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5.1 ACCESSORY USES, BUILDINGS AND STRUCTURE

5.1.1 ACCESSORY USES, BUILDINGS AND STRUCTURES

Where this By-Law provides that a *lot* may be used or a *building* or *structure* may be *erected* or used for a particular purpose, that purpose shall include any *accessory building* or *structure* or *accessory use*, provided that:

- 5.1.1.1 it is not to be used for any occupation for gain or profit, except as *permitted* in this By-Law;
- 5.1.1.2 the principal *use, building* or *structure* is specifically *permitted* by this By-Law and is already established on the same *lot*;
- 5.1.1.3 it is not to be used for human habitation except as *permitted* in this By-law; and
- 5.1.1.4 it complies with the provisions set out in Table 5.1.1.4 below, except where it is specifically regulated in the By-Law:

TABLE 5.1.1.4 – REGULATIONS FOR ACCESSORY USES		
PROVISION	RESIDENTIAL ZONES	ALL OTHER ZONES
Permitted Location	Any <i>yard</i> other than a required <i>front yard</i> or <i>exterior side yard</i>	To the rear of the required <i>front yard</i> and <i>exterior side yard</i> , in accordance with the <i>yard</i> and <i>setback</i> provisions of the zone in which such <i>building</i> or <i>structure</i> is located.
Minimum Distance from <i>Main Buildings</i>	1.2 m (3.9 ft)	2.0 m (6.6 ft)
Maximum <i>Height</i>	5.0 m (16.4 ft)	5.0 m (16.4 ft)
<i>Side Yard Setback</i>	1.2 m (3.9 ft)	in accordance with applicable zone provisions
<i>Rear Yard Setback</i>	1.2 m (3.9 ft)	in accordance with applicable zone provisions
<i>Lot coverage</i>	10% of <i>lot area</i> , or 100 m² (1,076.4 ft ²) of <i>ground floor area</i> , whichever is the lesser	in accordance with applicable zone provisions

- 5.1.1.4.1 Notwithstanding any provision of Table 5.1.1.4 to the contrary, the following provisions shall also apply:

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- i) on a residentially or entrepreneurial zoned *lot*, one *accessory building*, not exceeding **10 m²** (107.6 ft) in *gross floor area*, may be excluded from the calculation of total *lot coverage*.
- ii) *accessory buildings* or *structures*, not exceeding **2.5 m** (8.2 ft) in *height*, may be located within a required *exterior side yard*, provided that a minimum *exterior side yard setback* of **3 m** (9.8 ft) is maintained and such *exterior side yard* is enclosed by a privacy fence or planting strip with a minimum *height* of **1.5 m** (6 ft).
- iii) covered and uncovered *decks*, patios, stoops and landings and other similar *structures* shall only be *permitted* in accordance with the provisions of Section 5.34.1.

5.1.1.4.2 CARGO CONTAINERS USED FOR STORAGE PURPOSES

Where a cargo container is used for the purpose of storage *accessory* to a principal *use*, the following provisions shall apply:

- i) a *cargo container* may not be located in any residential zone;
- ii) a *cargo container* may only be located in the *rear yard* and must comply with the *rear yard* depth provisions of the zone in which the said *cargo container* is located;
- iii) Other than the *rear yard* depth requirement as set out in subsection ii), the placement of a *cargo container* shall comply with Table 5.1.1.4 - Regulations for Accessory Uses.

(Added by By-Law17-4949)

5.1.2 EXCEPTIONS

The following *accessory uses* are not subject to the provisions of Section 5.1.1.4., provided that they are in accordance with the provisions of Table 5.1.2:

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TABLE 5.1.2 – ACCESSORY USE EXCEPTIONS AND RELATED PROVISIONS	
Structures	Specific Provisions
clothes poles, flag poles and basketball standards; garden trellises; ornamental fountains, statues, cenotaphs, monuments and memorials; planters, benches and picnic tables; retaining walls, sidewalks, pavements, and curbs; and other similar <i>accessory structures</i> .	None
patios, concrete pads, walkways and other similar <i>structures</i> comprising part of an outdoor <i>amenity area</i> and not exceeding 0.3 m (1 ft) in <i>height</i>	Shall not <i>alter</i> any drainage swale required by an approved lot grading plan.
fences and similar <i>structures</i>	In accordance with the Town's Fencing By-Law, as amended, unless otherwise specifically noted in this By-Law
<i>attached</i> and freestanding <i>signs</i>	In accordance with the Town's Sign By-Law, as amended, unless otherwise specifically noted in this By-Law
an unenclosed outdoor private pool accessory to a residential use	In accordance with the Town's Swimming Pool Fencing By-Law, as amended.

5.1.3 SWIMMING POOLS

An unenclosed, outdoor private swimming pool or hot tub, *accessory* to a residential *use*:

- a) Shall only be permitted in an *interior side yard* or *rear yard*, with a minimum 1.2 m (3.9 ft.) *setback* from a *side lot line* or *rear lot line* or in an *exterior side yard* with a minimum 3 m (9.8 ft.) *setback* from the *street line*;

(Replaced by By-Law 17-4949)

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- b) Any *deck* associated with an above ground private swimming pool or hot tub, shall be in accordance with the provisions for *decks* in Table 5.34.1 – Permitted Projections into Required *Yards*
- c) Such private swimming pool or hot tub shall not be included in *lot coverage* calculations.

(Replaced by By-Law 17-4949)

5.2 CONTROL OF ANIMALS, BIRDS AND REPTILES

Where an Animal Control By-law has been passed by the Town, the prohibition or regulation of the keeping of animals, birds or reptiles within any Zone shall be controlled by such By-law.

5.3 ESTABLISHED BUILDING LINE

Notwithstanding the *yard* provisions of this By-Law to the contrary, where a detached residential *dwelling* or *accessory use* in a Residential Zone or a commercial *use* in a Commercial Zone thereto is to be *erected* in a built up area where there is an *established building line*, the *dwelling*, *accessory use* or commercial *use* may be *erected* closer to the *street line* or the centreline of the *street*, than required by the By-Law, provided the *dwelling*, *accessory use* or commercial *use* is not *erected* closer to the *street line* or to the centre of *street*, than the *established building line* as defined herein, on the date of the passing of this By-Law.

5.4 EXISTING VACANT LOTS HAVING LESS AREA, LOT DEPTH, AND/OR FRONTAGE

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

5.5 FLOOD PLAIN AND FILL REGULATED AREA

5.5.1 EXTENT OF THE FLOOD PLAIN AND FILL REGULATED AREA

The Flood Plain and Fill Regulated Area applies to lands within the *Regulatory Flood Plain* and Fill Regulated Area established by the Upper Thames River

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Conservation Authority. Where flood lines have not been established by the Conservation Authority, proponents may be required to complete such mapping to the satisfaction of the Conservation Authority, at their request, prior to development. The *Zoning Officer* shall notify the Conservation Authority of development plans within a **30 m** (98.4 ft) *setback* area around any regulated *watercourse* to determine whether such flood plain mapping is required or to determine whether the development is subject to regulations regarding construction or alterations to *watercourses*.

In accordance with the County of Oxford Official Plan, until Significant Valleylands have been defined through study, they will be defined as the lands associated with the *Regulatory Flood Plain* or Erosion Hazard Areas established by the Conservation Authority.

5.5.2 IDENTIFICATION OF THE FLOOD AND FILL AREA

The *Regulatory Flood Plain* and Fill Regulated Area are shown by a dotted line indicating the area subject to flood and fill regulations on Schedule "A" of this By-Law.

5.5.3 PERMITTED USES IN THE FLOOD PLAIN

Only the following *uses* are *permitted* within the area of the *Regulatory Flood Plain*, provided that they are also *permitted* in the underlying zone:

- flood control works;
- a *park*;
- a public *use* in accordance with the provisions of Section 5.22 of this By-Law;
- a *gravel pit*;
- a *stone quarry*;
- a *conservation project*;

except that no *buildings* or *structures* shall be *permitted* unless accessory to flood control works or a *conservation project*. All other *uses* not explicitly listed above, shall be prohibited within the area of the *Regulatory Flood Plain*.

5.5.3.1 FILL REGULATED AREA

All *uses* of the underlying zone are *permitted* within the area of the Regulatory Fill Line, except that no *buildings*, *structures* or site alteration are *permitted* without a permit from the Conservation Authority with jurisdiction.

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5.5.4 ZONE REQUIREMENTS

All other zone provisions of the underlying zone shall continue to apply within the *Regulatory Flood Plain* and Fill Regulated Area, unless new provisions are recommended by an Environmental Impact Study. Where new provisions are recommended by an Environmental Impact Study, a Zoning By-Law amendment shall be required to incorporate such provisions into this By-Law.

