b) REGULATION

In a sight triangle, no building, structure, fence or sign shall be erected, nor any parking permitted, nor any vegetation permitted to grow to a height greater than 1 metre above the grade of the centre line of the street abutting the lot.

5.36

SIGNS

The provisions of this by-law, with the exception of Section 5.35 above, shall not apply to prevent the erection, alteration or use of any sign, provided such sign complies with the by-laws of the Corporation regulating signs.

5.36 A)

(500-95-016)

STACKING SPACE REQUIREMENTS

For every restaurant with a drive thru component there shall be provided and maintained a minimum of seven (7) motor vehicle stacking spaces, to be used for no other purposes. The stacking spaces shall be located within a curbed aisle designed to serve the drive thru.

Each stacking space shall be a minimum of 3m in width and 7m in length.

5.37

SWIMMING POOLS

A swimming pool, as an accessory use to a permitted residential, shall be permitted in the rear or interior side yard of any lot, provided that:

(500-2000-003)

- (a) no unenclosed water circulation or treatment equipment, such as pumps or filters, shall be located closer than 3 metres to any interior side or rear lot line; any water circulation or treatment equipment that is fully enclosed within a building or structure shall be

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

subject to the yard requirements for accessory buildings and structures for the respective zone;

- (b) the maximum height of such pool shall be 1.5 metres above the average finished grade level of the ground adjoining and within 5 metres of such pool.

5.37 A)
(500-95-020)

TEMPORARY STRUCTURE/USE, COMMERCIAL

No "Temporary Structure/Use, Commercial" accessory to an on-site commercial building in a Commercial zone shall be permitted unless such structure/use conforms to the following provisions:

- (a) Size Limitation: may not exceed a total area of 180 sq. m. or 10% of the non-residential floor area of the building to which it is accessory, whichever is the lesser.
- (b) Yard Requirements: in accordance with the minimum yard requirements for the respective zone.
- (c) Parking Requirements: parking is provided and maintained in accordance with Section 5.28 for the current on-site uses. Parking for the "Temporary Structure/Use, Commercial" will be in accordance with Section 5.28(b).

5.38

THROUGH LOT

In the case of a through lot, 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 lots are situated.

5.39

TOWN OF GEORGINA LANDS

The provisions of this by-law shall not apply to any use of land or to the erection or use of a building or structure on land owned or leased by the Town or

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

any local board thereof, provided that a Town owned waste disposal site shall only be permitted in an 'M5' Zone.

5.40

(500-94-007)

(500-97-055)

TRUCK, BUS AND COACH BODIES

No truck, bus, coach, street car body, trailer, shipping container or structure of any kind, other than a dwelling unit erected and used in accordance with this and all other by-laws of the Town, shall be used for human habitation, whether or not the same is mounted on wheels. Further, no truck, bus, coach, street car, shipping container or trailer may be used for storage or commercial or industrial purposes, whether or not the same is mounted on wheels, except for a trailer used as a temporary property sales office, to be used in conjunction with the sale of new development residential homes.

5.41

UNDERSIZED LOTS

Notwithstanding the lot area and/or frontage requirements herein, where a lot has a lesser area and/or frontage than required herein, such smaller lot may be used and a building or structure may be erected or used on such lot, provided that such lot was:

- (a) created prior to the passing of this By-law, except that in a RURAL (RU) zone, uses, buildings and structures shall be permitted only in accordance with the provisions therein.
- (b) created by consent at any time;
- (c) created as a result of a land acquisition by the Town, the Regional Municipality of York, or Her Majesty the Queen in right of Ontario or Canada;
- (d) created by the Town, the Regional Municipality of York, or Her Majesty the Queen in right of

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Ontario or Canada;

- (e) a lot described in (a), (b), (c), or (d) above, which has been enlarged since this By-law was passed;

5.42

USES PROHIBITED IN ALL ZONES

Notwithstanding anything else in this By-law, and in conjunction with Section 1.3 herein, the following uses are prohibited:

