

4.1 ACCESSORY USES**4.1.1 Uses 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, structure or use, but shall not include any of the following uses unless specifically permitted herein;

- a) Any occupation for gain or profit conducted within or accessory to a dwelling unit or on such lot associated therewith; or
- b) Any building or portion thereof used for a habitable room; or
- c) Any open storage area.
- d) Shipping Containers

Accessory buildings, structures and uses shall only be permitted once the principal use has been established.

(By-law No. 2016-0049)(By-law No. 2020-0016)

4.1.2 Accessory Buildings and Structures**a) Relation to Street - Residential Zones**

Within the ER, RR, SR, HR, MH, R1, R2, R3, R4, R5 and R6 zones, any accessory building or structure which is not attached to the main building shall not be erected closer to the front lot line than the principal or main building on the lot and shall be erected in conformity with the yard and setback provisions of the respective Residential Zone.

Notwithstanding the above, an accessory building may be permitted closer to the street line than the principal or main building provided:

- i) the lot has frontage on an improved street or road, or private road/lane/right of way; and (By-Law No. 2022-033)
- ii) the lot abuts a navigable waterbody.

In such cases, the accessory building shall not be located in the required front yard and shall be located no closer than 1.2 metres to the interior side lot line.

(By-law No. 2016-0049)(By-law No. 2018-0005)

b) Relation to Interior, Exterior, and Rear Yard

Within the ER, RR, SR, HR, MH, R1, R2, R3, R4, R5 and R6 zones, an accessory building or structure shall comply with the following provisions.

(By-law No. 03-61)

- i) When such accessory building or structure is located in an interior side yard, it shall be no closer than 1.2 metres to the interior side lot line except where a mutual private garage is erected on the common lot line between

two lots, in which case no interior side yard is required.

- ii) When such accessory building or structure is located in the rear yard it shall be located no closer than 1.2 metres from the interior side lot line or 1.2 metres from the rear lot line except in the case where the rear lot line is the side lot line of the adjoining lot, in which case the accessory building or structure shall be no closer than 1.2 metres to the portion of the rear lot line which adjoins the interior side lot line of the adjoining lot.

(By-Law No. 02-45)

- iii) When an accessory building or structure is located in a front or exterior side yard such accessory building or structure shall not be located closer to the lot line than the required front or exterior side yard.

(By-Law No. 02-45) (By-law No. 2018-0005)

c) All other Zones

No accessory building or structure shall be erected closer to the street line than the minimum required zone setback.

(By-law No. 03-61)

d) Storage Tanks

Except as otherwise provided herein, no above ground storage tank shall be erected in any yard other than the interior side yard or rear yard.

4.1.3 Relation to Principal or Main Building

Any accessory building or structure, which is not part of the principal or main building, shall not be erected closer than 2.0 metres to the principal or main building.

4.1.4 Lot Coverage and Height

The lot coverage of all accessory buildings or structures, exclusive of swimming pools, shall not exceed ten percent (10 %) of the lot area.

The height of any accessory building or structure for residential or commercial uses shall not exceed 6.5 metres, measured from the average finished grade of the front or rear of the building, to the highest point of the roof for a sloped roof (not including ornamental features) and 5.0 metres for a flat roof.

The height of an accessory building in an industrial zone shall not exceed the maximum height restriction of the respective Industrial Zone.

(By-law No. 03-61)(By-law No. 2016-0049)

4.1.5 Accessory Structure Encroachments

Drop awnings, clothes poles, flagpoles, garden trellises, fences, retaining walls, marine facilities, or similar accessory uses shall be permitted in any yard.

Signs are permitted in any yard subject to regulation in the Town's sign by-law.

4.1.6 Boat House, Pump House and Docking Facilities

- a) A boathouse, pump house or dock may be erected and used in the required setback and required yard of a lot abutting a waterbody.
- b) A boathouse or pumphouse shall not be located closer than 1.2 metre to the interior side lot line, except where a mutual boathouse or pumphouse are erected on the common lot line between two lots, in which case no interior side yard is required.
- c) No dock shall be located within 2.0 metres of the side lot line or projection thereof, except where a mutual dock is erected on the common lot line between two lots, in which case no interior side yard is required.

For the purposes of this section, the projection of the lot lines shall be made at 90 degrees to the point at which the lot line intersects the shoreline.

4.1.7 Railway Spur in Industrial Zone

Within an Industrial Zone a railway spur shall be permitted within any required side or rear yard, but not within a required planting strip area except as may be required for ingress and egress. Where such side or rear yard abuts a Residential Zone, then such railway spur shall conform with the yard and setback requirements of the zone in which it is located.

4.2 AMENITY AREA

a) Requirements (minimum)

The minimum amenity area requirements for each residential unit for an apartment dwelling house are as follows:

- i) Bachelor and One Bedroom Unit..... 10 square metres
- ii) Two Bedroom Unit..... 35 square metres
- iii) Three Bedroom Unit.....60 square metres
- iv) Four Bedroom and Over..... 85 square metres

b) Design of Amenity Area

Amenity areas shall be designed and located so that the length does not exceed four (4) times the width.

c) Children's Play Area

Except for a senior citizen apartment dwelling or where otherwise provided herein, for an

apartment dwelling house containing 25 or more apartment dwellings, an equipped children's play area shall be provided at a rate of 2.5 square metres per residential unit. The minimum size of such children's play area shall be 46 square metres, while the maximum size of such children's play area shall be 140 square metres.

(By-law No. 2016-0049)

4.3 **CONSTRUCTION USES**

A building or structure incidental to construction on the lot is permitted where such building or structure is situated, but only for as long as it is necessary for the work in progress and until the work is completed or abandoned. "Abandoned" in this subsection means the failure to proceed expeditiously with the construction work. Notwithstanding the foregoing, within a rural area (PA, RA, RU, ER, RR, SR, HR), the building or structure that will be incidental to construction of a dwelling can be an accessory building, including a detached garage, intended to be used as a permanent accessory building, after construction of the dwelling is completed. This includes Shipping Containers.

(By-law No. 2020-0016) (By-Law No. 2022-033)

4.4 **DISTANCE SEPARATION REQUIREMENTS**

a) **Non-Agricultural Uses**

The expansion or establishment of any non-agricultural use within the Prime Agriculture (PA), Rural (RU), Rural Residential (RR), and Shoreline Residential (SR) Zones shall comply with the requirements of the Minimum Distance Separation Criteria (MDS I) calculation.

b) **Livestock Facilities**

No livestock facility shall be erected or expanded unless it complies with the Minimum Distance Separation Criteria (MDS II) calculation.

c) **Portable Asphalt Plants**

The minimum separation distance between a portable asphalt plant and a sensitive land use shall be that distance established by an approved, and current, Environmental Compliance Approval under the Environmental Protection Act.

d) **Sensitive Land Uses and Industrial Facilities**

The expansion or establishment of new industrial facilities outside areas zoned within an industrial category (zones M1 to M4 and exceptions thereto) shall comply with the applicable separation distance guidelines, as established by the Ministry of Environment and Climate Change, governing the compatibility between industrial facilities and sensitive land uses.

e) **Waste Management Facilities and Sensitive Land Uses**

The establishment of new waste management facilities, or expansion of existing waste management facilities, shall comply with the applicable Ministry of Environment and

Climate Change Guidelines regarding Land Use On or Near Landfills and Dumps.

f) **Residential Uses Adjacent Waste Management Zones**

- i) No new dwelling house shall be permitted within 300 metres of lands zoned for a septage lagoon, or within 150 metres of a sewage treatment plant.
- ii) No new dwelling house shall be permitted within 500 metres of lands zoned for an existing or closed waste management facility.

g) **Residential Use Adjacent to an Extractive Industrial Zone**

- i) No new dwelling house shall be located within 150 metres of an area zoned Extractive Industrial Zone in which only removal and processing of sand and gravel are involved.
- ii) No new dwelling house shall be located within 500 metres of an area zoned Extractive Industrial Zone in which the removal and processing of rock is involved.