5.6 GARDEN SUITES

(Deleted by By-Law 17-4962)

5.7 GREATER RESTRICTIONS

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

5.8 GROUNDWATER RECHARGE AREAS

5.8.1 DEFINITION OF THE GROUNDWATER RECHARGE AREA

The Groundwater Recharge Area includes the area shown on Schedule "D" of this By-Law.

5.8.2 PERMITTED USES

All *uses existing* at the date of passing of this By-Law shall be *permitted uses* within the Groundwater Recharge Area. All *uses permitted* within the underlying zone shall be *permitted* within the Groundwater Recharge Area, with the exception of those listed in Section 5.8.3 of this By-Law.

5.8.3 RESTRICTED USES

Where the following *uses* are *permitted* in an underlying zone, a Disclosure Report and/or a Contingency Plan must be prepared in accordance with Section 3.2.7.2 of the County of Oxford Official Plan, as amended, prior to the issuance of a building permit:

- a *landfill* site;
- a lagoon or other putrescible waste disposal facility;

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- an *asphalt or concrete batching plant*;
- an industrial or commercial *use* involving the storage or processing of chemical and/or petroleum products;
- a *public garage*;
- an *automobile service station*;
- a vehicle maintenance yard;
- a *fuel storage tank* or supply yard;
- a *salvage yard*.

5.8.4 SITE PLAN CONTROL

Prior to the issuance of a building permit for any of the *uses* listed in Section 5.8.3 of this By-Law, the Council of the Town of Ingersoll shall pass a Site Plan Control By-Law applying to the site and require the proponent to enter into a Site Plan Control Agreement.

5.8.5 ZONE REQUIREMENTS

All other zone provisions of the underlying zone shall continue to apply within the Groundwater Recharge Area.

5.9 GROUP HOMES

5.9.1 WHERE PERMITTED

Notwithstanding any other provision of this By-Law to the contrary, a *group home* is *permitted* to occupy the whole of an individual *dwelling unit*, a *single detached dwelling*, a *semi-detached dwelling*, a *duplex dwelling*, a *multiple unit dwelling*, and a *street fronting townhouse dwelling* provided the total number of residents within the *building* or *structure* does not exceed eight. The *dwelling* must have **20.0 m²** (216 ft²) of *gross floor area* per *person* residing within the unit.

5.9.2 ZONE REQUIREMENTS

A *group home* shall comply with the zone provisions for *dwelling permitted* in the zone in which such *use* is located.

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5.10 HOME OCCUPATION

5.10.1 WHERE PERMITTED

A *home occupation* is permitted, subject to complying with all appropriate zoning provisions, in all zones permitting a residential *dwelling unit* and shall be permitted within the residential *dwelling unit*.

5.10.2 FLOOR AREA LIMIT

Not more than the cumulative total of **25 m²** (269.1 ft²) of *gross floor area* of the residential *dwelling unit* shall be used for the purposes of the *home occupation* use.

5.10.3 STORAGE, DISPLAY AND SIGNAGE

There shall be no external storage of goods or materials and no external display or advertising other than one (1) unlighted *sign* with an area of not more than **1 m²** (10.8 ft²) directly *attached* to the wall of the residential unit.

5.10.4 ADVERTISEMENT

Media advertising of the *home occupation* shall be permitted within such advertising restricted to the publishing of the *Home occupation* and telephone number but no municipal address.

5.10.5 EMPLOYEES

Not more than three on-site employees, including those residing on the premises, shall be engaged in the *home occupation*.

(Replaced by By-Law 17-4949)

5.10.6 RETAIL SALES

Retail sale of items shall be prohibited, except for items made in the *home occupation*.

5.10.7 REPAIR USES

Repair *uses* are prohibited as part of a *home occupation*, except for the repair of household appliances and electronic equipment.

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5.10.8 BED AND BREAKFAST ESTABLISHMENT

A *bed and breakfast establishment* shall be considered a *home occupation* where located in a *single detached dwelling*. Notwithstanding the *gross floor area* limit for a *home occupation* in subsection 5.10.2, a *bed and breakfast establishment* shall be limited to three *guest rooms*.

5.10.9 HOME DAYCARE

A *private home daycare*, located in a *single detached dwelling*, a *semi-detached dwelling*, a *duplex dwelling* or a *converted dwelling* with accommodation for up to and including 5 children, shall be considered a *home occupation*. For the purpose of this subsection, the *gross floor area* limit for a *home occupation* in subsection 5.10.2 shall not apply to a *private home daycare*.

5.10.10 PARKING

Off-Street parking shall be provided in accordance with subsection 5.19.

5.10.11 ZONE REQUIREMENTS

The *home occupation* shall comply with all other zone requirements of the zone in which such *home occupation* is located.

The *home occupation* shall not include the shipping or receiving of goods or materials by *commercial motor vehicles* in excess of **4000 kg** (8,818.3 lb) *gross vehicle weight* (unloaded).

Notwithstanding any provisions contained in this By-law, no *accessory buildings* or *yards* in a residential zone can be used in conjunction with a *home occupation*.

5.11 LOADING PROVISIONS

5.11.1 LOADING SPACES REQUIRED

The *owner* or occupant of any *lot*, *building* or *structure* in a Commercial, Institutional, or Industrial Zone, *erected* or used for any purpose involving the receiving, shipping, loading or unloading of *persons*, animals goods, wares and merchandise and raw materials shall provide and maintain at the premises, on the *lot* occupied by the *building* or *structure* and not forming part of a *street* or *lane*, within the zone in which such *use* is located, loading or unloading facilities in accordance with the rates set out in Table 5.11.1.

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TABLE 5.11.1 - LOADING SPACE REQUIREMENTS		
Zone	Gross Floor Area m ² (ft ²)	Number of Loading Spaces Required
Commercial, Institutional, Industrial, or Recreation	350-2,000 m ² (3,767.5-21,528.5 ft ²)	1
	2,001-6,500 m ² (21,539.3-69,967.7 ft ²)	2
	6,501-12,000 m ² (69,978.5-129,171.2 ft ²)	3
	greater than 12,000 m ² (129,171.2 ft ²)	4

Notwithstanding the Loading Space Requirements as set out in Table 5.11.1, each principal *building* on a *lot* must have at least one loading space.

5.11.2 STANDARDS FOR LOADING SPACES

All loading spaces must be rectangular and comply with the provisions of Table 5.11.2 below:

TABLE 5.11.2 - LOADING SPACE STANDARDS	
Design Provision	Minimum Standard
Length	9.0 m (29.5 ft)
Width	3.5 m (11.5 ft)
Vertical Clearance	4.0 m (13.1 ft)
Location	1.5 m (4.9 ft) from interior <i>side lot</i> and <i>rear lot lines</i> and a minimum distance of 10 m (32.9 ft) from the <i>street line</i> . In addition, no loading space shall be located in any portion of a <i>required yard</i> abutting a Residential, Development or Entrepreneurial Zone.
Access Driveway Width	6.0 m (19.7 ft)

5.11.3 LOADING SPACE CALCULATION

The *gross floor area* shall be used for the purposes of calculating the requirement to provide loading spaces.

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5.11.4 LOADING SPACE SURFACE

The *driveways*, and loading spaces shall be constructed of asphalt, concrete, portland cement binder, recycled asphalt, or a stable surface of crushed stone or gravel which is maintained or treated so as to prevent the raising of dust or loose particles.

5.11.5 ADDITIONS TO BUILDING

The loading space requirements referred to herein shall not apply to any *building* in existence at the date of passing of this By-Law so long as the *gross floor area* as it existed at such date is not increased. If an addition is made to the *building* or *structure* which increases the *gross floor area*, then additional loading spaces shall be provided as required by subsection 5.11.1 of the By-law for such addition.

5.12 LOTS CONTAINING MORE THAN ONE USE

5.12.1 LOT AREA AND LOT FRONTAGE REQUIREMENTS

Where a *lot* contains more than one *use*, which is not an accessory use, the *lot area* requirement shall be the sum of the requirements for each separate use. The *lot frontage* requirement shall be the greatest of the *lot frontage* requirements for each separate *use* in the zone where such *lot* is located.

5.12.2 DELIVERY, LOADING AND PARKING REQUIREMENTS

When a *building*, *structure* or *lot* contains more than one *use*, the delivery space requirement, loading space requirement and *parking space* requirement for such *building*, *structure* or *lot* shall be the sum of the requirements for each separate use.

5.13 LOTS DIVIDED INTO MORE THAN ONE ZONE

Where a *lot* is divided into more than one zone, each such portion of the *lot* shall be used in accordance with the provisions of this By-law for the zone where such portion of the *lot* is located. However, for the purposes of determining minimum *lot area* and minimum *lot frontage*, the entire *lot* shall be considered.

