



SECTION 6: GENERAL PROVISIONS – ALL ZONES

6.1 APPLICATION AND ORGANIZATION

The provisions of this Section shall apply in all Zones except as may be indicated otherwise by this By-law.

The following is a list of general provisions found in this Section of the By-law.

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6.2 ABANDONED MOTOR VEHICLES AND EQUIPMENT

The parking or storage of abandoned, unused or discarded motor vehicles (that are unlicensed for more than 3 months) or equipment is prohibited in all zones except:

- a) If such vehicles or equipment is stored inside a garage;
- b) If the vehicles are operated for only part of the year, up to three vehicles may be stored on the same lot from which they are normally operated but not in the front yard;
- c) Vehicles and equipment used directly in the mining or forestry industry may be stored on the industrial site from which they are operated, provided that they are kept in operating condition; and
- d) Vehicles and equipment used directly in the agricultural industry may be stored on the farm from which they are operated, provided they are kept in operating condition.

6.3 ACCESSORY BUILDINGS, USES AND STRUCTURES

6.3.1 Provision for Accessory Buildings and Accessory Uses

Where this By-law provides that land may be used or a building may be erected, altered or used for a purpose, that purpose shall include accessory buildings or accessory uses, but shall not include the following:

- a) Any occupation for gain or profit conducted within or accessory to a dwelling unit or on the lot, except as specifically permitted in this By-law; or
- b) Any building or part thereof used for human habitation, except as specifically permitted in this By-law.

6.3.2 Location Requirements for Accessory Buildings

- a) Unless otherwise permitted in this By-law, in a Residential Zone, accessory buildings shall be erected only in a side or rear yard provided that such buildings are erected not closer than:
 - i) 1.5 m from any wall of the main building;
 - ii) 1.5 m from the rear lot line;
 - iii) 1.5 m from the interior side lot line; and
 - iv) 3.0 m from the exterior side lot line.
- b) The regulations governing the location of any accessory building in relation to a lot line shall not apply in a Residential Zone to prevent the erection or use of a jointly-owned double garage which services two dwellings on separate lots whose common lot line is the dividing line of such double garage.



- c) In all Zones other than a Residential Zone, an accessory building shall only be erected in a side or rear yard and the setback requirements for the main building shall also apply in the location of an accessory building.

6.3.3 Lot Coverage and Height Requirements for Accessory Buildings and Structures

The total allowable lot coverage of all accessory buildings on a lot shall not exceed 10.0 percent of the lot area. The lot coverage of all accessory buildings on a lot shall be added to the lot coverage of all main buildings to determine the total lot coverage, as regulated by the zone requirements of each particular Zone defined within this By-law. Porches and/or decks covered by a roof supported by posts extending one or more storeys shall be added to the lot coverage of all main buildings.

The height of any accessory building, as measured from the average finished grade to the top of the roof peak, shall not exceed:

- a) 4.3 m in a Residential Zone; and
- b) 6.0 m in a Commercial or Institutional Zone;
- c) 10.5 m in an Industrial Zone; and
- d) 10.5 m in all Other Zones, except as otherwise indicated in the specific Zone provisions.

6.3.4 Provision for Accessory Structures

Notwithstanding the minimum setback provisions of this By-law, flag poles, garden trellises, retaining walls and fences may be permitted in the front, rear, side and exterior side yard setback areas of all Zones provided they comply with all other provisions of this By-law, including the Daylighting Triangle provisions.

Notwithstanding the minimum setback provisions of this By-law, steps, decks and/or porches, which are not covered or enclosed and less than 0.6 m from average finished grade, may be permitted to extend a distance of not more than 1.8 m into the front, rear, side and exterior side yard setback areas of all Zones, provided they comply with all other provisions of this By-law.

6.3.5 Swimming Pool Permitted as an Accessory Use

A private swimming pool is permitted as an accessory use to a permitted residential use in a Residential Zone, or Residential-Commercial Zone subject to the relevant provisions of Sections 6.3.2 and 6.3.3 and provided that:

- a) Said private swimming pool shall comply fully to By-law No. 55 of 2002. In the event of contradiction between By-law No. 55 of 2002 and this By-law, this By-law shall take precedence.



- b) A minimum width area of 1.25 m, shall be provided around the entire swimming pool - such area to be clear of all structures, buildings and fences except diving boards, aprons and decking normally associated with a swimming pool;
- c) Any building, including a building required for changing clothing or for housing pumping or filtering devices or other similar accessory uses, shall comply with the provisions of this By-law respecting accessory buildings on such lot, and shall be included in lot coverage calculations;
- d) Any swimming pool with a roofed enclosure, whether temporary or permanent, shall be considered an accessory building and included in accessory building total lot coverage, and total gross floor area calculations, unless such roofed enclosure is designed and built as an integral part of the permitted main building on such lot - in this instance the swimming pool shall be considered part of the main building and shall be included in lot coverage and total gross floor area calculations for the main building;
- e) A swimming pool without a roofed enclosure, whether above ground, in-ground or otherwise, shall not be considered an accessory building or structure for the purposes of calculating lot coverage or gross floor area in this By-law;
- f) An approved fence with a minimum height of 1.219 m shall be erected and maintained entirely around a swimming pool. The fence shall be constructed of a board fence with a maximum distance of 5 cm between boards; chain link with a maximum of 5.0 cm mesh, vertical wrought iron, vertical metal panels or other design approved by the Chief Building Official for the Municipality of North Middlesex. Gates in the aforesaid fence shall provide protection equivalent to the fence and shall be equipped with a self-latching device and lock located at least 1.2 m from grade and inside of the gate;
- g) A wall of a building may be considered to provide adequate protection for its length when substituted for any portion of a fence when all doors located in this wall are equipped with locks and/or latching devices located at least 1.2 m above the bottom of the door;
- h) The walls of an above ground pool shall be considered the fence where the height of the wall is at least 1.2 m and the ladder is removable or secured in such a manner as to prevent access to the pool; and
- i) The maximum height of an above ground pool shall be 1.5 m above the average finished grade.

6.4 ADULT ENTERTAINMENT USES

Adult Entertainment Uses shall only be permitted by way of site specific amendment to this By-law, shall only locate within an Industrial (M1) Exception Zone and shall not be located closer to any Residential, Residential-Commercial, Commercial or Institutional Zone than 200.0 m.



