

SECTION VII GENERAL PROVISIONS

7.1 APPLICATION AND SCOPE

Nothing in this By-law affects the **ERECTION, ALTERATION or USE** of any **BUILDING or STRUCTURE** or the **USE** of any **LOT** by a **PUBLIC AUTHORITY** for a **PUBLIC USE**, other than as a **GROUP HOME**.

7.2 NON CONFORMING USES

*Amended By
95-95*

7.2.1 Existing **USES, BUILDINGS and STRUCTURES**

The provisions of this By-law shall not apply to prevent the **USE** of any existing **LOT, BUILDING or STRUCTURE** for any purpose prohibited in this By-law if such existing **LOT, BUILDING or STRUCTURE** was lawfully used for such purposes, on the date this By-law was passed and continues to be used for that purpose.

*Amended By
89-110, 95-95*

7.2.2 Permitted Exterior Extension

The exterior of any **BUILDING or STRUCTURE** which was lawfully used prior to the passage of this By-law for a **USE** not permitted within the zone in which it is located, shall not be enlarged, extended, reconstructed or otherwise structurally **ALTERED**, unless such **BUILDING or STRUCTURE** is thereafter to be used for a **USE** permitted within such zone, and complies with all requirements of this By-law for such zone.

*Amended By
95-95*

7.2.3 Permitted Interior Alteration

The interior of any **BUILDING or STRUCTURE** which was lawfully used for a **USE** not permitted in the zone in which it is located, may be reconstructed or structurally **ALTERED**, in order to render the same more convenient or commodious for the existing purpose for which such **BUILDING or STRUCTURE** was lawfully used on the date this By-law was passed.

*Amended By
95-95*

7.2.4 Restoration To a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any existing, **BUILDING or STRUCTURE** or part thereof used for a **NON-CONFORMING USE**, provided that the strengthening or restoration does not increase the **BUILDING HEIGHT**, size or volume or change the existing lawful **USE** of such existing **BUILDING or STRUCTURE**.

*Amended By
95-95*

7.2.5 Reconstruction of Damaged Existing **NON-CONFORMING BUILDINGS or STRUCTURES**

Nothing in this By-law shall prevent the repair, replacement or reconstruction of any **BUILDING or STRUCTURE** used for a **NON-CONFORMING USE**, which is damaged by causes beyond the control of the owner provided that:

*Amended By
95-95, 98-98*

- a. the **BUILDING or STRUCTURE** as repaired, replaced or reconstructed has the equivalent or reduced dimensions (and there is no increase in **FLOOR AREA**) as the damaged **BUILDING or STRUCTURE**;

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Amended By 95-95 b. the application for a building permit to reconstruct, repair or replace the **BUILDING** or **STRUCTURE** is submitted within one year of the date upon which the damaged **BUILDING** or **STRUCTURE** was damaged; and,

Amended By 95-95 c. the reconstruction, repair or replacement of the **BUILDING** or **STRUCTURE** is commenced within two years of the date upon which the damaged **BUILDING** or **STRUCTURE** was damaged.

7.2.A NON COMPLYING BUILDINGS and STRUCTURES

2001-201, Amended By 2003-77 7.2.A.1 Application

2001-201, Amended By 2003-77, 2006-126 The extension or **RECONSTRUCTION** of a **DWELLING UNIT** or **SLEEPING CABIN** is not permitted on a **LOT** where:

2001-201 a. only one (1) **DWELLING UNIT** is permitted and more than one (1) **DWELLING UNIT** exists, or,

2001-201 b. only one (1) **SLEEPING CABIN** is permitted and more than one (1) **SLEEPING CABIN** exists, or,

2001-201 c. a **SLEEPING CABIN** exists and there is more than one (1) **DWELLING UNIT** on the **LOT**.

95-95 7.2.A.2 Permitted Exterior Extension on an Undersized LOT

A **BUILDING** or **STRUCTURE** which, on the date this By-law was passed, conformed with all provisions of this By-law but was located on a **LOT** which does not comply with the minimum **FRONTAGE** or **AREA** requirement for the Zone within which it is located, may be enlarged, extended, reconstructed or otherwise structurally **ALTERED**, if the **BUILDING** or **STRUCTURE** and **USE** will continue to comply with all other requirements of this By-law.

95-95 7.2.A.3 Permitted Exterior Extension Where **STRUCTURE** Within Required YARDS

A **BUILDING** or **STRUCTURE** which, on the date this By-law was passed conformed with all provisions of this By-law except for the provisions establishing the minimum yard requirements for the zone within which it is located may be enlarged, extended, reconstructed or otherwise structurally **ALTERED** if the enlargement, extension, reconstruction or structural alteration complies with all of the requirements of this By-law.

2003-77 7.2.A.4 Permitted Second Storey Additions to **STRUCTURES** on a **LOT** where the maximum **LOT COVERAGE** is exceeded

A **BUILDING** or **STRUCTURE** on a **LOT**, where the maximum **LOT COVERAGE** is already exceeded, may be added to, by way of a second **STOREY**, provided the cumulative **FLOOR AREA** of all second **STOREYS** does not exceed the amount of the maximum **LOT COVERAGE**.

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95-95,
Amended By
2003-77

7.2.A.5 RESTORATION To Safe Condition

Nothing in this By-law shall prevent the strengthening or **RESTORATION** to a 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**.