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5.14 MUNICIPAL SERVICES

- 5.14.1 No *building* or *structure* may be *erected* or enlarged unless the land is serviced by all municipal services (municipal water, sanitary sewers, electric power lines, drainage systems and improved *streets*).
- 5.14.2 Notwithstanding the foregoing, private sewage disposal systems are permitted for enlargements to existing residential *dwelling*s and construction of *buildings* and *structures* that are *accessory* to existing residential *dwelling*s, provided the said enlargements and/or construction of *accessory buildings* and *structures*:
- i) comply with all other provisions of the Zoning By-law;
 - ii) do not require any other approval under the *Planning Act*, R.S.O. 1990, c P.13;
 - iii) have been approved in writing by the authorities having jurisdiction; and
 - iv) municipal sanitary sewer is not available within 150 m of the property.
- 5.14.3 Notwithstanding any other provisions of this By-law, including Section 5.14.1, private sewage disposal systems are *permitted* for non-residential *use buildings* or *structures* in an MR or MG Zone subject to the written approval of the approval authority appointed by the *Corporation* to review and approve the installation of private sewage disposal systems.

(Replaced by By-Law 17-4949)

5.15 NOISE AND VIBRATION5.15.1 **SEPARATION OF NOISE SENSITIVE LAND USES FROM INDUSTRIAL USES**

Notwithstanding any provision within this By-Law to the contrary, the development of a new noise sensitive land *use* shall not be *permitted* within the following minimum separation distances:

- 20 m (65 ft.) from a *Class I industrial facility* on an industrially zoned *lot*;
- 70 m (230 ft.) from a *Class II industrial facility* on an industrially zoned lot;
or
- 300 m (984 ft.) from a *Class III industrial facility* on an industrially zoned *lot* or an existing rail *yard*;
- 300 m (984 ft.) from an un-built *lot* in an Industrial Zone or a Development Zone *lot* which is designated for industrial purposes on Schedule I-1 of the County Official Plan

The above minimum separation distances shall also apply to the development of Class I, II or III industrial facilities in proximity to existing noise sensitive land *uses* located on *lots* in a Residential, Commercial or Institutional Zone.

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(Replaced by By-Law 17-4949)

5.15.2 MEASUREMENT OF SEPARATION DISTANCE

The minimum separation distance specified in Section 5.15.1 shall be measured as the shortest distance between the *lot line* of the *lot* containing the *existing* or proposed sensitive land *use* and the *lot line* of the industrial or future development zoned *lot*.

5.15.3 EXCEPTIONS

The minimum separation distances in 5.15.1 shall not prevent the construction of a *dwelling*, provided that:

- Such *dwelling* is located on an appropriately zoned *lot* in a registered plan of subdivision, or an appropriately zoned *lot* created through consent; or
- Such *dwelling* is located on an appropriately zoned *lot* of record, which is not located within a registered plan of subdivision, and is located no closer to any industrial *use* identified in Section 5.15.1 than one or more *existing* sensitive land *uses* located on appropriately zoned *lots*, provided that such *uses* are located between the *lot* to contain the proposed *dwelling* and the identified industrial *use*.

5.16 NON-CONFORMING AND/OR NON-COMPLYING USES, SITES AND BUILDINGS

5.16.1 CONTINUATION OF EXISTING USES

The provisions of this By-Law shall not prevent the *use* of any *lot*, *building* or *structure* for any purpose prohibited by this By-Law if such *lot*, *building* or *structure* was lawfully used for such purpose on the date of passing of this By-Law, and provided that it continues to be used for that purpose.

For the purpose of this By-law, a barn used for housing livestock shall be deemed to comply with this provision, provided that it continues to be used to house the same type of livestock as it did on the date of passing of the By-law.

5.16.2 NON-COMPLYING BUILDING LOCATION

Notwithstanding any of provisions of this By-Law to the contrary, a *non-complying building* or *structure*, shall be deemed to comply with the relevant provisions of this By-Law pertaining to *setbacks* from a *street line*, *yards* and *lot coverage*, provided that no portion of any such *building* or *structure* encroaches on any abutting road allowance or *lot*. Extensions or additions to any such *building* or *structure* shall still be subject to the provisions of Section 5.16.6.

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5.16.3 BUILDING PERMIT ISSUED

The provisions of this By-Law shall not apply to prevent the erection or *use* for a purpose prohibited by this By-Law of any *building* or *structure*, the plans for which have been approved prior to the date of passing of this By-Law, by the *Chief Building Official*, so long as the *building* or *structure* when *erected* is used and continues to be used for the purpose for which it was *erected* and provided the erection of such *building* or *structure* is commenced within 6 months after the date of passing of this By-Law.

5.16.4 STRENGTHENING OF NON-CONFORMING AND/OR NON-COMPLYING BUILDINGS

Nothing in this By-Law shall prevent the strengthening to a safe condition any *non-conforming* and/or *non-complying building* or *structure* or part of any *non-conforming* and/or *non-complying building* or *structure* provided that the alteration or repair does not increase the *height*, size or volume of the *building* or *structure* or change the *use* of the *building* or *structure*.

5.16.5 REPLACEMENT OF NON-CONFORMING AND/OR NON-COMPLYING BUILDINGS

Where a *non-conforming* and/or *non-complying building* or *structure* is damaged or demolished due to an accidental cause, or is in poor state of repair, nothing in this By-Law shall prevent the replacement of the *non-conforming* and/or *non-complying building* or *structure* provided that:

5.16.5.1 the *building* or *structure* is occupied by the same *use* or by a *permitted use*;

5.16.5.2 the *building* or *structure* is located on or within the limits of the foundation walls of the *building* or *structure* as they existed prior to such destruction;

5.16.5.3 the *height* and *gross floor area* of such replacement does not exceed the *height* and *gross floor area* of the *building* as it existed prior to such destruction;

5.16.5.4 the *building* or *structure* does not encroach on a municipal road allowance; and

5.16.5.5 the *building* or *structure* is replaced and reoccupied within one year of such destruction.

5.16.6 EXTENSIONS TO NON-COMPLYING BUILDINGS

Nothing in this By-law shall permit the extension or an addition being made to a *non-complying use, building* or *structure* except where:

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5.16.6.1 the extension or addition to a *use, building or structure existing* at the date of passing of this By-Law is devoted to the same purpose and complies with the regulations of the By-Law pertaining to the zone in which the *use* is located and any other applicable regulations in this By-Law; and

5.16.6.2 Further to Section 5.16.6.1 and subject to other provisions of this By-law that apply, where a *use, building or structure* was legally located or *erected* prior to the passing of this By-Law, and is in a zone which this By-law does not otherwise permit the location or erection of such *use, building or structure*, the provisions prescribed in this By-Law for the zone listed in Column B below shall apply to the extension or enlargement of, or addition to, a legal *non-conforming use, building or structure* as listed in Column A below:

COLUMN A	COLUMN B
<i>a single detached dwelling</i>	R1
<i>a semi-detached or duplex dwelling</i>	R2
<i>a multiple unit dwelling</i>	R3
<i>a street row dwelling</i>	R3
<i>an apartment dwelling</i>	R4
<i>any commercial use, building or structure</i>	CC
<i>any industrial use, building or structure</i>	MG
<i>any institutional use, building or structure</i>	IN1

5.16.7 NON-COMPLIANCE DUE TO PUBLIC ACQUISITION

Where the area of a *lot* is reduced as a result of the public acquisition of a part of a *lot* and where this acquisition causes any *building or structure existing* on the *lot* to become *non-complying* relative to the zone provisions, then nothing in this By-Law shall prevent the continued *use* of the *building or structure* provided that no subsequent change is made to the *lot* which would increase the extent of the *non-compliance*.

Where a vacant *lot* is reduced as a result of the public acquisition of part of the *lot* such that the zone provisions relating to *lot frontage, lot depth, and/or lot area* become *non-conforming*, then nothing in this By-Law shall prevent the erection of a *building* provided that all other zone provisions are complied with.

5.17 OUTDOOR DISPLAY AND SALES AREAS

5.17.1 PERMITTED IN ALL COMMERCIAL ZONES

An *outdoor display and sales area* is a *permitted use* in all Commercial Zone categories.

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5.17.2 REGULATIONS

An *outdoor display and sales area* is subject to the following additional regulations:

- (a) it must not be located within any required *parking area*, sidewalk or facility for pedestrian movement;
- (b) notwithstanding any *required yard setbacks* of the applicable zone, an *outdoor display and sales area* may project to within **1.2 m** (3.9 ft) of the *lot line* provided that it is outside of any *corner lot sight triangle*
- (c) notwithstanding any provision of the applicable zone, an *outdoor display and sales area* shall not be included in the calculation of *gross floor area* or required *parking spaces*.

5.17.3 ENCROACHMENT INTO MUNICIPAL ROAD ALLOWANCE

Despite Section 5.17.2 an *outdoor display and sales area* may be *permitted* to encroach on an *improved street* only where it will not interfere with pedestrian or vehicular traffic and only with the written approval of the *Corporation*.

