

# **THE TOWNSHIP OF SIDNEY**

## **ZONING BY-LAW 2076-80**

Passed by Council on the 27th day of October, 1980  
Decision by Ontario Municipal Board on the 3rd day of May, 1982

Consolidated September 1996  
To By-Law Number 3250-96

As approved by the  
Township of Sidney Council

## THE TOWNSHIP OF SIDNEY

### BY-LAW 2076-80

Being a By-law for permitting the use of land, for such purposes, as are set out in this By-law, and for permitting the erection or use of buildings or structures for such purposes as are set out in the By-law; and for regulating the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected and the minimum lot frontage and area of the parcel of land and the proportion thereof that any building or structure may occupy; and for requiring the owners or occupants of buildings or structures to be erected or used for a purpose named in the By-law to provide and maintain loading or parking facilities; and for requiring that municipal services as set out in the By-law are available to service the land, building or structures as the case may be.

**This Edition is prepared for purposes of convenience only, and for accurate reference recourse should be to the original By-laws.**

By-law 20876-80 has been amended by the following By-laws which have received Ontario Municipal approval, where necessary, and which are incorporated in this consolidation. Please note that this By-law was not consolidated until 2018-1019.

<u>BY-LAWS</u>	<u>COUNCIL APPROVAL</u>	<u>O.M.B. APPROVAL</u>	<u>CLERK'S CERTIFICATE</u>
2000-37	March 6, 2000		April 5, 2000
2000-137	August 28, 2000		March 21, 2001
2000-152	October 16, 2000		November 14, 2000
2001-74	May 14, 2001		June 8, 2001
2001-123	July 23, 2001		August 14, 2001
2002-62	May 13, 2002		June 6, 2002
2003-08	January 13, 2003		February 6, 2003
2003-72	May 12, 2003		November 30, 2004
2003-177	September 22, 2003		September 22, 2003
2004-58	May 10, 2004		June 1, 2004
2004-111	July 19, 2004		August 10, 2004
2005-17	February 14, 2005		March 8, 2005
2005-136	July 18, 2005		July 18, 2005
2005-166	October 11, 2005		November 2, 2005
2006-25	February 13, 2006		March 7, 2006
2006-194	December 11, 2006		January 3, 2007
2007-48	March 26, 2007		March 26, 2007
2007-106	June 11, 2007		July 4, 2007
2008-51	March 10, 2008		April 1, 2008
2010-103	June 14, 2010		June 14, 2010
2010-127	August 9, 2010		August 31, 2010
2012-75	May 14, 2012		June 7, 2012
2012-121	July 9, 2012		August 2, 2012
2012-149	September 10, 2012		October 2, 2012
2012-170	October 9, 2012		November 2, 2012
2013-44	March 25, 2013		April 16, 2013
2013-115	July 8, 2013		July 8, 2013
2013-203	November 12, 2013		December 5, 2013
2014-131	August 11, 2014	APPEALED TO OMB & AMENDED BY 2015-54	
2015-54	May 11, 2015		June 3, 2015
2015-137	July 13, 2015		August 5, 2015
2016-03	January 11, 2016		February 2, 2016
2016-04	January 11, 2016		February 2, 2016
2016-05	January 11, 2016		February 2, 2016
2016-32	February 8, 2016		March 1, 2016

<u>BY-LAWS</u>	<u>COUNCIL APPROVAL</u>	<u>O.M.B. APPROVAL</u>	<u>CLERK'S CERTIFICATE</u>
2016-85	May 9, 2016		June 1, 2016
2016-121	August 8, 2016		September 2, 2016
2017-182	October 10, 2017		November 1, 2017
2017-230	December 11, 2017		January 3, 2018
2018-187	November 13, 2018		December 7, 2018

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**PART A - APPLICATION AND INTERPRETATION**

1 . PURPOSE

WHEREAS it is deemed expedient and necessary in the public interest to regulate the use of lands and the character and use of buildings and structures in the Township of Sidney pursuant to the authority contained in Section 34 of The Planning Act, R.S.O. 1990, as amended:  
(3129-95)

BE IT THEREFORE ENACTED BY THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF SIDNEY AS FOLLOWS:

2 . TITLE

This By-Law, composed of the text herein and the Schedules attached hereto, and made a part hereof, shall be known as the "Zoning" By-Law of the Township of Sidney.  
(3129-95)

3 . AREA DEFINED

The Provisions of this By-Law, for the purposes of interpretation and application, shall be held to be the minimum requirements adopted for the health, convenience, safety and general welfare of the public and shall apply to all lands, and the buildings and structures erected thereon, lying situate and being in the Township of Sidney.

4 . CONFORMITY

Save as otherwise provided in this By-Law, no land or building or structure shall be used for any purpose, and no building or structure shall be erected or altered for any purpose except as hereafter stated in this By-Law and in conformity with all of the applicable provisions of this By-Law.

Nothing in this By-Law shall apply to exempt any person from complying with the requirements of any By-Law in force within the Township, or from obtaining any license, permission, consent, permit, authority or approval required by this or any other By-Law of the Township or by any other Federal, Provincial or Municipal Law in force at the time of the passing of this By-Law.



### 5 . DEFINITIONS

In this By-Law, unless the context otherwise requires, the definitions hereafter set forth shall apply.

- (1) "Accessory" shall mean the use of land or a building or structure that is naturally and normally incidental, subordinate and exclusively devoted to the main use of the land, building or structure and located on the same lot therewith.
- (2) "Accessory Building or Structure" shall mean a detached building or structure the use of which is incidental and subordinate to that of the main building and located on the same lot therewith.
- (3) "Accessory Use" shall mean a use that is naturally and normally incidental and subordinate to the main use and operated with the main use on the same lot.
- (4) "Advertising Sign General" shall mean a sign which refers . to goods produced, offered for sale or services obtainable at premises other than the land or building on which the sign is displayed.
- (5) "Advertising Sign Local" shall mean a sign · which refers only to goods produced or offered for sale or services obtainable at the premises or on the land which the sign is displayed.
- (6) "Aggregate" shall mean gravel, sand, clay, shale, stone, earth and other similar material,
- (7) "Aisle" shall mean the area immediately adjacent to each parking space and capable of vehicular ingress thereto and egress therefrom at all times. No aisle need be provided in conjunction with a parking space for a single detached dwelling, semi detached dwelling, duplex dwelling or a horizontal multiple attached dwelling where not in the form of Group Housing.
- (8) "Alter" shall mean when used in reference to a building or part thereof, to change any one or more of the internal or external dimensions of such building, or to change the type of construction of the exterior walls or roof thereof, when used in reference to a lot, the word "alter" means to decrease the width, depth or area thereof or to decrease the width, depth, or area of any required yard, setback, landscaped open space or parking area, or to change the location of any boundary of such lot with respect to a public highway or alleyway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The words "altered" and "alteration" shall have a corresponding meaning.

## PART A – APPLICATION AND INTERPRETATION

- (9) "Assembly Hall" shall mean a building or portion of a building, in which facilities are provided for such purposes as meetings for civic, educational, political, religious, fraternal and/or social purposes .  
(3129-95)
- (10) "Attached" shall mean, when used to describe any building or structure, that the roof of such building or structure is supported by a wall of the building.
- (11) "Basement" shall mean that portion of a building between two (2) floor levels, which is partly below grade but which has at least one half of its clear height above the adjoining ground level.
- (12) "Boarding, Rooming and/or Lodging House" shall mean any dwelling or building or portion thereof, in which the proprietor resides and supplies for hire or gain to other persons lodging with or without meals, but shall not include: a hotel; motel; apartment; hospital; group home; nursing home or other institution; or restaurant. Such a dwelling or building shall provide no more than ten rooms for lodging.  
(3129-95)
- (13) "Bona Fide Tourist" shall mean a person on vacation away from his ordinary place of residence
- (14) "Building (when used as a noun)" shall mean anything placed on or under land consisting of four (4) or more walls and a roof notwithstanding the purpose for which it is used or occupied or intended to be used or occupied.
- (15) "Building Height" shall mean the height of a building or structure as determined in accordance with Part C, Section 20.
- (16) "Building, Main" shall mean a building in which the principal uses of the lot on which it is situated are conducted. In any Residential Zone a building containing one or more dwelling units shall be deemed to be a main building on the lot on which it is situated.
- (17) "Bulk Storage Yard" shall mean a place where land is used for the storage, in the open, of goods and materials and without limiting the generality of the foregoing, shall include coal, lumber, building supplies, construction equipment yards, but shall not include salvage yards.
- (18) "Business and Industrial Incubator" shall mean a building having a maximum gross floor area of 1,400 square metres designated for and used by a maximum of ten (10) tenants for business/industrial uses in an early or formative stage and where clerical and/or professional services

## PART A – APPLICATION AND INTERPRETATION

directly related to such businesses or industries may be provided.  
(2991-93)

- ~~(19)~~ "~~Business, Professional and/or Administrative Office~~" the purpose of providing accommodation for the offices of a professional person or persons and for any purpose incidental thereto; the administrative office of a non-profit organization and/or a business administrative office.

2012-121     *File No.: B-77-912*  
*To Define "Drug Rehabilitation Centre" or "Methadone Clinic", and "Methadone Dispensary"*  
*City of Belleville, County of Hastings*

- (19) "Business, Professional and/or Administrative Office" shall mean a building or structure used for the purpose of providing accommodation for the offices of a professional person or persons and for any purpose incidental thereto; the administrative office of a non profit organization and/or a business administrative office, *but shall exclude any use otherwise defined or classified herein.*
- (20) "Canopy" shall mean a roof construction or roof overhang free of enclosing walls, with supporting columns.
- (21) "Carport" shall mean a structure not over one storey in height, enclosed by not more than two (2) walls, which is designed for the sheltering of a vehicle .

2012-170     *File No.: B-77-925*  
*Part of Lots 31 & 32, Concession 2, Township of Sidney,*  
*now in the City of Belleville, County of Hastings*

- (21A) 'Casino' shall mean a gaming facility approved by the Ontario Lottery and Gaming Corporation, but for the purpose of this By-Law does not include any other use or activity otherwise defined or classified in this By-Law.
- (22) "Cellar" shall mean that portion of a building between two (2) floor levels which is partly underground and which is, for more than one half of its height measured from the finished floor to the underside of the first floor joists, below the adjoining ground level.
- (23) "Cemetery" shall mean land that is set apart or used as a place of the dead or in which human bodies have been buried and shall also include columbarium and/or crematorium.
- (24) "Chief Building Official" shall mean a person appointed in accordance with

## PART A – APPLICATION AND INTERPRETATION

Section 30 of The Ontario Building Code, R.S.O., 1990, as amended, charged with the duty of enforcing The Ontario Building Code within the Township.

(3129-95)

- (25) "Church" shall mean a building or structure used or intended to be used for religious worship; and without limiting the generality of the foregoing may include a chapel, church hall, synagogue, tabernacle, temple and/or other places of religious worship.
- (26) "Coin Operated Laundry" shall mean a building or structure where the service of coin operated laundry machines, using only water, detergents and additives are . made available to the public for the purpose of laundry cleaning.
- (27) "Commercial" shall mean the use of land, structure or building for the purpose of buying and selling of commodities and supplying of services as distinguished from manufacturing or assembling of goods, also as distinguished from other purposes such as warehousing and/or an open storage yard.
- (28) "Commercial School" shall mean a school conducted for hire, gain and/or profit, other than a private school or public school and includes the study of a dancing teacher or music teacher, an art school, golf school, calisthenics school and/or trade school and/or any other such specialized school conducted for hire, gain and/or profit .
- (29) "Commercial Vehicle" shall mean any motor vehicle having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing shall include ambulances, hearses, fire apparatus, police patrols, motor buses and/or tractors used for hauling purposes on the highways .
- (30) "Community Centre" shall mean any tract of land, building or buildings and/or any part of any building or buildings used for community activities, the control of which is vested in the Municipality, a local board and/or an agent thereof.
- (30 A) "Conservation" shall mean the management of biophysical or heritage resources to ensure its sustained or enhanced state.  
(3129-95)
- (31)
- (32) "Construction Yard" shall mean land used for the storage of materials incidental to the operation of road construction, contractor 's establishment and/or a building contractor' s establishment.

## PART A – APPLICATION AND INTERPRETATION

- (33) "Convenience Store" shall mean a retail store serving the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers .
- (34) "Corporation" shall mean the Corporation of the Township of Sidney.
- (35) "Council" shall mean the Municipal Council of the Corporation of the Township of Sidney.
- (36) "Day Nursery" shall mean a place that receives for temporary custody for a continuous period, not exceeding twenty-four (24) hours, more than five (5) children under ten (10) years of age, not of common parentage and which is not part of a public school, separate school, private school or children's mental health centre.
- (37) "Detached" shall mean, when used to describe any building or structure that the building or structure shall not adjoin on any side, any other building or structure.
- (38) "Development" shall mean the construction or erection of buildings or structures on land.
- (39) "Dog Kennel" shall mean a commercial operation where dogs are boarded for compensation and/or bred and/or sold at the premises and shall be in compliance with all municipal by-laws.  
(3129-95)
- (40) "Drive In Restaurant" shall mean premises consisting of a building or structure, together with a parking area, from which food, refreshments, dairy products and/or beverages are offered for sale and/or sold to the public for consumption in automobiles parked on the parking area and/or for consumption elsewhere on the premises, but not necessarily within such building or structure where food, refreshments, dairy products and/or beverages are offered for sale and/or sold to the public only for consumption within the building or structure .
- (41) "Driveway" shall mean a continuous and unobstructed vehicular driveway of access from and/or egress to a public highway or lane to an aisle,
- (42) "Dry Cleaner 's Establishment" shall mean a building in which the business of dry cleaning, dry dyeing, cleaning, spotting, stain removal and/or pressing of articles and/or goods or fabrics is carried on and in which only non-combustible and non-flammable solvents are or can be

## PART A – APPLICATION AND INTERPRETATION

used which emit no odors or fumes, in which no noise or vibration causes a nuisance or inconvenience within or without the premises and may include a dry cleaning distribution station.

- (43) "Dry Cleaning Distribution Station" shall mean a building or structure or part of a building or structure, used for the purpose of collection and distribution only, of articles and/or goods to be subjected to the process of dry cleaning, dry dyeing, cleaning, spot and/or stain removing and for the pressing of any articles and/or goods, which have been subjected to any process elsewhere at a dry cleaner's establishment.
- (44) "Dwelling" shall mean a building used for residential occupancy but does not include a hotel, motel or similar commercial use.
- (45) ~~"Dwelling Unit" shall mean one or more habitable rooms occupied or capable of being occupied by one or more persons as an independent and separate housekeeping establishment in which culinary and sanitary conveniences are provided for the exclusive use of such persons and with a private entrance from outside the building or from a common internal hallway or stairway, but does not include a hotel; motel; boarding, rooming and/or lodging house; group home; and/or recreational vehicle.~~

2016-85      *File No.: B-77-1001*  
*To Define "Dwelling Unit"*  
*City of Belleville, County of Hastings*

- (45) "Dwelling Unit" shall mean one or more habitable rooms occupied or capable of being occupied by one or more persons as an independent and separate housekeeping establishment in which culinary and sanitary conveniences are provided for the exclusive use of such persons in which a private entrance from outside the building or from a common internal hallway or stairway, but does not include: a hotel; motel; boarding, rooming and/or lodging house; group home; and/or recreational vehicle. A dwelling unit shall contain only one kitchen.

