

SECTION 4. GENERAL PROVISIONS

The provisions of this section apply in all zones except as may be indicated otherwise by this By-law.

4.1 ACCESSORY USES, BUILDINGS AND STRUCTURES

Whenever a use is listed as a permitted use in a particular zone; uses, buildings and structures accessory to that use are also permitted in accordance with the standards applying in the zone in which the said use, building or structure is located and provided that an accessory building or structure shall not

- a) be used for human habitation except where a dwelling unit is a permitted accessory use;
- b) be erected closer to the front lot line than the minimum distance required for the main building on the lot;
- c) be located in the front yard or the exterior side yard;
- d) be erected closer to a street line than the main building is to that street;
- e) be erected closer than one (1.0m) to any lot line except:
 - i.) that common semi-detached garages or carports may be centered on the mutual lot line;
 - ii.) that where a lot line abuts a public lane, an accessory building may be located not less than one half (0.5 m) metre from said lane.
- f) exceed ten (10) per cent coverage of the total lot area;
- g) exceed six (6.0) metres in height or contain more than two storeys;
- h) be erected within two (2.0) metres of the main building except where a dwelling unit is a permitted accessory use;
- i) be considered an accessory building or structure if attached to the main building in any way except where a dwelling unit is a permitted accessory use;
- j) be considered an accessory building or structure if located completely underground.

4.2 TEMPORARY BUILDINGS AND CONSTRUCTION USES

Uses, buildings or structures such as a work camp, employee parking, tool shed, mobile home, trailer, scaffolding, outside storage, signs or equipment incidental to construction are permitted in any zone provided that:

- a) they are used only for as long as they are necessary for construction work in progress which has neither been finished nor abandoned, or a period of one (1) year whichever is the lesser;
- b) they are removed and the lands restored to their previous condition when the construction work for which they are required is terminated.
- c) For the purposes of Section 4.2 only, an existing dwelling, mobile home, park model trailer, travel trailer or similar transportable accommodation, shall be considered to be a temporary building or construction facility when approved by the Chief Building Official.
 - i) In no instance shall an existing dwelling, mobile home, park model trailer, travel trailer or similar transportable accommodation, be used for a temporary building or construction facility for a period lasting no longer than one (1) year commencing on the date in which the Building Permit is issued.
 - ii) An existing dwelling, mobile home, park model trailer, travel trailer or similar transportable accommodation, may only be used for a temporary building or construction facility during the construction of the principal or main use on a property.

- iii) A Building Permit issued for such construction shall note the requirement to remove and/or demolish such temporary buildings, mobile home, park model trailer, travel trailer or similar transportable accommodation within ninety (90) days from when building occupancy has been granted by the Chief Building Official.

4.3 ENCLOSURES

Enclosures to any porch or terrace projecting into a permitted yard of this By-law shall be limited to one (1.0) metre in height exclusive of roof supports, but this shall not prohibit the enclosure of a porch or terrace by latticing or screening or any other form of enclosure provided at least fifty (50) percent of the surface area of the said enclosure is open and unobstructed to the elements.

4.4 ESTABLISHED BUILDING LINES

Notwithstanding any other provisions of this By-law;

- a) where a single unit dwelling is to be erected on a street or road where there is an established building line which is less than otherwise required by this By-law, such dwelling may be erected closer to the street line or to the centreline of the road, as the case may be, provided such dwelling is not erected closer to the street line or to the centre line of the road, as the case may be, than the established building line,
- b) where a single unit dwelling is to be erected on a street or road where there is an established building line which is greater than otherwise required by this By-law, such dwelling shall be erected in accordance with the established building line.
- c) Section 4.4 shall only be applied where at least 50% of the lots on a street or road have a single unit dwelling erected.

