

SECTION 4 – GENERAL PROVISIONS

4. GENERAL PROVISIONS

4.1 ACCESSORY BUILDINGS, STRUCTURES AND USES

4.1.1 PERMITTED USES

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

- i) any occupation for gain or profit conducted within or accessory to a dwelling unit or on the lot, except as in this By-law is specifically permitted, or,
- ii) any building used for human habitation, except as in this By-law is specifically permitted.

4.1.2 LOCATION

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

(2006-131)

4.1.3 LOT COVERAGE AND HEIGHT

Save and except for the R1 through to R4 zones, inclusive, the total lot coverage of all accessory buildings and structures, except swimming pools, shall not exceed 5 percent of the lot area. Within the R1 through to R4 zones, inclusive, the total lot coverage of all accessory buildings and structures, except swimming pools, shall not exceed 10 percent of the lot area. No accessory building or structure, except for barns, shall exceed a height of 5 metres.

OMB File No. R880022

4.1.4 ENCROACHMENTS

Notwithstanding the yard and setback provisions of this By-law to the contrary, flag poles, light standards, garden trellises, retaining walls, fences which comply with the Corporation's Fence By-law, signs which comply with the Corporations Sign By-law or similar uses shall be permitted in any required yard or in the area between the street line and the required setback.

Clothes poles and dish antennae shall not be permitted except in the rear yard.

4.1.5 GARAGE OR OTHER ACCESSORY BUILDINGS OR STRUCTURES

Notwithstanding any other provisions of this By-law to the contrary, an attached or detached private garage or other accessory building may be erected and used in an interior side or rear yard provided that:

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4.1.5.1 INTERIOR SIDE YARD

When such accessory building is located in an interior side yard it shall be in conformity with the requirements of the Zone in which the building is located, EXCEPT where a common semi-detached garage is being erected simultaneously on both sides of the lot line, as one building, in which case no interior side yard to the accessory building is required.

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4.1.5.2 REAR YARD

When such accessory building is located in a rear yard it shall be in conformity with the requirements of the Zone in which it is located.

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4.1.5.3 REAR YARD WITH LANE ACCESS

Where such accessory building is located in a rear yard with lane access it shall not be located closer than 2.5 metres to the rear lot line.

4.1.5.4 RELATION TO STREET

All accessory buildings shall comply with the setback provisions applicable to the principal or main building on the lot.

4.1.6 GATE HOUSE IN INDUSTRIAL ZONE

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 or in the area between the street line and the required setback.

4.1.7 RAILWAY SPUR IN INDUSTRIAL ZONE

Notwithstanding any yard and setback provisions of this By-law to the contrary, in an Industrial Zone, a railway spur shall be permitted within any required side or rear yard, but not within a required planting strip area, except for necessary ingress and egress. However, where such side or rear yard abuts a Residential Zone, then such railway spur shall conform to the yard and setback requirements of the Zone in which it is located.

4.1.8 ORNAMENTAL STRUCTURES

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 or in the area between the street line and the required setback.

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(2006-131)

4.1.9 UNENCLOSED PORCHES, BALCONIES, STEPS OR PATIOS

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed porches, balconies, steps and patios covered or uncovered, drop

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awnings, eaves, may project into any required yard a maximum distance of 1.5 metres save and except the R1 through to R4 Zones, inclusive, where they may project a maximum distance of 3.0 metres into any required rear yard, but not closer than 1 metre to any lot line, provided that in the case of porches, steps or patios such uses are not more than 2 metres above grade.

4.1.10 FIRE ESCAPES

Notwithstanding the yard and setback provisions of this By-law to the contrary, unenclosed fire escapes, in which the stair steps and floors are latticed in such a manner that the portion of voids to solids is not less than two to one and in which guards consist of hand rails and the structural members necessary to their support, may project into any required setback a maximum of 1.5 metres.

(2016-86)

4.1.11 SWIMMING POOLS

Notwithstanding the yard and provisions of this By-law to the contrary, an outdoor swimming pool shall only be permitted within the rear yard or side yard of a lot and shall be within a swimming pool enclosure. Such outdoor swimming pool shall not be located within 1.0 metres of the rear or interior side lot lines. In the case of a corner lot, such outdoor swimming pool, or pool enclosure, shall conform to the minimum exterior side yard requirement of the main or principal building on the lot. The maximum area covered by an outdoor swimming pool shall not exceed twenty (20) percent of the total lot area. For the purpose of this subsection, "pool enclosure" shall mean a fence, wall or other structure, including doors or gates, surrounding an outdoor swimming pool designed to restrict access thereto.

