



# VILLAGE OF NEWBURY

## BY-LAW NO. 692, BEING THE RESTRICTED AREA (LAND USE) BY-LAW, AS AMENDED

June 5<sup>th</sup> 2024  
consolidated version

Village of Newbury  
By-law No. 692, being the  
Restricted Area (Land Use) By-law, as amended

**C O N S O L I D A T E D V E R S I O N**

**June 25<sup>th</sup>, 2024**

This document constitutes a consolidated version of the Village of Newbury's Restricted Area By-law adopted on November 6, 1978 and approved by the Ontario Municipal Board on XXXX, XXXX. The By-law has been subsequently amended on numerous occasions. The consolidated version incorporates all amendments to the Zoning By-law as of **June 25<sup>th</sup>, 2024** in a table and on the Zone Maps.

The consolidated version is intended for administrative and convenience purposes only. Reference numbers may, therefore vary, to facilitate the use of the by-law. In addition, grammatical changes have been made where necessary. For legal purposes, reference should be made to the actual adopted version of the zoning by-law, subsequent amendments adopted by Council and the written decisions of the Committee of Adjustment.

## ZONING BY-LAW AMENDMENTS

**as of June 5, 2024**  
**Village of Newbury**

BY-LAW NO.	DATE OF APPROVAL	APPLICANT	LOCATION	PURPOSE & EFFECT
692-1	Jan. 7, 1980		Part of Lot 18, Con 3	A to A-1 to allow for the erection of one additional single family dwelling; Repealed by By-law No. 692-2.
692-2	July 12, 1982		Part of Lot 18, Con 3	A to A-1 to implement reduced lot frontage and lot area requirements. A to R1 to facilitate residential development.
835-90	Apr. 9, 1990	Wilmer Ready	Lot 11 through 13 inclusive, Block 'F', Plan 67	R1 to R1-1 to permit the construction of a four-plex dwelling.
846-91	Mar. 4, 1991	Christopher Mahovich	Lot 1 through 3 inclusive, Block 'B', Plan 67	C1 to R1 to permit the erection of a single family detached dwelling.
862-92	Mar. 23, 1992	Emmanuel Congregational Christian Church	3 & 5 Tucker Street	R1 to I to permit the erection of a new church.
868-92	Oct. 5, 1992	Ronald Monk	Lot 4 & 5 Block 'I', Plan 153	R1 to R1-2 to restrict the use of the subject lands for a motor vehicle sales establishment and public garage.
878-94	Jan. 19, 1994	Alta McNaughton	Part of Lot 16, Concession 2 (Township of Mosa)	OS to A to allow the clearing of the lands for agricultural purposes.
881-94	Feb. 14, 1994	Emmanuel Congregational Christian Church	Part of Lot 41, Registered Plan 434	OS to I-1 to permit the erection of a new church.
113-97	Dec. 8, 1997	Four Counties General Hospital	1824 Concession Drive	C2, I and D to I-2 to allow an institutional use.
114-98	June 24, 1998	McNaughton Automotive Ltd.	Part Lot 12, RCP 434	R1 to D to prohibit the residential development of the lands.
113-99	Aug. 9, 1999	Janice Brown & Ronald Vallieres	Plan 153, Block 'C', Lot 3 & 4	C1 to R1 to permit residential development of the lands.
104-02	July 8, 2002	Fennell Woodlands Inc.	Lot 51, RCP 434	M1 to C1-# to permit the storage and parking of farm equipment.
130-01	July 7, 2003	Village of Newbury	West End of Wellington Street North of the CN Railway; Village-wide also	A to R1, M1-1 & OS to allow for a sewage treatment plant, industrial and residential development; also implements village-wide provisions.
107-05	Feb. 23, 2005	Dirk Vandenberg	Part Lot 23, RCP 434 RP 34R2174 PT 1	R1 to R1-# to permit the erection of an accessory building prior to the erection of the main building.
124a-06	Sept. 11, 2006	Leonard & Kimberley Fiddler	5 Tucker Street	I to R1 to permit residential development. This By-law has the effect of repealing By-law No. 862-92.
133-06	Dec. 11, 2006	Village of Newbury	South Part Lot 17, Con 2, Lot 47, RCP 434, Part 3RP 34R568	D to C2 to permit commercial development.
134-06	Dec. 11, 2006	Village of Newbury	Village-wide limited to the C2 zone	Addition of permitted uses to Highway Commercial (C2) zone.
125/07	Sept. 10, 2007	Ted Winia	9 Dundas Street	C1 to C1-1 to permit a semi-detached dwelling.
108-09	Mar. 25, 2009	Rosemary Cranney	Lot 15, 16, Blk K Registered Plan 67	R1 to R1-3 to permit a Tea Room, Art Gallery and Bed and Breakfast.
110-11	Apr. 18, 2011	Robin J. Fennell	11 Tucker Street	A to A-1 and A-2 to permit the development of a vegetable processing establishment.

<b>BY-LAW NO.</b>	<b>DATE OF APPROVAL</b>	<b>APPLICANT</b>	<b>LOCATION</b>	<b>PURPOSE &amp; EFFECT</b>
112-13	June 10, 2013	Village of Newbury	Tucker Street (Part of Lot 17, Concession 2)	OS to R1 to allow residential development
113-16	Aug. 22, 2016	Edward & Heather Cane	36 York Street	R1 to R.1.4 – purpose is to permit a duplex
125-18	Sept. 17, 2018	Judy Jones	22891 Hagerty Road	C1 to C1-2 to permit a duplex as an additional permitted use to facilitate internal renovation of the building into residential use
113-17	Oct 10, 2017	R. Patton	72 York Street Lot 17, Concession 2, Registered Plan 434	D and R1 to M1-2 to permit a contractor's yard and single detached dwelling.
132-18	Dec 10, 2019	Ozra Nazmdeh	22893 Hagerty Road Part of Lot 3, Block C, Registered Plan 46	C1 to C1-3
113-19	Apr. 15, 2019	Corporation of the Village of Newbury	5 Tucker Street Lot 40, Plan 434 and Part 1, RP 34R2348	R1 to R1(T-1) to temporarily permit a woodworking shop until April 17, 2021.
6-23	Apr 11, 2023	Storey, Denomme & Ross Dentistry Professional Corp	1788 and 1792 Concession Drive	C2 to C2-1 to permit residential uses in addition to commercial uses and establish zoning standards for the residential uses
7-23	Apr 11, 2023	Kenneth Daley and Nadine Grant	3 York Street	C1 to R1-4 to permit residential uses and recognize the existing building (former church) on the subject lands
12-23	Apr 11, 2023	Fennell Woodlands Inc.	22845 Hagerty Road	C1-# to C1-2 to permit a bus depot, offices and a public garage.
2-24	Jan 16, 2024	2666650 Ontario Inc.	13 Wellington St	OS & R1 to R1-6 to permit the development of a residential subdivision
Last Verified June 2024				

## RESTRICTED AREA BY-LAW - VILLAGE OF NEWBURY

### EXPLANATORY NOTE

By-law No. 692 is a comprehensive restricted area (land use) by-law covering all of the Village of Newbury. The By-law repeals all existing restricted area by-laws in the Village and serves to implement the Official Plan of the Southwest Middlesex Planning Area as it affects the Village.

The By-law is a document passed by Council to regulate the use of all land (that is, agriculture, residential, commercial, recreational) and buildings in the Village of Newbury. The By-law authorizes the uses set out in the text and attached schedule (the zone map) and prohibits any use of land or construction or use of buildings not specifically authorized. Applications to change the zoning provisions on a parcel of land may be made at any time, but all amendments to the By-law No. 692 must be in-conformity with the Official Plan of the Southwest Middlesex Planning Area.

You are strongly urged to read the By-law since it will affect the use of your land. The Explanatory Note only summarizes the regulations for each zone.

Section 1 of the By-law No. 692 establishes, among other matters, that the By-law application to all land in the Village, that no land shall be used and no buildings or structure used, erected, altered or enlarged except in conformity with the By-law and that the By-law, upon approval of the Ontario Municipal Board, shall come into full force and effect as of the date of its passing by Council. It establishes the manner of administration of the By-law and the maximum fine, upon conviction, for a violation of the By-law.

Section 2 defines a number of terms used in the By-law.

Section 3 establishes that the Zoning Map - Schedule "A" which is part of the By-law, and that the Zoning Map is divided into a number of zones. Section 3 also provides for the manner of interpreting zone boundaries.

Section 4 provides general provisions that apply to more than one zone in the By-law. Among the regulations are that lots must front on public streets, regulations of the locations of accessory buildings such as garages, regulations for permitted public uses, off-street parking requirements, and the necessary setbacks of buildings and structures from municipal drains and other watercourses.

Section 5 to 13 establishes the permitted uses and regulations in each zone. The following zones are contained in the By-law.

### Agricultural (A1) Zone

This zone permits the full range of agricultural activities. These activities require a minimum lot area of 25.0 ha. (approx. 62 acres) and a minimum lot frontage of 300 m (approx. 1,000 feet). Agricultural holdings less than the required area and frontage which existed at the day of passing of the By-law are exempted from these minimum requirements. Single family detached dwellings in the A1 zone and in existence as of the day of passing of the By-law are permitted, and may be enlarged or replaced with a new dwelling without the necessity of a re-zoning.

### Central Commercial (C1) Zone

The C1 zone applies to land bounded by Tucker Street, York Street, the C.N.R. and Broadway Street. Within the C1 zone a variety of commercial uses are permitted. The minimum lot area in the C1 zone is 1,400 square meters and the minimum lot frontage 20.0 metres (approx. 65 feet). Single family dwellings which existed the day of passing of the By-law are able to be reconstructed or enlarged without an amendment to the By-law.

### Highway Commercial (C2) Zone

The C2 zone is used to zone lands east of Hagerty Road along County Road 14. This zone is reserved primarily for the auto-related uses. A larger lot area and lot frontage is required in this zone compared to the Central Commercial Zone.

### General Industrial (M1) and Restricted Industrial (M2) Zones

The General Industrial Zone differs from the Restricted Industrial zone by virtue of the uses permitted in each zone. A range of industrial uses are permitted in the M1 zone whereas in the M2 zone, the permitted uses are restricted to light manufacturing establishments. The minimum lot area of 2000 square metres (approx. one-half acre) is the same in both zones.

### Residential (R1) Zone

The R1 Zone permits one single family detached dwelling on one lot. The minimum lot size is 1400 square metres (approx. 15,000 square feet) and the minimum frontage is 30.0 metres (approx. 100 feet) for lots without a municipal or communal water supply and without municipal sanitary sewage facilities.

### Institutional (I) Zone

The I Zone permits churches, community centres, nursing homes, senior citizen homes and similar public uses. The minimum lot size is 1400 square metres and the minimum lot frontage is 30 metres.

### Open Space (OS) Zone

The OS Zone permits forestry uses, conservation areas, cemeteries, parks and similar type uses. No minimum lot area or lot frontage is required.

### Development (D) Zone

The D zone functions as a holding zone until such time conditions are right to permit development to proceed. The re-zoning of lands from the D Zone to a zone which would allow development to take place must be consistent with the land use designations on the official plan maps.

