

SECTION 4 **GENERAL PROVISIONS**

4.1 APPLICATIONS

The provisions of this section apply in all zones except as may be indicated otherwise by this By-law.

4.2 ACCESSORY USES

Additional Detached Dwelling Units and Additional Attached Dwelling Units shall be subject to provisions of Sections 4.2 and 4.2.1.

Accessory uses, buildings or structures, are permitted in any yard, subject to the provisions of this By-law for the particular zone in which said building or use is located, and provided that any accessory building or use:

- a) Shall not be used for human habitation, except where a dwelling unit is a permitted accessory use;
- b) Shall not be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot;
- c) With the exception of buildings and structures in an A1 Zone, shall not be located in the required front yard or the required exterior side yard, in the case of a corner lot;
- d) With the exception of buildings and structures in an A1, SC, UC, DI and UI Zone, shall not be built closer to the street than the main building is to that street; except in the case of through lots and through lots deemed to be corner lots where the accessory building shall not be closer to the street line at the rear lot than the required front yard set-back for adjacent lot, unless otherwise permitted by this By-law;
- e) In an SR, UR, UR2, UR3, PLR, SC and UC Zone, shall not be built closer than 1.0 metre to any interior side lot line, lake yard setback or rear lot line except:

That in an SC and UC Zone, if the existing main use is not residential, the required setbacks for the SC and UC zone shall apply;

That on any corner lot shall not be located closer than six (6.0) metres to the exterior lot line;

That common semi-detached private garages or carports may be centered in the mutual lot line;

That where a lot line abuts a public lane an accessory building must be located at least 0.5 metre from said lane;

Unless as otherwise noted in this by-law in any other zone the required side and rear yard setback shall conform to that zone.

- f) Shall not exceed ten percent (10%) coverage of the total lot area. The total area of accessory building may not exceed the ground floor area of the main building except in the A1, DI and UI zones;
- g) In an SR, UR and PLR Zone, the maximum height shall not exceed 6.0 metres measured to the peak or the highest portion of the roof;

- h) Shall not be considered as an accessory building if attached to the main building in any way;
- i) Shall not be considered an accessory building if located completely underground.
- j) Except in the A1 zone, no accessory building or structure shall be established until the main use to which it is accessory has been established on the lot.

4.2.1 Additional Dwelling Units

An Additional Dwelling Unit may be permitted within:

- a) A single detached dwelling or an accessory detached building thereto;
- b) A semi-detached dwelling or an accessory detached building thereto;
- c) A townhouse (cluster, stacked, or street front) dwelling or an accessory detached building thereto;

Notwithstanding any other provisions in this by-law, additional dwelling units are permitted within a dwelling unit in the Agricultural (A1), Agricultural (A2), Settlement Residential (SR), Urban Residential (UR), and Urban Residential Two (UR2) zones or any special zone in the A1, A2, SR, UR, and UR2 zones.

4.2.1.1 Dwelling Unit (Attached), Additional

An Additional Attached Dwelling Units is permitted to be located in a single detached; semi-detached or townhouse dwelling provided that:

- a) The use is secondary to the principle use within the same dwelling unit;
- b) A maximum of one additional attached dwelling units may be permitted per lot within an existing dwelling;
- c) An additional attached dwelling unit shall contain a maximum of two (2) bedrooms;
- d) An additional attached dwelling unit must contain a private washroom with shower facilities, and a private kitchen;
- e) An additional attached dwelling unit must be connected to municipal water and/or sewer services where available;
- f) Where municipal services are not available, an additional attached dwelling unit may be connected to private services to the satisfaction of the Township;
- g) The additional attached dwelling unit must have an entrance separate from the principal dwelling, accessed from the rear, interior, or exterior side yard, or from a common vestibule;
- h) An additional attached dwelling unit, if located at or above grade, shall not be larger than 50% of the gross floor area of the principal dwelling;
- i) An additional attached dwelling unit, if located in the basement of a principal dwelling, may occupy the entire basement area.
- j) One (1) additional parking space for the sole use of the occupant of the additional attached dwelling unit is required for each additional dwelling unit. A parking space that is provided and maintained for the sole use of the occupant of an additional attached dwelling unit may be a tandem parking space.

4.2.1.2 Dwelling Unit (Detached), Additional

An additional detached dwelling unit is permitted within the A1, A2, SR, UR and UR2 zones subject to the following regulations:

- a) The use is subordinate to the principle residential use on the same lot;
- b) Where an additional detached dwelling unit is located on a residential lot within a settlement area, neither an additional attached dwelling unit, garden suite, nor any rooming units such as a bed and breakfast or group home are permitted on that lot, unless:
 - i. within the Settlement Residential (SR) Zone the lot has a minimum buildable lot area of 3000 sq. m., or
 - ii. within the Urban Residential (UR and UR2) zone the lot has a minimum buildable lot area of 2000 sq. m.
- c) An additional detached dwelling unit shall only be permitted within a zone in association with a principal dwelling;
- d) A maximum of one (1) additional detached dwelling unit is permitted per lot;
- e) An additional detached dwelling unit must be connected to municipal water and/or sewer services where available;
- f) Where municipal services are not available, an additional detached dwelling unit may be connected to private services to the satisfaction of the Township;
- g) An additional detached dwelling unit must have a minimum 1.5 m clear path of travel for emergency access;
- h) An additional detached dwelling unit must be setback from an interior side or rear lot line at least 2.0 metres. Conversion of an existing building which has been legally established for at least 5 years with less than the required yard setbacks shall be permitted to be converted to an additional detached dwelling unit subject to compliance with all other regulations of the zoning by-law;
- i) An additional detached dwelling unit must be setback from an exterior side lot line at least 6.0 metres;
- j) The size of an additional detached dwelling unit shall:
 - i. Not be greater in size than the *ground floor area* of the principal dwelling, or
 - ii. Not be greater than 84 m² (900 ft²) gross floor area, or
 - iii. Not exceed 10% of the total buildable lot area, whichever is the lesser.
- k) If an additional detached dwelling unit is a free standing structure or forms part of another accessory structure:
 - i. An additional detached dwelling unit within the SR, UR and UR2 zones must be located behind the principal dwelling;
 - ii. The combined gross floor area of the additional dwelling unit and all accessory buildings shall not exceed 10% of the lot area.
 - iii. The height of the additional detached dwelling unit may not exceed the height of the principal dwelling, and in no case shall be more than 5.0m;

iv. A driveway which extends into the rear yard and to the additional detached dwelling unit may be permitted at the discretion of the Township and must comply with all regulations of this by-law regarding driveways.

