

SECTION 5 – GENERAL PROVISIONS

5.1 NON-CONFORMING USES, BUILDINGS, STRUCTURES AND LOTS

Nothing in this By-law shall apply to prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the date of the passing of this By-law, so long as it continues to be used for that purpose.

5.1.1 Strengthening of Non-Conforming Buildings

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of a building or structure which is used for a use not conforming with this By-law, so long as the strengthening or restoration does not alter the height, size, shape or volume of the building or structure or change its use to other than a conforming one.

Where for any reason, a non-conforming use has ceased, such non-conforming use shall not be permitted to resume and any future use of land, building or structure shall thereafter conform to the permitted uses of the zone relating to the subject land.

5.1.2 Replacement of Non-Conforming Buildings or Structures

Nothing in this By-law shall prevent the replacement of non-conforming where such building or structure is partially or totally destroyed by fire, explosion, collapse, act of God or other accidental cause, provided that:

- 1) the building or structure is occupied by the same use or a permitted use;
- 2) such replacement is located on or within the limits of the foundation walls of the building as they existed prior to such destruction.
- 3) the height and floor area of such replacement does not exceed the height and floor area of the building as it existed prior to such destruction.

5.1.3 Lots Having Less Lot Area And/Or Lot Frontage

Where a lot having a lesser lot area and/or lot frontage of not more than 20% less than that required herein is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry or Land Titles Office at the date of the passing of this By-law, or where such a lot is created as a result of an expropriation, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that all other requirements of this By-law are complied with.

5.2 ACCESSORY USES

5.2.1 Use of Accessory Buildings

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

- 1) Any occupation for gain or profit conducted within a residential zone, except as may be permitted by this By-law.
- 2) Any building used for human habitat except as may be permitted in this By-law.
- 3) An accessory dwelling unit, except as may be permitted by this By-law.

5.2.2 Establishment of an Accessory Building or Use

No accessory building or accessory use shall be constructed or established on any lot or site until the main building has commenced construction, except for "Temporary Use" purposes as may be permitted elsewhere in this By-law.

5.2.3 Location

Except as otherwise provided herein, any accessory building or structure which is not an integral part of the main building shall be erected to the rear of the required front yard and shall comply with the yard and setback requirements of the zone in which such building or structure is situated.

- 1) Such accessory buildings and uses shall be no closer than 1.2 m (3.9 ft) to the interior side or rear lot line.
- 2) Satellite dishes shall be no closer than 3.0 m (9.8 ft) from any lot line.

5.2.4 Height

Except as otherwise provided herein, no accessory building or structure shall exceed 5.0 m (16.4 ft) in height.

5.2.5 Lot Coverage

Except as otherwise provided herein, the total lot coverage of all accessory buildings on a lot shall not exceed 15% of the lot area.

The area of an outdoor swimming pool shall not be included in the above calculations.

5.3 PARKING AREA REGULATIONS

5.3.1 Parking Requirements

The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

Use	Parking Requirement
Single detached, semi detached, duplex, converted dwelling, triplex, fourplex, street fronting townhouses	2 spaces per dwelling unit
Apartments and Cluster Townhouses	1.5 spaces per dwelling unit
Senior Citizen Accommodation	1 space per 5 dwelling units
Residential Dwelling Units in a Portion of a Non-residential Building	1 space per dwelling unit
Retail commercial use	1 space per 28.0 m ² (301.4 ft ²) gross floor area
Convenience store	1 space per 15.0 m ² (161.5 ft ²) gross floor area
Bank or financial institution	1 space per 15.0 m ² (161.5 ft ²) gross floor area
Commercial plaza complex	1 space per 20.0 m ² (215.3 ft ²) gross floor area
Automobile Body / Repair Shop	4 spaces per repair bay, minimum of 6
Automotive Sales Establishment	1 space per 46.5 m ² (500.5 ft ²) gross floor area
Automobile Service Station	4 spaces per service bay
Business or Professional Office	1 space per 28.0 m ² (301.4 ft ²) gross floor area
Other commercial uses not devoted to retail trade	1 space per 28.0 m ² (301.4 ft ²) gross floor area
Public Building	1 space per 28.0 m ² (301.4 ft ²) gross floor area
Gas bar	1 space per fuel pump island
Automobile Washing Establishment	Manual Car Wash: 1 space plus 3 waiting spaces per bay

