

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 human habitation; or
- c) any open storage area.

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

4.1.2 Relation To Street

- a) **Residential Zones** *By-Law- 2011-076*

In a Residential Zone or where residential uses are permitted, any accessory building or structure which is not attached to the main building shall not be erected closer to the street line than the principal or main building on the lot and shall further be erected in conformity with the yard and setback requirements of the respective Residential Zone, except as otherwise provided for herein.

- i. An accessory building may be permitted closer to the street line than the principal or main building provided:
 - a) the lot has frontage on an improved street; and
 - b) the lot abuts Lake Ontario

- b) **Non-Residential Zones**

No accessory building or structure shall be erected closer to the street line than the minimum required yard and setback requirements of the

respective non-residential zone and further, no accessory building or structure shall be erected closer than 3 metres to an interior side or rear lot line except as otherwise provided for herein.

c) **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 shall not exceed 4 metres.

Within an industrial zone the total lot coverage of all accessory buildings or structures shall not exceed ten percent (10 %) of the lot area. The height of an accessory building in an industrial zone shall not exceed the maximum height restriction of the respective industrial zone.

4.1.5 Accessory Structure Encroachments

Drop awnings, clothes poles, flag poles, 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 Township's sign by-law.

4.1.6 Boat House, Pump House and Docking Facilities

a) A boat house or pump house may be erected and used in the required setback and required yard of a lot abutting a waterbody provided such accessory building or structure is not located closer than 1.0 metre to the

interior side lot line, except where a mutual boathouse is erected on the common lot line between two lots, in which case no interior side yard is required.

- b) No dock shall be located within 2 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° to the point at which the lot line intersects the shoreline.

4.1.7 Garages or other Accessory Buildings or Structures

By-Law- 2011-076

All accessory buildings or structures shall comply with the yard provisions of the zone in which such accessory use is located, except that in a Residential Zone or where residential uses are permitted, an accessory building or structure shall comply with the following provisions:

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

4.1.8 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, an apartment dwelling house containing ten (10) 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 equipped children’s play area shall be 46 square metres, while the maximum size of such equipped children’s play area shall be 140 square metres.

4.3 CONSTRUCTION USES AND TEMPORARY SALES OFFICES 2016-053

The following are permitted in all zones:

- i) A building or structure incidental to construction on the lot 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.
- ii) One (1) temporary sales trailer or structure shall be permitted only on lands that are the subject of a draft plan approval or registered plan of subdivision or condominium under the provisions of the Planning Act, as amended from time to time, provided that:

- a) The temporary sales trailer or structure is located in accordance with the provisions of the zone in which it is located.
- b) A temporary sales trailer/structure agreement has been executed with the Township and the applicant has obtained a building permit.
- c) A minimum of 1 parking space shall be provided for each 20m² of gross floor area of the temporary sales trailer or structure.
- d) The maximum duration for the placement of the temporary sales trailer or structure shall be five (5) years from the issuance of a building permit for the temporary sales trailer or structure, or when all lots or units within the plan of subdivision or condominium have been sold; whichever comes first.

4.4 DISTANCE SEPARATION REQUIREMENTS

a) New Non-Agricultural Uses

The expansion or establishment of any new non-agricultural use in the Rural (RU) Zone or Prime Agricultural (PA) Zone shall comply with the requirements of the Minimum Distance Separation Criteria (MDS I) calculation.

