



not apply to a lot located on a plan of subdivision registered subsequent to the date of the passing of this By-Law.

### **(3) BUILDING ADDITIONS**

Where the erection of one or more additional storeys is proposed on a building and where the existing yards appurtenant to such building would not conform to the requirements of this By-Law subsequent to such erection, no such erection shall be permitted except where:

- (a) the addition is located so as to comply with the yard requirements of this By-Law at the level of the base of such addition; and
- (b) the addition complies in all other respects with the provisions of this By-Law.

### **(4) BUILDING MATERIALS PROHIBITED**

None of the following building materials shall be used for the exterior vertical facing on any wall of any building or structure within the zoned area:

- (a) building paper; tar paper; unfinished or untreated chipboard; poplar plywood; and
- (b) except in the base of a non-residential building or structure in an Agricultural or Industrial Zone, plain corrugated iron and unfinished galvanized sheet metal.

### **(5) DWELLING UNITS**

#### **(a) LOCATION WITHIN NON-RESIDENTIAL BUILDINGS**

Where a dwelling unit is located within or attached to a non-residential building, such building and dwelling unit shall comply with the yard requirements of this By-Law which apply to the said non-residential building provided that any wall containing a window of a habitable room shall be located not less than two metres from any side lot line.

#### **(b) LOCATION ABOVE PRIVATE GARAGE OR WITH AUTOMOTIVE USE**

No dwelling unit shall be located in its entirety above a private garage, except where such private garage is located within a basement or cellar of a dwelling, or within the same building as an automotive use.

#### **(c) LOCATION WITHIN BASEMENT OR CELLAR**

- (i) No dwelling unit shall be located in its entirety within a basement.
- (ii) No part of any dwelling unit shall be located within a basement of a non-residential building.
- (iii) No habitable room shall be located within a cellar.

(d) **RAILWAY BUFFER**

Where a dwelling is located on a lot adjacent to a railway right-of-way, such dwelling shall be located not closer than 30 metres to the said right-of-way and shall be separated therefrom by a planting strip.

(e) **DWELLING UNIT AREA (MINIMAL)**

- (i) A dwelling unit constituting a single dwelling - 90 square metres.
- (ii) Any other dwelling unit - 40 square metres for a bachelor dwelling unit plus an additional 10 square metres for each bedroom.

(f) **DWELLING UNITS PER LOT (MAXIMUM)**

One only, except:

- (i) in the case of a lot which contained more than one dwelling unit on the date of passing of this By-Law, in which case the maximum number of dwelling units permitted on such lot shall be the number of existing dwelling units on the said lot; and
- (ii) in a zone where more than one dwelling unit is specifically permitted hereby.

**(6) GRADING**

(a) **EXCAVATIONS**

No person shall make any excavations or remove any topsoil, earth, sand or gravel from any lot, in conjunction with any construction work, unless the written permission of the Building Inspector or a building permit with respect to such construction work has first been obtained, and except in accordance with any requirements of the Corporation with respect to retention of topsoil, grading and finished elevations.

(b) **DUMPING**

Unless such activity is accessory to a permitted use, no person shall dump or otherwise deposit or store any topsoil, earth, sand, gravel or fill on any lot unless written permission has first been obtained from the Building Inspector. This provision does not apply to any dumping which is accessory to a permitted use.

(c) **EXEMPTION FOR AGRICULTURAL USES**

Nothing in this Subsection shall apply to restrict any activity normally associated with a permitted agricultural use, except in the case of construction work for which a building permit is required in accordance with the Ontario Building Code.

## **(7) GROUP HOMES**

Notwithstanding any other provisions of this By-Law to the contrary, a Group Home may be permitted in any single dwelling unit provided there is no Group Home or similar facility within ten kilometres of the proposed facility and the dwelling unit must have 20 square metres per person residing within the unit. Group Homes must be registered with the municipality as per Section 236 of The Municipal Act, R.S.O. 1980, Chapter 302.

## **(8) HEIGHT RESTRICTIONS**

Unless otherwise specifically provided elsewhere herein, no building or structure anywhere within the zoned area shall exceed ten metres in height, except that neither this provision nor any other provision of this By-Law shall apply to restrict the height of any of the following structures:

- (a) an antenna;
- (b) a barn;
- (c) grain elevators and storage;
- (d) grain dryers;
- (e) belfry;
- (f) a chimney;
- (g) a church spire;
- (h) a clock tower;
- (i) an elevator or stairway penthouse;
- (j) a flag pole;
- (k) a hydro-electric transmission tower;
- (l) an ornamental structure;
- (m) a radio antenna;
- (n) a silo;
- (o) a steeple;
- (p) a structure containing heating, cooling or other mechanized equipment pertaining to a building;
- (q) a tower;
- (r) a water tower;
- (s) a windmill; or
- (t) a crushing, washing, screening, processing or asphalt plant.

## **(9) HOME OCCUPATIONS**

No home occupation shall be permitted anywhere within the zoned area except in accordance with the following provisions:

- (a) A home occupation shall be accessory to a single dwelling occupied by the owner or tenant thereof as his principal residence and located within a zone in which a home occupation is specifically listed as a permitted use.
- (b) At no time shall any home occupation employ more than one person who does not reside in the dwelling to which such home occupation is accessory.