(By-law No. 06-53)

h) **Existing Lots of Record**

The minimum distance separation requirements do not apply in the case of (a) (d) (f) or (g) of this subsection where a legal lot of record existed as of the date of passing of this By-law, and for which the proposed use is listed as a permitted use in the zone in which the existing lot is located, in which case the provisions of this section shall not serve to preclude the issuance of a building permit for the permitted use.

i) **Location of a Feedlot, Livestock Barn Or Structure, Grain Elevator Or Grain Drying Facility to a Farm Winery Or Estate Winery**

A livestock facility establishing in proximity to a farm winery or an estate winery shall be located in compliance with the Minimum Distance Separation II Formula requirements. A grain drying facility shall be located 300 metres from an existing farm winery or estate winery.

(By-law No. 03-74)

j) **Location of a Farm Winery or Estate Winery**

No building or structure, or part thereof, shall be erected or used for the purpose of a farm winery and an estate winery, nearer than 300 metres to any grain drying facility located on a separate lot of record. Farm and estate wineries shall be sited in compliance with the Minimum Distance Separation I Formula.

(By-law No. 03-74)

4.5 **DWELLING UNIT LOCATION**

a) **Non-Residential Yard Provisions**

Where a dwelling unit is located in a Non-Residential building, such dwelling unit shall comply with the yard provisions of this by-law which apply to the said Non-Residential building

4.6 ENCLOSED OPERATIONS

All of the operations of every commercial establishment, unless otherwise permitted by this By-law, shall be conducted within an enclosed building or premises, except for the following:

- Parking and loading areas for vehicles;
- Outdoor café;
- Marina;
- Vehicle Sales Establishment;
- Seasonal garden and nursery sales or sidewalk sales.

4.7 ESTABLISHED BUILDING LINE

Where a principal building is to be erected on a lot, and where there is an established building line extending on both sides of the lot, such permitted principal building may be erected closer to the street line or the centreline of the street, or farther back than the minimum setback requirements, as the case may be, than permitted by this By-law such that the yard or setback is equal to the average setback of buildings on the same side of the street, provided further that such building is not erected closer than or farther back from the street line or the centreline of the street than the established building line existing on the date of passing of this By-law, but in no case shall the front yard be less than 3.0 metres in depth and provided all other by-law requirements are complied with.

4.8 EXISTING BUILDINGS, STRUCTURES AND USES**a) Continuation of Existing Uses**

The provisions of this By-law shall not apply to prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such lot, building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

b) Strengthening to Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of a non-conforming or non-complying building or structure legally existing at the date of adoption of this By-law provided that strengthening or repair does not increase the height, size or volume of any portion of such building or structure or change the use of such building or structure.

c) Interior Alteration

The interior of any building or structure, legally existing at the date of adoption of this By-law, may be reconstructed or structurally altered in order to render the same more convenient or commodious provided it continues to be used for the same use as existed at the date of passing of this By-law or is used for a use permitted in this By-law.

d) **Rebuilding or Repair**

Nothing in this By-law shall prevent the rebuilding or repair of any building or structure used for a lawful non-conforming use, existing as of the date of passing of this By-law, which is damaged or destroyed by causes beyond the control of the owner or demolished willfully, provided that the non-conforming use has been continuous and provided the reconstruction or repair does not increase the height, size or volume of any portion of such building or structure or change the use of such building or structure.

(By-law No. 2016-0049)(By-law No. 2018-0005)(By-law No. 2020-0016)

e) **Alterations to Non-Complying Buildings and Structures**

Nothing in this By-law shall prevent the alteration or enlargement of an existing non-complying building or structure provided such alteration or enlargement does not further reduce any By-law provision with which the building or structure is not in compliance.

(By-law No. 02-45)

4.9 EASEMENTS AND RIGHTS-OF-WAY

Where there is an easement or right-of-way registered on the title of a property such as an easement for

gas or oil transmission pipelines, hydroelectric power lines, construction of a building or structure shall be prohibited on the area of the easement or right-of-way unless authorized by an encroachment permit or written agreement by the party with rights to the easement or right-of-way.

(By-law No. 02-45)

4.10 EXISTING UNDERSIZED LOTS AND REDUCED FRONTAGE

Where a lot, having a lesser lot area and/or frontage than required herein, is held under distinct and separate ownership from an abutting lot or lots as shown by a conveyance of title in the records of the Registry or Land Titles Office on the date of passing of this By-law, or, where such a lot is created as a result of expropriation, or acquisition of land for public use, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that:

- a) All other applicable provisions of this By-law are complied with;
- b) Existing lots to be developed on private services (wells and septics) shall have a minimum lot area of 1,390 square metres and 20 metres frontage;
- c) Approval is obtained from the appropriate regulatory agency for proposed sewage disposal systems; and
- d) Potable water is available.

(By-law No. 02-45)

4.11 FLOODPLAINS, WATERBODIES AND ENVIRONMENTAL PROTECTION ZONES

a) **Floodplain**

- i) No person shall use any land within a floodplain except for one or more of the following uses:
- Conservation use;
 - Landscaped open space;
 - Marina use;
 - Marine facility;
 - Marine sales and service establishment;
 - Outdoor recreation;
 - Park;
 - Public use;
 - Agricultural use exclusive of buildings;
 - Flood control facilities.
- ii) No building or structure shall be erected or altered within a floodplain or within 6 metres of the floodplain except for those buildings or structures requiring direct access to the water as an operational necessity such as a marina, marine facility, or other similar structure.
- iii) Parking facilities incidental to a primary permitted use on the lot, not including parking structures or underground parking are permitted within the 6 metre floodplain setback.
- iv) No building used for human habitation is permitted in the floodplain.

(By-law No. 2016-0049)(By-law No. 2018-0005)

b) **Waterbody and Wetland**

- i) Unless otherwise specifically permitted within this by-law, no buildings or structures, including all sewage disposal systems, shall be erected or altered within 30 metres of the high water mark of a waterbody or watercourse, or within 30 metres of any class of wetland except for the following:
- Decks, gazebos and other similar structures such as hot tubs, which are unattached to a main building and which have a combined horizontal surface area of less than 10 m², and provided that they are no closer than 15 m;
 - Fences, marinas, pump houses, marine facilities and stairs.
- ii) Attached, uncovered and unenclosed decks and balconies may project from the main building into the required setback from the high water mark by a maximum of :
- i) 1.2 m where the setback of the main building is located less than 8 m from the high water mark. This deck shall be limited to 1.2 m² of horizontal surface area;
 - ii) 2 m where the setback of the main building is equal to or greater than 8 m but less than 15 m from the high water mark. This deck shall not be limited in horizontal surface area; or

iii) 4 m where the setback of the main building is equal to or greater than 15 m.

This deck shall not be limited in horizontal surface area.

(By-law No. 2016-0049)(By-law No. 2018-0005)

c) **Environmental Protection**

i) Development within an Environmental Protection (EP) Zone shall be in accordance with the Environmental Protection (EP) Zone Provisions outlined in Section 5 of this by-law.

ii) Appendix 1 to this By-law identifies the lands within the Environmental Protection (EP) Zone and the respective adjacent lands of those features that form the EP Zone.

Adjacent lands associated with the respective features of the EP Zone are as follows:

-30 metres from all locally significant wetlands;

-50 metres from all Significant Areas of Natural and Scientific Interest (ANSI) – Earth Science; and

-120 metres from all Provincially Significant Wetlands (PSW) and Significant Areas of Natural and Scientific Interest (ANSI) – Life Science.