4.1.12 PRIVATE CABIN

Notwithstanding the yard and setback provisions of this By-law to the contrary, one Private Cabin may be erected and used on the same lot as a Seasonal Residential Dwelling, provided, such Private Cabin does not exceed 23 square metres in total floor area, and complies with the yard and setback requirements of the Zone in which such building or structure is situated.

4.1.13 BOAT HOUSE, PUMP HOUSE OR DOCK

Notwithstanding the yard and setback provisions of this By-law to the contrary, where ownership of a lot extends to the high water mark, a boathouse, pump house or a dock may be erected and used in the yard abutting the high water mark provided such accessory buildings or structures are located no closer than 1 metre to the side lot line. Where the ownership extends to a 66 foot original road allowance prior to the issuing of a building permit for the erection of a boathouse, pumphouse or dock, the owner shall furnish the Building Inspector with a copy of a lease signed by the Municipality covering the occupation of that portion of road allowance affected by the accessory buildings or structures. No private communal dock will be located within 60 metres of a residential dwelling.

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4.2 DWELLING UNITS BELOW GRADE

4.2.1 (a) CELLAR

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 as a furnace room, laundry room, storage room, recreation room or for a similar use only.

4.2.2 (b) BASEMENT OR WALKOUT BASEMENT

A dwelling unit, in its entirety, may be located in a basement, or walkout basement provided the finished floor level of such basement is not below the level of the septic tank facilities serving the building or structure in which such basement is located and provided further, that the floor level of such basement is not more than .5 metres below the adjacent finished grade.

4.3 ENVIRONMENTALLY SENSITIVE AREA ZONE

No person shall erect, alter or use any building or structure in an Environmentally Sensitive Area (ESA) Zone for any purpose except for a Public Use in accordance with the provisions of Section 4.17 of this By-law.

4.4 ESTABLISHED BUILDING LINE IN BUILT-UP AREA

Notwithstanding the yard and setback provisions of this By-law to the contrary, where a permitted building or structure is to be erected on a lot in a built-up area, where there is an established building line extending on both sides of the lot, such permitted building or structure may be erected closer to the street line or the centerline of the street or to the high water mark, as the case may be, than required by this By-law provided that such permitted building or structure is not erected closer to the street line, centerline or high water mark, as the case may be, than the established building line on the data of passing of this By-law.

4.5 EXISTING BUILDINGS, STRUCTURES AND USES

4.5.1 CONTINUATION OF EXISTING USES

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

4.5.2 PERMITTED EXTERIOR EXTENSION

A building, which at the date of passing of this By-law, was used for a purpose not permissible within the Zone in which it is located, shall not be enlarged or extended, unless such building is thereafter to be used, for a purpose permitted within such Zone, and complies with all requirements of this By-law for such Zone.

4.5.3 PERMITTED INTERIOR ALTERATION

The interior of any building lawfully used on the date of passing of this By-law for a use that is not permitted within the Zone that such building is located in may be

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reconstructed or structurally altered, in order to render the same more convenient or commodious for the same purpose for which, at the passing of this By-law, such building was used.

4.5.4 RESTORATION TO A SAFE CONDITION

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure or part thereof, lawfully used on the date of passing of this By-law, provided that the strengthening or restoration does not increase the building height, size or volume or change the use of such building or structure.

4.5.5 RECONSTRUCTION OF DAMAGED EXISTING BUILDINGS OR STRUCTURES

Nothing in this By-law shall apply to prevent the reconstruction of any lawful non-conforming building or structure which is damaged by causes beyond the control of the owner.

4.5.6 BUILDING PERMIT ISSUED

The provisions of this By-law shall not apply to prevent the erection or use, for a purpose prohibited by this By-law, of any building or structure, the plans for which have prior to the date of passing of this By-law been approved by the Building Inspector, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two years after the date of the passing of this By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

4.5.7 CHANGE OF USE

The use of a lot, building or structure which under the provisions hereof is not permissible within the Zone in which such a lot, building or structure is located, shall not be changed, except to a conforming use.

4.5.8 PERMITTED NON-COMPLYING BUILDINGS OR STRUCTURES

Nothing in this By-law shall prevent the enlargement, extension, reconstruction, renovation, repair or alteration of a building or structure, which existed at the date of passing of this By-law, which is used for a purpose specifically permitted within the Zone in which such building or structures does not comply with the setback or one or more yards that is or are less than required under the provisions of this By-law provided that the setback or yard or yards that is or are less than required are not further reduced and that all other provisions of this By-law are complied with.

4.5.9 FLOOR AREA LESS THAN REQUIRED

Nothing in this By-law shall prevent an extension or addition being made to a permitted dwelling house, which dwelling house existing at the time of passing of this By-law but which has a gross floor area or dwelling unit area less than required by this By-law, provided such extension or addition does not contravene any other provision of this By-law.

