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**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.

**(b) LOCATION (RESIDENTIAL)**

In a Residential (R) 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.

An accessory building except for an accessory building associated with a single detached dwelling that does not contain an additional dwelling unit 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.

**(c) LOT FRONTAGE AND AREA (RESIDENTIAL)**

In a zone permitting a single detached dwelling, 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

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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 zone permitting a single detached dwelling, 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 having a maximum height equal to or less than 3 metres measured from average grade to the highest point of the structure shall have a minimum setback of 0.6 metre to the exterior side lot line, interior side lot line, and rear lot line;
- an accessory building having a height greater than 3 metres and up to 4.5 metres measured from average grade to the highest point of the structure shall have a minimum setback of 1 metre to the exterior side lot line, interior side lot line, and rear lot line;
- an accessory building having a height greater than 4.5 metres measured from average grade to the highest point of the structure shall have a minimum setback of 1.2 metre to the interior side lot line and rear lot line, and shall maintain the minimum required exterior side yard setback for a main building in the Zone it is located in;
- notwithstanding the above, where an accessory building of any height has a driveway providing vehicular access to a street, it shall have a minimum setback of 6 metres to the lot line that it obtains vehicular access, or the minimum required setback as set out above, whichever is greater;
- 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 Institutional (I) may be permitted within the front yard but not closer than 3 metres to the front lot line.

In a zone permitting a single detached dwelling, the yards may be reduced to comply with the following:

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- 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 maximum height of an accessory building or structure in a zone permitting a single detached dwelling shall be as follows:

Lots less than 8,000 sq. m:

- 7.5 metres measured from average finished grade to the highest point of the structure.
- an accessory building or structure with a peaked roof design shall not exceed 9.0 metres to the top of the peak nor 7.5 metres to the eaves, measured from average finished grade.

Lots 8,000 sq. m or greater:

- 11.0 metres measured from average finished grade to the highest point of the structure.

All Other Zones:

All accessory buildings and structures shall comply with the maximum height requirements for a main building in the Zone that it is located in.

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.

**(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 with Town policy and the Town Building By-law.

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**5.2 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) 60metres

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

**5.3 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.

**5.4 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.

**5.5 DISPLAY OF VEHICLES**

For purposes of this By-law the display of vehicles shall be permitted as an

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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.

**5.6**

**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.

**5.7**

**EXISTING BUILDINGS – REPAIR, RESTORATION, RECONSTRUCTION, REPLACEMENT, OR ENLARGEMENT**

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:

(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

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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.

**5.8 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.

**5.9 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.



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**5.10 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.

**5.11 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.

**5.12 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 except in compliance with the Provincial Minimum Separation Distance Formulae. 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.

**5.13 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 detached dwelling, may be constructed or used on a lot, unless served by sanitary sewers.

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**5.14 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.
- (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.

**5.15 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.

**5.16 HOME INDUSTRY**

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

- (a) not more than three persons, other than the residents of the dwelling 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 250 square metres; and,
- (e) such home industry is clearly secondary to the main use of the

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property and does not create or become a public nuisance, particularly in regard to traffic, parking, noxious odours or emissions of smoke.

5.17

**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) residents in the dwelling unit operate the home occupation;
- (b) no person, other than a resident, 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;
- (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; and,
- (i) the operation of a personal service shop shall be limited to one operator at any one time.

5.18

**KENNEL(S)**

Notwithstanding any other provision of this By-law, a kennel use shall only be established and operated in accordance with the provisions of the Town of Georgina Kennel Licensing By-law, as amended, revised, or replaced.

5.19

**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 EP, RU-C, AP, R or OS, a boathouse, dock or wharf shall be

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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) YARDS (MINIMUM)**

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

**(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.

**5.20 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.

**5.21 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 any zone on a lot of less than 0.4 ha, 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.

**5.22 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

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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.

