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3.1 Accessory Dwelling Units

Where permitted by this By-law, a dwelling unit permitted as an accessory use shall be in accordance with the following provisions:

a) Only one (1) accessory dwelling unit shall be permitted per lot.

b) The accessory dwelling unit may be located as a separate building where permitted in an Institutional Zone.

c) An accessory dwelling unit shall have a separate kitchen and bathroom from the principal non-residential use.

d) An accessory dwelling unit shall have a separate entry from the principal non-residential use.

e) For all new buildings, amenity areas shall be provided for the accessory dwelling unit in accordance with Subsection 3.5.

f) Parking requirements shall be provided for the accessory dwelling unit in accordance with Subsection 3.36, Table 3.36(a).

3.2 Accessory Retail Sales

a) The accessory retailing and display of goods manufactured, processed, fabricated or repaired on site and the accessory retailing of goods directly related to the main product manufactured, processed or fabricated on site shall be permitted as an accessory use.

b) A minimum retail and display area of 50.0 square metres, subject to an increase to a maximum retail and display area of 5.0 percent of the gross floor area of the main use to a maximum area of 300.0 square metres shall be permitted for any one main use.

3.3 Accessory Uses and Accessory Buildings

The following provisions shall apply to all accessory uses, buildings and structures. These provisions shall not apply to any attached private garages and parking areas.

a) General

i) Where this By-law provides that a lot may be used for a permitted use or a building or structure may be erected or used for a permitted use, that use shall include any accessory building or structure or accessory use, but shall not include:

1. any occupation for gain or profit conducted within or accessory to a dwelling unit except where specifically permitted by this By-law;

2. any building used for human habitation, except where specifically permitted by this By-law;

3. an outdoor furnace or outdoor wood-burning sauna;

4. any storage container, portable storage unit, repurposed motor vehicle in whole or in part, “sea can” container, intermodal container or other suchlike container in any zone other than an Employment Zone.

ii) The accessory use, building or structure shall be located on the same lot and in the same zone as the principal use, building or structure.

b) Location

i) Except as otherwise provided herein, no person shall erect or locate an accessory building, structure or use in a required front yard or exterior side yard. Without limiting the generality of the foregoing, no person shall erect or locate a small-scale renewable energy structure in any front yard or exterior side yard.

ii) Notwithstanding subclause 3.3 b) i), where a lot that is residentially zoned has frontage on the St. Lawrence River, one (1) detached private garage or carport shall be permitted in the front yard, provided it is located no closer than the front yard setback of the applicable zone and the structure is located no closer than 1.2 metres from any side lot line.

iii) Except as otherwise provided herein, no person shall erect or locate a detached private garage or other accessory building:

1. in any yard other than an interior side or rear yard;

2. without maintaining a minimum setback of 1.2 metres from any side or rear lot line;

3. closer to a street line than the minimum setback required for a main building on the same lot, or in the case of a detached private garage, not less than 5.5 metres to a street line; or

4. so as to interrupt or encroach into a required planting strip.

iv) No person shall erect or locate an accessory building less than 1.2 metres from any main building.

v) Accessory buildings which existed prior to the effective date of this By-law having a setback to an interior side or rear property line or setback to any main building of 1.0 metre or greater shall be deemed to be legally complying to this By-law with respect to location.

c) Height

i) Except as otherwise provided herein, no person shall erect an accessory building which exceeds 5.5 metres in height in any Non-Residential Zone.

ii) Except as otherwise provided herein, no person shall erect an accessory building which exceeds 4.0 metres in height in any Residential Zone.

iii) Notwithstanding subclause 3.3 c) i), in any Non-Residential Zone:

1. Any small-scale renewable energy structures that are attached to the main building or an accessory building shall have a maximum height of 2.0 metres or the maximum height of the building, whichever is greater.

2. A solar small-scale renewable energy structure which is not attached to any main building shall have a maximum height of 2.0 metres.

3. A maximum of one (1) wind turbine shall be permitted up to a maximum height of 30.0 metres. Further, the wind turbine shall be located a minimum distance equal to one-half the height of the wind turbine from all lot lines and shall only be permitted in the rear yard.

iv) Notwithstanding subclause 3.3 c) ii), in any Residential Zone, any small-scale renewable energy structures that are attached to the main building or an accessory building shall be a maximum height of 2.0 metres, but in no case shall the structure exceed the applicable maximum height of the building or structure. Any small-scale renewable energy structures not attached to any building shall be subject to a maximum height of 2.0 metres.

e) Lot Coverage

The total lot coverage of all accessory buildings and structures on a lot shall not exceed 15.0 percent of the area of any lot in any zone.

f) Special Provisions for Certain Accessory Uses, Buildings and Structures

This By-law contains additional specific provisions for certain accessory uses, buildings and structures, which shall be read in conjunction with Subsection 3.3:

i) Accessory dwelling units – Subsection 3.1;

ii) Accessory retail sales – Subsection 3.2;

iii) Additional Dwelling Units - Subsection 3.4;

iv) Bicycle parking Requirements – Subsection 3.11;

v) Drive-throughs – Subsection 3.15;

vi) Fences – Subsection 3.18;

vii) Garbage and refuse storage enclosures – Subsection 3.20;

viii) Home industries – Subsection 3.23;

ix) Home occupations – Subsection 3.24;

x) Loading space and area requirements – Subsection 3.26;

xi) Outdoor patios – Subsection 3.34;

xii) Outdoor storage – Subsection 3.35;

xiii) Parking area requirements – Subsection 3.36;

xiv) Private marine facilities and marinas – Subsection 3.38;

xv) Private outdoor swimming pools – Subsection 3.39;

xvi) Refreshment Vehicles – Subsection 3.43;

xvii) Seasonal uses – Subsection 3.45;

xviii) Trailers, recreational vehicles and boat parking and storage – Subsection 3.53; and

xix) Yard, setback and height encroachments Permitted (applicable to certain accessory buildings and structures) – Subsection 3.57;

g) Accessory Uses in Employment and Institutional Zones

Notwithstanding Sections 3.1, 3.2 and 3.3 of this By-law, accessory uses shall not exceed 25% of the gross floor area of the main use.

3.4 Additional Dwelling Units

Additional dwelling units are permitted in all areas where a single-detached dwelling, semi-detached dwelling, townhouse dwelling, or linked dwelling is permitted. Notwithstanding any other provisions of this By-law, where an additional dwelling unit is permitted by this By-law, it shall be in accordance with the following provisions:

a) A maximum of two additional dwelling units are permitted on a lot, which may consist of either:

i. one (1) additional dwelling unit within the main single-detached dwelling, semi-detached dwelling unit, townhouse dwelling unit or linked dwelling unit, and one additional dwelling unit within a separate accessory building on the same lot; or,

ii. two (2) additional dwelling units within the main single-detached dwelling, semi-detached dwelling unit, townhouse dwelling unit or linked dwelling unit.

b) Each additional dwelling unit shall not require more than one parking space that is provided for the sole use of the additional dwelling unit. Tandem Parking shall be permitted.

c) Where the Zoning By-law restricts maximum lot coverage on a Parcel of Urban Residential Land, the maximum lot coverage shall be increased to 45 percent, except where a provision in this By-law permits a lot coverage in excess of 45 percent, then the maximum lot coverage shall be as otherwise specified in the By-law.

3.5 Amenity Areas for Maisonnette Dwellings, Apartment Dwellings, Mixed Commercial/ Residential Buildings and Retirement Homes

Amenity areas shall be provided for each maisonette dwelling unit, apartment dwelling unit, apartment dwelling unit within a mixed commercial residential building and retirement home suite or unit in accordance with the following requirements:

a) 10.0 square metres of amenity area shall be provided for each bachelor and one (1) bedroom dwelling unit;

b) 20.0 square metres of amenity area shall be provided for each two (2) bedroom dwelling unit;

c) 35.0 square metres of amenity area shall be provided for each three (3) bedroom dwelling unit;

d) 50.0 square metres of amenity area shall be provided for each four (4) bedroom dwelling unit or dwelling unit with more than four (4) bedrooms; and

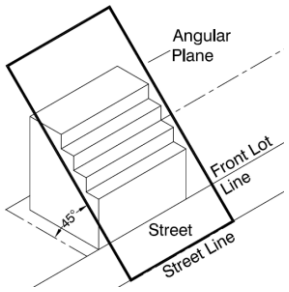
e) In addition to the amenity area requirements above, a children's play area shall be provided where a maisonette or apartment dwelling development contains twenty (20) or more dwelling units. A children's play area shall be provided at a rate of 2.5 square metres per dwelling or apartment unit. The minimum size of any children's play area shall be 46.0 square metres, while the maximum size of such children's play area shall be 140.0 square metres.

3.6 Angular Planes

Where the maximum height of a building is subject to the angular plane, as indicated in the Zone provisions, the following provisions shall apply:

a) The maximum height of a building shall be further restricted to the height of a plane, extending from the street line on the opposite side of the road and upwards at a forty-five degree (45°) angle. The upper storeys of the building shall be stepped back in accordance with the angular plane.

b) The angular plane shall be applied in addition to the maximum building height as indicated in the zone provisions.



3.7 Apartment Units in Commercial and Mixed Use Zones

Where permitted by this By-law, an apartment unit permitted in commercial and mixed use zones shall be in accordance with the following provisions:

a) Apartment unit(s) shall be located behind ground-floor commercial uses or in the second or higher storey of commercial buildings. Apartment units located behind ground-floor commercial uses on King Street shall be setback a minimum of 18.2 metres from the street.

b) For all new buildings, amenity areas shall be provided for the apartment units in accordance with Subsection 3.5.

c) An apartment unit shall be prohibited on the same lot as an automobile gas bar, automobile service station or automobile repair garage.

d) Apartment units shall not exceed 100.0 percent of the gross floor area of the non-residential use in a Commercial Zone.

e) Parking requirements shall be provided for the apartment unit(s) shall be in accordance with Subsection 3.36.

f) Notwithstanding Section 3.7 a), for lots zoned Mixed Use (MD), apartment units may be permitted on the ground floor or basement levels of buildings located on lots that do not have a lot line abutting King Street, within the minimum 18.2 metre setback from the street.

3.8 Auto Repair Establishment, Auto Body Shop or Automobile Sales Establishment

a) Where permitted by this By-law, an auto repair establishment, auto body shop or automobile sales establishment shall store or enclose all wrecked or damaged vehicles within a building or in a compound located in the rear yard which is surrounded by a solid fence or fence and sufficient landscaping to screen the damaged vehicles from public view.

b) All auto body repair activities shall be carried out within an enclosed building.

3.9 Automobile Service Stations and Automobile Gas Bars

Where permitted by this By-law, an automobile service station or automobile gas bar shall be in accordance with the following provisions:

a) The minimum lot frontage shall be 36.0 metres.

b) The minimum lot frontage on a corner lot shall be 36.0 metres and the minimum lot frontage on the exterior side shall be 36.0 metres.

c) The minimum front yard shall be 9.0 metres.

d) The minimum exterior side yard shall be 9.0 metres.

e) Notwithstanding clauses 3.9 c) and 3.9 d), the face of any protection canopy may project 6.0 metres into any required front or exterior side yard.

f) No portion of any fuel pump island shall be located on a corner lot within the triangular space formed by the street lines and a line drawn from a point on one street line to a point drawn on the other street line, each such point being 15.0 metres from the point of intersection. Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projections of the street lines or the intersection of the tangents to the street lines.

g) In no case shall a fuel pump island be located closer than 6.0 metres to any front or side lot line.

h) All other lot and building requirements of the applicable Zone shall be complied with.