Development within adjacent lands of the EP Zone will require a supportive Environmental Impact Study, to the satisfaction of the Town and the Conservation Authority.

The Town, in consultation with the Conservation Authority and/or other agencies or Ministries, may scope the requirements for the EIS depending on the nature of the development, existing conditions, and the natural heritage feature(s) in question. In cases where the Town, in consultation with the Conservation Authority, determines that an EIS is not warranted to support development in such areas, such requirement will be waived.

(By-law No. 2016-0049)(By-law No. 2018-0005)

d) **Calculation of Zone Provisions**

No part of land zoned Environmental Protection, any floodplain or land between the top of the bank and a water body or a watercourse shall be used to calculate any of the zone provisions required by this By-law.

(By-law No. 03-61)

e) **Minimum Floor and Exterior Opening Elevation**

Where a building or structure is erected or altered adjacent to a waterbody, the minimum elevation for any lowest floor and exterior opening for any building or structure shall be based on the applicable flood elevation and will be determined in consultation with the appropriate Conservation Authority.

(By-law No. 2018-0005)

4.12 FRONTAGE REQUIREMENTS**a) Access to Improved Public Street or Road**

No person shall erect any building or structure after the date of passing of this By-law unless the lot upon which such building or structure is to be erected fronts upon an improved public street or road, has the required lot frontage specified in the respective zone along the improved public street or road, and is provided with access for vehicular traffic in the form of an unobstructed driveway. For the purpose of this By-law, an "Improved Public Street or Road" as defined herein, does not include an unopened road allowance or an unassumed road in a Registered Plan which has been deemed not to be a Registered Plan under Section 50 of the Planning Act. This provision shall not apply to a lot on a Registered Plan of Subdivision where an agreement between the owner of such subdivision and the Corporation, including provisions for the construction of the streets shown on such subdivision, is registered in the records of the Registry or Land Titles Office.

b) Access Via Private Right-of-Way

Where an existing lot created under the Planning Act is accessible by means of a private road or right-of-way, a limited service street or road providing ingress and egress to an improved public street or road, this By-law shall not apply to prevent the use of such lot for a single unit dwelling house.

4.13 GARBAGE AND REFUSE STORAGE

- a) No garbage or refuse shall be stored on any lot in any zone except within the principal building or an accessory building or structure on such lot or in a container in the side yard or rear yard of such lot.
- b) A dumpster or garbage container shall be regulated in the same manner as an accessory building or structure in the zone in which it is located.

4.14 GROUP HOMES

(Repealed by By-law No. 2013-0040)

4.15 HEIGHT EXCEPTIONS

Nothing in this By-law shall apply to prevent the erection, alteration or use of the following accessory buildings or structures provided the principal use is a use permitted within the zone in which it is located, namely:

- Air conditioner equipment;
- Barn or silo;
- Belfry;
- Chimney;

- Church spire, minaret or other similar religious structure;
- Clock tower;
- External equipment associated with internal building equipment;
- Flag pole;
- Grain elevator
- Hydro electric transmission tower and poles;
- Incidental equipment required for processing as part of an agricultural operation;
- Lightning rod;
- Lighting standard;
- Radio or television or communication tower or antenna/receiver;
- Water tank or tower;
- Windmill.

4.16 **HOLDING PROVISIONS**

Pursuant to the provisions of the Planning Act, Council may specify, by the use of a Holding Symbol '-H', in conjunction with the appropriate zone symbol, the eventual use to which lands, buildings and structures may be put at such time in the future as the '-H' Holding Symbol is removed pursuant to Section 36 of the Planning Act. The Holding Symbol '-H' may be used in conjunction with any zoning category in this By-law, in accordance with the following provisions:

- a) Lands shown to be subject to an '-H' Holding symbol may be used only for the following purposes while the '-H' Symbol is in place:
 - i) Existing uses; and
 - ii) Other uses as specified in the By-Law establishing the '-H' Holding Zone.
- b) This section shall not prevent the demolition, renovation or alteration of any building or structure provided that in the case of any alteration or renovation,
 - i) this will not increase the height, size or volume of such building or structure, and
 - ii) does not change the use of such building or structure.

(By-law No. 03-61)
- c) Once the '-H' Holding Symbol is removed the lands shall be used in accordance with the permitted uses and regulations of the associated zone.
- d) The '-H' Holding Symbol shall be removed once the following applicable requirements have been complied with:
 - i) All financial arrangements have been completed to the satisfaction of the Town;
 - ii) The required services are available or can be made available;
 - iii) The phasing and design of the proposed development is to the Town's satisfaction;
 - iv) Identified development constraints can be addressed to the satisfaction of the Town;
 - v) Agreements, such as the Subdivision Agreement or Site Plan Control Agreement, have been executed; and

- vi) The Town has given Notice pursuant to the requirements of Section 36 of the Planning Act of its intention to pass a By-Law to remove the '-H' Holding Symbol.

4.17 **HOME OCCUPATIONS**

A Home Occupation is permitted in a zone where listed as a permitted use. Such Home Occupation shall conform to the following provisions:

- a) Shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling house or dwelling unit, or create or become a public nuisance by reason of noise, dust, odour, traffic or parking of motor vehicles;
- b) Shall be undertaken by a person or persons occupying the dwelling house or dwelling unit. A Home Occupation shall immediately cease to exist if there is not at least one person resident in the dwelling house or dwelling unit who is engaged in the home occupation;
- c) Shall not have more than two (2) persons not resident in the dwelling employed by the Home Occupation;
(By-law 2016-0049)
- d) Shall not have external display or advertising, other than a legal sign, erected in conformity with the By-laws of the Municipality, to indicate to persons outside that any part of the dwelling house, dwelling unit or lot is being used for a purpose other than residential;
- e) Shall not have more than 30% of the dwelling unit area used for the purpose of the Home Occupation use where such home based business is conducted within the principal residence;
- f) May be conducted in an accessory building which is not greater than 60 square metres in area, but shall not be conducted in a boathouse;
- g) May be conducted in both the dwelling unit and one accessory building or combination thereof, but such home occupation shall not exceed a combined maximum square floor area of 60 square metres;
- h) May occur in an accessory building in a Rural, Agricultural, Restricted Agricultural, Rural Residential, Estate Residential, Shoreline Residential, or Hamlet Residential Zone;
- i) Shall have no goods, wares, or merchandise, other than arts, crafts, antiques, household or personal items such as cosmetics or kitchen wares and the limited production of baked goods and homemade preserves produced on the premises, for sale or rent on the premises. The limited sale of items related to a personal service shop and the sale of antique items whether or not originating on the property are permitted;
- j) Shall have no mechanical or other equipment used for a Home Occupation except that which is customarily used in a dwelling house for domestic or household purposes or for use by a professional person;
- k) Shall not include a medical clinic, a private hospital, a nursing home, a restaurant or a veterinary clinic but may include an office of not more than one medical practitioner;

- l) Shall not interfere with television or radio reception of others in adjacent buildings or structures;
- m) Bed and Breakfast operations shall not change the residential character of the dwelling house. Up to three (3) bedrooms may be used for Bed and Breakfast operations even though this may exceed 30% of the dwelling unit area;
- n) A "tea room" or similar facility offering limited refreshments as an accessory use to the principal residential use is permitted as a Home Occupation;
- o) Shall not have more than one Home Occupation on the property whether conducted in the dwelling or accessory building.
- p) A home-based daycare with accommodation for up to five (5) persons is permitted as a home-based business in any principal dwelling unit that is a permitted use in the zone in which it is located. A daycare with accommodation for more than five (5) persons is not permitted as a home-based occupation.

