

SECTION 4 – General Regulations

4.1 ACCESSORY BUILDINGS AND STRUCTURES

- a) Unless otherwise provided for in this By-law, no *accessory building* or *structure* shall be used for human habitation.
- b) *Accessory buildings* or *structures* to *dwelling units* having a maximum *gross floor area* of 10 square metres or less and a maximum *height* of 3 metres are permitted within a required *rear yard* or a required *interior side yard*.
- c) *Accessory buildings* and *structures* to *dwelling units* with a *building height* greater than 3 metres shall be located a minimum of 0.6 metres from an *interior side lot line* and *rear lot line*.
- d) For *accessory buildings* to *single detached dwellings*, *semi-detached dwellings*, and *street townhouse dwellings*, with or without an *accessory dwelling unit (attached)* or *accessory dwelling unit (detached)*, and to *multiple dwellings*, the maximum height of the underside of any fascia shall be 3 metres, the maximum *building height* shall be 5.5 metres, and the maximum *lot coverage* shall be 15 percent.
- e) *Accessory buildings* or *structures* to *dwelling units* shall not be located in a *front yard* or *exterior side yard*.

4.2 ACCESSORY USES

Where this By-law provides that land may be *used* or a *building* or *structure* may be erected and *used* for a permitted *use*, that *use* shall include any *accessory use* provided that the *accessory use* is located within the same *premises*.

4.3 BONUSING

Reserved.

4.4 CONDOMINIUMS

4.4.1 Standard Condominiums

- a) Internal *lot lines* created by:
 - i) A registration of a plan of condominium; or
 - ii) A plan or plans of condominium registered on all or a portion of a *lot* which is part of a comprehensively planned development subject to a development agreement pursuant to Section 41 of the Planning Act;

shall not be construed to be *lot lines* for the purposes of zoning regulations provided that all applicable regulations of this By-law relative to the whole *lot* and its external *lot lines*, existing prior to any condominium plan registration are strictly observed.

- b) Where a unit boundary extends beyond a *building* to a private amenity area not abutting a common element, each private amenity area shall have an unobstructed access at *grade* or *ground floor* level, having a minimum width of 0.9 metres from a common element, either by:
- i) Direct access within the unit boundary without passing through any portion of the *dwelling unit*;
 - ii) Direct access through the *dwelling unit* without passing through a living or family room, dining room, kitchen, bathroom, bedroom, recreation room, or any hallway that is not separated by a door to any such room; or,
 - iii) Access over adjacent lands that, if the lands are not owned by the *City* or the *Region*, are secured through the declaration or common element of the condominium.

4.4.2 Vacant Land Condominiums

Despite Section 4.6, more than one *single detached dwelling*, *semi-detached dwelling*, or *street townhouse dwelling* shall be permitted on a *lot* provided that each has direct access to a *street* or an internal private *drive aisle* or road that is a common element in a registered Condominium connecting to a *street* and 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 private *drive aisle* or road portion of the common element, or the *lot line* abutting a *street* wherever the *driveway* access is, and the *single detached dwelling*, *semi-detached dwelling*, or *street townhouse dwelling* shall comply with all applicable zoning regulations.

4.4.3 Common Element Condominiums

Despite Section 0, *single detached dwelling*, *semi-detached dwelling*, or *street townhouse dwellings* shall be permitted on *lots* without frontage on a *street* provided that they are located on *parcels of tied lands* to a Common Element Condominium consisting of at least a private *driveway* connecting to a *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 *parcels of tied lands*, shall be deemed to comply with 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 level, having a minimum width of 0.9 metres, from the *front yard* to the *rear yard* of the *lot* either by:
- i) Direct access on the *lot* without passing through any portion of the *dwelling unit*;
 - ii) Direct access through the *dwelling unit* without passing through a living or family room, dining room, kitchen, bathroom, bedroom, recreation room, or any hallway that is not separated by a door to any such room; or,
 - iii) Access over adjacent lands that, if the lands are not owned by the *City* or the *Region*, are secured by an easement or are a common element of the condominium.

