

Section 5 – General Provisions

5.1 Accessory Buildings and Structures

5.1.1 Where a swimming pool or tennis court is provided, the total lot coverage for said accessory uses may increase to a maximum of twenty (20) percent. In no case shall the lot coverage of all buildings and accessory uses exceed the maximum lot coverage as provided for in the applicable provisions of this By-law.

5.1.2 In a residential zone, an accessory building or structure, shall not be erected closer to the street line than the principal building on the lot and shall further be erected in conformity with the yard and setback requirements of the respective residential zone, except as may otherwise be provided herein.

Notwithstanding the foregoing, in a residential zone an accessory building or structure in an exterior side yard can be located closer to the street line than the principal building provided the exterior side setback is maintained and the proposed structure is not located within a site triangle.”

5.1.3 Where an accessory use is attached to the main building, the front yard, side yard, rear yard and area requirements of this By-law shall be complied with as if the accessory building was part of the main building.

5.1.4 No person shall use an accessory building for human habitation except where a dwelling is permitted as an accessory building.

5.1.5 An accessory building shall not be built closer to any lot line than the minimum distance required by this By-law except that common semi-detached garages may be erected on a mutual side lot line.

5.1.6 Except in accordance with Section 5.16 no accessory building shall be erected prior to the erection of a principal building or structure.

5.1.7 The minimum distance of an accessory building from a principal building shall be 1.2 metres (4 feet).

5.2 Additional Residential Units

Notwithstanding any other provision of this By-law, where an additional residential unit is permitted hereunder, the following provisions shall apply:

- a) Additional residential units shall only be permitted in association with the following permitted principal uses:
 - i. Single detached dwellings; and
 - ii. Semi-detached dwellings.
- b) Additional residential units are not permitted within the:
 - i. Limited Service Residential (LSR) Zone or underlying Limited Service Residential (LSR) Zone;
 - ii. Waterfront Residential (WR) Zone or underlying Waterfront Residential (WR) Zone;
 - iii. Oak Ridges Moraine Core (ORMC) Zone; and
 - iv. Oak Ridges Moraine Linkage (ORML) Zone
- c) Notwithstanding Section 5.44 f) ii), an additional residential within the Oak Ridges Moraine is only permitted within the principle dwelling.

- d) Where an existing garden suite is situated on a lot it shall be classified as an additional residential unit. As such, only one additional residential unit within the principal dwelling shall be permitted subject to the provisions of this section.
- e) Additional residential units are only permitted on lots with frontage on and access from and improved public street.
- f) A maximum of two additional residential units per lot may be permitted subject to the following:
 - i. One (1) additional residential unit with a maximum floor area of 186 m² may be permitted within an existing or new single detached or semi-detached dwelling on a lot. For the purposes of this subsection, within shall mean, sharing a common roof system or flooring structure or sharing a common wall consisting of at least 30 percent shared surface.
 - ii. One (1) additional residential unit with a maximum floor area of 98 m² may also be permitted within a building or structure accessory to the single detached or semi-detached dwelling on a lot.
- g) Where additional residential unit(s) is/are proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the authority having jurisdiction.
 - i. Where up to two additional residential units are proposed and the site is serviced with municipal water, a servicing statement is required from the municipality's water purveyor.
 - ii. Where up to two additional residential units are proposed, and the site is privately serviced, the owner shall provide a current Well Report, to the satisfaction of the Chief Building Official, to ensure adequate quantity and quality of the private service. Such report shall be dated no older than one year prior the building permit application.
- h) Additional residential units may be connected to the same servicing system for potable water and sewage disposal as the main dwelling on the lot pending approval of the municipality and authority having jurisdiction. If the servicing system is deemed to be inadequate to support the proposed additional residential unit(s), it is up to the property owner/applicant to provide an alternative servicing system to the satisfaction of the municipality and any other authority having jurisdiction as the case may be.
- i) Additional residential units shall be clearly accessory to the principal permitted use on the same lot;
- j) The establishment of additional residential units shall not be limited by any special zone provision that establishes the maximum number of dwelling units.
- k) Additional residential units shall be exempt from any minimum lot area requirement established per dwelling unit on a lot.
- l) Additional residential units shall comply with the required minimum Landscaped Open Space provision, where such requirement has been established for the zone in which the Additional Residential Unit is located.
- m) In addition to the parking space(s) required for single detached or semi-detached dwellings, one (1) parking space is required for each additional

residential unit. Tandem parking to a maximum of only one (1) space is permitted.

- n) Additional residential units within or otherwise attached to the principal dwelling unit shall provide a separate entrance which may be located at the side, rear or front of the principal dwelling unit. The entrance shall be accessed by a 1.2 metre (4 feet) wide unobstructed pathway from the front of the principal dwelling or the front lot line. For the purposes of this subsection, a “pathway” is defined as a hard surface treated path that is separately delineated from the driveway and provides pedestrian access. “Unobstructed” means no obstructions to a height of up to 2.3 metres (7.5 feet). This provision shall not prevent the establishment of a gate to access the rear yard.
- o) If an additional residential unit is proposed in a floodplain or an area rendered inaccessible to people and vehicles during times of flooding it shall require the approval of the authority having jurisdiction.
- p) Where an additional residential unit is located within a detached accessory building, the following provisions apply:
 - i. Shall comply with the accessory building minimum yard requirements of the zone;
 - ii. Shall be setback a minimum of 1.2 m (4 feet) from the principal dwelling located on the same lot;
 - iii. Shall have a maximum building height of 5.5 metres (18 feet);
 - iv. Shall comply with all other relevant accessory use provisions of the zone in which it is located;
 - v. A detached additional residential unit shall comply with the Minimum Distance Separation formulae;
 - vi. The provisions of Sections 5.26 and 5.37 do not apply to Clause 5.2 (p)(i);

5.3 Agriculture – Minimum Distance Separation

Notwithstanding any other yard or setback provisions of this By-law to the contrary, no development shall be located on a separate lot and permitted by a specific zone, unless it complies with the Minimum Distance Separation (MDS I) calculated using the Ontario Ministry of Agriculture Food and Rural Affairs Regulations and Guidelines. Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility shall be erected or expanded within a PA and MA zone unless it complies with the Minimum Distance Separation (MDS II) calculated using the Ontario Ministry of Agriculture Food and Rural Affairs Regulations and Guidelines.

5.4 Area of Influence

No person shall erect any residential structure in any zone within 300 metres (984.3 feet) of lands zoned MXA - Mineral Extractive A and MXB - Mineral Extractive B without the approval of the Ministry of Natural Resources upon successful application for a minor variance and provided the residential use is a permitted use on the adjacent lands.

5.5 Backyard Hens

The keeping of a maximum of six (6) hens shall be permitted on properties zoned to permit a single detached dwelling. The keeping of hens shall be restricted to properties that have a minimum lot area of .4 hectares (one acre). The hens shall be always confined to an enclosure.