

SECTION 4 - GENERAL PROVISIONS

4.1 APPLICATION

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

Nothing in this By-law shall operate to relieve any person from the obligation to comply with the requirements of the Building By-law or any other By-law of the Municipality in force from time to time or the obligation to obtain any license, permit, authority or approval required under any by-law of the Municipality.

4.2 ACCESSORY USES

Accessory uses, buildings or structures, are permitted in any yard, in any zone, subject to the provisions of this By-law for the particular zone in which said building or use is located, and provided that no accessory building or use:

- a) Shall be used for human habitation, except where a dwelling unit is a permitted accessory use;
- b) Shall with the exceptions of buildings and structures in the agricultural zone be built closer to the front lot line than the minimum distance required by this By-law for the main building on the lot;
- c) Shall with the exceptions of buildings and structures in the agricultural zone be located in the front yard or exterior side yard, in the case of a corner lot;
- d) Shall with the exception of buildings and structures in the agricultural zone be built closer to the street than the main building is to that street;
- e) Shall with the exception of buildings and structures in the agricultural zone be built closer than one (1.0) metre to any side or rear lot line except:
 - i) That common semi-detached private garages or carports may be centred in 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) metre from the said lane.
- f) Shall exceed ten (10) percent coverage of the total lot area or 80.0 m², whichever is less;
- g) Shall exceed 6.0 metres in height or contain more than two storeys;
- h) Shall be built within 2.0 metres of the main building;
- i) Shall be considered as an accessory building if attached to the main building in any way;

- j) Shall be considered an accessory building if located completely underground.

4.3 COMMERCIAL ACCESSORY USES

Notwithstanding any other provisions of this By-law, where a commercial use is permitted as an accessory use in an industrial zone, it shall not exceed ten (10) percent of the total floor area of the main building, and shall not exceed a maximum floor area of 280.0 m².

4.4 RESIDENTIAL ACCESSORY USES

Notwithstanding any other provisions of this By-law, where one dwelling unit is permitted as an accessory use in a commercial, institutional, open space, or industrial zone, the minimum lot area shall be 950.0 m² in addition to the minimum lot area requirements of the zone in which it is erected, and, in the case of a single unit dwelling unit the maximum building height shall be 9.0 metres, and the minimum floor area shall be 80.0 m².

4.5 HOME OCCUPATIONS

Where a home occupation is permitted in a particular zone, the following provisions shall apply:

- a) No outside storage of materials, containers, or finished products is permitted;
- b) No change to the character of the dwelling as a private residence is permitted;
- c) No nuisance, particularly in regard to noise, odour, light, dust, traffic or parking will be created;
- d) No mechanical equipment is used, the operation of which would result in any undue noise, fumes, dust, or odour escaping to any adjoining premise;
- e) The accessory building or any area of main building used for home occupation does not exceed more than 25 percent of the total floor area of the dwelling unit not including basement or cellar and, for greater clarity, such uses include a bed & breakfast establishment, the offices or consulting room for a profession such as a physician, dentist, chiropractor, lawyer, engineer, accountant, teacher, musical instructor when a single pupil is instructed at a time, the office for a trade such as a painter or electrician and the workroom for a dressmaker, milliner, or hairdresser, but does not include or permit a clinic, tea room, convalescent home, mortuary, funeral parlour, dancing school, hairdressing if more than two persons are engaged in the business, or any similar use or other commercial use or institutional use or a workshop, storage yard, parking area or plan for any of the trades;
- f) No more than 5 persons permitted in dwelling at one time to receive treatment, services, or instructions;
- g) No use of swimming pools as a home occupation;

- h) No more than 2 persons may be employees of home occupation which are not permanent residents of dwelling, and shall clearly serve a support role to the home occupation;
- i) No animal, corpse, bacteria, or virus shall be brought into dwelling in connection with a home occupation;
- j) No delivery of materials to the dwelling unit from a vehicle that has a gross registered weight exceeding 5,000 kilograms.

