

Municipality of West Perth - Zoning By-law

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

5.1.1 Use

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

- (a) any occupation or business conducted within a dwelling except where permitted specifically by this By-law; and
- (b) 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:

- (a) shall not be located in a front yard or exterior side yard;
- (b) shall be no closer to the street line than the yards required for the main building;
- (c) shall comply with the interior side yard and rear yard provisions of the zone, except:
 - (i) in a Residential Zone, accessory buildings or structures shall be no closer than 1.5 metres to an interior side lot line or rear lot line;

Amended by By-law No. Z98-2007

- (ii) in an Agricultural Zone on a lot area less than 1 hectare, accessory buildings or structures (not including livestock facilities) shall be no closer than 1.5 metres to an interior side lot line or rear lot line;

Amended by By-law No. Z34-2002

- (iii) in a Commercial, Industrial, Mineral Aggregate Resources, or Institutional Zone, accessory buildings or 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;

Amended by By-law No. Z34-2002

- (d) shall not exceed 4.5 metres in height, except in an Agricultural, Agricultural Commercial Industrial, Mineral Aggregate Resources, or Industrial Zone;

Amended by By-law No. Z149-2012

- (e) in a Residential Zone with a lot area of less than 1,050 square metres, shall not exceed 55 square metres of gross floor area or 10% of the lot area, whichever is the lesser. In a Residential Zone with a lot area of 1,050 square metres or more, shall not exceed 5% of the lot area. In all other zones shall not cover more than 10% 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;
- (f) shall not be structurally attached to the main building in any way and they shall be located at a distance of not less than 1.5 metres from the main building. The provisions of this Section shall not apply to unenclosed decks, steps and/or air conditioning/ ventilation devices.

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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: 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:

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	Gross Floor Area	Number of Loading Spaces
A	less than 185 sq. m	0
B	185 sq. m to 3700 sq. m	1
C	3700 sq. m to 9300 sq. m	2
D	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.

Amended by By-law No. Z149-2012

5.9.3 Loading Space Size

Every loading space required by this By-law shall have a minimum length of 18.0 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

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 (Legal)

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

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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:

- (a) the owner must make application to the Corporation for a building permit to replace the building or structure within one (1) 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.

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Amended by By-law No. Z98-2007

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 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 proportionately to the Factor "A" change (illustrated in the following Table).

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

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

$$\frac{Z}{50} = \frac{0.7}{1.0}$$

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

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:

Amended by By-law No. Z98-2007

- (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 1 of MDS II, the nutrient unit change shall be determined as illustrated of Section 5.12.5 on this By-law.
- (b) all other applicable provisions of this By-law are complied with;
- (c) 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; and
- (d) 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

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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.

- (e) for the purpose of Section 5.13, a non-complying building or structure which existed on January 1, 1998 shall be considered as lawfully established.

5.14 Occupancy of Completed Buildings Refer to Section 2.4.3 of the Ontario Building Code, as amended from time to time.

AMENDED BY ONTARIO MUNICIPAL BOARD ORDER NO. 1045, JULY 18, 2000 Amended by By-law No. Z149-2012

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.

5.15.1 Merged Lands

Two or more dwellings shall be permitted on one lot in cases where one lot, containing a dwelling(s), legally merges with an adjoining lot, containing a dwelling(s), to form one larger lot containing two or more dwellings.

5.15.2 Part Lot Control Exemption

On a lot or block against which a Part Lot Control Exemption By-law is registered, those parts on a reference plan which are intended to constitute a future parcel shall be deemed to be a lot for the purposes of this section of the By-law, provided that such parts are in compliance with all applicable regulations of this By-law, in which case, one single detached dwelling, semi-detached dwelling, duplex dwelling, or townhouse shall be permitted on each future parcel.

5.15.3 Vacant Land Condominiums

More than one single detached, semi-detached, duplex or street townhouse

dwelling shall be permitted on a lot provided that each dwelling has direct access to an internal private driveway or road that is a common element in a registered Condominium connecting to a public street and that each dwelling is located on a 'unit' in a Vacant Land Condominium. For purposes of this regulation, the front lot line for each Unit in a Vacant Land Condominium shall be deemed to be that lot line abutting the internal driveway portion of the common element, and the dwelling on such a Unit shall comply with all applicable zoning regulations, including but not limited to setbacks, lot area, lot width and parking.

