

SECTION 4

GENERAL REGULATIONS

4.1 Accessory Buildings or Structures – Attached

Unless otherwise specified, attached accessory buildings and structures are permitted in all zones and are subject to the following provisions.

- a) Attached accessory building or structure (e.g., garage), or part thereof, accessory to a residence shall not exceed:
 - i) 40% of the ground floor area of a 1-storey dwelling unit or side split (including the attached garage); or
 - ii) 50% of the ground floor area of a 2-storey dwelling unit (including the attached garage).
- b) Attached accessory building or structure shall comply to the building line setback, rear and side yard setback and lot coverage provisions of the zone that the lot lies unless such accessory building or structure is a deck, porch and terrace which is subject to the regulations in Section 4.16.
- c) Attached accessory buildings or structure accessory to a residence shall be subject to the following height requirements unless such the attached accessory building or structure has a habitable room above it whereby subsection c) i) and ii) does not apply. The maximum height shall not exceed:
 - i) 4.5 metres for any peaked roof style building as per the building height definition and illustration in Section 3;
 - ii) 3.7 metres for any flat roofed building; and/or
 - iii) 3.5 metres for any garage door.
- d) Notwithstanding c) above, if the garage is contiguous with the massing of the primary dwelling, the reduced height provision shall not apply, and shall be subject to the restrictions of the primary dwelling.
- e) For attached accessory buildings existing on the day of the passing of the previous zoning by-law 55-86 on August 19, 1986, the accessory building location requirement shall be a distance equal to the distance between the interior lot line, rear lot line and/or window to a habitable room of any main building on an adjoining lot and the closest point of the existing accessory building or as set out in b) above, whichever is less.
- f) Attached accessory building or structure shall not be used for the housing, breeding, or raising of animals or livestock for commercial purposes. Attached accessory building may permit the keeping of ordinary domestic household pets, but not including horses (subject to Section 4.3), cattle, sheep, goats, chickens, ducks, geese or other fowl or any exotic pets identified in the Animal Control By-law.

- g) Notwithstanding f) above, non-domestic pet(s) may be permitted as an accessory use to the residence, or for therapy or companionship for people with physical or psychological challenges provided that the non-domestic pet(s):
 - i) Does not threaten the health and safety of the public;
 - ii) Shall not be located, free-range or roam outdoors;
 - iii) Shall only be located within a residential building and/or an attached garage; and
 - iv) Are permitted in the Animal Control By-law, as may be amended.

4.2 Accessory Buildings or Structures – Detached

Unless otherwise specified, accessory buildings and structures are permitted in all zones and are subject to the following provisions.

- a) Buildings or structures accessory to a residential use shall not be erected on a lot prior to the erection of the main residential building on the lot unless such accessory building or structure is a maximum 15 square metres in area, complies to the maximum height and setback requirements contained in this Section and is used only for the storage of equipment (e.g., lawnmower, snowblower, garden tools, etc.) to maintain the lot that such accessory building or structure is erected.
- b) Accessory buildings or structures shall not be used for human habitation or as a home industry or home business unless permitted elsewhere by this Zoning By-law.
- c) Accessory buildings or structures shall not be used for the housing, breeding, or raising of animals or livestock for commercial purposes. Detached accessory building may permit the keeping of ordinary domestic household pets, but not including horses (subject to Section 4.3), cattle, sheep, goats, chickens, ducks, geese or other fowl or any exotic pets identified in the Township of Woolwich's Exotic Pet By-law 86-95, as amended.
- d) Accessory buildings or structures shall not be located within an easement that is in favour of a public authority.
- e) Accessory buildings or structures shall be located behind the building line setback established within the zone that the lot lies unless permitted elsewhere in this Zoning By-law (e.g., farm produce stands) and shall not be permitted within a front yard.
- f) Notwithstanding e) above, flag poles and landscaped amenity structures may be located within the building line setback provided that such structures are not located within the daylight triangle on Corner Lots as per Section 4.15 of this Zoning By-law or does not encroach onto the public road allowances or neighbouring properties.
- g) Accessory buildings or structures, other than a boundary fence, free-standing boundary wall or retaining wall, shall be located a minimum of 0.6 metres from any side lot line or rear lot line. See Section 4.34 – Prohibited Obstructions / Yard Projections for boundary/retaining walls required as part of a municipal road or infrastructure project.

- h) Notwithstanding g) above, two adjoining property owners may erect private garages within a rear yard which have a common wall located on the lot line and extending from ground to the roof throughout the entire length of the structure.
- i) Accessory buildings or structures shall not be erected within 3 metres of a window to a habitable room of any main building on an adjoining lot.
- j) No detached building accessory to a residence within a Residential or Agricultural zone, shall consist of, or be built of PODS (portable onsite storage containers) unless it has been erected, located, and used for the purpose of an accessory dwelling unit pursuant to Section 4.4, and/or unlicensed truck body, vehicle body, and/or trailer; and/or part thereof.
- k) Detached building accessory to a residence within a Residential or Agricultural zone, shall not exceed:
 - i) 4.5 metres in height for any peaked roofed building;
 - ii) 3.7 metres in height for any flat roofed building; and/or
 - iii) 3.5 metres in height for any garage door.

The building height shall be calculated in accordance with the definition and illustration of “Building Height” provided in Section 3 of this By-law.
- l) In any zone, the total lot coverage of any and all detached accessory building(s), or part thereof, shall be in accordance with the area as noted in the table below:

Zone	Detached Building - Total Maximum Allowable Accessory Building Coverage
C-2, MU-1 to MU-4 Zones or any zone not listed in this section unless otherwise permitted	10% of the lot area or 70 square metres, whichever is the lesser. Subject to meeting the total lot coverage
A	112 square metres over and above a permitted Accessory Dwelling Unit (ADU) as per Section 4.4 – Maximum Floor Area – (iv)
R-1	100 square metres
R-2	70 square metres
R-3 to R-5	10% of the lot area or 70 square metres, whichever is the lesser.
R-6 and R-7	15 square metres
For the purpose of calculating the maximum building coverage of an accessory building, the floor area definition in Section 3 shall be used (i.e., inside measurement of an accessory building).	

- m) In addition to l) above, accessory building and structure shall comply to the maximum lot coverage provisions in the zone that the lot lies except for those accessory buildings and structure exempted as per the lot coverage definition in Section 3.

- n) For detached accessory buildings existing on the day of the passing of the previous zoning by-law 55-86 on August 19, 1986, the accessory building location requirement shall be a distance equal to the distance between the interior lot line, rear lot line and/or window to a habitable room of any main building on an adjoining lot and the closest point of the existing accessory building or as set out in e) and g) above, whichever is less.

