



The Corporation of the Town of Whitby

Oak Ridges Moraine Zoning By-law # 5581-05

**Passed by Whitby Council: February 28, 2005
(As Approved with Modifications by the Minister of
Municipal Affairs and Housing: December 6, 2006)**

Date of Consolidation: December 2021

This is a consolidation of Zoning By-law # 5581-05, as amended, and is prepared for convenience purposes only. For accurate reference, the original by-law and individual amendments should be consulted, as there may be site specific provisions that apply to certain properties.

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The Corporation of the Town of Whitby

By-law # 5581-05

As Amended by By-laws

5930-07, 5954-07, 6314-10, 6681-12, 6682-12, 6702-13, 6777-13,

7718-21 (LPAT),

Being a By-Law to Amend By-law # 1784

WHEREAS, the Municipal Council for The Corporation of the Town of Whitby has, in accordance with the requirements of the Provincial Oak Ridges Moraine Conservation Plan, adopted a Secondary Plan for the Oak Ridges Moraine;

AND WHEREAS, the Council of The Corporation of the Town of Whitby considers it necessary and desirable to amend By-law # 1784, as amended, to implement the Oak Ridges Moraine Secondary Plan;

NOW THEREFORE, the Council of The Corporation of the Town of Whitby enacts as follows:

Section 1 – Interpretation and Administration

1.1 REPEAL OF EXISTING BY LAWS

By-law # 1784 as amended, as it applies to the lands shown on Schedule A-1 attached to and forming part of this By-law, is repealed and this By-law substituted to therefore implement the Oak Ridges Moraine Secondary Plan.

1.2 TITLE

This By-law may be referred to as the “Town of Whitby Oak Ridges Moraine Zoning By-law” and applies to those lands shown on Schedule A-1 and Schedule A-2 of this By-law. Those lands are located within the Oak Ridges Moraine as identified by the Oak Ridges Moraine Secondary Plan.

1.3 CONFORMITY AND COMPLIANCE WITH BY-LAW

No person shall change the use of any building, structure or land or erect or use any building or structure or occupy any land or building except in accordance with the provisions of this By-law. Any use not specifically permitted by this By-law shall not be permitted.

1.4 ENFORCEMENT

Any persons or corporation that contravenes any provision of this By-law is guilty of an offense and upon conviction is liable to the fine as provided for in the Planning Act, R.S.O. 1990, Chapter P.13 as amended.

Section 2 – Establishment of Zones

2.1 ESTABLISHMENT OF ZONES

The following zones are hereby established and they may be referred to by name or by the symbol set opposite the name of the zone below:

| Zone | Symbol |
|--|---------------|
| Oak Ridges Moraine Agricultural Zone | ORM-A |
| Oak Ridges Moraine Natural Linkage Area Zone | ORM-NLA |
| Oak Ridges Moraine Agricultural Service Zone | ORM-A1 |
| Oak Ridges Moraine Open Space Zone | ORM-OS |
| Oak Ridges Moraine Residential Two Zone | ORM-R2 |
| Oak Ridges Moraine Residential Three Zone | ORM-R3 |
| Oak Ridges Moraine Residential Estate Zone | ORM-RE |
| Oak Ridges Moraine Local Commercial Zone | ORM-C1 |
| Oak Ridges Moraine Highway Commercial Zone | ORM-C2 |
| Oak Ridges Moraine Institutional Zone | ORM-I |
| Oak Ridges Moraine Environmental Protection Zone | ORM-EP |

2.2 ZONE SYMBOLS

The zone symbols may be used to refer to lots, buildings and structures and to the use of lots, buildings and structures permitted by this By-law.

2.3 ZONE SCHEDULE

The zones and zone boundaries are shown on Schedule A-1 which is attached to and forms part of this By-law.

2.4 DETERMINING ZONE BOUNDARIES:

When determining the boundary of any zone as shown on Schedule A-1 forming part of this By-law, the following provisions shall apply:

- (i) A boundary indicated as following a highway, street, lane, railway right-of-way, or utility corridor shall be the centre line of such highway, street, lane, railway right-of-way, or utility corridor.
- (ii) A boundary indicated as following lot lines or the municipal boundaries of the Town of Whitby shall follow such lot lines or boundary.

- (iii) Where a boundary is shown parallel to a street line and the distance from the street line is not indicated, the boundary shall be deemed to be parallel to such a street line and the distance from the street line shall be determined according to the bar scale shown on Schedule A-1.
- (iv) Where a zone boundary for an Oak Ridges Moraine Environmental Protection (ORM-EP) Zone is shown on Schedule A-1, the boundary of such zone shall be determined according to the scale shown on Schedule A-1.
- (v) Where none of the above provisions apply, the zone boundary shall be scaled from Schedule A-1.

2.5 HOLDING ZONE SYMBOL

Where the zone symbol is preceded by the letter "H", the lands shall not be developed for the uses permitted in that Zone until a By-law has been adopted by Council pursuant to Section 36 of the Planning Act to remove the Holding (H) Symbol, thereby placing the lands in the zone indicated by the zone symbol when all of the applicable requirements have been met.

Section 3 – Definitions

“ACCESSORY BUILDING” means any building the use of which is normally incidental to, and subordinate to, the use of the main building or to the principal use of the lot on which such accessory building is located. Such accessory building shall be separate from the main building.

“ACCESSORY STRUCTURE” means any structure the use of which is normally incidental to, and subordinate to, the use of the main building or to the principal use of the main building or to the principal use of the lot on which such accessory structure is located. Such accessory structure shall be separate from the main building.

(6777-13) **“ACCESSORY USE”** means a use that is normally incidental, subordinate and exclusively devoted to the principal use, building or structure situated on the same lot.

(6777-13) **“ADULT ENTERTAINMENT ESTABLISHMENT”** means premises used for entertainment including activities, facilities, performances, exhibitions, viewings or encounters designed to appeal to erotic or sexual appetites or inclinations of any person but shall not include a body rub establishment.

(6777-13) **“ADVERSE EFFECT”** means one or more of:

- impairment of the quality of the natural environment for any use that can be made of it;
- injury or damage to property or to plant or animal life;
- harm or material discomfort to any person;
- an adverse effect on the health of any person;
- impairment of the safety of any person;
- rendering any property or plant or animal life unfit for human use;
- loss of enjoyment of normal use of property; and,
- interference with the normal conduct of business.

“AGRICULTURAL IMPLEMENT SALES AND SERVICE OUTLET” means a building or part of a building wherein the repair and/or sale of agricultural implements, such as but not limited to cultivators, ploughs, seeders/spreaders, combines and balers, as well as, ancillary agricultural products, is conducted.

“AGRICULTURAL USE” means:

- (a) growing crops, including nursery and horticultural crops;
- (b) raising livestock and other animals, including poultry and fish, for food and fur;
- (c) aquaculture;
- (d) agro-forestry and maple syrup production; and,
- (e) animal agriculture.

“AGRICULTURE-RELATED USES” means commercial and industrial uses that are small-scale, directly related to a farm operation and required in close proximity to the farm operation.

“ANIMAL AGRICULTURE” means growing, producing and raising farm animals including, without limitation:

- (a) livestock, including equines, poultry and ratites;
- (b) fur-bearing animals;
- (c) bees;
- (d) cultured fish;
- (e) deer and elk, and,
- (f) game animals and birds.

(6777-13) **“AUTOMOBILE SALES ESTABLISHMENT”** means a lot, a building or part of a building where new and/or used motor vehicles are kept for display and sale, and may include as an accessory use the repair and service of motor vehicles and/or the sale of vehicle parts.

“BAKESHOP OR CONFECTIONARY SHOP” means a building or part of a building where baking goods or confectionary products are prepared and sold on the premises, but which shall not include manufacturing plant.

“BALCONY” means an unenclosed platform, either covered or uncovered, attached to a structure or building, cantilevered or supported by columns or brackets, that is load bearing and used for pedestrian passage, seating or recreation.

(6777-13) **“BED AND BREAKFAST ESTABLISHMENT”** means a dwelling unit occupied as the principal residence of a person or persons in which a maximum of three guest rooms are available for temporary accommodation for the travelling public, and in which meals may be served to those persons, but shall not include a boarding or lodging house or a home based business.

“BOARDING OR LODGING HOUSE” means a building or structure, or portion thereof, licensed by the Town where the owner or lessee supplies for compensation, with or without meals, lodging to a boarder or boarders as the principal use, and may include an accessory dwelling unit for the owner or caretaker, but shall not include a hotel, motel, bed and breakfast establishment, or any other residential use unless otherwise defined herein.

(6777-13) **“BODY RUB ESTABLISHMENT”** means any premises where the kneading, manipulating, rubbing, massaging, touching, or stimulation, by any means, of a person’s body or part thereof is performed, offered or solicited but shall not include:

- medical or therapeutic treatment given by a person duly qualified, licensed or registered to do so under the laws of the Province of Ontario; and
- alternative health care services, such as shiatsu and reflexology, given by a person duly qualified to provide such services through completion of formal courses and education and training in the provision of such service offered by an organization or institution that has the qualifications to provide such services.

- (6777-13) **“BUILDING”** means a structure occupying an area greater than 10 m² consisting of any combination of walls, roof and floor or a structural system serving the function thereof, including all associated works, fixtures and service systems used for shelter, accommodation, or enclosure of persons, animals, goods or equipment.
- “BUILDING, MAIN”** means the building in which is carried on the principal purpose for which the building lot is used, and in the residential zone the dwelling is the main building.
- “CAR WASH”** means a building or structure or portion thereof used for the operation of automobile washing equipment which is automatic, semi-automatic or coin operated.
- (6777-13) **“CATERING SERVICE ESTABLISHMENT”** means a building or part of a building where food and beverages are prepared for consumption off the premises, and are not served to customers on the premises or for immediate take-out consumption, but shall not include an eating establishment.
- “CHURCH”** means a building dedicated to religious worship and may include a church hall, church auditorium, Sunday School, or parish hall.
- (6777-13) **“CLINIC”** means a building or part of a building in which two or more medical practitioners, dentists or drugless practitioners provide consultation, diagnosis, and/or treatment of patients, and includes joint usage of facilities such as accessory administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies or other similar functions, but shall not include accommodation for in-patient care or facilities for surgical procedures which require hospitalization according to criteria approved by the College of Physicians and Surgeons.
- “COMMERCIAL MOTOR VEHICLE”** shall mean any commercial vehicle as defined in The Highway Traffic Act.
- “COMMUNITY CENTRE”** means a building or part of a building in which facilities are provided for such purposes as meetings for civic, educational, political, religious, or social purposes and shall include a banquet hall or private club.
- “CONSERVATION USE”** means a use dedicated towards the preservation of fish and wildlife habitat including woodlot management and structures for flood and/or erosion control. This use shall not include administration and/or operational facilities.
- (6777-13) **“CONTRACTOR’S YARD”** means any portion of a lot used for the storing of equipment and materials used in the construction and/or restoration industries and may include a premises where a contractor performs shop or assembly work.
- “COVERAGE, LOT”** means that percentage of the lot area covered by the area of all buildings including accessory buildings.

