

PART C - GENERAL PROVISIONS - INTERPRETATION

1. ESTABLISHMENT OF ZONES

- (1) For the purpose of this By-Law, the Township of Sidney is divided into the following zones, and their extent, location and boundaries are shown on Schedule "B" attached hereto consisting of four (4) maps, which together with all notations, references and other information shown thereon, is hereby declared to form part of this By-Law.

<u>ZONE</u>	<u>SYMBOL</u>
Residential	R1
Residential	R2
Special Residential	R2S
Residential	R3
Residential	R4
Special Residential	R4S
Residential Mobile Home	RMH
Residential Rural	RR
Residential Special	SPR
Residential Seasonal	SR
Rural Commercial	CR
Highway Commercial	CH
Modified Highway Commercial	MCH
Core Commercial	CC
District Commercial	CD
Rural Industrial	MR
Industrial Waste Disposal	MW
Urban Industrial	M1
Special Industrial	MS
Special Urban Industrial	M1S
Railways	M2
Aggregate	AG
Community Facility	CF
Agriculture	A1
Agriculture	A2
Open Space	O1
Environmental Protection	E
Special Environmental Protection	ES
Wetland	W
Urban Holding	UH
Holding Zone	H
Village Holding	VH
National Defence	ND
Nursing Home (3129-95)	NH

2. INTERPRETATION OF THE ZONING MAP

- (1) The buildings and structures, and uses of buildings, structures and land permitted by this By-Law in the said zones may be referred to as RI, R2, et cetera, as indicated in Part c, Section 1 above, buildings, structures and uses respectively, and the expression RI Zone, R2 Zone, et cetera, when used in this By-Law shall mean respectively an area of the Township of Sidney delineated on a Zoning Map and designated thereon by the Symbols RI, R2, et cetera.
- (2) Where a zone symbol designating certain lands, as shown on Schedule "B" is followed by a dash and a number, then special provisions in addition to the normal zone provisions shall apply to such lands. Lands designated in this manner shall be subject to all restrictions of the zone, except as otherwise provided by the Special Provision.
- (3) Where a zone symbol designating certain lands, as shown on Schedule B is followed by the Holding symbol "- H", subject to the applicable provisions of the H zone in which they are located, no development of such lands shall be permitted until such time as the "- H" symbol has been removed in accordance with Section 36 of the Planning Act, R.S.O 1990. Interim uses may be permitted on lands affected by the Holding Symbol 11 - H". Once the "- H" symbol has been removed, the lands shall be subject to all applicable provisions of the zone in which they are located. (2485-86) (3129-95)
- (4) Where a zone symbol designating certain lands, as shown on Schedule B is followed by the Development Symbol "-D", no development of such lands shall be permitted and no person shall erect or occupy any building or structure or use any building, structure or land for any purposes, other than an existing use . Once the "-D", symbol has been removed in accordance with Section 34 of the Planning Act, R.S.O. 1990, the lands shall be subject to all applicable provisions of the zone in which they are located. (2991-93) (3129-95)
- (5) Where a zone symbol designating certain lands, as shown on Schedule B is followed by the special Holding Environment Symbol "-HE", no development of such lands shall be permitted and no person shall erect or occupy any building or structure or use any building, structure or land for any purpose other than for an existing use. The special "HE" symbol shall be removed from any lot or lots within the subject zone in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990, providing that all of the following are addressed for the lot or lots in question:
 - a) the submission of studies and plans satisfactory to the municipality,

local Conservation Authority and the Ministry of Natural Resources addressing the potential impacts of the proposal on an identified existing or potential Area of Natural and scientific Interest (ANSI) or other identified natural feature or habitat of Provincial significance; and

- b) that any or all agreements or special requirements requested by the municipality, local Conservation Authority and/or the Ministry of Natural Resources arising from the proposal for the lot in question have been satisfactorily addressed.
(3129-95)

- (6) Where a zone symbol designating certain lands, as shown on Schedule B is followed by the Flooding symbol "-F", no development of such flood susceptible lands shall be permitted and no person shall erect, occupy, extend or enlarge any building or structure or use any building, structure or land for any purposes other than an existing use . An example of the aforementioned would be a SR-F zone.
(3129-95)

- (7) Where a zone symbol is followed by a diagonal 11 / 11 and another zone symbol designating certain lands as shown on Schedule B, then the buildings and structures, and use of buildings, structures and lands permitted by each of the two (2) respective zone symbols shown for the designated lands shall be permitted subject to the restrictions of the applicable zone which permits the buildings and structures, and use of buildings, structures and lands. An example of the aforementioned would be a CH/MS zone.
(312 9 -95)

3. BOUNDARIES OF THE ZONES

- (1) Where the boundary of any zone is uncertain and:
(3246-96)
 - a) the boundary is shown on the Zoning Map as following a street, lane, railway right of way or watercourse, the centre line of the street, lane, railway right of way, electric transmission line right of way or watercourse is the boundary;
 - b) the boundary is shown on the Zoning Map as substantially following lot lines shown on a registered plan of subdivision, such lines are the boundary;
 - c) the boundary is shown on the Zoning Map as running substantially parallel to a street line and the distance from the street line is not indicated, the boundary shall be deemed to be parallel to such street

line and the distance from the street line shall be determined according to the scale shown on the Zoning Map;

- d) the boundary is shown on the Zoning Map as following the shoreline of a watercourse or waterbody the shoreline of the watercourse or waterbody is the boundary;
- e) the boundary is shown on the Zoning Map as following a street or lane and the street is hereafter closed, the land in the closed street or lane is included in the zone of the of the abutting land, and if such street or lane formed a boundary between two or more different zones the centre line of the closed street or lane is the boundary.
- f) the boundary is shown on the Zoning Map as following the edge of the flood plain, wetland or other environmental of natural feature is the boundary
(3129-95)