4.3 Accessory Buildings or Structures - Horses for Transportation

Notwithstanding the provisions in this Section, buildings or structures accessory to a residence and housing horses, which are used for primary transportation purposes, are subject to the following regulations:

- a) Shall be fully enclosed.
- b) The manure storage area shall be contained inside a building or structure and be covered.
- c) The building must be a minimum distance of 4.5 metres from a neighbouring dwelling.
- d) Outdoor corral area shall be contained with a minimum 1.8-metre-high solid fence and set back a minimum of 3 metres from the side or rear lot lines but shall not be located in the front yard.
- e) All other requirements in accordance with the accessory building and structure regulations in this Sections 4.1 and 4.2 applies.

4.4 Accessory Dwelling Units (Additional Dwelling Units)

An accessory dwelling unit(s) is permitted only on a property zoned A, R-1 to R-7, MU-1, MU-3, MU-4, and C-2 and created accessory to a single, semi-detached, street-front row townhouse or street front back-to-back townhouse dwelling, provided that such dwelling types exist only as one principal unit on their respective lot, subject to conformity with the following regulations:

A. Maximum Number of Units	(i) The maximum number of accessory dwelling units are permitted in the following manner: • A maximum of two (2) units within the main dwelling, which may include a basement / cellar or • A maximum of one (1) unit within the main dwelling, which may include a basement / cellar and a maximum of one (1) unit within a permitted detached accessory building, or • A maximum of one (1) unit within the main dwelling, which may include a basement / cellar and a maximum of one (1) unit in the form of a mobile home or Doddy House, only if the mobile home or Doddy House is a permitted use within the zone that the parcel lies. (ii) In all Agricultural Zones or any site-specific zoning that permits a mobile home or Doddy House, an accessory dwelling unit may be in the form of a mobile home or Doddy House subject to the following: • The mobile home or Doddy House shall be accordance with their respective definitions in Section 3 and are not subject to the maximum floor area requirements noted in the Subsection 4.4 B. below; • A permitted third dwelling unit may be located within the primary residence or detached accessory building, which shall comply with the maximum floor area requirements noted in the Subsection 4.4 B. below, or a permitted mobile home, which shall comply with the definition in Section 3) as it relates to floor area; and • Notwithstanding the above provision, no accessory dwelling unit is permitted within a detached accessory building if the property contains a permitted mobile home and, conversely, no mobile home can be located on a property if there is an existing permitted accessory dwelling unit located within a detached accessory building on the same property.
B. Maximum Floor Area	(i) Within the main dwelling the accessory dwelling unit or units combined cannot exceed 49% of the floor area of the main dwelling. (ii) Notwithstanding (i) above, if only one accessory dwelling unit is created and exists entirely within the basement of the main dwelling without any expansion, then the accessory dwelling unit can exceed the maximum 49% of the floor area of the main dwelling, provided that it does not exceed the floor area of the main dwelling unit.

	(iii) Within a detached accessory building, the accessory dwelling unit may have a floor area up to the maximum floor area permitted for a detached accessory building coverage, subject to complying with the applicable detached accessory building regulations contained in this section and the applicable regulations in Section 4.2 of this Zoning By-law. (iv) Notwithstanding Section (iii), an accessory dwelling unit in a detached accessory building within the Agricultural or R-1 Zones does not count toward the total maximum allowable accessory building size as per Section 4.2 I) but shall comply with all other applicable regulations within the respective zones. Such accessory dwelling unit permitted under this sub-section shall not be used or converted to an accessory building that would exceed the total maximum accessory building size in Section 4.2 I). (v) All accessory dwelling units shall have a minimum floor area in accordance with the Ontario Building Code. For the purpose of this sub-section in determining the maximum floor area of an accessory dwelling unit noted in Section i) and ii) above, “floor area” shall mean the total floor area of the entire building measured in accordance with the definition of “floor area” in Section 3 and shall include cellars and basements that has a minimum height from finished floor to ceiling in accordance with the Ontario Building Code, if the accessory dwelling is contained within or has connection to such cellars and basements. However, maximum floor area shall not include stairs, landings, cold cellar, utility room, exterior covered decks/porches, balconies, terraces, attached garages, and attached carports. Any other habitable floor area within the main dwelling unit that does not count towards or forms part of the maximum floor area of the accessory dwelling unit shall be contiguous with and have direct connection to the main dwelling unit.
C. Minimum Number of Parking	In conformity with the provisions of Subsection 5.7 c)

D. Parking Space Size /Location	In conformity with the provisions of Subsection 5.7 c)
E. Driveway Provision	In conformity with the provisions of Subsection 5.7 b)
F. Detached Accessory Dwelling Unit Provisions	(i) Shall not be located within the front yard. (ii) Shall have a minimum rear yard setback of 4 metres and a minimum side yard setback of 1.2 metres. (iii) Shall not exceed a maximum height of 4.5 metres for a peaked roof or 3.7 metres for a flat roof, except where an accessory dwelling unit is located above an accessory building in A and R-1 zones, in which case the maximum height shall be 7 metres for a peaked roof or 6 metres for a flat roof, provided the side yard setback is a minimum of 3 metres. (iv) Shall share a driveway with the main dwelling. (v) Shall not be severed, unless it satisfies the provisions of a single detached dwelling within the zone that the parcel lies as well as the severance policies in the Township Official Plan. (vi) Shall comply with the Minimum Distance Separation (MDS) requirements if the accessory dwelling unit is created within a detached building but the MDS requirement is not applicable if the accessory dwelling unit(s) is created within the main dwelling. (vii) May include permanent buildings, mobile homes, converted storage containers or trailers where permitted in the underlying zone and in accordance with the Building Code, but shall not include camping trailers, tents, yurts, truck/vehicle bodies, unconverted storage containers or part thereof.
G. Servicing:	(i) No accessory dwelling unit is permitted unless the appropriate private or municipal services are available. (ii) Accessory dwelling units connecting to a municipal system must connect to the existing service for the lot containing the main dwelling. No separate connection to the municipal system is permitted. (iii) Accessory dwelling units connecting to a private system must demonstrate that adequate private services are available on the subject parcel for all of the units in accordance with the Building Code. The sharing of private services with another property is not permitted.