“DAY NURSERY” means a “day nursery” as defined by the Day Nurseries Act as amended or replaced.

“DECK” means an uncovered and unenclosed platform, whether attached to another structure or building, or not attached to another structure or building, that is load bearing and used for pedestrian passage, seating or recreation.

“DEPTH, LOT” means the horizontal distance between the front and rear lot lines. Where these lines are not parallel, it shall be the length of a line joining the mid points of the front and rear lot lines.

(6777-13) **“DWELLING”** means a building, occupied or capable of being occupied as a home, residence, or sleeping place by one or more persons, containing one or more dwelling units.

“DWELLING, CONVERTED” means a dwelling, altered to make a greater number of dwelling units, which converted dwelling or dwelling to be converted, was erected prior to the first day of January, A.D. 1930, and where each dwelling unit shall have a minimum net floor area of 70 square metres, exclusive of public or common halls and stairways and the thickness of the outside walls.

(6777-13) **“DWELLING, SINGLE DETACHED”** means a separate building containing only one dwelling unit.

“DWELLING UNIT” means a room or a suite of two or more rooms, designed or intended for use by a person or persons, in which sanitary conveniences are provided and in which facilities are provided for cooking or the installation of cooking equipment.

(6777-13) **“EATING ESTABLISHMENT”** means a building or part of a building where food and refreshments are prepared and offered for sale to the public primarily for immediate consumption at tables on the premises and which may include, as an incidental activity, a take out service where food is prepared for consumption off the premises.

(6777-13) **“EATING ESTABLISHMENT, TAKE OUT”** means a building or part of a building where food and refreshments are prepared and offered for sale to the public in a ready to consume state in disposable containers primarily for consumption off the premises.

“ECOLOGICAL FUNCTIONS” means the natural processes, products or services that living and nonliving environments provide or perform within or between species, ecosystems and landscapes, including hydrological functions and biological, physical, chemical and socio-economic interactions.

(6777-13) **“ESCORT SERVICE”** means a business which provides the services of individuals who will accompany another individual to an event, function or social activity whether or not such event, function or social activity is private or designed for public attendance.

“EXISTING” means lawfully in existence on November 15, 2001, and for greater certainty does not include a use, building or structure that is in existence on that date without being lawful.

“FINISHED GRADE LEVEL” means the mean elevation of the finished surface or the ground abutting the external wall of the building or structure nearest to a public street, but shall not include any embankment created in lieu of steps.

“FIRST STOREY” means the storey with its floor closest to grade and having its ceiling more than 1.8 metres above grade.

“FOREST MANAGEMENT” means the management of woodlands, including accessory uses such as the construction and maintenance of forest access roads and maple syrup production facilities:

- (a) for the production of wood and wood products, including maple syrup;
- (b) to provide outdoor recreation opportunities;
- (c) to maintain, and where possible improve or restore, conditions for wildlife; and,
- (d) to protect water supplies.

“FRONTAGE, LOT” means a horizontal distance between the side lot lines. Where such lot lines are not parallel the frontage shall be the distance between the side of lines measured on a line parallel to the front lot line and 7.5 metres distant there from.

“GARDEN SUITE” means a one unit detached residential structure containing bathroom and kitchen facilities that is ancillary to an existing residential structure and that is designed to be portable.

(6777-13)

“GROSS FLOOR AREA” (G.F.A.) means the total area of all floors in a building, measured from the outside faces of the exterior walls, but exclusive of any part of the building which is used for the following:

- storage or parking of motor vehicles;
- storage lockers provided for a dwelling unit;
- mechanical or electrical equipment rooms providing service to the entire building;
- common areas, such as public washrooms, stairways and corridors, which serve two or more uses;
- a basement or cellar within a single-detached, semi-detached, link, block townhouse or street townhouse dwelling;
- any portion of a basement or cellar used for laundry facilities, children’s play area or other accessory uses but not including living quarters for a caretaker, watchman or supervisor of the building or structure.

“GROUND FLOOR AREA” means the maximum area measured to the outside walls, excluding, in the case of a dwelling, any private garage, porch, verandah or sun room unless such sun room is habitable at all seasons.

“GROUP HOME” means a dwelling unit operated as a single housekeeping unit accommodating, or having the facilities to accommodate up to ten persons (exclusive of staff) who live under responsible supervision consistent with the requirements of its residents, and the group home is either licensed and/or approved under Provincial or Federal Statute. Any counseling support services provided in the group home shall be limited to those required by the residents. A group home shall not include a crisis residence, a boarding or lodging house, a nursing home, a home for the aged, or a retirement home.

“HAZARDOUS WASTE” means "hazardous waste" as defined by Regulation 347 of the Revised Regulations of Ontario, 1990.

“HEIGHT, BUILDING” means the vertical distance between the average elevation of the finished surface of the ground at the front of the building and,

- (a) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
- (b) in the case of a mansard roof, the deck roof line; and,
- (c) in the case of a gable, hip or gambrel roof, the mean heights between the eaves and ridge, exclusive of any accessory roof construction such as a chimney, tower, steeple, or television antenna.

(6777-13) **“HOME BASED BUSINESS”** means an activity conducted as a business from within a dwelling unit which is secondary to the use of the dwelling unit as the principal residence of the business operator.

“IMPERVIOUS SURFACE” means a surface that does not permit the infiltration of water, such as a rooftop, sidewalk, paved roadway, driveway or parking lot.

“IMPROVED PUBLIC STREET” means a street which has been constructed and is being maintained by the Municipality in such a manner so as to permit its use by normal vehicular traffic.

(6777-13) **“KENNEL”** means a commercial establishment for the non-medical care and grooming, keeping, breeding or raising of animals kept as pets, and may include the operation of a pet daycare if operated from the same premises as the kennel, but shall not include a veterinary clinic.

“LANDSCAPED OPEN SPACE” means open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and other landscaping but does not include any driveway, ramp or motor vehicle parking area, whether surfaced or not.

“LIQUID INDUSTRIAL WASTE” means "liquid industrial waste" as defined by Regulation 347 of the Revised Regulations of Ontario, 1990.

“LIVESTOCK FACILITIES” means barns, buildings or structures where animals are housed and shall also include beef feed lots and the associated manure storage facilities.

“LIVESTOCK HOUSING CAPACITY” means the total maximum number of livestock that can be accommodated in a livestock facility at one time.

“LIVESTOCK UNIT” means the equivalent values for various types of animals and poultry based upon manure production and production cycles.

(6777-13) **“LOT”** means a parcel or contiguous parcels of land in one ownership which is capable of being legally conveyed in accordance with the Planning Act or is described in accordance with a registered Plan of Condominium.

“LOT AREA” means the horizontal area within the boundary lines of a lot.

“LOT, CORNER” means a lot situated at the intersection of and abutting upon two or more streets, provided that the angle of intersection of such streets is not more than 135 degrees.

“LOT, INTERIOR” means a lot other than a corner lot.

“LOT LINE, FRONT” means the line that divides the lot from the street, provided that in the case of a corner lot, the shorter lot line that so abuts the street is deemed to be the front line of the lot, and the longer line that so abuts the street is termed a side line of the lot.

“LOT LINE, REAR” means the lot line opposite the front lot line.

“LOT LINE, SIDE” means any lot lines other than the front lot line and the rear lot line.

“MINERAL AGGREGATE” means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act, but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, talc, wollastonite, or other material prescribed under the Act.

“MINERAL AGGREGATE OPERATION” means:

- (a) an operation, other than a wayside pit, conducted under a license or permit under the Aggregate Resources Act; and,
- (b) associated facilities used in the extraction, transportation, beneficiation, processing or recycling of mineral aggregate or the production of related by-products.

“MOTOR VEHICLE PAINT AND BODY SHOP” means a building or part of a building where motor vehicles are customized, painted and/or repaired.

“NON-CONFORMING USE” means the use of land, structure or building which does not conform with the permitted uses of this By-law for the zone in which such land, structure or building is situated, as of the date of the passing of this By-law.

(6777-13) **“OBNOXIOUS”** means when used to describe a use, any use which is offensive and becomes a nuisance by reason of the emission of odour, smoke, dust, noise, fumes, vibration, glare or refuse matter.

- (6777-13) **“OFFICE”** means a building or part of a building used for the practice of a profession and/or administration of business including that of a governmental agency.
- “OPEN STORAGE”** means the storage of equipment, goods or raw materials outside of any building or structure.
- “PARK”** means an area of land consisting of open space and used primarily for active or passive recreational purposes which may include recreational buildings, structures or facilities, athletic fields, playgrounds, community centres, swimming pools or wading pools, greenhouses, picnic areas or other similar uses, but shall not include a place of amusement.
- “PARKING AREA”** means an area provided for the parking of motor vehicles and shall include aisles, parking spaces, and related ingress and egress lanes.
- “PARKING LOT”** means a parking area operated by either a private or public organization for public use.
- “PARKING SPACE”** means an area of not less than 16.5 square metres, exclusive of any aisles or ingress and egress lanes, with a minimum perpendicular width of 2.75 metres and a minimum perpendicular length of 5.5 metres for the temporary parking or storage of motor vehicles and may include a private garage.
- “PATIO”** means an uncovered and unenclosed platform, with a floor not more than 0.6 metres above the finished grade, whether attached to another structure or building, or not attached to another structure or building, that is load bearing and used for pedestrian passage, seating or recreation.
- (6777-13) **PERSONAL SERVICE ESTABLISHMENT”** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and their personal needs and may include for example the establishment of a barber, dressmaker, esthetician, hair stylist, registered massage therapist and tailor but shall not include a body rub establishment.
- (6777-13) **“PET DAYCARE”** means a building or part of a building which offers care for pets as a component of and operated from the same premises as a kennel, but excludes overnight boarding.
- “PLACE OF AMUSEMENT”** means a building or structure or portion thereof, wherein more than 10% of the total floor space provides, for use by the public, coin operated mechanical or electrical pinball machines or video games, but does not include the sale or rental of such merchandise or accessory goods or wares.
- “PORCH”** means a covered and unenclosed platform, whether attached to another structure or building, or not attached to another structure or building, that is load bearing and used for pedestrian passage, seating or recreation.