**(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.

**5.23**

**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.

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5.24

**OUTDOOR STORAGE OF LEISURE VEHICLES ON LANDS ZONED TO PERMIT A SINGLE DETACHED DWELLING**

**a) LOTS EQUAL TO OR GREATER THAN 4 000 M<sup>2</sup>**

The outdoor storage of a maximum of six leisure vehicles is permitted, two of which may be located on a parking area in a front yard driveway or exterior side yard driveway. The following additional provisions shall apply:

- (i) The minimum setback from a front lot line or exterior side lot line shall be 6.0 metres. The minimum setback from an interior side lot line or rear lot line shall be 1.2 metres.
- (ii) The maximum height of a leisure vehicle from the ground upon which it is stored to the top most feature of the leisure vehicle shall be 4.0 metres. The maximum length of a leisure vehicle shall be 13 metres.
- (iii) Where a leisure vehicle is located on a parking area in a front yard driveway or exterior side yard driveway, such leisure vehicle storage shall ensure that a minimum of 3 required parking spaces are provided for motor vehicles and are unobstructed to ensure ingress and egress of motor vehicles to the property.
- (iv) A leisure vehicle shall at no time be permitted to be stored either in whole or in part on a municipal road allowance, including the boulevard.
- (v) For purposes of this by-law a “*boulevard*” means that portion of a road allowance between the closest edge of the travelled portion of the road allowance and a front lot line or exterior side lot line.
- (vi) Where two or more leisure vehicles are stored on or in a single trailer, capable of carrying one or more leisure vehicles, the leisure vehicles, including the trailer shall count as one leisure vehicle.
- (vii) Notwithstanding the applicable provisions in iii) above, where a leisure vehicle is stored either in the rear portion, or on the roof, of a motor vehicle, such storage shall not be deemed to obstruct the required parking spaces. In such cases, provided the height of the leisure vehicle, including the height of the portion of the motor

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vehicle upon which it is stored, does not exceed 4.0 metres in height, the leisure vehicle shall not be counted as a leisure vehicle.

- (viii) Notwithstanding the 6.0 metre front lot line or exterior side lot line setback requirement in (i) above, a leisure vehicle, excluding a snowmobile or similar winter leisure vehicle, may be stored on a parking area within the front yard or exterior side yard within the required minimum 6.0 metre setback from a front lot line or exterior side lot line on a seasonal basis only from April 1 to October 31 in the same calendar year.
- (ix) Notwithstanding the 6.0 metre front lot line or exterior side lot line setback requirement in (i) above, only a snowmobile or similar winter leisure vehicle may be stored on a parking area within a front yard or exterior side yard a minimum setback of 1.0 metre from a front lot line or exterior side lot line on a seasonal basis only from November 1 in one calendar year to March 31 in the following calendar year.
- (x) Where permission to store a leisure vehicle is on a seasonal basis, the maximum height of a leisure vehicle from the ground upon which it is stored to the top most feature of the leisure vehicle shall be 4.0 metres and the maximum length of a leisure vehicle shall be 13.0 metres.
- (xi) Notwithstanding any of the height, length and front lot line and exterior side lot line setback requirements herein, one leisure vehicle may be stored on a parking area in a front yard or exterior side yard driveway on a temporary basis:
  - (1) During the five weekdays prior to and proceeding through to the end of the Victoria Day holiday weekend and during the Thanksgiving holiday weekend and the five weekdays thereafter; and,
  - (2) On the day prior to and proceeding through to end of the day after the Easter Holiday, Canada Day, Civic Holiday, and Labour Day Weekends.

All other provisions herein regarding the outdoor storage of leisure vehicles on residential lots continue to apply.

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- (xii) Notwithstanding Section 5.28 (i) **ACCESS – DRIVEWAYS, AISLES, AND ACCESS STREETS** of Zoning By-law No. 500, as amended, and any other provisions of this by-law, where a parking area/driveway for a single detached dwelling is used for the storage of a leisure vehicle, the width of the parking area/driveway shall be a minimum of 5 metres and shall not exceed 55% of the lot frontage.
- (xiii) Any reference to a leisure vehicle shall include: (1) the trailer on or in which the leisure vehicle is stored; or, (2) a trailer designed or intended to carry a leisure vehicle.
- (xiv) No leisure vehicle, which would require a valid licence pursuant to the Highway Traffic Act if driven or towed on a public road, may be stored on a parking area in a front yard driveway or exterior side yard driveway unless the leisure vehicle is affixed with a valid licence plate or is located on a trailer affixed with a valid licence plate.