5.15.4 Common Element Condominium

Notwithstanding Section 5.8 of this by-law, single detached, semi-detached, duplex or street townhouse dwellings shall be permitted on lots without frontage on a public street provided that all such dwellings are located on Parcels of Tied Lands (POTL's) to a Common Elements Condominium (CEC) consisting of at least a private driveway connecting to a public street.

Where lands have been comprehensively planned and are subject to an approved Site Plan and a Development Agreement pursuant to Section 41 of the Planning Act, any zoning deficiencies resulting from the creation of the POTL's, shall be deemed to conform to the regulations of the by-law, provided that:

- (a) all applicable regulations of the by-law relative to the whole lot and its external lot lines, existing prior to any condominium plan registration are complied with, and
- (b) each dwelling unit shall have an unobstructed access at grade or ground floor level, having a minimum width of 0.9 metres, from the front yard to the rear yard of the lot either by:

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- (i) direct access on the lot without passing through any portion of the dwelling unit; or,
- (ii) direct access through the dwelling unit without passing through a living or family room, dining room, kitchen, bathroom, bedroom, or recreation room or any hallway that is not separated by a door to any such room; or,
- (iii) access over adjacent lands which, if the lands are not owned by the Municipality of West Perth, are secured by a registered easement or are a common element of the condominium.

Any additions or alterations to the dwelling; accessory structures such as sheds; and yard projections such as porches, balconies, decks, and pools, added subsequent to the registration of the condominium, which are not shown on the approved Site Plan must comply with the applicable zoning regulations for the type of dwelling contained within the POTL. For the purposes of this regulation, the front lot line shall be deemed to be that lot line abutting the internal driveway or primary internal walkway.

5.16 Obstructions on Corner Lots (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 9.0 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 Outdoor Display and Sales Area

Where an outdoor display and sale area is permitted by the zone provisions of this By-law, it shall be permitted in any yard on a lot

provided that the following provisions are satisfied:

- (a) such outdoor display and sales area is accessory to the main use on the lot and is for merchandise kept for sale, lease, or rent on the premises;
- (b) such outdoor display and sales area shall be set back a minimum distance of 3.0 metres from a front or exterior side lot line and a minimum distance of 1.0 metres from an interior side or rear lot line;
- (c) notwithstanding the provisions of Clause (b) above, no outdoor display and sales area shall be permitted in a required daylight or site triangle;
- (d) such outdoor storage and sales area shall not block-off or restrict access to the lot;
- (e) such outdoor display and sales area is kept in a neat and attractive manner.

5.18 Outdoor Storage

Where outdoor storage is permitted by the zone provisions of this By-law, the outdoor storage of goods and materials shall be permitted only in the interior side yard or rear yard of the main building provided that the following provisions are satisfied:

- (a) the outdoor storage is accessory to the main building on the lot;

Amended by By-law No. Z34-2002

- (b) such outdoor storage complies with the yard requirements for accessory buildings and structures as set out in Section 3.1 and 5.1 of this By-law;
- (c) any portion of the lot used for outdoor storage shall be completely concealed from view from the street or an abutting lot in a residential zone by a planting strip, fence, decorative masonry wall, or existing building on the lot, or a combination thereof.

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5.19 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:

Amended by By-law Nos. Z149-2012 and Z231-2019

5.19.1 Number of Parking Spaces

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

	Type of Use	Number of Spaces
A	Single-detached, semi-detached, duplex, converted, and accessory dwellings	2 per dwelling unit. Number of Parking Spaces required for Secondary Dwelling Units shall be in accordance with Section 5.26.1 of this By-law.
B	Apartment dwelling and other multiple unit dwellings	1.5 per dwelling unit
C	Group home dwelling	1 per 3 residents
D	Home for the aged, nursing home dwellings	1 per 3 beds
E	Group home dwelling	2 per dwelling unit plus 1 per 4 group home residents
F	Bed and Breakfast establishment	2 per dwelling unit plus 1 per guest room for rent
G	Church	1 per 4 persons of maximum designed capacity of the sanctuary

