
SECTION FOUR

GENERAL PROVISIONS

4.1 CONTENTS

The contents of this Section are:

- 4.2 Application
- 4.3 Uses Permitted in all Zones
- 4.4 Prohibited Uses
- 4.5 Uses permitted in Accessory Buildings and Structures
- 4.6 Truck, Bus and Coach Bodies, or Motor Homes, Trailers or Tents used for human habitation
- 4.7 Home Occupations/Home Industries
- 4.8 Group Homes
- 4.9 Dwelling Units
- 4.10 Outdoor Storage
- 4.11 Multiple Uses on one Lot
- 4.12 Multiple Zones on one Lot
- 4.13 Non-complying Buildings and Structures
- 4.14 Non-complying Lots
- 4.15 Non-conforming Uses
- 4.16 Restoration of Non-conforming Uses
- 4.17 Relocation of Buildings or Structures used for non-conforming Uses
- 4.18 Discontinuation of Use
- 4.19 Lots of Record
- 4.20 Land without Buildings
- 4.21 Frontage on a Public Street
- 4.22 Servicing Requirements
- 4.23 Accessory Buildings, Structures and Uses
- 4.24 Standards for Detached Accessory Buildings
- 4.25 Decks
- 4.26 Building Lines
- 4.27 Encroachments in Required Yards
- 4.28 Separation Distances for Agricultural Uses
- 4.29 Separation Distances for Residential Uses
- 4.30 Areas susceptible to Flooding
- 4.31 Areas subject to the Resource Reserve overlay
- 4.32 Sight Triangles

- 4.33 Storage of Garbage
- 4.34 Swimming Pools
- 4.35 Buffer Strip Regulations
- 4.36 Outdoor Furnace
- 4.37 Shipping Container, Truck Bodies and Tractor Trailers
- 4.38 Bed and Breakfast Establishments
- 4.39 Private Home Day Care

4.2 APPLICATION

The regulations of this section shall apply to all Zones.

4.3 USES PERMITTED IN ALL ZONES

4.3.1 The regulations of this By-law shall not apply to prevent the use of any land for a purpose which serves the immediate community such as a street, or to prevent the installation of utilities which serve the immediate community such as a watermain, sanitary sewer, gas distribution main, telephone line, electric power facilities or other communication lines and accessory structures and facilities, provided that no goods, material or equipment shall be stored in the open in a Residential Zone.

4.3.2 PUBLIC USES

The provisions of this By-law shall not apply to prevent the use of any land, *building* or *structure* by any *public authority* provided that:

- i. such use, *building* or *structure* complies with the standards of the *Zone* in which it is located; and,
- ii. no *outdoor storage* is permitted, unless such *outdoor storage* is specifically permitted in the *Zone*; *and*
- iii. no *buildings* or *structures* are permitted in an Environmental Protection (EP) Zone except those required for flood and erosion control, and landscape stabilization.

4.3.3 WAYSIDE PITS AND QUARRIES

Wayside pits and quarries are permitted in all zones, except the Environmental Protection (EP) and all Residential and Open Space Zones.

4.3.4 TEMPORARY CONSTRUCTION AND SALES USES

- i. Nothing in this By-law shall prevent uses incidental to construction, such as a construction camp or other such temporary work camp, tool shed, scaffold or other *building* or *structure* incidental to the construction, only for so long as the same are necessary for work in progress which has neither been finished nor abandoned.
- ii. Nothing in this By-law shall prevent the use of land for a sales office for the sale of residential, industrial or commercial *suites* provided that the *suites* to be sold are to be located on lands within the limits of the Municipality of Brighton.