- (c) Not more than 25 per cent of the total dwelling unit area of any dwelling unit shall be used primarily for a home occupation and any area so used shall be over and above the minimum dwelling unit area required hereby for such dwelling unit.
- (d) A home occupation may occur within an accessory structure in the Agricultural (A) Zone.
- (e) The home occupation shall be clearly incidental and secondary to the main residential use to which it is accessory and shall not change the residential character of the dwelling.
- (f) No home occupation shall create or become a public nuisance, particularly with regard to noise, traffic, emissions, parking or radio or television interference, nor shall any open storage be permitted in conjunction with a home occupation except in accordance with the provisions of Subsection 3 (15) hereof.
- (g) None of the following uses shall be considered home occupations except where such uses are specifically permitted herein:
  - (i) an automotive use;
  - (ii) a hospital;
  - (iii) a veterinarian's clinic;
  - (iv) a restaurant;
  - (v) a refreshment room;
  - (vi) a truck terminal;
  - (vii) a salvage yard;
  - (viii) a variety store;
  - (ix) an undertaker's establishment;

but may include a service trade as defined by this By-Law so long as it remains compatible with the surrounding areas.

## **(10) LANDSCAPING**

### **(a) LANDSCAPED OPEN SPACE**

Landscaped open space shall be provided in accordance with the zone provisions set out herein for each zone and the following general provisions:

- (i) Any part of a lot which is not occupied by buildings, structures, parking areas, loading spaces, driveways, excavations or permitted outdoor storage areas shall be maintained as landscaped open space, except that this provision shall not apply to any agricultural use.
- (ii) Except as otherwise specifically provided herein, no part of any required front yard or required exterior side yard shall be used for any purpose other than landscaped open space.

- (ii) Where landscaped open space of any kind, including a planting strip, is required adjacent to any lot line or elsewhere on a lot, nothing in this By-Law shall apply to prevent such landscaped open space from being traversed by pedestrian walkways or permitted driveways, provided that the minimum angle of intersection between a driveway and a required planting strip shall be 60 degrees.
- (iv) No part of any driveway, parking area, loading space, stoop, roof-top, balcony, swimming pool or space enclosed within a building.

**(b) PLANTING STRIPS**

- (i) Where the lot line of a lot containing a nonresidential use and located in a Commercial or Industrial Zone abuts a lot in a Residential Zone, or abuts a street on the opposite side of which is located a lot in a Residential Zone, then that part of the lot containing such nonresidential use directly adjoining the said lot line shall be used for no purpose other than a planting strip having a minimum width of three metres, measured perpendicularly to the said lot line.
- (ii) Where a fence, a wall, a row of trees or a hedgerow is provided as part of a planting strip required by this By-Law, such fence, wall, row of trees or hedgerow shall be designated to have an ultimate height of not less than 1.5 metres above the elevation of the ground at the nearest lot line, except that within a sight triangle the maximum height of any such landscaping materials shall be 0.6 metres.
- (iii) Where a planting strip required hereby is traversed by a pedestrian walkway or by a driveway, in accordance with Paragraph (iii) of Clause (a) of this Subsection, such planting strip shall not be required to extend closer than one metre to the edge of such walkway or three metres closer to the edge of such driveway, provided that any intervening space between the said planting strip and the said walkway or driveway is maintained as landscaped open space.

**(11) LIGHTING**

Lighting fixtures designed to provide exterior illumination on any lot shall be installed with the light directed or deflected away from adjacent lots and streets and in such a manner as to not confuse persons driving vehicles on such streets.

**(12) LOADING AND UNLOADING SPACE REGULATIONS**

**(a) LOADING SPACES REQUIRED**

The owner or occupant of any lot, building or structure used or erected for any purpose involving the receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials, other than an agricultural use, shall provide and maintain, on the same lot, facilities comprising one or more loading spaces in accordance with the provision of this Subsection.

**(b) LOADING SPACE REQUIREMENTS (MINIMA)**

The number of loading spaces required on a lot shall be based on the total net floor area of all the uses on the said lot for which loading spaces are required by Clause (a) of this Subsection, in accordance with the following:

- (i) Less than 250 square metres of total net floor area - 0 loading spaces.
- (ii) Over 250 square metres up to and including 500 square metres of net floor area - 1 loading space.
- (iii) Over 500 square metres up to and including 2,500 square metres of net floor area - 2 loading spaces.
- (iv) Over 2,500 square metres up to and including 7,500 square metres of net floor area - 3 loading spaces.
- (v) Over 7,500 square metres of net floor area - 3 loading spaces plus one additional loading space for each 10,000 square metres or part thereof of total net floor area in excess of 7,500 square metres.

**(c) DIMENSIONS OF LOADING SPACES**

A loading space required hereby shall have minimum dimensions of 3.5 metres by 10 metres and a minimum vertical clearance of 4.0 metres.

**(d) LOCATION OF LOADING SPACES**

Required loading spaces shall be provided on the same lot occupied by the building or structure for which the said loading spaces are required, and shall not form a part of any street or lane.

**(e) YARDS WHERE PERMITTED**

Loading spaces shall be permitted in any yard, except that:

- i) no part of any loading space shall be located closer than 3.0 metres to any lot line; and
- (ii) in the case of a through lot, no loading spaces shall be permitted in any part of the front yard.

