

## SECTION 4 GENERAL PROVISIONS

The following general provisions shall apply to all zones.

### 4.1 ACCESSORY BUILDINGS AND USES

Where this By-law provides that a *Lot* may be used or a *building or structure* may be erected or used for a purpose, that purpose shall include an *Accessory Building or structure* as provided for in this By-law, but shall not be used for human habitation

#### 4.1.1 **Location:**

Any *Accessory Building or structure* shall be erected in any *Yard*, except in the *Front Yard* and shall comply with the yard requirements of the *Zone* in which such *building or structure* is situated with the exception that no *Accessory Building or structure* shall be located closer to the rear lot line than one (1) metre. In the case of the Estate Residential *Zone* no *Accessory Building or structure* shall be located closer to the *Rear Lot Line* than four decimal five (4.5) metres.

#### 4.1.2 **Height:**

- a) Where the *Lot Area* is less than 460.0 m<sup>2</sup>, the maximum *height* for *Accessory Buildings and structures* in any Residential or Commercial *Zone* shall not exceed three decimal five (3.5) metres.
- b) Where the *Lot Area* is more than 460.0 m<sup>2</sup>, the maximum *height* for *Accessory Buildings and structures* in any Residential or Commercial *Zone* shall not exceed four decimal five (4.5) metres.
- c) In all other zones, the maximum height for *Accessory Buildings and structures* will be what is permitted in the *Zone*.

#### 4.1.3 **Lot Coverage:**

Except as otherwise stated in this By-law and for the purposes of *Lot Coverage* calculations, the following *Lot Coverage* provisions shall apply to *Accessory Buildings and structures*, and shall not be included in the maximum *Lot Coverage* as set out in the *Zone* in which such *Lot* or parcel is situated in:

- a) Where the *Lot Area* is less than 460.0 m<sup>2</sup>, the maximum *Lot Coverage* for *Accessory Buildings and structures* shall not exceed 7.5%.

- b) Where the *Lot Area* is equal to or greater than 460.0 m<sup>2</sup>, the maximum *Lot Coverage* for *Accessory Buildings* and structures shall not exceed 15%.

**4.1.4 Gatehouse:**

Notwithstanding any provision to the contrary, where an *Accessory Building* is a *Gatehouse* it shall not exceed 10.0 m<sup>2</sup> in floor area, and shall only be permitted and located in an *Employment Zone*, *Business Park Zone* or a multiple residential development.

**4.1.5 Central Air Conditioners and Heat Pumps:**

Notwithstanding the provisions of Sections 4.1.2 and 4.1.3, in all Residential Zones:

- a) Central air conditioners and/or heat pumps shall only be permitted in rear and side yards
- b) Notwithstanding Section 4.1.5 a), central air conditioners and/or heat pumps in Apartment Residential Zones shall be roof mounted.

**4.2 NON-CONFORMING USES AND NON-COMPLYING BUILDINGS, STRUCTURES**

**4.2.1 Safe Condition. Non-conforming and Non-complying Buildings:**

Nothing in the By-law shall prevent the repair to a safe condition of any *building or structure* or part of any such *building or structure* which does not conform or comply with the provisions of this By-law, provided such repair does not increase the height, size or volume or change the use of such *building or structure*.

**4.2.2 Existing Buildings:**

A *building or structure* erected prior to the date of the passing of this By-law, on a *Lot* having less than the minimum *Lot Frontage* and/or *Lot Area*, or having less than the minimum *Yard* requirements for the zone which it is located, may be enlarged, repaired or renovated, provided that the enlargement, repair or renovation complies with the provisions of this By-law.

**4.2.3      Continuation of Existing Uses:**

The provisions of this By-law shall not apply to prevent the use of any land, *building or structure* for any purpose prohibited by this By-law, if such land, *building or structure* was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

**4.2.4      Existing Undersized Lots of Record:**

Where a *Lot*, having a lesser *Lot Frontage* or *Lot Area* than is required by this By-law, and is:

- a) held under distinct and separate ownership from abutting lots, on or before the passing of this By-law, as evidenced by the records of the Land Registry Office; or
- b) is a *Lot* or block on a registered plan of subdivision; or
- c) is created as a result of expropriation or highway widening or other land acquisition by a Public Authority having such statutory powers; or
- d) is a *Lot* created by consent under the Planning Act, or its predecessor, after March 31, 1979.

Such lot shall be deemed to conform with the *Lot Frontage* and *Lot Area* requirements of this By-law.

**4.2.5      Effect of Expropriation or Road Widening:**

- a) No existing *Lot, Building or Structure* shall be deemed to have come into contravention with any regulations or provisions of this By-law, including parking, by reason that any part or parts of the *Lot* has or have been conveyed to or acquired by any *Public Authority*.