H	Elementary School	the greater of 1.5 per classroom or 1 per 10 square metres of auditorium assembly area
I	Secondary School	the greater of 5 per classroom or 1 per 7.5 square metres of auditorium assembly area
J	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 square metres of playing field area where no seating exists
K	Restaurant, eating establishment, tavern	1 per 4 persons of maximum designed capacity
L	Eating establishment, take-out	6 plus 1 per 4 persons of maximum designed capacity
M	Clinic	5 per practitioner
N	Business or Professional Office	1 per 20 square metres of gross floor area
O	Retail store, department store, personal service shop	1 per 30 square metres of retail and/or customer service floor area
P	Bowling establishment	3 per bowling lane
Q	Hotel or Motel	2 plus 1 per guest room
R	Supermarket, grocery store	1 per 15 square metres of retail floor area

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S	Furniture store, Wholesale establishment	1 per 55 square metres of retail floor area
T	Automobile repair establishment, automobile service station, automobile sales and service establishment	4 plus 1 per repair bay
U	Industrial establishment Largest shift, including office staff	1.25 per employee
V	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).

Amended by By-law No. Z149-2012

5.19.2 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.

No more than one driveway shall be permitted for residential uses.

(Explanatory Note: This provision shall not prevent two units of a semi-detached/duplexes dwelling on one lot or multiple units of a street front townhouse on one lot from having a driveway for each unit.)

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

A	less than 20.0 metres of street line	1 driveway
B	greater than 20.0 metres but less than 60.0 metres of street line, not more than	2 driveways
C	one additional driveway is permitted for every additional 30 metres of street line beyond 60 metres.	

5.19.3 Driveway Location

- (a) 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 streetlines shall be 9.0 metres measured along the streetline.

5.19.4 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.

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- (c) Notwithstanding Section 5.19.4 (b), 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 5.19.4 (b), 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.

Amended by By-law No. Z149-2012

5.19.5 Parking Space Access

All required parking spaces, except those required for single-detached dwellings, semi-detached dwellings, duplex dwellings, street front townhouse dwellings, and converted dwellings (to a maximum of two dwellings) shall be accessed only by an internal driveway and no direct access from a street shall be permitted. Such internal driveways shall have a minimum width of 6.0 metres.

Tandem Parking shall be permitted for a single-detached dwelling, for one unit of a semi-detached dwelling, street front townhouse dwelling, and for bed and breakfast establishments.

The parking requirements for the Physically Disabled as contained in Section 5.19.15 do not apply for single-detached dwellings, semi-detached dwellings, duplex dwellings, street front townhouse dwellings, and converted dwellings (to a maximum of two dwellings).

5.19.6 Parking Area Surface

Each parking area and driveway connecting the parking area with the street shall be maintained with concrete, asphalt or other hard surface, provided however, crushed stone, slag, gravel, crushed brick or other dustless material shall be permitted for a

single-detached dwelling, a semi-detached dwelling, a duplex dwelling, or an agricultural use.

The parking areas and driveway, in the industrial zones may be constructed of crushed stone, slag, gravel, crushed brick or tile, paving stone, asphalt, concrete, or cinders having a Portland cement binder provided the parking area and driveways are located to the rear of the building line.

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.

Amended by By-law No. Z98-2007

5.19.7 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.

Amended by By-law No. Z149-2012

5.19.8 Parking Space Size

Parking spaces required by this By-law shall have a minimum width of 2.7 metres, a minimum length of 5.5 metres, and a minimum height of 2.4 metres.

Handicapped parking spaces shall have a minimum width of 4.25 metres, a minimum length of 5.5 metres, and a minimum height of 2.4 metres.

5.19.9 Multiple Use of Buildings

Where a building or structure accommodates more than one type of use as set out in Section 5.19.1 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.

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Where common space within a building serves more than one type of use as set out in Section 5.19.1 above, such common space shall be assessed against one use only and that use shall be the one with the greater parking requirement.

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5.19.10 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.

5.19.11 Existing Buildings

The parking space provisions contained in Section 5.19.1 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.

5.19.12 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 5.19.1 of this By-law shall be provided.

5.19.13 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.

5.19.14 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.