4. EXCEPTIONS TO THE BY-LAW

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

2016-85

- (2) Notwithstanding any other provision of this By-Law, uses such as a storage trailer, freight container, construction camp or other temporary work camp, a tool shed, scaffold, or other building or structure as well as the parking or storage of any construction equipment or construction vehicle(s) incidental to a Municipally, Provincially or Federally funded construction project or construction on private property shall be permitted provided that:
 - i) such uses, buildings or structures shall only be permitted for as long as the same are necessary for work in progress that has neither been finished nor discontinued for a period of 60 days; and
 - ii) a valid building permit or site alteration permit for the construction remains in place, if such a permit was required; and
 - iii) such uses, buildings or structures are removed when the work in connection with which they were constructed is terminated.
- (3) Nothing in this By-Law shall prevent land from being used as a street or prevent the installation of a watermain, sanitary, sewer main, storm sewer

main, gas main, pipeline, overhead or underground electric, telegraph, telephone or other supply distribution, transformer, pumping and/or regulating stations, but not including their offices and maintenance facilities, provided that the location of such main, line or station has been approved by the Corporation.

Notwithstanding the generality of the foregoing, this approval by the Corporation shall not be required for any undertaking which has been authorized pursuant to the provisions of the Environmental Assessment Act, R.S.O 1990.

(2092-81) (3129-95)

- (4) Nothing in this By-Law shall prevent the establishment of publicly owned and operated .parks or playgrounds including any buildings or structures accessory thereto, in any zone provided that such uses, buildings or structures shall be in compliance with the provisions for the Open Space Zone.
- (5) Nothing in this By-Law shall prevent lands zoned Residential, Commercial, Industrial, Agriculture, Open Space or community Facility from being used for, or the erection of a building or structure operated by or on behalf of the municipality, for: a municipal yard; a government administration building; a library; a museum; a fire hall; or a community centre provided such uses, buildings or structures are in compliance with the provisions of: Section 2 and Section 4 of Part U; Sections 7, 13,14, 15, 16, 19, 20, 21, 22 and 24 of Part C of this By-Law; the minimum utilities of the subject zone; and all pertinent Federal and Provincial statutes and regulations. (3129-95)
- (6) Nothing within this By-Law shall prevent lands zoned Commercial, Industrial or Community Facility from being used for, or the erection of a building or structure, for a government administration building or use or a public utility use provided such uses, buildings or structures are in compliance with the zone requirements, off street parking provisions, off street loading provisions and the minimum utilities of the applicable zone, other applicable provisions of this By-Law and all applicable Federal and Provincial statutes and regulations . All storage shall be located in an enclosed building or structure or where open storage is permitted and would be visible from a street or adjacent property such open storage shall be enclosed by adequate buffering and screening in the form of landscaping and/or fencing to a height of not less than 1.8 metres . No open storage shall be located in any required front yard, required outside side yard or required rear yard. (3129-95)
- (7) Nothing in this By-Law shall prevent the establishment of a wayside pit or quarry on lands in any CF, CR, CH, MR, MS, MI, MIS, AI, A2, AG and AG-

H zones. Notwithstanding the aforementioned a wayside pit or quarry shall not be located within 120 metres of a residential use other than a residence owned and occupied by the owner of the residence located on the same lot as the wayside pit or quarry or within 120 metres of an area zoned for residential use or be located in an area having a particular environmental sensitivity. A wayside pit or quarry shall be in compliance with all applicable Federal and Provincial statutes and regulations. (3129-95)

- (8) Nothing in this By-Law shall prevent a maximum of one (1) recreational vehicle being permitted for living or sleeping accommodation on a lot in any RI, R2, RR, SPR, SR, AI and A2 zone subject to:
- a) being an accessory use to a permitted residential main use;
 - b) not being used for a period exceeding thirty (30) consecutive days;
 - c) the lot not being leased or rented for such living or sleeping accommodation; and
 - d) not being located in any required minimum yards of the applicable zone or any required minimum setbacks of this By-Law. (3129-95)

2016-85

*File No.: B-77-1001
Provisions for Model Homes
City of Belleville, County of Hastings*

- (9) Nothing in this By-Law shall prevent the erection of model homes on lands that currently have draft plan of subdivision or condominium approval for residential purposes provided that:
- a) the total number of permits for single detached, semi- detached or duplex model home dwellings shall be limited to 8, including one street townhouse model home building containing a maximum of 8 dwelling units;
 - b) the type of model home dwelling shall comply with the zoning provisions of the zone in which it is located;
 - c) the dwelling shall be used for the purpose of a model home only and shall not be occupied as a dwelling unit prior to the date of the registration of the plan of subdivision, the substantial completion of services, and obtaining any required building permits, all to the satisfaction of the City;

- d) the model home shall comply with all other provisions of this By-Law, as though the dwellings and/or units were constructed on the lot within the registered plan of subdivision; and
- e) the model home shall comply with all applicable terms and conditions of the said subdivision or condominium agreement.

5. SIGNS

(1) Nothing in this By-Law shall apply to prevent the use of signs on any land, building or structure, but the erection, use and maintenance of such signs shall be subject to the provisions of this By-Law and of any By-Law relating to the signs and passed by the Council pursuant to The Municipal Act .

(2) Notwithstanding the generality of the foregoing:

a) no person shall within any of the zones, erect, use or maintain any sign except in accordance with the uses permitted in the following schedule:

ZONES	SIGNS PERMITTED
i. All Zones	One (1) Identification
ii. All Commercial Zones	Local Advertising and Commercial General Advertising
iii. All Industrial Zones	Local Advertising and Industrial General Advertising
iv. All Agricultural Zones	Local Advertising and Agricultural General Advertising
v. All Commercial, Industrial and Agricultural Zones	Community Facility General Advertising

No sign shall have a height greater than 8.0 metres from the surface of the ground.