This provision shall not apply where the conveyance of or any part or parts of the *Lot* to any *Public Authority* is required as a condition of an approval required for the creation of a *Lot*, the construction of a new *Building or Structure*, or addition to a *Building or Structure*.

- b) Where subsection (a) above applies and a new *Building or Structure* is proposed:

- i) *Lot Area, Lot Depth, Lot Frontage, and Lot Coverage* shall be calculated using the lands conveyed to or acquired by the *Public Authority*; and,
- ii) All other regulation shall be calculated using the remaining lands not conveyed to or acquired by the *Public Authority*.

#### **4.3 ESTABLISHED BUILDING LINE**

Notwithstanding any other provisions of this By-law in any *Zone*, main structures built between existing buildings within sixty (60) metres on each side of the proposed buildings on the same block may be built with a *Front Yard Setback* which is equal to the average *Setback* of the adjacent buildings but this *Front Yard Setback* shall not be less than three (3) metres from the front *Lot Line*.

#### **4.4 DWELLING UNIT IN A NON-RESIDENTIAL ZONE**

Where a dwelling is permitted or exists in a non-residential zone:

- 4.4.1 The dwelling part of the building shall have a separate building entrance to that provided for the non-residential use.
- 4.4.2 In a Commercial Zone or Promenade Downtown (PD1) Zone, any *dwelling unit* shall be located above the *first storey* of such building.
- 4.4.3 The floor area of the residential portion of a non-residential building in a Commercial Zone shall not exceed fifty (50) percent of the total floor area of the building.
  - 4.4.3.1 Notwithstanding Section 4.4.3, the residential portion of a non-residential building may exceed fifty (50) percent of the total floor area of the building within a Promenade Zone.
- 4.4.4 Dwelling, Second Suites are not permitted within any Environmental Protection (EP) Zone.

#### **4.5 LOT FRONTAGE ON ROAD OR STREET**

No person shall erect or use any *building or structure* in any *Zone* unless the *Lot* upon which such *building or structure* to be erected fronts upon a public or private street, or has legal access to a public street.

#### **4.6 HOME OCCUPATION**

Where a *Home Occupation* is permitted in this By-law, it shall comply with the following regulations:

- 4.6.1** It shall be conducted entirely within the dwelling or permitted accessory buildings.
- 4.6.2** There shall be no mechanical equipment used or stored except where ordinarily used for domestic purposes.
- 4.6.3** No more than one person not resident in the dwelling shall be employed in the *Home Occupation*.
- 4.6.4** Such a *Home Occupation* shall be clearly secondary to the main residential use of a building and shall not change the residential character of a dwelling house or unit.
- 4.6.5** Not more than twenty-five (25) percent of the *gross floor area* of the dwelling shall be used for the purpose of *Home Occupation* uses, and in no case shall the home occupation exceed 45 square metres.
- 4.6.6** Where a single *detached dwelling unit, semi-detached dwelling unit, or link house dwelling unit* contains a *second suite dwelling unit* and is permitted to have a *Home Occupation*, the *Home Occupation* shall be permitted in only one unit.

#### **4.7 PLANNED WIDTH OF ROAD ALLOWANCE**

Where a *Lot* abuts a road under the jurisdiction of the Province of Ontario or the Regional Municipality of York, the regulations of those agencies respecting *Front Yard Setbacks* shall apply unless the appropriate *Zone* provisions of this By-law is greater, in which case, the greater requirement will apply.

#### **4.8 LANDSCAPING STRIP** **(6365-21)**

Any Lot on lands zoned Commercial, Employment, Institutional or Multiple Residential (more than four dwelling units per Lot) shall require an un-obstructed Landscaping Strip solely for supporting tree plantings, shrubs, flowers, grass or other such vegetative elements in accordance with the following provisions:

- a) A minimum 3.0 metre wide continuous landscaping strip is required on the front and interior side lot line of any lot that has a frontage of 15 metres or more.
- b) A minimum 2.0 metre wide continuous landscaping strip is required on the front and interior side lot line of any lot that has a frontage of less than 15 metres.
- c) Notwithstanding section 4.8 a) and b):
  - i. Properties with a frontage of 15m or more and less than a 3m required front or interior side yard setback, shall provide a minimum landscaping strip the same width as the required front and interior side yard setback provided the required setback is not less than 1.5m. Properties with a frontage of less than 15m and less than a 2m required front or interior side yard setback, shall provide a minimum landscaping strip the same width as the required front and interior side yard setback provided the required setback is not less than 1.5m.
  - ii. Properties with a zero front yard or interior side yard requirement are exempt from providing a landscape strip.
- d) Where the rear lot line of any lot in a non-residential zone abuts a lot in a Residential Zone, a minimum 3.0 metre wide continuous landscaping strip shall be provided along the abutting lot line of the lot.
- e) Access ramps or Driveways shall be permitted to cross such landscaping strips.
- f) Notwithstanding the requirements of this Section, including subsection 4.8 a) to d), the landscaping requirements of Section 4.8 of this By-law and the definitions of *Landscaping* and *Landscaping Strip* under Section 3 of this By-law do not apply to lands that are subject to existing landscaping requirements under Section 24 of this By-law.