Amended by By-law No. Z149-2012

5.19.15 Parking Requirements for the Physically Disabled

Parking spaces for the physically disabled required by this By-law shall have a minimum width of 4.5 metres and a minimum length of 6.0 metres not including area used for access, maneuvering, driveway, or similar purpose. If there are two or more parking spaces for the physically disabled located beside each other in the same parking aisle, they may share the 2.0 metre aisle, resulting in a reduction in the size of every other such parking space (i.e. every second parking space for the physically disabled).

Parking spaces for the physically disabled shall be:

- (a) hard surfaced and a maximum running slope of 1.5 percent and a maximum crossing slope of 1 percent;
- (b) located near an accessible building entrance; and

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- (c) identified for use by physically disabled persons by a sign, which is clearly posted and visible at all times, containing the International Symbol of Accessibility for Disabled Persons. Such sign shall be posted in a visible location other than on the parking surface.

The provisions for the number of parking spaces for the physically disabled are outlined in the following table.

Number of Automobile Parking Spaces	Number of Designated Accessible Parking Spaces
1-25	1
26-50	2
51-100	3
101-150	4
151-200	6
201	6 plus 2% of the total

5.20 Parking of Commercial Vehicles in Residential Zones

In any Residential Zone, not more than one commercial vehicle not exceeding 6 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. 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.

Amended by By-law No. Z149-2012

5.21 Parking of Recreational Vehicles in Residential Zones

The parking of recreational vehicles as an accessory use to a residential use in any

Residential Zone shall be subject to the following provisions:

- (a) not more than:
- (i) one motor home; or
 - (ii) one travel trailer; or
 - (iii) one boat; or
 - (iv) two snow mobiles; or
 - (v) two all terrain vehicles shall be parked or stored on a lot in a Residential Zone.
- (b) the location of recreational vehicles shall be regulated as follows:
- (i) within a garage or carport; or
 - (ii) within a driveway but outside of any daylight triangle or sight triangle; or
 - (iii) outside of any building or structure on the lot provided that no recreational vehicle is parked in a front or exterior side yard, and provided that such motor home or travel trailer is parked no closer than 1.5 metres to an interior side lot line and/or a rear lot line.

5.22 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:

Amended by By-law No. Z149-2012

5.22.1 Ornamental Structures

Sills, belt courses, cornices, eaves, gutters, chimneys, cantilevered fire place exhaust inserts, parapets, bay or bow windows, pilasters, pillars or other ornamental structures may project into any required yard a distance of not more than 0.6 metres.

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5.22.2 Unenclosed Porches, Steps, Decks, and Patios

Steps, decks, patios, and balconies, whether they be covered or uncovered, and unenclosed porches and verandahs may project into any required front, rear or exterior side yard a distance of not more than 1.5 metres provided that in the case of steps, 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 .6 metres to the side lot line. Uncovered ramps may project into a required front or exterior side yard not more than 3 metres.

5.22.3 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. Clothes line poles and clothes trees shall be permitted in interior side and rear yards only.

5.22.4 Fire Escapes

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

5.22.5 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.

5.22.6 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 .6 metres to any

lot line and provided such gate house does not exceed 8 square metres gross floor area.

5.22.7 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).

Amended by By-law No. Z149-2012

5.22.8 Air conditioning/ventilation devices shall be permitted:

- (a) in the interior side yard but no closer than the minimum side yard requirement for the zone classification in which such device is located. In the case of the R1, R2, R3, R4, and HVR zones no closer than 1.2 metres from the interior lot line unless the Air conditioning/ventilation device is elevated at least 1.0 metres above the average finished grade and in such case shall be permitted 0.5 metres from the interior lot line;
- (b) in the rear yard but no closer than 5.0 metres from the rear lot line;
- (c) in the exterior side yard but no closer than 5.0 metres from the street line provided that such device is screened from view of the abutting road by fencing and/or landscaping.

Amended by By-law No. Z149-2012

5.22.9 Ontarians with Disabilities Act

Notwithstanding the yard and setback provisions of this By-law to the contrary, wheelchair ramps, or other apparatus for physically challenged people, as per "The Ontarians with Disabilities Act" may be erected within the required front, rear, interior or exterior side yard, provided that on corner lots these types of structures comply with the

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sight triangle requirements.