(f) **ACCESS TO LOADING SPACES**

Access to loading spaces shall be provided by means of one or more unobstructed driveways which:

- (i) have a minimum unobstructed width of at least 3.5 metres, regardless of the direction of traffic flow thereupon, and provide sufficient space to permit the manoeuvring of vehicles on the lot so as not to obstruct or otherwise cause a hazard on adjacent streets;
- (ii) are contained within the lot on which such loading spaces are located and lead either to an improved street or to a lane; and
- (iii) comply in all other respects with the requirements for driveways providing access to parking areas and spaces set out in Clause (16) (i) of this Section.

(g) **SURFACE AND DRAINAGE OF LOADING SPACES AND DRIVEWAYS**

- (i) All loading spaces and driveways providing access thereto shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles, and including, but not so as to limit the generality of the foregoing, the following surfacing materials:
  - 1. crushed stone or gravel; and
  - 2. any asphalt, concrete or other hard surfaced material.
- (ii) All loading spaces and driveways providing access thereto shall be drained so as to prevent the pooling of surface water on them or the flow of surface water onto adjacent lots.

(h) **ADDITION TO EXISTING USE**

When a building or structure has insufficient loading spaces on the date of passing of this By-Law to comply with the requirements herein, this By-Law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition, provided, however, that any additional loading spaces required by this By-Law for such addition are provided in accordance with all provisions hereof respecting loading spaces.

(i) **EXEMPTION FOR CI ZONES**

Notwithstanding any other provision hereof to the contrary, no loading spaces shall be required for any building, structure or use located within a CI Zone.

### **(13) LOTS WITH MORE THAN ONE USE OR ZONE**

#### **(a) MORE THAN ONE USE**

- (i) Where a lot contains more than one permitted use defined separately herein, other than an accessory use, each such use shall conform to the provisions of this By-Law which are applicable to such use in the Zone in which the said lot is located as if such use existed independently of any other use.
- (ii) Where standards or provisions pertaining to two or more uses on one lot are in conflict the highest or more restrictive standards or provisions shall prevail.

#### **(b) MORE THAN ONE ZONE**

- (i) Except as otherwise provided in Paragraph (ii) of this Clause, where a lot is divided into two or more zones, each such portion of the said lot shall be considered a separate lot as defined herein and shall be used in accordance with the provisions of this By-Law which are applicable to the zone wherein such portion of the said lot is located.
- (ii) Notwithstanding anything to the contrary in Paragraph (i) of this Clause, where the use or uses of a lot divided into two or more zones are permitted in all such zones, the said lot shall be considered to be a single lot as defined herein. The restrictive zone requirements pertaining to such uses or uses in all the said zones shall apply to only the said portion of the lot found in that zone.

### **(14) NON-CONFORMING USES AND LOTS**

#### **(a) REBUILDING OR REPAIR PERMITTED**

Nothing in this By-Law shall prevent the rebuilding or repair of an existing or permitted building or structure, even though such building or structure or the lot on which such building or structure is located does not conform to one or more of the provisions of this By-Law, provided that the dimensions of the original building or structure are not increased, the use thereof is not altered and not increased, and the use thereof is not reduced except in accordance with the provisions of this By-Law.

#### **(b) EXTENSIONS PERMITTED AND EXISTING YARDS RECOGNIZED**

Nothing in this By-Law shall prevent a vertical or horizontal extension or addition from being made to an existing or permitted building or structure on a lot, even though such building, structure or lot or use thereof does not conform to one or more of the provisions of this By-Law provided such extension or addition itself is designed, located, used and otherwise in compliance with the provisions of this By-Law, except that all yards appurtenant to an existing building or structure shall be deemed to conform to the yard and setback requirements of this By-

Law, notwithstanding that the width or depth of such yards might be less than that required elsewhere herein.

**(c) LOT AREA OR LOT FRONTAGE LESS THAN REQUIRED**

Where a lot having a lesser lot area or lot frontage than that required hereby:

- (i) is or has been held under distinct and separate ownership from abutting lots or was legally created prior to the passing of this By-Law; is created as a result of an expropriation; or
- (ii) is created as a result of an expropriation; or
- (iii) is created as a result of a natural severance such as the presence of a public road, a navigable waterway or a railway;

then the said lot shall be deemed to conform to the requirements of this By-Law with respect to the lot area or lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent a permitted use, building or structure thereupon, in accordance with all other provisions hereof.

**(15) OPEN STORAGE**

**(a) OPEN STORAGE REGULATIONS**

Except as otherwise provided in Clause (b) of this Subsection, no open storage shall be permitted in any zone, except in accordance with the following provisions:

- (i) Open storage shall be accessory to a permitted or existing non-residential use or home occupation carried on in an enclosed building or portion thereof on the same lot.
- (ii) No open storage area shall be permitted in any required front yard or exterior side yard, except in the case of an agricultural use or the outside display and sale of goods and materials in conjunction with a permitted commercial use.
- (iii) No open storage shall be located closer than two metres to any lot line; however, firewood may be stored closer than two metres to a lot line so long as it does not exceed 1.5 metres in height.
- (iv) No open storage area shall be visible from any street or from any adjacent lot, where such adjacent lot is located in a zone other than a Commercial Zone or an Industrial Zone, and to this end any open storage area shall be screened, wherever necessary in order to comply with this provision, by a planting strip containing an opaque fence, wall or other opaque barrier not less than 1.5 metres in height, except that this provision shall not apply to any open storage area accessory to an

agricultural use or to the outside display and sale of goods and materials in conjunction with a permitted commercial use.