For those lands subject to existing landscaping requirements under Section 24 of this By-law, "*Landscaping/Landscape Strip*" means any combination of trees, shrubs, flowers, grass or other such vegetative elements, and (which) may include decorative stonework, paving, screening, or other architectural elements, *curbs*, retaining walls and any surface walk or similar area but does not include any *driveway* or ramp, *parking area* or any area with an enclosed *building or structure*.

#### 4.9 PUBLIC SERVICES PERMITTED

Nothing in this by-law shall prevent or restrict the use of any land or to the erection or use of any *building or structure* for the purpose of public service by any *Public Authority*, including any hydro utility, or any communications/telecommunications corporation or gas company provided that any *Lot* that is adjacent to any Residential *Zone*:

- a) There is no open storage, except as permitted in such *Zone*.
- b) The *Lot Coverage* and Yard requirements for such zones are complied with.
- c) Any building erected under the authority of this paragraph shall be designed and maintained in general harmony with residential buildings of the type permitted in such areas.
- d) Parking and loading requirements of this By-law shall be complied with.

##### 4.9.1 **Installation of Services and Public Utilities:**

Nothing in this By-law shall prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line, electricity generation facilities, electric transmission and distribution systems, communications/telecommunication lines or facilities provided that the location has been approved by the appropriate *Public Authority*.

Notwithstanding the generality of the foregoing, this approval by the Corporation shall not be required for any undertaking which has been authorized pursuant to the provisions of the *Environmental Assessment Act* (1990), as amended.

**4.9.1.1 Hydro Corridor Lands:**

Uses such as athletic fields, public and private parks, agriculture, community gardens, road crossings and other utilities from Hydro One Networks Inc. are permitted within Hydro Corridors. *Parking lots* and outdoor storage that are permitted in abutting lands may also be permitted. All uses shall be approved by the appropriate Public Authority

**4.9.2** The provisions of this section shall not apply to lands in any "Oak Ridges Moraine" (ORM) Zone.

**4.10 RAILWAY CROSSING AND SIGHT DISTANCE**

Where any road or *public street* crosses a railway at the same grade, no *building or structure* shall be erected within fifty (50) metres of the point of intersection of the centre line of both the railway and the street.

**4.11 DAYLIGHTING OR SIGHT TRIANGLES**

On any *corner lot*, no fence, hedge, shrub, bush or tree, or any other structure or vegetation shall be erected or permitted to grow to a height greater than one (1) metre above the grade of the streets that abut the *Lot* within the *Daylighting Triangle* triangular area enclosed by the intersecting *Street Lines* for a distance of six (6) metres from their point of intersection.

**4.12 SWIMMING POOLS**

Unless otherwise specified in this By-law, *Pools* shall be located in Residential Zones, excluding Apartment Residential Zones, in accordance with the following:

- a) *Pools* shall be located in the *Rear* and *Side Yards* only;
- b) In-ground pools shall be setback a minimum of 1.2 metres from the *Rear* and *Side Lot Lines*;
- c) The perimeter deck of an above ground pool shall be setback a minimum of 0.6 metres from the *Rear* and *Side Lot Lines*.



**4.12.1      Estate Residential and Rural Zones:**

*Pools* shall be located in accordance with the *Setback* requirements for the *Main Building* with the exception of the *Rear Yard*, in which pools shall be setback a minimum of 4.5 metres.

**4.12.2      Pool Enclosures:**

Unless otherwise stated in this By-law, a Pool Enclosure shall be provided in Residential Zones, excluding Apartment Residential Zones, in accordance with the following:

- a) In the case of an in-ground pool, no pool enclosure shall be closer than 1.2 metres of the nearest edge of the water contained in the pool.
- b) A minimum distance separation of 1.2 metres from the nearest edge of the water contained in the pool shall be maintained from all buildings and/or structures.