(By-law 2016-0049)

4.18 **HOME INDUSTRY**

A Home Industry is permitted in a zone where listed as a permitted use. Such Home Industry shall conform to the following provisions:

- a) Shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling house or dwelling unit, or create or become a public nuisance by reason of noise, dust, odor, traffic or parking of motor vehicles;
- b) Shall be undertaken by a person or persons occupying the dwelling house or dwelling unit. A Home Industry shall immediately cease to exist if there is not at least one person resident in the dwelling house or dwelling unit who is engaged in the home industry;
- c) Shall have no external display or advertising, other than a legal sign, erected in conformity with the By-laws of the Municipality, to indicate to persons outside that any part of the dwelling house, dwelling unit or lot is being used for a purpose other than residential;
- d) Shall not use more than 30% of the dwelling unit area for the purpose of the home industry where such Home Industry is conducted within the principal residence;
- e) May be conducted in whole or part in a permitted accessory building no greater than 92 square metres in area;
- f) Shall not interfere with television or radio reception of others in adjacent buildings or structures; and
- g) Shall not employ more than three (3) persons not resident in the dwelling.

4.19 HOUSEHOLD/GARAGE SALES

A household garage sale is permitted where the following provisions are met:

- a) The premises has a dwelling unit;
- b) The number of household/garage sales is restricted to not more than two (2) such sales per annum at any one location, and
- c) No such sale shall exceed two (2) days in duration.

4.20 LANDSCAPED OPEN SPACE

- a) In any zone, any portion of any front yard or exterior side yard which is not used for any other permitted purpose shall be devoted to landscaped open space.
- b) Any land used for landscaped open space shall be included in the calculations for lot area, yard requirements, etc.
- c) Planting strips are included as part of the landscaped open space requirement of this By-law.
- d) Where landscaped open space is required as buffering, such landscaping shall be continuous except for a lane, driveway, aisle, or walkway which provide access to the lot.

4.21 LOADING SPACE REGULATIONS

a) Requirements

The owner or occupant of any commercial or industrial building or a lot, involving the receiving, shipping, loading or unloading of animals, goods, wares, merchandise or raw materials, exclusive of agricultural buildings and structures, shall provide and maintain at the

premises, facilities comprising one or more loading spaces 9.0 metres long, 3.5 metres wide, and having a vertical clearance of at least 4.0 metres. Loading spaces shall be provided in accordance with the following:

Gross Floor Area of Building or Structure	Loading Spaces Required
1,000 m ² or less	1
Exceeding 1,000 m ² but not 4,000 m ²	2
Exceeding 4,000 m ² but not 8,000 m ²	3
Exceeding 8,000 m ²	3 plus one (1) additional loading space for each additional 10,000 m ² of gross floor area or fractional part thereof in excess of 8,000 m ²

(By-law No. 06-53)

b) Access

Access to loading spaces shall be by means of a driveway at least 6.0 metres wide contained on the lot in which the spaces are located and leading to an improved street as defined herein.

c) Change in Use

The loading space requirements referred to herein shall not apply retroactively to any building or use in existence at the date of passing of this by-law so long as the gross floor area, as it existed at such a date, is not increased and so long as there is no change in use.

d) Loading Space Surface

Driveways, loading spaces, and related aisles and turning areas shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such loading facilities shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete or similar material and shall include provisions for drainage facilities.

e) Location

The required loading space shall be located in the interior side yard or rear yard unless such space or spaces are removed from the streetline a minimum distance of 15 metres.

f) Addition to Existing Use

When a building or structure has insufficient loading spaces on the date of passing of this By-law to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition. However, no addition may be built and no change of use may occur, the effect of which would be to increase that deficiency. If an addition is made to the building or structure which increases the floor area, then additional loading space shall be provided as required by paragraph (a) of this Subsection.

4.22 MODEL HOMES

Model homes:

- a) are permitted on lands that have received draft plan approval or final approval and registration from the Town;
- b) shall be constructed or located in accordance with the zone provisions for the lot or proposed lots;
- c) shall not exceed two (2) dwelling units per individual phase of the development; and
- d) for the purposes of establishing the location of the lot lines, where a plan of subdivision is not yet registered, the model home shall be built within the proposed lot defined by the draft approved plan of subdivision within which it is located, and as if these lots were defined by a registered plan of subdivision.

4.23 MORE THAN ONE USE ON A LOT

Where any land, building or structure is used for more than one purpose, the applicable provisions of this By-law which serve to regulate each use shall be complied with.

4.24 MORE THAN ONE ZONE ON A LOT

When a lot is divided into more than one zone, each such zoned portion of the lot is deemed to be a separate lot for zoning purposes and is to be used in accordance with the provisions of this By-law for the applicable zone, but this provision shall not be construed to allow more than one dwelling house on a lot.

(By-law No. 02-45)

4.25 NOXIOUS USES

No use shall be permitted which from its nature or the materials used therein is declared by the Local Board of Health or Council of the Corporation to be a noxious trade, business or manufacture under the Health Protection and Promotion Act or Regulations thereunder.

4.26 OCCASIONAL USES AND SEASONAL USES**a) Occasional Uses**

The following zones and uses shall be permitted to have occasional uses as indicated:

- i) Where an auditorium, arena, or public hall exists in any zone, auction sales, bake sales, craft sales, bingo, blood donor clinics, benefit dances, shows, concerts and banquets shall be permitted as an occasional use.
- ii) Where a church or school exists in any zone, auction sales, bake sales, craft sales, plant and produce sales, Christmas tree sales, bingo, blood donor clinics, car washes, benefit dances, festivals, shows, concerts and banquets shall be permitted as an occasional use.
- iii) Despite subsection (i) and (ii) above, in the C2 and C3 Zones sidewalk sales shall be permitted in addition to auction sales, bake sales, craft sales, plant and produce sales, Christmas tree sales, car washes, festivals, shows, concerts and banquets.
- iv) An occasional use shall be located and designed to avoid interference with the normal use of the abutting streets or with internal on-site vehicle circulation and loading activities.
- v) Any occasional use shall not be offensive to area residents by way of the emission of light, heat, fumes, noise, vibration, gas, dust, odor or pollution.

(By-law No. 2016-0049)

- vi) All of the above mentioned occasional uses are also permitted out of doors.

(By-law No. 02-45)

b) Seasonal Use

- i) A seasonal use means a permitted Mobile Eating Establishment defined as:
 - an establishment consisting of a cart, chip wagon, vehicle, or other structure not placed on a permanent foundation and which is equipped for cartage, storage and the preparation of foodstuffs, beverages, confections and such items are offered directly for consumption to the general public.

(By-Law No. 2022-033)

- ii) Such mobile eating establishment is permitted in the C2 Zone, and in the CF zone on lands owned by the Town of Greater Napanee, for a period not exceeding four (4) calendar months in any one year.

- iii) A mobile eating establishment is also permitted as an adjunct to occasional uses as permitted by subsections a), i) to iii) above and only for the duration of such occasional use.