**b) LOTS EQUAL TO OR GREATER THAN 270 M<sup>2</sup> AND LESS THAN 4 000 M<sup>2</sup>**

The outdoor storage of a maximum of three leisure vehicles is permitted, one of which may be located on a parking area in a front yard driveway or exterior side yard driveway, except on a lot of less than 270 m<sup>2</sup> in which case the outdoor storage of leisure vehicles is only permitted in the rear yard. The following provisions shall also apply:

- (i) The minimum setback from a front lot line or exterior side lot line shall be 6.0 metres. The minimum setback from an interior side lot line or rear lot line shall be 1.2 metres.
- (ii) The maximum height of a leisure vehicle from the ground upon which it is stored to the top most feature of the leisure vehicle shall be 4.0 metres. The maximum length of a leisure vehicle shall be 13 metres.
- (iii) Where a leisure vehicle is located on a parking area in a front yard driveway or exterior side yard driveway, such leisure vehicle storage shall ensure that a minimum of 3 required parking spaces are provided for motor vehicles and are unobstructed to ensure ingress and egress of motor vehicles to the property.



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- (iv) A leisure vehicle shall at no time be permitted to be stored either in whole or in part on a municipal road allowance, including the boulevard.
- (v) For purposes of this by-law a “*boulevard*” means that portion of a road allowance between the closest edge of the travelled portion of the road allowance and a front lot line or exterior side lot line.
- (vi) Where two or more leisure vehicles are stored on or in a single trailer, capable of carrying one or more leisure vehicles, the leisure vehicles, including the trailer shall count as one leisure vehicle.
- (vii) Notwithstanding the applicable provisions in iii) above, where a leisure vehicle is stored either in the rear portion, or on the roof, of a motor vehicle, such storage shall not be deemed to obstruct the required parking spaces. In such cases, provided the height of the leisure vehicle, including the height of the portion of the motor vehicle upon which it is stored, does not exceed 4.0 metres in height, the leisure vehicle shall not be counted as a leisure vehicle.
- (vii) Notwithstanding the 6.0 metre front lot line or exterior side lot line setback requirement in (i) above, a leisure vehicle, excluding a snowmobile or similar winter leisure vehicle, may be stored on a parking area within the front yard or exterior side yard within the required 6.0 metre setback from a front lot line or exterior side lot line on a seasonal basis only from April 1 to October 31 in the same calendar year.
- (ix) Notwithstanding the 6.0 metre front lot line or exterior side lot line setback requirement in (i) above, only a snowmobile or similar winter leisure vehicle may be stored on a parking area within a front yard or exterior side yard a minimum setback of 1.0 metre from a front lot line or exterior side lot line on a seasonal basis only from November 1 in one calendar year to March 31 in the following calendar year.
- (x) Where permission to store a leisure vehicle is on a seasonal basis, the maximum height of a leisure vehicle from the ground upon which it is stored to the top most feature of the leisure vehicle shall be 4.0

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metres and the maximum length of a leisure vehicle shall be 13.0 metres.

- (xi) Notwithstanding any of the height, length and front lot line and exterior side lot line setback requirements herein, one leisure vehicle may be stored on a parking area in a front yard or exterior side yard driveway on a temporary basis:
  - (1) during the five weekdays prior to and proceeding through to the end of the Victoria Day holiday weekend and during the Thanksgiving holiday weekend and the five weekdays thereafter; and,
  - (2) on the day prior to and proceeding through to the end of the day after the Easter Holiday, Canada Day, Civic Holiday, and Labour Day weekends.

All other provisions herein regarding the outdoor storage of leisure vehicles on residential lots continue to apply.

- (xii) Notwithstanding Section 5.28 (i) **ACCESS – DRIVEWAYS, AISLES, AND ACCESS STREETS** of Zoning By-law No. 500, as amended, and any other provisions of this by-law, where a parking area/driveway for a single detached dwelling is used for the storage of a leisure vehicle, the width of the parking area/driveway shall be a minimum of 5 metres and shall not exceed 55% of the lot frontage.
- (xiii) Any reference to a leisure vehicle shall include: (1) the trailer on or in which the leisure vehicle is stored; or, (2) a trailer designed or intended to carry a leisure vehicle.
- (xiv) No leisure vehicle, which would require a valid licence pursuant to the Highway Traffic Act if driven or towed on a public road, may be stored on a parking area in a front yard driveway or exterior side yard driveway unless the leisure vehicle is affixed with a valid licence plate or is located on a trailer affixed with a valid licence plate.

5.25

**OUTDOOR STORAGE OF LEISURE VEHICLES ON LANDS ZONED TO PERMIT A SINGLE DETACHED DWELLING ON A LOT LESS THAN 270 m<sup>2</sup>**

**SECTION 5 – GENERAL PROVISIONS**

- (i) The outdoor storage of a maximum of three leisure vehicles is only permitted in a rear yard. A leisure vehicle shall have a maximum height of 3.0 metres, a maximum length of 7 metres, and a minimum setback to an interior or rear lot line of 1.2 metres.
- (ii) Where two or more leisure vehicles are stored on or in a single trailer, capable of carrying one or more leisure vehicles, the leisure vehicles, including the trailer shall count as one leisure vehicle.