**BY-LAW NO. 692  
RESTRICTED AREA BY-LAW  
VILLAGE OF NEWBURY**

A By-law to regulate the use of land, the character, location and use of buildings and structures in the Village of Newbury.

WHEREAS the Council of the Corporation of the Village of Newbury deems it expedient to implement the Official Plan of the Southwest Middlesex Planning Area;

WHEREAS authority is granted under Section 35 of the Planning Act, R.S.O., 1970, subject to the approval of the Ontario Municipal Board, to pass this By-law;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE VILLAGE OF NEWBURY ENACTS THE FOLLOWING:

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**SECTION 1: INTERPRETATION & ADMINISTRATION**

1.1. SHORT TITLE

This By-law shall be known as the “Land Use By-law” of the Corporation of the Village of Newbury.

1.2. APPLICATION

The provisions of this By-law shall apply to all lands within the boundaries of the Corporation of the Village of Newbury as now or hereafter legally constituted.

1.3. SCOPE

No lands shall be used and no buildings or structures shall be erected, altered, enlarged or used within the Village of Newbury except in conformity with the provisions of this by-law.

1.4. MINIMUM REQUIREMENTS

In interpreting and applying the provisions of this By-law, they are held to be the minimum requirements for the promotion of the health, safety, comfort, convenience, and general welfare of the inhabitants of the Municipality.



1.5. MEANING OF USE

Unless the context otherwise requires, the expression “use” or “to use” in this By-law includes anything done or permitted by the owner or occupant of any land or building, directly or indirectly or by or through any trustee, tenant, servant, or agent, acting for or with the knowledge or consent of such owner or occupant, for the purpose of making use of the said land or building.

1.6. MEANING OF SHALL

In this By-law, the word “shall” shall always be construed as mandatory.

1.7. NUMBER AND GENDER

In this By-law, unless the contrary intention appears otherwise, words imparting the singular number or the masculine gender only shall include more persons, parties, or things of the same kind than one, and females as well as males, and the converse.

1.8. ADMINISTRATION

This By-law shall be administered by the Building Inspector or such other person as the Council of the Village of Newbury designates.

1.9. INSPECTION OF PREMISES

The Building Inspector or any other person acting under the direction of Council, may, at any reasonable hour, enter and inspect a property or premises for the purpose of carrying out his duties under this By-law.

1.10. APPLICATION FOR BUILDING PERMITS

In addition to all other requirements of the Ontario Building Code or any other building code or building by-law, every applicant for a building permit shall file with his application a plan, in duplicate, drawn to scale, in metrics, showing the true dimensions of the lot proposed to be built upon or otherwise developed, the proposed location, grade, dimension, height and dimensions of the building or work in respect of which the permit is applied for, and the location on such lot of every existing building, together with a statement, signed by the owner, disclosing the exact use proposed for each building aforesaid and giving all information necessary to determine whether or not such building and the proposed use thereof conform with the requirements of this By-law.

1.11. BUILDINGS TO BE MOVED

No building, residential or otherwise shall be moved within the limits of the Municipality or shall be moved into the Municipality from outside, without a permit from the Building Inspector.

1.12. LICENCES AND PERMITS

No municipal permit, certificate, or licence shall be issued where the said permit is required for a proposed use of land or a proposed erection , alteration, enlargement, or use of and building or structure that is in violation of any provisions of this By-law.

1.13. VIOLATIONS AND PENALTIES

Every person who uses any land or erects or uses any building in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provision of this By-law or causes or permits a violation, is guilty of an offence and upon conviction therefore shall be liable to a fine not to exceed one thousand dollars (\$1,000.00) exclusive of costs, for each offence, and every such penalty shall be recoverable under The Summary Convictions Act, R.S.O., 1970, as amended from time to time.

1.14. REMEDIES

Where any building is or is proposed to be erected, altered, reconstructed, extended or enlarged, or any building or part thereof is or is proposed to be used, or any land is or is proposed to be used, in contravention of the provisions of this By-law, the same may be restrained by action at the instance of any ratepayer, or of the Council of the Municipality pursuant to the provisions of The Planning Act, R.S.O., 1970, as amended from time to time.

1.15. REPEAL OF EXISTING BY-LAWS

From the coming into force of this By-law, all previous by-laws passed under section 35 of The Planning Act, R.S.O., 1970 or a predecessor thereof, shall be deemed to have been repealed except to the extent that any of the said by-laws prohibits the use of any land, building or structure for a purpose that is also prohibited by this law.

1.16. APPLICATION OF OTHER BY-LAWS

Nothing in this By-law shall serve 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.

1.17. VALIDITY

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.18. EFFECTIVE DATE

This By-law shall, upon approval of the Ontario Municipal Board, come into full force and effect as of the date of passing hereof.

**SECTION 2: DEFINITIONS**

For the purposes of this By-law, the definitions given herein shall govern.

- 2.1 ACCESSORY, when used to describe a use, building, or structure, shall mean a use, a building, or structure that is normally incidental, subordinate and exclusively devoted to a main use, building, or structure and that is located on the same lot therewith.
- 2.1a VEGETABLE PROCESSING ESTABLISHMENT, shall mean the use of land, buildings or structures for the processing of vegetables including the treatment and storage thereof. (By-law No. 110-11)
- 2.2 AGRICULTURAL USE, shall mean general farming and without limiting the generality of the foregoing includes the raising and harvesting of field, bush, tree or vine crops, truck gardening, nurseries, green-houses, and the sale of produce grown on the farm from which the sale is made but excludes livestock farming, mushroom farming, or the sale of such products raised on the subject premises.
- 2.3 ALTER, when used in reference to a building or structure or part thereof, shall mean to change any one or more of the internal or external dimensions of such building or structure or to change the type of construction of the exterior walls or roof thereof. When used in reference to a lot, the word “alter” means to decrease the width, depth, or area thereof, or to decrease the width, depth, or area of any required yard, setback, landscaped open space, or parking area, or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise.
- 2.4 ATTACHED, shall mean a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with an adjacent building or buildings.
- 2.5 BASEMENT, shall mean that portion of a building between two floor levels which is partly underground but which has at least one-half of its height from finished floor to finished ceiling above adjacent finished ground surface or grade.
- 2.6 BOARDING HOUSE, ROOMING HOUSE, or TOURIST HOME, shall mean any house or building or portion thereof in which the proprietor resides and supplies, for hire or gain to other persons, lodging and/or meals, but shall not include a hotel, motel, hospital, home for the young or the aged, or institution, or restaurant accommodating the general public.

- 2.7 BUFFER STRIP, shall mean an area used for no other purpose than the planting and maintaining of a continuous row of evergreen trees, not less than 2 (2.0) meters high, and the remainder of which is used for landscaping and the planting of ornamental shrubs, flowering shrubs, flower beds, or a combination thereof.
- 2.8 BUILDING, shall include any structure whether temporary or permanent, used or intended for sheltering any use of occupancy but shall not include a boundary wall, fence, travel trailer, camping trailer, truck camper, motor home or tent.
- 2.9 BUILDING AREA, shall mean an area designated on a zoning map or zoning map schedule as "Building Area" which defines the area of a lot within which permitted buildings or other structures may be erected, used, and maintained.
- 2.10 BUILDING BY-LAW, shall mean any building by-law within the meaning of The Planning Act, R.S.O., 1970.
- 2.11 BUILDING INSPECTOR shall mean the officer or employee of the municipality for the time being charged with the duty of enforcing the provisions of this By-law, the Ontario Building Code, or any other building code or building by-law of the Municipality.
- 2.12 BUILDING LINE, shall mean a line within a lot drawn parallel to a lot line; it establishes the minimum distance between the lot line and any building or structure which may be erected. Where the lot line is a curve, the same shall apply.
- 2.13 BUILDING LINE, ESTABLISHED, a building line shall be considered to be established between existing buildings when at least five (5) main buildings have been erected on any one side of a continuous one hundred and fifty (150.0) metre strip of land fronting on a street or road. The established building line shall thus mean the average setback of the existing main buildings.
- 2.14 CARPORT, refer to the definition of Garage, Private.
- 2.15 CELLAR, shall mean that portion of a building between two floor levels which is partly or wholly underground but which has more than one-half of its height from finished floor to ceiling below adjacent finished ground surface or grade.
- 2.16 CHURCH, shall mean a building dedicated to religious worship and may include a church hall, church auditorium, Sunday school, parish hall, and church day nursery.

- 2.17 CLINIC, shall mean any building containing more than two rooms used or intended for use for any of the purposes of medical or dental practice, and without limiting the generality of the foregoing includes the offices or consulting room of members of the medical or dental professions listed in this By-law under the definition "Home Occupation" and includes any building in which two or more Home Occupations are being carried on by members of the said medical or dental profession.
- 2.18 COMMERICAL USE, shall mean the use of land or buildings for the purposes of buying and/or selling commodities and supplying services.
- 2.19 COMMUNITY CENTER, shall mean a building use for community activities and not used for commercial purposes, the control of which is vested in the Municipality, a local board, or trustees.
- 2.19a CONTRACTOR'S YARD, shall mean land, buildings or structures designed, used or intended for use by any building trade or other construction or service contractor for any of the following purposes:
- a) storing equipment, vehicles, or materials and may include construction and heavy equipment and commercial motor vehicles but not including derelict motor vehicles;
  - b) accessory storage of non-organic landscape material that is not available for sale to the general public;
  - c) performing shop work or assembly work; or
  - d) the base of operations for persons who are employed by or associated with the business, including the assembly or rally of such persons for transportation to a work site off the premises. (*By-law No. 113-17*)
- 2.20 COVERAGE, shall mean in the case of a residential building or structure that portion or percentage of the area of any lot upon which buildings or structures are erected or permitted to be erected on the lot (not including an outdoor swimming pool) measured at the level of the lowest storey containing habitable rooms, and in the case of a non-residential building or structure that portion or percentage of the area of buildings or structures erected or permitted to be erected on the lot (not including an outdoor swimming pool) measured at the level of the lowest storey above ground, including in both cases all porches and verandahs, steps, cornices, eaves, bay windows, chimneys.
- 2.21 DAY NURSERY, shall mean a day nursery within the meaning of The Day Nurseries Act, R.S.O., 1970 as amended from time to time.

- 2.22 DWELLING, shall mean a building, occupied or capable of being occupied exclusively as a home, residence or sleeping place by one or more persons, but shall not include hotels, boarding houses, rooming houses, motels, institutions and mobile homes.
- 2.23 DWELLING UNIT, shall mean one or more habitable rooms occupied or capable of being occupied by an individual or family as an independent and separate housekeeping establishment in which separate kitchen and sanitary facilities are provided for the use of such individual or family, with a private entrance from outside the building or from a common hallway or stairway inside the building.
- 2.24 DWELLING, BACHELOR, shall mean a dwelling unit without a standard bedroom, providing therein living, sleeping, eating, food preparation and sanitary facilities for one or more adults. Other essential facilities and services may be shared with other dwelling units.