6.5 AUTOMOBILE SERVICE STATIONS AND GAS BARS

Notwithstanding anything else in this By-law, where a lot is used for a service station the following provisions shall apply:

- a) No portion of any pump island or pump island canopy shall be located closer than 6.0 m from any lot line;
- b) The maximum width of a driveway at the street line shall be not more than 9.0 m and the minimum width not less than 7.5 m. The width of the ramp shall be measured perpendicular to the centreline of the driveway;
- c) The minimum distance from a driveway to the limits of a right-of-way at a street intersection shall be 15.0 m;
- d) The area between driveways or between a driveway and a street line or property line shall not be used for any purpose other than landscaping or signage;
- e) The minimum lot frontage for interior and corner lots shall be 60.0 m. The minimum lot depth for interior lots shall be 45.0 m and for corner lots shall be 60.0 m;
- f) The following minimum setback provisions shall apply to all buildings:
 - i) Front yard 18.0 m
 - ii) Exterior Side Yard 10.0 m

6.6 BOARDING HOUSE OR ROOMING HOUSE

The following provisions shall apply to a boarding house or rooming house:

- a) A boarding or rooming house shall be permitted in a single detached residential dwelling unit within any Residential Zone provided that it complies with the regulations of the Zone in which it is situated and Sections 6.6 b) and c) of this By-law, and provided that it is licensed by the Municipality of North Middlesex.
- b) A boarding or rooming house in which either lodging or lodging and meals is supplied by the proprietor for monetary gain to 2 to 6 persons, shall not be located within 300.0 m of any other boarding or rooming house.

6.7 BUILDING REPAIR AND RECONSTRUCTION

Nothing in this By-law shall prevent the reconstruction of any building or structure that is damaged or destroyed by causes beyond the control of the owner, provided that the minimum frontage or area, or the minimum front, side or rear yards required by this By-law are not further reduced or its original use altered.



Nothing in this By-law shall prevent the strengthening to a safe condition or the reconstruction of a building or structure that is a non-complying use, and/or a non-conforming use, provided that such repair or reconstruction does not further contravene the provisions of this By-law, because of a change in the height, size or volume, or by changing the use of such building or structure.

6.8 BUILDINGS TO BE MOVED

In all zones, no building normally requiring a building permit for construction shall be moved within the area covered by this By-law or shall be moved into the limits of the area covered by this By-law without a permit from the Chief Building Official.

6.9 CHANGE OF USE

A use of a lot, building or structure which, under the provisions hereof, is not permissible within the zone in which such lot, building or structure is located, shall not be changed except to a use which is permissible within such zone.

6.10 DAYLIGHTING TRIANGLE

The following provisions shall apply to daylighting triangles:

- a) Notwithstanding any other provisions of this By-law, all corner lots in all Zones shall be free of any building, structure, hedge, fence, shrub, bush, tree or any other type of vegetation or grade having a height greater than 0.75 m (measured from the finished centreline grade of the streets that abut the corner lot) within the triangular space measured along each corner lot line for a distance of:
 - i) 6.0 m from the point of intersection, where each lot line is adjacent to a local road; and
 - ii) 12.0 m from the point of intersection, where each lot line is adjacent to a County Collector or Arterial road, or Provincial highway.
- b) No sign shall be permitted within or be allowed to overhang the daylighting triangle. An authorized traffic sign or signal, or any sign or notice erected by any governmental authority shall not be subject to this requirement.

6.11 DWELLING UNIT IN A NON-RESIDENTIAL BUILDING

No person shall use any lot, or erect, alter or use any building or structure for the purpose of an accessory dwelling unit for the owner or caretaker on a lot zoned other than for residential or agricultural uses or within a portion of a non-residential building except in accordance with the following regulations:

- a) One accessory dwelling unit in a non-residential building for the owner or operator provided that:



- i) The dwelling unit shall have a separate bathroom and kitchen facilities from those of the non-residential use;
 - ii) The dwelling unit shall have a separate parking space as provided by Section 6.34 hereto;
 - iii) The dwelling unit shall have a separate building entrance to that provided for the non-residential use; and
 - iv) The gross floor area of the residential portion of a non-residential building in a Commercial Zone shall not exceed fifty per cent (50%) of the gross floor area of the non-residential building.
- b) Residential dwelling unit(s) in a commercial building in the Residential-Commercial (RC) Zone and the Central Commercial (C1) Zone shall be permitted provided that:
- i) the dwelling unit(s) shall have separate parking spaces as provided by Section 6.34;
 - ii) the dwelling unit(s) shall have a separate building entrance provided for the non-residential use; and
 - iii) the dwelling unit(s) shall either be located on the upper floors of said commercial building, or, at the rear of the main floor provided the dwelling unit(s) occupy(ies) no more that 50.0 % of the main floor.
- c) Notwithstanding the provisions of this By-law, no dwelling unit shall be located in a building that is used for an automobile service station or a public garage.

6.12 DWELLING UNIT RESTRICTION

Except as specifically provided for in other Sections of this By-law, a maximum of one single detached dwelling unit per lot shall be permitted, where a dwelling is a permitted use.

6.13 ESTABLISHED BUILDING LINE IN BUILT-UP AREA

Notwithstanding the yard setback and landscaping provisions of this By-law, where there is an established building line extending on both sides of a lot, a building or structure may be erected closer to the street line than required by this By-law, provided such permitted building or structure is not erected closer to the street line than the established building line that existed on the date of passing of this By-law. Where the established building line varies on either side of a lot, the permitted building or structure may be erected at a distance equal to the average setback distance of the two established building lines on either side. In the case of a corner lot, the Daylighting Triangle provisions of this By-law shall prevail.



