
SECTION 3 GENERAL PROVISIONS

3.1 Accessory Uses

Accessory uses, buildings or structures shall be permitted in any zone in accordance with the relevant provisions of this By-law and the following:

- (a) In a Residential Zone or on a lot in another zone, having a residential use, the following provisions will apply for buildings and structures which are accessory to the residential use:
- accessory buildings or structures shall not be located within any minimum Front Yard or minimum Exterior Side Yard, except as specifically permitted in this By-law;
 - accessory buildings or structures shall not be located closer than 1.5 m to any Interior Side or Rear Lot Line and shall not exceed 6 m in height;
 - accessory buildings, structures or garages with a common wall shall require no minimum Side or Rear Yard;
 - accessory buildings or structures shall not occupy more than 10% of the total Lot Area. Such accessory buildings or structures shall be included as part of the total Lot Coverage permitted in the zone requirements;
 - heat pumps and air conditioners shall not be permitted within a minimum Interior Side Yard;
 - an accessory garage which gains its access from a rear lane shall be set back 1.0 m from the rear lane.
- (b) In all other zones, accessory buildings and structures shall conform to the requirements of the particular zone.
- (c) For marinas and marine facilities, there shall be no minimum yard required for the yard adjacent to the water.
- (d) Any building or structure which is attached to the main building will not be considered accessory for the purposes of this By-law.
- (e) Renewable Energy Systems are developed in accordance with Section 3.30 of this By-law.
- (f) An outdoor furnace shall be permitted as an accessory use provided:
- it is located in a Rural, Residential Waterfront or Agricultural Zone;

- the outdoor furnace shall comply with zoning standards for the main building and one hundred metres (100 m) from any dwelling on an adjacent lot or fifteen and twenty-four one hundreds metres (15.24 m) from any building on the same property;
- not more than one outdoor furnace shall be permitted on a lot, except where it serves a permitted accessory dwelling or an agricultural building on lands used primarily for agricultural purposes
- any additional requirements as set out in the Municipality's outdoor furnace By-law shall be satisfied.

(g) Accessory Apartments (i.e., basement apartments, in-law suites)

Any accessory apartment shall be developed in accordance with the following provisions:

- an accessory apartment shall only be permitted within single-detached or semi-detached dwellings
- there shall be a limit of one accessory apartment per single detached dwelling or semi-detached dwelling
- parking for the accessory apartment shall be in accordance with Section 3.27 of this By-law
- the minimum floor area of an accessory apartment shall be 32 square metres
- where permitted in this By-law the dwelling unit area of the said accessory apartment shall not exceed 25% of the total floor area of the building.

3.2 Adult Entertainment Parlours - General Development Standards

- (a) No Adult Entertainment Parlour shall be located within 500 metres of any Residential Zone. This distance shall be measured from the property line of a potential Adult Entertainment Parlour to the Residential Zone boundary.
- (b) No Adult Entertainment Parlour shall be located within 500 metres of any school, church, day-care, public library, community centre or public park.
- (c) No Adult Entertainment Parlour shall be permitted to locate on a lot having frontage on a Major Arterial Road.
- (d) An Adult Entertainment Parlour must be located within a freestanding building, and shall not be permitted to locate in a multi-tenant building.

3.3 Bed and Breakfast

Where Bed and Breakfast Establishments are permitted in this By-law, and notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply:

Lot Area (minimum):

- (a) up to four guest rooms:
 - with full municipal services: 700 m²
 - with piped water supply: 1500 m²
 - with individual services: 3000 m²

3.4 Buildings to be Moved

No building or structure shall be moved within the limits of the Township or shall be moved from outside the Township into the Township unless the building or structure is a permitted use and satisfies all the requirements of the zone in which it is to be located and then only after a building permit has been obtained from the Chief Building Official.

3.5 Bulk and Fuel Storage Tanks

No bulk or fuel storage tank shall be permitted unless it is double walled or is placed in an impervious containment facility which is capable of containing the entire contents of the fuel storage tank in the event of a spill or in accordance with the current provisions of the Technical Standards and Safety Act. This provision shall not apply to domestic fuel oil tanks located inside a dwelling.

3.6 Commercial Patios

Notwithstanding any provisions of this By-law, an outdoor commercial patio accessory to a permitted restaurant use may be permitted and shall comply with the following:

- (a) The outdoor patio shall not provide more than fifty percent (50%) of the seating accommodation permitted under the Liquor License Act to the restaurant or seating accommodation or more than fifty (50) persons.
- (b) No outdoor patio shall be permitted on a lot where the lot line abuts a Residential Zone or residential use.
- (c) That portion of a lot on which the outdoor patio is permitted shall not be used for commercial entertainment or commercial recreation including live or recorded music or dance facilities.
- (d) Parking requirements for seating in the outdoor patio area shall be satisfied unless a variance has been obtained from the Committee of Adjustment or alternative arrangements have been made through the Parking or Cash-in-Lieu By-law.