- b) nothing in this By-Law shall apply to prevent the erection or display of the following types of notices, or signs within any zone:
 - i. official notices, signs, placards, proclamations or bulletins required to be displayed pursuant to the provisions of any Federal, Provincial or Municipal legislation or displayed on behalf of the

Township by any Board, Commission or Department of the Township which is fully authorized to carry out specified functions for or on behalf of the Township;

- ii. notices or signs for the guidance, warning or restraint of persons in respect of the land or premises on which they are displayed, provided that the signs are not larger than 0.2 square metres;
- iii. authorized signs or signals erected for the purpose of regulating the speed or flow or direction of vehicular traffic;
- iv. a sign or notice offering for rent or sale a building or lot on which the sign or notice is placed, provided that the sign is not larger than 0.4 square metres.

- c) Nothing in the aforementioned shall exempt any person from compliance with any requirements of any sign by-law passed by the municipality or the County of Hastings, other pertinent provisions of this By-Law or any other municipal by-law or any Provincial statutes and regulations ,
(3129-95)

6. RESIDENTIAL LOT OCCUPANCY

- (1) Except as specifically stated elsewhere in this By-Law, in any Residential Zone no person shall erect more than one (1) main building on any lot.

7. ACCESSORY BUILDINGS OR STRUCTURES

- (1) The following provisions shall apply to the erection of all accessory buildings or structures in Residential Zones only:
 - a) The total lot coverage of all accessory buildings, including a detached private garage, shall not exceed ten percent (10%) of the area of the lot, except that a swimming pool may have an additional lot coverage of twenty percent (20%);
 - b) Any detached accessory building or structure shall not be erected less than one (1) metre from an interior side or rear lot line, except that a mutual garage may be erected on a common lot line;
 - c) Where a detached accessory building or structure is erected on any lot, the distance between such detached accessory building or structure and the main building on lot shall be:
2016-85

- i. where the necessary building or structure faces a wall of the main building containing a window or opening into a habitable room, three (3) metres, except in the case of a swimming pool where the minimum distance shall be 1.8 metres;
 - ii. where the detached accessory building or structure faces a wall of the main building which does not contain any window or opening into a habitable room, 1.2 metres.
 - d) Except as specifically permitted elsewhere in this By-Law, no accessory building shall exceed one (1) storey or 4.5 metres in height, whichever is the lesser;
 - e) Except as specifically stated elsewhere in this By-Law the use of any accessory building for human habitation is not permitted; (3129-95)
 - f) Notwithstanding the provisions contained in this By-Law, where a lot is contiguous to a navigable watercourse of waterbody an accessory building used as a boat house may be erected up to the lot line contiguous to the navigable watercourse or waterbody. Notwithstanding the aforementioned, an accessory building for the use as a boat house shall not be erected within the setbacks required from the Bay of Quinte by Section 13(3) of Part C.
- (2) The following provisions shall apply to the erection of accessory buildings or structures in all zones, except an Agricultural zone, SR - Residential Seasonal zone and an RR - Residential Rural zone:
 - a) Accessory buildings or structures which are not attached to the main building on the lot, shall be erected in conformity with the minimum front yard and outside side yard regulations of the zone in which such main building is located, but shall not be located closer to the street line than the main building on the lot. Where an accessory building or structure is attached to the main building on the lot, such attached accessory building or structure shall be erected in conformity with the minimum front yard and outside side yard regulations applicable to the main building on the lot. (3129-95)
- (3) A truck trailer box shall be a permitted accessory structure within the following zones: CR, CH, MCH, CC, CD, MR, MW, M1, MS, M1S, M2, AG, CF, A1, A2, 01, E, and ES. Notwithstanding and in addition to the requirements of Section 7 of this Part C, where the zone abuts a residential zone or residential use, the setback shall be a minimum of 15 m from the lot line. (2002-62)

8. HOME OCCUPATION

- (1) Where this By-Law permits a Home Occupation to be carried on the following provisions shall apply:
 - a) The Home Occupation shall be secondary to the use of the dwelling or dwelling unit;
 - b) The Home Occupation shall not change the character of the dwelling or dwelling unit;
 - c) The Home Occupation shall not change the external appearance of the dwelling or dwelling unit;
 - d) The Home Occupation shall not create or become a public nuisance in particular in regard to noise, traffic or parking;
 - e) The Home Occupation shall not occupy more than ten percent (10%) of the gross floor area of the dwelling or dwelling unit;
 - f) The occupant of a dwelling or a dwelling unit who is carrying on the Home Occupation in the dwelling or the dwelling unit may not employ any employees on the premises.
(2092-81)

9. RURAL HOME OCCUPATION

- (1) Where this By-Law permits a Rural Home Occupation to be carried on the following provisions shall apply:
 - a) The Rural Home Occupation shall be clearly secondary to the the main use, and shall not change character of the main use;
 - b) No more than twenty-five percent (25%) or thirty (30) square metres of the area of the subject building whichever is the lesser, shall be used for the purpose of the Rural Home Occupation;
 - c) No more than two (2) persons, other than the person or persons residing in the dwelling on the lot, shall be employed in the Rural Home Occupation;
 - d) There shall be no open storage of materials, supplies, tools, equipment or goods which are used for or result from the Rural Home Occupation;
 - e) The Rural Home Occupation shall not become a public nuisance, particularly in regard to noise, traffic and/or parking.

(2153-82) (3129-95)

10. OFFICE FOR A PROFESSIONAL PERSON

- (1) Where this By-Law permits the office for a professional person to be carried on in a dwelling unit, the following provisions shall apply:
 - a) The office shall be located in the same dwelling or dwelling unit in which the professional person resides;
 - b) Not more than one person may be employed on the premises;
 - c) In addition to the parking requirements contained in Part C, Section 13, three (3) parking spaces shall be provided;
 - d) The office shall not occupy more than twenty-five percent (25%) of the gross floor area of the dwelling or dwelling unit;
 - e) The office shall not change the external appearance of the dwelling or dwelling unit;
 - f) The office shall not create or become a public nuisance in particular in regard to noise, traffic or parking.