3.10 Bed and Breakfast Establishments

A bed and breakfast establishment is only permitted within a single-detached dwelling. Where a bed and breakfast establishment is permitted in this by-law, it shall be in accordance with the following provisions:

a) A bed and breakfast establishment shall contain a maximum of three (3) guest rooms.

b) A bed and breakfast establishment shall be operated by the person or persons whose principal residence is the single-detached dwelling.

c) A bed and breakfast establishment may provide separate dining areas for guests. Establishment of a restaurant catering to persons other than guests shall not be permitted.

d) The use of accessory buildings to accommodate guests is prohibited.

e) The use of additional dwelling units to accommodate guests is prohibited.

f) Parking shall be provided in accordance with Section 3.36."

3.11 Bicycle Parking Requirements

If a lot is located within the area delineated as the Downtown and Central Waterfront Area, as shown on Schedule "B", or is zoned any Residential, Mixed Use, Commercial, Employment or Institutional Zone, bicycle parking shall be provided for the uses specified in Table 3.11 and in accordance with the provisions of Subsection 3.11.

a) Bicycle parking and non-motorized vehicle sharing parking spaces shall be permitted as an accessory use in all zones.

b) The minimum number of bicycle parking spaces shall be in accordance with **Table 3.11**:

Table 3.11: Minimum Required Bicycle Parking

Type of Use	Minimum Required Bicycle Parking
Institutional Residence	0.25 spaces per room or suite.
Apartment Dwelling, Maisonette Dwelling	0.5 spaces per dwelling
Retirement Home	0.0 spaces per dwelling unit
School	1.0 space per 100.0 square metres of gross floor area.
Retail, Office or Restaurant Use with less than 3,000.0 square metres of gross floor area	1.0 space per 250.0 square metres of gross floor area.
Retail, Office or Restaurant Use with over 3,000.0 square metres of gross floor area	1.0 spaces per 250.0 square metres of gross floor area for the first 3,000.0 square metres of gross floor area, and 1.0 space per 500.0 square metres of gross floor area thereafter.
Hotel or Motel	1.0 space per 1,000.0 square metres of gross floor area.
Any other Non-Residential Use	1.0 space per 1,000.0 square metres of gross floor area.

c) Where the minimum number of bicycle parking spaces calculated in accordance with Table 3.11 results in a fraction, the minimum number of bicycle parking spaces shall be rounded up to the next whole number.

d) Bicycle parking shall be located on the same lot as the use or building for which it is provided.

e) Bicycle parking may be located within any yard, but not within a visibility triangle.

f) A maximum of 50.0 percent of bicycle parking spaces may be located within a required landscaped area.

g) Bicycle parking spaces shall be 0.6 metres by 1.8 metres.

h) Bicycle parking spaces shall be accessed by an aisle with a minimum width of 1.5 metres.

i) Any bicycle parking areas and associated aisles shall be located and designed such that they are directly accessible by cyclists from a driveway or parking aisle designed in accordance with the provisions of Subsection 3.36.

j) Bicycle racks shall be provided for bicycle parking on a surface comprised of crushed stone, brick, asphalt or concrete.

k) The provisions of Subsection 3.11 shall only apply to the erection of a new building, redevelopment of a lot or a change in use.

l) Nothing in this By-law shall prevent the designation of bicycle parking spaces for a vehicle sharing service. Up to five (5) non-motorized vehicle sharing parking spaces shall count towards the fulfillment of the minimum bicycle parking requirements of Subsection 3.11.

3.12 Cataraqui Region Conservation Authority Screening Area (Appendix 1)

The Cataraqui Region Conservation Authority Screening Area, as delineated on Appendix 1, illustrates areas that may be regulated under Ontario Regulation 148/06. The actual regulated area may differ from the Screening Area shown on Appendix 1, which is shown for informational purposes and the regulated area, as determined by the Cataraqui Region Conservation Authority Screening area, shall prevail over the Screening area. The following provision shall apply:

a) Development and redevelopment, including the placement or removal of fill, shall not be permitted in any regulated area without the prior written approval from the Cataraqui Region Conservation Authority.

3.13 Construction Uses and Sales Offices

The following uses are permitted in all zones within the Corporation:

a) A tool shed, scaffold or other building or structure incidental to construction on the lot where it is situated and only for so long as it is necessary for the work in progress and until or unless the work is completed or abandoned. “Abandoned,” for the purpose of this clause, shall mean the failure to proceed expeditiously with the construction of a work.

b) A temporary sales office used for the sale of residential, employment or commercial lots or units in a plan of subdivision or a plan of condominium which has received draft approval or has been zoned to permit the development shall be permitted for a maximum of five (5) years. A temporary sales office shall comply with the applicable setbacks of the zone in which the office is located.

3.14 Continuous Street Frontage (Schedule "B")

Notwithstanding any other provision of this By-law, where a property is shown as being subject to the continuous street frontage on Schedule "B", the following provisions shall apply:

a) The width of the main building shall be a minimum of 90.0 percent of the lot frontage and set back at the applicable minimum and maximum front yard setbacks, as indicated in the applicable Zone provisions.

b) A driveway accessing a parking area in the rear yard or a driveway accessing a permitted underground or above-ground parking garage may be permitted, provided it does not exceed 4.5 metres in width, and provided the driveway does not exceed 10.0 percent of the lot frontage.

c) A maximum of one (1) driveway in accordance with clause 3.14 b) shall be permitted along each street frontage.

d) Notwithstanding clauses 3.14 a) and b), where a continuous street frontage is shown on King Street, east of Buell Street and west of Market Street East, no permeations in the continuous street frontage shall be permitted, and the width of the main building shall be 100.0 percent of the lot frontage.

e) In no case shall a new parking area be permitted in the front yard or any side yard. Existing parking areas in any side yard shall be permitted.

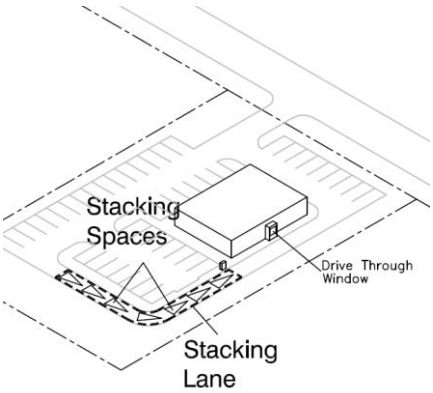
3.15 Drive-Throughs

a) A drive-through use shall be a permitted accessory use to a commercial use, such as a restaurant or financial service.

b) A drive-through shall include a minimum of eight (8) designated stacking spaces for restaurants and two (2) stacking spaces for any other use.

c) A stacking space shall be 5.5 metres in length and 3.0 metres in width.

d) A stacking lane shall not be permitted within 15.0 metres of any residential zone. The required setback may be reduced to a minimum of 7.5 metres, provided that a noise wall, certified by a professional engineer, no taller than 1.8 metres exclusive of decorative elements, is



installed prior to occupancy of the drive-through facility. The noise levels shall not exceed the maximum levels specified by the Ministry of Environment's NPC-300 – Environmental Noise Guideline, as amended, for stationary sources of noise.

e) Stacking spaces shall not be included in the calculation of required parking.

f) Stacking spaces shall not be located within any parking aisle, driveway, or any required yard.

g) Notwithstanding Section 3.15 a), drive-throughs are prohibited in the MD and MW zones.

3.16 Dwelling Units Below Grade

a) Where permitted by this By-law, a dwelling unit, in part or in its entirety, may be located in a basement provided that the finished floor level of such basement is located above the level of the sanitary or storm sewer serving the building or structure in which such basement is located, and provided that all other health and Building Code regulations are satisfied.

b) A dwelling unit below grade may be subject to a permit from the Conservation Authority where the unit is located in the screening area for the Cataraqui Region Conservation Authority, as shown on Appendix 1.

3.17 Existing Lots Having Less Area, Depth and/or Frontage

Where a lot having a lesser lot area, lot depth and/or lot frontage than that required herein is held under distinct and separate ownership from abutting lots as shown by a registered conveyance in the records of the Registry Office in accordance with the *Land Titles Act* at the date of the passing of this By-law, or where such a lot is created as a result of an expropriation, such smaller lot may be used and a building or structure may be erected, altered or used on such smaller lot, provided that the owner complies with all other requirements of this By-law.

3.18 Fences

No person shall construct a fence within the City of Brockville except in accordance with the following provisions:

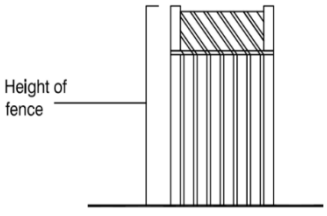
a) Fences – Provision Applicable to All Zones

i) No razor wire or electrical charged fences shall be permitted.

b) Fences – Residential Zones

i) Fences, walls, or hedgerows described herein shall be measured from grade, and said height shall be inclusive of lattice or other fence toppers.

ii) Fences or walls constructed in any side or rear yard in any Residential Zone shall be limited to a height of 2.0 metres. This includes fences or walls constructed on or around a deck or patio. For fences or walls constructed on a deck, height is measured from the top of deck.

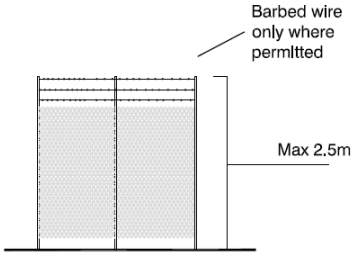


iii) Fences, walls, or unpierced hedgerows constructed or planted in any front yard in any Residential Zone shall be limited to a height of 1.0 metre.

iv) No barbed wire, spire tips, razor wire, sharp objects or electrically charged fences shall be permitted.

c) Fences – Mixed Use, Commercial and Employment Zones

i) Security fences in Commercial and Employment Zones shall be limited to a height of 2.5 metres exclusive of barbed wire where it is permitted in subclause 3.18 c) iii).



ii) All fences shall be of sound, sturdy construction and except as provided above, limited to 2.0 metres in height.

iii) Barbed wire shall be permitted on security fences in Commercial and Employment Zones but shall be limited to three (3) strands, shall not overhang the fence in the direction of the lot line, and shall not be used less than 2.0 metres from grade.

d) Fences – Other Zones Except Open Space and Institutional Zones

i) All fences, except those described in clauses 3.18 a) and b) and those located in any Open Space or Institutional Zone, shall be limited in height to 2.0 metres.

3.19 Frontage on an Improved Public Street

a) Except as outlined elsewhere in this By-law, no person shall erect any building or structure or create a lot in any zone unless the lot fronts upon an improved public street.

b) Notwithstanding the foregoing, an existing lot, shown in registered land titles, in accordance with the *Land Titles Act*, and which is zoned for residential uses, may be built upon and existing structures altered provided the said lot or structure is connected to both municipal water and sanitary sewer services. For the purposes of establishing minimum setbacks for a lot on a private road or right-of-way, the private road or right-of-way on which the existing lot fronts shall be considered to be the front lot line.

c) Cottages on Oriental Island, Smith's Island and Victoria Island in the St. Lawrence River shall be exempted from the provisions of Subsection 3.19.