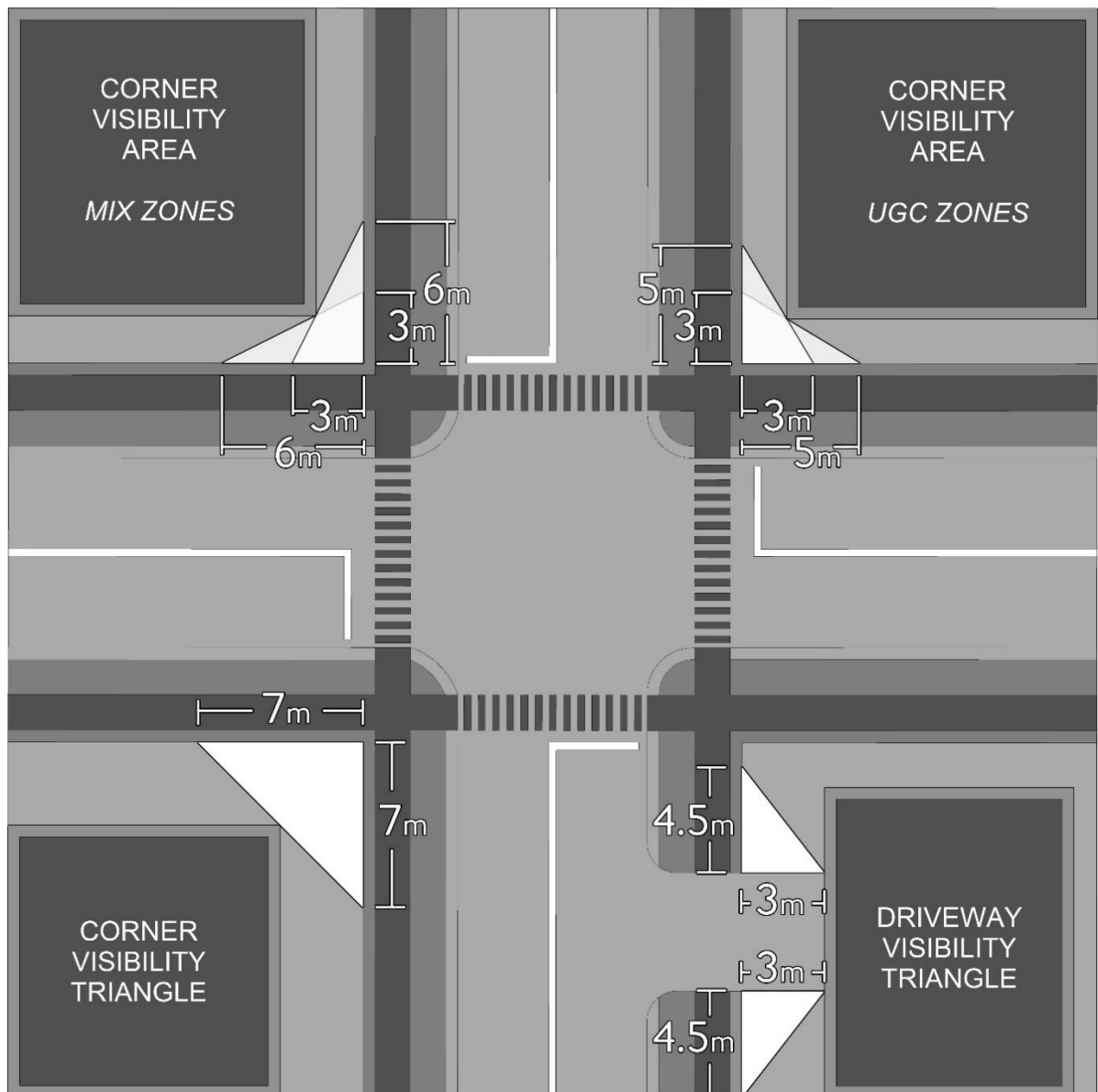
Any additions or alterations to the *dwelling unit*, *accessory buildings*, *yard* projections, and *driveways* added subsequent to the registration of the condominium, which are not shown on the approved site plan, must comply with the applicable zoning regulations for the *single detached dwellings*, *semi-detached dwellings*, or *street townhouse dwellings* contained within the *parcels of tied land*. For the purposes of this regulation, the *front lot line* shall be deemed to be the shortest *lot line* abutting a *street*, internal *driveway*, or internal walkway which provides primary access to the *dwelling unit*.