- 2.25 DWELLING, SINGLE-FAMILY DETACHED, shall mean a completely detached dwelling designed, intended, and used for occupancy by not more than one family.
- 2.25a DWELLING, SEMI-DETACHED, shall mean a dwelling that is divided vertically above grade into two (2) dwelling units, each of which has an independent entrance either directly or through a common vestibule. (By-law 125-07)
- 2.25b DWELLING, STREET TOWNHOUSE means a townhouse with each dwelling unit having frontage on a public street. (By-law No. 6-23)
- 2.25c DWELLING, TOWNHOUSE means a dwelling divided vertically into three or more dwelling units with a maximum of eight units, each of which has a separate entrance at grade to the front and rear yards or front and side yards. (By-law No. 6-23)
- 2.26 DWELLING, CONVERTED, shall mean a dwelling originally designed as a single-family dwelling unit which because of size or design is or can be converted by partition and the addition of sanitary facilities and cooking facilities into more than one dwelling unit.
- 2.26a DWELLING, FOUR-PLEX, shall mean the whole of a dwelling that is divided horizontally and/or vertically into four separate dwelling units each of which has an independent entrance either directly from the outside or through a common entrance. (By-law 835-90)
- 2.26 b DWELLING, DUPLEX shall mean a dwelling that is divided horizontally into two (2) dwelling units, each of which has an independent entrance either directly or through a common vestibule. (By-law No. 125-18)
- 2.27 ERECT, shall include build, construct, reconstruct, alter and relocate and, not to limit the generality of the foregoing, shall be taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by addition, deletion, enlargement or extension.
- 2.28 EXISTING, shall mean existing as of the date of the passing of this By-law.
- 2.29 FAMILY, shall mean an individual, or two (2) or more persons who are interrelated by blood, or marriage, or legal adoption, or a group of not more than three (3) unrelated persons and not more than two (2) persons who receive their lodging and/ or board for compensation, exclusive of domestic help, occupying a dwelling unit.
- 2.30 FARM, shall mean a lot, held for the purpose of agricultural use, together with or without its dependant buildings including one single-family detached dwelling with



private garage, barns, sheds, pens, and similar accessory buildings, except that in areas where buildings and structures are prohibited such use shall refer only to the land.

- 2.31 FLOOR AREA, shall mean the sum of the areas of all floors of a building measured from the outside of all exterior walls exclusive of any attic, basement, cellar, garage, verandah, porch, or sunroom unless such enclosed porch or sunroom is an integral part of the building and habitable in all seasons, and excluding any floor area with a ceiling height of less than two (2.0) metres.

- 2.32 FLOOR AREA, GROUND, shall mean the area of a building or portion of a building or structure measured from the outside of all exterior walls, at grade, exclusive of any accessory buildings, garage, basement, cellar, terrace, verandah, open or enclosed porch or sunroom, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons.
- 2.33 FORESTRY USE, shall mean the general raising and harvesting of wood and without limiting the generality of the foregoing includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees, and other forest products.
- 2.34 GARAGE, PRIVATE or CARPORT, shall mean a building or portion of a building designed for the storage of not more than three (3) private motor vehicles and the storage of household equipment incidental to residential occupancy, wherein service for profit is rendered; and where such structure is within two (2.0) metres of the main building, it shall be deemed to be part of the main building and not an accessory building.
- 2.35 GARAGE, PUBLIC, shall mean a building or structure other than a private garage where motor vehicles are kept or stored for remuneration, or repair, including the complete repair to motor vehicle bodies, frames, or motors, and the painting, upholstering, washing, and cleaning of such motor vehicles, and may include a motor vehicle service establishment.
- 2.36 GRADE, shall mean:
- a) for a building adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street, provided the sidewalk is higher than the crown of the street or road;
  - b) for a building adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets, provided the sidewalk is higher than the crown of the street or road;  
Where the crown of the street or road is higher than the sidewalk, the elevation of the crown at the centre of the wall or walls shall be used to determine the grade. All walls not more than four and one-half (4.5) metres from the street line shall be considered as adjoining the street. If the adjoining street has no public sidewalk, or if the building has no walls adjoining the street, the grade shall be determined by the Building Inspector.
- 2.37 HEIGHT, when used with reference to a building or structure shall mean the vertical distance in metres between the horizontal plane through grade level and a horizontal plane through:
- a) the highest point of the roof assembly in the case of a building with a flat roof or a deck roof;

- b) the average level of a one slope roof, between the ridge and the eaves, provided that such roof having a slope less than twenty degrees with the horizontal shall be considered a flat roof;
- c) the average level between eaves and ridges in the case of a roof-type not covered in sub-sections a) and b).

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

- 2.38 HOME OCCUPATION, shall mean an occupation for gain or support conducted entirely within a dwelling as a secondary use and only by members of the family residing on the premises plus not more than one (1) assistant who is not a resident of the said dwelling.
- 2.39 HOME OCCUPATION, AGRICULTURAL, shall mean an occupation for gain or support, associated with an agricultural use or a residential use, which serves agricultural uses and which is conducted by only one member of the family residing on the premises.
- 2.40 HOTEL, means any hotel, tavern, inn, lounge, or public house in one main building or in two or more buildings use mainly for the purposes of catering to the needs to the travelling public by supplying food and furnishing sleeping accommodation of not less than six (6) guest rooms, which guest room contain no provisions for cooking, and all such buildings operating under The Liquor License Act, R.S.O., 1970 and The Tourist Establishments Act, R.S.O., 1970.
- 2.41 INDUSTRIAL USE, GENERAL, shall mean the use of land, building or structure designed for the purpose of manufacturing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, or storing or adapting for sale of any goods, substance, article or thing, including the storage of building and construction equipment and materials, but not including any obnoxious industry, mine, pit, quarry or oil well.
- 2.42 INDUSTRIAL USE, LIGHT, shall mean the manufacturing, assembly or processing of component parts to produce finished products suitable for retail or wholesale trade but does not include food, beverage, tobacco, rubber, leather, textile and knitting, wood, printing, metal fabricating or similar industries if these operations involve stamping presses, furnaces, machinery, or the emission of any air or water pollution, that can be smelt, heard, or otherwise perceived outside of the building.

- 2.43 INSTITUTIONAL USE, shall mean the use of land, buildings or other structures for some public or social purpose but not for commercial purposes. These uses may include governmental, religious, educational, charitable, philanthropic, or other similar but non-commercial uses and notwithstanding the generality of the foregoing institutional uses may include: schools, churches, municipal offices and hospitals.
- 2.44 LIVESTOCK, shall mean farm animals kept for use, for propagation, or intended for profit and includes dairy and beef cattle, horses, swine, sheep, laying hens, chicken and turkey broilers, turkeys, goats, geese, ducks, mink, and rabbit.
- 2.45 LOADING SPACE, shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial vehicle while loading or unloading goods, merchandise or materials used in connection with the main use of the lot or any building thereon, and which has an unobstructed access to a street or lane.
- 2.46 LOT, shall mean a parcel of land, described in a registered deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision including any of its parts which are subject to a right-of-easement, but does not include a lot or a block on a registered plan of subdivision which has been deemed not to be a registered plan of subdivision under a by-law passed pursuant to The Planning Act, R.S.O., 1970, as amended from time to time.
- 2.47 LOT AREA, shall mean the total horizontal area within the lot lines of a lot.
- 2.48 LOT CORNER, shall mean a lot situated at the intersection of and abutting upon two (2) streets which intersect at an angle of not more than one hundred and thirty-five (135) degrees.
- 2.49 LOT FRONTAGE, shall mean the horizontal distance between the side lot lines of a lot measured at right angles, but where such lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the center of the front and the centre of the rear lot lines at a point six (6.0) metres back from the front lot line, where such lot lines meet, the lot frontage shall be measured perpendicularly to the line joining the apex of the triangle formed by the side lot lines at a point six (6.0) metres back from the front lot line.
- 2.50 LOT DEPTH, shall mean the horizontal distance between the front and rear lot lines. If these lines are not parallel, it shall be the length of a line joining the mid-points of the front and rear lot lines. When there is no rear lot line, lot depth means the length of a straight line joining the middle of the front lot line with the apex of the triangle formed by the side lot lines.

- 2.51 LOT INTERIOR, shall mean a lot other than a corner lot.
- 2.52 LOT LINES, shall mean the boundary lines of a lot defined as follows:
- a) Front lot lines shall mean, except in the case of a corner lot, the line dividing the lot from the street; in the case of a corner lot the shorter boundary line abutting the street shall be deemed the front line and the longer boundary line abutting the street shall be deemed the side lot line, in case each of such lot lines should be of equal length the front lot line shall be deemed to be the front lot line as established in the block by prior construction. In the case of a through lot, the shorter boundary dividing the lot from the street shall be deemed to be the front lot line and the opposite longer boundary shall be deemed to be the rear lot line. In case each of such lot lines should be of equal length, the front lot line shall be deemed to be the front lot line as established in the block by prior construction.
  - b) Rear lot line shall mean the lot line farthest from or opposite to the front lot line.
  - c) Side lot line shall mean a lot line other than a front or rear lot line.
- 2.53 LOT, THROUGH, shall mean a lot bounded on two opposite sides by streets. Provided, however, that if any lot qualifies as being both a corner lot and a through lot as hereinbefore defined, such lot shall be conclusively deemed to be corner lot.
- 2.54 MAIN BUILDING, shall mean the building designed or used for the principle use on the lot.
- 2.55 MAIN WALL, shall mean the exterior front, side, or rear wall of a building, and all structural members essential to the support of a fully enclosed space or roof.
- 2.56 MOBILE HOME, shall mean a single-family detached dwelling designed to be transported after fabrication, either on its own wheels, in a flatbed, in other trailers, or on detachable wheels, which is suitable for occupancy as a dwelling unit except to minor and incidental unpacking and assembly operations, and placement on a mobile home stand, connection to utilities and the like, but which does not include single-family detached dwellings constructed in parts, designed to be transported to a lot where they are joined as integral units and placed on a permanent foundation, cellar, or basement.
- 2.57 MOBILE HOME STAND, shall mean that part of a lot which is reserved for the placement of a Mobile Home.

- 2.58 MOTEL, shall mean one building, or two (2) or more detached buildings for the purpose of catering to the needs of the traveling public by furnishing sleeping accommodation with or without supplying food and shall include a motor court, auto court, and all such buildings operating under The Liquor License Act, R.S.O., 1970 and The Tourist Establishment Act, R.S.O., 1970.
- 2.59 MOTOR HOME, shall mean a structure built on and made an integral part of a self-propelled motor vehicle chassis other than a passenger automobile chassis, primarily designed to provide temporary living quarters for recreation, camping and travel use.
- 2.60 MOTOR VEHICLE, shall mean a wheeled self-propelling vehicle for the transportation of passengers and goods and without limiting the generality of the foregoing includes automobiles, trucks, buses, ambulances, hearses, motor homes and tractors.
- 2.61 MOTOR VEHICLE REPAIR ESTABLISHMENT, shall mean a building on a lot used for complete repairs to motor vehicle bodies, frames, or motors including the painting, upholstering, washing, and cleaning of such vehicles.
- 2.62 MOTOR VEHICLE SALES ESTABLISHMENT, shall mean a parking lot, building or lot where motor vehicles are hired, kept or used for hire, or where such vehicles and gasoline, oils, tires, batteries and accessories are stored or kept for sale, and where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged or where repairs essential to the actual operation of motor vehicles are executed or performed.
- 2.63 MOTOR VEHICLE SERVICE ESTABLISHMENT, shall mean a building or a clearly defined space on a lot where gasoline, oil, grease, antifreeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed.
- 2.64 MUNICIPALITY, shall mean the Corporation of the Village of Newbury.
- 2.65 NON-COMPLYING, shall mean that which does not conform, comply or agree with the regulations of this By-law as of the date of passing thereof.
- 2.66 NON-CONFORMING, shall mean a use, building or structure which is not a use, building or structure permitted in the zone in which the said use, building or structure is situated.