Notwithstanding anything in this By-Law to the contrary, the maximum number of persons that shall be permitted to occupy any dwelling unit shall be ten (10) •

In this By-Law, the expression:

- a) "Single Detached Dwelling" shall mean the whole of a building containing one dwelling unit only.
- b) Amended by By-law 2018-187 to delete in its entirety and replace with the following:

- (2018-187) “Semi-Detached Dwelling” shall mean one of a pair of attached dwelling units that are divided from each other with a common masonry wall that divides the two dwelling units vertically and each of which is located on a separate lot with the common masonry wall forming the lot line between each of the two dwelling units and where each of the two dwelling units has an independent entrance either directly from the outside or through a common vestibule.
- c) "Duplex Dwelling" shall mean the whole of a two storey building divided horizontally into two separate dwelling units, each of which has an independent entrance.
- d) "Triplex Dwelling" shall mean the whole of a three storey building divided horizontally into three dwelling units, each of which has an independent entrance;
- e) This section deleted.
- f) “Double Duplex Dwellings” shall mean two attached duplex dwellings;
- g) "Horizontal Multiple Attached Dwelling" shall mean a building containing a maximum of twelve (12) attached noncommunicating dwelling units divided vertically and/or horizontally, but shall not include any other dwelling defined in this By-Law;
- h) This section deleted.
- i) "Seasonal Dwelling" shall mean a dwelling containing only one dwelling unit, constructed and maintained as a secondary place of residence for seasonal vacations and recreational purposes only and not as a principal residence of the owner or occupant thereof;
- j) "Apartment" shall mean a separate building containing five (5) or more dwelling units having common corridors and stairways and having shared exit and entrance facilities and shall not include a horizontal multiple attached dwelling.  
(3129-95)
- (2018-187) k) “Second Unit Dwelling” shall mean one (1) additional dwelling unit located within a single detached dwelling, a dwelling unit of a semi-detached dwelling, or a dwelling unit of a town house dwelling.
- (2018-187) l) “Coach House Dwelling” shall mean one (1) additional dwelling unit that is located in a building or structure that is located on the same

- lot and is accessory to a single detached dwelling containing only one dwelling unit, semi-detached dwelling containing only one dwelling unit or townhouse dwelling containing only one dwelling unit.
- (2018-187) m) "Semi-Detached Duplex Dwelling" shall mean one of a pair of two attached duplex dwelling with a common masonry wall dividing the pair of duplex dwelling vertically which are both located on one lot.
- (2018-187) n) "Townhouse Dwelling shall mean a building that is divided vertically into three or more dwelling units, each of which has independent entrances, to a front and rear yard immediately abutting the front and rear walls of each dwelling unit.
- (46) "Eating Establishment" shall mean a building, or part of a building, where food is offered for sale and/or sold to the public for immediate consumption and includes such uses as a restaurant, dining room, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar and/or refreshment room or stand.
- (47) "Eave" shall mean a roof overhang, free of enclosing walls, without supporting columns .
- (48) "Erect" shall mean build, construct, reconstruct, structurally alter and/or enlarge, and shall include the relocation of a structure and any physical operation such as excavation, land fill and/or drainage work preparatory to commencing the work of erecting a building or structure as aforesaid.
- (49) "Established Grade" shall mean the average elevation of the surface of the ground at the base of a structure, exclusive of any embankment in lieu of steps .
- (50) "Existing" shall mean existing as of the date of the passing of By-Law 2076-80 but in the case of any site specific or comprehensive amendment to By-Law 2076-80 "existing" shall mean, for all lands affected by such By-Law, lawfully existing as of the date of the passing of such amending By-Law by Council.  
(3129-95)
- (51) This section deleted.  
(3129-95)
- ~~(52) "Farm" shall mean the use of land for the tillage of soil, growing of vegetables, fruits, grains and other staple crops and shall include tree farming, nurseries, greenhouses, livestock and poultry operations and farm - livestock facilities and shall include a farm dwelling or existing farm~~



~~dwellings, barns, sheds and other buildings or structures used and maintained in conjunction with the farm use.  
(3129-95)~~

2016-04      *File No.: B-77-991*  
*To Define "Medical Marihuana and Cannabis Related Uses"*  
*City of Belleville, County of Hastings*

- (52) "Farm" shall mean the use of land for the tillage of soil, growing of vegetables, fruits, grains and other staple crops and shall include tree farming, nurseries, greenhouses, livestock and poultry operations and farm - livestock facilities and shall include a farm dwelling or existing farm dwellings, barns, sheds and other buildings or structures used and maintained in conjunction with the farm use, *but shall not include any use otherwise defined or classified herein.*
- (53) "Farm - livestock facility" shall mean a manure storage system, feedlot or building located on a farm used to house livestock and poultry such as dairy and beef cattle, horses, swine, sheep, pigs, mink, rabbits, goats, geese, chickens and turkeys.  
(3129-95)
- (54) "Farm Produce Outlet" shall mean a use accessory to a permitted farm which consists of the retail sale of farm products produced or grown on the farm where such outlet is located.
- (55) "First Floor" shall mean the floor of a building approximately at or immediately above the established grade.
- (56) "Flood Plain" shall mean the area, usually low lands, adjoining a watercourse or waterbody, which may be covered by flood water, as defined by the local Conservation Authority; or an area below the regulatory floodline as defined by the local Conservation Authority.  
(3246-96)
- ~~(57) "Floor Area, Gross" shall mean, in the case of a building or structure, the aggregate of the area of each storey or part of a storey above ground floor, measured between the exterior faces of exterior walls in the case of a detached building, structure, or in the case of an attached building or structure measured from the centre line of a common wall, at the level of each storey, exclusive, however, of any part of the building or structure which is used for a private garage, porch, verandah or sunroom.~~

~~Where a basement is designed to be used in conjunction with the commercial or industrial function of the building, the basement floor area shall be included in the gross floor area.~~

2016-85      *File No.:B-77-1001*  
*To Define "Floor Area, Gross"*  
*City of Belleville, County of Hastings*

- (57) "Floor Area, Gross" shall mean, in the case of a building or structure, the aggregate of the area of each storey or part of a storey above ground, measured between the exterior faces of the exterior walls in the case of a detached building or structure measured from the centre line of a common wall, at the level of each storey, exclusive, however of any part of the building or structure which is used for a private garage, porch, verandah or sun room.

Where a *cellar* is designed to be used in conjunction with a commercial or industrial function of the building, the *cellar* floor area shall be included in the gross floor area.

- (58) "Floor Area, Gross Leasable" shall mean the total floor area designated for tenant occupancy and exclusive use, including individual basements, mezzanines and upper floors if any, expressed in square metres measured from the centre lines of joint partitions and exteriors of outside walls .
- (59) "Fraternal Organization" shall mean a non-profit non-commercial organization, which carries on social, cultural, and/or welfare programs, for the betterment of the community, with the extent of the office accommodation in the building so used not exceeding one office for the exclusive use of the secretary of the organization.
- (60) "Front Yard" shall mean the yard extending across the full width of the lot between the front lot line and the nearest part of any building or structure on the lot.
- (61) "Front Yard Depth" shall mean the minimum horizontal distance between the front lot and the nearest part of any building or structure on the lot.
- (62) "Garage, Private" shall mean a building not over one storey in height which is designed for sheltering vehicles and in which no service for profit is rendered.
- (63) "Government Administration Building" shall mean a building or portion of a building, which is used for the purpose of a municipal , provincial and/or federal government administration and includes a Municipal Office, Court House, Registry Offices, Health and Welfare Centre, Employment Office, Post Office and/or other such use.
- (64) "Group Home" shall mean a single housekeeping unit in a single detached

dwelling in which three (3) to (10) persons (excluding supervisory staff or the receiving family) live under responsible supervision consistent with the particular requirements of its residents. The home is licensed and/or approved for funding under an Act of the Parliament of Canada or the Province of Ontario in compliance with municipal by-laws.  
(2460-86) (3129-95)

(65) "Habitable Room" shall mean a room, or enclosed floor space of not less than 5.5 square metres adjoining an external wall and used or intended to be used for living, eating, cooking or sleeping; but does not include any space in a dwelling or dwelling unit used as a bathroom, pantry, corridor or hallway, closet, stairway or lobby.

(66) "Hereafter" shall mean after the date of the passing of this By-Law.

(66a) "High water mark" shall mean the line adjacent to a watercourse or waterbody at which lands are covered for a sufficient time with water to preclude non-aquatic vegetative growth and may thereby remove any value for farm cropping or pasturing purposes.  
(3246-96)

(67) "Home Occupation" shall mean any occupation that is carried on as a use accessory to the residential use of a dwelling unit, by a person or persons residing therein, and there is no display, notice or advertisement, or parking of commercial or industrial vehicles or storage of materials or containers to indicate to persons residing elsewhere that the dwelling unit is used for any purpose other than as a residence. A home occupation does not include the keeping and serving of boarders, lodgers or roomers.  
(3129-95)

(68) "Home Occupation - Rural" shall mean any occupation conducted for gain or profit as an accessory use,

- a) within a dwelling unit by one or more members of the family residing in such dwelling unit, or
- b) on a permitted farm within a dwelling unit, other main building or accessory building.

There shall be no display, notice or advertisement of the rural home occupation or parking of commercial or industrial vehicles or storage of material or containers to indicate to persons residing elsewhere that there is a rural home occupation on site. A rural home occupation does not include the keeping and serving of boarders, lodgers or roomers.  
(3129-95) .

(69) "Hospital, Public" shall mean any institution, building or other premises

established for the treatment of persons afflicted with or suffering from sickness, disease and/or injury, and/or for the treatment of convalescent and/or chronically ill persons that is approved under The Public Hospitals Act as a public hospital.

- (70) "Hotel" shall mean a separate building, or two or more connected buildings, used mainly for the purpose of catering to the needs of the travelling public, by the supply of food and also by the furnishing of sleeping accommodation of not fewer than six (6) bedrooms, as distinguished from other building or connected buildings used mainly for the purpose of supplying food and lodging by the week, or otherwise commonly known as "boarding rooming and/or lodging houses" or for furnishing living quarters for families and having a dining room or restaurant commonly known as "apartment dwelling" or "private hotel".
- (71) "Identification Sign" shall mean a sign, not larger than 0.2 square metres, the content of which is limited to displaying the name and address of a person occupying land, or a building, or of an institution occupying the land and/or of the occupation of the person or the activity carried on in the building.  
(3129-95)
- (72) "Industrial Use" shall mean any establishment in which manufacturing processes are carried on, and also includes transportation, wholesaling, warehousing, storage and/or shipping.
- (73) "Interior Lot" shall mean a lot which is bounded by only one street.

2016-85      *File No.: B-77-1001*  
*To Define "Kitchen"*  
*City of Belleville, County of Hastings*

- (73a) "Kitchen" shall mean an area which contains running water and a refrigerator and a stove or an area for the installation of a refrigerator and a stove.
- (74) "Landscaped Area" shall mean the open, unobstructed space on a lot accessible from the street on which the lot is located and which is suitable for the growth and maintenance of grass, flowers, bushes and/or other landscaping and includes any surfaced walk, patio and/or similar area, but does not include any driveway or ramp, whether surfaced or not, any curb, retaining wall, parking area or any open space beneath or within any building or structure.
- (75) "Lane" shall mean a public thoroughfare or way, which affords only a secondary means of access to abutting property.

## PART A – APPLICATION AND INTERPRETATION

- (76) "Library" shall mean a public library to which the provisions of the Public Libraries Act, as amended from time to time, apply.  
(3129-95)
- (77) "Loading Space" shall mean a space provided and/or used for the purpose of loading and/or unloading goods, merchandise and/or materials which are pertinent to the operation carried out in any buildings, and/or on a parcel of land and is not located on or partly on any street or lane.
- (78) "Lot" shall mean a parcel of land, under distinct and separate ownership from abutting lands and being described in a deed or transfer or other similar document legally capable of conveying land and being registered at the Land Registry Office in Belleville.

Notwithstanding the foregoing a "lot" created by a scheme or method intended to avoid the consent/subdivision requirements of the Planning Act, R.S.O. 1990, c.P.13 or any predecessor thereof (including, without limiting the generality of the foregoing, a "checkerboarding scheme") shall not be recognized as a lot that can be used for residential purposes where such lot is located in the A1 - Agriculture zone or A2 – Agriculture zone unless such lot has an existing dwelling located thereon.  
(3129-95)

- (79) "Lot Area" shall mean the total horizontal area within the lot lines of a lot or, where a lot is divided into more than one zone classification, "lot area" shall mean the total horizontal area within the respective zone classification, inside the area bounded by the zone boundary or boundaries and/or the lot line or lines, excluding the horizontal area of such lot usually covered by water or marsh, or beyond the rim of a river bank or watercourse, or between the top and toe of a cliff or embankment having a slope of 30 degrees or more from the horizontal.
- (80) "Lot, Corner" shall mean a lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.
- (81) "Lot Coverage" shall mean the portion or percentage of the area of a lot upon which buildings are erected.
- (82) "Lot Depth" shall mean the horizontal distance between the front and rear lot lines or, where a lot is divided into more than one zone classification, "lot depth" shall mean the horizontal distance, within the respective zone classification, between the front or rear lot line and the zone boundary, where such zone boundary is between the front and rear lot lines, as determined in accordance with Part C, Section 11.
- (83) "Lot Frontage" shall mean the horizontal distance between the side lot

## PART A – APPLICATION AND INTERPRETATION

lines or, where a lot is divided into more than one zone classification, "lot frontage" shall mean the horizontal distance, within the respective zone classification, between the side lot line and the zone boundary, where such zone boundary is closer than the other side lot line, as determined in accordance with Part C, Section 11.

- (84) "Lot Line" shall mean any boundary of a lot.
- (85) "Lot Line, Front" shall mean the boundary of a lot which is common with the street line, provided that, in the case of a corner lot, the shorter lot line that is common with the street line, shall be deemed to be the front lot line and the longer lot line shall be the "outside side lot line" .
- (86) "Lot Line, Rear" shall mean the lot line opposite the front lot line.
- (87) "Lot Line, Side" shall mean any lot line other than the front, rear or outside side lot line.
- (88) "Lot, Through" shall mean a lot other than a corner lot having lot lines on two streets.
- ~~(89) "Manufacturing" shall mean any operation carried on for the making of any article or part of an article which shall include the altering assembling, repairing, ornamenting, finishing, cleaning, polishing, washing, packing, canning, adapting for sale, breaking up and/or demolition of the said article and/or thing'; and manufacture shall be construed accordingly.~~

2016-04      *File No.: 877-991*  
*To Define "Medical Marihuana and Cannabis Related Uses"*  
*City of Belleville, County of Hastings*

- (89) "Manufacturing" shall mean any operation carried on for the making of any article or part of an article which shall include the altering, assembling, repairing, ornamenting, finishing, cleaning, polishing, washing, packing, canning, adapting for sale, breaking up and/or demolition of the said article and/or thing, but shall not include any use otherwise defined or classified herein; and manufacture shall be construed accordingly.

**(87a)** "Manufacturing Metal" shall mean a business where the manufacturing, repair and ancillary retail sales of various metal products such as farm implements and stoves takes place.  
(2315-84)

- (90) 2016-04      *File No.: 877-991*  
*To Define "Medical Marihuana and Cannabis Related Uses"*  
*City of Belleville, County of Hastings*

"Marihuana Dispensary" shall mean a main use of land or occupancy of a building or structure for the purpose of selling or dispensing marihuana or cannabis products.

(91) "Marina" shall mean a building, structure or place, containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired and/or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.

