

Section 5
General Provisions

SECTION 5 - GENERAL PROVISIONS

The **zone** provisions contained in this Section of the By-law shall apply to all **zones** established by this By-law except as may be indicated in the applicable **zone** provision.

Amended by By-law No. Z130-2018 and Z144-2021

~~5.01 Accessory Apartments~~

~~5.01.1 In a Single-detached, Semi-detached or Row or Townhouse Dwelling~~

~~A maximum of one accessory apartment is permitted in any single-detached, semi-detached or row or townhouse dwelling provided that:~~

- ~~(a) The maximum gross floor area of the accessory apartment shall not exceed 45 percent of the gross floor area of the main building (including the gross floor area of the accessory apartment) and shall not exceed 100 square metres (1,076 ft²); This does not apply to an accessory apartment located entirely in a basement or cellar.~~
- ~~(b) A home occupation is prohibited in any accessory apartment;~~
- ~~(c) An accessory apartment is prohibited on any lot where a garden suite dwelling exists;~~
- ~~(d) The lot is serviced by municipal water and sanitary sewer services; and,~~
- ~~(e) The establishment of a new accessory apartment on any lot located east of the CNR tracks and north of Trout Creek is prohibited until a secondary means of access to these lands is available.~~

~~5.01.2 In an Accessory Building or Structure~~

~~Alternatively, the accessory apartment may be permitted in an accessory building or structure on the lot in accordance with Section 5.1.1 and provided that:~~

- ~~(a) There is an existing single-detached, semi-detached or row or townhouse dwelling on the lot;~~
- ~~(b) The accessory building or structure complies with minimum front, rear, interior side and exterior side yard requirements for the main building in the applicable zone; and,~~
- ~~(c) The accessory building or structure complies with Section 5.1.3A.~~

5.01 Accessory Apartments

5.01.1 In a Single-detached, Semi-detached or Row or Townhouse Dwelling

- (a) A maximum of two (2) Accessory Apartments is permitted in any Single-Detached, Semi-detached, Row or Townhouse Dwelling, or Row or Townhouse – Back-to-Back dwelling provided that:**
- (b) One (1) Parking Space is provided for each Accessory Apartment in addition to any parking spaces required for the primary dwelling.**

5.01.2 In an Accessory Building or Structure

Where an Accessory Apartment is permitted in accordance with Section 5.01.1, up to one (1) of the Accessory Apartments may be permitted in an Accessory Building or

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Structure on the **lot** provided that:

- (a) There is a maximum of one (1) **Accessory Apartment** located in the main dwelling;
- (b) The **Accessory Apartment** is not located on **Hazardous Land** and Provincial access standards during a regulatory flood event are met.
- (c) One (1) **Parking Space** is provided for the **Accessory Apartment** in addition to any **parking spaces** required for the primary dwelling.

5.1 Accessory Uses

5.1.1 Use

Where this By-law provides that a **lot** may be **used** or a **building** or **structure** may be **erected**, **altered**, or **used** for a purpose, that purpose shall include any **accessory building** or **structure** or **accessory use**, but shall not include:

- (a) any occupation or business for profit conducted except as may be specifically **permitted** by this By-law; and
- (b) any **building** or **structure used** for human habitation except as may be specifically **permitted** by this By-law.

5.1.2 Time of Establishment

No **accessory use**, **building**, or **structure** shall be **permitted** on any **lot** until such time as the main **use** to which it is **accessory** has been lawfully and physically established on the **lot**.

5.1.3 Location

- (a) all **accessory buildings** and **structures** shall comply with the **minimum front yard** requirement for the **main building** on the **lot** or be located to the **rear** of the front wall of the **existing main building** on the **lot**, whichever is greater;
- (b) all **accessory buildings** and **structures** shall be required to comply with the **side** and **rear yard** requirements for the **zone** in which they are located as set out in this By-law;

Amended by By-law Nos. Z31-2001 and Z113-2015

- (c) **accessory buildings** and **structures** shall not be structurally attached to a **main building** in any way and they shall be located at a distance of not less than 1.0 metres from the **main building**. The provisions of this Section shall not apply to standby generators or air conditioning/ventilation devices;
- (d) notwithstanding the foregoing, in any Residential Zone One (R1), Residential Zone Two (R2), Residential Zone Three (R3), or Residential Zone Four (R4) a **detached garage** or other **accessory building** may be **erected** and **used** in a **rear yard** provided it is located not less than 1.0 metres from any **lot line**;
- (e) where an **accessory building** or **structure** is built on a **corner lot**, it shall be no closer to the **front lot line** than **permitted** by Clause (a) ~~above and no closer to the exterior side lot line than the minimum exterior side yard distance required for the main building under this By-law.~~
- (f) Notwithstanding clause 5.1.3(b), an **accessory building** or **structure** with a height

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of 4.5 metres is permitted to be setback 3 metres from an exterior **lot line**, provided the **accessory building** or **structure** is located behind the rear wall of the dwelling.

5.1.4 Height

Except as otherwise provided in this By-law, no **accessory building** or **structure** shall exceed ~~4.5~~ 6.0 metres in **height** or be higher than the **main building** on the **lot**, whichever is the lessor. This provision shall not apply to the Agricultural Zone One (A1).

Amended by By-law No. Z107-2014 and Z153-2022

5.1.5A Coverage

The total **lot coverage** of all **accessory buildings** and **structures** on a **lot** shall not exceed 10 per cent of the **lot area**.

The area of a **swimming pool** that is not enclosed by a **building** or **structure** shall not be included in the calculation of **lot coverage**.

~~5.2 Application of Other By-laws, Requirements, and Regulations~~

~~Nothing in this By-law shall operate or cause to relieve any person from the obligation to obtain any license, permit, authority or approval lawfully required by a government authority having the jurisdiction to make such requirements and/or regulations. This By-law shall not be effective to reduce or mitigate any regulations lawfully imposed by a government authority having the jurisdiction to make such requirements and/or regulations.~~

5.3 Bed and Breakfast Establishment

Where **bed and breakfast establishments** are **permitted** by this By-law, they shall be subject to the following criteria:

- ~~(a) a bed and breakfast establishment use must be clearly secondary to the main residential use of the dwelling;~~
- ~~(b) a bed and breakfast establishment use must not change the character of the dwelling as a private residence;~~
- (a) a bed and breakfast shall only be permitted in a **single-detached dwelling**.
- (b) the bed and breakfast shall be operated by the **person** or **persons** whose principal residence is in the single detached dwelling.
- (c) no more than three (3) guest rooms or fifty percent of the **gross floor area**, whichever is less, of the **single-detached dwelling** shall be used for **bed and breakfast establishment**;

Amended By-law No. Z17-2000

- (d) there shall be no external evidence of the **bed and breakfast establishment** with the exception of a single **sign** measuring not greater than 0.4 square metres in size. Such **sign** may be ground mounted with a setback of 4.0 metres from any **lot line**. The maximum height to the top of the **sign** shall not exceed 1.2 metres. Said **sign** shall not be internally illuminated;
- (e) a **bed and breakfast establishment** must meet all of the applicable requirements of this By-law, including parking requirements, and all other applicable laws;
- (f) the **bed and breakfast establishment** shall be conducted entirely within the **single-**

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detached dwelling.

~~Where a **bed and breakfast establishment** existed prior to September 24, 1996, it shall be subject to the criteria of Section 5.3, above.~~

~~However, if a **bed and breakfast establishment** that existed prior to the date of passing of this By-law does not satisfy one or more of the criteria of Section 5.3(a) thru 5.3(e), inclusive, it shall be deemed to be a **permitted use** under the provisions of this Section. Any addition or **alteration** to an **existing bed and breakfast establishment** shall be in accordance with the criteria of Section 5.3. This Section of the By-law does not relieve any **person** operating a **bed and breakfast establishment** from **complying** with all health, fire and safety standards and regulation established by the Federal, Provincial, or Local Government.~~

5.4 Building Repairs

Nothing in this By-law shall apply to prevent the strengthening or restoring to a safe condition any **non-conforming building** or **structure** or legal **non-complying building** or **structure** provided that the following provisions are met:

- (a) the strengthening or repairing does not increase the **gross floor area, height, or lot coverage** of the **building** or **structure**; and
- (b) the **use** of the **building** or **structure** is not changed and continues in the same manner as previously existed.

5.5 Conflicting Regulations

Where the application of the provisions of this By-law results in a conflict between the provisions and/or requirements of this By-law, or any other By-law of the **Corporation**, the most restrictive provision and/or requirement shall apply.

Amended by By-law No. Z107-2014

5.5A Conservation Lands and Conservation Works

Conservation Lands and **Conservation Works** shall be **permitted** in all **zone** classifications.

5.6 Daylight or Sight Triangle

No **building** or **structure** shall be **permitted** on that portion of a **corner lot** which is within a **daylight triangle** or **sight triangle** as defined in Section 3.42 of this By-law where a distance of 10.8 metres measured along the **street lines** is **used** for the purpose of determining the location of the **daylight triangle** or **sight triangle**, except as specifically stated otherwise in this By-law: ~~or identified in the Table below.~~

~~Where identified in the Table below, distances used to establish a **daylight triangle** or **sight triangle** shall be measured along the **lot lines** abutting a street, as follows:~~

Distances along Street Lines Used to Establish a Daylight Triangle or Sight Triangle

Road Classification	Interesting Road Class	Daylighting Dimension	Triangle

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Local	Local Collector Arterial	5.0 metres 7.5 metres 10.8 metres
Collector	Local Collector Arterial	7.5 metres 10.0 metres 10.8 metres

The provisions of Section 5.24.8 of this By-law shall also apply.