95-95

7.2.A.6 Reconstruction of Damaged Existing **NON-COMPLYING BUILDINGS** or **STRUCTURES**

95-95

Nothing in this By-law shall prevent the repair, replacement or reconstruction of any lawful **NON-COMPLYING BUILDING** or **STRUCTURE** which is damaged by causes beyond the control of the owner (including fire) provided that:

95-95,
Amended By
98-98, 2006-126

a. the **BUILDING** or **STRUCTURE** as repaired, replaced or reconstructed is in the same location and has the equivalent or reduced dimensions (and there is no increase in **FLOOR AREA**) as the damaged **BUILDING** or **STRUCTURE**;

95-95

b. the application for a building permit to reconstruct, repair or replace the **BUILDING** or **STRUCTURE** is submitted within one year of the date upon which the **NON-COMPLYING BUILDING** or **STRUCTURE** was damaged; and,

95-95

c. the reconstruction, repair or replacement of the **BUILDING** or **STRUCTURE** is commenced within two years of the date upon which the **NON-COMPLYING BUILDING** or **STRUCTURE** was damaged.

2001-201

7.2.A.7 Permitted Interior Alteration

The interior of any **BUILDING** or **STRUCTURE** which was lawfully used for a **USE** permitted in the By-law but does not comply with all requirements of the By-law, may be reconstructed or structurally **ALTERED**, in order to render the same more convenient or commodious for the existing purpose for which such **BUILDING** or **STRUCTURE** was lawfully used on the date the By-law was passed.

2006-126

7.2.A.8 Increase In Volume

Where a **BUILDING** or **STRUCTURE** which, on the date this By-law was passed was legal **NON-COMPLYING**, the exterior dimensions can be increased provided there is no increase in **FLOOR AREA** and all other requirements of the by-law are complied with.

2006-126

7.2.A.9 Additions to Shoreline Structures Exceeding Maximum **CUMULATIVE WIDTH**

Where **DOCKS** or **BOATHOUSES** are legal **NON-COMPLYING** due to the requirements of the maximum **CUMULATIVE WIDTH** of **DOCKS** and **BOATHOUSES**, additions are permitted provided the **CUMULATIVE WIDTH** permitted is not exceeded by the addition and all other requirements of the by-law are complied with.

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7.3 LOTS OF RECORD

7.3.1 Existing Undersized LOTS of Record

Where a **LOT**, having a lesser **FRONTAGE** or **AREA** than is required by this By-law, and is:

- a. held under distinct and separate ownership from abutting **LOTS**, on or before the passing of this By-law, as evidenced by the records of the Land Registry Office; or,
- b. is a **LOT** or block on a registered plan of subdivision; or,
- c. is created as a result of expropriation or highway widening or other land acquisition by any authority having such statutory powers; or,
- d. is a **LOT** created by consent under the Planning Act, or its predecessor, after March 31, 1979; and,
- e. has a WR, WR1, WR5, WR6, R2, R3, R4, R5, Ru1, Ru2, Ru3, RuR, RuRH or RuER, or has a WR3 Zone on an island in excess of 2.0 acres and has a **FRONTAGE** not less than 100 feet and an **AREA** not less than 15,000 square feet; or
- f. has a WR2, WR4 or WR8 Zone and has a **FRONTAGE** of not less than 200 feet and an **AREA** of not less than 1 acre; or
- g. has an R1 Zone and has a **FRONTAGE** of not less than 50 feet and an **AREA** on not less than 6,000 square feet

Amended By 95-95

Amended By 2003-77

Such **LOT** shall be deemed to conform with the **LOT FRONTAGE** and **LOT AREA** requirements of this By-law.

7.3.2 Enlargement of Existing LOTS

Amended By 95-95

95-95

- a. Where a **LOT** meets the criteria set out in Section 7.3.1, or has been granted an exemption or Minor Variance to this By-law for lot size, or is zoned Waterfront Commercial – Marina (WC2) or Community Commercial – Marina (C2), and lands are added to that **LOT**, the resulting **LOT** is deemed to meet the criteria in Section 7.3.1.
- b. where a lot does not meet the criteria set out in Section 7.3.1, but through a lot addition the resulting **LOT** exceeds the criteria set out in Section 7.3.1, the resultant **LOT** is deemed to meet the criteria in Section 7.3.1.

7.4 ACCESSORY BUILDINGS AND STRUCTURES

7.4.1 Construction Sequence

No **ACCESSORY BUILDING** or **STRUCTURE** shall be **ERECTED** prior to the establishment of the **MAIN BUILDING, STRUCTURE** or **USE** with the exception of a **DOCK** on a **LOT** accessible only by water.

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7.4.2 USE of ACCESSORY BUILDINGS

Where this By-law provides that land may be used or a **BUILDING** or **STRUCTURE** may be **ERECTED** or used for a purpose, that purpose shall include any **ACCESSORY USE**, but shall not include the following:

- a. an occupation for gain or profit, except as this By-law specifically permits;
- b. any **BUILDING** or **STRUCTURE** used for human habitation except as this By-law specifically permits.

7.4.3 Location, Size, HEIGHT

Except as may be provided elsewhere in this By-law, any **ACCESSORY BUILDING** or **STRUCTURE**, which is not part of the **MAIN BUILDING** shall not be **ERECTED** unless the **ACCESSORY BUILDING** or **STRUCTURE**:

- a. complies with the **REQUIRED YARDS** of the zone in which it is located;
- b. does not exceed the applicable **LOT COVERAGE** requirements of the zone in which it is located;
- c. is not **ERECTED** in the **FRONT YARD**; and,
- d. is erected on a **LOT** which complies with the provisions of Section 7.5

*Amended By
2006-126*

*95-95, Amended
By 2006-126*

7.4.4 Temporary ACCESSORY BUILDINGS and STRUCTURES

*Amended By 89-
110*

Where a consent under Section 49 of the Planning Act results in the creation of a **LOT** upon which an **ACCESSORY BUILDING** or **STRUCTURE** is located before a **MAIN BUILDING, STRUCTURE** or **USE** has been established, such **ACCESSORY BUILDING** or **STRUCTURE**, shall be allowed to continue provided that the application to construct the **MAIN BUILDING** or **STRUCTURE** is submitted within two years of the date of conveyance of the land, and the construction of the **MAIN BUILDING** or **STRUCTURE** is completed or the **USE** has been established within three years of the date of conveyance of the land.