3.20 Garbage and Refuse Storage and Enclosures

a) An enclosure for the outside storage of domestic waste containers accessory to single detached dwellings, linked dwellings, semi-detached dwellings, duplex dwellings, converted dwellings, triplex dwellings or residential structures containing not less than four (4) dwelling units shall not be required, unless otherwise specified.

b) In all other uses and zones other than those specified in clause 3.20 a), no person shall store garbage or refuse on any lot except within the main building on the lot or within a wholly

enclosed accessory building or structure on such lot, or in an enclosure in the interior side yard or rear yard of such lot.

c) Where an enclosure is provided in accordance with clause 3.20 b), said enclosure shall be surrounded by masonry, concrete or wooden walls on all sides up to the height of the structure to screen the waste container.

d) Where an enclosure is provided in accordance with clause 3.20 b), the enclosure shall be associated with an unobstructed space of at least 9.0 metres by 3.0 metres, to be used for the purposes of picking up garbage or refuse from the enclosed container. Where a loading space is required in accordance with the provisions of Subsection 3.26, the loading area may be jointly used for garbage or refuse pick up.

e) Any enclosure required in accordance with clause 3.20 b) shall be located not less than 6.0 metres from any adjacent Residential Zone.

f) Where an accessory building is provided in accordance with clause 3.20 b), said accessory building shall be located in accordance with Subsection 3.3.

g) The provisions contained herein shall not apply to City approved recycling and composting containers placed at single detached dwellings, linked dwellings, semi-detached dwellings, duplex dwellings, converted dwellings, triplex dwellings or street townhouse dwellings used in association with the residence. Recycling and composting containers shall be stored only in a rear yard, if the storage of same is exterior to the residence.

3.21 Group Homes

A group home shall be permitted in any dwelling unit in accordance with the following provisions:

a) Parking shall be provided in accordance with Subsection 3.36 Parking Area Requirements.

b) The group home shall comprise the sole use of the dwelling unit.

c) Group homes shall be in accordance with all other provisions of this By-law, including the provisions of the applicable Zone.

3.22 Institutional Residences

Where an institutional residence is permitted by this By-law, the institutional residence shall be in accordance with the following provisions:

a) Parking shall be provided in accordance with Subsection 3.36 Parking Area Requirements.

b) The institutional residence shall comprise the sole use of the dwelling.

c) Institutional residences shall be in accordance with all other provisions of this By-law, including the provisions of the applicable Zone.”

3.23 Home Industries

Where a home industry is permitted as an accessory use by this By-law, a home industry:

a) Shall be conducted by at least one (1) resident of the dwelling unit and shall not employ more than two (2) persons in addition to the resident of the dwelling unit on a full-time basis;

b) Shall be conducted on the same lot as the principal dwelling unit;

c) Shall be permitted within the dwelling unit or any accessory structure in accordance with the provisions of Subsection 3.3 and subject to a building permit;

d) Shall be clearly secondary to the principal use of the lot and shall not alter the exterior of the dwelling unit except in accordance with the provisions of Subsection 3.23;

e) Shall not create noise, vibration, fumes, odour, dust, glare or radiation which is beyond the normal use of the dwelling or which becomes offensive or obnoxious or creates a nuisance;

f) Shall not occupy more than 25.0 percent of the gross floor area of the principal dwelling on the lot;

g) Shall:

   i) on lots up to and including 0.4 hectares, be permitted in an accessory structure with a maximum floor area of 200.0 square metres.

   ii) on lots greater than 0.4 hectares, be permitted in an accessory structure with a maximum floor area of 400.0 square metres.

h) Shall only be permitted by obtaining a Certificate of Zoning Compliance under section 1.10; and

i) Shall not include the selling of any goods on the property other than those goods constituting the finished product of the home industry, except that the sale of goods or items over the internet, mail or telephone is permitted, provided that customers do not enter the property to inspect or take possession of goods.

j) Prohibited Uses

   Without limiting the generality or applicability of the provisions for home industries under section 3.23, the following uses shall not be considered home industries:

   i.) Automotive repair or automotive trade use exceeding one (1) service bay measuring a maximum of 150.0 m^2;

   ii.) Painting of vehicles, trailers or boats exceeding one (1) service bay 150.0 m^2;

   iii.) Arcade; and,

   iv.) Outside storage associated to the home industry.

   v.) Restaurant

vi.) Retail, except for the sale of goods in accordance with 3.23 i).

3.24 Home Occupations

a) General

A home occupation is permitted in any residential dwelling unit in any zones except the Rural (RU) Zone, where a home occupation shall not be permitted.

b) Provisions

Where a home occupation is permitted by this By-law, a home occupation shall not:

i) Occupy more than 25.0 percent of the gross floor area of the dwelling unit or 28.0 square metres, whichever is lesser. Where more than one (1) home occupation operates from a dwelling unit, no more than 25.0 percent of the gross floor area shall be occupied for such purposes.

ii) Permit non-resident employees to be engaged in a home occupation;

iii) Alter the exterior of the dwelling unit by virtue of the operation of a home occupation;

v) Include the open storage of goods, materials or equipment or display of goods visible from outside the dwelling unit;

vi) Use an accessory building for the home occupation, except for the storage of goods, materials or equipment required for the home occupation, provided that, should a garage area be used for said storage, the required parking for the dwelling unit shall be maintained;

vi) Become offensive or obnoxious or create a nuisance to adjoining properties by reason of increased vehicular traffic or parking, or delivery of goods, materials or equipment, or electrical interference, or emission of odour, dust, smoke, noise, gas, fumes, light, vibration, radiation, or refuse;

vii) Include the sale of any goods on the site other than those goods constituting the finished product of the home occupation;

viii) Include more than two (2) clients, students or customers of the home occupation to be on the premises at any one time;

ix) Use advertising media which draws attention to the fact that a dwelling unit is used for a home occupation;

x) Operate without first obtaining a Certificate of Zoning Compliance under Subsection 1.10; and

xi) Provide or require additional parking spaces for a home occupation.

c) Exception

A private home day care may be established as a home occupation and shall not be restricted by subclauses 3.24 b) i) and viii).

d) Prohibited Uses

Without limiting the generality or applicability of the provisions for home occupations under clause 3.24 a), the following uses shall not be considered home occupations:

i) kennel;

ii) veterinary clinic or office;

iii) automobile repairs or automotive trade use;

iv) painting of vehicles, trailers or boats;

v) medical clinic or office;

vi) multiple chair hairdresser or barber;

vii) welding shop;

viii) service and repair shop for large appliances or commercial and industrial equipment; and

ix) arcade.

x) Restaurant

xi) Retail, except for the sale of goods in accordance with Section 3.24 b) vii) and viii).

3.25 Intermittent Street Frontage (Schedule "B")

Notwithstanding any other provision of this By-law, where a property is shown as being subject to the intermittent street frontage on Schedule "B", the following provisions shall apply:

a) The width of the main building shall be a minimum of 70.0 percent of the lot frontage and set back at the applicable minimum and maximum front yard setbacks, as indicated in the applicable Zone provisions.

b) Notwithstanding clause 3.25 a), where a lot is not subject to the minimum building height requirement, as indicated on Schedule "B", the width of the main building shall be a minimum of 50.0 percent of the lot frontage.

c) Where a parking area is proposed in a side yard, a planting strip shall be provided so as to screen the parking area from view from the street. The planting strip shall be designed and located in accordance with the provisions of Subsection 3.37.

d) In no case shall a new parking area be permitted in the front yard.

3.26 Loading Space and Area Requirements

a) Number of Loading Spaces Required

The owner or occupant of any lot, building or structure erected or used for any purpose involving the receiving, shipping, loading or unloading of goods or materials, shall provide and maintain at the premises, on the lot occupied by the building or structure and not forming part of a street or lane within the zone in which such use is located, loading/unloading facilities comprising one (1) or more loading spaces in accordance with the following provisions:

i) **For Residential and Institutional Uses**

1. A loading space shall not be required for multiple unit residential or institutional buildings but shall be permitted in accordance with the provisions of subsection 3.26.

ii) **For All Commercial Uses**

1. Buildings or structures with a total floor area of 300.0 square metres or less shall not require a loading space, but a loading space may be provided in accordance with the provisions of this By-law.

2. Buildings or structures with a total floor area exceeding 300.0 square metres, but not exceeding 1,000.0 square metres, require at least one (1) loading space.

3. Buildings or structures with a total floor area exceeding 1,000.0 square metres, but not 7,500.0 square metres, require at least two (2) loading spaces.

4. Buildings or structures with a total floor area exceeding 7,500.0 square metres require at least two (2) loading spaces plus one (1) additional space for each additional 9,000.0 square metres or fractional part thereof in excess of 7,500.0 square metres.

iii) **For All Employment Uses**

1. Buildings or structures with a total floor area of 420.0 square metres or less shall not require a loading space.

2. Buildings or structures with a total floor area of 420.0 square metres to 2,300.0 square metres require at least one (1) loading space.

3. Buildings or structures with a total floor area of over 2,300.0 square metres require at least two (2) loading spaces.

b) Loading Area Requirements

Loading spaces required or permitted under clause a) shall be in accordance with the following provisions:

i) **Dimensions and Vertical Clearance of Loading Space**

Each loading spaces shall be not less than 9.0 metres in length, 3.0 metres in width and having a vertical clearance of not less than 4.5 metres.

ii) **Access**

Access to loading or unloading spaces shall be by means of a driveway not less than 6.0 metres wide contained within the lot on which the spaces are located and leading to a street or land located within or adjoining the zone in which the use is located.

iii) **Loading Space Surface**

All loading spaces, and driveways connecting the loading space(s) with a street, shall be paved with an asphaltic or concrete surface and be so constructed to prevent drainage onto the travelled portion of any street or adjacent lands.

iv) **Location**

The loading space or spaces required shall only be located in an interior side yard or a rear yard.

v) **Additions to Existing Building**

1. Buildings in Existence: The loading space requirements referred to herein shall not apply to any building 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 hereafter increased.

2. Later Additions: If an addition or additions are made to the building after the date of passing of this By-law, then additional loading spaces shall be provided for the increase of the floor area for the addition as required by clause 3.26 a).

3.27 Main Building Location in Relation to Environmental Protection Zone

a) No person shall construct any main building closer than 6.0 metres to any Environmental Protection (EP) Zone boundary, as delineated on Schedule “A”.

b) Where a legally existing main building is located between 5.0 metres and 6.0 metres of any Environmental Protection (EP) Zone boundary, such structure shall be considered a legally non-complying structure and be subject to the provisions of Subsection 1.15.

3.28 Micro-Brewery and/or Micro-Winery

Where permitted by this By-law, a Micro-Brewery and/or Micro-Winery shall be subject to the following provisions:

a) Required to include retail and/or restaurant and/or sampling area component;

b) Permitted to have an outdoor patio area (subject to outdoor patio regulations);

c) Be restricted to a maximum building footprint of 929.0 square metres, including storage;

d) Required to have a minimum of 50% of the building frontage to be retail and/or restaurant and/or sampling area component and must extend a minimum of 10.0 metres from the building face into the building;

e) Contain a minimum of one (1) loading space on-site;

f) Parking shall be in accordance with Subsection 3.36;

g) Not be permitted to have outdoor storage; and,

h) Not cause nuisance due to noise, odour, dust, fumes, vibration or glare.

3.29 Minimum Building Height (Schedule “B”)

Notwithstanding any other provision of this By-law, where a property is shown as being subject to the minimum building height of two (2) storeys on Schedule “B”, the minimum height of any main building shall be two (2) storeys or 7.0 metres.