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4.5.10 PRIVATE RIGHT-OF-WAY

Notwithstanding the provisions of this By-law, where a building has been erected prior to the passing of this By-law on a lot which fronts on a private right-of-way registered on title that which provides legal access to an improved public street, the provisions of this By-law shall not apply to prevent the enlargement, alteration, extension, renovation or reconstruction of such a building or structure, provided the use of such building or structure, is permissible in the Zone in which it is located and that all other applicable Zone Provisions of this By-law are complied with.

4.6 EXTERNAL DESIGN

The following building materials shall not be used for more than 5% of the exterior vertical facing on any wall of any residential building with the Corporation of the Township of Thurlow:

4.6.1 Building paper;

4.6.2 Asphalt roll-type siding;

4.6.3 Insul brick.

4.7 ACCESS BY PUBLIC STREET, NAVIGABLE WATERWAY OR PRIVATE ROAD

4.7.1 PUBLIC STREET

No person shall erect any building or structure in any Zone, unless the lot upon which such building or structure is to be erected fronts upon an improved public street, and further that such building or structure complies with the setback provisions of this By-law.

4.7.2 UNASSUMED ROAD

Notwithstanding the provisions of 4.7.1 hereof to the contrary, the provisions of this By-law shall not apply to prevent the erection of a permitted building or structure on a lot in a Registered Plan of Subdivision where a properly executed subdivision agreement has been entered into with the Municipal Corporation whereunder the street or streets will not be assumed by the Municipality until such time as specified in the said agreement.

4.7.3 PRIVATE ROAD

Notwithstanding the provisions of 4.7.1 hereof where access to a Seasonal Residential (SR) Zone is by private road, no person shall erect any building or structure unless the lot has frontage on a registered 20 metre right-of-way and notice has been provided to all prospective purchasers in purchase agreements or on title that maintenance of the access will be the owner's responsibility and will not be maintained or assumed by the Municipality.

4.7.4 NAVIGABLE WATERWAY

Notwithstanding the provisions of 4.7.1 hereof where access to a Seasonal Residential (SR) Zone is by navigable waterway only, no person shall erect any

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building or structure on a lot unless the lot has water frontage upon the navigable waterway. For the purpose of this section, where a marine allowance is in existence or a user-in-common private open space fronts the waterway or the lot is served by a public or private marina, the lot shall be deemed to front on the navigable waterway.

4.8 HOME OCCUPATION

The following regulations shall apply to a home occupation where such a use is permitted in a single-family dwelling house or unit or within a permitted accessory structure.

4.8.1 SECONDARY USE

Such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance, in particular in regards to noise, noxious odours, emission of smoke, traffic or parking. In no circumstances shall any yard be used in conjunction with the home occupation except in accordance with Section 4.1 of this By-law.

4.8.2 SIGN

There is no display, other than a sign of a maximum size of .3 square metres to indicate to persons outside that any part of the dwelling is being used for a purpose other than residential. Furthermore, such a sign shall be set back a minimum of 3 metres from any lot line.

4.8.3 EMPLOYEES

No person other than those resident in the dwelling shall be employed except in the case of a professional office in which instance no more than two (2) persons not resident in the dwelling shall be employed.

4.8.4 FLOOR AREA

No more than 25 percent of the gross floor area of the dwelling is used for the purposes of home occupation uses except in the case of a doctor, dentist, chiropractor, physiotherapist, licensed masseuse or osteopath, where the home occupation shall not exceed 40 percent of the gross floor area of the dwelling.

4.8.5 PROFESSIONAL OFFICE

The office for a professional person shall be located in the same dwelling in which the professional person resides.

4.8.6 PROHIBITED

Such home occupation shall not include a medical clinic, a private hospital, a nursing home, an eating establishment or a veterinary clinic.

4.8.7 EQUIPMENT

There shall be no mechanical or other equipment used which would interfere with the television or radio reception of others in adjacent buildings or structures.

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4.8.8 OUTSIDE DISPLAY OF STORAGE

There shall be no outside display or storage of goods or materials associated with a home occupational use.

OMB File No. R880022

4.8.9 PARKING

On-site parking is provided in accordance with the provisions of Section 4.15 of this By-law.

OMB File No. R880022

4.8.10 LOADING SPACE REQUIREMENTS

The requirements of Section 4.11 shall not apply.

4.9 HEIGHT EXCEPTIONS

Notwithstanding the height provisions herein contained, nothing in this By-law shall apply to prevent the erection, alteration, or use of the following accessory buildings or structures provided the principal use is a use permitted within the Zone in which it is located, namely: a church spire, a belfry, a flag pole, a light standard, a clock tower, a chimney, a water tank, a windmill, a radio or television tower or antenna, air conditioner duct, grain elevator, a barn or silo, incidental equipment required for processing, and, external equipment associated with internal building equipment.