4.4 PROHIBITED USES

4.4.1 The following uses are prohibited throughout the Municipality:

- i. uses classified as a health hazard under provincial statute;
- ii. storage or manufacture of coil oil, rock oil, water oil, fuel oil, gasoline, naphtha, benzene, dynamite, dualine, nitro-glycerine, gunpowder, petroleum and petroleum products for commercial purposes;
- iii. *adult entertainment parlours*

4.4.2 MOBILE HOMES PROHIBITED IN ALL ZONES

No person shall locate or use a mobile home in any zone for the purposes of residential, commercial, industrial or institutional uses, temporarily or permanently, unless:

- i. the use of a mobile home for such purposes is specifically indicated as a permitted use in a particular Zone or Special Zone Provision; or
- ii. a mobile home structure is temporarily used during construction of a main building or buildings on a lot; or
- iii. the use of a mobile home structure has been temporarily authorized for use as an emergency shelter where a dwelling or other building has been damaged by fire or natural disaster.

4.5 USES PERMITTED IN ACCESSORY BUILDINGS AND STRUCTURES

No *accessory building* or *accessory structure* shall be used for human habitation or an occupation for gain or profit, except if specifically permitted by this By-law.

4.6 TRUCK, BUS AND COACH BODIES, OR MOTOR HOMES, TRAILERS OR TENTS USED FOR HUMAN HABITATION

No truck, bus, coach or streetcar body shall be used for human habitation within the Municipality whether or not same is mounted on wheels or any type of temporary or permanent foundation.

No travel trailer or motor home shall be used for the living, sleeping or eating accommodation of persons within the Municipality for a period of more than 60 days within any calendar year, unless such use is specifically indicated to be a permitted use in the pertaining Zone.

4.7 HOME OCCUPATIONS/HOME INDUSTRIES

4.7.1 Where a *home occupation* is permitted in a *Zone*, the *home occupation*:

- i. shall clearly be a secondary use of the *lot*;
- ii. shall be conducted entirely within a detached *accessory building* and/or the *main building* on the *lot*;
- iii. shall be conducted by at least one of the residents of a *dwelling unit* located on the same *lot*;
- iv. shall not occupy more than 25 percent of the *gross floor area* of the *dwelling unit*, if the *home occupation* is contained in a *dwelling unit* in the *main building* on the *lot*;
- v. shall not occupy more than 50 percent of the *gross floor area* of a detached *accessory building*, if the *home occupation* is contained within a detached *accessory building*;
- vi. shall not create noise, vibration, fumes, odour, dust, glare or radiation which is evident outside the *dwelling unit* or detached *accessory building*;
- vii. shall not employ more than one employee, in addition to members of the household;
- viii. shall not involve the *outdoor storage* or outdoor display of materials or finished products;
- ix. shall not consist of an occupation that involves the sale of a commodity not produced on the premises, except that telephone or mail order sales of goods is permitted;

- x. if involving instructional activity, shall not be occupied by more than 4 students at any one time for such an activity; and,
- xi. shall not require receipt or delivery of merchandise, goods or equipment by other than a passenger *motor vehicle* or by parcel or letter carrier mail service using *motor vehicles* typically employed in residential deliveries.

4.7.2 Where a *home industry* is permitted in a *Zone*, the *home industry* shall comply with the regulations of Section 4.7.1. Notwithstanding the provisions of Section 4.7.1, however, such a use may employ two employees in addition to members of the household, and may be located in agricultural buildings on a lot, as well as an accessory building.

4.8 GROUP HOMES

Group homes are subject to the following provisions.

4.8.1 Group Home - Type One

A *Group Home - Type One* is permitted in a *single detached dwelling* wherever such dwellings are permitted in any *Zone*, subject to the further provisions outlined in Section 4.8.3.

4.8.2 Group Home - Type Two

A *Group Home - Type Two* is permitted in a *single detached dwelling*, only on a *lot* having both frontage and access exclusively onto a Provincial Highway or Arterial Road as designated in the Town of Brighton and Township of Brighton Official Plans, and subject to the further provisions of Section 4.8.3.

4.8.3 Minimum distance separation

Notwithstanding any other provisions of this By-law, *Group Homes* shall only be permitted on *lots* complying with the minimum distance separation criteria in the table below, in relation to other *lots* containing such facilities, with such minimum distance to be measured between the nearest *lot lines* of the two *lots*.