Use	Parking Requirement
	Automatic Car Wash: 1 space plus 6 waiting spaces per bay
Funeral home	1 space per 25.0 m ² (269.1 ft ²) gross floor area
Golf Course / Miniature Golf Course / Golf Driving Range	3 spaces for each 2 tees or holes
Medical or veterinary clinic	3 spaces per physician or practitioner
Personal service shop	1 space per 46.5 m ² (500.5 ft ²) gross floor area
Restaurant	1 space per 5 m ² (53.8 ft ²) floor area devoted to public use
Tavern	1 space per 5 m ² (53.8 ft ²) floor area devoted to public use
Elementary school	5 spaces plus 1 parking space per classroom
Secondary school	5 spaces plus 1 parking space per classroom
Auditorium, Arena, Auction House, Theatre, Church, Sports or Community Centre and other places of assembly, unless otherwise mentioned in this section	1 space for each 4 seats
Hotel or motel	1.5 spaces per guest room
Boarding or Lodging House	1 space per dwelling unit, plus 1 per room/unit for rent
Contractor's or Tradesman's Establishment	1 space per 15 m ² (161.5 ft ²) gross floor area
Industrial Use/Industrial Mall	1 space per 90 m ² (968.8 ft ²) gross floor area with a minimum of 5 spaces
Day Nursery	1 space per 10 m ² (107.6 ft ²) gross floor area
Retirement / Nursing Home	1 space per 4 beds + 1 space per 4 employees
Hospital	1 space per 2 beds + 1 space per 4 employees
Group Home	1 space per 2 beds + 1 space for every two employees
Truck Terminal	1 space per 100 m ² (1076.4 ft ²) gross floor area
Warehouse	1 space per 185.0 m ² (1991.4 ft ²) gross floor area
Wholesale Outlet	1 space per 80.0 m ² (861.1 ft ²) gross floor area
Retail Food Store	1 space per 46.5 m ² (500.5 ft ²) gross floor area
Furniture, Appliance Department Store	1 space per 70.0 m ² (753.5 ft ²) gross floor area
Lumber Yard or Building Materials	1 space per 27.9 m ² (300.3 ft ²) of Dealer retail floor area
Any other use not specifically listed above	1 parking space per 46.5 m ² (500.5 ft ²) gross floor area

5.3.2 Calculation of Off-Street Parking Spaces

Where the calculation of off-street parking requirements results in a fraction, then the number of parking spaces to be provided will be rounded to the next highest whole number.

5.3.3 Location of Required Off-Street Parking Spaces

Unless otherwise provided in this By-law, required off-street parking spaces shall be located on the same lot as the principal or main building or on a lot no more than 90.0 m (295.3 ft) from the main building and in the same zone as the main building.

5.3.4 Size of Parking Spaces

Every off-street parking space shall have a minimum stall size of 2.7 m (8.9 ft) wide by 5.4 m (17.7 ft) long.

5.3.5 Parking Aisle Requirements

Every parking aisle shall be not less than 6.0 m (19.7 ft) in perpendicular width for two-way traffic and 3.5 m (11.5 ft) in perpendicular width for one-way traffic.

5.3.6 Parking for More Than One Use in a Building

When a building or structure accommodates more than one type of use as set out in this By-law, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of uses, unless otherwise provided for in this By-law.

5.3.7 Parking Area Location On Lot

Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the street line and the required setback provided that no part of any parking area, other than a driveway, is located closer than 1.0 m (3.3 ft) to any street line, or as specified below:

- 1) A parking area for a residential use containing three or more dwelling units shall only be located in the rear yard.
- 2) A parking space for residential units with individual private driveways may be located abutting the street line provided that not more than 50% of the required front yard is used for driveways and parking areas.
- 3) Where a Highway Commercial, Open Space, Institutional, or Industrial Use abuts a Residential Zone, the parking area shall be set back 3 m (9.8 ft) from the lot line abutting the Residential Zone.
- 4) For Extractive Industrial / Disposal Industrial Uses, parking shall be permitted in the Rear Yard and Interior Side Yard

and where such uses abut a Residential, Highway Commercial, Institutional or Agricultural use, the parking area shall be set back 9 m (29.5 ft) from the abutting lot line.