11. DIMENSIONS OF LOTS

- (1) Where this By-Law refers to the dimensions of any lot, the frontage of and depth of said lot shall be ascertained by the application of the rules hereinafter stated:
 - a) The frontage of a lot, where such lot has parallel side lot lines, shall be measured on a straight line which is perpendicular to the side lot lines and 7.5 metres back from the front lot line. However, where the side lot lines are not parallel, lot frontage shall be measured on a straight line which is 7.5 metres back from, and parallel to, the front lot line. In the case of a lot which has a curved front lot line, lot frontage shall be measured on a straight line which is tangent to the mid point of a curved line which is 7.5 metres back from, and parallel to, the front lot line.
 - b) For the purpose of Subsection (1) above, the frontage of a corner lot which has a daylight triangle, shall be measured on a straight line, 7.5 metres back from the front lot line and perpendicular to the side lot line, between the side lot line and the projection of the outside side lot line.
 - c) The depth of a lot, for the purpose of establishing the dimensions of a

lot, shall be the horizontal distance between the front and rear lot lines and where these lines are not parallel, the horizontal distance between the mid-point of the front lot line and the mid-point of the rear lot line. Where no rear lot line exists, lot depth shall be the distance between the apex of the triangle formed by the side lot lines and the mid-point of the front lot line.

- d) Where a lot is divided into more than one zone, each such portion of the lot shall be used in accordance with the provisions of this By-Law for the zone where such portion of the lot is located. Each such portion of the lot may be considered as a separate parcel for the purpose of determining zone provisions by the Zoning Administrator.
(3129-95)

12. YARDS AROUND BUILDINGS

- (1) The parts of any attachments to a main building which may project on or over a minimum required yard are:
 - a) cornices, sills., eaves and eavestroughs, which project no more than 0.8 metres into any required yard;
 - b) a chimney which projects no more than 0.6 metres into any required yard;
 - c) unenclosed verandas, balconies and porches which project no more than 1.5 metres in a front yard, or no more than 3 metres into a required rear yard;
 - d) unenclosed steps, with or without a landing, above or below the surface of the yard, which project no more than 0.5 metres into or over any required side yard;
 - e) canopies which project no more than 1.5 metres into any required yard, provided that any canopy is at least 2 metres above the surface of the yard and no supports or posts are constructed under the canopy;
 - f) fire escapes which project not more than 1.5metres into a rear yard.
- (2) The portion of and attachments to any accessory building, otherwise permitted by this By-Law, which may project over or into any required side or rear yard are eaves, troughs and sills which project no more than 0.5 metres.
- (3) Notwithstanding anything contained in this By-Law, no person who uses land or erects buildings or structures thereon, shall place in or on a corner

lot any building or structure, or any wall, fence, tree, or hedge or other barrier which would obstruct visibility above a height of 0.5 metres above the grade of the centre line of the intersecting streets, on that portion of the lot:

- a) within a triangle formed by the boundaries of the lot common with the street lines and a straight line connecting points on each of the said boundaries measured distance six (6) metres from the point where they intersect;
 - b) in the case where the lot boundaries abutting the intersecting streets have been joined by a curve, the area between the chord joining the beginning and end of such curve and the street line.
- (4) In a Residential Zone, no person shall erect any wall or fence, or other barrier, which would obstruct visibility above a height of 0.5 metres above the grade on the front lot line and on those portions of the side lot lines between a point 4.5 metres back from the street lines and the street line. (3129 -95)

13. SETBACKS

- (1) Notwithstanding any other provision in this By-Law, no person shall erect any building or structure on a lot located in any zone, unless the minimum distance between such building or structure and the established centre line of the abutting street is as follows:
 - a) a Street under the jurisdiction of the Province of Ontario or the County of Hastings, the minimum setback requirement of the street authority, or the minimum front yard depth required for the use in the zone where it is located, or where a side lot line abuts the street the minimum outside side yard for the use in the zone where it is located, whichever is the greater;
 - b) a Street under the jurisdiction of the Corporation, ten (10) metres plus the minimum front yard depth required for the use in the zone where it is located, or the minimum front yard depth required for the use in the zone where it is located, or where a side lot line abuts the street ten (10) metres plus the minimum outside side yard for the use in the zone where it is located, whichever is the greater.
 - c) i) Notwithstanding Section 13(1) a) or b) of this Part C, any section of a building's exterior wall adjacent to the street line of Provincial Highway #2 or Aikins Road located in Part of Lots 17, 18, 19 and 20, Concession Broken Front, on lands in any R4S, CH, CC or CF zones shall not be set back greater than 3.0 metres further from the

subject street line than the minimum setback requirement of the responsible street authority or the abutting minimum yard requirement for the use in the zone where it is located, whichever is the greater.

- ii) For those lands subject to Section 13 (1) c) i) of this Part C and notwithstanding any other requirements of this By-Law, no off street parking spaces, off street loading spaces, waste disposal containers or outside storage shall be permitted between the building' s exterior wall and the streetline. A strip of land with a minimum depth of 3.0 metres abutting the streetline shall be maintained as a landscaped area, except for ingress and egress. (2991-93) (3129-95)
- (2) Notwithstanding any other provision of this By-Law no person shall erect any building or structure within 11.5 metres of the boundary of an unmaintained and/or unopened and/or unassumed road allowance on a lot located in any zone. (3129-95)
- (3) a) Notwithstanding any other provision of this By-law, except those exceptions specifically noted in this Section 13 (3) a) of this Part C, where:
- i) land abuts a watercourse, lake or the Bay of Quinte, no building or structure or private sewage disposal system shall be located within thirty (30) metres of the existing highwater mark; or
 - ii) land abuts any ES – Special Environmental Protection zone or E – Environment Protection zone, within fifteen (15) metres of the zone boundary of the ES or E zone;
- whichever is the greater of i) or ii) of this section 13 (3) a).

Permitted exceptions include the provisions of Section 7 (1) f) and 13 (3) b) of this Part C or where specifically excepted from this Section 13 (3) a) of this Part C.