Between	Minimum Distance Separation
<i>Group Home -Type One and Group Home - Type One</i>	4000 m
<i>Group Home - Type One and Group Home - Type Two</i>	8000 m
<i>Group Home - Type Two and Group Home Type Two</i>	8000 m

4.8.4 Compliance with Zoning By-law

No *building* shall be used for a *group home* unless such *building* and the *lot* on which it is located comply with all of the applicable *Zone* provisions of this By-law.

4.8.5 Registration of group homes

No *building* shall be used for the purpose of a *group home* unless such *group home* is registered with the Municipality of Brighton.

4.9 DWELLING UNITS

4.9.1 Unless otherwise specified by this By-law, no more than one *dwelling unit* is permitted on a *lot*.

4.9.2 Notwithstanding the provisions of subsection 4.9.1, if a parcel of land within an Agricultural or Rural Zone used for the purposes of an agricultural use is enlarged by the consolidation or addition of additional lands used for the purposes of an agricultural use and containing a separate dwelling unit, the second dwelling unit shall be a permitted use.

4.10 OUTDOOR STORAGE

4.10.1 Accessory Outdoor Storage

The accessory outdoor storage of goods or materials associated with a main industrial or commercial use is only permitted within an interior side or rear yard. In such cases, the outdoor storage area shall be screened with a solid fence, landscaped berm or other opaque barrier a minimum of 2.4 metres in height. The height of goods or materials within the outdoor storage area shall not exceed 4.5 metres.

4.10.2 Outdoor Storage as the main use of a Lot

Where the main use of a lot, goods or materials stored outdoors shall not be located closer than 7.5 metres to any lot line. The front and exterior side yards of a lot containing an outdoor storage use shall be screened with a landscaped berm a minimum of 3.0 metres in height. The interior side and rear yards of a lot containing an outdoor storage use shall be screened with a landscaped berm, solid fence, or other opaque barrier a minimum of 3.0 metres in height.

4.11 MULTIPLE USES ON ONE LOT

Where any *building*, *structure* or land is used for more than one purpose as provided in Section 6.0 of this By-law, the said *building*, *structure* or land

shall comply with the provisions of this By-law relating to each use. In the case of a conflict, the more stringent provision shall apply.

4.12 MULTIPLE ZONES ON ONE LOT

Where a *lot* is divided into more than one *Zone*, each portion of the *lot* shall be used in accordance with the provisions of this By-law for the applicable *Zone*.

4.13 NON-COMPLYING BUILDINGS AND STRUCTURES

4.13.1 Enlargement, Repair or Renovation

A *non-complying building* or *structure* may be enlarged, repaired or renovated provided that the enlargement, repair or renovation:

- i. does not further increase a situation of non-compliance; and
- ii. complies with all other applicable provisions of this By-law.

4.13.2 Non-Compliance as a Result of Expropriation

Notwithstanding any other provision of this By-law, where, as a result of an acquisition of land by a *public authority*, such acquisition results in a contravention of this By-law relating to minimum *yards* and/or *setbacks*, *lot coverage* or maximum permitted *gross floor area* or *net floor area*, then the lands so acquired shall be deemed to continue to form part of the *lot* upon which the *building* or *buildings* are located in determining compliance with this By-law.

4.13.3 Restoration of Non-Complying Buildings or Structures

A non-complying building destroyed by any means beyond the control of the owner may be replaced and rebuilt to the same extent in its former location provided construction is commenced within one year from the date of destruction and provided that the building is completed within a reasonable time thereafter.

4.14 NON-COMPLYING LOTS

4.14.1 Non-complying lots

A *lot* in existence prior to the effective date of this By-law that does not meet the *lot area* and/or *lot frontage* requirements of the applicable *Zone*, may be used and *buildings* thereon may be erected, enlarged, repaired or renovated provided the use conforms with the By-law and the *buildings* or *structures* comply with all of the other provisions of this By-law.

