

## 4.0 General Provisions

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## 4.2 Application

The regulations of this section shall apply to all zones.

## 4.3 Uses Permitted in All Zones

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.

### 4.3.1 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;
- 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.

### 4.3.2 Wayside Pits and Quarries

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

### **4.3.3 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**

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; and,
- iii. *adult entertainment parlours*.

### **4.4.1 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;
- 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 Temporary Uses**

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.

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.

## 4.7 Home Occupations / Home Industries

### 4.7.1 Home Occupation

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 (1) of the residents of a *dwelling unit* located on the same *lot*;
- iv. shall not occupy more than 25 % 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 % 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 four (4) students at any one (1) 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 Home Industry

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 (1)* 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 (2)* 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 Municipality of Brighton Official Plan, 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 (2) *lots*.

Group Home Type	Minimum Distance Separation
Type One (1) and <i>Group Home - Type One (1)</i>	4,000 m
Type One (1) and <i>Group Home - Type Two (2)</i>	8,000 m
Type Two (2) and <i>Group Home - Type Two (2)</i>	8,000 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 Dwelling per Lot

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

## 4.9.2 Agricultural or Rural Zone

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.

## 4.9.3 Additional Residential Units

In all Residential Zones, an *additional residential unit* shall be permitted in accordance with the following regulations:

- i. Within a *single detached dwelling, semi-detached dwelling* or *rowhouse*, two (2) *additional residential units* are permitted on a property; and,
- ii. One (1) *additional residential unit* is permitted within an ancillary *building* or *structure* to a *single detached dwelling, semi-detached dwelling* or *rowhouse* if the *single detached dwelling, semi-detached dwelling* or *rowhouse* contains a single residential unit.

In the Rural and Agricultural Zones, an *additional residential unit* shall be permitted in accordance with the following regulations:

- i. Within a *single detached dwelling, semi-detached dwelling* or *rowhouse*, one (1) *additional residential unit* is permitted on a property; and,
- ii. One (1) *additional residential unit* is permitted within an ancillary *building* or *structure* to the principle residential *building*.

The following general provisions apply to all zones containing an *additional residential unit*.

- i. The uses above are subject to the availability of adequate servicing whether such servicing is provided via municipal services or private individual on-site services;
- ii. *Additional residential units* shall not be permitted on a parcel of land, which is located on a *private road* that is not assumed and maintained year-round by the Municipality and where emergency access may be limited;
- iii. *Additional residential units* located within an *accessory building* or *structure* may not be severed as a separate conveyable parcel from the principle dwelling;
- iv. The *additional residential unit* shall be of a size which is less than the *gross floor area* of the principle residential unit;
- v. One (1) off-street *parking space* shall be provided for an *additional residential unit*, in addition to any *parking space* required by the By-law for the principle residential unit;
- vi. That the *additional residential unit* complies with the requirements of the Ontario Building and Fire Code;

- vii. Prohibit *additional residential units* within 10 metres from an Environmental Protection (EP) Zone boundary, or 30 metres from a top-of-bank as defined in Section 2.0 of the By-law;
- viii. Any *additional residential unit* within a floodplain or wave uprush shall comply with Section 4.30.3 and 4.30.4, respectively; and,
- ix. *Additional residential units*, which are located in *accessory buildings* and are detached from the principle dwelling, shall comply with the *accessory building* standards of Section 4.24.

#### **4.9.4 Shared Housing**

*Shared housing* is permitted in all Residential Zones subject to the governing zoning district and parking provisions.

### **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 (Divided 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 Frontage on a Public Street**

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 7.0 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 Separated Lot**

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

### **4.21.3 Frontage on a Private Road**

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 (SR) 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 Non-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**

### **4.24.1 Setbacks for Accessory Buildings**

*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 (i) through (iv), in no case shall an *accessory building* be located closer than 2.0 metres to the *main building* on the *lot*, and
- vi. Notwithstanding any other provisions of this By-law to the contrary, an *additional residential unit* which is located in an *accessory building* and is detached from the principle dwelling, is not permitted within 30 metres of the *high water mark* of any waterbody.

### **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 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 metres from the *rear lot line*.

#### **4.24.3.1 Height Exemptions**

Notwithstanding Section 4.24.3, or any other provision of this By-Law to the contrary, the *height* restrictions shall not apply to any of the following *structures*:

- i. Barn;
- ii. Antenna;
- iii. Belfry;
- iv. Chimney;
- v. Clock Tower;
- vi. Flag Pole;
- vii. Grain Elevator or Storage;
- viii. Grain Dryer;
- ix. Transmission Tower;
- x. Silo;
- xi. Spire;
- xii. Steeple;
- xiii. Ornamental *Structure*;
- xiv. Radio Antenna; and,
- xv. Crushing, Washing, Screening, Processing or Asphalt Plant.