3.30 Minimum Ground Floor Height (Schedule “B”)

Notwithstanding any other provision of this By-law, where a property is shown as being subject to the minimum ground floor height on Schedule “B”, the minimum height of the first storey shall be 4.5 metres.

3.31 Mixed Commercial/Residential Building

Where permitted by this By-law, a mixed commercial/residential building shall be in accordance with the following provisions:

a) Parking shall be provided for all uses in accordance with Subsection 3.36 and bicycle parking shall be provided in accordance with Subsection 3.11.

b) Dwelling units shall not be located on the ground floor of buildings shown as being subject to the continuous street frontage provisions, as shown on Schedule “B” to this By-law, except as otherwise permitted in Section 3.14.

c) For all new buildings, amenity areas shall be provided for the units in accordance with Subsection 3.5.

d) Dwelling units shall be prohibited on the same lot as an automobile gas bar, automobile service station or automobile repair garage.

e) Conversions of commercial space to residential dwelling unit(s) shall be permitted in the MD and MW Zones, provided all other provisions of this By-law are complied with.

3.32 Mobile Homes

No person shall locate or use a mobile home, unless identified as a permitted use within the applicable zone.

3.33 Municipal Services Required

a) Except for an existing single detached dwelling, no person shall erect or enlarge any main building or structure for any purpose unless said main building or structure is connected solely to municipal water and sanitary sewers for the provision of water and the disposal of sanitary sewage, respectively. Further, no lot shall be created unless municipal water and sanitary sewers are available.

b) Notwithstanding section 3.33 a), an existing lot of record zoned Rural (RU) may be developed in accordance with the permitted uses and lot and building requirements for the RU Zone.

c) The Sewer Use By-law may apply to a change in an industrial use.

d) A cottage use on Oriental Island, Smith's Island and Victoria Island in the St. Lawrence River shall be exempted from the provisions of Subsection 3.33.

3.34 Outdoor Patio

Where permitted by this by-law as an accessory use to a permitted restaurant or other food premises, an outdoor patio may be located in any yard but not within 3.0 metres of any property line, nor in a visibility triangle. Such provisions shall not apply to outdoor patios located in the MD and MW Zones.

3.35 Outside Storage

a) Outside storage shall be prohibited unless explicitly permitted by this By-law in accordance with the Zone Provisions of this By-law (Sections 5.0 – 7.0).

b) Where permitted by this By-law, an outside storage use shall be in accordance with the following provisions:

i) Outside storage shall only be permitted in the rear or interior side yards.

ii) Outside storage shall comply with the yard requirements for main buildings where the lot abuts a non-commercial or non-employment zone.

iii) Outside storage, where permitted in Commercial Zones, shall not cover more than 35.0 percent of the lot area nor exceed twice the ground floor area of the main building on the lot.

iv) Outside storage shall be concealed from view from any public street by a planting strip, fence or wall. The planting strip, where provided, shall be in accordance with the provisions of subsection 3.37. A wall or fence, where provided, shall be opaque and have a minimum height of 1.8 metres and in accordance with the provisions of Subsection 3.18.

v) Outside storage of vehicles awaiting repair in association with an automobile repair garage or automobile service station shall be located entirely within an enclosed building, or in the rear yard and enclosed by a solid fence to screen the storage. All automobile repair activities shall be conducted only within an enclosed building.

c) The outside storage provisions shall not apply to the storage and parking of motor vehicles which are displayed for sale.

d) The outside storage provisions shall not apply to a marina where it is permitted by this By-law, except that outside storage shall be prohibited in any front yard.

3.36 Parking Area Requirements

Public and private parking spaces which are accessory to the main use of a lot, building or structure are a permitted use in all zones. Parking spaces and areas required under this By-law shall be provided in accordance with the following provisions:

a) Minimum Number of Parking Spaces

i) Required Number of Parking Spaces by Use

No person shall erect, enlarge or change the use of a lot, building or structure without providing and maintaining a minimum number of parking spaces in accordance with Tables 3.36(a), 3.36(b), 3.36(c), and 3.36(d).

Table 3.36(a): Parking Requirements for Residential Uses

Type of Use	Minimum Required Parking
Additional Dwelling Unit	1.0 space per unit, in addition to the requirement for the principal dwelling unit
Apartment Dwelling or Maisonette Dwelling	1.4 spaces per unit; or 1.25 spaces per unit located south of the CNR Mainline, as shown on Schedule “A”; or 1.0 space per unit for an apartment dwelling located in the Downtown and Central Waterfront Area, as delineated on Schedule “B”; or 1.1 spaces per unit for a maisonette dwelling located in the Downtown and Central Waterfront Area, as delineated on Schedule “B”.
Apartment Units as part of a Mixed Commercial/	1.0 space per unit; or 0.7 spaces per unit located south of the CNR Mainline, as

Type of Use	Minimum Required Parking
Residential Building, where permitted in Commercial and Mixed Use Zones	shown on Schedule “A” and in the Downtown and Central Waterfront Area as delineated on Schedule “B”.
Bed & Breakfast	A minimum of 1.0 space for the dwelling unit, plus 1.0 space per guest room.
Boarding, Rooming or Lodging House	A minimum of 1.0 space for the dwelling unit, plus 0.5 spaces per bedroom.
Converted Dwelling	1.25 spaces per dwelling unit for the first two (2) units, 1.0 space for the third unit or any additional unit, as may be permitted through a special exception.
Duplex Dwelling	1.5 spaces per dwelling unit.
Fourplex Dwelling	1.5 spaces per dwelling unit.
Group Home	2.0 spaces per group home.
Home Occupation, including Private-Home Day Care	No additional spaces shall be required.
Institutional Residence	0.5 spaces per bed.
Linked Dwelling	2.0 spaces per dwelling unit.
Rental or Condominium Townhouse Dwelling	1.5 spaces per dwelling unit.
Retirement Home	0.5 spaces per unit.
Semi-detached dwelling	2.0 spaces per dwelling unit.
Short Term Vacation Rental	1.0 space per guest room, in addition to the parking requirement for the dwelling. Parking for a Short-Term Vacation Rental may be provided in tandem.
Single Detached Dwelling	2.0 spaces per dwelling unit.
Street Townhouse Dwelling	2.0 spaces per dwelling unit.
Triplex Dwelling	1.5 spaces per dwelling unit.

Table 3.36(b): Parking Requirements for Commercial and Mixed Uses

Type of Use	Minimum Required Parking
Adult Entertainment Establishment	1.0 space per 15.0 square metres of gross leasable area.
Assembly Hall	1.0 space per 20.0 square metres of gross floor area.
Automobile Repair Garage	3.0 per service bay or 1.0 per 100.0 square metres of gross floor area, whichever is greater.

Type of Use	Minimum Required Parking
Automobile Service Station	3.0 per service bay or 1.0 per 100.0 square metres of gross floor area, whichever is greater.
Automotive Trade Use	4.0 spaces per service bay.
Automobile Sales and Used Automobile Sales Establishment, Service Establishment, Automobile Rental Agency, and Automobile Leasing Agency	1.0 space per 30.0 square metres of gross floor area.
Bank or Trust Company	1.0 space per 20.0 square metres of gross floor area.
Car Wash	1.0 space per wash rack, plus 6.0 waiting spaces per wash rack.
Clinic or Medical Office	1.0 space per 20.0 square metres of gross floor area.
Commercial Recreation Establishment	1.0 space per 20.0 square metres of gross floor area
Commercial Use in Mixed Commercial Residential Development	4.0 spaces per 100.0 square metres gross leasable area.
Convenience Store	1.0 space per 30.0 square metres of gross floor area.
Hardware, Home Appliance, Home Decorating, Home Furnishing or Home Improvement Store	1.5 spaces per 100.0 square metres of gross floor area.
Hotel or Motel	1.0 space per guestroom plus the required spaces for any adjoining public or commercial uses, such as a restaurant.
Industrial Equipment Sales, Service and Rental or Industrial and/or Automotive Supply	3.0 spaces per 100.0 square metres gross leasable area.
Marina	0.5 spaces per slip, in addition to any parking requirements for accessory uses as may be permitted, such as a restaurant.
Micro-Brewery and Micro-Winery	1.0 space per 30.0 square metres gross leasable area for any restaurant, retail and/or sampling area and 1.0 space per 100.0 square metres gross leasable area for all other floor space
Offices (Business, Public, Professional)	1.0 space per 30.0 square metres of gross floor area on the first storey and 1.0 space per 50.0 square metres of gross floor area above or below the first storey.

Type of Use	Minimum Required Parking
Personal Service Establishment	5.0 spaces per 100.0 square metres gross leasable area.
Refreshment vehicles	5.0 spaces
Restaurants, including take-out restaurants	1.0 space per 15.0 square metres of gross leasable area, except that any take-out restaurant shall be 1.0 space per 10.0 square metres of gross leasable area. In all cases, a minimum of 5.0 spaces shall be provided.
Outdoor Patio	No additional parking shall be required, except that where the area of the outdoor patio exceeds 50.0 percent of the gross leasable area of the restaurant, parking shall be provided at a rate of 1.0 space per 15.0 square metres of outdoor patio seating area.
Retail Uses (General)	1.0 space per 30.0 square metres of gross floor area.
Self-Service Storage Facility	1.0 space per 100.0 square metres gross leasable area.
Shopping Centre or Department Store	5.0 spaces per 100.0 square metres gross leasable area.
Supermarket or Grocery Store	1.0 space per 25.0 square metres of gross floor area.
Theatre	1.0 space per 5 fixed seats.
Veterinarian's Office	3.5 spaces per 100.0 square metres gross leasable area.
Wholesale Establishment	1.0 space per 100.0 square metres of gross floor area.
All Other Commercial Uses Not Listed Herein	5.0 spaces per 100.0 square metres gross leasable area.

Table 3.36(c): Parking Requirements for Employment Uses

Type of Use	Minimum Required Parking
Automobile Body Shop	1.0 space per 30.0 square metres gross leasable area.
Industrial Mall	1.0 space per 80.0 square metres gross leasable area.
Industrial Use, Light Industrial Use	1.0 space per 100.0 square metres of gross leasable area for the first 900.0 square metres plus 1.0 space per 200.0 square meters thereafter.
Transportation Terminal	1.0 space per 185.0 square metres gross leasable area.
Warehouse	1.0 space per 185.0 square metres gross leasable area.

Type of Use	Minimum Required Parking
All Other Industrial Uses Not Listed Herein	1.0 space per 90.0 square metres gross leasable area.

Table 3.36(d): Parking Requirements for Institutional, Rural and Open Space Uses

Type of Use	Minimum Required Parking
College or Private School or Training Facility	4.0 spaces per classroom.
Place of Worship	The greater of: (a) 1.0 space for 5 fixed seats. Where the seating is provided by open benches, every 0.5 metres of bench space shall be considered as one (1) seat for the purpose of this By-law; or (b) 1.0 space for 25.0 square metres of gross floor area.
Day Nursery	1.0 space per 28.0 square metres of gross floor area.
Driving Range	1.0 spaces per stall.
Elementary School	2.0 spaces per classroom.
Golf Course	3.0 spaces per hole plus 1.0 space per 25.0 square metres for indoor public areas. Parking for any additional accessory uses, such as a restaurant, shall be calculated in accordance with the applicable provisions for each use.
High School	4.0 spaces per classroom.
Hospice or Hospital	0.5 spaces per bed, including any bed used for overnight stays, temporary stays and any beds used for any specific medical examination or practice.
Miniature Golf Course	1.0 space for 25.0 square metres of course area.
Museum, Art Gallery	1.0 space per 50.0 square metres of display area.
Nursing Home	0.25 spaces per bed.

ii) Method of Calculation

1. *Rounding*

For the purposes of calculating required parking, should a fraction result from a calculation, then the required parking shall be the next highest whole number. For example, if the calculated minimum parking requirement is 3.25 spaces, then the required minimum parking is 4.0 spaces.