4.5 EXISTING LOTS

Existing lots with less than the required minimum lot area and/or minimum lot frontage may be used, and buildings and structures erected or altered thereon, for the purposes specified in the zone in which they are situated, provided:

- a) such lots are serviced or capable of being serviced by approved sanitary sewage facilities where such facilities are required;
- b) such lots have a minimum frontage of ten (10) metres on a road where a dwelling is to be erected;
- c) all other regulations of this By-law are satisfied.

4.6 EXPLORATION AND/OR PRODUCTION OF OIL AND NATURAL GAS

The provisions of this By-law shall not apply to the use of any land for the exploration and/or the production of natural gas or oil, or to the erection, alteration, or use of any building or structure accessory thereto, save and except for Section 4.10 to this By-law.

4.7 EXPROPRIATION AND DEDICATIONS

A lot altered as a result of expropriation, or by dedication to, a public authority and having as a result, less than the minimum lot area, and/or minimum lot frontage, required by this By-law, may be used and a building or structure may be erected, altered or used thereon, provided all other requirements of this By-law are complied with.

Where a use has been legally established on a lot or a building or structure has been legally erected on a lot and such lot is subsequently altered as a result of a road construction project or as a result of a land dedication or expropriation causing the use, building or structure to contravene any regulation of this By-law, the said use, building or structure shall be deemed to comply with this By-law and the said building or structure may be altered, reconstructed, repaired or renovated provided that any regulations that are not complied with are not further contravened and that any regulation that is complied with is not contravened by any works undertaken.

4.8 FRONTAGE ON A PUBLIC ROAD

No person shall erect a building or structure on a lot unless the lot upon which the building or structure is proposed to be erected abuts or fronts on a public road of satisfactory construction and maintenance to permit the reasonable and safe passage of motor vehicles, or vehicular access is otherwise available to a public road by means of a legally registered right-of-way or easement granted in perpetuity. A building or structure may also be erected upon a lot or unit within a registered plan of subdivision or vacant land condominium in accordance with the provisions of a subdivision or condominium agreement in respect of such plan of subdivision or condominium notwithstanding that the roads within such plan of subdivision or condominium have not been assumed or are not being maintained by the Municipality or upon on a lot created by consent and in accordance with an agreement with the Municipality, despite the fact that the road on which the lot has access to has not been assumed and is not being maintained by the Municipality.

4.9 FRONT LOT LINES AND HIGHWAY NO. 401

Where a lot is bounded on one or more sides by the road allowance of Provincial Highway No. 401, the lot lines or portions thereof which abut the said road allowance shall not be deemed to be a front lot line for the purposes of this By-law.

4.10 HAZARD LANDS

No buildings or structures, with the exception of bridges and those designed, used, or intended for flood or erosion control purposes under a permit issued by the conservation authority, shall be erected or used on lands which exhibit a hazardous condition as a result of their instability, susceptibility to flooding, erosion, subsidence, inundation or the presence of organic soils or steep slopes except in accordance with a permit issued by the Conservation Authority.

4.11 HEIGHT EXEMPTIONS

The height regulations shall not apply to any ornamental dome, skylight, chimney, storage silo, barn, tower, elevator enclosure, flag pole, antennae, satellite dish, cupola, steeple or church spire.

4.12 SETBACKS FROM MUNICIPAL DRAINS

No buildings or structures, with the exception of those designed, used, or intended for flood or erosion control purposes or for road purposes, shall be erected:

- a) closer than seven and one-half (7.5) metres from the top-of-bank of a municipal drain having a width of less than four and one-half (4.5) metres from top-of-bank to top-of-bank;
- b) closer than fifteen (15) metres from the top-of-bank of a municipal drain having a width of four and one-half (4.5) metres or more from top-of-bank to top-of-bank;
- c) closer than seven and one-half (7.5) metres from the centreline of a municipal tile drain.

4.13 NON-COMPLYING BUILDINGS AND STRUCTURES ON EXISTING LOTS

Where a building or structure has been erected prior to the effective date on a lot having less than the minimum lot frontage; and/or lot area; and/or setback and/or front yard depth, and/or side yard width, and/or rear yard depth; and/or having more than the maximum lot coverage and/or height required by this By-law, the said building may be used, altered, repaired, or renovated provided all other applicable regulations of this By-law are complied with and the maximum lot coverage and/or maximum height is not further exceeded.