~~(92) "Medical Clinic" shall mean a building or portion of a building used solely for the purpose of consultation, diagnosis and treatment of patients by two (2) or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors and/or drugless practitioners, together with their~~

2012-121      *File No.: B-77-912*  
*To Define "Drug Rehabilitation Centre" or "Methadone Clinic", and "Methadone Dispensary"*  
*City of Belleville, County of Hastings*

(92) "Medical Clinic" shall mean a building or portion of a building used solely for the purpose of consultation, diagnosis and treatment of patients by two (2) or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors and/or drugless practitioners, together with their qualified assistants and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, examination rooms, treatment rooms, laboratories and/or pharmacies used in connection and forming part of the practises, but shall not include accommodation for in patient care or operating rooms for major surgery, or *any use otherwise defined or classified herein.*

2016-04      *File No.: 877-991*  
*To Define "Medical Marihuana and Cannabis Related Uses"*  
*City of Belleville, County of Hastings*

(92a) *"Medical Marihuana Production Facility" shall mean premises used for growing, producing, testing, destroying, storing, or distribution of medical marihuana or cannabis authorized by a license issued by Health Canada.*

(92b) *"Methadone Dispensary" shall mean a business selling or filling methadone prescriptions for customers as the primary activity of the business, but excludes a pharmacy or a pharmacy that is accessory and ancillary to a hospital."*

## PART A – APPLICATION AND INTERPRETATION

- (93) "Mini Storage Building" shall mean a one storey building containing individual storage units, with each unit having a floor area not exceeding 35 square metres and with each unit having its own access from the outside and used for the purpose of storage of goods, wares, articles and/or things . (2242-83)
- (94) "Mobile Home" shall mean a manufactured movable or portable dwelling unit designed and constructed to be towed to its appropriate site, on its own chassis to be connected to utilities and designed to be placed on a permanent foundation or piers for year round living. Such dwelling units may contain parts that may be folded, collapsed or telescoped when being towed and expanded later to provide additional cubic capacity as well as two or more separate towable components designed to be joined into one integral dwelling unit . The mobile home must contain sleeping accommodation, flush toilet, a tub or shower bath and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems .
- (95) "Mobile Home Park" shall mean a development under single ownership not having a registered plan of subdivision, managed by a park operator and having two or more mobile home lots with mobile homes which may be rented or owned. Ownership and responsibility for the maintenance of roadways, underground and aboveground services, commercial areas and buildings, together with general park management including snow clearance, garbage collection, et cetera, rests with the operator.
- (96) "Mobile Home Park Roadway" shall mean a private road within the boundaries of the Mobile Home Park giving access to the Mobile Home Lots and other permitted uses.
- (97) "Mobile Home Lot" shall mean a parcel of land in a Mobile Home Park used for the placement of a mobile home and for the exclusive use of the mobile home occupant.
- (98) "Mobile Home Park Service Commercial" shall mean the use of land, in a Mobile Home Park, for the erection of buildings containing retail stores and service shops deemed to serve a convenience function to the residents of the Mobile Home Park.
- (99) "Mobile Home Park Service Building" shall mean those permanent buildings in a Mobile Home Park that are necessary for the convenience of the Mobile Home Park residents and for the maintenance of the Park. These may include structures and buildings required for utilities, sanitary sewer and water services, maintenance, storage and indoor and outdoor recreation.



2016-85      *File No.: B-77-1001*  
*To Define "Model Home"*  
*City of Belleville, County of Hastings*

- (99a) "Model Home" shall mean a building which is used on a temporary basis as a sales office or as an example of the type of dwelling that is for sale in a related development and which is not occupied or used as a residential dwelling.
- (100) "Motel" shall mean and include a building containing a series of three or more living or sleeping units with individual interior sanitary conveniences for rent and/or hire for temporary living and/or sleeping accommodation of the travelling public.
- (101) "Motor Vehicle" shall mean any vehicle propelled or driven otherwise than by muscular power; but does not include the cars of electric, diesel or steam railways or other vehicles running upon rails; or farm tractor, traction engine or self propelled implement of farming or road building machine .
- (102) "Motor Vehicle Body Shop" shall mean a building or structure used for the painting and/or repairing of motor vehicle bodies, exteriors and/or undercarriages.
- (103)
- (104) "Motor Vehicle Rental Agency" shall mean a building, or portion of a building, where motor vehicles are kept for rent, lease or hire under agreement for compensation.
- (105) "Motor Vehicle Repair Garage" shall mean a building, or portion of a building, where the exclusive service performed or executed on motor vehicles, for compensation, shall include the installation of exhaust system, repair of the electrical system, transmission repair, brake repair, radiator repair, tire repair and/or installation, rust proofing, motor vehicle diagnostic centre, major and/or minor mechanical repairs and/or similar uses.
- (106) "Motor Vehicle Sales Room and Lot" shall mean a building, or portion of a building, or an area of land or both, the purpose of which is for the display or sale, or both, of new and/or used motor vehicles, but does not include a wrecking or salvage yard or scrap yard. A motor vehicle body repair shop, motor vehicle service station and/or motor vehicle repair garage may form an integral part of such "motor vehicle sales room and lot".
- (107) "Motor Vehicle Service Station" shall mean a building or structure where

gasoline, oil, grese, antifreeze, tires, tubes, automotive accessories, electric lightbulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, washed, polished or have their ignition adjusted, tires inflated or batteries charged, or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed. A "motor- vehicle service station" may operate on a self serve basis.

- (108) "Motor Vehicle Washing Establishment" shall mean a building or portion of a building, which is used for the operation of motor vehicle washing equipment which is automatic, semi automatic and/or coin operated and may include a "motor vehicle gasoline bar".
- (109) "Municipal Yard and/or Public Utilities Yard" shall mean any land, buildings and structures owned by the municipalit y or any local board or commission, or public utility, and used for the storage, maintenance and/or repair of equipment used in connection with civic works .
- (110) "Municipality" shall mean the Corporation of the Township of Sidney.  
(2991-93)
- (111) "Museum" shall mean a building or buildings used, or to be used, for the preservation of a collection of paintings and/or other works of art, and/or of objects of natural history, and/or of mechanical scientific and/or philosophical inventions, instruments, models and/or designs, and dedicated or to be dedicated to the recreation of the public, together with any libraries, reading rooms, laboratories and/or other offices and premises used or to be used in connection therewith.
- (112) "Non Conforming Use" shall mean that use to which any land, building or structure was lawfully put on the date of the passing of By-Law 2076-80 by Council and which does not conform with the requirements of this By-Law for the zone in which such land, building or structure is situated.
- (113) "Nursing Home" shall mean any premises maintained and operated for persons requiring nursing care or in which such care is provided to two (2) or more persons; as licenced by the Province of Ontario .  
(3129-95)
- (114) "Non Personal Service or Repair Operation" shall mean a use other than a motor vehicle related use, associated with the provision of a non personal service or trade, including a plumber's shop, a painter 's shop, a carpenter's shop, an electrician's shop, building heating and cooling systems shop, a machine or welding shop or other similar or like uses which provide installation, maintenance and/or repair services .  
(2991-93) (3129-95)

- (115) "Open Storage" shall mean storage outside a building or structure .
- 2012-121     *File No.: B-77-912*  
*To Define "Drug Rehabilitation Centre" or "Methadone Clinic", and "Methadone Dispensary"*  
*City of Belleville, County of Hastings*
- (115a)"Opioid Substitution Therapy Clinic" shall mean a Medical Clinic or a Business, Professional and/or Administrative Office that treats clients using Opioid Substitution Therapy as the primary activity of the clinic or office, but does not include a Public Hospital.
- (116) "Ornamental Structure" shall mean any ornamental fountain, statue, monument, cenotaph or other memorial or decorative structure which may or may not be part of or accessory to any other structure.
- (117) "Owner" shall mean a mortgagee, lessee, tenant, occupant, or a person entitled to a limited estate or interest in land, a trustee in whom the land is vested, a committee of the estate of a mentally incompetent person, an executor, an administrator or a guardian.
- (118) "Park" shall mean an area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation designed to serve the residents of a neighborhood, community, region and/or Province.
- (119) "Parking Angle" shall mean the angle, which is equal to or less than a right angle, formed by the. Intersection of the side of a parking space and a line parallel to the aisle.
- (120) "Parking Area" shall mean an area of a lot, or an area within a building or structure, or an area within a covered structure built below ground level, which area shall be available and maintained to provide parking spaces for vehicles, and includes pedestrian walkways, aisles for the movement of vehicles and other spaces necessarily incidental to the parking of vehicles, together with one or more driveways to and from a public street or lane under all conditions of use.
- (121) "Parking Space" shall mean an area, exclusive of driveways or aisles, for the parking of vehicles.
- (122) "Person" shall mean any individual, association, firm, partnership or incorporated company.
- (123) "Pit" shall mean a place where unconsolidated gravel, stone, sand, earth, -clay, fill, mineral or other material is being or has been removed by

means of an open excavation to supply material for construction, industrial, or manufacturing purposes, but does not include a wayside pit .

(123A)"Places of Amusement" shall mean any land, building, or structure used, for recreational, sporting or amusement purposes by the public and operated for profit or gain and without limiting the generality of the foregoing may include: an amusement park; an amusement or game arcade; bowling alley; a pool or billiard hall; a bingo hall; assembly hall; a dance hall; a tavern; a miniature golf course and/or golf ball driving range; a theatre and/or cinema; roller skating rink; arena; and/or recreational club.

(3129-95)

(123B)"Preservation" shall mean the act of protecting and maintaining in an inherently natural state.

(3129-95)

(124) "Private Club" shall mean a building or portion of a building, located on private lands, used as the premises for a social, athletic, recreational and/or fraternal organization or club, and which is not operated for profit.

(125) "Private School" shall mean a school other than public school, as herein defined, where academic subjects are taught and which is maintained for educational, philanthropic and/or religious purposes.

(126) "Professional Person" shall for the purpose of this By-Law include legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, drugless practitioners, lawyers, engineers, architects, Ontario Land Surveyors, accountants, and veterinarians .

(126A)"Provincially Significant Wetland" shall mean a wetland deemed Provincially significant and defined as such by the Wetlands Policy Statement issued by the Province under the authority of Section 3 of the Planning Act, R.S.O. 1990.

(3129-95)

(127) "Public Authority" shall mean a Municipal Council, School Board, Public Utilities Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Board of Commissioners of Police, Planning Board, and/or other Board, Commission, Committee of Local Authority established for exercising any power or authority under any general or special statute of Ontario with respect to any of the affairs or purposes of a Municipality or a portion thereof and includes any committee or Local Authority established by By-Laws of the corporation.

(128) "Public Facility" shall mean a building or part of a building used for a non

commercial purpose by any organized body, religious group and/or society such as a hospital, a library, a convent and/or a similar use.

- (129) "Public Parking Area" shall mean a parking area used for the temporary storage and/or parking of vehicles for hire or gain.
- (130) "Public School" shall mean a public or separate school, high school, technical school, vocational school, college and university, established and maintained at public expense.
- (131) "Public Sewage Disposal system" shall mean a sewage works or water control pollution plant under the care and maintenance of the Township or the Ministry of the Environment .
- (132) "Public Utility" shall mean a water works and/or water system, sanitary or storm water sewage works, cable television system, telephone system, electrical power and/or energy generating system, street lighting system, natural and/or artificial gas works; and includes any land, building, equipment, collection, distribution, supply and/or transmission systems required for the administration and/or operation of any such system.
- (133) "Quarry" shall mean a place where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a wayside quarry.
- (134) "Rear Yard" shall mean a yard extending across the full width of the lot between the rear lot line and the nearest part of the main building or structure on the lot.
- (135) "Rear Yard Depth" shall mean the minimum horizontal distance between the rear lot line and the nearest part of the building or structure on the lot.
- (136) "Recreation Use" shall mean any indoor or outdoor facility designed to be used for the playing of games and sporting activities that do not require the use of motorized vehicles, such as golf, tennis and other racquet sports, swimming, and other similar recreational activities .  
(2261-84)
- (137) "Recreational Vehicle " shall mean a portable structure, intended as a temporary accommodation for travel, recreational and/or vacation use. Such structures include motorized snow vehicles, travel trailers, automobile trailers, motorized homes, slidein campers, chassis mounted campers, tent trailers and/or boats, but in no event shall be deemed to include "mobile homes".

## PART A – APPLICATION AND INTERPRETATION

- (138) "Redevelopment" shall mean the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon.
- ~~(139) "Retail Store" shall mean the use of land or the occupancy of a building or structure for the purposes of selling, or offering for sale, goods, wares, or merchandise on an item basis, directly to the public and includes the storage or warehousing of those goods, wares and merchandise, and without limiting the generality of the foregoing also includes a dress shop and/or tailor's shop, but shall not include an eating establishment.~~
- 2016-04      *File No.: B-77-991*  
*To Define "Medical Marijuana and Cannabis Related Uses*  
*City of Belleville, County of Hastings*
- (139) "Retail Store" shall mean the use of land or the occupancy of a building or structure for the purposes of selling, or offering for sale, goods, wares, or merchandise on an item basis, directly to the public and includes the storage or warehousing of those goods, wares or merchandise, and without limiting the generality of the foregoing also includes a dress shop, millinery shop, bakery shop and/or tailor's shop, but shall not include an eating establishment, or any use otherwise defined or classified herein
- (139A) "Retailing Warehouse Outlet" shall mean the use of a building having an extensive floor area by one (1) business establishment for the purposes of selling or offering for sale goods, wares or merchandise of only one (1) specialized product or merchandise line on an item basis directly to the public and includes the storage or warehousing of those goods, wares or merchandise and nothing in the aforementioned shall mean to include a department store or an apparel store. Without limiting the aforementioned, any one of the following may be deemed a specialized product or merchandise line: hardware; computerware; office supplies that may include computerware; sportsware; furniture; motor vehicle parts; or garden and nursery and/or craft products.  
(3129-95)
- (140) "Rental Outlet" shall mean the use of land or the occupancy of a building or a part of a building or structure where articles or equipment of a primarily commercial or industrial nature are offered for rent, lease or hire under agreement for compensation.  
(3129-95)
- (141) "Salvage Yards" shall mean the use of any land, building or structure for the handling of goods, wares, or materials for the purpose of salvage, re-use, or other similar purpose . Without limiting the generality of the foregoing, "salvage yard" shall include the handling of wastepaper, rags, bottles, bicycles, old metal, automobile tires and parts, but shall not

include a "wrecking yard".  
(3129-95)

- (142) "Senior citizens Housing" shall mean any home for Senior Citizens sponsored and administered by any public agency or any service club, church or other non- profit organization, either of which obtains its financing from Federal, Provincial or Municipal Governments or agencies, or by public subscription or donation, or by any combination thereof, and such homes shall include auxiliary uses such as club and lounge facilities, usually associated with Senior Citizens development .
- (143) "Service Shop" shall mean a building or part of a building where personal services are provided such as a barber shop, a beauty salon, a shoe repair shop and/or other similar services .
- (144) "Shopping Centre" shall mean a group of commercial establishments conceived, designed and developed as a unit, in accordance with the provisions of this By-Law and related in location, size and type to the surrounding trade area which it services, as opposed to a business area comprising unrelated individual commercial establishments.
- (145) "Side Yard" shall mean a yard extending from the front yard to the rear yard between the side lot line and the nearest part of the building or structure on the lot.
- (146) "Side Yard, Interior" shall mean any side yard other than an outside side yard.
- (147) "Side Yard, outside" shall mean the side yard of a corner lot extending from the front yard to the rear yard between the flanking street line and the nearest part of the building or structure on the corner lot.
- (148) "Side Yard, Width" shall mean the minimum horizontal distance between the side lot line and the nearest part of the building or structure on the lot.
- (149) "Sign" shall mean a board, screen or structure having characters, letters, or illustrations applied thereto or displayed thereon in any manner, which shall include the posted or painted advertisements or notices on a building or structure.
- (150) "Special Care Residential Building" shall mean a residential building for the accommodation of Senior Citizens wherein special care in the form of meal preparation and serving, housekeeping and laundry services, and recreational facilities and leisure services, is provided for the residents.  
(2831-91)

- (151) ~~"Storey" shall mean that portion of a building other than a basement included between the surface of any floor and the surface of the floor, roof, deck or ridge next above it, but shall exclude an unfurnished attic.~~

2016-85      *File No.: B-77-1001*  
*To Define "Storey"*  
*City of Belleville, County of Hastings*

- (151) "Storey" shall mean that portion of a building other than a *cellar* included between the surface of any floor and the surface of the floor, roof, deck or ridge next above it, but shall exclude an unfinished attic.
- (152) "Street" shall mean a public thoroughfare under the jurisdiction of either the Corporation, other pertinent municipal Corporation, the County of Hastings, or the Province of Ontario, but shall not include a lane or private right of way, and street allowance shall have a corresponding meaning.  
(3129-95)
- (153) "Street - Improved" shall mean a street, as defined herein which has been constructed in such a manner as to permit the year round use by normal vehicular traffic, and which has been assumed by the appropriate Public Authority.
- (154) "Street Line" shall mean the side limit of a street.
- (155) "Structure" shall mean any material object or work erected as a unit or constructed or put together of connected or dependent parts or elements, whether located under, on and/or above the surface of the ground.  
2016-85      *File No.: B-77-1001*  
*To Define "Structure"*  
*City of Belleville, County of Hastings*
- (155) "Structure" shall mean any material object or work erected as a unit or constructed or put together of connected or dependent parts or elements, whether located, under, on and/or above the surface or the ground, but shall not include unitary equipment as defined herein.
- (156) "Swimming Pool" shall mean an artificial body of water constructed of cement, plastic, fiberglass or similar material, having a depth greater than one (1) metre and intended primarily for swimming, bathing, wading and diving.
- (157) This section deleted.  
(3129-95)
- (158) "Township" shall mean the Corporation of the Township of Sidney.



