

SECTION 5

GENERAL PROVISIONS

The provisions contained in this Section shall apply to all zones except as otherwise indicated in the applicable zone provisions.

5.1 Accessory Uses, Buildings and Structures (revised by By-law No. 209-2002)

5.1.1 Use

Where this By-law permits a use of land, buildings or structures in any zone or in any special zone, such use shall include any accessory use, building or structure, but shall not include:

- any occupation or business conducted within a dwelling except where permitted specifically by this By-law; and
- any building or structure used for human habitation except where permitted specifically by this By-law.

5.1.2 Time of Establishment

No accessory use, building or structure shall be established until the main use to which it is accessory has been established on the lot.

5.1.3 Location and Size

Accessory buildings and structures:

1. shall not be located in a front yard or exterior side yard;
2. shall be no closer to the street line than the yard required for the main building;
3. shall comply with the interior side yard and rear yard provisions of the zone, except:
 - (a) in a Residential Zone, accessory buildings or structures shall be no closer than 1.2 metres to an interior side lot line or rear lot line;
 - (b) in an Agricultural Zone on a lot area less than 1 hectare, accessory buildings or structures (not including livestock barns) shall be no closer than 3 metres to an interior side lot line or rear lot line; (see section 6.2 g))
 - (c) in a Commercial, Industrial, Mineral Aggregate Resource, or Institutional Zone, accessory buildings and structures shall be no closer than 3 metres to an interior side lot line or rear lot line, provided the abutting lot is not in a Residential Zone.
4. shall not exceed 4.5 metres in height, except in an Agricultural, Agricultural Commercial Industrial, Mineral Aggregate Resources, or Industrial Zone;

(revised by by-law 220-2008)

5. shall not cover more than 5 percent of the lot area. The area of an open swimming pool which is not enclosed by a building or structure shall not be included in the calculation of lot coverage;

6. shall be separated from the main building by a minimum distance of 1.5 metres and shall not be structurally attached to the main building in any way, except for unenclosed decks and/or steps which may be attached to the main building.

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

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

5.3 Conflicting Regulations

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

5.4 Drainage

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

5.5 Dwelling Units Below Grade

No dwelling unit shall, in its entirety, be located in a cellar. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling unit shall be used only as a furnace room, laundry room, storage or utility room, recreation room, bedroom subject to the applicable Building Code requirements, or for a similar use. However, a dwelling unit, in its entirety, may be located in a basement provided that the dwelling unit is serviced by an approved sanitary sewer or septic system.

5.6 Existing Permitted Buildings and Uses

Where an existing building or structure or use is permitted in a zone, such building or structure or use may be enlarged, extended, repaired, renovated or

reconstructed provided all applicable provisions of this By-law are complied with.

5.7 Exterior Lighting

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

5.8 Lots to Front on a Public Road

No lot shall be created and no person shall erect a building or structure and no person shall use any land, building or structure unless the lot abuts or fronts on a public road of satisfactory construction and maintenance to permit the reasonable and safe passage of motor vehicles, provided that:

- 5.8.1 a building or structure may be erected on a lot in a registered plan of subdivision or on a lot created by consent, in accordance with a Subdivision Agreement in respect of the subdivision or consent, notwithstanding that the road has not been assumed by the municipality.

5.9 Loading Space Requirements

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

5.9.1 Number of Loading Spaces

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

<u>Gross Floor Area</u>	<u>Number of Loading Spaces</u>
- less than 185 sq. metres	0
- 185 sq. metres to 3700 sq. m	1
- 3700 sq. metres to 9300 sq. m	2

plus 1 for each additional 9300 sq. m of gross floor area or fraction thereof.

5.9.2 Loading Space Location

The loading space or spaces required by this By-law shall be located in the interior side yard or rear yard of the lot.

5.9.3 Loading Space Size

Every loading space required by this By-law shall have a minimum length of 9

metres, a minimum width of 3.5 metres, and a minimum vertical clearance of 4.25 metres.

5.9.4 Loading Space Access

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

5.9.5 Loading Space Surface

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

5.9.6 Existing Buildings and Additions

The loading space provisions contained in Section 5.9.1 shall not apply to any building that lawfully existed prior to the date of adoption of this By-law so long as the gross floor area has not been increased. If an addition is made to a lawfully existing building which has the effect of increasing the gross floor area after the date of adoption of this By-law, the regulations of Section 5.9 shall apply in respect to the area of such addition.

5.10 Mobile Homes Prohibited

Subject to the matters contained in Section 46(2) of the Planning Act, it shall be prohibited to locate or use a mobile home in any zone for any purpose, including for residential, commercial, industrial, or institutional use, whether temporarily or permanently, unless the use of a mobile home is specifically permitted by other provisions of this By-law. This provision shall also apply to a mobile home which has been or will be converted from a dwelling unit to some other use (such as an office, storage use, or accessory building).