4.6 AGRICULTURAL HOME OCCUPATIONS

Where an agricultural home occupation is permitted in a particular zone, the following provisions shall apply:

- a) Storage of materials, containers or finished products in the front or side yards shall not be permitted;
- b) Any building or structure, excluding that for residential use, used for an agricultural home occupation shall not exceed 70 m² of ground floor area;
- c) Without limiting the generality of the foregoing, agricultural home occupations may include a carpentry shop, a welding shop, a machine shop, a small tool repair shop, a tile drainage contractor, seed sales, seed cleaning, a trucking operation to a maximum of two (2) trucks, and home craft operations such as pottery or a weaving operation.

4.7 PUBLIC USES

The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Municipality or by any local board thereof as defined by the Municipal Act, as amended from time to time, any railway, telephone, telegraph, or gas company, any department of the Government of Ontario or Canada, Hydro One or any other public authority provided that:

- a) The lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structure is located shall be complied with;
- b) No goods, material, or equipment shall be stored in the open in a residential zone or in a lot abutting a residential zone;
- c) Any building erected in a residential zone under the authority of this paragraph shall be designed and maintained in general harmony with residential buildings of the type permitted in the zone.
- d) Any parking and loading regulations for these uses are complied with.

4.8 **CONSTRUCTION USES**

Notwithstanding any other provision of this By-law, uses such as a construction camp or other such temporary work camp, a tool shed, mobile home, scaffold, sign or other building incidental to construction are permitted in any zone provided that:

- a) Any sign which is erected does not exceed 3.0 m² in area;
- b) Such uses or buildings are used only as long as same are necessary for work in progress which has neither been finished nor abandoned, or a period one (1) year whichever is the lesser;
- c) Such uses or buildings are removed when the work for which they were permitted is terminated.

4.9 **PROHIBITED USES**

4.9.1 The following uses shall be prohibited in any zone unless otherwise provided for:

- a) The use of any land or the erection and use of any building or structure for the purposes of storage of unlicensed vehicles, wrecking yards, salvage yards, dumps, the collection of rags, junk, any refuse, scrap iron, or other scrap metals;
- b) The location and use of a mobile home for the purposes of residential, commercial, industrial, or institutional uses on a temporary or permanent basis;
- c) Buildings or other structures to be erected or used for industrial uses and processes in which natural resources are used as a raw material (e.g. lumber, earth, clay, sand, gravel, stone, rock, oil, gas or any other similar material) shall be erected or used not closer than 300 metres from the boundary line of any residential zone.

4.9.2 Obnoxious Uses

Any use, which due to its nature or the materials used therein, is declared under The Public Health Act, or any regulations adopted thereunder, to be a noxious trade, business or manufacture is prohibited.

4.9.3 Dangerous Uses

No land, building or structure shall be used in the municipality for the industrial manufacture of coal oil, rock oil, fuel oil, burning fluid gas, naphtha, benzene, gasoline, dynamite, dualene, nitroglycerine, gun powder, petroleum, and petroleum liquid material that is likely to create danger to health, or danger from fire or explosion.

4.10 NON-CONFORMING USES

The provisions of this By-law shall not apply:

- a) To prevent 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 this By-law, so long as it continues to be used for that purpose; or
- b) To prevent the erection or use for a purpose prohibited by the By-law of any building or structure for which a permit has been issued under Section 8 of the Building Code Act, as amended, from time to time, prior to the day of the passing of this 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 providing the permit has not been revoked under Section 8 of the Building Code Act, as amended, from time to time, provided the erection of such building or structure is commence within two years after the day of the passing of the By-law and such building or structure is completed within a reasonable time after the erection thereof is commenced.

4.11 NON-COMPLIANCE WITH MINIMUM LOT OR YARD REQUIREMENTS

Where a building has been legally erected prior to the effective date on a lot having less than the minimum frontage and/or area, or having less than the minimum setback and/or side yard and/or rear yard required by this By-law, the said building may be rebuilt, enlarged, repaired or renovated provided that:

- a) The rebuilding, enlargement, repair or renovation does not further reduce a non-complying front yard and/or side yard and/or rear yard having less than the minimum required by this By-law, and
- b) Where it is feasible, a building shall be rebuilt with the required yard setbacks; and
- c) All other applicable provisions of this By-law are complied with.