- (159) "Tourist camp" shall mean any parcel of land which is used to provide temporary accommodation for the public, in tents and/or recreational vehicles whether or not a fee is charged or paid for such accommodation.
- (160) "Tourist Establishment" shall mean a building designed for the temporary accommodation of the travelling or vacational public and includes a tourist home, lodge, motel, hotel, or similar accommodation.
- (161) "Truck and/or Transportation Terminal" shall mean land, or a building or structure where trucks and/or tractor trailers and/or buses are kept for hire, rental and/or lease, and/or stored, and/or parked for remuneration, and/or from which trucks and/or tractor trailers are dispatched for hire as common carriers and/or buses are dispatched.  
(2795-90)
- (161A) "Truck Trailer Box" shall mean any vehicle or structure so constructed that it is suitable for being attached to a motor vehicle and is capable of being used for transporting goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.  
(2002-62)
- (162) "Trade School" shall mean a public school, private school or commercial school where the course of instruction relates primarily to industrial arts and vocational and technical subjects, with or without the accessory retail or wholesale of articles manufactured on the premises or the supplying of non-personal services or crafts to the public in a manner of a service trade or a repair shop, provided such articles, services or crafts are directly related to a course of instruction conducted by the said school.  
(2991-93)
- (163) "Undertaking Establishment" shall mean a building, or portion of a building, designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for interment or cremation.

2016-85      *File No.: B-77-1001*  
*To Define "Unitary Equipment"*  
*City of Belleville, County of Hastings*

(163a)"Unitary Equipment" shall include central air conditioning units, heat pumps, swimming pool filters, and domestic fuel tanks.

- (164) "Use (when used as a verb) " shall mean the doing or permitting of anything by the owner on any land, building, or structure, directly or

indirectly or by or through any servant or agent acting for or with the knowledge and consent of such owner, for the purpose of making use of or occupying the said land, building or structure .

- (165) "Use (when which used as a noun)" shall mean the purpose for which either land or a building or structure is arranged, designed or intended or for which either land or a building or structure is or may be occupied.
- (166) "Use - Main" shall mean the main purpose for which:
- a) the main building or structure is used;
  - b) the lot or parcel is used in the case there is no building or structure erected on the lot.
- (167) "Vehicle" shall mean a motor vehicle trailer, traction engine, farm tractor, road building machine, and any vehicle drawn, propelled and/or driven by any kind of power, including muscular power, but not including the cars of electric or steam railways running only upon rails.
- (168) "Vehicle Weight" shall mean the weight of a commercial vehicle as listed by the manufacturer.
- (169) "Warehouse Storage" shall mean a building or structure used for the storage and/or distribution of goods, wares, merchandise, articles, and/or things, but does not include any salvage operation or a bulk storage yard or truck and/or transport terminal.
- (170) "Waste Disposal Area" shall mean any parcel of land upon which, or building or structure in which waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste, and shall include a sanitary landfill site, a sewage treatment plant and a sewage lagoon.
- (170A)"Waterbody" shall mean to include a lake and "lake" shall have a corresponding meaning to "waterbody". Without limiting the aforementioned, "waterbody" shall mean to include "Oak Lake" and the "Bay of Quinte".(3129-95)
- (171) "Watercourse" shall mean creek, river and/or drainage ditch excluding minor farm related drainage ditches ot having a continuous flow of water, municipal ditches and street side ditches, usually having a defined channel with a bed and visible confining banks and a flow for a sufficient time to give it a conspicuous presence or substantial existence.  
(3129-95) (3246-96)
- (172) "Wayside Pit" or "Wayside Quarry" shall mean a temporary pit or quarry

opened and used by or on behalf of a public authority solely for the purpose of a particular project or contract of road construction and not located on the road right of way.

(173) "Wholesale Business" shall mean the use of land or the occupancy of a building and/or structure, for the purpose of selling, and/or offering for sale, goods, wares and/or merchandise on a wholesale basis, and includes the storage or warehousing of those goods, wares and/or merchandise.

(174) "Workshop" shall mean that portion of a building or structure used for the servicing and/or repairing of goods and/or merchandise of a type which is sold from the premises of which the workshop is a part .

"Wrecking Yards" shall mean the use of any land, building or structure for the storage of used motor vehicles or any part or parts thereof for the purpose of wrecking, dismantling, or salvaging same for sale or other similar purpose but shall not include a "salvage yard".

(3129-95)

(175) "Yard" shall mean any open, uncovered, unoccupied space appurtenant to a building, except as specified in Part c, Section 12.

(176) "Zone" shall mean an area of land for which a specific land use is designated by this By-Law.

(177) "Zoning Map" shall mean the maps which illustrate zones and which form part of this By-Law, or any amendment thereto.

**PART B - GENERAL PROVISIONS**

**ADMINISTRATIVE**

1. ADMINISTRATION

- (1) This By-Law shall be administered by a person designated from time to time by the Council as the Zoning Administrator.
- (2) Where land is proposed to be used or a building or structure is proposed to be erected or used in violation of this By-Law:
  - a) No permit for the use of the land or for the erection of use of the building or structure shall be issued;
  - b) No certificate of occupancy for change of use shall be issued; and
  - c) No municipal license shall be issued.
- (3) A person who wishes this By-Law amended may apply to the Council setting out the desired amendment, and shall address the application to the Planning Department. The application shall include appropriate site plans showing proposed use, setback, location of parking areas, location of entrance and exit driveways, et cetera.  
(3129-95)
- (4) It shall be unlawful to use any building or structure, or a part thereof, hereafter erected or altered, or change the type of use of any land, building or structure or part thereof, until an official certificate of occupancy has been issued by the Zoning Administrator certifying that such use conforms to the provisions of this By-Law, but no such certificate shall be refused if the proposed use is permitted by this By-Law.
- (5) The Zoning Administrator, or any employee of the Township of Sidney acting under his direction, is hereby authorized to enter, during business hours, upon any property or premises for the purpose of carrying out his duties under this By-Law.
- (6) The Zoning Administrator of this By-Law may designate either street line of a through lot as the front lot line.
- (7) In the event of conflict between this By-Law and any general or special by-law, the most restrictive By-law shall prevail.
- (8) It shall be unlawful to use any part of a dwelling or a dwelling unit for a

home occupation, rural home occupation or an office for a professional person or change the type of such a use unless a licence has been issued by the Zoning Administrator, certifying that the home occupation, rural home occupation or office for a professional person use conforms to the provisions of this By-Law. Such licence shall be valid for one year, is not transferrable and may be renewable thereafter.

(3129-95)

- (9) In addition to the requirements of The Building Code, every application for a building permit shall be accompanied by plans, in duplicate, drawn to a scale, based upon an actual survey by an Ontario Land surveyor, (except for a parcel of land located in an A1 or A2 Zone), showing the true shape and dimension of the lot to be used, or upon which it is proposed to erect any building or structure and showing the proposed location, height and dimensions of the building or structure or work, in respect of which the permit is applied for, and the location of every building or structure already erected on or partly on such a lot, together with a block plan, and a statement signed by the owner or his agent duly authorized thereunto in writing filed with the Zoning Administrator, which statement shall set forth in detail the current and intended use of each building and structure, or part thereof, the sanitary facilities available, satisfactory storm water management facilities and all information necessary to determine whether or not every such building conforms with the aforesaid requirements of this By-Law.  
(3129-95)
- (10) Scale drawings shall be submitted with the application for the building permit showing the location of all parking spaces, entrances and exits to such parking areas.
- (11) The lot and proposed location of every building or structure thereon shall be staked out on the ground before construction is started; and the lack of a land survey or an error in staking does not relieve any person from liability for not complying with the requirements of this By-Law.
- (12) No person shall use land or erect or use a building or structure for the storage of naphtha, gasoline, dynamite, dualin, nitroglycerine or gun power, petroleum or other dangerous or combustible, inflammable or explosive substances except in accordance with all provisions of this By-Law and provided that the handling and storage of such substances are in accordance with all Federal and Provincial statutes and regulations governing the handling and storage of such substances.
- (13) Notwithstanding the provisions of Subsection (12), where dangerous or combustible inflammable or explosive substances referred to in this Subsection (12) above are an incidental but integral part of a

manufacturing or farming operation such substances may be used and stored on the premises of an industrial or farming operation subject to all other provisions of this By-Law and provided that the handling and storage of such substances are in accordance with all other statutes and regulations governing the handling and storage of such substances.

- (14) No person shall use land or erect or use a building or structure in the defined area for any purpose which from its nature of the material used therein is, under the Health Protection and Promotion Act or regulations thereunder, declared to be a noxious trade, business or manufacture. (3129-95)
- (15) Notwithstanding anything herein contained in this By-Law to the contrary, no person shall erect any building or structure or use any lot in any zone for any purpose, other than a non-residential building or structure accessory to a permitted farm, unless the lot on which such building or structure is to be located has frontage on an improved street which abuts said lot and unless the appropriate public authority has issued an entrance permit to provide access for vehicular traffic in the form of an unobstructed driveway from such lot to the improved street which abuts said lot.

This provision shall not apply to a lot in a registered plan of subdivision where:

- a) subdivision agreement between the owner of the subdivision lands and the corporation has been entered into after the 1st day of January, 1986, and has been registered against the title of the said lot at the Registry Office for the County of Hastings; and
- b) there is no outstanding default with respect to any of the provisions of the said subdivision agreement; and
- c) the said subdivision agreement includes an obligation on the part of the owner to construct all streets in the subdivision to the standards prescribed by the Corporation; and
- d) the Corporation has in its possession security in the form of either a letter of credit or performance bond only and such security is in an amount sufficient to cover the full cost of constructing all streets in the subdivision to the standards prescribed by the Corporation. (2271-86)
- (16) a) Notwithstanding any other provision of this By-Law except as otherwise provided by specific exception to this provision, nothing shall prevent the erection of a permitted single detached dwelling on an existing lot in a Residential Zone which has insufficient lot frontage or

- lot area provided all other provisions of this By-Law are complied with.
- b) Where an existing detached single detached dwelling is located on a lot in a residential zone or an existing dwelling is located on an SR zoned lot such an existing dwelling and lot shall be deemed to comply with all requirements of this By-Law.  
(3129-95)
- (17) Except as otherwise provided in this By-Law on a corner lot, the side yard requirement along the outside side lot line shall not be less than the front yard requirement for the zone in which such corner lot is situated.
- (18) Except as otherwise provided in this By-Law, no person shall hereafter erect or use in whole or in part, any main building for any purpose unless serviced by and connected to:
- a) an adequate well water system;
  - b) a private sewage disposal system approved by the Minister of Environment and Energy and/or its agents;
  - c) an improved street;
  - d) an adequate electric supply approved by the appropriate authority, and/or an adequate Natural Gas Supply;
  - e) notwithstanding Part B, Section 1(18)b) of this By-Law, main buildings on lands shown on Schedule B may be permitted to be serviced by and connected to an adequate public sewage disposal (municipal sanitary sewer) system of a design and at a location satisfactory to the Ministry of Environment and Energy and the Municipality, and subject to an agreement satisfactory to the Municipality setting out the basis of the subject system's design, operation and maintenance .  
(2991-93) (3129-95)
- ~~(19) Where a lot adjoins a boundary line of two different zones, any side yard or rear yard which is directly adjacent to the said boundary line in the least restricted zone shall be increased in minimum width or depth to the average of the required minimum width or depth of such yards in the two different zones.  
(2016-85 deleted item 19)~~
- (20) No development shall take place on any parcel of land designated as a "Site Plan Control Area" in the "Site Plan Control By-Law" unless the Council of the Corporation has approved such plans and drawings required under the provisions of the "Site Plan Control By-Law".

### 2. USE PRIOR TO THE BY-LAW AND ALIENATION OF LAND

- (1) Nothing in this By-Law shall apply:
  - a) to prevent the use or maintenance of any land, building or structure for any purpose prohibited by the By-Law if such land, building or structure was lawfully used for such purpose on the day of passing of the By-Law, so long as it continues to be used for that purpose;
  - b) to prevent the erection, maintenance or use for a purpose prohibited by the By-Law of any building or structure the plans of which have, prior to the day of passing of the By-Law, been approved by the Chief Building Official, so long as the building or structure when erected is used and continues to be used for the purpose for which it was erected and provided the erection of such building or structure is commenced within two (2) years after the day of the passing of the By-Law and such building or structure is completed within a reasonable time after the erection thereof is commenced.
- (2)
  - a) Nothing in the By-Law shall prevent the strengthening or restoration to a safe condition of any non-conforming building or structure, provided such restoration or repair does not increase the height or size or change the use of such building or structure, unless such change in use is in conformity with the provisions of the zone in which such use is located.
  - c) A building destroyed by fire, or any other Act of God, may be restored and reconstructed on the same lot provided the yards existing at the time prior to the destruction are maintained, or are not reduced to a depth lesser than required by this By-Law.
- (3) Notwithstanding anything in this By-Law, no person shall reduce any lot in area, either by conveyance or other alienation of title of any portion thereof so that the area covered by buildings or structures on the lot exceeds the maximum permitted by this By-Law, or the yards provided are less than the minimum permitted by this By-Law, for the zone in which the lot is situated. However, no person shall be deemed to have contravened any provision of this By-Law by reason of the fact that any part or parts of any lot has or have been conveyed to or acquired by any Public Authority.
- (4) Group home facilities existing on the date the By-Law comes into effect and which meet Provincial standards but do not comply with the By-Law definition or separation distance requirements will be allowed to continue operating as legal non-conforming uses. These facilities will not be permitted to expand their operations beyond what existed on the date the Zoning By-Law came into effect, without Township approval.  
(2460-86)



- (5) Nothing in the By-Law shall prohibit a second dwelling unit as a permitted use within a permitted detached single detached dwelling, semi-detached dwelling or horizontal multiple attached dwelling in any RI, R2, R2S, R3 and R4S zones provided the single detached dwelling, semi-detached dwelling or horizontal multiple attached dwelling complies with all other applicable provisions of the zone in which they are located and all applicable Provincial statutes and regulations .  
(3129-95)

### 3. EXTERNAL DESIGN AND CHARACTER OF BUILDINGS

- (1) All buildings or structures hereafter erected shall have the roofs and outside walls finished with suitable material recognized as an outside cladding material.
- (2) No person shall erect on lots in any block within a single detached, semi-detached and/or duplex dwelling project, dwellings, more than twenty percent (20%) of which are alike in external design, with respect to size and location of doors, windows and projecting balconies.
- (3) In a residential development no more than three (3) dwellings alike in external design shall be built upon adjoining lots that front on the same street.
- (4) Where this By-Law permits land to be used and buildings and structures to be erected thereon in compliance with provisions respecting external appearance of buildings, yards, parking and loading spaces, landscaping and erecting of signs, those things required by the provisions shall be hereafter maintained.

### 4. VIOLATIONS AND PENALTIES

- (1) Every person who uses any land, building or structure in a manner contrary to the requirements of this By-Law, or who causes or permits such use, or who contravenes any provision of this By-Law or causes or permits a violation, and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on a first conviction is liable to a fine of not more than \$25,000.00 and on a subsequent conviction is liable to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.  
(3129-95)
- (2) Where a corporation is convicted under subparagraph 1 above, the maximum penalty that may be imposed is:

## PART B – GENERAL PROVISIONS - ADMINISTRATIVE

- (a) on a first conviction, a fine of not more than \$50,000.00 and
- (b) on a subsequent conviction, a fine of not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day upon which the corporation was first convicted.  
(3129-95)

- (3) Where a conviction is entered under subparagraph 1 above, in addition to any other remedy or penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make and order prohibiting the continuation or repetition of the offence by the person.  
(3129-95)

- (4) The foregoing provisions shall be in addition to any other remedy or penalty provided by by-law and any contravention may be restrained by action at the instance of the Township or any ratepayer of the Township.  
(3129-95)

### 5. REPEAL

- (1) The following By-Laws of the Township of Sidney are hereby repealed: 1372; 1429; 1652; 1735, as amended; 2032-79.