2. *Calculation of Parking for Multiple Uses on a Lot*

Except as otherwise provided in this By-law, when a building, lot or structure accommodates more than one (1) type of use as set out in subclause 3.36 a) i), the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate types of use. This provision shall apply to any principal use(s) and accessory use(s).

3. *Calculation of Parking Requirements for Construction of Additions or Changes in Use*

When a building or structure has insufficient parking at the time 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 an increase in that deficiency.

iii) Designation of Parking for Persons with Disabilities

1. *Minimum Required Width for Accessible Parking Spaces*

Off-street parking facilities shall provide two types of parking spaces for the use of persons with disabilities, as follows:

a) **Type A** parking space with a minimum width of 3.4 metres, including signage identifying the space as ‘van accessible’; and,

b) **Type B** parking space with a minimum width of 2.75 metres.

2. *Access Aisles*

An access aisle with a minimum width of 1.5 metres shall be provided for an accessible parking space. One access aisle may be provided between two side-by-side accessible parking spaces.

3. *Minimum Number of Accessible Parking Spaces*

Where a new building or an addition to an existing building must be barrier free in accordance with the Building Code Act and its regulations, the following chart will apply to barrier-free parking spaces.

Total Parking Spaces	**Minimum Accessible Parking Requirement**	**Type A / Type B Ratio**
1-12	1 space	Type A
13-100	4% of the total parking spaces	Even split between Type A and Type B; odd space may be Type B
101-200	3% of the total parking spaces, minimum 1 space	Even split between Type A and Type B; odd space may be Type B
201-1,000	2% of the total parking spaces, minimum 2 spaces	Even split between Type A and Type B; odd space may be Type B

More than 1,1000	1% of the total parking spaces, minimum 11 spaces	Even split between Type A and Type B; odd space may be Type B

4. Required Signage

Required accessible parking spaces per Section 3.36 a) iii) of this By-law shall require an accessible permit parking sign in accordance with Section 11 of Regulation 581 of the Revised Regulations of Ontario, 1990 made under the Highway Traffic Act.

iv) Special Exemptions for Minimum Required Parking in the Downtown and Central Waterfront Area

1. Any change of use of existing commercial gross leasable area within the Downtown and Central Waterfront Area, as delineated on Schedule "B", to another permitted commercial use shall be exempted from the requirement, if any, to provide additional parking spaces under subclause 3.36 a) i), provided that all existing on-site parking spaces are maintained.

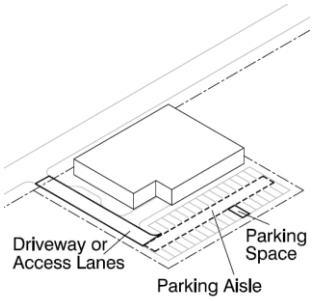
2. Where there is a conversion of part or all of a residential unit to a commercial use permitted in the Downtown and Central Waterfront Area, as delineated on Schedule "B", and the new commercial use will occupy part or all of the ground floor area of the building, there shall be an exemption for a maximum of three (3) parking spaces required to accommodate the conversion in accordance with subclause 3.36 a) i). The exemption shall be granted one time only per lot.

3. Where a lot is located in the Downtown and Central Waterfront Area, as delineated on Schedule "B", the parking required for any commercial uses in accordance with subclause 3.36 a) i) shall be reduced by 50.0 percent.

4. Where there is a conversion of a commercial use to a residential use, and the existing building or structure has insufficient parking spaces on the date of passing of this By-law, this By-law shall not be interpreted to require that the deficiency be made up prior to the change of use, provided that no additional parking spaces are required, and all existing on-site parking spaces are maintained.

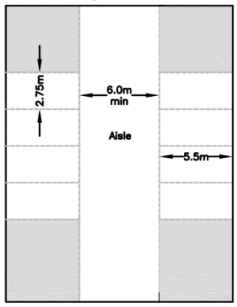
b) Parking Space, Area and Driveway Requirements

i) Parking Space and Aisle Dimensions

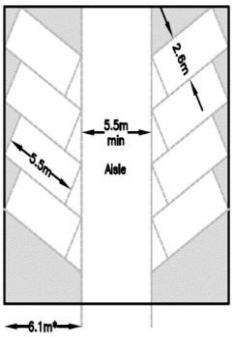


Parking spaces may be varied in width depending on the angle measured perpendicular to the axis of the access aisle of the space provided. Where an aisle serves two (2) different types of angled parking, which are located across from each other, the largest required access aisle shall be provided. The dimensions of parking spaces and parking space access aisles shall be in accordance with the following:

90° Parking

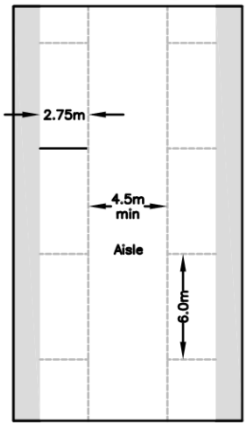


60° Parking

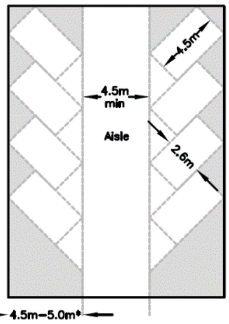


*(Note: This measurement is provided for information purposes only and it is not intended to reflect the regulations).

Parallel Parking



30° or 45° Parking



*(Note: This measurement is provided for information purposes only and it is not intended to reflect the regulations).

1. Ninety degree (90°) parking spaces shall be 2.75 metres by 5.5 metres with a minimum 6.0 metres access aisle;

2. Sixty degree (60°) parking spaces shall be 2.6 metres by 5.5 metres with a minimum 5.5 metres access aisle;

3. Forty-five degree (45°) parking spaces shall be 2.6 metres by 5.5 metres with a minimum 4.5 metres access aisle;

4. Thirty degree (30°) parking spaces shall be 2.6 metres by 5.5 metres with a minimum 4.5 metres access aisle; and

5. Parallel parking spaces shall be 6.0 metres by 2.75 metres with a minimum 4.5 metres access aisle.

ii) Pavement Marking

1. Where the number of off-street parking spaces required by this By-law equals five (5) or more, all such parking spaces shall be delineated with white or yellow paint.

2. Should a parking area be re-designed or re-configured in accordance with the provisions of this By-law, any markings which no longer apply shall be completely removed.

3. Parking spaces designated for persons with disabilities shall be painted and designated in accordance with the provisions of subclause 3.36 a) iii).

4. Nothing in this By-law shall prevent the special delineation of parking spaces specifically for expectant mothers or families with young children. However, parking spaces for expectant mothers or families shall not be painted blue.

iii) Parking Area Surface

In the case of a dwelling containing not more than three (3) dwelling units, such parking area and driveway shall, before being used, be constructed of one or more of the following materials: crushed stone, asphalt, brick, concrete or a permeated hard surface with gaps intended to permit infiltration of storm water, for a combined depth of not less than 0.15 metres. In all other cases, each parking area, driveway and driveway access connecting a parking area with a street shall, prior to occupancy, be paved with an asphaltic, brick or concrete surface; and, in all zones established by this By-law, except an Employment Zone or Rural Zone, shall be bounded with curbs.

iv) Access to Parking Areas

1. *Driveways, Access Lanes and Parking Aisles*

   a. Ingress and egress to parking areas shall be provided by parking aisles comprised of not less than one (1) access lane for ingress and one (1) access lane for egress.

   b. Each lane shall be a minimum width of 3.0 metres, and if combined, the lanes shall be a minimum width of 6.0 metres.

   c. The width of the lanes shall not exceed 9.0 metres.

2. *Driveway Separation Distance on the Same Lot*

   Except for the development of triplex, semi-detached, link or townhouse dwellings, no person shall locate more than one (1) driveway on a single lot without a separation distance of a minimum of 15.0 metres measured between the nearest curb faces of each private approach (driveway) along the street line.

3. *Separation between Driveways and Intersections*

   The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 6.0 metres.

4. *Driveway Angle in Relation to Street Line*

   The minimum angle of intersection between a driveway and a street line shall be sixty degrees (60°).

5. *Access Through Residential Zones*

   No lot or parcel which is residentially zoned shall be used for vehicular access purposes to any land which is non-residentially zoned.

6. *Ingress/Egress in Flood Prone Areas*

   Ingress/egress for new buildings shall be designed such that vehicular and pedestrian movement is not prevented during times of flooding.

7. *Access through Visibility Triangle*

   A driveway shall not be located within any required visibility triangle.

v) Parking Area Location

1. Unless otherwise permitted by this By-law, all required parking shall be provided on the same lot and in the same zone as the main building or use for which the parking has been provided.

2. *Location of Parking Areas in Residential Zones*

   a. Parking areas shall be permitted in any yard except in the exterior side yard. Parking areas shall only be permitted in the front yard in accordance with Subparagraph 3.36 b) v) 2. b. below. Parking shall be limited to a driveway or parking area designed and located in accordance with the provisions of Section 3.36.

   b. Notwithstanding anything to the contrary in this subsection, any residential driveway may be used for parking purposes, provided that it shall lead to another legal parking space, garage, or carport. An additional parking area which does not lead to a legal parking space, garage or carport, may be provided in a front yard parallel to the existing legal parking space or driveway to accommodate the parking of vehicles, provided that the total width of all driveway(s) or parking areas does not exceed the lesser of 9.0 metres or 50.0 percent of the width of the lot.

   c. Parking areas for apartment dwellings and retirement homes shall be permitted in interior side yards and rear yards

   d. Planting strip(s) shall be provided in accordance with Subsection 3.37.

3. *Location of Parking Areas in Open Space, Commercial, Mixed Use, Institutional and Rural Zones*

   a. Parking areas shall be permitted in any yard.

   b. No part of any parking area, other than a driveway or parking aisle, shall be located closer than 5.0 metres to any street line, or the required building setback from the street line, whichever is lesser.

   c. Planting strip(s) shall be provided in accordance with Subsection 3.37.

4. *Location of Parking Areas in Employment Zones*

   a. Parking areas shall be permitted in interior side and rear yards only. Driveways may be provided in the front or exterior side yards in accordance with the requirements of subclause 3.36 b) iv).

   b. Planting strip(s) shall be provided in accordance with Subsection 3.37.

   c. Parking areas located in the front yard in Employment Zones, which existed prior to the effective date of this By-law, shall be deemed to be legally complying to this By-law with respect to location.

vi) Setbacks for Underground Parking Structures

1. The yard requirements of this By-law shall not apply to any component of an underground parking structure that is below grade. For clarity, above-ground structures associated with an underground parking structure, such as a stairwell or ventilation shaft, shall be in accordance with the provisions for accessory buildings and structures.