- (v) Any open storage accessory to a home occupation shall be fully enclosed by an opaque wall, fence or other barrier not less than 2 metres in height so that no part of such open storage is visible from any adjacent lot or street, except that this provision shall not apply to any open storage located on a lot whereon the main use is an agricultural use.
- (vi) Any open storage area shall be maintained as landscaped open space or provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles and drained, except that this provision shall not apply to any open storage area located on a lot whereon the main use is an agricultural use.
- (vii) Notwithstanding Paragraph (vi) of this Clause, no open storage area shall be considered part of any landscaped open space required hereby.
- (viii) No parking spaces or loading spaces required by this By-Law shall be used for open storage purposes.

**(b) SPECIAL EXCEPTIONS**

Nothing in Clause (a) of this Subsection shall apply to prevent or otherwise restrict the use as an open storage area of any part of:

- (i) any part of the front yard on a lot containing an agricultural use, for a temporary roadside retail farm sales outlet; or
- (ii) a lot containing a single dwelling, for a special temporary sale, by auction or garage sale, of personal possessions belonging to the occupants thereof.

**(16) PARKING REGULATIONS**

**(a) PARKING SPACES REQUIRED**

Except as otherwise provided herein, the owner or occupant of any lot, building or structure used or erected for any of the purposes set forth in Clause (b) and Clause (c) of this Subsection, shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said lot, building or structure from time to time, one or more parking spaces in accordance with the provisions of this Subsection.

(b) **PARKING SPACE REQUIREMENTS FOR RESIDENTIAL USES (MINIMA)**

- (i) A single dwelling, an accessory dwelling unit, an existing dwelling - 1 parking space per dwelling unit
- (ii) A single dwelling, containing a home occupation - 3 parking spaces

(c) **PARKING SPACE REQUIREMENTS FOR NON-RESIDENTIAL USES (MINIMA)**

- (i) An auditorium or place of assembly, a private club - 1 parking space per 5 persons capacity
- (ii) Any automotive use square metres of gross floor area - 1 parking space per 20
- (iii) A business office, a professional office, a clinic - 1 parking space 40 square metres of net floor area
- (iv) A church - 1 parking space per 2 persons capacity
- (v) A day nursery - 1 parking space per 7 persons capacity
- (vi) A golf course - 50 parking spaces for every 9 holes
- (vii) A hospital - 1 parking space per 2 beds therein
- (viii) An industrial use, a service trade - 1 parking space per 100 square metres of net floor area
- (ix) A motel - 1 parking space per guest room plus 1 parking space per 20 square metres of net floor area of each refreshment room or dining room
- (x) Any open storage involving the display and sale of goods and materials, including vehicles - 1 parking space per 100 sq. metres of total area used for such open space

- (xi) A public school,  
a private school - the greater of either 1.5 parking spaces per 35 spaces capacity or 1 parking space per 5 persons capacity of any auditorium therein
- (xii) A retail store,  
a factory outlet,  
a variety store,  
a personal service shop  
a retail farm sales  
outlet - 1 parking space plus 1 additional parking space per 20 square metres of net floor area in excess of 200 square metres
- (xiii) A restaurant, - the greater of either 1 a refreshment room parking space per 4 persons capacity of any dining room or refreshment room or 1 parking space per 10 square metres of net floor area of each dining room
- (xiv) A retail lumber and  
building supply yard,  
a bulk sales outlet - 1 parking space per 100 square metres of net floor area and open storage area
- (xv) an undertaker's  
establishment - 1 parking space per 5 persons seating capacity
- (xvi) Any nonresidential use  
permitted by this By-law  
But not specifically  
but not specifically  
mentioned in this Clause - 1 parking space per 20 square metres of net floor area

(d) **CALCULATION OF PARKING REQUIREMENTS**

- (i) Where a part of a parking space is required in accordance with this By-Law for a use listed in Clause (b) or Clause (c) of this Subsection, such part shall be considered one parking space for the purpose of calculating the total parking requirements for the said use.
- (ii) Parking spaces required in accordance with this By-Law shall not include any parking spaces used or intended to be used primarily for the storage or parking of vehicles for hire or gain, display or sale.
- (iii) Where the number of parking spaces required in accordance with Clause (c) of this Subsection is based upon the capacity of a building or structure, such capacity shall be deemed to be the same as the maximum capacity for such building or structure permitted by The Ontario

Building Code, the Ontario Fire Code, or where applicable, The Liquor Licensing Board of Ontario, whichever capacity is the lesser.

**(e) DIMENSIONS OF PARKING SPACES**

A parking space required hereby shall have minimum rectangular dimensions of 3 m by 6 m, except that:

- (i) the minimum width of a parking space accessory to a single dwelling shall be 2.5 m; and
- (ii) where the principal access to a parking space is provided on the longest dimension of such parking space, the minimum dimensions of the said parking space shall be 2.5 m by 6.7 m.