#### **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 Yard Encroachments

(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 metres (10 feet), but not closer than 4.5 metres (15 feet) to the rear *lot line*; and,
- 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*; and,
- 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 Encroachment 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 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 metres;
- iii. Into the required *exterior side yard* a distance of no more than 50 % 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 % 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 metres to the *front lot line*;
- ii. Into the required *exterior side yard* a distance of no more than 50 % 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 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 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 General Industrial (M1), Rural Industrial (M2), Extractive Industrial (EM), Rural (RU) or Agricultural (A) 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 Waterbodies and Watercourses**

Notwithstanding any other provisions of the By-law, unless otherwise permitted by site or area specific provisions in Section 8.0 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 watercourse.

### **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 flood proofed 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; and,
- 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 flood proofed. The minimum elevation for flood proofing 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), or as otherwise demonstrated through a study prepared by a qualified professional to the satisfaction of the conservation authority and Municipality except where the symbol "U" is followed by a number other than 76.4, in which case the alternate number following the "U" shall supersede 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 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 private *swimming pool* may be permitted as an *accessory use* to a permitted *residential use* provided that:

- i. The private pool is located within the *interior side yard*, *rear yard* or in the case of a waterfront *lot*, the *yard* abutting the *shoreline*;
- ii. 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 metres to any portion of a *rear lot line* which constitutes a side *lot line* of an adjoining *lot*; and,
- iii. No water circulation or filtration equipment is located closer than 3 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 walkways. 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 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 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 5.0, 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; and,
- 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; and,
- ii. Such use shall only be established as an *accessory use* to a permitted *single detached dwelling*.

### **4.40 Source Water Protection**

This section applies to lands within the Well Head Protection Area (WHPA-A). The regulations set forth in this section shall apply to the applicable overlay zone and shall be in addition to those regulations set forth in the underlying zone. In the event of a conflict between the provisions of the regulations of this overlay zone and the provisions of the underlying zone, the provisions of the overlay zone shall prevail.

Within the WHPA-A overlay zone, the following uses are prohibited:

- i. Sewage systems;
- ii. Agricultural activities;
- iii. Non-agricultural source material;
- iv. Commercial fertilizer including handling and storage;
- v. Pesticide;
- vi. Road salt including handling and storage;
- vii. Fuel;
- viii. A dense non-aqueous phase liquid (DNAPL);
- ix. Organic solvents;
- x. Waste disposal sites; and,
- xi. Snow storage.

Within the WHPA-A Overlay Zone, any non-residential use that is proposed and listed in this section or any non-residential use that is proposed and has the potential to use or store any of the items listed in this section, shall be prohibited.

#### **4.41 Backyard Hens**

Within the Residential Zones, the following regulations apply respecting the keeping of backyard hens:

- i. A maximum of four (4) hens, at a minimum age of four (4) months may be permitted in the RR, R1, R2, R3, HR Zones, on a *lot* that meets the required *lot area* and frontage and where the hens are contained to the *rear yard* within a coop. A coop must meet the side and *rear yard* setbacks for the zone, be a maximum of 10 square metres in size and be at least 3 metres away from any neighbouring windows or doors.
- ii. Hens shall only be kept for the purposes of egg production and the hens shall not be consumed. Eggs are to be consumed by the property owners and shall not be for sale or distribution to the public.
- iii. Home slaughter of hens is prohibited and any deceased hens shall be disposed of at a livestock disposal facility or through the services of a veterinarian.
- iv. Roosters shall not be permitted.

#### **4.42 Setbacks on County Roads and Provincial Highways**

Notwithstanding the setback requirements established in any other zone of this By-law, on *lots* fronting on a County Road, no *building* or part thereof shall be *erected*, altered or used except in accordance with the requirements of the County of Northumberland Official Plan and the Ministry of Transportation (MTO) guidelines.

#### **4.43 Cannabis Production Facility**

The following provisions shall apply to regulate the location and operation of a *cannabis production facility*, as defined in this By-law:

- a) A *cannabis production facility* shall only be permitted where full municipal services are available, and where there is sufficient municipal sewer and water capacity to support the facility;
- b) Where a *cannabis production facility* is located on a *lot*, no other use shall be permitted on the same *lot*;
- c) A *cannabis production facility* shall not be permitted to locate on a *lot* where any part of the *lot* is closer than 70 metres to a *lot* in the Residential, Commercial, Open Space, Future Development or Community Facility Zones; and,
- d) Where a *cannabis production facility* abuts a non-industrial use, a landscape buffer having a minimum width of 9 metres is to be provided and maintained adjacent to all *lot lines*, and is uninterrupted except by *driveways* and railways.