(By-law No. 02-45)

4.27 PARKING AREA REGULATIONS

Parking spaces and areas required under this By-law shall be provided in accordance with the following provisions:

a) Requirements

The owner of every building or structure erected or used for any of the purposes set forth herein, except for non-residential uses within a C3 zone, 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, one or more parking spaces, each such parking space for compact cars shall be no less than 2.7 metres in width and not less than 5.8 metres in length; or a parking space for large vehicles shall be no less than 3.0 metres in width and no less than 6.0 metres in length. The total number of required spaces will be required to provide 40% for compact vehicles and 60% for large vehicles and in accordance with the following:

(By-law 2016-0049) (By-Law No. 2022-033)

<u>Residential Uses</u>	<u>Minimum Off-Street Parking Requirement</u>
Apartment buildings, Fourplex, Triplex dwelling houses, and Stacked Townhouses (By-law 2016-0049)	1.5 parking spaces for each dwelling unit
Boarding or Lodging House	One (1) parking space per dwelling unit plus one (1) parking space per guest room
Single-Detached, Semi-Detached and Duplex dwelling houses, Townhouses, Rowhouses, Group Home, and Transitional Housing Unit	Two (2) spaces per dwelling unit

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(By-law 2016-0049)	
Special Care Facilities (By-law 2016-0049)	Two (2) off-street parking spaces, plus one (1) additional space for each four (4) employees (By-law 2016-0049)
Other residential uses permitted by this By-law, including Secondary Dwelling Units, not otherwise listed above.	One (1) space per dwelling unit

<u>Non-residential Uses</u>	<u>Minimum Off-Street Parking Requirement</u>
Assembly Hall, Auditorium, Arena, community Centre, Place of Worship, Private club or other similar places of assembly not otherwise specified herein	The greater of: 1) 1 parking space per 5 fixed seats or 3 metres of bench seating or portion thereof; 2) 1 parking space per 9 square metres of gross floor area; or 3) 1 parking space for each 4 persons that may be legally accommodated at any one time
Bed and Breakfast Establishments	1 parking space per guest room plus 2 parking spaces for single housekeeping unit
Business and/or Professional Office including Home Occupations	1 parking space for each 28 square metres of gross floor area for the building
Curling Rink and/or Bowling Lanes	2 parking spaces for each curling sheet or bowling lane plus such additional parking as is required for a lounge and restaurant
Dry Cleaners Establishment	1 parking space for each 9 square metres or fraction thereof of gross floor area with a minimum requirement of 4 spaces
Eating Establishment, exclusive of a take out eating establishment	The greater of: 1) 1 parking space for each 9 m ² of gross floor area; or 2) 1 parking space for each 4 persons legally accommodated at any one time within the premises. The parking space requirements shall not apply to the area associated with an outdoor café or patio where such use is ancillary to and associated with an eating establishment or liquor licensed premises

Eating Establishment - Take Out	6 parking spaces for each 100 square metres of gross floor area or part thereof (By-law 2016-0049)
Golf Course	24 parking spaces for each 9 holes of golfing facilities
Nursing Home (By-law 2016-0049)	1 parking space for each 4 beds or fraction thereof
Hospital	1 parking space for every 2 beds or 38 square metres of gross floor area whichever is the greater
Hotel, Motel, Motor Hotel or Resort Establishment	1 parking space for each guest room, cottage or cabin plus such parking facilities as are required for an eating establishment or entertainment lounge licensed in accordance with the Liquor License Act
Marina	1 parking space for each 20 square metres of the total retail floor area plus one parking space for each boat slip provided
Premises licensed to serve liquor, exclusive of an eating establishment but including an Entertainment Lounge, Public House or Lounge licensed in accordance with the Liquor License Act (By-law 2016-0049)	1 parking space for each 4 persons that may be legally accommodated at any one time
Manufacturing, Processing, Assembly, Fabricating Plant, Wholesale Establishment, Warehouse or Medical Marihuana Facility (By-law 2018-0005)	1 parking space per 125 square metres of gross floor area or portion thereof
Medical or Dental clinic or Office of a Drugless Practitioner	1 parking space per 20 square metres of gross floor area (By-law 2016-0049)
Post Office, Museum, or Public Library	1 parking space for each 18.5 square metres of gross floor area
Personal Service Shop or Merchandise Shop	1 parking space per 18.5 m ² of gross floor area

Schools: Elementary and Secondary	The greater of: a) 1 parking space per classroom; or b) 1 parking space per 9 square metres of floor area in the gymnasium; or c) 1 parking space per 9 square metres of floor area in the auditorium.
Self-Storage Facility (By-law 2018-0005)	1 parking space per 20 square metres of gross floor area for the business office plus 1 per 100 square metres of the building used for storage, except where the driveway access to the storage unit has a minimum width of 7 metres, in which case no additional parking shall be required.
Shopping Centre	1 parking space for each 18.5 square metres of gross floor area
Funeral Home (By-law 2016-0049)	The greater of: a) 10 parking spaces; or b) 5.25 parking spaces per 100 square metres of gross floor area
Winery, Farm or Winery, Estate	1 space per 50 square metres of gross floor area
Workshop	1 parking space per 38 square metres of gross floor area
Non-residential uses permitted in this By-law other than those listed in this table.	1 parking space per 18.5 square metres of gross floor area

(By-law Number 03-74)

b) Bicycle Parking

In any zone, bicycle parking must be provided for the land uses and at the rate as specified below:

<u>Residential Uses</u>	<u>Minimum Bicycle Parking Requirement</u>
Multiple Family Dwellings including Apartment buildings, Fourplex and Triplex dwelling houses	0.25 bicycle parking spaces per dwelling unit

The following regulations shall also apply to bicycle parking spaces:

- i. A bicycle parking space shall not be less than 0.3 metres in width and 1.8 metres in

- length;
- ii. bicycle parking must be located on the same lot as the multiple family dwelling for which it is provided;
- iii. bicycle parking shall be located in order to provide convenient access to main entrances or well-used areas; and
- iv. bicycle parking may be located in any yard.

(By-law Number 2016-49)

c) Accessible Parking

In any zone, the required number of parking spaces shall include the provision of accessible parking spaces for the use of physically disabled persons as specified below:

<u>Use</u>	<u>Accessible Parking Requirement</u>
Industrial	Provided at a rate of 4% for the first 200 required parking spaces and 2% for the additional required parking spaces, space may be either type. Minimum of one required accessible space, rounded up to the nearest whole number.
Institutional	Provided at a rate of 10% of the required parking spaces. Minimum of one required accessible space, rounded up to the nearest whole number.
Commercial, Residential, and All Other Land Uses	Provided at a rate of 4% of the required parking spaces. Minimum of one required accessible space, rounded up to the nearest whole number. Accessible parking is not required for accessory dwelling houses, single detached and semi-detached dwelling houses, duplex dwelling houses, converted dwelling houses, triplex dwelling houses, fourplex dwelling house, streetfront dwelling houses, stacked dwelling houses, and row or cluster dwelling houses that do not have shared parking arrangements.

The following regulations shall also apply to accessible parking spaces:

- i) Type A accessible parking space shall have a width of 3.4 metres with signage that identifies the space as “van accessible,” and a length of 6.0 metres; or Type B accessible parking space shall have a width of 2.7 metres and a length of 6.0 metres with an access aisle that consists of a minimum rectangular dimension of 1.5 metres width and by 6.0 metres length and marked with high tonal contrast diagonal lines. The access aisle may be shared between spaces.
(By-Law No. 2022-033)
- ii) Off-street parking facilities must have a minimum number of parking spaces for the use of persons with disabilities, in accordance with the following requirements:

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- a) One parking space for the use of persons with disabilities, which meets the requirements of a Type A parking space, where there are 12 parking spaces or fewer;
- b) Where there are between 13 and 100 parking spaces in accordance with the following ratio, rounding up to the nearest whole number:
 - i) Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided;
 - ii) Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, the number of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.”
 - iii) a minimum vertical clearance of an accessible space in a parking structure shall be 2.1 metres and all other accessible spaces shall be 2.9 metres;

(By-Law No. 2022-033)

- iii) all accessible parking spaces shall be appropriately signed in accordance with provincial regulations
- iv) gradient for a accessible parking space shall not exceed five (5) percent;
- v) wheelstops shall be placed to provide a minimum 0.8 metres clear space for wheelchair access;
- vi) accessible parking spaces shall be the spaces located closest to the nearest accessible entrance(s) of the building on an accessible route; and
- vii) curb ramps, where required, shall be provided to permit access from the parking area to the sidewalk.
(By-law No. 06-53)(By-law 2018-0005)

d) Ingress and Egress Regulations

Unless otherwise provided, the following provisions shall govern:

- i) Access to the required parking spaces and parking areas shall be provided by means of an unobstructed driveway or passageway at least 3.0 metres, but not more than 9.0 metres in width;
- ii) The minimum distance between two separate driveways on one lot, measured along the street line, shall be 9.0 metres;
- iii) A mutual driveway is permitted for semi-detached dwellings; row and townhouse dwellings provided that the location of the driveway does not conflict with the location of the shut off valve for the underground water line;

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- iv) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 9.0 metres for all residential uses and 15 metres for all other uses;
- v) The minimum distance between an interior side lot line and any driveway shall be 1.2 metres for residential uses, and 3.0 metres for all other uses;
- vi) The minimum angle of intersection between a driveway and a streetline shall be 60 degrees;
- vii) Every lot shall be limited to the following number of driveways:
 - a) Up to the first 15 metres of frontage not more than one (1) driveway;
 - b) Greater than 15 metres of frontage but less than 30 metres of frontage not more than two (2) driveways, with a combined width not exceeding 30% of the lot frontage; and
 - c) One (1) additional driveway for each additional 30 metres of lot frontage;
- viii) Where the ingress and egress requirement of the road authority having jurisdiction, such as the County of Lennox and Addington or the Province are more restrictive, those standards shall apply.

(By-law No. 03-61)(By-law No. 2016-0049)

e) Parking Area Design

The following parking area design requirements shall apply to all required parking areas in all zones:

- i. the minimum width of a large vehicle parking space shall be 3.0 metres and the minimum length shall be 6.0m; or the minimum width for a compact car shall be 2.7 metres and the minimum length shall be 5.8 metres; (By-Law No. 2022-033)
- ii. The aisles between parking spaces within a parking area shall have a minimum width of 6.0 metres;
- iii. Where a parking space has a parking angle of 30 degrees or less, such parking space shall be at least 7.0 metres in length where the aisle width is at least 4.0 metres;
- iv. Where a parking angle is less than 50 degrees, the minimum aisle width shall be at least 4.0 metres;
- v. Where the parking angle is equal to or greater than 50 degrees, but less than 70 degrees, the minimum aisle width shall be at least 5.5 metres; and
- vi. Where the parking angle is equal to or greater than 70 degrees, the minimum aisle width shall be 6.0 metres.

(By-law No. 03-61) (By-law No. 06-53)(By-law No. 2018-0005)

f) Addition to Existing Use

When a building or structure has insufficient parking on the date of passing of this By-law to

conform to the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition. However, no addition may be built and no change of use may occur, the effect of which would be to increase that deficiency.

g) More than One Use on a Lot

When a building, structure or lot accommodates more than one type of use as set out in paragraph (a) of this Subsection, the parking space requirement for such building, structure or lot shall be the sum of the requirements for the separate uses thereof.

h) Parking Area Surface

Parking spaces, areas and driveways connecting the parking space or area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust. Such

parking spaces or areas shall, before being used, be constructed of crushed stone, gravel, asphalt, concrete, paving stone or interlocking brick and shall include provisions for drainage facilities.

i) Parking Area Location on Lot

Uncovered surface parking areas are permitted in the required yards or in the area between the street line and the required setback in accordance with the following provisions:

<u>Zone</u>	<u>Yard in Which Required Parking Area is Permitted</u>
<p>Residential Zones (MH, R1, R2, R3, R4, R5, R6) (By-Law No. 2022-033)</p>	<p>Parking spaces and areas shall be permitted within a required front, interior side, exterior side or rear yard provided that no part of any parking area, other than a driveway is located closer than 3.0 metres to any streetline or within a sight triangle and a minimum setback of 2.0 metres between any multi-residential (i.e. apartment) parking area and adjacent lower density residential areas. Double-wide driveways are permitted as-of-right without the need for a minor variance for relief regarding landscaped open space. The maximum width of parking areas or driveways within the front yard shall be 7.5 metres.</p>
<p>Environmental Protection, Rural, Restricted Agricultural, Prime Agricultural, Open Space, Community Facility and all Commercial Zones</p>	<p>Parking spaces and areas shall be permitted in all yards provided that no part of a parking area, other than a driveway is located, closer than 2.0 metres to any street line and not less than 3.0 metres to a lot line abutting lots in a residential zone, or be within a sight triangle.</p>

- Industrial Zones** Parking spaces and areas shall be located in an interior side or rear yard, except for visitor parking areas which may be located within a front or exterior side yard, provided that no part of any parking area other than a driveway, is located closer than 3.0 metres to any streetline or lot line abutting lots in a residential or community facility zone, or within a sight triangle.
- All Other Zones** No driveway or parking space shall be permitted within 3.0 metres of the boundary of a Residential Zone

j) **Use of Residential Parking Areas and Parking Spaces**

- i.) Parking spaces and areas required in accordance with this By-law shall be used for the parking of operative, currently licensed vehicles only, and for vehicles used in operations incidental to the permitted uses.
- ii.) In Residential Zones, the owner or occupant of a dwelling unit may use a parking space for the purposes of the parking or storage of one commercial motor vehicle, provided such motor vehicle does not exceed a rated capacity of one tonne.
- iii.) In the Rural or Agricultural Zone, a maximum of one school bus which is operative and currently licensed, may be parked or stored on any lot.

k) **Abandoned Equipment**

Unused and discarded motor vehicles or abandoned equipment shall not be located or stored, in any Zone, unless it is specifically listed as a permitted use.

l) **Off Site Location**

- i. Required parking in a Residential Zone shall be provided on the same lot as the dwelling unit or units.
- ii. No part of any parking area required for a use other than residential shall be permitted in a Residential Zone.
- iii. In Non-Residential Zones, parking shall be provided within 175 metres of the building or use it is intended to serve.
- iv. Where required non-residential parking is not provided on the same lot, the lot or part of the lot where the parking is located shall be in the same ownership or be leased by a long-term renewable agreement and the parking spaces shall be retained for the duration of the use unless an alternate location which complies with the provisions of this By-law is found.

(By-law No. 03-61)

4.28 **PITS AND QUARRIES**

a) **Establishing Pits and Quarries**

No pit, quarry, wayside pit or wayside quarry shall be established in any area of the Corporation except in a zone where such use is included under the heading "Uses Permitted" in this By-law.

Within a Pit or Quarry no person shall use land or erect any building or structure for the purpose of processing, washing, sorting, screening, sand or gravel or operating a crushing plant or asphalt plant or concrete batching plant except as provided for in this By-law.

b) Wayside Pits and Quarries

Wayside pits and quarries may be established in the Rural, Agricultural or Extractive Industrial Zones provided:

- i) The wayside pit or quarry is opened and operated by the Ministry of Transportation, the County or the Town or their agents for the purpose of a specific road project;
- ii) Any portable crusher and/or asphalt plant used as part of a wayside pit or quarry has an applicable Environmental Compliance Approval under the Environmental Protection Act and such certificate is current; and
- iv) An agreement is signed with the Town that the wayside pit or quarry shall be rehabilitated upon completion of the public project

4.29 PLANTING STRIP

a) Requirements

Where a lot is to be used for a non-residential purpose and such lot abuts a residential use or undeveloped land intended for residential use, then a strip of land adjoining such abutting lot

line, or portion thereof, shall be used for no purpose other than a planting strip in accordance with the provisions of this subsection.

b) Contents

Where a planting strip is required to be provided, such planting strip shall consist of a row of trees or a continuous uninterrupted hedgerow of evergreens or shrubs, not less than 1.5 metres in height, immediately adjacent to the lot line or portion thereof. The remainder of the strip shall be used for no other purpose than the planting of ornamental shrubs, flowering shrubs, flowerbeds or a combination thereof.

c) Driveways or Walks

Where ingress and egress driveways or walks extend through a planting strip, it is permissible to interrupt the strip within 3.0 metres of the edge of such driveway or within 1.5 metres of the edge of such walk.

d) Landscaped Open Space

A planting strip forms part of any landscaped open space required by this By-law.

e) **Vegetation Height in Site Triangle**

Vegetation within a sight triangle shall not exceed a height of 1.0 metre.

f) **Width**

Where a strip of land is required to be used for no purpose other than a planting strip, it shall have a minimum width of 3.0 metres measured perpendicularly to the lot line it adjoins.