6.14 EXCEPTED LANDS, BUILDINGS AND NON-CONFORMING USES

The provisions of this By-law shall not apply 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 date of the passing of this By-law so long as it continues to be used for that purpose or to prevent the erection or use for a purpose prohibited by this By-law of any building or structure the plans for which have, prior to the date of the passing of this By-law, been approved by the Chief Building Official, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of any such building or structure is commenced within 2 years after the date of the passing of this By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

6.15 FENCES

Except as otherwise provided, a fence may be erected in any Zone provided the provisions of Section 6.10 of this By-law are complied with; and

- a) In a Residential Zone:
 - i) No fence in a minimum front yard; or in a legal non-complying front yard; or in the building line established by Section 6.13 of this By-law, shall be greater than 0.9 m in height;
 - ii) Any fence greater than 1.5 m in height shall be of open construction allowing at least 15.0 % light and air passage, provided that By-law No. 55 of 2002 (the "Swimming Pool By-law") is complied with.
- b) In an Industrial Zone, where a lot is used for a scrap or salvage yard, the following fencing regulations shall apply:
 - i) The area used for the storage of materials must be enclosed by a fence, constructed of boards (not less than 0.1 m in width and spaced no more than 0.025 m apart) to provide a visual barrier;
 - ii) Gate(s) will be permitted as part of the fencing enclosure to allow for driveway(s) to and from the salvage yard;
 - iii) The height of fencing and gate(s) enclosing a salvage yard shall be a minimum of 2.0 m and a maximum of 3.0 m, such height shall be maintained uniformly around the perimeter of the salvage yard, except that the length of a wall of a building (at least 2.0 m in height) at the perimeter, is permitted to substitute for that portion of the fence;
 - iv) Any materials stored in a salvage yard shall not be placed or piled to a height in excess of the fence height enclosing such yard; and



- v) The fence enclosing a salvage yard shall be kept in good repair and painted, stained or treated on the outside with one colour.

6.16 FRONTAGE ON PUBLIC STREETS

No building or structure shall be erected in any Zone after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected fronts upon and gains direct access onto an improved public street, maintained year round. This requirement, however, shall not apply to prevent the erection of a permitted building or structure on a lot in a serviced, Registered Plan of Subdivision, where a subdivision agreement has been entered into with the Municipality but where the street has not yet been assumed by the Municipality.

Notwithstanding the foregoing, where the sole means of vehicular access to a lot is directly from a public road which is not maintained on a year round basis, no person shall erect a building thereon other than the following:

- a) One single detached dwelling having a minimum floor area of 175.0 m²;
- b) An accessory building have a minimum floor area of 450.0 m²;
- c) An accessory building having a minimum floor area of 200.0 m² where said building is not designed, used or intended for an intensive agricultural use; and
- d) For the purposes of 5.18 a) and b), the public street on which the dwelling or building is erected shall be maintained on a year round basis.

6.17 GROUP HOMES

6.17.1 Group Homes

The following provisions shall apply to group homes within the Municipality of North Middlesex:

- a) A group home shall not include a correctional group home or a crisis care facility;
- b) A group home shall be permitted in a single detached residential dwelling unit within any Residential Zone, save and except for the Hamlet Residential (RH) Zone, provided that it complies with the regulations of the zone within which it is located;
- c) A group home shall not be located within 500.0 m of any other group home;
- d) A group home shall comprise the sole use of the dwelling unit;
- e) Approval of a site-specific Zoning By-law Amendment shall be required to accommodate a group home for more than 6 persons, to a maximum of 10 persons (exclusive of supervisory or attendant staff). Where permitted by the other provisions of this By-law, such group homes may be permitted to locate in any of Map 41 (Parkhill), Map 42 (Ailsa Craig) or Map 43 (Nairn) comprising Schedule "A" of this By-law, unless such map area is occupied by another group home, correctional group home or crisis care facility;



- f) Not more than two persons shall occupy one bedroom; and
- g) Any existing group home which satisfies Provincial standards of operation but which fails to comply with the requirements of this By-law on the date that this By-law comes into effect, will be allowed to continue in operation, but will not be permitted to increase its number of occupants (exclusive or supervisory or attendant staff). Physical building expansion that otherwise complies with the provisions of this By-law shall be permitted.

6.17.2 Correctional Group Homes

The following provisions shall apply to correctional group homes within the Municipality of North Middlesex:

- a) A correctional group home shall be licensed under the *Ministry of Correctional Services Act* or other relevant legislation and shall only locate in a Community Institutional (I2) Zone by way of site-specific Zoning By-law Amendment;
- b) A correctional group home shall not be permitted to locate in any of Map 41 (Parkhill), Map 42 (Ailsa Craig) or Map 43 (Nairn) comprising Schedule "A" of this By-law that is occupied by a group home, another correctional group home or a crisis care facility;
- c) A correctional group home shall not locate within 300.0 m of an R or I zone;
- d) A correctional group home shall not be located within 500.0 m of any other correctional group home, crisis care facilities or group home; and
- e) A correctional group home shall comprise the sole use of the lot.

6.17.3 Crisis Care Facilities

The following provisions shall apply to crisis care facilities within the Municipality of North Middlesex:

- a) A crisis care facility shall be permitted in a residential dwelling unit within an RC Zone provided that it complies with the regulations of the Zone;
- b) A crisis care facility shall not be located within 500.0 m of any other crisis care residence, correctional group home or group home; and
- c) A crisis care facility shall comprise the sole use of the dwelling unit.

6.18 HAZARD LANDS

Hazard land areas are identified on Schedule "A" to this By-law. No person shall use any lot, or erect, alter or use any building or structure within any hazard lands area for any purpose except in accordance with the applicable provisions of Section 6, and in accordance and one or more of the following uses:



- a) Subject to approval of the Municipality and the Conservation Authority, uses permitted in the underlying zone;
- b) Buildings and structures for the protection and management of land subject to;
 - i) Flooding or high-water table;
 - ii) Steep slopes subject to erosion;
 - iii) Swamps and marshes and land subject to wind erosion; or
 - iv) Lands with limitations to development due to slope or wave action or lack of soil cover;
- c) Nursery uses;
- d) Agricultural uses other than specialized use farms and livestock operations;
- e) Forestry uses;
- f) Open space uses;
- g) Golf courses;
- h) Uses for the protection of an environmental hazard such as swamps or marshes, floodplains or land liable to flood or land subject to very high water table, steep slopes, gullies, or lands subject to wind or water erosion; and
- i) Conservation uses primarily for the location of flood control, bank stabilization or erosion protection structures or projects.

6.19 HEIGHT EXCEPTIONS

The height requirements herein set forth in this By-law shall not apply to a church spire, church belfry, flag pole, clock tower, chimney, commercial grain elevators and bins, water tank, receiving radio, farm silos, television or telecommunication, cellular tower or antenna, satellite dish, or air conditioner duct occupying less than 5.0 % of the roof area of the building on which it is located.