2. Underground parking structures shall be located entirely on the subject property.

vii) Maintenance of Parking Areas

A person shall maintain parking spaces and parking areas required by this By-law for the duration of the use served and in accordance with the provisions of Subsection 3.36.

viii) Parking Attendant/Security Shelter

Notwithstanding any other provisions of this By-law, a shelter for use solely by parking attendants or security personnel may be erected in any part of a parking area, except within a visibility triangle, provided such shelter is not more than 4.0 metres in height and has a floor area of not more than 12.0 square metres.

ix) Landscaping within Parking Areas

Where a surface parking area contains 50.0 or more parking spaces, except in the case of an employment zone, a minimum of 15% of the parking area must be provided as landscaped open space surface.

c) General Prohibitions and Requirements

i) Commercial Vehicle and Non-Recreational Vehicle Trailer Parking in Private Garages

Notwithstanding any other provision of this By-law, the owner or occupant of any lot, building or structure in any Residential Zone may use any private garage of which he is the owner or occupant, erected upon any such lot for the housing or storage of a maximum of one (1) commercial motor vehicle or non-recreational vehicle not exceeding 3,000.0 kilograms in gross vehicle weight, provided the vehicle is owned or operated by the owner or occupant and is licenced and registered in the Province of Ontario.

ii) Parking of One (1) Commercial Vehicle or Non-Recreational Trailer per Residential Lot

No person shall, in any Residential Zone, use any lot for the parking or temporary storage of more than one (1) commercial motor vehicle or non-recreational trailer. The commercial vehicle or non-recreational trailer shall not exceed 3,000.0 kilograms

in gross vehicle weight and shall be licenced and registered in the Province of Ontario.

iii) Parking for Vehicles in Storage

1. The provision of parking for vehicles not in use and the storage of vehicles for gain, display or sale or awaiting maintenance shall not be included as satisfying any part of the provisions of this By-law.

2. Each vehicle storage area and driveway connecting a storage area with a street shall be paved with an asphalt, brick or concrete surface except in the RU, E1, or E2 Zones where the storage area may be constructed of gravel with provisions for drainage facilities and dust control.

3. Vehicle storage areas, including storage for vehicles associated with a car rental establishment or vehicle sales, shall be located, designed and maintained in accordance with the provisions of Subsection 3.35.

iv) Private Automobile Repairs on Residential Lots

No person shall engage in private automobile repairs on a residential lot other than the periodic on-site maintenance of a validly licensed non-commercial passenger vehicle registered to the current occupant of the dwelling unit.

v) Validly Licensed Vehicles Only

Any area where off-street parking is permitted or required under this By-law or otherwise provided, such parking area shall be used only for the parking of operative vehicles bearing a currently valid motor vehicle license plate, and for vehicles used in operations incidental to permitted uses in respect of which such parking spaces and areas are required. Subclauses 3.36 c) i) and ii) shall apply to commercial vehicle parking in Residential Zones.

d) Motorized Vehicle Sharing Parking Spaces

i) Permitted Zones

Motorized vehicle sharing parking spaces shall be permitted in any Mixed Use, Commercial, Employment, Institutional or Multiple Residential Zone.

ii) Relationship to Minimum Number of Parking Spaces

In any Mixed Use, Commercial, Employment, Institutional or Multiple Residential Zone, up to three (3) of the minimum number of required parking spaces in accordance with Subsection 3.36 may be used as motorized vehicle sharing parking spaces. Any additional parking spaces to be designated as motorized vehicle sharing parking spaces shall be provided in addition to the required minimum number of parking spaces.

3.37 Planting Strips

a) Planting Strips Required Abutting Residential Zones

i) A planting strip shall be required in the following circumstances:

1. Where a lot is used for a non-residential purpose and the interior side or rear lot line abuts a Residential Zone;

2. Where such lot is in a Non-Residential Zone and the front, side or rear lot line abuts a portion of a street, and where the opposite side of the street abuts a Residential Zone; or

3. Where a lot is used for an apartment dwelling that is equal to or greater than 4 storeys, a planting strip shall be required on any lot line that abuts an R1, R2 or R3 zoned lot. This provision shall not apply to any apartment dwellings that legally existed on the date of adoption of this By-law.

ii) Where a planting strip is required in accordance with subclause 3.37 a) i), the planting strip shall have a minimum width of 3.0 metres unless otherwise provided herein.

iii) A required planting strip shall be used for no other purpose than planting a continuous unpierced hedgerow of evergreens or shrubs not less than 1.5 metres high at maturity, immediately adjacent to the lot line or portion thereof along which such planting strip is required herein; the remainder of the strip shall be used for no other purpose than trees, hedges, shrubs, flower beds, grass or a combination thereof.

iv) Notwithstanding any other provision of subsection 3.37, a planting strip shall not be required on any lot zoned Mixed-Use Downtown (MD) or Mixed-Use Waterfront (MW).

v) In all cases where ingress and egress driveways, access lanes or walkways extend through a planting strip, it shall be permissible to interrupt the strip within 3.0 metres of the edge of such driveway or access lane or within 1.5 metres of the edge of such walkway.

vi) A planting strip referred to in subsection 3.37 may form part of any landscaped open space required by this By-law.

vii) No accessory use, accessory structure or accessory building shall be permitted to locate within a required planting strip.

b) Planting Strips Required for Parking and Loading Areas

i) Where a parking and/or loading area for a non-residential use abuts a residential use, a 3.0 metre planting strip as described herein, or a 1.5 metre planting strip and a solid fence 1.5 metres in height, or a solid fence 2.0 metres in height, shall be provided on the lot on which the non-residential use is located.

ii) Where a parking area for a residential building or buildings containing more than four (4) dwellings units abuts a single detached dwelling, semi-detached dwelling, linked dwelling, duplex dwelling, or street townhouse dwelling, then a planting strip, as described herein, shall be provided.

iii) Where a parking and/or loading area for a building 5 storeys or greater is located within the front yard of said building, a 3.0 metre planting strip as described herein, shall be provided on the front lot line. A driveway is permitted to cross the planting strip.

3.38 Private Marine Facilities and Marinas

a) General

i) A private marine facility abutting a navigable body of water shall be permitted in any zone in accordance with the provisions of subsection 3.3 and the provisions of subsection 3.38.

ii) Private marine facilities may be constructed along the shoreline, subject to any required permit or approval from the Conservation Authority, the Province of Ontario or the Government of Canada.

iii) A private marine facility shall only be permitted as an accessory building or structure and shall not be permitted as the principal use of a lot.

iv) A private marine facility shall not be used for human habitation.

b) Boathouses Constructed Up to Water's Edge

Notwithstanding any other provisions of this By-law, where a boathouse is permitted, a boathouse may be sited up to a lot line that corresponds to the shoreline, subject to a permit from the Conservation Authority and any other required approvals.

c) Boathouse Maximum Height

Notwithstanding any other provisions of this By-law, the maximum permitted height of a boathouse shall be 4.0 metres measured from the shoreline.

d) Marinas and Marine Service Stations

a) Notwithstanding any other provisions of this By-law, where a marina or marine service station is permitted, the accessory structures used for water access and structures used for mooring/fueling/activities may be sited up to a lot line that corresponds to the shoreline and on the water, subject to a permit from the Conservation Authority and any other required approvals.

b) The main building of the marine service station or marina, including any permitted restaurant, shall be in accordance with the setbacks established in the applicable Zone Provisions.

3.39 Private Outdoor Swimming Pools

Notwithstanding any other provisions of this By-law, a private outdoor swimming pool may only be erected and used in any interior side yard or rear yard in accordance with the following provisions:

a) Distance from Lot Line

No person shall locate any part of a private outdoor swimming pool, closer than 1.5 metres to any rear or interior side lot line, nor closer than 4.5 metres to any exterior side lot line.

b) Treatment Equipment

Except where such equipment is located within a main or accessory building, no water circulating or treatment equipment shall be located closer than 3.0 metres to any rear or interior side lot line, nor closer than 4.5 metres to any exterior side lot line.

c) Lot Coverage

A private outdoor swimming pool shall not be considered part of the lot coverage.

d) Accessory Building to Private Outdoor Swimming Pool

Any structure used in conjunction with a private outdoor swimming pool shall only be permitted in an interior side or rear yard and shall be located in accordance with the provisions of Subsection 3.3 of this By-law.

e) Decks Associated with a Swimming Pool

The provisions above shall not apply to a deck erected or used in association with a private outdoor swimming pool. Decks shall be in accordance with all other applicable provisions of this By-law.

3.40 Prohibited Uses

a) Except where provision is made in the Special Exception Zones of this By-law, no land shall be used and no building or structure shall be erected, located or used in any zone for any of the following purposes:

i) any use which is in contravention of this By-law and which is not a legally non-conforming use or a legally non-complying building or structure;

ii) any use which is in contravention of the *Environmental Protection Act*;

iii) any use which is classified as a health hazard by the *Health Protection and Promotion Act*, or any regulation thereto;

iv) any use which is offensive or dangerous by reason of the emission of obnoxious odour, smoke, dust, gas, fumes, liquid, noise, vibration or refuse matter;

v) the manufacturing, processing, use or storage of explosives;

vi) the manufacturing of pesticides, herbicides or fungicides;

vii) the manufacturing of fertilizer from dead animals or from human or animal waste;

vii) a propane storage or transfer facility, or the bulk storage, refinement or use in manufacturing of petroleum or any other combustible, highly flammable or volatile material, except where such materials are used or stored accessory to a principal use, such as a gas bar, or the incidental storage of fuels for cooking;

viii) No person shall erect a satellite signal broadcast or receiving dish that exceeds 0.6 metres in diameter, except in accordance with the following provisions:

1. Satellite signal broadcast or receiving dishes shall be permitted only in rear yards provided that no part of such dishes are located closer than 1.0 metre to any rear lot line or interior side lot line nor closer than 4.5 metres from any exterior side lot line. Satellite signal broadcast or receiving dishes shall be ground mounted unless otherwise stated herein.

2. Notwithstanding the foregoing, satellite signal broadcast or receiving dishes may be erected on the roof of a building in any Commercial Zone, Employment Zone, General Institutional Zone or the St. Lawrence College Educational Zone subject to applicable Building Code requirements.

3. The maximum height of any ground mounted satellite signal broadcast or receiving dish which may be erected on a lot abutting any Residential Zone shall be 5.5 metres measured from the ground to the highest part of the dish.

4. No satellite dish exceeding 0.6 metres in diameter shall be permitted in a Residential Zone.

3.41 Public Uses

a) Notwithstanding any other provisions of this By-law, the Corporation of the City of Brockville, Ontario Hydro, any local Board, any Commission, any communications/ telecommunications company, any transportation system owned or operated by or for the City of Brockville, or any local Board of the Corporation as defined by the Municipal Act, and any Department or Ministry of the Federal or Provincial Government, may, for the purpose of public service, use any land, or erect any building or structure in any zone notwithstanding that such building or structure or proposed use does not conform to the provisions of this By-law for such zone, provided that when such use, building or structure is located in any Residential Zone, it shall comply with the regulations for the most restrictive use with regard to height and lot coverage regulations prescribed for such zone. This provision shall not be construed to apply to the administrative offices or other such buildings operated by a utility provider.

b) There shall be no outside storage of goods, material, or equipment unless it is permitted in the zone in which the essential service or utility has been located. Where permitted, outside storage shall be in accordance with the provisions for the zone.

c) The provisions of this By-law shall not be construed to limit or interfere with the construction, installation, occupation and maintenance of streets, roadways, water and gas pipelines, mains and conduits, sewers and sewer mains, electrical transmission lines, communications/telecommunications lines, pipelines or accessory structures used to provide regular access and maintenance to any such lines.