- b) Where an existing building or structure or existing private sewage disposal system is located within the setback requirements of Section 13(3)a) of this Part C, and such are on lands shown on Schedule B of this By-Law, the existing setback between the existing building or structure or existing private sewage disposal system and the watercourse, lake or the Bay of Quinte shall be recognized as permitted for such existing building or structure or existing private sewage disposal system. (2991-93)

- c) Those lands within the setbacks required by Section 13 (3) a) and b) of this Part C and abutting a waterbody or abutting a watercourse having a continuous flow of water shall only be used as a natural vegetative buffer comprised of permanent self-sustaining vegetation such as natural ground covers and trees or other similar natural plantings .
(2991-93) (3129-95) (3246-96)
- (4) No residential use or area zoned for residential uses shall be located closer than 450 metres to a Sewage Lagoon, or to the open part of a Sewage Treatment Plant, and 500 metres to a Sanitary Landfill operation or other waste disposal area except as may otherwise be permitted by the Ministry of Environment and Energy.
(2092-81) (3129-95)
- (5) No residential use shall be located within 120 metres of an AG - Aggregate zone or an AG-H - Aggregate Holding zone other than a residence owned and occupied by the owner of the aggregate operation.
(2485-86) (3129-95)
- (6) The minimum separation distance between group homes shall be two kilometres (2 km); however, the maximum number of one group home per one thousand (1,000) Township residents shall not be exceeded.
(2460-86) (3129-95)
- (7) No building, structure or use of land other than an existing building, structure or use of land shall be located within 120 metres from a Provincially significant wetland or W - Wetland zone except as may otherwise be permitted by the Ministry of Natural Resources and the municipality and in accordance with all other provisions of this By-Law.
(3129-95)
- (8) In the absence of flood plain mapping those lands adjoining a watercourse or a waterbody within the horizontal area fifteen metres (15m) on each side of the bank of a watercourse or waterbody; or within the horizontal area fifteen metres (15m) adjoining or above the high water mark of a watercourse or waterbody; or interpreted as flood susceptible shall be zoned as E - Environmental Protection on Schedule "B", whichever is the greater.
(3246-96)
- (9) Notwithstanding Section 13 (3) a) ii) of this Part C, but subject to the provisions of Section 13(3)(a) (i) of this Part c, existing farm related buildings and structures excluding dwellings and private sewage disposal systems, located within 15 metres of the E zone shall be permitted to be extended or enlarged provided that:

1. the extension or enlargement does not increase the subject building's or structure's existing gross floor area by more than fifty percent (50%); and
2. no extension or enlargement reduces the existing building 's or structure's setback from the E zone.
(3246-96)

14. OBJECTS PROHIBITED IN YARDS

- (1) In any zone:
 - a) Except as hereinafter provided no person shall obstruct by the erection of a building or structure, or by the storage of lumber, salvage or similar material, any front yard, side yard or rear yard required to be provided by this By-Law.
 - b) Except as otherwise provided no person shall use any lot for the parking in any yard of:
 - i) a motor vehicle which has had part or all of its superstructure removed;
 - ii) a motor vehicle which is in an unlicenceable condition.
- (2) In any R1, R2, R3, R4, R2S, R4S and SPR Residential zone:
 - a) No person shall use any lot for the parking or storage of any commercial vehicle in excess of 3 ,000 kilograms vehicle weight;
 - b) Notwithstanding the provisions of Subsection (2)a) of this Section, the occupant of any dwelling may use any garage situated on the same lot, for the housing or storage of one commercial vehicle, not exceeding 4,500 kilograms vehicle weight, which vehicle is operated by himself;
 - c) Notwithstanding Subsection (2)a) and (2)b) of this Section, commercial vehicles which attend at premises for the purpose of delivering goods or providing a service to the occupant shall not be deemed to contravene this By-Law;
 - d) No person shall use any yard of a lot for the parking in the open, of a motor vehicle used for stock car racing.
(3129-95)
- (3) A truck trailer box shall not be permitted within any residential zone.
(2002-62)

15. OFF STREET PARKING REQUIREMENTS

- (1) For every building or structure erected, altered or enlarged after the passing of this By-Law, there shall be provided and maintained off street parking in conformity with the following Schedule:

	<u>Type or Nature of Building or Structure</u>	<u>Minimum Required Parking Spaces</u>
a)	A single detached dwelling, a duplex or semi-detached dwelling or horizontal multiple attached dwelling where each unit fronts on a public street and has its own garage and driveway. Any of those aforementioned residential uses existing prior to March 20, 1995 shall be permitted a minimum of 1 parking space for each dwelling unit. (3129-95)	2 parking spaces for each dwelling unit.
b)	A mobile home.	2 parking spaces for each dwelling unit.
c)	All other dwellings not listed in this schedule.	1-1/4 parking spaces for each dwelling unit.
d)	Mobile Home Park Service Commercial.	5 parking spaces for every 93 square metres of gross leasable floor area or part thereof.
e)	A hospital.	1 parking space for every 3 beds.
f)	A motel or hotel.	1 parking space for each sleeping room.
g)	A tavern, restaurant or eating establishment.	1 parking space for every 4 persons that can be accommodated at one time.

PART C – GENERAL PROVISIONS - INTERPRETATION

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|----|---|---|
| h) | A retail store, convenience store, service shop or other similar establishment. | 1 parking space for every 18.5 square metres of gross floor area or part thereof. |
| i) | Senior Citizens Housing. | 1 parking space shall be provided per 4 dwelling units or part thereof, plus 1 parking space for a dwelling unit designed for a resident caretaker. |
| j) | A drive in restaurant. | 1 parking space for every 4.5 metres of gross floor area of part thereof. |
| k) | A church, church hall, theatre, auditorium, or other place of assembly. | 1 parking space for every 5 seats or where the seating is provided by open benches, every 0.5 metres of bench space shall be considered as one seat for the purpose of this By-law. |

- l) Manufacturing or warehousing.