H. Additional Regs.	(i) No home occupation shall be permitted within an accessory dwelling unit unless the home occupation is an office as per Section 4.24 b). (ii) Notwithstanding anything contrary, where the (F), (FF), (FW), (SE) or (RBA) suffix is applied to a property or portion thereof, accessory dwelling units shall only be permitted if a permit or written consent is obtained from the GRCA or in compliance with the corresponding Overlay Zone provisions in Section 15. (iii) Accessory dwelling units shall not include hotel or motel, rooming house or lodging operations. (iv) Accessory dwelling units are permitted within a cellar or basement. (v) Accessory dwelling units may have separate entrances into each unit with no internal connection required, but such conversion and/or expansion shall not have the appearance of a semi-detached dwelling (i.e., which is the vertical separation and symmetrical design of two units). (vi) Accessory dwelling units including mobile homes shall comply with all other applicable regulations in Section 4 as well as the zone in which the parcel lies if not contained in this Section. (vii) The creation, establishment or use of an accessory dwelling unit shall not be permitted until a Zoning Compliance Certificate has been issued by the Township confirming that the regulations contained in this section and the applicable regulations elsewhere in the By-law are complying. No change of use can be made without the issuance of a new Zoning Compliance Certificate.
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4.5 Accessory Outdoor Storage

- a) Except as specifically permitted elsewhere in this By-law, the outdoor storage or display of goods, materials, parts, machinery, unlicensed trailers that are not defined as a building in this Zoning By-law and the *Building Code Act*, unlicensed vehicles or finished products is prohibited.
- b) Open air operations, storage and display of goods or materials are prohibited in any required front yard or in any required side yard abutting a public street or in any required buffer area abutting any Residential Zone unless permitted elsewhere in this Zoning By-law.

4.6 Accessory Windmills

Unless otherwise specified, accessory windmills are permitted in all zones and are subject to the following provisions.

- a) No windmill shall be located between any building line established by this Zoning By-law and the street.
- b) Any portion of the windmill structure shall be setback:
 - i) a minimum of 1.5 times the height of the entire structure from any lot line; and
 - ii) no less than 30 metres (100 feet) from a neighbouring dwelling.
- c) The minimum distance between the ground and any protruding blades shall be 4.5 metres (15 feet) measured from the lowest point in the arc of the blades to the ground.
- d) No lighting shall be permitted on the structure unless required by Transport Canada for aviation purposes.

4.7 Air Conditioners

See Section 4.34 - Prohibited Obstructions / Yard Projections

4.8 Airport

- a) All lands owned by the Region and associated with the Region of Waterloo International Airport shall be deemed to comply to this Zoning By-law in accordance with the EM-8 Zone, and where applicable the Public Use regulations in Section 4.35, as well as being subject to the applicable Federal regulations.
- b) See Section 15.0 of this By-law which provides development restrictions for the applicable lands in proximity of the Waterloo International Airport, over and above the underlining zoning.

4.9 Automobile and Farm Machinery Sales - Special Provisions

Notwithstanding any other provisions of this Zoning By-law, in the C-2, C-5, C-6, EM-1, EM-2, EM-3, EM-4 and EM-6 Zones, the outdoor display of new or used cars, trucks or farm machinery being offered for sale or rent, where allowed in the applicable zones noted above, is permitted within a front or side yard provided that no such use shall be located:

- a) between the street line and any building or setback line established by this By-law; and
- b) within 4.5 metres of the side lot line on the side of the lot on which vehicular access is provided to the rear yard.

4.10 Bed and Breakfast Establishments

Unless otherwise specified, a bed and breakfast establishment as defined in Section 3 is subject to the following provisions.

- a) That the operation be located within the residential building.
- b) That a maximum of four (4) bedrooms be available for or used for the accommodation of the travelling guests for temporary accommodations and shall not provide accommodations in the manner defined in Section 4.37 Short Term Rental.

- c) That one (1) off-street parking space be provided for each bedroom available to the public in addition to the space required for the residential unit. The parking spaces may be stacked.
- d) That the operation of a bed and breakfast establishment shall not occur until a Zoning Compliance Certificate has been issued by the Township. No change in use can be made without the issuance of a new Zoning Compliance Certificate.

4.11 Buffer Strips

In any zone where a buffer strip is required to address land use compatibility and not related to a buffer area associated with an environmental feature or hazard land (e.g., BA Overlay in Section 15), such buffer strip shall:

- a) Shall only apply to a lot adjacent to a residential, mixed-use, institutional or agricultural zone.
- b) Have a minimum width throughout of not less than 1.5 metres.
- c) Be located abutting the zone or lot limit, save and except that no buffer strip shall be located between the street line and any building line established by this Zoning By-law.
- d) Be in addition to all other yards required in the said zone.
- e) Be kept free of all parking, buildings or structures except for a legal boundary walls or fences.
- f) Comprise of grass, trees, shrubs, flowers, accessory landscaping features.
- g) Be maintained by the owner or designated tenant(s) of land on which such buffer strip is required.
- h) Notwithstanding the above, if a development on a property is subject to Site Plan Approval pursuant to Section 41 of the *Planning Act*, a solid fence, wall, or other landscaping feature of equivalent height may be considered in place of or in addition to a continuous planting area unless such buffer strip requirement is required for drainage purposes. When considering such an alternative buffer, regard shall be given to the location, height, materials, finishing and porosity of the wall or fence, as well as the site's characteristics.

4.12 Building Line or Building Setback Requirements

On all streets and roads within the area covered by this Zoning By-law, a building line or building setback requirement is hereby established as follows:

- a) For Existing Buildings and Structures - buildings legally existing on the day of the passing of this Zoning By-law, the building line or building setback requirement shall be a distance equal to the distance between the street line and the closest point of the existing building or as set out in Section 4.12 b) below, whichever is less.
- b) For New Buildings, Structures, or Additions to Existing Buildings- shall be in accordance with the building line setback requirement established in the applicable zone of this Zoning By-law that the lot lies.

- c) For Buildings and Structures Along Curved Roads - For the purpose of measuring the applicable building line setback of a front lot line or street line that is curved, the building line setback is measured from the applicable building/structure (i.e., garage, front wall, or porch of the house) to a line that is tangent to the curvature of the front lot line and parallel to the applicable building/structure.
- d) For Building and Structures on Through Lots - For a through lot that has a 0.3 metre reserve in between the property line and the public road allowance, the said property line is deemed to be the rear lot line and subject to the applicable provisions to a rear lot line, and not to the building line setback provisions. If the said rear lot line of a through lot is adjacent to public road allowance with no intervening 0.3 metre reserve, then the minimum building line setback requirement would apply.

4.13 Commercial Vehicles in Residential Zones

In any Residential (R) Zone, the parking or storage of commercial vehicles is subject to the following regulations:

- a) No commercial vehicle shall be parked or stored, except within a fully enclosed building or structure which meets the garage door height requirements as noted in Section 4.1 c) and 4.2 k).
- b) Notwithstanding clauses a) above, any commercial vehicle may temporarily attend a residential property while engaged in a service call or delivery for that residential property for no more than 10 hours in one day, or for the purpose of moving items for that residential property for no more than a 24-hour period.
- c) No parked or stored commercial vehicle shall obstruct the visibility or movement of vehicular or pedestrian traffic within a street, lane, or sidewalk.
- d) Notwithstanding any of the above and the definition of a commercial vehicle, in the R-1 zone, a bus, tow truck, stake bed truck, step van would be permitted.