4.14.2 Non-compliance as a result of expropriation

Notwithstanding any other provision of this By-law, where, as a result of the acquisition of part of a *lot* by a *public authority*, the *lot*, after the acquisition, is a *non-complying* lot, such *non-complying lot* may be used for any purpose permitted by this By-law within the *Zone* in which the *lot* is located.

4.15 NON-CONFORMING USES

No lands shall be used and no *building* or *structure* shall be used except in conformity with the provisions of this By-law unless such use existed before the date of passing of this By-law and provided that it has continued and continues to be used for such purpose, and that such use, when established, was not contrary to any By-law in force at that time.

4.16 RESTORATION OF NON-CONFORMING USES

Where the use of a building or structure is legal non-conforming and said building or structure is damaged or destroyed by fire or natural disaster, no provision of this By-law shall prevent the reconstruction or repair of the building or structure for the continuation of the legal non-conforming use provided an application for a building permit is made within 1 year of the event.

4.17 RELOCATION OF BUILDINGS OR STRUCTURES USED FOR NON-CONFORMING USES

A building or structure used for a non-conforming use may be relocated upon the same lot provided the relocation of the building increases its conformity with the provisions of this By-law to the maximum extent possible.

4.18 DISCONTINUATION OF USE

Where a use, building or structure established prior to the date of passing of this By-law has been used for a purpose not permitted by the pertaining zone category, and said use has been discontinued for a period of 12 consecutive months or longer, or in the case of barns 4 years or longer, the said building or structure may only be used again for a use which conforms with the provisions of this By-law.

4.19 LOTS OF RECORD

Notwithstanding any provision of this By-law, lots of record or lots created by expropriation including lots with less than the required frontage, depth or area may be developed for the uses specified in the pertaining zone provided all

other provisions of this By-law are met and, where needed, the lot can be adequately serviced with an approved water supply and sewer services. For a lot within an Agricultural or Rural zone, such uses include a single detached dwelling provided all other regulations of this By-law are complied with. Should the size of a lot of record be increased after the date of passing of this By-law, the provisions of this section shall continue to apply.

4.20 LAND WITHOUT BUILDINGS

Where land is used for, or in association with residential, commercial, industrial or institutional uses without any buildings or structures thereon, all yards required by this By-law shall be provided and maintained as required yards, and all other applicable provisions of the pertaining zone category shall apply.

4.21 FRONTAGE ON A PUBLIC STREET

4.21.1 Unless otherwise specified by this By-law, no person shall erect any *building* or *structure* and no person shall use any *building* or *structure*, *lot* or parcel unless the *lot* or parcel to be so used, or upon which the *building* is situated or erected or proposed to be erected, abuts or fronts on a public street in accordance with the pertaining standards of the Development Standards Tables in Section 7 of this By-law, which is assumed by a *public authority* for maintenance purposes or is being constructed pursuant to a Subdivision or Development Agreement with a *public authority*.

4.21.2 A *lot* that is separated from a *public street* by lands in the Open Space One (OS1) *Zone* is deemed to have frontage on the *public street*.

4.21.3 Notwithstanding the provisions of section 4.21.1 a person may erect a *building* or *structure* and use said *building* or *structure* for a conforming use on a *lot* within a Shoreline Residential *Zone* which fronts on a *private road* existing as of the date of passing of this By-law, or on a navigable waterway.

4.22 SERVICING REQUIREMENTS

4.22.1 New Residential Development

No person shall use any lot, or erect or use any building or structure for residential purposes unless an approved water supply and sanitary sewer system are available and of sufficient capacity to service such building, structure or lot, except as otherwise permitted by site or area-specific provisions in this By-law.

4.22.2 Change to Residential Use

No person shall change to residential the use of any building, structure or lot, unless an approved water supply and sanitary sewer system are available and of sufficient capacity to service such building, structure or lot, except as otherwise permitted by site or area-specific provisions in this By-law.

4.22.3 Existing Residential Uses

The provisions of this subsection shall not apply to residential uses which existed on the date of passing of this By-law. Any proposal to increase the number of dwelling units or guest rooms existing on the date of passing of this By-law shall only be permitted if an approved water supply and sanitary sewer system are available and of sufficient capacity to service such building, structure or lot, except as otherwise permitted by site or area-specific provisions in this By-law.