5.18 OUTDOOR PATIOS

5.18.1 OUTDOOR PATIOS PERMITTED

An outdoor patio is *permitted* where it is operated as part of an *eating establishment, place of entertainment, community centre, assembly hall or golf course* listed as a *permitted use* in the applicable zone provisions.

5.18.2 LOCATION

Any outdoor patio will be established in accordance with the following criteria:

- (a) an outdoor patio is prohibited in a *required yard* abutting a Residential and Institutional Zone;
- (b) an outdoor patio is prohibited within any *yards* abutting a *street* if a Residential Zone is located on the opposite side of the *street*; and
- (c) a terraced or rooftop patio is not *permitted* on any property abutting a Residential Zone.

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5.18.3 PARKING

The *gross floor area* of any outdoor patio shall be included for the purposes of calculating required parking in accordance with Table 5.19.2.1.

5.18.4 ENCROACHMENT INTO REQUIRED YARDS

Despite any *required yard setbacks* of the applicable zone, an outdoor patio may project to within **1.2 m** (3.9 ft) of the *lot* line provided that the criteria of subsection 5.18.2 are complied with.

5.18.5 ENCROACHMENT INTO MUNICIPAL ROAD ALLOWANCE

An outdoor patio in the Central Commercial (CC) Zone may be *permitted* to encroach on an *improved street* only where it will not interfere with pedestrian or vehicular traffic and only where a valid encroachment agreement has been entered into with the *Corporation* and remains in good standing.

5.19 PARKING PROVISIONS

5.19.1 GENERAL REQUIREMENTS FOR PARKING AREAS

5.19.1.1 OFF-STREET PARKING AREAS REQUIRED

Unless otherwise stated in this By-Law, *motor vehicle parking spaces* must be provided on the same *lot* as the *building* to which such parking is associated in accordance with the parking standards set out in Section 5.19.2.

5.19.1.2 MORE THAN ONE USE PER LOT

In a *building* or *structure* in which more than one *use* is located, the total requirement for parking will be the sum of the requirements applied to each separate **use**, unless otherwise expressly stated.

5.19.1.3 PARTS TO BE CONSIDERED AS REQUIRED SPACES

Where the application of the parking standards as set out in Section 5.19.2 results in part of a *parking space* being required, such part will be considered as one required space.

5.19.1.4 USE OF PARKING AREAS AND SPACES

5.19.1.4.1 All required *parking spaces* must be used exclusively for that purpose and must not be used for any other purpose.

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If one or more required *parking spaces* are to be provided in an *attached* or detached garage, each space shall have a minimum width of **2.7 m** (8.9 ft) and minimum length of **5.5 m** (18.0 ft) and shall remain unobstructed at all times.

5.19.1.4.2 Where a *parking area* or *space* is *permitted* or required under this By-Law, no *person* shall *use* such area or space, in any zone, for parking any *motor vehicle* unless such vehicle is operative, used in operations incidental to the *permitted uses* in respect of which such *parking area* or *space* is provided, and bearing a *motor vehicle* license plate which is currently valid.

5.19.1.4.3 *COMMERCIAL MOTOR VEHICLES* IN RESIDENTIAL OR ENTREPRENEURIAL ZONES

The parking of *commercial motor vehicles* is prohibited in Residential and Entrepreneurial Zones.

(Replaced by By-Law 17-4949)

5.19.1.5 ACCESS TO PARKING SPACE

A *parking space* must have unobstructed access from a public *street* by either a *driveway* or an aisle leading to a *driveway*.

5.19.1.6 PARKING SPACE AND PARKING AISLE STANDARDS <i>Motor vehicle parking spaces and parking aisles shall comply with the standards set out in Table 5.19.1.6 and be in accordance with Schedules "C-1 and C-2" of this By-Law.</i> TABLE 5.19.1.6 - PARKING SPACE AND AISLE STANDARDS			
Angle of the Parking Spaces	Minimum Perpendicular Width of the Aisle	Depth of Parking Space	Width of Parking Space
30 degree	3.4 m (11.2 ft)	4.6 m (15.1 ft)	for cars parked side by side 2.7 m (8.9 ft), for cars parked with wall or fence adjacent 3 m (9.8 ft)
45 degree	3.7 m (12.1 ft)	5.5 m (18.0 ft)	
55 degree	4.3 m (14.1 ft)	5.8 m (19.0 ft)	
60 degree	4.9 m (16.1 ft)	5.8 m (19.0 ft)	
65 degree	5.2 m (17.1 ft)	5.8 m (19.0 ft)	
70 degree	5.5 m (18.0 ft)	5.8 m (19.0 ft)	
90 degree	6.7 m (22.0 ft)	5.5 m (18.0 ft)	
parallel parking	4 m (13.1 ft) for one way traffic and 6 m (19.7 ft) for two way traffic	6.5 m (21.3 ft)	
angle other than those listed	shall meet the requirements for the angle of parking which is greater than the angle being provided		

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5.19.1.7 DRIVEWAY STANDARDS

The following standards apply to *driveways* providing ingress and egress to *parking spaces*:

5.19.1.7.1 MINIMUM WIDTH ONE-WAY ACCESS

Where the access to a *parking space* is provided directly by a *driveway* from a public *street*, the *driveway* must be at least **3.0 m** (9.8 ft) in width;

5.19.1.7.2 WIDTH OF JOINT ACCESS

Where a joint ingress and egress *driveway* is provided to a *parking aisle*, the *driveway* width measured along the *street line* shall be at least **6.7 m** (22 ft) in width and no more than **9 m** (29.5 ft) in width.

5.19.1.7.3 MAXIMUM DRIVEWAY WIDTH - RESIDENTIAL ZONES

Within a Residential Zone, a maximum of 50% of the *front yard* area or frontage or *exterior side yard* may be occupied by a *driveway*.

5.19.1.7.4 NUMBER OF DRIVEWAYS PERMITTED

Every *lot* shall be limited to not more than 2 *driveways* up to the first **30 m** (98.4 ft) of frontage; and not more than 1 additional *driveway* for each additional **30 m** (98.4 ft) of frontage.

5.19.1.7.5 DISTANCE FROM INTERSECTION

The minimum distance between a *driveway* and an intersection of *street lines* is **7.5 m** (24.6 ft).

5.19.1.7.6 *DRIVEWAYS* RESIDENTIAL ZONES

All *driveways*, *parking aisles*, *parking areas* and *parking spaces* associated with a residential *use* shall be improved with a granular base and will have either concrete or asphalt surface and shall include provisions for drainage facilities.

(Added by By-Law 17-4949)

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5.19.1.8 PARKING AREA SURFACE

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

5.19.1.9 ADDITIONS TO BUILDINGS

The *parking area* requirements referred to herein shall not apply to any *building* in existence at the date of passing of this By-Law so long as the floor area, as it existed at such date, is not increased, and the *building* or *structure* is used for a purpose which does not require more *parking spaces* according to subsection 5.19.2 of this By-Law than were required by its *use* at the date of passing of this By-Law. If an addition or change of *use* is made to a *building* or *structure* as it existed at the date of passing of this By-Law, then additional *parking spaces* shall be provided to the number required for such addition or change in *use*.

5.19.2 MOTOR VEHICLE PARKING STANDARDS

5.19.2.1 OFF-STREET PARKING REQUIRED

Off-*street* parking for *motor vehicles* must be provided as set out in Table 5.19.2.1.

TABLE 5.19.2.1 - PARKING STANDARDS		
Land Use Category		Number of Vehicle <i>Parking spaces</i> Required
Residential Uses	<i>single detached dwelling</i> <i>duplex dwelling</i> <i>semi-detached dwelling</i> <i>converted dwelling</i> <i>mobile home</i> <i>street fronting townhouse dwelling</i>	2 per <i>dwelling unit</i>
	<i>home occupation, except a bed and breakfast establishment</i>	1 space

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	<i>bed and breakfast establishment</i> <i>boarding or lodging house</i>	1 per <i>guest room</i>
	<i>garden suite</i>	1 per <i>garden suite</i>
	residential unit in a portion of a non-residential <i>building</i> <i>multiple unit dwelling</i> <i>apartment dwelling</i>	1.5 per <i>dwelling unit</i>
Business Uses	<i>commercial school</i> financial institution laundromat <i>personal service establishment</i> <i>retail store</i> <i>service shop</i> <i>studio</i>	1 per 20 m² (215.3 ft ²) of <i>gross floor area</i>
	<i>eating establishment</i>	1 per 9 m² (96.9 ft ²) of <i>gross floor area</i>
	funeral home	20 for the first 50 m² (538.2 ft ²) of <i>gross floor area</i> plus 1 for each additional 1.5 m² (16.1 ft ²) of <i>gross floor area</i> used for a chapel or public visitation area.
	wholesale establishment	1 per 90 m² (968.8 ft ²) of <i>gross floor area</i>
	<i>hotel or motel</i>	1.2 per guestroom
Office Uses	<i>business or professional office</i> government administrative offices	1 per 20 m² (215.3 ft ²) <i>gross floor area</i>
	<i>animal kennel</i> <i>medical centre</i> <i>veterinary clinic</i>	Minimum of 4 spaces or 6.0 per 100 m² (1,076 ft ²) <i>gross floor area</i> , whichever is greater

