

SECTION 6 - GENERAL PROVISIONS

All provisions of this Section 6 "General Provisions" shall apply, where applicable to any land, building, structure or use within specific zones unless stated otherwise.

6.1 ACCESSORY BUILDINGS AND USES

6.1.1 Where Permitted

Where this By-Law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include (1) any occupation for gain or profit conducted within a dwelling unit on the lot, except as is specifically permitted in this By-Law, (2) any building used for human habitation except as in this By-Law is specifically permitted or (3) any storage container, portable storage unit or tractor-trailer trailer.

6.1.2 Lot Coverage

- a) Notwithstanding Subsection 6.1.2(e) hereof to the contrary, in residential zones, including the Rural Residential zone, and where residential uses are the primary use in the Rural zone, the floor area – foot print (aggregate area) of all accessory structures shall not exceed 100 m² (1076 ft²).
- b) Notwithstanding Subsection 6.1.2(e) hereof to the contrary, in residential zones, including the Rural Residential zone, and where residential uses are the primary use in the Rural zone, no accessory structure shall be larger than 90% of the floor area – foot print of the principal building.
- c) Notwithstanding Subsection 6.1.2(e) hereof to the contrary, where non-residential uses are the primary use in the Rural zone, the floor area – foot print (aggregate area) of all accessory structures shall be limited to 5% of the total lot coverage.
- d) In all other zones where accessory structures are permitted, the maximum size of all accessory buildings on a lot shall be limited by the total lot coverage.

- e) In no case shall the lot coverage of all principal and accessory buildings on a lot exceed the maximum lot coverage set out in the applicable zone provisions in this by-law.

6.1.3 Location

In any zone other than a residential zone or non-farm residential use in the Rural or Agricultural zones, the yard requirements herein shall apply to both main and accessory buildings. Attached buildings accessory to dwellings shall be considered as part of the main building and all yards shall be provided in accordance with the relevant yard regulations.

6.1.4 Yards for Residential Uses

Any accessory building or structure, in any residential zone or non-farm residential use in an Agricultural or Rural Zone, may be erected in any yard subject to the following restrictions:

- a) When located in a rear yard, such accessory building or structure shall be located no closer than 1.2 metre (3.9 feet) to the side and/or rear lot line. Further, any part of such accessory building or structure shall be setback 2.4 metres (7.8 feet) from any part of a dwelling on an adjoining lot.
- b) When located in an interior side yard, an accessory building or structure may be positioned no closer than 1.2 metre (3.9 ft.) to an interior side lot line. Where a mutual private garage is erected on the lot line between two lots, no interior side yard setback is required.
- c) Where erected in an exterior side yard no accessory building or structure shall be located closer to the exterior side lot line than the minimum front yard setback.
- d) An existing accessory building established in a residential zone on a lot containing a permitted residential use, which does not comply with the provisions of this section shall be deemed to be in conformity with this By-Law, as amended, provided the accessory use was established prior to the date of passing of this By-Law.
- e) For only those lands within the Agricultural, Rural and Rural Residential zones, detached garages or any part thereof, may be located in front of the principle structure provided it complies with the minimum front yard setback requirements and minimum side yard requirements of the zone.

- f) Notwithstanding the above, Sections 6.21, 6.22, 6.33, 6.37 and 6.41 shall apply where applicable.

6.1.5 Separation from the Main Building

The minimum distance between a detached accessory building and the main building to which it is accessory shall be 1.2 metre (3.9 feet).

6.1.6 When Permitted

No accessory building or structure shall be erected until the principal building or structure is erected in compliance with the provisions of this By-Law. Notwithstanding the aforementioned, an accessory building may be erected in conjunction with the construction of the principal building, subject to terms and conditions detailed in the building permit.

6.1.7 Height

Accessory buildings or structures shall not exceed 4.5 metres (14.76 feet) in height in all residential zones and 6 metres (19.7 feet) in all other zones, except as otherwise provided for in this By-Law.

6.2 ACCESSORY DWELLINGS AND DWELLING UNITS

- a) No person shall use any part of a non-residential lot, building or structure for accessory residential purposes except in accordance with the following provisions:
- i. Minimum setbacks and yards shall be provided in accordance with the minimum setback and yard provisions for the non-residential building or structure in which the dwelling unit is located.
 - ii. A dwelling unit shall be permitted in a portion of a non-residential building except in the case of an automobile service station or automobile sales agency where such dwelling unit shall not be permitted.
 - iii. A dwelling unit shall have separate bathroom and kitchen facilities from those of the non-residential use.
 - iv. Each dwelling unit shall have separate parking spaces as required by the parking requirements hereto.

- v. The dwelling unit shall have a separate building entrance to that provided for the sole use of the non-residential use.
 - vi. In a commercial zone dwelling units shall be permitted in a non-residential building provided they are located on the upper storeys of such buildings, or at the rear of such buildings if located on the main floor.
- b) In the Agricultural (A1) or Rural (RU) zones detached dwellings shall be considered as accessory uses when the principal use of the property is agricultural. Notwithstanding anything in this By-Law as otherwise provided, a second single-detached dwelling may be erected on a lot with a minimum lot area of 37 ha, within the Agriculture (A1) or Rural (RU) zones, provided one dwelling is occupied by the owner of the land and the other dwelling is occupied by a person or persons, whose principal occupation is involved in the agricultural operation or who is a retiring farmer. For the purpose of this provision, a mobile home may be used as a second accessory detached dwelling.

6.3 AGRICULTURAL USE RESTRICTIONS (HOBBY FARMS)

On lots within the Agricultural (A) or Rural (RU) zone that are under 4 hectares (10 acres) in size, the maximum number of livestock units permitted shall be limited to 1 livestock unit per 0.8 hectares (2 acre) of land.

6.4 AGRICULTURE - MINIMUM DISTANCE SEPARATION

- a) Notwithstanding any other yard or setback provisions of this By-Law to the contrary, no residential, institutional, commercial, industrial or recreational use, located on a separate lot and permitted in the Zone in which the lot is situated, shall be erected or altered unless it complies with the Minimum Distance Separation (MDS I) calculated using the Ministry of Agriculture, Food and Rural Affairs Publication 707, "MDS Implementation Guidelines", as amended. Notwithstanding the aforementioned, existing vacant lots which cannot be developed as a result of MDS I may be developed subject to the approval of the Committee of Adjustment.
- b) Notwithstanding any other yard or setback provisions of this By-Law to the contrary, no livestock facility shall be erected or expanded unless in compliance with the Minimum Distance Separation (MDS II) calculated using the Ministry of Agriculture, Food and Rural Affairs Publication 707, "MDS Implementation Guidelines", as amended. Notwithstanding the aforementioned, existing livestock facilities which cannot be expanded as a result of MDS II may be expanded

subject to the approval of the Committee of Adjustment.

- c) Where a new or expanded livestock facility is proposed adjacent to a vacant non-farm residential parcel of land containing a lot area of 2 hectares (4.9 acres) or less, the minimum separation distance shall be calculated from the nearest part of the new or expanded agricultural use to the boundary of the vacant lot.
- d) Where a new or expanded livestock operation is proposed adjacent to a vacant non-farm residential parcel of land containing a lot area greater than 2 hectares (4.9 acres), the minimum separation distance shall provide for a minimum building area on the vacant lot of 1 hectare (2.5 acres).

6.5 AMENITY AREAS AND PLAY SPACE FOR MULTIPLE DWELLINGS AND TOWNHOUSE DWELLINGS

- a) In a multiple residential dwelling (other than a senior citizens' multiple dwelling or townhouse dwelling), amenity areas and play spaces as defined by this By-Law shall be provided for each unit as follows:

Dwelling Unit Type	Amenity Area Requirement (Per Unit)	Play Space Requirement (Per Unit)
Bachelor	4.2 m ² (45.9 sq.ft.)	0
1 bedroom	5.6 m ² (60.7 sq.ft.)	5 m ² (53.8 sq.ft.)
2 bedroom	16.3 m ² (175.5 sq.ft.)	5 m ² (53.8 sq.ft.)
3 bedroom	26.8 m ² (288.7 sq.ft.)	5 m ² (53.8 sq.ft.)
4+ bedroom	37.5 m ² (403.5 sq.ft.)	5 m ² (53.8 sq.ft.)

- b) Notwithstanding the provisions in Subsection (a) above, no amenity area is required for a multiple dwelling which contains three (3) dwelling units or less.
- c) The required play space provided for in (a) above shall be in one location in rear areas and ends of buildings or in other suitable locations on the property to:
 - i. permit direct access to and from the dwelling units without encountering traffic hazards;
 - ii. not impair views for front entrances and living room windows within the dwelling units; and

- iii. be located at least 4 metres (13.1 ft.) from the nearest wall of the nearest building.

6.6 AUTOMOBILE SERVICE STATIONS

Where automobile services stations, gas bars and fuel storage are permitted in this By-Law, the following provisions shall apply:

- a) Lot Frontage (Minimum) 45 metres (147.6 ft.)
- b) Lot Depth (Minimum) 45 metres (147.6 ft.)
- c) Front Yard (Minimum) 15 metres (49.2 ft.)
- d) Rear Yard (Minimum) 7.5 metres (24.6 ft.)
(except where the rear yard abuts a residential zone, the rear yard shall be a minimum of 15 metres (49.2 ft.) of which the 4.5 metres (14.8 ft.) adjacent to the lot line shall be retained in an open space condition).
- e) Side Yard (Minimum) 7.5 metres (24.6 ft.)
(except where one or both side yards abut a residential zone, the side yard shall be a minimum of 15 metres (49.2 ft.) of which the 4.5 metres (14.8 ft.) adjacent to the lot line shall be retained in an open space condition).
- f) A sight triangle of 15 metres (49.2 ft.) minimum shall be provided on a corner lot.
- g) Light stands and signs may be located in any required minimum yard at a distance of 2.5 metres (8.2 ft.) from any street line.
- h) Fuel pump islands and fuel pumps may be located in any required minimum yard at a minimum distance of 6 metres (19.7 ft.) from any street line. A sight triangle is not to be construed to be part of the required minimum yard for the purposes of this paragraph. Where a lot is a corner lot, no portion of any pump island or gasoline pump shall be located closer than 3 m to a straight line between a point in the front lot line and a point in the exterior side lot line, each point being distant 15 m from the intersection of such lot lines.
- i) The distance between means of access or ramps shall be 12 metres (39.4 ft.) and on a corner lot, no ramp may be located within 15 metres (49.2 ft.) of the intersection of the street lines.