4.23 ACCESSORY BUILDINGS, STRUCTURES AND USES

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 may include any *accessory buildings*, *accessory structures* or *accessory uses* located on the same *lot* as the primary use to which they are related.

4.24 STANDARDS FOR ACCESSORY BUILDINGS

Accessory buildings associated with a *residential use* that are accessed only by a *driveway* from a *public street* are subject to the following requirements.

4.24.1 Setbacks from lot lines

Accessory buildings shall be located:

- i. A minimum distance from the *front lot line* equal to the *front yard* requirement for the *main building* from the *front lot line*.
- ii. A minimum distance from an *exterior side lot line* equal to the *exterior side yard* requirement for the *main building* from the *exterior side lot line*.
- iii. A minimum of 1.2 metres from the *interior side lot line*.
- iv. A minimum of 1.2 metres from the *rear lot line*.

- v. Notwithstanding subsections (a) and (b), in no case shall the wall of a *private garage* containing the opening for vehicular access be located closer than 6.0 metres to the *lot line* abutting the *public street* that the *driveway* crosses to access the *private garage*.
- vi. Notwithstanding subsections (a) through (e), in no case shall an accessory building be located closer than 2.0 metres to the *main building* on the *lot*.

4.24.2 Encroachment of eaves, gutters and roof overhangs

Eaves, gutters and roof overhangs may encroach into any setback area required by Section 4.24.1 a distance of no more than 0.6 metres.

4.24.3 Maximum height

The maximum permitted *height* of any *accessory building* on a *lot* is 4.5 metres. Notwithstanding this provision, the maximum permitted *height* may be increased to 6.0 metres if the *rear lot line* abuts a *public street* from which no vehicular access to the *lot* exists and provided the entire rear wall of the *accessory building* is located between 1.2 metres and 3.0 metres from the *rear lot line*.

4.24.4 Temporary Accessory Buildings and Structures (added by 548-2008)

Temporary accessory buildings and structures associated with a residential use may be erected within a required interior side or rear yard of any residential zone provided that such accessory building or structure is not closer than 1.2 metres (4 feet) to the interior side or rear lot line. In no case shall such accessory building or structure be located closer to a front or exterior lot line than the dwelling on the lot. Temporary accessory buildings and structures shall be subject to the maximum height provisions set out in subsection 4.24.3

4.25 DECKS, UNENCLOSED PORCHES, BALCONIES, STEPS OR PATIOS, EXTERIOR STAIRS AND LANDINGS (amended by 548-2008)

Notwithstanding the yard and setback provisions of this By-law to the contrary, decks, unenclosed porches, balconies, steps and patios, covered or uncovered, that are not more than 1.8 metres (6 feet) above grade, exclusive of hand railings or other similar appurtenances; and exterior stairs and landings may project:

- i. Into a required rear yard a maximum distance of 3.0 metres (10 feet), but not closer than 4.5 metres (15 feet) to the rear lot line.

- ii. Into any other required yard a maximum distance of 1.5 metres (5 feet), but not closer than 1.2 metres (4 feet) to any lot line.

4.26 BUILDING LINES

4.26.1 Front wall

Where this By-law regulates the location of the walls of a *building* that face the *front lot line* in relation to a *building line*, the *building line* shall be located as follows:

- i. Where both the *interior side lot lines* intersect with the *front lot line* at a 90 degree angle and the *front lot line* is straight, the *building line* shall be located parallel to the *front lot line* a distance equal to the *required front yard*.
- ii. Where one or both of the *interior side lot lines* intersect(s) with the *front lot line* at an angle greater than or less than 90 degrees, or if the *front lot line* is not straight, the *building line* shall be set back from the mid-point of the *front lot line* a distance equal to the *required front yard* and shall be parallel to a line joining the points where the *front lot line* intersects with the *interior side lot lines*.
- iii. Where the *lot* is a *corner lot*, the *building line* shall be located on the lot by extending the *building line* on the nearest lot that fronts on the same side of the street to the *exterior side lot line*.