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Industrial Uses	<i>truck transportation terminal</i>	1 per 100 m² (1,076.4 ft ²) <i>gross floor area</i>	
	<i>warehouse</i>	1 per 185 m² (1,991.4 ft ²) of <i>gross floor area</i>	
	all other industrial <i>uses</i>	5 plus 1 per 90 m² (968.8 ft ²) of <i>gross floor area</i>	
Institutional Uses	<i>place of worship</i>	1 for every 5 seats capacity, or 1 for each 10 m² (107.6 ft ²) of <i>gross floor area</i> used for a hall or auditorium, whichever is greater.	
	<i>hospital</i>	1 per 3 beds or fraction thereof	
	<i>school</i>	1 per classroom, or 1 per 10 m² (107.6 ft ²) of floor area in the gymnasium or auditorium, whichever is greater.	
	<i>long term care facility</i>	1 per 3 beds or fraction thereof	
	<i>group home</i>	4 spaces	
Leisure and recreation type uses	museum library recreational or athletic facility	1 per 20 m² (215.3 ft ²) of <i>gross floor area</i> . Playing areas for squash, tennis, handball and badminton courts are to be excluded for the purposes of calculating parking.	
	arena or <i>community centre</i> <i>assembly hall</i> <i>fraternal lodge or institutional hall</i> <i>place of entertainment</i>	1 per 10 m² (107.6 ft ²) of <i>gross floor area</i> or 1 space for every 4 seats whichever is greater	
	bowling alley	4 per lane	
	curling facility	4 per curling sheet	
	Other Uses	All other <i>uses permitted by this By-Law other than those listed in this table</i>	1 per 40 m² (430.6 ft ²) of <i>gross floor area</i>

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5.19.2.2 ACCESSIBLE PARKING

5.19.2.2.1 Accessible parking spaces for all non-residential and multiple residential *uses* including, an *apartment dwelling*, a *boarding or lodging house*, and a *multiple unit dwelling* shall be provided in compliance with the provisions of this subsection:

5.19.2.2.2 For the purpose of this subsection:

- (i) a Type A *parking space* shall comprise an unobstructed rectangular area with a minimum width of 3.4 m and a minimum length of 5.5 m; and
- (ii) a Type B *parking space* shall comprise an unobstructed rectangular area with a minimum width of 2.7 m and a minimum length of 5.5 m.

5.19.2.2.3 Each accessible *parking space* must maintain a 1.5 m wide access aisle along the entire length of the parking space as illustrated on Schedule “H”. Where two or more accessible *parking spaces* are required in accordance with the provisions contained in Table 5 – Designated Accessible Parking Space Regulations, an access aisle may be shared between accessible *parking spaces*.

5.19.2.2.4 REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES

Accessible *parking spaces* for non-residential and multiple residential uses shall be provided in compliance with Section 5.19.2.2.1 and Table 5.19.3 – Designated Accessible Parking Space Regulations.

TABLE 5.19.3: - DESIGNATED ACCESSIBLE PARKING SPACE REGULATIONS			
Total Number Of Required Vehicle Parking Spaces	Minimum Number of Required Accessible Spaces	Type A Spaces	Type B Spaces
1 – 12	1	1	0
13 – 100	4% of total required <i>parking spaces</i>	Where an even number of accessible <i>parking spaces</i> are required, an equal number of Type A and Type B spaces must be provided. Where an odd number of total accessible <i>parking spaces</i> are required, the additional space may be a Type B space.	
101 – 200	3% of total required <i>parking spaces</i> + 1		
201 – 1,000	2% of total required <i>parking spaces</i> + 2		
1,001 or greater	1% of total required <i>parking spaces</i> + 11		

Where a part of an accessible space is determined to be required, the provisions of Subsection 5.19.1.3 will apply.

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(Amended by By-Law17-4949)

5.19.2.2.5 LOCATION OF ACCESSIBLE PARKING SPACES

Accessible *parking spaces* shall be provided and maintained on the same *lot* in proximity to the main entrances to a *building* or structure.

(Replaced by By-Law17-4949)

5.19.2.3 TANDEM PARKING

Where parking is provided at the *dwelling unit* in an individual *driveway*, the required parking for that *dwelling* may be provided by a tandem *parking space*.

5.19.2.4 VISITOR PARKING

In addition to the requirements set out in Table 5.19.2.1, where there are more than 10 residential units, visitor *parking spaces* for *motor vehicles* must be provided at the rate of 1 space for every 10 required *parking spaces*.

(Added by By-Law 17-4949)

5.19.3 LOCATION OF PARKING AREAS

5.19.3.1 YARDS AND SETBACKS

Motor vehicle parking areas must be situated in accordance with the requirements set out in Table 5.19.4.

TABLE 5.19.4 – LOCATION AND SETBACK REQUIREMENTS FOR PARKING AREAS				
Zones	Yards Where Parking is Permitted	Setback of Parking From:		
		Street Line	Interior Side Lot Line	Rear Lot Line
Residential Zone, units with individual <i>driveways</i>	<i>All yards</i>	1.0 m (3.3 ft)	---	---
Residential Zone, units without individual <i>driveways</i>	<i>Interior side yard</i> <i>Rear yard</i>	---	1.5 m (4.9 ft)	1.5 m (4.9 ft)
Commercial, Institutional, Industrial, Development, Open Space and all mixed <i>use</i> Zones	<i>All yards</i>	1.0 m (3.3 ft)	1.5 m (4.9 ft)	1.5 m (4.9 ft)

(Amended by By-Law17-4949)

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5.19.3.2 PARKING SPACE LOCATION ON OTHER LOT

Where the *owner* of a *building* or *structure* proposes to provide the required *parking spaces* and areas at a location other than on the same *lot* as the *use* that requires such spaces and areas, then such spaces and areas shall be located not more than **150 m** (492.1 ft) from the said *lot* and shall be located within the same zone as the said *lot* and held under the same ownership. A site plan agreement shall be registered on the title of the lands used for off-site parking, committing those spaces to the related *use*.

5.19.4 QUEUE SPACE REQUIREMENTS

Where any of the *uses permitted* by this By-Law offer drive-through service, off-street *motor vehicle* queue spaces leading to and from the drive-through service must be provided in accordance with Table 5.19.5.

TABLE 5.19.5: REQUIRED VEHICLE QUEUE SPACE	
Land Use	Required Number of Spaces
Automated Bank Machine situated on the exterior of a <i>building</i> or free-standing kiosk.	3 before each Automated Bank Machine
<i>Automobile Service Station/Public Garage</i>	3 before each service bay 1 at service bay exit if a through-bay
<i>Motor vehicle Washing Establishment</i>	3 before each wash bay 2 after each wash bay
<i>Eating Establishment</i>	11 before pick-up window 2 after pick-up window
Convenience Retail or Service Establishment	2 before service window

(Amended by By-Law17-4949)

5.19.4.1 All required queue spaces must be provided in accordance with the following design standards:

- (a) The minimum dimensions for each queue space must be **3.0 m** (9.8 ft) in width and **6.0 m** (19.7 ft) in length;

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- (b) Queue spaces must be arranged in a single waiting line in advance and behind the drive-through service window offered in accordance with Table 5.19.5;
- (c) A minimum inside turning radius for queue spaces forming a waiting line is **7.0 m** (23.0 ft);
- (d) Queue spaces forming a waiting line must be unobstructed by *parking spaces* or loading spaces and must be clearly delineated by markings and barriers;
- (e) Queue spaces forming a waiting line or storage space from the service offered cannot form part of a *parking aisle* providing access to a *parking space*; and
- (f) Queue spaces shall not be located in a *required yard* abutting a Residential Zone or Entrepreneurial Zone.

5.19.5 EXCEPTIONS – PARKING SPACE REQUIREMENTS

Provisions of Section 5.19.2.1 shall not apply to require the establishment of *parking spaces* in areas for non-residential *use* other than a *motel* or *hotel* in the following area:

Core Area

- On the west, bounded by the west limit of Oxford Lane and the *rear lot line* of those *lots* having frontage on the west side of Oxford Street and its projection;
- On the south, bounded by the *rear lot line* of *lots* fronting on the south side of King Street;
- On the east, bounded by the west limit of Mill Street and its projection to the C.P.R. right-of-way; and
- On the north bounded by the south limit of the C.P.R. Right-of-way.