4.14 Conflicting Regulations

See Section 2.3

4.15 Corner Lots

- a) No Obstruction on Corners - To avoid obstructing the view of a driver within a vehicle, the following restrictions shall apply at an intersection of two public road allowances and within the triangular space formed by joining the point of each property line adjacent to a public road at a distance of 6.0 metres from the point where the said lot lines that are abutting the public roads intersect, or are extended to intersect if there is an existing daylight triangle (i.e., the "sight triangle"). The sight triangle is further defined in Section 3):
 - i) No building, structure, landscape amenities / features and/or vegetation shall be erected, located, or planted within the daylight triangle which is defined in Section 3;
 - ii) No building, structure and/or landscape amenities / features shall be erected or located within the sight triangle; and

- iii) No vegetation shall be planted and/or maintained within the sight triangle at a height greater than 0.75 metres above the finished grade of either abutting public road allowances.
- b) Special Yard Provisions - In any zone where a Residential Building – Single Detached or a Residential Building - Duplex or a Residential Building - Semi-Detached is permitted, a side yard requirement may be substituted for a rear yard requirement when such Residential Building is located on a corner lot.

4.16 Decks, Porches or Terraces

The following regulations shall apply to all decks, porches or terraces unless otherwise specified elsewhere in this By-law:

- a) The minimum setbacks for porch, deck or terrace are as follows:

Type of Structure	Required Yard	Minimum Setback from Lot Line
Uncovered Porch, Deck or Terrace which are 1.2 metres or less in height above the average finished grade	Building Line Setback or Flankage	1.0 metre
	Side Yard – Interior	0.6 metres
	Side Yard – Shared	0 metres
	Rear Yard	0.6 metres
Uncovered Porch, Deck or Terrace which is more than 1.2 metres in height above the average finished grade <u>or</u> any covered Deck, Porch, or Terrace/Balconies below average finished grade	Building Line Setback or Flankage	3.5 metres, or 2 metres if Section 7.3 e) applies
	Side Yard	Applicable side yard for the main use in the zone within which the parcel lies
	Rear Yard	4 metres

- b) Notwithstanding the above, a 1.5-metre-wide uncovered walkway (i.e., no walls, roofs or supporting post) around an above ground pool that is greater than 0.6 metres in height shall have a minimum rear yard setback of 2 metres but shall maintain the required side yard setback.
- c) Unheated cold storage areas underneath a front porch, deck or terrace that is connected to the foundation of the dwelling unit and has an internal doorway connection is subject to the building line setback in Section 4.16 a) above.
- d) Covered deck, porch and terrace may have an outdoor amenity area above with a doorway connection to the dwelling unit.
- e) Elevated deck, porch and terrace maintaining a minimum rear yard setback of 4 metres as noted in Section 4.16 a) above may have an enclosed unheated storage space underneath the deck, porch and terrace and may include a doorway connection to the dwelling unit.
- f) All rear and side decks and uncovered front porches are exempt from the maximum lot coverage calculation while a covered front porch is included such calculation.

4.17 Dwelling Conversion Provisions

In any zone where conversion of an existing Residential Building – Single Detached into multiple residential units is permitted such conversion shall be permitted only in conformity with the following:

- a) That the Residential Building was lawfully used as a Residential Building on the day of the passing of this Zoning By-law, and that such Residential Building had a floor area of not less than 140 square metres.
- b) That the building when converted will conform to the requirements of all other by-laws of the municipality.
- c) That each residential dwelling unit created shall be fully self-contained and shall have a minimum floor area in accordance with the Building Code.
- d) No expansion shall occur to the existing Residential Building referenced in Section 4.17 a) which results in the creation of an additional unit(s) that could not otherwise be created within the existing Residential Building due to the minimum floor area size requirements for each unit noted in Section 4.17 c) or due to other requirements contained in this section. Expansion to the existing Residential Building, which results in only the enlargement of one or more dwelling units and would not result in the creation of additional units, is permitted, subject to conforming to the regulations in this section and other applicable regulations in this By-law.
- e) Except in Zone A, each residential dwelling unit shall have a direct means of access to a public street by means of halls or stairs.
- f) That there shall be no exterior stairways except open metal fire escapes which shall be located only in a rear or side yard.
- g) That not less than one (1) off-street parking space be provided for each residential dwelling unit and the installation of the driveway to access the required parking spaces shall comply to the Residential Driveway / Parking provisions in Section 5.
- h) That the property containing the dwelling conversion comply to the minimum lot requirements (i.e., lot area, frontage, and width) of the applicable zone that the parcel lies within.
- i) Notwithstanding anything contrary, where the (F), (FF), (FW), (SE) or (RBA) suffix is applied to a property or portion thereof, dwelling conversion shall only be permitted if a permit or written consent is obtained from the GRCA or in compliance with the corresponding Overlay Zone provisions in Section 15.

4.18 Recognizing Existing Side Yards and Rear Yards for Residential Buildings

- a) Existing Side Yards - For buildings designed for and used as a residential building legally existing on the day of the passing of this Zoning By-law, the side yard requirements shall be a distance equal to the distance between the interior lot line and the closest point of the existing buildings designed for and used as a residential building or as set out in the applicable side yard regulations of the zone in which the said building is located, whichever is lesser.

- b) Existing Rear Yards - For buildings designed for and used as a residential building legally existing on the day of the passing of this Zoning By-law, the rear yard requirement shall be a distance equal to the distance between the rear lot line and the closest point of the existing building designed for and used as a residential building or as set out in the applicable rear yard regulations of the zone in which the said building is located, whichever is lesser.

4.19 Food Vehicles, Carts and Outdoor Vendors

Notwithstanding provisions pertaining in this By-law, all food vehicles and street vendors shall be regulated by a separate Food Vehicles and Outdoor Vendors By-law adopted by the Township.

4.20 Frontage on a Public Street

Unless otherwise specified by this Zoning By-law, no person shall erect any building or structure and no person shall use any building or structure, lot, or parcel unless the lot or parcel to be so used, or upon which the building is situated or erected or proposed to be erected:

- a) Abuts or fronts on a street, as defined by this Zoning By-law, which is assumed by by-law by a public authority for maintenance purposes; or,
- b) Is being constructed pursuant to a Subdivision Agreement with a public authority;
- c) Adjacent to a street assumed by a public authority as per paragraph a) above but is abutting a reserve along its frontage to temporary restrict access as result of the staging of development in a plan of subdivision; or,
- d) Fronts on a year-round maintained public street that was not established as a consequence of a Registering a Plan of Subdivision; or,
- e) Is a private street within a Plan of condominium that either provides direct access to a public street or which connects with other private streets within a Plan of Condominium or other Plans of Condominium to access a public street or original road allowance.