- (e) No part of the outdoor patio shall be located on a public right-of-way or sidewalk unless the permission of the Municipality has been obtained.

3.7 Corner Lot Sight Lines

Notwithstanding any provisions of this By-law to the contrary, within any area defined as a sight triangle, the following uses shall be prohibited:

- (a) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
- (b) a fence or tree, hedge, bush or other vegetation, other than agricultural crops, the top of which exceeds 1.0 m in height above the elevation of the centreline of abutting streets;
- (c) a parking area;
- (d) a finished grade which exceeds the elevation of the centreline of abutting streets by more than 0.5 m.

3.8 Cumulative Standards

Where more than one use is permitted on any lot, the requirements of this By-law with regard to parking and loading requirements shall be cumulative.

3.9 Established Building Line in Built-Up Area

Notwithstanding the yard and setback provisions of this By-law to the contrary, where a permitted building is to be erected on a lot in a built-up area where there is an established building line, such permitted building may be erected closer to the street line or centreline of the street as the case may be, than required by this By-law provided such permitted building is not erected closer to the street line or centreline of the street as the case may be, than the established building line.

3.10 Frontage on an Improved Street

No building or structure shall be erected in any zone for any purpose other than a non-residential building or structure accessory to a permitted agricultural, forestry or conservation use unless the lot on which such building or structure is located has the minimum frontage on an improved street. This provision shall not apply to a lot on a registered plan of subdivision where an agreement between the owner and the Corporation which includes provisions for the construction and maintenance of the streets is registered in the Registry Office or Land Titles Offices.

3.11 Garden Suites

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

- (a) Driveway access to both the main dwelling and the garden suite shall be limited to one access, so that no new entrance from the street shall be created.
- (b) The siting of a garden suite shall be in accordance with the provisions for accessory uses.
- (c) The maximum gross floor area shall be ninety-three square metres (93 m²).
- (d) The maximum height shall be one storey, and shall not exceed four and one-half metres (4.5 m).
- (e) No garden suite shall be located closer than three metres (3 m) to the main residence on the lot or any building on an abutting property.
- (f) Only one garden suite may be established per lot.
- (g) All garden suites shall be provided with adequate water supply and sewage disposal systems.
- (h) All garden suites shall be established as a temporary use pursuant to Section 39 of the Planning Act.

3.12 Group Homes

Notwithstanding any other provisions of this By-law to the contrary, Group homes as defined in this By-law shall be permitted in accordance with the following:

- (a) Group home - Type A includes group homes other than those for young offenders or adult offenders.

Group home - Type B includes group homes for young offenders or adult offenders.

- (b) Group homes - Type A shall be permitted in the following zones:

- any Residential Zone,
- Institutional Zone; and
- Rural Zone

Group homes - Type B shall be permitted in the Institutional Zone.

- (c) The number of Group homes in the municipality shall not exceed one per 1000 population.
- (d) Not more than one Group home – Type B shall be permitted in the municipality.
- (e) No Group home shall be permitted within 1 km of another Group home.
- (f) A minimum of one parking space shall be provided for every two Group home residents according to the licensed or approved capacity of the Group home.

3.13 Height Exceptions

Where height limitations are set forth in this By-law, such limitations shall not apply to water tanks, flagpoles, lightning rods, lighting standards, ventilators, skylights, mechanical equipment penthouses, antennae, church steeples, belfries, clock towers, chimneys, silos, grain elevators, electrical supply facilities, solar panels and communications facilities. Notwithstanding the foregoing, limitations prescribed by the Federal Ministry of Transport or practices recommended by the Ministry with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.

3.14 Home Industries

Home Industries shall only be permitted in the Agricultural Zone (A), and in the Rural Zone (RU) in accordance with the following provisions:

- (a) No more than 20% or 40 m² of the total floor area of the dwelling, whichever is the lesser, shall be used for the purpose of a Home Industry.
- (b) Accessory buildings may be erected, altered or used for the purpose of a Home Industry provided that no more than 50 m² of the gross floor area of all accessory buildings shall be used for the purpose of Home Industry uses and provided it is located a minimum of 15 m from any lot line and a minimum of 45 m from a dwelling located on another lot.
- (c) No more than one person, other than a member of the family residing on the premises, shall be engaged in the Home Industry.
- (d) There shall be no external display or advertising other than a legal sign, not more than 1 m² in area to identify the Home Industry but such sign shall be located a minimum of 7.5 m from a Front Lot Line or an Exterior Side Lot Line.
- (e) The activity shall not create or become a nuisance in regard to noise, odour, vibration, traffic or parking.