“PORTABLE ASPHALT PLANT” means a temporary facility, to be dismantled at the completion of a construction project, where:(a)equipment is used to heat and dry mineral aggregate and to mix it with bituminous asphalt to produce asphalt paving material; and,(b)bulk materials used in the process described in clause (a) are kept.

(6777-13) **“PREMISES”** means the area of a building and/or lot occupied or used by a business, enterprise or persons and in a multiple tenancy building occupied by more than one business, enterprise or persons, each business or enterprise shall be considered a separate premise.

(6702-13) **“PRIVATE GARAGE”** means a detached accessory building or portion of a dwelling house which is designed or used for the sheltering of private motor vehicles and storage of household equipment incidental to the residential occupancy and which is fully enclosed and not open but excludes a carport or other open shelter.

“PUBLIC GARAGE” means a building or part of a building in which motor vehicles are repaired, maintained, serviced or equipped and where motor vehicle grease and other related products, except motor vehicle fuel, are sold or kept for sale but does not include a car wash, an automobile sales establishment or a motor vehicle paint and body shop.

“RAPID INFILTRATION BASIN/COLUMN” means a basin/column or system of basins at or below grade that is constructed in porous soil and punctures through a relatively impermeable layer to gain access to a more permeable sand or gravel layer, so as to rapidly infiltrate into the ground, at a single point or area of concentration, surface runoff collected from impervious surfaces.

“RECREATIONAL VEHICLE SALES AND SERVICE ESTABLISHMENT” means a building or part of a building wherein recreational vehicles, including hard and soft wall trailers and recreational motor vehicles, are displayed and kept for sale at retail or wholesale and may include the sale of recreational vehicle parts and accessories and the servicing of the same.

“REDEVELOPMENT” means the removal of buildings or structures on land and the construction or erection of other buildings or structures thereon.

(6777-13) **“RETAIL STORE”** means premises where goods or commodities are stored, offered or kept for sale at retail or on a rental basis to the public and includes storage on or about the premises of limited quantities of goods or commodities sufficient only to service the store.

(6777-13) **“SALVAGE YARD”** means premises used as a junk yard, scrap metal yard or a vehicle wrecking yard, and which may include storing, dismantling, crushing or demolishing of vehicles or equipment or parts thereof and/or their resale.

(6777-13) **“SERVICE SHOP”** means a building or part of a building and whether conducted in conjunction with a retail store or not, for the refurbishing, repairing or servicing of goods, other than vehicles as opposed to the manufacturing of the same.

“SIGHT TRIANGLE” means a triangle that is formed by the intersection of the boundaries of two streets and a straight line joining two points, one in each of the side boundaries and distant 12 metres from the intersection.

“SITE” means the land subject to an application.

“STORE, RETAIL” Repealed by By-law 6777-13

“STOREY” means the portion of the building other than the cellar which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above, then the space between such floor and the ceiling or roof next above it.

“STOREY, ONE HALF” means the portion of a building situated wholly or in part within the roof and in which there is insufficient space to provide a height between finished floor and finished ceiling of a least 2.3 metres over a floor area equal to at least 50% of the area of the floor next below.

“STREET” means a public highway having a minimum width of 20 metres which affords a principal means of access to abutting lots.

“STREET LINE” means the limit of the road or street allowance and is the dividing line between a lot and a street.

(6777-13) **“STRUCTURE”** means anything that is erected, built or constructed of parts joined together and which is fixed to or supported by the soil, a building or another structure.

(6777-13) **“TAXI ESTABLISHMENT”** means a building or part of a building, used for the dispatching of taxis and may include temporary parking of taxis when not in service.

(6777-13) **“VETERINARY CLINIC”** means premises for the examination, assessment and treatment of animals, birds and reptiles and may include medical and surgical treatment but shall not include a kennel.

“VIDEO OR COMPUTER RENTAL ESTABLISHMENT” means a building or part of a building devoted to a retail rental store used for the rental of video tapes, computer games and related equipment, which may include as an accessory use, the sale of video or computer games, equipment and pre-packaged convenience foods, but shall not include an eating establishment or a place of amusement.

“WAITING SPACE” means an area of not less than 15 square metres, exclusive of any aisles or ingress or egress lanes, having a minimum perpendicular width of 2.5 metres and a minimum perpendicular length of 6 metres, to be used by motor vehicles awaiting access to a car wash.

“WALL, EXTERIOR” means a main and supporting exterior wall of the building running from the foundation footings to the roof of the building but does not include unenclosed porches, balconies, steps and patios.

“WAYSIDE PIT” means a temporary pit opened or used by or for a public body solely for the purpose of a particular project of road construction and not located on the road right of way.

“WOODLAND” means a treed area, woodlot or forested area, other than a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees.

“YARD” means an open, uncovered and unoccupied space appurtenant to a building.

“YARD, EXTERIOR SIDE” means a side yard immediately adjacent to a public street.

“YARD, FRONT” means a yard extending across the full width of building lot between the street or front boundary of the lot, and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.

“YARD, INTERIOR SIDE” means a side yard immediately adjacent to a lot.

“YARD, REAR” means a yard extending across the full width of the building lot between the rear boundary of the lot and the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.

“YARD, SIDE” means a yard extending from the front yard to the rear yard and from the side boundary of the building lot to the nearest part of any building or structure on the lot, or the nearest open storage use on the lot.

Section 4 – General Provisions

4.1 OAK RIDGES MORAINÉ BOUNDARY

The boundary of the Oak Ridges Moraine Plan Area, as shown on Schedule A-1 has been established by the Province of Ontario Regulation 01/02. This area is shown on Schedule A-1 attached to and forming part of this By-law and can only be changed by the Province.

4.2 ACCESSORY BUILDINGS, STRUCTURES AND USES

4.2.1 Accessory Structure Requirements

Accessory buildings, structures and uses are permitted in all zones, save and except the ORM Environmental Protection (ORM-EP) Zone, in accordance with the following provisions:

- (a) 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 any accessory building or structure or accessory use, but shall not include (1) any occupation for gain or profit conducted within a dwelling unit except as in this By-law is specifically permitted, or (2) any building used for human habitation except as in this By-law is specifically permitted.
- (b) Except as otherwise provided herein, in any Residential Zone, any accessory building or structure which is not part of the main building is permitted only in the rear or interior side yard and shall comply with the yard requirements of this By-law.
- (c) Notwithstanding any other provision of this By-law, in a Residential Zone, a storage shed, playhouse or other similar accessory uses, may be erected in the interior side and rear yard provided that such accessory building is located no closer than 1 metre to any interior side or rear lot line and 4.5 metres to any street line.
- (d) Except as otherwise provided herein, no accessory building or structure shall exceed 4.5 metres in height.
- (e) Except as otherwise provided herein, in any Residential Zone, the maximum lot coverage for an accessory building and/or structure is 15%.

4.2.2 Decks, Porches, Steps, Patios and Balconies

Decks, porches, steps, patios and balconies are permitted in all zones, save and except the ORM Environmental Protection (ORM-EP) Zone, in accordance with the following provisions:

- (a) Notwithstanding the yard provisions of this By-law to the contrary, unenclosed and uncovered decks, porches, steps and patios, with a height of 0.6 metres above grade or less, may have a setback of 1.0 metre from the interior side and rear lot lines and a setback of 3.0 metres from a streetline, and in the case where unenclosed and uncovered decks, porches, steps and patios are located in a rear yard they may have a setback from a streetline of 1.0 metre. Notwithstanding the foregoing, unenclosed and uncovered decks, porches, steps and patios, with a height of 0.6 metres above grade or less, located in the interior side yard and adjacent to a main building wall, may have a setback of 0.25 metres from the interior side lot line.
- (b) Notwithstanding the yard provisions of this By-law to the contrary, unenclosed decks, porches, balconies and steps, covered or uncovered, projecting from the first storey of a dwelling unit, may encroach into any required rear yard a maximum distance of 3.2 metres and into any required front or exterior side yard a maximum distance of 1.5 metres, it being understood that any unenclosed decks, porches, balconies and steps, shall not be located any closer than 6.0 metres to any rear lot line.
- (c) Notwithstanding the yard provisions of this By-law to the contrary, unenclosed decks, porches, balconies and steps, covered or uncovered, projecting from the first storey of a dwelling unit and having a height greater than 0.6 metres but less than 1.2 metres above grade, may encroach into any required interior side yard a maximum distance of 1.0 metres, it being understood that any unenclosed decks, porches, balconies and steps, shall not be located any closer than 0.25 metres to any interior side lot line.
- (d) Notwithstanding the yard provisions of this By-law to the contrary, unenclosed and uncovered decks, porches, balconies and steps projecting from the second storey of a dwelling unit, may encroach into any required rear yard or exterior side yard a maximum distance of 1.5 metres, it being understood that any unenclosed decks, porches, balconies and steps, shall not be located any closer than 6.0 metres to any rear lot line.
- (e) Notwithstanding any other provision for the setback of decks, porches or balconies from a lot line, where unenclosed decks, porches or balconies, either covered or uncovered, and having a height greater than 1.2 metres above grade, are situated in a rear yard area and adjacent to a side or end wall of an adjacent building containing a wall with a habitable room window, the minimum separation between such wall and the deck, porch or balcony shall be 3.0 metres.

- (f) Notwithstanding the yard provisions of this By-law to the contrary, unenclosed decks and steps surrounding a swimming pool, may have a width from waters edge of 1.5 metres and, in the case of unenclosed decks and steps, such uses may have a maximum height of not more than 1.5 metres. Unenclosed decks and steps surrounding a swimming pool with a height of 0.6 metres or less may not be located any closer than 1.0 metres to any rear, exterior side or interior side lot line. Unenclosed decks and steps surrounding a swimming pool with a height greater than 0.6 metres but less than or equal to 1.5 metres may not be located any closer than 2.0 metres to any rear, exterior side or interior side lot line.