## VILLIAGE OF NEWBURY ZONING BY-LAW

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- 2.67 NON-RESIDENTIAL, when used with reference to a building, structure or use, shall mean designed, intended or used for purposes other than those of a dwelling.
- 2.68 NURSING HOME or REST HOME, shall mean a building in which the proprietor supplies for hire or gain lodging with or without meals, and, in addition, provides nursing, medical or similar care and treatment, if required, and shall include a rest home or convalescent home.
- 2.69 OCCUPANCY, shall mean to reside in as owner or tenant on a permanent or temporary basis.
- 2.70 OFFICE, GENERAL, shall mean any building or part of a building in which one or more persons are employed in the management, direction or conducting of an agency, business, labour, or fraternal organization, but excludes such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.
- 2.71 OFFICE, PROFESSIONAL, shall mean any office used by professionally qualified persons, for the purposes of giving advice, consultation or treatment to clients or patients.
- 2.72 OUTSIDE STORAGE, shall mean the storage of goods in the open air and in unenclosed portions of buildings which are open to the air on the sides.
- 2.73 OWNER, shall mean the person who holds legal title to a piece of property.
- 2.74 PARKING LOT, shall mean an area provided for the temporary parking of two or more motor vehicles and may include aisles, parking spaces and related entrance and exit lane, but shall not include any part of a public street.
- 2.75 PARKING SPACE, shall mean an area enclosed in a principle building, in an accessory building, or unenclosed, having an area of not less than nineteen (19.0) square metres, exclusive of aisles or driveways and accessible to a street or lane, and set aside for the purpose of the temporary parking or storage of a motor vehicle.
- 2.76 PARK, PRIVATE, shall mean a park not open to the general public and may be operated for commercial gain.
- 2.77 PARK, PUBLIC, shall mean an area of open land, maintained or owned by the Municipality or a public authority for the enjoyment, health and well-being of the public and normally open to the public.
- 2.78 PERMITTED, shall mean permitted by this By-Law.

- 2.79 PERSON, shall include an individual, an association, a firm, a partnership, an incorporated company, municipal corporation, agent or trustee and their heirs, executors, or other legal representatives of a person to whom the context of this By-law can apply according to law.
- 2.80 PORCH, shall mean a roofed, open gallery, or portico attached to the exterior of a building.
- 2.81 PUBLIC AUTHORITY, shall mean any school board, public utility commission, transportation commission, public library board, board of parks management, board of health, board of commissioners of police, planning boards or commission or committee of local authority established or exercising any power or authority under any general or special statute of Ontario with respect to any of the affairs or purposes of a municipality or a portion thereof, and includes any committee or local authority established by by-law of the Council of the Municipality.
- 2.82 RESIDENTIAL USE, means the use of a building or structure or parts thereof as a dwelling.
- 2.83 RETAIL STORE, shall mean a store or shop within which is conducted the selling or buying of goods or the providing of a service primarily to or from the general public, and offices, servicing, manufacturing, repairing, warehousing or storage accessory thereto and may include motor vehicle accessory stores, furniture stores, variety stores, clothing stores, hairdressers, banks, restaurants, and snack bars.
- 2.84 SCHOOL, PUBLIC, any school established and maintained by the Middlesex County Board of Education, or the Middlesex County Separate School Board.
- 2.85 SCHOOL, PRIVATE, shall mean an educational or training establishment which is not under the jurisdiction of a Board as defined in The Department of Education Act, R.S.O., 1970, as amended from time to time.
- 2.86 SENIOR CITIZEN HOME, shall mean a multiple housing unit for the aged where over fifty (50) percent of the dwelling units are designed, intended, and used for persons sixty (60) years of age or over.
- 2.87 SERVICE SHOP, shall mean any building or part thereof where appliances and machinery are sold, serviced, or repaired and includes building trades establishments but excludes any manufacturing, processing, or wholesaling.
- 2.88 SETBACK, shall mean the horizontal distance from the centre line of the street allowance, measured at right angles to such centre line, to the nearest part of any building or structure on a lot.



- 2.88a SEWAGE TREATMENT PLANT, shall mean the use of land, buildings and structures by the Municipality or by a public authority, where domestic or industrial waste is collected and treated, and may include a sewage pumping station. (By-law No. 130-01)
- 2.89 SIGN, shall mean a name, identification, description, device, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.
- 2.90 STOREY, shall mean the portion of the building, other than the basement or cellar, which lies between the surface of the floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling or roof next above it.
- 2.91 STOREY, FIRST, shall mean the lowest storey of a building, excluding the basement or cellar.
- 2.92 STOREY, HALF, shall mean the portion of a building located wholly or partly within a sloping roof, having side walls not less than one (1.0) metre in height and the ceiling with a minimum height of two (2.0) metres over an area equal to at least fifty (50) percent of the area of the floor next below.
- 2.93 STREET or ROAD, shall mean a common and public highway of satisfactory construction and maintenance to permit the passage of motor vehicles and includes a street and a bridge forming part of a highway or on, over or across which a highway passes.
- 2.94 STREET or ROAD, ARTERIAL, shall mean a street or road under the jurisdiction of the Province of Ontario of the County of Middlesex.
- 2.95 STREET LINE, shall mean the limit of the street allowance and is the dividing line between a lot and a street.
- 2.96 STRUCTURE, shall mean any erection fixed to or supported by the soil.
- 2.97 TAVERN, shall mean an establishment operating under The Liquor License Act, R.S.O., 1970, where alcoholic beverages are sold to be consumed on the premises.
- 2.98 TOURIST HOME, refer to the definition of Boarding House.

- 2.99 TRAVEL TRAILER, shall mean any vehicle including a camping trailer, so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, but not including any vehicle unless it is used or intended for the living, sleeping, or eating accommodation of persons therein for seasonal recreational activity.
- 2.100 TRUCK CAMPER, shall mean a portable structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use.
- 2.101 USE, when used as a noun, shall mean the purpose for which any land, building or structure is designed, arranged or intended to be occupied or used, or for which it is occupied, used or maintained.
- 2.102 WATER SUPPLY, COMMUNAL, shall mean a privately-owned and operated system whereby water is piped to more than one dwelling unit, or to more than one commercial use, or to more than one institutional use, or combination thereof, situated on separate lots.
- 2.103 YARD, shall mean a yard extending across the full width of the lot between the front lot line of the building or structure, and which space is open, uncovered and unoccupied from the ground to the sky except for such buildings, structures, or uses as are specifically provided for elsewhere in this By-law.
- 2.104 YARD, FRONT, shall mean a yard extending across the full width of the lot between the front lot line of the lot and the nearest main wall of any main building or structure on the lot. "FRONT YARD DEPTH" means the least horizontal dimension between the front lot line of the lot and the nearest main wall of any main building or structure on the lot.
- 2.105 YARD, REAR, shall mean a yard extending across the full width of the lot between the rear lot line of the lot and the nearest main wall of any main building or structure on the lot. "REAR YARD DEPTH" means the least horizontal dimension between the rear lot line of the lot and the nearest main wall of any main building or structure on the lot.
- 2.106 YARD, SIDE, shall mean a yard extending from the front yard to the rear yard and from the side lot line of the lot to the nearest main wall of any building or structure on the lot. "SIDE YARD WIDTH" means the least horizontal dimension between the side lot line of the lot and the nearest main wall of any main building or structure on the lot.
- 2.107 YARD, SIDE, EXTERIOR, shall mean a side yard immediately adjoining a public street.

2.108 YARD, SIDE, INTERIOR, shall mean a side yard other than an exterior side yard.

**SECTION 3: ZONES AND ZONING MAP**

**3.1 ESTABLISHMENT OF ZONES**

For the purposes of this By-law, the map hereto annexed as Schedule “A” shall be referred to as the “Zoning Map” for the Village of Newbury and the zoning map shall be divided into the following zones:

<u>ZONES</u>	<u>SYMBOL</u>
Agricultural	A
Residential First Density	R1
Central Commercial	C1
Highway Commercial	C2
General Industrial	M1
Restricted Industrial	M2
Institutional	I
Open Space	OS
Development	D

**3.2 USE OF ZONE SYMBOLS**

The symbols listed in Section 3.1 shall be used to refer to land, buildings, and structures and then uses thereof permitted by this By-law in the said zones, and wherever in this By-law the word “zone” is used, preceded by any of the said symbols, such zone shall mean any area within the Village of Newbury delineated on the zoning map and designated thereon by the said symbol.

**3.3 APPLICATION OF REGULATIONS**

No person shall within any zone use any land or erect, build, construct, reconstruct, relocate, excavate for, alter, add to, enlarge, extend or use any building or structure, except in conformity with this By-law for the zone in which such land, building, structure or use is located.

**3.4 INTERPRETATION OF ZONE BOUNDARIES**

Where any uncertainty exists as to the location of the boundary of any of the said zones as shown on the zoning maps, the following shall apply:

3.4.1 unless otherwise shown, the boundary of the zones as shown on the zoning maps are the center lines of the road allowance or lot lines and the projection thereof;

- 3.4.2 where zone boundaries are indicated as approximately following lot lines shown on a registered plan of subdivision, such lot lines shall be deemed to be the said boundary;
- 3.4.3 where zone boundaries are indicated as approximately parallel to the line of any street and the distance from such street is not indicated, such zone boundaries shall be construed as being parallel to such street and the distance therefrom shall be determined by the use of the scale shown on the zoning map;
- 3.4.4 unless otherwise indicated, a street, lane, railroad or railway, right-of-way, or watercourse included on the zoning map, is included within the zone of the adjoining property on either side thereof; and where such street, lane, right-of-way, or watercourse serves as a boundary between two or more different zones, a line midway in such street, lane, right-of-way or watercourse and extending in the general direction of the long division thereof is considered the boundary between zones unless specifically indicated otherwise.
- 3.4.5 in the event a dedicated street, lane, or right-of-way shown on the map is closed, the property formerly in said street, lane, or right-of-way shall be included within the zone of the adjoining property on either side of the said closed street, lane, right-of-way, and the zone boundary shall be the former centre line of said closed street, lane, or right-of-way.
- 3.4.6 where any zone boundary is left uncertain after application of the preceding provisions, then the boundary line shall be determined according to the scale on the zone map in the office of the Building Inspector.