5.3.8 Ingress and Egress to Parking Areas

Ingress and egress, to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 3.5 m (11.5 ft) but not more than 9.0 m (29.5 ft) in perpendicular width.

- 1) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9.0 m (29.5 ft).
- 2) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 m (24.6 ft).
- 3) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- 4) Every lot shall be limited to the following number of driveways:
 - i. Up to the first 30 m (98.4 ft) of frontage not more than 2 driveways; and
 - ii. For each additional 30 m (98.4 ft) of frontage not more than 1 additional driveway

Provided that there is at least 7.5 m (24.6 ft) between each driveway intersection with the street line and subject to the approval of the Township of Guelph-Eramosa and/or the County of Wellington Roads Departments and/or the Ministry of Transportation of Ontario.

5.3.9 Parking Surfaces and Drainage

All off-street parking spaces and areas shall be constructed of a stable surface and treated to prevent erosion and the raising of dust and loose particles. Surface cover shall consist of asphalt, crushed stone, paving brick, concrete or similar hard-surfaced materials. All off-street parking spaces and areas shall be graded and drained so as to prevent the pooling of surface water on them or the flow of surface water onto adjacent lots.

5.3.10 Additions to Existing Use

The parking area requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased, and the building or structure is used for a purpose which does not require more parking spaces according to Subsection 5.3.1 of this By-law than were required by its use at the date of passing of this By-law.

If an addition or change of use is made to a building or structure as it existed at the date of passing of this By-law, then additional parking spaces shall be provided to the number required for such addition or change in use.

5.3.11 Use of Parking Areas and Spaces

No parking area or space permitted or required under this By-law shall be used for any other purpose than the parking of vehicles used in conjunction with the permitted uses on the lot.

5.3.12 Commercial Motor Vehicles, Tractor Trailers & Buses in Residential Zones

No person shall use any lot, building or structure in a Residential Zone for the parking or storage of any commercial motor vehicle unless he is the owner or occupant of such lot, building or structure, and provided that said vehicle shall not exceed 2721.6 kilograms (6000 lbs.) gross vehicle weight and provided that not more than one commercial motor vehicle is stored in accordance with this Section.

No person shall use any lot, building or structure in a Residential Zone for the parking or storage of any tractor trailer or part thereof. This provision shall not include commercial motor vehicles, and tractor trailers which attend a residential premises for the purposes of delivery and service.

Within the Agricultural Zone, a maximum of two school buses which are operable and currently licensed may be parked or stored on any lot.

5.3.13 Unlicensed and Inoperable Motor Vehicles

Unless specifically provided for by this By-law, no person shall provide outside storage for any motor vehicle which is unlicensed and inoperable. Notwithstanding the above, in the Agricultural Zone, no more than two such vehicles may be

stored for parts usage. In such cases, they shall not be visible either from the road or an abutting residential use. Farm equipment is exempt from this regulation.

5.3.14 **Parking for the Physically Handicapped**

Where the parking requirements for any land use is 20 or more spaces, 1 space of the first 20 so required, plus 1 space for each additional 50 spaces or portion thereof, shall be provided as a parking space for the physically handicapped. Parking spaces for the physically handicapped shall be:

- a minimum width of 4.0 m (13.1 ft);
- a minimum length of 5.4 m (17.7 ft);
- hard-surfaced and level;
- located near and accessible to an entrance; and,
- identified by a sign with the International Symbol for Handicapped Persons.