4.14 NON-CONFORMING USES

Nothing in this By-law shall apply to prevent:

- a) the use of any land, building or structure for any purpose prohibited by this By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose; or

b the erection or use for a purpose prohibited by this By-law of any building or structure for which a permit has been issued under the Building Code Act as amended or revised from time to time, prior to the day of the passing of the By-law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under the Building Code Act, as amended or revised from time to time.

4.15 **MINIMUM SETBACKS FROM COUNTY ROADS**

Notwithstanding any other provisions of this By-law, where a building or structure is erected or proposed to be erected adjacent to a county road, and in the absence of an established building line, the following minimum setbacks shall be provided or maintained from the

centerline of such road:

Name	No.	between	and	Classification	Minimum Setback*
Dunborough Road	5	Pioneer Line	Thames River	Collector	24 m
Clachan Road	7	Johnston Line	Thames River	Collector	24 m
Johnston Line	6	Clachan	Furnival Road	Collector	24 m
Queens Line	104	Blacks Road	Rodney Settlement Area	Collector	24 m
McMillan Line	104	Chatham Kent	Blacks Road	Collector	24 m
McDougall Line -Colley Road- Stalker Line	9	Furnival Road	Dunborough Road	Collector	24 m
Pioneer Line	2	Furnival Road	Dunborough Road	Collector	24 m
Furnival Road	103	Talbot line	Thames River	Minor arterial	26 m
Graham Road	76	Talbot Line	Thames River	Minor Arterial	26 m
Talbot Line	3	Chatham Kent	Dunborough Road	Minor Arterial	26 m

*not applicable within settlement areas of Rodney and West Lorne

4.16 **OIL AND GAS WELLS**

No building or structure shall be erected or used within seventy-five (75) metres of an oil or gas well unless such building or structure is related to the production of oil and gas in accordance with the Oil, Gas and Salt Resources Act.

4.17 **OUTDOOR FURNACES**

An outdoor furnace shall:

- a) only be permitted in agricultural or industrial zones;
- b) not be erected within ten (10) metres of a lot line;
- c) not be erected within one hundred and fifty (150) metres of a dwelling situated on a separate lot.

4.18 **PARKING REGULATIONS**

4.18.1 **Required Parking Spaces**

The parking space requirements provided in the following table shall apply to all uses, buildings and structures in all zones with the exception of the Village Core (C1) Zone. The number of required spaces shall be calculated per square metre (m²) of the net floor area of the main building except where expressed otherwise. Parking spaces shall be provided at the time a use is established or changed or a building or structure is erected or enlarged.