4.10 ILLUMINATION

Lighting fixtures designed for exterior illumination shall be installed with the light directed downward and deflected away from adjacent lots.

4.11 LOADING SPACE REQUIREMENTS

4.11.1 LOADING SPACE

For every building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of animals, goods, wares, merchandise or raw materials there shall be provided and maintained on the lot loading and unloading spaces in accordance with the Loading Space Requirement Table hereof:

4.11.2 LOADING SPACE REQUIREMENT TABLE

Gross Floor Area	Number of Loading Spaces
Up to and including 2,300 square metres	One loading space
Over 2,300 square metres to and including 7,400 square metres	Two loading spaces
Over 7,400 square metres to and including 14,000 square metres	Three loading spaces
Over 14,000 square metres to and including 22,500 square metres	Four loading spaces

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Over 22,500 square metres to and including 30,000 square metres	Five loading spaces
Over 30,000 square metres, for each additional 9,000 square metres	One loading space

4.11.3 DIMENSIONS

Each loading space shall not be less than 12 metres long and 4 metres wide and have a vertical clearance of not less than 5 metres.

4.11.4 LOCATION

The loading space or spaces required shall be located in the interior side or rear yard unless such space or spaces are set back from the street line a minimum distance of 20 metres.

4.11.5 LIGHTING

Where the loading area is adjacent to a Residential Zone, any lighting facilities shall be so arranged as to deflect the light away from the Residential Zone.

4.11.6 SCREENING

Where the loading area is adjacent to a Residential Zone, a barrier at least 2.0 metres in height shall be erected on the lot line where it abuts the Residential Zone. Such barrier shall be constructed of material and in a manner to affect complete visual screening of the loading area.

4.11.7 ACCESS

Access to loading or unloading spaces shall be by means of a driveway at least 9 metres wide contained on the lot in which the spaces are located and leading to a street or lane located within the Zone in which the use is located.

4.11.8 LOADING SPACE SURFACE

The driveways and loading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete, or Portland cement binder and with provisions for drainage facilities.

4.11.9 ADDITIONS TO BUILDINGS

The loading 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 4.11.2 hereof for such addition.

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4.12 LOTS (EXISTING) HAVING LESS AREA AND/OR FRONTAGE

Where a lot having a lesser lot area and/or lot frontage than required herein is held under distinct and separate ownership from abutting lots as shown by a conveyance of title properly executed, prior to 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 lot, provided that all other applicable Zone requirements of this By-law are complied with.

4.13 MULTIPLE USES ON ONE LOT

Where a lot is used for more than one use and the lot lies within more than one Zone, all the provisions for each Zone shall be complied with.

4.14 NOXIOUS USES

Except as may otherwise be specifically permitted under this By-law, no use shall be permitted which, from its nature or the materials used therein, is declared by the Local Board of Health or Council of the Corporation to be a noxious trade, business or manufacture under the Health Protection and Promotion Act, as amended, and the Regulations promulgated thereunder, and without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offensive, or both:

- 4.14.1 By the creation of noise or vibration; or
- 4.14.2 By reason of the emission of gas, fumes, smoke, dust or objectionable odour, except in the case of agricultural uses operating in compliance with the Agricultural Code of Practice; or
- 4.14.3 By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, automobiles, trailers, or parts of vehicles or trailers, machinery or other such material.

4.15 PARKING AREA REGULATIONS

4.15.1 PARKING AREA REQUIREMENTS

Parking spaces and areas are required under this By-law, in accordance with the Parking Space Requirement Table, and the owner of every building or structure erected or used for any of the purposes 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 the required parking spaces and areas.

4.15.2 PARKING SPACE REQUIREMENT TABLE

TYPE OR NATURE OR USE	MINIMUM OFF-STREET PARKING REQUIREMENTS
Assembly Hall, Place of Entertainment, Place of Worship, Arena, Community Centre and other similar places of assembly	The greater of: (a) 1.0 parking space per 6 fixed seats or fraction. (b) 1.0 parking space per 9 sq. metres of gross floor area.