4.30 PUBLIC USES

a) **Provisions**

(By-law No. 2020-0016)

Except as otherwise provided in paragraph (c) of this subsection, the following provisions apply:

- i) Public uses as defined, unless otherwise specified, are allowed in all zones;
- ii) No goods, materials or equipment shall be stored in the open, except as permitted in such zone;
- iii) Zone provisions of the zone within which the use is located shall be complied with except as otherwise provided in paragraph (b) hereof; and
- iv) Any above-ground non-recreational use carried on under the authority of this paragraph in any Residential Zone shall be enclosed in a building designed, located and maintained in general harmony with residential buildings of the type permitted in such zone.
- v) Notwithstanding any other provisions of this By-law, Shipping Containers are permitted as an accessory use to any primary Public Use, in accordance with subsection 4.30 a) iii) above.

(By-law No. 2020-0016)

b) **Streets and Installations**

- i) Nothing in this By-law shall prevent the use of land for a street or prevent the installation of a water main, sanitary sewer (waste water) main, storm sewer main, water and/or waste water pumping station, stormwater management facilities, 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 such street, main, line, fixture or structure has been approved by the Corporation.

(By-law No. 06-53)

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ii) Nothing in this By-law shall prevent the use of public land for a mailbox or utility box provided that the location of such box has been approved by the Corporation.

c) Polling Stations

Nothing in this By-law shall apply to prevent the use of a building, or part thereof, as a temporary polling station for a federal, provincial or municipal election or referendum.

d) Exceptions

The following public uses shall be permitted only in the zone where they are specifically listed:

- Arena;
- School;
- Open storage of goods and materials;
- Septage lagoon or sewage treatment plant;
- Water treatment plant; or
- Waste management facility.

e) Other Provisions

No telephone, telecommunication, cable television or telegraph tower shall exceed 120 metres in height.

(By-law No. 2016-0049)

f) Prohibitions

No building or structure erected in accordance with the provisions of this Section shall be used for the purpose of an office, maintenance or works depot, or human habitation.

4.31 GASOLINE RETAIL FACILITY

No person shall use any land or erect any building or structure for the purpose of a Gasoline Retail Facility except in accordance with the following requirements:

- a) **Lot Area** (minimum)..... 0.2 ha
- b) **Lot Frontage** (minimum).....45 metres
- c) **Yard Dimensions** (minimum):
 - i) Front Yard.....12.0 metres
 - ii) Exterior Side Yard12.0 metres
 - iii) Interior Side Yard6.0 metres
 - Except where the interior side lot line abuts a Residential Zone, in which case the minimum required interior side yard shall be 12 metres.

- iv) Rear Yard6.0 metres
- Except where the rear lot line abuts a Residential Zone, in which case the minimum required rear yard shall be 12 metres.
- d) **Lot Depth** (minimum)30 metres
- e) **Lot Coverage** (maximum) 40 percent
- f) **Landscaped Open Space** (minimum)..... 10 percent
- g) **Height of Buildings** (maximum)..... 10 metres
- h) **Gasoline Pump Location**

A gasoline pump island or gasoline pumps, as part of or as accessory to a motor vehicle dealership, a motor vehicle gasoline bar, a motor vehicle repair garage, motor vehicle service centre, or motor vehicle station, may be located within any yard provided:

- i) The minimum distance between any portion of the pump island or gasoline pumps and any street line or any rear or interior side lot line is not less than 6 metres; and
- ii) Where a lot is a corner lot, no portion of any pump island or gasoline pumps shall be located closer than 3 metres to a straight line between a point in the front lot line and a point in the exterior lot line, such point being distant 15 metres from the intersection of such lines.
- i) **Bulk Fuel and Propane Storage Tank Location**

Bulk fuel and propane storage tanks shall be installed in accordance with the provisions of the Gasoline Handling Act.

j) **Entrance Regulations**

Ingress and egress driveways shall be in accordance with the provisions of this By-law.

4.32 **SECONDARY SUITES OR SECONDARY UNITS**

a) **Urban Settlement Areas**

Within the R1, R2, R3, R4, R5 and R6 Zones, a secondary unit may be created provided the following provisions are met:

- i) the secondary unit is located within a single detached dwelling houses, semi-detached dwelling houses, or row dwelling house;
- ii) the secondary unit has a gross floor area not exceeding 45% of the principle dwelling unit or 100 square metres, whichever is lesser; (By-Law No. 2022-033)
- iii) a maximum of one secondary unit per principle dwelling unit is permitted;
(By-Law No. 2022-033)
- iv) access for the secondary suite shall be from an independent entrance or through a common vestibule entrance shared with the principal dwelling unit. If the access is

provided at the side or rear of the building, a 1.2 metre side walkway shall be provided from the front of the building to the side or rear entrance;

(By-Law No. 2022-033)

- v) secondary units are subject to the provisions of the Ontario Building Code;
- vi) a minimum of 1 parking space shall be provided for a secondary unit. The required parking for the secondary unit and primary unit is permitted in a tandem arrangement.
- vii) a secondary unit shall only be permitted where municipal services such as water, sewers, drainage, roads, etc. are adequate or can be made adequate.

b) Rural Development Areas

Within the PA, RA, RU, ER, RR, SR or HR Zones, a secondary unit may be created provided the following provisions are met:

- i) a secondary unit is located in a single detached dwelling,
- ii) the secondary unit has a gross floor area not exceeding 45% of the single detached dwelling unit or 100 square metres, whichever is lesser,
- iii) a maximum of 1 secondary suite per single detached dwelling house is permitted,
- iv) Access for the secondary suite shall be provided by an independent entrance or through a common entrance shared with the principal dwelling unit. If the access is provided at the side or rear of the building, a 1.2 metre wide walkway shall be provided from the front of the building to the side or rear entrance.
- v) secondary units are subject to the provisions of the Ontario Building Code.
- vi) a minimum of one (1) parking space shall be provided for each secondary unit. The required parking for the secondary unit and primary unit is permitted in a tandem arrangement.
- vii) a secondary unit shall only be permitted if it can be demonstrated that there is an adequate supply of potable water, and adequate capacity for the disposal of waste within the subsurface sewage disposal system

4.33 SERVICING REQUIREMENTS

No person shall use any lot or erect any building or structures for any use unless:

a) Development on Private Services

- i) Within the PA, RA, RU, ER, RR, SR, HR, C1, C4 and C5 zones, approval is received for a sewage disposal (septic) system under the Ontario Building Code Act and regulation; or
(By-Law No. 2022-033)
- ii) Where approval is required under other than the Ontario Building Code Act, proof of such approval is provided; and

- iii) There is an adequate supply of potable water.

b) Septic Systems Location

- i) A septic system shall not be located on lands zoned Environmental Protection (EP), or lands prone to flooding where such lands are outside an EP zone.
- ii) For purposes of this By-law, in all other respects septic systems shall be located in accordance with the regulations under the Building Code Act.

(By-law No. 03-61)

c) Development on Municipal Water and Sanitary Sewage Collection Systems

- i) Within the MH, R1, R2, R3, R4, R5, R6, I, C2, C3, C6, or BP zones lots must be serviced by municipal water and municipal sewers.
- ii) For uses permitted on private services or municipal water and sanitary sewer collection, or on municipal water only, or on municipal sanitary sewer collection system only, the uses shall be subject to the provision of the respective zone and the servicing requirement of the Town or other agency having jurisdiction.

