

**SECTION 5 - GENERAL PROVISIONS TO ALL DISTRICTS**

**5.1 SCOPE**

No person shall, within any district of the Township of Crowland, use any land or erect or use any building or structure except in conformity with the provisions of this By-law.

**5.2 NON-COMPLYING/NON-CONFORMING USES (By-law 1999-133)**

(a) Repair and Restoration

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 purposes on May 6, 1958, so long as it continues to be used for that purpose;
- (b) To prevent the strengthening or restoration, to a safe condition, of a building or structure, or any part of a building or structure, provided the strengthening or restoration will not increase the building height, size or volume or change the use of the building or structure.

(b) Permitted extensions

The provisions of this By-law shall not apply:

- (a) To prevent an extension or addition being made to a building or structure which existed on December 15, 1992 and which is a permitted use for the Zone/District in which it is located, which does not comply with one or more of the Yard Requirements of the Zone/District, or Section 5.15.1(a) of this By-law, whichever applies, provided such extension or addition does not further reduce any existing legal non-complying yard(s), and all other provisions of this By-law are satisfied.

(c) Non-Conforming Residential Uses

Notwithstanding any other provisions of this By-law, where a single detached dwelling existed on May 6, 1958 located in any Commercial, Industrial, Institutional or Open Space District, nothing shall prevent:

- (a) The enlargement or extension of any main building provided that such enlargement or extension does not exceed 25 percent of the existing gross floor area and that such enlargement or extension is in compliance with all yard requirements of any Residential District/Zone;
- (b) The erection of any building accessory thereto provided that such accessory building complies with the requirements of Section 5.15.1(a).

**5.3 INSPECTION OF LAND, BUILDING OR STRUCTURES**

The authority from time to time having jurisdiction to enforce this By-law is hereby authorized to enter at all reasonable hours for purpose of inspection upon any property or premises.

**5.4**                    **FRONTAGE ON A STREET**

No person shall erect or use any building or structure on a lot which does not front on a street.

**5.5**                    **DETERMINATION OF FRONTAGE**

For the purposes of this By-law, every building erected or proposed to be erected in any district shall be deemed to front on the street opposite to the principal entrance of such building, or if such entrance is not opposite to a street, upon the street from which the building gains its principal entrance.

**5.6**                    **OBSTRUCTION OF YARDS**

No person shall obstruct in any manner whatsoever any front yard, side yard or rear yard required to be provided by this By-law, but this provision shall not apply to:

- (a) main eaves, belt courses, sills or cornices not projecting more than 0.5 metres into any required yard;
- (b) uncovered steps, porches, or platforms not exceeding 1.3 metres in height above grade and not projecting more than 2.5 metres into any required front yard or more than 1.3 metres into any required side yard;
- (c) awnings, clothes poles, garden trellises or similar accessories;
- (d) fire escapes projecting not more than 1.6 metres into the side or rear yard;
- (e) fences in side and rear yards;
- (f) accessory buildings permitted by this By-law.

**5.7**                    **REDUCTION OF LOT AREA**

- (a) 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 that exceeds, or a front yard, rear yard, side yard, frontage or lot area that is less than that permitted by this By-law for the district in which such lot is located.
- (b) Where any part of a lot is required by this By-law to be reserved as a yard, it shall continue to be used regardless of any change in the ownership of the lot or in any part thereof and shall not be deemed to form part of an adjacent lot for the purpose of computing the area thereof available for building purposes.

**5.8**                    **LOT ON A BOUNDARY LINE**

Where a lot is contiguous to a boundary line of two different districts, any side yard or rear yard which is directly adjacent to the said boundary line in the least

restricted district shall be increased in minimum width or depth to the average of the required minimum width or depth of such yards in the two different districts.

**5.9 HEIGHT REQUIREMENTS (By-law 7593)**

No building or structure in any district shall exceed 11.0 metres in height, and in any residential district, no building or structure erected or used for any residential purpose shall exceed two (2) storeys in height, but this provision shall not apply to I2 Districts.