For the purposes of this Zoning By-law, the front lot line of a lot separated from a public street by a reserve, or a Block of land owned by a public authority shall be deemed to abut such a public street.

4.21 Garbage and Refuse Storage

No garbage, refuse or compost shall be stored on any lot in any zone, other than an Agricultural zone, except within the principal building or any accessory building or structure on such lot or in a container or composter in a side yard or rear yard of such lot and in accordance with the following.

- a) Every garbage, refuse and compost storage area required by this Zoning Bylaw, including any garbage loading or unloading area, which is visible from the public road, river and/or an adjoining premise zoned Residential, Mixed-Use, Commercial, Institutional, Stockyards, or Open Space, shall have a visual screen consisting of fencing at least 1.8 m (5.9 ft) in height and be on a concrete pad, or within a decorative semi-underground waste containment system.

- b) A dumpster, garbage container or composter shall be regulated in the same manner as an accessory building or structure in the zone in which it is located.
- c) A residential garbage container or composter related to single detached, duplex, semi-detached, triplex, fourplex or street fronting townhouse is exempt from the provisions of this Section.

4.22 Group Homes

Group homes as defined in Section 3 of this Zoning By-law are considered a residential use, are permitted within a Residential Building – Single Detached in residential zones (R-1 to R-5 Zones) that permit such a use and shall require the issuance of a Zoning Compliance Certificate prior to its establishment. Notwithstanding anything contrary, where the (F), (FF), (FW), (SE) or (RBA) suffix is applied to a property or portion thereof, a group home shall only be permitted if a permit or written consent is obtained from the GRCA or in compliance with the corresponding Overlay Zone provisions in Section 15.

4.23 Home Business – Tradesperson

Where permitted in this Zoning By-law, Home Business – Tradesperson may be established within a Residential Building – Single Detached and/or a permitted accessory building on Agricultural (A) zoned properties up to 6 hectares in area, in accordance with the following:

- a) A Home Business -Tradesperson is limited to:
 - i) Individuals employed in the building trades, including bricklayers and stonemasons; concrete contractors, carpenters and joiners; electricians; lathers; painters; decorators and paper-hangers; plasterers; plumbers and steamfitters; sheet metal workers; general contractors; landscapers; flooring and carpet layers or home decorators or other similar trades which provide an installation service but do not include the wholesale or retail sale of construction materials or supplies, home improvement supplies or a personal service shop, contractors yard or retail store as defined herein; and
 - ii) Small dry-industrial manufacturing operations, including wood working shop (fabricating which involves wood, such as furniture making and wood bending, but not including pallet making) and small engine repair.
- b) The Home Business – Tradespersons shall be clearly secondary to the principal residential use of the lot and/or building.
- c) The dwelling on the property is occupied by the owner/operator of the Home Business – Tradesperson.
- d) There shall be no employees permitted other than a homeowner/operator or resident of the main dwelling for a use noted in Section 4.23 a) ii) or iii) noted above.
- e) For uses noted in Section 4.23 a).i) there shall be no more than an equivalent of two full time employees based on a standard workday, who are not a resident in the main dwelling, operating, employed or sub-contracted as part of the business from the property.

- f) An accessory building to the residence may be used for the small dry-industrial manufacturing operation, small engine repair, and the storage of equipment, vehicles and supplies related to the Home Business - Tradesperson, provided that not more than a total floor area 112 sq. m. shall be devoted to such use and that no exterior alterations shall be made to any buildings or premises in connection with the Home Business – Tradesperson.
- g) The amount of the dwelling's total floor area utilized by the Home Business for office space shall not exceed 35 sq. m..
- h) There is no outdoor storage of goods or materials, including heaving equipment such as excavation machinery, or any vehicles not licensed for the road.
- i) Shall not include any retail sales area including retail sale of building or construction supplies nor automobile, small engine or machinery repair.
- j) Shall not include any processing for uses noted in Section 4.23.a) above.
- k) All buildings/structures and storage, display, parking and loading areas used in connection with a Home Business must be separated by at least 150 metres from buildings used for residential, recreational or institutional purposes located on an adjacent lot. New residences on an adjacent property must be a minimum of 180 metres from buildings housing a Home Business for which a Zoning Compliance Certificate has been issued.
- l) The home business shall not create or become a nuisance in regard to noise, odour, dust, smoke, fumes, vibration, refuse matter or water-borne wastes, traffic generated or parking.
- m) Shall not be in addition to a Home Occupation in Section 4.24 and
- n) No Home Business – Tradesperson shall be permitted until a Zoning Compliance Certificate has been issued by the Township, which shall be renewed annually. No change of use shall be made without the issuance of a new Zoning Compliance Certificate.

4.24 Home Occupation

Where permitted in this Zoning By-law, no person(s) shall use any part of a dwelling unit for a home occupation for the occupant of a permitted dwelling unit except in conformity with the following regulations:

- a) That such home occupation for the occupant of a permitted dwelling unit shall be located within a single detached dwelling unit or a permitted accessory building and shall be for the exclusive use of the occupants of the private single detached dwelling unit only and that there shall be no employees operating in or from the premises at any time.
- b) Notwithstanding a) above, a home occupation used only as an office may be permitted in other types of dwelling units permitted or the permitted accessory building in the zone that the parcel lies subject to satisfying the regulations noted in Subsection c) to j) below.
- c) That an area equal to not more than thirty-five (35) square metres shall be used for such use.
- d) That there shall be no outdoor storage of goods or materials.
- e) That there shall be no display material.