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	(c) 1.0 parking space for each 4 persons that can be accommodated at any one time.
Boarding, Lodging House	1.0 Parking space per dwelling unit plus 1.0 parking spaces per guest room.
Bowling Alley	3.0 Parking spaces for each alley.
Business or Professional Office Retail Commercial establishment Personal Service establishment	1.0 Parking space per 28 square metres of gross floor area.
Hospital, Home for Aged and Nursing Home	1.0 Parking space for each four beds.
Eating Establishments*	1.0 Parking space per 9 square metres of gross floor area.
Home Occupation	1.0 Parking space for every 37 square metres of floor area devoted to the use.
Liquor Licensed Premises	1.0 Parking space for each 4 persons that may be legally accommodated at one time.
Manufacturing or Processing Plant	1.0 Parking space per 36 square metres of manufacturing.
Medical or Dental Clinic	4.0 Parking spaces per doctor.
Motel*, Tourist Establishment*	1.2 Parking spaces per guest room, cottage or cabin.
Post Office, Public Library, Museum	1.0 Parking space per 36 square metres of gross floor space.
Residential, other than listed herein	2.0 Parking spaces per dwelling unit.
School	1.5 Parking spaces per classroom.
Trailer Camp or Park	1.0 Parking space for each Tent or Trailer Space.
Uses permitted by this By-law other than those listed in this table	1.0 Parking space per 36 square metres of gross floor area.
Workshop	1.0 Parking space per 36 square metres of gross floor area.

* In addition to the minimum off-street parking requirements for the use permitted, if a Liquor Licensed Premise is contained within a portion thereof, then additional parking spaces shall be provided in accordance with the minimum off-street parking requirements for Liquor Licensed Premises.

4.15.3 PARKING AREA SURFACE

Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile) cinders, asphalt, concrete, Portland cement binder or like material and with provisions for drainage facilities.

4.15.4 INGRESS AND EGRESS

4.15.4.1 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 metres but not more than 9 metres in perpendicular width.

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- 4.15.4.2 The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9 metres.
- 4.15.4.3 The minimum distance between any two driveways on one lot or between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 metres.
- 4.15.4.4 The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- 4.15.4.5 Every lot shall be limited to the following number of driveways:
- (a) Up to the first 30 metres of frontage – not more than 2 driveways with a combined width not exceeding 30% of the lot frontage; and
 - (b) For each additional 30 metres of frontage – not more than 1 additional driveway.

(2012-74)

4.15.4.6 PARKING SPACE REQUIREMENT TABLE

Notwithstanding 4.15.4.5, in the R1 through to R4 Zones, inclusive, the portions of a driveway or parking area in a front yard, exterior side yard, or extension of an exterior side yard into a rear yard may be up to 6.0 m. in width. Where such lot has a lot frontage greater than 12.0 m., driveways or parking areas in a front yard, exterior side yard, or extension of an exterior side yard into a rear yard may cover up to 50% of the yard, subject to a maximum width of 9.0 m at the street line. The portion of those yards not covered by driveways or parking areas must be maintained as landscaped open space.

4.15.5 MORE THAN ONE USE ON A LOT

When a building or structure accommodates more than one type of use, the parking space requirement for the whole building shall be the sum of the requirement for the separate parts of the building occupied by the separate types of use.

4.15.6 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 required setback as set out in the Parking Area Location Table. Further, in all Zones, except Residential, no driveway or parking area is permitted with 7.5 metres of the boundary of a Residential Zone.

4.15.7 PARKING AREA LOCATION TABLE

ZONE	YARD IN WHICH REQUIRED PARKING AREA PERMITTED
Community Facility, Commercial, Agricultural and Rural Zones	All yards provided that no part of any parking area, other than a driveway, is located closer than 1 metre to any street line.
Residential Zones	Interior side and rear yard and one space may be provided in the driveway, provided that no

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	part of any parking area, other than a driveway, is located closer than 1 metre to any street line and provided further that a parking area, other than a driveway, for a Residential use, containing three or more dwelling units is located in no other yard than the rear yard.
	YARD IN WHICH REQUIRED PARKING AREA PERMITTED
Industrial Zones	Interior side and rear yards only, except for visitor parking provided that no part of any parking area, other than a driveway is located closer than 1 metre to any street line.

4.15.8 EXISTING – ADDITIONS TO BUILDINGS

The parking 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 parking space for the addition shall be provided as required by the Parking Space Requirement Table.

4.15.9 USE OF PARKING SPACES AND AREAS

Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only, and for vehicles used in operations incidental to the permitted uses in respect of which such parking spaces and areas are required or permitted; provided, however, no person shall use any lot, in any Residential Zone, for the parking or storage of more than one of any commercial motor vehicle in excess of 500 kilograms capacity, EXCEPT that one commercial motor vehicle, not exceeding 1,000 kilograms capacity, may be stored in a private garage.

4.15.10 ABANDONED EQUIPMENT

Unused and discarded motor vehicles, farm implements and similar abandoned equipment shall not be located or stored in any Zone in a location where they will be visible from a street or road or from adjacent lots.

4.15.11 PARKING SPACE LOCATED ON OTHER LOT

Where the owner of a building or structure proposes to provide the required parking spaces and areas in a location other than the same lot as the use which requires such spaces and areas, said spaces and areas shall be located within the same Zone as the said lot.