Furthermore, no fuel storage tank, in any permitted District, other than I2, shall exceed three (3) metres in height above grade level.

**5.10 EXCEPTIONS TO HEIGHT REGULATIONS**

Nothing in this By-law shall limit the height of any accessory agricultural building or structure, belfry, church, ornamental dome, cupola, clock tower, water storage tank or any wireless receiving or transmitting antennae.

**5.11 SPECIAL USES PERMITTED**

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

- (a) a scaffold or other temporary building or structure incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned;
- (b) a sign having an area of not more than 4.7 square metres incidental to construction in progress on premises for which a building permit has been granted, until such time as the work has been finished or abandoned.

**5.12 PUBLIC UTILITIES (By-law 5733)**

The Township of Crowland or any "local board" thereof as defined in "The Department of Municipal Affairs Act", any telephone or telephone Company, a transportation system owned or operated by or for the Township, or any Department of the Federal or Provincial Government including the Hydro Electric Commission of the Province of Ontario and the Regional Municipality of Niagara may for the purpose of public service, subject to the approval of Council use any land or use or erect any building or structure in any district, notwithstanding that such building or structure or proposed use does not conform with the provisions of this By-law for such district. However, such building or structure shall be, so far as possible, in substantial compliance with the regulations for such district.

**5.13 USES OF LOTS WITHOUT BUILDINGS**

Where a lot is occupied for permitted uses without buildings or structures thereon, the front yards and side yards required herein for the district within which such lot is located shall be provided and maintained, except when the lot is used for garden purposes or public playgrounds.

**5.14 ACCESSORY USES**

Wherein this By-law a use is permitted, accessory buildings and accessory use

thereto shall also be permitted.

**5.15**                    **ACCESSORY BUILDINGS/STRUCTURES (By-law 1999-133)**

**5.15.1(a)**            **Location:**

All accessory buildings/structures shall be located in the rear yard or in any interior side yard and shall be at least 0.9 metres from the nearest lot line. Accessory buildings greater than 10 square meters in area also shall be located at least 0.9 metres from any main building. In the case of a corner lot, any accessory building or structure located in the rear yard shall have setbacks from the lot lines in accordance with Schedule "C";

**5.15.1(b)**            **Lot Coverage:**

The total lot coverage of all accessory buildings or structures on a lot shall not exceed 10% of the lot area of the said lot. This does not apply to decks or open air swimming pools;

**5.15.1(c)**            Notwithstanding the provisions of Sections 5.15.1(a) and 5.15.1(b), on any existing residential parcel having 14 metres frontage or less, accessory buildings may be erected in the rear yard having not less than 0.4 metres clearances from the nearest side lot line.

**5.15.2**                    **Relation to a Main Building:**

Any accessory building may be erected as part of the main building provided that all yard and area requirements of this By-law are complied with.

**5.15.3**                    **Prior to Erection of Main Building:**

Where an accessory building is necessary for the storage of tools or material for use in connection with the construction of the main building on a lot in a Residential district, the accessory building may be erected on the lot before the erection of the main building and such building shall be used only for the purpose of storage.

**5.15.4**                    **Height:**

Unless otherwise excepted in this By-law no accessory building shall exceed a height of 4.6 metres nor one storey.

**5.15.5**                    **ACCESSORY BUILDINGS/STRUCTURES (By-law 1999-133)**

**5.15.5 (a)**            **Accessory Uses:**

Accessory buildings or structures used for any purpose that is incidental or secondary to that of the main building on the same lot, shall be permitted and without limiting the foregoing such use may include a private garage, recreation building, greenhouse, swimming pool, if not used for commercial or industrial purposes, or for a home occupation;

**5.15.5 (b)**            **Pools:**

Open air swimming pools shall be located outside of the front yard with a minimum setback of 1.2 metres from any lot line or main building. In the case of a corner lot,

any swimming pool located in the rear yard or exterior side yard shall comply with the setback requirements shown on Schedule "C1"; (By-law 2000-60)

**5.15.5 (c)**

**Decks:**

Decks shall be located outside of the front yard, with a minimum setback of 1.2 metres from any lot line. The walking surface of a deck shall not exceed 1.5 metres in height above grade. The maximum height of a deck including a guard (railing) shall not exceed 2.6 metres in height above grade.