4.12 EXISTING LOTS

Notwithstanding any other provisions of this By-law, legally existing lots with less than the required lot area or lot frontage may be developed for the use specified in the appropriate zone provided all other regulations of the By-law are satisfied, and in the case of lots where buildings or structures requiring sanitary sewage facilities are to be erected thereon:

- a) Such lots are serviced by approved sanitary sewage services;
- b) Such lots have a minimum frontage of 20.0 metres on a public street where a public water supply is not available.

4.13 HAZARD LANDS

4.13.1 Notwithstanding any other provisions of this By-law, no permanent buildings or structures shall be erected or used:

- a) Closer than 3.0 metres from the centreline of any enclosed drain;
- b) Closer than 7.5 metres from the top-of-bank of the open portion of the Brown Drain in the Village of Dutton;
- c) Closer than 15 metres from the top-of-bank of an open drain having a width of 7.5 metres or less, from top-of-bank to top-of-bank;
- d) Closer than 30 metres from the top-of-bank of an open drain having a width of greater than 7.5 metres from top-of-bank to top-of-bank;
- e) Closer than 15 metres from the top-of-bank of a natural watercourse;
- f) Closer than 30 metres from the top-of-bank of the Thames River;
- g) Closer than:
 - i) 150 metres from the top-of-bluff of the Lake Erie shoreline; or
 - ii) 3 times the height in metres measured from top-of-bluff to toe-of-bluff plus 100 times the annual rate of erosion as determined by the Conservation Authority, but not less than 30 metres from the Lake Erie shoreline;

whichever is the lesser distance.

4.13.2 Notwithstanding any other provisions of this By-law, no permanent buildings or structures shall be erected or used on lands which exhibit, or potentially exhibit, a hazardous condition as a result of their susceptibility to flooding, erosion, subsidence, inundation or the presence of organic soils or steep slopes.

4.14 MUNICIPAL WATER SUPPLY

No new dwelling shall be erected or used, which is not connected to the municipal water supply system, where such system exists at the street line.

4.15 OCCUPANCY OF PARTIALLY COMPLETED BUILDINGS

No new building shall be occupied before the main side walls and roof have been erected and the external siding and roofing have been completed, and sanitary conveniences installed and, where applicable, kitchen and heating facilities have been installed and are in satisfactory working order.

4.16 TRUCK, BUS AND COACH BODIES OR TRAVEL TRAILERS, TRUCK CAMPERS, MOTOR HOMES OR TENTS USED FOR HUMAN OCCUPANCY

4.16.1 No truck, bus, coach or streetcar body shall be used for human occupancy within the Municipality whether or not the same is mounted on wheels.

4.16.2 No travel trailer, truck camper, motor home, or tent shall be used for the living, sleeping or eating accommodation of persons within the Municipality for a period of no more than sixty (60) days in any period of ten (10) consecutive months unless such travel trailer, truck camper, or motor home is located in a campground licensed by the Municipality under the Municipal Act.

4.17 STREET FRONTAGE OF BUILDING LOTS

Except as hereinafter provided in this By-law, no person shall erect a building or structure and no person shall use any land, building, or structure, unless the lot or parcel to be so used or upon which the building is situated, erected or proposed to be erected abuts or fronts on a public street or public road.

4.18 SIGHT RESTRICTION ON CORNER LOT

4.18.1 Notwithstanding any other provisions of the By-law, and except in any hamlet or village commercial zone, on a corner lot within the triangular space included between the street lines for a distance of 9.0 metres from their point of intersection, no building or structure shall be erected, no driveway shall be located, no sign, fence or boundary wall shall be placed, nor shall any shrubs or foliage be planted or maintained (more than 0.8 metres high) which obstruct the view of a driver or a vehicle approaching the intersection.

4.18.2 In all zones, on a lot abutting a railway where the railway and a street intersect at the same grade, no building or structure shall be erected in such a manner as to materially impede vision above a height of 0.6 metres above the centreline grade of the intersecting street in the triangular area bounded by the railway and the street line and a line from the points along such railway and such street line measuring 50 metres from the point of the intersection thereof.

4.18.3 Where such railway intersection is unprotected, the sighting triangle will be increased to 90 metres along the streetline, and a distance of 400 metres measured along the railway or a distance required by Transport Canada.