7.4.5 GAZEBO

95-95

No person shall **ERECT** or **USE** a **GAZEBO**, which exceeds 250 square feet in **FLOOR AREA**.

7.4.A BUILDING INTERIOR DESIGN

Where an application is made to construct an addition to a **BUILDING**; to join two or more existing **BUILDINGS** together; construct/reconstruct a **BUILDING** containing a hallway of which the walls are also exterior walls; or to join two living areas is proposed; the result will be considered as two or more **BUILDINGS** for the purpose of this By-law unless:

95-95

- a. the new construction or the **BUILDING** being moved, which is to be added to the existing **BUILDING**, is designed and built to an integral part of the existing **BUILDING**;

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- b. the new construction or **BUILDING** being moved shares at least one common wall with the existing **BUILDING**; and,
- c. the connection between the existing **BUILDINGS** and the new construction or **BUILDING** being moved, or a new **BUILDING** designed as having a hallway with exterior walls, is not one or more walkways, breezeways, hallways or other passages, whether or not such passages have exterior walls.

7.5 FRONTAGE ON PUBLIC STREET OR NAVIGABLE WATERWAY

7.5.1 General FRONTAGE Requirement

Amended By 89-110

No person shall **ERECT** any **BUILDING** or **STRUCTURE** in any zone except a Community Zone unless the **LOT** upon which such **BUILDING** or **STRUCTURE** is to be **ERECTED** fronts, for a distance equal to the minimum **FRONTAGE** requirement for the zone in which the **LOT** is located, upon:

Amended By 89-110

a. A **STREET** maintained year round by a **PUBLIC AUTHORITY**;

Amended By 89-110

b. a **NAVIGABLE WATERWAY** or **ORIGINAL SHORE ROAD ALLOWANCE**; or

95-95

c. a **STREET** dedicated as a public highway on a registered plan of subdivision and subject to terms and conditions of a Subdivision Agreement under the Planning Act or its predecessor.

7.5.2 FRONTAGE in a Community

Amended By 89-110

a. No person shall **ERECT** any **BUILDING** or **STRUCTURE** in any Community Zone unless the **LOT** upon which such **BUILDING** or **STRUCTURE** is to be **ERECTED** abuts, for a distance equal to the minimum **FRONTAGE** requirement for the zone in which the **LOT** is located, a **STREET** maintained year round by a **PUBLIC AUTHORITY**; and,

Amended By 89-110

b. where a **LOT** in a Community Zone fronts upon a **NAVIGABLE WATERWAY** or **ORIGINAL SHORE ROAD ALLOWANCE** and abuts a **STREET** maintained year round by a **PUBLIC AUTHORITY** the **LOT LINE** abutting the **STREET** must also meet the minimum **FRONTAGE** requirement for the zone in which the **LOT** is located.

7.5.3 Exemption to FRONTAGE Requirement

Amended By 2006-126

- a. A **HUNT CAMP** may be **ERECTED** on a **LOT** in an Open Space (OS1, OS2) Zone, which does not front upon a year round maintained road or a **NAVIGABLE WATERWAY**.
- b. Where there is an existing residential **DWELLING** on a **LOT**, which does not have **FRONTAGE** on a year round maintained road or a **NAVIGABLE WATERWAY**, uses **ACCESSORY** to the permitted **USE** are permitted.

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- c. A **BUILDING** or **STRUCTURE** which does not comply with Section 7.5.1 and 7.5.2 and existed on the date this By-law was passed, which is a permitted **USE**, and is located in a Community Zone, can be reconstructed or structurally **ALTERED** despite the fact the **FRONTAGE** requirements are not met.
- d. A **BUILDING** or **STRUCTURE** which is located on a **LOT** which does not comply to the **FRONTAGE** requirement and does not contain a **HABITABLE ROOM** can be **ERECTED, USED** or **ALTERED** in any Community zone despite the fact the **FRONTAGE** requirements are not met.

7.6 FRONTAGE ON AN ORIGINAL SHORE ROAD ALLOWANCE

Where a **LOT** is separated from a **NAVIGABLE WATERWAY** by only an **ORIGINAL SHORE ROAD ALLOWANCE** the **LOT** shall be considered for the purpose of permitted land uses in this By-law as if it abuts the **NAVIGABLE WATERWAY**.

7.6.A REDUCTION OF LOT AREA

95-95, Amended By 98-98, 2006-126 Where a **LOT** is reduced in **LOT AREA** by way of a consent under the Planning Act but the **LOT FRONTAGE** is not changing and the **LOT AREA** complies with the minimum **LOT AREA** requirements under Section 7.3.1, the **LOT FRONTAGE** and the **LOT AREA** are deemed to comply with the provision of this By-law.

7.7 GREATER RESTRICTION

95-95, Amended By 98-98 This By-law shall not be effective to reduce or mitigate any restrictions lawfully imposed by a governmental authority having jurisdiction to make such restrictions.