4.2.3 Detached Garages and Carports

Notwithstanding any other provision of this By-law, in a Residential Zone a detached private garage or carport may be erected and used in the interior or rear yard provided that such detached garage or carport is located no closer than 1.0 metre to any interior side or rear lot line and 4.5 metres to any street line. The maximum building height for a detached garage shall not exceed 4.5 metres in height. The maximum lot coverage for a detached garage shall not exceed 15%. Notwithstanding the foregoing, where a mutual garage is erected on a common lot line between two lots, no interior side yard is required.

4.2.4 Satellite Dishes

Notwithstanding any other provision of this By-law, a satellite dish may be located and used in any zone category save and except the ORM Environmental Protection (ORM-EP) Zone, in accordance with the following provisions:

- (a) Satellite dishes shall not be permitted in the front and exterior side yards.
- (b) No more than one satellite dish shall be permitted on a lot or one per main building; except where located in a zone other than residential.
- (c) Satellite dishes located in any zone, shall be set back from the interior side and rear lot lines, a minimum of 1 metre, provided that a satellite dish is located no closer than 4.5 metres to any street line or the established building line on the lot, whichever is greater.
- (d) Notwithstanding the above, where a satellite dish is located in the interior side yard as a side wall mount, such side wall mount shall not be adjacent to a habitable room and the setback from the interior side lot line shall be a minimum of 0.3 metres.

- (e) The above noted setbacks shall be measured from the property line to the outer edge of the dish.
- (f) Notwithstanding clause (c) above, where a satellite dish is located on the roof of a building, the minimum set back from any exterior wall adjacent to a front and exterior side yard shall be equal to the height of the satellite dish when installed and as measured from the outer edge of the dish.
- (g) The maximum height of a satellite dish shall be in accordance with the following:

| Location | Maximum Permitted Height |
|-----------------------------------|--|
| Ground Installation | A maximum of 5.5 metres measured from the finished grade to the highest point of the satellite dish |
| Flat Roof Installation | A maximum of 5.0 metres measured from the roof deck to the highest point of the satellite dish |
| Other Than Flat Roof Installation | A maximum of 0.3 metres above the ridge of a roof measured from the bottom of the satellite dish to the ridge of the roof. |

- (h) The maximum satellite dish diameter permitted in any zone shall be 3.7 metres.
- (i) No person shall erect a satellite dish for the purpose of displaying or using the satellite dish for an advertising device.

4.2.5 Swimming Pools

Notwithstanding any other provision of this By-law to the contrary, swimming pools (either above ground or inground) may only be located and used in the interior side yard, exterior side yard or rear yard provided that such swimming pool is located no closer than 1 metre from an interior side or rear lot line and 4.5 metres from a street line. Notwithstanding the foregoing, swimming pools (either above ground or inground) may be located no closer than 1.0 metre from a street line only where such swimming pool is located in the rear or exterior side yards.

4.3 BUILDING REPAIR

Nothing in this By-law shall prevent the strengthening to a safe condition of any building or structure or part of any such building or structure that existed legally as of November 15, 2001, provided such alteration or repair does not contravene the provisions of this By-law by increasing the height, size or volume or change the use of such building or structure.

4.4 EXCEPTED LANDS AND BUILDINGS

Nothing in this By-law shall apply to prevent

- (a) the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on November 15, 2001, so long as it continues to be used for that purpose; or
- (b) the erection or use for a purpose prohibited by the By-law of any building or structure in the Oak Ridges Moraine Plan Area for which a permit has been issued under subsection 8(2) of the Building Code Act, 1992 on or before November 15, 2001 providing the permit has not been revoked under subsection 8(10) of the Building Code Act, 1992, and the building or structure when erected is used and continues to be used for the purpose for which it was erected; or
- (c) the expansion of a building or structure on the same lot, or the expansion of an existing institutional use that existed legally on November 15, 2001 on lands that are located no closer than 90 metres from the Oak Ridges Moraine Environmental Protection (ORM-EP) Zone, provided the use of the building or structure, will be the same as the use of building or structure on November 15, 2001; or
- (d) the reconstruction of any building or structure that legally existed on November 15, 2001, provided the ground floor area of the reconstructed building or structure is within the outside limits of the building or structure that existed on November 15, 2001 and provided the use of the building or structure, once reconstructed, will be the same as the use of the building or structure on November 15, 2001 and there is no intensification of the use; or
- (e) the conversion of a legally existing use to a similar use, without an amendment to this By-law; and,

(5930-07)

- (f) the use, erection, or location of a single detached dwelling and accessory structure on a lot that existed on November 15, 2001 provided:
 - (i) the proposed dwelling is located on an open public road allowance maintained on a year round basis and subject to the provisions of the Zoning By-law; and
 - (ii) the use, erection and location would have been permitted by the applicable Zoning By-law on November 15, 2001.

4.5 EXISTING USES

Notwithstanding any other provision in this By-law to the contrary, uses that existed legally as of November 15, 2001 may continue until the use ceases.

4.6 FRONTAGE ON PUBLIC STREET

No person shall erect any building or structure in any zone unless

- (a) the lot upon which such building or structure is to be erected fronts upon an open public street which has a perpendicular width of 20 metres or more; or
- (b) the lot upon which such building or structure is to be erected fronts upon an improved public street which has a perpendicular width of less than 20 metres and is shown on a Plan of Subdivision registered in the Land Titles Office or in the Registry Office on or after January 1st, 1974.

4.7 GREATER RESTRICTIONS

This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

4.8 ORM ENVIRONMENTAL PROTECTION ZONES

Where a lot is divided into two or more zones, no part of an ORM Environmental Protection (ORM-EP) Zone shall be used in calculating the lot frontage, lot area, coverage, or yards required by this By-law for uses in adjacent zones on the same lot.

4.9 GROUP HOMES

A group home shall be permitted in all dwelling types within all zones where residential uses are permitted provided the group home complies with the provisions and parking standards which apply to the type of dwelling unit within which the group home is located.

4.10 HOME BASED BUSINESS

(6777-13)

1. A home based business shall be permitted in any zone that permits a dwelling unit subject to the following provisions:
 - (a) The use is conducted entirely within a dwelling unit however limited storage is permitted in an attached garage or accessory structure provided it does not obstruct or eliminate a required parking space.
 - (b) Except for home daycare, no more than three persons at any one time shall be present in a single detached dwelling to receive teaching and/or instruction and no more than one person at any one time shall be present to receive teaching and/or instruction in any dwelling unit other than a single detached dwelling.
 - (c) No more than two persons at any one time shall be present in a single detached dwelling to receive client based treatment or services and no more than one person at any one time shall be present to receive client based treatment or services in any dwelling unit other than a single detached dwelling.
 - (d) The occupant may employ or be assisted by no more than one employee or assistant at any one time who is not an occupant but only in the following zone categories.
 - ORM-A, ORM-NLA, ORM-R2, ORM-R3
 - (e) Vehicle parking for any employee or assistant who is not an occupant must be located on the lot from which the home based business is operated and may include a tandem parking space or a parking space located in a driveway but only in the following zone categories.
 - ORM-A, ORM-NLA, ORM-R2, ORM-R3
 - (f) The gross floor area occupied by all home based businesses is no more than 25% of the gross floor area of the dwelling unit or 50 m² whichever is less and for this provision gross floor area shall include any floor area in a basement or cellar.
 - (g) No goods or handicrafts are offered or displayed for sale other than goods or handicrafts produced on site.
 - (h) Retail sales conducted by telephone, internet, mail order or other similar approach is permitted provided that customers do not enter the property to inspect, purchase or take possession of any goods.

- (i) There is no outdoor storage or outdoor display of goods, handicrafts, equipment or supplies.
 - (j) There is no display of a sign advertising the existence of a home based business within the dwelling unit other than a sign erected in conformity with the Permanent Sign By-law of the Town.
 - (k) There is no equipment or a process or activity which creates an adverse effect or becomes obnoxious in regard to noise, odour, fumes, vibration, glare, traffic or parking nor causes electrical interference with telephone, television, radio or satellite equipment.
 - (l) There is no home based business on any lot containing an Accessory Apartment in either the principal dwelling unit or the Accessory Apartment.
2. A home based business shall not include the following:
- Adult Entertainment Establishment
 - Automobile Sales Establishment
 - Body Rub Establishment
 - Clinic
 - Contractor's Yard
 - Eating Establishment
 - Escort Service
 - Kennel
 - Motor Vehicle Paint And Body Shop
 - Premises used as a base of operations to assemble persons for transportation to work off-site or the pick-up of goods, materials or equipment for distribution or use off-site
 - Public Garage
 - Retail Store
 - Salvage Yard
 - Taxi Establishment

4.11 LANDSCAPE REQUIREMENT

A minimum of 10% of the area of every lot on which a building or structure is erected shall be used for no other purpose than sodding and/or planting. Such sodding and/or planting area shall be located either in the front and/or side yards.

4.12 LANES AS YARDS

Where a lot abuts a lane, one half of the width of the lane may be considered part of the lot for the purpose of computing the area of the lot and for the purpose of computing the depth of any rear yard required under this By-law.

4.13 LOADING SPACE REGULATIONS

Where a building or structure is to be erected for a Commercial or Industrial purpose involving the shipping, loading or unloading of persons, animals or goods, the owner or occupant of the building or structure shall provide and maintain on land that is not part of a highway or public street, loading facilities composed of one or more spaces each at least 9.5 metres long and 3.7 metres wide and having a vertical clearance of not less than 4.5 metres with access to a lane not less than 6.0 metres wide as required by Section 4.13.1.

4.13.1 Loading Space Requirement Table

| Floor Area of Building | Minimum Number of Loading Spaces Required |
|---|---|
| 465 m ² or less | No minimum requirement |
| 465.1 m ² to 2325 m ² | 1 loading space |
| 2325.1 m ² to 9290 m ² | 2 loading spaces |
| Every 9290 m ² or portion thereof in excess of 9290.1 m ² | 1 additional loading space |

4.14 LOTS HAVING LESS AREA, DEPTH OR FRONTAGE

Where a lot having a lesser lot area, depth, and/or frontage than that required herein is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry or Land Titles Office at the date of the passing of By-law # 5581-05 or where such smaller lot is subsequently created as a result of an expropriation or a conveyance to a public road authority for road widening, such smaller lot may be used and a building or structure may be erected, altered or used on such small lot, provided that all other requirements of this By-law are complied with.