- abattoir (except in a Rural Zone as part of a farm use)
- ammonia, bleaching powder or chlorine manufacture
- ammunition manufacture and\or storage
- animal black or bone black manufacture
- arsenal
- carbon manufacture
- coal yards
- coke ovens
- explosives and fireworks manufacture and\or storage
- extracting of oil from fish
- grease, lard or tallow manufacture or refinement from animal fat
- gas manufacture
- glue manufacture
- manufacture and\or storage of a fertilizer from dead animals or human waste or the manufacture of fertilizer from animal waste
- the storage of fertilizer from animal waste (except in a Rural Zone as part of a farm use)
- pathological waste incinerator
- petroleum and kerosene refining, distillation or derivation of bi-products
- recycling of contaminated materials, including hydrocarbon contaminated soils and materials, and polychlorinated

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

- biphenyl (P.C.B.) contaminated material
- rag storage, sorting and baling
- refining coal
- rolling mill
- slaughtering of animals (except in a Rural zone as part of a farm use)
- smelting of aluminium
- smelting of ore, including copper, iron, tin, or zinc ores
- soap boiling
- tallow melting
- tanning and/or storage of hides or skins
- tripe boiling
- used tire storage and salvage
- any other use prohibited pursuant to the provisions of the Environmental Protection Act or the Health Protection and Preservation Act.

5.43 WAYSIDE PITS AND WAYSIDE QUARRIES

Notwithstanding any other provision in this by-law, wayside pits and wayside quarries, and accessory uses thereto, are permitted in all zone categories throughout the municipality, except in residential zones and Environmental Priority Areas as shown on Schedule 'A' hereto.

Notwithstanding the above, a wayside pit or wayside quarry may be permitted in an Environmental Priority Area upon written approval of the Lake Simcoe Region Conservation Authority and/or the Ministry of Natural Resources.

5.44 YARD EXCEPTION TERRAIN UNSUITABILITY

Where, in this by-law, a yard is required and part of the area of the lot is usually either covered by water or marsh beyond the valley rim of a river or watercourse, or between the top and toe of an embankment having a slope of 30 degrees or more from the horizontal, then the required yard shall be measured from the nearest wall of the main building

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

or structure on the lot to the edge of the said area covered by water or marsh, or to the said valley rim, or to the nearer of the top or toe, respectively, of the said embankment.

5.45

YARD ENCROACHMENTS PERMITTED

Notwithstanding any provisions of this by-law, the following encroachments into the required yards are permitted:

(a) Ornamental Structures

Sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or similar ornamental structures may project into any required yard a maximum distance of 0.5 metres, except in the case of a window bay, balcony, unenclosed porch or deck as set forth below.

- Window Bays

Window bays having a maximum width of 3 metres may project into any required front, rear or exterior side yard a maximum distance of 1 metre, and 0.5 metres into an interior side yard.

(500-2001-0023) - Balconies, Unenclosed Porches and Steps, Decks, or Elevators

Balconies, unenclosed porches, decks and elevators may project a maximum distance of 2 metres into any required front, rear or exterior side yard, and, in respect to an apartment building, 2 metres into any required yard.

Unenclosed steps may project into an interior side yard provided the height of the structure does not exceed 0.6 metres above grade.

(500-2004-0003) Notwithstanding the above, unenclosed decks in a Residential zone may project a maximum distance of 3 metres into the required rear yard.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Further, unenclosed decks having a maximum height of 0.6 metres above grade may project a maximum distance of 4 metres into the required rear yard.

(500-95-024) **(b) Patios**

On grade patios in low density residential zones may project into any required yard.

(c) Roof Projections

Roof projections such as bulk heads, penthouses and similar constructions enclosing equipment or stairs and which are less than 3 metres in height and do not occupy more than 25% of the area of the roof shall be permitted.