7.8 HEIGHT EXCEPTIONS

No **HEIGHT** provision in this By-law shall apply to prevent the **ERECTION, ALTERATION** or **USE** of the following **ACCESSORY BUILDINGS** or **STRUCTURES** provided that such **BUILDINGS** or **STRUCTURES** are permitted within the zone in which it is located;

<i>Amended By 98-98, 2006-126</i>	- church spire - belfry - clock tower - chimney - water tank - windmill	- residential radio or TV tower or antenna - air conditioner duct - any farm BUILDING or STRUCTURE including a barn - cupola or other similar ornamental structure which contains no floor and is less than 100 square feet in size
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7.9 PROHIBITED HABITATION

No truck, bus, coach, or other vehicle may be used for a **DWELLING UNIT** within the Municipality, whether or not the same is maintained on wheels.

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7.10 HOME INDUSTRY

- Amended By 89-110* **HOME INDUSTRY** means a gainful occupation conducted in whole or in part in a **SINGLE FAMILY DWELLING UNIT** or an **ACCESSORY BUILDING** to a **SINGLE DWELLING UNIT** by the residents of the **SINGLE FAMILY DWELLING UNIT** provided that:
- Amended By 89-110* a. there is no external advertising other than a sign of not more than 6-square feet erected in accordance with any by-laws regulating signs;
- Amended By 89-110* b. there is no external storage of goods or materials;
- Amended By 89-110* c. such **HOME INDUSTRY** is not an **OBNOXIOUS USE**;
- Amended By 89-110* d. such **HOME INDUSTRY** is clearly secondary and incidental to the main residential character of the residential **USE**;
- Amended By 89-110* e. such **HOME INDUSTRY** does not interfere with radio or television reception;
- Amended By 89-110* f. not more than two persons, other than the residents of the **SINGLE FAMILY DWELLING UNIT** are employed;
- Amended By 89-110* g. the **LOT AREA** is not less than 1 acre;
- Amended By 89-110, 98-98* h. when a **HOME INDUSTRY** is located in a **SINGLE FAMILY DWELLING UNIT** or an **ATTACHED GARAGE**, it shall not exceed 25 percent of the **GROUND FLOOR AREA** of the **SINGLE FAMILY DWELLING UNIT**;
- Amended By 89-110* i. the sum of the **FLOOR AREA** of all of the **ACCESSORY BUILDING** does not exceed an area of 1000 square feet;
- Amended By 89-110* j. such **HOME INDUSTRY** does not involve the repair, maintenance or storage of aircraft; and
- Amended By 89-110* k. the **HOME INDUSTRY** does not produce waste products, which are disposed of in a manner, which contravenes any Provincial environmental legislation or regulations.

7.11 HOME OCCUPATION

- Amended By 89-110* **HOME OCCUPATION** means a gainful occupation conducted entirely within a **SINGLE FAMILY DWELLING UNIT** by members of the family residing in such **SINGLE FAMILY DWELLING UNIT** provided that:
- Amended By 89-110* a. there is no external display or advertising other than a sign not larger than 6-square feet erected in accordance with any by-laws regulating signs;
- Amended By 89-110* b. there is no external storage of goods or materials;

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- Amended By 89-110* c. such **HOME OCCUPATION** is clearly secondary and incidental to the main residential **USE** and does not change the residential character of the **SINGLE FAMILY DWELLING UNIT** nor create or become a nuisance in particular in regard to noise, traffic or parking;
- Amended By 89-110, 95-95, 98-98* d. not more than 20 percent of the **GROUND FLOOR AREA** of the **SINGLE FAMILY DWELLING UNIT** including an **ATTACHED GARAGE** is for the **HOME OCCUPATION** except in the case of a **BED AND BREAKFAST** where the maximum **GROUND FLOOR AREA** of the **SINGLE FAMILY DWELLING UNIT** for the **HOME OCCUPATION** is the **FLOOR AREA** of the three bedrooms used for the **BED AND BREAKFAST**; and
- Amended By 89-110* e. such **HOME OCCUPATION** does not interfere with television or radio reception.

7.12 RIGHT-OF-WAY/LANE AS A YARD

- Amended By 89-110* No **BUILDING** may be **ERECTED** or **USED** within 10 feet of a private **RIGHT-OF-WAY** where such **RIGHT-OF-WAY** does not form part of a **LOT LINE**.

7.13 CHANGE IN USE

- Amended By 2006-126* If any **BUILDING** is hereafter **ALTERED** for or changed to a different **USE**, both of which are permitted within the particular zone, loading and **PARKING SPACES** shall be provided as required by this By-law for such different **USE**.

7.14 ABANDONED EQUIPMENT AND MOTOR VEHICLES WITHOUT CURRENT LICENSE PLATES

Unless otherwise specifically permitted in this By-law, the parking, storing or locating of unused or discarded motor vehicles without current license plates is prohibited in all zones, except that:

- a. vehicles may be stored inside a **PRIVATE GARAGE**; and,
- b. one such vehicle may be stored in a screened space that is not visible from any **STREET** or adjacent **LOT**.

7.15 AUTOMOBILE SERVICE STATIONS

- a. Despite the requirement of this By-law, a pump island shall not be located closer than 15 feet to the **LOT LINE** of any existing or planned **STREET**.
- b. No portion of any ingress or egress shall be located closer than 50 feet to the intersection of any two **STREETS**.
- c. No portion of any ingress or egress ramp along any **LOT LINE** shall be located closer than 10 feet to any **SIDE LOT LINE**.
- d. The width of any egress or ingress ramp along any **LOT LINE** shall not be more than 30 feet nor less than 25 feet.
- e. Except for the ramps, an area not less than 5 feet in width along the **FRONT LOT LINE** shall be used for landscaping.

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7.16 LANDSCAPED BUFFERS

LANDSCAPED BUFFERS, as required by this By-law, shall be provided, planted and maintained by the owner of the **LOT** on which the buffers are required and located.