4.26.2 Exterior side wall

Where this By-law regulates the location of the walls of a *building* that face the *exterior side lot line* in relation to a *building line*, the *building line* shall be located parallel to the *exterior side lot line* a distance equal to the *required exterior side yard*.

4.26.3 Established Building Line

Notwithstanding any front yard or exterior side yard setback provisions of this By-law to the contrary, where a permitted *building* is to be erected within a built-up area where there is an *established building line* extending on both sides of the proposed building site, the proposed *building* may be erected closer to the *street line* than required by this By-law provided such building is not erected closer to the *street line* than the *established building line* existing on the date of passing of this By-law.

4.27 ENCROACHMENTS PERMITTED IN REQUIRED YARDS

4.27.1 Architectural features and balconies

Architectural features such as sills, belt courses, cornices, eaves or gutters, chimney breasts, pilasters, roof overhangs, cantilevered window bays and *balconies* may encroach:

- i. into the *required front yard* a distance of no more than 3.0 metres, but in no case shall the architectural feature or *balcony* be located closer than 1.5 metres to the *front lot line*;
- ii. into the *required rear yard* a distance of no more than 2.0 metres;
- iii. into the *required exterior side yard* a distance of no more than 50 percent of the *required exterior side yard* for the main *building* on the *lot*; and,
- iv. into the *required interior side yard* a distance of no more than 50 percent of the *required interior side yard* for the main *building* on the *lot*.

Notwithstanding any of the above provisions, any of the features identified in this Section are permitted to encroach into the *required front yard* to the *front lot line* and into the *required exterior side yard* to the *exterior side lot line* if they are associated with an *apartment, office* or *institutional building* in a Core Area (CA) Zone.

4.27.2 (Deleted by By-law 220-2004)

4.27.3 Encroachment of stairs, landings and ramps used to access a main building

Stairs, landings and wheelchair ramps that access any part of the *main building* on the *lot*, and which are not associated with a *deck* or *porch*, may encroach:

- i. into the *required front yard* provided no part of the stairs, landing or ramp is located closer than 3.0 metres to the *front lot line*;
- ii. into the *required exterior side yard* a distance of no more than 50 percent of the *required exterior side yard* for the main *building* on the *lot*; and,
- iii. into the *required rear yard* a distance of no more than 2.0 metres.

Notwithstanding any of the above provisions, stairs, landings and ramps used to access a *main building* in the Core Area (CA) Zone are permitted to encroach into the *required front yard* to the *front lot line* and into the *required exterior side yard* to the *exterior side lot line*.

4.28 NEW NON-AGRICULTURAL USES - MINIMUM DISTANCE SEPARATION (MDS) I (Amended by By-law 220-2004)

The establishment of any residential, institutional, commercial, industrial or active recreational use shall comply with the requirements of the Minimum Distance Separation Criteria (MDS I) calculated using Appendix A of this By-law. Where a legal lot of record with an area of 1.0 hectare (2.47 acres) or less, existed as of the date of adoption of this By-law, the provisions of this Section shall not serve to preclude the issuance of a building permit for a permitted building or structure, provided all other requirements of this By-law are met.

4.29 NEW OR EXPANDED LIVESTOCK FACILITIES - MINIMUM DISTANCE SEPARATION (MDS) II (Amended by By-law 220-2004)

No livestock facility, permitted in a Rural 1 (RU1), Rural 2 (RU2) or Rural 3 (RU3) Zone, shall be constructed, established or expanded unless it complies with the Minimum Distance Separation Criteria (MDS II) calculated by using Appendix B of this By-law.

Notwithstanding the above, in no case shall a livestock facility be constructed, established or enlarged with less than the applicable minimum setbacks (yards) required for the zone in which such facility is to be constructed, erected or enlarged.