5.11 Multiple Uses

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

5.12 Non-Conforming Uses, Buildings, and Structures

5.12.1 Existing Uses, Buildings, and Structures

Nothing in this By-law shall prevent the continued use or continued existence of a legal non-conforming use, building or structure, subject to the other provisions of Section 5.12.

5.12.2 Building Permit Issued

Nothing in this By-law shall apply to prevent the erection or use of a building or structure for a purpose not permitted in the zone in which such building or structure is located where a building permit has been lawfully issued under the Building Code Act, as amended from time to time, prior to the day of passing of this By-law, provided that the following are met:

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

5.12.3 Replacement of Non-Conforming Uses, Buildings, and Structures

Where a lawfully existing building or structure is used for a purpose not permitted in the zone in which such building or structure is located and such building or structure is partially or totally destroyed by fire or similar natural cause or peril, such building or structure may be replaced or repaired and the non-conforming use re-established provided that the following conditions are met:

(revised by by-law 220-2008)

- (a) the owner must make application to the Corporation for a building permit to replace the building or structure within two (2) year of the date on which the partial or total destruction occurred;
- (b) the replacement or repair of the building or structure must be completed within one (1) year of the date on the building permit for such replacement or repair issued by the Corporation;
- (c) the replacement or repair of the building or structure occurs at approximately the same location on the lot. In no case shall any encroachment into a required yard, other than that which existed on the date of passing of this By-law, be permitted. For the purpose of determining required yards, the most restrictive yard provision for that zone shall apply;
- (d) the replacement or repair does not increase the height, size, or volume of the building or structure as it existed prior to the partial or total destruction; and

(e) the use of the building or structure is not changed and continues in the same manner as existed previously.

5.12.4 Building Repairs

Nothing in this By-law shall apply to prevent the strengthening or restoring to a safe condition of any lawfully established building or structure which is used for a purpose not permitted in the zone in which such building or structure is located provided that the following provisions are met:

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

5.12.5 Livestock facilities

The repair or replacement of livestock facilities shall be permitted provided it does not increase the amount of floor area used for housing livestock. These repairs or replacements may result in a change in the type of livestock and/or change in the number of livestock housed. Where a change in the type of livestock involves a change in the Factor "A" for livestock type in Table 1 of the MDS II, the livestock type change shall be permitted provided that the number of Nutrient Units decrease/increase is proportional to the Factor "A" change (illustrated in the following Table).

$$\underline{\text{Proposed \# of Nutrient Units}} = \underline{\text{Factor A of Existing Type of Livestock}}$$

$$\text{Existing \# of Nutrient Units} \qquad \text{Factor A of Proposed Type of Livestock}$$

[For Example, a farmer who currently has a barn housing 50 beef cattle cows (including calf to weaning) wants to convert to swine]

$$\underline{Z} = \frac{\underline{0.7}}{1.0}$$

$$1.0 \times Z = 50 \times 0.7 \quad \text{then} \quad Z = 35$$

Using this formula, the farmer could house 35 Nutrient Units having a 1.0 Factor "A", or in this example, (35 Nutrient Units x 5 sows and boars) means that 175 sows and boars can be accommodated by the barn)

5.13 Non-Complying Uses, Buildings and Structures

Where a use, building or structure was lawfully established prior to the date of passing of this By-law, and where such use, building or structure is permitted by the zone in which such use, building or structure is located, but where such use, building or structure does not meet the zone provisions with respect to required lot area, frontage, yards, parking, or any other provision applicable to that zone, such use, building or structure shall be deemed to comply with the By-law and may be enlarged, extended, reconstructed, repaired or renovated provided that:

- (a) the enlargement, extension, reconstruction, repair or renovation does not further reduce the compliance of the use, building or structure with the provisions of this By-law to which such use, building or structure does not comply. Where such enlargement, extension, reconstruction, repair or renovation involves a livestock facility and where the livestock/poultry involves a change in Factor "A" for livestock type in Table I of the MDS II, the nutrient unit change shall be determined as illustrated in Section 5.12.5.
- (b) all other applicable provisions of this By-law are complied with;
- (c) in the case of a livestock building, the enlargement, extension, reconstruction, repair or renovation shall comply with the minimum distance separation requirements of this By-law, or shall result in the same or lesser minimum distance separation requirement as calculated for the existing building; for example, if the existing building results in a required separation distance of 200 metres, but is located at a separation distance of 150 metres, then any change (in capacity, livestock type, manure system, etc.) shall result in a calculated separation distance equal to or less than 200 metres, in order for the change to occur at the existing separation distance of 150 metres);
- (d) where a non-complying building or structure is removed or destroyed, such building or structure may be reconstructed in a different location on the lot than the original building or structure, provided that the new location complies with (a) and (b) above, and provided such reconstruction occurs within one (1) year of the date of destruction of the original building;
- (e) in the case of a rezoning or severance, the provisions of Section 5.13 shall continue to apply such that the said use, building or structure shall be deemed to comply with any applicable provisions of this By-law resulting from such rezoning or severance, except that this provision shall not exempt a new use from complying with all applicable requirements of this By-law (such as number of parking spaces) related to such new use, other than those provisions recognized by Section 5.13; and
- (f) for the purpose of Section 5.13, a non-complying building or structure which

existed on June 21, 1999 shall be considered as lawfully established.