- l) A basement or cellar as defined in this by-law is not permitted. The maximum height for a crawl space located under any part of a detached additional dwelling shall be 1.2 metres;
- m) An additional detached dwelling unit must be affixed to the ground in accordance with the requirements of the building code;
- n) The attic of an additional detached dwelling unit may not contain an amenity area;
- o) Any lofts, mezzanines or other floor areas above the first floor shall be considered part of the gross floor space of the unit and shall be calculated as part of the maximum permitted gross floor area;
- p) If the additional detached dwelling unit is to be constructed within a newly built structure, a lot grading and drainage plan must be submitted to the satisfaction of the Township;
- q) If the additional detached dwelling unit is to exist in a newly constructed structure and on a lot with an area of 0.8ha (2.0ac) or less, without municipal sanitary services a scoped hydrogeological study may be required at the discretion of the Township;
- r) A travel trailer, mobile home or any other residential style unit designed to be towed shall not be permitted to be used as an additional detached dwelling unit;
- s) A truck body, shipping, storage or cargo container or other similar type unit shall not be used as an additional detached dwelling unit, notwithstanding any alterations, renovations or additions that may be undertaken to such container to conform to the building code;
- t) One (1) additional parking space for the sole use of the occupant of the additional detached dwelling unit is required. A parking space that is provided and maintained for the sole use of the occupant of an additional detached dwelling unit may be a tandem parking space;
- u) Within the A1 and A2 zones the additional detached dwelling unit shall be located within the cluster of existing buildings.

4.3 ACCESSORY USES, COMMERCIAL

Notwithstanding any other provisions of this By-law, where a commercial use is permitted as an accessory use in an industrial zone, it shall be erected within 2.0 metres of the main building, shall not exceed ten (10) percent of the total floor area of the main building, or shall not exceed a maximum floor area of 280.0 m², whichever is less. Where no building exists, such commercial accessory use shall not exceed 100.0 m² of floor area.

4.4 ACCESSORY USES, RESIDENTIAL

Notwithstanding any other provisions of this By-law, in the case of a single-detached dwelling, the maximum building height for the dwelling unit shall be 9.0 metres, and the minimum floor area shall be 80.0 m², and in the case of a dwelling unit permitted as an

accessory use in a commercial zone, it shall be contiguous to the main commercial use, be above or in the rear of the main commercial use.

4.5 ANCILLARY SALE OF AUTOMOBILES

Sales of automobiles ancillary to a motor vehicle service station, public garage, or motor vehicle body shop shall be limited to maximum of **six (6)** automobiles being stored, kept or displayed for sale on the site at any time.

4.6 BED AND BREAKFAST ESTABLISHMENT (B&B)

Within those zones where Bed & Breakfast (B&B) establishments are permitted, such uses shall be in accordance with the provisions for such zones and shall also comply with the following regulations:

- a) No more than three (3) guest rooms in a single family dwelling shall be provided within those permitted zones;
- b) Any exterior stairways required for a B&B shall be located in a side or rear yard;
- c) All new B&B establishments shall comply with the requirements of this Zoning By-law, other local By-laws, and any applicable provincial regulations such as the Ontario Building Code and Fire Code, as amended;
- d) A Certificate of Occupancy shall be issued one time by the Township; and;
- e) One parking space per guest room shall be provided.

4.7 BUFFER STRIPS

4.7.1 A buffer strip shall be located within the zone for which it is required; it shall be planted, nurtured and maintained by the owner of the lot on which the buffer strip is located, and replacement of trees and plants be made by the owner, as necessary from time to time.

4.7.2 In all cases where access driveways extend through a buffer strip, it shall be permissible to interrupt the strip within three (3.0) metres of the edge of such driveway.

4.7.3 A buffer strip may form part of any required landscaped open space, including the required front, side and rear yards.

4.7.4 Where a commercial zone or an industrial zone abuts a residential zone, an institutional zone, or an open space zone, a strip of land not less than four and one-half (4.5) metres in width adjacent to and inside the commercial zone boundary shall be used for no other purpose than a buffer strip.

4.7.5 Where an institutional zone abuts a residential zone, a strip of land not less than three (3.0) metres in width adjacent to and inside the institutional zone boundary shall be used for no other purpose than a buffer strip.

4.8 **COMMERCIAL AND INDUSTRIAL ZONES ABUTTING OR ADJACENT TO RESIDENTIAL, INSTITUTIONAL, AND OPEN SPACE ZONES**

Where any commercial zone or industrial zone fronts on a street or road opposite to, or directly abuts any residential zone, institutional zone, or open space zone, the following provisions shall be complied with:

- a) No parking of vehicles with capacity over nine hundred (900) kilograms (1,984 lbs) shall be permitted in any side yard adjacent to the neighbouring zone within 4.5 metres;
- b) No loading space shall be located in, nor open onto, any side yard adjacent to the neighbouring zone within 4.5 metres;
- c) A buffer strip shall be provided in accordance with the provisions of Section 4.7.

4.9 **CONSOLIDATED DEVELOPMENT**

Where two or more abutting lots under identical ownership are consolidated for the purpose of development, the internal lot lines of the original lots shall not be construed to be lot lines for the purposes of any zoning regulations provided that all applicable regulations of this By-law relative to the consolidated lot development and its external lot lines are complied with.

4.10 **DRIVEWAY REGULATIONS WHERE A DRIVEWAY IS REQUIRED TO SERVE A RESIDENTIAL USE (EXCLUDING REGIONAL ROADS)**

4.10.1 For all residential zones that permit a single detached dwelling, semi-detached dwelling or street townhouse dwelling the maximum driveway width shall be 50% of the lot width or the width of an attached garage, whichever is the greater, but shall in no case be greater than 9.0 metres.