The establishment of any new non-agricultural use on a lot that existed as of August 29, 2001 in the Shoreline Residential zone on Amherst Island shall comply with the existing housing capacity provisions of the Minimum Distance Separation Criteria (MDS I) calculation, except in lot 5, Concession 1, where 80% of the distance calculated by Minimum Distance Separation Formula 1 shall be used. If it is determined that a single detached dwelling house cannot be erected on such a lot in compliance with this requirement, Section 4.4g) shall prevail, but any single detached dwelling house shall be separated as far as possible from an existing barn. Any lot that was created or rezoned after August 29, 2001 in the Shoreline Residential zone on Amherst Island shall fully comply to the MDS 1 calculation.

b) New or Expanded Livestock Facilities

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

c) **Compatibility Between Industrial Facilities and Sensitive Land Uses**

The expansion or establishment of new industrial facilities or sensitive land uses shall comply with the minimum distance separation guidelines governing the compatibility between industrial facilities and sensitive land uses.

d) **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, Certificate of Approval under the Environmental Protection Act.

e) **Waste Disposal Industrial Area**

- iii) No new dwelling house shall be permitted within 300 metres of a sewage lagoon, or within 150 metres of a sewage treatment plant.
- ii) No new dwelling house shall be permitted within 500 metres of an existing or closed waste disposal site.

f) **Extractive Industrial Zone**

- i) No new dwelling house shall be located within 150 metres of an area zoned Extractive Industrial-Pits and Quarries 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 - Pits and Quarries Zone in which the removal and processing of rock is involved.

g) **Existing Lots of Record**

The minimum distance separation requirements do not apply in the case of (a) (c) (e) or (f) 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.

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*By-Law- 2011-076*

All of the operations of every “Commercial Establishment” shall be conducted within an enclosed building or premises, except for the following:

- Parking and loading areas for vehicles;
- The operation of an outdoor café restaurant;
- Marina;
- Vehicle Sales Establishment;
- Seasonal garden and nursery sales;
- Farm Implement and Equipment Sales and Service Establishment;
- Building Supply Outlet; and
- Gasoline Retail Facility.

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, 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 to 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.

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 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

By-Law- 2011-076

Nothing in this By-law shall prevent the rebuilding or repair of any lawful non-conforming building or structure, existing as of the date of passing of this By-law, which is damaged or destroyed by causes beyond the control of the owner, provided that such reconstruction is on the same footprint as the previous building and is proceeded with expeditiously. A willful demolition or destruction of a building or structure shall not constitute “damaged” or “destroyed”.

The rebuilding or repair of any dwelling located within a flood plain shall require flood proofing to the satisfaction of the Conservation Authority.

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

Nothing in this By-law shall prevent the alteration, enlargement, reconstruction, renovation, or repair of an existing, non-complying building or structure provided such action does not further reduce any By-law provision with which the use is not in compliance. *By-Law- 2011-076*

f) **Private Right-of-Way and Non-Complying Buildings and Structures**

Where a building has been erected prior to the date of passing of this By-law on a lot which fronts on a private right-of-way registered on title, and providing legal ingress and egress to an improved public street, the provisions of this By-law shall not apply to prevent the enlargement, alteration, extension, renovation or reconstruction of such a building or structure, provided this does not further reduce any by-law provision with which the use is not in compliance.

4.9 EXISTING EASEMENTS AND RIGHT-OF-WAYS

Where there is an existing easement or right-of-way registered on the title of a property, 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.

4.10 EXISTING UNDERSIZED LOTS

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 1,400 square metres with 20 metres of frontage;
- c) Approval is obtained from the appropriate regulatory agency for proposed sewage disposal systems; and

- d) Potable water is available.

4.11 FLOODPLAINS, WATERCOURSES/WATERBODIES AND ENVIRONMENTAL PROTECTION ZONES

a) Use of Floodplain

No person shall use any lot or erect, alter or use any building or structure on a flood plain, located outside the Environmental Protection Zone, for any purpose except one or more of the following uses;

- conservation use;
- landscaped open space;
- marina use;
- marine facility;
- marine sales and service establishment;
- outdoor recreation;
- public or private park;
- public use;
- agricultural use exclusive of buildings; and
- parking facilities incidental to a permitted use.

No main building or building used for human habitation shall be permitted in the floodplain.

b) Restrictions Adjacent to Floodplain and Top of Bank and Environmental Protection Zones

No building or structure shall be erected or altered within 15 metres of a floodplain or the top of a bank or land zoned Environmental Protection.