5.20 PLANTING STRIPS

5.20.1 REQUIREMENTS FOR NON-RESIDENTIAL USES

5.20.1.1 Where a *lot* is used for any non-residential purpose and the interior side or *rear lot line* abuts a residential *use* or undeveloped land in a Residential Zone or Development Zone then a strip of land adjoining such abutting *lot line*, or portion thereof, shall be used for no other purpose than a planting strip in accordance with the provisions of this section.

5.20.1.2 Where such *lot* is in an Industrial Zone and the *front*, *side* or *rear lot line* abuts a portion of a *street*, the opposite side of which portion of the *street* abuts a residential *use* or undeveloped land in a Residential Zone or Development Zone,

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then a strip of land adjoining such abutting *lot line*, or portion thereof, shall be used for no other purpose than planting in accordance with the provisions of this section.

5.20.2 WIDTH

Where a planting strip is required in any zone and consists of landscaping or a landscaped earthen berm, the planting strip shall have a minimum width of **3.0 m** (9.8 ft). A planting strip consisting of a privacy fence or wall shall have a minimum width of **1.0 m** (3.3 ft).

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A planting strip shall be used for no other purpose than for a row of trees, a continuous hedgerow of evergreens or shrubs, a berm, a wall, or a privacy fence, not less than **1.5 m** (4.9 ft) high, immediately adjacent to the *lot line* or portion thereof along which such planting strip is required hereunder, arranged in such a way as to form a dense or opaque screen; with the remainder of the strip used for shrubs, flower beds or grass, ground cover or a combination thereof.

5.20.4 DRIVEWAYS AND WALKS

In all cases where the ingress and egress of a *driveway* and/or walk extend through a planting strip, it shall be permissible to interrupt the planting strip within **3.0 m** (9.8 ft) of the edge of said *driveway* and within **1.5 m** (4.9 ft) of the edge of said walks.

5.20.5 LANDSCAPED OPEN SPACE

A planting strip referred to in this section may form part of any *landscaped open space* required by this By-Law.

5.21 PROHIBITED USES

No *person* shall, within the Zoned Area, use any land or construct, *alter* or use any *building* or *structure* for any of the following purposes:

- an arsenal;
- cement, lime or sulphur works;
- coke manufacture;
- distilling bones, blood boiling, bone boiling, tripe boiling or extracting fish from oil;
- fat, grease, lard or tallow rendering or refining but not including the manufacture of soap;

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- incineration or reduction of dead animals or offal;
- kerosene refining;
- manufacturing or storing of explosives, ammunition or fireworks;
- a metal smelting use;
- *open storage*, except where specifically listed as a *permitted* use;
- petroleum refining;
- a *rendering plant*;
- a *sand or gravel pit*, other than a *wayside sand or gravel pit*;
- a tannery for the curing and storing of rawhide, skins, leather or hair;
- wool pulling or wool scouring;
- any trade, business or manufacture which is deemed to be an offensive trade within the meaning of The Public Health Act, RSO, 1990.

5.22 PUBLIC USES

5.22.1 PUBLIC SERVICES

The provisions of this By-Law shall not apply to the *use* of any *lot* or to the erection or *use* of any *building* or *structure* for the purpose of providing public services:

- (i) by the *Corporation* or the *County* as defined by The Municipal Act, R.S.O. 1990, as amended;
- (ii) by any utility system operated by the *Corporation* or another body on behalf of the *Corporation* which provides said utility to the residents on behalf of the *Corporation* and possesses all the necessary rights, licenses and franchise;
- (iii) by any gas, oil or water pipeline, telephone line, cable television line or any similar utility service including any substation, transformer, regulator, compressor or similar utility service *building* or *structure*;
- (iv) by any Conservation Authority established by the Government of Ontario;
- (v) by any department of the Government of Ontario or Canada;
- (vi) by any public utility or agency operating an *electrical distribution facility*, but shall not include electrical or other power generation;
- (vii) for any *use permitted* under The Canada Transportation Act (Part III – Railway Transportation) or any other statute of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities.

provided that where such *lot*, *building* or *structure* is located in any zone, the following provisions shall apply:

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5.22.1.1 No goods, material or equipment shall be stored in the open, except as *permitted* in such zone;

5.22.1.2 Any *height* of *building*, *yard*, planting strips, parking, loading, *setback* and *lot coverage* provisions of the zone within which the *use* is located shall be complied with.

Where the *use* is in a *building*, that *building* must have a form and appearance that is in general harmony with the *buildings* and *structures permitted* within the Residential zone in which it is located.

When public *use* equipment is located on a *lot* and is not enclosed, and is greater than **1.4 m** (4.6 ft.) in *height*, such equipment shall:

Be screened on all sides by an opaque fence and/or wall of a minimum *height* equal to the *height* of the utility service equipment to a maximum of **4.0 m** (13.1 ft), or a buffer approved pursuant to the Site Plan Control provisions of The Planning Act.

1. Not be *permitted* within 6.0 m (19.7 ft.) of either a *lot* in a Residential Zone or a *lot line* abutting a *street*.

Notwithstanding the *yard* and setback provisions of this By-Law to the contrary, for public water and sewage facilities in any zone, the following provisions shall apply:

5.22.1.2.1 FRONT, REAR, AND SIDE YARDS

Minimum Depth **1.2 m** (3.9 ft)

5.22.2 STREETS AND INSTALLATIONS

Nothing in this By-Law shall prevent land to be used as a *street* or prevent the installation of a watermain, *sanitary sewer* main, *storm sewer* main, gas main, valve or meter, pipe line, lighting fixtures, group mail boxes, bus shelters or overhead or underground hydro, telephone or other supply line or communication line or tower provided that the location of such main, line, tower or fixture has been approved by the *Corporation* and/or the *County*.

5.22.3 EXCEPTIONS

5.22.3.1 Where in this By-Law under the heading of "USES PERMITTED", a *use* is specifically *permitted* in a zone, which *use* without such reference thereto would be *permitted* in any zone pursuant to the provisions of subsection 5.22.1, then such *use* shall be deemed to be *permitted* only within the zone or zones making

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such specific reference thereto and the said subsection 5.22.1 shall not apply to such use.

5.22.3.2 Notwithstanding anything in this By-Law to the contrary, new *infrastructure* or utilities will only be *permitted* within any zones or environmental protection overlay corresponding to the Open Space and Environmental Protection designations within the County of Oxford Official Plan, Significant Valleylands and Fish Habitat, if they have first been approved through an environmental assessment process.

5.23 SATELLITE DISHES

Satellite dish antennae are *permitted* in any Zone provided that:

- a) satellite dish antennae do not exceed a diameter of 0.6 m (2 ft.) in any Residential Zone;
- b) ground mounting within the *front yard* or *exterior side yard* of a lot in any Residential Zone is prohibited; and
- c) minimum *yard* requirements of the applicable zone are met.

5.24 SIGHT TRIANGLES

On a *corner lot* within the triangular space formed by the *street lines* and a line drawn from a point on one *street line* to a point in the other *street line*, each such point being **9.0 m** (29.5 ft), measured along the *street line* from the point of intersection of the *street lines*, no *building*, *structure*, planting or vehicle shall be located in such a manner as to impede vision between a *height* of **0.6 m** (2 ft) and **3.0 m** (9.8 ft) above the centreline grade of the intersecting *streets*.

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

5.25 SIGNIFICANT ENVIRONMENTAL FEATURES

5.25.1 ENVIRONMENTAL PROTECTION 1 OVERLAY

The Environmental Protection 1 (EP1) Overlay shall apply to lands containing the following Provincially Significant Environmental Features which are identified in the County Official Plan:

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Significant Habitat of Endangered or Threatened Species;
Significant Wildlife Habitat;
Significant Wetlands.

5.25.1.1 IDENTIFICATION OF THE OVERLAY

The EP1 Overlay corresponds to the features listed in Section 5.25.1 and is identified on Schedule "A" of this By-Law. Section 2.7 of this By-Law provides an explanation for the interpretation of these overlay areas.

5.25.1.2 PERMITTED USES

Notwithstanding the provisions of the underlying zone, no development or site alteration shall be *permitted* within an EP1 Overlay, except for a *use* which legally existed on the date of passing of this By-Law, provided that no additional development or site alteration shall be *permitted*, except as specified in Section 5.25.1.3; and

All other *uses* not listed above shall be prohibited within the area of the EP1 Overlay.

Within the EP1 Overlay, the harvest of timber in conformity with the County Woodland Conservation By-Law shall be *permitted* in accordance with the Environmental Protection Area policies of the County of Oxford Official Plan.