		REQUIREMENT
1	abattoir	1 per 25 m ² of retail floor space plus 1 per each employee employed on the largest shift
2	animal clinic	4 per practitioner
3	animal hospital	1 per 45 m ²
4	apartment dwelling	1.5 per dwelling unit
5	art gallery	1 per 50 m ²
6	auction sales establishment	1 per 30 m ²
7	bake shop	1 per 25 m ²
8	banquet hall	1 per 7 seats or 1 per 35 m ² , which ever is the greater
9	bed & breakfast establishment	2 plus 1 per guest room
10	boarding house or rooming house	0.5 per guest room
11	bulk sales establishment	1 per 100m ² of lo area occupied by the bulk sales establishment or part thereof
12	business or professional office	1 per 30 m ²
13	campground or trailer park	2 per campsite
14	church	1 per 5 seats or the equivalent bench space or 1 per 10 m ² where there is no fixed seating, whichever is the greater
15	clinic	1 per 20 m ²
16	club	1 per 7 seats or 1 per 35 m ² whichever is the greater
17	commercial centre	1 per 20 m ²
18	community centre	1 per 10 m ²
19	converted dwelling	1.5 per dwelling unit
20	day care centre, day nursery	1 per 40 m ²
21	dog kennel	1 per 30 m ²
22	double duplex dwelling	1.25 per dwelling unit
23	drive-in restaurant	1 per 10 m ²
24	dry cleaning establishment	1 per 35 m ²
25	duplex dwelling	1.5 per dwelling unit
26	dwelling unit	1 per unit
27	fitness centre	1 per 30 m ²
28	flea market	1 per 30 m ²
29	food processing plant	1 per each employee employed on the largest shift
30	funeral home	1 per 20 m ²
31	garden centre	1 per 30 m ² plus 1 per 100 m ² outside display space
32	gas bar	3
33	general retail store	1 per 25 m ²
34	golf course	4 per hole
35	group home	1 plus 0.5 per bed
36	half-way house	1 plus 0.5 per bed
37	hotel	1.5 per guest room
38	industrial use	1.5 per each employee employed on the largest shift
39	long term health care facility	1 per 2.5 beds
40	laundry establishment	1 per 35 m ²
41	machine shop	1 per 25 m ²
42	market garden	1 per 30 m ² plus 1 per 100 m ² of outside display space
43	micro brewery	1 per 40 m ² of processing area
44	mini-storage warehouse	10
45	motel	1.5 per guest room
46	multiple unit dwelling	1.5 per dwelling unit
47	museum	1 per 50 m ²
48	nursing home or rest home	1 per 2.5 beds
49	Office	1 per 30 m ²
50	paintball park	1 per 50 m ² of playfield
51	personal care establishment	1 per 20 m ²
52	personal service establishment	1 per 15 m ²
53	place of entertainment or amusement	1 per 35 m ²
54	school, elementary	3 plus 1 per classroom
55	school, secondary or private	3 per classroom
56	restaurant	1 per 10 m ²
57	retirement home	0.5 spaces per unit
57	retail store	1 per 25 m ²
58	semi-detached dwelling	2 per dwelling unit
59	senior citizens home	0.5 spaces per dwelling unit
60	service shop	1 per 50 m ²
61	single unit dwelling	2
62	take-out restaurant	1 per 10 m ²
63	tavern	1 per 10 m ²
64	townhouse dwelling	1.5 per dwelling unit
65	triplex dwelling	1.5 per dwelling unit
65	two-unit dwelling	1.5 per dwelling unit
66	variety store	1 per 25 m ²
67	warehouse	1 per each employee employed on the largest shift

4.18.2 Parking for the Physically Challenged

Parking spaces for the physically challenged shall be provided adjacent, and accessible to the building and clearly marked for the parking of vehicles by such persons, in accordance with the following table:

Required Spaces	Required Spaces for Disability Parking
1-25	1
26-50	2
51-75	3
76-100	4

4.18.3 Location of Parking Spaces

The location of a parking space required herein shall be located on the same lot or within the same building or structure as the use building or structure for which the said parking is required. All parking spaces shall be located in an attached or detached private garage, or in a driveway, or in a side or rear yard provided that the lot coverage of the spaces shall not exceed fifty (50) percent of the lot area.

4.18.4 Dimensions of Parking Spaces

A parking space required herein shall have a minimum width of 2.7 m and a minimum length of 5.5 m except that in the case of a parking space for the physically challenged which shall have a minimum width of 3.7 m and a minimum length of 6.0 m. and except for those required to accommodate vehicles with boat trailers which shall have a minimum width of 3 m and a minimum length of 11 m.

4.18.5 Additions to Existing Uses

The parking space requirements of this By-law shall apply to any existing building or structure so long as the floor area of the said building or structure is not increased and the building or structure is used for a purpose which does not require additional parking spaces as required by this By-law than were required by virtue of its size or use on the effective date. Where a use is changed or the floor area of a building or structure is enlarged or there is an increase in the number of divisible units (e.g. seating capacity), then such additional parking spaces shall be provided to the number required for such change.