 - a) Where the manufacturing or industrial undertaking is operated by non-shift employees:
 - i. 1 parking space for each employee; plus
 - ii. 1 parking space for each company vehicle; plus
 - iii. 1 parking space for each 900 square metres of gross floor area or part thereof.
 - b) Where the manufacturing or industrial undertaking is largely operated by employees working in shifts:
 - i. 1 parking space for every 1.5 employees on combined employment of the two largest shifts; plus
 - ii. 1 parking space for each non shift employee; plus
 - iii. 1 parking space for each company vehicle.
- m) A nursing home.

1 parking space for every 4 beds or portion thereof.
- n) Mini storage buildings.

Three parking spaces shall be provided for the first 100 mini storage units and a further one parking shall be provided for each 200 additional mini storage units provided on the site over and above 100 units (2474-86)
- o) For every building or structure not specified above except for a building or structure permitted in an Agricultural Zone.

1 parking space for every 30 square metres or part thereof of gross floor area.

16. SUPPLEMENTARY OFF STREET PARKING REQUIREMENTS

- (1) The following supplementary requirements shall apply to all required parking areas in all zones except in the case of single detached dwellings, semi-detached dwellings, duplex dwellings and horizontal multiple attached dwellings:
(3129-95)
 - a) Every parking space shall have a minimum width of 2.5 metres and a minimum length of 6 metres. No obstruction of a required parking space shall be permitted. Where a solid wall abuts a parking space, such parking space shall have a minimum width of 3 metres;
 - b) All off street parking required for any main use shall be provided on the same lot on which such main use is located;
 - c) Ingress and egress directly to and from any off street parking spaces shall be by means of an aisle having a width of at least 7 metres;
 - d) The parking area shall be constructed of crushed stone, slag, gravel, having an asphalt or cement binder, or any type of permanent type surfacing with drainage facilities that comply with the requirements of the corporation;
 - e) Every driveway to a parking area shall be surfaced in the same or better manner as the parking area. Such driveway or driveways shall have a minimum width of 3 metres but shall not exceed 9 metres in width;
 - f) The lights used for illumination of the parking area shall be so arranged as to divert the light away from adjacent lots;
 - g) Driveways to a parking area shall not pass through zones other than the one containing such parking area. Further to this Section and Section 19 of this Part c, driveways, pedestrian access and off street parking areas shall be such that vehicular and pedestrian movement is not prevented during a regulatory flood;
(3129-95)
 - h) When a building or structure accommodates more than one type of use, the off street parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building or structure occupied by the separate types of use;
 - i) Where parking is provided in any front yard or outside side yard, the parking areas shall be separated from any adjacent street line by a strip of land not less than 1.5 metres in width, which shall be reserved

for landscaping purposes and such strip shall include a curb or similar barrier, except for a driveway or driveways;

- j) Where off street parking abuts a Residential Zone, the parking area shall be separated from the abutting lot line by a strip of land at least 1.5 metres in width. Such strip of land shall be retained for landscaping purposes, and shall include at least one row of hardy shrubs not less than 1.5 metres in height and shall be maintained in a healthy growing condition except for a driveway or driveways.
- (2) In addition to the requirements of Subsection 14(1) above, the following additional requirements shall apply to required parking areas provided in all non-residential zones:
- a) A structure not more than 4.5 metres in height and not more than 4.6 square metres in area may be erected in the parking area for the use of parking attendants;
 - b) No gasoline pump for retail purposes or other service station equipment shall be located or maintained on any off street parking area.
- (3) In any residential zone, the required off street parking shall be located in private garages or driveways or on specific areas of the lot specifically designed and constructed for such purposes.

2012-75

File No.: B-77-910

*To Limit Urban Residential Driveway Widths
City of Belleville, County of Hastings*

- (4) In a Residential Zone, the portions of a driveway or parking area in a front yard, outside side yard, or extension of an outside side yard into a rear yard may be up to 6.0 m in width. Where such lot has a lot frontage greater than 12.0 m., driveways or parking areas in a front yard, outside side yard, or extension of an outside side yard into a rear yard may cover up to 50% of the yard, subject to a maximum width of 9.0 m at the street line. The portion of those yards not covered by driveways or parking areas must be maintained as a landscaped area.

17. OFF STREET LOADING REQUIREMENTS

- (1) For every building or structure hereafter erected for an industrial or commercial use, involving the frequent shipping loading or unloading of persons, animals, goods, wares or merchandise, there shall be provided and maintained for the premises, loading comprised of one or more loading spaces in accordance with the gross floor area of the building or

structure as follows:

<u>Gross Floor Area</u>	<u>Number of Loading Spaces</u>
Up to 420 square metres	None
From 420 square metres to 2,300 square metres inclusive	1
Over 2,300 square metres	2

18. SUPPLEMENTARY OFF STREET LOADING RESTRICTIONS

- (1) Each loading space shall not be less than 12 metres long and 4 metres wide and have a vertical clearance of not less than 4.5 metres.
- (2) Every loading space shall have unobstructed access to a public street or lane by means of a driveway having a minimum width of 6 metres.
- (3) Every loading space shall be constructed of crushed stone, slag, gravel, having an asphalt or cement binder, or any type of permanent type, surfacing, with drainage facilities that comply with the requirements of the corporation.
- (4) Every loading space shall be maintained with a single surface that is treated so as to prevent the rising of dust or loose particles.
- (5) Every driveway shall be surfaced in the same or better manner as the loading area.
- (6) Where the loading area is adjacent to a Residential Zone, any lighting facilities shall be so arranged as to deflect the light away from the Residential Zone.
- (7) Where the loading zone is adjacent to a Residential Zone, a barrier at least 1.5 metres in height shall be erected on the abutting lot line where it abuts the Residential Zone. Such barrier shall be constructed of material and in a manner to effect complete visual screening of the loading area.