4.15.12 PARKING AREA DESIGN REQUIREMENTS

The following parking area design requirements shall apply to all required parking areas in all zones, except for single family, semi-detached, duplex, triplex, fourplex, converted and row dwelling houses, namely:

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- 4.15.12.1 The minimum width of parking space shall be 3 metres and the minimum length shall be 6 metres;
- 4.15.12.2 That where a parking space has a parking angle of 30 degrees or less, such parking space shall be at least 7 metres in length where the aisle width is at least 4 metres.
- 4.15.12.3 That where the parking angle is less than 50 degrees, the minimum aisle width shall be at least 4 metres.
- 4.15.12.4 That where the parking angle is equal to or greater than 50 degrees, but less than 70 degrees, the minimum aisle width shall be at least 5.5 metres; and
- 4.15.12.5 That where the parking angle is equal to or greater than 70 degrees but less than or equal to 90 degrees, the minimum aisle width shall be at least 7.0 metres.

4.16 PLANTING STRIPS AND SCREENS

4.16.1 LOCATION

Where the interior side or rear lot line in a Commercial or Industrial Zone abuts a Residential zone, a planting strip or screening adjoining such abutting lot line or portion thereof shall be provided on the Commercial or Industrial lot.

4.16.2 PREREQUISITE

Where a planting strip is required on a lot, such lot shall be used for no other purpose than that which existed at the date of passing of this By-law, unless and until the required planting strip is planted.

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The planting strip shall consist of a continuous unpierced hedgerow of trees, evergreens or shrubs, not less than 2 metres high and 3 metres wide immediately adjoining the lot line or portion thereof along which such planting strip is required. A screen may include a fence or berm which provides a visual screen having a minimum height of 1.6 metres. Where an earth berm is to be constructed, it shall have slopes no greater than 3:1 horizontal to vertical ratio.

4.16.4 MAINTENANCE

Where a planting strip is required it shall be planted, nurtured and maintained by the owner or owners of the lot on which the strip is located.

4.16.5 LANDSCAPED OPEN SPACE

A planting strip referred to in this subsection may form a part of any landscaped open space required by this By-law.

4.16.6 PLANTING STRIPS OR SCREENING FOR RESORT COMMERCIAL

Where a planting strip or screening is required in a Resort Commercial Zone, the

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minimum width of such planting strip shall be 30 metres and the minimum height of screening shall be 2 metres.

4.16.7 INTERRUPTION FOR DRIVEWAYS OR PEDESTRIAN WALKS

In all cases where ingress and egress driveways or walks extend through a planting strip or screen it shall be permissible to interrupt the strip or screen within 3.0 metres (9.84 ft.) of the edge of such driveway or within 1.5 metres (4.92 ft.) of the edge of such walk.

4.17 PUBLIC USES (Replaced in its complete entirety by By-law 2019-63)

Notwithstanding any other provisions of this By-law, the City, any public authority, or any Department or Ministry of the Government of Canada or Ontario, and for the purposes of this Section shall include any school board, Hydro One Networks Inc., Ontario Power Generation, Veridian Connections Corp., any telecommunications company, and any natural gas distribution company, may for the purposes of the public service, use any land or erect or use any building in any zone subject to the following provisions:

4.17.1 Such public use shall comply with all applicable zone regulations, parking and loading requirements of the zone in which it is located.

4.17.2 Such use, building or structure shall be buffered from an adjacent residential use by 1.5 metres of landscaped area.

4.17.3 Notwithstanding any provision of this By-Law to the contrary, buildings and structures which are used for the storage of road maintenance materials within a public works yard owned by a public authority shall be exempt from the height requirements of this By-Law.

4.17.4 Outdoor storage of goods, materials or equipment is not permitted unless such outdoor storage is specifically permitted in the zone in which the public use is located and is not permitted in any required yard abutting a residential zone.

4.17.5 Any above-ground, utility or public use which is located in a residential zone, shall be located and maintained in general harmony with the residential buildings permitted in such zone.

4.17.6 Electricity generation facilities and transmission and distribution systems are permitted in all zones subject to any regulatory requirements for the utility involved.

4.17.7 Secondary uses, such as active and passive recreation, agriculture, community gardens, other utilities and uses such as parking lots and outdoor storage that are accessory land uses, are permitted on hydro corridor lands, where compatible with surrounding land uses. However, a proponent should be aware of the primacy of the electricity transmission and distribution facilities and that secondary uses require technical approval from the electricity transmission and distribution utility company.