4.30 AREAS SUSCEPTIBLE TO FLOODING

4.30.1 Designated Areas

Areas which have been identified as being susceptible to flooding from watercourses or water bodies are designated on the maps constituting Schedule 'A' to this By-law by the "Floodplain Zone" overlay shading outlined on, and referenced in the Legends to the maps.

4.30.2 Setback from water bodies and water courses.

Notwithstanding any other provisions of the By-law, unless otherwise permitted by site or area specific provisions in Section Eight of this By-law or by the provisions of Section 4.30.3 of this By-law, a *main building* within any

Zone category is not permitted within 10 metres of the high water mark of any water body or water course.

4.30.3 Construction Requirements

The construction of any building or structure which requires the issuance of a building permit and is located within a Floodplain Zone on the maps comprising Schedule 'A' to this By-law shall not be permitted except in accordance with the provisions of Section 4.30.2 and Section 4.30.3 i).

However, where the lands in the Floodplain Zone are subject to a zone category followed by the symbol "F()" pursuant to Section 3.4.3, the construction of any building or structure which requires a building permit, shall only be permitted provided that the building or structure has been floodproofed in accordance with the provisions of subsection ii. of this section.

- i. all buildings and structures shall be designed and constructed to withstand the hydrostatic forces resulting from flooding as detailed and approved by the Ontario Ministry of Natural Resources and/or the area Conservation Authority, and in accordance with the standards and requirements of the Ontario Building Code, as amended;
- ii. the minimum elevation of the ground floor or first storey of any building, other than a non-residential accessory building, and of any exterior building opening, shall not be less than the minimum elevation for flood proofing specified by the number contained within the brackets following the letter "F" on the maps comprising Schedule 'A' hereto, as specified in metres and based upon the Geodetic Survey of Canada (G.S.C.).

4.30.4 Wave Uprush ("U") Provisions

The construction of any building or structure which requires the issuance of a building permit and is located within or is subject to a zone category followed by the symbol "U" pursuant to Section 3.4.3, shall only be permitted provided the building or structure has been floodproofed. The minimum elevation for floodproofing of the ground floor or first storey level of any building, and of any exterior building opening, shall not be less than 76.4 metres G.S.C. (Geodetic Survey of Canada), except where the symbol "U" is followed by a number other than 76.4, in which case the alternate number following the "U" shall supercede and apply.

4.31 AREAS SUBJECT TO THE RESOURCE RESERVE OVERLAY

4.31.1 Designated Areas

Areas subject to the Resource Reserve provisions of this By-law are designated on the maps constituting Schedule 'A' to this By-law by the "Resource Reserve" overlay shading outlined on, and referenced in the Legends to the maps.

4.31.2 Permitted Uses

Within the areas so designated, a single detached dwelling, accessory structures, home occupations, home industries and farm buildings are only permitted in conjunction with an agricultural use. Conservation and forestry uses are also permitted.

4.32 SIGHT TRIANGLES

Within any area defined as a sight triangle, the following uses and facilities are prohibited:

- i. buildings and structures;
- ii. above ground service modules, boxes or facilities;
- iii. mail boxes;
- iv. a fence, tree or other plant material the height of which exceeds the median elevation of the centrelines of the abutting streets by 1.0 metre or more; and,
- v. a finished grade exceeding the elevation of the street lines by 0.6 metres or more.

4.33 STORAGE OF GARBAGE

All garbage generated by uses in any multiple unit *building* in any residential, or commercial zone, and by any *restaurant* use, shall be stored completely inside a fully enclosed building *or structure*.

4.34 SWIMMING POOLS

A swimming pool may be erected and used in the interior side or rear yard of any lot in a Residential Zone, and in the front yard of a waterfront lot, provided:

- i. no interior wall surface of any pool is located closer than 1.5 metres to any rear, side or front lot line, or closer than 3.0 metres to any portion of a rear lot line which constitutes a side lot line of an adjoining lot; and
- ii. no water circulation or filtration equipment is located closer than 3.0 metres to any side or rear lot line.