3.15 Home Occupations

- (a) Residential

Home Occupations shall be permitted accessory to any permitted residential zones in accordance with the following provisions:

- The business is conducted by a member of the family residing on the premises.
- No more than two persons, other than family members shall be engaged in the business.
- Not more than 25% or 40 m² of the total floor area of the dwelling, whichever is the lesser, shall be used for such purposes.

- There shall be no external display or advertising other than a legal sign, indicating to persons outside, that a part of the dwelling house or dwelling unit is being used for a purpose other than residential. Such sign may be no more than 0.5 m⁵ in area and shall be located either on the dwelling or as a freestanding sign which is located no closer than 5 m to the front lot line.
- The only retail sales permitted shall be for those products substantially made on site or which are accessory and essential to the business.
- Where instruction is carried on, no more than five pupils are in attendance at one time.
- The activity shall not create or become a nuisance, in regard to noise, odour, vibration, traffic or parking.
- No mechanical or electrical equipment shall be used except that reasonably consistent with the use of a dwelling.
- One parking space per 20 m⁵ of floor area used for the Home Occupation and one parking space for an employee shall be provided in addition to the required parking for the residential use.
- An accessory structure not more than 20 m² in floor area may be used as storage.

(b) Rural and Agricultural

Rural Home Occupations shall be permitted accessory to any residential use in a Rural or Agricultural Zone. Any such use shall conform to the following provisions:

- The business is conducted by a member of the family residing on the premises.
- No more than two persons, other than family members, shall be engaged in the rural Home Occupation.
- The only retail sales allowed shall be for those products substantially produced or made on site or which are accessory and essential to the business.
- No more than 25% of the floor area of the dwelling unit and no more than 50 m⁵ in one accessory building shall be used for the rural Home Occupation.
- Open Storage may be permitted for the rural Home Occupation provided such storage is a minimum of 15 m from any lot line and a minimum of 45 m from a dwelling located on another lot.
- One parking space per 20 m⁵ of floor area used for the rural Home Occupation plus one parking space per employee shall be provided in addition to any other required parking spaces.

- One sign, not more than 1 m⁵ in area, may be permitted to identify the rural Home Occupation but such sign shall be located a minimum of 7.5 m from a Front Lot Line or an Exterior Side Lot Line.
- Not more than 20 m² of floor area in one accessory building is used for the home occupation and only if such accessory building is located a minimum of 3 m from all lot lines.

3.16 Intensive Livestock Operations

(a) General

Notwithstanding any provisions of this By-law to the contrary, the establishment of a new Intensive Livestock Operation or the expansion of an existing Intensive Livestock Operation in an Agricultural (A) Zone may be permitted subject to the following:

- that the operation, including the manure storage and livestock facilities, shall conform with the Minimum Distance Separation II (MDS II); and
- that the said facilities are constructed in accordance with an approved Nutrient Management Plan.

(b) Nutrient Management Plan

No livestock operation or manure storage facility shall be established or enlarged until a Nutrient Management Plan is completed to the satisfaction of the Municipality.

3.17 Keeping of Livestock

The keeping of livestock shall only be permitted in the Rural (RU) *Zone*, or Agricultural (AG) *Zone* subject to Minimum Distance Separation Requirements and other applicable provisions of this By-law.

3.18 Kennels

Notwithstanding the yard and setback provision of this By-law to the contrary, no kennel shall be erected or established, after the day of the passing of this By-law, within three hundred metres (300 m) of a dwelling located on another lot. Notwithstanding this section, a dwelling may be constructed within three hundred metres (300 m) of an existing kennel if all other provisions of this By-law are complied with.

3.19 Landscaped Open Space

- (a) Where, in a yard in any zone, a required parking area providing more than four (4) parking spaces abuts a lot in a Residential Zone, then a continuous strip of landscaped open space a minimum width of 3 m shall be provided along the abutting lot line.

- (b) Where, in any yard in any zone, a required parking area providing more than four (4) parking spaces abuts a street, then a strip of landscaped open space a minimum width of 3 m shall be provided along the lot line abutting the street and the landscaped strip shall be continuous except for driveways required for access to the parking area.
- (c) In any zone, any portion of any front yard which is not used for any other permitted purpose shall be devoted to landscaped open space.
- (d) Any land used for landscaped open space shall be included in the calculations of lot area, yard requirements, etc. as set forth in this By-law.

3.20 Loading Requirements

The owner or occupant of any lot, building or structure located in an Industrial or Commercial Zone which involves the regular receiving, shipping, loading or unloading of animals, goods, wares, merchandise or raw materials shall provide and maintain on the lot occupied by the building or structure, loading spaces in accordance with the following regulations:

- (a) Number of Spaces Required

The number of loading spaces provided shall be in accordance with the floor area of the building or structure as follows:

Floor Area of Building	Number of Loading Spaces
Commercial Uses:	
Less than 200 m ² :	None
200 m ² to 1000 m ²	1
Over 1000 m ²	1 plus 1 additional space for each additional 1000 m ² of floor area or part thereof.
Industrial Uses:	
Less than 400 m ²	None
400 m ² to 2000 m ²	1
Over 2000 m ²	1 plus 1 additional space for each additional 2000 m ² of floor area or part thereof.