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

- a) Up to the first 16 metres of street line – not more than 1 driveway;
- b) Up to the first 30 metres of street line - not more than 2 driveways;
- c) For each additional 30 metres of street line - not more than 1 additional driveway;
- d) Each driveway shall be separated by a distance of not less than 7.5 metres;
- e) Street fronting multi-unit developments that gain access directly from a street or road (townhouses/semi-detached units) shall be limited to 1 driveway per unit.

4.10.3 The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be nine (9.0) metres.

4.10.4 The minimum distance between an interior side lot line and any driveway, with the exception of a mutual or common driveway, shall be one (1.0) metre.

4.10.5 The interior angle formed between the street line and the centre line of any driveway shall not be less than forty-five (45) degrees.

4.11 ESTABLISHED BUILDING LINE ON STREETS OR ROADS

Notwithstanding any other subsequent provisions of this By-law, where a single-detached dwelling or accessory use thereto is to be erected within a settlement area where there is an established building line, such dwelling or accessory use may be erected closer to the street line or to the centre line of the street or road, as the case may be, than required by this By-law provided such dwelling or accessory use is not erected closer to the street line or to the centre line of the street or road, as the case may be, than the established building line on the date of passing of this By-law.

4.12 EXISTING LOTS

Notwithstanding any other provisions of this By-law, existing lots with less than the required lot area or lot frontage may be developed for the use specified in the appropriate zone provided all other regulations of this By-law are satisfied and in the case of lots where buildings or structures requiring private sanitary sewage facilities are to be erected therein:

- a) Such lots are serviced by approved sanitary sewage services;
- b) Such lots shall have frontage on a public street;
- c) Such lots shall have potable water supply.

4.13 FARM RELATED OCCUPATIONS

Where a farm related occupation is permitted in a particular zone, the following provisions shall apply:

- a) Such use shall be conducted only by the owner of the farm property who resides on-site, and may include additional employees.
- b) The farm where such use is secondary, clearly qualifies for the farm tax assessment rate;
- c) All buildings, structures, storage, parking, and loading areas associated with such use shall not exceed 0.4 hectares in size;
- d) All buildings associated with such use are limited to the total commercial floor area and lot sizes outlined in the table below:

Zone	Total Floor Area	Lot area
A1	557.4 m ² (6000 ft ²)	4.0 ha (minimum)
A2	2% of the lot area or 372 m ² (4000 ft ²), whichever is less	0.8 ha to 4.0 ha

- e) All buildings associated with such use shall have a peaked roof with a minimum pitch (slope) of 4 in 12 (1 in 3), and shall not exceed a wall height of 7.3 metres measured to the top of the top plate of the wall;
- f) All buildings associated with such use shall be constructed in a manner that facilitates its conversion back to agricultural uses should the use cease to exist;

- g) All buildings associated with such use shall be located within the cluster of existing buildings, and in no instances may be located closer than the required front yard setback for the zone in which it is located;
- h) Any such use shall be restricted to dry manufacturing, repair of goods, and trades which have limited retail sales. Accessory sales of goods manufactured on the premises and related accessories to items manufactured on site shall be restricted to not more than twenty-five percent (25%) of the floor area of the permitted building;
- i) Permitted uses shall not include any activity that would constitute a Prohibited Use or Obnoxious Use as defined elsewhere in this By-law;
- j) All buildings associated with such use that exceeds 372 m² in total floor area shall provide a subsurface fire reservoir in accordance with Ontario Building Code requirements, and the Wellesley Fire Department shall be allowed to use the reservoir for general firefighting purposes in the Township;
- k) All buildings associated with such use shall have a minimum side yard of one-half (1/2) the building height, or 4.5 metres, whichever is greater;
- l) Any such use shall not be permitted, or allowed to change, until such time as a Certificate of Occupancy has been issued by the Township;
- m) Only one Certificate of Occupancy for a farm-related occupation shall be issued per farm, and shall be required to be renewed every two (2) years.

4.14 FLOOR AREA

4.14.1 No person shall erect or use a dwelling unit that is not in compliance with the following minimum floor area requirements:

<u>Dwelling Unit</u>	<u>Minimum Floor Area</u>
Bachelor:	28 m ²
1 bedroom:	37 m ²
2 bedrooms:	55 m ²
3 bedrooms:	70 m ²
4 bedrooms:	83 m ²
Dwelling unit in a boarding house, rooming house or bed and breakfast establishment.	35 m ²

4.14.2 Notwithstanding the above, the minimum floor area of a group home shall be 23.0 m² plus an additional 7.0 m² for each resident, exclusive of staff or receiving family.

4.15 Garden Suites

A garden suite may be permitted as a **temporary use** subject to zoning by-law amendment within the appropriate zones (SR, UR, A1, SC, UC) where single family detached residential dwelling units are permitted and pursuant to Section 39 of the Planning Act (Temporary Use Regulation), and shall be subject to the following regulations:

- a) Only one garden suite may be established per lot on which a single-detached residential dwelling unit exists;
- b) Garden suites are only permitted in an SR, UR, PLR and A1 zone. They may also be permitted in an SC or UC zone providing the single family residential dwelling is the primary use;
- c) Garden suites in the permitted zones shall be located in either a side yard or rear yard, and located behind or even with the front wall of the single-detached residential dwelling unit;
- d) A minimum interior side of 1.2 m, rear yard of 3 m and a minimum exterior side yard of 6.0 m are required;
- e) Driveway access to both the main residence and the garden suite shall be limited to one so that no new entrance from the street shall be created;
- f) The maximum floor area of a garden suite shall be 93 m²;
- g) The maximum height of a garden suite shall be one storey or 4.5 m whichever is less;
- h) No garden suite shall be located closer than 3.0 m to the main residence on the lot;
- i) No garden suite shall be located closer than 5.0 m to the main residence on an adjoining lot;
- j) No garden suite shall be located further than 20 m from the main residence in an SR, UR, A1, SC and or UC zone;
- k) No garden suite shall be permitted to have a basement, cellar and or storage below grade;
- l) All garden suites shall be constructed upon suitable foundation, caissons or piers;
- m) All garden suites shall be connected to municipal water and sewage disposal systems where available, subject to approval by the appropriate approval authority and subject to available capacity;
- n) Notwithstanding the above, garden suites may be permitted with individual private servicing in the A1, SR and SC zone subject to the minimum lot area requirements of the permitted zone and the approval of the Township for the proposed servicing;
- o) All garden suites shall not be used as a rental dwelling unit or for commercial gain;
- p) The garden suite shall meet all health, safety servicing, building code and site plan control requirements;
- q) All garden suites shall be of a pre-fabricated and modular nature and shall not include a single-wide mobile home or trailer; shall comply with the A277 series of standards prescribed by the Canadian Standards Association, and bears the seal of that Association attesting to such compliance.
- r) All garden suites shall be required to have one (1) parking space;

- s) Pursuant to Section 39 of the Planning Act, Council may require a development agreement with the owner of the Garden Suite to deal with, among other things, the installation, maintenance and removal of the unit, the period of occupancy, the deposit of a performance bond or security, and rehabilitation of the site to its pre-garden suite condition.