By-Law- 2011-076

No building or structure shall be erected or altered within 8 metres of a floodplain or the top of a bank or land zoned Environmental Protection for the lands described as Part of Lot 9, Concession 1, Reference Plan 29R-8210 Village of bath, Phase 8, Loyalist Estates.

By-Law- 2018-075

c) Restrictions Adjacent to Highwater Mark

Where a floodplain has not been defined, no building or structure shall be erected or altered within 30 metres of the high water mark. *By-Law- 2011-076*

d) **Calculation of Zone Provisions**

No part of 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.

e) **Minimum Exterior Elevation Opening**

Where a building or structure intended for human habitation is erected adjacent to the shoreline of Lake Ontario the minimum elevation of any exterior opening shall not be less than 76.9 metres as established by the Geodetic Survey of Canada. For the Edgewater Estates subdivision described as part of Lot 12, Concession 1, the minimum elevation of any exterior opening for a building intended for human habitation shall be 76.3 metres as established by the Geodetic Survey of Canada.

4.12 **FRONTAGE REQUIREMENTS**

a) **Access to Improved Public Street**

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 street and is provided with access for vehicular traffic in the form of an unobstructed driveway. For the purpose of this By-law, an “Improved Street” as defined in Section 3.0 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 is accessible by means of a private road or right-of-way providing ingress and egress to an improved public street, this By-law shall not apply to prevent the use of such lot for a single unit dwelling house.

4.13 FUTURE ROAD ALIGNMENT AREAS

No buildings shall be permitted within any future road alignment area or within a distance from any future road alignment area equal to the front building setback applicable to the zone. Future road alignment areas shall be 20 metres in width.

The following lands are future road alignment areas:

- a) Lands located in Lots 6 to 19, South Shore Concession, shown as a future road alignment on Schedule 11; and
- b) Lands located in Lots 3 to 8, Concession 1, shown as a future road alignment on Schedule 12.

4.14 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.

4.15 GROUP HOMES

Where a group home is a permitted use, no group home shall be located within 500 metres of another group home.

4.16 GUEST HOUSE

With the geographic Township of Amherst Island, as it existed as a separate Municipality on December 31st, 1997, a guest house is permitted as an accessory building to a permitted residential use located in a separate building provided the following provisions are met:

- guest house size (maximum)30 square metres
- there are no facilities for the preparation of food
- the principle dwelling unit must be in existence on the lot prior to the construction of the guest house.

4.17 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:

- church spire, minaret or other similar religious structure;
- belfry;
- flag pole;
- clock tower;
- chimney;
- water tank or tower;
- windmill;
- radio or television or communication tower or antenna / receiver;
- air conditioner equipment;
- lightning rod;
- lighting standard;
- grain elevator;
- barn or silo;
- hydro electric transmission tower and poles;
- incidental equipment required for processing as part of an agricultural operation;
- external equipment associated with internal building equipment

4.18 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:
 - Existing uses; and
 - Other uses as specified in the By-Law establishing the ‘-H’ Holding Zone.
- b) This section shall not prevent the renovation of any building or structure provided

such alteration or renovation will not increase the height, size or volume, or change the use of such building or structure.

- 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 Township;
 - ii) The required services are available or can be made available;
 - iii) The phasing and design of the proposed development is to the Township's satisfaction;
 - iv) Identified development constraints can be addressed to the satisfaction of the Township;
 - v) Agreements, such as the Subdivision Agreement or Site Plan Control Agreement, have been executed; and
 - vi) The Township 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.
 - vii) The following two criteria apply to Baycreek Subdivision, Odessa Phase One, Lots 18 to 25:
 - a) That the developer has demonstrated to the Township's satisfaction that sufficient hydraulic capacity exists in the Bridge Street sanitary sewer line to accommodate the development; or
 - b) That the developer connects these lots by way of a new sewer line that connects to the Bridge Street pumping station without using the existing Bridge Street sanitary line.