5.26

**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

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

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
Single detached dwelling	three per unit, two of which may be in a driveway private to the unit and in the front yard

**SECTION 5 – GENERAL PROVISIONS**

Single detached dwelling containing an additional dwelling	<p>Notwithstanding any provisions in this By-law to the contrary, a total of three parking spaces must be provided on the subject lot, provided they meet the following:</p> <ul style="list-style-type: none"> <li>- Only one of the three parking spaces required can be in a garage.</li> <li>- Two of the three parking spaces required must have direct driveway access to a public road or street or access road or street.</li> </ul>
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Notwithstanding the above, where a single detached dwelling, semi-detached dwelling or townhouse dwelling existed on a lot as of **DATE OF PASSAGE** 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.

Type of Use	Minimum Number of 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

Notwithstanding the above, where a leisure vehicle is stored on a parking area in a front yard or exterior side yard on a seasonal or temporary basis as set forth in Section 5.27A a) (viii), (ix), and (xi), the required number of parking spaces for a single detached dwelling, for the period in which the leisure vehicle storage is permitted, shall be reduced from 3 spaces to 2 spaces for the duration of the specified seasonal or temporary period only.

**NON-RESIDENTIAL USES**

Type of Use	Minimum Number of Required Spaces
<b>Commercial:</b>	
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

**SECTION 5 – GENERAL PROVISIONS**

catering establishment	3.5 per 95 sq m of non-residential floor area
multi-unit commercial centre	5.5 per 95 sq m of non-residential floor area; except where 50% of the total non-residential 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.
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	3.5 per 95 sq m of non-residential floor area
tourist information centre, veterinary clinic (animal hospital)	3.5 per 95 sq m of non-residential floor area
golf ball driving range or miniature golf course	1 per tee or hole
golf courses	3 per hole
hawker or pedlar use	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

**SECTION 5 – GENERAL PROVISIONS**

home occupation	<p>3.5 per 95 sq m of residential floor area used for home occupation purposes.</p> <p>Where a single detached 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>
marina	1 per each slip in addition to that provided for retail space.
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
<b>Industrial:</b>	

**SECTION 5 – GENERAL PROVISIONS**

- warehouse or public storage building	1 per 95 sq m of non-residential floor area
- all other industrial uses including home industry and printing shop, but excluding a mechanical garage	2 per 95 sq m of non-residential floor area
communications Facility	2 per 95 sq m of non-residential floor area
crematorium	2 per 95 sq m of non-residential floor area
cannabis production facility, licensed	2 spaces, plus 2 spaces per 95 sq metres of non-residential floor area
cannabis production facility, designated	2 spaces, plus 1 space per 95 sq metres of non-residential floor area
research and development facility	2 per 95 sq m of non-residential floor area
<b>Place of Assembly:</b>	
an airport, auditorium, arena, church, funeral home (chapel), hall, commercial or private club, theatre	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)
Art Gallery	10 per 95 sq m of non-residential floor area devoted to use by the public
Convention Centre	10 per 95 sq m of non-residential floor area devoted to use by the public
Place of Worship	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)
<b>Institutional:</b>	
hospitals and nursing homes	1 per bed
school, public - elementary	2 per teaching classroom or portable teaching classroom plus 5 spaces for a day nursery provided in a school facility

**SECTION 5 – GENERAL PROVISIONS**

- secondary	4 per teaching classroom or portable teaching classroom plus 10 spaces for a day nursery provided in a school facility
day nursery	2.5 per each classroom, none required for day nursery in church or apartment dwelling

**(c) ACCESSIBLE PARKING**

(Deleted by By-law 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:

- (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 2.5 metres.
- (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:



**SECTION 5 – GENERAL PROVISIONS**

- 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.
- (iii) the storage of leisure vehicles on a parking area in a front yard driveway or exterior side yard driveway as set forth in Section 5.27A.

**(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.

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:

Zone	Yard in Which Parking Area is Permitted
All zones permitting a residential use	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
All Zones	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

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.

