

**(13) LANES AS YARDS**

Where the rear lot line of a lot adjoins any portion of a lane, one-half of the width of that portion of such lane may be considered part of the lot for the purpose of computing the lot area and the rear building setback for such lot, provided that no part of any building or structure is located within such right-of-way.

**(14) LOTS CONTAINING MORE THAN ONE USE**

Where a lot contains more than one use, the lot area requirement shall be the sum of the requirements for the separate uses thereof, but the lot frontage requirement shall be no less than the greater of the lot frontage requirements for each individual use in the zone where such lot is located.

Where a building, structure or lot accommodates more than one use, the parking space requirement for such building, structure or lot shall be the sum of the requirements for the separate uses thereof.

**(15) LOTS DIVIDED INTO MORE THAN ONE ZONE**

Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the zone where such portion of the lot is located. Each such portion of the lot shall be considered as a separate lot for the purpose of determining zone provisions.

**(16) LOTS REDUCED BY ROAD CONSTRUCTION**

Notwithstanding any other provision of this By-law, where, for the purpose of laying out a street, a street widening, or a street realignment, the Corporation, or the Province, acquires a portion of a lot which contains a building or structure, then the remaining portion of the lot and any building or structure thereon shall be deemed to comply with the provisions of this By-law, provided any reduction in a required building or structure setback is not greater than 75% of the minimum setback required by this By-law and,

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provided that the lot area provision and the building or structure situated thereon were lawful prior to the date of such acquisition.

As well, nothing in this By-law shall prevent the use of a vacant lot altered by expropriation for the purpose of laying out a street, a street widening, or a street realignment which has a lesser area and/or frontage than the applicable minimum lot area and/or minimum lot frontage required herein.

**(17) NON-COMPLYING BUILDINGS, STRUCTURES AND LOTS**

**(a) ALTERATIONS TO NON-COMPLYING BUILDINGS AND STRUCTURES:**

Nothing in this By-law shall prevent the enlargement, reconstruction, renovation, repair or replacement of an existing, non-complying building or structure provided such enlargement, reconstruction, renovation, repair or replacement shall not:

- (i) increase the number of dwelling units in the replacement building over those of the original number of dwelling units if the original number of dwelling units exceeds the applicable maximum number of dwelling units permitted herein;
- (ii) increase the portion of the lot area covered by building envelopes if such coverage exceeds the applicable maximum building area permitted herein;
- (iii) reduce the size of any yard adjoining that portion of such building or structure which is less than the applicable minimum building setback required herein;
- (iv) reduce the distance between building envelopes if such distance is less than the applicable minimum building separation required herein;
- (v) increase the overall vertical dimension of such building or structure if such dimension exceeds the applicable maximum building height permitted herein;

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- (vi) reduce the dwelling unit area of any dwelling unit if it is less than the applicable minimum dwelling unit area required herein;
- (vii) reduce the gross floor area of any building or structure if it is less than the applicable minimum gross floor area required herein;
- (viii) increase the net floor area of any building or structure if it exceeds the applicable maximum net floor area permitted herein;
- (ix) reduce the portion of the lot used for landscaping purposes if such portion is less than the applicable minimum landscaping area required herein;
- (x) reduce the size of any planting strip required herein; or
- (xi) contravene any other zone provisions.

**(b) USE OF UNDERSIZED VACANT LOTS:**

Nothing in this By-law shall prevent the use of a vacant lot which has a lesser lot area and/or lot frontage than the applicable minimum lot area and/or minimum lot frontage required herein provided: such lot is an existing lot as defined herein; the proposed use of such lot is a permitted use; and the proposed use shall not contravene any other zone provisions.

**(18) NON-CONFORMING BUILDINGS AND STRUCTURES**

**(a) REBUILDING, REPAIR OR REPLACEMENT PERMITTED:**

Nothing in this By-law shall prevent the rebuilding, repair or replacement of an existing non-conforming building or structure that is damaged or destroyed subsequent to the 9<sup>th</sup> day of October 1979, provided that the external dimensions of the original building or structure, excluding building height, are not increased, the size and number of dwelling units of the original building are not increased and the use of the building or structure is not altered, unless altered to a permitted use.

Notwithstanding the above, where a building or structure is destroyed by a flood or a flood related incidence such as erosion or slumping, then such rebuilding or replacement shall not be permitted unless in conformity with this By-law.

**(b) STRENGTHENING PERMITTED:**

Nothing in this By-law shall prevent the strengthening to a safe condition of an existing non-conforming building or structure, provided that the external dimensions of the original building or structure are not increased and the use of the building or structure is not altered, unless altered to a permitted use.

**(c) VACANT LOTS CREATED BY CONSENT:**

Nothing in this By-law shall prevent the use of land, or the construction of any building or structure where a vacant existing lot was created by consent, and the purpose for which the lot was intended is not in accordance with the list of permitted uses for the zone the lot is located in, provided that the use of the land, or the construction of any building or structure is in accordance with the intended use, as stated in the consent.

**(19) OBNOXIOUS USES**

No person shall within the Zoned Area use any lot or erect, alter or use any building or structure for an animal or fish glue manufacturing use, a blood boiling use, a gas manufacturing use, a noxious use, or a tannery.

**(20) OCCUPANCY OF PARTIALLY COMPLETED DWELLING HOUSES**

No new dwelling house, or the addition to an existing dwelling house, shall be used for human habitation before the main walls and roof have been erected, the external roofing and siding have been completed, and services and utilities have been installed and are operable.