4.16 GRADING AND DRAINAGE

4.16.1 Excavations

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

4.16.2 Removal or Leveling of Hills

This By-law shall not apply to prevent the removal or leveling of hills for the purposes of increasing or improving land for agricultural uses so long as no excavation takes place below the average grade of the land surrounding the said hill and so long as a permit has been obtained with respect to such removal or leveling under the Aggregate Resources Act, as amended or revised from time to time.

4.16.3 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.

4.17 GROUP HOMES

Notwithstanding any other provisions in this By-law, no group home shall be located closer than 200.0 metres from another group home.

4.18 HEIGHT

The height regulations of this By-law shall not apply to any silo, grain handling and storage facilities, wind turbines, wind testing towers, ornamental dome, chimney, communications tower, cupola, steeple, church spire, water storage tank, elevator enclosure, flag pole, skylight, clock towers, ventilators, antennae, radio or television receiving or transmitting equipment, or any accessory mechanical appurtenances. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

4.19 HOME OCCUPATIONS

Where a home occupation is permitted in a particular zone, the following provisions shall apply:

- a) No outside storage of materials, containers, or finished products is permitted;
- b) The character of the dwelling as a private residence shall not change, nor shall a public nuisance particularly in regard to noise, traffic or parking be created;
- c) No mechanical equipment shall be used in the operation, which would result in any undue noise, fumes, dust, or odour escaping to any adjoining premise;

- d) Shall not occupy more than 25 percent of the total floor area of the dwelling unit including basement or cellar area used for home occupation or as living quarters, or 40.0 m² whichever is the lesser. For greater clarity, such uses include the offices or consulting room for a home profession such as a physician, dentist, chiropractor, lawyer, engineer, accountant, teacher or musical instructor, the office for a trade such as a painter, plumber, carpenter, or electrician and the workroom for a dress- maker, milliner, or hairdresser, but does not include or permit a clinic, any retail shop, tea room, bed and breakfast establishment convalescent home, mortuary, funeral parlour, dancing school, rooming house, boarding house, hairdressing if more than two persons are engaged in the business, or any similar use or other commercial use or institutional use or a workshop, storage yard, parking area or plant for any of the trades.
- e) The home occupation shall not involve the use of the premises as a base of operation for persons who are employed by or associated with the home occupation, nor shall the premises be used to assemble or rally such persons for transportation to a work site;
- f) There shall be no visible indication that the home occupation is being carried on within the dwelling unit except that one sign no larger than 0.5 m² may be placed on the property;
- g) No retail use of the dwelling unit shall be permitted as a home occupation, except that accessory sales use to a permitted home occupation shall be permitted provided that the area occupied by such accessory sales use does not exceed 15 percent of the permitted home occupation floor area;
- h) No institutional use of the dwelling unit shall be permitted as a home occupation;
- i) No manufacturing or assembly shall be carried on or in connection with the home occupation except for the fabrication of handmade articles of clothing, arts or crafts;
- j) No lodging shall be provided in connection with a home occupation, however, this subsection does not preclude or prohibit the establishment or operation of a bed and breakfast establishment as defined by this By-law and where permitted by this By-law;
- k) No lands, premises, detached garages or accessory buildings associated with the dwelling unit shall be used in connection with the home occupation;
- m) Not more than one (1) home occupation or home profession shall be permitted per dwelling unit or lot;
- n) No more than five (5) persons permitted in dwelling at one time to receive treatment, services, or instructions;
- o) No persons may be employees of home occupation which are not permanent residents of dwelling;
- p) No animal, corpse, bacteria, or virus shall be brought into dwelling in connection with a home occupation;
- q) No delivery of materials to the dwelling unit from a vehicle that has a gross registered weight exceeding 5,000 kilograms (11,023 lbs); and;

- r) A Certificate of Occupancy shall be issued one time by the Township and shall be renewed for each change of use.

4.20 LOSS BY NATURAL CAUSES

Notwithstanding any other provisions of this By-law (save and except for any section dealing buildings and structures on Hazard Lands), where a building or structure is destroyed or partially destroyed by fire or other natural causes, replacement of the said building or structure to the same basic dimensions and on the same basic site may be permitted.

4.21 LOTS REDUCED BY PUBLIC ACQUISITION

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

- a) No further change is made in the dimensions, area or any other characteristics of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-compliance; and
- b) No building or structure or addition thereto is erected on the lot as reduced, subsequent to the date of such acquisition, except in accordance with all the provisions hereof for the zone in which such lot is located.

4.20.2 In the case of a road widening dedication, the land that has been or will be dedicated shall be included in any calculation for the purpose of determining lot area, coverage, height, parking, landscaped open space, floor area, floor area ratio, and the location of any permitted building or structure relative to the required side or rear yards, provided any building or structure is located wholly within the boundary of the land remaining after the dedication.

4.22 MINIMUM DISTANCE SEPARATION FORMULAE

4.22.1 The Minimum Distance Separation Formula I shall be applied to any proposed development in any zone on Schedule “A”, Map 1 to 60, save and except where the development is an addition to an existing dwelling.

4.22.2 The Minimum Distance Separation Formula II shall be applied to any new or expanding livestock facility and or manure storage which require a building permit.