### 6. VALIDITY

- (1) If any provision or requirement of this By-Law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-Law or the application of such provision or requirement to all persons other than those to whom it was held to be invalid or unenforceable, shall not be affected thereby, it being the intention of Council that each provision and requirement of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.  
(3129-95)

### 7. EFFECTIVE DATE

- (1) This By-Law shall come into force and take effect upon the final passing thereof by the council.  
(3129-95)

**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.

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- (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>
<p>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.</p> <p>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)</p>	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

- |    |   |   |
|----|---|---|
| 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.   | <ul style="list-style-type: none"> <li>a) Where the manufacturing or industrial undertaking is operated by non-shift employees:               <ul style="list-style-type: none"> <li>i. 1 parking space for each employee; plus</li> <li>ii. 1 parking space for each company vehicle; plus</li> <li>iii. 1 parking space for each 900 square metres of gross floor area or part thereof.</li> </ul> </li> <li>b) Where the manufacturing or industrial undertaking is largely operated by employees working in shifts:               <ul style="list-style-type: none"> <li>i. 1 parking space for every 1.5 employees on combined employment of the two largest shifts; plus</li> <li>ii. 1 parking space for each non shift employee; plus</li> <li>iii. 1 parking space for each company vehicle.</li> </ul> </li> </ul> |
| 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 m<sup>2</sup> 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 m<sup>2</sup> 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.

### PART D – R1 - RESIDENTIAL ZONE

The following provisions shall apply to the use of land and the construction of buildings in all R1 Zones subject to the general provisions under Part B and Part C of this By-Law.

#### 1. PERMITTED USES

- (1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes :
  - (a) Main Use
    - (i) a single detached dwelling.
    - (ii) a group home in a permitted single detached dwelling.  
(2460-86) (3129-95)
  - (b) Accessory Uses, Buildings or Structures
    - (i) Any use, building or structure, which is subordinate and customarily incidental to a main use.
    - (ii) A home occupation.
    - (iii) An office for a professional person.

#### 2. ZONE REQUIREMENTS

- (1) Lot Frontage (minimum): 22.5 metres
- (2) Front Lot Line (minimum): 21.0 metres
- (3) Lot Area (minimum): 743 square metres
- (4) Front Yard Depth (minimum): 7.5 metres
- (5) Rear Yard Depth (minimum): 7.5 metres
- (6) Interior Side Yard Width (minimum)
  - (a) one side: 1.2 metres
  - (b) other side: 3.6 metres except with an attached garage or carport same as Section 2.(6)(a) above
- (7) Outside Side Yard (minimum): 4.5 metres

- (8) Gross Floor Area (minimum): as per the Ontario Building Code (3129-95)
- (9) Lot Coverage (maximum): 35 percent
- (10) Building Height (maximum): 10.5 metres

### 3. MINIMUM PUBLIC UTILITIES

- (1) Any main building shall be serviced by and connected to:
  - (a) an adequate municipal water supply system.
  - (b) an adequate municipal sanitary sewer system.

### 4. FOR ACCESSORY USES, BUILDINGS OR STRUCTURES PROVISIONS

See Part C, Section 7 .

### 5. FOR HOME OCCUPATION PROVISIONS

See Part C, Section 8.

### 6. FOR OFFICE FOR A PROFESSIONAL PERSON PROVISIONS

See Part C, Section 10.

### 7. FOR OFF STREET PARKING PROVISIONS

See Part C, Section 15 and 16.

### 8. SPECIAL PROVISIONS

- (1) This section deleted.  
(3129-95)



### PART E - R2 - RESIDENTIAL ZONE

The following provisions shall apply to the use of land and the construction of buildings in all R2 Zones subject to the general provisions under Part B and Part C of this By-Law.

#### 1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

##### (a) Main Use

- (i) a single detached dwelling
- (ii) a group home in a permitted single detached dwelling. (2460-86)

##### (b) Accessory Uses, Buildings or Structures

- (i) Any use, building or structure which is subordinate and customarily incidental to a main use.
- (ii) A home occupation.
- (iii) An office for a professional person.

#### 2. ZONE REQUIREMENTS

- (1) Lot Frontage (minimum): 15 metres
- (2) Front Lot Line (minimum): 13.5 metres
- (3) Lot Area (minimum): 464.5 square metres
- (4) Front Yard Depth (minimum): 7.5 metres
- (5) Rear Yard Depth (minimum): 7.5 metres
- (6) Interior Side Yard Depth (minimum)
  - (a) one side: 1.2 metres
  - (b) other side: 3.5 metres except with an attached garage or carport same as Section 2. (6)(a) above
- (7) Outside Side Yard (minimum): 4.5 metres

- (8) Gross Floor Area (minimum): as per the Ontario Building Code (3129-95)
- (9) Lot Coverage (maximum): 35 percent
- (10) Building Height (maximum): 10.5 metres

### 3. MINIMUM PUBLIC UTILITIES

- (1) Any main building shall be serviced by and connected to:
  - (a) an adequate municipal water supply system.
  - (b) an adequate municipal sanitary sewer system.

### 4. FOR ACCESSORY USES, BUILDINGS OR STRUCTURES PROVISIONS

See Part C, Section 7.

### 5. FOR HOME OCCUPATION PROVISIONS

See Part C, Section 8.

### 6. FOR OFFICE FOR A PROFESSIONAL PERSON PROVISIONS

See Part C, Section 10.

### 7. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

### 8. SPECIAL PROVISIONS

- (1) (a) Notwithstanding the provisions of Section I(1) of this Part E, within the area zoned R2-1-H no person shall use any land, building or structure for any purpose whatsoever except for the use that existed on the 17th day of February, 1986, subject to the provisions of Paragraph 8 (1c) below.  
(2446-86)
- (b) The Holding Symbol "H" may be removed from the R2-1-H zone by Council for the corporation of the Township of Sidney by an amending by-law in accordance with the provisions of Section 35 of the Planning Act, 1983, PROVIDED THAT the Holding Symbol "H" shall not be removed until the following governmental bodies have been satisfied, which requirements deal with the proper development of the lands

## PART E – R2 - RESIDENTIAL ZONE

within the area zoned R2-1-H having regard to the health and safety of the present residents of the Township and the City of Belleville and the future inhabitants of the said lands:

(i) The City of Belleville with respect to sanitary sewer services .  
(2446-86)

(c) Upon the removal of the said Holding Symbol "H" by an amending by-law any person may use land and erect, occupy and maintain buildings and structures on land within the area zoned R2-1-H for single detached dwelling purposes and any use, building or structure which is subordinate and customarily incidental to a permitted dwelling, subject to the general provisions under Part B and C of By-Law 2076-80 and the zone requirements of Part E of the said By-Law 2076-80.  
(2446-86) (3129-95)

### 8. SPECIAL PROVISIONS

2001-123     *B-77-673*  
*Part of Lot 20, Registered Plan No. 198, Part of Lot 34, Concession 1,*  
*Formerly Township of Sidney, Now City of Belleville, County of Hastings*

(2) Notwithstanding the requirements of Subsection 2(2)(4) of this Part E, within the area zoned R2 - 2, the following shall apply:

Front lot line (minimum): 10.9 m.  
Front yard depth (minimum): 6.0 m.

2005-17     *B-77-766*  
*Part of Lot 35, Concession 1,*  
*Formerly Township of Sidney, Now City of Belleville, County of Hastings*

(3) Notwithstanding the provisions of Sections 2(4) and 2(9) of this Part E, within the area zoned R2-3 the following provisions shall apply:

Front Yard Depth (minimum): 6.0 m  
Lot Coverage - single storey only (maximum): 37%

**PART E-1 – R2S - SPECIAL RESIDENTIAL ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all R2S zones subject to the general provisions under Part B and Part C of this By-Law.

1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures therein for any of the following purposes:

(a) Main Use

- (i) a single detached dwelling (3129-95)
- (ii) a semi-detached dwelling
- (iii) a duplex dwelling
- (iv) a triplex dwelling
- (v) a group home in a permitted single detached dwelling

(b) Accessory Uses, Buildings and Structures

- (i) any use, building or structure which is subordinate and customarily incidental to a main use
- (ii) a home occupation in a single detached dwelling or semi-detached dwelling unit
- (iii) an office for a professional person in a single detached dwelling or semi-detached dwelling unit (3129-95)

2. ZONE REQUIREMENTS

(1) Lot Frontage (minimum)

- (a) single detached dwelling: 15.0 metres
- (b) semi-detached dwelling: 18.0 metres
- (c) duplex dwelling: 18.0 metres
- (d) triplex dwelling: 22.5 metres (3129-95)

- (2) Front Lot Line (minimum)
  - (a) single detached dwelling: 13.5 metres
  - (b) semi-detached dwelling: 16.5 metres
  - (c) duplex dwelling: 16.5 metres
  - (d) triplex dwelling: 21.5 metres  
(3129-95)
- (3) Lot Area (minimum)
  - (a) single detached dwelling: 660 square metres
  - (b) semi-detached dwelling: 660 square metres
  - (c) duplex dwelling: 660 square metres
  - (d) triplex dwelling: 930 square metres  
(3129-95)
- (4) Front Yard Depth (minimum): 7.5 metres
- (5) Rear Yard Depth (minimum): 7.5 metres
- (6) Interior Side Yard Depth (minimum)
  - (a) single detached dwelling (3129-95)
    - (i) one side: 1.2 metres
    - (ii) other side: 3.5 metres except with an attached garage or carport then 1.2 metres
  - (b) semi-detached dwelling
    - (i) one side: 1.2 metres
    - (ii) other side: 3.5 metres except with an attached garage or carport then 1.2 metres
  - (c) duplex dwelling: 3.5 metres
- (7) outside Side Yard Depth (minimum): 4.5 metres

- (8) Lot Coverage (maximum): 35 percent
- (9) Density (maximum): within that area of a registered plan of subdivision zoned R2 S the density shall not exceed 15 dwelling units per net hectare
- (10) Building Height (maximum)
  - (a) single detached dwelling: 10.5 metres
  - (b) semi-detached dwelling: 10.5 metres
  - (c) duplex dwelling: 10.5 metres
  - (d) triplex dwelling: 12.0 metres  
(3129-95)
- (11) Special Provisions – Semi-detached dwelling units

Notwithstanding Sections 2 (1) (b), 2 (2) (b), 2 (3) (b) and 2 (6)(b) of this Part E-1, the following shall apply to a semi detached dwelling:

  - (i) minimum lot frontage per dwelling unit: 9.0 metres
  - (ii) minimum front lot line per dwelling unit: 8.0 metres
  - (iii) minimum lot area per dwelling unit: 330 square metres
  - (iv) minimum interior side yard measured at a vertical common wall: 0.0 metres
- (12) Main Buildings

More than one (1) main building shall be permitted on a lot for a duplex dwelling or a triplex dwelling use provided each main building will be in conformity with all other requirements of this By-Law.  
(3129-95)

### 3. MINIMUM PUBLIC UTILITIES

- (1) Any main building shall be serviced by and connected to:
  - (a) an adequate municipal water supply system; and
  - (b) an adequate municipal sanitary sewer system.

4. FOR ACCESSORY USES, BUILDINGS OR STRUCTURE PROVISIONS

See Part C, Section 7.

5. FOR HOME OCCUPATION PROVISIONS

See Part C, Section 8.

6. FOR OFFICE FOR A PROFESSIONAL PERSON PROVISIONS

See Part C, Section 10.

7. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

8. HOLDING "H" SYMBOL

(1) Notwithstanding the requirements of Subsection 1(1) of this Part E-1, within the area zoned R2S-H, no person shall erect or occupy any building or structure or use any building, structure or land for any purposes, other than the use that existed on the first day of November, 1991. The Holding "H" symbol shall be removed from the lands zoned R2S-H in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990 provided that the following are addressed:

(a) that an adequate municipal water system and adequate municipal sanitary sewer system are available to service and connect to the main use on the lot or lots in question; and

(b) that a plan of subdivision is registered on lands zoned R2S-H in accordance with Planning Act, R.S.O. 1990.(2991-93)

## PART F - R3 RESIDENTIAL ZONE

The following provisions shall apply to the use of land and the construction of buildings in all R3 Zones subject to the general provisions under Part B and Part c of this By-Law.

### 1. PERMITTED USES

- (1) Any person may use land and erect, occupy and maintain buildings and structure thereon for any of the following purposes:
  - (a) Main Use
    - (i) a horizontal multiple attached dwelling.
  - (b) Accessory Uses, Buildings or Structures
    - (i) Any use, building or structure, which is subordinate and customarily incidental to a main use. (3129-95)

### 2. ZONE REQUIREMENTS

- (1) Lot Frontage (minimum): 75 metres
- (2) Lot Area (whichever is greater):
  - (a) Minimum: 930 square metres
  - (b) Minimum per type of dwelling unit:
    - (i) two bedroom: 185 square metres
    - (ii) three bedroom or more: 230 square metres
- (3) Minimum number of dwelling units in one main building: 3
- (4) Front Yard Depth (minimum): To the closest wall of any building on the lot 7.5 metres
- (5) Interior Side Yard Width and Rear Yard Depth (minimum)
  - (a) to a wall of a building which contains windows to habitable rooms: 3.5 metres



## PART F – R3 - RESIDENTIAL ZONE

- (b) to a wall of a building which contains no windows to habitable rooms:  
2.4 metres
- (6) Gross Floor Area (minimum per dwelling unit): as per the Ontario Building Code (3129-95)
- (7) Lot Coverage (maximum): 30 percent
- (8) Landscaped Area (minimum): 40 percent
- (9) Building Height (maximum): 10 metres or 3 storeys whichever is the lesser
- (10) Minimum distance between dwellings on lot
  - (a) Between two exterior walls, one of which contains windows to habitable rooms: 2.4 metres
  - (b) Between two exterior walls, both of which contain windows to habitable rooms: 7.5 metres
- (11) Main Buildings

More than one (1) main building shall be permitted on a lot provided each main building will be in conformity with all other requirements of this By-Law.  
(3129-95)

### 3. MINIMUM PUBLIC UTILITIES

- (1) Any main building shall be serviced by and connected to:
  - (a) an adequate municipal water supply system.
  - (b) an adequate municipal sanitary sewer system.

### 4. FOR ACCESSORY USES, BUILDINGS OR STRUCTURES PROVISIONS

See Part C, Section 7.

### 5. FOR OFF STREET PARKING PROVISIONS

See Part C, Section 15 and 16.

### 6. SPECIAL PROVISIONS

- (1) Notwithstanding the provisions of Section 3 of this Part F, within the area

## PART F – R3 - RESIDENTIAL ZONE

zoned R3-1 the provisions of Section 3 of this Part F shall not apply. The maximum number of dwelling units shall not exceed the existing number of dwelling units.

(3129-95)

- (2) Notwithstanding the provisions of Section 1(1) (a), 2 and 3(1)(b) of this Part F, those multiple dwelling unit residential uses existing at the date of the passing of this By-Law in that area zoned R3-2 shall be deemed to be permitted uses.

(2991-93)

2000-137

*B-77-652*

*(Part of Lot 20, Registered Plan No. 198*

*Formerly Township of Sidney, Now City of Belleville, County of Hastings*

- (3) Notwithstanding the provisions of Sub-Sections 2.(1), 2.(2), and 2.(3) of this Part F, within the area zoned R3 - 3 - H, the

Minimum Lot Frontage shall be: 6.0 m.

Minimum Lot Area shall be: 210 sq. m.

Minimum Interior Side Yard Width shall be: 3.0 m. except where adjacent to a common wall of a horizontal multiple attached dwelling where the side yard shall be reduced to nil.

Maximum number of dwelling units in one building shall be: 3

### 7. HOLDING 'H' SYMBOL

2000-137 B-77-652

*Part of Lot 20, Registered Plan No. 198*

*Formerly Township of Sidney, Now City of Belleville, County of Hastings*

- (1) Notwithstanding the requirements of Subsection 1(1) of this Part F, within the area zoned R3 - 3 - H, no person shall erect or occupy any building of structure or use any building, structure or land for any purposes, other than the use existing on the day of passing of this By-Law. The Holding 'H' symbol shall be removed from the lands zoned R3 - 3 - H in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990 provided that the following are addressed:

- (a) that an adequate municipal water system and adequate municipal sanitary sewer system are available to service and connect to the main use on the lot or lots.