5.7 Drainage

Suitable measures for surface and sub-surface drainage shall be required in respect to the **use** of all land and the **use** and/or **erection** of all **buildings** and **structures**.

Amended by By-law No. Z130-2018 and Z144-2021

5.8 Dwelling Units Below Grade

No **dwelling unit** shall, in its entirety, be located in a cellar with the exception of an accessory apartment. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling unit shall be used only as a furnace room, laundry room, storage or utility room, recreation room, bedroom subject to applicable Building Code requirements, or for a similar use. ~~However, a dwelling unit, in its entirety, may be located in a basement subject to applicable Building Code requirements.~~

~~5.9 Exterior Lighting~~

~~The type, location, height, intensity, and direction of exterior lighting on a lot shall be designed so as to ensure illumination does not glare onto adjacent properties or onto an adjacent street.~~

Amended by By-law No Z17-2000 and By-law No. Z107-2014

5.10 Frontage Abutting a Street/Street Access

No **person** shall hereafter **erect** any **building** or **structure** on any **lot** in any **zone** unless such **lot** abuts an improved **public street** which is constructed to the current municipal standard for its **road** classification.

Notwithstanding the foregoing, infilling **development** may be **permitted** on **streets** which are not improved to the full municipal standard, if such **road** has a **road** base and **road** surface to its classification requirements.

In the case of a parcel of land for which a Development and/or Subdivision Agreement has been approved and registered against the title pursuant to the Planning Act, R.S.O. 1990, then the single parcel of land to which the Development and/or Subdivision Agreement applies shall be deemed to be a **lot** for application of this Section, notwithstanding that part of the parcel does not otherwise satisfy the definition of **lot**, or does not abut an improved **public street**.

Single detached, semi-detached, duplex or street townhouse dwellings shall be **permitted** on **lots** without frontage on a **public street** provided that all such **dwellings** are

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located on Parcels of Tied Lands (POTL's) to a Common Elements Condominium (CEC) consisting of at least a private communal **driveway** connecting to a **public street**.

Amended by By-law No. Z107-2014

5.11 Home Occupation

Where a **home occupation** is **permitted** in a **zone** the following provisions shall apply:

- ~~(a) — such **home occupation** must be clearly secondary to the main **use** of the **dwelling** for residential purposes;~~
- (a) such **home occupation** must be clearly secondary to the main **use** of **single-detached** or **semi-detached dwelling** used for residential purposes;
- (b) such **home occupation** must not change the character of the **dwelling** as a private residence;
- (c) such **home occupation** shall be conducted only by a **person** residing permanently in the **dwelling**;

Amended by By-law No Z17-2000

- (d) there shall be no external evidence of the **home occupation** from outside of the **dwelling**, including window displays, with the exception of a single **sign** measuring not greater than 0.4 square metres in size. Such **sign** shall not be internally illuminated and shall be affixed to the facade of the **building** or ground mounted with a minimum setback of 4.0 metres from any **lot line**. The maximum height to the top of the **sign** shall not exceed 1.2 metres;
- (e) there shall be no external display or storage of goods, materials, wares or merchandise on the **lot** on which the **dwelling** containing the **home occupation** is located;
- (f) no external **alteration** of the **dwelling** shall be **permitted** so as to accommodate a **home occupation**, such as the inclusion of any specialized **structure**, ramps, or oversize doorways which will tend to change the character of the **dwelling** as a private residence;
- (g) such **home occupation** shall not create nor become a nuisance or hazard to neighbours by reason of noise, vibration, dust, smoke, fumes, odour, heat, debris, refuse, fire, lighting interference, hours of operation, traffic, or parking;
- (h) no mechanical or other equipment shall be **used** in conjunction with a **home occupation** except that which is customarily **used** in **dwellings** for domestic or household purposes;

Amended by By-law No Z153-2022

- (i) not more than two **home occupations** are permitted in a **dwelling unit** and the maximum gross floor area dedicated to all **home occupations** shall not exceed 50.0 square metres or 25 per cent of the **gross floor area** of the **dwelling unit** (excluding an **attached garage**), whichever is lesser. The area of the **dwelling unit** not being **used** for **home occupation** must comply with the applicable **gross floor area** requirements of this By-law;
- (j) a **home occupation** shall be carried on only in the **dwelling unit** of a **single-detached dwelling** or in the **dwelling unit** of a **semi-detached dwelling**. No **home occupation** shall be carried on in an **accessory building** or **structure** or in an **attached garage** unless part of the garage is converted to form part of the dwelling unit and can no longer be used as an attached garage;
- (k) such **home occupation** shall meet all of the applicable requirements of this By-law,

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- including parking requirements;
- (l) for greater clarity, a **home occupation** shall include but not be limited to an **office** or consulting room for a professional **person** or agent; an **office** for a trade such as a builder, a plumber, an electrician; an **office** for a charitable organization; a workroom for a dressmaker or a tailor; a hairdresser/barber; a dog groomer; a studio for a teacher of music, art, or academic subjects, a photographer or a commercial artist; and any other **use** of a similar nature which satisfies all of the criteria of this Section of the By-law; but shall not include a **kennel**, a **boarding house**, a **medical clinic**, a **retail store**, or any workshop, or plant for any trade.
- (m) **A home occupation is not permitted in an Accessory Apartment.**

5.12 Loading Space Requirements

Where a **building** or **structure** is **erected** or **used** for a **commercial** or **industrial use** involving the receiving, shipping, loading, or unloading of goods, wares, merchandise, raw materials, or animals, the owner and/or occupant of the **building** or **structure** shall provide and maintain on the same **lot** on which such **building** or **structure** is located, and not on a **street** or **lane**, **loading spaces** and/or unloading spaces in accordance with the following requirements:

5.12.1 Number of Loading Spaces

The minimum number of **loading spaces** required shall be in accordance with the following provisions:

<u>Gross Floor Area</u> (square metres)	<u>Number of Spaces</u>
(i) less than 500 300	0
(ii) 500 301 to 4,000	1
(iii) 4,001 to 10,000	2 Plus 1 for each additional 10,000 m ² of gross floor area or fraction thereof.

5.12.2 Loading Space Location

The **loading space** or **spaces** required by this By-law shall be located in the **interior side yard** or **rear yard** of the **lot** unless such **loading space(s)** is located a distance of not less than 15 metres from the **street line** abutting the **lot**.

Amended by By-law No. Z107-2014

5.12.3 Loading Space Size

Every **loading space** required by this By-law shall have a minimum length of 18.0 metres, a minimum width of 3.5 metres, and a minimum vertical clearance of 4.25 metres.

5.12.4 Loading Space Access

Access to a **loading space** shall be by means of an unobstructed **driveway** at least 6.0 metres in width situated entirely on the **lot** upon which the **loading space(s)** are located leading to a **street** or **lane**.

5.12.5 Loading Space Surface

The **driveways** and **loading space(s)** required by this By-law shall be maintained with a

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stable surface so as to prevent the raising of dust or loose particles. The **driveways** and **loading spaces** shall, prior to being **used**, be constructed of crushed stone, slag, gravel, crushed brick or tile, paving stone or brick, asphalt, concrete, or cinders having a Portland cement binder, and shall have adequate drainage facilities.

5.12.6 Existing Buildings and Additions

The **loading space** provisions contained in Section 5.12.1 shall not apply to any **building** that lawfully existed prior to the date of adoption of this By-law so long as the **gross floor area** has not been increased.

If an addition is made to a lawfully **existing building** which has the effect of increasing the **gross floor area** after the date of adoption of this By-law, the regulations of Section 5.12 shall apply in respect to the area of such addition.

5.13 Mobile Homes Prohibited

It shall be prohibited to locate or **use** a **mobile home** in any **zone** established by this By-law either temporarily or permanently, unless the **use** of a **mobile home** is specifically **permitted** by other provisions of this By-law.

5.14 Multiple Uses

Notwithstanding any other provisions of this By-law, where the **use** of any land, **building**, or **structure** is composed of two or more **uses** which are classified as having separate and distinct **zone** provisions under this By-law, none of these **uses** shall be considered as being **accessory** to one another and therefore the provisions governing each **use** shall be applied to each **use** as if each **use** existed independently.