- j) Each ramp shall have a width of 7.5 metres (24.6 ft.) and the interior angle formed between the lot line and the centre line of the ramp shall be between seventy (70) and ninety (90) degrees.
- k) No ramp shall be located within 4.5 metres (14.8 ft.) of a side lot line.
- l) Off-street parking and off-street loading facilities shall be provided in accordance with the provisions of this By-Law.

6.7 DRAINAGE OF LOTS

All lands, buildings and structures shall provide adequate drainage consistent with the common law of water and shall provide adequate outlet for any increase in flow or change of direction of collected and surface water onto adjoining lots.

6.8 DWELLING UNITS BELOW GRADE

- a) No dwelling unit shall in its entirety be located in a crawl space. If any portion of a dwelling unit is located in a crawl space such portion of the dwelling unit shall be used as a furnace room, laundry room, storage room, recreation room or for a similar use only and shall not be used for sleeping accommodation.
- b) However, a dwelling unit in its entirety, may be located in a basement in accordance with the permitted uses and regulations of this By-Law, provided that the finished floor level of such basement is located above the level of the sanitary or storm sewer serving the building or structure in which such basement is located or provided that the dwelling unit is serviced by an appropriate sewage pumping facility.

6.9 DWELLING UNIT - SECONDARY

A secondary dwelling unit shall only be permitted in a single detached dwelling in accordance with the following provisions:

- a) A secondary dwelling unit shall not be serviced separately from the principle single detached dwelling on the property;
- b) A maximum of one secondary dwelling unit is permitted per single detached dwelling;

- c) A secondary dwelling unit shall not occupy more than 40% of the gross floor area of the single detached dwelling, unless it is located in the basement in which case it may occupy the entire floor area of the basement;
- d) One additional parking spot may be provided above that required by the single detached dwelling. No additional driveways other than those serving the single detached dwelling shall be permitted. The addition of a secondary dwelling unit shall not cause a demand for on-street parking;
- e) Where a secondary dwelling unit is located on a lot, neither a garden suite nor any rooming units shall be permitted
- f) A building permit shall be required for the establishment of a secondary dwelling unit and all Building Code requirements and Fire Code requirements shall be adhered to.

6.10 DWELLINGS WITH COMMON PARTY WALLS

For the purpose of side yard, lot width, lot area, lot coverage and lot occupancy regulations, semi-detached two and four unit dwellings and townhouse dwellings with common party walls shall be considered as one building occupying one lot.

6.11 FRONTAGE ON A STREET

No building or structure shall be erected in any zone except the Limited Services Residential (LSR) Zone unless the lot on which such building or structure is located has frontage on a road which is an improved road and is part of the Corporation's approved road system.

- a) The above provision shall not apply to prohibit the erection of any building on a lot within a registered plan of subdivision where an agreement between the owner and the Corporation, which includes provisions for the construction of the streets in the subdivision, is registered in the Registry Office or the Land Titles Office.
- b) Notwithstanding the above, a non-residential building or structure accessory to a permitted agricultural, forestry or conservation use shall not require frontage on an improved road, nor shall hunting or fishing camps.
- c) For the purposes of this By-Law an improved road does not include an unopened road allowance, a lane, or an unassumed road on a Registered Plan which has been deemed not to be a Registered Plan under the *Planning Act*.

6.12 GARDEN SUITES

Where permitted by this By-Law, a garden suite shall be subject to the following provisions:

- a) The garden suite shall be subject to the same yard setback requirements as the principle dwelling in the zone in which it is located.
- b) One additional parking spot shall be provided above that required by the principle dwelling. No additional driveways other than those serving the principle dwelling shall be permitted.
- c) The maximum number of occupants shall be two (2).
- d) The garden suite unit shall not be used as a rental dwelling unit or for commercial gain or profit.
- e) The garden suite shall meet all health, safety servicing, building code and site plan control requirements.
- f) Garden suites shall be subject to an agreement with the Municipality or sponsoring agency regarding the occupancy and removal of the unit, with such agreement including provisions for bonding.

6.13 GROUP HOMES

- a) Where a Type A Group Homes is identified as a permitted use the following provisions shall apply:
 - i. Type A Group Homes shall not be permitted in accessory single detached dwelling houses nor in accessory dwelling units.
 - ii. Type A Group Homes may be permitted in single-detached dwellings and in both units of semi-detached and duplex dwellings, provided that both units are occupied by one group home operation and that the total number of residents (excluding staff or receiving family) in both units does not exceed ten.
- b) Type B Group Homes shall be permitted subject to a site specific zoning By-Law amendment.

6.14 HEIGHT EXCEPTIONS

The regulations prescribing the maximum height of any building or structure shall not, in any zone, apply to flag poles, radio or television receiving or transmitting equipment serviced and owned by the occupant of a detached dwelling, grain elevators, windmills, farm silo or barns, church spires, belfries, cupolas, towers or domes not used for human occupancy, chimneys, smoke stacks, ventilators, sky-lights, water tanks, scenery lofts, bulk heads, firewalls and similar features and necessary mechanical appurtenances accessory to the building on which they are erected; provided however, that such features are erected only to such heights as are necessary to accomplish their purposes.

6.15 HOME OCCUPATION - DOMESTIC AND HOUSEHOLD ARTS

Where listed as a permitted use, a home occupation - domestic or household art may be conducted within a dwelling unit and may include dressmaking, private day nursery, instruction in music, dancing, arts and crafts, tailoring, weaving, painting, sculpting, pottery, picture framing, furniture refinishing and repair, and moulding or otherwise making or repairing of garden or household ornaments, articles of clothing, personal effects or toys in accordance with the following provisions:

- a) The said dwelling unit is occupied as a place of residence by the individual operating the home occupation.
- b) The home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance; in particular in regard to noise, noxious odours, emission of smoke, traffic or parking.
- c) Not more than thirty-three percent (33%) of the gross floor area of the dwelling, or 60 m² (645 ft²) whichever is the lessor, is devoted to the occupation.
- d) The occupation is carried on by a member of the household residing on the premises and all articles sold are produced by members of the household. One additional employee, other than a household member residing on the premises, shall be permitted provided one additional parking space is provided on the lot.
- e) The residential character of the dwelling is not changed, nor does the home occupation become a public nuisance, in particular, in regard to noise, traffic, vibration, fumes, dust, effluent, odour, or parking.

- f) There is no display of goods or advertising other than a plate or sign which is not larger than 0.55 square metres (6.0 square feet) in area, not flashing.
- g) Home occupations involving instructional or educational activities shall be limited to a maximum of 3 students at a time per dwelling unit, or if the activity requires that there be 4 or more students this may be permitted provided that all requirements of fire, health and life safety have been met through a building permit application, if required.
- h) The home occupation use(s) shall not interfere with telephone, television, radio, or satellite reception.
- i) The rental or retail sales permitted as part of the home occupation shall be limited to those items produced, assembled, repaired or otherwise has value added to, within the dwelling unit or is associated with a service being provided as part of the home occupation.
- j) There is no outside storage of goods or material.

6.16 HOME OCCUPATION - PROFESSIONAL USES

Where listed as a permitted use, Home Occupation - Professional Use may be carried on within a dwelling unit by professional practitioners such as trades persons, accountants, architects, auditors, engineers, insurance agents, land surveyors, lawyers, notaries, realtors, medical practitioners, chiropractors, dentist, veterinarians, photographers, professional consultants, telecommuters, and hair dressers for professional purposes in accordance with the following provisions:

- a) The said dwelling unit is occupied as a place of residence by the professional user.
- b) The home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance; in particular in regard to noise, noxious odours, emission of smoke, traffic or parking.
- c) Not more than thirty-three percent (33%) of the gross floor area of the dwelling, or 60 m² (645 ft²) whichever is the lessor, is devoted to the occupation.
- d) The occupation is carried on by a member of the household residing on the premises and all articles sold are produced by members of the household. One

additional employee, other than a household member residing on the premises, shall be permitted provided one additional parking space is provided on the lot.

- e) The residential character of the dwelling is not changed, nor does the home occupation become a public nuisance, in particular, in regard to noise, traffic, vibration, fumes, dust, effluent, odour, or parking.
- f) There is no display of goods or advertising other than a plate or sign which is not larger than 0.55 square metres (6.0 square feet) in area, not flashing.
- g) No mechanical equipment is used except that reasonably consistent with the use of a dwelling. The home occupation uses(s) shall not interfere with telephone, television, radio, or satellite reception.
- h) The rental or retail sales permitted as part of the a home occupation shall be limited to those items produced, assembled, repaired or otherwise has value added to, within the dwelling unit or is associated with a service being provided as part of the home occupation.
- i) There is no outside storage of goods or material.
- j) One off-street parking space is provided for every 19 square metres (204.5 square feet) of floor space occupied by the professional use.
- k) Where the Home Occupation – Professional Use is in the form of a trades person business, the storage of equipment and material necessary to conduct the home occupation shall be permitted within an accessory building, provided the area devoted to the home occupation is not more than 60 square metres (645 square feet) and the accessory building complies with all other setbacks and provisions of this By-Law.