NOTE: Any structure with a walking surface in excess of 1.5 metres above grade shall be considered part of the main building, whether attached or not, and shall comply with all relevant provisions of this By-law, as amended. (By-law 2003-138)

**5.15.6**

**Human Habitation:**

The use of any accessory building for human habitation is not permitted.

**5.16**

**IRREGULAR LOTS**

Whereby reason of topography, general layout or otherwise the side lot lines of a lot are not parallel, but the minimum lot area for the respective district is provided, the lot frontage shall be measured perpendicularly from the line joining the centre of the front and rear lot lines at a point 6.0 metres from the front lot line.

**5.17**

**AREA REQUIREMENTS FOR INSTITUTIONAL USES**

Notwithstanding any other provision in this By-law, for any church, hospital, school, college, institutional building or "other use" referred to in Section 14.1.2, or other similar building or structure, the following minimum yards shall be provided:

In any RA, RR1 or RR2 District:

Front Yard - 18.0 metres

Rear Yard and Side Yard - 12.0 metres

In any R1 or RM1 District:

Front Yard - 7.5 metres

Rear Yard and Side Yard - minimum equal to height of building, but not less than 9.0 metres

In any other District:

Front Yard - 6.0 metres

Rear Yard and Side Yards - minimum equal to  $\frac{3}{4}$  height of building, but not less than 6.0 metres

Notwithstanding any other provision in this By-law, one dwelling unit only for the purpose of a residence, a church hall or Sunday school may be erected on the same lot as a church, and may be attached to the main building of the church, provided the minimum area applicable to the church hall or Sunday school and the church for the

district in which each is located shall be provided, and in the case of any building being detached from the church, the minimum required yard between the two buildings shall be 1.5 metres.

**5.18 PARKS AND PLAYGROUNDS**

Nothing in this By-law shall prevent the establishment of private parks or playgrounds in any Residential, Commercial or Industrial District provided that such parks or playgrounds are not operated for commercial purposes and provided that such parks or playgrounds shall conform to the requirements of the Public and Private Open Space District (O2).

**5.19 ACCESSORY BUILDINGS ON CORNER LOTS**

In any Commercial District no person shall erect a detached accessory building on a corner lot.

**5.20 OFF-STREET PARKING REQUIREMENTS**

For every building or structure erected, altered or enlarged there shall be provided and maintained off-street parking in conformity with the following schedule and each parking space shall be made accessible for ingress and egress by means of a hard surfaced lane or right of way or street at least 2.4 metres in width.

Parking required in a Residential District shall be provided on the same lot as the dwelling unit or units. Parking space for any Multiple-Family Dwelling shall be provided only in the rear yard. In a Commercial District parking spaces shall be provided within the limits of the Commercial District in which the commercial use is situated and not more than 155 metres distant.

**SCHEDULE**

TYPE OR NATURE OF BUILDING OR STRUCTURE	MINIMUM REQUIRED PARKING FACILITIES
1. A place of residence other than a hotel, private hotel or motel	1 parking space for each dwelling unit
2. A hotel, private hotel or hospital	1 parking space for each three bedrooms
3. A motel	1 parking space for each living unit
4. A tavern, public house, restaurant or eating place	1 parking space for each 10 persons (in a C3 District only fifteen (15) persons) that can be accommodated at any time
5. A retail, service store, or other similar establishments	1 parking space for each 18.5 square metres of floor area
6. A department store	1 parking space for each 13.5 square metres of floor area
7. A church hall or other place of assembly	1 parking space for each 12 seats in excess of 100 seats or where the seating is provided by open benches every 0.5

metres of bench space shall be considered as one seat for the purposes of this By-law