~~5.15 Non-Conforming Uses, Buildings, and Structures~~

~~The following provisions shall apply to legal non-conforming uses, buildings, and structures:-~~

~~5.15.1 Existing Uses, Buildings, and Structures~~

~~Nothing in this By-law shall prevent a legal non-conforming use, building, or structure to continue being used for the same use and to the same development standards as existed prior to the passing of this By-law.~~

~~5.15.2 Building Permit Issued~~

~~Nothing in this By-law shall apply to prevent the erection of a legal non-conforming building or structure, where a building permit has been lawfully issued under the Building Code Act prior to the day of passing of this By-law, provided that the following are met:~~

- ~~(a) the building or structure, when erected, is used and continues to be used for the purpose for which the permit was issued; and~~
- ~~(b) the erection of such building or structure is commenced within one (1) year after the date of passing of this By-law and is completed within one (1) year of the date that the erection commenced.~~

~~5.15.3 Replacement of Non-Conforming Uses, Buildings, and Structures~~

~~Where a lawfully existing building or structure is used for a purpose not permitted in the zone in which such building or structure is located and such building or structure is~~

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~~partially or totally destroyed by fire or similar natural cause or peril, such **building or structure** may be replaced or repaired and the **non-conforming use** re-established provided that the following conditions are met:~~

- ~~(a) — the owner must make application to the **Corporation** for a building permit to replace the **building or structure** within one (1) year of the date on which the partial or total destruction occurred;~~
- ~~(b) — the replacement or repair of the **building or structure** must be completed within one (1) year of the date on the building permit for such replacement or repair was issued by the **Corporation**;~~
- ~~(c) — the replacement or repair of the **building or structure** occurs at approximately the same location on the **lot**. In no case shall any encroachment into a required **yard**, other than that which **existed** on the date of passing of this By-law, be **permitted**. For the purpose of determining required **yards**, the most restrictive **yard** provision for that **zone** shall apply;~~
- ~~(d) — the replacement or repair does not increase the **gross floor area, height, and lot coverage** of the **building or structure** as it existed prior to the partial or total destruction; and~~
- ~~(e) — the **use** of the **building or structure** is not changed and continues in the same manner as previously **existed**;~~
- ~~(f) — the owner obtain approval from the Upper Thames River Conservation Authority prior to the replacement or repair of **buildings and structures** within the Flood Plain (FP) **Zone**.~~

5.16 Non-Complying Uses, Buildings, and Structures

~~The following provisions shall apply to **legal non-complying uses, buildings, and structures**:~~

5.16.1 Existing Uses, Buildings, and Structures

~~Nothing in this By-law shall prevent a **legal non-complying use, building, or structure** to continue being **used** for the same **use** and to the same **development** standards as existed prior to the passing of this By-law.~~

5.16.2 Building Permit Issued

~~Nothing in this By-law shall apply to prevent the **erection or use** of a **building or structure** that does not satisfy or fulfill the provisions of the **zone** in which such **building or structure** is located where a building permit has been lawfully issued under the Building Code Act, prior to the day of passing of this By-law, or where the **Town's Committee of Adjustment** has approved an application for relief from the requirements of the previous Zoning By-law No. 25-75 provided that the following are met:~~

- ~~(a) — the **building or structure**, when **erected**, is **used** and continues to be **used** for the purpose for which the permit was issued unless a new **use** is **permitted** within the **zone** and the extent of **non-conformity** to the provision(s) of this By-law will not increase as a result of the new **use**; and~~
- ~~(b) — the **erection** of such **building or structure** is commenced within one (1) year after the date of passing of this By-law and is completed within one (1) year of the date that the **erection** commenced.~~

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5.16.3 Replacement of Non-Complying Uses, Buildings, and Structures

~~Where a legal non-complying use, building or structure is partially or totally destroyed by fire or similar natural cause or peril, such use, building or structure may be replaced or repaired and the non-complying use, building or structure re-established provided that the following conditions are met:~~

- ~~(a) the owner must make application to the Corporation for a building permit to replace the use, building or structure within one (1) year of the date on which the partial or total destruction occurred;~~
- ~~(b) the replacement or repair of the use, building or structure must be completed within one (1) year of the date on the building permit for such replacement or repair was issued by the Corporation;~~
- ~~(c) the replacement or repair of the use, building or structure occurs at the same location on the lot. In no case shall any encroachment into a required yard, other than that which existed on the date of passing of this By-law, be permitted; and~~
- ~~(d) the replacement or repair does not increase the gross floor area, height, and lot coverage of the building or structure as it existed prior to the partial or total destruction.~~

Amended by By-law No Z17-2000

5.16.4 Expansion of Non-Complying Buildings and Structures

~~The extension, enlargement or expansion of a non-complying building or structure shall be permitted provided that such extension, enlargement or expansion to the non-complying building or structure is located on the lot so that it is in compliance with the zoning provisions of this By-law for the zone classification for where it is located.~~

5.17 Occupancy of Completed Buildings

Notwithstanding any of the provisions contained in this By-law, no **person** shall occupy any **building** or **structure** unless the **Chief building official** has issued an occupancy permit in accordance with the Ontario Building Code.

Amended by By-law No. Z107-2014

5.18 One Dwelling on One Lot

Not more than one (1) **dwelling unit** shall be **permitted** on a lot, except ~~in the case of accessory apartments or where otherwise as permitted~~ specifically by other provisions of this By-law or other Provincial legislation.

5.18.1 Merged Lands

Two or more **dwelling**s shall be **permitted** on one **lot** in cases where one **lot**, containing a **dwelling**(s), legally merges with an adjoining **lot**, containing a **dwelling**(s), to form one larger **lot** containing two or more **dwelling**s.

5.18.2 Part Lot Control Exemption

On a **lot** or block against which a Part Lot Control Exemption By-law is registered, those parts on a reference plan which are intended to constitute a future parcel shall be deemed to be a **lot** for the purposes of this section of the By-law, provided that such parts are in compliance with all applicable regulations of this By-law, in which case, one **single detached dwelling**, one **dwelling unit** of a **semi-detached dwelling**, **duplex dwelling**, or one

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dwelling unit of a townhouse shall be **permitted** on each future parcel.

5.18.3 Condominiums

More than one **single detached, semi-detached, duplex or street townhouse dwelling** shall be **permitted** on a **lot** provided that each **dwelling** has direct access to an internal private communal **driveway** or **road** that is a common element in a registered **Condominium** connecting to a **public street** and that each **dwelling** is located on a 'unit' in a Vacant Land or Common Elements **Condominium**.

5.19 Outdoor Storage

Where outdoor storage is **permitted** by the **zone** provisions of this By-law, the outdoor storage of goods or materials shall be **permitted** only in the **interior side yard or rear yard** of the **main building** provided that the following provisions are satisfied:

- (a) the **outdoor storage** is **accessory** to the **use** of the **main building** on the **lot**;
- (b) such **outdoor storage** complies with the **yard** requirements for **accessory buildings** and **structures** as set out in Sections 3.1 and 5.1;
- (c) any portion of the **lot used** for **outdoor storage**, shall be completely concealed from view from the **street** or an abutting **lot** in a Residential **Zone** by a **planting strip**, **fence**, decorative masonry wall, or **existing building** on the **lot**, or a combination thereof.

5.20 Outdoor Display and Sales Area

~~Where **outdoor display and sale area** is **permitted** by the **zone** provisions of this By-law, it shall be **permitted** in any **yard** on a **lot** provided that the following provisions are satisfied:~~

- ~~(a) such **outdoor display and sales area** is **accessory** to the main **use** on the **lot** and is for merchandise kept for sale, lease, or rent on the premises;~~
- ~~(b) such **outdoor display and sales area** shall be set back a minimum distance of 3.0 metres from a **front** or **exterior side lot line** and a minimum distance of 1.0 metres from an **interior side** or **rear lot line**;~~
- ~~(c) notwithstanding the provisions of Clause (b) above, no **outdoor display and sales area** shall be **permitted** in a required **daylight or sight triangle**;~~
- ~~(d) such **outdoor display and sales area** shall not block off or restrict access to the **lot**;~~
- ~~(e) such **outdoor display and sales area** is kept in a neat and attractive manner.~~

~~Where an outdoor display and sale area is permitted by the **zone** provisions of this By-law, it shall be permitted in any **yard** on a **lot** provided that the following provisions are satisfied:~~

- ~~(a) such **outdoor display and sales area** is accessory to the main **use** on the **lot** and is for merchandise kept for sale, lease, or rent on the premises;~~
- ~~(b) the total area for outdoor display and sale is not to be more than 35% of the **lot area**;~~
- ~~(c) such **outdoor display and sales area** shall be set back a minimum distance of 3.0 metres from a front or **exterior side lot line** and a minimum distance of 1.0 metres from an interior side or **rear lot line**;~~
- ~~(d) notwithstanding the provisions of Clause (b) above, no **outdoor display and sales area** shall be permitted to be located within a:~~
 - ~~i. required **parking space**;~~
 - ~~ii. required **loading space**;~~
 - ~~iii. **driveway**, access aisle or **stacking lane**;~~

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- iv. required **yard** or minimum setback;
- iv. daylight or **sight triangle**; and
- v. required landscape strip.
- (e) the **outdoor display and sales area** shall be setback a minimum of 12 metres from any Residential Zone Boundary.
- (f) such **outdoor display and sales area** shall not block-off or restrict access to the **lot**;
- (g) such **outdoor display and sales area** is kept in a neat and attractive manner.