4.19 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 residing in the dwelling employed by the home occupation.
- 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)** Not more than 30% of the dwelling unit area shall be 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 one permitted accessory building no greater than 60 sq. metres in area, but shall not be carried on in a boathouse.
- g)** May be conducted in both the dwelling unit and one accessory building or combination thereof not to exceed a combined maximum square floor area of 60 sq. metres.
- h)** Shall have no goods, wares, or merchandise, other than arts, crafts, antiques, household or personal items such as cosmetics or kitchen ware 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.
- i)** 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.

- j) 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 doctor or dentist that complies with the provisions of this Subsection.
- k) Shall not interfere with television or radio reception of others in adjacent buildings or structures.
- l) Bed and breakfast operations may be allowed as a home occupation provided the residential character of the dwelling house is retained. Up to three (3) bedrooms may be used for bed and breakfast operation even though this may exceed 30% of the dwelling unit area.
- m) A "tea room" or similar facility offering limited refreshments as an accessory use to the principal residential use may be permitted as a home occupation.
- n) No more than one home occupation shall be conducted in the dwelling or accessory building.

4.20 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, 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 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 a permitted accessory building no greater than 92 sq. metres

in area.

- f) Shall not interfere with television or radio reception of others in adjacent buildings or structures.
- g) Shall include uses such as farm related sales, machine repairs, welding, carpentry, plumbing and electrical workshops.
- h) Shall not employ more than three (3) persons not resident in the dwelling.

4.21 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.

4.22 LOADING SPACE REGULATIONS

a) Requirements

The owner or occupant of any 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 metres long, 3.5 metres wide, and having a vertical clearance of at least 4 metres. In addition, adequate space shall be provided for the parking of vehicles awaiting access to the loading or unloading space. Loading spaces shall be provided in accordance with the following:

Gross Floor Area of Building or Structure	Loading Spaces Required
300 square metres or less	1
Exceeding 300 square metres but not 2,500 square metres	2
Exceeding 2,500 square metres but not 7,500 square metres	3
Exceeding 7,500 square metres plus one (1) additional loading space for each additional 10,000 square metres of gross floor area or fractional part thereof in excess of 7,500 square metres	3

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 street line 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.

4.23 MODEL HOMES

Model homes are permitted where the following requirements are met:

- a)** Lands have received draft plan approval or final approval and registration from the Township;
- b)** Are constructed or located in accordance with the zone provisions for the lot or proposed lots;
- c)** Do 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.
- e)** Notwithstanding section (a) to (d) above, for those lands zoned R3 and R4 on the date of adoption of this By-law and being part of Lots 12 and 13 of Concession 1 and Broken Front Concession on the north side of Main Street (Highway 33), a maximum of six (6) model homes may be constructed.
- f)** Notwithstanding Section (a) to (e) above, for those lands zoned R5-3 located in part of Lot 42, Concession 1, a maximum of eight (8) model dwelling units may be constructed.
- g)** Notwithstanding Section (a) to (f) above, for those lands zoned R2-11 located in part of lots 8 and 9, Concession 1, a maximum of four(4) single detached model dwelling homes may be constructed.
- h)** Notwithstanding Section (a) to (g) above, for those lands zoned Residential Type

Five Exception 12 (R5-12) located in Part of lots 13 & 14 Broken Front Concession, a maximum of four (4) model dwelling units may be constructed.

- i) Notwithstanding Section (a) to (h) above for those lands zoned Residential Type Five Exception Fifteen (R5-15), a maximum of four (4) model dwelling units may be constructed per individual phase of the development.

4.24 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.

4.25 MORE THAN ONE ZONE ON A LOT

When a lot is divided into more than one zone, each such portion of the lot shall 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.

4.26 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 manufacturer under the Health Protection and Promotion Act or Regulations thereunder.