4.23 MINIMUM SETBACKS FROM OBNOXIOUS USES

Notwithstanding any other provision of this By-law, the following minimum setbacks shall be maintained from existing or proposed sensitive land uses including non-farm non-accessory residential uses which are not accessory or related to the following obnoxious uses:

<u>Use</u>	<u>Minimum Setback</u>
Commercial or custom grain handling and storage facilities:	305 metres
Former and active waste sites including landfill sites:	
a) Where a methane gas/leachate study has determined the need for technical controls for gas and leachate:	30 metres
b) Where methane gas/leachate studies have not been undertaken:	300 metres
Sewage lagoons:	400 metres
Solid waste transfer sites and/or waste recycling depots:	500 metres

4.24 MOVING OF BUILDINGS

In all zones no buildings shall be moved within the limits of the Township, or shall be moved from outside the Township into the Township without a permit from the Township Chief Building Official.

4.25 MUNICIPAL DRAINS AND NATURAL WATERCOURSES

4.25.1 Notwithstanding any other provisions of this By-law, no permanent buildings or structures shall be erected or used:

- a) Closer than seven and one-half (7.5) metres from the top-of-bank of a municipal drain having a width of less than four and one-half (4.5) metres from top-of-bank to top-of-bank;
- b) Closer than eighteen and one-half (18.5) metres from the top-of-bank of a municipal drain having a width of between four and one-half (4.5) metres and seven and one-half (7.5) metres from top-of-bank to top-of-bank;
- c) Closer than thirty and one-half (30.5) metres from the top-of-bank of a municipal drain which is seven and one-half (7.5) metres or more from top-of-bank to top-of-bank;
- d) Closer than seven and one-half (7.5) metres from the centre line of a municipal tile drain;
- e) Closer than fifteen (15.0) metres from the top-of-bank of a natural watercourse or within an area which is equal to fifteen (15.0) metres plus one-half the width of the stream from the centre line of the watercourse, whichever is greater;

4.25.2 Notwithstanding any other provisions of this By-law, no permanent buildings or structures shall be erected or used on lands which exhibit, or potentially exhibit, a hazardous condition as a result of their susceptibility to flooding, erosion, subsidence, inundation or the presence of organic soils or steep slopes.

4.25.3 Where in this By-law a front, side or rear yard is required, and part of the area of the lot is, covered by water or marsh for more than two (2) months in the year, or is beyond the

top of bank or watercourse, or between the top and toe of a cliff or embankment having a slope of thirty (30) degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building on the lot to the nearest edge of said area covered by water or marsh, or to the rim of said river bank or watercourse, or to the top of the said cliff or embankment.

- 4.25.4 Any application for a building permit on a lot in any zone within the Township may be referred by the Chief Building Official to the Ministry of Natural Resources or the Grand River Conservation Authority for analysis of the severity and location of hazardous natural conditions before issuance of the said permit.

4.26 NON-CONFORMING USES

The provisions of this By-law shall not apply:

- a) To prevent the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the effective date so long as it continues to be used for that purpose; or
- b) To prevent the erection or use for a purpose prohibited by this By-law of any building or structure for which a permit has been issued under Section 8 of the Building Code Act, as amended, prior to the day of the passing of this By-law, 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 permit has not been revoked under Section 8 of the Building Code Act, as amended.
- c) Where for any reason, the use of land, building or structure for a use not permitted by this By-law, has ceased and is not resumed within a 12-month period of the date of ceasing, such non-conforming use shall be in conformity with the provisions covering the zone in which the land, building or structure is located.

4.27 NON-COMPLYING USES

Where an undersized lot or lot with insufficient frontage existed at the date of passing of this by-law, and is considered to be legal non-complying, and the lot area and/or lot frontage has been changed through an application for consent approved by the Township of Wellesley Committee of Adjustment, the amended lot shall be deemed to comply with the provisions of this by-law and a further amendment to this by-law is not required. This provision shall not apply to lots that currently comply with the lot area and frontage requirements of the respective zone and will no longer comply as a result of a consent application approved by the Township of Wellesley Committee of Adjustment.

Where a building or structure has been erected prior to the effective date on a lot having less than the minimum frontage and/or area, and/or having less than the minimum setback and/or side yard and/or rear yard required by this By-law, the said building may be enlarged, reconstructed, repaired or renovated provided that:

- a) The alterations enlargement, reconstruction, repair or renovation does not further reduce a front yard and/or side yard and/or rear yard and/or setback having less than the minimum required by this By-law; and
- b) All other applicable provisions of this By-law are complied with.

- c) Notwithstanding the foregoing the reconstruction or replacement of a legal non-complying building or structure shall only be permitted where such building has been damaged or destroyed by fire, wind, flood or other natural cause. Where a legal non-complying building or structure has been removed voluntarily to permit the construction of a new building or structure, the new construction must not exceed the existing floor area if it is non-complying, but must comply with all other applicable provisions for this By-law. If the non-compliance is for MDS setback for a residence from a livestock facility the residence may be reconstructed or replaced without further amendment to this By-law as long as the existing non-complying MDS setback is not reduced.

4.28 OBNOXIOUS USES

Nothing in this By-law shall be construed to permit the use of land for the erection or use of a building or structure for any purpose that is likely to become a nuisance or offensive:

- a) By the creation of noise or vibrations;
- b) By reason of the emission of gas, fumes, dust or objectionable odour;
- c) By reason of the unsightly storage of goods, wares, merchandise, salvage, or refuse matter or other such material.

4.29 PARKING REQUIREMENTS

4.29.1 Standard Parking Requirements

The erection of a building in any zone after the passing of this By-law requires on site parking in accordance with the standards listed below.