19. ACCESS TO LOTS

- (1) Every lot shall be limited to the following number of driveways :
 - a) up to the first 10.5 metres of frontage - not more than one (1) driveway;
 - b) greater than 10.0 metres of frontage but less than 30 metres of

frontage - not more than two (2) driveways with a combined width not exceeding thirty percent (30%) of the lot frontage; and

- c) one additional driveway for each additional thirty (30) metres of lot frontage .
- (2) Notwithstanding Section 19(1) of this Part C or any other provision of the By-Law to the contrary, the number, width and location of driveways on a lot and the lot frontage abutting a street shall be in accordance with all requirements of and be satisfactory to the public authority having jurisdiction for the subject abutting street. (3129-95)

20. HEIGHTS OF BUILDINGS AND STRUCTURES

- (1) The height of a building or structure shall be the vertical distance between the highest point of building or structure and the elevation of the ground at the base of the building or structure.
- (2) The elevation of the ground at the base of a building or structure shall be determined by the application of the rules hereafter stated:
 - a) Where the said building or structure is to be erected closer than fifteen (15) metres to the streetline of the lot, the ground elevation shall be:
 - i. in the case of an interior lot - the elevation of the centre line of the public road abutting the lot opposite the centre line of the lot;
 - ii. in the case of a corner lot - the mean of the elevations of the centre lines of the two (2) abutting public roads, opposite the centre line of the lot and opposite a line halfway between front lot line and rear lot line.
 - b) Where the said building or structure to be erected is more than fifteen (15) metres distant from any streetline of the lot the ground elevation shall be the mean elevation of the ground at the base of the front wall of the said building or structure exclusive of any embankment and any steps .
 - c) Where the said building or structure to be erected on a corner lot is more than fifteen (15) metres distant from one streetline of the lot and less than fifteen (15) metres from the other streetline, the ground elevation shall be the elevation of the centre line of the public road closest to the building or structure measured opposite the centre of the building or structure.
- (3) For the purpose of determining the height of a building or structure, the

following shall not be included:

- a) a barn, a belfry, a chimney, a church spire, a clock tower, a communications tower, a corn crib, a drying elevator, a farm implement shed, a feed or bedding storage use, a flag pole, a hydro electric transmission tower, a radio antenna, a television antenna, a silo, and a water tower.

(4) See also Part C - Section 22.

21. LANDSCAPING

- (1) Where this By-Law requires the provision of landscaping strips or areas of landscaped open space, the land provided for landscaping strips shall be graded, sodded and/or seeded to grass and planted with trees and/or shrubs so as to form at provided for landscaped open space shall be graded, sodded and/or seeded to grass and planted with trees and/or shrubs. The said grassland, trees and/or shrubs shall be maintained or from time to time renewed by the landowner to provide and maintain a privacy screen for the residents of the area.

22. SPECIAL POLICY AREA - CANADIAN FORCES BASE TRENTON

- (1) In addition to the provisions of this By-Law no development of land, buildings or structures located within any Special Policy Area, as shown on Schedules "C" and "D" attached and forming part of this By-Law, shall commence or take place until the owner of such land, building or structure has complied with any or all of the following requirements :
 - a) Notwithstanding the provisions of this By-Law no new dwellings, dwelling units or Community Facility uses shall be permitted within any Special Policy Area shown on Schedule "D" which has a Noise Exposure Forecast (N.E. F.) value of 35 or higher;
 - b) Notwithstanding the provisions of Part C – General Provisions, Section 22(1)a), where the zone permits, a single detached dwelling shall be permitted to develop on a lot for which a consent was granted by the County of Hastings Land Division Committee of its predecessor, the Township of Sidney Committee of Adjustment, or on appeal, by the Ontario Municipal Board, on or before April 6, 1983.
(2212-83) (3129-95)
 - b) No new dwellings, dwelling units or Community Facility uses shall be permitted within any Special Policy Area shown on Schedule "D" which has a Noise Exposure Forecast value from 28 up to 35 unless the indoor noise level is reduced to a level which is in accordance with the

requirements of the Ministry of Housing.

- d) No new commercial uses shall be permitted within any Special Policy Area shown on Schedule "D" which has a Noise Exposure Forecast value of 30 or higher unless the indoor noise level is reduced to a level which is in accordance with the requirements of the Ministry of Housing.
- e) Notwithstanding any requirements of this By-Law no building or structure shall exceed the permissible heights as shown on Schedule "C".
- f) Notwithstanding any other provision of this By-Law, sanitary landfill sites, garbage disposal sites, sewage treatment lagoons and open storage reservoirs shall not be constructed within 8,050 metres from the centre of the airport or within a 1,610 metre wide corridor extending 8,050 metres from the runway ends, as shown on Schedule "D", except as may otherwise be permitted by the Department of National Defence.
(3129-95)

23. AGRICULTURAL CODE OF PRACTICE

- (1) All development must conform to the minimum distance separation requirements as amended from time to time and as provided for by Appendix "A".
- (2) Formula 1
 - (a) No residential dwelling shall be erected or used on a lot adjacent to a livestock facility within an A1 and A2 zone, except in conformity with the minimum distance separation requirement provided for by Formula 1 in Appendix "A". The separation distance shall be from the nearest point of a proposed residential dwelling to the nearest point of any livestock facility on surrounding lots of record.

Notwithstanding the above, for new lots 0.8 hectares or less and located within the A1 and A2 zone, the separation distance shall be measured from the nearest point of the proposed lot to the nearest point of any livestock facility on surrounding lots of record located within the A1 and A2 zone.

- (b) No land shall be rezoned from an A1 and A2 zone except where the minimum distance separation between the proposed zone and any livestock facility in an A1 and A2 zone meets or exceeds the calculated minimum distance separation requirement as provided for by Formula

1 in Appendix "A". The separation distance shall be from the nearest point of the proposed zone to the nearest point of any livestock facility within the A1 and A2 zone.

(3) Formula 2

- (a) Within the A1 and A2 zones no livestock facility shall be erected unless the separation distance between the nearest point of such facility and the nearest point of any residential dwelling on surrounding lots of record meets or exceeds the calculated minimum distance separation requirement provided for by Formula 2 in Appendix "A".

Notwithstanding the above, within an A1 and A2 zone, no livestock facility shall be erected unless the separation distance between the nearest point of such facility and the nearest point of any lot 0.8 hectares or less meets or exceeds the calculated minimum distance separation requirement provided for by Formula 2 in Appendix "A".