4.27 PARKING AREA REGULATIONS

Parking spaces and areas are required under this By-law 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 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 having a minimum area of 18 square metres and being not less than 3 metres in width and not less than 6 metres in length, in accordance with the following:

<u>Residential Uses</u>	<u>Minimum Offstreet Parking Requirement</u>
Apartment buildings, Fourplex and Triplex dwelling houses	1.5 parking spaces for each dwelling unit
Boarding or Lodging House	1 parking space per dwelling unit plus 1 parking space per guest room
Single unit, Semi-Detached and Duplex Dwelling houses, Townhouses and Rowhouses Other Residential uses permitted by this by-law including Secondary Dwelling Units.	2 spaces per dwelling unit 1 space per dwelling unit
<u>Non -Residential Uses</u>	<u>Minimum Offstreet 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: a) 1 parking space per 5 fixed seats or 3 metres of bench seating or portion thereof; or, b) 1 parking space per 9 square metres of gross floor area; or, c) 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 and 1 space per each home occupation employee exceeding 1 employee not resident of the dwelling unit.
Curling Rink	2 parking spaces for each curling sheet plus such additional parking as is required for a lounge licensed in accordance with the Liquor Licence Act.

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	<p>The greater of:</p> <ul style="list-style-type: none"> a) 1 parking space for each 9 square metres of gross floor area; or b) 1 parking space for each 4 persons legally accommodated at any one time within the premises. <p>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</p>
Eating Establishment- Take Out	6 parking spaces for each 100 square metres of gross floor area
General Industrial Use, Information Industry or Light Manufacturing	1 parking space per 75 square metres of gross floor area or portion thereof
Golf Course	24 parking spaces for each 9 holes of golfing facilities
Home for the Aged, Nursing Home	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 which ever 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.

Liquor Licensed Premises exclusive of an Eating Establishment but including an Entertainment Lounge, Public House or Lounge licensed in accordance with the Liquor License Act	1 parking space for each 4 persons that may be legally accommodated at any one time
Medical or Dental Clinic, or Offices of a Drugless Practitioner	5 parking spaces per 100 square metres of gross floor area
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 square metres of gross floor area
Shopping Centre	1 parking space for each 18.5 square metres of gross floor area
Undertaking Establishment	The greater of: a) 10 parking spaces; or b) 5.25 parking spaces per 100 square metres of gross floor area
Warehouse or wholesale establishment	1 parking space per 150m ² square metres of gross floor area or portion thereof
<u>Residential Uses</u>	<u>Minimum Offstreet Parking Requirement</u>
Workshop	1 parking space per 38 square metres of gross floor area
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
<u>Schools</u>	

Elementary Schools & Secondary Schools	The greater of: a) 1.5 parking spaces 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
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Special Vehicle Parking

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

Industrial Uses:

Total Required Parking Spaces	Number of Required Special Vehicle Parking Spaces
20-100	2
101-200	4
201-300	6
301-400	8
401-500	10
more than 500	12

Commercial or Residential Uses:

Total Required Parking Spaces	Number of Required Special Vehicle Parking Spaces
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20-50	2
51-100	4
101-150	6
151-200	8
201-250	10
251-300	12
301-400	14
more than 400	1 additional space per 100 required spaces

Institutional Uses:

Total Required Parking Spaces	Number of Required Special Vehicle Parking Spaces
10-20	2
21-40	4
41-60	6
61-80	8
81-100	10
101-120	12
121-140	14
141-160	16
more than 160	18

The following regulations shall also apply to special vehicle parking spaces:

- i) the special vehicle parking spaces shall have minimum rectangular dimensions of 3.7 metres width by 6.0 metres in length, and if two adjacent spaces are designated for the disabled, then the total width of both spaces together may be 6.4 metres if a 1.5 metres wide access aisle separates the two spaces. If no access aisle separates the spaces, the total width of the two spaces shall be 7.4 metres;
- ii) all special vehicle parking spaces shall be signed and shall be painted blue and marked by an identifying marker consisting of the International Symbol for the disabled;