<u>Type of Use Or Building</u>	<u>Parking Required</u>
Auditoria, theatres, arenas, halls	One (1) parking space per 7 seats or 35 m ² of gross floor area whichever is greater
Bed and breakfast establishments, boarding and rooming house	One (1) parking space per guest room
Churches	One (1) parking space per each 4 persons church capacity
Commercial uses/Retail	One (1) parking space per 25.0 m ² (269 ft ²) of gross floor area
Dwelling unit in a single-detached or semi-detached dwelling	Two (2) parking spaces per unit
Dwelling unit in a triplex, multi-unit, linked, maisonette, row-house, or apartment dwelling, or a building containing both commercial and residential uses	One and one-half (1.5) parking spaces per dwelling unit
Dwellings, Townhouses	Two (2) parking spaces per dwelling unit. If a residential development consisting of Townhouse dwellings is

<u>Type of Use Or Building</u>	<u>Parking Required</u>
	accessed by a Private Street, an additional 0.4 spaces per unit is to be provided for visitor parking.
Garden Suite	One (1) parking space per unit
Group home residences	One and one-quarter (1.25) parking spaces per receiving family and/or one (1) parking space for each staff on duty at any time, plus one (1) parking space for each two (2) beds or each 37.0 m ² of floor area or part thereof, whichever is the greater
Home occupation	One (1) off-street parking space for 40.0 m ² or part thereof of floor area devoted to said use in addition to that required for the dwelling
Hotel, motel	One and one-quarter (1.25) parking spaces per unit
Industrial uses/Manufacturing	One (1) parking space per 50.0 m ² of gross floor area
Libraries	A minimum of ten (10) parking spaces or one (1) parking space per 28.0 m ² , or part thereof, of building floor space, whichever is greater
Motor vehicle service station	Five (5) parking spaces per service bay
Nursing homes or rest homes	One (1) parking space per 2 beds
Office uses- medical/dental	One (1) parking space per 20.0 m ² of gross floor area.
Public recreation facility	One (1) parking space per 35.0 m ² of gross floor area
Additional detached dwelling unit	One (1) parking space per additional detached dwelling unit
Restaurants, eat-in or take-out	One (1) parking space per 15.0 m ² of gross floor area
Senior citizens housing	One (1) parking space per unit
Shopping centres	One (1) parking space per 17.0 m ² of gross floor area
Schools	One (1) parking space for each teaching staff member plus one (1) additional parking space for each 20.0 m ² or part thereof of auditorium floor space
Tavern	One (1) parking space per 15.0 m ² of gross floor area
Warehouse use	One (1) parking space per 200 m ² of gross floor area
Any other use not listed	One (1) parking space per 50.0 m ² 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).	

4.29.2 Barrier Free Parking Requirements

Types of accessible parking spaces

Off-street parking facilities must provide the following two types of parking spaces for the use of persons with disabilities:

- a) Type A, parking space which has a minimum width of 3.4 m and signage that identifies the space as “van accessible”.
- b) Type B, parking space which has a minimum width of 2.7 m.

Access aisles

Access aisles between parking spaces must be provided for all parking spaces for the use of persons with disabilities in off-street parking facilities.

Access aisles may be shared by two parking spaces for the use of persons with disabilities in an off-street parking facility and must meet the following requirements:

- a) Minimum width of 1.5 m.
- b) Aisle must extend the full length of the parking space.
- c) Aisles must be marked with high tonal contrast diagonal lines, where the surface is asphalt, concrete or some other hard surface.

Minimum number and type of accessible parking spaces

Off-street parking facilities must have a minimum number of parking spaces for the use of persons with disabilities, in accordance with the following requirements:

Parking Spaces	Minimum Number of Required accessible parking spaces
1 – 12	1.0 space (1)
13 – 100	4% of total (1) (2)
101 or more	1.0 space plus 3% of the total (2)

Notes:

- 1. Where only one accessible parking space is required, a Type A accessible parking space shall be provided.
- 2. Where more than one accessible parking space is required:
 - a) If an even number of accessible parking spaces are required, an equal number of Type A and Type B parking space must be provided:
 - b) If an odd number of accessible parking spaces are required an equal number of Type A and Type B parking spaces must be provided and the odd space may be a type B accessible parking space.

4.30 PARKING REGULATIONS IN RESIDENTIAL ZONES

4.30.1 No motor vehicle shall be parked or stored in any residential zone other than a private passenger automobile, a motor home, travel trailer, truck camper, or school bus, or in the

case of a commercial motor vehicle as provided for in Section 4.29.2 and 4.29.3 of this By-law.

- 4.30.2 No commercial motor vehicle shall be parked or stored in a residential zone, unless such vehicle is parked or stored in a private driveway, private garage or an accessory building.
- 4.30.3 No transport truck trailer shall be parked or stored in a residential zone.
- 4.30.4 No commercial motor vehicle shall idle for more than 15 minutes in a residential zone.
- 4.30.5 All parking spaces in any residential zone shall be located in an attached or detached private garage or in a driveway provided that the lot coverage of the spaces shall not exceed fifteen (15) percent of the total lot area.

4.31 PARKING AREA STANDARDS

- 4.31.1 Where in this By-law, parking areas are required or permitted, all drainage, surfacing and illumination shall be done in accordance with the requirements of the Township.
- 4.31.2 The dimensions for an individual parking space shall be no less than 2.7 metres (9') wide by 6.0 metres (20') long.

4.32 LOADING SPACES

No person shall erect or use any building or structure in any Commercial or Industrial Zone which involves the movement of goods, merchandise or materials, nor in any other zone as required by this By-law, unless loading spaces are provided and maintained in accordance with the following provisions:

- a) One (1) loading space shall be provided on the same premises for every 2,300 m² or fraction thereof of the total floor area;
- b) Loading spaces shall not be less than 3.0 metres in width and 10.5 metres in length;
- c) Loading spaces shall not have less than 4.5 metres of vertical clearance;
- d) Adequate driveway space shall be provided to permit the safe manoeuvring, loading and unloading of vehicles on the lot such that they do not cause an obstruction or a hazardous condition on adjacent streets or sidewalks and loading spaces shall have access to a street or lane which has a minimum width from the rear lot line of the lot to the centre line of the lane of 3.0 metres;
- e) Adequate drainage facilities shall be provided in accordance with requirements of the Township;
- f) Loading spaces shall be surfaced in accordance with the requirements of the Township;
- g) The illumination of loading spaces shall be arranged so that the light is diverted away from any Residential, Open Space or Institutional Zone; and
- h) The location of loading spaces shall be restricted to the rear yard where a lot has access at both the front and rear to a street or road.

4.33 YARDS WHERE PARKING IS PERMITTED

4.33.1 Notwithstanding the yard and setback provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards or in the area between the required road allowance and the required setback.

4.33.2 Parking areas shall be permitted in all yards provided that no part of any parking area, other than a driveway, is located closer than 1.0 metre to any street line, except in any residential zones, where parking shall not be permitted within the front yard unless such parking is situated within a driveway as defined in this By-law.