4.15 MODEL HOME

A model home shall only be permitted on lands that have received draft plan approval for residential purposes from the Council of the Town of Whitby provided:

- (a) A model home shall be constructed or located in accordance with the zone provisions for the lot within which it is located.
- (b) Parking shall be provided for each model home in accordance with the parking requirements for the dwelling type and zone category in which the model home is located.

- (c) In the case of a model home(s) being constructed without a separate and distinct residential sales office on site, the parking standards required for a residential sales office in accordance with Section 4.16.1 of By-law # 5581-05 shall apply.
- (d) The total number of model homes which may be permitted on lands that have received draft plan approval for residential purposes shall not exceed the lesser of 3 dwellings or 10% of the total number of residential units in each individual phase of the development.
- (e) For the purposes of establishing the location of the lot lines, the model home shall be built within the lot defined by the draft approved plan of subdivision within which is located, and as if these lots were defined by a registered plan of subdivision.

4.16 PARKING AREA REQUIREMENTS

Parking areas are required under this By-law in accordance with the following provisions:

4.16.1 Parking Requirement Table

The owner or occupant of every building or structure to be erected shall provide and maintain motor vehicle parking spaces and areas as follows:

| Use | Minimum Off-Street Parking Requirement |
|-----------------------------------|---|
| Residential | 2 spaces per dwelling unit |
| Residential Sales Office | 1 space per 6.5 m ² of GFA or a minimum of 10 spaces whichever is greater, and a minimum of 1 additional handicap parking space |
| Church | The greater of 1 space per 5.5 m ² of GFA in the nave and the adjacent assembly area for the congregation or 1 space per 6 fixed seats |
| Community Centre, Assembly Hall | The greater of 1 space per 6 fixed seats or fraction thereof or, 1 space per 5.5 m ² of GFA |
| (6777-13) Eating Establishment | 1 space per 11 m ² of GFA |

| Use | Minimum Off-Street Parking Requirement |
|--|--|
| Office, Public Building | 1 space per 37 m ² of GFA |
| Retail Store, Retail Shop, or Service Shop | 1 space per 18.5 m ² of GFA |
| Any Combination of the Above Uses | The aggregate of parking spaces required for individual uses mentioned above except where specific provisions to the contrary are specified. |

4.16.2 Fractional Parking

Where the minimum parking facilities required under Section 4.16.1 of this By-law are arrived at on the basis of the floor area of a particular use or purpose, 1 additional parking space shall be required for any remaining fraction of the unit floor area stipulated in Column 2 of Section 4.16.1 for the corresponding use or purpose in Column 1.

4.16.3 Location of Parking Spaces

- (a) Parking spaces for all residential uses may be located in a private garage, private driveway, or private carport.
- (b) Each parking area shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. It may be constructed of crushed stone, slag, gravel or cinders, having an asphaltic or Portland cement binder, or any permanent type of surfacing with provisions for drainage facilities approved by the Town.
- (c) Where a parking area is adjacent to a Residential Zone, the lighting facilities shall be arranged to direct and/or reflect the light away from the Residential Zone.
- (d) A parking area shall have at least one entrance and one exit provided from or onto a street or land adjoining or extending through the zone in which the parking area is situated.
- (e) A parking area shall be provided with a means of access or driveway at least 4.5 metres but not exceeding 7.5 metres in width unless the driveway is a joint ingress and egress driveway, in which case the width shall be 7.5 metres.
- (f) The minimum distance between an intersection of street lines and the nearest driveway shall be 7.5 metres, except in

the case of residential zones in which the minimum distance between an intersection of street lines and the nearest driveway shall be 6.0 metres.

- (g) All parking areas shall be provided, where convenient, on the same lot where the building or buildings are situated, but in no case shall a parking area be located more than 91.5 metres from the related building lot.
- (h) Uncovered parking areas shall be permitted in the front, side and rear yards, providing that all other provisions of this By-law are met.
- (i) Every strip of land 2.5 metres in width lying along
 - (i) the lot line which is the boundary between a Commercial or Industrial Zone and a Residential Zone, or
 - (ii) the lot line of a parking area of an institutional use, which is adjacent to a Residential Zone, or
 - (iii) the lot line of a parking area which abuts a street;shall be used for no other purpose than for sodding and/or planting except for the areas that are to be used for ingress and egress. The strip of land so sodded and/or planted may be computed as being part of the 10% landscaping requirement referred to in Section 4.11 of this By-law.

4.16.4 Use of Parking Spaces and Areas

Parking spaces and areas required under this By-law for off-street parking shall be used for the parking of passenger vehicles only and for vehicles used in operation incidental to the permitted uses in respect of which such parking spaces and areas are required. No person shall in any Residential Zone use any lot for the parking or storage of any commercial motor vehicle as defined in the Highway Traffic Act, in excess of 0.46 tonne capacity. Notwithstanding the foregoing, the owner or occupant of any lot, building or structure in any Residential Zone may use any private garage erected upon any such lot for the housing or storage of one commercial motor vehicle not exceeding 0.91 tonne capacity for personal use. Notwithstanding the foregoing no person shall in any Residential Zone use any lot, building or structure for the parking or storage of more than one commercial motor vehicle.

4.16.5 Private Garage Dimensions to Accommodate an Unobstructed Parking Space

(6702-13)

Notwithstanding any other provisions of this By-law to the contrary, the following provisions apply to any private garage and required parking space therein serving a single detached dwelling, semi-detached dwelling, link dwelling, duplex dwelling and townhouse dwelling:

- (a) The minimum internal dimension for a private garage that serves a single vehicle shall be 6.2m in length and 3.0m in width measured from foundation wall to foundation wall.
- (b) The minimum internal dimension for a private garage that serves two or more vehicles shall be 6.2m in length and 5.5m in width measured from foundation wall to foundation wall.
- (c) All required parking spaces within a private garage shall be a minimum of 5.4m in length, 2.6m in width and 2.1m in height free of all obstructions.
- (d) Notwithstanding that a required parking space within a private garage must be unobstructed, a maximum 0.24m horizontal or vertical encroachment shall be permitted within the unobstructed parking space to accommodate access stairs within a private garage provided that the stairs project only from the end wall of the garage or from the side wall but at a distance no greater than 1.2m from the end wall of the garage.

4.17 PUBLIC GARAGES

Where a public garage is permitted, the following provisions apply:

- (a) The minimum width of ramp shall be 9.0 metres.
- (b) The minimum distance between ramps shall be 4.5 metres, measured along the street line.
- (c) The minimum distance from the intersection of the street lines to any ramp shall be 4.5 metres, measured along the street line.
- (d) The minimum angle between ramp and street line shall be 20 degrees.

4.18 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any lot or building is used or erect any new building or addition to any existing building or sever any lands from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building or lot to be in contravention of this By-law, provided that nothing herein shall prevent the conveyance to a public road authority of part of any lot for the purpose of a public highway and provided further that in the event of any such conveyance, the buildings on the remaining portion of the lot may continue to be used in the same manner and to the same extent as if such conveyance had never taken place.

4.19 RESIDENTIAL SALES OFFICE

A residential sales office shall be permitted in all residential zones provided:

- (a) The residential sales office shall be constructed or located in accordance with the zone provisions for the lot or lots within which it is located.
- (b) The residential sales offices shall be located within a proposed lot of a draft approved or registered plan of subdivision or within a unit of a draft approved or registered condominium building.
- (c) For the purposes of establishing the location of lot lines, the residential sales office shall be built within the lots defined by the draft approved plan of subdivision within which it is located and as if these lots were defined by a registered plan of subdivision.
- (d) The maximum number of residential sales offices per plan of subdivision or condominium building shall be one.
- (e) Parking shall be in accordance with Section 4.16.1 of this By-law.

4.20 ROAD ALLOWANCE WIDTHS AND BUILDING LINE SETBACK TABLE

For the purpose of computing minimum yards as required under this By-law the following road allowance widths and building line set backs shall apply:

| Road | Portion | Planned Width of Road Allowance | Minimum Distance From Centre Line to Closest Building |
|--------------------------------------|---|---------------------------------|---|
| Highway # 7 and # 12 | 7th Concession to Town's northern limit | 35 m | 30.5 m |
| Proposed Highway # 7 and # 12 Bypass | Entire length | 35 m | 30.5 m |
| Regional Road # 5 | Ashburn to Town's eastern limit | 30 m | 30.5 m |
| Regional Road | Entire length | 30 m | 24.5 m |
| Regional Road # 5 | Town's western limit to Ashburn | 26 m | 22.5 m |

4.21 ROOMS BELOW GRADE

A room which does not have at least 50% of the area of the walls enclosing such room above the finished grade, or which has its floor entirely below the adjacent finished grade shall not be used as a dwelling unit or part thereof, and shall be only used as a furnace room, laundry room, storage room, recreation room, or for a similar use.

4.22 SIGHT TRIANGLES

On a corner lot within the triangular space formed by the street lines for a distance of 12.0 metres from their point of intersection, no hedge, shrub, tree or fence shall be planted, maintained or erected which would obstruct the vision of vehicular traffic.

4.23 SPECIAL SETBACKS

4.23.1 Minimum Distance Separation

No residential, institutional, commercial, industrial or recreational use, located on a separate lot and otherwise permitted by this By-law shall be erected or enlarged unless it complies with the Minimum Distance Separation (MDS I) formula.

In addition, notwithstanding any other yard or setback provision in this By-law, no livestock facility shall be erected or enlarged unless it complies with the Minimum Distance Separation Formula (MDS II).

4.24 YARD ENCROACHMENTS

4.24.1 Ornamental Structures

Notwithstanding the yard provisions of this By-law to the contrary, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters, bay windows, bow windows, boxed windows or other ornamental structures may project into any required yard a maximum of 0.5 metres.

4.24.2 Accessory Structures

Notwithstanding the yard provisions of this By-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory structures shall be permitted in any required yard.

4.25 AREAS OF HIGH AQUIFER VULNERABILITY

The following uses are prohibited within an Area of High Aquifer Vulnerability as indicated by single diagonal cross-hatching, as shown on Schedule A-2, attached hereto and forming part of this By-law, with the exception of those uses listed below which were lawfully existing on November 15, 2001 and which continue until the use(s) ceases:

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

4.26 RAPID INFILTRATION BASINS AND COLUMNS

New rapid infiltration basins and new rapid infiltration columns as defined in Section 3, of this By-law are prohibited on lands within the Oak Ridges Moraine Plan Area, as shown on Schedule A-1 to this By-law.