3.5. TEMPORARY USE BY-LAWS

- 3.5.1 Where the symbol "(T)" followed by a zone symbol listed in Section 4.7.3 appears on Schedule "A", it indicates that a Temporary Use By-law has been passed in accordance with the Planning Act, R.S.O, 1990, C.P.13, to permit the use of lands, buildings or structures in accordance with the zone represented by that zone symbol within the area indicated, with the term of the said temporary use set out specifically in the Temporary Use By-law; and upon expiry of such term, the underlying zone indicated on Schedule A shall apply.

*(EXPIRED on April 17, 2021).*

**SECTION 4: GENERAL PROVISIONS**

4.1 APPLICATION

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

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:

- 4.2.1 shall be used for human habitation, except where a dwelling unit is a permitted accessory use;
- 4.2.2 shall be built closer to the front lot line or side lot line than the minimum distance required by this By-law for the main building on the lot;
- 4.2.3 shall be located in the front yard or the exterior side yard, in the case of a corner lot;
- 4.2.4 shall be built closer to the street than the main building is to that street;
- 4.2.5 shall be built closer than one (1.0) metre to any lot line except:
  - a) that common semi-detached private garages or carports may be centered in the mutual lot line;
  - b) that where a lot line abuts a public lane an accessory building may be located not less than one-half (0.5) metre from said lane.
- 4.2.6 shall exceed ten (10) percent coverage of the total lot area;
- 4.2.7 shall exceed six (6.0) metres in height or contain more than two storeys;
- 4.2.8 shall be built within two (2.0) metres of the main building except where a dwelling unit is a permitted accessory use;
- 4.2.9 shall be considered as an accessory building if attached to the main building in any way except where a dwelling unit is a permitted accessory use;
- 4.2.10 shall be considered an accessory building if located completely underground.

4.3 COMMERCIAL ACCESSORY USE

Notwithstanding any other provisions of this By-law, where a commercial use is permitted as an accessory use in an industrial zone, it shall be erected within two (2.0) metres of the main building, shall not exceed ten (10) percent of the total floor area of the main building, and shall not exceed a maximum floor area of two hundred and eighty (280.0) square metres

4.4 RESIDENTIAL ACCESSORY USE

4.4.1 Notwithstanding any other provisions of this By-law, where a dwelling unit is permitted as an accessory use in an industrial zone, it shall be erected within the main building, shall have a minimum floor area of forty (40.0) square metres, and shall be designed, used, or intended to be used for the exclusive use of a caretaker or security guard of the industrial use.

4.4.2 Notwithstanding any other provisions of this By-law, where a dwelling unit is permitted as an accessory use in a commercial zone, an institutional zone, or an open space zone, the following provisions shall apply:

- |    |   |                      |
|----|---|----------------------|
| a) | for a single family detached dwelling, the minimum lot area over and above the minimum requirements of the commercial or institutional zone | 930.0 m <sup>2</sup> |
| b) | maximum building height   | 10.5 m               |
| c) | minimum floor area  | 80.0 m <sup>2</sup>  |

4.5 HOME OCCUPATIONS

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

4.5.1 there is no outside storage of materials, containers, or finished products;

4.5.2 the character of the dwelling as a private residence does not change, or a public nuisance particularly in regard to noise, traffic or parking is not created;

4.5.3 there is no mechanical equipment used, the operation of which would result in any undue noise, fumes, dust, or odor escaping to any adjoining use;

4.5.4 does not occupy more than 25 percent of the total floor area of the dwelling unit including basement or cellar area used for home occupation or as living quarters, or forty (40.0) square metres whichever is the lesser, and for greater clarity, such uses include 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, any shop, tea room, tourist home, convalescent home, mortuary, funeral parlour, dancing school, rooming house, boarding house, hairdressing if more than two persons 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 other of the trades.

#### 4.6 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 Affairs Act, Chapter 98, R.S.O., 1970, any railway, telephone, telegraph or gas company, any department of the Government of Ontario or Canada, including Ontario Hydro or any other public authority provided that:

4.6.1 the lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structured is located shall be complied with;

4.6.2 no goods, material, or equipment shall be stored in the open in a residential zone or in a lot adjacent to a residential zone;

4.6.3 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;

4.6.4 any parking and loading regulations for these uses are complied with.

#### 4.7 TEMPORARY USES

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

4.7.1 any sign which is erected does not exceed three (3.0) square metres in area;



4.7.2 such uses or buildings are used only as long as same are necessary for work in progress which has neither been finished or abandoned or a period of one (1.0) year whichever is the lesser;

4.7.3 such uses or buildings are removed when the work in connection with which they were permitted is terminated.

#### 4.8 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 which is likely to create danger to health, or danger from fire or explosion.

#### 4.9 OBNOXIOUS USES

Any use is prohibited which by its nature or by the materials used therein is declared under The Public Health Act, R.S.O., 1970, or any regulations adopted thereunder to be a noxious or offensive trade, business or manufacture.

#### 4.10 NON-CONFORMING USES

The provisions of this By-law shall not apply:

4.10.1 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 effective date so long as it continues to be used for that purpose; or

4.10.2 to prevent the erection or use for a purpose prohibited by this By-law of any building or structure the plans for which have, prior to the day of the passing of the By-law, been approved by the Building Inspector, 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 erection of such building or structure is commenced 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 is commenced.

#### 4.11 PROHIBITED USES

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

4.11.1 the use of any land or the erection of any building or structure or the purposes of wrecking yards, salvage yards, dumps, the collection of rags, junk, any refuse, scrap iron, or other scrap metals;

- 4.11.2 the location and use of a mobile home for the purpose of residential, commercial, industrial, or institutional uses, except as a temporary use as provided for in section 4.7.

4.12 HAZARD LANDS

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

- 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 eighteen and one-half (18.5) metres from the top-of-bank of a municipal drain having a width of less than four and one-half (4.5) metres and seven and one-half (7.5) metres from top-of-bank to top-of-bank;
- c) closer than thirty and one-half (30.5) metres from the top-of-bank of a municipal drain having a width of less than seven and one-half (7.5) metres from top-of-bank to top-of-bank;

- 4.12.2 Notwithstanding any other provision 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 to their susceptibility to flooding, erosion, subsidence, inundation or the presence of organic soils or steep slopes.

4.13 YARD EXCEPTION

Where in this By-law a front, side or rear yard is required, and part of the area of the lot is, covered by water or marsh for more than two months in the year, or is beyond the rim of the riverbank or watercourse, or between the top and toe of a cliff or embankment having a slope of thirty (30) degrees or more from the horizontal, then the required yard shall be measured from the nearest main wall of the main building on the lot to the nearest edge of the said area covered by water or marsh, or to the top of the said riverbank or watercourse, or to the top of the said cliff or embankment.

4.14 TRUCK, BUS AND COACH BODIES OR TRAVEL TRAILORS, TRUCK CAMPER, MOTOR HOMES OR TENTS USED FOR HUMAN OCCUPANCY

- 4.14.1 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;

- 4.14.2 No travel trailer, truck camper or motor home shall be used for the living, sleeping or eating accommodations of persons within the municipality for a period of more than sixty (60) days in any period of ten (10) consecutive months.

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 and, where applicable, kitchen and heating facilities have been installed and are in a satisfactory working order. A certificate of occupancy may be issued prior to the external siding being erected subject to the work being completed within twelve months of the date the certificate was issued.

4.16 EXISTING LOTS

Notwithstanding any other provisions of this By-law, existing lots with less than the required lot area, or lot frontage, may be developed for a use specified in the appropriate zone provided all other regulations of the By-law are satisfied, and:

- 4.16.1 such lots are serviced by approved sanitary sewage facilities;
- 4.16.2 such lots have a minimum frontage of twelve (12.0) metres on a public street;
- 4.16.3 such lots have a minimum lot area of nine hundred and thirty (930.0) square metres where a communal or municipal water supply and municipal sanitary sewage services are not available, and seven hundred and fifty (750.0) square metres where a communal or municipal water supply is available but municipal sanitary sewage services are not available.

4.17 STREET FRONTAGE OF BUILDING LOTS

Except as hereafter provided by 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

Notwithstanding any other provisions of this By-Law, and except in a commercial zone, 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 or structure shall be erected, no driveway shall be located, and no shrubs shall be planted or maintained which obstruct the view of a driver of a vehicle approaching the intersection.

4.19 PRIVATE GARAGES ON CORNER LOTS

Notwithstanding any other provisions of this By-Law, no private garage on any corner lot shall be located closer than six (6.0) metres to the street line, and no portion of any driveway shall be located closer than nine (9.0) metres to the intersection of two street lines or their projections.

4.20 NON-COMPLIANCE WITH MINIMUM LOT OR YARD REQUIREMENTS

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

4.20.1 the enlargement, reconstruction, repair or renovation does not further reduce a front yard and/or a side yard and/or a rear yard having less than the minimum required by this By-Law, and

4.20.2 all other applicable provisions of this By-Law are complied with.

4.21 USE OF YARDS ON LANDS WITHOUT BUILDINGS

Where land is used for or connected 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 the respective use zone shall be provided and maintained as yards and the applicable regulations shall apply, except for where the land or lot is used for gardening or open space purposes not prohibited by this By-law in such use zone.

4.22 MINIMUM SETBACKS FROM ARTERIAL STREETS OR ARTERIAL ROADS

Notwithstanding any other provision of this By-law, where a building or structure is erected adjacent to a Country Road, and in the absence of an established building line as determined by the County of Middlesex, the minimum setback shall be 30.5 metres from the centre line of such arterial street or arterial road.

4.23 ESTABLISHED BUILDING LINE ON STREETS OR ROADS

Notwithstanding any other provision of this By-law, where a single-family 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 centerline 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 centerline of the street or road, as the case may be, than the established building line on the date of the passing of this By-law.

4.24 PERMITTED ENCROACHMENTS IN YARDS

Every part of any yard required by this By-law shall be opened 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 distances specified:

<u>Structure</u>	<u>Permitted Yard</u>	<u>Max. Projection from Main Wall</u>
windows, sills, belt courses, cornices, eaves, canopies, gutters, chimneys, or pilasters	any yard	0.5 metre
fire escapes and exterior staircases	rear yard only	1.5 metres
bay windows	front, rear and	1.0 metre exterior side yards only
open, roofed porches not exceeding one storey in height, uncovered terraces	front and rear yards only	2.5 metres including eaves and cornices

4.25 ENCLOSURES

Enclosures to any porch or terrace permitted in section 4.24 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 which permits fifty (50) percent air to pass through at all times.

4.26 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.

4.27 MAIN ACCESS LIMITATIONS

The main access to a dwelling unit shall not be by means of an outside staircase having more than ten (10) risers or a height of one and one-half (1.5) metres.

4.28 BUFFER STRIPS

4.28.1 A buffer strip shall be located within the zone for which it is required; it shall be planted, nurtured or 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.

4.28.2 In all cases where access driveways extend through a buffer strip, it shall be permissible to interrupt the strip within three (3.0) metres of the edge of such driveway.

4.28.3 A buffer strip may form part of any required landscaped open space, including the required front, side and rear yards.