5.4 **LOADING SPACE REGULATIONS**

5.4.1 **Loading Space Requirements**

The owner or occupant of any lot, building or structure in a Commercial or Industrial Zone, erected or used for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise and raw materials, shall provide and maintain at the premises, on the lot occupied by the building or structure and not forming part of a street or lane, within the Zone in which such use is located, loading or unloading facilities comprising one or more loading or unloading spaces 9.0 m (29.5 ft) long, 3.5 m (11.5 ft) wide and having a vertical clearance of at least 3.6 m (11.8 ft), and in accordance with the following schedule:

TOTAL FLOOR AREA	NUMBER OF LOADING SPACES REQUIRED
0 to 464.5 m ² (0 to 5000 ft ²)	0
Exceeding 464.5 m ² (5000 ft ²) to 929 m ² (10,000 ft ²)	1
Exceeding 929 m ² (10,000 ft ²) but not 2,322.5 m ² (25,000 ft ²)	2

Exceeding 2,322.5 m ² (25,000 ft ²) but not 4,645 m ² (50,000 ft ²)	3
Exceeding 4,645 m ² (50,000 ft ²) but not 7,432 m ² (80,000 ft ²)	4
Exceeding 7,432 m ² (80,000 ft ²)	4 plus 1 additional space for each additional 9,290 m ² (100,000 ft ²) or fractional part thereof in excess of 7,432 m ² (80,000 ft ²)

5.4.2 Loading Space Access

Each loading space shall be provided with one or more unobstructed driveways of not less than 3.5 m (11.5 ft) in width. Such driveway shall be contained within the lot on which the spaces are located and are accessible from a street or lane. No part of such driveway shall be used for the parking or temporary storage of vehicles.

5.4.3 Loading Space Surface

The driveways, loading and unloading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles and with provisions for drainage facilities.

5.4.4 Loading Space Location

All loading spaces shall be so arranged as to avoid interference with the movement of traffic on public streets. No loading spaces shall occupy any required front or required exterior side yard, nor be situated upon any street, lane or required parking space unless set back from the street line a minimum distance of 20 m (65.6 ft).

5.4.5 Additions to Building

The loading space requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the floor area as it existed at such date is not increased.

If an addition is made to the building or structure which increases the floor area, then additional loading space shall be provided as required by Subsection 5.4.1 of this By-law for such addition.

5.5 DAYLIGHTING TRIANGLE OR SIGHT TRIANGLE

On a corner lot within the triangular space formed by the street lines and a line drawn from a point on one street line to a point on the other street line, each point being 7.62 m (25.0 ft) measured along the street line from the point of intersection of the street lines, no building, structure, parking area, or planting which would obstruct the vision of drivers of motor vehicles shall be erected. Such triangular space may hereinafter be called a "sight triangle".

Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

The provisions of this section shall also apply to land which abuts one or more unopened public streets.

5.6 STREET FRONTAGE REQUIRED

No person shall erect any building or structure in any zone unless the lot upon which such building or structure is to be erected has frontage on an improved street.

5.7 THROUGH LOTS

Where a lot which is not a corner lot has frontage on more than one street, the setback and front yard requirements contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located.

5.8 YARD ENCROACHMENTS

Every part of any yard required to be provided in any zone shall be open and unobstructed from the ground to the sky, except that:

- 1) In any yard, there may be established or maintained the usual projections of window sills, chimney breasts, belt courses, cornices, eaves and other architectural features, provided however that no such features shall project more than 1 m (3.3 ft) into any required yard
- 2) Balconies and steps, covered or uncovered, or unenclosed porches or decks may project into any required yard a distance of not more than 2.5 m (8.2 ft) . Notwithstanding this, no such structure shall be permitted to encroach beyond a point that is closer than 2.5 m (8.2 ft) from a property boundary;

- 3) Fire escapes and exterior staircases may project into any required side or rear yard a distance of not more than 1.5 m (4.9 ft);
- 4) Signs may be constructed in accordance with the provisions of any Sign By-law of the Municipality;
- 5) Fences, freestanding walls, flagpoles, light standards, and similar accessory structures and appurtenances, and hedges, trees, and shrubs are permitted in any required yard, subject to any other restrictions of this by-law such as Day Lighting Triangles.
- 6) Notwithstanding the yard and setback provisions of this By-law to the contrary, in an Industrial Zone, a gate house shall be permitted in a front or side yard.