4.18.6 Calculation of Required Parking Spaces

When calculating the number of required parking spaces, the following shall apply:

- a) where a building, structure or lot accommodates more than one use, the required parking spaces shall be the sum of the required parking spaces for the individual uses. Parking spaces for one use shall not be considered as providing the required parking spaces for any other use.
- b) where seating accommodation is provided by benches, 0.6 m of bench space shall be equivalent to one (1) seat.
- c) if calculation of the required parking spaces results in a fraction, the required parking spaces shall be the next highest whole number notwithstanding Section 1.5 of this By-law to the contrary.

4.19 PROHIBITED USES

The following shall be prohibited in any zone unless specifically permitted otherwise.

- a) a mobile home;
- b) the use of truck, bus, coach, railway car, or streetcar bodies or part thereof for the purposes of any use permitted by this By-law;
- c) the use of any travel trailer, truck camper, or motor home for living, sleeping, eating or accommodation.

4.20 PUBLIC USES

The provisions of this By-law shall not apply to the use of any land or to the erection, alteration or use of any building or structure, or portion thereof, by a public authority provided:

- a) the lot coverage, setback, and yard requirements of the zone in which such land, building, or structure is located are complied with;
- b) no outside storage shall be permitted in a residential zone; in a yard on a lot adjacent to a residential zone; or in a yard on a lot lying opposite a residential zone.

The provisions of a) shall not apply to any use, building or structure erected or used by Hydro One required for the transmission or distribution of electricity.

4.21 RESIDENTIAL DRIVEWAYS

- a) The maximum width of a driveway, measured along the sidewalk where such exists, and along the street line shall otherwise be nine (9.0) metres.
- b) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be nine (9.0) metres.
- c) The minimum distance between a lot line and any driveway, with the exception of a mutual or common driveway, shall be one (1.0) metre. A driveway shall, however, be allowed to intersect a lot line in accordance with the provisions of subsection d).
- d) The interior angle formed between the street line and the centre line of any driveway shall not be less than forty-five (45) degrees.

4.22 SECOND RESIDENTIAL UNITS

Where in this By-law a single unit dwelling is listed as a permitted use, a second dwelling unit shall also be permitted either within that dwelling or within a building accessory to the said dwelling subject to the following:

- a) Where the second dwelling unit is located within the single unit dwelling:
 - i) an independent entrance to the second dwelling unit from the street shall be provided;
 - ii) the requirements of the Ontario Building Code shall be complied with;
 - iii) a minimum height of 2.0 m shall be maintained where located in a basement or cellar;
 - iv) a minimum of one parking space dedicated to the unit shall be provided.
- b) Where the second dwelling unit is located within an accessory building:
 - i) the requirements herein with respect to an accessory building shall be complied with;
 - ii) the requirements of the Ontario Building Code shall be complied with;
 - iii) the dwelling unit shall be connected to the municipal water supply system and the municipal sanitary sewage system where such services are available;
 - iv) where connection to the municipal water supply system is not available, the dwelling unit shall be connected to an individual on-site water service capable of producing a minimum of 18.9 litres/ minute;
 - v) where connection to the municipal sanitary sewage system is not available, the dwelling unit shall be connected to an approved individual on-site sewage service.
 - vi) a minimum of one parking space dedicated to the unit shall be provided.

4.23 SCHOOL BUS HUTS OR SHELTERS

Notwithstanding section 4.1 to the contrary, a school bus hut or shelter

- a) shall not exceed two (2.0) m² in floor area;
- b) shall not exceed three (3.0) m in height;
- c) may be erected in a front yard or exterior side yard;
- d) may be erected closer to a streetline than the main building is to that street line;
- e) may be erected closer than one (1.0) m from a lotline.

4.24 SEWAGE TREATMENT FACILITIES

No residential use shall be permitted closer than one hundred (100) metres from a sanitary sewage lagoon or sewage treatment plant.