5.14 Occupancy of Completed Buildings

Notwithstanding any of the provisions contained in this By-law, no person shall occupy any building for residential or eating establishment purposes unless the following provisions are met:

- (a) the building has been completed and finished in all respects in accordance with the plans and specifications filed with the Corporation at the time that the building permit was applied for, or the building has been completed to the satisfaction of the Chief Building Official in accordance with the Ontario Building Code; and
- (b) the building is serviced with a water supply system and a sewage treatment facility.

5.15 One Dwelling on One Lot

Not more than one (1) dwelling unit shall be permitted on a lot, except as permitted specifically by other provisions of this By-law.

5.16 Obstructions on Corner Lots (Daylight or Sight Triangle)

No building or structure shall be permitted on that portion of a corner lot which is within a sight triangle as defined in Section 3 of this By-law where a distance of 9 metres measured along the street lines is used for the purpose of determining the location of the sight triangle, except as specifically stated otherwise in this By-law.

5.17 Parking Area and Space Requirements

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

5.17.1 Number of Parking Spaces

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

Township of Perth East - Zoning By-law 30-1999

Type of Use	Number of Spaces
Single-detached, semi-detached, duplex, converted, and accessory dwellings	2 per dwelling unit
Apartment dwelling and other multiple unit dwellings	1.5 per dwelling unit
Group home dwelling	1 per 3 residents
Group home dwelling	2 per dwelling unit plus 1 per 4 group home residents
Home for the aged, nursing home dwelling	1 per 3 beds
Bed and Breakfast establishment	1 per dwelling unit plus 1 per guest room for rent
Church	1 per 4 persons of maximum designed capacity of the sanctuary
Elementary School	the greater of 1.5 per classroom or 1 per 10 square metres of auditorium assembly area
Secondary School	the greater of 5 per classroom or 1 per 7.5 square metres of auditorium assembly area
Assembly Hall, Community Centre, Arena, Theatre, Sports Field	1 per 5 seats or 3 metres of bench space of maximum seating capacity, or 1 per 230 sq. metres of playing field area where no seating exists
Restaurant, eating establishment, tavern	1 per 4 persons of maximum designed capacity
Eating establishment, take-out	1 per 4 persons of maximum designed capacity
Clinic	5 per practitioner
Business or Professional Office	1 per 20 square metres of gross floor area
Retail store, department store, personal service shop	1 per 30 square metres of retail and/or customer service floor area
Bowling establishment	3 per bowling lane
Hotel or Motel	2 plus 1 per guest room
Supermarket, grocery store	1 per 15 square metres of retail floor area
Furniture store, Wholesale establishment	1 per 55 square metres of retail floor area
Automobile repair establishment, automobile service station, automobile sales and service establishment	4 plus 1 per repair bay
Uses permitted by this By-law other than those referred to above	1 per 40 square metres of gross floor area

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

5.17.2 Ingress and Egress

Ingress and egress to parking spaces required by this By-law shall be provided by a sufficient number of unobstructed driveways or passageways. Each driveway or passageway shall have a minimum width of at least 3 metres and not greater than 10 metres.

The number of driveways serving a lot shall be limited in accordance with the following:

- (a) up to the first 30 metres of streetline - not more than 2 driveways;
- (b) for each additional 30 metres of streetline - not more than 1 driveway.

5.17.3 Driveway Location

- (a) the minimum distance between driveway ramps where access to a lot is by means of more than 1 driveway shall be 7.5 metres;
- (b) the minimum distance between a driveway ramp and an intersection of street lines shall be 7.5 metres measured along the street line.

5.17.4 Parking Area Location

- (a) All required parking spaces and areas shall be provided on the same lot as the building or structure is located, with the exception that required parking spaces and areas may be located on an adjacent lot provided that such lot is appropriately zoned so as to permit such parking use and provided that no part of such parking space or area is located further than 150 metres from the lot on which the building or structure requiring the parking is located. The above exception shall not apply in the case of parking spaces required for a residential use in a Residential Zone.
- (b) Notwithstanding the yard provisions of this By-law to the contrary, uncovered surface parking areas may be permitted in all of the yards provided that no part of any parking area, other than the driveway, is located closer than 1 metre to any lot line.
- (c) Notwithstanding Section 5.17.4.2, a 1 metre setback is not required for a parking area along a common lot line where two abutting non-residential uses provide a parking area on both sides of the common lot line.
- (d) Notwithstanding Section 5.17.4.2, where a use requires 5 or more parking spaces in a residential zone, the parking area shall not be located in a front or exterior side yard.