5.9 HEIGHT RESTRICTION EXCEPTION

The height regulations of this By-law shall not apply to any ornamental dome, clock tower, chimney, belfry, storage silos, barn, grain elevator, cupola, steeple, church spire, an elevator shaft, water storage tank, elevating device, flagpole, television or radio antenna or tower, ventilator, windmill, air conditioner duct, grain drying equipment, skylight or solar collector.

5.10 BUFFER STRIPS

5.10.1 Requirements for Non-Residential Uses

Notwithstanding the yard and setback provisions of this By-Law, where a lot is used for a Non-Residential purpose other than agriculture and the interior side or rear lot line abuts a Residential Zone or lot used for residential purposes, then a strip of land adjoining such abutting lot line, shall be used for no other purpose than a Buffer Strip in accordance with the provisions of this Subsection.

5.10.2 Regulations

- 1) Minimum width of 1.5 m (4.9 ft).
- 2) A Buffer Strip may consist of a continuous unpierced hedgerow of evergreens or shrubs, a solid privacy fence, a solid wall or an earth berm, or combination thereof, not less than 1.5 m (4.9 ft) in height, immediately adjacent to the lot line or portion thereof along which such Buffer Strip is required. The remainder of the strip may be used for shrubs, flower beds, grass or a combination thereof.
- 3) In all cases where the ingress and egress of a driveway and/or walk extend through a Buffer Strip, it shall be

permissible to interrupt the buffer strip within 1.5 m (4.9 ft) of the edge of said driveway and/or walk.

- 4) The planting strip shall be planted and maintained by the owner or owners of the land on which the planting strips are required;
- 5) Subject to site plan approval, a solid fence or wall of equivalent height may be considered as an alternative to a planting strip. 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.
- 6) A Buffer Strip referred to in this Subsection may form part of any Landscaped Open Space required by this By-law.

5.11 RECREATIONAL VEHICLES IN A RESIDENTIAL ZONE

The storage or parking of a travel trailer, motor home, boat, snowmobile, accessory trailer, or similar recreational vehicles, shall be permitted in a Residential Zone or on a lot used for residential purposes, provided that:

- 1) The length of such travel trailer, motor home, boat or snowmobile or accessory trailer does not exceed 9 m (29.5 ft);
- 2) Such travel trailer, motor home, boat or snowmobile or accessory trailer is located in the rear yard or interior side yard provided it is located no closer than 1 m (3.3 ft) to the lot line;
- 3) The owner or occupant of any lot or building shall not store or park more than three of the vehicles listed above;
- 4) Notwithstanding the provisions of 3), the limitations imposed therein shall not restrict the number of vehicles that are fully enclosed within a garage or dwelling unit provided that such vehicles are owned by the occupant of such lot.

5.12 DWELLING UNITS BELOW GRADE

No dwelling unit shall, in its entirety, be located in a cellar. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling unit shall be used for no other purpose but a furnace room, laundry room, storage room, recreation room or for a similar use only and shall not be used for sleeping accommodation.

5.13 PUBLIC USES

The provisions of this By-law shall not apply to the use of any lot or to the erection or use of any building or structure for purposes of providing public

services by The Corporation or the County as defined by The Municipal Act, any telephone or telegraph company, any natural gas transmission and distribution system operated by a company and possessing all the necessary powers, rights, licences and franchises, any Conservation Authority established by the Government of Ontario, any Department of the Government of Ontario or Canada, including Ontario Hydro or agent thereof, any use permitted under The Railway Act or any other statute of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities provided that an above ground use in a Residential Zone shall be enclosed in a building designed and maintained in general harmony with residential buildings/dwellings of the type permitted in that Zone.

5.14 TEMPORARY USES

Nothing in this By-law shall prevent the use of any land, or the erection or use of any building, trailer or structure for a construction camp, work camp, temporary accommodation tool shed, scaffold or other building or structure incidental to and necessary for construction work on the premises, but only for so long as such use, building or structure is necessary for such construction work which has not been finished or abandoned. The temporary use will be subject to the retention of a valid Building Permit.