7.16.1 NON-CONFORMING USES

Nothing in this By-law shall require the provision of a **LANDSCAPED BUFFER** for a use, which existed on the date this By-law was passed.

7.16.2 Addition

Where an addition to an existing **BUILDING** or **STRUCTURE** occurs, the owner shall be responsible to provide, plant and maintain the required **LANDSCAPED BUFFER** for the addition.

7.17 DWELLING UNIT IN A NON-RESIDENTIAL BUILDING

With the exception of an **AUTOMOBILE SERVICE STATION**, a **DWELLING UNIT** or a **MULTIPLE DWELLING UNIT** may be permitted, as specified in this By-law, within a non-residential **BUILDING**, provided that:

- a. it complies with the requirements of Section 4.1.2(c) in the case of a **MULTIPLE DWELLING**;
- b. each **DWELLING UNIT** shall have a separate washroom/bathroom and kitchen facility from those of the non-residential **USE**;
- c. each **DWELLING UNIT** shall have separate **PARKING SPACES** in accordance with the parking requirements of Provision 7.25; and,
- d. each **DWELLING UNIT** shall have a separate **BUILDING** entrance than that to the non-residential portion.

7.18 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any **LOT** or **BUILDING** is used, or **ERECT** any new **BUILDING** or addition to any existing **BUILDING**, or sever any lands from any existing **LOT** if the effect of such action is to cause the original, adjoining or remaining **BUILDINGS**, or original or remaining lands to be in contravention of this By-law.

7.19 SIGHT TRIANGLE

On a **CORNER LOT**, no hedge, shrub or tree shall be planted, nor **BUILDING** or **STRUCTURE ERECTED** in a **SIGHT TRIANGLE** where such would obstruct the vision of vehicular traffic.

7.20 SIGNS

The provisions of this By-law shall not apply to prevent the **ERECTION, ALTERATION** or **USE** of any sign, provided such sign complies with any authorized by-law regulating signs.

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7.21 SETBACK FROM STREET AND HIGH WATER MARK

*Amended By
2001-201, 2003-
77*

7.21.1 SETBACKS from Township STREETS and Unopened Road Allowances

No **BUILDING** or **STRUCTURE** including a **DOCK** and a **BOATHOUSE** shall be **ERECTED**, or enlarged within 25 feet from the **LOT LINE** abutting the **STREET** or unopened road allowance, or the 100 foot **STRAIGHT LINE PROJECTION** of that **LOT LINE** unless otherwise specifically permitted by this By-law.

7.21.2 SETBACKS on Provincial Highways

Where a **BUILDING** or **STRUCTURE** is located adjacent to a provincial highway or a **DISTRICT** road, **SETBACKS** shall be provided and maintained in accordance with the requirements of the Ministry of Transportation or of the **DISTRICT** where such requirements are in excess of those required by this By-law.

2001-201

7.21.3 SETBACKS from HIGH WATER MARK

*Amended By
2006-126*

No **BUILDING** or **STRUCTURE** shall be **ERECTED** within 66 feet of the **HIGH WATER MARK** except a **BUILDING** or **STRUCTURE** which existed prior to January 3, 2005 is legal **NON-COMPLYING**, is at least 35 feet from the **HIGH WATER MARK**, and which extends no closer to that **HIGH WATER MARK** after such **ERECTION** is completed than it did on January 3, 2005.

In the case of a **SUNDECK**, the minimum **SETBACK** shall be 50 feet from the **HIGH WATER MARK**; except for a **SUNDECK** which existed prior to January 3, 2005, is legal, **NON-COMPLYING** and is a minimum of 25 feet from the **HIGH WATER MARK**.

7.22 YARD ENCROACHMENTS

Despite the **YARD** and **SETBACK** provisions of this By-law, the following shall apply:

- a. chimneys, eaves, pilasters, or other ornamental **STRUCTURES** may project into any **REQUIRED YARD** a maximum distance of 4 feet;
- b. drop awnings, clothes poles, flagpoles, garden trellises, fences, retaining walls, similar **ACCESSORY USES** or signs **ERECTED** in accordance with any authorized by-law regulating signs, are permitted in any **REQUIRED YARD**;
- c. fire escapes and the structural members may project into a **REQUIRED YARD** a maximum distance of 4 feet.

*Amended By
89-110*

7.23 RECREATIONAL VEHICLES

7.23.1 Storage or Sale

*Amended By
89-110*

A **RECREATIONAL VEHICLE** may only be **ERECTED** or placed in an area specifically zoned for such a **USE**. This provision shall not apply where a maximum of one **RECREATIONAL VEHICLE** is located on the said land solely for the purposes of sale or storage, complies with the **REQUIRED YARDS** and is not occupied at any time.

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7.23.2 Temporary USE

*Amended By
89-110*

Despite Provision 7.23.1 a **RECREATIONAL VEHICLE** may be placed on residential zoned land for temporary **USE** for storage purposes or for accommodation during development of the **LOT** provided that the **RECREATIONAL VEHICLE** is located on the same **LOT** as the construction and in compliance with the **YARD** requirements for the zone in which it is located and provided that the **RECREATIONAL VEHICLE** is not located on the **LOT** until a building permit for the said construction has been issued and the **RECREATIONAL VEHICLE** is removed within 60 days of the completion or discontinuance of construction or if a building permit is revoked.

7.24 MOBILE HOMES AND MOBILE UNITS

7.24.1 Permanent USES

No person shall **USE** land for the purpose of **ERECTING** or placing thereon a **MOBILE HOME** or **MOBILE UNIT**.