- iii) if accessible parking spaces for side lift vans are provided, each space shall be at least 4.9 metres wide;
- iv) a standard parking space parallel to the curb shall constitute an acceptable parking space provided it allows individuals to get in and out of either side of a vehicle and providing a sidewalk wheelchair ramp is located nearby;
- v) a minimum vertical clearance of 2.9 metres shall be provided at accessible parking spaces, passenger loading zones, and along access routes;
- vi) gradient for a special vehicle parking space shall not exceed five (5) percent;
- vii) wheelstops shall be placed to provide a minimum 0.8 metres clear space for wheelchair access;
- viii) special vehicle parking spaces shall be the spaces located closest to the nearest accessible entrance(s) of the building on an accessible route; and
- ix) curb ramps, where required, shall be provided to permit access from the parking area to the sidewalk.

c) **Ingress and Egress Regulations**

- i) Access to the required parking spaces and parking areas shall be provided by means of an unobstructed driveway or passageway at least 3 metres, but not more than 9 metres in width.
- ii) The aisles between parking spaces within a parking area shall have a minimum width of 6 metres.
- iii) The minimum distance between two separate driveways on one lot, measured along the street line, shall be 9 metres.
- iv) A mutual driveway is permitted for semi-detached dwellings, row and townhouse dwellings. *By-Law- 2011-076*
- v) The minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 9 metres for all residential uses and 15 metres for all other uses.

- vi) The minimum distance between an interior side lot line and any driveway shall be 1.2 metres of an interior side lot line. This standard was implemented so that water shut off valves could be protected.
- vii) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- viii) Every lot shall be limited to the following number of driveways:
 - (a) up to the first 15 metres of frontage - not more than 1 driveway;
 - (b) greater than 15 metres of frontage but less than 30 metres of frontage - not more than 2 driveways, with a combined width not exceeding 30% of the lot frontage;
 - (c) 1 additional driveway for each additional 30 metres of lot frontage; and
 - (d) where the standards of the road authority having jurisdiction, such as the County of Province, are more restrictive, those standards shall apply.
- ix) Entrances along County Roads are subject to the provisions in County By-laws 2207/87 and 2572/95, as amended.

d) Parking Area Design Requirements

The following parking area design requirements shall apply to all required parking areas in all zones, except for a permanent single dwelling house:

- i) the minimum width of parking spaces shall be 3.0 metres and the minimum length shall be 6 metres;
- ii) 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;
- iii) where a parking angle is less than 50 degrees, the minimum aisle width shall be at least 4.0 metres;
- iv) 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

- v) where the parking angle is equal to or greater than 70 degrees but less than or equal to 90 degrees, the minimum aisle width shall be at least 7.0 metres.

e) **Addition to Existing Use**

When a building/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.

f) **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.

g) **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.

h) **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>
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<u>Zone</u>	<u>Yard in Which Required Parking Area is Permitted</u>
Residential Zones	Parking spaces and areas shall be permitted within a required front, interior side or rear yard provided that no part of any parking area, other than a driveway, is located closer than 3 metres to any street line or within a sight triangle. The maximum width of parking areas or driveways within the front yard shall be 7.5 metres
Environmental Protection, Rural, Prime Agricultural, Open Space, Community Facility, and all Commercial Zones	Parking spaces and areas shall be permitted in all yards provided that no part of an parking area, other than a driveway, is located closer than 2 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.
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 metres to any street line 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

i) 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 in respect of which such parking spaces and area are required or permitted.
- ii) In any Residential Zone, 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.

j) 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.

k) Off Site Location

- i) Required parking in a Residential Zone shall be provided on the same lot as the dwelling unit or units.
- ii) In all other zones, parking shall be provided within 90 metres of the building or use it is intended to serve.
- iii) No part of any parking area required for a use other than residential shall be permitted in a Residential Zone.
- iv) 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.