5.15 USES PERMITTED IN ALL ZONES

The following uses are permitted in all zones within The Corporation:

- 1) The use of any land as a public park, playground, street, walkway, site for a statue, monument, cenotaph, fountain, or other memorial or ornamental structure.
- 2) The installation or maintenance of a watermain, sanitary sewer main, storm sewer main, pumping station, gas main, pipeline, storm water management facility, lighting fixture, overhead or underground electrical services, cable television, telegraph or telephone line or associated tower or transformer, together with any installations or structures appurtenant thereto.
- 3) The use of land for a street or a public railway, including any installations, structures appurtenant thereto.

5.16 USES RESTRICTED IN ALL ZONES

- 1) No use shall be permitted which due to its nature, or the materials used therein, or emissions issuing therefrom, is determined to be a noxious trade, business or manufacturing process.
- 2) No land, building, or structure shall be used if it is likely to create a public nuisance or danger to health or danger from

fire or explosion except in accordance with the provisions and regulations under the Gasoline Handling Act.

- 3) No use shall be permitted where the approval of private water or sanitary treatment and disposal facilities has not been obtained from the Chief Building Official or the Ministry of the Environment, as the case may be.
- 4) The following uses are prohibited throughout the Corporation, either alone or in conjunction with other uses except as is otherwise specifically provided herein:
 - i) a salvage yard;
 - ii) a mobile home park;
 - iii) a track or course for the racing and/or testing of motorized vehicles;
 - iv) the boiling of blood, tripe, bones or soaps for commercial purposes;
 - v) the tanning or storage of uncured hides or skins;
 - vi) the manufacturing of glue or fertilizers from dead animals or from human or animal waste;
 - vii) an abattoir, stockyard, livestock exchange, or dead stock depot;
 - viii) the extracting of oil from fish or animal matter;
 - ix) any use which causes the emission of corrosive gasses, toxic gasses or radioactive gasses or, into any zone other than an Industrial Zone, or electromagnetic fields, heat, glare, non-agricultural odours, noise, vibrations, dust, dirt, fly ash or smoke which does not comply with emission regulations as may be established from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof;
 - x) a food and/or meat processing plant;
 - xi) the keeping or raising of livestock or wild animals in any residential zone unless otherwise permitted;
 - xii) a kennel;
 - xiii) an adult entertainment establishment.

5.17 GREATER RESTRICTIONS

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

5.18 SETBACKS FROM PROVINCIAL HIGHWAYS AND COUNTY ROADS

Notwithstanding any other provisions of this By-law, no building or structure shall be located closer than 27.5 m (90.2 ft) to Provincial Highways and Wellington County Roads with the exception of those

buildings or structures located within the boundaries of an urban centre or hamlet as identified on Maps 2 to 19 of this by-law. This shall be measured at a right angle to the centreline of the street abutting such yard, commencing from the centreline in the direction of the applicable yard of such lot or parcel of land.

Notwithstanding anything else in this by-law, subject to the approval of the appropriate roads authority, on any lot between two existing buildings which are not more than 42.7 m (140.1 ft) apart, a new building may be constructed, having a setback from the centreline of the road allowance which is equal to the average setback of the adjacent buildings on the same block.

5.19 NUMBER OF RESIDENTIAL BUILDINGS PER LOT

With the exception of multiple-unit dwellings as defined in this By-law, and where otherwise specified in this By-law, not more than one residential building shall be erected on any lot.

5.20 OUTDOOR DISPLAY

In the Highway Commercial, Village Commercial, Village Service Commercial, Hamlet Mixed Use, and Rural Industrial zones, the outdoor display of goods, accessory to the main use, for sale or hire shall be permitted in accordance with the following provisions:

- 1) Shall not cover more than 40% of the lot area.
- 2) Shall not be located within a required side yard.
- 3) Shall not obstruct or occupy any required parking area.
- 4) Area to be constructed of a stable surface and treated to prevent erosion and the raising of dust and loose particles.
- 5) Area to be graded and drained so as to prevent the pooling of surface water or the flow of surface water onto adjacent lots.