- f) That no retail sales or wholesale merchandising or repair service shall be operated on the premises.
- g) That no machinery or mechanical equipment of any kind other than normal household, hobby or office equipment shall be used on the premises in connection with such home occupation.
- h) No home occupation shall be permitted until a Zoning Compliance Certificate has been issued by the Township. No change in use shall be made without the issuance of a new Zoning Compliance Certificate.
- i) That no exterior alterations shall be made to the building or premises in connection with such home occupation or office, base, or headquarters for the occupant of a permitted dwelling unit.
- j) Any use which is or may become obnoxious, offensive, or dangerous by reason of the presence, emission, or production in any manner of odour, dust, smoke, noise, fumes, vibration, refuse matter or water-carried wastes, is specifically prohibited.
- k) That any teaching operations shall be limited to no more than four (4) students at one time, and any clinics (massage, chiropractic, aesthetics) shall be limited to a maximum of one patient being treated at a time, for properties within a Residential zone.
- l) In addition to the above requirements in Section 4.24 a) to j), any hairdressing/personal grooming operation being established as a Home Occupation shall be subject to the following:
 - i) Is contained entirely within the maximum 35 square metre floor area;
 - ii) Notwithstanding Section 4.24 e) may have a small display area of not more than 1.5 square metres to retail accessory products directly related to the hairdressing/personal grooming operation occurring on the property;
 - iii) Shall have no external evidence of a hairdresser/personal grooming establishment except for signs in conformity with the Township Sign By-law; and
 - iv) To provide a minimum of two (2) parking spaces on the property in addition to the parking spaces required for the residential use(s). Parking required for the hairdresser/personal grooming establishment may be located ahead of the building line setback and may be stacked with only other parking required for the Residential Building – One Units (i.e., shall not be stacked with any required parking related to the hairdresser/personal grooming establishment), provided that such stacking shall not encroach beyond the lot line.

4.25 Hotel or Motel

No hotel or motel shall be erected or used except in conformity with the following regulations:

a)	Minimum Lot Area - 1400 square metres
b)	Minimum Lot Width - 23 metres
c)	Minimum Building Line Setback and Flankage – 6 metres
d)	Minimum Side Yard a butting the same zone - 3 metres Minimum Side Yard abutting a different zone - 6 metres
e)	Minimum Rear Yard - 7.5 metres
e)	Maximum Height – 8 storeys or 35 metres
g)	Maximum Lot Coverage - 60%
h)	Off-Street Parking and Off-Street Loading: - In conformity with the provisions of Sections 5
i)	Lights: In conformity with the provisions of Section 4.28
j)	Buffer Strips: In conformity with the provisions of Section 4.11 along all zone limits where such hotel or motel abuts a zone which permits a Residential Building
k)	Accessory Uses: Accessory uses to a hotel or motel shall not be interpreted to include an automobile service station, a repair garage or gas bar but may include associated uses defined in Section 3 for Hotels and Motels.
l)	Within Hazard Lands: Notwithstanding anything contrary, where the (F), (FF), (FW), (SE) or (RBA) suffix is applied to a property or portion thereof, the hotel and motel use shall only be permitted if a permit or written consent is obtained from the GRCA or in compliance with the corresponding Overlay Zone provisions in Section 15.

4.26 Hydro transformers

Notwithstanding any provisions contained in this section or elsewhere in the By-law, hydro transformers are exempt from complying to the required setbacks prescribed within the zone in which such hydro transformers are located.

4.27 Landscaped Areas / Driveways in Front Yards – Residential

In the R-1, R-2, R-3, R-4 and R-5 Zones; for triplex, fourplex, townhouse row, stacked or back to back housing in the R-6 and R-7; for any residential use in the Mixed-Use zones; and for a single detached or duplex housing in the C-2 Zone, the following provisions shall apply to maintain a minimum landscaped area within the front yard of a street-fronting residential lot:

- a) The maximum width of the driveway shall be in accordance with Section 5.7 b).
- b) The minimum width of a landscaped area shall be no less than 30% of the lot width (continuous) measured along the front property line and being no less than 30% of the entire area of the front yard.
- c) For the purpose of this section, a landscaped area may include grass, flowers, shrubs, trees and landscape amenity features but shall not include impervious surfaces that determines impervious coverage as defined in Section 3 and/or be used as a parking space.

4.28 Lights and Signs

- a) Notwithstanding provisions pertaining to structures in this Zoning By-law, all signs shall be erected in accordance with the Sign By-law adopted by the Township, and where applicable, provisions established by the Region along regional roads and the Ministry of Transportation (MTO) along Provincial highways.
- b) Lights used to illuminate a building or premises, including a parking lot, shall be arranged in such a manner as not to encroach onto, nor cause a glare to adjacent premises and streets nor be erected in such a way as to be confused with traffic signals or otherwise hazardous to traffic.

4.29 Municipal Drains

No building or structure shall be constructed no closer than a minimum of 9 metres from top of bank of an open municipal drain and where the top of bank is not definable, 9 metres from centreline of the municipal drain, or a minimum of 4.5 metres from the centreline of an enclosed municipal drain, which all shall be superseded if there is a setback established through a process under the Drainage Act R.S.O c. D.17 (the “*Drainage Act*”). For the purpose of this section, a municipal drain has been constructed and with status under the Drainage Act.

4.29a Municipal Services

All new development within the settlements of Breslau, Elmira, St. Jacobs and the Stockyards shall connect to municipal services unless otherwise permitted in a site-specific policy area as contained in the Township’s Official Plan, as implemented through Section 16 (Exemptions) of this Zoning By-law.

4.30 Occasional Use

Notwithstanding anything else in this by-law, an occasional use as defined herein is a permitted use in any zone, subject to the following:

- a) Every occasional use, except garage sales noted in Section 4.30 c) below, shall only occur a maximum of 4 separate events in a calendar year, where each event is limited to 3 consecutive days or less.
- b) No occasional use shall be offensive to any area resident by way of the emission of light, heat, fumes, noise, vibration, gas, dust, odour, or pollution of any kind.
- c) A maximum of 3 garage sales are permitted to be conducted on any given property in any 1 calendar year and for a garage sale each separate sale shall be limited to a maximum duration of 2 consecutive days.

4.31 Outdoor Swimming Pools Accessory to Residential Use

Nothing in this By-law shall apply to prevent the use of land or the erection, location or use of a building or structure for the purposes of an outdoor swimming pool as a use accessory to a permitted residential use on the same lot. An outdoor swimming pool shall be located or erected in accordance with the following:

- a) No outdoor swimming pool shall be located within any part of a required front yard or within the flankage on a corner lot adjacent to a public road (i.e., flankage side yard);
- b) An outdoor swimming pool shall not be located within 1 m of any rear or interior side lot line;
- c) An outdoor swimming pool, above or below ground, are not subject to the Lot Coverage requirements.
- d) Any accessory buildings used in conjunction with an outdoor swimming pool such as a change rooms, a cabana, a mechanical building, or a sauna shall comply with the regulations for an Accessory Buildings or Structures in Section 4.2; and
- e) Is subject to all regulations in the Township's approved Pool By-law as may be amended.

4.32 Parks/Recreation Areas/Conservation Areas - Publicly Owned

Notwithstanding anything contained in this Zoning By-law, publicly owned parks, publicly owned recreation areas and facilities and publicly owned conservation areas shall be permitted uses in any zone as defined in this By-law.