5.21 Parking Area and Space Requirements

The owner of every **building** or **structure erected** or **used** for a purpose **permitted** by this By-law shall provide and maintain for the sole **use** of the owner, occupant, or other **persons** entering upon or making **use** of said premises from time to time **parking areas** and **spaces** in accordance with the following provisions:

Amended by By-law Nos. Z107-2014 and Z130-2018

5.21.1 Number of Parking Spaces

5.21.1.1 Parking Requirements

The minimum number of **parking spaces** required for the **uses** and purposes hereinafter set forth shall be as follows:

	Type of Use	Number of Spaces
A	Single-detached, Semi-detached, Street Townhouse Duplex, and Triplex dwellings	2 per dwelling unit
B	Fourplex and Row or Townhouse dwellings	2 plus 0.25 visitor per dwelling unit 6 per dwelling
B.1	Row or Townhouse – Street	2 per dwelling unit
B.2	Dwelling, Row or Townhouse Dwelling, Row or Townhouse – Back-to-Back Dwelling, Row or Townhouse – Stacked	2 per plus 0.25 visitor per dwelling unit
C	Apartment dwelling and other multiple unit dwellings	<u>Outside of Downtown as defined by Central Commercial designation in Official Plan</u> Studio: 1 per dwelling unit One Bedroom: 1 per dwelling unit Two Bedroom: 1.5 per dwelling unit

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		Three Bedroom: 1.5 per dwelling unit Plus Visitor: 0.25 per dwelling unit <u>Downtown as defined by Central Commercial designation in Official Plan</u> Studio: 1 per dwelling unit One Bedroom: 1 per dwelling unit Two Bedroom: 1.5 per dwelling unit Three Bedroom: 1.5 per dwelling unit Plus Visitor: Not Required <u>Conversions of existing buildings in the Downtown to residential use as defined by Central Commercial designation in Official Plan</u> Notwithstanding the parking requirements applicable to apartment dwellings within the Downtown, as identified by the Central Commercial designation in the Official Plan, the following parking rates shall apply to apartment dwelling units resulting from the conversion of a building existing as of October 13, 2026, through internal alterations: Studio: 1 per dwelling unit One Bedroom: 1 per dwelling unit Two Bedroom: 1 per dwelling unit Three Bedroom: 1 per dwelling unit Plus Visitor: Not Required
D	Accessory dwelling Accessory apartment Converted dwelling	1 per dwelling unit
E	Bed and breakfast establishment	2 per dwelling unit plus 1 per guest room for rent
F	Group home dwellings	2 per dwelling unit plus 1 per 4 group home residents beyond the first 4 group home residents
G	Long term care home, home for the aged	1 per 5 beds

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H	Nursing home	1 per 3 beds
H1	Continuum-of-care facility, retirement home	Non-Assisted Living: 0.5 per dwelling unit (for residents) plus 0.2 per dwelling unit (for visitors and employees) Assisted Living: 0.3 per assisted living unit (for residents), plus 0.2 per assisted living unit (for visitors and employees)
I	Assembly Hall , Community Centre, Arena, Theatre	1 per 5 seats or 3 metres of bench space of maximum seating capacity, or 1 per 230 square metres of playing field area where no seating exists
I1	Assembly hall , community centre, arena, theatre	1 per 5 seats or 3 metres of bench space of maximum seating capacity, or 1 per 230 square metres of playing field area where no seating exists
J	Automobile repair establishment, automobile service station, automobile sales and service establishment	4 plus 1 per repair bay
J1	Automobile washing establishment	1 plus 2 per wash bay, plus 1 per non-drive through car wash bay Automatic Car Wash: 5 per car wash bay, excluding the car wash bay
K	Bowling establishment	3 per bowling lane
L	Business or Professional Office , department store, personal service shop, retail store, supermarket, support office	1 per 20 square metres of gross floor area
M	Clinic, Animal Clinic, Medical	5 per practitioner
N	Church	The greater of: • 1 per 4 seats (or 3 metres of bench); or • 1 per 10 square metres of gross floor area devoted to public uses where no fixed seating exists
O	Day Nursery	1 per 40 square metres of gross floor area
P	Warehouse including mini-storage- facility Warehouse and self-storage establishment	1 per 150 square metres of gross floor area
Q	Golf course	8 per hole Miniature golf course: 1.5 per hole

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R	Hospital	1 per 4 beds
S	Hotel or Motel	1 per guest room plus 1 space per 10 square metres gross floor area devoted to public use such as dining rooms, licensed beverage rooms, banquet rooms and similar uses.
T	Industrial establishment	Gross floor area of 3000 square metres or less: 1 per 50 square metres of gross floor area Gross floor area greater than 3000 square metres: 1 per 50 square metres of gross floor area for the first 3000 square metres; and, 1 per 100 square metres of gross floor area in excess of the first 3000 square metres. For any office areas, the standards as set out elsewhere in this By-law shall apply.
U	Service trade	1 per 30 square metres of gross floor area
V	School, Elementary	the greater of 1.5 per classroom or 1 per 3 square metres of assembly area
W	School, Secondary	the greater of 5 per classroom or 1 per 3 square metres of assembly area
X	Sports Field	the greater of: (i) 1 per 5 seats or 3 metres of bench space of maximum permanent seating capacity, or (ii) 1 per 250 m² of gross field area where no seating exists
Y	Grocery store	1 per 10 square metres of gross floor area
Z	Wholesale establishment	1 per 55 square metres of gross floor area
AA	Uses permitted by this by-law other than those referred to above	1 per 40 square metres of gross floor area
BB	Uses permitted by this by-law other than those referred to above	1 per 40 square metres of gross floor area

~~In addition to the minimum number of required parking spaces set forth above, electric vehicle charging station rough-ins shall be provided for a minimum of 5 percent of all required parking spaces. This requirement does not apply to the uses in A, B, D, E, F, G, H, H1 and X above.~~

5.21.1.2 Accessible Requirements

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Accessible **parking spaces** for **persons** with disabilities required by this By-law shall have a minimum width of 4.25 metres and a minimum length of 5.5 metres not including area used for access, maneuvering, **driveway**, or similar purpose. If there are two or more accessible **parking spaces** located beside each other in the same parking aisle, they may share the 2.0 metre aisle, resulting in a reduction in the size of every other such **parking space** (i.e. every second accessible **parking space**). Accessible parking spaces are not required for single detached, semi-detached, duplex or triplex dwellings.

Accessible **parking spaces** shall be:

- (a) hard surfaced and a maximum running slope of 1.5 percent and a maximum crossing slope of 1 percent;
- (b) located near an accessible **building** entrance; and
- (c) identified for **use** by **persons** with disabilities by a sign, which is clearly posted and visible at all times, containing the International Symbol of Accessibility for Disabled Persons. Such **sign** shall be posted in a visible location other than on the parking surface.

The provisions for the number of accessible **parking spaces** are outlined in the following table.

Number of Automobile Parking Spaces	Number of Designated Accessible Parking Spaces
1-12	1
13-100	4% of the total number of automobile spaces
101-200	1 plus 3% of the total number of automobile spaces
201-1,000	2 plus 2% of the total number of automobile spaces
1,001 or greater	11 plus 1% of the total number of automobile spaces

Where the application of the **parking space** requirements results in a number that is not a whole number, the number shall be rounded-up to the next whole number (e.g. 7.3 spaces would be rounded-up to 8).

5.21.1.3 Bicycle Parking Requirements

The minimum number of bicycle parking spaces required for the uses and purposes hereinafter set forth shall be as follows:

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Land Use	Number of Required Parking Spaces
Apartment Buildings	0.5 space per dwelling unit plus 6 spaces for any development with 20 or more dwelling units
Schools	The greater of: ▶ 8 spaces; or ▶ 1 per 20 m² of classroom space, plus 1 per 800 m² of office area
Offices	The lesser of: ▶ 8 spaces; or ▶ 4% of required vehicle parking
Commercial Uses (unless otherwise noted), including Restaurants (excluding take-out only)	The greater of: ▶ 8 spaces; or ▶ 5% of required vehicle parking
Convenience Store	8 spaces
Cinema, Community Centre, Commercial Sports and Recreation Centre	The greater of: ▶ 8 spaces; or ▶ 10% of required vehicle parking
Industrial Use	The lesser of: ▶ 4 spaces; or ▶ 4% of required vehicle parking

5.21.2 Ingress and Egress

Amended by By-law No Z17-2000 and Z31-2001

- (a) Ingress and egress to **parking spaces** required by this By-law shall be provided by a sufficient number of unobstructed **driveways**. Each **driveway** shall have a minimum width of at least 3.0 metres. Each **driveway** in a Residential **Zone** shall have a maximum width of 8.0 metres or 60 percent of the width of the **lot**, whichever is less. Each **driveway** in a non residential **zone**, except a **driveway** located in the M2 **zone**, shall have a maximum width of 10.0 metres.
- (b) The number of **driveways** serving a **lot** shall be limited in accordance with the following:
- i. up to the first 20.0 metres of **lot frontage** - not more than 1 **driveway**;
 - ii. from 20.0 metres to 30.0 metres of **lot frontage** - not more than 2 **driveways**;
 - iii. for each additional 30.0 metres of **lot frontage** - one additional **driveway** is permitted.
- (c) Notwithstanding 5.21.2 (b), a **corner lot** is permitted to have a minimum of one

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driveway on each street frontage regardless of the frontage of the **lot**, provided that the **lot** has a minimum **lot frontage** of 15 metres and a minimum **lot area** of 500 square metres

- (d) Notwithstanding 5.21.2 (b), a **semi-detached dwelling** or a townhouse dwelling located on one **lot** shall be permitted to have one **driveway** for each **dwelling unit** that is not an **Accessory Apartment**.