**(f) LOCATION OF PARKING AREAS**

All required parking spaces shall be provided on the same lot occupied by the building, structure or use for which such parking spaces are required, and shall not form a part of any street or lane.

Within the community of Morriston, parking may be supplied on a separate property if it is within 150 m of the site within or adjacent to a CI Zone.

**(g) YARDS WHERE PERMITTED**

Except as otherwise provided herein, uncovered surface parking areas shall be permitted in any part of any yard, provided that any part of a parking area located within a required yard, other than a parking area accessory to a single dwelling, shall be separated from any lot lines adjacent to such required yard by a planting strip no less than one metre in width.

**(h) PARKING STRUCTURES**

Where a parking area located in a structure is accessory to a permitted use on a lot, then such structure shall conform to all the provisions for accessory uses set out in Subsection (1) of this Section.

**(i) ACCESS TO PARKING AREAS AND SPACES**

- (i) Access to parking areas shall be provided from an improved street by means of one or more un-obstructed driveways not exceeding 6 metres in width for a driveway accessory to a single dwelling and 10 metres in width for any other driveway, measured parallel to the said street, at any point on the lot closer to the said street than the street setback required therefrom, provided that no lot shall have more than two driveways for the first 30 metres of street line thereof plus one driveway for each additional 30 metres of street line.

- (ii) Driveways and parking aisles shall have a minimum unobstructed width of 6 metres where two-way traffic is permitted and 3 metres driveway where only one-way direction of traffic flow is permitted and is clearly indicated by signs, pavement markings or both, except that the minimum width required for any driveway accessory to a single dwelling shall be 2.5 metres.
- (iii) Each required parking space shall be readily accessible at all times for the parking or removal of a vehicle and vehicular access to any such parking space shall not be impeded by any obstruction except as provided in Paragraph (iv) of this Clause, except that this provision shall not apply to prevent the use as a parking space of any part of a driveway accessory to a single dwelling, provided that no parking space shall obstruct access to a parking area on any other lot.
- (iv) Nothing in this By-Law shall prevent the obstruction of a driveway by a gate, a temporary barrier or similar obstruction used solely to restrict access to the said driveway and designed to be easily raised, swung aside or otherwise opened or removed when necessary to permit passage of a vehicle.
- (v) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- (vi) Any driveways or parking aisles located within a required yard on a lot containing a mobile home park shall be separated from all interior lot lines of such lot by a planting strip not less than 1.5 metres in width.
- (vii) The minimum distance between a point of intersection being determined in the manner set out in Subsection 2 (168) hereof, and a driveway providing access to a lot from an improved street, measured along the street line intersected by such driveway, shall be 8 metres.
- (viii) Where a two-way driveway is divided into two one-way driveways by a curb, an area of landscaped open space or any other obstruction, such driveway shall, for the purposes of this Subsection, be considered a single driveway, albeit divided, provided that such driveway does not exceed 10 metres in total width, measured in accordance with Paragraph (i) of this Clause.
- (x) Nothing in this Subsection shall apply to prevent the use of right-of-way as a means of obtaining access to a parking area, provided the said right-of-way has been specifically established for such purpose, or to prevent the establishment of abutting driveways or parking aisles along a common lot line, provided the combined width of any abutting driveways do not exceed 10 metres, measured in accordance with Paragraph (i) of this Clause.

(j) **SURFACE AND DRAINAGE OF PARKING AREAS AND DRIVEWAYS**

(i) All parking areas and driveways shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles, and including, but not so as to limit the generality of the foregoing, the following surface materials:

1. crushed stone or gravel; and
2. any asphalt, concrete or other hard surfaced material.

(ii) All parking areas and driveways shall be drained so as to control the pooling of surface water and prevent the flow of surface water onto adjacent lots.

(k) **ADDITION TO EXISTING USE**

Where a building or structure has insufficient parking spaces on the date of passing of this By-Law to conform to the requirements herein, this By-Law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use provided, however, that any additional parking spaces required by this By-Law for such addition or change of use are provided in accordance with all provisions hereof respecting parking spaces and parking areas.

(l) **OTHER PARKING REGULATIONS**

(i) Nothing in this By-Law shall prevent the erection of a shelter for use solely by parking attendants or security personnel in any part of a parking area, except within a sight triangle, provided such shelter is not more than 4.5 metres in height and has a floor area of not more than 5 square metres.

(ii) No gasoline retail outlet or automobile service station shall be located or maintained on any parking area, except where specifically permitted by this By-Law.

(iii) No trailer, motor home, recreational vehicle or boat shall be stored in any part of a front yard or exterior side yard on a lot in a Residential Zone or in any part of a required front yard on a lot in any zone other than a Residential Zone, except that this provision shall not apply to prevent the temporary parking of a trailer, motor home, recreational vehicle or boat on a permitted parking area.

(iv) No commercial vehicle shall be parked or stored on any part of a lot in a Residential Zone unless:

1. such vehicle is owned or operated by the owner or occupant of the said lot;

2. the capacity of such vehicle does not exceed 1 metric tonne; and
3. such vehicle is parked or stored either within a building or in any yard other than a front yard, exterior side yard or required interior side yard.

except for the purpose of making deliveries or otherwise providing services, on a temporary basis, to the said lot.