4.5 CORNER VISIBILITY TRIANGLES, CORNER VISIBILITY AREAS AND DRIVEWAY VISIBILITY TRIANGLES

- a) No *buildings*, *structures*, *motor vehicles*, *food cart*, signs, *landscaping*, or other impediments shall obstruct visibility within a *corner visibility triangle*, *corner visibility area* or *driveway visibility triangle*. An obstruction to visibility shall not include objects 0.9 metres or less in height from the ground, or objects higher than 5 metres in height from the ground. This provision does not apply to the location of fences constructed in accordance with and regulated by Chapter 630 (Fences) of The City of Kitchener Municipal Code.
- b) A *corner visibility area* shall be required in MIX zones. One leg of both triangles shall measure 6 metres and the other leg of both triangle shall measure 3 metres. Subsection a) shall not apply to *existing buildings* or *new* construction which replaces an *existing building* with the same *building* footprint within the *corner visibility area*.
- c) A *corner visibility area* shall be required in UGC zones. One leg of both triangles shall measure 5 metres and the other leg of both triangle shall measure 3 metres. Subsection a) shall not apply to *existing buildings* or *new* construction which replaces an *existing building* with the same *building* footprint within the *corner visibility area*.

- d) A *corner visibility triangle* shall be required in all zones except UGC zones and MIX zones and shall be measured at 7 metres from the point of intersection of the *street lines*.
- e) A *driveway visibility triangle* shall be required in all zones except UGC zones and MIX zones and shall be measured from the point of intersection of a *street line* and the edge of a *driveway* a distance of 3 metres from the *street line* and 4.5 metres from the edge of the *driveway*.

Illustration 1: Corner Visibility Triangle, Corner Visibility Area and Driveway Visibility Triangle Dimensions



4.6 FRONTAGE ON A STREET

Unless otherwise provided for in this By-law, no *person* shall erect any *building* or *structure*; or use any *building*, *structure*, or *lot* unless:

- a) The *lot* has frontage on a *street*; or,
- b) The *lot* is separated from a *street* by land owned by a public agency for future road widening purposes, or as a 0.3 metre reserve if registered rights-of-way giving access to a *street* have been granted and such access scheme is part of a development agreement pursuant to the Planning Act, as may be outstanding as at the date of passage hereof, or as may be hereafter agreed to.

4.7 HOME OCCUPATION

4.7.1 Regulations for Home Occupations

- a) A *home occupation* shall only be permitted on a *lot* containing a *single detached dwelling* (with or without an *additional dwelling unit (attached)* or *additional dwelling unit (detached)*), *semi-detached dwelling* (with or without an *additional dwelling unit (attached)* or *additional dwelling unit (detached)*), *street townhouse dwelling* (without an *additional dwelling unit (attached)* or *additional dwelling unit (detached)*), *cluster townhouse dwelling*, or *multiple dwelling*.
- b) A *home occupation* shall only locate in a *dwelling*.
- c) A *home occupation* shall only be operated by the *persons* resident in the *dwelling unit*.
- d) *Outdoor storage* shall not be permitted as part of a *home occupation*.
- e) A *home occupation* shall not include a *noxious use*.

4.7.2 Permitted Home Occupation Uses

No *person* shall conduct a *home occupation* for any *use* other than those permitted *uses* within Table 4-2.

Table 4-2: Permitted Home Occupation Uses

Home Occupation Use	First Home Occupation Use	Second Home Occupation Use
Permitted <i>home occupation</i> use on a lot containing a <i>single detached dwelling</i> or a <i>semi-detached dwelling unit</i> (without an <i>additional dwelling unit (attached)</i> or <i>additional dwelling unit (detached)</i>) (1)(2)(3)(4)		
<i>Artisan's Establishment</i>	✓	
<i>Bed and Breakfast</i> (5)(6)	✓	
<i>Canine and Feline Grooming Establishment</i> (5)(7)	✓	
<i>Catering Service Establishment</i>	✓	
<i>Commercial School</i>	✓	
<i>Health Office</i>	✓	
<i>Indirect Sales</i>	✓	✓
<i>Light Repair Operation</i>	✓	
<i>Office</i>	✓	✓
<i>Personal Services</i> (8)	✓	
<i>Private Home Day Care</i>	✓	
Permitted <i>home occupation</i> use in a <i>dwelling unit</i> within a <i>single detached dwelling</i> with an <i>additional dwelling unit (attached)</i> or <i>additional dwelling unit (detached)</i>, <i>semi-detached dwelling unit</i> with a <i>additional dwelling unit (attached)</i> or <i>additional dwelling unit (detached)</i>, <i>street townhouse dwelling</i>, <i>cluster townhouse dwelling</i>, or <i>multiple dwelling</i> (9)(10)		
<i>Artisan's Establishment</i>	✓	
<i>Commercial School</i>	✓	
<i>Office</i>	✓	
<i>Indirect Sales</i>	✓	

Additional Regulations for Permitted Home Occupation Uses Table 4-2.