- (b) Size of Loading Space

Each loading space shall be at least 13 m long, 3.6 m wide and have a vertical clearance of 4.2 m.

- (c) Location

The required loading spaces shall be provided on the lot occupied by the building or structure for which the spaces are required and such space shall not form part of any street or required parking area, and shall not be located within a required Front Yard or Exterior Side Yard.

- (d) Access

Access to loading spaces shall be by means of a lane at least 3.5 m wide for one way traffic and 6.0 m wide for two way traffic and located on the same lot. Access to loading spaces shall not pass through a Residential Zone.

(e) Additions to Buildings

The loading space requirements shall not apply to any building or structure in existence at the date of passing this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then additional loading space shall be provided as required in Section 3.18 (a) for such addition.

(f) Surfaces

Access lanes and loading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

3.21 Municipal Services

No person shall hereafter erect and use in whole or in part any main building for any purpose in any zone within the limits of the former Village of Morrisburg and the Village of Iroquois, or as shown on Schedules 3 and 8 to this By-law, unless it is connected to the municipal water supply and sanitary sewer systems. All dwellings on Fairholme Drive and Stewart Drive must be developed on municipal water services.

3.22 Non-Conforming Uses

(a) Continuance of Existing Uses

Nothing in this By-law shall prevent the use of any land, building or structure for any purpose prohibited by the By-law if such land, building or structure was lawfully used for such purpose on the day of the passing of the By-law, so long as it continues to be used for that purpose. If a non-conforming building should be damaged by any cause beyond the owner's control, nothing in this By-law shall prevent such a building from being restored and strengthened to a safe condition, provided the height and bulk are not increased and provided that reconstruction or restoration is commenced within 24 months of the date on which the damage took place.

(b) Repair of Existing Buildings

Nothing in this By-law shall prevent the strengthening to a safe condition of any building or structure or part of any building or structure which does not conform with the provisions of 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.

(c) Less than Minimum Yard Requirements

Where a building or structure which is a permitted use in the zone has been erected prior to the date of passing of this By-law on a lot having less than the minimum Front, Side or Rear Yard

required by this By-law, the building or structure may be enlarged, reconstructed, repaired or renovated provided that:

- the enlargement, reconstruction, repair or renovation does not further reduce the Front, Side or Rear Yard having less than the minimum required by this By-law; and
- all other applicable provisions of this By-law are complied with.

(d) Prior Building Permits

Nothing in this By-law shall prohibit the erection of a building or structure for which a building permit has been issued prior to the date of passing of the By-law, provided that the erection of such building or structure is commenced within two (2) years and such building or structure is completed within a reasonable time after the erection thereof is commenced.

(e) Undersized Lots

Where a lot having less than the minimum Frontage or Area required by this By-law, exists on the date of passing of the By-law is increased in Frontage or Area but still does not meet the minimum Frontage or Area requirements of this By-law, or has the Lot or Frontage reduced by expropriation after the date of passing of this By-law, such lot may be used for a purpose permitted in the zone in which it is located provided that all other applicable provisions in this By-law are met.

(f) Accessory Buildings

Nothing in this By-law shall prevent the erection of a building accessory to an existing non-conforming use provided that such accessory building conforms to all relevant provisions of this By-law.

(g) Less than Required Floor Area

Nothing in this By-law shall prevent an extension or addition being made to a permitted dwelling which existed at the time of passing of this By-law but which has a floor area or dwelling unit area less than that required by this By-law, provided such extension or addition does not contravene any other provision of this By-law.

(h) Change of Use

The use of any lot, building or structure which is not permitted in the zone in which it is located, shall not be changed except to a use which is listed as a permitted use in such zone or to a use which is authorized by the Committee of Adjustment pursuant to its powers under the *Planning Act*.

(i) Severance of Lots

Nothing in this By-law shall prevent the lawful severance of a lot, or the registration of more than one declaration and description pursuant to the Condominium Act, upon which is erected any building or buildings shall be deemed to conform with the provisions of this By-law, as amended,

or any predecessor thereof, and the building(s) shall be deemed to be erected on one lot for the purpose of construing and administering this By-law.

The above shall not apply if the severed lots comply with this By-law or if any minor variances are granted and all other provisions pertaining to the lots are met.

The owners of each part of the lot referred to above shall be required to concur in any application for relief from municipal By-laws and regulations applicable to the said lot.

Note: This clause is to be used to permit the severance and sale of individual dwellings in a semi-detached, row dwelling or in condominium developments where the individual dwelling does not meet the requirements of the zone, but the complete development does meet the requirements (i.e., the two units that make up a semi-detached conforms to the By-law, but one of the units on its own does not meet the tests for Frontage, Area or Setbacks).