**SECTION 5 – GENERAL PROVISIONS**

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**

Notwithstanding any other provisions of this by-law, where a driveway or parking area for a single detached dwelling, 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 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 zones permitting a single detached dwelling 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

5.27

**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

**SECTION 5 – GENERAL PROVISIONS**

purpose of applying the minimum yard provisions of this By-law. In interpreting the above, the following criteria will govern:

- (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; and,
- (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.

<b>TABLE 1 – PLANNED WIDTH OF STREET ALLOWANCE</b>	
<b>REGION OF YORK ROADS</b>	
<b>Road Name &amp; Description</b>	<b>Planned Street Width</b>
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
Warden Avenue (Y.R. 65)	
- Ravenshoe Rd. (Y.R. 32) to Baseline Rd. (Y.R. 8A)	36 metres
Woodbine Avenue (Y.R. 8)	
- Ravenshoe Rd. (Y.R. 32) to Metro Rd. (Y.R. 78)	36 metres
Baseline Road (Y.R. 8A)	
- Woodbine Ave. (Y.R. 8) to Elizabeth Dr.	36 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
Ravenshoe Road (Y.R. 32)	
- west Town limit to 500 metres west of Victoria Road (Y.R. 82)	36 metres

**SECTION 5 – GENERAL PROVISIONS**

- 500 metres west of Victoria Road (Y.R. 82) to Durham Road 23	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
Weir's Sideroad (Y.R. 81)	
- Ravenshoe Rd. (Y.R. 32 to Old Homestead Rd. (Y.R. 79)	30 metres

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.

<b>TABLE 1 – TOWN OF GEORGINA ROADS</b>	
<b>Road Name &amp; Description</b>	<b>Planned Street Width</b>
Boyer's Sideroad - Metro Rd. to Warden Ave.	25 metres
Glenwoods Avenue - 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
Valley View Road/Lasher Lane - Burke St. to Ravenshoe Rd.	25 metres
McCowan Road - Metro Rd. to Ravenshoe Rd.	25 metres
Latimer Road/Morning Glory Road/Cedarbrook Road - Hwy. 48 to Durham Rd. 23	25 metres
Smith Boulevard - Hwy. 48 to Weir's Sideroad	25 metres
Frog Street/Snodden Road/Thomas Drive/Rosslyn Drive - Hwy. 48 to Durham Rd. 23	25 metres

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2 <sup>nd</sup> Concession Road - Lake Simcoe to Ravenshoe Rd.	25 metres
Old Shiloh Road - Victoria St. to west limit	25 metres
1 <sup>st</sup> Concession Road - Lake Simcoe to Ravenshoe Rd.	25 metres
Civic Centre Road - Baseline Rd. to Metro Rd.	25 metres

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

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.

5.28

**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 RC, M1 and M2 Zones, a planting strip shall be required along the front and exterior lot lines.

**(a) WIDTH**

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.
- 'RC' 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.

**SECTION 5 – GENERAL PROVISIONS**

**(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.

**5.29 RECREATIONAL VEHICLES**

The use, parking or storage of recreational vehicles shall be restricted to the Commercial Recreation (CR) 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.

**5.30 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 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.

**5.31 REGISTERED PERSON**

A registered person is permitted to cultivate, propagate and harvest cannabis at any property and in such manner as identified pursuant to a registration certificate issued by the Federal Minister of Health to said registrant.

**5.32 SATELLITE DISHES**

Notwithstanding any other provisions in this by-law to the contrary, the following provisions shall apply to satellite receiving dishes on any lot:

**SECTION 5 – GENERAL PROVISIONS**

- (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 Rural Commercial (RC), 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.
- (d) in Rural Commercial (RC), 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.

5.33

**SHORT-TERM RENTAL ACCOMMODATION**

- (a) Notwithstanding any other provision of this By-law, Short-term Rental Accommodation shall only be established and operated in accordance with the provisions of the Short-term Rental Accommodation Licensing By-law, as amended, revised and replaced.
- (b) Short-term Rental Accommodation shall only be permitted within a Single Dwelling, or an Additional Dwelling on the same Lot as a Single Detached Dwelling.

5.34

**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 RU-C, EP or AP zone	6 metres
- in a RU, CR or I Zone	9 metres
- in all other zones	15 metres

where a local road intersects	
- a Regional Road	15 metres

**SECTION 5 – GENERAL PROVISIONS**

where a Regional Road intersects  
- a Regional Road 30 metres

where a railroad right-of-way intersects a street line and  
- all other intersections 45 metres

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

**(c) 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.

5.35

**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

**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 use, shall be permitted in the rear or interior side yard of any lot, provided that:

- (a) the swimming pool shall have a minimum setback of 1.2 metres from the rear lot line, interior side lot line, and exterior side lot line. The setback shall be measured from the outside edge of the pool wall.
- (b) 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 subject to the yard requirements for accessory buildings and structures for the



**SECTION 5 – GENERAL PROVISIONS**

respective zone;

- (c) 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.