4.33 Pits and Quarries

Except by amendment to this Zoning By-law, the making or establishment of pits and/or quarries within the Township is hereby prohibited save and except for those areas located in Zone E and shown on the maps forming Schedule "C" to this Zoning By-law. Nothing in this By-law shall prevent the making or establishment of a wayside pit or wayside quarry as defined in this By-law unless in contravention with policies in the Regional Official Plan and/or the Township Official Plan.

4.34 Prohibited Obstructions / Yard Projections

Required Yards shall not be obstructed in any manner whatsoever, except in accordance with Table below. Sight Triangle prevails in the event of a conflict with this Section.

TABLE PERMITTED YARD PROJECTIONS			
Type of Structure	Required Yard	Maximum Projection Into Required Yard	Minimum Setback from Lot Line
Any covered or uncovered Landings or Steps that are not more than 1.2 metre above average finished grade	Front and Flankage	3 m (9.8 ft)	1.0 m
	Side Yard	No Maximum	0.6 m except for Uncovered Steps or Landings which can be 0.3 m
	Rear Yard	No Maximum	0.6 m
	Where steps are required, they shall be placed on either side of the landing to ensure access to both the front and rear yards.		
Any covered or uncovered Landings or Steps that are greater than 1.2 metres above average finished grade or below average finished grade	Front and Flankage	No Maximum	3.5 metres, or 2 metres if Section 7.3 e) applies
	Side Yard	No Maximum	Applicable side yard for the main use in the zone within which the parcel lies
	Rear Yard	No Maximum	4 metres
	Where steps are required, they shall be placed on either side of the landing to ensure access to both the front and rear yards.		
All covered, or any uncovered Deck, Porch, or Terrace	See provision of Decks, Porch, and Terrace in Section 4.16 of this Zoning By-law		
Fire Escapes or Exterior Staircases to a storey above the ground floor	Side Yard	1.2 m	0.8 m
	Rear Yard	1.5 m	0.8 m
Canopies and Awnings Above Doors and Windows	Any Yard	1.8 m	0.5 m
Balconies that are not connected or above a covered porch (if balcony is connected and above a porch see Deck, Porch, and Terrace provision in Section 4.16)	Any Yard	2.4 m	2 m

Type of Structure	Required Yard	Maximum Projection Into Required Yard	Minimum Setback from Lot Line
Belt Courses, Windowsills or Window Bays, Cornices, Chimney Breasts, and other Architectural features	Side Yard	0.3 m	0.1 m
	Front and Rear Yard	0.6 m	0.1 m
Eaves	Any Yard	0.46 m	0.1 m
Barrier Free Access Ramps	Any Yards	No Maximum	0.3 m
Boundary fences except within a daylight triangle see Corner Lot provision in Section 4.15	Any Yard	No Maximum	No Minimum
Freestanding boundary and retaining wall except within a daylight triangle see Corner Lot provision in Section 4.15	Front and Flankage	No Maximum	0.6 m except for boundary/retaining walls required as part of a municipal road or infrastructure project or required as part of a Township approved grading and drainage plan of a plan of subdivision, in which case the setback can be less
	Side Yard	No Maximum	No Minimum
	Rear Yard	No Maximum	0.6 m
	Notwithstanding the above, boundary and retaining walls existing on the date of the passing of this Zoning By-law, including subsequent minor repairs, shall comply.		

Exterior mechanical units (free standing or attached) including but not limited to; Air Conditioners, Heat Pumps, Air Exchange Units, Generators, Pool Pumps, etc.	Front and Flankage	No Maximum	3 m., provided it is screened by either a solid fence enclosure or landscaping.
	Side or Rear Yard	No Maximum	0.6 m for any ground-mounted unit serving a single detached dwelling, duplex dwelling, or dwelling conversion; however, if the unit is attached and elevated a minimum 0.3 m above grade, the setback may be reduced to 0 m; and 0.6 m for all other dwelling types

4.35 Public Use and Public or Private Utilities

Nothing in this By-law prevents the use of any land, building or structure in any Zone as a public street, public infrastructure, and Public or Private Utilities as defined in Section 3 of this Zoning By-law. In addition, Public Use and Public Building as defined in Section 3 of this Zoning By-law, are permitted in all Zones subject to the following provisions apply:

- a) Such Public Use must comply with all applicable zone standards, and parking and loading requirements of the zone in which it is located.
- b) No outdoor storage or outdoor storage use is permitted unless specifically permitted in the zone in which the public use is located.
- c) Any accessory use to a public use must be clearly incidental and accessory to the main use.
- d) Any buildings erected or used under the provisions of this sub-section within any Residential Zone shall be designed and maintained in general harmony with Residential Buildings of the type permitted in the said zone.
- e) Notwithstanding anything contrary, where the (F), (FF), (FW), (SE) or (RBA) suffix is applied to a property or portion thereof, any emergency service shall only be permitted if a permit or written consent is obtained from the GRCA or in compliance with the corresponding Overlay Zone provisions in Section 15.

4.36 Roof – Green or Green Roof

In any zone that permits a building and/or structure, a Green Roof may be established on a property as an accessory use for the purpose of harvesting, consuming and/or selling of fruits, vegetables or other vegetation for non-commercial purposes, subject to complying to the Building Code. See Section 4.42 related to Urban Agriculture Provisions.

4.37 Short Term Rentals

In any zone where a short-term rental is permitted, the following provision shall apply:

- a) A short-term rental means all or part of a dwelling unit that is used to provide sleeping accommodations, which may include the use of the kitchen facilities, less than 28 consecutive days per rental within the principal residence of the short-term operator.
- b) That the maximum number of times per year that the short-term operator can offer all or part of the dwelling unit for a short-term rental is a total of 6 times or 112 days, whichever occurs first.
- c) A short-term rental is permitted within a dwelling unit and a bed-sitting room, but not an accessory dwelling unit or a vehicle.
- d) For the purpose of this section the following definitions apply:
 - i) Dwelling Unit in accordance with Section 3 of this Zoning By-law.
 - ii) Bed-Sitting Room means a room used as separate living accommodation that has a private entrance from a hallway inside a building and may have sanitary facilities but not food preparation.
 - iii) Accessory Dwelling Unit in accordance with Sections 3 and 4.4 of the Zoning By-law.
 - iv) Vehicle means a wheeled or tracked device, either self-proposed or capable of being pulled by a self-propelled device, for moving persons or objects, or used for construction or agricultural activities.
- e) No occupation of a short-term rental and/or no establishment of a short-term rental operation shall be permitted until a Zoning Compliance Certificate has been issued by the Township and, if required, a building permit in accordance with Building By-law.
- f) Notwithstanding anything contrary, where the (F), (FF), (FW), (SE) or (RBA) suffix is applied to a property or portion thereof, the short-term rental use shall only be permitted if a permit or written consent is obtained from the GRCA or in compliance with the corresponding Overlay Zone provisions in Section 15.