7.24.2 Temporary USES

Despite Provision 7.24.1 a **MOBILE UNIT**, may be placed on industrial or commercial zoned land for temporary **USE** as an **OFFICE** or for storage purposes during development of the **LOT** provided that the **MOBILE UNIT** is located on the same **LOT** as the construction and in compliance with the **YARD** requirements for the zone in which it is located and provided that the **MOBILE UNIT** is not located on the **LOT** until a building permit for the said construction has been issued and that the **MOBILE UNIT** is removed within 60 days of the completion or discontinuance of construction.

7.25 PARKING

PARKING SPACES and areas are required under this By-law in accordance with the following provisions:

- a. The owner of every **BUILDING** or **STRUCTURE ERECTED** or **USED** for any of the following purposes shall provide and maintain for the sole **USE** of the owner, occupant or other persons entering upon or making **USE** of the said premises from time to time, **PARKING SPACES** and areas as follows:

SECTION VII GENERAL PROVISIONS

	Type of Building	Minimum Parking Required
i)	- a DWELLING UNIT	- 2 PARKING SPACES .
ii)	- containing two or more DWELLING UNITS	- 2 PARKING SPACES for each DWELLING UNIT .
iii)	- a medical, dental or drugless practitioner's OFFICE or clinic	- 5 PARKING SPACES for each practitioner
iv)	- CHURCH , auditorium, TAVERN , RESTAURANT , theatre, arena, hall, PRIVATE CLUB , and other places of assembly (including a funeral home)	- where there are fixed seats – 1 PARKING SPACE for 5 seats, or 10 feet of bench space. - where there are no fixed seats – 1 PARKING SPACE for each 100 square feet of FLOOR AREA open to the public.
v)	- hospital, institution	- 1 PARKING SPACE for each 2 beds or 400 square feet of FLOOR AREA whichever is greater, plus 1 additional space for each resident doctor or resident employee.
vi)	- TOURIST RESORT	- 1 PARKING SPACE for each ACCOMMODATION UNIT or HOUSEKEEPING UNIT plus 1 PARKING SPACE for each resident owner or employee family plus 1 additional space for each 200 square feet of RESTAURANT or TAVERN FLOOR SPACE open to the public.
vii)	- OFFICE , including a HOME OCCUPATION	- 1 PARKING SPACE per 300 square feet of total FLOOR AREA .
viii)	- RETAIL or CONVENIENCE STORE wholesale or discount business	- 1 PARKING SPACE for every 200 square feet of total FLOOR AREA .
ix)	- MARINA	- 1 PARKING SPACE for each 200 square feet of total retail FLOOR AREA , plus 1 PARKING SPACE for every 20 feet of dockage.
x)	- GOLF COURSES	- 24 PARKING SPACES for each nine holes of golfing facilities.

SECTION VII GENERAL PROVISIONS

		<u>Type of Building</u>	<u>Minimum Parking Required</u>
	xi)	- outdoor recreational uses such as driving ranges and miniature GOLF COURSES	- 10 PARKING SPACES for the miniature golf facility plus ONE SPACE for each tee on the driving range.
	xii)	- PRIVATE PARKS each 4 visitors based on	1 PARKING SPACE for the total capacity of the park.
95-95	xiii)	- BED AND BREAKFAST	- 1 PARKING SPACE for each bedroom
95-95	xiv)	- SUNDECK or patio used in conjunction with a RESTAURANT, TAVERN	- 1 PARKING SPACE for each 400 square feet.
Amended By 95-95	xv)	- other commercial USES (including a drive-in or take out RESTAURANT)	- 1 PARKING SPACE for each 200 square feet of total FLOOR AREA .
	xvi)	- school – elementary	- 1.5 PARKING SPACES for each teaching area.
		- – secondary	- 4 PARKING SPACES for each teaching area.
	xvii)	- Industrial	- At least 1 PARKING SPACE for each 1000 square feet of total FLOOR AREA up to 20,000 square feet plus 1 additional space for every 5,000 square feet of total FLOOR AREA over 20,000 square feet including any basement area if used for industrial USE .

b. **PARKING AREA Requirements:**

PARKING AREA shall conform to the following requirements:

- i) the **PARKING AREA** shall be located in the same zones as, and within 500 feet of the location it is intended to serve, except for water access properties, in which case the **PARKING AREA** may be more than 500 feet from the **USE** and in a different zone;
- Amended By 89-110 ii) each angled **PARKING SPACE** shall be at least 10 feet by 20 feet; each parallel **PARKING SPACE** shall be at least 9 feet by 22 feet and each **PARKING SPACE** shall be provided with unobstructed access to a **STREET** by a driveway, aisle or **LANE**; and,
- 95-95 iii) the **PARKING AREA** must be in the same ownership as the **LOT** for which the **PARKING SPACES** are required.

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c. PARKING AREA Surface:

In a Zone which allows commercial, industrial or multiple residential **USES**, a **PARKING AREA** and driveway connecting the **PARKING AREA** with a **STREET** shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

d. Ingress and Egress:

Amended By 89-110, 2001-201

i) ingress and egress, to and from the required **PARKING SPACES** and **AREAS** shall be provided by means of unobstructed driveways or passageways at least 20 feet but not more than 30 feet in perpendicular width except, in respect to parking, for a **RESIDENTIAL USE** located in a **STRUCTURE** or **BUILDING** other than a **MULTIPLE DWELLING**;

Amended By 89-110

ii) the maximum width of any joint ingress and egress driveway ramp measured along the **STREET LINE** shall be 40 feet;

iii) every **LOT** shall be limited to the following number of driveways:

- a) up to the first 100 feet of **STREET** frontage – not more than 2 driveways; and,
- b) for each additional 100 feet of **STREET FRONTAGE** – not more than 1 additional driveway.