5.21 OUTDOOR STORAGE

In the Agricultural Business, Highway Commercial and Rural Industrial zones, the outdoor storage of goods, materials, and equipment, accessory to the main use, shall be permitted in accordance with the following provisions:

- 1) Located to the rear of the front wall of the main building, but not in a required side yard nor a required rear yard.
- 2) Not cover more than 40% of the lot area.

- 3) Shall be visually screened from the street and any abutting land zoned or used for residential or institutional purposes by a buffer strip in accordance with Section 5.10.

5.22 LOTS WITH MORE THAN ONE USE OR ZONE

Where a lot is divided into two or more zones, each separately zoned portion of the lot within the separate zones shall be considered a separate lot for zoning purposes and shall be used in accordance with the provisions which are applicable to each zone, except:

- 1) when the lot is partially within the Hazard (H) Zone that portion of the lot within the Hazard Zone may be used in calculating total lot area, lot frontage, setbacks and yards, provided that the lands outside the Hazard Zone meet the requirements of the Ontario Building Code relative to private sanitary treatment and disposal facilities.

5.23 MUNICIPAL DRAINS SETBACKS

No person shall use any lot or erect, alter or use any building or structure within 30 m (98.4 ft) from the centre of an open municipal drain, and 15 m (49.2 ft) from the centre of an enclosed municipal drain.

5.24 MINIMUM DISTANCE SEPARATION – MDS I AND II

5.24.1 MDS I – New Non-Farm Uses

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), as may be amended, calculated using the formulas set out in Appendix “A” to this By-law. Notwithstanding, the above provisions shall not apply to lots existing as of the date of the passing of this By-law which are less than 4 ha (9.9 ac).

5.24.2 MDS II – New or Expanding Livestock Facilities

Notwithstanding any other yard or setback provisions of this By-law to the contrary, no livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation (MDS II) as may be amended, calculated using the Formulas set out in Appendix “B” to this By-law. Notwithstanding the above, an existing manure storage system which does not meet the MDS II requirements, may be replaced by a more compatible system which results in a reduction in the

separation distance required, provided the livestock housing capacity is not increased.

Notwithstanding the above, new livestock housing facilities will not be permitted on lots less than 0.8 ha (2.0 ac) in size.

5.25 REGULATIONS FOR GARDEN SUITES

Where permitted by this By-law, a garden suite shall be subject to the following provisions:

- 1) Driveway access to both the main dwelling and the garden suite shall be limited to one so that no new entrance from the street shall be created.
- 2) The siting of a garden suite shall be in accordance with the provisions for accessory uses (Section 5.2).
- 3) The maximum floor area shall be 92.9 m² (1000.0 ft²).
- 4) The maximum height shall be one storey, and shall not exceed 4.5 m (14.8 ft).
- 5) No garden suite shall be located closer than 3.0 m (9.8 ft) to the main residence on the lot or any building on an abutting property.
- 6) Only one garden suite may be established per lot.
- 7) All garden suites shall be provided with adequate water and sewage disposal systems.
- 8) All garden suites shall be established as a temporary use pursuant to Section 39 of the Planning Act.

5.26 SETBACKS FROM HAZARD (H) ZONE

Notwithstanding any other provisions of this By-law, no building or structure (including a private sewage treatment system) shall be constructed within 30 m (98.4 ft) from the limit of a Hazard (H) Zone.

Notwithstanding the above setback:

- 1) Where a building or structure existing on the date of passing of this bylaw is located within a required setback an addition shall be permitted provided that a setback of 3 m (9.8 ft) is maintained.
- 2) Where a dwelling existing on the date of the passing of this by-law is located within a required setback, new accessory buildings and structures shall be permitted provided a setback of 3 m (9.8 ft) is maintained.
- 3) Where a vacant building lot existed on the date of the passing of this By-law, a building permit may be issued for permitted buildings or structures, excluding new agricultural buildings and structures provided that:

5-18

- there is no other suitable location on the lot outside of the 30.0m (98.4ft) setback, and
- a setback of at least 3.0m (9.8ft) from the Hazard Zone boundary is maintained.