4.25 SHIPPING CONTAINERS and STORAGE CONTAINERS

A shipping container or storage container shall not:

- a) be erected or used in a residential zone or institutional zone;
- b) be erected within one (1.0) metre of a lot line;
- c) exceed the maximum floor area and/or the maximum coverage requirement for an accessory building or structure of the zone in which it is situated;
- d) be erected in a front yard or an exterior side yard;
- e) be stacked one on top of the other; and,
- f) be permitted as the sole structure on any property.

Notwithstanding the foregoing to the contrary, a shipping container or storage container may be temporarily located in a residential zone or institutional zone for a period of time not exceeding 30 days in any calendar year. A shipping container shall meet the requirements of the Ontario Building Code.

4.26 SIGHT TRIANGLES

On a corner lot within the triangular space included between the street lines for a distance of nine (9.0) metres from their point of intersection, no building, structure or fence shall be erected, no driveway shall be located, and no shrubs or foliage shall be planted or maintained between a height of one-half (0.5 metres) and three (3.0) metres above the centre line grade of the intersecting streets which obstruct the view of a driver of a motor vehicle approaching the intersection.

4.27 WAYSIDE PITS, QUARRIES, PORTABLE ASPHALT PLANTS, PORTABLE CONCRETE PLANTS

Wayside pits, wayside quarries, portable asphalt plants and portable concrete plants used in conjunction with a road construction project by a public authority or its agents shall be permitted in all zones provided that any portable asphalt plant is not erected any closer than 300 m to an institutional use or a residential use.

4.28 WETLANDS

Within provincially significant wetlands and locally significant wetlands, as shown on the Zone Maps, lands shall remain in their natural state and no change in use shall be permitted and no buildings or structures shall be erected.

4.29 YARD ENCROACHMENTS AND OBSTRUCTIONS

4.29.1 ENCROACHMENTS

No part of any required yard shall be obstructed by any building or structure or portion thereof except one or more of the following:

- a) accessory buildings or structures specifically permitted in a required yard elsewhere in this By-law;
- b) architectural adornments including, but not necessarily limited to, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters and roof trusses, projecting not more than one-half (0.5) metre into any required yard except that no eaves of any building located within a residential zone shall be located closer than 0.6 m to any lot line;
- c) functional and ornamental structures including, but not necessarily limited to, drop awnings, clothes poles, ornamental fountains, statues, monuments, cenotaphs, memorials, planters, garden trellis, fences, boundary and retaining walls, hedgerows and legal signs;
- d) unenclosed fire escapes or outside staircases in which the stair steps and floors are latticed in such a manner that the proportion of voids to solids is not less than two to one and in which guards consist only of hand rails and the structural members necessary to their support, and which do not project more than one and one-half (1.5) metres into any required yard;
- e) awnings, atriums, and bay windows, projecting not more than one (1.0) metre into any required yard and which do not project into any sight triangle;
- f) open roofed porches, decks and uncovered terraces, projecting not more than two and one-half (2.5) metres into any required front yard, exterior side yard, or rear yard, and which do not project into any sight triangle;
- g) central air conditioning or heat pump units provided such units are located a minimum of 1.2 m from a side or rear lot line;
- h) uncovered ramps for the physically challenged.

4.29.2 PROJECTIONS

No part of any building or structure on any lot shall project beyond the lot line or street line of such lot.

4.30 RETAIL SALE OF CANNABIS

Notwithstanding any other provisions of the By-law, where a building or structure will be used for the retail sale of cannabis, the minimum setback shall be no less than one hundred and fifty (150) metres to any Institutional Building or Structure.

4.31 LIGHTING FACILITIES

Where private lighting facilities are provided in any *Zone* to illuminate *buildings* and *structures* or *uses*, they shall be designed to be energy efficient, be directed downwards and located or arranged to deflect glare away from adjacent residential uses, *streets*, and the night sky and to avoid any confusion with traffic signals.