5.23 Planting Strip Requirements

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

5.23.1 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.

5.23.2 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.

5.23.3 Width

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

5.23.4 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.

5.23.5 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.

5.24 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, or all-terrain vehicles.

Amended by By-law No. Z149-2012

- (ii) a trailer camp as defined in Section 169(4) of the Municipal Act, S.O. 2001, as amended from time to time.

- (iii) a junk yard, salvage or wrecking yard (excepted as permitted by Section 19.1 of this By-law), or the collection, storage, or sale of junk, scrap metal, salvage, partially or completely dismantled motor vehicles or 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.

- (v) video and/or amusement arcades. Notwithstanding the foregoing, the keeping of not more than 3 video

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machines or similar machines is permitted as an accessory use to a permitted commercial use (e.g. accessory to a convenience store or hotel).

- (vi) adult entertainment parlours
- (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 Clause (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 5.25 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.

Amended by By-law No. Z149-2012

Amended by By-law No. Z98-2007

- (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 3 or fewer household pets or birds (e.g. pigeons) on one lot with an "Urban Zone" (as defined in Section 3.161.2) and the keeping of 4 or fewer dogs on one lot with a "Rural Zone" (as defined in Section 3.161.1) provided that dangerous reptiles or animals shall not constitute household pets.

[Explanatory Note: By-law No. 100-1998 does not regulate the maximum number of household pets and birds (other than dogs) in the Rural Zones.]

Amended by By-law No. Z149-2012

5.25 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 purpose of public service by the Corporation, the County, a public utility, or by any local board of the Corporation or the County as defined in the Municipal Affairs Act, any telephone or telegraph company, any television or internet provided governed under the regulations of the CRTC, 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, any department of the Province of Ontario or of the Government of Canada, provided that the following provisions are satisfied:

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- (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.

Amended by By-law No. Z105-2008

- (e) A Small Scale Wind Energy Generating System or a Commercial Scale Wind Energy Generating System shall not be considered a public use, utility or service.

5.26 Satellite Dishes, Antennae, and Aerials

5.26(i) 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) be located no closer than 2 metres from a lot line;
- (b) 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 or in the case where satellite dishes not greater than .75 metres in diameter are mounted on the roof or on any wall of a dwelling or accessory building, it may be located in the front or exterior side yard provided the satellite dish does not project more than 1 metre into any required yard.

5.26(ii) All satellite dishes in a residential zone shall be fixed to and located on the ground, except for satellite dishes not greater than .75 metres in diameter which may be mounted on the roof or on any wall of a dwelling or accessory building, provided the

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satellite dish does not project more than 1 metre into any required yard.

Amended by By-law No. Z149-2012

Amended by By-law No. Z98-2007

5.26⁽ⁱⁱⁱ⁾ Notwithstanding any other provisions contained in this By-law, not more than 2 satellite dishes and 2 antenna/aerials shall be permitted on a lot in a Residential Zone.

Added by By-law No. Z231-2019

Note: New Secondary Dwelling Units within the Mitchell Ward are subject to the Approval by the County of Perth of Mitchell Ward Official Plan Amendment No. 26.

5.26.1 Secondary Dwelling Units

Secondary Dwelling Units are permitted within any single-detached dwelling, semi-detached, or row or townhouse dwelling unit, on an individual lot; or within any building accessory to such a dwelling unit and on the same lot as the dwelling unit (the primary dwelling), subject to the regulations of the particular zone in which it is located, and provided that:

(a) A maximum of one Secondary Dwelling Unit is permitted per primary dwelling unit. Where another supplementary dwelling (e.g. a garden suite, a mobile home, etc.) lawfully exists, an additional Secondary Dwelling Unit is permitted;

(b) Additions to accessory buildings for the purpose of accommodating Secondary Dwelling Units are not permitted;

(c) Secondary Dwelling Units shall:

- (i) have a minimum gross floor area of 25 square metres (269 ft²);
- (ii) have a maximum gross floor area not to exceed the lesser of:
 - (within a primary dwelling) 50% of the total primary dwelling gross floor area or 125 square metres

(1,345 ft²);

- (within a building accessory to a primary dwelling) 75% of the total primary dwelling gross floor area or 125 square metres (1,345 ft²);

- (iii) be provided with a minimum of one parking space in addition to the minimum number of parking spaces required for the principle dwelling as per the requirements established by Section 5.19.1 of this Zoning By-law;
- (iv) conform to all Ontario Building Code and Ontario Fire Code regulations and any other applicable law, and be provided with water and sewage services to the satisfaction of the approval authority; and,
- (v) not be occupied until any inspection and/or any license has been conducted/issued by the Municipality.