5.21.3 Driveway Location

Amended by By-law No Z17-2000

- (a) the minimum distance between **driveway** ramps where access to a **lot** is by means of more than 1 **driveway** shall be 7.5 metres.
- (b) the minimum distance between a **driveway** ramp and an intersection of **street lines** shall be 10.8 metres measured along the **street line**.
- (c) in any Residential Zone, the minimum driveway setback from an interior Side Lot Line being 1.0 metre except where the interior side lot line coincides with a common wall between dwelling units, in which case no minimum setback would be required.

Amended by By-law No Z17-2000 and Z31-2001

5.21.4 Parking Area Location

~~All required **parking spaces** and **areas** shall be provided on the same **lot** as the **building** or **structure** is located, with the exception that the **Committee of Adjustment** may permit the required **parking spaces** and **areas** to be located on an adjacent **lot** provided that such **lot** is appropriately **zoned** so as to permit such parking **use** and provided that no part of such **parking space** or **area** is located further than 150.0 metres from the **lot** on which the **building** or **structure** requiring the parking is located. The above exception shall not apply in the case of **parking spaces** required for a **residential use** in a Residential Zone.~~

All required **parking spaces** and areas shall be provided on the same **lot** as the **building** or **structure**. Required **parking spaces** and areas may be located on an adjacent **lot** provided that such **lot** is appropriately zoned so as to permit such parking **use** with an agreement registered on title for such an arrangement, and provided that no part of such **parking space** or area is located further than 150.0 metres from the **lot** on which the **building** or **structure** requiring the parking is located. The above exception shall not apply in the case of **parking spaces** required for a residential **use** in a Residential Zone.

Notwithstanding any other provision of this By-law to the contrary, uncovered surface **parking spaces** shall be **permitted** in any required **yard** in the R1, R2, R3, and R4 **zones** and within 1.5 metres of a **lot line** in any other **zones** provided the **parking spaces** and **parking areas** are not located in the **daylight or sight triangle** or within any required **planting strip**.

Parking areas in the Central Commercial Zone shall be located in the **interior side yard** or **rear yard**. Where a required **parking space** abuts a public street, a **planting strip** with a minimum width of 1.5 metres shall be provided between the **parking space** and street.

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All required **parking spaces**, except those required for **single-detached dwellings**, **semi-detached dwellings**, **duplex dwellings**, **street front townhouse dwellings**, and **converted dwellings** (to a maximum of two dwellings) shall be accessed only by an internal **driveway** and no direct access from a **street** shall be **permitted**. Such internal **driveways** shall have a minimum width of 6.0 metres.

Tandem Parking shall be **permitted** for Accessory Apartments, **for a single-detached dwelling**, for one unit of a **semi-detached dwelling**, **street front townhouse dwelling**, and for **bed and breakfast establishments**.

The parking requirements for **persons** with disabilities as contained in Section 5.21.15 do not apply for **single-detached dwellings**, **semi-detached dwellings**, **duplex dwellings**, **street front townhouse dwellings**, and **converted dwellings** (to a maximum of two dwellings).

Amended by By-law No Z17-2000**5.21.6 Parking Area Surface****5.21.6.1 Residential Zones**

Each **parking area** and **driveway** connecting the **parking area** with the **street line** shall be maintained with concrete, asphalt or other hard surface, however, crushed stone, gravel, or other dustless material shall be **permitted** for a **single detached dwelling**, a **duplex dwelling**, a **semi-detached dwelling**, or an **agricultural use**.

5.21.6.2 Commercial Zones

Each **parking area** and **driveway** connecting the **parking area** with the **street line** shall be maintained with concrete, asphalt or other hard surface and bounded with a barrier curb.

5.21.6.3 Industrial Zones

Each **parking area** and **driveway** connecting the **parking area** with the **street line** shall be maintained with concrete, asphalt or other hard surface, provided however, crushed stone, crushed brick or tile, paving stones, or cinders having a Portland cement binder may be provided for the **parking area** and **driveways** which are located to the rear of the **front** or **exterior side yard building** line.

5.21.7 Parking Area Drainage

All **parking areas** and **driveways** shall be graded and drained so as to ensure that surface water will not escape to neighbouring lands as a result of the construction or **use** of such **parking areas** and **driveways**.

Amended by By-law No. Z107-2014**5.21.8 Parking Space Size**

Parking spaces required by this By-law shall have a minimum width of 2.7 metres, a minimum length of 5.5 metres, and a minimum height of 2.4 metres.

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Parking spaces for **persons** with disabilities shall have a minimum width of 4.25 metres, a minimum length of 5.5 metres, and a minimum height of 2.4 metres.

5.21.9 Multiple Use of Buildings

Where a **building** or **structure** accommodates more than one type of **use** as set out in Section 5.21.1 above, the number of **parking spaces** required for the whole **building** shall be the sum of the number of **parking spaces** required for the separate parts of the **building** as occupied by the separate **uses**.

Where common space within a **building** serves more than one type of **use** as set out in Section 5.21.1 above, such common space shall be assessed against one **use** only and that **use** shall be the one with the more restrictive parking requirement.

5.21.10 Multiple Use of Parking Areas

Where two or more **uses** utilize the same **parking area** during the same or overlapping time period, the number of **parking spaces** required by this By-law shall be the sum of the **parking spaces** required for each **use**.

Where two or more **uses** utilize the same **parking area** and the periods of **use** for each of the **uses** do not occur at the same time, the parking requirements for the **use** requiring the greatest number of **spaces** shall apply.

5.21.11 Existing Buildings

The **parking space** provisions contained in Section 5.21.1 above shall not apply to any **building** that lawfully **existed** at the date of adoption of this By-law so long as the following provisions are met:

- (a) the **building** continues to be **used** for the **use** that **existed** in the **building** on the day this By-law was adopted or the **use** has changed to one which has the same or lesser parking requirements as the **use** that existed on the day this By-law was adopted;
- (b) the **gross floor area** of the **building** has not been increased since the date of adoption of this By-law so as to require additional **parking spaces**; and
- (c) all **parking spaces** that **existed** at the date of adoption of this By-law are retained.

5.21.12 Additions to Existing Buildings

Where an addition is made to a **building** that lawfully **existed** at the date of adoption of this By-law, additional **parking spaces** equal to the number required for the addition as determined by the application of the provisions of Section 5.21.1 of this By-law shall be provided.

5.21.13 Changes/Intensification of Use

Where a change of **use** is made to a **building** lawfully **existing** at the date of adoption of this By-law and where the new **use** requires a greater number of **parking spaces** than did the previously **existing use**, additional **parking spaces** equal to the difference in the number of **parking spaces** required for the new **use** and the previously **existing use** shall be provided.

5.21.14 Stacking Lane Requirements for Drive-Through Facilities

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- (a) **Stacking lanes** shall not be located within 3 metres of a street line.
- (b) **Stacking lanes** for a drive-through facility shall not be located within a **front yard** or **exterior side yard**.
- (c) Despite Subsection b), on a corner lot, **stacking lanes** for a drive through facility may be located in either a **front yard** or **exterior side yard**, but not both.
- (d) Entrance ways to **stacking lanes** shall be separated a minimum travelled distance of 16.5 metres from the closest driveway, measured from the centre point of the closest driveway at the lot line along the route travelled to the last required **stacking space** in the **stacking lane**.
- (e) **Stacking spaces** must be wholly contained between the entrance to the **stacking lane** and the last product pick-up window, fueling area, service window, kiosk, or booth. If there are no cases of multiple service windows, the **stacking lane** is measured from the **stacking lane** entrance to the last service window.
- (f) A **stacking space** shall be a minimum of 2.6 metres in width and a minimum of 6.5 metres in length.
- (g) A **stacking space** shall lead both to and from a fueling area, service window, kiosk, or booth in accordance with the following table setting out the minimum number of stacking spaces required for the uses set forth:

Land Use	Minimum Number of Stacking Spaces
Automobile Washing Establishment (automatic)	10
Automobile Washing Establishment (self service)	2 per washing bay
Bank or Financial Institution	3
Automobile Gas Bar	2 per fueling area
Eating Establishment (Restaurant or Take Out)	13
Retail Store	3

- (h) Subsections a) through g) shall not apply to existing **stacking lanes** and existing **stacking spaces**.

5.21.15 Landscaping and Buffers in Parking Areas

Where a **lot line** is shared between a lot in a Commercial, Institutional, Agricultural, or Industrial **Zone** and a lot in a Residential **Zone**, a minimum three (3) metre wide **planting strip** shall be provided along the full length of any **parking area** abutting the shared **lot line** on the **lot** in the Commercial, Institutional, Agricultural, or Industrial **Zone**.

Where a surface **parking area** in any zone contains 50 or more **parking spaces**, a

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minimum of 15% of the **parking area** must be provided as **landscaped open space**.

5.22 Parking of Commercial Vehicles in Residential Zones

In any Residential **Zone**, one **commercial motor vehicle** may be parked on the same **lot** as a **dwelling unit** by the owner or occupant of the **dwelling unit**. This **commercial motor vehicle** shall not exceed either 6.0 metres in length or 2.5 metres in height, including any **trailer** which may be pulled by the cab of the vehicle. This provision shall not apply so as to prevent the stopping of any **commercial motor vehicle** making deliveries or collections or supplying services to the **dwelling unit** on the **lot**.