3.23 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, recreational vehicle, coach or streetcar body whether or not the same is mounted on wheels;
- (c) any building or structure before the main walls and roof have been erected and the kitchen, heating and sanitary conveniences have been installed, provided all other minor works shall be completed within one (1) year of the date of occupancy inspection;
- (d) any trailer.

3.24 Open Storage

Open storage shall be permitted in a Highway Commercial, Tourist Commercial, Rural Commercial, General Industrial, Rural Industrial, Agricultural, Rural, Wrecking Yard, Waste Management, Mineral Aggregate Pit or Mineral Aggregate Quarry Zones in accordance with the following:

- (a) the Open Storage is accessory to the principal use of the lot;
- (b) Open Storage, as defined in this By-law, shall not be permitted within any minimum Front or minimum Exterior Yard, or in any other Side or Rear Yard where the Side or Rear Lot Line abuts any Residential or Institutional Zone;
- (c) a strip of Landscaped Open Space, a minimum of three (3) metres in width shall be provided around all Open Storage areas;
- (d) where Open Storage areas abut Residential or Institutional Zones, the required landscaped open space must also include solid visual screening (minimum height of

1.5-1.8 m). Any combination of plant materials, landscaped berms or fencing may be used;

- (e) any areas used for Open Storage shall be in addition to any minimum off-street parking or loading areas required by this By-law;
- (f) no Open Storage shall be permitted in a General Commercial (CG) or Local Commercial (CL) Zone except for commercial vehicles in operating condition which are essential to the permitted use.

3.25 Outdoor Illumination

Outdoor illumination of buildings, structures or yards including parking areas shall be permitted provided the fixtures are so designed and installed that the light is directed away from adjacent lots and public streets and is directed downwards.

3.26 Park

A public park is permitted in all zones.

3.27 Parking Requirements

In all zones except the General Commercial Special (CGS) Zone, the owner or occupant of any building or structure erected, enlarged or changed in use after the passing of this By-law, shall provide off street parking in accordance with the following provisions:

- (a) Number of Spaces Required:

Use of Building or Lot	Parking Required
Any building containing 1 or 2 dwelling units	2 parking spaces, or 2 garages, or 1 space and 1 garage per unit.
Any building containing more than 2 dwelling units	1.5 parking spaces per dwelling unit, except for Senior Citizens' Housing which shall require 0.25 parking spaces per dwelling unit.
Offices, including professional offices, shopping centres and financial services	1 parking space for each 20 m ² of floor area; minimum 3 parking spaces.
Schools	Elementary: 1.5 parking spaces for each teaching classroom Secondary: 4 parking spaces for each teaching classroom.
Convenience stores, retail stores and service outlets	1 parking space for every 20 m ² of floor area; minimum 3 parking spaces.
Restaurant	1 parking space for every 4 persons to be accommodated according to maximum permitted capacity.
Hotels and motels	1 parking space per guest room or suite, plus 1 additional parking space for every 9 m ² of floor area devoted to public use.
Religious institutions, theatres, arenas, halls, clubs, recreational establishments and other	Where there are fixed seats, 1 parking space for every 5 seats or 6 m of bench space;

places of assembly	where there are no fixed seats, 1 parking space for each 20 m ² of floor area devoted to public use.
Hospitals, nursing homes and welfare institutions	1 parking space for each 3 beds.
Industrial uses	1 parking space for every 70 m ² of floor area up to 2000 m ² plus 1 additional space for every 200 m ² of floor area thereafter.
Adult Entertainment Parlour	1 space for every 3 persons to be accommodated according to maximum permitted capacity, or 1 space for every 4 m ² of floor area, whichever is greater.
Agricultural use	None
Any use other than those specified	1 parking space for each 25 m ² of floor area

(b) Size of Parking Space

Every parking space shall have dimensions of at least 2.75 m by 5.5 m and be provided with unobstructed access to a street by a driveway, aisle, or lane. Notwithstanding this provision, for residential uses vehicles may be parked in tandem.

(c) Cumulative Standards

Where two or more uses are permitted in any one building or on any one lot, then the off-street parking requirements for each use shall be calculated as if each use is a separate use and the total number of off-street parking spaces so calculated shall be provided, except in the case of a shopping centre which shall be calculated in accordance with Section 3.25(a).

(d) Location

Required parking in a Residential Zone shall be provided on the same lot as the dwelling unit. In all other zones, the required parking shall be provided within 150 m of the building it is intended to serve and no part of any parking area required for a use other than Residential shall be permitted in a Residential Zone. Where required 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.

In an Industrial Zone, parking areas shall be located in Side or Rear Yards only, except that visitor parking may be permitted within a Front Yard.

(e) Access to Parking Areas and Aisles

The parking area and approaches shall be surfaced with concrete or asphalt or crushed stone in order to prevent the raising of dust or loose particles.