- 8. A factory 1 parking space for each 37.0 square metres of floor area
- 9. For every building or structure not specified above 1 parking space for every 27.5 square metres of floor area

**5.21**

**SUPPLEMENTARY PARKING REGULATIONS**

Wherein this By-law parking facilities for more than 4 vehicles are required or permitted,

- (a) the parking area shall be maintained with a stable surface that is treated to prevent the raising of dust or loose particles,
- (b) the lights used for illumination of the parking lot or parking station shall be so arranged as to divert the light away from adjacent lots,
- (c) a shelter, not more than 4.6 metres in height and not more than 4.7 square metres in area may be erected in the parking area for the use of attendants in the area,
- (d) no gasoline pump or other service station equipment shall be located or maintained on a parking lot or parking station.

**5.22**

**OFF-STREET LOADING REQUIREMENTS**

For every building or structure hereafter erected for an Industrial or Commercial use, involving the frequent shipping, loading or unloading of persons, animals, goods, wares or merchandise, there shall be provided and maintained for the premises, loading facilities on land that is not part of a street, comprised of one or more loading spaces 9.0 metres long, 3.5 metres wide and having a vertical clearance of at least 4.2 metres, with access to a lane of minimum width 6.0 metres, or a street, and in accordance with the floor area of the building or structure as follows:

<b><u>FLOOR AREA</u></b>	<b><u>NUMBER OF LOADING SPACES</u></b>
418 square metres or less	None
from 419 square metres to 2,320 square metres inclusive	1
over 2,320 square metres	2

Loading spaces required by this provision shall not be provided at the front of a commercial building

**5.23**

**COMBINED USES**

Notwithstanding any other provision of this By-law, where any use or proposed use of any lot, building or structure is composed of two or more uses which are separately classified for different district, none of such uses shall be classified as

accessory to any other use but the permissible district for such composite use shall be the less restricted district in the case of a combination of two uses or the least restricted district in the case of a combination of more than two uses.

**5.24 RESIDENTIAL DISTRICT**

Wherein this By-law the term "Residential District" is used, it shall include the following Districts: Rural Agricultural (RA), Rural Residential First Density (RR1), Rural Residential Second Density (RR2), Single-Detached Dwelling First Density (R1), Single-Detached Dwelling Second Density (R2), Single-Detached Dwelling Third Density (R3), Multiple-Family Dwelling First Density (RM1) and Multiple-Family Dwelling Second Density (RM2), unless the contrary intention appears.

**5.25 FLOOD OR ROCKY LAND**

No person shall, in any district, erect any building or structure for any residential or commercial purpose on land which is subject to flooding or on land where by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory water works, sewage or drainage facilities is prohibitive.

**5.26 MINIMUM FRONTAGE**

No person shall convey a part of a lot if the effect of such conveyance is to leave remaining a part of a lot or a parcel of land with a frontage, on a public thoroughfare, that is less than the required minimum frontage for the district in which such lot or parcel is situated.

**5.27 ROOMS BELOW GRADE**

A room which has its floor entirely below the finished grade adjacent to such room shall not be used as a dwelling unit or part thereof except as a furnace room, laundry room, storage room, recreation room or for a similar use, and in any event such room shall not be used to provide sleeping accommodation.

**5.28 PROPANE STORAGE AND DISTRIBUTION OUTLETS (By-law 7593)**

- (1) All retail propane transfer facilities, including the dispensing pumps and storage tanks, shall be located a minimum distance of thirty (30) metres (one hundred (100) feet) from any Residential District; such delineation shall be determined by the zoning line for such a Residential District, and in no event, shall such dispensing pumps be located closer to any lot line than a distance of six (6) metres nor, within fifteen (15) metres of the intersection of any two street lines.
- (2) All propane tanks are prohibited in the front and side yards as determined in each appropriate district.

**5.29 FLOODPLAIN (By-law 1999-133)**

No building or structure shall be constructed or erected within the limits of a floodplain.