**5.38**

**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).

**5.39**

**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.

**5.40**

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

**5.41**

**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.

**SECTION 5 – GENERAL PROVISIONS**

5.42

**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 RU-C, EP or AP 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 Ontario or Canada; or,
- (e) a lot described in (a), (b), (c), or (d) above, which has been enlarged since this By-law was passed.

5.43

**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)

**SECTION 5 – GENERAL PROVISIONS**

- 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 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.

5.44

**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 R zones, upon written approval of the Lake Simcoe Region Conservation Authority and/or the Ministry of Natural Resources.

5.45

**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 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.

5.46

**YARD ENCROACHMENTS PERMITTED**

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

- (a) **Ornamental Structures**

**SECTION 5 – GENERAL PROVISIONS**

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.

- **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.

Notwithstanding the above, unenclosed decks in a Residential zone may project a maximum distance of 3 metres into the required rear yard.

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.

**(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.

**SECTION 5 – GENERAL PROVISIONS**

**(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**

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.

**(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.

5.47

**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.

5.48

**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
- (b) no goods, material, or equipment shall be stored in the open, except

**SECTION 5 – GENERAL PROVISIONS**

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.

5.49

**ADDITIONAL DWELLINGS**

A maximum of two additional dwellings are permitted per lot associated with a permitted single detached dwelling, for a total of three dwellings per lot.

One additional dwelling may be permitted within the permitted single detached dwelling and one additional dwelling may also be permitted in a freestanding detached accessory building on the same lot as the existing single detached dwelling.

**(a) ROAD ACCESS**

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

**(b) DWELLINGS ON PRIVATE SEPTIC SYSTEMS AND/OR PRIVATE WELLS**

Notwithstanding Section 5.50(a), an additional dwelling 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, unless such additional dwelling can be accommodated within the septic system of the existing single detached dwelling.

**(c) ADDITIONAL DWELLINGS IN DETACHED ACCESSORY BUILDINGS**

An additional dwelling is permitted in a freestanding detached accessory building associated with a permitted single detached dwelling subject to compliance with the following provisions:

- i) The detached accessory building containing the accessory dwelling shall comply with the minimum setback requirements for accessory buildings in Section 5.
- ii) The gross floor area of the detached accessory building shall not exceed 40% of the gross floor area of the principal dwelling or 100 sq. m.
- iii) The maximum height of the detached accessory building containing an accessory dwelling shall be 7.5 metres.

**SECTION 5 – GENERAL PROVISIONS**

- iv) The detached accessory building shall not be permitted to be located within a front yard or exterior side yard and shall be no closer than 3 metres from the principal single detached dwelling.
- v) A 1.2 m wide unobstructed pedestrian access shall be provided to the entrance of the detached accessory building containing the additional dwelling.
- vi) No additional dwelling unit shall be permitted within a building that is used to keep livestock.

**(d) LOCATION AND NUMBER**

- i) An additional dwelling shall only be permitted within a single detached dwelling if a single detached dwelling is a permitted use in the zone it is located within; and,
- ii) A maximum of one additional dwelling in a detached accessory building is permitted per lot.

**(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 detached dwelling containing an additional dwelling, and shall comply with the requirements of Section 5.21 and 5.28(b).

**(f) LAKE SIMCOE REGION CONSERVATION AUTHORITY**

An additional dwelling 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 DWELLING IN A CELLAR**

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

**(h) DRIVEWAY WIDTH**

**SECTION 5 – GENERAL PROVISIONS**

Notwithstanding Section 5.28(i), where a driveway or parking area for a single detached dwelling containing an accessory dwelling 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)**

Additional dwellings 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.

**5.50**

**OUTDOOR SOLID-FUEL COMBUSTION APPLIANCES**

Notwithstanding any other provision of this By-law, an Outdoor Solid-Fuel Combustion Appliance shall not be considered to be an accessory building, structure or use under this By-law, and shall only be permitted, installed and used in compliance with By-law Number 2014-0062 (or such by-law as may be passed in substitution therefor).