**4.13      TEMPORARY CONSTRUCTION USES PERMITTED**

Nothing in this By-law shall prevent uses incidental to construction such as a construction camp or other such temporary work camp, a tool shed, scaffold or other *building or structure* incidental to the construction, provided that these uses shall be permitted only for so long as are necessary for work in progress which has been neither finished nor abandoned, and for which a building permit has been issued and remains in force

**4.14      THROUGH LOT**

On any *Through Lot*, the *Setback* and *Front Yard* requirements shall apply on each street in accordance with the provisions of the *Zone* or zones in which such *Lot* is situated.

**4.15      LOCATION OF GASOLINE AND PROPANE PUMPS & CANOPIES**

The following provisions shall apply to *Motor Vehicle Service Stations*, *Motor Vehicle Repair Garages* and *Building Supply Outlets*:

- a) The minimum distance of pumps and canopies from the *Street Line* of the street upon which the *Lot* fronts shall be four decimal five (4.5) metres,

- b) The minimum distance of pumps and canopies from the nearest part of the *Daylighting Triangle* shall be three (3) metres.

#### **4.16 SOURCE WATER PROTECTION**

Notwithstanding any other provisions contained in this By-Law, uses within or adjacent to the source water protection area as described by Schedule “A.4” of this By-law are subject to the Regional Municipality of York’s Source Water Protection Policies (Region of York Official Plan Amendment #5).

#### **4.17 USES PROHIBITED**

Notwithstanding any other provisions contained in this By-law, the following uses are not considered to be part of any *Use* permitted in this By-law

- 4.17.1** The use of any land or *Lot* for the purpose of a *Tourist Trailer Park* or the use of a *tourist trailer* or mobile home for human habitation.
- 4.17.2** The use of any land or *Lot* for the purpose of a track for the racing or testing of *Motor Vehicles* or motorcycles or go-carts or snowmobiles.
- 4.17.3** The use of any land or *Lot* for the purpose of a *Scrap or Salvage Yard*.
- 4.17.4** The use of any land or *Lot* for the purpose of a waste disposal area, landfill site, or dump except for public landfill sites owned and/or operated or approved by the Town of Aurora.
- 4.17.5** The use of any land or *Lot* for the manufacture or storage of fertilizers from human or animal wastes.
- 4.17.6** The making or establishment of *pits* or quarries and no person shall use land or erect any *building or structure* for the purpose of processing, washing, sorting, screening or crushing rock, sand or gravel.

#### **4.18 VACANT LOT – STORAGE**

Notwithstanding any other provisions of this By-law, on any *Lot* in a Residential *Zone* on where there is no *Main Building*, the storage or parking of a *Motor Vehicle*, boat, *tourist trailer*, mobile home or other similar vehicle shall not be permitted.

**4.19 YARD EXCEPTION TERRAIN UNSUITABILITY**

Where in this By-law a *Front Yard*, *Side Yard* or *Rear Yard* is required, and part of the area of the *Lot* is usually covered by water or marsh; is beyond the rim of a cliff or embankment having a slope of 30 degrees or more from the horizontal, or beyond the top of such slope; then any required yard shall be measured from the nearest part of any building or structure to the nearest part of such part of the *Lot*.

#### 4.20 YARD ENCROACHMENTS PERMITTED

The structures listed in the following table shall be permitted to project into the minimum yards indicated for the distances specified:

Structure or Feature	Applicable Yard	Maximum Encroachment into a Minimum Yard
Sills, belt courses, cornices, gutters chimneys, pilasters , eaves, parapets or canopies	Any yard	0.7 m
Window Bays, with or without foundation up to 3m in width	Front, Rear and <i>Exterior Side Yards</i>	1 m
	<i>Interior Side Yards</i>	0.33 m
Open porches, uncovered terraces and decks (3.2 m in height or less)	Front & <i>Exterior Side Yards</i>	2.5 m  In no case shall be 4.5 m from the <i>Front Lot Line</i> , 3 m from the <i>Exterior Side Yard Lot line</i> .
	Rear Yards	3.7 m  In no case shall be closer than 3.8 m from the <i>Rear Lot Line</i>
Balconies	Front and <i>Exterior Side Yards</i> for all residential buildings	2 m
	<i>Rear Yards</i> for all residential buildings	2.5 m
Steps, Landings	All yards	2 m  In no case shall be closer than 4.5 m from the <i>Front Lot Line</i> and 2.1 m from the <i>Exterior Side Lot Line</i>  In no case shall be closer than 0.3 m from the <i>Interior Side Lot Line</i> .
Drop awnings, clothes lines, poles, flag poles, garden trellises, ornamental light poles, retaining walls, or fences	All yards	N/A

**Privacy Screen or Fence:**

- 4.20.1** Where a deck is located closer than 1.2 metres to a *Side Lot Line*, and is higher than 0.6 metres, a privacy screen with a minimum height of 1.5 metres shall be provided along the full extent of the deck abutting the *Side Lot Line*.