4.18 SPECIAL PROVISIONS – AREAS REGULATED BY CONSERVATION AUTHORITY

Notwithstanding any other provisions set forth in this By-law to the contrary, where lands are located within a "Hazard" Zone or other hazardous or environmentally significant area regulated by the Conservation Authority, no persons shall undertake the placing or removal

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of fill or alter the existing drainage pattern; except in conformity with the regulations of the Conservation Authority having jurisdiction.

4.18.2 SPECIAL PROVISIONS – GROUP HOMES

Notwithstanding any other provision of this By-law to the contrary, where a group home is a permitted use within a Zone as set forth under this By-law, no group home shall be located within 800 metres of another group home facility without a site specific amendment to this By-law. Group homes for the ages, the mentally and physically disabled, children, socially disadvantaged persons and recovering psychiatric patients are to be permitted where a group home is a permitted use, however, the establishment of any other type of group home shall be by amendment to this By-law.

4.18.3 SEPARATION REQUIREMENTS – AGRICULTURAL CODE OF PRACTICE

Notwithstanding any other provision of this By-law to the contrary, no dwelling house or dwelling unit shall be erected, after the date of passing of this By-law, closer to any farm building or structure, on adjacent lands held under distinct and separate ownership, than the minimum requirements set forth under the Agricultural Code of Practice.

4.18.4 SPECIAL USES PERMITTED – Amended by (By-law 2016-86) to delete in its entirety and replace with the following:

(2016-86)

4.18.4 SPECIAL USES PERMITTED

4.18.4.1 Notwithstanding any other provision of this By-law, uses such as a storage trailer, freight container, construction camp or other temporary work camp, a tool shed, scaffold, or other building or structure as well as the parking or storage of any construction equipment or construction vehicle(s) incidental to a Municipally, Provincially or Federally funded construction project or construction on private property shall be permitted provided that:

- i) Such uses, buildings or structures shall only be permitted for as long as the same are necessary for work in progress that has neither been finished nor discontinued for a period of 60 days; and
- ii) A valid building permit or site alteration permit for the construction remains in place, if such a permit was required; and
- iii) Such uses, buildings or structures are removed when the work in connection with which they were constructed is terminated.

4.18.4.2 Nothing in this By-law shall prevent the erection of model homes on lands that currently have draft plan of subdivision or condominium approval for residential purposes provided that:

- i) The total number of permits for single detached, semi-detached or duplex model home dwellings shall be limited to 8, including one street townhouse model home building containing a maximum of 8 dwelling units;
- ii) The type of model home dwelling shall comply with the provisions of the

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Zone in which it is located;

- iii) The dwelling shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the plan of subdivision, the substantial completion of services, and obtaining any required building permits, all to the satisfaction of the City;
- iv) The model home shall comply with all other provisions of this By-law, as though the dwellings and/or units were constructed on the lot within the registered plan of subdivisions; and
- v) The model home shall comply with all applicable terms and conditions of the said subdivision or condominium agreement.

4.19 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.

4.20 TRAILERS, CAMPER TRAILERS AND TENTS

4.20.1 PARKING AND STORAGE

The parking and storage of trailers, motorized mobile homes, truck campers and camper trailers shall be prohibited in all Zones, EXCEPT where such vehicle is parked or stored on the owner's lot or in such areas established by the Corporation's Trailer By-law.

4.20.2 HUMAN OCCUPATION

The use of tents and trailers for human habitation, or for business or other purposes, is prohibited, provided, however, this provision shall not prevent the use of tents for children's play or for picnics, or the use of trailers, camper trailers or tents for the occasional accommodation of guests in any Zone.

4.21 TRUCK, BUS AND COACH BODIES

No truck, bus, coach or streetcar body, or structure of any kind, other than a dwelling unit erected and used in accordance with this By-law, the Building Code Act, as amended, and the Regulations passed thereunder; and, all other By-laws of the Corporation, shall be used for human habitation or storage of goods and materials within any area affected by this By-law whether or not the same is mounted on wheels.

(2002-63)

4.21.1 TRUCK TRAILER BOX

A truck trailer box shall not be permitted within the following Zones:
R1, R2, R3, R4, RR, SR, ER, and MHR

Furthermore, in addition to the provisions of Section 4.1, a truck trailer box shall be a permitted accessory structure for storage purposes within the following zones: C1, C2, C3, C4, M1, M2, M3, CF, PA, and RU Zones provided where the Zone abuts a residential zone or residential use, the setback shall be a minimum of 15 m from the

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lot line.

4.22 WAYSIDE PITS AND QUARRIES

Subject to the provisions of the Pits and Quarries Control Act, R.S.O. 1980, the making or establishing of wayside pits and quarries as defined in the Pits and Quarries Control Act, R.S.O. 1980 is permitted in the Agricultural, Rural and Extractive Industrial Zones and is prohibited in all other Zones.