6.17 HOME OCCUPATION - RURAL BUSINESS

Where listed as a permitted use, a Home Occupation – Rural Business may be conducted within a dwelling, a farm building or an accessory building and shall be limited to welding, machining, seed dealing, small machinery repair, cabinet making, furniture making or repair, arts and craft studio, carpentry, the sale and service of equestrian equipment and trades person business purposes in accordance with the following provisions:

- a) The said dwelling unit is occupied as a place of residence by the individual operating the business.

- b) The home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance; in particular in regard to noise, noxious odours, emission of smoke, traffic or parking.
- c) Not more than thirty-three percent (33%) of the gross floor area of the dwelling is devoted to the occupation.
- d) Where the rural home occupation is located within an accessory building, such accessory building must be a minimum of 70 metres (230 feet) from any part of a dwelling located on surrounding properties and must comply with all other setbacks and provisions of this By-Law. Not more than 100 square metres (1,076 square feet) of an accessory building shall be devoted to a rural home occupation. Any change in use of an accessory structure to accommodate a rural home occupation will require a permit under the *Building Code Act*, Chap. 23, R.S.O. 1992.
- e) The occupation is carried on by a member of the household residing on the premises and all articles sold are produced by members of the household. One additional employee, other than a household member residing on the premises, shall be permitted provided one additional parking space is provided on the lot.
- f) Such home occupation is clearly secondary to the main use and does not change the rural character of the area.
- g) There is no advertising other than a plate or sign which is not larger than 1 square metre (10.8 square feet) in area and not flashing.
- h) The rental or retail sales permitted as part of the a home occupation shall be limited to those items produced, assembled, repaired or otherwise has value added to, within the dwelling unit or is associated with a service being provided as part of the home occupation.
- i) There is no outside storage of goods, materials or equipment unless fully enclosed by a fence or other enclosure which provides visual screening.

6.18 HOME OCCUPATION - FARM VACATION

Where listed as a permitted use, a Home Occupation - Farm Vacation business may be conducted within a farm dwelling provided that:

- a) The lot and detached dwelling in which the Home Occupation - Farm Vacation establishment is located must meet all the requirements of the zone in which it is located.
- b) The home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance; in particular in regard to noise, noxious odours, emission of smoke, traffic or parking.
- c) No person, other than members of the household who operate the establishment shall be employed except as is necessary for housekeeping purposes.
- d) Each guest room shall have a minimum floor area of 10.5 square metres (113 square feet).
- e) Guestrooms are not permitted within an attic.
- f) No Home Occupation - Farm Vacation shall provide more than 3 guestrooms for overnight accommodation.
- g) No food or drink shall be offered or kept for sale for persons who are not guests of the establishment.
- h) A sign shall be permitted provided such sign is not greater than 0.55 square metres (6.0 square feet) in area.
- i) A maximum eight (8) guests shall be permitted to stay within a Home Occupation - Farm Vacation.

6.19 HOME OCCUPATION - BED AND BREAKFAST

Where listed as a permitted use, a bed and breakfast business may be conducted within a detached dwelling provided that:

- a) The lot and detached dwelling in which the Bed and Breakfast establishment is located must meet all the requirements of the zone in which it is located.
- b) The home occupation is clearly secondary to the main residential use and does not change the residential character of the dwelling nor create or become a public nuisance; in particular in regard to noise, noxious odours, emission of smoke, traffic or parking.

- c) No person, other than members of the household who operate the establishment shall be employed except as is necessary for housekeeping purposes.
- d) Each guestroom shall have a minimum floor area of 10.5 square metres (113 square feet).
- e) Guestrooms are not permitted within an attic.
- f) No Bed and Breakfast shall provide more than 3 guestrooms for overnight accommodation.
- g) No food or drink shall be offered or kept for sale for persons who are not guests of the establishment.
- h) A sign shall be permitted provided such sign is not greater than 0.55 square metres (6.0 square feet) in area.
- i) A maximum eight (8) guests shall be permitted to stay within a Bed and Breakfast.

6.20 KENNELS

- a) A kennel, as defined in this By-Law, shall only be permitted in the Special Agricultural Kennel (SAK) or the Special Rural Kennel (SRK) zones, except for those kennels which were licenced and legally in existence on the date of passing of this By-Law in the former Township of South Gower and hereby deemed to be legal non-conforming uses.
- b) A kennel shall be set back a minimum of 30 metres (100 ft.) from all adjacent lot lines that are held in separate and distinct ownership.
- c) The establishment of a new kennel shall be subject to a site-specific amendment to this By-Law and to a site plan agreement with the Municipality regarding (but not limited to) the following: size, location, design, hours of operation, signage and breed of dog to be kept.

6.21 LANDS ADJACENT TO ENVIRONMENTAL PROTECTION (EP) ZONE

The Environmental Protection (EP) zone only applies to lands which have been identified as provincially or locally significant wetlands.

- a) No building or structure or site alteration, including such activities as fill, grading and excavation, which would change the landform and natural vegetative characteristics of the site shall be permitted within 120 metres (393 feet) from a provincially significant wetland, or such lesser setback recommended in an Environmental Impact Study (EIS) undertaken to the satisfaction of the Municipality, provided that such lesser setback complies with the requirements of Section 6.22 of this By-law.
- b) No building or structure or site alteration, including such activities as fill, grading and excavation, which would change the landform and natural vegetative characteristics of the site shall be permitted within 60 metres (197 feet) from a locally significant wetland, or such lesser setback recommended in an EIS undertaken to the satisfaction of the Municipality, provided that such lesser setback complies with the requirements of Section 6.22 of this By-law.
- c) Notwithstanding Section 6.21(a) and (b) the growing of crops, including nursery and horticultural crops, the raising of livestock and other animals for food, or fur, including poultry and fish, aquaculture, agroforestry, maple syrup production, and related existing accessory structures shall be permitted within 120 metres of any EP zone.
- d) Notwithstanding Section 6.21(a) and (b), where the proposed development within the 120 m setback of an Environmental Protection (EP) zone, or within the 60 m setback from a locally significant wetland, is for a minor expansion or alteration to existing buildings or structures, or the construction of accessory buildings within the adjacent lands, such development shall not require an EIS or decision of the Committee of Adjustment provided that:
 - i) The development proposed maintains a 30 m setback from the wetland boundary;
 - ii) Where planting efforts are undertaken within the 30 m setback from the wetland boundary, only native, non-invasive vegetation species shall be planted;
 - iii) The development maintains a 15 m riparian protection zone in a natural vegetative state, except for an 8 m access point to the water;
 - iv) Proposed run-off be appropriately directed to adequate locations or features such as French drains;
 - v) The development shall be subject to site plan control;
 - vi) No tree or shrub removal shall occur between May 15th and July 30th unless a breeding bird survey, conducted five days prior to any removal, identifies no nests in the trees or shrubs;

- vii) Approvals and permits are obtained from the Conservation Authority, which may include an EIS at the discretion of the Conservation Authority as part of their review under the Conservation Authorities Act;
 - viii) If the development is on private services, a permit must be obtained from the Health Unit; and,
 - ix) The proposal meets all other requirements of the By-Law.
- e) For the purposes of Section 6.21(d) a minor expansion or alteration shall be no more than 50% of the existing floor area footprint.
- f) Notwithstanding the Section 6.21 (a) and (b), development which, prior to the date of the passing of this By-Law, was subject to an EIS and/or an approved *Planning Act, 1990 RSO* application, undertaken to the satisfaction of the Municipality and which established an approved setback from the provincially or locally significant wetland shall not be governed by this Section.

6.22 LANDS ADJACENT TO WATERBODIES AND WATERCOURSES

Where any lot on which a building or structure is to be erected is adjacent to a water body or watercourse, such building or structure, including septic systems, shall be subject to the greater of the following minimum setbacks:

- a) 30 metres (98.4 feet) from the normal high water mark;
- b) 15 metres (49.2 feet) from the top of bank;
- c) 15 metres (49.2 feet) from the regulatory flood line; or
- d) Development limits as established by the geotechnical investigation detailing the extent of the physical hazard.
- e) Notwithstanding the Section 6.22 (a) to (d), development which, prior to the date of the passing of this By-Law, was subject to an approved *Planning Act, 1990 RSO* application and which established an approved setback from a waterbody or watercourse shall not be governed by this Section.

The provisions of this Section shall not apply to buildings, structures and services requiring direct access to the water as an operational necessity such as a boathouse, marina, marine facility, minor recreational facilities such as docks approved by the Conservation Authority and/or Parks Canada, or other similar structures, or for flood or erosion control structures, shoreline stabilization and water intake facilities (e.g. fire hydrants).

6.22.1 Municipal Drains

Notwithstanding any yard provisions of this By-Law, except as otherwise provided no person shall hereafter erect any permanent building or structure in any zone which is:

- a) Closer than 15 metres (49.2 feet) from an open municipal drain as defined in the *Drainage Act R.S.O. 1990*;
- b) Closer than 8 metres (26.2 feet) to an enclosed municipal drain as defined in the *Drainage Act R.S.O. 1990*; or,
- c) Closer than 15 metres (49.2 feet) from a mutual agreement drain.

Notwithstanding the above, no setback shall be required for public facilities such as drainage culverts, municipal, county or provincial bridges and other similar public facilities.