(d) Secondary Dwelling Units are not permitted:

- (i) where a dwelling is only permitted as an accessory use to the main use of the property;
- (ii) within existing dwellings located within hazardous lands such as flooding hazard lands, erosions hazard lands, or hazardous sites;
- (iii) to be located within the front yard or an exterior side yard if established within an existing accessory structure in any zone other than an Agricultural Zone;
- (iv) on lots which do not meet the minimum lot area requirement of the Zoning By-law;
- (v) within an existing accessory structure that does not comply with this Zoning By-law;
- (vi) within an existing accessory structure that has not existed for 5 years or less; or,
- (vii) within a mobile home.

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(e) Secondary Dwelling Units in an Agricultural Zone shall be in accordance with Section 5.26.1, as well as the following:

- (i) Notwithstanding the provisions of Section 5.26.1 (b) (vi) to the contrary, a Secondary Dwelling Unit may be permitted on a lot within the Agricultural Zone where another additional farm dwelling exists and may be located within a building accessory to the farm regardless of the date of construction;
- (ii) Notwithstanding the provisions of Section 5.26.1 (b) to the contrary, an addition onto an existing accessory building for the purpose of accommodating a Secondary Dwelling Unit is permitted; and,
- (iii) A Secondary Dwelling Unit shall not be permitted within a building accessory to the farm if such building is located at a distance greater than 30 metres from the main farm dwelling.

Amended by By-law No. Z149-2012 **5.27 Services Requirement**

5.27.1 Municipal Facilities

Notwithstanding any other provisions of this By-law, no land shall be used nor any buildings or structures erected or used unless, pursuant to an agreement made or condition imposed under Sections 41, 45, 50 or 53 of the Planning Act, R.S.O. 1990, c. P.13, or Section 50 of the Condominium Act, R.S.O. 1990, c. C.26, dealing with the provision of any of the municipal services as are set out in this By-law, the municipal services to be provided are available to service the land, buildings or structures, as the case may be.

5.27.2 Wells Private (Prohibition)

Notwithstanding anything else in this By-law,

a private well shall not be permitted as a primary or accessory structure on any lands within the limits of the Ward of Mitchell where a municipal water distribution system is available within the road right-of-way abutting the property. This regulation shall not apply to a:

- (a) well which legally existed prior to May 15, 2012;
- (b) well which is installed for the purposes of environmental site remediation, water monitoring, or site de-watering; or
- (c) property used for non-residential purposes which, prior to May 15, 2012, relies upon a legally existing private well for purposes other than human consumption such as irrigation, cooling, or manufacturing purposes.

5.27.3 Individual Sanitary Facilities

Individual sanitary facilities are permitted for the erection or enlargement of any building or structure not serviced by municipal sanitary sewerage facilities within the Rural Zones, issuance of a building permit shall be subject to the following provisions;

- (a) The applicable requirements for the wastewater treatment system can be met and all approvals are obtained in writing from the authorities having jurisdiction; and,
- (b) If the quantity of effluent is projected to exceed 4500 litres per day, a hydrological study is required to demonstrate that the system can operate satisfactorily on the site.

5.27.4 Wells Private

A private well may be permitted as a primary or accessory structure on any lands outside the limits of the Ward of Mitchell except where a municipal water distribution system is available within the road right-of-way

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abutting the property.

5.28 Setbacks from Railways

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

Amended by By-law No. Z149-2012

- (a) no building or structure shall be erected and no tree or shrub shall be planted within 15 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.