(d) Wall Surface Material

Wall surface material such as brick veneer, vinyl siding and other similar material or construction on a building may project into any required yard a maximum of 10 centimetres, except where the building is less than 1.2 metres from a lot line, in which case the surface material shall be non-combustible.

(e) Satellite Receiving Dish

A satellite receiving dish shall be subject to the provisions of Section 5.34 herein.

(f) Miscellaneous

Clothes poles, drop awnings, flag poles, garden trellises, garbage enclosures, playground equipment, retaining walls, unenclosed steps to a first storey or similar accessory uses shall be permitted in any yard, with the exception of a sight triangle under Section 5.35.

(g) Setbacks Resulting from Road Widening Acquisitions

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

Where land is acquired by the Town, the Regional Municipality of York or Her Majesty the Queen in right of Ontario for road widening purposes, and as a result of such acquisition, the resultant setback to a building or structure is reduced to less than the required minimum setback for the said building or structure in a particular zone, the location of such building or structure shall be deemed to be in compliance with the minimum setback provision of such zone.

(500-2001-0023) **(h) Handicap Ramps**

Handicap ramps may project into the required front, rear, or exterior side yard provided a minimum yard setback of 2 metres is maintained. Further handicap ramps may have an interior side yard setback of nil provided the height of the structure does not exceed 0.6 metres above grade.

5.46

(500-97-053)

(500-98-028)

YARD REQUIREMENTS - EXCEPTION

Where a building or structure was erected upon a lot prior to 1993 12 31, and where said building or structure was erected in contravention of the applicable minimum setback requirements of any by-law then in force or effect, the location of such buildings or structures shall be deemed to be in compliance with the minimum setback provisions of such by-laws.

5.47

(500-98-029)

REGION OF YORK LANDS

The provisions of this by-law shall not apply to the non-residential use of land or to the erection or non-residential use of a building or structure on land owned or leased by The Regional Municipality of York, provided that:

- (a) any such building shall be erected to conform with the established character and the prescribed coverage and yard requirements of the zone

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

- (b) no goods, material, or equipment shall be stored in the open, except as permitted in the zone; and
- (c) a recycling facility, sewage treatment facility, or waste disposal area shall only be permitted in the Disposal Industrial (M5) zone.

5.48

(500-2005-0018)

PROHIBITION OF THE USE OF LAND OR THE ERECTION OR USE OF DWELLINGS OR DWELLING UNITS RELATED TO WATER AND SEWER SERVICES AND ROADS

1. No Dwelling or Dwelling Unit shall be constructed on land that is within a municipal service area boundary as defined in the Town of Georgina Official Plan unless such land has been allocated water and sewer capacity by resolution of the Council of the Town of Georgina, except when such allocation is not required by the Official Plan;
2. No Dwelling or Dwelling Unit shall be constructed within a Subdivision which is within a municipal service area boundary as defined in the Town of Georgina Official Plan unless the land is serviced by a watermain and service connections which meet National Fire Protection Association Standard 291 and, in particular, a flow standard of 5,000 litres/minute at 140 kpa for detached dwellings containing one or two Dwelling Units and 7,000 litres/minute at 140 kpa for Dwellings containing three or more Dwelling Units;
3. No Dwelling or Dwelling Unit within a Subdivision shall be constructed unless:
 - (a) the public highways and lanes in the Subdivision have been constructed with base course asphalt; this provision does not apply to a Subdivision registered before July 12, 2005, having existing

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

roads constructed of tar and chip or gravel; and

(b) the lands within the Subdivision contain two separate accesses into the Subdivision for the purposes of emergency services access and egress, or there is a single access into the Subdivision and the Dwelling or Dwelling Unit to be constructed is not more than 100 metres, measured along its access, from an existing, assumed public highway connected to the said access; this provision does not apply to a Subdivision draft approved or registered before July 12, 2005.