4.38 Television/Communication Antennae

- a) A television/communication antenna or facility appurtenant thereto, whether mounted on a structure or on a mobile platform, shall be considered to be a structure for the purposes of this By-law.
- b) No television/communication antenna or facility appurtenant thereto, whether mounted on a structure or on a mobile platform, shall be located between the street line and the front wall of the main building nor within any required side yard on any lot.

4.39 Temporary Construction Related Uses

Temporary uses are permitted in association with a construction or development project in accordance with the following:

a) Temporary Sales/Customer Service Offices

- i) A temporary building or trailer for conducting sales of new dwelling units is permitted in any Zone provided the sales building or trailer is located within a development site and the development has site plan, condominium, or draft approval with appropriate conditions in accordance with the *Planning Act*. The sales building or trailer shall be setback 30 metres from the lot line of any existing residential use external to the development site, and parking areas associated with the sales building or trailer shall be setback 6 metres from any existing residential use external to the development site.
- ii) Notwithstanding anything else in this Zoning By-law to the contrary, parking areas for temporary sales and customer service offices may have a granular surface.
- iii) All other matter related the temporary sales/customer service offices such as servicing, parking, landscaping, location, duration, etc. will be addressed as part of their site plan, condominium, or draft approval.

b) Temporary Construction Office

- i) A temporary construction office, tool shed, scaffold or other such building or such temporary facility which is incidental to construction and provided it is located on the site where such work is underway, the development has site plan, condominium, or draft approval with appropriate conditions in accordance with the *Planning Act*, shall comply to the applicable setbacks in the zone that the parcel lies and provided that it shall be removed from the site within 60 days of completing or terminating the work.
- ii) Notwithstanding anything else in this Zoning By-law to the contrary, parking areas for temporary construction offices may have a granular surface.

c) Temporary Residence During Construction

- i) A mobile home may be located and used as a temporary residence in an Agricultural (A) Zone for a period not to exceed 12 months during the construction of a new single detached dwelling on the same lot, provided all requirements of the Chief Building Official are satisfied, including the provision of adequate sewage disposal and water supply, entering into an agreement at the discretion of the Township and the posting of sufficient securities to ensure the removal of the temporary dwelling following the completion of the new single detached dwelling unit.
- ii) Where a new single detached dwelling is being constructed to replace an existing single detached dwelling on the same lot in an Agricultural (A) Zone, the existing dwelling may continue to be used during the construction of the new residence for a period not to exceed 60 days after the new dwelling is occupied, provided all requirements of the Chief Building Official are satisfied, including the provision of adequate sewage disposal and water supply, entering into an agreement at the discretion of the Township and

the posting of sufficient securities to ensure the removal of the temporary dwelling following the completion of the new single detached dwelling unit.

d) **Temporary Shipping Containers**

Notwithstanding any other provision in this Zoning By-law, the temporary placement of one shipping container used for temporary storage or for the storage of refuse directly related to any building construction or renovation occurring on the lot is permitted per lot in a Residential Zone provided the shipping container:

- i) Is located on the driveway,
- ii) Is set back a minimum of 1.0 metre from any lot line,
- iii) Has a maximum height of 2.5 metres, a maximum width of 2.5 metres and a maximum length of 6.0 metres and,
- iv) Is not located on the lot for more than 30 days total in a calendar year.

4.40 Trailer as a Second Dwelling Unit on a Lot

In any zone where a mobile home is permitted on a lot, such mobile home shall only be located pursuant to the provisions of this Zoning By-law, the Township Building By-law, and the Ontario Building Code.

4.41 Title Separation of Attached Dwellings

Nothing in this By-law shall be deemed to prevent the separate and distinct ownership of the individual dwelling units in Residential Buildings so long as all regulations are adhered to.

4.42 Urban Agriculture (i.e., Community Garden) Provisions

The following provision are non-commercial gardens within Urban Areas, referred to in this section as Urban Agriculture or Community Gardens:

- a) Urban Agriculture or Community Garden means a parcel of land cultivated (tilled) and gardened by members of the community for non-commercial purposes. For the purposes of this definition, "gardened" means to grow and care for plants and crops and may include accessory buildings such as a tool shed, and non-commercial activities related to the Urban Agricultural or Community Garden such as teaching but excludes a greenhouse.
- b) Urban Agriculture or Community Garden shall be permitted in all zones except for the O-2 Zone or E Zone, or the Hazard Lands Overlay Zones and the Environmental Features (EF) Overlay Zone in Section 15 unless permitted by the applicable approval authority being the GRCA and/or Region.
- c) For the purposes of this Zoning By-law, Urban Agriculture or Community Garden shall be deemed landscaped open space, excluding accessory buildings and accessory structures thereto.
- d) Urban Agriculture or Community Garden shall be setback a minimum of 0.6 metres from a lot line.
- e) A detached accessory building to store garden equipment associated with the Urban Agriculture or Community Garden is subject to the applicable regulations in the zone within which the parcel lies.

- f) Notwithstanding anything to the contrary, Urban Agriculture or Community Garden is prohibited within a daylight or sight triangle.
- g) Urban Agriculture or Community Garden shall not be permitted on Township lands without written permission from the Township.
- h) Urban Agriculture or Community Garden shall not be permitted on Regional lands without written permission from the Region.

4.43 Well (Private) Prohibition

Lands within the settlement boundary of Breslau, Elmira, and St. Jacobs, as delineated in the respective sections of Chapter 7 of the Township Official Plan, are subject to the following provision related to the Well (Private) Prohibition:

- a) Within Breslau and St. Jacobs, a well for private use, which includes a vertical open loop geothermal energy system as defined in Section 3, shall not be installed, or established unless permitted through a site-specific policy in the Township's Official Plan.
- b) Within Elmira, a well for private use, which includes a vertical open loop or closed loop geothermal energy system as defined in Section 3, shall not be installed, or established unless permitted through a site-specific policy in the Township's Official Plan.
- c) Notwithstanding Sub-section a) above, the following wells or exceptions are permitted.
 - i) Wells which legally existed prior to the date of the passing of this Zoning By-law;
 - ii) Wells which are established for the purposes of environmental site remediation, water monitoring or site dewatering; and
 - iii) Vertical open loop or closed loop geothermal energy system legally existed prior to the date of the passing of this Zoning By-law.
- d) Any well that is not being used shall be decommissioned in accordance with Regulation 903 of the Ontario Water Resources Act R.S.O. 1990 c.O.40, and any future amendments or succeeding legislation thereto.
- e) If the Well (Private) Prohibition conflicts with the provisions of the underlying zone, the more restrictive provisions shall apply.