5.17.5 Parking Space Access

All required parking spaces, except those required for single-detached, semi-detached, duplex dwellings, converted dwellings with not more than 2 dwelling units, and bed and breakfast establishments, shall be accessed only by an internal driveway and no direct access to a parking space from a street shall be permitted.

Required parking spaces for a single-detached dwelling, for one unit of a semi-

detached dwelling, and for bed and breakfast establishments, do not need to be accessible independently and may be located end to end within a driveway.

5.17.6 Parking Area Surface

Each parking area and driveway connecting the parking area with the street shall be maintained with a stable surface so as to prevent the raising of dust or loose particles. The parking area and driveway shall, prior to being used, be constructed of crushed stone, slag, gravel, crushed brick or tile, paving stone, asphalt, concrete, or cinders having a Portland cement binder.

5.17.7 Parking Area Drainage

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

5.17.8 Parking Space Size

Parking spaces required by this By-law shall have a minimum width of 2.7 metres and a minimum length of 5.5 metres not including area used for access, manoeuvring, driveway, or similar purposes.

5.17.9 Multiple Use of Buildings

Where a building or structure accommodates more than one type of use as set out in Section 5.17.1 above, the number of parking spaces required for the whole building shall be the sum of the number of parking spaces required for the separate parts of the building as occupied by the separate uses.

Where common space within a building serves more than one type of use as set out in Section 5.17.1 above, such common space shall be assessed against one use only and that use shall be the one with the greater parking requirement.

5.17.10 Multiple Use of Parking Areas

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

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

5.17.11 Existing Buildings

The parking space provisions contained in Section 5.17.1 above shall not apply to any building that lawfully existed at the date of adoption of this By-law so long as the following provisions are met:

- (a) the building continues to be used for the use that existed in the building on

the day this By-law was adopted or the use has changed to one which has the same or lesser parking requirements as the use that existed on the day this By-law was adopted;

- (b) the floor area of the building has not been increased since the date of adoption of this By-law so as to require additional parking spaces; and
- (c) all parking spaces that existed at the date of adoption of this By-law are retained.

5.17.12 Additions to Existing Buildings

Where an addition is made to a building that lawfully existed at the date of adoption of this By-law, additional parking spaces equal to the number required for the addition as determined by the application of the provisions of Section 5.17.1 of this By-law shall be provided.

5.17.13 Changes/Intensification of Use

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

5.17.14 Cash-in-lieu of Parking Spaces

Where the municipality has passed a by-law permitting the payment of cash-in-lieu for some or all of the required parking spaces, such money paid in compliance with the cash-in-lieu by-law shall constitute the provision of parking spaces for the number of parking spaces covered by such payment. Required parking spaces not covered by a cash-in-lieu payment shall be provided in compliance with this By-law.

5.18 Parking of Commercial Vehicles in Residential Zones

In any Residential Zone, not more than one commercial vehicle not exceeding 9 metres in length, including any trailer which may be pulled by the vehicle, may be parked on the same lot as a dwelling unit by the owner or occupant of the dwelling unit. School buses parked in accordance with the foregoing may exceed 9 metres in length. This provision shall not apply so as to prevent the stopping of any commercial vehicles making deliveries or collections or supplying services to the dwelling unit on the lot. Any commercial vehicle parked in a Residential Zone shall not be parked in the sight triangle on corner lots.

(revised by by-law 220-2008)

5.19 Parking of Travel Trailers/Motor Homes, boats and Snowmobiles in Residential Zones

The parking of travel trailers/motor homes, boats and snowmobiles as an accessory use to a residential use in any Residential Zone shall be subject to the following provisions:

- (a) not more than one motor home, travel trailer, and boat or not more than two snowmobiles shall be parked or stored on a lot in a Residential Zone.
- (b) the location of the motor home, travel trailer, boat and snowmobile(s) shall be limited as follows:
 - (i) within a garage or carport; or
 - (ii) within a driveway; or
 - (iii) outside of any building or structure on the lot provided that no motor home or travel trailer is parked in a front or exterior side yard, and provided that such motor home, travel trailer, boat or snowmobile(s) is parked no closer than 1.5 metres to an interior side lot line and/or a rear lot line.

5.20 Permitted Encroachments Into Required Yards

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

5.20.1 Ornamental Structures

Sills, belt courses, cornices, eaves, gutters, chimneys, parapets, bay windows, pilasters, pillars or other ornamental structures may project into any required yard or may project beyond the minimum setback for the building or structure a distance of not more than 0.6 metres.