4. For the purposes of this section, "Subdivision" means a plan of subdivision, draft approved or registered in accordance with section 51 of the Planning Act, R.S.O. 1990, c. P.13, or similar legislation, where the public highways and lanes within the plan have not been assumed by the authority having jurisdiction.

5. Nothing in this section shall prevent the erection of model homes and sales offices, subject to such terms and conditions as established by the Town and provided that an access route for fire department use has been provided in accordance with the Building Code, O.Reg.403/97.

5.49 **PROVISIONS TO ALLOW EXISTING UNDERSIZED RESIDENTIAL STRUCTURES TO CONNECT TO MUNICIPAL WATER AND SEWERS**
(500-2005-0025)

Any existing buildings utilized for residential purposes and having a minimum floor area of 23 square metres which are located within either the Residential (R) or Low Density Urban Residential (R1) zones, may connect to municipal water and sewer services.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

All other provisions of this Zoning By-law continue to apply.

5.50
(500-2012-0009)

ACCESSORY APARTMENTS

(a) LOCATION AND NUMBER

- i) An accessory apartment shall only be permitted within a single family dwelling, semi-detached dwelling, or townhouse dwelling, provided a single family dwelling, semi-detached dwelling or townhouse dwelling is a permitted use in the zone it is located within; and,
- ii) A maximum of one accessory apartment is permitted per lot.

(b) ROAD ACCESS

An accessory apartment shall only be permitted within a dwelling on a lot that has frontage on a public street or road or an access street or road.

(c) MUNICIPAL WATER AND SEWER SERVICES

Notwithstanding Section 5.48, an accessory apartment may be created without being allocated municipal water and sewer capacity.

(d) DWELLINGS ON PRIVATE SEPTIC SYSTEMS AND/OR PRIVATE WELLS

- i) Notwithstanding Section 5.50(a), an accessory apartment shall not be permitted within a semi-detached dwelling or townhouse dwelling which is serviced by a private septic system and/or a private well.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

ii) Notwithstanding Section 5.50(a) above, an accessory apartment shall not be permitted within any dwelling serviced by a private septic system and/or a private well that is located within a municipal service area boundary, as defined in the Town of Georgina Official Plan, as amended.

iii) Notwithstanding Section 5.50(a), an accessory apartment shall not be permitted within any dwelling serviced by a private septic system which is located within 100 metres of the Lake Simcoe shoreline or any permanent stream.

(e) HOME OCCUPATIONS

Notwithstanding any provisions in this By-law to the contrary, a home occupation shall only be permitted within one unit of a single family dwelling containing an accessory apartment, and shall comply with the requirements of Section 5.21 and 5.28(b).

(f) LAKE SIMCOE REGION CONSERVATION AUTHORITY

An accessory apartment is not permitted in lands affected by flooding, erosion or located within hazardous lands identified by the Lake Simcoe Region Conservation Authority, unless a permit is issued by the Lake Simcoe Region Conservation Authority under the Conservation Authority Act, as amended.

(g) LOCATION OF ACCESSORY APARTMENT IN A CELLAR

Notwithstanding Section 5.8, an accessory apartment is permitted within a cellar, provided it meets the Ontario Building Code, as amended.

SECTION 5 - GENERAL PROVISIONS ALL ZONES (cont.)

(h) DRIVEWAY WIDTH

Notwithstanding Section 5.28(i), where a driveway or parking area for a dwelling containing an accessory apartment is located within a minimum front yard, the width of the driveway or parking area shall not exceed 55% of the lot frontage.

(i) PARKING

Parking shall be provided in accordance with Section 5.28(b).

(j) GREATER RESTRICTIONS (OTHER REGULATIONS AND BY-LAWS), without limiting anything in Section 5.15, accessory apartments shall comply with all other applicable restrictions and by-laws, including, without limitation, municipal registration by-laws; the Ontario Building Code; Ontario Electrical Code; and, the Ontario Fire Code.