Section 5 – Zone Provisions

5.1 ZONE PROVISIONS

Permitted uses and zone standards for the all Zones are provided in the following Sections:

| ZONE CATEGORY | SECTION |
|--|---------|
| Oak Ridges Moraine Agricultural Zone | ORM-A |
| Oak Ridges Moraine Natural Linkage Area Zone | ORM-NLA |
| Oak Ridges Moraine Agricultural Service Zone | ORM-A1 |
| Oak Ridges Moraine Open Space Zone | ORM-OS |
| Oak Ridges Moraine Residential Two Zone | ORM-R2 |
| Oak Ridges Moraine Residential Three Zone | ORM-R3 |
| Oak Ridges Moraine Residential Estate Zone | ORM-RE |
| Oak Ridges Moraine Local Commercial Zone | ORM-C1 |
| Oak Ridges Moraine Highway Commercial Zone | ORM-C2 |
| Oak Ridges Moraine Institutional Zone | ORM-I |
| Oak Ridges Moraine Environmental Protection Zone | ORM-EP |

5.2 OAK RIDGES MORaine AGRICULTURAL (ORM-A) ZONE

No person shall within any Oak Ridges Moraine Agricultural (ORM-A) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.2.1 Permitted Uses

(6777-13)

- (a) single detached dwelling
- (b) agricultural use
- (c) **Repealed by By-law 6777-13**
- (d) fish, wildlife and forestry management
- (e) conservation uses

5.2.2 Accessory Uses Permitted in the Agricultural Zones

5.2.2.1 Additional Farm Dwelling

One additional detached farm dwelling that is a temporary, portable or mobile dwelling unit, may be permitted provided that such dwelling unit is used by persons employed on the farm lot on a full time basis who are either full time employees of the farm operation or are members of the farmer's immediate family.

5.2.2.2 Accessory Seasonal Farm Produce Outlet

An accessory seasonal farm produce outlet is permitted in the Oak Ridges Moraine Agricultural Zone provided:

- (a) Such retail use is accessory to an operating agricultural operation on the same lot.
- (b) The majority of the goods offered or kept for sale are grown or produced on the same lot on which the seasonal farm produce outlet is located.
- (c) The farm produce outlet is operated on a seasonal basis only.
- (d) Any independent structures or buildings used for the farm produce sales outlet do not exceed a gross floor area of 45 square metres.

5.2.2.3 Open Storage

Open storage is permitted in the Oak Ridges Moraine Agricultural Zone provided:

- (a) Open storage of goods or materials shall only be permitted as an accessory use to the principal or main use on the lot.
- (b) Such storage must be located in the rear yard or to the rear of the main buildings or structures located on the lot.

5.2.3 Regulations for Residential Uses

| | |
|----------------------------|---------------------|
| Minimum Lot Area | 2785 m ² |
| Minimum Lot Frontage | 45.5 m |
| Minimum Front Yard | 15 m |
| Minimum Interior Side Yard | 4.5 m |
| Minimum Exterior Side Yard | 15 m |
| Minimum Rear Yard | 15 m |
| Maximum Lot Coverage | 10% |
| Minimum Ground Floor Area: | |
| 1 Storey | 139 m ² |
| 1.5 Storey | 111 m ² |
| 2 Storey | 84 m ² |
| Maximum Height | 10.5 m |

5.2.4 Regulations for Agricultural / Non-Residential Uses

| | |
|----------------------------|-------|
| Minimum Lot Area | 40 ha |
| Minimum Lot Frontage | 60 m |
| Minimum Front Yard | 15 m |
| Minimum Interior Side Yard | 15 m |
| Minimum Exterior Side Yard | 15 m |
| Minimum Rear Yard | 15 m |
| Maximum Lot Coverage | 10% |

5.2.5 Exceptions

5.2.5.1 Oak Ridges Moraine Agricultural Exception One (ORM-A-1) Zone

In addition to the uses permitted in Section 5.2.1, on lands identified as Oak Ridges Moraine Agricultural Exception One (ORM-A-1) Zone on Schedule A-1 to this By-law, a grocery and fruit market with a maximum gross floor area of 307 square metres shall be permitted.

5.2.5.2 Oak Ridges Moraine Agricultural Exception Two (ORM-A-2) Zone

Notwithstanding the uses and zone provisions in Section 5.2.3 on lands identified as Oak Ridges Moraine Agricultural Exception Two (ORM-A-2) Zone on Schedule A-1 to this By-law, the following provisions apply:

PERMITTED USES:

- (6777-13) (a) single detached dwelling
- (b) converted dwelling
- (6777-13) (c) **Repealed by By-law 6777-13**

ZONE REGULATIONS:

| | |
|---------------------------------|---------------------|
| Minimum Lot Area | 1575 m ² |
| Minimum Lot Frontage | 27.5 m ² |
| Minimum Front Yard | 10.5 m |
| Minimum Interior Side Yard | 1.5 m |
| Minimum Exterior Side Yard | 10.5 m |
| Minimum Rear Yard | 6.0 m |
| Maximum Lot Coverage | 20% |
| Maximum Height | 8.5 m |
| Max Number of Dwellings Per Lot | 1.0 |

Notwithstanding, where a dwelling is erected in an Oak Ridges Moraine Agricultural Exception Two (ORM-A-2) Zone without a garage or carport, the side yard requirements of an interior lot shall be 5.0 metres on one side and 1.5 metres on the other side.

5.2.5.3 Oak Ridges Moraine Agricultural Exception Three (ORM-A-3) Zone

Notwithstanding the uses and zone provisions in Section 5.2.3, on lands identified as Oak Ridges Moraine Agricultural Exception Three (ORM-A-3) Zone on Schedule A-1 to this By-law, the following provisions apply:

PERMITTED USES:

- (6777-13) (a) single detached dwelling
- (6777-13) (b) converted dwelling
- (6777-13) (c) **Repealed by By-law 6777-13**

ZONE REGULATIONS:

| | |
|-------------------------------------|---------------------|
| Minimum Lot Area | |
| Interior Lot | 1485 m ² |
| Corner Lot | 1575 m ² |
| Minimum Lot Frontage | |
| Interior Lot | 24.5 m |
| Corner Lot | 26.0 m |
| Minimum Front Yard | 9.0 m |
| Minimum Interior Side Yard | 1.5 m |
| Minimum Exterior Side Yard | 9.0 m |
| Minimum Rear Yard | 6.0 m |
| Maximum Lot Coverage | 20% |
| Maximum Height | 8.5 m |
| Maximum Number of Dwellings Per Lot | 1.0 |

Notwithstanding, where a dwelling is erected in an Oak Ridges Moraine Agricultural Exception Three (ORM-A-3) Zone without a garage or carport, the side yard requirements of an interior lot shall be 5.0 metres on one side and 1.5 metres on the other side.

5.2.5.4 Oak Ridges Moraine Agricultural Exception Four (ORM-A-4) Zone

- (6314-10) **9240 Baldwin Street North**
- Temporary Use Expired**

5.3 OAK RIDGES MORaine NATURAL LINKAGE AREA (ORM-NLA) ZONE

No person shall within any Oak Ridges Moraine Natural Linkage Area (ORM-NLA) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.3.1 Permitted Uses

- (6777-13) (a) single detached dwelling
- (6777-13) (b) agricultural use
- (6777-13) (c) **Repealed by By-law 6777-13**
- (d) fish, wildlife and forestry management
- (e) conservation uses

5.3.3 Regulations for Residential Uses

| | |
|----------------------------|---------------------|
| Minimum Lot Area | 2785 m ² |
| Minimum Lot Frontage | 45.5 m |
| Minimum Front Yard | 15 m |
| Minimum Interior Side Yard | 4.5 m |
| Minimum Exterior Side Yard | 15 m |
| Minimum Rear Yard | 15 m |
| Maximum Lot Coverage | 10% |
| Minimum Ground Floor Area | |
| 1 Storey | 139 m ² |
| 1.5 Storey | 111 m ² |
| 2 Storey | 84 m ² |
| Maximum Height | 10.5 m |

5.3.4 Regulations for Agricultural / Non-Residential Uses

| | |
|----------------------------|-------|
| Minimum Lot Area | 40 ha |
| Minimum Lot Frontage | 60 m |
| Minimum Front Yard | 15 m |
| Minimum Interior Side Yard | 15 m |
| Minimum Exterior Side Yard | 15 m |
| Minimum Rear Yard | 15 m |
| Maximum Lot Coverage | 10 % |

5.3.5 Exceptions**5.4 OAK RIDGES MORAINÉ AGRICULTURAL SERVICE (ORM-A1) ZONE**

No person shall within any Oak Ridges Moraine Agricultural Service (ORM-A1) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.4.1 Permitted Uses

On lands identified on Schedule A-1 as the Oak Ridges Moraine Agricultural Service (ORM-A1) Zone, only an agricultural implement sales and service outlet and the storage and sale of agricultural supplies shall be permitted.

5.4.2 Zone Regulations

| | |
|---|--------------------|
| Minimum Lot Frontage | 88 m |
| Minimum Lot Area | 1.2 ha |
| Minimum Front Yard | 18 m |
| Minimum Interior Side Yard | 9.0 m |
| Minimum Exterior Side Yard | 9.0 m |
| Minimum Rear Yard | 106 m |
| Maximum Lot Coverage | 30% |
| Maximum Height | 11 m |
| Maximum Gross Floor Area of All Buildings | 557 m ² |

5.4.3 Exceptions**5.5 OAK RIDGES MORAINÉ OPEN SPACE (ORM-OS) ZONE**

No person shall within any Oak Ridges Moraine Open Space (ORM-OS) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.5.1 Permitted Uses

- (a) public park

5.5.2 Zone Regulations

| | |
|-------------------------------|--------|
| Minimum Front Yard | 7.5 m |
| Minimum Interior Side Yard | 7.5 m |
| Minimum Exterior Side Yard | 7.5 m |
| Minimum Rear Yard | 7.5 m |
| Maximum Lot Coverage | 35% |
| Maximum Height | 13.5 m |
| Minimum Landscaped Open Space | 30% |

5.5.3 Exceptions**5.6 OAK RIDGES MORAINÉ RESIDENTIAL TWO (ORM-R2) ZONE**

No person shall within any Oak Ridges Moraine Residential Two (ORM-R2) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.6.1 Permitted Uses

- (6777-13) (a) single detached dwelling
 (6777-13) (b) converted dwelling
 (6777-13) (c) **Repealed by By-law 6777-13**

5.6.2 Zone Regulations

| | |
|-------------------------------------|---------------------|
| Minimum Lot Area | 1575 m ² |
| Minimum Lot Frontage | 27.5 m |
| Minimum Front Yard | 10.5 m |
| Minimum Interior Side Yard | 1.5 m |
| Minimum Exterior Side Yard | 10.5 m |
| Minimum Rear Yard | 6.0 m |
| Maximum Lot Coverage | 20% |
| Maximum Height | 8.5 m |
| Maximum Number of Dwellings Per Lot | 1.0 |

5.6.2.1

Notwithstanding Section 5.6.2 Zone Regulations, where a dwelling is erected in a Residential Two (R2) Zone without a garage or carport, the side yard requirements of an interior lot shall be 5.0 metres on one side and 1.5 metres on the other side.