Any **commercial motor vehicle** parked in a Residential **Zone** shall not be parked so as to obstruct a **daylight triangle**.

Amended by By-law No. Z107-2014

5.23 Parking of Recreational Vehicles in Residential Zones

The parking of **recreational vehicles** as an **accessory use** to a residential use in any Residential Zone shall be subject to the following provisions:

- (a) not more than:
 - (i) **Recreational Vehicle** ~~one motor home~~; or
 - ~~(ii) one travel trailer; or~~
 - (iii) one boat with or without its boat **trailer**; or
 - (iv) two snow mobiles; or
 - (v) two all-terrain **vehicles**; or
 - (vi) one snow mobile and one all-terrain vehicle shall be parked or stored outside on a **lot** in a Residential Zone.
- (b) the location **recreational vehicles** shall be regulated as follows:
 - ~~(i) within a carport; or~~
 - ~~(ii) within a driveway but outside of any daylight triangle or sight triangle; or~~
 - ~~(iii) outside of any building or structure on the lot provided that no motor home or travel trailer is parked in the area on a lot no closer than 1.0 metres to an interior side lot line and/or a rear lot line and no closer to the front lot line and/or exterior side lot line than the minimum front yard and/or exterior side yard distance required for the main building under this By-law.~~
 - (i) recreational vehicles may only be located on a lot, and shall be prohibited from encroaching onto any lands owned by the Corporation of the Town of St. Marys, including any public right-of-way;
 - (ii) recreational vehicles may only be located in the rear yard, interior side yard, or within a carport, a garage or within a driveway or parking area but outside of any daylight triangle or sight triangle;
 - (iii) recreational vehicles shall not occupy a required parking space; and
 - (iv) recreational vehicles including hitch and tongue shall be located a minimum of one (1) metre away from a street curb, public sidewalk, and side lot line and rear lot line.

5.24 Permitted Encroachments Into Required Yards

Every part of any **yard** required to be provided in any **zone** under the provisions of this By-law shall be kept open and unobstructed by any **building, structure**, or thing from the ground to the sky except as provided for below:

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Sills, belt courses, cornices, eaves, gutters, chimneys, cantilevered fireplace exhaust inserts, parapets, bay or bow windows, pilasters, pillars or other ornamental **structures** may project into any required **yard** a distance of not more than 0.5 metres.

Amended by By-law No Z17-2000 and Z107-2014**5.24.2 Unenclosed Porches, Steps, and Patios**

Steps, and **patios**, whether they be covered or uncovered, and unenclosed **porches** and verandas may project into any required **front yard**, **rear yard**, **exterior side yard**, a distance of not more than 1.8 metres, provided that in the case of steps, **patios**, **porches**, and verandas, the floor level of such **structures** are not greater than 1.2 metres above the **finished grade level** adjacent to such **structure**.

5.24.3 Accessory Structures

Frameworks such as drop awnings, flag poles, light standards, garden trellises, **fences**, retaining walls, and other similar devices shall be **permitted** in any required **yard**.

Amended by By-law No. Z31-2001

Clothes line poles and clothes trees shall be **permitted** in **interior side** and **rear yards** in accordance with the **zone** requirements for **accessory structures** in the respective **zones** and no closer to the **exterior side lot line** than the **minimum exterior side yard** distance required for the **main building** under this By-law.

Air conditioning/ventilation devices **and generators** shall be **permitted**:

- (a) in the **interior side yard** but no closer than the **minimum side yard** requirement for the **zone** classification in which such device is located. In the case of the R1, R2, R3, and R4 **zones** no closer than 1.2 metres from the **interior lot line**;
- (b) in the **rear yard** but no closer than 5.0 metres from the **rear lot line**;
- (c) in the **exterior side yard** but no closer than 5.0 metres from the **street line** provided that such device is screened from view of the abutting **road** by fencing and/or landscaping.

5.24.4 Fire Escapes

Unenclosed fire escapes may project into required **side** or **rear yards** a distance of not more than 1.2 metres.

5.24.5 Signs

Signs may be **erected** in accordance with the provisions of any **sign** by-law passed by the **Corporation**. Notwithstanding this, the **bed and breakfast** and **home occupation** provisions relating to **signs** as set out in Section 5.3 and Section 5.11 of this By-law must be met.

5.24.6 Railway Spur Lines

A railway spur line shall be **permitted** in any **yard**.

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5.24.7 Gate Houses

In any industrial **zone** a gate house shall be **permitted** in any **yard** provided that such gate house is located at a distance of not less than 1.5 metres to any **lot line**.

5.24.8 Obstructions on Corner Lots

On a **corner lot** no obstruction between a height of 750 mm and 3.0 metres above the grade of the centre line of the **street** or **streets** abutting a **daylight or sight triangle** shall be **permitted** to impede or obscure the vision of the operator of a **motor vehicle** travelling on the abutting **street(s)**.

Amended by By-law No. Z107-2014

5.24.9 Accessibility of Ontarians with Disabilities Act

Notwithstanding the **yard** and setback provisions of this By-law to the contrary, wheelchair ramps, or other apparatus for **persons** with disabilities as per “The Accessibility of Ontarians with Disabilities Act”, may be **erected** within the required front, rear, **interior or exterior side yard**, provided that on **corner lots** these types of **structures** comply with the **sight triangle** requirements.

5.25 Planting Strip

A required **planting strip** shall be located in proximity to the **lot line** or portion thereof, on which such **planting strip** is required. A **planting strip** may be located in any **yard** except within a **daylight or sight triangle** or in such a manner as to impede or obscure the vision of the operator of a **motor vehicle** travelling on an adjacent **street**.

5.25.1 Requirements

The minimum height of trees, evergreens, and shrubs in a **planting strip** at the time of planting shall be 1.0 metres and they must be of such a species or type so as to achieve a minimum height of 2.0 metres at maturity and shall have a minimum width of 1.5 metres.

5.25.2 Driveways and Walkways

In all cases where ingress and egress **driveways** and walkways extend through a **planting strip**, it shall be permissible to interrupt the **planting strip** within 3.0 metres of the edge of such **driveway** or within 1.5 metres of the edge of such walkway.

5.25.3 Alternatives

Subject to **site plan** approval and the registration of a **site plan** agreement, a solid **fence** may be considered as an alternative to a **planting strip**. Where a solid **fence** or wall is deemed appropriate and is approved by the **Corporation**, such **fence** or wall must have a minimum height of 2.0 metres, be of a type and/or construction as is set out in the **site plan** agreement, and the remaining portion of the 1.5 metres wide **planting strip** which is not **used** for the physical location of the **fence** shall be maintained as **landscaped open space**.

Amended by By-law No. Z107-2014

5.26 Prohibited Uses

- (a) Except as otherwise specifically **permitted** in this By-law, the following **uses** are prohibited in any **zone** established under this By-law:
 - (i) a track for the racing of **motor vehicles**, motorcycles, go-carts, snowmobiles, or

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- all-terrain **vehicles**;
- (ii) a **trailer** camp as defined in Section 16~~9~~ 4(4) of the Municipal Act, S.O. 2001, as amended from time to time;
- (iii) a junk yard, **salvage or wrecking yard** (excepted as **permitted** by Section 20.1 of this By-law), or the collection, storage, or sale of junk, scrap metal, salvage, partially or completely dismantled **motor vehicles** or **trailers**, or farm machinery and equipment;
- (iv) locating or storing on any land for any purpose any disused and/or discarded railway car, bus, streetcar, shipping container, truck box or truck body, whether or not same is situated on a foundation. In an agricultural, commercial or industrial zone, shipping containers, truck bodies/boxes and truck **trailers** which are maintained in good condition and appearance may be used for storage accessory to a main **use** subject to the requirements for **accessory buildings**;
- (v) keeping or raising any **livestock**, bees, or any reptile or wild animal, including any tamed or domesticated wild animal, on any **lot** or in any **building** or **structure** situated in any **zone** established by this By-law, except as may be specifically **permitted** with the **zone** provisions for a particular **zone** as set forth in this By-law
- (vi) weigh scales in all **zones** except in an Industrial **Zone** or as a part of a public **use**;
- (vii) video and/or amusement arcades. Notwithstanding the foregoing, the keeping of not more than 3 video machines or similar machines is **permitted** as an **accessory use** to a **permitted commercial use** (e.g. **accessory** to a **convenience store** in the "C" **zone**) in accordance with the Town's licensing procedures;
- (viii) **adult entertainment parlours**;
- (ix) **Mobile Home Parks**;
- (x) billiard parlours. Notwithstanding the foregoing, the keeping of not more than 2 billiard/pool tables is **permitted** as an **accessory use** to a **permitted commercial use** (e.g. **accessory** to a **convenience store** in the "C" **zone**) in accordance with the Town's licensing procedures.
- (b) In addition to the **uses** prohibited by Clause (a) above, no land, **building**, or **structure**, except **automobile service stations** and duly licensed installations for bulk fuel storage of gasoline, lubricating and fuel oils, shall be **used** in the Municipality for commercial or industrial purposes which are likely to cause or create a danger to health, or danger from fire or explosion, and which, without limiting the generality of the foregoing, shall include the industrial manufacture of coal oil, fuel oil, burning liquid gas, naphtha, benzene, gasoline, dynamite, dualine, nitro-glycerine, gunpowder, petroleum products, propane, and ammonia.
- (c) In addition to the **uses** prohibited by Clauses (a) and (b) above, all **uses** of land and the **erection** or **use** of any **building** or **structure** for a purpose not **permitted** under the "**Permitted Uses**" sections of the various **zones** established by this By-law or any **use permitted** as public **uses** in accordance with the provisions of Section 5.27 of this By-law are and shall be deemed to be prohibited **uses** under the provisions of this By-law.
- (d) In addition to the **uses** prohibited in Clauses (a), (b), and (c) above, those **uses** considered to be offensive trades under the provisions of the Health Protection and

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Promotion Act shall be prohibited.