6.20 HOME INDUSTRIES

Home industries do not include on-farm secondary businesses. Home industries shall be permitted in the General Agricultural and the Restricted Agricultural Zones. Home industries shall only be permitted in a Residential Zone by way of a site-specific Zoning By-law Amendment, provided that:

- a) There is no external advertising other than an unlit sign having a total display area of 1.5 square metres;



- b) There is no external storage of goods, materials or equipment;
- c) Such home industry is not an obnoxious trade, business or manufacture;
- d) Such home industry is clearly secondary to the main residential use and does not change the residential character of the residential lot or create or become a public nuisance, particularly in regard to noise, noxious odours or emission of smoke, traffic or parking;
- e) Not more than two persons, other than the owner, are employed therein on a full-time basis;
- f) The lot shall have not less than 20.0 metres of lot frontage and 40.0 metres of lot depth;
- g) The accessory building used for the home industry shall only be located in the rear yard of the lot; and
- e) There shall be a minimum of 3 off-street parking spaces in addition to any residential requirements. All the parking for the home industry must be accommodated on the same lot as the dwelling wherein the home industry occurs. The parking shall not be located in the required front yard.

6.21 HOME OCCUPATIONS

Notwithstanding the permitted uses listed elsewhere in this By-law, a Home Occupation is a permitted use in all zones that permit dwelling units, subject to the following provisions:

- a) There is no display, other than an unilluminated sign not greater than 1.5 square metre in size, to indicate to persons outside that any part of the dwelling, dwelling unit or lot is being used for a purpose other than a dwelling or dwelling unit;
- b) Such home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling or dwelling unit nor create or become a public nuisance, particularly in regard to noise, noxious odours or emission of smoke, traffic or parking;
- c) Not more than 25.0% of the gross floor area of the dwelling unit is used for the purposes of home occupation uses;
- d) The home occupation use shall be clearly secondary to the use of the dwelling as a private residence;
- e) At least one person who resides at the said dwelling unit, plus one assistant, who may or may not reside in the dwelling, may conduct the said home occupation;
- f) The home occupation shall not generate adverse effects such as that from electrical interference, excessive noise, odour, traffic or parking;
- g) There shall be a minimum of 2 off-street parking spaces in addition to any residential requirements. All the parking for the home occupation must be accommodated on the same lot as the dwelling wherein the home occupation occurs. The required parking shall not be located in the required front yard;



- h) All goods and materials are stored within a wholly enclosed building;
- i) No machinery, instrument or hazardous or noxious chemicals shall be used in conducting the said home occupation that is not normally used in a residence or compatible with a residential area;
- j) No retail sales shall be permitted as part of a home occupation use other than the sale of what is produced or repaired on site and/or catalogue sales where goods, wares, merchandise are not kept for sale on the premises;
- k) A Bed and Breakfast Establishment shall be permitted in any as a Home Occupation in any zone where a single detached residential use is permitted, provided that:
 - i) the parking provisions of Section 6.33 of this By-law are complied with,
 - ii) where a Bed and Breakfast is permitted as-of-right in a dwelling, no additional home occupation shall be permitted within the dwelling; and
 - iii) the provisions of Section 6.21 exclusive of 6.21.g) of this By-law are complied with.

6.22 LANDSCAPING AND BUFFER REQUIREMENTS

- a) In all Zones, landscaping shall be neat and orderly in appearance and maintained in a healthy condition.
- b) Notwithstanding anything else in this By-law, where a Commercial or Industrial Zone abuts a Residential or Institutional Zone, either of the following provisions shall be required:
 - i) a landscaped strip of land not less than 3.0 m in width, situated inside the Commercial or Industrial Zone boundary; or
 - ii) a landscaped strip of land not less than 1.8 m in width with an opaque wood fence not less than 1.8 m in height, situated adjacent to the landscaped strip inside the Commercial or Industrial Zone boundary.
- c) The landscaped strip shall provide for high and low level visual screening and allow for the provision of driveways to the Commercial or Industrial zoned lot. As a minimum, the landscaped buffer shall consist of a continuous, unpierced hedgerow of evergreens and shrubs, not less than 1.2 m high at the time of planting and shall be situated immediately adjacent to the lot line or portion thereof, along which such landscaped buffer is required.
- d) All parking areas situated in a rear and/or side yard in a Commercial or Industrial Zone shall provide a landscaped strip of a minimum width of 1.8 m around the parking area. This landscaped strip shall not be in addition to any landscaped strips required by this By-law. As a minimum, the landscaped buffer shall consist of berming or densely planted evergreens and shrubs that are not less than 1.2 m high at the time of installation or



planting and shall be situated around the perimeter of the parking area, exclusive of driveways.

- e) Landscaping provisions for an apartment building shall be as follows:
 - i) a strip of land not less than 1.8 m wide for landscaping shall be required in the interior side and rear yards; and
 - ii) a strip of land not less than 1.8 m wide for landscaping abutting the walls of an apartment building shall be required where dwelling units on the ground floor have windows to habitable rooms, which face onto a driveway or parking area.
- f) None of these requirements shall apply within a daylighting triangle.

6.23 LICENSES, PERMITS AND OTHER BY-LAWS

Nothing in this By-law shall exempt any person from complying with requirements of any other By-law in force within the Municipality or from obtaining any permit, license, permission, authority or approval required by this or any other By-law of the Municipality or by any other law in force from time to time.

6.24 LOADING SPACE REQUIREMENTS

The following provisions shall apply with respect to off-street loading space requirements:

- a) In a Commercial, Industrial, Institutional and/or Residential Zone, for every building or structure hereafter erected, or for every addition to an existing building or structure, there shall be provided and maintained on the same lot, occupied by the building or structure, loading facilities on land that is not part of a highway, parking lot or driveway. The following tables detail the minimum dimensions and total number of loading spaces required by this By-law according to the gross floor area of a building or structure:

MINIMUM DIMENSIONS OF LOADING SPACES

Loading Space Width	Loading Space Length	Clear Height
4.0 m	15.0 m	4.5 m

MINIMUM NUMBER OF LOADING SPACES REQUIRED FOR INDUSTRIAL ZONES

Gross Floor Area of Building (m ²)	Minimum Number and Type of Spaces
1,000.0 to 4,999.9	1.0
5,000.0 to 7499.9	2.0
7,500.0 to 13,999.9	3.0



MINIMUM NUMBER OF LOADING SPACES REQUIRED FOR INDUSTRIAL ZONES

Gross Floor Area of Building (m ²)	Minimum Number and Type of Spaces
Over 14,000.0	4.0 plus 1.0 for each 9,000.0 m ² of gross floor area in excess of 9,000.0 m ² of gross floor area

MINIMUM NUMBER OF LOADING SPACES REQUIRED FOR COMMERCIAL ZONES

Gross Floor Area of Building (m ²)	Minimum Number and Type of Spaces
1,000.0 to 1,999.9	1.0
2,000.0 to 7,999.9	2.0
Over 8,000.0	4.0

MINIMUM NUMBER OF LOADING SPACES REQUIRED FOR I1, I2, R3, R5 and RC ZONES

Gross Floor Area of Building (m ²)	Minimum Number and Type of Spaces
Over 4,500.0	1.0

- b) In a Commercial, Institutional, Industrial and/or Residential Zone, no loading space shall be located within the front or exterior side yard.
- c) Where 2 or more Zones are located on the same lot, the greatest of the minimum loading space requirements of this Section shall apply.