5.25.1.3 EXISTING USES, BUILDINGS AND STRUCTURES

Any *building* or *structure* which legally existed at the date of passing of this By-Law may be replaced, rebuilt or *altered*, provided that any such replacement, rebuilding or alteration thereto does not enlarge the *gross floor area* of such *building* or *structure* by more than 25%. Any such replacement, rebuilding or alteration shall take place within the area of the original *building* foundation. Any portion of a *use* that legally existed at the date of passing of this By-Law and is not located within *existing buildings* or *structures* shall only be *permitted* within *existing* cleared areas.

Notwithstanding the above paragraph, a covered or uncovered *deck*, stoop and/or landing may be *attached* to a residential *dwelling existing* at the date of passing of this By-Law, or to any residential *dwelling* that has been replaced, rebuilt or otherwise *altered* in accordance with the above paragraph. Any such covered or uncovered *deck*, stoop and/or landing shall be constructed in accordance with Section 5.34 and shall not exceed 23.2 m² (250 ft²) in area.

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5.25.1.4 ALL OTHER ZONE PROVISIONS APPLY

All other zone provisions of the underlying zone shall continue to apply within the EP1 Overlay areas.

5.25.2 ENVIRONMENTAL PROTECTION 2 OVERLAY, SIGNIFICANT VALLEYLANDS AND FISH HABITAT

The Environmental Protection 2 (EP2) Overlay shall apply to lands containing the following Significant Environmental Features that are identified in the County Official Plan:

- Significant Valleylands;
- Significant Woodlands;
- Areas of Natural and Scientific Interest for the Life Sciences;
- Significant Wildlife Habitat;
- Fish Habitat shall consist of all *watercourses*, ponds, lakes and reservoirs within the Town.

Until Significant Valleylands have been defined through study, they will be defined as the lands associated with the *Regulatory Flood Plain* and erosion hazard lands established by the Upper Thames River Conservation Authority.

5.25.2.1 IDENTIFICATION OF THE EP2 OVERLAY, SIGNIFICANT VALLEYLANDS AND FISH HABITAT

The EP2 Overlay corresponds to the features listed in Section 5.25.2 and is identified on Schedule "A" of this By-Law. Section 2.7 of this By-Law provides an explanation for the interpretation of these overlay areas.

Fish Habitat corresponds to the water features listed in Section 5.25.2.

Significant Valleylands correspond to the *Regulatory Flood Plain* and erosion hazard lands as indicated in Section 5.2452

5.25.2.2 PERMITTED USES

Notwithstanding the provisions of the underlying zone, no *person* shall within any EP2 Overlay, Significant Valleylands, or Fish Habitat, use any *lot* or *erect, alter* or use any *building* or *structure* for any purpose except one or more of the following *uses*:

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- a public *use* authorized through an environmental assessment process;
- a *use* which legally existed on the date of passing of this By-Law, provided that no additional development or site alteration shall be *permitted*, except as specified in 5.25.2.3;
- a *building* or *structure* used for flood or erosion control purposes, or for the management of the natural environment, as approved by the *Corporation*, the *County*, the Upper Thames River Conservation Authority and the Ministry of Natural Resources;
- a *passive use park*, approved by the *Corporation* and the *County*, in consultation with the Upper Thames River Conservation Authority;
- a *farm* on *existing* cleared areas within a Development or Industrial Zone including the land application of nutrients, in accordance with The Nutrient Management Act; and
- a *conservation project*.

All other *uses* not explicitly listed above shall be prohibited within the area of the EP2 Overlay, Significant Valleylands and Fish Habitat areas.

5.25.2.3 EXISTING USES, BUILDINGS AND STRUCTURES

Any *building* or *structure* which legally existed at the date of passing of this By-Law may be replaced, rebuilt or *altered*, provided that any such replacement, rebuilding or alteration thereto does not enlarge the *gross floor area* of such *building* or *structure* by more than 25% and is located within an *existing* cleared area. Any portion of a *use* that legally existed at the date of passing of this By-Law and is not located within an *existing building* or *structure* shall only be *permitted* within *existing* cleared areas.

5.25.2.4 ALL OTHER ZONE PROVISIONS APPLY

All other zone provisions of the underlying zone shall continue to apply within the EP2 Overlay areas, Significant Valleylands and Fish Habitat.

5.25.3 DISTANCE FROM THE EP1 OVERLAY, EP2 OVERLAY, SIGNIFICANT VALLEYLANDS AND FISH HABITAT WHERE AN ENVIRONMENTAL IMPACT STUDY IS REQUIRED

5.25.3.1 Development, site alteration and stockpiling of materials within **120 m** (393.7 ft) of the EP1 Overlay must comply with the Environmental Impact Study Requirements of the County of Oxford Official Plan.

Notwithstanding the above, *buildings* or *structures accessory* to an *existing dwelling* located within the EP1 Overlay or within **120 m** (393.7 ft) of the EP1

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Overlay, may be *permitted* within **120 m** (393.7 ft) of the EP1 overlay without an Environmental Impact Study, in accordance with the provisions of Section 5.1 of this By-Law, pertaining to *accessory residential buildings and structures*.

- 5.25.3.2 Development, site alteration and stockpiling of materials within **50 m** (164.0 ft) of the EP2 Overlay, Significant Valleylands, or edge of Fish Habitat, except for those *uses permitted* in Section 5.25.2.2, must comply with the Environmental Impact Study Requirements of the County Official Plan.

Notwithstanding the above, *buildings and structures accessory to an existing dwelling* within the EP2 Overlay or within **50 m** (164.0 ft) of the EP2 overlay or Fish Habitat shall be *permitted* in accordance with the provisions of Section 5.1 of this By-Law pertaining to *accessory residential building and structures*.

5.25.4 **PERMITTED USES**

All of the *uses* of the underlying zone are *permitted* within the distances specified, subject to the provisions of an Environmental Impact Study undertaken by the applicant pursuant to the Environmental Impact Study policies of the County of Oxford Official Plan. Notwithstanding this provision, an Environmental Impact Study will not be required if an exemption is granted under the Environmental Impact Study policies of the County Official Plan.

5.25.5 **ZONE REQUIREMENTS**

All other zone provisions of the underlying zone shall continue to apply within these areas, unless the Environmental Impact Study recommends new provisions. Where new provisions are recommended by an Environmental Impact Study, a Zoning By-Law amendment shall be required to incorporate such provisions into this By-Law.

5.26 **SITE PLAN CONTROL**

Where *uses* located within any of the zones described in this By-Law are also within an area designated by By-Law as being subject to Site Plan Control, pursuant to The Planning Act, R.S.O. 1990, as amended, such *uses* shall be subject to the provisions of the zone as well as any requirements of the Town of Ingersoll's Site Plan Control By-Law and associated guidelines, as amended.

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5.27 SITES OF POTENTIAL ENVIRONMENTAL CONTAMINATION

Sites of potential environmental contamination include sites presently or formerly used for industrial, utility or waste disposal, a *landfill* site, or a *salvage yard*. Known sites will be placed in a Holding Zone pursuant to Section 36 of The Planning Act, as amended. A Zoning By-Law amendment will be required to remove the "H" symbol.

5.28 SLOPE AND EROSION HAZARD AREA RESTRICTIONS

Notwithstanding the provisions of the underlying zone, no new *buildings* or *structures* shall be *permitted* within areas identified as being within the *one hundred year erosion limit* adjacent to ravines, river valleys and streams. Such erosion limits shall be established by the Upper Thames River Conservation Authority.

5.29 STREET FRONTAGE REQUIRED

No *building* or *structure* shall be *erected*, *altered* or enlarged on any *lot* which does not have the minimum *lot frontage* on an *improved street* required for the zone which applies to the *lot*.

In the case of a parcel of land for which a Development Agreement, Subdivision Agreement and/or a Site Plan or any one of them that has been approved and registered against title pursuant to Section 41 or Section 50 of The Planning Act, R.S.O. 1990, c. P.13, as amended from time to time, then the single parcel of land to which the Development Agreement and/or plan applies shall be deemed to be the *lot* for application of this Section, notwithstanding that part of the parcel may be in separate ownership; does not otherwise satisfy the definition of a *lot*; or does not abut an *improved street*.

5.30 STORAGE OR PARKING OF RECREATIONAL VEHICLES IN RESIDENTIAL ZONES

5.30.1 No *person* shall in any Residential Zone use any *lot* for the parking or storage of any *recreational vehicle* except in accordance with the following provisions:

5.30.1.1 The *owner* or occupant of any *lot*, *building* or *structure* in any Residential Zone may store or park not more than two *recreational vehicles*.

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5.30.1.2 The *recreational vehicle* must be stored within a detached or *attached private garage* or *carport* or in the *rear yard* or the *interior side yard* provided that such *recreational vehicle* is located no closer than **1 m** (3.3 ft) to the *rear lot line* or *interior side lot line*.