5.27 Public Uses, Utilities, and Services

Amended by By-law No. Z107-2014

- (a) The provisions of this By-law shall not apply so as to prevent the **use** of any **lot** or the **erection** or **use** of any **building** or **structure** for the purpose of public service by the Corporation, the County, a public utility, or by any local board of the Corporation or the County as defined in the Municipal Affairs Act, any telephone or telegraph company, any television or internet service provided governed under the regulations of the CRTC, any natural gas distribution system serving lands within the Corporation and possessing all necessary powers, rights, licenses, and franchises, any Conservation Authority established in accordance with the Conservation Authorities Act, any department of the Province of Ontario or of the Government of Canada, provided that the following provisions are satisfied:
 - (i) any **building** or **structure erected** shall be in substantial compliance with the provisions for the **zone** in which such **building** or **structure** is situated;
 - (ii) no **open storage** of goods, materials, or equipment shall be **permitted** in any Residential **Zone**; and
 - (iii) any **building** or **structure erected** in a Residential **Zone** shall be designed, constructed, and maintained in general harmony, where possible, with the neighbouring residential **buildings permitted** in the **zone**.
- (b) The provisions of this By-law shall not apply so as to prevent any **use, building, or structure** of Ontario Hydro, subject to the limitations of control over Ontario Hydro imposed by Section 62 of the Planning Act, R.S.O. 1990. Any new electric power facilities, including all works as defined in the Power Corporation Act, shall be authorized pursuant to the Environmental Assessment Act, where such Act applies to undertakings of Ontario Hydro or other public authorities. Furthermore, the proponent of such facilities will be required to contact and consult with the **Council** prior to proceeding with plans involving such facilities.
- (c) Nothing in this By-law shall prevent the installation of a watermain, sanitary sewer main, storm sewer main, **street** lighting fixture, telephone or other supply line or communication line provided that **Council** is consulted prior to the proponent proceeding with the plans involving such facilities.
- (d) Nothing contained in Clauses (a), (b), and (c) above relieves any of the government bodies, agencies, and other authorities from the obligation of **complying** with all other applicable By-laws of the **Corporation**, and all applicable statutes, regulations, and requirements of other government bodies.

5.28 Railway Crossings

Notwithstanding anything contained in this By-law, the following shall apply in respect to **buildings erected** in proximity to railways:

~~Amended by By-law No. Z107-2014~~

- ~~(a) no **building** or **structure** shall be **erected** and no tree or shrub shall be planted within 15 metres of the point of intersection of the centre lines of a railway and a **street**.~~
- ~~(b) The minimum distance from the boundary of a railway right-of-way and the nearest wall of a **dwelling unit** shall be 15 metres.~~

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- (a) The minimum distance from the principle main line railway right-of-way and the nearest wall of a **dwelling unit** shall be 30 metres.
- (b) An earthen **berm** designed with a slope of 2.5 to 1 and minimum height of 2.5 metres shall be erected where any residential, commercial, institutional, or open space **use** abuts a principle main line.
- (c) A chain link security **fence** with a minimum height of 1.83 metres shall be designed and maintained by the property owner at the mutual property line with any right-of-way of a secondary main line railway.
- (d) Safety **structures** and noise/vibration attenuation measures such as earthen **berms**, fencing, and sound walls can be erected within the required setback.

5.29 Reserves

Notwithstanding anything contained in this By-law, a **lot line** abutting a **reserve** shall be considered an **exterior side lot line** or a **front lot line** for the purpose of locating any **use**, **building** and/or **structure** on the **lot** abutting the **reserve**.

5.30 Satellite Dishes, Antennae, and Aerials

- (a) **Structures** such as **satellite dishes**, antennae, and aerials that are **used** for receiving or transmitting radio, television, telephone, or other similar communications in connection with a **permitted use** shall be subject to the following locational criteria:
 - (i) shall be **permitted** no closer to the **front lot line** and/or **exterior side lot line** than the **minimum front yard** and/or **exterior side yard** distance required for the **main building** under this By-law;
 - (ii) shall not have any supporting **structure** located closer than 2.0 metres from a **lot line**;
- (b) Notwithstanding any other provisions contained in this By-law in a Residential **Zone**, all **satellite dishes** with a dish radius greater than 0.61 metres or an antenna/aerial shall be fixed to or located on the ground and shall not be **permitted** to be mounted on a **dwelling** or **accessory building** in such **zone**; and

Amended by By-law No. Z107-2014

- (c) Notwithstanding any other provisions contained in this By-law, not more than 2 **satellite dishes** and 2 antenna/aerials per **dwelling unit** shall be **permitted** on a **lot** in a Residential Zone.

5.31 Setbacks of Buildings and Structures Along Watercourses and Municipal Drains

The following shall apply to **buildings** and **structures erected** in proximity to open **watercourses** and **municipal drains**:

- ~~(a) no **building** or **structure** shall be **permitted** within an area regulated by the Conservation Authority's Fill, Construction, and Alteration to Waterways Regulation except as specifically **permitted** by the Conservation Authority.~~
- ~~(b) no **building** or **structure** shall be **permitted** within 10 metres of the top of bank of an open **municipal drain**; and~~
- ~~(c) no **building** or **structure** shall be **permitted** within 5.0 metres of the vertical projections of the edges of an enclosed **municipal drain**.~~
- (a) no building or structure shall be permitted within a Conservation Authority regulated

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- area except as specifically permitted by the Conservation Authority.
- (b) no building or structure shall be permitted within 5.0 metres of the vertical projections of the edges of an enclosed municipal drain; and,
 - (c) no building or structure shall be permitted within 15 metres of the top-of-bank of an open municipal drain or watercourse.

Amended by By-law No. Z107-2014

5.31.1 Services Requirement

5.31.1.1 Municipal Facilities

Notwithstanding any other provisions of this By-law, no land shall be used nor any **buildings** or **structures erected** or used unless, pursuant to an agreement made or condition imposed under Sections 41, 45, 50 or 53 of the Planning Act, R.S.O. 1990, c. P.13, or Section 50 of the Condominium Act, R.S.O. 1990, c. C.26, dealing with the provision of any of the municipal services as are set out in this By-law, the municipal services to be provided are available to service the land, **buildings** or **structures**, as the case may be.

5.31.1.2 Wells Private (Prohibition)

Notwithstanding any provision in this By-law, a private well shall not be **permitted** as a primary or **accessory structure** on any lands within the limits of the Town where a municipal water distribution system is accessible in the **road** right-of-way within 90 metres of the property. This regulation shall not apply to:

- (a) a well which legally existed prior to May 15, 2013;
- (b) a well which is installed for the purposes of environmental site remediation, water monitoring, or site de-watering;
- (c) a property used for non-residential purposes which, prior to May 15, 2013, relies upon a legally **existing** private well for purposes other than human consumption such as irrigation, cooling, or manufacturing purposes; or
- (d) a well used by the **Corporation**.

5.31.1.3 Individual Sanitary Facilities

Individual sanitary facilities are **permitted** for the **erection** or enlargement of any **building** or **structure** not serviced by municipal sanitary sewerage facilities within the Agriculture Zone (A), issuance of a building permit shall be subject to the following provisions:

- (a) the applicable requirements for the wastewater treatment system can be met and all approvals are obtained in writing from the authorities having jurisdiction; and,
- (b) if the quantity of effluent is projected to exceed 4500 litres per day, a hydrological study is required to demonstrate that the system can operate satisfactorily on the site.

5.32 Swimming Pools

A **swimming pool** is **permitted** as an **accessory use** in any **zone** provided that the following provisions are met:

5.32.1 Location

The **swimming pool** is located as follows:

- (a) in the **interior side yard or exterior side yard** of a **lot**, where no part of the **swimming pool** is located closer to any **lot line** or **street line** than the minimum **yard**

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distance required by this By-law for the **main building** on the **lot**;
Amended by By-law No Z17-2000 and Z107-2014

- (b) in the **rear yard** of a **lot**, where no part of the **swimming pool** is located closer than 1.0 metre to any **rear lot line**.

Amended by By-law No. Z107-2014

5.32.2 Fencing

Every **swimming pool** shall be enclosed by a **fence** in accordance with the fencing By-law of the **Corporation**.

(Explanatory Note: The current Fencing By-law is the “**Swimming Pool By-law**” 26 of 2006)

Amended by By-law No. Z107-2014

5.32.3 Lot Coverage

A **Swimming pool** that is not enclosed by a **building** or **structure** shall not be included in the calculation of **lot coverage** but shall be included in the **landscaped open space** calculation. Any decking or platform which is 0.2 metres or greater above the **finished grade level** of the pool shall be included as part of the **lot coverage** calculation.