- (v) Motor vehicles and trailers lacking current valid licence plates shall be parked or stored only within a private garage or other building, except that this provision shall not apply to a permitted vehicle sales or rental establishment or salvage yard.

## **(17) REDUCTION OF LOT AREA**

### **(a) PROHIBITION**

No person shall reduce the lot area, or make any changes in the dimensions, of a lot by the conveyance or alienation of any portion thereof or otherwise, except by a conveyance in accordance with Clause (b) of this Subsection, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard depth, side yard depth, rear yard depth, lot frontage, lot area or area of landscaped open space that is less than that permitted by this By-Law for the zone in which such lot is located.

### **(b) LOTS REDUCED BY PUBLIC ACQUISITION**

Where the area of a lot is reduced by means of an acquisition of part of the lot by a public agency for the purpose of providing a public service, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition, to have a lot area, lot frontage, lot coverage, area of landscaped open space, setback, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then nothing in this By-Law shall apply to prevent the continued use of the lot as reduced as if no such acquisitions had taken place, provided that:

- (i) no change is made in the dimensions, area or any other characteristics of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said nonconformity; and
- (ii) no building or structure or addition thereto is erected on the lot as reduced, subsequent to the date of such acquisition except in accordance with all the provisions hereof for the zone in which such lot is located

## **(18) SETBACKS**

### **(a) REQUIRED SETBACKS**

No person shall erect or establish any building, structure, excavation or open storage closer than 27 metres to the centreline of a highway under the jurisdiction of the Township of Puslinch, the County of Wellington or the Guelph and Suburban Road Commission, except as otherwise provided for in Clause (b) of this Subsection.

### **(b) EXEMPTION IN BUILT-UP AREAS**

Notwithstanding the foregoing, on any lot between two existing buildings which are not more than 90 metres apart and both of which are between the street line and the building line established by this section, a building may be erected, the front wall of which is in line with the front wall of the existing building closest to the required building line.

### **(c) SETBACK DIMENSION CONSIDERED A REQUIRED YARD**

Any part of a lot situated closer to a street than the required setback shall be considered a required yard for the purposes of this By-Law.

### **(d) STREET CLOSINGS**

Notwithstanding anything herein to the contrary, no setback shall be required where a street shown on Schedule 'A' hereto is closed and conveyed to the owners of adjacent properties hereafter.

### **(e) REDUCTION OR OTHER YARD REQUIREMENTS**

Nothing in this Subsection shall apply to reduce or mitigate any other yard requirements of this By-Law or any greater setback requirements that might legally be established from time to time by the Province of Ontario, the County or the Corporation.

## **(19) SIGHT TRIANGLES**

### **(a) PROHIBITION OF OBSTRUCTIONS**

Notwithstanding any other provision hereof to the contrary, within any area defined herein as a sight triangle, no building or structure shall be erected, no vehicle shall be parked, no land shall be graded and no landscaping materials shall be permitted to grow, in such a manner as to impede or obstruct the vision of persons driving vehicles on an abutting street above a height of 0.6 metres above the elevation of the centreline of the said street.

**(b) EXTENT OF SIGHT TRIANGLES**

For the purposes of calculating the extent of a sight triangle, the distance between the point of intersection of the two lot lines and their respective points of intersection with the line constituting the third side of the triangle shall be:

- (i) 28 m, where at least one of the abutting intersecting streets is a County Road or Highway;
- (ii) 9 m, where neither abutting intersecting street is a County Road or Highway; and
- (iii) 46 m, where a street intersects a railway right-of-way at grade, or such greater distance as may be required from time to time by the Canadian Transportation Commission.

**(20) SWIMMING POOLS**

**(a) PRIVATE OPEN SWIMMING POOLS**

Notwithstanding any other provisions of this By-Law to the contrary, the following provisions shall apply with respect to the erection or use of any private open swimming pool not enclosed or otherwise located within a building:

- (i) No private open swimming pools or related structures shall be permitted anywhere within the zoned area except:
  - 1. in any part of an interior side yard or rear yard on a lot containing a permitted single dwelling; or
  - 2. in any yard other than a required yard on a lot containing a permitted motel or private club.
- (ii) No interior wall surface of any open swimming pool, nor any related structure other than a fence, shall be located closer than 1.5 m to any lot line or closer to any street than the setback required therefrom.
- (iii) No water circulating or treatment equipment such as pumps or filters or any accessory building or structure containing such equipment, shall be located closer than 3 m to any lot line.
- (iv) No part of any open swimming pool shall be greater than 2 m in height, exclusive of related structures which shall not exceed 5 m in height.
- (v) Every open swimming pool shall be fully enclosed by an unclimbable fence, wall or other barrier not less than 1.5 m in height, and all openings through such barrier shall be protected by latched gates.

(b) **LOT COVERAGE EXEMPTION**

Notwithstanding any other provisions of this By-Law to the contrary, no open swimming pools or any related structures shall be considered part of the lot coverage of a lot, but where a swimming pool is enclosed with a building or where a structure appurtenant to a swimming pool constitutes a building as defined herein, such building shall comply with any lot coverage requirements set out herein for the zone in which such building is located, but shall be exempt from the lot coverage requirements for accessory uses set out in Subsection 3(1) hereof.