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 Township or their agents for the purposes 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 Certificate of Approval under the Environmental Protection Act and such certificate is current; and
- iii) an agreement is signed with the Township that the wayside pit or quarry shall be rehabilitated upon completion of the public project.

4.29 PLANTING STRIP**a) Requirement**

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 and County By-law 2649/97, as amended.

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, flower beds 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 site 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.

g) **Maintenance**

Where a planting strip is required it shall be planted, nurtured and maintained by the owner or owners of the lot on which the planting strip is located.

4.30 PUBLIC USES

a) **Applicable Provisions**

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

- i) public uses, 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;
- 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.

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 watermain, sanitary/waste water sewer main, storm sewer main, water and/or waste water pumping station, gas main, pipeline, lighting fixtures, overhead or underground electrical facility, television, telecommunication, telephone, or other supply line or communication line or tower, or structure clearly accessory to the foregoing, provided that the location of such street, main, line, fixture or structure has been approved by the Corporation.
- ii) Nothing in this By-law shall prevent the use of public land for a mail box 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;
- sewage lagoon or sewage treatment plant;
- water supply plant;
- waste disposal site.

e) Telecommunication Towers

No telephone, telecommunication, cable television or telegraph tower shall exceed 120 metres in height. Any towers proposed above 120 metres will require a site specific zoning.

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 Yard..... 12.0 metres
 - iii) Interior Side Yard:
6.0 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 Yard:
6.0 metres except where the rear lot line abuts a Residential Zone, in which case the minimum required rear yard shall be 12 metres.
- d) Minimum Lot Depth30 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 SERVICING REQUIREMENTS

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

a) Development on Private Services

- viii) Within the PA, RA, RU, ER, RR, SR, HR, CF, I, C1, C2, C3, C5 and M2 Zones approval is received for a class 4 subsurface sewage disposal (septic) system under the Ontario Building Code Act and regulation; or
- ix) Where approval within the zones in 4.30(a)(i) is required under other than the Ontario Building Code Act, proof of such approval is provided; and
- x) There is an adequate supply of potable water.

b) Development on Municipal Water and Sanitary Sewage Collection Systems

i) Within the R1, R2, R3, R4, R5, R6, C2, C4, M1 and M3 zones lots must be serviced by municipal water and sanitary sewers. Lots of record located in lots 31 to 35 of Broken Front Concession and Concession 1 inclusive and zoned R1 or CF and in lot 42 Broken Front Concession and Concession 1 along Coronation Boulevard or Amherst Drive and zoned R1 may be serviced by municipal piped water supply and class 4 subsurface sewage disposal (septic system) under the Ontario Building Code Act and Regulation. Properties zoned M3 or M3-6 and found in Lots 19 to 28, Concessions 1 and Broken Front, south of the Canadian National Railway main line, may be serviced by private sewage and water services, however at such time municipal water or sanitary services become available, development shall then connect to municipal systems immediately at such time they are available.

passed 07.10.06 By-Law (2006-71)

ii) Within a CF Zone, lots located in an area serviced by piped water supply and sanitary sewage collection system shall be serviced by such municipal water supply and sanitary sewer.

iii) In the case of existing unserviced industrial uses in the M3 zone they are recognized as permitted uses. Any enlargement or expansion of the industry in the unserviced area of the Township shall take place following the approval by the appropriate authorities regarding water supply and waste disposal.

iv) The development of the C4 zone located on the north west corner of Coronation Boulevard and Taylor Kidd Boulevard shall occur following the approval of the appropriate authorities regarding water supply and waste disposal.

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

4.33 SETBACKS ALONG ROADS AND PIPELINES

4.33.1 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:

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

CENTRELINE DISTANCE REQUIREMENTS	
County Roads	13.0 metres
County Road #6	18.0 metres
County Road #23	18.0 metres
Township Roads	10.0 metres

In no case shall the minimum yard be less than the minimum front yard, rear yard, or exterior side yard requirements in the relevant regulation of this By-law. Where the County of Lennox and Addington By-law 2057/82, as amended from time to time, or Ministry of Transportation (MTO) requirements are more restrictive, the requirements of the County or Ministry will prevail.