4.19 PRIVATE GARAGES AND DRIVEWAYS ON CORNER LOTS

4.19.1 Notwithstanding any other provisions of this By-law, no private garage on any corner lot shall be located closer than 3.5 metres to the exterior side lot line; and

4.19.2 Notwithstanding any other provisions of this By-law, no portion of any driveway shall be located closer than nine 9.0 metres to the intersection of the two street lines or their projections.

4.20 ESTABLISHED BUILDING LINE ON STREETS OR ROADS

Notwithstanding any other subsequent provisions of this By-law, where a single-unit detached dwelling or accessory use thereto is to be erected within a built-up area where there is an established building line, such dwelling or accessory use may be erected closer to the street line or to the centre line of the street or road, as the case may be, than required by this By-law provided such dwelling or accessory use is not erected closer to the street line or to the centre line of the building line on the date of passing this By-law.

4.21 USE OF YARDS ON LANDS WITHOUT BUILDINGS

Where land is used for or in connection with residential, commercial, industrial, or institutional uses but without any buildings or structures thereon, all yards required by this By-law on a lot in respective use zone shall be provided and maintained as yards and the applicable regulations shall apply, except where the land or lot is used for gardening or open space purposes not provided by this By-law in such use zone.

4.22 YARD AND OPEN SPACE PROVISIONS FOR ALL ZONES

No part of a yard or other open space required about any building for the purpose of complying with the provisions of this By-law shall be included as part of a yard or other open space similarly required for another building.

4.23 PERMITTED ENCROACHMENTS IN YARDS

Unless otherwise specified in this By-law, every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky, provided, however, that those structures listed below shall be permitted to project into the yards indicated for the distance specified:

Structure	Permitted Yard	Maximum Projection from main wall
Window sills, belt courses, cornices, eaves, gutters, or pilasters	Any yard	0.6 m
Fire escapes and exterior staircases	Rear yard only	1.5 m
Bay windows, chimneys and awnings	Front and rear yards only	1.0 m
Open, roofed porches not exceeding one storey in height, uncovered terraces	Front and rear yards only	2.5 m (including eaves, cornices, and canopies)
Decks	Rear and side yards only	Not closer than 1.0 m to any lot line
Heat pumps, air exchangers, air conditioners	Any yard	1.5 m

4.24 ENCLOSURES

Enclosures to any porch or terrace permitted in Section 4.24 of this By-law shall be limited to 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 other form of enclosure which permits a minimum of 50% of air to pass through at all times.

4.25 BUFFER (PLANTING) STRIPS

- 4.25.1 A buffer strip shall be located within the zone for which it is required; it shall be planted, nurtured and maintained by the owner of the lot on which the buffer strip is located; and replacement of trees and plants be made by the owner, as necessary from time to time.
- 4.25.2 A buffer strip shall be used for no other purpose than planting a continuous row of trees or a continuous row unpierced hedgerow of evergreens or shrubs, not less than 2.0 metres high, immediately adjacent to the lot line or portion thereof along which such buffer strip is required hereunder; the remainder of the strip shall be landscaped and planted with ornamental shrubs, flowering shrubs, flower beds or a combination thereof.
- 4.25.3 Where a buffer strip is required in any zone, it shall be of minimum width as specified in the regulations for that zone.
- 4.25.4 In all cases where access driveways extend through a buffer strip, it shall be permissible to interrupt the strip within 3 metres of the edge of such driveway.
- 4.25.5 A buffer strip may form part of any required landscaped open space, including the required front, side and rear yards.
- 4.25.6 Where a commercial or an industrial zone abuts a residential zone, an institutional zone, or an open space zone, or a Provincial Highway, a strip of land not less than 4.5 metres in width adjacent to land inside the commercial or industrial zone boundary shall not be used for any other purpose than a buffer strip.
- 4.25.7 Where an institutional zone abuts a residential zone, a strip of land not less than 3 metres in width adjacent to and inside the institutional zone boundary shall not be used for any other purpose than a buffer strip.