6.22.3 Rideau Canal National Historic Site and UNESCO World Heritage Site

- a) Notwithstanding any yard provisions of this By-law, except as otherwise permitted by Parks Canada, no persons shall hereafter erect any building or structure in any zone which is closer than 30 m (98 feet) of the Rideau Canal National Historic Site shoreline.
- b) An application for a permit must be submitted to and approved by Parks Canada for in-water and shoreline works on the Rideau Canal, such as docks, boathouses and boat ports, per the Parks Canada Policies for In-Water and Shoreline Works and Related Activities.
- c) All natural vegetation 15 metres from the shoreline shall be retained in its natural state, with the exception of 25% of the shoreline or 15 metres, whichever is less, to be developed for access to and use of the waterfront.
- d) Development of all lands abutting the Rideau Canal National Historic Site shall be subject to site plan control.

6.23 LOADING SPACE REQUIREMENTS

The owner or occupant of any lot, building or structure erected or used for any purpose, other than an agricultural use, involving the frequent receiving, shipping, loading or unloading of persons, animals, goods, wares and merchandise and raw materials, shall provide and maintain at the premises, on the lot occupied by the building or structure and not forming part of a street or lane, within the zone in which such use is located, loading and unloading spaces in accordance with the following regulations:

- a) The number of loading spaces shall be in accordance with the following:
- | | | |
|--|---|----------|
| i. 280 sq. metres (3,014 sq.ft.) up to 930 sq. metres (10,011 sq.ft.) | - | 1 space |
| ii. exceeding 930 sq. metres (10,011 sq.ft.) Up to 10,000 sq. metres (107,642 sq. ft.) | - | 2 spaces |
| iii. for every 10,000 sq. metres (107,642 sq. ft) over 10,000 sq. metres (107,642 sq. ft.) | - | 1 space |
- b) Each loading space shall be at least 14 metres (45.9 ft.) long, 3.5 metres (11.5 ft.) wide and have a vertical clearance of at least 4.5 metres (14.7 ft.).
- c) The required loading spaces shall be provided on the lot occupied by the building or structure for which the said loading spaces are required and shall not form a part of any street or lane.
- d) For any commercial or industrial use, no loading space or part thereof shall be located and no land shall be used for loading purposes within 1.5 metres (4.9 ft.) of any lot line, or within 3 metres (9.8 ft.) of any street line or boundary of any residential zone.
- e) Access to loading spaces shall be by means of a driveway at least 6 metres (19.7 ft.) wide contained within the lot on which the spaces are located and leading to a street or lane located within or adjoining the zone in which the use is located.
- f) The driveways and loading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.
- g) The loading requirements referred to herein shall not apply to any building in existence at the date of enactment of this By-Law so long as the gross floor area as it existed at the date is not increased. If an addition is made, then additional loading spaces shall be provided up to the number required for such addition.

6.24 LOTS HAVING LESS AREA AND/OR FRONTAGE (EXISTING LOTS OF RECORD)

Where a lot having a lesser lot area, lot depth and/or lot frontage than that required herein is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry or Land Titles Office at the date of the passing of this By-Law, or where such a lot is created as a result of any

expropriation or dedication required for site plan approval, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that all other requirements of this By-Law are met.

6.25 MOBILE HOMES

- a) A mobile home shall be a permitted only in a Residential Mobile Home Park (RMHP) Zone, subject to the following:
 - i. a building permit is required to locate a mobile home on the site; and
 - ii. servicing for a mobile home shall be connected to a satisfactory private or public water and sewage system.

- b) Notwithstanding the above provisions, in an Agriculture (A1) or Rural (RU) Zone:
 - i. one (1) mobile home shall be permitted as a second accessory dwelling on a lot provided it is used as an accessory dwelling related to the farm operation; and
 - ii. such mobile home shall be located to the rear or side of the principal building and shall meet all setbacks as an accessory building.

6.26 MODEL HOME DWELLINGS

A "*Model Home*" shall be a permitted use within a residential plan of subdivision (draft approved or registered), which shall be serviced by municipal water and sanitary sewer systems, in accordance with the following regulations:

- a) The residential dwelling unit being used as a model home shall be a permitted use in the zone in which the model home is to be located;
- b) A model home may be constructed prior to the lifting of a holding zoning which may exist on a draft approved plan of subdivision;
- c) The model home may be constructed as a "dry unit" meaning that it is not connected to full municipal services provided that full municipal services shall be extended to and connected to the model home within six (6) months of the date of occupancy;
- d) The residential dwelling unit shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the subdivision plan;

- e) The maximum number of model homes shall not exceed ten percent (10%) of the total number of lots intended for residential development purposes within the plan of subdivision proposed for registration, to a maximum of four (4) units;
- f) The model home shall comply with all other provisions of this By-Law, as though the dwellings and or units were constructed on the lot within the registered plan of subdivision; and,
- g) The model home shall comply with all applicable terms and conditions of the said conditional building permit.

6.27 NON-CONFORMING USES

- a) Nothing in this By-Law shall apply:
 - i. to prevent the use of any land, building or structure for any purpose prohibited by this By-Law if such land, building or structure was lawfully used for such purpose on the day of the passing of this By-Law, so long as it continues to be used for that purpose; or
 - ii. to prevent the erection for a purpose prohibited by this By-Law of any building or structure for which a permit has been issued under Section 8 of *The Building Code Act*, prior to the day of the passing of this By-Law, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided that the permit has not been revoked under Section 8 (10) of *The Building Code Act*; or
 - iii. to prevent the repair or replacement in whole or in part, or the strengthening to a safe condition of any building or structure or part of any such building or structure which does not conform with this By-Law, provided such alteration or repair does not increase the height, size or volume or change the use of such building or structure; or
 - iv. to prevent the restoration of any building or structure which does not conform with this By-Law provided that:
 - such restoration does not increase the height, size or volume or change the use of such building or structure; and,
 - all efforts are made with such reconstruction to improve the non-conforming nature of the building or structure.
- b) A non-conforming use of a lot, building or structure shall not be changed except to a use which is permissible within such zone, or such other compatible uses as may be approved under Section 45 of the *Planning Act*.

- c) A non-conforming use shall be considered to be terminated once the use ceases and the property is used for a permitted use.

6.27.1 Minor Additions to Existing Buildings and Structures within the Floodplain

- a) Notwithstanding Section 6.27 (a)(iv) above, where safe access has been demonstrated, existing buildings located within the Flooding & Erosion Protection (FEP) zone due to floodplain reasons, may be enlarged up to a maximum of 50% (since October 21, 1993) or less of the original gross floor area of the building provided that:
- i. The gross floor area of the addition is no greater than a maximum of 50 square metres (538 square feet);
 - ii. The increase in the floor area foot print of the building is no greater than 20% of the original building foot print;
 - iii. The number of dwelling units does not increase;
 - iv. The development is flood proofed;
 - v. This provision shall apply to the principal structures;
 - vi. The development shall be subject to site plan control;
 - vii. Approval and permits must be obtained from the Conservation Authority;
 - viii. If the development is on private services a permit must be obtained from the Health Unit; and,
 - ix. The proposal meets all other requirements of the By-Law.
- b) Notwithstanding Section 6.27 (a)(iv) above, where safe access has not been demonstrated, existing buildings located within the Flooding & Erosion Protection (FEP) zone due to floodplain reasons, may be enlarged to a maximum of 20% (since October 21, 1993) or less of the original gross floor area of the building provided that:
- i. The gross floor area of the addition is no greater than a maximum of 20 square metres (215 square feet);
 - ii. The increase in the floor area foot print of the building is no greater than 20% of the original building foot print;
 - iii. The number of dwelling units does not increase;
 - iv. The development is flood proofed;
 - v. This provision shall apply to the principal structures;
 - vi. The development shall be subject to site plan control;
 - vii. Approval and permits must be obtained from the Conservation Authority;
 - viii. If the development is on private services a permit may be required from the Health Unit; and,
 - ix. The proposal meets all other requirements of the By-Law.

- c) Notwithstanding Section 6.27 (a)(iv) above, buildings or structures which are accessory to the existing principle building may be permitted provided that:
- i. The total size of all accessory building or structure is equal to or less than 50 square metres (538 square feet);
 - ii. Only one (1) accessory building or structure is permitted;
 - iii. The accessory building or structure is only single storey;
 - iv. Where there is an opportunity to locate the accessory building or structure outside of the FEP zone this shall be done;
 - v. Where no opportunity exists to located the accessory building or structure outside of the FEP zone, it shall be placed above the 1:20 year flood elevation;
 - vi. The accessory building or structure must be designed and constructed to withstand the effects of flooding to regulatory flood level without structure damage;
 - vii. The development shall not affect the flood susceptibility of other properties; and
 - viii. Setback provisions of the Conservation Authority shall be respected.
- c) In no case shall additions to the principal or accessory buildings or structures exceed the maximum lot coverage of the FEP zone.

6.28 NON-COMPLYING USES

6.28.1 Rebuilding, Repairs and Renovations

Nothing in this By-Law shall prevent the repair or replacement in whole or in part, or the strengthening to a safe condition of a non-complying use, building or structure provided that such rebuilding, repair or renovation does not further contravene this By-Law. Efforts should be made to have the rebuilding of buildings or structures comply with all applicable setbacks and yard provisions of the applicable zone.

6.28.2 Additions and Accessory Uses Permitted

Nothing in this By-Law shall prevent an accessory use, an extension or an addition being made to a building or structure which is used for a purpose specifically permitted within the zone in which such building or structure is located and which building or structure legally existed at the date of passing of this By-Law but which building or structure does not comply with one or more of the Zone Provisions of this By-Law,

provided such accessory use, extension or addition does not contravene any of the provisions of this By-Law.