e. Illumination:

Where **PARKING AREAS** are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than 30 feet above the finished grade of the **PARKING AREA**. Fixtures shall be so designed and installed that the light is directed downward and deflected away from adjacent **LOTS**, roads and **STREETS**.

f. Addition to BUILDING or STRUCTURE:

When a **BUILDING** or **STRUCTURE** has insufficient **PARKING AREA** on the date this By-law was passed to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built, however, and no change of **USE** may occur, the effect of which would be an increase in that deficiency.

g. USE of PARKING SPACES and AREAS:

Any area allotted for off-street parking under this By-law shall be used for no other parking purpose than for the parking of operative passenger vehicles and vehicles used in operations incidental to the permitted **USES** on the **LOT**, all bearing currently valid license plates. No **PERSON** shall in any Residential Zone **USE** any **LOT** for the parking and storage of any commercial motor vehicle in excess of one-ton capacity, except that one commercial motor vehicle may be stored in a **PRIVATE GARAGE**. One School bus may be parked on any **LOT**.

For the purpose of this subsection "commercial motor vehicle" shall mean any commercial vehicle as defined in The Highway Traffic Act for Ontario

SECTION VII GENERAL PROVISIONS

h. PARKING AREA Location on LOT:

Despite the **YARD** and **SETBACK** provisions of this By-law, uncovered surface **PARKING AREAS** are permitted in the **REQUIRED YARDS** or in the area between the road or **STREET LINE** and the required **SETBACK** provided no part of any **PARKING AREA**, other than a driveway, is located closer than 3 feet to any **STREET LINE**. No **PARKING AREA** is to be located closer than 35 feet to the **HIGH WATER MARK** in Waterfront Zones or closer than 25 feet to the **HIGH WATER MARK** in Community Zones.

i. Boat Parking:

*Amended By
98-98*

- i) 33 percent of the required **PARKING SPACES** may be provided for the parking of boats or similar vessels provided such **PARKING SPACES** are adjacent to or on the **LOT** requiring such **PARKING SPACES**.

*Amended By
98-98*

- ii) Each **BOAT PARKING SPACE** shall be 20 feet in length along a **DOCK**, **BOATHOUSE**, or mooring facility and 10 feet in width with an unobstructed means of accessing the **BOAT PARKING SPACE**.

7.26 LOADING AREAS

a. Loading Space Requirements

The owner or occupant of any **LOT**, **BUILDING** or **STRUCTURE ERECTED** or **USED** for any purpose involving the receiving, shipping, loading or unloading of persons, animals, goods, wares, merchandise or raw materials, shall provide and maintain at the premises, on the **LOT** occupied by the **BUILDING** or **STRUCTURE** and not forming part of a **STREET** or **LANE**, within the zone in which such **USE** is located, one loading or unloading space 40 feet long and 15 feet wide for each 3,000 square feet of **FLOOR AREA** of the **BUILDING** or **STRUCTURE** provided that adequate space shall be provided for the parking of vehicles awaiting access to loading spaces

b. Access

Access to loading or unloading spaces shall be by means of a driveway at least 20 feet wide contained within the **LOT** on which the spaces are located within or adjoining the zone in which the **USE** is located.

c. Loading Space Surface

The driveways, loading and unloading spaces shall be constructed and maintained with a stable surface, which is treated so as to prevent the raising of dust or loose particles, and with provisions for storm water drainage facilities.

d. Location

The loading space or spaces required may be located in the **SIDE** or **REAR YARD** only.

- e. When a **BUILDING** or **STRUCTURE** has insufficient loading space on the date this By-law was passed, to comply with the requirements herein, this By-law shall not be construed to require that the deficiency be made up prior to the construction of any addition. No addition may be built, however, and no change of **USE** may occur, the effect of which would be an increase in that deficiency.

SECTION VII GENERAL PROVISIONS

7.27 MORE THAN ONE ZONE ON A LOT

When a **LOT** is designated as being in more than one zone, each part of the **LOT** shall be used in accordance with the zone regulations applicable to the zone designation for that part.

7.28 ONE DWELLING / ONE LOT

Except as otherwise specifically permitted in this By-law, where a **DWELLING UNIT** is a permitted **USE**, only one **DWELLING** is permitted on a **LOT**.

2005-05 7.28A MAXIMUM HABITABLE FLOOR AREA FOR A DWELLING

The maximum **HABITABLE FLOOR AREA** for a **DWELLING** is 7,500 square feet.

2006-126 7.28B MAXIMUM TWO HABITABLE BUILDINGS PER LOT

Where the By-law permits a **DWELLING UNIT** and a **SLEEPING CABIN**, these shall constitute the only **BUILDINGS** with a **HABITABLE ROOM** permitted on the **LOT**. An **ACCESSORY BUILDING** containing a **HABITABLE ROOM** is deemed to be a **SLEEPING CABIN**.

7.29 BUILDABLE AREA

No **BUILDING** or **STRUCTURE** may be **ERECTED** on a **LOT**, which does not have an area suitable for the **ERECTION** of proposed **BUILDINGS** and **STRUCTURES** and the installation of any required sewage disposal facilities, a minimum of 3.28 vertical feet above the **HIGH WATER MARK**.

7.30 GROUP HOMES

A **GROUP HOME** is a permitted **USE** in any zone in which a **SINGLE FAMILY DWELLING UNIT** is a permitted **USE** provided that the **GROUP HOME** is located a minimum of 1,000 feet from any other **GROUP HOME**.