4.26 COMMERCIAL AND INDUSTRIAL ZONES ABUTTING OR ADJACENT TO RESIDENTIAL, INSTITUTIONAL, AND OPEN SPACE ZONES

Where any commercial zone or industrial zone fronts on a street or road opposite to, or directly abuts any residential zone, institutional zone, or open space zone, the following provisions shall be complied with:

- a) No parking of vehicles with capacity over nine hundred (900) kilos shall be permitted in any side yard adjacent to the neighbouring zone;
- b) No loading space shall be located in, nor open onto any side yard adjacent to the neighbouring zone;

- c) Exterior lighting and illuminated signs shall be so arranged as to deflect light away from adjacent neighbouring zone;
- d) Outside storage shall be prohibited in any front yard or side yard adjacent to the neighbouring zone;
- e) A buffer strip shall be provided in accordance with the provisions of Section 4.25.6.

4.27 PARKING REQUIREMENTS

4.27.1 For every type of building listed below erected, altered, or enlarged in any zone after the passing of this By-law, off street parking shall be provided and maintained in accordance with the following provisions:

Type of Use or Building	Minimum Parking Required
Single-unit dwellings, converted dwellings, dwelling units located in commercial buildings, senior citizen home, semi-detached dwellings, duplex dwellings	One (1) parking space
Triplexes, double duplexes, row housing, maisonettes, townhousing, apartment buildings	One and one-quarter (1.25) parking spaces per dwelling unit
Senior citizen housing	One (1) parking space for four (4) dwelling units
Restaurants, community centres, clubs, theatres, halls, places of entertainment	Where there are fixed seats, one (1) space for every four (4) seats
Hospitals, nursing homes, rest homes, and welfare	One (1) parking space for each two (2) beds
Schools	One (1) parking space for each teacher and staff member
Churches	One parking space for every four (4) seats
Hotels, motels, taverns	One (1) parking space per rental unit, one additional parking space for each 10 m ² of floor area devoted to public uses such as restaurants, taverns and other eating places associated with motels and staff houses
Boarding houses, rooming houses, tourist home, or bed and breakfast establishment	One (1) parking space for every room rented in addition to that required for a dwelling if applicable
Retail stores	One (1) parking space per 30 m ²
Offices, general and professional	One (1) parking space per 30 m ² of office floor area

Type of Use or Building	Minimum Parking Required
All other commercial uses	One (1) parking space per 60 m ²
Industrial uses	One (1) parking space for every two (2) employees on the largest shift
Home occupation	One (1) off-street parking space for each 20 m ² of floor area devoted to said use in addition to that required for the dwelling
Agricultural uses	Four (4) parking spaces per farm

4.27.2 Addition to Existing Use

Where a building or structure has insufficient parking spaces on the date of passing of this by-law to conform to the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition or a change of use provided, however, that any additional parking spaces required by this By-law for such addition or change of use are provided in accordance with all provisions hereof respecting parking spaces and parking areas.

4.28 STANDARDS FOR PARKING AREAS

Where in this By-law parking areas for more than four (4) vehicles are required or permitted:

- a) Adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Municipality;
- b) Parking area shall have a cement or asphalt binder or any other permanent type of surfacing to prevent the raising of dust or loose particles, and the limits of said parking area shall be defined by a fence, curb, or other suitable obstruction designed to provide a neat appearance; and prevent the encroachment of vehicles on adjoining property;
- c) The lights used for illumination of parking areas shall be so arranged as to divert the light away from adjacent lots;
- d) A structure, not more than 3 metres in height and not more than 4.5 m² in area may be erected in a parking area for the use of parking attendants;
- e) No sign other than directional signs and a sign indicating the name of the premises, not exceeding 1.0 m² in size, shall be erected on any parking area or parking lot;
- f) Parking areas shall be within 90 metres of the main entrance of the location which it is intended to serve, and shall be situated in the same zone;

- g) No gasoline pumps or other service station equipment shall be located or maintained in any parking area;
- h) A strip of land not less than 3 metres wide lying within the lot in which the parking area is located, and along all boundaries of said area shall be used for landscaping excluding those areas used as entrances and exits.

4.29 LOADING SPACES

No person shall erect or use any building or structure in any commercial or industrial zone which involves the movement of goods, merchandise, or materials unless off-street loading spaces are provided and maintained upon the same lot on which the principal use is located in accordance with the following provisions:

- a) One loading space shall be provided for every 1900 m² or fraction thereof of the total floor area, to a maximum of six (6) loading spaces in any loading area except where the total floor area is less than 300 m² whereby no loading space shall be required;
- b) Loading spaces shall have dimensions not less than 3.5 metres by 14 metres;
- c) Loading spaces shall not have less than 4.5 metres of clearance.