6.29 OCCUPANCY RESTRICTIONS

Human habitation shall not be permitted in any of the following buildings, structures or parts thereof;

- a) Any private garage or other building which is accessory to a residential use;
- b) Any truck, bus, coach or street car bodies whether or not the same is mounted on wheels;
- c) Any crawl space, as defined in this By-Law;
- d) Any building or structure before the main wall and roof have been erected, application of the exterior siding and roofing has been completed and the kitchen, heating and sanitary conveniences have been installed unless approval of the Chief Building Official has been obtained in advance; or
- e) Any trailer other than as temporary or seasonal accommodation, except in accordance with specific provisions of this By-Law.

6.30 OPEN STORAGE - COMMERCIAL AND INDUSTRIAL ZONES

6.30.1 Minimum Setbacks

- a) The minimum setback from any front, side or rear lot line of any permitted open storage in any commercial or industrial zone shall be no less than the respective minimum front, side or rear yard or the zone in which the said open storage is located unless otherwise specified hereinafter.
- b) In any lot in a commercial or industrial zone, where any side or rear lot line abuts a lot in the same zone as the zone in which the said lot is located, the minimum setback of any open storage shall be 3 metres (9.8 feet) from the said side or rear lot line.

6.30.2 Fencing

Except for a lot used for any defined "Automotive" use, any permitted open storage which adjoins a street, or a lot in any commercial or industrial zone other than the zone in which the said open storage is located, shall be screened from view from the said

street or lot through the erection and maintenance of a fence having a minimum height of 2 metres (6.6 feet).

6.30.3 Surface Treatment

Any permitted open storage area, or vehicular access thereto, involving the storage, parking or display of motor vehicles for the purpose of sale, lease, rental, washing, service or repair, or any primary means of vehicular access to any permitted open storage area, shall be constructed and maintained with a stable surface of crushed stone or gravel adequately treated to prevent the raising of dust or loose particles, and shall include provisions for adequate drainage facilities.

6.30.4 Parking and Loading Spaces to be Preserved

Any areas used for permitted open storage shall be in addition to and separate from such areas as may be required by this By-Law for the provisions of off-street parking or loading spaces.

6.30.5 Lighting

Where lighting facilities are provided in conjunction with any permitted open storage, such lighting shall be so arranged as to project light only onto the open storage area and away from any adjoining lands or the sky.

6.31 OPEN STORAGE - RESIDENTIAL ZONES

In any Residential Zone:

- a) No person shall block any required front yard or rear yard with the location of a building or structure, or by the storage of lumber, salvage or similar material.
- b) No person shall use any lot for the parking or storage of any commercial vehicle in excess of 2000 kg (4409 lb) vehicle weight.
- c) Notwithstanding the provisions of Section 6.31(b), the occupant of any dwelling may use any garage situated on the same lot for the housing or storage of one commercial vehicle, not exceeding 4500 kg. (9920 lb) vehicle weight, which vehicle is operated by the owner.
- d) No Person shall store a derelict vehicle in any required yard.

6.32 OUTDOOR PATIOS

Where a restaurant is permitted in any zone, outdoor patios may be permitted as an accessory subject to the following provisions:

- a) No person shall establish an outdoor patio within any parking area that is required to satisfy the minimum parking requirements established by this By-Law for all uses located on the same lot therewith unless the loss of parking spaces is compensated elsewhere.
- b) For purposes of this By-Law, areas used for outdoor patios shall not be considered gross floor area or gross leasable floor area, and shall not be considered part of the building for purposes of determining lot coverage.
- c) For purposes of this By-Law, off-street parking shall be required for outdoor patios in accordance with the provisions of this By-Law at the rate of one (1) parking space for every four (4) persons that can be accommodated at one time in the outdoor patio in excess of twenty (20) persons, but no off-street parking shall be required for any outdoor patio located within the C1 or C3 zones.
- d) All outdoor patios shall be subject to site plan control.

6.33 OUTDOOR SOLID FUEL COMBUSTION APPLIANCES

An outdoor solid fuel combustion appliance shall be only permitted on lands within the Rural (RU) and Agriculture (A1) zones and which are not lands located within a registered plan of subdivision, or within a Hamlet or the Urban Service Area of Kemptville as identified in the North Grenville Official Plan. The following provisions, along with the provisions of any other Municipal By-Law, shall apply to outdoor solid fuel combustion appliances:

- a) Outdoor solid fuel combustion appliances shall be permitted on a lot which has a minimum area of 0.4 Ha (1 acre).
- b) They shall not be permitted in the front yard or exterior side yard.
- c) They shall be located no closer to the side or rear lot line than the minimum setbacks for the principal structure on the property.
- d) They shall be located no closer than 30.5 metres (100 feet) to a residential dwelling on a neighbouring property.

- e) For any outdoor solid fuel combustion appliance located between 30.5 metres (100 feet) and 91.4 metres (300 feet) of a residential dwelling on a neighbouring property shall have a chimney installed that is a minimum of 0.6 metres (2 feet) above the roof peak of the neighbouring residential dwelling.
- f) There shall not be more than one outdoor solid fuel combustion appliance per property.
- g) Notwithstanding the above more than one outdoor solid fuel combustion appliance is permitted on a lot where it serves a permitted accessory dwelling or an agricultural building on lands which are used primarily for agricultural purposes.
- h) The installation of outdoor solid fuel combustion appliances shall be in compliance with the Ontario Building Code, the Ontario Fire Code, the manufacturer's instructions and all other applicable law.
- i) No outdoor solid fuel combustion appliances shall be used for the incineration of waste and shall only burn dry, seasoned wood or other similar solid fuel product in accordance with manufacturer's specifications.

6.34 PARKING PROHIBITIONS

- a) Unless otherwise appropriately zoned, no land in the Municipality shall be used for the storage or parking of a derelict vehicle.
- b) Unless otherwise appropriately zoned, no land in the Municipality shall be used for the parking of an automobile which is undergoing repairs unless:
 - i. such repairs are effected within an enclosed building; or
 - ii. such repairs are completely effected within a period of not more than 72 consecutive hours and while the vehicle is parked upon a driveway or rear yard as herein provided; or
 - iii. such repairs are effected while the vehicle is parked in a location such that it is not visible from any adjacent lands which are not occupied by the owner of the vehicle.
- c) Unless otherwise appropriately zoned, no land in the Municipality shall be used for the outdoor storage of automobile parts unless such parts are stored in a location such that they are not visible from any adjacent lands which are not occupied by the owner of such parts.

- d) Except for lands within a Commercial or Industrial zone, no tractor trailer truck box shall be used for storage.
- e) In the Agriculture – A1 and Rural - RU zones, a maximum of one school bus, which is operative and licenced, may be parked or stored on any lot.

6.35 PARKING PROVISIONS - Off-Street Parking

The owner of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces and areas in accordance with the following table. Where the minimum requirement by zone differs from the minimum requirement by type of use, the higher standard shall apply.

6.35.1 Minimum Number of Required Parking Spaces

<u>Use</u>	<u>Minimum Number of Spaces</u>
a) Detached Dwelling, Semi-Detached Dwelling, Duplex Dwelling, Townhouse or Converted Dwelling	1 space per dwelling unit
b) Dwelling For Exclusive Use By The Elderly	0.75 spaces for each dwelling unit
c) Multiple Dwelling or Dwelling Not Otherwise Specified herein	1 space per dwelling unit plus 1 space for every 4 dwelling units, or fraction thereof, to be set aside for and visually identified as visitor's parking
d) Group Home	1 parking space per on duty employee plus 1 space per 5 beds, or fraction thereof
e) Bed and Breakfast Establishment	In addition to the one parking space a detached dwelling is required to have by this By-Law, a Bed and Breakfast Establishment shall provide one parking space for each guestroom
f) Tourist Home, Motel, Hotel	1 space per sleeping or guest room, plus 1 space for each 20 square metres (215 square feet) of floor area or fraction thereof, used for

	assembly, restaurants or the dispensing of food or drink
g) Marina, Public or Private	1 space for every 2 docking berths
h) Assembly Hall, Community Centre, Church, Private or Commercial Club, Commercial Sports and/or Recreation Centre, Recreational Use Place Entertainment (other than that listed separately)	The greater of 1 parking space for every 20 square metres (215 square feet) of gross floor area, or fraction thereof
i) Bowling Alley, Curling Rink, Firearms Range	2 parking spaces per bowling lane or curling sheet or firing lane, plus 1 parking space per 6 seats design capacity of the area for accessory uses
j) Elementary School Nursery School, Day Nursery	The lessor of 1.5 parking spaces per classroom, and 1 parking space per 4 square metres (43 square feet) of floor area in the gymnasium; or 1 parking space per 4 square metres (43 square feet) of floor area in the auditorium, or fraction thereof
k) Secondary School, Vocational or Technical Training Schools, or College, or Combined Elementary-Secondary School	The lessor of 3 parking spaces per classroom and 3 spaces per 4 square metres (43 square feet) of floor area in the gymnasium; or 3 parking spaces per 4 square metres (43 square feet) of floor area of the auditorium, or fraction thereof
l) Funeral Home	1 parking space per 18 square metres (193 square feet) of gross floor area, or fraction thereof, with a minimum of 8 parking spaces
m) Government Office, Bank, Financial Institution, Veterinary Clinic, and other Office excluding those for the Health Care Professions	1 parking space per 34 square metres (365 square feet) of gross floor area on the first storey and 1 parking space per 36 square metres (387 square feet) of gross floor area above the first storey
n) Clinic or Office for any of the	1 parking space per 30 square metres (322