5.6.3 Exceptions

5.6.3.1 Oak Ridges Moraine Residential Two Exception One (ORM-R2-1) Zone

Notwithstanding the zone provisions in Section 5.6.2, on lands identified as Oak Ridges Moraine Residential Two Exception One (ORM-R2-1) Zone on Schedule A-1 to this By-law, the following standards apply:

| | |
|-------------------------------|--------|
| Minimum Lot Frontage | 35.0 m |
| Minimum Lot Area | 0.2 ha |
| Minimum Landscaped Open Space | 50% |
| Minimum Front Yard | 6.0 m |
| Minimum Rear Yard | 23.0 m |
| Minimum Interior Side Yard | 1.5 m |

Provided however and notwithstanding the above:

- (i) The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least 1.75 m.
- (ii) The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least 2.5 m.
- (iii) Where no garage or carport facilities are provided on the lot then the minimum width of one of the interior side yards shall be 4.5 m.

5.6.3.2 Oak Ridges Moraine Residential Two Exception Two (ORM-R2-2) Zone

Notwithstanding the zone provisions in Section 5.6.2, on lands identified as Oak Ridges Moraine Residential Two Exception Two (ORM-R2-2) Zone on Schedule A-1 to this By-law, the following standards apply:

| | |
|-------------------------------|--------|
| Minimum Lot Frontage | 35 m |
| Minimum Lot Depth | 70 m |
| Minimum Lot Area | 0.2 ha |
| Maximum Lot Coverage | 33% |
| Minimum Landscaped Open Space | 50% |
| Minimum Front Yard | 10 m |
| Minimum Rear Yard | 10 m |
| Minimum Interior Side Yard | 1.0 m |

Provided however and notwithstanding the above:

- (i) The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least 1.75 m.
- (ii) The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least 2.5 m.

| | |
|----------------------------|-------|
| Minimum Exterior Side Yard | 4.5 m |
|----------------------------|-------|

Provided however and notwithstanding the above:

- (i) A garage or carport, the entrance to which is from the exterior side yard, shall be setback a minimum distance of 6 m.
- (ii) Except in the case of an exterior side yard abutting a 0.3 metres reserve, the minimum depth of the exterior side yard shall be 6 m.

| | |
|----------------|-------|
| Maximum Height | 8.0 m |
|----------------|-------|

5.6.3.3 Oak Ridges Moraine Residential Two Exception Three (ORM-R2-3) Zone

Notwithstanding the zone provisions in Section 5.6.2, on lands identified as Oak Ridges Moraine Residential Two Exception Three (ORM-R2-3) Zone on Schedule A-1 to this By-law, the following standard shall apply:

| | |
|------------------|---------|
| Minimum Lot Area | 0.35 ha |
|------------------|---------|

**(7718-21 LPAT) 5.6.3.4 Oak Ridges Moraine Residential Two Exception Four (ORM-R2-4) Zone
590 Myrtle Road**

1. Defined Area

The lands located north of Myrtle Road West, east of Wilson House Drive and zoned ORM-R2-4 shall be subject to the provisions hereinafter contained. Matters not specifically dealt with in this By-law amendment shall be governed by the relevant provisions of By-law #5581-05.

2. Zone Provisions

Notwithstanding the zone provisions of subsection 5.6.3.2 (ORM-R2-2) of this By-law to the contrary, in any ORM-R2-4 Zone the following provisions shall apply:

- (a) Lot Frontage Minimum 27.0 m

5.7 OAK RIDGES MORaine RESIDENTIAL THREE (ORM-R3) ZONE

No person shall within any Oak Ridges Moraine Residential Three (ORM-R3) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.7.1 Permitted Uses

- (6777-13) (a) single detached dwelling
- (b) converted dwelling
- (6777-13) (c) **Repealed by By-law 6777-13**

5.7.2 Zone Regulations

| | |
|-------------------------------------|---------------------|
| Minimum Lot Area | |
| Interior Lot | 1485 m ² |
| Corner Lot | 1575 m ² |
| Minimum Lot Frontage | |
| Interior Lot | 24.5 m |
| Corner Lot | 26.0 m |
| Minimum Front Yard | 9.0 m |
| Minimum Interior Side Yard | 1.5 m |
| Minimum Exterior Side Yard | 9.0 m |
| Minimum Rear Yard | 6.0 m |
| Maximum Lot Coverage | 20% |
| Maximum Height | 8.5 m |
| Maximum Number of Dwellings Per Lot | 1.0 |

5.7.2.1

Notwithstanding Section 5.7.2 Zone Regulations, where a dwelling is erected in a Residential Three (R3) Zone without a garage or carport, the side yard requirements of an interior lot shall be 5.0 metres on one side and 1.5 metres on the other side.

5.7.3 Exceptions**5.7.3.1 Oak Ridges Moraine Residential Three Exception One (ORM-R3-1) Zone**

Notwithstanding the zone provisions of Section 5.7.2, on lands identified as Oak Ridges Moraine Residential Three Exception One (ORM-R3-1) Zone on Schedule A-1 to this By-law, the following standards apply:

| | |
|-------------------------------------|--------|
| Minimum Lot Area | 0.6 ha |
| Minimum Lot Frontage | 35 m |
| Minimum Lot Depth | 70 m |
| Minimum Front Yard | 10 m |
| Minimum Rear Yard | 10 m |
| Maximum Lot Coverage | 33% |
| Minimum Landscaped Open Space | 50% |
| Maximum Height | 8 m |
| Maximum Number of Dwellings Per Lot | 1.0 |
| Minimum Interior Side Yard | 1.0 m |

Provided however and notwithstanding the above:

- (i) The exterior wall of the second storey of any building shall be set back a distance from the side lot line of at least 1.75 m.
- (ii) The exterior wall of the third storey of any building shall be set back a distance from the side lot line of at least 2.5 metres.

| | |
|----------------------------|-------|
| Minimum Exterior Side Yard | 4.5 m |
|----------------------------|-------|

Provided however and notwithstanding the above:

- (i) A garage or carport, the entrance to which is from the exterior side yard, shall be set back a minimum distance of 6 metres from the exterior side lot line.
- (ii) Except in the case of an exterior side yard abutting a 0.3 metre reserve, the minimum depth of the exterior side yard shall be 6 m.

5.7.3.2 Oak Ridges Moraine Residential Three Exception Two (ORM-H-R3-2) Zone

Notwithstanding the zone provisions of Section 5.7.2, on lands identified as Oak Ridges Moraine Residential Three Exception Two (ORM-H-R3-2) Zone on Schedule A-1 to this By-law, the following shall apply:

Permitted Uses:

- (a) bush or berry crop
- (b) orchard
- (c) sausage kitchen including the ancillary office and storage space to a maximum gross floor area of 1000 square metres

The passing of a By-law by Council to remove the 'H' Holding provisions shall be conditional upon approval by the appropriate authority, of a proposal by the owner, to repair and/or replace the present private sewage disposal system for the subject property.

In the event that Council deems it appropriate to delete the ‘H’ prefix to the aforementioned zone symbol, no person shall use any building or structure in any ORM-H-R3-2 Zone as shown on Schedule A-1 attached hereto except in accordance with the following zone provisions:

- (i) Notwithstanding, the subject lands may be used for the establishment, enlargement and operation of a sausage kitchen, including ancillary office and storage space, having a maximum gross floor area of 2,296 square metres.
- (ii) Sausage kitchen’ means the manufacture of sausages from the appropriate ingredients (such as meat, preservatives, etc.) but shall not include the raising or slaughtering of animals or fowl for the purposes of obtaining ingredients for the sausage processing.
- (iii) No animals or fowl shall be raised or slaughtered on the subject lands or in any building erected thereon.

5.7.3.3 Oak Ridges Moraine Residential Three Exception Three (ORM-R3-3) Zone

(6682-12)

(1) Zone Provisions

Notwithstanding the zone provisions of subsection 5.7.3.1 (ORM-R3-1 Zone) of this By-law to the contrary, in any ORM-R3-3 Zone, the following provisions apply:

- | | | |
|-----|-------------------------|--------|
| (a) | Lot Area Minimum | 0.5 ha |
| (b) | Lot Frontage Minimum | 33 m |

5.8 OAK RIDGES MORaine RESIDENTIAL ESTATE (ORM-RE) ZONE

No person shall within any Oak Ridges Moraine Residential Estate (ORM-RE) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.8.1 Permitted Uses

(6777-13)

- (a) single detached dwelling

5.8.2 Zone Regulations

| | |
|---|---------|
| Minimum Lot Area | 0.48 ha |
| Minimum Lot Frontage | 90.0 m |
| Lots with a lot area of 0.75 ha | 48.0 m |
| Lots with a lot area of 1.176 ha and/or 2.196 ha | 12.2 m |
| Minimum Front Yard | 6.0 m |
| Minimum Interior Side Yard | 9.0 m |
| Minimum Exterior Side Yard | 15.0 m |
| Minimum Rear Yard | 10.0 m |
| Maximum Lot Coverage | 10% |
| Minimum Landscaped Open Space | 50% |
| Maximum Height | 8.0 m |
| Maximum Number of Dwellings Per Lot | 1.0 |

5.8.3 Exceptions**5.9 OAK RIDGES MORaine LOCAL COMMERCIAL (ORM-C1) ZONE**

No person shall within any Oak Ridges Moraine Local Commercial (ORM-C1) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.9.1 Permitted Uses

(6777-13)