(By-law No. 03-61)(By-law No. 2016-0049)

d) Zones Covering Both Serviced and Unserviced Areas

For uses permitted on private services or municipal water and sanitary sewer collection, or on municipal water only, or on municipal sanitary sewer collection system only, the uses shall be subject to the provision of the respective zone and the servicing requirement of the Town or other agency having jurisdiction.

e) Change to Residential Use

No person shall increase the number of dwelling units or change to residential the use of any building, structure, or lot within an R1, R2, R3, R4, R5, or R6 Zone unless a public water

system and sanitary sewer system are available and of sufficient capacity to service such lot, building, or structure.

4.34 SETBACKS ALONG ROADS AND PIPELINES

a) Roads

The minimum setback along a road shall be determined by measuring, at right angle from the centreline of the public street abutting a yard, in the direction of the lot or parcel, a distance equal to the sum of:

- i) The minimum front yard, rear yard or exterior side yard requirement in the relevant regulations; plus
- ii) The centreline distance to the edge of the road right-of-way in metres as specified in the Table (below):

CENTRELINE DISTANCE REQUIREMENTS	
Highway 33	18.0 metres
County Roads 1, 2, 8, 18, 21, 41, and County Road 10 from Highway 401 south to County Road 2	18.0 metres
All other County Roads	13.0 metres
Town Roads	10.0 metres

Where the County of Lennox and Addington By-law 2057/82, as amended from time to time, or Ministry of Transportation requirements are more restrictive, than the requirements of the County or Ministry prevail.

- iii) Notwithstanding subsections (i) and (ii) above, within the C3 Zone, minimum setback shall be as specified in subsection 5.22.3(c) of this By-law.

b) **Pipelines**

The minimum setback along lands used for gas and/or oil transmission pipelines, and/or subject to an easement for such use, shall be 10 metres for any permanent structures and excavations.

4.35 SIGHT TRIANGLES

a) **Uses Prohibited**

Within any area defined as a sight triangle, the following uses shall be prohibited:

- i) building, structure, sign or use which would obstruct the vision of drivers of motor vehicles;
- ii) fence, tree, hedge, bush, or other vegetation, the top of which exceeds 1.0 metre in height above the elevation of the street line measured at the top of the nearest curb or at the edge of pavement location in the absence of a curb;
- iii) finished grade which exceeds the elevation of the street line by more than 0.5 metres;
- iv) covered surface parking area; and
- v) entranceway.

4.36 SIGNS

SECTION 4

GENERAL PROVISIONS

The provisions of this By-law shall not apply to prevent the erection, alteration, or use of any legal sign provided such sign complies with the By-laws of the Corporation or the County regulating signs.

4.37 SPECIAL CARE FACILITIES

a) General

- i) A special care facility shall comply with the provisions of the zone in which it is located.
- ii) A special care facility shall be registered with the Town of Greater Napanee in accordance with a by-law passed by Council.

b) Dwelling Type

Special care facilities shall occupy the whole of:

- i) a single detached dwelling house,
- ii) a converted single detached dwelling house,
- iii) a semi-detached dwelling house (only one of the dwelling units), or
- iii) a building constructed specifically to accommodate such a facility.

(By-law Number 2016-49)

4.38 STORAGE OF SPECIAL VEHICLES IN RESIDENTIAL ZONES

On a developed lot in any Residential Zone the parking or storing of a boat, motor home, snowmobile or trailer is not permitted except as specified below:

a) Vehicles Permitted

- i) two (2) boats which shall not exceed 10 metres in length; (By-Law No. 2022-033)
- ii) One (1) motor home which shall not exceed 10 metres in length;
- iii) Two (2) snowmobiles; and
- iv) One (1) travel trailer or travel camper which shall not exceed 10 metres in length, exclusive of hitch or tongue.

b) Yards Where Permitted

The parking or storage of a boat, motor home, snowmobile, travel trailer or truck camper shall only be permitted in a garage, carport or other building and not in any required parking space or sight triangle from November 1st to March 31st. On residential lands not used for an apartment dwelling house, temporary parking or storage of a boat, trailer, or any other recreational vehicle shall be permitted between April 1st and October 31st of each year in any parking space provided that the minimum required parking spaces is maintained for vehicle parking and provided neighbouring sight lines are maintained, but shall not be stored closer than 1.0 metres from any lot line or in a sight triangle with the exception of an issued Temporary Municipal Encroachment Permit.

c) Undeveloped Lots

The parking of vehicles listed in (a) above is not permitted unless otherwise specified in this By-law.

4.39 SWIMMING POOLS

A swimming pool is a permitted structure in association with a permitted residential use. Such swimming pool, and structures required in conjunction with a swimming pool, may be erected and used in the required interior side yard, the required rear yard, but not the required exterior side yard provided:

- a) No part of such swimming pool is located closer than 1.2 metres to any rear, interior or exterior lot line; (By-Law No. 2022-033)
- b) Is not located closer to the front lot line than the dwelling house;
- c) No water circulating or treatment equipment such as pumps or filters shall be located closer than 2 metres to any interior side or rear lot line; and
- d) No equipment used for the heating of water, such as a gas heater, shall be located within 2.0 metres of the interior side or rear lot line.

A swimming pool shall not be considered as part of the lot coverage provided no part of the pool, excluding its railing, protrudes more than 1.5 metres above the ground level surrounding the swimming pool.

4.40 THROUGHLOTS

In the case of a through lot, the front yard requirements of the zone or zones in which such lot is located shall apply to each yard which abuts a street.

4.41 TRUCK, BUS AND COACH BODIES

No truck, bus, coach or streetcar body, or structure of any kind, other than a dwelling unit erected and used in accordance with this By-law, The Building Code Act, and the regulations passed thereunder shall be used for human habitation.

4.42 WINERIES**a) Farm Wineries**

Where a farm winery is permitted within the PA Zone or RU Zone, it shall be subject to the requirements of that Zone and the following provisions:

- a) Wines produced shall be from locally grown fruit or fruit juice;
- b) The retail sale of wine produced on site is permitted where a license has been obtained from the licensing authority;

(By-law No. 03-74)

b) Estate Wineries

Where an Estate Winery is permitted within the PA Zone or RU Zone, it shall be subject to the requirements of that zone and following provisions:

- a) All wines produced shall be from locally grown fruit or juice.
- b) The retail sale of wine is permitted where a license has been obtained from the licensing authority.

(By-law No. 03-74)

4.43 YARD SETBACK AND HEIGHT ENCROACHMENTS PERMITTED**a) Ornamental Structures**

Sills, belt course, chimneys, cornices, bay windows, eaves, gutters, parapets, pilasters or similar ornamental structures may project into any required yard a maximum distance of 0.6 metres.

b) Unenclosed Porches, Balconies and Steps

Unenclosed porches, balconies, steps and ramps, decks and patios whether covered or uncovered, may project into any required yard a maximum distance of 2.5 metres, provided they are no closer than 1.2 metres to any lot line and comply with the setback General Provisions regarding floodplains and highwater marks. (By-Law No. 2022-033)

The provisions of this section do not apply to reduce or infringe upon the Sight Triangle provisions of section 4.34 of this By-law.

(By-law No. 02-45)

c) Patios

(Repealed by By-law No. 02-45)

d) Fire Escapes

Unenclosed fire escapes, as permitted by the Building Code Act and regulations passed thereunder, may project into any required side yard or required rear yard a maximum of 1.2 metres.

e) Gatehouse

In an Industrial Zone a gatehouse or information kiosk or similar accessory structure shall be permitted in a front yard or side yard or in the area between the street line and the required setback.

f) Barrier-Free Access Ramps

Unenclosed Barrier-Free ramps shall be permitted within any yard or in the area between the streetline and the required setback.