Access driveways designated for two-way traffic shall be not less than 6 m in width. Separate entrance and exit driveways shall be not less than 3.6 m in width.

Access to parking areas for commercial or industrial uses shall not pass through a Residential Zone.

Aisles designated for two-way traffic shall be not less than 6 m in width.

Aisles designated for one-way traffic shall be not less than 3.6 m in width.

(f) Commercial Vehicles

Commercial vehicles shall not be parked within any Residential Zone or on a lot in a Rural Zone except for the purpose of delivery of goods, wares and merchandise when delivery is carried on in the ordinary course of business. In the Residential Zone, the one commercial vehicle having a gross vehicle weight of less than 2 tonnes may be allowed per dwelling unit. In a Rural Zone, the one commercial vehicle having a gross vehicle weight of more than 2 tonnes may be allowed per dwelling unit.

(g) Drainage

Provision for drainage facilities shall be made in compliance with the requirements of the Municipality.

(h) Additions to Buildings

The parking space requirements shall not apply to any building or structure in existence at the date of passing of this By-law so long as the floor area, as it existed at such date, is not increased. If an addition is made to the building or structure which increases the floor area, then parking space for the addition shall be provided as required by Section 3.27 (a) of this By-law.

(i) Buffering

Landscaped open space shall be provided in accordance with the provisions of Section 3.19 of this By-law.

3.28 Public Uses

Any land may be used and any building or structure may be erected or used for the purpose of a public use provided that:

- (a) the Lot Coverage, Setback and Yard requirements prescribed for the zone in which such land, building or structure is located shall be complied with, except for linear transmission facilities for gas, telephone, cable and electric power (i.e., poles, lines and similar elements);
- (b) no open storage of goods, material, or equipment shall be permitted except in accordance with the zone provisions;

- (c) any building or structure erected in a Residential Zone under the authority of this paragraph shall be designed and maintained in general harmony with the residential buildings.

3.29 Railway Crossings and Sight Distance

Where any road or street crosses a railway at the same grade, no building or structure shall hereafter be erected closer to the point of intersection of the centre line of both the railway and the road or street than 30 m where automatic signal protection is provided and 45 m where no automatic signals are provided.

3.30 Renewable Energy Systems

3.30.1 For the purposes of this By-law, and notwithstanding any other provisions of this By-law, Renewable Energy Systems are defined as follows:

- (a) Wind Energy Systems
- A wind energy system with a nameplate generating capacity that does not exceed 3 kilowatts and has a maximum turbine height, including the blades, of 17 m. A micro scale wind energy system is generally ancillary to the principal permitted use.
 - The electricity produced by micro scale wind energy systems may be used on site or credited into the Provincial electricity grid to offset the electricity consumption costs incurred by the principal use on the property.
 - Does not require a Renewable Energy Approval.

Note: An example of a micro scale system includes a turbine mounted on a freestanding pole, with or without guy wire support that supplements the electricity needs of the principal use.

- (b) Solar Energy Systems
- Solar energy systems are ground installed facilities that cover less than 20,000 m² of land or facilities that are incorporated into existing or proposed buildings used principally for another use. Building mounted facilities can be unlimited in size.
 - The electricity produced by small scale solar energy systems may be used on site or credited into the Provincial electricity grid to offset the electricity consumption costs incurred by the principal use on the property.
 - Does not require a Renewable Energy Approval.

Note: An example of a small scale solar energy system includes a photovoltaic array that supplements the electricity needs of the principal use.

3.30.2 For the purposes of this By-law the installation of a renewable energy system shall be in accordance with the following provisions:

- (a) Wind turbines shall demonstrate that the shadow flicker experienced at any point of perception, which shall be considered to be a residential use within 30 metres will not exceed 30 hours per year or 30 minutes per day (based on worst case scenario) as a result of the operation of a wind turbine energy system.
- (b) Building permits for all renewable energy systems shall be referred to NAV Canada to ensure the size and siting of the proposed facility does not impact on radar installations
- (c) No wind energy system shall be permitted within 600 m of the St. Lawrence Seaway.
- (d) Building permits for renewable energy systems within 1 km of the boundary at an airport shall be referred to Transport Canada for obstacle and lighting, including reflection clearance.
- (e) Building permits for all renewable energy systems within 1 km of the boundary of any airport shall refer to the airport operator in order to ascertain specific aeronautical requirements as a result of Canadian Aviation Regulations and any applicable Airport Zoning Regulation.
- (f) No advertising sign or logo shall be visible on any renewable energy system.
- (g) Wind energy systems must be set back from a Provincial Highway or controlled access highway a minimum distance equal to 1.25 times the height of the turbine.
- (h) Building permits for renewable energy systems shall be referred to the Ontario Ministry of Transportation, whose area of permit control extends 45 metres from the limit of a Provincial Highway or controlled access highway or within 395 metres of the centre point of an intersection with a Provincial Highway.
- (i) Wind Energy Systems will be set back a minimum 1.25 times the Turbine Height from any road and public right-of-way and one times the Turbine Height from properties not part of the development.
- (j) Any renewable energy system will be removed if it ceases producing power for more than one year.
- (k) All parts of a renewable energy system will be contained within the setbacks for main buildings of the zone, or in accordance any other provision of this by-law, whatever is greater.
- (l) Wind Energy Systems are to be consistent with Ministry of Environment Publications 4709e (Interpretation for Applying MOE NPC Technical Publications to Wind Turbine Generators, Version 1) or any future amendment thereof.
- (m) Solar energy systems shall be building mounted in all residential zones.