- (b) Within the A1 and A2 zones no livestock facility shall be erected unless the separation distance between the nearest point of such facility and the nearest point of any zone other than A1 and A2 meets or exceeds the calculated minimum distance separation requirement provided for by Formula 2 in Appendix "A".

(3129-95)

24. RAILWAY IMPACT

- (1) Notwithstanding any other requirements of this By-Law permitting such; no dwelling, dwelling unit, community facility use or a use involving public assembly shall be permitted to locate within 100 metres of the Canadian Pacific Railway or Canadian National Railway right of way unless such use and development is in accordance with railway noise, vibration and safety impact studies satisfactory to the Ministry of Environment and Energy and the municipality in consultation with the pertinent Railway.
- (3129-95)

25. SECOND UNIT DWELLINGS (Accessory Apartments) 2018-187

- (1) Notwithstanding any other provisions of this By-law to the contrary, a maximum of one Second Unit Dwelling shall be permitted in any single-detached, semi-detached or townhouse dwelling, provided that:
- a) The second unit dwelling use is entirely within the same building as the main use on the same lot;

- b) The use is accessory to the main use on the same lot;
- c) The maximum floor area used for an accessory dwelling on a lot is 100 m² and shall not exceed 45% of the total floor area of the building (including basement or cellar);
- d) Subsection c) does not apply where the second unit dwelling is located entirely within the basement save and except for its entrance located on the ground floor;
- e) A maximum of 2 bedrooms are permitted in each second unit dwelling;
- f) A second unit dwelling is not permitted on a property where there is a converted dwelling, duplex dwelling, triplex dwelling, double duplex dwelling, semi-detached duplex dwelling, horizontal multiple attached dwelling, seasonal dwelling, apartment dwelling, or coach house also situated;
- g) A minimum of 1 parking space is provided for the second unit dwelling, in addition to parking required for the single detached, semi-detached or townhouse dwelling;
- h) The lot has frontage on an open public maintained road; and
- i) Any lot with a second unit dwelling shall provide and maintain a minimum of 40% of the front yard as landscaped open space.
- j) The creation of a second unit dwelling must not result in any new doorway entrance added to the front wall, whether before, during, or after the creation of the second unit dwelling
- k) Subsection j) does not:
 - (i.) prohibit an internal lobby or vestibule with a common doorway entrance in the front wall; nor
 - (ii.) prohibit the creation of a secondary dwelling unit within a dwelling unit that already contains more than one doorway entrance in the front wall; nor
 - (iii.) require the removal of a doorway entrance to a house that already contains more than one doorway entrance in the front wall; nor
 - (iv.) prohibit the addition of one doorway entrance along the front wall of a dwelling unit on a corner lot where there is no doorway

entrance along that front wall, but where there is one along the corner side wall of the dwelling unit.

26. COACH HOUSES 2018-187

- (1) Notwithstanding any other provisions of this By-law to the contrary a maximum of one (1) coach house dwelling is permitted on a residential lot containing a single detached, semi-detached or townhouse dwelling, provided that:
- a) The maximum floor area used for a coach house dwelling on a lot is 100 m² and shall not exceed 40% of the total floor area of the main building (including basement or cellar);
 - b) A maximum of 2 bedrooms are permitted in a coach house dwelling;
 - c) A coach house dwelling is not permitted on a property where there is a converted dwelling, duplex dwelling, triplex dwelling, double duplex dwelling, horizontal multiple attached dwelling, seasonal dwelling, apartment dwelling, semi-detached duplex dwelling, or a second unit dwelling also situated;
 - d) A minimum of 1 parking space is provided for the coach house dwelling, in addition to parking required for the single detached, semi-detached or townhouse dwelling;
 - e) Any lot with a coach house dwelling shall provide and maintain a minimum of 40% of the front yard as landscaped open space;
 - f) The maximum lot coverage of the coach house dwelling shall not exceed 40% of the yard in which it is located;
 - g) The coach house dwelling is prohibited from future severance;
 - h) The minimum distance from side and rear lot lines shall be either the greater of 1.2 metres or the minimum distance from side and rear lot lines as established within the underlying zone;
 - i) A minimum 1.2 metre-wide access from the coach house dwelling to a public street is provided;
 - j) Other provisions for accessory buildings or structures as established within the underlying zone apply; and,
 - k) The lot has frontage on an open public maintained road.

27. PUBLIC USES (2019-64)

Notwithstanding any other provisions of this By-law, the City, any public authority, or any Department or Ministry of the Government of Canada or Ontario, and for the purposes of this Section shall include any school board, Hydro One Networks Inc., Ontario Power Generation, Veridian Connections Corp., any telecommunications company, and any natural gas distribution company, may for the purposes of the public service, use any land or erect or use any building in any zone subject to the following provisions:

- (1) Such public use shall comply with all applicable zone regulations, parking and loading requirements of the zone in which it is located.
- (2) Such use, building or structure shall be buffered from an adjacent residential use by 1.5 metres of landscaped area.
- (3) Notwithstanding any provision of this By-Law to the contrary, buildings and structures which are used for the storage of road maintenance materials within a public works yard owned by a public authority shall be exempt from the height requirements of this By-Law.
- (4) Outdoor storage of goods, materials or equipment is not permitted unless such outdoor storage is specifically permitted in the zone in which the public use is located and is not permitted in any required yard abutting a residential zone.
- (5) Any above-ground, utility or public use which is located in a residential zone, shall be located and maintained in general harmony with the residential buildings permitted in such zone.
- (6) Electricity generation facilities and transmission and distribution systems are permitted in all zones subject to any regulatory requirements for the utility involved.
- (7) Secondary uses, such as active and passive recreation, agriculture, community gardens, other utilities and uses such as parking lots and outdoor storage that are accessory land uses, are permitted on hydro corridor lands, where compatible with surrounding land uses. However, a proponent should be aware of the primacy of the electricity transmission and distribution facilities and that secondary uses require technical approval from the electricity transmission and distribution utility company.