4.23 ZONES

4.23.1 AMENDMENT OF DEVELOPMENT (D) ZONES

Lands zoned “D” herein shall not be developed until an amending By-law placing the lands in the appropriate land use designation has been adopted by Council and only when Council is satisfied that the criteria here have been met to the satisfaction of Council.

4.23.2 The criteria to be satisfied prior to the adoption of an amending By-law by Council rezoning lands in the “D” Zone shall include the following:

4.23.2.1 LANDS ZONED DEVELOPMENT RESIDENTIAL “DR”

The provision by the owner of the land of municipal sanitary sewers, and piped water systems, storm drainage and streets as well as the electrical services or an agreement with Council to provide such services.

4.23.2.2 LANDS ZONED DEVELOPMENT COMMERCIAL (DC) AND DEVELOPMENT INDUSTRIAL (DM)

The provision by the land owner of municipal roads and electrical services or an agreement with the Council to provide such services except where the lands are to be zoned to land use category herein where the provision of the services is necessary then the provisions of 4.23.2.1 shall apply.

4.24 SECOND UNIT DWELLINGS (Accessory Apartments)

Notwithstanding any other provisions of this By-law to the contrary, a maximum of one Second Unit Dwelling shall be permitted in any single-detached, semi-detached or town house dwelling, provided that:

- i. The second unit dwelling use is entirely within the same building as the main use on the same lot;
- ii. The use is accessory to the main use on the same lot;
- iii. The maximum floor area used for an accessory dwelling on a lot is 100 m² and shall not exceed 45% of the total floor area of the building (including basement or cellar);
- iv. Subsection iii) does not apply where the second unit dwelling is located entirely within the basement save and except for its entrance located on the ground floor;

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- v. A maximum of 2 bedrooms are permitted in each second unit dwelling;
- vi. A second unit dwelling is not permitted on a property where there is a converted dwelling house, duplex dwelling house, triplex dwelling house, seasonal dwelling house, apartment dwelling house, boarding or lodging house, fourplex dwelling house, semi-detached duplex dwelling house, mobile home dwelling, or coach house dwelling also situated;
- vii. A minimum of 1 parking space is provided for the second unit dwelling, in addition to parking required for the single detached dwelling, semi-detached dwelling or town house dwelling;
- viii. The lot has frontage on an open public maintained road; and
- ix. Any lot with a second unit dwelling shall provide and maintain a minimum of 40% of the front yard as landscaped open space.
- x. The creation of a second unit dwelling must not result in any new doorway entrance added to the front wall, whether before, during, or after the creation of the second unit dwelling
- xi. Subsection x) does not:
 - a) Prohibit an internal lobby or vestibule with a common doorway entrance in the front wall; nor
 - b) Prohibit the creation of a secondary dwelling unit within a dwelling unit that already contains more than one doorway entrance in the front wall; nor
 - c) Require the removal of a doorway entrance to a house that already contains more than one doorway entrance in the front wall; nor
 - d) Prohibit the addition of one doorway entrance along the front wall of a dwelling unit on a corner lot where there is no doorway entrance along that front wall, but where there is one along the corner side wall of the dwelling unit.

4.25 COACH HOUSES

Notwithstanding any other provisions of this By-law to the contrary a maximum of one coach house dwelling is permitted on a residential lot containing a single-detached, semi-detached, or town house dwelling, provided that:

- i. The maximum floor area used for a coach house dwelling on a lot is 100 m² and shall not exceed 40% of the total floor area of the main building (including basement or cellar);
- ii. A maximum of 2 bedrooms are permitted in a coach house dwelling;
- iii. A coach house dwelling is not permitted on a property where there is a converted dwelling house, duplex dwelling house, triplex dwelling house, seasonal dwelling house, apartment dwelling house, boarding or lodging house, fourplex dwelling house, semi-detached duplex dwelling house, mobile home dwelling, or a second unit dwelling also situated;

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- iv. A minimum of 1 parking space is provided for the coach house dwelling, in addition to parking required for the single detached dwelling, semi-detached dwelling or town house dwelling;
- v. Any lot with a coach house dwelling shall provide and maintain a minimum of 40% of the front yard as landscaped open space;
- vi. The maximum lot coverage of the coach house dwelling shall not exceed 40% of the yard in which it is located;
- vii. The coach house dwelling is prohibited from future severance;
- viii. The minimum distance from side and rear lot lines shall be the greater of either 1.2 metres or the minimum distance from side and rear lot lines as established within the underlying zone;
- ix. A minimum 1.2 metre-wide access from the coach house dwelling to a public street is provided;
- x. Other provisions for accessory buildings or structures as established within the underlying zone apply; and
- xi. The lot has frontage on an open public maintained road.