Health Care Professions	square feet) of gross floor area with a minimum of 3 parking spaces
o) Establishment for the Sale and Immediate Consumption of Food and/or Drink on the Premises, including Taverns, Restaurants, Public Houses and Similar Uses	1 space for each 5 square metres (53 square feet) of building floor area or fraction thereof, devoted to public use
p) Drive-through or Take-Out Establishment where food and/or drink is purchased over the counter for consumption on or off the premises	1 space for each 5 square metres (53 square feet) of gross floor area or fraction thereof
q) Outdoor Patio	1 space for every four (4) persons that can be accommodated at one time in the outdoor patio in excess of twenty (20) persons, but no off-street parking shall be required for any outdoor patio located within the C1 or C3 zones
r) General Store, Convenience Store, Retail Store, Personal Service Shop Laundromat, Automatic Dry Cleaning Establishment	1 parking space per 25 square metres (269 square feet) of gross floor area or fraction thereof
s) Automobile Sales, Automobile Rental, Automobile Body Shop, Automobile Care, Automobile Gas Bar, Automobile Service Station, Recreation Vehicle Sales, Farm Implement Sales, Commercial Storage, Transportation Terminal	2 parking spaces per 100 square metres of gross floor area, with a minimum of 4 parking spaces. The provision of parking for the storage of new and used vehicles, boats or trailers for sale or lease or service shall not be included as satisfying the provisions of this clause
t) Hospital, Nursing Home, Home For The Aged	1 parking space for every 2 beds
u) Contractor or Tradesmen's Establishment, Printing Shop, Industrial Use, Business Service Shop, Custom Workshop	1 parking space per 70 square metres of gross floor area up to 2000 square metres plus 1 additional space for every 200 square metres of gross floor area thereafter

v) Furniture, Appliance, Carpet Stores and Similar Commercial Uses Requiring Large Display Areas, Building Supply Outlet, Greenhouse, Repair Service Shop, Wholesale Outlet	1 parking space per 50 square metres of gross floor area or fraction thereof, with a minimum of 6 parking spaces
w) Warehouse, Bulk Storage, Bakery, Dairy, Dry Cleaning Plant	1 parking space per 200 square metres of gross floor area, or fraction thereof
x) Shopping Centre, Mall	1 space for each 25 square metres (269 square feet) of gross floor area or fraction thereof
y) Home Based Business	1 space for every 20 square metres (215 square feet) of floor area devoted to the use
z) All Uses not otherwise specified herein	1 space for each 20 square metres (215 square feet) of gross floor area or fraction thereof

6.35.2 Designated Accessible Parking Spaces

Included in the number of parking spaces required in Section 6.35.1 for all uses, save and except for Residential uses, shall be designated accessible parking spaces for persons with disabilities in accordance with the following:

<u>Parking Spaces Required By Section 6.35.1</u>	<u>No. of Designated Spaces Required</u>
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401 – 500	9
501+	2% of the total

- a) All designated spaces shall be located on the shortest possible circulation route, with minimal traffic flow crossing to an accessible facility entrance, such as lots serving a particular facility; or to an accessible pedestrian entrance of a parking facility such as lots not serving any facility in particular.
- b) In facilities with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.
- c) An accessible route shall be provided from each accessible parking area to an accessible entrance into the facility. That route shall not be more than 30 metres (100 feet) from the front entrance to the facility.
- d) The maximum cross slope for a designated accessible parking space and associated accessible route shall be 1%.
- e) All designated spaces shall have a height clearance of at least 2.75 metres (9 feet) at the parking space and along the vehicle access and egress routes.

6.35.3 Calculation of Spaces

- a) When a building or lot accommodates more than one use or purpose, the required parking spaces shall be the sum total of the required parking spaces for the separate uses or purposes. Parking facilities for one use shall not be considered as providing required parking for any other use.
- b) If calculation of the required parking spaces results in a fraction the required parking spaces shall be the higher whole number.

6.35.4 Application of Parking Requirements

Notwithstanding the provisions of this subsection, where a use legally existing prior to the date of the passing of this By-Law, the minimum number of parking spaces required by this subsection are to be provided and the number of spaces required does not have to be provided so long as the use continues and in addition, the following provisions shall apply:

- a) In the event that change occurs from one permitted use to another permitted use, the following provisions shall apply:

- i. where the minimum number of parking spaces required are the same for both the new permitted use and the previous permitted use, no additional parking spaces shall be required;
 - ii. where the minimum number of parking spaces required are less for the new permitted use than for the previous permitted use, no additional parking spaces shall be required and the parking spaces that were provided for the previous use shall be maintained up to the minimum number of parking spaces required by this By-Law for the new use;
 - iii. where the minimum number of parking spaces required for the new permitted use is greater than the minimum number of parking spaces required for the previous permitted use, additional parking spaces shall be required for the difference between what the previous use required and what the new use requires under this By-Law.
- b) In the event that an extension or addition is made to an existing building, additional parking spaces shall be provided for the extension or addition in conformance with the minimum number of parking spaces required herein.

6.35.5 Cash-in-lieu of Parking

The Minimum Parking Requirements for Non-Residential Uses required herein may be reduced or waived provided the owner enters into an Agreement with the Corporation under Section 40 of the *Planning Act, RSO 1990*.

6.35.6 Parking Lot Required

Where more than 3 parking spaces are required and such parking spaces are to be located together, such parking spaces shall be located in a parking lot or parking garage.

6.35.7 Commercial Core Parking Space Requirements

On the lands in the General Commercial (C1) zone, the minimum number of required parking spaces for any non-residential use under section 6.35.1 of this By-Law shall be reduced by 50 percent.

6.35.8 Size and Accessibility of Parking Spaces

Every parking space shall maintain a minimum area and width and shall be accessible from unobstructed maneuvering aisles and shall be in accordance with the following regulations:

- a) In the case of a private garage or carport, consisting of an area of not less than 14.3 square metres with a minimum width of 2.6 m;
- b) In the case of regular or angled parking spaces, consisting of a minimum width of 2.7 metres and a minimum length of 5.5 m, with the parking space measured at right angles to the angle of parking;
- c) In the case of parallel parking spaces, consisting of a minimum width of 2.7 metres and a minimum length of 6.7 m; and
- d) Notwithstanding the parking space size requirements listed above, the minimum parking space width for barrier free parking shall be 2.44 metres (8 feet), plus an adjacent access aisle that is 2.44 metres (8 feet) wide. Where two or more angled barrier free parking spaces are located together, the adjacent access aisle may be shared.

6.35.9 Provisions and Location of Spaces

- a) Parking spaces shall be provided at the time of erection, expansion, and/or conversion of any building or structure, or at the time any building or structure is enlarged.
- b) Required parking in a Residential Zone shall be located on the same lot or within the same building as the use for which said parking is required.
- c) Where the owner of a non-residential building or structure proposes to provide the required parking spaces and areas in a location other than on the same lot as the use that requires such spaces and areas, then such shall be located not more than 150 metres (492 feet) from the said lot. Where required parking is not provided on the same lot, the lot or part of the lot where the parking is located shall be required to be dedicated parking under a long term lease in favour of the property which requires the parking spaces and areas.
- d) Unless otherwise provided for herein, uncovered parking spaces shall be permitted in yards in accordance with the following:
 - i. for apartment or multiple dwellings all yards, except in the required front yard, provided no parking spaces shall be located within 6 metres and no driveway shall be located within 3.5 metres of a habitable room window, and provided that where a dwelling house requires 4 or more parking spaces such spaces are no closer than 1.5 metres to any lot line.

- ii. for all other residential uses, other than those identified in 6.35.9 (d)(i), all yards, except in the required front yard, wherein a driveway may be located provided no parking spaces shall be located within 6 metres and no driveways shall be located within 3.5 metres respectively of a habitable room window, unless the parking spaces and/or driveways are reserved for the exclusive use of the occupants of the dwelling unit containing the habitable room window.
 - iii. For open space and commercial uses all yards, provided that no part of any parking area, other than a driveway, is located closer than 1.5 metres to any street line.
 - iv. For industrial and institutional uses interior side and rear yards only, except for visitor parking covering not more than 15% of the front yard area, provided that no part of any parking area, other than a driveway, is located closer than 1.5 metres to any street line.
 - v. Where off-street parking abuts a residential zone, a wooden fence at least 1.5 metres (4.9 ft.) in height shall be erected and maintained and the land within 3 metres (9.8 ft.) of the residential zone or urban residential zone shall be maintained in an open space condition.
- e) In the case of a parking structure completely or partly below finished grade, it shall not be necessary to comply with the setback requirements of the particular zone, except that the minimum distance between such a structure and the street line shall be 7.5 metres (24.6 ft.).
- f) For the conversion of upper storeys of commercial buildings fronting on Prescott and Clothier Streets and in the C1 Zone, one parking space shall be provided for each two dwelling units in a building converted into a total of not more than four dwelling units (including the original unit or units) and one parking space is provided for each dwelling unit in a building in which the upper floors are converted into five or more dwelling units and shall be situated either:
- i. in the rear yard of the lot as inconspicuously as the design and layout of the building and the lot permit; or
 - ii. in an adjacent or neighbouring lot not more that 90.0 m from the building lot; or
 - iii. where it can be demonstrated to the satisfaction of the Municipality that parking can be provided for residential uses that are located beyond 90.0 m from these uses, the Municipality may permit such parking for residential units.
- g) Parking shall not be permitted in the front yard of any Downtown Commercial (C1) Zone.

6.35.10 Seating Accommodation by Benches

For the purposes of Section 6.35.1 where seating accommodation is provided by benches, 0.6 metres (2 feet) of bench space shall be considered as equivalent to one (1) seat.