- (a) retail store
- (b) service shop
- (c) eating establishment
- (d) bakeshop or confectionary shop
- (e) video or computer rental establishment
- (f) dwellings located in the second storey above any permitted commercial uses

5.9.2 Zone Regulations for Residential Uses

| | |
|--|-------------------|
| Minimum Front Yard | 10.5 m |
| Minimum Interior Side Yard | 3.0 m |
| Minimum Exterior Side Yard | 9.0 m |
| Minimum Rear Yard | 3.0 m |
| Maximum Lot Coverage | 30% |
| Minimum Net Floor Area per Dwelling Unit | 70 m ² |

5.9.3 Zone Regulations for Non-Residential Uses

| | |
|----------------------------|--------|
| Minimum Front Yard | 10.5 m |
| Minimum Interior Side Yard | 3.0 m |
| Minimum Exterior Side Yard | 9.0 m |
| Minimum Rear Yard | 3.0 m |
| Maximum Lot Coverage | 30% |
| Minimum Height | 10.5 m |

5.9.4 Exceptions

5.10 OAK RIDGES MORAINÉ HIGHWAY COMMERCIAL (ORM-C2) ZONE

No person shall within any Oak Ridges Moraine Highway Commercial (ORM-C2) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.10.1 Permitted Uses

(6777-13)

- (a) service shop
- (b) eating establishment
- (c) public garage

5.10.2 Zone Regulations for Commercial Uses (Except Public Garages)

| | |
|----------------------------|--------|
| Minimum Front Yard | 10.5 m |
| Minimum Interior Side Yard | 3.0 m |
| Minimum Exterior Side Yard | 9.0 m |
| Minimum Rear Yard | 3.0 m |
| Maximum Lot Coverage | 30% |
| Minimum Height | 10.5 m |

5.10.3 Zone Regulations for Public Garages

| | |
|----------------------------|--------|
| Minimum Lot Frontage | 45.5 m |
| Minimum Front Yard | 21.5 m |
| Minimum Interior Side Yard | 10.5 m |
| Minimum Exterior Side Yard | 15.0 m |
| Minimum Rear Yard | 13.5 m |
| Maximum Lot Coverage | 30% |
| Maximum Height | 10.5 m |

5.10.4 Exceptions

5.10.4.1 Oak Ridges Moraine Highway Commercial Two Exception One (ORM-C2-1) Zone

(6681-12)

- (1) In addition to the uses permitted in Section 5.10.1, on lands identified as Oak Ridges Moraine Highway Commercial Two Exception One (ORM-C2-1) Zone on Schedule A-1 to this By-law, an agricultural implement sales and service outlet and a recreational vehicle sales and service establishment shall be permitted.

The open storage of recreational vehicles shall be permitted provided:

- (i) The recreational vehicles to be displayed for sale and repair shall be located in the interior side and rear yards only.
 - (ii) The seasonal storage of the recreational vehicles shall be limited to the rear yard.
 - (iii) Only the open storage and display of non motorized recreational vehicles shall be permitted within 140 metres of the northerly interior side lot line.
- (2) Notwithstanding the zone provisions in Section 5.10.2, on lands identified as Oak Ridges Moraine Highway Commercial Two Exception One (ORM-C2-1) Zone on Schedule 'A-1' to By-law this, the following standards apply:
- | | |
|-------------------------------|--------|
| Minimum Lot Frontage | 30.5 m |
| Minimum Front Yard | 7.5 m |
| Minimum Interior Side Yard | 3.0 m |
| Minimum Exterior Side Yard | 7.5 m |
| Minimum Rear Yard | 7.5 m |
| Maximum Lot Coverage | 40% |
| Minimum Landscaped Open Space | 10% |
| Maximum Height | 10 m |
- (3) Notwithstanding the zone provisions outlined in provision (2) above to the contrary, the following provisions shall apply:
- (a) The minimum front yard depth to the Baldwin Street North street line within 140 metres of the northerly interior side lot line shall be 14 metres provided however that any parking area used for the open storage and display of non-motorized recreational vehicles may be located no closer than 3.0 metres to the Baldwin Street North street line.
 - (b) The minimum rear yard depth within 140 metres of the northerly interior side lot line shall be 7.5 metres provided however that any parking area used for the open storage and display of non-motorized recreational vehicles may be located no closer than 1.5 metres to the rear lot line.

5.11 OAK RIDGES MORaine INSTITUTIONAL (ORM-I) ZONE

No person shall within any Oak Ridges Moraine Institutional (ORM-I) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.11.1 Permitted Uses

- (a) church
- (b) community centre
- (c) institutional hall
- (d) day nursery

5.11.2 Zone Regulations

| | |
|----------------------------|--------|
| Minimum Front Yard | 15 m |
| Minimum Interior Side Yard | 10.0 m |
| Minimum Exterior Side Yard | 10.0 m |
| Minimum Rear Yard | 10.0 m |
| Maximum Lot Coverage | 50% |
| Maximum Height | 15 m |

5.11.3 Exceptions

On lands identified as ORM-H-I on Schedule A-1, a By-law shall not be enacted to delete the 'H' symbol until such time as it has been demonstrated to the satisfaction of the Town of Whitby that the lands to be affected by the said by-law are serviced by municipal water and sanitary sewer facilities.

5.12 OAK RIDGES MORaine ENVIRONMENTAL PROTECTION (ORM-EP) ZONE

No person shall within any Oak Ridges Moraine Environmental Protection (ORM-EP) Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:

5.12.1 Permitted Uses

- (a) fish, wildlife and forest management
- (b) trails and pathways for non-motorized vehicles
- (c) conservation uses

Section 6 - Authorization

The Clerk of the Corporation of the Town of Whitby is hereby authorized and directed to forward to the Minister of Municipal Affairs and Housing the documentation required by the Oak Ridges Moraine Conservation Act, 2001.

Section 7 - Effective Date

This By-law shall come into force and take effect on the day it is approved by the Minister of Municipal Affairs and Housing.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28TH DAY OF FEBRUARY, A.D., 2005.

Donald G. McKay, Clerk

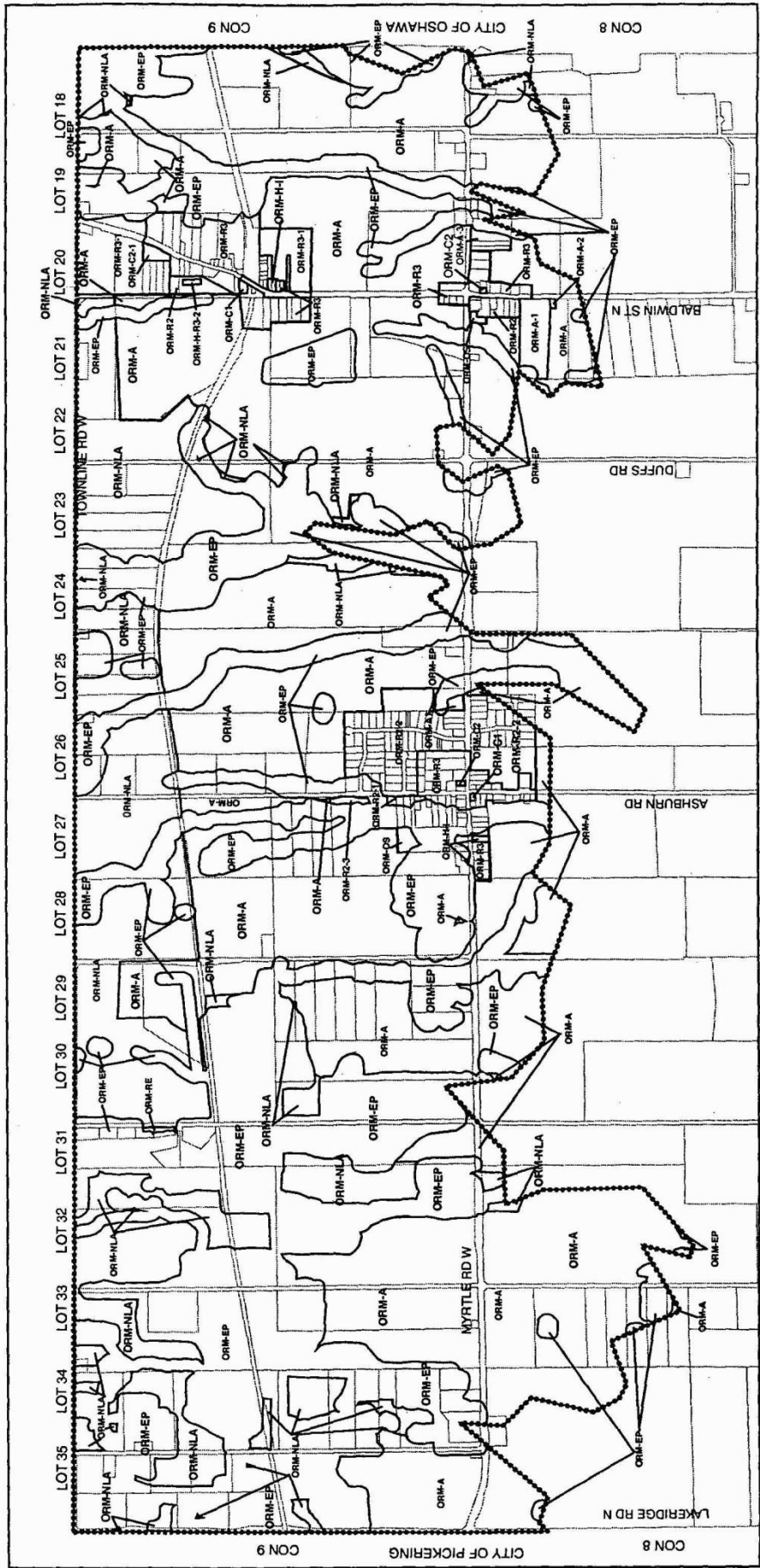
Marcel L. Brunelle, Mayor

Section 8 - Schedules

**SCHEDULE A-1
TO BY-LAW NO. _____**

This is Schedule A-1 to By-Law No. _____ passed by the
Council of the Town of Whitby this _____ day of _____, A.D. 2006.

CLERK _____ MAYOR _____



**SCHEDULE A-2
TO BY-LAW NO.**

This is Schedule A-2 to By-Law No. _____ passed by the

Council of the Town of Whitby this _____ day of _____, A.D. 2006.



CLERK _____ MAYOR _____