6.25 LOT FRONTAGE AND AREA REQUIREMENTS EXEMPTIONS

Where a single lot (transferable in its entirety) has less than the minimum lot area, lot depth and/or lot frontage than required herein at the date of passing of this By-law, or where such deficiency is created as a result of expropriation, or where a lot is reduced in size due to land being acquired by the Municipality, County or Province, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot provided that all other requirements of this By-law are complied with.



6.26 MINIMUM DISTANCE SEPARATION FORMULAE

6.26.1 Minimum Distance Separation I

Notwithstanding any other provisions of this By-law to the contrary, the development of any residential, institutional, commercial, industrial and recreational uses in the A1, A2, A3, M3, I1, I2 and PR Zones shall comply with the Minimum Distance Separation I (MDS-I) calculated using Schedule “B” to this By-law. The foregoing shall not apply to the alteration of existing dwellings and shall not apply to the replacement of an existing dwelling with a new dwelling provided the new dwelling is not located any closer to a livestock building or structure than is permitted by MDS I or the distance between the existing dwelling and a livestock building or structure located on a separate lot, whichever is the lesser.

6.26.2 Minimum Distance Separation II

Notwithstanding any other provisions of this By-law to the contrary, a new or expanding livestock facility in the A1 Zone shall comply with the Minimum Distance Separation II (MDS-II) calculated using Schedule “C” to this By-law.

6.27 MORE THAN ONE LOT

Notwithstanding any provisions or definitions in this By-law to the contrary, no person shall use two or more abutting lots as a single lot in order to comply with the provisions of this By-law, unless the lots are merged in title.

6.28 NATURAL WATERCOURSES

Notwithstanding any other provisions of this By-law, no buildings or structures, with the exception of those designed, used, or intended for flood or erosion control purposes, shall be erected or used:

- a) Closer than 15.0 metres from the top-of-bank of a natural watercourse, other than the Ausable River, or within 30.0 metres of the centreline of a natural watercourse, other than the Ausable River, whichever is greater;
- b) Closer than 30.0 metres from the top-of-bank of the Ausable River.

6.29 NON-COMPLYING BUILDINGS OR STRUCTURES

6.29.1 Non-Complying Provisions

Buildings or structures legally existing prior to the date of passing of this By-law, which when erected were in conformity with the by-law in force at the date of erection, may continue as an existing, legal, non-complying building or structure.

A legal non-complying building or structure may be enlarged or extended provided the use of the lot and the building or structure is conforming, the extent to which the building, structure or lot does not meet the requirements of this By-law is not increased and none of the



requirements of this By-law, which were not infringed by the building or structure as it existed immediately prior to the construction of any enlargement, addition or alteration hereby permitted, are affected.

6.29.2 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening, restoration or minor changes to the safe condition of any building or structure or part thereof, lawfully used on the date of passing of this By-law provided that the strengthening or restoration does not increase the building height, size or volume or change the use of such building or structure.

6.29.3 Damaged Buildings

Nothing in this By-law shall prevent the rebuilding or repair of any building or structure that is damaged or destroyed by causes beyond the control of the owner subsequent to the date of passing of this By-law, provided that the dimensions of the original building or structure are not increased and the use of the building or structure is not altered, except to a permitted use, and provided such rebuilding or repair is conducted within two years of the damage having occurred.

6.30 NON-CONFORMING USES

Any existing use that legally existed on the date of adoption of this By-law shall be deemed to be a legal non-conforming use. Such an existing use is not permitted within the zone in which it is located and as such, any enlargement or expansion of the use will require a Zoning By-law Amendment or approval from the Committee of Adjustment, depending on the nature of the proposal.

6.31 OCCUPATION OF UNCOMPLETED BUILDINGS

A certificate of compliance for occupation of a building shall be issued by the Chief Building Official under the regulation of the Ontario Building Code prior to the building being occupied.

6.32 ON-FARM SECONDARY BUSINESSES

An on-farm secondary business shall be subject to the following provisions:

- a) An on-farm secondary business shall not include a home industry;
- b) There shall be no more than one on-farm secondary business per farm;
- c) The gross floor area of the on-farm secondary business shall not exceed the gross floor area of the residential dwelling on the farm;
- d) At least one person who resides at the said residential dwelling on the farm, plus up to three assistants, who may or may not reside in the dwelling may conduct the said on-farm secondary business;



- e) A minimum of 6 parking spaces shall be required in addition to any required for the agricultural and residential uses;
- f) Outside storage associated with the use shall be limited in scale and not be located in any required front, rear or side yard; and
- g) No on-site retail sales shall be permitted as part of an on-farm secondary business other than the sale of what is produced or repaired on site or farm related goods or services and/or catalogue sales where goods, wares, merchandise are not kept for sale on the premises.

6.33 PARKING AND LOADING REQUIREMENTS

The following parking and loading requirements shall apply:

- a) For every building or structure to be erected the required parking shall be located on the same lot, shall have unobstructed access to a public street and shall be provided and maintained in conformity with the standards of this Section. Unless otherwise specified, the standards are expressed in one space per specified square metres of gross floor area. If when determining the parking space requirements, the result is a fraction of a parking space, then the number of parking spaces shall be rounded to the next highest whole number.
- b) In instances where the payment of money may be required in lieu of providing off-street parking, the standards of this Section shall be used to determine the off-street parking requirements for which money in lieu is to be accepted.
- c) No less than 3.0 percent of the total number of parking spaces required in this By-law shall be designated for disabled persons parking with minimum dimensions as set out in 6.32.h) of this By-law.
- d) Where a use is changed within an existing building or structure, and where the new use requires more parking or loading spaces than the former use, the number of additional parking spaces or loading spaces required shall be the difference between the parking spaces or loading spaces required by the new use and parking spaces or loading spaces required by the former use.
- e) Where an addition to an existing building or structure is to be constructed, parking and loading space shall be provided for the new construction in accordance with the standards of this Section, in addition to the minimum number of parking and loading spaces already required and/or provided for the existing building or structure.
- f) The parking requirements for more than one use on a single lot or a building containing a number of uses shall be the sum total of the parking requirement for each of the component uses, except in the case of a standard is cited specifically, plus the parking requirement for any other use on the same site, shall apply.



