

# SECTION 14 - GENERAL REGULATIONS

## WATERCOURSE PROTECTION

- (a) All permitted structures in all zones shall be set back at least 50 feet from the ordinary high water mark of any watercourse.
- (b) Notwithstanding clause (a) above, the watercourse setback shall be reduced to 30 feet along the north side of the Cornwallis River between Terry's Creek and the Port Williams Sewer Lagoon Road.
- (c) Clauses (a) and (b), above, shall not apply to an approved public drainage system.

## LOT AND DEVELOPMENT STANDARDS

### **Vehicular Access**

Vehicular access from a public street to any building or use located in a Commercial Zone, Industrial Zone, or a Commercial Recreation Zone shall not be through any Residential Zone.

### **Frontage on Street**

Except where otherwise permitted in a zone, a development permit shall only be issued if the lot intended for development abuts a public street. Notwithstanding the foregoing, a development permit may be issued for structures associated with an agricultural or forestry use that are located on an existing lot that does not front on a public street provided such use does not include a dwelling.

### **Height Restrictions**

The maximum height of buildings and structures as provided in a particular zone in this By-law shall not apply to structures such as church spires, water tanks, elevator enclosures, silos, flagpoles, television or radio antennae, ventilators, skylights, chimneys, or clock towers, unless otherwise indicated.

### **Accessory Structures**

Accessory structures shall be permitted in any zone and shall not:

- (a) be used for human habitation except where a dwelling is a permitted accessory use; or
- (b) be on a separate lot from a main building.

### **Structures Not Requiring a Development Permit**

A development permit shall not be required for miscellaneous structures, such as flag poles, children's play structures, cold frames and garden trellises, clothes line poles, dog houses, pit privies, outhouses and accessory wind turbines.

### **Fences and Buffering**

- (a) Within all zones, fences up to a maximum of 6 feet in height shall be permitted to be erected and a development permit shall not be required;
- (b) Where any Industrial Zone abuts any Residential Zone an opaque fence that is a minimum of 6 feet in height shall be maintained between any use and the lot line that abuts any Residential Zone. This fencing requirement may be waived if existing vegetation provides a visual screen that is similar to or more effective than an opaque fence;
- (c) Notwithstanding subsection (a), within all Commercial zones, Institutional zones, Agricultural zones and Resource zones, fences up to a maximum of 15 feet in height shall be permitted to be erected provided the fence is accessory to a permitted non-residential use and a development permit shall not be required.

### **One Dwelling Per Lot**

No more than one dwelling shall be permitted on a lot, except in the Residential Mixed Density (R3) Zone, the Residential Multi-Unit (R4) Zone and the Mixed Commercial Residential (C3) Zone.

### **Multiple Main Buildings**

Except on a lot located in a Residential One (R1) Zone or Residential One and Two Unit (R2) Zone, or on any lot within the Lakeshore Residential (S1), Lakeshore Limited Development (S2) and Tidal Shoreland (T1) Zone and subject to any other applicable zone requirements, any number of main buildings may locate on the same lot.

### **Existing Undersized Lots**

- (a) Any lot in existence prior to May 5, 1992, or any lot that has received Municipal subdivision approval between May 5, 1992 and the date of the adoption of this By-law, that has less than the minimum frontage or area or both required by this By-law, may be used for a purpose permitted in the zone in which the lot is located and a development permit may be issued, and a building may be erected on the lot provided that all other applicable provisions in this By-law are met;
- (b) Subsection (a) shall not apply to lots in the Agricultural (A1) Zone developed for the purposes of a non-farm dwelling unless the separation distance requirements related to Infill Residential development of section 8.3.4.1 are met; and
- (c) In addition to Clause (a), above, where such lots are increased in size but remain undersized, they continue to be deemed existing undersized lots.

### **Newly Created Undersized Lots**

Where a lot is approved under section 279 of the *Act*, a development permit shall be issued provided the development complies with all other provisions of this By-law.