- (n) Solar energy systems shall be building mounted in all zones in settlement areas.
- (o) Building mounted renewable energy systems shall not extend greater than 3 m off an existing structure in any direction and shall not encroach into a required yard.
- (p) Maximum lot coverage: 10% more than the maximum site coverage established in the existing zone.
- (q) Maximum height: For all zones except Residential, 3 m more than the maximum height permitted in the underlying zone. For Residential zones, 1 m more than the maximum height permitted in the underlying zone.
- (r) Setbacks to all property lines: Setbacks already established in the applicable zone plus 1 m.
- (s) Freestanding Wind Energy Systems (including those using guy wires) are permitted in all zones.
- (t) Building Mounted Wind Energy Systems (including those using guy wires) are permitted in all zones.
- (u) Building Mounted Solar Energy Systems shall be permitted in all zones.
- (v) Freestanding Solar Energy Systems shall be permitted in all zones.

3.31 Separation Distances

Notwithstanding any provision of this By-law to the contrary, new dwellings will be prohibited in the following locations:

- within 150 m of any land zoned Wrecking Yard or for wrecking yard purposes
- within 500 m of any land zoned Waste Management

Notwithstanding any provision of this By-Law to the contrary, new non-agricultural uses shall be prohibited within a minimum distance separation as determined by the current Minimum Distance Separation One (MDS I) formula.

3.32 Setbacks

- (a) Streets

The following setbacks shall be the minimum required:

Street	Setback
Township streets	10 m from the centreline of road allowance, plus the minimum Front Yard for the appropriate zone
Other public streets	In accordance with Ministry of Transportation Regulations or County By-laws

(b) From Water

Where any lot is adjacent to a waterbody where no Flood Plain exists, any building or structure to be erected thereon, including a sewage disposal system, shall be set back a minimum of 20 m from the normal high water mark.

This provision shall not apply to marine facilities, to transmission facilities for gas, telephone, cable or hydro or to flood control structures.

Note: The Conservation Authority may have setback and other Regulations which are directly administered by that agency and may apply in addition to the requirements of this By-law.

(c) From Slopes

Where any lot is adjacent to or traversed by an Unstable Slope as established by the Province and shown on a Schedule to the Stormont, Dundas and Glengarry Official Plan, the provisions of that Plan shall apply.

(d) A semi-detached or a row house which in its entirety complies with the requirements and provisions of this By-law shall not be deemed to be erected or used in contravention of or in breach of this By-law merely because its dwelling units are held in separate ownership. With respect to the Side Yard of the lot, which in part forms the common wall(s), no Side Yard is required.

(e) From Rail Lines

No dwelling shall be erected closer than 30 metres from the property boundary of an existing or proposed rail line.

3.33 Signs

The provisions of this By-law shall not apply to prevent the erection, alteration, or use of any legal sign provided that such sign complies with the provisions of this By-law regarding sight triangles and home occupations.

3.34 Special Provisions for Automobile Service Stations, Commercial Garages and Gasoline Retail Facilities

Where automobile service stations, commercial garages and gasoline retail facilities are permitted in this By-law, and notwithstanding any other provisions of this By-law to the contrary, the following provisions shall apply:

- (a) the minimum distance of any pump or advertising sign from any street line shall be 7.5 m and 4.5 m from any other lot line;
- (b) the width of any entrance or exit or combined entrance or exit measured at the Front Lot line or Exterior Side Lot line shall not be greater than 9 m and there shall not be more than two accesses from any one street which adjoins the lot;
- (c) the minimum distance of any access from a street intersection shall be 12 m and the minimum distance between accesses shall be 9 m;
- (d) where the lot is a corner lot, no portion of any gasoline pump island shall be located closer than 3 m to a sight triangle;
- (e) the interior angle, formed by the street line and the centreline of any driveway, shall be not less than 60 degrees.