4.30 STANDARDS FOR LOADING SPACES

Where in this By-law loading spaces are required or permitted, the following standards shall apply:

- a) Adequate driveway space to permit the safe manoeuvring of vehicles on the lot such that they do not cause an obstruction or a hazardous condition on adjacent streets;
- b) Adequate drainage facilities in accordance with requirements of the Municipality;
- c) Loading spaces and approaches to be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- d) Illumination of loading spaces so arranged as to be diverted away from any adjacent residential, institutional, or open space zone;
- e) Loading spaces to be located in the rear yard where a lot has access at both the front and rear to a street or road.

4.31 STANDARDS FOR ENTRANCES AND EXITS FOR LOADING AND PARKING AREAS

Where in this By-law, loading spaces or parking areas for more than four (4) vehicles are required or permitted:

- a) Entrance and exit ramps for vehicular traffic shall not exceed two (2) in number and each ramp shall have a maximum width of 7.5 metres;
- b) A driveway leading to any loading area or parking area shall have a minimum width of 3 metres for one-way traffic, and a minimum width of 6 metres for two-way traffic, and the maximum width of a driveway shall be 7.5 metres.
- c) A driveway leading to a loading area or parking area shall be defined by a curb of concrete or rolled asphalt and be maintained with a cement or asphaltic binder or any other permanent surfacing. In addition, said driveway shall be located no closer than 15.0 metres from the limits of the rights-of-way at a street intersection;

4.32 PARKING OF MOTOR VEHICLES WITHOUT CURRENT LICENSE PLATES

Notwithstanding any other provisions of this By-law, no person shall use any zone for the parking or storage of any vehicle that does not have current license plates except where such vehicles are stored inside a private garage in a residential zone, or inside accessory buildings in an agricultural zone, and any number of such vehicles may be stored at a motor vehicle sales or service establishment, in a commercial zone.

4.33 PARKING REGULATIONS IN RESIDENTIAL ZONES

- 4.33.1 All parking spaces in any residential zone shall be located in an attached or detached private garage, or in a driveway, or in a side or rear yard, or in the case of a motor home, travel trailer, or truck camper shall be parked in a side yard or rear yard only, and provided that the lot coverage of the spaces shall not exceed fifteen (15) percent of the total lot area.
- 4.33.2 No motor vehicle shall be parked or stored in any residential zone other than a private passenger automobile, a motor home, travel trailer, or truck camper, or in the case of a commercial motor vehicle as provided for in Section 4.33.3 and 4.33.4 of this By-law.
- 4.33.3 No commercial motor vehicle, having a capacity of greater than 6000 kilos, shall be parked or stored in the Hamlet Residential (HR), Limited Service Residential (LSR), or either Village Residential (VR1 and VR2) Zone.
- 4.33.4 No commercial motor vehicle, having a capacity of greater than 6000 kilos, shall idle for an extended period of time in the Hamlet Residential (HR), Limited Service Residential (LSR), or either Village Residential (VR1 and VR2) Zone.

4.34 EXPLORATION AND/OR PRODUCTION OF NATURAL GAS OR CRUDE OIL

This by-law shall not apply to the use of any land for the exploration and/or production of natural gas or crude oil, or to the erection, alteration, or use of any building or structure accessory thereto.

4.35 HEIGHT EXEMPTIONS

The height regulations of this By-law shall not apply to any farm building or structure, ornamental dome, skylight, chimney, tower, elevator enclosure, flag pole, antennae, radio or television receiving or transmitting equipment, cupola, steeple, church spire, clock towers, water tanks, ventilators or any accessory mechanical appurtenances. Such features, however, shall be erected only to such height as is necessary to accomplish the purpose they are to serve.

4.36 GRADING**4.36.1 Excavations**

No person shall make any excavations or remove any topsoil, peat, earth, sand or gravel from any lot, alone or in conjunction with any construction work, unless the written permission of the Municipality or a building permit with respect to such construction work has first been obtained, and except in accordance with any requirements of the Corporation with respect to retention of topsoil and peat, grading and finished elevations.

4.36.2 Removal or Levelling of Hills

This By-law shall not apply to prevent the removal or levelling of hills for the purposes of increasing or improving land for agricultural uses so long as no excavation takes place below the average grade of the land surrounding the said hill.