4.33.2 Pipelines

The minimum setback along land 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.

4.34 SIGHT TRIANGLES

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

- a) building, structure, sign or use which would obstruct the vision of drivers of motor vehicles;

- b) fence, tree, hedge, bush, or other vegetation, the top of which exceeds 1 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;
- c) finished grade which exceeds the elevation of the street line by more than 0.5 metres;
- d) covered surface parking area; and entranceway.

4.35 **SIGNS**

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 and the County regulating signs.

4.36 **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 allowed except as specified below:

a) **Vehicles Permitted**

- i) one boat which shall not exceed 10 metres in length;
- ii) one motor home which shall not exceed 10 metres in length;
- iii) two (2) snowmobiles;
- iv) one 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. On residential lands not used for an apartment dwelling house, such boat, motor home, snowmobile, travel trailer or truck camper may be parked or stored in an interior side yard or rear yard but no

closer than 1.0 metre to any lot line.

c) **Undeveloped Lots**

The parking of vehicles on undeveloped lots is not permitted unless otherwise specified in this By-law.

4.37 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 or the required rear yard provided:

- a) No part of such swimming pool is located closer than 1.2 metres to any rear or interior side lot line;
- 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 2.0 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.

4.38 THROUGH LOTS

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.

4.39 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.

4.40 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, Decks, Balconies and Steps

By-Law 2013-022

Unenclosed porches, decks, balconies, steps and ramps, covered or uncovered, may project into any required front yard or required rear yard a maximum distance of 1.5 metres, provided they are no closer than 1.2 metres to any lot line and comply with the setback general provisions regarding floodplains and high water marks.

c) Patios

Uncovered patios, uncovered pool aprons, and uncovered decks may project into any required rear yard or side yard provided:

- i) they are not more than 0.6 metres above finished grade; and
- ii) they are not located within any required front yard or exterior side yard.

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.

By-Law- 2011-076

e) Gatehouse

In an Industrial Zone a gate house 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***By- Law 2005-59*

Unenclosed Barrier-Free ramps shall be permitted within any yard or in the area between the streetline and the required setback. In addition, unenclosed barrier free ramps shall be exempted from having to comply with lot coverage requirements.

4.41 RECREATIONAL VEHICLES*By- Law 2013-74*

Within the geographic Township of Amherst Island, as it existed as a separate Municipality on December 31st, 1997, where a recreational vehicle would be the principal use on a lot, a maximum of one recreational vehicle is permitted to be used as a recreational living space, provided the following provisions are met:

- the use is not as a permanent dwelling unit;
- the use is only permitted in the RU, PA and SR zones;
- the recreational vehicle is located on the property to provide the same minimum yard requirements that would apply to a principal residential use in the same zone;
- the use complies with any requirements that may be imposed by a Trailer Licensing By-law that may be enacted from time to time by the Municipality under the authority of the Municipal Act."

4.42 SECONDARY DWELLING UNITS*By- Law 2013-124*

Within the R1, R2, R3 and R4 zones, and any exception zones under these zones, within single detached dwellings a secondary dwelling unit may be created and used provide the following conditions are met:

1. The secondary dwelling unit is contained within a single detached dwelling unit on the property.
2. The secondary dwelling unit has a gross floor area not exceeding 45% of the single detached dwelling unit or 90 square metres, whichever is lesser.
3. A maximum of one secondary dwelling unit is permitted on a lot.
4. A second entrance on the front wall of the building is not permitted for the secondary unit, access must be from the side or rear of the unit or by joint use of the front entrance.

5. All secondary dwelling units must meet the provisions of the Ontario Building Code, as amended, and obtain the necessary Building Permits.