- (1) A maximum of two *home occupations* shall be permitted on a *lot*. The total maximum *gross floor area* for all *home occupations* on a *lot* is 25 percent of the *gross floor area* of the *dwelling unit*. In no case shall the *gross floor area* for all *home occupations* exceed 50 square metres of *gross floor area*.
- (2) A *home occupation* shall be conducted so as to not attract more than three customers or clients at any one time.
- (3) Despite Section 4.7.1 b), an *artisan's establishment*, *office*, or *indirect sales home occupation*, that does not attract customers or clients to the *lot*, may locate in an *accessory building*.
- (4) Despite Section 4.7.1 c), in addition to the resident, a *home occupation* may employ one non-resident employee.
- (5) Only within a *single detached dwelling*.

- (6) A maximum of two bedrooms is permitted within a *bed and breakfast*.
- (7) A maximum of two dogs and two cats associated with the *canine and feline grooming establishment* are permitted at any one time, for a maximum of three hours on any given day during regular operating hours.
- (8) Shall not include the cleaning of apparel.
- (9) A *home occupation* shall be conducted so as to not attract more than one customer or client at any one time.
- (10) A maximum of one *home occupation* shall be permitted within each *dwelling unit* to a maximum of 15 square metres of *gross floor area*.

4.8 NON-COMPLIANCE AS A RESULT OF LAND ACQUISITION

Where the acquisition of land by registration on title on or after the effective date of this By-law to widen a *street*, provide a *corner visibility triangle*, or other such requirements, results in non-compliance with any regulation herein, nothing in the By-law shall apply to prevent the continued *use* of any *lot*, *building*, or *structure* provided that such *lot*, *building*, or *structure* was lawfully established and *used* for such purpose on the date of acquisition of land.

4.9 GROUP HOMES

Only one *group home* shall be permitted on a *lot*.

4.10 CORRECTIONAL GROUP HOMES

- a) Only one *correctional group home* shall be permitted on a *lot*.
- b) No *building* or part thereof shall be *used* for a *correctional group home* on a *lot* situated within 400 metres of another *lot* on which either a *group home* or *correctional group home* is located. This distance shall be measured from the closest point of the *lot lines* associated with each *lot*.
- c) No *building* or part thereof shall be *used* for a *correctional group home* on a *lot* that is situated within 100 metres of the *city limit*. This distance shall be measured from the closest point of the *lot line* associated with such *lot* and the *city limit*.

4.11 LOCATION OF LODGING HOUSES

- a) Only one *lodging house* shall be permitted on a *lot*. No *building* shall be used for a *lodging house* on a *lot* that is situated within 400 metres of another *lot* on which a *lodging house* is located, such minimum distance to be measured from the closest point of the *lot lines* associated with each *lot*; and,

- b) No *building* shall be used for a *lodging house* on a *lot* that is situated within 100 metres of the municipal limit of the *city*, such minimum distance to be measured from the closest point of the *lot line* associated with such *lot* and the municipal limit.

4.12 NUMBER OF DWELLINGS PER LOT

- a) Unless otherwise provided for in this By-law, in any *zone* where a *single detached dwelling* or *semi-detached dwelling* is permitted, no more than one such *dwelling* shall be erected on a *lot*.
- b) 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 *lot*, the future lot shall be considered a *lot* for the purposes of this By-law.

4.12.1 One Additional Dwelling Unit (Attached)

One *additional dwelling unit (attached)* may be permitted in association with a *single detached dwelling*, *semi-detached dwelling unit* or *street townhouse dwelling unit* in accordance with the regulations specified by the *zone* category in which an *additional dwelling unit (attached)* is permitted, and the *dwelling* type in which the *additional dwelling unit (attached)* is located and in addition to and as amended by the following:

- a) One *additional dwelling unit (attached)* shall only be located in the same *building* as a *single detached dwelling*, *semi-detached dwelling*, or *street townhouse dwelling*;
- b) An *additional dwelling unit (attached)* shall be connected to full municipal services;

4.12.2 Two additional Dwelling Units (Attached)

Two *additional dwelling units (attached)* may be permitted in association with a *single detached dwelling* in accordance with the regulations specified by the *zone* category and applying to *single detached dwellings* in which the two *additional dwelling units (attached)* are located and in addition to and as amended by the following:

- a) two *additional dwelling units (attached)* shall be connected to full municipal services;
- b) a maximum of one pedestrian entrance to the *principal building* shall be located on each *street line façade*, except where more pedestrian entrances are *existing*;
- c) no more than two *additional dwelling units (attached)* are permitted on a *lot*;
- d) the minimum *lot area* shall be 395 square metres or in accordance with Table 7-2, whichever is greater;

- e) the minimum *lot width* shall be 13.1 metres or in accordance with Table 7-2, whichever is greater;
- f) the minimum *landscaped area* shall be 20%;
- g) two *additional dwelling units (attached)* shall only be permitted in *existing buildings*;

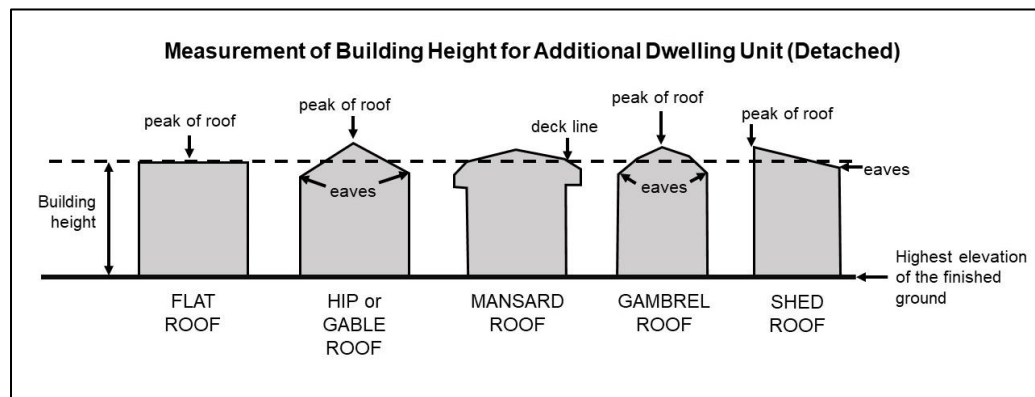
additions to an existing *single detached dwelling* must be attached to the rear of *principal building* and shall not extend into any *side yard* farther than the extent of the *existing principal building* and provided such addition does not exceed 25 percent of the *existing building's building floor area*.

4.12.3 Additional Dwelling Units (Detached)

One *additional dwelling unit (detached)* may be permitted in association with a *single detached dwelling, semi-detached dwelling unit* or *street townhouse dwelling unit* in accordance with the regulations specified by the *zone* category in which an *additional dwelling unit (attached)* is permitted, and as amended by the following:

- a) for the purposes of Section 4.12.3, the area that is designed to be a separate lot for a *street townhouse dwelling* or *semi-detached dwelling* shall be considered to be a lot;
- b) an *additional dwelling unit (detached)* shall only be permitted on the same *lot* as a *single detached dwelling, semi-detached dwelling* or *street townhouse dwelling*, with or without one *additional dwelling unit (attached)*;
- c) an *additional dwelling unit (detached)* shall not be permitted on the same *lot* as a *single detached dwelling* with two *additional dwelling units (attached)*;
- d) an *additional dwelling unit (detached)* shall not be severed from the *lot* containing the *single detached dwelling, semi-detached dwelling* or *street townhouse dwelling*;
- e) the *additional dwelling unit (detached)* shall be connected to full municipal services;
- f) no more than one *additional dwelling unit (detached)* is permitted on a *lot*;
- g) the *building floor area* of the *additional dwelling unit (detached)* shall not exceed fifty percent of the *building floor area* of the *single detached dwelling, semi-detached dwelling unit* or *street townhouse dwelling unit* on the same lot, or 80 square metres, whichever is less;
- h) the minimum *lot area* shall be 395.0 square metres or in accordance with applicable regulations included in Table 7-2, 7-3 or 7-4, whichever is greater;

- i) the minimum *lot width* shall be 13.1 metres or in accordance with applicable regulations included in Table 7-2, 7-3 or 7-4, whichever is greater;
- j) a *building* containing an *additional dwelling unit (detached)* shall be located a minimum of 0.6 metres from a *rear lot line* and *interior side lot line*;
- k) an *additional dwelling unit (detached)* shall not be located in the *front yard* or *exterior side yard*;
- l) for an *additional dwelling unit (detached)*, the maximum *building height* shall be:
 - a. 4.5 metres for a hip, gable, shed, or gambrel roof, measured to the mid point between the eaves and the peak of the roof, excluding the eaves of any projections;
 - b. 4.5 metres for a mansard roof, measured to the deck line;
 - c. 3 metres for a flat roof, measured to the peak of the roof;