5.29 Setbacks of Buildings and Structures Along 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;

Amended by By-law No. Z34-2002

- (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; and

Amended by By-law No. Z34-2002

- (d) No building or structure or swimming pool shall be permitted within 5 metres

- (e) of the centre line of an enclosed municipal drain or sanitary sewer.
- (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.

5.30 Swimming Pools

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

5.30.1 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; and
- (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.

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5.30.2 Fencing

Every swimming pool shall be enclosed by a fence in accordance with the Swimming Pool Fencing By-law of the Corporation.

5.31 Temporary Uses

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.

Amended by By-law No. Z34-2002

Amended by By-law No. Z98-2007

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, that the construction work has neither been completed nor abandoned (abandoned shall mean failure to proceed expeditiously with the construction work), and that the existing dwelling and the dwelling being constructed are located a minimum of 4.5 metres apart from each other.

Amended by By-law No. Z149-2012

Notwithstanding the permitted uses in each zone of this By-law, on land subject to a Subdivision Agreement between the owner and the Municipality, a model home may be

erected on a lot without full municipal services if the owner has entered into a non-occupancy agreement with the Municipality

5.32 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).

5.33 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 of 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

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- requirements of the appropriate authority for septic/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;

Amended by By-law No. Z98-2007

- (g) in an Agricultural Zone, a dwelling shall not be established except:
 - (i) on a lot area of 0.5 ha or larger; and
 - (ii) in accordance with the provisions of MDS I.
- (h) in Residential zones, undersized lots shall be limited to a single-detached dwelling. Multiple unit dwellings shall comply with the applicable zone provisions.

Amended by By-law No. Z34-2002

Notwithstanding the above, the minimum lot area of 22 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 0.5 ha and do not contain a dwelling, shall not be permitted a dwelling unless the parcel is rezoned in accordance with Section 5.5.15 of the Perth County Official Plan.

5.34 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.

5.35 Wayside Permit Aggregate Operations (Wayside Pit) and Portable Asphalt

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 Municipality of West Perth 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 permit aggregate operations (wayside pits) or portable asphalt plants (in compliance with Section 3.115 of this By-law) for the purposes herein stated.

Amended by By-law No. Z105-2008

5.35.1 Wind Energy Generation

The following general provisions shall apply to Commercial Scale Wind Energy Generating Systems:

- 5.35.1.1 Commercial Scale Wind Energy Generating Systems may be permitted in Rural Zones only through a rezoning of the host property, save and except lands situated within the "Flood and Fill Constraint Area Zone (FFCA)", "Future Development Zone (FD)", or lands situated within an "Adjacent Land Area Overlay (AL), (AL1),

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(AL2), (AL3), or (AL4)”, or lands subject to a “Holding Zone (H)”.

5.35.1.2 Where permitted in a Rural Zone, a Commercial Scale Wind Energy Generating Systems:

- (a) shall be no closer than 600 metres to an Urban Area;
- (b) shall be no closer than 400 metres to a point of reception located on a separately titled lot;
- (c) shall be no closer than 400 metres to a vacant lot of record having an area of 4 hectares or less;
- (d) shall comply with the front yard, exterior side yard, interior side yard, and rear yard provisions for the main use on the lot and shall not be closer to any lot line than 1.2 times the Wind Energy Generating System Height; with the exception that the required interior side yard or rear yard to an abutting separately titled lot may be reduced to 0 metres where the abutting, separately titled lot is participant in the Commercial Scale Wind Energy Generating System and governed by a Site Plan Agreement pursuant to Section 41 of the Planning Act, RSO 1990.

5.35.1.3 Where a Commercial Scale Wind Energy Generating System is established in a Rural Zone, no permanent or seasonal residences, hotels/motels, nursing/retirement homes, rental residences, hospitals, camp grounds, or noise sensitive buildings such as schools and places of worship shall be permitted on a separately titled lot within the required separation distance established by the Certificate of Approval from the Ontario Ministry of the Environment for noise and the point of reception.

5.36 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. The foregoing shall not apply to pasturing uses or the growing of crops.

Amended by By-law No. Z149-2012

5.37 Yard Sale, Residential

No Residential Garage Sales shall be permitted except where a premises has a dwelling unit, and there shall not be more than four residential garage sales per annum at one location and no such sale shall exceed two days in duration.

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