(c) **INDOOR SWIMMING POOLS**

Any swimming pool located within a building as defined herein shall comply with the provisions for accessory uses set out in Subsection 3(1) hereof, where such swimming pool is located within an accessory building, or with the zone requirements set out herein for the zone in which such swimming pool is located, within a main building.

(d) **PUBLIC SWIMMING POOLS**

Any public swimming pool and any related buildings or structures shall comply with the zone requirements set out herein for the zone in which such swimming pool is located.

(e) **COMPLIANCE WITH SWIMMING POOL BY-LAWS**

All swimming pools shall comply with any By-Laws of the Corporation specifically regulating swimming pools.

**(21) USES PERMITTED IN ALL ZONES**

(a) **PUBLIC AND INSTITUTIONAL USES**

Nothing in this By-Law shall apply to prevent or otherwise restrict in any way any of the following:

- (i) the use of land for a street or a public railway, including any installations, structures appurtenant thereto, or as a site for a public memorial or ornamental structure including, but not so as to limit the generality of the foregoing, a statue, a monument, a cenotaph or a fountain;
- (ii) the installation or maintenance of a watermain, sanitary sewer main, storm sewer main, pumping station, gas main, pipeline, lighting fixture, or overhead or underground electrical, cable television, telegraph or telephone line or associated tower or transformer, together with any installations or structures appurtenant thereto, provided that any lot or structure so used shall be designed, landscaped and maintained in general harmony with neighbouring uses; or

- (iii) the use of any lot in any zone as a public park or for an existing church or cemetery, or any existing public building, structure or use, including, but not so as to limit the generality of the foregoing, a public school, a municipal office building, a community centre or other public auditorium, a public library and a public works garage, in accordance with the General Provisions of this By-Law set out in Section 3 hereof and with the Zone Requirements for Institutional Zones set out in Subsection 18(3) hereof.

(b) **CONSTRUCTION USES**

Nothing in this By-Law shall prevent the use of any part, other than a sight triangle, of any lot in any zone for the erection of a legal sign not greater than 3 m<sup>2</sup> an area, the excavation of soil or earth or the erection or use of any temporary building or structure where such sign, excavation, building or structure is directly incidental to, and necessary for, construction work on the same lot or work relating to a public utility or a street including, but not so as to limit the generality of the foregoing, a construction camp, a work camp, a tool shed, a wayside pit or a scaffold, but only for so long as such building or structure is necessary for the work in progress and until the work is completed or abandoned, and only while a valid building permit for the said construction remains in force, where applicable.

**(22) USES RESTRICTED IN ALL ZONES**

(a) **NOXIOUS USES PROHIBITED**

Notwithstanding any other provision hereof to the contrary, no use shall be permitted anywhere within the zoned area which, from its nature, materials used therein or emissions issuing therefrom, is declared to be a noxious trade, business or manufacture under The Health Protection and Promotion Act, 1983, as amended from time to time by the Province of Ontario, the Government of Canada, or any agencies thereof.

(b) **RESTRICTED USES**

The following uses are prohibited throughout the zoned area, either alone or in conjunction with other uses, except as is otherwise specifically provided herein:

- (i) the making or establishment of pits and quarries, asphalt plants and concrete plants;
- (ii) an adult entertainment establishment or a body-rub parlour;
- (iii) the boiling of blood, tripe, bones or soaps for commercial purposes;
- (iv) the tanning or storage of uncured hides or skins;
- (v) the manufacturing of glue or fertilizers from dead animals or from human or animal waste;

- (vi) an abattoir, stockyard, livestock exchange, or dead stock depot;
- (vii) the extracting of oil from fish;
- (viii) a track or course for the racing and/or testing of automobiles, motorcycles, dirt bikes, snowmobiles or any other motorized vehicles;
- (ix) a salvage yard;
- (x) a disposal site for wastes;
- (xi) the refining, storage or use in manufacturing of coal oil, rock oil, fuel oil, natural gas, propane, burning fluids, naphtha, benzol, benzine, gasoline, dynamite, dualin, nitroglycerine, gun powder, petroleum or any other combustible, inflammable, volatile or otherwise dangerous liquids, gasses or solid materials except where specifically permitted hereby or in conjunction with a permitted industrial use and unless such substances are protected by adequate fire fighting and fire prevention equipment and by such safety devices as are generally employed in the handling of such substances and provided that such substances are kept removed from adjacent uses to a distance which is compatible with the potential danger involved, except that this provision shall not apply to prevent the above ground storage of such substances by a farmer, where such storage is incidental and accessory to an agricultural use, or the use of natural gas, propane or fuel oil for domestic purposes, such as heating and cooking, in conjunction with a residential use;
- (xii) a food and/or meat processing plant;
- (xiii) a mobile home;
- (xiv) an occupied vehicle used for human habitation other than a mobile home where specifically permitted hereby or a tourist trailer used only for temporary accommodation in a campground;
- (xv) a shopping centre;
- (xvi) a campground, except as part of a permitted park;
- (xvii) any use unable to obtain the approval of private water or sanitary treatment and disposal facilities from the Medical Officer of Health of the Wellington Dufferin Guelph Health Unit, owing either to the quantity of water required therefor which cannot be provided by a public water system, or to the quality of effluent produced thereby;
- (xviii) a commercial airport used by any form of aircraft;

- (xix) 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, nonagricultural 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;
- (xx) the open storage of salt and/or sand/salt mixtures;
- (xxi) the use of land for war games, organized assassination games, music festivals and/or concerts.