- m) for a shed roof where the peak of the roof is more than 4.5 metres from the highest elevation of the finished ground, the highest exterior wall shall not face a *rear lot line* or *side lot line* closer than 4.5 metres, except where the *lot line* is a *street line* or *lane*;
- n) an unobstructed walkway that is a minimum 1.1 metres in width shall be provided from a *street* to the *additional dwelling unit (detached)*. The walkway shall not be located within a required *parking space*;
- o) Despite Section 5.3.3 a) ii), where three *parking spaces* are required in accordance with Table 5-3, two *parking spaces* may be *tandem parking spaces*; and,
- p) Despite Section 5.6, where a *lot* is within 800 metres of a Light Trail Transit (LRT) station as shown on Appendix E, no *parking space* shall be required for the *additional dwelling unit (detached)*.

4.12.3.1 Minimum Side Yard setback of Principal Building:

On a *lot* containing an *additional dwelling unit (detached)*:

- a) the *principal building* shall comply with the following:
 - a. where the *principal building* is a *single detached dwelling*, with or without an *additional dwelling unit (attached)*, the minimum *side yard setback* on each side of the *principal building* shall be 1.2 metres;
 - b. where the *principal building* is a *semi-detached dwelling unit* or *street townhouse unit* with or without an *additional dwelling unit (attached)*, the minimum *side yard setback* of the *principal building* shall be 2.5 metres on one side;
- b) The *principal building* shall comply with the *setback* provisions required for the *dwelling* for *front, side* and *rear yards* in all other cases.
- c) Subsection 4.12.3.1 a) shall not apply if the *additional dwelling unit (detached)* has direct access from *street* or *lane* at the *rear* or *exterior side yard*.

4.13 PERMITTED PROJECTIONS ABOVE HEIGHT RESTRICTIONS

The maximum *building height* shall not apply to *architectural features* or spires; cupolas; antennae; flag poles; elevator penthouses; roof access stairways, railings, and penthouses; and heating, ventilation, and air conditioning equipment.

4.14 PERMITTED PROJECTIONS INTO REQUIRED YARDS**4.14.1 Architectural Features**

Architectural features may project into any required *yard* to a maximum of 0.6 metres.

4.14.2 Balconies

Balconies associated with a *dwelling unit* may project into any required *yard* provided that the balconies:

- a) Are not enclosed;
- b) Are not supported by the ground;
- c) Are located a minimum of 0.75 metres from an *interior side lot line* or *rear lot line*; and,
- d) Are located a minimum of 3 metres from a *street line*, except in a UGC zone or MIX zone.

4.14.3 Canopies

Canopies may project into any required *yard* provided that the canopies:

- a) Are not supported by the ground;
- b) Do not project more than 1.8 metres into a required *front yard*, *exterior side yard*, or any other *yard* abutting a *street*; and,
- c) Are located a minimum of 0.6 metres from a *street line*, *side lot line*, or *rear lot line*.

4.14.4 Decks

- a) All decks shall meet the *setback* regulations required for the *building* in the applicable *zone*.
- b) Despite Subsection a) in a *residential zone*, unenclosed decks that do not exceed 0.6 metres in height above the ground, may be located within a required *rear yard* or *interior side yard*.
- c) Despite Subsection a) in a *residential zone*, entirely unenclosed decks that exceed 0.6 metres in height above the ground, may be located within a required *rear yard* provided that they are located a minimum of 4 metres from the *rear lot line* and meet the *side yard setback* regulations required for the *dwelling* in the applicable *zone*.
- d) Despite Subsection a) covered, unenclosed decks attached to the *principal building* may be located within a required *rear yard* provided that they are located a minimum of 4 metres from the *rear lot line* and meet the *side yard setback* regulations required for the *dwelling* in the applicable *zone*.

4.14.5 Heating, Ventilation, and Air Conditioning Equipment

- a) Heating, ventilation, and air conditioning equipment; and other similar mechanical equipment associated with a *dwelling*, may locate within a *rear yard* or *interior side yard*, provided that the equipment is located a minimum of 3 metres from a *street line* and is screened from the *street*.
- b) Heating, ventilation, and air conditioning equipment; and other similar mechanical equipment associated with a non-residential *building* or *mixed use building*, may locate within a required *rear yard* or *interior side yard*, provided that the equipment has a minimum *setback* of 3 metres from a *street line* and from an abutting *residential zone*, and is screened.