4.37 SWIMMING POOLS

The following regulations shall apply with respect to the erection or use of a swimming pool that is not enclosed or otherwise located within a building:

- a) A swimming pool is permitted as an accessory use in any zone;
- b) A swimming pool shall not contribute to lot coverage as regulated in any zone of this by-law;
- c) A swimming pool shall not be located in any yard other than a side yard or a rear yard;
- d) No part of a swimming pool shall be located closer than one (1.0) metre to any lot line;

- e) No part of a swimming pool shall exceed a height of 2.0 metres, exclusive of related structures which shall not exceed a height of 4.0 metres;
- f) Every swimming pool shall be enclosed by a fence of at least 1.2 metres in height equipped with a gate capable of being locked;
- g) No water circulating or treatment equipment such as pumps or filters or any accessory building or structure containing such equipment, shall be located closer than 1.0 metre to any lot line, unless it is an existing building or structure.

4.38 LOSS BY NATURAL CAUSES

Notwithstanding any other provisions of this By-law (save and except for any section dealing buildings and structures on Hazard Lands), where a legally constructed building or structure is destroyed or partially destroyed by fire or other natural causes, replacement of the said building or structure to the same basic dimensions and on the same basic site may be permitted.

4.39 LOTS REDUCED BY PUBLIC ACQUISITION

4.39.1 Where the area of a lot is reduced by means of an acquisition of part of the lot by any authority having power of expropriation, and where such acquisition causes the lot as reduced, or any building or structure existing lawfully on the lot on the date of such acquisition, to have a lot area, lot frontage, lot coverage, parking, area of landscaped open space, setback, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then nothing in this By-law shall apply to prevent the continued use of the lot as reduced as if no such acquisition had taken place, provided that:

- a) No further change is made in the dimensions, area or any other characteristics of the lot as reduced, subsequent to the date of such acquisition, that would increase the extent of the said non-conformity; and
- b) No building or structure or addition thereto is erected on the lot as reduced, subsequent to the date of such acquisition, except in accordance with all the provisions hereof for the zone in which such lot is located.

4.39.2 In the case of a road widening dedication, the land that has been or will be dedicated shall be included in any calculation for the purpose of determining lot area, coverage, height, parking, landscaped open space, floor area, floor area ratio, and the location of any permitted building or structure relative to the required side or rear yards, provided any building or structure is located wholly within the boundary of the land remaining after the dedication.

4.40 ADULT ENTERTAINMENT PARLOURS

4.40.1 Notwithstanding any other provision of this By-law, an Adult Entertainment Parlour shall be prohibited in any zone or on any site or location that is situated less than 500 metres from an existing residential or institutional use.

4.40.2 An Adult Entertainment Parlour shall also be prohibited in any zone or on any site or location that is situated less than 500 metres from any zone that permits residential or institutional uses.

4.41 ANCILLARY SALE OF AUTOMOBILES

Sales of automobiles ancillary to a motor vehicle service station, public garage, or motor vehicle body shop shall be limited to maximum of six (6) automobiles being stored, kept or displayed for sale on the site at anytime.

4.42 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.

4.43 GROUP HOMES

Notwithstanding any other section of this by-law, no group home shall be located closer than 200.0 metres from the nearest lot line of another group home.

4.44 MINIMUM DISTANCE SEPARATION FORMULAE

4.44.1 The Minimum Distance Separation Formula I shall be applied to any proposed development in any zone, excluding any hamlet or village zones.

4.44.2 The Minimum Distance Separation Formula II shall be applied to any new or expanding livestock or poultry facility in any zone.

4.45 WAYSIDE PITS AND QUARRIES AND PORTABLE ASPHALT PLANTS

Wayside pits and quarries and portable asphalt plants shall be permitted in all zone categories without amendment to the Zoning By-law, except zones that are established to recognize existing development or areas of particular environmental sensitivity upon which wayside pits may be prohibited.

4.46

MINIMUM SETBACK FROM A RAILWAY RIGHT-OF-WAY

Notwithstanding any other section of this by-law to the contrary, no residential or institutional building shall be erected closer than 30 metres from the edge of a railway right-of-way.