g) Minimum Parking and Driveway/Aisle Dimensions

Parking Angle (degrees)	Parking Space Width (m)	Parking Space Length (m)	Driveway/Aisle Width (m)
0 to 20	2.75	6.7	4*
21 to 45	2.75	5.8	4*
46 to 60	2.75	5.8	4*
61 to 75	2.75	5.8	5.5*
76 to 90	2.75	5.8	7

- * Access to each aisle shall be from one direction only
- Where there is a combination of two or more types of parking, a minimum 7.0 m aisle width is required to be provided.
- Notwithstanding the above table, where the side of any parking space is located directly adjacent to a solid wall, fence or like structure that is supplied in conjunction with any use other than a single detached, semi-detached, or street townhouse dwelling, the minimum width shall be 3.0 m.

h) Minimum Disabled Persons Parking and Driveway/Aisle Dimensions

Parking Angle (degrees)	Parking Space Width (m)	Parking Space Length (m)	Driveway/Aisle Width (m)
0 to 20	3.6 plus 1.25 access aisle	6.7	4*
21 to 45	3.6 plus 1.25 access aisle	5.8	4*
46 to 60	3.6 plus 1.25 access aisle	5.8	4*
61 to 75	3.6 plus 1.25 access aisle	5.8	5.5*
76 to 90	3.6 plus 1.25 access aisle	5.8	7

- * Access to each aisle shall be from one direction only
- Where there is a combination of two or more types of parking, a minimum 7.0 m aisle width is required to be provided.

i) Disabled Persons Parking Requirements:

- i) Where disabled persons parking spaces are situated side by side, an access aisle width of 1.25 m may be shared between two disabled persons parking spaces.
- ii) Disabled persons parking spaces shall be located adjacent to the accessible entrance of a building so that disabled persons do not need to pass behind parked vehicles.
- iii) Disabled persons parking spaces shall be properly designated by the International Accessibility symbol mounted both vertically on a sign, as well as on the surface of the parking space in fluorescent blue according to the following dimensions:
 - a painted ground sign shall be a minimum of 1.25 m by 1.25 m in size; and



- a parking control sign shall be located 1.5 m above ground and shall be a minimum of 0.3 m by 0.3 m in size.

6.34 PARKING LOT AND DRIVEWAY STANDARDS

The following development standards shall apply to all parking lots and driveways required under this By-law:

- a) Where a use or purpose in Section 6.34.1), requires that parking be provided for visitors, such parking shall be designated, signed and maintained exclusively for visitor parking;
- b) The parking lot shall have visible boundaries and be suitably drained to the satisfaction of the Municipality;
- c) Except as provided elsewhere in this By-law, the parking lot shall be located on the same lot as the use for which it is intended to serve;
- d) The minimum distance between two separate driveways on one lot, measured along the street line shall be 9.0 m;
- e) No driveway shall be located closer than 15.0 m to the limits of the right-of-way at a street intersection;
- f) No driveway shall be closer than 0.6 m to a side lot line - this shall not apply to prevent the establishment of two abutting driveways in a Residential Zone which service a jointly-owned double garage between two dwellings whose common lot line shall be the dividing line of such double garage and this shall not apply to prevent the establishment of a joint or mutual driveway serving two lots in a Commercial or Industrial Zone as a means of reducing the number of access points onto County collector or arterial roads, or Provincial Highways;
- g) No part of the required front yard of any lot shall be used for the parking or storage of any trailer or the body of any truck, bus or coach;
- h) All parking lots shall comply with the landscaping requirements detailed in Section 6.22.d) and f) of this By-law; and
- i) In Residential Zones:
 - i) in an R1, R2, R3, R4 and R5 Zone, where the use of the property is for a single detached, semi-detached, duplex, or townhouse dwelling, parking in the front yard of a lot is restricted to parking on a driveway, such driveway to have a minimum width of 3.0 m and a maximum width of 7.5 m,
 - ii) not more than 30.0 % of the lot area shall be occupied by open parking spaces; open storage spaces for motor vehicles, trailers, boats and motorized snow and water vehicles; driveways; and vehicle movement areas,



- iii) no part of any lot residential shall be used for the parking or storage of any more than one commercial motor vehicle in excess of one ton capacity – for the purposes of this Section, commercial motor vehicles shall mean any motor vehicle having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing includes ambulances, hearses, motor buses and tractors,
- iv) no part of the front yard of any lot shall be used for the parking or storage of a trailer, boat or motorized snow or water vehicle, and
- v) no part of any trailer on a lot shall be used for the purposes of providing temporary or permanent living, sleeping or eating accommodations, regardless of whether such vehicle is jacked up or has its running gear removed.
- j) In an RC Zone, parking shall be provided in the rear and side yards only and not more than 50.0 % of the lot shall be used for parking.
- k) Except as otherwise stated, the number of parking spaces required shall be as set out in the following tables.

PARKING REQUIREMENTS TABLE

PURPOSE OR USE	MINIMUM PARKING SPACES REQUIRED
Accessory apartment – bachelor, 1 or 2 bedroom	1.0 per dwelling unit
Accessory apartment - 3 bedrooms or larger	0.5 per bedroom
Apartments - condominium	1.3 per dwelling unit plus 0.25 per dwelling unit for exclusive use of visitors
Apartments - rental, group dwelling and all other multiple attached dwelling units not otherwise specified	1.1 per dwelling unit plus 0.25 per dwelling unit for exclusive use of visitors
Bed and breakfast establishment	1.0 per guest room (in addition to the required number for the principal dwelling)
Boarding house, rooming house	1.0 parking space plus 0.5 per rental bedroom
Bowling alleys, curling rinks, tennis courts or similar use	4.0 per lane, sheet or court or similar recreational feature provided that where facilities for a lounge, tavern or assembly hall are provided, the greater parking requirement shall apply
Cemetery	A minimum of 5.0
Commercial use, retail or rental establishment other than those separately listed	ground floor – 1.0 per 0.25 m ² of gross floor area upper floor – 1.0 per 35.0 m ² of gross floor area