Amended by By-law No. Z107-2014

5.33 Temporary Uses

Notwithstanding the **permitted uses** in each **zone** of this By-law, temporary **uses** such as construction **offices**, storage or tool sheds, scaffolds, or other **buildings** and **structures** (excluding those used for human habitation) incidental to and necessary on location for the work in progress shall be **permitted** so long as same is necessary for the construction work which has neither been completed nor abandoned.

Notwithstanding the **permitted uses** in each **zone** of this By-law, on land subject to a Subdivision Agreement between the owner and the Town, a **model home(s)** may be **erected** in, accordance with the said Subdivision Agreement, a **lot** without full municipal services provided the owner has entered into a non-occupancy agreement with the Town.

Notwithstanding the **permitted uses** in each **zone** of this By-law, when an owner of land is replacing an **existing** detached **dwelling** with a new detached **dwelling**, two **dwelling**s (i.e. the **existing dwelling** and the **dwelling** being constructed) may be located on one parcel of land for a maximum time limit of 9 months from the commencement of construction provided that the owner has entered into the required agreements with **Council**, and that the construction work has neither been completed nor abandoned (abandoned shall mean failure to proceed expeditiously with the construction work).

5.34 Undersized Lots

Notwithstanding anything contained in this By-law, a **lot** which is situated in the R1, R2, R3, or R4 Zones and which **lot** lacks the required **lot frontage**, **lot area** and/or **lot depth** for a **lot** in the respective **zone**, is and shall be deemed to be a **lot** that may be **used** for residential purposes and a **single-detached dwelling** may be **erected**, or **used** thereon provided that:

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- (a) the description of such parcel is the same as in a deed, registered on or prior to the date of passing of this By-law;
- (b) such parcel could have been conveyed legally on the date of the passing of this By-law by way of deed, transfer, mortgage, charge or agreement of sale and purchase without consent under Section 50 of the Planning Act, R.S.O. 1990;
- (c) such parcel has a minimum **lot frontage** of 9.0 metres;
- (d) such parcel has a minimum **lot area** of 300.0 square metres;
- (e) all relevant regulations made under the Health Protection and Promotion Act, R.S.O. 1990, and all relevant requirements of the Perth District Health Unit or any other such authority are complied with;
- (f) suitable measures for the proper drainage of the parcel are completed; and
- (g) all other requirements of the appropriate **zone** are complied with.

5.35 Wayside Pits

A **wayside pit** for the extraction and processing of **road** building materials for **use** in constructing public **roads** may be established in the A1 and A2 Zones provided that such operation complies with all other provisions of this By-law applicable thereto and further provided that this provision applies only to the **Council** or a designated agent thereof.

5.36 Yard and Setback Requirements for Land Without Buildings

Where a **use** is carried on, on any land or **lot**, and such **use** is not enclosed by any **building** or **structure**, the requirements for each **yard** of this By-law shall apply to such **use** in the same manner as if a **building** or **structure** existed.

Amended by By-law No. Z107-2014

5.37 Yard Sale, Residential

No **residential yard sales** shall be **permitted** except where a premise has a **dwelling unit**, and there shall not be more than four **residential yard sales** per annum at one location and no such sale shall exceed two days in duration

5.38 Schools Permitted in Residential Zones within Settlement Area

Notwithstanding any provision to the contrary, an elementary or secondary **school** of a district **school** board including any **accessory uses** to such **schools**, such as the **use** of a **child care centre** located in the **school**, is permitted on any **parcel of urban residential land**.

5.39 Group Homes

A group home shall be permitted in any **dwelling unit** in accordance with the following provisions:

- (a) Parking shall be provided in accordance with Section 5.21 **Parking Area** and Space Requirements.
- (b) The group home shall comprise the sole **use** of the **dwelling unit**.
- (c) Group homes shall be in accordance with all other provisions of By-law No. Z1-1997, including the provisions of the applicable **Zone**.

5.40 Agricultural Related Uses

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Agricultural-related **uses** may only be permitted in accordance with the following:

- (a) The **lot** fronts on an existing street or has access to a street by means of a right-of-way existing on the date of enactment of this By-law;
- (b) Adequate servicing including water, wastewater and stormwater shall be available, to the satisfaction of the Town;
- (c) The minimum **lot area** shall be 1.0 hectares;
- (d) The **use** and the associated required parking shall not exceed a maximum area of 0.4 hectares for the **use** and associated parking;
- (e) Ancillary retail/commercial sales and services activities shall be limited to the lesser of 100 m² or a maximum of 20% of the **gross floor area** of the **building** in which the **agriculture-related use** is located;
- (f) The **use** shall comply with the parking requirements of Part 5 of the Town's Zoning By-law; and
- (g) **Site Plan** Control shall apply to the **development** of all agricultural-related **uses**.

5.41 On-Farm Diversified Uses

Where permitted by this by-law, **on-farm diversified uses** shall be in accordance with the following provisions:

- (a) An **on-farm diversified use** must be located on the same **lot** and secondary to an **agricultural use**;
- (b) An **on-farm diversified use** must be compatible with and not hinder surrounding agricultural operations or constrain future agricultural activities on adjacent lands, including through impacts related to noise, odour, dust, traffic, or lighting in compliance with the *Farming and Food Production Protection Act, 1998*;
- (c) The area of operation for a **non-farm diversified use** shall not exceed a combined total of 1.0 hectares or 2% of the **lot area** on which the **use** proposed, whichever is lesser, including **buildings**, **parking areas**, landscaped areas, **berms**, well and septic systems;
- (d) The **gross floor area** of **buildings** used for **on-farm diversified uses** shall be limited to 20% of the total area for the proposed **on-farm diversified use**;
- (e) The total enclosed floor area of a **building** or **structure** devoted to retail sales shall not exceed 50% of the floor area of all **buildings** and **structures** used in conjunction with the **on-farm diversified use**;
- (f) **On-farm diversified uses** shall be subject to the Minimum Distance Separation (MDS) I Formulae where an **on-farm diversified use** includes an **agri-tourism use**, **on-farm shop** or café;
- (g) Required servicing for the proposed **on-farm diversified use** shall be provided on the same **lot**, to the satisfaction of the Town; and
- (h) **Site Plan** Control shall apply to the **development** of all **on-farm diversified uses**.

5.41 Minimum Distance Separation (MDS) Formula

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- (a) Notwithstanding any other **yard** or setback provisions of this By-law to the contrary, no residential, institutional, commercial, industrial or **recreational use**, located on a separate **lot** and permitted within a **zone**, shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) setback from a **livestock** facility, calculated using the Formulas published by the Ontario Ministry of Agricultural, Food and Agribusiness (OMAFRA), as may be amended from time to time.
- (b) Notwithstanding any other **yard** or setback provisions of this By-law no new or expanded **livestock** facilities, manure storage facilities and anaerobic digesters shall be erected or altered unless it complies with the Minimum Distance Separation II (MDS II) calculated using the Formulas published by OMAFA, as may be amended from time to time.
- (c) An existing dwelling on a separate **lot**, destroyed by a catastrophic event, may be replaced by a new dwelling provided that the new dwelling is sited no closer to the **lot** on which the **livestock** facility is located than the previously existing dwelling.
- (d) Notwithstanding the MDS I requirements, where new **development** on a vacant **lot of record** is unable to comply with the MDS I requirements, a dwelling may be permitted on the **lot** provided the dwelling is located on the **lot** the furthest distance reasonably feasible from the impacted **livestock** facilities
- (e) A new **livestock** facility may replace a former **livestock** facility destroyed by a catastrophic event, provided that the new **livestock** facility does not result in increases in the values of the MDS Formulae, compared to what existed at the **livestock** facility prior to the catastrophic event, such that there is no switch to a **livestock** type with a higher odour potential, there is no increase in the number of nutrient units housed and there is no switch to a manure system type with a higher odour potential.
- (f) For the purposes of this By-law and application of MDS II, existing **cemeteries** which are closed or inactive and receive low levels of visitation shall be treated as Type A land **uses**.

5.43 Cellars

Where a **cellar** is constructed, it shall:

- (a) be included in the calculation of **lot coverage**; and
- (b) comply with all minimum **yard** and setback requirements applicable to the **lot**.

5.44 Automobile Repair Establishment

Where an **Automobile Repair Establishment** is permitted by this By-law, the removal and reuse of automobile parts shall be subject to the following criteria:

- (a) the removal and reuse of automobile parts shall only occur as an **Accessory Use** to the **Automobile Repair Establishment**;
- (b) there shall be a maximum of one (1) car per week and at a time on a lift where working parts are removed;
- (c) following the removal of working parts, the automobile shall immediately removed from the site and taken to a **Salvage Yard** or **Wrecking Yard**, where such **use** is permitted;

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and

- (d) a salvage or **wrecking yard** is not permitted in conjunction with the **Automobile Repair Establishment**.

5.45 Uses Permitted in All Zones

Notwithstanding any provision of this By-law, any **lot** may be used or **developed** and any **building** or **structure** may be erected, altered, enlarged, renovated, maintained, or used in any zone for the following purposes:

- (a) Remote work
- (b) **Private home daycare** as an **accessory use** to a permitted **single-detached dwelling unit, semi-detached dwelling unit, or row or townhouse – street dwelling unit**.