4.28.4 Where a commercial zone abuts a residential zone, or industrial zone, or an open space zone, a strip of land not less than one and one-half (1.5) metres in width adjacent to and inside the commercial zone boundary shall not be used for any other purpose than a buffer strip.

4.28.5 Where an industrial zone abuts a residential zone, industrial zone, or an open space zone, a strip of land not less than three (3.0) metres in width adjacent to and inside the industrial zone boundary shall not be used for any other purpose than a buffer strip.

4.29 COMMERCIAL AND INDUSTRIAL ZONES ABBUTING OR ADJACENT TO RESIDENTIAL, INDUSTRIAL 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, or open space zone, the following provisions shall be complied with:

4.29.1 no parking of vehicles with capacity over nine hundred (900) kilos shall be permitted in any side yard adjacent to the neighboring zone;

- 4.29.2 no loading space shall be located in, nor open onto any side yard adjacent to the neighboring zone;
- 4.29.3 exterior lighting and illuminated signs shall be so arranged as to deflect light away for the adjacent neighboring zone;
- 4.29.4 outside storage shall be prohibited in any front yard or side yard adjacent to the neighboring zone;
- 4.29.5 a buffer strip shall be provided in accordance with the provisions of Section 4.28.4 and 4.28.5 respectively.

4.30 PARKING REQUIREMENTS

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:

<u>Type of Use or Building</u>	<u>Minimum Parking Required</u>
Single-family detached, converted dwellings, and dwelling units located in commercial buildings, senior citizen home	one (1) parking space per dwelling unit
auditoriums, restaurants, theatres, arena, community centres, private clubs, and other places of assembly	where there are fixed seats, one (1) parking space for every five (5) seats or for every three (3.0) metres of bench space; where there are no fixed seats, one (1) parking space for each ten (10.0) square metres of floor area devoted to public use
hospitals, nursing homes or rest homes, and welfare institutions	one (1) parking space for each two beds or for each forty (40.0) square metres of floor area whichever is greater
schools	one (1) parking space for each teaching staff member for elementary schools

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churches	one (1) parking space for every ten (10) seats or six (6.0) metres of bench space of its maximum seating capacity
libraries	a minimum of ten (10) parking spaces or one (1) parking space per three hundred (300.0) square metres of building floor space, whichever is greater
funeral homes	one (1) parking space for every five (5) seats of its maximum seating capacity with a minimum of ten (10) parking spaces
<u>Type of Use or Building</u>	<u>Minimum Parking Required</u>
hotels, motels, and taverns	one (1) parking space per rental unit, one additional parking space for each ten (10.0) square metres of floor area devoted to public uses such as restaurants, taverns and other eating places associated with motels and staff houses
boarding house, rooming house, or tourist home	one (1) parking space for every two (2) rooms rented
industrial establishments	one (1) parking space for each three hundred (300.0) square metres of building floor space
retail stores	one (1) parking space per thirty (30.0) square metres of retail floor area
offices, general and professional	one (1) parking space per thirty (30.0) square metres of office floor area



home occupation	one (1) off-street parking space for each twenty (20.0) square metres of floor area devoted to said use in addition to that required for the dwelling
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#### 4.31 STANDARDS FOR PARKING AREAS

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

- 4.31.1 adequate drainage facilities shall be provided and maintained in accordance with the requirements of the Municipality;
- 4.31.2 parking areas 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;
- 4.31.3 the lights used for illumination of parking areas shall be so arranged as to divert the light away from adjacent lots;
- 4.31.4 a structure, not more than three (3.0) metres in height and not more than four and one-half (4.5) square metres in area may be erected in a parking area for the use of parking attendants;
- 4.31.5 no sign other than directional signs and signs indicating the name of the premises, not exceeding one (1.0) square metre in size, shall be erected on any parking area or parking lot;
- 4.31.6 parking areas shall be within ninety (90.0) metres of the location which it is intended to serve, and shall be situated in the same zone;
- 4.31.7 no gasoline pumps or other service station equipment shall be located or maintained in any parking area;
- 4.31.8 a strip of land not less than three (3.0) 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 for entrances and exits.

4.32 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 loading spaces are provided and maintained in accordance with the following provisions:

- 4.32.1 one loading space shall be provided for every eighteen hundred fifty (1850.0) square metres 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 two hundred and eighty (280.0) square metres whereby no loading space shall be required;
- 4.32.2 loading spaces shall have dimensions not less than three and one-half (3.5) metres by fourteen (14.0) metres;
- 4.32.3 loading spaces shall not have less than four and one-half (4.50) metres of clearance.

4.33 STANDARDS FOR LOADING SPACES

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

- 4.33.1 adequate driveway space to permit the safe maneuvering of vehicles on the lot such that they do not cause an obstruction or a hazardous condition on adjacent streets;
- 4.33.2 adequate drainage facilities in accordance with requirements of the Municipality;
- 4.33.3 loading spaces and approaches to be maintained with a stable surface that is treated to prevent the raising of dust or loose particles;
- 4.33.4 illumination of loading spaces so arranged as to be diverted away from any adjacent residential, institutional, or open space zone;
- 4.33.5 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.

4.34 STANDARDS FOR ENTRANCES AND EXITS FOR LOADING AREAS AND PARKING AREAS

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

- 4.34.1 entrance and exit ramps for vehicular traffic shall not exceed two (2) in number and each such ramp shall have a width of seven and one-half (7.5) metres;
- 4.34.2 a driveway leading to any loading area or parking area shall have a minimum width of three (3.0) metres for one-way traffic, and a minimum width of six (6.0) metres for two-way traffic, and the maximum width of a driveway shall be seven and one-half (7.5) metres;
- 4.34.3 a driveway leading to any loading area or parking area shall be defined by a curb of concrete or rolled asphalt and be maintained with cement or asphalt binder or any other permanent surfacing. In addition, said driveway shall be located no closer than fifteen (15.0) metres from the limits of the rights-of-way at a street intersection.

4.35 PARKING OF MOTOR VEHICLES WITHOUT CURRENT LICENCE PLATES

Notwithstanding any other provisions of this By-law, no person may use any lot in any lot in any zone for the parking or storage of any vehicle that does not have a current license plates except that one (1) such vehicle may be stored inside a private garage in a residential zone or a development zone, and any number of such vehicles may be stored within a motor vehicle service establishment in a commercial zone.

4.36 SIGNS

No sign, billboard, or poster shall be erected in any zone, with the exception of a commercial zone. Or an industrial zone, other than the following:

- 4.36.1 a name plate not larger than thirteen hundred and fifty (1350.0) square centimeters indicating not more than the name, occupation, and practicing hours of the occupation, and practicing hours of the occupant;
- 4.36.2 a sign not larger than eighteen hundred (1800.0) square centimeters indicating caution, safety, or no trespassing;
- 4.36.3 a sign not larger than one-half (0.5) square metre advertising land or premises for sale, lease, or rent;
- 4.36.4 a sign not larger than one-half (0.5) square metre advertising a nursing home, rooming or boarding house, or apartment;
- 4.36.5 a sign or bulletin board not larger than one (1.0) square metre for a church, school, community hall, hospital, or fraternal organization;
- 4.36.6 a sign not larger than three (3.0) square metres in connection with a construction project during the course of work on that project;

- 4.36.7 any traffic or direction sign erected by a public authority, a voters' list or other public proclamation;
- 4.36.8 a sign not larger than one-half (0.5) square metre advertising the sale of produce or a professional, home occupation, or trade;
- 4.36.9 any sign permitted in this section shall be located on the same lot as the premises advertised or identified excepting for those referring to institutional or recreational facilities;
- 4.36.10 not more than one (1) sign is erected on any one lot for any purpose permitted in this section.

4.37 SIGNS, COMMERCIAL AND INDUSTRIAL

Any sign, billboard, or poster erected in an industrial zone or commercial zone shall:

- 4.37.1 be limited in number to one (1) for each lot;
- 4.37.2 not exceed four (4.0) square metres in area and six (6.0) metres in height above the adjoining ground;
- 4.37.3 not have flashing or intermitted illumination were located within thirty and on-half (30.5) metres of a residential zone;
- 4.37.4 be so constructed as to reflect or deflect light away from an adjacent residential zone.

**SECTION 5: AGRICULTURAL (A) ZONE REGULATIONS**

**5.1 PERMITTED USES**

No land, building, or structure shall be used or erected in the Agricultural (A) Zone except for the following purposes:

- agricultural use
- agricultural home occupation
- commercial greenhouse
- farm
- forestry use
- home occupation
- plant nursery
- single-family detached dwellings lawfully in existence as of the date of passing of this By-law

5.2 MINIMUM LOT AREA 25.0 ha

5.3 MINIMUM LOT FRONTAGE 300.0 m

5.4 MAXIMUM LOT CORVERAGE 20.0 percent

5.5 MAXIMUM BUILDING HEIGHT 10.5 m

5.6 MINIMUM FLOOR AREA  
for a single-family detached dwelling 90.0 m<sup>2</sup>

5.7 FRONT YARD DEPTH 18.5 m

5.8 SIDE YARD WIDTH 6.0 m

5.9 REAR YARD DEPTH 15.0 m

**5.10 REGULATIONS FOR AGRICULTURE HOME OCCUPATIONS**

5.10.1 storage of materials, containers or finished products in the front or side yards shall not be permitted;

5.10.2 any building or structure, excluding that for residential use, used for an agricultural home occupation shall not exceed seventy (70.0) square metres of ground floor area;

5.10.3 agricultural home occupations shall include only a carpentry shop, a welding shop, a machine shop, a small tool repair shop and home craft operations such as pottery or a weaving operation.

5.11 REGULATIONS FOR SINGLE-FAMILY DETACHED DWELLINGS

5.11.1 The foregoing shall not apply to prevent the enlargement of dwellings or the erection of buildings accessory thereto in compliance with the regulations of Section 6.

5.11.2 The foregoing shall not apply to prevent the replacement of an existing dwelling provided the new dwelling complies to all the requirements set out in section 6.4 to Section 6.9 inclusive.