5.30.1.3 The *recreational vehicle* may be parked or stored on a residential *driveway* in any *front yard* or *exterior side yard* between April 15th and October 15th. The *recreational vehicle* may be parked in a required *parking space* on the residential *driveway*. At any other time, such parking or storage is *permitted* only according to Section 5.30.1.2.

5.30.2 FULLY ENCLOSED

Notwithstanding the provisions of subsection 5.30.1 of this By-Law, the limitations imposed therein shall not restrict the number of such *recreational vehicles* that are fully enclosed within a detached or *attached private garage*.

5.30.3 OCCUPANCY

No *recreational vehicle* as defined in this By-Law shall be used for permanent home *occupancy* while stored on any *lot*.

5.31 THROUGH LOTS

Where a *lot* which is not a corner *lot* as defined herein has frontage on more than one *street*, the setback and *front yard depth* requirements of this By-law shall apply on each *street* in accordance with the zone or zones which apply to such *lot*.

(Replaced by By-Law 17-4949)

5.32 TWO ZONE FLOOD PLAIN AREA

5.32.1 EXTENT OF THE TWO ZONE FLOOD PLAIN AREA

In keeping with the Provincial Policies relating to the regulation of development in Flood Plain Areas a Two Zone Flood Plain Policy has been adopted for areas of *existing* development identified on Schedule "A" of this By-law. Lands within the flood plain in the Two Zone Policy Area will be divided into two zones - the *Floodway* and *Flood fringe* defined as follows:

5.32.2 FLOODWAY

The floodway is the hazardous portion of the flood plain where flood depths and/or velocities are considered to be such that they pose a significant threat to life and/or property. The *floodway* is that area of the flood plain required for the

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safe passage of flood flows. In this circumstance, the *floodway* was determined by the Upper Thames Conservation Authority based on depth or a combination of depth and velocity parameters.

5.32.3 FLOOD FRINGE

The *flood fringe* is the portion of the flood plain between the limits of the *floodway* as established by the Upper Thames Conservation Authority and the Regulatory Floodline establishing the limits of the flood plain. Flood depth and velocity is generally less severe in this portion of the flood plain.

5.32.4 PERMITTED USES

The *use* of the Two Zone Flood Plain concept for lands identified on Schedule "A" to this By-law may allow for some development within the *flood fringe* areas of the flood plain that can be safely developed. Development in the *flood fringe* will be restricted to infilling, redevelopment, replacement and additions or alterations of *existing buildings* and *structures* as of the date of adoption of this By-law. Such development will be in conformity with the underlying land use designation identified in the County Official Plan. Development and site alteration will not be *permitted* within a *floodway* as per the policies of the One Zone Flood Plain framework.

5.32.5 CRITERIA FOR DEVELOPMENT IN THE FLOOD FRINGE

Prior to permitting development on lands identified in Schedule "A" to this By-law as being within the *flood fringe*, the *Corporation* will be assured that the following criteria are addressed:

5.32.6 FILL, ALTERATION, CONSTRUCTION PERMIT

A permit is issued by the Conservation Authority with jurisdiction under the Fill, Construction and Alteration to Waterways Regulation.

5.32.7 FLOODPROOFING

All development is suitably floodproofed to the Regulatory Flood Level to the satisfaction of the Upper Thames River Conservation Authority.

5.32.8 HABITABLE FLOOR SPACE

All habitable floor space will be constructed above the Regulatory Flood Elevation and all essential building services, for example, telephone, electrical, heating will be constructed above or protected to the Regulatory Flood Levels.

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5.32.9 UNINHABITABLE FLOOR SPACE

The creation of uninhabitable floor space associated with multiple unit residential, commercial, industrial or other non-residential development may be *permitted* below the Regulatory Flood Elevation. Such areas in multiple unit residential development may include foyers, recreation rooms, laundry rooms, storage areas or other uninhabitable floor space typically associated with such development. All such floor space will be floodproofed to the Regulatory Flood Level.

5.32.10 INGRESS/EGRESS

Ingress/egress for all new *buildings* occupied on a temporary or permanent basis located in the *flood fringe* shall be such that vehicular and pedestrian movement is not prevented in the case of flooding in order that safe access or evacuation is ensured.

5.32.11 CONVERSIONS OF NON-RESIDENTIAL BUILDINGS

Conversions of non-residential *buildings* to residential *use* in the *flood fringe*, if conformity of the policies of the County of Oxford Official Plan is maintained, will be *permitted*, provided that all of the requirements of this Section are satisfied.

5.33 USES PERMITTED IN ALL ZONES

5.33.1 The following *uses* are *permitted* in all zones, except (1) Zones where the *use* is specifically prohibited or limited; or, if authorized by lands regulated by the Upper Thames River Conservation Authority unless authorized by the Authority.

5.33.1.1 a *trailer*, temporary construction camp, waste container, tool shed, scaffold or other such *building* or other such temporary work camp;

- which is incidental to construction; and,
- provided it is located on the site where such work is underway; and,
- provided that it shall be removed from the site within 30 days of completing the work; and,
- the *building* or *structure* is located outside of any *sight triangle* ; and,
- the *building* or *structures* is not used for human habitation;

5.33.1.2 a temporary *building* or *trailer* for conducting sales of new *dwelling units* provided the sales *building* or *trailer* is located within the development site and that sales are restricted to *dwelling units* within that development only. The sales *building* or *trailer* shall be setback **30 m** (98.4 ft) and parked **6 m** (19.7 ft) from an *existing* residential property off-site, abutting the development site. The temporary sales

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office shall be removed from the site within 30 days of completing all sales of *dwelling units*.

5.33.1.3 a temporary office for conducting sales of new *dwelling units* may be established within a *dwelling unit* located within the development site. Sales shall be restricted to *dwelling units* within the development only and the temporary office shall be removed from the site within 30 days of completing all sales of *dwelling units*.

5.33.1.4 a gate house or kiosk in a Residential or Employment Zone for security or *parking lot* management, provided such *structure* does not exceed 10 m² (107.6 ft²) of *gross floor area*.

5.33.1.5 a *wayside sand and gravel pit or stone quarry* or portable asphalt plant used on public authority contracts may be *permitted* within MR, MG and D zones, with the exception of those areas of *existing* development or particular environmental sensitivity that are incompatible with extraction and associated activities.

5.33.1.6 a *communication structure* shall be *permitted* to exceed the maximum *height* provisions, provided that such *structure* is *setback* a minimum of **40 m** (131.2 ft) from the centerline of a *street* and a minimum **150 m** (492.1 ft) from any Residential Zone.

5.33.2 **HEIGHT EXCEPTIONS**

The *height* provisions of this By-Law shall not apply to prevent the erection and/or *use* of the following *uses*, in zones where such *uses* are *permitted*, or would normally be associated with a *permitted use*, and provided that such features are *erected* only to such *height* as is necessary to accomplish their purpose:

- a church spire, steeple or belfry;
- a cupola, dome or other ornamental structure;
- a flag pole;
- a clock tower or bell tower;
- a chimney or smoke stack;
- a firewall,
- a lightning rod or weathervane;
- a sky light, elevator penthouse, water tank, mechanical penthouse or other heating, cooling or ventilation equipment, or *structure* enclosing such features;
- a television, radio or other telecommunications *structure* which is accessory to a *permitted use*, provided that such *structure* does not exceed a maximum *height* of **16.4 m** (53.8 ft) in a Residential Zone.
- a feed mill, commercial grain elevator or silo;
- any other similar *structures*.

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5.34 YARD, SETBACK AND HEIGHT - PERMITTED ENCROACHMENTS

5.34.1 PERMITTED PROJECTIONS INTO REQUIRED YARDS

Notwithstanding the *yard* requirements of this By-Law, the following projections are *permitted* from a *main building* in accordance with the provisions set out in Table 5.34.1.

TABLE 5.34.1 - PERMITTED PROJECTIONS INTO REQUIRED YARDS			
Structure	Yard in Which Projection Permitted	Maximum Projection Permitted into Required Yards	Minimum Setback Between Projection and Lot Line
Steps providing access to ground floor, uncovered and unenclosed <i>decks</i> , balconies, stoops or landings not exceeding one <i>storey</i> in <i>height</i> .	Front	No limit	5.0 m (16.4 ft)
	Rear	No limit	1.2 m (3.9 ft)
	Side	No limit	0.6 m (2 ft)
Ramps used for handicapped access.	All	No limit	0.6 m (2 ft)
Covered <i>decks</i> , stoops or landings not exceeding one <i>storey</i> in <i>height</i> .	Front	1.5 m (4.9 ft)	---
	Rear	No limit	4.0 m (13.1 ft)
Sills, cornices, pilasters, chimneys, eaves, gutters, and similar architectural features.	All	0.6 m (2 ft)	---

5.34.1.1 Notwithstanding subsection 5.34.1 no projection is *permitted* into a required *parking area*.

(Entire Section 5.0 amended by By-Law 10-4592)

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