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**(21) PARKING AREAS**

**(a) SIZE:**

Each parking space shall be at least 6.0 metres long, 3.0 metres wide and have a vertical clearance of at least 2.0 metres.

**(b) LOCATION:**

The required parking area shall not form part of any street or lane. The required parking area shall be provided on the lot occupied by the building, structure or use for which the said parking area is required. No part of any parking space shall be located closer to any front lot line than 1.5 metres, provided such parking area complies with the provisions of Section 3(28) herein, and to any side lot line for the lesser of, any driveway setback or any required side yard setback for that zone.

**(c) ACCESS:**

Access to parking spaces shall be by means of a driveway contained within the lot on which the parking spaces are located and leading to an adjacent Improved Street.

**(d) SURFACE:**

Each parking area and driveway connecting the parking area with a street, shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

**(e) RESTRICTIONS IN RESIDENTIAL ZONES:**

No person shall use any outdoor parking area or parking space in a Residential zone to park a vehicle, unless such vehicle bears a vehicle license plate, or sticker, which is currently valid.

**(22) PEDESTRIAN ACCESS**

Where dwelling units are permitted in Non-Residential buildings, such dwelling units shall be provided with pedestrian access through a hallway common to the residential uses then, directly to an adjacent street for the sole use of the occupants of the dwelling units.

**(23) PLANTING STRIPS**

**(a) SIZES:**

Each planting strip shall be at least 3.0 metres wide and have a vertical dimension of at least 1.5 metres, unless otherwise specifically set out in a zone.

**(b) INTERRUPTION FOR DRIVEWAY OR WALKWAY:**

Where a driveway or walkway extends through a planting strip, it shall be permissible to interrupt the planting strip within 3.0 metres of the edge of such driveway, or within 1.5 metres of the edge of such walkway.

**(c) LANDSCAPING AREA:**

A planting strip referred to in this subsection may form part of any landscaping area required by this By-law.

**(24) PRIVACY YARDS**

Where this By-law requires a privacy yard to be provided, the size of such privacy yard shall be calculated in accordance with the following:

- the minimum depth of a privacy yard shall be a distance (measured from and at right angles to the exterior wall adjoining such privacy yard) as set out herein for the applicable use in the zone where such use is located; and
- the minimum width of a privacy yard shall be 5.0 metres (measured parallel to the exterior wall adjoining such privacy yard so that, on each side of the vertical centerline of the window requiring such privacy yard, there shall be a minimum width of 2.5 metres).

**(25) PUBLIC USES****(a) STREETS AND INSTALLATIONS:**

Nothing in this By-law shall prevent the use of land for a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipeline, lighting fixture, overhead or underground electrical or telephone line or other supply line or communication line or structure clearly ancillary to the foregoing, provided that the location of such street, main, line, fixture or structure has been approved by the Corporation. Notwithstanding the generality of the foregoing, this approval by the Corporation shall not be required for any public works project which has been authorized pursuant to the Environmental Assessment Act, as amended.

**(b) ZONES WHERE PERMITTED:**

Except as provided in clause (a) hereof, the only public uses permitted in a specific zone shall be those public uses listed as permitted uses in the said zone.

**(c) REQUIREMENTS IN RESIDENTIAL ZONES:**

Any above-ground, non-residential, public use which is located in a Residential zone shall be enclosed in a building designed, located and maintained in general harmony with the Residential buildings permitted in such zone.

**(26) SATELLITE DISHES, TELEVISION AND RADIO ANTENNAE****(a) USES PERMITTED:**

A satellite signal broadcast or receiving dish, television and radio antennae and their supporting towers are permitted in all zones.

**(b) LOCATION:**

Radio and television antennae and their supporting towers may be located in all parts of rear and side yards, but no part of any such structure may be extended beyond the limits of the lot upon which it is erected.

A satellite signal broadcast or receiving dish shall be permitted in all yards, provided such dishes are not located closer to any lot line than a distance equal to the greater of, the diameter of the satellite signal broadcast receiving dish or, where the use is a residential dwelling, the minimum yards required in the zone.

**(c) HEIGHT:**

Satellite signal broadcast or receiving dishes may be located on the roof of a building, but the height may not exceed the height limits of the zone in which the building is located. When located in a Non-Residential zone where the building abuts a Residential zone the height limits may not exceed the height of the abutting Residential zone. This restriction shall not apply to federally licensed installations.

**(27) SETBACKS FROM SPECIAL USES**

**(a) SEPARATION DISTANCES BETWEEN AGRICULTURAL AND NON-AGRICULTURAL USES:**

Where a non-agricultural use is to be built or expanded in close proximity to existing livestock facilities, or new or expanding livestock facilities are being constructed and/or expanded near a non-agricultural use, whether existing or approved for development, the separation distance shall be in accordance with the Minimum Distance Separation Formulae of the Ministry of Agriculture and Food.

In cases where a building or structure requires rebuilding, repair or replacement because it is damaged or destroyed by a catastrophe, subsequent to the 9<sup>th</sup> day of October 1979, nothing shall prevent such rebuilding, repair or replacement. However, where a livestock facility is to be rebuilt, repaired or replaced, the livestock type may not be switched to a type with a higher odour potential, no increase in the number of nutrient units housed therein is permitted, and no switch to a manure system type with a higher odour potential is permitted.

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