4.14.6 Pools and Hot Tubs

Pools and hot tubs associated with a *dwelling unit* are permitted to locate within an *interior side yard*, *exterior side yard*, and *rear yard* provided that the pool or hot tub:

- a) has a minimum *setback* of 0.6 metres from an *interior side lot line* or *rear lot line*; and,
- b) is located a minimum of 2.1 metres from a *street line*.

4.14.7 Porches

- a) The minimum depth of a porch associated with a *dwelling unit* shall be 1.5 metres; or in the case of an *existing* porch with a depth of less than 1.5 metres, the minimum depth shall be the *existing* depth.
- b) Unenclosed porches associated with a *dwelling unit* may project into a *front yard* or *exterior side yard* provided that the porch is located a minimum of 3 metres from a *street line* and the floor of the porch does not exceed 1 metre in height above the ground. A cold room may be located beneath the porch.
- c) Despite Subsection b), a porch attached or unattached to the *principal building* of a *structure* designated under the Ontario Heritage Act may be located or reconstructed within a required *front yard* or *side yard* provided that the *setback*, *gross floor area*, dimensions, and height do not exceed what legally existed on or before March 5, 2012.

4.14.8 Restaurant Patios, Decks, and Outdoor Recreation

4.14.8.1 *Restaurant Patios, Decks, and Outdoor Recreation*

Patios, decks, and outdoor recreation associated with a *restaurant* may project into a required *yard* provided that:

- a) They are located a minimum of 30 metres from any *residential zone*;
- b) In a COM or EMP zone they have a minimum *setback* of 3 metres from a *street line*; and,
- c) Despite Subsection a), in a UGC or MIX zone, a patio, deck, and outdoor recreation associated with a restaurant may be located within a *front yard* or *exterior side yard*.

4.14.8.2 *Private Patios*

Any required private patio shall be a minimum of 11 square metres in size.

4.14.9 Satellite Dishes and Antennas

Satellite dishes and antennas may project into a required *yard* and they shall be attached to a *building* and shall not exceed 0.9 metres in diameter.

4.14.10 Steps and Access Ramps

- a) Steps and access ramps that do not exceed 0.6 metres above ground level may be located within any *yard side yard*.
- b) Steps and access ramps that exceed 0.6 metres above ground level shall be located a minimum of 3 metres from a *street line* and a minimum of 0.75 metres from an *interior side lot line* or *rear lot line*. Portions of steps and access ramps located above the *ground floor storey* shall be located a minimum of 1.2 metres from an *interior side lot line* or *rear lot line*.
- c) The maximum area of steps and access ramps located in a *front yard* shall not exceed 40 percent of the area of the *front yard*.

4.15 PERMITTED USES

4.15.1 Automotive Detailing and Repair Operation, and Heavy Repair Operation

- a) Any portion of a *building* used for an *automotive detailing and repair operation* and/or *heavy repair operation* shall be *setback* a minimum of 14 metres from any *lot line* abutting a *residential zone*.
- b) Despite Subsection a), where such *building* or portion thereof is constructed without an opening, such as a vent, door, or window, the *setback* regulations of the applicable *zone* apply.

4.15.2 Construction Uses

A *lot* in any *zone* may be *used* for temporary *buildings* and trailers associated with construction work occurring on such *lot* for the duration of construction, or for as long as the building permit is valid, whichever comes first. No temporary *building* and/or trailer intended for construction work purposes shall be *used* for human habitation.

4.15.3 Drive-Through Facilities

- a) A *drive-through facility* shall be located a minimum distance of:
 - i) 15 metres from an abutting *residential zone* where a visual barrier is provided along the abutting *lot line*; and,
 - ii) 7.5 metres from an abutting *residential zone* where an acoustic barrier, certified by a professional engineer, is installed along the abutting *lot line* prior to occupancy of the *drive-through facility*, and is maintained thereafter.
- b) Subsection a) shall not apply to an *existing drive-through facility*.

4.15.4 Food Cart

A *food cart* shall be permitted in all *zones* except *residential zones*, *NHC zones* or *OSR-3 zones*, provided that:

- a) It does not occupy any *drive aisle* or required *parking space*; and,
- b) It does not exceed 2.0 metres in height, 2.0 metres in length and 1.2 metres in width.