PARKING REQUIREMENTS TABLE

PURPOSE OR USE	MINIMUM PARKING SPACES REQUIRED
Day care or day nursery	1.0 per 5 children capacity plus queue storage of 1.0 space per 5 children capacity for care
Dry cleaning depot or dry cleaning establishment	1 per 25.0 m ² of gross floor area
Eating establishment, tavern, and other premises licensed in accordance with the <i>Liquor Licence Act</i>	1.0 per 11.0 m ² of gross floor area
Elementary school (public or private)	1.5 per classroom or teaching area plus day care or day nursery requirements if applicable
Furniture, major appliances, agricultural supplies and equipment sales establishment	1.0 per 70.0 m ² of gross floor area and/or outdoor sales area
Golf course	5.5 per hole plus such parking required for any other purposes
Group home	0.4 per occupant (exclusive of attendant or supervisory staff)
Home industry	3.0 per home industry use, in addition to any required parking for the residential use
Home occupation	2.0 per home occupation use, in addition to any required parking for the residential use
Health care centre	2.5 per bed based on maximum capacity
Hotel, motel	1.2 per guest room plus such parking required for any other purposes
Industrial use, other than those separately listed	1.0 per 45.0 m ² up to and including 2,800.0 m ² plus 1.0 for each additional 190.0 m ² over 2,800.0 m ²
Institutional use not otherwise listed	1.0 space per 25.0 m ² of gross floor area
Laundry establishment	1.0 per 15.0 m ² of gross floor area
Manufacturing, assembly, or processing use	1.0 Per 95.0 m ² up to 2,000.0 m ² of gross floor area, Plus 1.0 per 450.0 m ² of gross floor area over 2,000.0 m ²
Machine shop, contractor or tradesman shop, refinishing or welding shop	1.0 per 95.0 m ² of gross floor area
Medical office, post office, clinic	1.0 per 10.0 m ² of gross floor area



PARKING REQUIREMENTS TABLE

PURPOSE OR USE	MINIMUM PARKING SPACES REQUIRED
Motor vehicle sales and service establishment, marine and recreational vehicle sales and service establishment, agricultural vehicle sales and service establishment	1.0 per 20.0 m ² of indoor display floor area plus 1.0 per 9.0 m ² of service area
Motor vehicle washing establishment	1.0 per 24.0 m ² of gross floor area plus the following queuing area in advance of each washing stall: 3.0 per self service washing stall; 3.0 per automatic washing stall; and 8.0 per conveyor style washing stall
Office, other than those separately listed	1.0 per 25.0 m ² of gross floor area
Park uses including playing field facility (i.e., baseball diamond, lawn bowling green and outdoor athletic fields)	30.0 per playing field or 1.0 per 2.0 hectares of parkland
Personal service shop	1.0 per 25.0 m ² of gross floor area
Place of amusement	1.0 per 20.0 m ² of gross floor area
Place of amusement, miniature golf course	5.5 per hole plus such parking required for any other purposes
Place of worship, place of assembly, place of entertainment, library, museum, art gallery, community centre, gymnasium, club, lodge, funeral home	1.0 per 6.0 fixed seats or 4.0 m of bench space, OR 1.0 per 9.0 m ² of assembly floor area, whichever is greater (where assembly hall is located on same lot as place of worship, the greater of the requirements (seating or hall area) are only required)
Police station, fire hall	1.0 per 35.0 m ² of gross floor area including bay areas for parking vehicles.
Transportation terminal	1.0 per 20.0 m ² of gross floor area
Salvage or scrap yard	1.0 per 500.0 m ² of indoor and/or outdoor storage area
Secondary school (public or private)	4.0 per classroom or teaching area plus day care or day nursery requirements, if applicable
Senior citizens' home, nursing home, home for the aged, crisis care residence, correctional group home	0.5 per bed or dwelling unit based on the maximum capacity
Service station, motor vehicle repair establishment, public garage	1.0 per 24.0 m ² of gross floor area



PARKING REQUIREMENTS TABLE

PURPOSE OR USE	MINIMUM PARKING SPACES REQUIRED
Shopping centre, department store, supermarket, grocery store	1.0 per 17.0 m ² of gross leasable floor area provided that, for any basement, cellar or mezzanine used for storage, equipment rooms, washrooms, staff lunch rooms, or locker rooms, 1.0 per 90.0 m ² of gross leasable floor area devoted to such uses is required, in lieu of the foregoing
Single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, double duplex dwelling, converted dwelling and townhouse dwelling	2.0 per dwelling unit plus parking required for accessory apartment and/or bed and breakfast establishment requirements where applicable
Warehouse	1.0 per 140.0 m ² up to 2,000.0 m ² of gross floor area plus 1.0 per 450.0 m ² of gross floor area over 2,000.0 m ²

6.35 PLACE OF AMUSEMENT

Where a place of amusement is a permitted use in a C1 Zone, it shall not be located closer to any school property than 300.0 m to the property boundary of a school.

6.36 PROHIBITED USES

Notwithstanding any other provisions contained in this By-law, the following uses are prohibited in the Municipality:

- a) No use shall be permitted which from its nature or the materials used therein is declared by the Local Board of Health or Council of the Municipality to be a noxious trade, business or manufacture under the *Public Health Act*, as amended, or regulations thereunder.
- b) The use of any land or lot for the purpose of a scrap or salvage yard except as specifically provided for by this By-law.
- c) The use of any land or lot for the purpose of a waste disposal area, landfill site, or dump except for licensed landfill sites.
- d) A dwelling unit in a cellar;
- e) A mobile home except as specifically provided for by this By-law
- f) Blood or bone boiling; and
- g) Extracting oil from fish or animal matter.



6.37 PROXIMITY TO ENVIRONMENTAL PROTECTION (EP) ZONES

Notwithstanding any other provisions of this By-law, the following provisions shall apply to all zones in proximity to an Environmental Protection (EP) Zone:

- a) For all Zones within 15.0 m of an EP Zone or EP-1 Zone (representing the Thedford Klondyke Marsh found on Schedule “A”, Maps 1 and 11), an Environmental Impact Study shall be completed prior to issuance of a building permit or, if required, approval of an Amendment to this By-law; and
- b) For all Zones within 120.0 m of an EP-2 Zone (representing the Big Swamp Creek complex and other Provincially significant wetland features found on Schedule “A”, Maps 12, 13 and 23), an Environmental Impact Study shall be completed prior to issuance of a building permit or, if required, approval of an Amendment to this By-law.