4.34 ADDITIONS TO USES WITH NON-COMPLYING PARKING CONDITIONS

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

4.34.2 Where an existing building or structure located in an Urban Commercial (UC) or Settlement Commercial (SC) Zone has insufficient parking spaces on the date of passing of this By-law to conform to the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use in the existing building where additional parking spaces are required by this By-law for a building addition, they may be provided in accordance with all provisions hereof respecting parking spaces and parking areas. These parking spaces shall be provided off-site through a joint agreement with a nearby property owner, and be registered with the Municipality or obtain the necessary variance approval.

4.35 PERMITTED ENCROACHMENTS IN YARDS

Unless otherwise specified in this By-law, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky, provided, however, that those structures listed below shall be permitted to project into the yards indicated for the distance specified:

Structure	Permitted Yard	Maximum Encroachment into Required Setback
Window sills, cornices, eaves, gutters, pilasters, belt courses	Any yard	0.5 metres
Fire escapes	Rear yard only	1.5 metres
Bay windows, chimneys awnings and landings	Any yard	1.0 metre
Roofed porches not exceeding one storey in height, uncovered terraces, and exterior staircases	Any yard	3.0 metres provided it is no closer than 1.0 metres to any lot line
Open, uncovered deck	Side and rear yard and not within the	No maximum provided it is no closer than 1.0

Structure	Permitted Yard	Maximum Encroachment into Required Setback
	minimum front yard depth	metres to any lot line
Cantilevered wall	Any yard	0.7 metres
Balconies	Front and rear yards only; any yard for apartment dwellings	2.0 metres
Clothes poles, signs, garden trellises, light standards and handicapped ramps	Any yard	No maximum
Heat pumps, air exchangers, air conditioners	Any yard	1.5 metres
Satellite Dishes	Any yard	1.5 metres

4.36 PRIVATE BUILDINGS ON CORNER LOTS

Notwithstanding any other provisions of this By-law, no private garage, carport or accessory building on any corner lot shall be located closer than six (6.0) metres to the street line.

4.37 PROHIBITED USES

The following uses shall be prohibited in any zone unless otherwise provided for:

- a) The use of any land or the erection and use of any building or structure for the purposes of wrecking yards, salvage yards, dumps, the collection of rags, junk, any refuse, scrap iron, or other scrap metals;
- b) The use of any land or the erection and use of any building or structure for the purposes of an abattoir, for the slaughtering of animals, or disposal or composting of animal parts, or the boiling of blood, tripe or bones;
- c) No land shall be used, and no buildings or structures shall be erected, used, or altered in any zone for the industrial manufacture of coal oil, rock oil, fuel oil, burning fluid gas, naphtha, benzene, gasoline, dynamite, dualene, nitro-glycerine, gun powder, petroleum and petroleum liquid material which is likely to create danger to health, or danger from fire or explosion;
- d) The use of a single-wide mobile home, trailer or portable classroom used as a separate secondary dwelling to the main unit or as an addition to a residential building;
- e) The use of a truck body (with or without wheels and or is not licensed) and a sea container as an accessory building or structure except in the DI and UI zones;
- f) Any use is prohibited which by its nature or by the materials used therein is declared under the Public Health Act, as amended and revised from time to time,

or any regulations adopted thereunder to be a noxious or offensive trade, business or manufacture.

4.38 **PUBLIC USES**

The provisions of this By-law shall not apply to the use of any land or to the erection, alteration or use of any building or structure, or portion thereof, for the purpose of public service by a public authority or public utility provided:

- a) The lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structure is located are complied with except in the case of buildings and structures erected prior to the date of the passing of this By-law in which case the requirement does not apply;
- b) No goods, material, or equipment shall be stored in the open in a residential zone or in a lot adjacent to a residential zone;
- c) Any building erected in a residential zone under the authority of this paragraph shall be designed and maintained in general harmony with residential buildings of the type permitted in the zone;
- d) Any parking and loading regulations for these uses are complied with;
- e) Notwithstanding the generality of the foregoing, natural gas and electric power facilities shall not be required to comply with the setback or yard requirements of this By-law.

4.39 **REDUCTION OF A LOT AREA**

No lot shall be reduced in area, either by the conveyance or alienation of any portion thereof, or otherwise, so that any building or structure on such lot shall have a lot coverage or a ground floor area that exceeds, or a front yard, rear yard, side yard, frontage or a lot area that is less than that permitted by this By-law for the zone in which such lot is located; and if any such reduction in the area of a lot occurs, no building or structure located on the lot shall be used until the requirements of this By-law applicable thereto are complied with.

4.40 **RESTORATION TO A SAFE CONDITION**

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure provided such alteration or repair does not increase the height or size or change the use of such building or structure.

4.41 **SATELLITE DISHES**

A satellite dish may be erected on a dwelling and used in any zone, provided that, if not attached to a dwelling, the dish is not erected in an elevated position which exceeds the maximum height requirement for an accessory building or structure, regardless of the method of elevation used.

4.42 SIGHT RESTRICTION ON INTERIOR AND CORNER LOT

4.42.1 Notwithstanding any other provisions of this By-law, no obstructions, including but not limited to shrubs, or foliage be planted or maintained or private fences be erected (more than 0.8 metres high) in a driveway daylight triangle.

4.42.2 Notwithstanding any other provisions of this By-law, and except in any hamlet or village commercial zone, on a corner lot, no driveway shall be located, nor shall any shrubs or foliage be planted or maintained or private fences be erected (more than 0.8 metres high) which obstruct the view of a driver or a vehicle approaching the intersection and no building or structure shall be erected, at a distance as established by the following table:

Interior Angle Formed by Intersection of Street Lines	Distance from Point of Intersection of Street Lines
20 degrees or less	26.0 metres
21 - 30 degrees	18.0 metres
31 - 40 degrees	13.5 metres
41 - 50 degrees	10.5 metres
51 - 60 degrees	9.0 metres
61 - 80 degrees	7.5 metres
81 - 110 degrees	6.0 metres

4.42.3 In all zones, on a lot abutting a railway where the railway and a street intersect at the same grade, no building or structure shall be erected in such a manner as to materially impede vision above a height of 0.6 metres above the centreline grade of the intersecting street in the triangular area bounded by the railway and the street line and a line from the points along such railway and such street line distant 50 metres from the point of the intersection thereof.