5.12 EXCEPTIONS

Notwithstanding any other provisions of Section 5 of this By-law to the contrary, the following provisions shall apply at the locations described:

5.12.1 a) DEFINED AREA (By-law No. 692-2)

A-1 as shown on Schedule "A" to this by-law

b) MINIMUM LOT AREA 7000.0 m<sup>2</sup>

c) MINIMUM LOT FRONTAGE 20.0 m

5.12.1 a) DEFINED AREA (By-law No. 110-11)

A-1 as shown on Schedule "A" to this by-law

b) PERMITTED USES

vegetable processing establishment in addition to all other permitted uses of the A zone.

b) MINIMUM LOT AREA 6 ha

c) MINIMUM LOT FRONTAGE 100 m

d) MAXIMUM FLOOR AREA

vegetable processing establishment 2000 m<sup>2</sup>

- 5.13.1 a) DEFINED AREA (By-law No. 110-11)  
A-2 as shown on Schedule "A" to this by-law
- b) MINIMUM LOT AREA 8 ha
- c) MINIMUM LOT FRONTAGE 100 m

**SECTION 6: RESIDENTIAL FIRST DENSITY (R1) ZONE REGULATIONS**

6.1 **PERMITTED USES**

No land, building or structure shall be used or erected in the Residential First Density (R1) Zone except for the following purposes:

- one single-family detached dwelling on one lot
- home occupation
- private garage

6.2 **MINIMUM LOT AREA**

where a piped communal or municipal water supply and municipal sanitary sewage services are not available 1400 m<sup>2</sup>

where a piped communal or municipal water supply is available but municipal sanitary sewage services are not available 930 m<sup>2</sup>

where a piped communal or municipal water supply is available and municipal sanitary sewage services are available (By-law No. 130-01) 500 m<sup>2</sup>

6.3 **MINIMUM LOT FRONTAGE**

where a piped communal or municipal water supply and municipal sanitary sewage services are not available 30.0 m

where a piped communal or municipal water supply is available but municipal sanitary sewage services are not available 25.0 m

where a piped communal or municipal water supply is available and municipal sanitary sewage services are available (By-law No. 130-01) 15 m

6.4 **MAXIMUM LOT COVERAGE** 30 percent

6.5 **MAXIMUM BUILDING HEIGHT** 10.5 m

6.6 **MINIMUM FLOOR AREA** 90.0m<sup>2</sup>



6.7 FRONT YARD DEPTH 7.5 m

6.8 SIDE YARD WIDTH (By-law No. 130-01)

interior lot 1.5 m

corner lot 7.5 m on the side abutting the street and 1.5 m on the other side

6.9 REAR YARD DEPTH 9.0 m

6.10 RESIDENTIAL PARKING REGULATIONS

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 fifteen (15) percent of the total lot area.

6.11 STORAGE OF TRAILORS OR BOATS

The owner or occupant of any lot, in a residential zone, shall not store any boat, travel trailer, truck camper or other similar vehicle in front yard.

6.12 EXCEPTIONS

R.1.4 a) DEFINED AREA (By-law No. 113-16)

R.1.4 as shown on Schedule "A" to this By-law

b) PERMITTED USES

duplex

6.12.# a) DEFINED AREA (By-law No. 107-05)

R1-# as shown on Schedule "A" to this By-law.

b) SPECIAL PROVISION

allows the erection of an accessory building prior to the erection a main building.

6.12.1 a) DEFINED AREA (By-law No. 835-90)

R1-1 as shown on Schedule "A" to this By-law.

b) PERMITTED USES

four-plex dwelling

c) SIDE YARD WIDTH 3 m

d) PARKING REQUIREMENTS 2 per dwelling unit

6.12.2 a) DEFINED AREA (By-law No. 868-92)

R1-2 as shown on Schedule “A” to this By-law.

b) PERMITTED USES

Motor vehicles sales establishment and a public garage conditional on the retention and use of the existing building as the only building used for such purpose and on the further condition that no major exterior renovation or addition be made to such building.

6.12.3 a) DEFINED AREA (By-law No. 108-09)

R1-3 as shown on Schedule “A” to this By-law.

b) PERMITTED USES

Tea Room, Art Gallery and Bed and Breakfast

**6.12.4** a) DEFINED AREA

R1-4 as shown on Schedule “A” of the By-law (3 York Street)

b) MAXIMUM BUILDING HEIGHT

Height of the existing building as of the day of passing of this by-law amendment;

new buildings, or additions or extensions to the existing building – 10.5 m (34.4 ft)

- c) MINIMUM FRONT YARD DEPTH (York Street) 1.8 m (5.9 ft) from the existing building; 4.0 m (13.3 ft) to extensions or additions to the existing building including attached garage
- d) MINIMUM SIDE YARD WIDTH 1.8 m (5.9 ft) from the existing building on the side abutting the street 1.5 m to the interior lot line

e) PERMITTED ENCROACHMENTS IN YARDS

Notwithstanding Section 4.24 of this Zoning By-law, open, roofed porches not exceeding one storey in height, decks, and uncovered terraces may be permitted in front, rear and side yards.

Notwithstanding Section 4.24 of this Zoning By-law, "open, roofed porches not exceeding one storey in height, decks and uncovered terraces may have a Maximum Projection from the Main Wall of:

- 2.8 m (9.1 ft) into the front yard;
- 3.8 (12.4 ft) into the exterior side yard but no closer than 0.5 m (1.64 ft) from the exterior side lot line.

6.12.4

EXPIRED on April 17, 2021.

**SECTION 7: CENTRAL COMMERCIAL (C1) ZONE REGULATIONS**

**7.1 PERMITTED USES**

No land, building, or structure shall be used or erected in the Central Commercial (C1) Zone except for the following purposes:

- boarding house, rooming house, or tourist home
- bus depot
- offices, general or professional
- hotel, or tavern
- institutional use
- library
- motor vehicle service establishment
- newspaper establishment
- parking lot
- post office
- public garage
- retail store
- service shop
- single family detached dwellings lawfully in existence as of the date of the passing of this By-law
- a dwelling unit is an accessory use

**7.2 MINIMUM LOT AREA**

- where a piped communal or municipal water supply and municipal sanitary sewage services are not available 1400 m<sup>2</sup>
- where a piped communal or municipal water supply is available and municipal sanitary sewage services are not available 930.0 m<sup>2</sup>
- where a piped communal or municipal water supply is available and municipal sanitary sewage services are available (By-law No. 130-01) 500 m<sup>2</sup>

**7.3 MINIMUM LOT FRONTAGE**

- where a piped communal or municipal water supply is available and municipal sanitary sewage services are not available 20.0 m



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	where a piped communal or municipal water supply is available and municipal sanitary sewage services are not available	18.0 m
	where a piped communal or municipal water supply is available and municipal sanitary sewage services are available (By-law No. 130-01)	15 m
7.4	<u>MAXIMUM LOT COVERAGE</u>	40 percent
7.5	<u>MAXIMUM BUILDING HEIGHT</u>	12.0 m
7.6	<u>FRONT YARD DEPTH</u>	
	where the yard abuts a residential institutional or open space zone	6.0 m
	all other cases	nil
7.7	<u>SIDE YARD WIDTH</u>	
	where the yard abuts a residential zone	4.5 m
	where the yard abuts a public street on a corner lot	6.0 m
	all other cases	nil
7.8	<u>REAR YARD DEPTH</u>	
	where the rear yard abuts a residential zone, institutional zone, or an open space zone	6.0 m
	where a building contains dwelling units	10.5 m
	all other cases	3.0 m

7.9 MOTOR VEHICLE SERVICE ESTABLISHMENT

Notwithstanding any previous provisions of this By-law, where a lot in a commercial zone, is used for a motor vehicle service establishment, the following special regulations shall apply:

		<u>Interior Lot</u>	<u>Corner Lot</u>
7.9.1	Minimum lot frontage	45.0 m	55.0 m
7.9.2	Minimum lot depth	40.0 m	40.0 m
7.9.3	No portion of any pump island on a service station shall be located closer than six (6.0) metres from the street line of any street.		
7.9.4	The minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall be not less than nine (9.0) metres, or in the case of the intersection of two arterial streets, the minimum distance shall not be less than fifteen (15.0) metres.		
7.9.5	The minimum distance from any portion of any ingress or egress ramp to any side lot line which abuts any other lot shall not be less than three (3.0) metres.		
7.9.6	The width of any ingress or egress ramp along any street line shall be not more than nine (9.0) metres or less than seven and one half (7.5) metres.		
7.9.7	The minimum distance between ramps shall not be less than nine (9.0) metres.		
7.9.8	The minimum interior angle of any ramp to the street line shall be greater than sixty degrees (60°) and less than ninety degrees (90°).		
7.9.9	All parts of the ingress and egress ramps shall be maintained with a cement, or asphaltic binder or any other type of permanent surfacing to prevent the raising of dust or loose particles.		
7.9.10	Land which is not used for buildings, ramps or paving shall be landscaped lawn, trees or shrubs and maintained in a healthy growing condition and neat and clean in appearance.		

7.10 REGULATIONS FOR SINGLE-FAMILY DETACHED DWELLINGS

- 7.10.1 The foregoing shall not apply to prevent the enlargement of dwellings or the erection of buildings accessory thereto in compliance with the regulations of Section 6.
- 7.10.2 The foregoing shall not apply to prevent the replacement of an existing dwelling in the case of partial or complete destruction caused by fire, lightning, explosion, tempest, flood or Act of God or demolition by order of the Municipality, the Middlesex London District Health Unit, or any other public authority for reason of safety, health or sanitation provided the new dwelling complies to all the requirements set out in Section 6.4 to Section 6.9 inclusive.

7.11 EXCEPTIONS

- 7.11.1 a) DEFINED AREA (By-law No. 125/07)

C1-1 as shown on Schedule "A" to the By-law

- b) PERMITTED USES

semi-detached dwelling in addition to all other permitted uses of the C1 zone.

- c) REGULATIONS FOR A SEMI-DETACHED DWELLING

- |      |                      |   |
|------|----------------------|---|
| i)   | minimum lot area     | 200 m <sup>2</sup>  |
| ii)  | minimum lot frontage | 10 m  |
| iii) | front yard depth     | 6.0 m   |
| iv)  | side yard width      | 1.5 m except that no side yard width shall be required between the common wall dividing individual dwelling units |
| v)   | rear yard depth      | 7.5 m   |
| vi)  | maximum height       | 10 m  |
| vii) | maximum coverage     | 30%   |



- viii) maximum number of dwellings per lot 1
- ix) minimum number of parking spaces 1 per dwelling unit

d) MUNICIPAL SERVICES

No dwelling shall be erected, used, or altered unless such dwelling is connected to a public water supply system and a public sanitary sewage system.

7.11.2 **C1-2 (22891 Hagerty Road) (By-law No. 125-18)**

- a) **Defined Area:** C1-2 as shown on Schedule 'A' to this By-law.
- b) **Permitted Uses:** In addition to the permitted uses listed in Subsection 7.1, the following uses are permitted:
  - i) Dwelling, Duplex

7.11.3 C1-3 (22893 Hagerty Road)

a) DEFINED AREA (By-law No. 127/18)

C1-3 as shown on Schedule "A" to the By-law

b) PERMITTED USES

In addition to the permitted uses listed in Subsection 7.1, the following users are permitted:

- i) Dwelling, Duplex

7.11.2 a) DEFINED AREA

C1-2 as shown on Schedule "A" of the By-law (22845 Hagerty Road)

b) PERMITTED USES

Bus Depot  
Offices, General or Professional  
Public Garage

c) OUTSIDE STORAGE

Outside storage shall be prohibited in any front yard or exterior side yard, and must be visually screened to the satisfaction of the Village.