6.35.11 Driveways

- a) A driveway entrance to and from required parking spaces and lots, shall be provided by means of unobstructed driveways or passageways at least 3 metres, but not more than 9 metres, in width excluding curb ramps, except in a Residential Zone wherein the maximum width of all driveways or passageways on the lot shall be 9 metres or 60% of the width of the lot, whichever is less.
- b) The maximum width of any joint ingress and egress driveway ramp, measured along the street line, shall be 9 metres, excluding curb ramps.
- c) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such a driveway, shall be 7 metres, except for automobile service stations, gas bars and retail propane/compressed natural gas transfer facilities where the minimum shall be 4.5 metres.
- d) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- e) Every lot shall be limited to the following number of driveways:
 - i. Up to the first 30 metres (98.4 feet) of frontage measured along the street line, not more than 1 driveway.
 - ii. For each additional 30 metres (98.4 feet) of frontage measured along the street line, not more than 1 additional driveway to a maximum of three driveways.
- f) Parking areas and associated driveway systems serving any use other than detached dwellings and semi-detached dwellings shall be designed in such a manner that any vehicle entering or leaving a street or public lane need not travel in a backwards motion.
- g) A driveway serving a non-residential use shall not be located closer than 3 metres (9.8 feet) to a lot containing a residential dwelling as a principle use.

- h) A driveway serving a residential use shall not be located closer than 1 metre (3.3 feet) to the side property line, save and except for a joint driveway servicing two lots in which case the driveway shall not require any setback.

6.35.12 Surfacing and Drainage of Parking Areas and Access Lanes

Each parking lot and driveway connecting the parking lot with a street shall be surfaced with asphalt, concrete, interlocking pavers or similar hard surfaces, except that in the case of a dwelling house containing not more than three dwelling units, such parking area and driveway may be constructed of any stable surface treated so as to prevent the raising of dust or loose particles. Drainage shall be provided so as to prevent the flow of surface water onto adjoining lots.

6.35.13 Illumination of Parking Areas or Driveways

When parking areas and/or driveways are illuminated, lighting fixtures shall be so arranged that no part of any fixture shall be more than 4.5 metres (14.75 feet) above the adjoining finished grade and light shall be directed downward only onto the parking area or driveway and away from any adjoining lands or the sky.

6.35.14 Aisle Widths

Aisles between parking spaces shall provide unobstructed access from each parking space to a driveway and shall be established on the basis of the following:

<u>Angle of Parking</u>	<u>Minimum Aisle Width</u>
0 ⁰ to 55 ⁰	3.95 metres (12.9 ft.)
56 ⁰ to 75 ⁰	5.75 metres (18.9 ft.)
90 ⁰	6.7 metres (21.9 ft.)

6.36 PLANTING AREAS

- a) Except in the Downtown Commercial Zone, where any lot in a Commercial or Industrial Zone abuts a lot in a residential zone or where any lot used for institutional purposes abuts a lot in a residential zone, then a continuous strip of landscaped open space having a minimum width of 3 metres (9.8 feet) shall be provided along the abutting lot line.
- b) In a yard in any non-residential zone except the Downtown Commercial Zone, where the required parking abuts a lot in a residential zone, then a continuous

strip of landscaped open space a minimum width of 3 metres (9.8 feet) shall be provided along the abutting lot line.

- c) In any zone, where the required parking abuts a street, then a strip of landscaped open space a minimum width of 1.5 metres (4.9 feet) shall be provided along the lot line abutting the street and the landscaped strip shall be continuous except for aisles and driveways required for access to the parking area.
- d) In the Downtown Commercial Zone, where any lot abuts a lot in a residential zone a visual barrier a minimum of 1.5 metres (4.9 feet) in height shall be established along the lot line.
- e) In all cases where driveways or walks extend through the landscaped open space, it shall be permissible to interrupt the strip within 3 metres (9.8 feet) of the edge of such driveway or within 1.5 metres (4.9 feet) of the edge of such walk.
- f) No accessory use shall be permitted to locate within the required landscaped open space.
- g) A Planting Area referred to in this subsection may form part of any Landscaped Open Space required by this By-Law.

6.37 PROHIBITED USES

- a) Except as otherwise specifically permitted in this By-Law, the following uses are prohibited in any zone;
 - i. adult entertainment parlour.

6.38 PROHIBITIONS

- a) Except in commercial, industrial or institutional zones, not more than one permitted use shall be allowed on a lot unless specifically permitted in this By-Law. This section shall not prohibit the establishment of a home based business in conjunction with a dwelling where such use is permitted.
- b) No person, except a public authority engaged in the implementation of public works or services shall reduce in area or frontage any lot, either by conveyance or alteration, so that the lot or building or structure located on the lot falls out of compliance with provisions of this By-Law.

- c) The purpose for which any land or building is used shall not be changed, no new building or addition to any existing building shall be erected and no land shall be severed from a lot, if such change, erection or severance creates a situation that contravenes any of the provisions of this By-Law applicable to each individual remaining building, accessory building or lot.
- d) Except where specifically permitted by this By-Law, not more than one dwelling shall be located on a lot.
- e) Notwithstanding anything contained in this By-Law, no person shall use or occupy any building for residential purposes unless such building has received occupancy permission from the Municipality in accordance with the Ontario Building Code.
- f) Notwithstanding anything contained in the By-Law, no person shall use any building, structure or land for any purpose that would potentially have a negative impact on groundwater resources in the Municipality. As part of the building permit, severance or rezoning process, the applicant may be required to obtain Ministry of Environment approval for any use. Specifically, individual development proposals which require 50,000 litres or more of water per day will require a water taking permit from the Ministry of Environment. Notwithstanding the foregoing policy, the watering of livestock shall not require a water taking permit.
- g) Any activity, other than the watering of livestock or a public use, that involves the taking of 50,000 litres or more of water per day shall be defined as the “commercial taking of water” and shall be deemed to be a specific “land use” which must be recognized in a site specific zoning category within this By-Law.
- h) Except as otherwise specifically permitted in this By-law, the following structures are prohibited in any zone:
 - i. Shipping containers

6.39 PUBLIC USES AND UTILITIES

- a) The provisions of this By-Law shall not apply to the use of any lot or the location or use of any building or structure for the purpose of public use by the Corporation or by any local board of the Corporation as defined by *The Municipal Act, R.S.O. 1990*, as amended, any telephone or telecommunication corporation, any natural gas distribution system operated by the Corporation or on its behalf by a company distributing gas to the residents of the Corporation and possessing

all the necessary powers, rights, licenses and franchise, any Conservation Authority, the United Counties of Leeds and Grenville, any department of the Government of Ontario or Canada, any use permitted under statutes of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities provided that where such lot, building, structure, use or transmission facility is located in any zone:

- i. no goods, materials or equipment shall be stored in the open, except as permitted in such zone;
 - ii. any above ground use carried on under the authority of this paragraph in any residential zone shall be maintained in general harmony with residential buildings in such zone; and
 - iii. the lot coverage, setback and yard requirements prescribed for the zone in which such land, building or structure is located shall be complied with.
- b) Nothing in this By-Law shall prevent the use of any land as a public park, a public street or for the location of a properly authorized traffic sign or signal, any sign or notice of any Municipal, Provincial or Federal government department or authority, or any mail or utility box or for a street or prevent the installation of a watermain, sanitary/waste water sewer main, storm sewer main, water and/or waste water pumping station, gas main, pipeline, lighting fixtures, overhead or underground electrical facility, television, telecommunication, telephone, or other supply line or communication line or tower, or structure clearly accessory to the foregoing, provided that the location of same has been approved by the Municipality.

6.40 SETBACKS

6.40.1 Roads, Railways and TransCanada Pipeline

- a) A permit from the Ministry of Transportation is required for:
- i. the placing of a building, structure or entrance within 45 m (147 feet) of the limit of any provincial highway, 180 m (590 feet) of the centre point of any intersection on a King's Highway and 395 m (1,295 feet) of any intersection or interchange on a controlled-access highway (i.e. 416); and
 - ii. the placing of a sign within 400 m (1,312 feet) of the limit of the highway.

- b) No building or structure shall be erected in any zone closer than the sum of the front yard or exterior side yard requirement for such zone and the following where applicable:
 - i. 15 metres (49 ft.) from the centre of the right-of-way of a County road; and
 - ii. 10 metres (32.8 ft.) from the centre of the right-of-way of a Municipal road.
- c) All development shall be set back a minimum of 10 metres (30 ft.) from the centreline of all private lanes.
- d) No development shall be permitted within 50 m (164 feet) of a secondary railway line or 100 m (328 feet) of a principle railway line; however, this setback does not apply to industrial or agricultural uses.
- e) Approval from TransCanada Pipelines Limited is required for:
 - i. all development within 200 m (656 feet) of the TransCanada Pipeline; and
 - ii. all excavations, blasting and any movement of heavy equipment within 30 m (98 feet) of the right-of-way of the TransCanada Pipeline.

6.40.2 Pits, Quarries and Landfill Sites

- a) No building or structure shall be erected within 300 m (984 feet) of the licenced boundary of a Pit or 500 m (1640 feet) of the licenced boundary of a Quarry.
- b) No building or structure shall be erected within 500 m (1,640 feet) of an open or closed landfill site.
- c) Notwithstanding Section 6.41.2(a) and (b) above, buildings or structures may be permitted where it has been demonstrated, through a report prepared by a qualified professional, that resource use would not be feasible, or that the proposed land uses or development serves a greater long term interest and that issues of public health, public safety and environmental impact are addressed. Assessment of the proposed development proposal shall be carried out by the Committee of Adjustment where the determination of “*minor*” would be assessed based on the effects of the development on the adjacent pit or quarry.
- d) Notwithstanding Section 6.41.2(a), (b) and (c) where a legal non-complying dwelling existed at the date of the passage of this by-law, accessory structures may be permitted to be constructed without the need to satisfy the requirements of Section 6.41.2(c) above.