4.42.4 Where such railway intersection is unprotected, the sighting triangle will be increased to 90 metres along the street line, and a distance of 400 metres measured along the railway or a distance required by Transport Canada.

4.43 SPECIAL USES

Nothing in this By-law shall prevent the use of land or the use or erection of a building or structure for:

- a) A carnival, circus or festival or other public gathering, each of which is held not more than twice per year, in an Institutional or Open Space Zone; or
- b) A farmer’s market held not more than two (2) days per week in any zone other than UR or SR.

4.44 STREET FRONTAGE OF BUILDING LOTS

Except as hereinafter provided in this By-law, no person shall erect a building or structure and no person shall use any land, building, or structure, unless the lot or parcel to be so used or upon which the building is situated, erected or proposed to be erected abuts or

fronts on a public street or public road, and is maintained by such authority in such a manner so as to permit its use by vehicular traffic, provided that a building or structure may be erected on a lot within a registered plan of subdivision in accordance with the provisions of a subdivision agreement in respect of such plan of subdivision, notwithstanding that the streets within such plan of subdivision have not been assumed and are not being maintained by the Township.

4.45 STRUCTURES IN WATER

No person shall erect, alter or use any structure located in a navigable watercourse, except in compliance with the Beds of Navigable Waters Act, the Lakes and Rivers Improvement Act, the Navigable Waters Act or other applicable Act or legislation as amended from time to time.

4.46 SWIMMING POOLS

The following regulations shall apply with respect to the erection or use of a swimming pool, which is not enclosed or otherwise located within a building:

- a) A swimming pool is permitted as an accessory use in any zone;
- b) A swimming pool shall not contribute to lot coverage as regulated in any zone of this By-law;
- c) A swimming pool shall not be located in any yard other than an interior side yard or a rear yard;
- d) No part of a swimming pool shall be located closer than one (1.0) metre to any lot line;
- e) No part of a swimming pool shall exceed a height of two (2.0) metres, exclusive of related structures which shall not exceed a height of four (4.0) metres;
- f) All pools shall comply with Township Fence By-law.

4.47 TEMPORARY USES

Notwithstanding any other provisions of this By-law, uses such as a construction camp or other such temporary work camp, a tool shed, mobile home, shipping container, scaffold, sign or other building incidental to construction are permitted in any zone provided that:

- a) Such uses or buildings are used only as long as same are necessary for work in progress which has neither been finished nor abandoned, or a period of one year whichever is less, and;
- b) Such uses or buildings are removed when the work for which they were permitted is terminated.
- c) Where a new single detached dwelling is being constructed to replace an existing single detached dwelling on the same lot, the existing dwelling may continue to be used during the construction of the new residence. The existing dwelling must be removed within 60 days of the occupancy being issued for the new dwelling, but in no case shall the existing dwelling remain on the property longer than a period of 18 months from the time of building permit issuance for the new dwelling.

- d) The Township of Wellesley shall require a deposit of a sum sufficient in the opinion of the Chief Building Official to cover the costs of demolition and site restoration of such existing dwelling by the Township in the event the existing dwelling is not demolished within the time stipulated above.
- e) The owner shall enter into a demolition agreement with the Township to cover such matters as deemed appropriate by the Township regarding occupancy and removal of the existing residence in accordance with the requirements of this by-law.

4.48 TRUCK, BUS AND COACH BODIES OR TRAVEL TRAILERS, TRUCK CAMPERS, MOTOR HOMES OR TENTS USED FOR HUMAN OCCUPANCY

- 4.48.1 Except as expressly permitted by this By-law; no truck, bus, coach or streetcar body shall be used for human occupancy within the Township whether or not the same is mounted on wheels;
- 4.48.2 No travel trailer, truck camper, motor home, or tent shall be used for the living, sleeping or eating accommodation of persons within the Township for more than thirty (30) days unless such travel trailer, truck camper, or motor home is located in a campground licensed by the Township, and provided, however, that this provision shall not prevent the use of tents or trailers for children’s play or for picnics or for the occasional accommodation of guests for not more than one (1) week in any Residential Zone.

4.49 USE OF YARDS ON LANDS WITHOUT BUILDINGS

Where land is used for or in connection with residential, commercial, industrial, or institutional uses but without any buildings or structures therein, all yards required by this By-law on a lot in the respective use zone shall be provided and maintained as yards and the applicable regulations shall apply, except where the land or lot is used for gardening or open space purposes not prohibited by this By-law in such use zone.

4.50 VEHICLES, DERELICT MOTOR

No land in any zone shall be used for the purposes of storing and/or salvaging of derelict motor vehicles unless such land:

- a) Is licensed under the Municipal Act, as amended or revised from time to time, as a salvage yard and is specifically zoned to permit such use; or
- b) Constitutes a waste disposal site which has a certificate of approval for such purposes under the Environmental Protection Act, as amended or revised from time to time and is specifically zoned to permit such use; or
- c) Constitutes an accessory use to a public garage;
- d) Is enclosed in a building.

4.51 WAYSIDE PITS AND QUARRIES AND PORTABLE ASPHALT PLANTS

Wayside pits and quarries and portable asphalt plants shall be permitted in all zone categories without amendment to the Zoning By-law, except zones that are established to recognize existing development or areas of particular environmental sensitivity upon which wayside pits may be prohibited.

4.52 **WASTE DISPOSAL SITES, DEVELOPMENT OF CLOSED**

Section 45 of the Environmental Protection Act prohibits the use of a waste site for any type of development for a period of 25 years after closure. Notwithstanding any other provisions of this By-law the properties identified herein will be prohibited from development of buildings and structures until such time as deemed permissible by the Ontario Ministry of the Environment.

4.53 **WELLS, PRIVATE**

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 Township of Wellesley 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 exists prior to the date of the passing of this By-law;
- 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, as of the date of the passing of this By-law, relies upon a private well for purposes other than human consumption such as irrigation, cooling, or manufacturing purposes.

4.54 **YARD AND OPEN SPACE PROVISIONS FOR ALL ZONES**

No part of a yard or other open space required abutting any building for the purpose of complying with the provisions of this By-law shall be included as part of a yard or other open space similarly required for another building.