## PART G - R4 RESIDENTIAL ZONE

The following provisions shall apply to the use of land and the construction of buildings in all R4 Zones subject to the general provisions under Part B and Part c of this By-Law.

### 1. PERMITTED USES

- (1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

- (a) Main Use

- (i) a double duplex building;
- (ii) one or more apartment dwellings.

- (b) Accessory Uses, Buildings or Structures

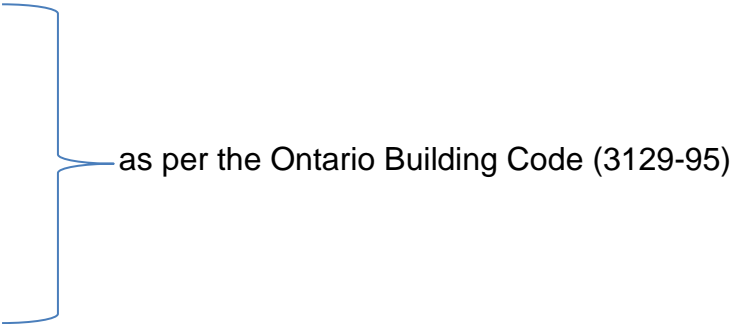
- (i) Any use, building or structure, which is subordinate and customarily incidental to a main use.

### 2. ZONE REQUIREMENTS for a double duplex dwelling

- (1) Lot Frontage (minimum): 22.5 metres
- (2) Front Lot Line (minimum): 21.5 metres
- (3) Lot Area (minimum): 930 square metres
- (4) Front Yard Depth (minimum): 7.5 metres
- (5) Rear Yard Depth (minimum): 7.5 metres
- (6) Interior Side Yard Width (minimum): 2.5 metres
- (7) Gross Floor Area (minimum per dwelling unit): as per the Ontario Building Code (3129-95)
- (8) Lot coverage (maximum): 35 percent
- (9) Building Height (maximum): 10.0 metres or 3 storeys whichever is the lesser

### 3. ZONE REQUIREMENTS for an apartment building

## PART G – R4 - RESIDENTIAL ZONE

- (1) Lot Frontage (minimum): 24.0 metres
- (2) Lot Area (per dwelling unit - minimum): 161.5 square metres
- (3) Front Yard Depth (minimum) Rear Yard Depth (minimum): 7.5 metres
- (4) Rear Yard Depth (minimum): 7.5 metres
- (5) Interior Side Yard Width (minimum) 3.0 metres or one half the height of the main building, which- ever is the greater
- (6) Gross Floor Area (minimum per dwelling unit)
  - (a) bachelor
  - (b) 1 bedroom
  - (c) 2 bedroom
  - (d) 3 bedroom
  - (e) 4 bedroom
  - (f) each additional bedroom: as per the Ontario Building Code

as per the Ontario Building Code (3129-95)
- (7) Lot coverage (maximum): 30 percent
- (8) Landscaped Area (minimum): 40 percent
- (9) Building Height (maximum): 10 metres or 3 storeys whichever is the lesser
- (10) Minimum distance between dwellings on the lot:
  - (a) between two exterior walls which contain no windows to habitable rooms: 3.0 metres
  - (b) between two exterior walls, one of which contains windows to habitable rooms: 9.0 metres
  - (c) between two exterior walls, both of which contain window to habitable rooms: 15.0 metres
- (11) Main Buildings

More than one (1) main building shall be permitted on a lot provided each main building will be in conformity with all other requirements of this By-Law. (3129-95)

### 4. MINIMUM PUBLIC UTILITIES

- (1) Any main building shall be serviced by and connected to:
  - (a) an adequate municipal water supply system.
  - (b) an adequate municipal sanitary sewer system.

### 5. FOR ACCESSORY USES, BUILDINGS OR STRUCTURES PROVISIONS

See Part C, Section 7.

### 6. FOR OFF STREET PARKING PROVISIONS

See Part C , Sections 15 and 16,

### 7. SPECIAL PROVISIONS

- (1) Notwithstanding the provisions of Sections 1(1)(a), 3 and 4(b) of this Part G, those multiple dwelling unit residential uses existing at the date of the passing of this By-Law in that area zoned R4-I shall be deemed to be permitted uses. (2991-93)
- (2) SECTION 2 DELETED BY QUINTE WEST BY-LAW 99-113 passed July 19, 1999

*File No: B-80-4-3*

*Part of Lot 34, Concession 1,*

*Former Township of Sidney, Now City of Belleville, County of Hastings*

Zone Requirements:

- (i) Maximum Number of Dwelling Units: 200
- (ii) Minimum Yard Depth Adjacent to a Railway: 30 metres for a main permitted use and 8.4 metres for an accessory use and 25 metres for an ancillary use
- (iii) Minimum Yard Depth Adjacent to the Bay: 15 metres from th 1 in 100 year flood line for the Bay of Quinte, and 15 metres from a tributary stream
- (iv) Interior side yard width (minimum): 10 metres for an apartment dwelling; 2.2 metres for other permitted uses
- (v) Gross Floor Area (minimum per dwelling unit): as per the Ontario Building Code

- (vi) Lot Coverage (maximum): 30%
- (vii) Building Height (maximum): for an apartment dwelling 6 storeys, for all other permitted uses, 3 storeys
- (viii) Landscaped Area (minimum): 40%
- (ix) Minimum Distance Between Buildings on a lot

### Apartment Dwellings

- between walls with no windows: 3.0 metres
- between walls with windows on one or more walls: 9.0 metres
- between an apartment dwelling and any other permitted use: 6.0 metres

### All other permitted uses

- between walls with or without windows: 2.4 metres

### (3) Off Street Parking Provision

The provisions of Part C, Section 16 (1) a), b), d) through f) and h) through j) shall apply, as well as the following:

- (i) for apartment dwellings, 0.9 parking spaces per dwelling unit;
- (ii) for other permitted dwellings, 2 parking spaces per dwelling unit;
- (iii) minimum width for a parking aisle leading to a parking space - 6.0 metres

**NOTE: THROUGH AMALGAMATION, IT IS NOTED THAT SPECIAL PROVISIONS NUMBER 4 HAS BEEN USED TWICE.**

- (3) Notwithstanding the provisions of Section 1 (1)a and 3(7) and (9) of Part G, any person may use land and erect, occupy and maintain buildings and structures on land within the area zoned R4-3 for the purpose of sixteen (16) dwelling units in an apartment complex and six (6) dwelling units in a horizontal multiple attached unit all of which is contained in one two storey building. (2464-86)

### (4) Holding Provisions

Within the area zoned R-4 - 4 - h Residential - Specialized Holding, no person shall erect or occupy any building or structure or use any building, structure, or land for any purposes, other than the use that existed on the day of passing of By-Law No. 200-37. The 'h' holding symbol may be removed from the R-4 - 4 - h zone in accordance with the provisions of

## PART G – R4 - RESIDENTIAL ZONE

Section 36 of the Planning Act, R.S.O. 1990, provided that all of the following are addressed:

- (i) the completion of an Archaeological Assessment to the satisfaction of the Ministry of Citizenship, Culture and Recreation and the City of Belleville;
- (ii) the completion of a Soil Study to the satisfaction of Quinte Conservation and the City of Belleville;
- (iii) the completion of a Noise and Vibration Study and Crossing/Crossing Signal Agreement to the satisfaction of the St. Lawrence and Hudson Railway (CPR) and the City of Belleville;
- (iv) the completion of a Site Servicing Study to the satisfaction of the City of Belleville;
- (v) the completion of a Stormwater Management Plan to the satisfaction of Quinte Conservation and the City of Belleville;
- (vi) the completion of an Environmental Report to the satisfaction of Quinte Conservation and the City of Belleville.

**NOTE: THROUGH AMALGAMATION, IT IS NOTED THAT SPECIAL PROVISIONS NUMBER 4 HAS BEEN USED THREE TIMES.**

QUINTE WEST BY-LAW 99-113 passed July 19, 1999

*File No: B-80-4-3*

*Part of Lot 34, Concession 1,*

*Former Township of Sidney, Now City of Belleville, County of Hastings*

- (4) Within the area zoned R4-4, the maximum number of dwelling units in the R4-4 zone shall not exceed eighty-seven (87).

2000-37

*File No: Kalnay*

*33 and 67 Kalnay Lane - Part of Lot 34, Concession Broken Front,*

*Former Township of Sidney, Now City of Belleville, County of Hastings*

- (4) (a) Notwithstanding the provisions of Sections 1, 2, 3 and 6 of this Part G, and the provisions of Sections 15 and 16 (1) c) and g) of Part C, and Section 2 (2) of Part Y and Section 13 (3) of Part C, within the area zoned R4 - 4, no person shall erect or occupy a building or structure or use any building or structure or land except in accordance with the following:
  - 1. Permitted Uses:
    - (i) Main Uses - one or more of the following:

## PART G – R4 - RESIDENTIAL ZONE

- single detached dwelling;
  - double duplex dwelling;
  - horizontal multiple attached dwelling;
  - apartment dwelling;
  - special care residential building
- (ii) Accessory Uses, Buildings or Structures Any use, building or structure which is subordinate and customarily incidental to a main use.
- (iii) Ancillary Uses  
Only uses, buildings or structures that are intended to provide ancillary service to the main uses permitted located on the same lot, including convenience store, eating establishment, service shop, professional office, park, day nursery and recreation use.
- (5) (a) Notwithstanding the provisions of Section 1(1)(a) of this Part G, within the area zoned R4-5 the following shall be deemed to be the only permitted main uses:
- i) 24 apartment units;
  - ii) 25 townhouse units;
  - iii) 100 bed nursing home.
- (b) Notwithstanding the provisions of Section 1(1)(a) and 7(5)(a) of this Part G, within the area zoned R4-5-H, no person shall erect or occupy any building or structure or use any building, structure or land for any purposes other than:
- i) 24 apartment units;
  - ii) 25 townhouse units.

The Holding "H" symbol shall be removed in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990, provided that a detailed site servicing report has been submitted for the 100 bed nursing home to the satisfaction of the City of Quinte West.



**PART G-1 - R4S - SPECIAL RESIDENTIAL ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all R4S zones subject to the general provisions under Part B and Part C of this By-Law.

1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures therein for any of the following purposes:

(a) Main Use

- (i) a triplex dwelling
- (ii) a horizontal multiple attached dwelling
- (iii) a double duplex dwelling
- (iv) one or more apartment dwellings

(b) Accessory Uses, Buildings or structures

- (i) any use, building or structure which is subordinate and customarily incidental to a main use

2. ZONE REQUIREMENTS FOR A TRIPLEX DWELLING

- (1) Lot Frontage (minimum): 22.5 metres
- (2) Front Lot Line (minimum): 21.5 metres
- (3) Lot Area (minimum): 930 square metres
- (4) Front Yard Depth (minimum): 7.5 metres
- (5) Rear Yard Depth (minimum): 7.5 metres
- (6) Interior Side Yard Depth (minimum): 3.5 metres
- (7) Outside Side Yard Depth (minimum): 4.5 metres
- (8) Lot Coverage (maximum): 35 percent
- (9) Building Height (maximum): 12.0 metres

3. ZONE REQUIREMENT S FOR A HORIZONTAL MULTIPLE ATTACHED DWELLING

- (1) Lot Frontage (minimum): 45.0 metres
- (2) Front Lot Line (minimum): 43.5 metres
- (3) Lot Area (minimum): 930 square metres
- (4) Minimum number of dwelling units in one building: 3
- (5) Front Yard Depth (minimum) To the closest wall of any building on the lot 7.5 metres (3129-95)
- (6) Interior Side Yard Width and Rear Yard Depth (minimum)
  - (a) to a wall of a building which contains windows to habitable rooms: 4.5 metres
  - (b) a wall of a building which contains no windows to habitable rooms: 3.5 metres
- (7) Lot Coverage (maximum): 30 percent
- (8) Landscaped Area (minimum): 40 percent
- (9) Building Height (maximum): 10.5 metres or 3 storeys whichever is the lesser
- (10) Minimum distance between dwellings on lot:
  - (a) Between two exterior walls, one of which contains windows to habitable rooms: 3.5 metres
  - (b) Between two exterior walls, both of which contain windows to habitable rooms: 7.5 metres

4. ZONE REQUIREMENTS FOR A DOUBLE DUPLEX DWELLING

- (1) Lot Frontage (minimum): 22.5 metres
- (2) Front Lot Line (minimum): 21.5 metres
- (3) Lot Area (minimum): 930 square metres
- (4) Front Yard Depth (minimum): 7.5 metres

- (5) Rear Yard Depth (minimum): 7.5 metres
- (6) Interior Side Yard Width (minimum): 3.5 metres
- (7) Outside Side Yard Depth (minimum): 4.5 metres
- (8) Lot Coverage (maximum): 35 percent
- (9) Building Height (maximum): 10.5 metres

5. ZONE REQUIREMENTS FOR AN APARTMENT DWELLING

- (1) Lot Frontage (minimum) 24.0 metres
- (2) Lot Area (per dwelling unit - minimum): 161.5 sq. metres
- (3) Front Yard Depth (minimum): 7.5 metres
- (4) Rear Yard Depth (minimum): 7.5 metres
- (5) Interior Side Yard Width (minimum): 3.5 metres or one half the height of the main building, whichever is the greater
- (6) Lot Coverage (maximum): 30 percent
- (7) Landscaped Area (minimum): 40 percent
- (8) Building Height (maximum): 13.5 metres or 4 storeys, whichever is the lesser
- (9) Minimum distance between dwellings on the lot:
  - (a) between two exterior walls which contain no windows to habitable rooms: 3.0 metres
  - (b) between two exterior walls, one of which contains windows to habitable rooms: 9.0 metres
  - (c) between two exterior walls, both of which contain window to habitable rooms: 15.0 metres

6. LANDSCAPED STRIP

- (1) A strip of land with a minimum depth of 1.5 metres shall be maintained as a landscaped area abutting any streetline (except for ingress and egress) and abutting any lot line abutting any SPR, R2S, CF or 01 zones.

7. MAXIMUM DENSITY AND NUMBER OF MAIN BUILDINGS

- (1) Within that area of a registered plan of subdivision zoned R4S, the density shall not exceed 30 dwelling units per net hectare. (3129-95)
- (2) More than one (1) main building shall be permitted on a lot provided each main building will be in conformity with all other requirements of this By-Law. (3129-95)

8. SPECIAL MAXIMUM YARD AND SETBACK PROVISIONS

See Part C, Section 13(1)c  
(3129-95)

9. MINIMUM PUBLIC UTILITIES

- (1) Any main building shall be serviced by and connected to:
  - (a) an adequate municipal water supply system; and
  - (b) an adequate municipal sanitary sewer system.

10. FOR ACCESSORY USES, BUILDINGS OR STRUCTURES PROVISIONS

See Part C, Section 7.

11. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

12. HOLDING "H" SYMBOL

- (1) Notwithstanding the requirements of Subsection 1 of this Part G-1, within the area zoned R4S-H, no person shall erect or occupy any building or structure or use any building, .structure or land for any purposes, other than the use that existed on the first day of November, 1991. The Holding "H" symbol shall be removed from the lands zoned R4S-H in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990 provided that the following are addressed:
  - (a) that an adequate municipal water system adequate municipal sanitary sewer system are available to service and connect to the main use on the lot or lots in question; and
  - (b) that a plan of subdivision is registered on the lands zoned R4S-H in accordance with the Planning Act, R.S.O. 1990. (2991-93)

### PART H – RMH - RESIDENTIAL MOBILE HOME ZONE

The following provisions shall apply to the use of land and the construction of buildings in all RMH Zones subject to the provisions under Part B and Part C of this By-Law and the Site Plans under Schedules E, F and G attached hereto.

#### 1. PERMITTED USES

- (1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:
  - (a) Main Use
    - (i) a Mobile Home Park.
  - (b) Accessory Uses, Buildings or Structures
    - (i) Any use, building or structure, which is subordinate and customarily incidental to the main use;
    - (ii) Home Occupation;
    - (iii) Mobile Home Sales Office and Sales Area including a display area for new and used mobile homes, which are located in an area specifically designated for such use as shown on Schedules E, F and G;
    - (iv) Mobile Home Park Service Commercial uses which serve a convenience function to the residents of the mobile home park and which may include retail stores and service shops and their accessory uses, buildings and structures, and which are located in an area of the Park specifically designated for their use as shown on Schedules E and G.