### **Permitted Encroachments**

Unless otherwise indicated in a particular zone, every part of any setback required by this By-law shall be open and unobstructed by any structure, with the exception of the following:

- (a) The usual projections of sills, cornices, eaves, gutters, chimney breasts, pilasters, canopies, or other architectural features provided that no such structure or feature projects more than 2 feet 6 inches into a required setback;
- (b) Window bays which project not more than 3 feet into a required front, rear or flankage setback;
- (c) Uncovered patios to a maximum of 2 feet 6 inches from any side lot line;
- (d) Existing structures, fire escapes, exterior staircases, and ramps that provide barrier-free access which do not:
  - (i) encroach more than 3 feet into any required side setback; or
  - (ii) encroach more than 5 feet into any required front, flankage and rear setbacks; and
- (e) Mechanical or utility features, such as, but not limited to, air conditioners, oil and gas tanks, electrical boxes, and building mounted solar panels, which project not more than 2 feet from the main wall into any required setback.

### **Sewer Services within Growth Centres**

All new developments that are located within Growth Centres shall be serviced by central sewer services where practical, as determined by the Public Utility.

### **Reduced Setback**

Structures may be built with less than the required minimum front, flankage or shoreline setback provided:

- (a) the setback is not less than the smallest front, flankage or shoreline setback of a building located within 200 feet on the same side of the same road;
- (b) the reduced front or flankage setback is not less than 5 feet; and
- (c) notwithstanding subsection (b), a shoreline setback to any residential development shall not be less than 30 feet.

### **Swimming Pools**

A development permit is required for an in-ground swimming pool and is subject to the zone requirements for an accessory structure. Above ground swimming pools shall be permitted without a development permit and are not subject to the zone requirements. All swimming pools shall be subject to the requirements of the Municipality's Swimming Pool By-law.

### **Parking of Commercial Vehicles**

Notwithstanding section 14.4 related to home-based businesses, commercial vehicles may be parked overnight in all residential zones in a Growth Centre on a residential or vacant lot subject to the following conditions and no development permit shall be required:

- (a) Not more than one commercial vehicle may be parked overnight per lot;
- (b) The commercial vehicle shall be personally used by a tenant, resident, or owner of the lot;

- (c) The commercial vehicle shall not include an operating refrigeration unit; and
- (d) The commercial vehicle shall not be loaded with hazardous goods.

These restrictions shall not apply to other zones

### **14.3 - USES**

#### **Multiple Main Uses**

Unless listed as a permitted use in a zone, except for buildings located in a Residential Zone, multiple main uses may locate in the same building and where any land or building is used for more than one purpose, all provisions of this By-law relating to each use shall be satisfied and if more than one standard applies, the more stringent standard shall prevail.

#### **Accessory Uses**

Where this By-law provides that any land may be used, or that a building or structure may be erected or used for a purpose, the purpose shall be deemed to include any use accessory or ancillary to the permitted main use, subject to the requirements of that zone.

#### **Temporary Construction Uses**

The use of land for the temporary location of a building or structure, or for other purposes that are incidental to a main construction project, shall be permitted to continue up to 60 calendar days following completion of the main construction project.

#### **Temporary Commercial Uses**

No development permit shall be required for special events such as weddings, concerts, midways, circuses, fairs or festivals provided that:

- (a) no more than one event takes place on the same lot in a calendar year;
- (b) such event remains in place for no longer than 14 consecutive days; and
- (c) any temporary building or structure erected for the event is taken down within seven calendar days of the completion of the event.

This subsection shall not apply to open air farmers' markets and open air markets operated by non-profit or not-for-profit organizations. No development permit shall be required.

#### **Low Impact Recreation Uses**

Low impact recreation uses shall be permitted in all zones and shall be subject to the following requirements:

- (a) The area used for the low impact recreation use, including any parking areas and gathering areas, but excluding driveways and trails, shall be set back a minimum 50 feet from side and rear lot lines; and
- (b) excludes personal recreation uses.

#### **Parks**

- (a) Parks shall be permitted in all zones and shall not be required to meet the zone requirements.
- (b) Any accessory structure shall be located a minimum of 10 feet from all lot lines and shall not exceed 35 feet in height.