**SECTION 8: HIGHWAY COMMERCIAL (C2) ZONE REGULATIONS**

8.1 PERMITTED USES

No land, building or structure shall be used or erected in the Highway Commercial (C2) Zone except for the following purposes:

- bus depot
- business/profession office\*
- drive-in restaurant
- farm equipment sales and service
- farm fuel agent
- farm supplies
- financial institution\*
- fuel station\*
- funeral home\*
- garden supply centre
- green house\*
- motel\*
- motor vehicle service establishment
- motor vehicle sales establishment
- personal service shop (barber/hairdresser)\*
- public garage
- restaurant/tavern\*
- retail store\*
- service shop
- veterinary services

(\*By-law No. 134-06)

- |     |                                |                       |
|-----|--------------------------------|-----------------------|
| 8.2 | <u>MINIMUM LOT AREA</u>        | 2000.0 m <sup>2</sup> |
| 8.3 | <u>MINIMUM LOT FRONTAGE</u>    | 30.0 m                |
| 8.4 | <u>MAXIMUM LOT COVERAGE</u>    | 30 percent            |
| 8.5 | <u>MAXIMUM BUILDING HEIGHT</u> | 10.5 m                |
| 8.6 | <u>FRONT YARD DEPTH</u>        | 7.5 m                 |
| 8.7 | <u>SIDE YARD WIDTH</u>         |                       |

Where the highway commercial zone Abuts a residential zone	6.0 m
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Where the yard abuts a public street

	On a corner lot	6.0 m
	All other cases	3.0 m
8.8	<u>REAR YARD DEPTH</u>	7.5 m
8.9	<u>MOTOR VEHICLE SERVICE ESTABLISHMENT</u>	

Notwithstanding any previous provisions of the By-Law, where a lot in a commercial zone is used for a motor vehicle service establishment, the regulations of section 7.9 shall apply.

8.10 EXCEPTIONS

8.10.1

a) DEFINED AREA

C2-1 as shown on Schedule "A" of the By-law (1788 and 1792 Concession Drive)

b) PERMITTED USES

Drive-in restaurant, business/procession office  
Farm Equipment Sales  
Farm Supplies  
Financial Institution  
Funeral Home  
Four-Plex Dwelling  
Garden Supply Centre  
Green House  
Home occupation  
Motel  
Motor Vehicle Sales Establishment  
Personal Service Shop  
Private Garage  
Restaurant/Tavern  
Retail Store  
Semi-Detached Dwelling  
Street Townhouse Dwelling  
Townhouse Dwelling  
Veterinary Services

c) MINIMUM LOT AREA

145.0 m<sup>2</sup> per unit for residential uses

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**VILLIAGE OF NEWBURY ZONING BY-LAW**

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- |   |  |
|---|--|
| d) <u>MINIMUM LOT FRONTAGE</u>            | 8.0 m per unit for residential uses  |
| e) <u>MAXIMUM LOT COVERAGE</u>            | 45% for residential uses   |
| f) <u>MAXIMUM BUILDING HEIGHT</u>         | 10.5 m for residential uses  |
| g) <u>MINIMUM FLOOR AREA</u>              | 90.0 m <sup>2</sup> per unit for residential uses  |
| h) <u>FRONT YARD DEPTH</u>                | 7.5 m for residential uses   |
| i) <u>SIDE YARD WIDTH</u>                 | 3.0 m for residential uses; 0.0 m along the lot line of the common wall dividing residential units   |
| j) <u>REAR YARD DEPTH</u>                 | 9.0 m for residential uses   |
| k) <u>RESIDENTIAL PARKING REGULATIONS</u> | 1.5 parking space per dwelling unit  |
| l) <u>STORAGE OF TRAILERS OR BOATS</u>    | The owner or occupant of any residential unit shall not store any boat, travel trailer, truck camper or other similar vehicle in front yard. |

**SECTION 9: GENERAL INDUSTRIAL (M1) ZONE REGULATIONS**

9.1 PERMITTED USES

No land, building or structure shall be used or erected in the General Industrial (M1) Zone except for the following purposes:

- building materials yard
- bulk sales establishment
- contractor's yard
- farm equipment sales and service
- general industrial use
- public garage
- a commercial use as an accessory use
- a dwelling unit as an accessory use

9.2 MINIMUM LOT AREA 2000.0 m<sup>2</sup>

9.3 MINIMUM LOT FRONTAGE nil

9.4 MAXIMUM LOT COVERAGE 50 percent

9.5 MAXIMUM BUILDING HEIGHT nil

9.6 FRONT YARD DEPTH

Where the industrial zone fronts on a street opposite a residential zone, Institutional zone or open space zone, or directly abuts said zones 30.5 m

all other cases 10.5 m

9.7 SIDE YARD WIDTH

Where the industrial zone directly abuts A residential zone, institutional zone or open space zone 30.5 m

all other cases 6.0 m

9.8 REAR YARD DEPTH

Where the industrial zone directly abuts A residential zone, institutional zone or open space zone	30.5 m
all other cases	6.0 m

9.9 YARDS ABUTTING A RAILWAY RIGHT-OF-WAY

Notwithstanding any other provisions of this By-Law, where an industrial zone abuts a railway right-of-way, no yard shall be required.

9.10 EXCEPTIONS

9.10.1 a) DEFINED AREA (By-law No. 130-01)

M1-1 as shown on Schedule "A" to this By-law.

b) PERMITTED USES

sewage treatment plant

9.10.2 a) DEFINED AREA (By-law No. 113-17)

M1-2 as shown on Schedule "A" to this By-law.

b) PERMITTED USES

contractor's yard  
single-detached dwelling

**SECTION 10: RESTRICTED INDUSTRIAL (M2) ZONE REGULATIONS**

10.1 PERMITTED USES

No land, building, or structure shall be used or erected in the Restricted Industrial (M2) Zone except for the following purposes:

- light industrial use
- parking lot
- a commercial use as an accessory use
- a dwelling unit as an accessory use

10.2 MINIMUM LOT AREA 2000.0 m<sup>2</sup>

10.3 MINIMUM LOT FRONTAGE nil

10.4 MAXIMUM LOT COVERAGE 50 percent

10.5 MAXIMUM BUILDING HEIGHT 10.5 m

10.6 FRONT YARD DEPTH

Where the industrial zone fronts on a Street opposite a residential zone, Institutional zone, or directly abuts said zones 30.5 m

All other cases 10.5 m

10.7 SIDE YARD WIDTH

Where the industrial zone directly abuts A residential zone, institutional zone or open space zone 7.5 m

all other cases 4.5 m

10.8 REAR YARD DEPTH

Where the industrial zone directly abuts A residential zone, institutional zone or open space zone 15.0 m

all other cases 7.5 m



10.9 YARDS ABUTTING A RAILWAY RIGHT-OF-WAY

Notwithstanding any other provisions of this By-Law, where an industrial zone abuts a railway right-of-way, no yard shall be required.

10.10 ENCLOSED OPERATIONS

Within the Restricted Industrial (M2) zone, all permitted uses and operations shall be conducted within an enclosed building.

**SECTION 11: INSTITUTIONAL (I) ZONE REGULATIONS**

**11.1 PERMITTED USES**

No land, buildings, or structures shall be used or erected in the Institutional (I) zone except for the following purposes:

- church with or without a cemetery
- community centre
- clinic
- day nursery
- funeral home
- government offices or buildings
- nursing home or rest home
- senior citizen home
- school, public or private
- welfare institutions
- a dwelling unit as an accessory use

**11.2 MINIMUM LOT AREA**

Where a piped communal or municipal water supply and municipal sanitary sewage services are not available. 1400.0 m<sup>2</sup>

Where a piped communal or municipal water supply is available and municipal sanitary sewage services are not available 930.0 m<sup>2</sup>

**11.3 MINIMUM LOT FRONTAGE**

Where a piped communal or municipal water supply and municipal sanitary sewage services are not available. 30.0 m

Where a piped communal or municipal water supply is available and municipal sanitary sewage services are not available 25.0 m

**11.4 MAXIMUM LOT COVERAGE** 40 percent

**11.5 MAXIMUM BUILDING HEIGHT** 12.0 m

**11.6 FRONT YARD DEPTH** 7.5 m

11.7 SIDE YARD WIDTH

Where the yard abuts a public street on a corner lot	6.0 m
all other cases	3.0 m

11.8 REAR YARD DEPTH

Where an institutional use contains residential accommodation or where the yard abuts a residential zone or an open space zone	10.5 m
Where the yard abuts a commercial zone	6.0 m

11.9 BUFFER STRIPS

Where the Institutional (I) Zone abuts a residential zone, a buffer strip as provided in Section 4.27 shall be provided and the minimum width of the buffer strip shall not be less than one and one-half (1.5) metres.

11.10 EXCEPTIONS

11.10.1 a) DEFINED AREA (By-law No. 881-94)

I-1 as shown on Schedule "A" to this By-law

b) PERMITTED USES

accessory use  
church

11.10.2 a) DEFINED AREA (By-law No. 113-97)

I-2 as shown on Schedule "A" to this By-law.

b) PERMITTED USES

institutional use in addition to all other permitted uses of the I zone

**SECTION 12: OPEN SPACE (OS) ZONE REGULATIONS**

12.1 PERMITTED USES

No land, building, or structure shall be used or erected in the Open Space (OS) Zone except for the following purposes:

- cemetery
- forestry use
- golf course
- fairgrounds
- public park
- private park

12.2 ACCESSORY USES

Notwithstanding any other provisions of this By-Law, the following regulations shall apply to the establishment of an accessory use in the Open Space (OS) Zone:

- 12.2.1 MINIMUM SETBACK 7.5 m
- 12.2.2 MAXIMUM LOT COVERAGE 20 percent

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READ A FIRST AND SECOND TIME  
THIS 6<sup>TH</sup> DAY OF NOVEMBER, 1978

“ORIGINAL SIGNED”

\_\_\_\_\_  
REEVE

“ORIGINAL SIGNED”

\_\_\_\_\_  
CLERK

READ A THIRD AND FINAL TIME  
THIS 6<sup>TH</sup> DAY OF NOVEMBER, 1978

“ORIGINAL SIGNED”

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REEVE

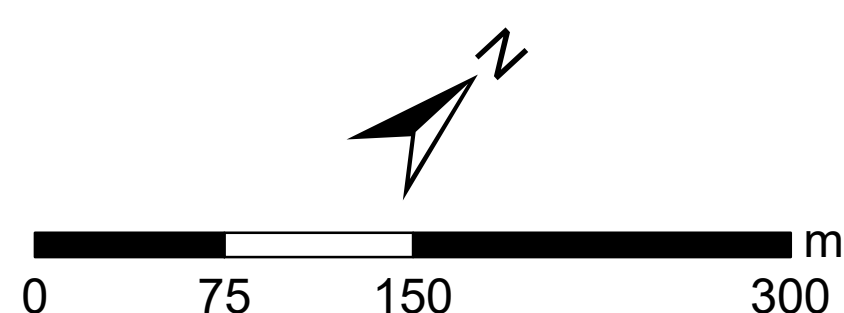
“ORIGINAL SIGNED”

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CLERK

# SCHEDULE "A" TO BY-LAW NO. 692, AS AMENDED



- A** Agricultural Zone
- R1** Residential First Density Zone
- C1** General Commercial Zone
- C2** Highway Commercial Zone
- M1** General Industrial Zone
- M2** Restricted Industrial Zone
- I** Institutional Zone
- OS** Open Space Zone
- D** Development Zone



Note: This schedule forms part of Village of Newbury Zoning By-law No. 692, as amended and must be read in conjunction with the written text