## **(23) YARD ENCROACHMENTS AND OBSTRUCTIONS**

### **(a) PROJECTION INTO REQUIRED YARDS**

No part of any required yard shall be obstructed by any building or structure or part thereof except one or more of the following:

- (i) accessory buildings or structures specifically permitted in a required yard elsewhere in this By-Law;
- (ii) architectural adornments including, but not necessarily restricted to, sills, belt courses, chimneys, bay windows, cornices, eaves, gutters, parapets and pilasters, projecting not more than 0.5 metres into any required yard;
- (iii) roofless functional and ornamental structures including, but not necessarily restricted to, drop awnings, clothes poles, ornamental fountains, statues, monuments, picnic tables, benches, cenotaphs, memorials, planters, garden trellises, fences, boundary and retaining walls, hedgerows and legal signs;
- (iv) stoops, sundecks, porches, verandahs, balconies on top or porches or verandahs, uncovered terraces and exterior steps providing access between finished grade and either the basement or the first storey of a building, where such structures project no more than 1.5 metres into a required front yard, a required rear yard or a required exterior side yard;
- (v) unenclosed fire escapes in which the stair steps and floors are latticed in such a manner that the proportion of voids to solids is not less than two to one and in which guards consist only of hand rails and the structural members necessary to their support, and which do not project more than 1.5 metres into a required rear yard to a required side yard; and
- (vi) balconies projecting not more than 1.5 metres into any required yard and which do not project into any sight triangle.

(b) **PROJECTION BEYOND LOT LINES**

No part of any building or structure on a lot shall project beyond any lot line or street line of such lot.

(c) **RAILWAY SPUR**

Notwithstanding the yard and setback provisions of this By-Law to the contrary, a railway spur shall be permitted within any required yard.

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**(24) GARDEN SUITES**

Garden suites, as defined by this bylaw, may be permitted as a temporary use within the Agricultural and Residential Zones as an accessory use to existing single-detached dwelling subject to the following regulations:

- (a) 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.
- (b) The siting of a garden suite shall be in accordance with the provisions for accessory uses of subsection 3(1) of this By-law;
- (c) The maximum floor area of a garden suite shall be 92.9 square metres.
- (d) The maximum height of a garden suite shall be one storey or 5.0 metres, whichever is less.
- (e) No garden suite shall be located closer than 3.0 metres to the main residence on the lot or any building on an abutting property.
- (f) Only one garden suite may be established for each existing single-detached residential unit on a lot. No garden suite is permitted on a lot upon which is located an accessory apartment.
- (g) All garden suites shall be provided with adequate water and sewage disposal systems as approved by the Wellington-Dufferin-Guelph Health Unit.
- (h) All garden suites shall be established pursuant to Section 39 of The Planning Act, as amended, which authorizes Council to pass a Temporary Use By-law for a maximum duration of ten years. Council may also enter into a development agreement with the owner of the garden suite to deal with, among other things, the installation, maintenance and removal of the unit, the period of occupancy, the submission of a performance bond, and rehabilitation of the site to its "pre-garden suite" condition.
- (i) Garden suites shall comply with all other applicable requirements of this zoning By-law, any other municipal by-laws, as well as any applicable legislation such as the Ontario Building Code.

**(25) SETBACKS FROM THE NATURAL ENVIRONMENT ZONE**

- a) No buildings or structures, including a private sewage treatment system and associated tile weeping bed, shall be constructed closer than 30.0 m (98.4 ft) from the limit of a Natural Environment NE Zone.
- b) Notwithstanding the required setback in subsection (a) above or any other provision in this By-law to the contrary:
  - i. Accessory buildings or structures to existing residential dwellings, enlargements of existing buildings or structures, or reconstruction of existing buildings or structures including improvements to manure storage systems associated with an existing livestock facility, are permitted on land adjacent to the NE Zone provided that a minimum setback of 3.0 m (9.8 ft) is maintained from the adjacent NE Zone boundary.
  - ii. Where a vacant building lot existed on the day of passing of this By-law, a building permit may be issued for permitted buildings or structures, excluding new agricultural buildings and structures, provided that:
    - there is no other suitable location on the lot outside of the 30.0 m (98.4 ft) setback, and
    - a setback of at least 3.0 m (9.8 ft) from the NE Zone boundary is maintained.
- c) Interpretation of the limits of the NE zone boundaries is governed by regulations contained in Section 1.4 (b)(iii) of this By-law.

**(26) SETBACKS FROM WATERCOURSES**

- a) No buildings or structures shall be constructed closer than 30 m (98.4 ft.) from a cold water watercourse or 15 m (49.2 ft) from a warm water watercourse that is not within the Natural Environment (NE) Zone as illustrated on Schedule 'A' of this By-law.