(revised by by-law 220-2008)

5.20.2 Unenclosed Porches, Steps, Decks, Ramps and Patios

Steps, ramps, decks, patios, and balconies, whether they be covered or uncovered, and unenclosed porches and verandahs may project into any required front or exterior side yard a distance of not more than 1.75 metres provided that in the case of steps, ramps, decks, patios, porches, and verandahs, the floor level of such structures is not greater than 1.2 metres above the finished grade adjacent to such structure. Uncovered steps and ramps to provide access to the ground floor of a building may project into a required side yard a distance of not more than 1.5 metres provided such steps or ramp are no closer than 0.6 metres to the side lot line. Uncovered ramps may project into a required front or exterior side yard not more than 3 metres.

5.20.3 Accessory Structures

Accessory structures such as drop awnings, flag poles, basketball poles, light standards, garden trellises, fences, retaining walls, and other similar accessory structures shall be permitted in any required yard. Clothesline poles and clothes trees shall be permitted in interior side and rear yards only.

5.20.4 Fire Escapes

Unenclosed fire escapes may project into a required interior side or rear yard a distance of not more than 0.6 metres.

5.20.5 Signs

Signs may be erected in accordance with the provisions of any sign by-law passed by the Corporation. Notwithstanding this, the home occupation provisions relating to signs as set out in Section 3 of this By-law must be met.

5.20.6 Gate Houses

In a non-residential zone, a gate house shall be permitted in any yard provided that such gate house is no closer than 0.6 metres to any lot line and provided such gate house does not exceed 8 square metres gross floor area.

5.20.7 Obstructions on Corner Lots

On a corner lot no obstruction between a height of 0.6 metres and 3 metres above the grade of the centre line of the street or streets abutting a sight triangle shall be permitted to impede or obscure the vision of the operator of a motor vehicle travelling on the abutting street(s).

5.20.8 Exception to Front Yard and Exterior Side Yard Requirements

A main building may be erected closer to the front or exterior side lot line than required by the zone provisions provided that the building is not erected closer to the front or exterior side lot line than the established average setback of the main buildings on abutting lots along the same street on the date of passing of this By-law, and provided that on corner lots the building complies with the sight triangle requirements. Any further encroachment under Section 5.20.2 shall not be permitted except for uncovered steps or ramps in accordance with Section 5.20.2.

5.21 Planting Strip Requirements

Required planting strip(s) shall be established in accordance with the following provisions:

5.21.1 Location

A required planting strip shall be located in proximity to the lot line or portion

thereof, on which such planting strip is required. A planting strip may be located in any yard except as provided below:

- (a) no planting strip shall be located in a sight triangle; and
- (b) no planting strip shall be located between the street line and the building line on the lot in such a manner as to impede or obscure the vision of the operator of a motor vehicle travelling on an adjacent street.

5.21.2 Height

The minimum height of trees and shrubs in a planting strip at the time of planting shall be 0.5 metres and they must be of such a species or type so as to achieve a minimum height of 1.75 metres at maturity.

5.21.3 Width

A required planting strip shall have a minimum width of 1.5 metres.

5.21.4 Driveways and Walkways

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

5.21.5 Alternatives

Subject to site plan approval, a fence or wall may be considered as an alternative to a planting strip. Where a solid fence or wall is deemed appropriate and is approved by the Corporation, such fence or wall must be of a type, construction and height to provide appropriate screening as set out in the site plan and/or agreement.

(revised by By-law 220-2008)

5.22 Prohibited Uses

- (a) Except as otherwise specifically permitted in this By-law, the following uses are prohibited in any zone established under this By-law:
 - (i) a track for the racing of motor vehicles, motorcycles, go-carts, snowmobiles, all-terrain vehicles, motorized scale model vehicles, or other motorized vehicles.
 - (ii) a trailer camp as defined in Section 164 of the Municipal Act, S.O. 2001, as amended from time to time.
 - (iii) a junk yard, salvage or wrecking yard, or the collection, storage, or sale of junk, scrap metal, salvage, partially or completely dismantled motor vehicles, trailers, or farm machinery and equipment.
 - (iv) locating or storing on any land for any purpose any disused and/or

discarded railway car, bus, street car, shipping container, truck box or truck body, whether or not same is situated on a foundation. In an agricultural, commercial or industrial zone, shipping containers, truck bodies/boxes and truck trailers which are maintained in good condition and appearance may be used for storage accessory to a main use subject to the requirements for accessory buildings. In residential zones, shipping containers, truck boxes, trailers, office trailers and similar structures or vehicles shall not be used as accessory buildings, except not more than one of such structures or vehicles may be used as an accessory building, subject to the requirements for accessory buildings, provided it does not exceed 10 square metres gross floor area and provided it is maintained in good condition and appearance.