3.42 Reduction in Regulations Due to Expropriation

a) Reduced Lot Area and/or Lot Frontage and/or Lot Depth of a Vacant Lot

If the lot area and/or frontage and/or depth is reduced on a vacant lot as a result of the action of the Corporation or of the Provincial or Federal Government or a Crown Agency, such as an expropriation, then a permitted use may be located on the vacant lot provided all other regulations of the By-law are complied with.

b) Reduced Regulations of a Lot with an Existing Permitted Use

Where, as a result of the action of the Corporation or of the Provincial or Federal Government or Crown Agency, a lot with an existing permitted building, structure, or use becomes non-complying with one or more regulations of this By-law, then the existing building, structure or use may be repaired, renovated, altered or enlarged, provided that the repair, renovation, alteration, or enlargement does not cause further contravention to the regulations of this By-law. Furthermore, the non-complying circumstance shall be considered to comply with this By-law.

3.43 Refreshment Vehicles

Where permitted by this By-law, a Refreshment Vehicle shall be subject to the following:

a) Required to obtain an annual Certificate of Zoning Compliance to confirm compliance with required provisions. Owners of Refreshment Vehicles must provide the City with prod of inspection by the Fire Department and Health Unit, prior to the Certificate of Zoning Compliance approval each year. The Certificate of Zoning Compliance must be displayed in a location that is visible to the public.

b) Must maintain the minimum required parking spaces in accordance with subsection 3.36, Table 3.36(b).

c) One (1) bicycle parking space shall be provided for the Refreshment Vehicle.

d) Permitted to have an outdoor patio (subject to outdoor patio regulations).

e) Required to apply for Minor Change to Site Plan, if the property is under a Site Plan Control Agreement.

f) Required to have a grey water system or provide connection to city services. Connections to city services must be approved by the city and all relevant permits must be applied for and approved.

g) Maximum size of a Refreshment Vehicle cannot exceed 250.0 square feet (23.2 square metres).

h) No outside storage or accessory structures are permitted in association with the Refreshment Vehicle except for a fenced enclosure, screened from the public and located behind said Refreshment Vehicle.

i) All provisions of the Zone in which the Refreshment Vehicle is located, shall be the same, save and except for parking requirements.

j) A minimum 3.0 metre setback from any building or property line is required.

k) A 15.0 metre setback is required from fuel dispensers, propane dispensing tanks and cylinders.

l) When closed for the season, storage of the Refreshment Vehicle shall comply with section 3.35 of the Zoning By-law.

m) All signage must be in accordance with the current Sign By-law.

n) No portion of a Refreshment Vehicle shall be located in front of an entrance or exist of a building.

o) All large garbage/refuse bins shall be concealed from view from the street and stored in accordance with the applicable general provisions of this by-law.

p) A minimum of two (2) planter boxes shall be provided adjacent to the Refreshment Vehicle.

The City has the right to revoke a Certificate of Zoning Compliance, if it is found that a Refreshment Vehicle is in violation of any requirements stated above.

3.44 Schools Permitted in Urban Residential Zones

Notwithstanding any provision to the contrary, an elementary or secondary school of a district school board including any accessory uses to such schools, including the use of a child care centre located in the school, is permitted on any parcel of urban residential land.

3.45 Seasonal Uses

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

a) A seasonal use shall be prohibited on a vacant lot;

b) A seasonal use shall not be located closer than 1.0 metre to any side or rear lot line;

c) A seasonal use shall not be located closer to a street line than 3.0 metres;

d) A seasonal use shall not be located within a visibility triangle; and

e) A seasonal use shall not exceed a cumulative period of one hundred and twenty (120) days per calendar year.

f) Seasonal use(s) shall not occupy more than 25% of the required parking for the entire property.

g) A seasonal use requires the issuance of a Certificate of Zoning Compliance.

3.46 Setbacks from Railways

a) Notwithstanding any other provision of this By-law, no residential, commercial, institutional or open space use, building or structure shall be erected closer than 30.0 metres from any principal mainline railway right-of-way or secondary main line railway right-of-way. In addition, an earthen berm designed with a slope of 2.5 to 1 and minimum height of 2.5 metres shall be erected in conjunction with the use on the subject property. The minimum height of the earthen berm shall be 2.0 metres where the use abuts a secondary mainline railway right-of-way. Where no berm is provided, the minimum setback shall be 120.0 metres.

b) Notwithstanding any other provision of this By-law, no residential, commercial, institutional or open space use, building or structure shall be erected closer than 15.0 metres from any principal branch line railway right-of-way. In addition, an earthen berm designed with a slope of 2.5 to 1 and minimum height of 2.0 metres shall be erected in conjunction with the use on the subject property.

c) A chain link security fence with a minimum height of 1.83 metres shall be designed and maintained by the property owner at the mutual property line with any right-of-way of a principal mainline, secondary main line or principal branch line railway.

3.47 Setback Requirements Adjacent to Highway 401

a) Notwithstanding any other provision of this By-law, no person shall erect any building or structure within 14.0 metres of the boundary of the Highway 401 corridor.

b) No person shall erect any building or structure without a permit from the Ontario Ministry of Transportation where such building or structure is:

i) located within 45.0 metres of the Highway 401 corridor;

ii) located within 180.0 metres from the intersection of any road with Highway 401; and/or

iii) located within 395.0 metres of a Highway 401 interchange.

3.48 Setback Requirements Adjacent to the Waterfront

a) Notwithstanding any setback requirements in this By-law, no person shall erect any main building on a lot abutting the St. Lawrence River waterfront without providing a minimum setback from the shoreline in the rear yard, interior side yard and exterior side yard, as the case may be, of 6.0 metres.

b) Where a legally existing main building is located between 5.0 metres and 6.0 metres of any shoreline, such structure shall be considered a legally non-complying structure and be subject to the provisions of Subsection 1.15.

3.49 Short Term Vacation Rentals

Where short term vacation rentals are permitted in this by-law, it shall be in accordance with the following provisions:

a) A short term vacation rental shall contain a maximum of three (3) guest rooms.

b) The use of accessory buildings to accommodate guests is prohibited.

c) The use of additional dwelling units to accommodate guests is prohibited.

d) Parking shall be provided in accordance with Section 3.36.

3.50 Source Protection

a) *Intake Protection Zones (IPZ)*

IPZ-1: IPZ-1 is composed of those lands identified as IPZ-1 in “Appendix 3: Source Water Protection Vulnerable Areas”. IPZ-1 has a vulnerability score of 9.

IPZ-2: IPZ-2 is composed of those lands identified as IPZ-2 in “Appendix 3: Source Water Protection Vulnerable Areas”. IPZ-2 has a vulnerability score of 8.1.

b) *Vulnerable Areas*

Vulnerable areas are those lands identified as Highly Vulnerable Aquifer and Significant Groundwater Recharge Areas in “Appendix 3: Source Protection Vulnerable Areas”.

c) *Permitted Uses*

All uses existing at the date of passing this By-Law shall be permitted uses within the Intake Protection Area. All uses permitted within the underlying zone shall be permitted within the vulnerable area with the exception of those listed in Section 3.50 e) of this By-Law.

d) *Prohibited Uses*

IPZ-1:

The following activities, where they would be significant drinking water threats are designated for the purpose of section 57 of the Clean Water Act, and are therefore prohibited from becoming established in Brockville IPZ-1:

- the application and/or storage of agricultural source material to land.
- the management of runoff that contains chemicals used in the de-icing of aircraft.

- the use of land as livestock grazing or pasturing, an outdoor confinement area or farm animal yard.
- the handling and storage of more than 2,500 kilograms or litres of pesticide at a facility where it is sold or used for application at other sites, except where it is sold or used for application at other sites, except where it is manufactured or processed.
- the storage of agricultural source material.
- the handling and storage of more than 5,000 tonnes of road salt in a manner that may result in its exposure to precipitation or runoff from precipitation or snow melt.
- at or above-grade snow storage that is more than 1 hectare.

IPZ-2:

The following activities, where they would be significant drinking water threats, are designated for the purpose of section 57 of the Clean Water Act, and are therefore prohibited from becoming established in Brockville IPZ-2:

- the application of agricultural source material to land.
- the use of land as livestock grazing or pasturing an outdoor confinement area or farm animal yard the storage of agricultural source material.

e) *Restricted Uses*

Where the following uses are permitted in an underlying zone, a Risk Mitigation Report must be prepared in accordance with section 3.6.10 of the Official Plan, as amended, prior to the issuance of a building permit in areas with a vulnerability score of 8 or less:

i) Handling or storage of more than 250 litres of a dense non-aqueous phase liquid (DNAPL) and/or organic solvent associated with metal manufacturing facilities, electroplating and fabrication industry facilities, automotive or equipment repair shops, furniture refinishing shops, dry cleaning establishments other facilities.

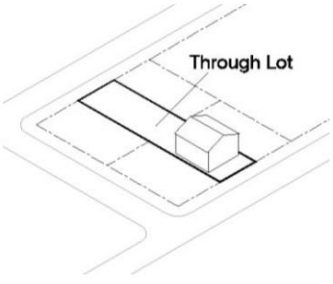
ii) Handling and storage of more than 2,500 kilograms or litres of commercial fertilizer and/or the handling and storage of more than 2,500 kilograms or litres of pesticides to sell or use for application at other sites associated with lawn and garden centres, farm supply stores, lawn maintenance contractor yards, golf courses and other facilities except those that manufacture or process commercial fertilizer or pesticides.

3.51 Special Setbacks on California Avenue

Notwithstanding any other provision of this By-law, on any lot abutting California Avenue, the minimum front yard and exterior side yard setbacks shall be 12.0 metres and 9.0 metres respectively.

3.52 Through Lots and Corner Lots

a) Through Lots

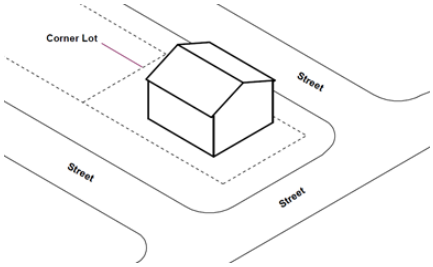


Where a lot which is not a corner lot has frontage on more than one street, the front yard requirements

contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located.

b) Corner Lot

Where a lot which is a corner lot has frontage on more than two (2) streets, the front yard requirements contained herein shall apply on each street in accordance with the provisions of the zone or zones in which such lot is located.



3.53 Trailers, Rec. Vehicles and Boat Parking and Storage

a) Vacant Lot

No person shall in any zone use any vacant lot for the parking or storage of any trailer, mobile home or boat or other recreational vehicle, unless specifically permitted by this By-law.

b) Private Storage - Outside

No person shall, on a developed lot:

i) store or park more than one (1) boat or trailer or other recreational type vehicle without maintaining at least one (1) legal parking space on the subject site;

ii) store or park any boat or trailer or other recreational type vehicle that exceeds 10.0 metres in length;

iii) store or park a boat or trailer or other recreational type vehicle at any time except:

1. during any season of the year, within the rear or interior side yard, on a properly surfaced parking area, or

2. from May 15 to October 15 of any year, in a legal parking area, provided the vehicle is a minimum of 5.0 metres from the curb face abutting the street or edge of the paved surface of the street where no street curb exists.

iv) use a boat, trailer or recreational type vehicle or tent for human habitation unless specifically permitted by this By-law.

c) Marinas, etc.