4.15.5 Gas Station

- a) A fuel pump island shall have a *setback* of 6 metres from a *street line*, and a canopy structure above a fuel pump island shall have a *setback* of 3 metres from a *street line*;
- b) A fuel pump island and a canopy structure above a fuel pump island shall be located a minimum of 30 metres from a *residential zone*;
- c) No underground or above-ground fuel storage tank shall be located within 3 metres of a *street line*;
- d) The *rear yard setback* for a *building* associated with a *gas station* shall be 3 metres; and,
- e) The minimum *interior side yard setback* for a *building* associated with a *gas station* abutting a *residential zone* shall be 3 metres.

4.15.6 Model Home

- a) A maximum of 10 *model homes* may be permitted on a *lot* in any *zone*.
- b) The *model homes* shall be constructed to the requirements and provisions of the *zone* in which the *model homes* are located. The *model homes* shall be situated within 150 metres of an in-service fire hydrant on lands in a draft approved plan of subdivision, with or without service connections.

4.15.7 Public Uses and Utilities

Unless otherwise regulated herein, *public uses* and *utilities* may be permitted in any *zone*, provided that:

- a) Such *use*, *building*, or *structure* complies with the regulations, and parking and loading requirements of the applicable *zone*; and,
- b) *Accessory outdoor storage* may be permitted, and shall not be located within any *yard* abutting a *residential zone*.

4.15.8 Shipping Container

- a) A *shipping container* shall not be located on a *lot* in a *residential zone*.

- b) Despite Subsection a), a *shipping container* may be permitted on a *driveway* within a *residential zone* for a period not exceeding 30 days in any given year, provided that the *shipping container* is not located within or blocking access to a required *parking space*, and that the *shipping container* is located a minimum of 0.6 metres from a *street line*.
- c) Where a *shipping container* is converted and *used* as a construction material for a residential *dwelling* subject to the Ontario Building Code, it is a *building*.

4.15.9 Towing Compounds

A *towing compound* shall not be located on a *lot* that is within 30 metres of a *residential use*.

4.15.10 Temporary Sales Centre

A *temporary sales centre* is permitted in all UGC, MIX, and COM zones; and in all *residential zones*, and shall be subject only to the *setback* regulations of the applicable zone.

4.16 SETBACKS FROM RAILWAYS

- a) Any portion of a *building* used for *dwelling units*, *multiple dwellings*, *elementary school*, *secondary school*, *post-secondary school*, *adult education school*, *day care facility*, or *place of worship* shall be *setback* a minimum of:
 - i) 30 metres from the *lot line* of the active railway right-of-way for a Principal or Secondary Main Line; or,
 - ii) 15 metres from the *lot line* of the active railway right-of-way for a Principal, Secondary or Tertiary Branch Line
- b) Subsection a) shall not apply to any railway right-of-way or section thereof solely used for *light rail transit*.

4.17 TWO OR MORE ZONES ON A LOT

Where two or more *zones* apply to a *lot*, the following shall apply:

- a) *Floor space ratio* shall be calculated using only that portion of the *building floor area* and only that portion of the *lot area* within each *zone*.
- b) Despite Subsection a) the *lot area* of lands zoned OSR-2 and used for *utility corridor* purposes shall be permitted to be included in the calculation of *floor space ratio* for an abutting portion of the lot within another *zone*.
- c) *Building height* shall be measured to the uppermost point of that portion of a *building* within each *zone*.

- d) *Parking spaces and bicycle parking stalls* associated with permitted uses within each *zone* on a *lot* may be located within any zone on a *lot*, except that portion of a *lot* within a OSR, NHC or EUF *zone*.

4.18 VISUAL BARRIER

Where a visual barrier is required, it shall be a minimum height of 1.8 metres above ground level, and shall be an opaque screen consisting of materials such as a wall, fence, trees, shrubs, and/or earth berms.

4.19 TRANSITION TO LOW-RISE RESIDENTIAL

Despite any maximum *building height* of more than 12 metres applying to any *zone*, the *building height* shall not exceed 12 metres within 15 metres of a *lot* with a *low-rise residential zone*. Where the *low-rise residential zone* within 15 metres permits a *building height* of 14 metres, the *building height* shall not exceed 15 metres within 15 metres of a *lot* with a *low-rise residential zone*.