3.35 Storage of Special Vehicles

- (a) Vehicles Permitted

The owner or occupant of any lot, building or structure in any Residential Zone may store or park not more than one (1) boat with or without a boat trailer, one recreational vehicle, and two snowmobiles upon such lot subject to the following regulations:

- where lands are used for an apartment dwelling or a converted dwelling, the boat or recreational vehicle must be located within a building and shall only be permitted in spaces or areas that are in addition to the number of parking spaces required under Section 3.25; or
- where lands are used for any other Residential purpose, the boat or recreational vehicle must be stored:
 - within a private garage or carport;
 - in the Interior Side Yard to the rear of a point midway between the front and rear walls of the main building not closer than 1.0 m from the nearest Side lot line;
 - in the Rear Yard not closer than 1.0 m from any lot line; or
 - outside of any minimum Front Yard or minimum Exterior Side Yard.

(b) Temporary Storage or Parking

In any Residential Zone, the parking or storage of a boat, recreational vehicle or snowmobile may be permitted for a period of not more than 72 hours in any one calendar month in a minimum Front Yard or minimum Exterior Side Yard, provided that the said vehicles are not parked or stored within a sight triangle.

3.36 Swimming Pools

(a) General

Notwithstanding any other provisions of this By-law to the contrary, in association with a permanent residential use, a swimming pool and structures in conjunction with such a swimming pool may be erected and used in the Interior Side or Rear Yard provided that:

- No part of such swimming pool shall be located closer than one (1) m to any Rear or Side Lot line.
- No water circulation or treatment equipment such as pumps or filters shall be located closer than five (5) m to any Rear or Side Lot line.
- When located within ten (10) metres of a neighbouring habitable dwelling, water circulation machinery shall be suitably enclosed to reduce or divert noise away from such habitable dwelling.
- Any building or structure, other than the main building, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, shall be in accordance with the provisions applicable to accessory buildings on such lot.
- An applicant for a permit to construct a swimming pool shall prepare a plan of the proposed swimming pool, complete with specifications showing the dimensions of the pool, its location on the lot and a plan depicting the fencing and gate(s) that will surround the pool, as well as the written consent of the property owner, to be submitted to the building inspector for approval.

(b) Fencing

- Every enclosure for an outdoor swimming pool shall be at least 1.2 m in height, and of a close-boarded, chain link or other approved design, to reasonably deter children from climbing through, over or under to gain access to the enclosed area.
- Gates that make up part of the enclosure shall provide protection equivalent to that of the fence, and be equipped with a self-closing and latching device and lock, at the top and inside the gate.
- Doors located in the wall of a building that form part of the enclosure of an outdoor swimming pool shall be equipped with self-closing and latching devices and locking mechanism.

- All gates and doors that form part of an outdoor swimming pool enclosure shall be kept locked except when the enclosed area is actually under competent supervision.
- Barbed wire or fencing energized by electrical current shall not be used or form part of an enclosure for an outdoor swimming pool.

(c) Maintenance

Every part of an outdoor swimming pool enclosure shall be maintained in a structurally sound and upright condition to reasonably deter children from climbing through, over or under to gain access to the enclosed area.

3.37 Temporary Uses

In any zone, temporary construction facilities such as a shed, scaffold or sales office, temporary accommodation such as a mobile home and equipment incidental to building on the premises shall be permitted for a maximum period of two years and only while a valid building permit for such construction remains in force. Temporary accommodation will only be permitted in the case when an existing dwelling is damaged to the extent that it becomes uninhabitable and for the time period while reconstruction or new construction is in progress.

3.38 Through Lots

Where a lot which is not a corner lot has Frontage on more than one (1) street, the requirements for Front Yards contained in this By-law shall apply to each yard abutting the street, save and except for accessory uses in accordance with Section 3.1.

3.39 Yard Encroachments

Every part of any minimum required yard shall be open and unobstructed by any structure other than an accessory building or structure permitted elsewhere in this By-law, provided, however, that those structures listed below shall be permitted to project into the minimum required yards indicated for the distances specified.

- (a) Belt courses, sills, cornices, eaves, gutters, chimneys, bay windows, pilasters or other ornamental structures may project into any minimum required yard not more than 0.6 m.
- (b) Open and roofed porches, sundecks, balconies, attached greenhouses, exterior stairs and landings may project into any minimum required Front or Rear Yard not more than 1.5 m.
- (c) Uncovered patios, awnings, fences, garden trellises and similar landscaping features, all plant materials, clothes poles, flag poles, fences, retaining walls and similar accessory uses may project into any minimum yard.

- (d) A gate house or guard house shall be permitted in a Front Yard or Exterior Side Yard in an Industrial Zone.
- (e) A children's weather shelter not exceeding a floor area of 3 m² shall be permitted in a Front Yard or Exterior Side Yard in a Rural Zone or an Agricultural Zone.
- (f) Underground facilities such as septic tanks and sewage disposal system leaching beds and above ground facilities directly providing public services such as utility poles and mail boxes may encroach into a minimum required yard or setback area provided it complies with all applicable regulations pursuant to federal or provincial legislation and the location is approved by the municipality.