6.38 PUBLIC ACQUISITION

Any land acquired by the Municipality, County, Province or other Public Authority which results in a legally conveyable lot becoming non-complying or further reducing an existing non-complying legally conveyable lot, then the lot shall be deemed an existing legal non-complying lot.

6.39 PUBLIC USES PERMITTED

The following provisions apply to public uses:

- a) None of the provisions of this By-law shall apply to prevent the use of any land or the erection or use of any building or structure, or part thereof, for the purpose of public service by a public authority as defined herein, nor for the purpose of essential services or utilities or work by any telephone, telecommunications, cable television, electrical energy distribution company or natural gas company or any railway or pipeline company, provided that where such land, building or structure is located:
 - i) no goods, material, or equipment shall be stored in the open;
 - ii) the lot coverage and setback requirements prescribed for the Zone in which the use, building or structure is to be located are complied with;
 - iii) parking requirements prescribed for the use or Zone within which it is to be located are complied with as provided for in Section 6.34 of this By-law;
 - iv) any building or structure erected under the authority of this paragraph shall be designed and maintained in general harmony with buildings of the type permitted in such Zone; and
 - v) landscaping and buffering requirements of Section 6.22 of this By-law are complied with.



- b) Nothing in this By-law shall prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line, or overhead or underground electrical, telephone or other supply and/or communication line, provided that the location of such installation has been approved by the Municipality and/or the appropriate public authority having jurisdiction.

6.40 RAILWAY LANDS, ABANDONED

No residential building or structure shall be constructed on abandoned railway lands unless such lands are merged on title with an adjacent lot.

6.41 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any land or building is used or erect any new building or addition to any existing building or sever any lands from an existing parcel if the effect of such action is to cause the original adjoining or remaining buildings or lands to be in contravention of this By-law.

6.42 SPECIAL SETBACK REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL ZONES

Where an Industrial or Commercial Zone abuts a Residential Zone, no Industrial or Commercial building shall be located closer than one half the height of the building or 7.5 m, whichever is the greater, to the lot line of the Commercial or Industrial Zoned lot which abuts the Residential Zone.

6.43 SPECIAL SETBACK REQUIREMENTS FROM PROVINCIAL, COUNTY AND MUNICIPAL ROADS

For all lots which abut designated roads in the Transportation Schedules of the Municipality of North Middlesex Official Plan, the setback requirement abutting such road shall be as follows:

- a) The setback for all lots abutting a Provincial Highway shall be 20.0 m;
- b) The setback for all lots abutting a County Arterial Road shall be 20.0 m in the rural area, and in a Settlement Area the setback shall be defined by the specific zone provisions;
- c) The setback for all lots abutting a County Collector Road shall be 18.0 m in the rural area, and in a Settlement Area the setback shall be defined by the specific zone provisions;
- d) The setback for all lots abutting a Municipal Concession Road or Sideroad shall be 14.0 m in the rural area, and in the Settlement Areas as identified in the specific zone provisions;
- e) For all lots that abut designated roads, a setback shall be as listed above except in the event that a designated road has not been widened to its maximum road right-of-way width.



6.44 TEMPORARY USES ASSOCIATED WITH CONSTRUCTION AND SALES

The following provisions shall apply to temporary uses associated with construction and sales:

- a) A tool shed, construction trailer, scaffold or other building or structure incidental to construction is permitted in all Zones within the Municipality on the land where the construction is situated, once an application for a building permit for such construction has been received by the Municipality to the satisfaction of the Municipality's Chief Building Official. The building or structure may be temporarily situated on such land until a Certificate of Occupancy for such building(s) or unit(s) under construction has been issued by the Chief Building Official or a maximum of 15 days after the Notice of Completion has been issued.
- b) The temporary location of such building or structure incidental to construction shall be set back a minimum of 3.0 m from all lot line boundaries where the construction is occurring.

6.45 THROUGH LOTS

Where a lot other than a corner lot has frontage on more than one street, the front yard setback and other requirements contained herein shall apply on each street in accordance with the provisions of the Zone or Zones in which such lot is located.

6.46 TRANSIENT TRADING

Notwithstanding any provisions to the contrary, the sale of products from vehicles shall not be permitted anywhere in the Municipality, except by site-specific amendment to this By-law. Nothing in this subsection shall be construed as precluding farmers' markets.

6.47 USES IN PUBLIC STREETS OR ROADS

The public streets or roads are generally zoned in accordance with the adjacent lot. No uses are permitted in streets or roads except those normally associated with the street or road such as public street furniture, mailboxes and newspaper boxes. Certain uses permitted on the property abutting the streets or roads may also be permitted within the adjacent street or road, subject to the approval of the authority having jurisdiction over the street or road, subject to any easements.

6.48 YARD AND SETBACK ENCROACHMENTS PERMITTED

Notwithstanding the provisions of this By-law, the only structures permitted to project or overhang into a yard setback area, unless otherwise stipulated by this By-law, shall be the following:

- a) In the Central Commercial Zone, eaves, cornices, canopies, awnings, roofs or other overhanging projections of a building may extend a distance of not more than 1.0 m beyond a front, rear or side yard setback;



- b) An open platform, stairway (excluding a fire escape) or handicapped ramp may extend a distance of not more than 0.9 m into a front, rear or side yard setback area;
- c) A fire escape may extend a distance of not more than 0.9 m into a side or rear yard setback area;
- d) An open terrace, deck or porch with a maximum height of 1.8 m, may extend a distance of not more than 2.4 m into a rear yard setback area;
- e) A canopy or portico over the major entrance to an apartment building may project into the required yard a distance equal to one-half the setback of the building from the street line; and
- f) In a Residential Zone:
 - i) A chimney of a maximum width of 2.4 m may project a distance of 0.6 m into a side or rear yard setback area, and
 - ii) An open balcony or porch may extend a distance of not more than 1.8 m into a front, side or rear yard setback area.

6.49 YARD EXCEPTION, TERRAIN UNSUITABILITY

Where in this By-law a front, side or rear yard is required, and part of the area of the lot is usually covered by water or marsh or swale or is beyond the edge of a river bank or watercourse or between the top and toe of a cliff or embankment having a slope of 30 degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building or structure on the lot to the edge of said area covered by water or marsh, or to the edge of said river bank or watercourse, or to the top of the said cliff or embankment if such area is closer than the lot line.