7.31 CALCULATING GROSS FLOOR AREA

In calculating the **GROSS FLOOR AREA**, the full **FLOOR AREA** of every **BUILDING** located on the zone boundary between a Waterfront Commercial Zone and a Backlot Commercial Zone is included in the **GROSS FLOOR AREA** of the Waterfront Commercial Zone and is not included in the Backlot Commercial Zone.

7.32 COMMERCIAL OPERATIONS ON MORE THAN ONE LOT

Amended By 95-95, 98-98 Where a Waterfront Commercial Establishment, **TOURIST RESORT, HOTEL, MOTEL, TENT AND TRAILER PARK** or **PRIVATE CAMP** consists of two or more parcels or property or **LOTS** with common administration and with common ownership or condominium ownership, the entire Waterfront Commercial Establishment, **TOURIST RESORT, HOTEL, MOTEL, TENT AND TRAILER PARK** or **PRIVATE CAMP** will be considered as one **LOT** for the purposes of;

Amended By 95-95, 98-98 a. Calculating **GROSS FLOOR AREA**,

SECTION VII GENERAL PROVISIONS

*Amended By
95-95, 98-98*

- b. Determining **LOT FRONTAGE** and **LOT AREA** (and any other requirements based on these) but not for the purpose of the minimum yard requirements for each constituent parcel or **LOT**. Section 7.34 does not apply.

7.33 EXEMPTIONS TO THE BY-LAW

*Amended By
95-95*

Despite the provisions of Section 1.6 where a **USE, BUILDING** or **STRUCTURE** has been authorized by a By-law passed or a Minor Variance granted after January 1, 1985, the **USE, BUILDING** or **STRUCTURE** and all other specific requirements imposed by the By-law or Minor Variance continue to be permitted and imposed by this By-law. All other applicable zone provisions are those required by this By-law. Where there is a conflict between provisions of this By-law and the specific provisions so passed or granted, the specific provisions passed or granted prevail.

7.34 LOTS OF TWO OR MORE LAND PARCELS

Where a **LOT** consists of two or more parcels of land the Zone Requirements apply to each parcel as if each is a separate **LOT** for the purpose of erecting **BUILDINGS** and **STRUCTURES** on that parcel except that the **LOT AREA** requirements apply to the sum of the areas of all of the parcels in the **LOT**.

7.35 TRANSITIONAL PROVISION

Where

- a. an application is made to the Land Division Committee for consent to convey land under Section 49 of the Planning Act, prior to the enactment of this By-law;
- b. that consent is granted and the land is conveyed before the consent lapses; and
- c. that consent results in the creation of one or more **LOTS** which do not comply with the **LOT FRONTAGE** or **LOT AREA** requirements of this By-law.

then each such **LOT** created is deemed to comply with the **LOT FRONTAGE** and **LOT AREA** requirements of this By-law for the zoning applicable to that **LOT** on the date this By-law was passed.

7.36 COTTAGE INDUSTRY

89-110

COTTAGE INDUSTRY means a gainful occupation conducted in whole or in part in a **SINGLE FAMILY DWELLING UNIT** or an **ACCESSORY BUILDING** to a **SINGLE FAMILY DWELLING UNIT** by the residents of the **SINGLE FAMILY DWELLING UNIT** provided that:

89-110

- a. there is no external advertising other than a sign of not more than 6 square feet **ERECTED** in accordance with any by-laws regulating signs;

89-110

- b. there is no external storage of goods or materials;

89-110

- c. such **COTTAGE INDUSTRY** is not an **OBNOXIOUS USE**;

89-110

- d. such **COTTAGE INDUSTRY** is clearly secondary and incidental to the main residential character of the residential **USE**;

89-110

- e. such **COTTAGE INDUSTRY** does not interfere with radio or television reception;

SECTION VII GENERAL PROVISIONS

- 89-110 f. no more than two persons, other than the residents of the **SINGLE FAMILY DWELLING UNIT** are employed;
- 89-110 g. when a **COTTAGE INDUSTRY** is located in a **SINGLE FAMILY DWELLING UNIT**, it shall not exceed 25 percent of the **GROUND FLOOR AREA** of the **SINGLE FAMILY DWELLING UNIT**; and
- 89-110 h. the sum of the **FLOOR AREA** of all of the **ACCESSORY BUILDINGS** does not exceed an area of 1000 square feet.

7.37 SERVICES IN COMMUNITIES

Amended By 95-95 Where a **LOT** within a Community is within the boundaries of an Urban Service area designated by Urban Service By-laws of the **DISTRICT**, no person shall **ERECT** or **USE** a **BUILDING** with a **HABITABLE ROOM** on said **LOT** unless the water and sewer services referred to in those By-laws are available to serve such **BUILDING**.

7.38 ILLEGAL STRUCTURES CONSTRUCTED PRIOR TO PASSAGE OF BY-LAW

*2001-201,
Amended By
2003-77*

*2001-201,
Amended By
2003-77* Any **BUILDING** or **STRUCTURE** constructed prior to October 11, 1988, is deemed to be permitted except when:

- 2001-201 a. there is more than one **RESIDENTIAL DWELLING UNIT** on the **LOT**; or,
- 2001-201 b. there is more than one **SLEEPING CABIN** on the **LOT**.
- 2003-77 All such **BUILDINGS** or **STRUCTURES** must comply with the zone requirements in which it is located. Where the **BUILDING** or **STRUCTURE** does not comply with the by-law requirement it shall be deemed legal **NON-COMPLYING**.

7.39 LANDS ADJACENT TO LAND ZONED RURAL INDUSTRIAL (RuM3)

*Amended By
2002-102*

For lands adjacent to lands Zoned Rural Extractive (RuM3), the minimum setback from such lands is 100 feet.