Lot Coverage Exemption

A swimming pool shall not be included in calculating Lot Coverage.

4.35 BUFFER STRIP REGULATIONS

4.35.1 Contents

A “buffer strip” as defined in this By-law, shall consist of a visual screen having a minimum height, unless specified by other specific provisions in Section 7.0 of this By-law, of 1.5 metres above the surrounding ground level and which is uninterrupted except for driveways or walks. A buffer strip shall include a planting screen, or landscaped earth berm, or a combination of these features. The minimum width of a *buffer strip*, unless specified by other provisions in Section 7.0 of this By-law, shall be 3.0 metres, subject to the further provision that the minimum width where an earth berm is to be constructed, shall be the minimum width required to construct a stable berm having slopes no greater than a 3:1 horizontal to vertical ratio.

4.35.2 Landscaped Open Space Supplement

A *buffer strip* required by the provisions of this By-law may form part of the minimum landscaped open space requirements of this By-law.

4.35.3 Maintenance

Where a buffer strip is required by the provisions of this By-law, said buffer strip shall be constructed and maintained by the owner(s) of the lot upon which the buffer strip is located.

4.36 OUTDOOR FURNACE (added by By-law 220-2004)

Notwithstanding any other provisions of this By-law to the contrary, an outdoor furnace shall only be permitted within an Agricultural (A) Zone or a Rural (RU) Zone and shall comply with the following regulations:

- i. Minimum setback from:
 - a) A lot line abutting any Residential Zone 50 metres

- b) Any other lot line 30 metres
- ii. The installation of such unit shall require a building permit.

4.37 SHIPPING CONTAINERS, TRUCK BODIES AND TRACTOR-TRAILERS (added by By-law 220-2004)

i. Residential Zones

Shipping containers, truck bodies, tractor-trailers and other similar containers shall not be situated in any Residential Zone for use as an accessory building or structure or storage structure or building.

ii. Industrial and Commercial Zones

Shipping containers, truck bodies, tractor-trailers and other similar containers may be situated in an Industrial or Commercial Zone for use as an accessory building or structure or storage structure or building subject to the following provisions:

- a) In no case shall such unit be situated in a front yard or exterior side yard.
- b) Minimum setback from:
 - 1) A lot line abutting any Residential Zone 20 metres
 - 2) Any other lot line 10 metres

iii. Agricultural and Rural Zones

Shipping containers, truck bodies, tractor-trailers and other similar containers may be situated in an Agricultural or Rural Zone for use as an accessory building or structure or storage structure or building subject to the following provisions:

- a) Minimum setback from:
 - 1) A lot line abutting any Residential Zone 50 metres
 - 2) Any other lot line 30 metres

4.38 BED AND BREAKFAST ESTABLISHMENTS (added by By-law 220-2004)

The following provisions shall apply to the establishment of a bed and breakfast establishment:

- i. A bed and breakfast establishment shall only be permitted in a single detached dwelling and shall be limited to a maximum of three (3) guest rooms per establishment.
- ii. A bed and breakfast establishment shall not be established or operated in an accessory building.
- iii. One parking space shall be provided per guest room in addition to the required spaces for the dwelling. Such parking spaces shall be on the same lot as the use and shall comply with the requirements of Section 5, of this By-law.
- iv. Bed and breakfast establishments shall be deemed an accessory use to a residential use and shall be permitted only in zones where expressly provided for as a permitted use.
- v. Bed and breakfast establishments shall conform to all regulations and requirements of the zone where permitted.
- vi. A bed and breakfast establishment shall not detract from the general character of the neighbourhood nor be a nuisance in terms of noise, traffic, parking and visual character.
- vii. A bed and breakfast establishment may have a sign(s) in accordance with the Municipal Sign By-law.

4.39 PRIVATE HOME DAY CARE (added by By-law 220-2004)

A private home day care, as defined in this By-law shall be subject to the following regulations:

- i. Such use shall only be established in zones where it is expressly listed as a permitted use.
- ii. Such use shall only be established as an accessory use to a permitted single detached dwelling.