- (v) amusement arcades and amusement devices. Notwithstanding the foregoing, not more than 3 amusement devices are permitted as an accessory use to a permitted commercial use in a commercial zone (e.g. accessory to a convenience store or hotel).

- (b) In addition to the uses prohibited by Clause (a) above, no land, building, or structure, except automobile service stations and duly licensed installations for bulk fuel storage of gasoline, lubricating and fuel oils, shall be used for commercial or industrial purposes which are likely to cause or create a danger to health, or danger from fire or explosion, and which, without limiting the generality of the foregoing, shall include the industrial manufacture of coal oil, fuel oil, burning liquid gas, naphtha, benzene, gasoline, dynamite, dualine, nitroglycerin, gunpowder, petroleum products, propane, and ammonia.

- (c) In addition to the uses prohibited by Clauses (a) and (b) above, all uses of land and the erection or use of any building or structure for a purpose not permitted under the "Permitted Uses" sections of the various zones established by this By-law, except any use permitted as public uses in accordance with the provisions of Section 5.23 of this By-law, are and shall be deemed to be prohibited uses under the provisions of this By-law.

- (d) In addition to the uses prohibited in Clauses (a), (b), and (c) above, the provisions of the Health Protection and Promotion Act, as amended from time to time, shall apply to prohibit those uses considered to be offensive trades or uses under such Act.

- (e) Except as specifically permitted in an Agricultural Zone or elsewhere in this By-law, no person shall, in any zone, keep or raise any livestock, bird, reptile, or wild animal including any tamed or domesticated wild animal. This provision shall not prevent the keeping of 4 or fewer household pets of which no more than 2 are dogs as per the Township's Dog Licensing By-law, on one lot provided that dangerous reptiles or animals shall not constitute household pets.

- (f) Notwithstanding Subsection (e) above and any other provision of this By-law to the contrary, any lot containing a dwelling unit may be used for the keeping of one horse, provided:
- such horse provides the primary means of transportation for the occupants of the dwelling unit;
 - all manure shall be contained in an enclosed building and manure shall be removed from the property at regular intervals to a suitable location in an Agricultural Zone;
 - the building or structure in which the horse is kept or in which the manure is enclosed shall be set back from the interior side and rear lot lines a minimum distance equal to the height of the building; and
 - the minimum distance separation (MDS II) requirements shall not apply.

5.23 Public Uses, Utilities, and Services

- (a) The provisions of this By-law shall not apply so as to prevent the use of any lot or the erection or use of any building or structure for the purposes of the public service by the Corporation, the County, a public utility, or by any local board of either the Corporation or the County as defined in the Municipal Affairs Act, as amended from time to time, any telephone or telegraph company, any natural gas distribution system serving lands within the Corporation and possessing all necessary powers, rights, licenses, and franchises, any Conservation Authority established in accordance with the Conservation Authorities Act, as amended from time to time, any department of the Province of Ontario or of the Government of Canada, provided that the following provisions are satisfied:
- (i) any building or structure erected shall be in substantial compliance with the provisions for the zone in which such building or structure is situated;
 - (ii) no open storage of goods, materials, or equipment shall be permitted in any Residential Zone; and
 - (iii) any building or structure erected in a Residential Zone shall be designed, constructed, and maintained in general harmony, where possible, with the neighbouring residential buildings permitted in the zone.
- (b) The provisions of this By-law shall not apply so as to prevent any use, building, or structure of Ontario Hydro, subject to the limitations of control over Ontario Hydro imposed by Section 62 of the Planning Act, 1990. Any new electric power facilities, including all works as defined in the Power Corporation Act, shall be authorized pursuant to the Environmental Assessment Act, as amended from time to time, where such Act applies to undertakings of Ontario Hydro or other public authorities. Furthermore, the proponent of such facilities will be required to contact and consult with the Council prior to proceeding with plans involving such facilities.

- (c) Nothing in this By-law shall prevent the installation of a watermain, sanitary sewer main, storm sewer main, street lighting fixture, telephone or other supply line or communication line provided that Council is consulted by the proponent with the plans involving such facilities.
- (d) Nothing contained in Clauses (a), (b), and (c) above relieves any of the government bodies, agencies, and other authorities from the obligation of complying with all other applicable By-laws of the Corporation, and all applicable statutes, regulations, and requirements of other government bodies.

5.24 Setbacks from Railways

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

- (a) no building or structure shall be erected and no tree or shrub shall be planted within 50 metres of the point of intersection of the centre lines of a railway and a street.
- (b) the minimum distance from the boundary of a railway right-of-way and the nearest wall of a dwelling unit shall be 23 metres.