6.40.3 Municipal Wells

No building or structure, except for those existing at the date of the passing of this By-Law and those authorized in Section 6.40 of this By-Law shall be erected within 100 m (328 feet) of a well which is owned and operated by the Municipality of North Grenville. Notwithstanding the above, those buildings and structures associated with and accessory to the municipal well shall be permitted.

6.40.4 Established Building Line

Notwithstanding the yard and setback provisions of this By-Law to the contrary, in any residential zone, where there is an established building line extending on both sides of the lot, such permitted building or structure may be erected closer to the street line than required by this By-Law provided such permitted building or structure is not erected closer to the street line than the established building line on the date of passing of this By-Law.

6.41 SEWAGE DISPOSAL SYSTEM SETBACK

- a) No sewage disposal system shall be located closer than 3 metres (9.8 ft.) to any property line.
- b) No sewage disposal system shall be located closer than 15 metres (49.2 feet) to a drilled well with a minimum of 6 metres (19.6 feet) of steel casing or 30 metres (98.4 feet) to a dug well.
- c) No sewage disposal system shall be located closer than 30 metres (98.4 feet) to a waterbody or watercourse, 15 metres (49.2 feet) from the top of bank, or 15 metres (49.2 feet) from the regulatory flood line, whichever is greater.

6.42 SIGHT TRIANGLES

- a) Unless otherwise specified in this By-Law, on a corner lot, within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each point being measured 10 metres (33 feet) along the street lines from the point of intersection of the street lines, no building or structure which would obstruct the vision of drivers of motor vehicles shall be erected and no trees, shrubs, hedges, fences, signs or walls shall be planted, erected or maintained of greater height than 0.8 m (2.6 feet) above the centre line of the adjacent road at the lowest point. Where the two street lines do not

intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the tangents to the street lines.

- b) A chain link fence may be permitted in a sight triangle in this By-Law provided that:
 - i. it is not more than 1.0 metres (3.2 ft.) high in any Residential Zone;
 - ii. its posts are not more than 9 centimetres (3.5 inches) in diameter and are not set less than 3.05 metres (10 ft.) apart; and
 - iii. it is made of wire having a maximum gauge of 2.2 millimetres (0.086 inches) and a minimum mesh of 51 millimetres (0.2 inches).
- c) Where any road or street crosses a railway at the same grade, no building, structure or landscaping shall hereafter be erected closer to the point of intersection of the centreline of both the railway and the street than 30 metres (98.4 feet) where automatic signal protection is provided and 45 metres (147.6 feet) where no automatic signals are provided.

6.43 SITE PLAN CONTROL

No development shall take place on any parcel of land designated as Site Plan Control Area in the Site Plan Control By-Law unless the Council of the Corporation has approved such plans and drawings required under the provisions of the Site Plan Control By-Law.

6.44 SWIMMING POOLS – PRIVATELY OWNED OUTDOOR

A privately owned outdoor swimming pool shall be considered as an accessory structure for the purpose of this By-Law and shall comply with the provisions of Section 6.1 of this By-Law unless otherwise specified.

- a) The owner of every privately owned outdoor swimming pool, which is constructed subsequent to the passing of this By-Law, shall, within 96 hours of construction of the swimming pool and before placing any water in the pool, erect and maintain a fence completely enclosing the pool.
- b) Access to the pool shall be controlled by a fence a minimum of 1.2 metres (3.9 feet) in height constructed of solid vertical or horizontal wooden slats or a fence a minimum of 1.5 metres (5 feet) in height constructed of chain link or equivalent and the gate shall be a minimum of 1.2 metres (3.9 feet) in height and shall be self-closing and self-latching and lockable. The side walls of an above-ground

pool may be used as the enclosure, where they are hard sided and are at least 1.2 m (4 feet) above the surrounding grade and located at least 0.9 m (3 feet) horizontally from any fixed object which could allow the walls to be climbed.

- c) A private swimming pool may be erected and used in any yard provided that no part of such swimming pool, including operational equipment, shall be located closer than 1.5 metres (4.9 feet) to any rear or interior side lot line and 6 metres (19.7 feet) to any front or exterior side lot line. In no case shall a private swimming pool be located closer than 5.0 metres (16.4 feet) to the sewage disposal system(tile bed area)nor shall it be located in the area of the sewage disposal system that is identified as the soil mantle.
- d) A swimming pool shall not be considered part of the lot coverage provided no part of the pool or its supporting structure protrudes more than 1.4 metres (4.6 feet) above the finished grade.

6.45 TEMPORARY USES

A building or structure, incidental to construction on the lot where such building or structure is situated such as a construction camp or other such temporary work camp, a tool shed, a shipping or storage container, a scaffold or other similar building or structure shall be permitted in all zones for as long as it is necessary for the construction in progress to be completed or abandoned, but only while a valid building permit for such construction remains in force. The establishment of such buildings or structures may be as a condition of a building permit. Abandoned in this subsection shall mean the failure to proceed expeditiously with the construction work or the failure to undertake any construction work during a continuous 6-month period. Where the aforementioned buildings or structures are located on public lands, approval of the public authority shall be required and may involve the entering into of an agreement. Storage containers shall be permitted for periods of time not to exceed 3 months.

6.45.1 Mobile Food or Refreshment Vehicle

Mobile food or refreshment vehicles shall only be established in accordance with the following provisions:

- a) They must be located within the C3 – Highway Commercial zone;
- b) They shall not be located closer than 60 metres (196.9 feet) to a residential zone;

- c) They shall not be located closer than 75 metres (246.1 feet) to any other restaurant; and,
- d) They shall be subject to an annual licence and/or inspection as required through the Municipality's Mobile Food or Refreshment Vehicle By-Law.

6.46 WINDMILLS

Notwithstanding anything in this By-Law to the contrary, 1 windmill as an accessory structure to a permitted dwelling is permitted in an Agriculture (A1) or Rural (RU) zone provided:

- a) It does not exceed 30 metres (98.4 ft.) In height; and
- b) It is located behind the principal use building on the property; and
- c) It does not conflict with federal aviation regulations; and
- d) It is located at a distance not less than one half its height from any lot line.

6.47 YARDS ENCROACHMENTS

- a) Except as otherwise provided in this By-Law, every part of any required yard shall be open and unobstructed by any building or structure from the ground to the sky, except as follows:
 - i. sills, belt courses, chimneys, canopies or other similar architectural features (not including bay windows, balconies or vertical projections), cornices, eaves (including troughs), gutters, parapets, pilasters or other ornamental features, provided however that the same shall not extend or project more than 0.5 metres (1.6 ft.) into any required yard;
 - ii. window bays and vertical projections, which may project into any required yard by not more than 1.0 m (3.3 ft.), but not closer than 0.5 metres (1.6 feet) to a lot line;
 - iii. balconies may project into any required yard not more than 2.0 m (6.6 ft.), but not closer than 0.5 metres (1.6 feet) to any lot line;
 - iv. porches, not exceeding one storey in height, may project into the required front yard only, not more than 2.5 m (8.2 ft.), including eaves and cornices;
 - v. drop awnings, clothes poles, garden trellises, flag pole, TV or radio antennae including satellite dish antennae, or similar accessories;

- vi. fences, solar collectors, parking lots, retaining walls, gatehouses in industrial zones, driveways, patios and other such uses as specifically permitted in this By-Law;
 - vii. signs, provided however that the same shall be erected in accordance with the provisions of any Sign By-Law or regulation of the Municipality, the County or the Ministry of Transportation;
 - viii. light standards, fuel pump islands and fuel pumps of automobile service stations, provided however that the same shall be erected in accordance with the applicable provisions of this By-Law;
 - ix. fire escapes and exterior staircases, provided however that they may project into any required front, rear, or exterior side yard, a distance of not more than 1.5 metres (4.9 ft.), or any required side yard a distance of not more than 0.5 metres (1.6 ft); over a maximum width of 3.0 m (9.8 ft.);
 - x. Air conditioning units, provided that they may project into any required front, rear or exterior side yard a distance of not more than 1 metre (3.3 feet), but no closer than 0.2 metres to any property line and not into any required site triangle.
- b) Notwithstanding the yard provisions of this By-Law to the contrary, decks, platforms and landing places may project into any required rear or interior side yard, to a maximum distance of 2.0 metres (6.6 ft.), but not closer than 0.5 metres (1.6 feet) to a lot line.
- c) Notwithstanding the yard provisions of this By-law to the contrary, steps and stairways may project into any required yard, to a maximum distance of 2.0 metres (6.6 ft.), but no closer than 0.5 metres (1.6 ft) to a lot line.
- d) Notwithstanding Subsection (b) above, where a dwelling unit was lawfully erected closer to the front lot line than the depth of the front yard required by this By-Law, a porch or verandah with or without a roof, may be added to the dwelling, if the depth of the porch or verandah is not closer to the front lot line than the established building line as defined in this By-Law.
- e) A minimum yard or open space which is existing or is hereafter provided in order to comply with the yard and open space requirements of this By-Law shall be part of, and inseparable from, the lot on which it is provided.
- f) Open, unenclosed barrier free ramps for persons with disabilities shall be, designed and constructed in conformity with the provisions and regulations of the *Building Code Act* and, may extend or project into any required yard.

- g) Marine facilities shall not be permitted to locate closer than 1.5 metres (4.9 ft.) to any interior side lot line. Communal docks shall not be permitted to locate closer than 60 metres (196.8 ft.) to any interior side lot line adjacent to a residential zone.
- h) Notwithstanding any other provisions of this By-Law, a railway spur shall be permitted in an industrial zone within a required yard. Where such yard abuts a residential zone, the railway spur shall conform to the yard and setback requirements of the zone in which it is located.
- i) In no case shall any part of any building extend over a property line unless specifically permitted by this By-Law.