#### 2. ZONE REQUIREMENTS FOR A MOBILE HOME PARK

- (1) Lot Frontage (minimum): 91 metres
- (2) Lot Area (minimum): 4 hectares
- (3) Yard Width (minimum) adjacent to the Mobile Home Park boundary for the area shown on Schedules E, F, and G of this By-Law as "undeveloped area": 7.5 metres
- (4) Notwithstanding the yard definitions of Part A of this By-Law, where yards

required by this Part H about a mobile home park roadway, such roadway shall be deemed to be a street as defined, for the purposes of this Part H;

- (5) All roadways shall be paved and constructed in accordance with the standards of, and approved by the Corporation;
- (6) Minimum roadway width:
  - (a) one way traffic: 6 metres
  - (b) two way traffic: 7.3 metres
- (7) A minimum of 8 percent of the total Mobile Home Park area shall be used exclusively for park and recreation purposes . On the Mobile Home Park shown on Schedules E, F and G a "tot lot" or playground area of a minimum 0.3 hectares shall be provided;
- (8) Notwithstanding the provisions of Part C, Section 19 access from King's Highway No. 2 to the Mobile Home Park shown on Schedules E and F attached to this By-Law shall be restricted to those access driveways existing on the date of the passing of this By-Law.

### 3. ZONE REQUIREMENTS FOR MOBILE HOMES

- (1) Mobile Home Lot Frontage (minimum): 15 metres
- (2) (a) Mobile Home Lot Area (minimum): 464.5 square metres
  - (b) Notwithstanding the area requirement of Subsection (a) above, when redevelopment occurs in the area shown on Schedule G as 'Existing Builtup Area (Substandard) ', the minimum Mobile Home Lot Area for that substandard area shall be 418 square metres
- (3) Front Yard Depth (minimum): 4.5 metres
- (4) Rear Yard Depth (minimum): 3.0 metres
- (5) (a) Interior Side Yard Depth (minimum): 3.0 metres
  - (b) Notwithstanding the side yard provisions of subsection (a) above, the minimum interior side yard required for mobile homes located in the mobile home park shown on Schedule F and G attached hereto shall be:
    - 1.2 metres on one side and
    - 4.5 metres on the other side

- (c) outside Side Yard Depth (minimum): 4.5 metres
- (6) Gross floor Area (minimum) as per the Ontario Building Code
- (7) Height (maximum): 1 storey
- (8) All mobile homes shall be located on a mobile home lot when inhabited. No more than one (1) dwelling unit shall be located on each lot;
- (9) Adequate provision shall be made to support, secure and anchor mobile homes on each lot where the dwelling unit is to be placed;
- (10) Mobile homes shall be skirted. The skirting shall be vented and so designed and constructed as to not degrade the appearance of the mobile home;
- (11) All mobile homes to be located in a Mobile Home Park shall be certified by the Canadian Standards Association;
- (12) Pedestrian walkways shall be provided to each dwelling unit from a roadway or parking space connected to a roadway. Walkways shall be constructed of a hard surface material or of cinders or fine crushed stone.

#### 4. ZONE REQUIREMENTS FOR SERVICE BUILDINGS AND STRUCTURES

- (1) Minimum distance between a Service Building and a Mobile Home lot shall be: 12 metres
- (2) Minimum distance between a Service Building or Structure and a roadway and/or street: 4.5 metres

#### 5. ZONE REQUIREMENTS FOR SERVICE COMMERCIAL

- (1) Maximum area used for Service Commercial purposes: 1 hectare
- (2) Front Yard Depth (minimum): 7.5 metres
- (3) Rear Yard Depth (minimum): 7.5 metres
  - (a) If the rear yard abuts a mobile home lot the 1.5 metres abutting the rear lot line shall be maintained as a landscaped area
- (4) Side Yard Width (minimum): 3.0 metres
  - (a) If a side yard abuts a mobile home lot the 1.5 metres abutting the side

lot line shall be maintained as a landscaped area

(5) Height (maximum): 10.5 metres

(6) Accessory Buildings or Structures

(a) In addition to the provisions of Part C, Section 7, following requirements shall apply:

(1) Minimum Rear Yard and Minimum Side Yard: 1.2 metres where such yard abuts a commercial use or 4.5 metres where such yard abuts a non-commercial use

### 6. ZONE REQUIREMENTS FOR A MOBILE HOME SALES OFFICE AND DISPLAY AREA

(1) Maximum area used for Sales Office and Display Area: 2 hectares

(2) Front Yard Depth (minimum): 7.5 metres

(3) Rear Yard Depth (minimum): 7.5 metres

(a) If the rear yard abuts a mobile home lot the 1.5 metres abutting the rear lot line shall be maintained as a landscaped area

(4) Side Yard Width (minimum): 3.0 metres

(a) If the side yard abuts a mobile home lot the 1.5 metres abutting the side lot line shall be maintained as a landscaped area.

### 7. REQUIREMENTS FOR ACCESSORY USES, BUILDINGS AND STRUCTURES

(1) In addition to the provisions of Part C, Section 7, the following requirements shall apply:

(a) All heating oil storage tanks shall be placed at the rear of the mobile home.

### 8. FOR HOME OCCUPATION PROVISIONS

See Part C, section 8.

### 9. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.



### 10. UTILITY SERVICES

- (1) In addition to the provisions of Part B, Section 1. (18), the following requirements shall apply:
  - (a) No mobile home shall be located on a lot until such services have been satisfactorily provided to the lot and no unit shall be occupied until satisfactory servicing connections to the unit are installed.
  - (b) The Mobile Home Park shall be serviced by a storm drainage system which is approved by a qualified professional engineer prior to any development in the builtup or undeveloped portion of the Mobile Home Park.
  - (c) Notwithstanding the provisions of Subsection (b) above, if in the opinion of the Township Engineer no drainage problems are experienced in the Mobile Home Parks, shown on Schedules F and G attached hereto, and if council concurs with his opinion, no storm drainage system will be required to be constructed. However, culverts shall be constructed where necessary for proper surface drainage.

### 11. SPECIAL PROVISIONS

- (1) Notwithstanding the requirements of Section 3 of this Part H, the minimum requirements for mobile home lot frontage, area, yards, gross floor area, parking, landscaping and height for the mobile home lots located in the Mobile Home Parks shown as "Existing" on Schedules E, F and G, shall be as existing on the date of the passing of this By-Law.
- (2) Notwithstanding the requirements of Part C - Section 22 (1)(a), those requirements shall not apply to the area zoned RMH-1 as shown on Schedule B-1, and also shown on Schedule E as "Undeveloped Area (licenced for expansion) ". The RMH-1 zone shall not exceed 450 mobile home lots. (2688-81, 2991-93)
- (3) Notwithstanding the requirements of Part C - Section 22(1)a), those requirements shall not apply to the area zoned RMH-2. The RMH-2 zone shall not exceed 152 mobile home lots. (2634-89)
- (4) Notwithstanding the provisions of section 1(1) (a) (i) of this Part H, within the area zoned RMH-3, one single mobile home shall be permitted on a lot of 3403 square metres. (2603-88) (3129-95)
- (5) Notwithstanding the requirements of Part C – Section 22(1)a), those

## PART H – RMH - RESIDENTIAL MOBILE HOME ZONE

requirements shall not apply to the area zoned RMH-4. The RMH-4 zone shall not exceed 171 mobile home lots.  
(2991-93)

## PART I - RR RESIDENTIAL RURAL ZONE

The following provisions shall apply to the use of land and the construction of buildings in all RR Zones subject to the general provisions under Part B and Part C of this By-Law.

### 1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

(a) Main Use

(i) a single detached dwelling. (3129-95)

(ii) a group home in a permitted single detached dwelling. (2460-86)

(b) Accessory Uses, Buildings or structures

(i) Any use, building or structure which is subordinate and customarily incidental to the main use;

(ii) A home occupation;

(iii) An office for a professional person.

### 2. ZONE REQUIREMENTS

(1) Lot Frontage (minimum): 45 metres

(2) Lot Area (minimum): 4047 square metres

(3) Front Yard Depth (minimum): 7.5 metres

(4) Rear Yard Depth (minimum): 7.5 metres

(5) Interior Side Yard Width (minimum): 2.5 metres

(6) Building Height (maximum): 10.5 metres

### 3. FOR ACCESSORY USES, BUILDINGS OR STRUCTURES PROVISIONS

See Part C, Section 7.

## PART I - RR RESIDENTIAL RURAL ZONE

### 4. FOR HOME OCCUPATION PROVISIONS

See Part C, Section 8.

### 5. FOR OFFICE FOR A PROFESSIONAL PERSON PROVISIONS

See Part C, Section 10.

### 6. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

### 7. SPECIAL PROVISIONS

- (1) Where there is an existing dwelling located on a lot in an RR zone, such dwelling and lot shall be deemed to comply with all requirements of this By-Law.  
(3129-95)
- (2) Where there is an existing dwelling located on a lot in an RR zone, such dwelling may be extended, enlarged, improved and occupied, provided:
  - (a) the existing yards are not reduced in depth or width and where such yards are larger in depth or width than the minimum required by this By-Law, such yards may be reduced to the minimum yards required by this By-Law.  
(3129-95)
- (3) Notwithstanding the provisions of Section 1.(1) of this Part I, within the area zoned RR-1 the retail store located within the single detached dwelling as existing on the date of the passing of this By-Law shall be deemed to be a permitted use.  
(3129-95)
- (4) This Section deleted. (2991-93)
- (5) Notwithstanding the provisions of Section 1, ( 1) of this Part I, within the area zoned RR-3, the service and paint shop for boats as existing on the date of the passing of the By-Law, shall be deemed to be a permitted use.
- (6) This section deleted. (3129-95)
- (7) This section deleted. (3129-95)
- (8) This section deleted. (3129-95)

## PART I - RR RESIDENTIAL RURAL ZONE

- (9) This section deleted. (3129-95)
- (10) This section deleted. (3129-95)
- (11) This section deleted.(3129-95)
- (12) This section deleted. (3129-95)
- (13) This section deleted. (3129-95)
- (14) This section deleted. (3129-95)
- (15) This section deleted. (3129-95)
- (16) This section deleted. (3129-95)
- (17) This section deleted. (3129-95)
- (18) This section deleted. (3129-95)
- (19)
  - i) For the purposes of this Section 7(19), "the Plan" shall mean the draft plan of subdivision of Part of Lots 27 and 28, Concession B, Township of Sidney, prepared by Walter I. Watson, O.L.S., on the 9th day of April, 1985, as revised and described as Job Number 8522-5-85, a copy of which is attached to this By-Law as Appendix 2.
  - ii) Notwithstanding anything in By-Law 2076-80, as amended, to the contrary, in the area zoned RR-17:
    - (a) no residential dwelling unit shall be permitted within the Minimum Distance Separation arc line of 273 metres as prescribed by the Agricultural Code of Practice for Lots 1 to 4, inclusive and as illustrated on the Plan attached hereto as Appendix 2;
    - (b) no residential dwelling unit shall be permitted within the Minimum Distance Separation arc line of 451 metres as prescribed by the Agricultural Code of Practice for Lots 5 to 12, inclusive and as illustrated on the Plan attached hereto as Appendix 2; and
    - (c) no residential dwelling unit on Lots 12 and 13 on the Plan attached hereto as Appendix 2 shall be located closer than sixty metres (60 m) from the rear lot line. (2456-86)
- (20) This section deleted. (3129-95)
- (21) This section deleted.

## PART I - RR RESIDENTIAL RURAL ZONE

- (22) This section deleted. (3129-95)
- (23) This section deleted. (3129-95)
- (24) This section deleted. (3129-95)
- (25) This section deleted. (3129-95)
- (26) This section deleted. (3129-95)
- (27) This section deleted. (3129-95)
- (28) This section deleted. (3129-95)
- (29) This section deleted. (3129-95)
- (30) This section deleted. (3129-95)
- (31) Notwithstanding the requirements of Section 2 (1) and 2 (2) of this Part I, within the area zoned RR-29 the minimum lot frontage shall be 20 metres and the minimum lot area shall be 3,720 square metres.  
(3058-94)
- (32) This section deleted. (3129-95)
- (33) Notwithstanding the requirements of Section 2 and Section 3 of this Part I within the area zoned RR-31, no buildings, structures or private septic disposal systems shall be permitted to locate within 120 metres of a provincially significant wetland (Stirling Wetland) , except as may otherwise be permitted by the Ministry of Natural Resources and the Municipality. However, no yard required by Section 2 and section 3 of this Part I shall be reduced beyond the required yard minimum depth or width stipulated in Section 2 and Section 3 of this Part I.  
(3086-94)
- (34) This section deleted. (3129-95)
- (35) Within the area zoned RR-33 any main building shall be serviced by and connected to a municipal water supply system and a private sewage disposal system.  
(2835-91)
- (36) This section deleted. (3129-95)
- (37) Within the area zoned RR-35 all the provisions of this Part I shall apply and further no dwelling shall be located closer to an intensive farm

## PART I - RR RESIDENTIAL RURAL ZONE

building than 193.0 metres or the Minimum Distance Separation of the Agricultural Code of Practice, whichever is the greater.  
(2848-91)

(38) This section deleted. (3129-95)

(39) This section deleted. (3129-95)

(40) Notwithstanding the requirements of Section 2(1) 2(2) and 2(5) of this Part I and Section 13(2) of Part C, within the area zoned RR-38 the minimum lot frontage shall be 24 metres, the minimum lot area shall be 3,190 square metres, the minimum interior side yard width shall be 3.5 metres, the maximum lot coverage shall be 15 percent and the minimum setback for all buildings, structures and private septic disposal systems from the high water mark of the Trent River shall be 55 metres .  
(2991-93)

(41) Notwithstanding the provisions of Section 2 (1) of this Part I, within the area zoned RR-39 and identified as Lots 7, 8 and 9 in MMA File 12T-90005, as approved by Ontario Municipal Board File Numbers 5920128, 0920205 and Z900157 the minimum lot frontage shall be 40 metres. Further, notwithstanding Section 2 (5) of this Part I and Section 7 of Part c, subsection (l)b) , the interior side yard width along the southerly lot line of Lot 1 in MMA File 12T-90005 as approved by Ontario Municipal Board File Numbers 5920128, 0920205 and Z2900157 shall be 30 metres and within this interior side yard, no main or accessory building or structure shall be permitted.  
(2997-93)

(42) This section deleted. (3129-95)

(43) This section deleted. (3129-95)

(44) Notwithstanding the requirements of Sections 2(3), this Part I, within the area zoned RR-H, no person shall erect or use any building, structure or land for any purpose other than the use that existed on the day of the passing of the RR-H zone. The Holding "H" symbol shall be removed from the RR-H zone in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990, provided that the following are addressed:

- the submission of railway noise and vibration studies and safety mitigation measures satisfactory to the Municipality and the Ministry of Environment and Energy, in consultation with the Canadian National Railway; and the registration of an appropriate implementing agreement on title satisfactory to the Municipality and the Ministry of Environment and Energy, in consultation with Canadian National

## PART I - RR RESIDENTIAL RURAL ZONE

Railway. (3016-93)

- (45) Notwithstanding the requirement of section 2 (1) of this Part I, within the area zoned RR-42 the minimum lot frontage shall be 30 metres.  
(3104-94)
- (46) Notwithstanding the requirement of Section 2(1) of this Part I, within the area zoned RR-43 the minimum lot frontage shall be 44 metres."  
(3114-94)

2000-152

*File No.: B-77-658-S*

*Part of Lot 31 , Concession 1 and Part of Lot 31, Broken Front Concession  
Formerly Township of Sidney, Now City of Belleville, County of Hastings*

- (47) Notwithstanding the requirements of Sections 2. (1), and 2 (2) within the area zoned RR - 44, the minimum lot frontage shall be 50 metres and the minimum lot area shall be 0.9 hectares. In addition, the maximum area from which natural vegetation can be removed to accommodate a dwelling, services and landscaping shall not exceed 40% of the lot area; the minimum building setback from the 1:100 year floodline shall be 30 metres and the 15 metres adjacent to the floodline shall be maintained in natural vegetation.