5.25 Satellite Dishes, Antennae, and Aerials

5.25.1 Structures such as satellite dishes, antennae, and aerials that are used for receiving or transmitting radio, television, telephone, or other similar communications in connection with a permitted use shall:

- (a) not be located in the front or exterior side yard, except where the satellite dish, antennae or aerial is a minimum of 50 metres from the street line; and
- (b) be located no closer than 2 metres from a lot line.

5.25.2 All satellite dishes in a Residential Zone shall be fixed to and located on the ground, except for satellite dishes not greater than 0.75 metres in diameter which may be mounted on the roof or on any wall of a dwelling or accessory building, provided the satellite dish does not project more than 1 metre into any required yard.

5.25.3 deleted by By-law 220-2008

5.26 Setbacks from Watercourses and Municipal Drains

- (a) No building or structure or swimming pool shall be permitted within an area

regulated by the Conservation Authority's Fill, Construction, and Alteration to Waterways Regulation except as specifically permitted by the Conservation Authority;

- (b) No building or structure or swimming pool shall be permitted within 15 metres of the top-of-bank of a watercourse or an open municipal drain;
- (c) No building or structure or swimming pool shall be permitted between 15 metres and 30 metres from the top-of-bank of a watercourse or an open municipal drain unless an appropriate study is undertaken to assess the impact of the development and site alteration;
- (d) No building or structure or swimming pool shall be permitted within 5 metres of the centre line of an enclosed municipal drain;
- (e) The watercourse and open municipal drain location as shown on the Schedule "A" map to this By-law are based on maps from the Ontario Base Mapping program (OBM). Aerial photography taken in the mid-1980's was used for the OBM program. Where watercourse and/or open municipal drain locations have changed and are not properly shown on the Schedule "A" maps, the above provisions shall apply to the proper locations of the watercourse and/or open municipal drain. Where an open municipal drain has been changed to an enclosed municipal drain, the provisions of Clause (d) above shall apply.

5.27 Swimming Pools

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

5.27.1 Location

The swimming pool is located as follows:

- (a) In the side yard of a lot, where no part of the swimming pool is located closer to any lot line or street line than the minimum yard distance required by this By-law for the main building on the lot;
- (b) In an Agricultural Zone a swimming pool may be located in the front or side yard of any lot provided that no part of such pool is located closer to any lot line than the minimum distance required for the principal dwelling located on the lot;
- (c) In the rear yard of a lot, where no part of the swimming pool is located closer to any lot line than the minimum yard distance required by this By-law for an accessory building on the lot.

5.27.2 Fencing

- (a) Every swimming pool shall be enclosed by a safety fence which has a minimum height of 1.5 metres and which has a gate that is capable of being locked. The bottom of the fence shall be not more than 7.5 centimetres above grade at any location;
- (b) Where a swimming pool is immediately abutting a building situated on the lot, no fence shall be required along that part of the swimming pool abutting such building provided that the swimming pool is entirely enclosed by a fence/building combination;
- (c) An above ground pool shall be enclosed by a fence in accordance with Sections 5.27.2 (a) and (b), and/or where a fence is constructed on top of the pool wall or on top of an adjacent deck, the combined height of the pool wall/deck and fence shall be a minimum of 1.5 metres above grade.

5.27.3 Other Requirements

Swimming pools shall also comply with any by-laws passed under the Municipal Act.

5.28 Temporary Uses (revised by By-law No. 209-2002)

Notwithstanding the permitted uses in each zone of this By-law, temporary uses such as construction office, storage or tool shed, scaffolds, or other buildings and structures (excluding those used for human habitation) incidental to and necessary on location for the work in progress shall be permitted so long as same are necessary for the construction work which has neither been completed nor abandoned. Abandoned shall mean failure to proceed expeditiously with the construction work. Temporary buildings shall meet the required rear yard provisions of the applicable zone.

Notwithstanding the permitted uses in each zone of this By-law, when an owner of land is replacing an existing detached dwelling with a new detached dwelling, two dwellings (i.e. the existing dwelling and the dwelling being constructed) may be located on one parcel of land for a maximum time limit of 6 months from the commencement of construction provided that the owner has entered into the required agreements with Council and the construction work has neither been completed nor abandoned (abandoned shall mean failure to proceed expeditiously with the construction work).

Notwithstanding the foregoing, a non-permanent dwelling in the form of a mobile home shall be permitted on a temporary basis on a property in an Agricultural Zone where the existing dwelling on the property has been destroyed by fire or other act of God and temporary living accommodation is required while the

destroyed dwelling is being replaced. Such mobile home shall only be permitted following the issuance of a building permit for a dwelling to replace the destroyed dwelling and in no case shall be permitted for a time period of more than one year from the date of issuance of building permit for the replacement dwelling.