Notwithstanding the provisions of clause 3.48 b), where the principal use of the land, building, structure or lot is that of retail or brokerage, repair or reconditioning, seasonal storage for compensation, private or public recreational uses, or uses commonly referred to as marinas, yacht clubs or rowing clubs, multiple storage of boats shall be permitted, subject to the following provisions:

i) no boat or trailer or other recreational type vehicle shall obstruct any public street, sidewalk, public walkway or water access.

ii) No part of any boat or trailer storage or parking area, other than a driveway or access lane, shall be located closer than 3.0 metres to any lot line, or the required building setback from the street line, whichever is greater.

iii) Planting strip(s) shall be provided for boat or trailer storage or parking areas in accordance with Subsection 3.37.

d) Trailer Sales, etc.

Notwithstanding any other provisions of this By-law, where the principal use of the land, building, structure or lot is that of retail or wholesale, repair or reconditioning, seasonal storage for sales purposes as in businesses referred to as recreational vehicles sales and service, parking or storage of said vehicles shall be permitted in accordance with the following:

i) No trailer shall obstruct any public street, sidewalk or public walkway.

ii) No part of trailer storage or parking area, other than a driveway or access lane, shall be located closer than 3.0 metres to any lot line, or the required building setback from the street line, whichever is lesser.

iii) Planting strip(s) shall be provided for boat or trailer storage or parking areas in accordance with Subsection 3.37.

e) Trailers, Recreational Vehicles and Boat Storage as a Principal Use

Notwithstanding clause 3.53 a), storage of trailers, boats, and other recreational type vehicles may be permitted as a principal use of a lot in specified zones subject to all other applicable provisions of this By-law.

3.54 TransCanada PipeLines Limited AND Trans-Northern Pipelines (Appendix 2)

Where the locations of the TransCanada Pipelines Limited and Trans-Northern Pipelines are approximated on Appendix 2, the following provisions shall apply:

a) No development or redevelopment shall take place on a lot abutting the TransCanada Pipelines Limited or Trans-Northern Pipeline without written consent from TransCanada Pipelines Limited or Trans-Northern, as the case may be, where written consent is required in accordance with applicable Provincial and Federal legislation.

b) The delineations of the TransCanada Pipelines Limited and Trans-Northern Pipelines on Appendix 2 are intended to be approximate. The precise alignment of the pipelines and applicability of clause 3.54 a) may need to be determined through consultation with TransCanada Pipelines Limited and Trans-Northern or through a survey of the pipeline.

c) TransCanada PipeLines Limited (TCPL)

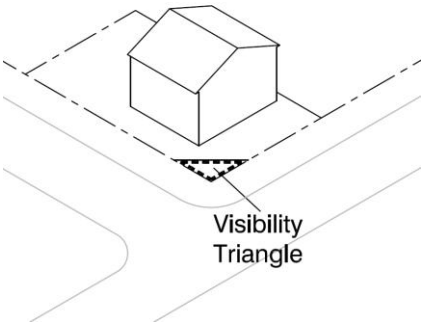
i) Notwithstanding any other provision of this By-law, a minimum setback of 7.0 metres shall be required from any part of a building or structure to the edge of the TCPL pipeline right-of-way.

ii) Notwithstanding any other provision of this By-law, a minimum setback of 7.0 metres shall be required from any parking area or loading area, including any parking spaces, loading spaces, stacking spaces, bicycle parking spaces and any associated aisle or driveway to the edge of the TCPL pipeline right-of-way.

3.55 Visibility Triangles

a) Notwithstanding any other provision of this By-law, within any visibility triangle as defined and required by this By-law, no person shall:

i) erect any building, structure, opaque fence or use land within a visibility triangle for the purpose of planting or growing of trees, or the planting or growing of hedges or shrubs to a height exceeding 1.0 metre measured from the grade at the centreline of the street;



ii) use land in any visibility triangle on a lot for the parking or storage of a vehicle; and

iii) for clarity, and without limiting the generality of the foregoing, no person shall use a visibility triangle for any driveway, access, stacking lane, parking area or outdoor storage use.

b) Notwithstanding any other provision of this By-law, a visibility triangle shall be required on a corner lot at any at-grade intersection of two (2) or more streets or of a street and a rail line right-of-way that is measured according to that set out in Table 3.55 below.

Table 3.55: Size of Visibility Triangles

Classification of Street (1)	Classification of Intersecting Street	Size of Visibility Triangle
i) Local Road	Local Road	6.0 m
	Collector Road	6.0 m
	Arterial Road	10.0 m
ii) Collector Road	Local Road	6.0 m
	Collector Road	10.0 m
	Arterial Road	10.0 m
iii) Arterial Road	Local Road	10.0 m
	Collector Road	10.0 m
	Arterial Road	10.0 m
iv) Railway	Any type of street	15.0 m

Note to Table 3.55:

(1) The street classifications shall be as indicated in the City of Brockville's Official Plan.

c) Notwithstanding clause 3.55 b) and Table 3.55, on any corner lot located at the intersection of Water Street and Market Street East, St. Andrew, Apple, Home, Kincaid and John Streets, a visibility triangle, measured 3.0 metres along the appropriate lot line, shall be provided.

3.56 Waterlots

Except where otherwise shown on Schedule "A" to this By-law, all unfilled waterlots are hereby deemed to be zoned as the Open Space (OS) Zone; however, filled waterlots shall be deemed to have the same zoning as the balance of the parcel. Waterlots shall not be included in the calculation of lot area unless the waterlot has been filled in accordance with all applicable Provincial, Federal and Municipal laws and regulations.

a) Docks may be permitted, subject to the following provisions:

i) Docks shall be setback a minimum of 5.0 metres from any side lot line and project a maximum of 15.0 metres from the shoreline;

ii) The maximum width of a dock shall be the lesser of 25% of the lot frontage or 6.0 metres;

iii) The maximum width of a perpendicular ramp connecting to a dock shall be 1.5 metres and shall maintain a 5.0 metre setback from any side lot line.

iv) A dock shall be wholly located within the area defined by the straight-line projection of the interior side lot lines from the shoreline into the waterbody.

3.57 Unenclosed Porches, Steps and Decks

a) Structures

Notwithstanding the yard provisions of this By-law, clothes lines, flag poles, garden trellises, fences, retaining walls, pergolas or lawful signs, shall be permitted in any required yard, except where specifically excluded in a corner lot visibility triangle or a planting strip in accordance with the provisions of this By-law.

b) Bay Windows

Notwithstanding the yard provisions of this By-law, no person shall permit a bay window, excluding eaves and cornices, with a maximum width of 3.0 metres and a maximum height not exceeding the required height specified in this By-law, to project into a required front, rear or exterior side yard further than a maximum distance of 1.0 metre.

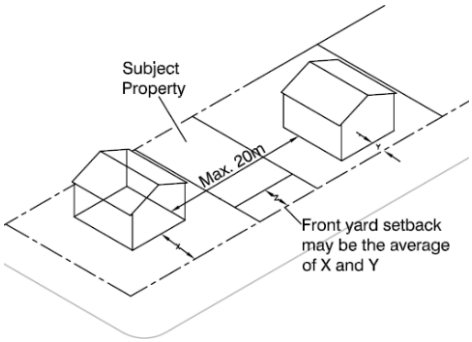
c) Awnings and Balconies

Notwithstanding any other provisions of this By-law, awnings which do not exceed 4.0 metres in height and which are structurally attached to the main wall of a building, and

unenclosed balconies shall be permitted to encroach up to a maximum of 1.5 metres within a required front yard and/or exterior side yard.

d) Building in Built-up Area (Residential Zones)

Notwithstanding any other provision of this By-law, in any Residential Zone, a main building between existing main buildings or adjacent to existing main buildings which are adjacent to the lot and which are separated by no more than 20.0 metres, may be built with a front yard setback equal to, or greater than, the average front yard setback of the adjacent buildings.



e) Height Exceptions

Notwithstanding any height provisions contained in this By-law, nothing in the By-law shall apply to prevent the erection or use of:

i) a stair tower, elevator shaft, chimney stack or other heating, cooling or ventilating equipment on the roof of the building, provided:

1. the maximum height at the top of such elevators or elements is no higher than 6.0 metres above the roof of the building;

2. no structure shall enclose space so as to constitute a part or all of a penthouse or other habitable space; and

3. such elements are screened by an enclosure or architectural feature not exceeding 6.0 metres above the roof, and where applicable, shall not encroach into a required angular plane.

ii) a spire or feature ornamental to a place of worship, a belfry, a flagpole, a clock tower, a chimney, a radio or television tower, or an antenna or satellite dish; and

iii) elements such as free-standing chimney stacks, scrubbers, and other similar equipment for the purpose of pollution abatement in the case of an industrial building.

f) Ornamental Structures

Notwithstanding the yard provision of this By-law, no person shall permit a sill, belt course, chimney, cornice, eave, awning, gutter, parapet, pilaster or other ornamental structure with or without a foundation to project into any required yard further than a maximum distance of 0.5 metres.

g) Covered or Uncovered Porches, Steps and Decks

i) Porches and stairs may project into any required front, rear or exterior side yard, a distance of not more than 1.5 metres provided said structure is not higher than 1.2 metres from grade.

ii) In an interior side yard, the setback requirements for the main building shall apply with the exception of steps not higher than 0.5 metres above grade.

iii) Stairs that lead to areas below grade are not permitted to project into a required yard setback by more than 1.5 metres.

iv) Uncovered decks may project into any required front or exterior side yard a distance of not more than 1.5 metres provided said structure is not higher than 1.5 metres from grade.

v) Uncovered decks may project a maximum of 3.75 metres into the required rear yard, provided said structure is not higher than 1.5 metres from grade.

h) Accessibility Ramps and Lifts

Notwithstanding the yard provisions of this By-law, lifts, hoists, ramps, and railings used for barrier-free access shall be permitted in any required yard, but not in a visibility triangle.

i) Driveways, Parking and Walkways

Driveways, parking areas and walkways shall be permitted to traverse required yards in accordance with the provisions of Subsection 3.36.

j) Heat Pumps and Air Conditioners

i) Heat pumps and air conditioners shall be permitted to encroach into any interior side or rear yard, but not closer than 1.2 metres to any lot line.

ii) Heat pumps and air conditioners shall not be permitted in any front yard.

iii) Heat pumps and air conditioners shall be permitted in an exterior side yard, but not closer than 3.0 metres to a street line.

iv) Heat pumps and air conditioners located 1.0 metre from any lot line that legally existed on the date of passing of this By-law shall be permitted in accordance with the provisions for legal non-complying structures in Subsection 1.15.

3.58 Yard Requirements With Respect to Certain Streets

Where any of the following streets have a right-of-way width of less than 20.0 metres, then notwithstanding the yard requirements established in this By-law for any zone, no building or structure shall be erected closer than a distance equal to the sum of 10.0 metres, and the required setback (front yard) in that zone from the original centre line of the improved public street right-of-way:

i) Centennial Road;

ii) Centre Street;

iii) King Street;

iv) North Augusta Road;

v) Oxford Avenue (between King Street and Reynolds Drive);

vi) Ormond Street;

vii) Parkedale Avenue;

viii) William Street; and

ix) Stewart Boulevard.