5.29 Undersized Lots

Notwithstanding anything contained in this By-law, an existing lot which lacks the required frontage and/or area for a lot in the respective zone, shall be deemed to be a lot that may be used for the uses permitted by this By-law and a building or structure may be erected, altered, or used thereon provided that:

- (a) the description of such parcel is the same as in a registered deed at the date of passing of this By-law;
- (b) such parcel could have been conveyed legally on the date or the passing of this By-law by way of deed, transfer, mortgage, charge or agreement of sale and purchase without consent under Section 50 of the Planning Act, R.S.O. 1990;
- (c) such parcel has a minimum frontage of 9.0 metres;
- (d) all relevant regulations made under the Health Protection and Promotion Act, R.S.O. 1990, and all relevant requirements of the appropriate authority for septic systems/sanitary systems are complied with;
- (e) suitable measures for the proper drainage of the parcel are or will be completed before occupancy;
- (f) all other requirements of this By-law, including the appropriate zone, are complied with;
- (g) in an Agricultural Zone, a dwelling shall not be established except on a lot area of 15 ha or larger and in accordance with the provisions of MDS I;
- (h) in Residential Zones, undersized lots shall be limited to a single-detached dwelling, where a single-detached dwelling is a permitted use. Multiple unit dwellings shall comply with the applicable zone provisions;

Notwithstanding the above, the minimum lot area of 33 hectares is required before any supplementary dwelling is permitted in accordance with the provisions of Section 6.2 of this By-law.

Explanatory Note: Existing lots of record in an Agricultural Zone which have a lot area less than 15 ha and do not contain a dwelling, shall not be permitted a

dwelling except in accordance with Section 5.29, or unless the parcel is rezoned in accordance with Section 5.5.15 of the Perth County Official Plan.

5.30 Wayside Permit Aggregate Operations(Wayside Pit) and Portable Asphalt Plants

A wayside permit aggregate operation (wayside pit) for the extraction and processing of road building materials and portable asphalt plants for use in constructing public roads may be established in the "A" Zone provided that such operations comply with all other provisions of this By-law applicable thereto and further provided that this provision applies only to the Council of the Township of Perth East or a designated agent thereof, except that the County of Perth or designated agent thereof or a designated agent of the Ministry of Transportation may obtain a licence and operate a wayside pit or portable asphalt plant (in compliance with Sections 3.150 and 3.113 of the By-law) for the purposes herein stated.

5.31 Yard and Setback Requirements for Land Without Buildings

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

5.32 Use of Travel Trailers, etc.

No person shall use any travel trailer, tent trailer, motor home or similar vehicle or structure for temporary or permanent living accommodation in any zone:

- (a) except as may be permitted specifically by this By-law in a zone permitting such uses; or
- (b) except that not more than one of such vehicles or structures may be used for temporary sleeping accommodation not exceeding three months in any calendar year as an accessory use on a lot which contains a dwelling.

5.33 Two or More Lots

Where two or more lots are used together as a single parcel on which a building or structure exists or is to be established, the yards, setbacks, and other applicable provisions shall be calculated as they apply to the parcel as a whole containing such building or structure. Where the building or structure is not physically located on the common lot line between the lots being developed as a single parcel, and there would be a corresponding violation of zoning provisions, the lots being developed must first be deemed (pursuant to Section 50(4) of the

Planning Act, R.S.O. 1990) or a minor variance granted (pursuant to Section 45 of the Planning Act, R.S.O. 1990).

5.34 Servicing Requirements (revised by By-law No. 209-2002)

5.34.1 Where municipal water and/or municipal sewage services are not available, no use shall be permitted in any zone which requires such services.

5.34.2 No use shall be permitted in any zone unless all requirements of the appropriate authority for sewage disposal are met.

5.35 Stratford Municipal Airport and Adjacent Area

Within the areas identified on Schedule "A" as being subject to Federal Zoning Regulations for the Stratford Municipal Airport, all development and land uses shall:

5.35.1 comply with the Stratford Municipal Airport Zoning Regulations, as amended, pursuant to the Canada Aeronautics Act (the regulations were established originally under the authority of Privy Council 1995-1720 of October 17, 1995); and

5.35.2 comply with all provisions of the underlying zone; and

5.35.3 comply with all other applicable provisions of this By-law.

Explanatory Note: The federal zoning regulations for the Stratford Municipal Airport regulate, within the defined area, the height of buildings, structures, objects and natural growth; and communication signals which may cause interference with an aircraft or the airport. The regulations apply to all lands within the defined area, including private property and municipal road allowances.

5.36 Oil and Gas Exploration/Drilling (added by By-law No. 209-2002)

Oil and gas exploration/drilling activities shall be permitted in the Agricultural, Agricultural Commercial/Industrial, and Flood Plain Zones provided that such activities are permitted and carried out in accordance with the provisions of the Oil, Gas and Salt Resources Act and regulations thereunder.

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