### PART J - SPR - RESIDENTIAL SPECIAL ZONE

The following provisions shall apply to the use of land and the construction of buildings in all SPR Zones subject to the general provisions under Part B and Part C of this By-Law.

#### 1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structure thereon for any of the following purposes:

(a) Main Use

(i) a single detached dwelling. (3129-95)

(ii) a group home in a permitted single detached dwelling.(2460-86)

(b) Accessory Uses

(i) Any use, building or structure which is subordinate and customarily incidental to the main use;

(ii) A home occupation;

(iii) An office for a professional person.

#### 2. ZONE REQUIREMENTS

(1) Lot Frontage (minimum): 30 metres

(2) Lot Area (minimum) : 1390 square metres

(3) Front Yard Depth (minimum): 7.5 metres

(4) Rear Yard Depth (minimum): 7.5 metres

(5) Interior Side Yard Width (minimum): 2.5 metres

(6) Building Height (maximum): 10.5 metres

#### 3. FOR ACCESSORY USES, BUILDINGS OR STRUCTURES PROVISIONS

See Part C, Section 7 .

### 4. FOR HOME OCCUPATION PROVISIONS

See Part C, Section 8.

### 5. FOR OFFICE FOR A PROFESSIONAL PERSON

See Part C, Section 10.

### 6. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

### 7. MINIMUM UTILITIES

- (1) The provisions of Part B, Section 1 (18) shall apply with the exception of Subsection a).
- (2) In addition to Subsection (1) above, any main building shall be serviced by and connected to an adequate municipal water supply system.

### 8. SPECIAL PROVISIONS

- (1) Notwithstanding the requirements of Subsection 2 (2) of this Part J, within the area zoned SPR-1 the minimum lot area shall be 2023 square metres.
- (2) Notwithstanding the requirements of Subsection 7 of this Part J, within the areas zoned SPR-2 the requirements of Subsection 7 shall not apply.
- (3) Notwithstanding the requirements of Sections 2. (1) and 7. of this Part J, within the areas zoned SPR-3 the requirements of Sections 2. (1) and 7. shall not apply, and within the area zoned SPR-3 on the east side of Chatterton Valley Crescent not more than three (3) single detached dwellings may be constructed in accordance with the following requirements. The minimum lot frontage for lands within the SPR-3 zone described as Lot 77, Registrar's Compiled Plan 1933 shall be 27 metres and the minimum lot frontage for lands described as Lots 75 and 76, Registrar 's Compiled Plan 1933 and Lots 73 and 74, Registrar's Compiled Plan 1933, shall be 50 metres.  
(2152-82) (3129-95)
- (4) Notwithstanding the requirements of this Part J, Section 7 and the requirements of Part c, Section 22, within the areas zoned SPR-4, the requirements of Section 7 shall not apply and only one 'single detached dwelling' may be constructed.  
(2212-83)
- (5) Within the area zoned SPR-2, the minimum gross floor area for a single

detached dwelling shall be 93 square metres .  
(2167-82) (3129-95)

- (6) Notwithstanding the provisions of Part J - SPR - Residential Special Zone, Section 1, Permitted Uses,. within the area zoned SPR-2-6 a group home shall be permitted in a single detached dwelling on the property described as Part of Lots 36 and 37, Concession 8, more particularly described as Parts 1 to 4, 21R-1524 and Parts 5, 6 and 10, 21R-5152 and containing 1.6 hectares .  
(2296-84) (3129-95)
- (7) Notwithstanding the provisions of Subsections 2 (2) and 7 of this Part J, within the area zoned SPR-5, the minimum lot area shall be 4047 square metres and development shall be permitted utilizing a private water supply system.  
(2588-88)
- (8) Notwithstanding the provisions of Sections 2. (2) and 7. (2) of this Part J, within the area zoned SPR-6, the minimum lot area shall be 2023 square metres and development shall be permitted utilizing a private water supply system.  
(2739-90)
- (9) (a) Notwithstanding the requirements of Section 2(2) of this Part J, within the area zoned SPR-7, the minimum lot area shall be the larger lot area of the following:
- (i) 1390 square metres; or
  - (ii) the minimum lot area deemed appropriate for the lot and required private sewage disposal system as demonstrated by an engineering or hydrogeological study satisfactory to the Ministry of the Environment, the Hastings/Prince Edward Counties Health Unit and the Municipality.
- (b) Notwithstanding the requirements of Section 1(1) of this Part J, within the area zoned SPR-7-H, no person shall erect or occupy any building or structure or use any building, structure or land for any purposes, other than the use that existed on the first day of November 1991. The Holding "H" symbol shall be removed from any lot or lots within the SPR-7-H zone in accordance with the provisions of section 36 of the Planning Act, R.s.o. 1990, provided that all of the following are addressed for the lot or lots in question: (2991-93)
- (i) that an adequate municipal water supply system is available to service and connect to the main use on the lot in question;

- (ii) the submission of engineering or hydrogeological studies regarding the required private sewage disposal system satisfactory to the Ministry of the Environment, the Hastings/Prince Edward Counties Health Unit and the Municipality;
- (iii) that a master drainage plan has been completed for the relevant watershed to the satisfaction of the Ministry of the Environment, the Lower Trent Region Conservation Authority, the Ministry of Natural Resources and the Municipality;
- (iv) the submission of grading and drainage plans satisfactory to the Municipality and storm water management plans satisfactory to the Ministry of the Environment, the Ministry of Natural Resources, the Lower Trent Region Conservation Authority and the Municipality;
- (v) written confirmation from the Ministry of Natural Resources and the Lower Trent Region Conservation Authority that no significant fish or wildlife habitats or wetlands will negatively be impacted by the development of the lot in question;
- (vi) written confirmation of road access approval from the Municipality;  
and
- (vii) the submission of detailed railway noise, vibration and impact studies satisfactory to the Ministry of the Environment and the Municipality in consultation with the Canadian Pacific Railway for those lands within 300 metres of the Canadian Pacific Railway right of way.  
(OMB File #R8100833)

(3129-95)

- (10) (a) Notwithstanding the requirements of Subsection 2(2) of this Part J, within the area zoned SPR-8, the minimum lot area shall be 4047 square metres.
- (b) Notwithstanding the requirements of Subsection 1(1) of this Part J, within the area zoned SPR-8-H, no person shall erect or occupy any building or structure or use any building, structure or land for any purpose other than the use that existed on the first day of November 1991. The Holding "H" symbol shall be removed from any or all of the lands zoned SPR-8-H in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990, provided that both of the following are addressed:  
(2991-93)

- (i) that an adequate municipal water supply system is available to service and connect to the main use on the lot or lots in question; and
  - (ii) that a plan of subdivision is registered on all of the lands zoned SPR-8-H in accordance with the Planning Act, 1983. (OMB File #R8100833)
- (11) Notwithstanding the provisions of Subsections 2. (2) and 7. (2) of this Part J, within the area zoned SPR-9, the minimum lot area shall be 3000 square metres and development shall be permitted utilizing a private water supply system. (2890-92)
- (12) Notwithstanding the provisions of Section 1.(1) of this Part J and Section 15. (1) of Part c, within the area zoned SPR-10, a day nursery with a maximum capacity of twenty-eight (28) children shall be a permitted use with a minimum of one (1) parking space being provided for each employee as well as a minimum of two (2) parking spaces provided for clientele. A strip of land not less than 1.5 metres in width between the street line and the parking area shall be maintained as a landscaped area consisting of grass, as well as trees and/or shrubbery. In addition, for the area described as Parts 30 and 31 of Plan 1631, wooden board on board fencing to a minimum height of 1.8 metres shall be required adjacent to the residential use on Part 2 of Plan 1890; and the play ground area shall be limited to Part 31 of Plan 1631 and shall be enclosed with chain link and/or wooden board on board fencing having a minimum height of 1.5 metres. (OMB File #R920396)
- (13)
  - (a) Notwithstanding the requirements of Subsection 2(1) and 2 (2) of this Part J, within the area zoned SPR-11 the minimum lot frontage and the minimum lot area shall be that lot frontage and lot area as existing on the first day of November, 1991,
  - (b) Where at the time of the first day of November, 1991 a dwelling has been erected on a lot zoned SPR-11 such dwelling and lot shall be deemed to comply with all requirements of this By-Law.
  - (c) Where at the time of the first day of November, 1991 a dwelling has been erected on a lot zoned SPR-11 such dwelling may be extended, enlarged, improved, and occupied, provided:
    - (i) the yards and setbacks existing at the time of the first day of November, 1991 are not reduced in depth, and where any such yards or setbacks are larger in depth than the minimum required by this By-Law, such yards and setbacks may be reduced to the minimum yards

and setbacks required by this By-Law; and

- (ii) such dwelling continues to be used in the same manner and for the same purpose it was used at the time of the first day of November, 1991.  
(2991-93)
- (14) (a) Notwithstanding the requirements of Subsection 2(1) and 2(2) of this Part J, within the area zoned SPR-12 the minimum lot frontage and the minimum lot area should be that minimum frontage and minimum area as existing on the first day of November, 1991,
- (b) Notwithstanding the requirements of Subsection 1(1) of this Part J, within the area zoned SPR-12-H, no person shall erect or occupy any building or structure or use any building, structure or land for any purposes, other than the use that existed on the first day of November, 1991. The Holding "H" symbol shall be removed from any lot or lots within the SPR-12-H zone in accordance with the provisions of Section 36 of the Planning Act, R.S.O., 1990 provided that all of the following are addressed for the lot or lots in question:
- (i) that an adequate municipal water supply system is available to service and connect to the main use on the lot in question;
  - (ii) the submission of engineering or hydrogeological studies regarding the required private sewage disposal system satisfactory to the Ministry of Environment and Energy, the Hastings/Prince Edward Counties Health Unit and the Municipality;
  - (iii) that a master drainage plan has been completed for the relevant water shed to the satisfaction of the Ministry of Environment and Energy, the Lower Trent Region Conservation Authority, the Ministry of Natural Resources, and the Municipality;
  - (iv) the submission of grading and drainage plans satisfactory to the Municipality, and stormwater management plans satisfactory to the Ministry of Environment and Energy, the Ministry of Natural Resources, the Lower Trent Region Conservation Authority, and the Municipality;
  - (v) written confirmation from the Ministry of Natural Resources and the Lower Trent Region Conservation Authority that no significant fish or wildlife habitats or wetlands will negatively be impacted by the development of the lot in question; and
  - (vi) written confirmation of road access approval from the appropriate

road authority. (2991-93)

- (15) Notwithstanding the provisions of Section 1(1) of this Part J, within the area zoned SPR-13 the residential use that existed on the first day of November, 1991 shall be deemed a permitted use in addition to those uses permitted by Section 1(1) of this Part J, Notwithstanding the requirements of Section 2 of this Part J and Section 13(2) of Part C the minimum lot frontage, lot area, front yard, rear yard, interior side yard and setbacks for the existing use shall be as existing on the first day of November, 1991 and the maximum building height and floor area shall be as existing on the first day of November, 1991.  
(2991-93)
- (16) Notwithstanding the provisions of Section 1(1) of this Part J, within the area zoned SPR-14 an office use within the existing single detached dwelling shall be deemed to be a permitted use .  
(2991-93)
- (17) (a) Notwithstanding the requirements of Subsection 2 (2) of this Part J, within the area zoned SPR-15, the minimum lot area shall be 4,047 square metres.
- (b) Notwithstanding the requirements of Subsection 1(1) of this Part J, within the area zoned SPR-15-H, no person shall erect or occupy any building or structure or use any building, structure or land for any purpose other than the use that existed on the first day of November 1991. The Holding "H" symbol shall be removed from any or all of the lands zoned SPR-15-H in accordance with the provisions of Section 36 of the Planning Act, R.s.o. 1990, provided that both of the following area addressed:
- (i) that an adequate municipal water supply system is available to service and connect to the main use on the lot or lots in question;  
and
- (ii) that a plan of subdivision is registered on all of the lands zoned SPR-15-H in accordance with the Planning Act, R.S.O. 1990, and, without limiting the aforementioned, that development shall occur in accordance with the service staging policies of Section 5.1.3.1 of the South Sidney Secondary Plan as modified and approved by the Ontario Municipal Board on January 27, 1992 and amendments thereto.  
(2991-93)
- (18) Notwithstanding Sections 2(1) and 2(2) and 7 of this Part J and Section 1(16) of Part B, the following special provisions shall apply to lands zoned

### SPR-16:

- (a) Lot Frontage (minimum): 42.0 metres
- (b) Lot Area (minimum): 2180.0 square metres
- (c) Minimum Utilities

Within that area zoned SPR-16, the requirements of Section 7 of this Part J shall not apply.  
(3038-94)

- (19) Notwithstanding Section 1(1) of this Part J within the area zoned SPR-16-H, no person shall erect or occupy any building or structure or use any building, structure or land for any purpose other than the use existing on the day of the passing of the SPR-16-H zone. The Holding "H" symbol shall be removed from any lot or lots within the SPR-16-H zone in accordance with the provisions of Section 36 of the Planning Act, R.s.o. 1990, provided that all of the following are addressed for the lot or lots in question:
  - (a) the submission of proof satisfactory to the municipality demonstrating that adequate potable water is available to service the main use on the lot in question without negatively impacting existing potable water systems;
  - (b) the submission of adequate engineering or hydrogeological studies satisfactory to the Ministry of Environment and Energy, the Hastings and Prince Edward Counties Health Unit and the municipality regarding any required private sewage disposal system for the lot in question;
  - (c) the submission of adequate engineering or drainage plans satisfactory to the municipality and an engineered storm water management plan satisfactory to the Moira River Conservation Authority, Lower Trent Region Conservation Authority and the municipality for the lot in question;
  - (d) written confirmation of road access approval from the appropriate road authority for the lot in question;
  - (e) the demonstration to the satisfaction of the municipality that the lot in question meets the minimum lot frontage and minimum lot area requirements of the SPR-16 zone; and
  - (f) that any and all agreements required by the municipality arising from



the proposed development of the lot in question be addressed to the satisfaction of the municipality."  
(3038-94)

## PART K - SR - RESIDENTIAL SEASONAL ZONE

The following provisions shall apply to the use of land and the construction of buildings in all SR Zones subject to the general provisions under Part B and Part C of this By-Law.

### 1. PERMITTED USES

- (1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:
  - (a) Main Use
    - (i) a single detached dwelling, existing on the date of passing of the By-Law; (3129-95)
    - (ii) a seasonal dwelling.
  - (b) Accessory Uses, Buildings or Structures
    - (i) Any use, building or structure which is subordinate and customarily incidental to a main use;
    - (ii) A home occupation.

### 2. ZONE REQUIREMENTS

- (1) Where a lot abuts a navigable waterway, the shoreline at the high water mark may be deemed to be the front lot line and all provisions shall be judged accordingly; (3129-95)
- (2) Lot Frontage (minimum): 24 metres (80')
- (3) Lot Area (minimum): 1390 square metres (15000 square feet)
- (4) Front Yard Depth (minimum): 7.5 metres
- (5) Rear Yard Depth (minimum): 7.5 metres
- (6) Interior Side Yard Width (minimum): 3.5 metres
- (7) Floor Area (minimum): 74 square metres (800 feet)
- (8) Lot Coverage (maximum): 15 percent

(9) Building Height (maximum): 10.5 metres

### 3 FOR ACCESSORY USES, BUILDINGS OR STRUCTURES PROVISIONS

See Part C, Section 7 .

### 4 FOR HOME OCCUPATION PROVISIONS

See Part C, Section 8.

### 5. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16,

### 6. SPECIAL PROVISIONS

- (1) Notwithstanding the provisions of Section 1. (1) of. this Part K, within the area zoned SR-1, the seasonal retail store located within the seasonal dwelling, as existing on the date of the passing of this By-Law, shall be deemed to be a permitted use.
- (2) Where at the time of the passing of this By-Law, a dwelling has been erected on a lot in an SR Zone, such dwelling and lot shall be deemed to comply with all requirements of this By-Law.
- (3) Where at the time of the passing of this By-Law, a dwelling has been erected on a lot in an SR Zone, such dwelling may be extended, enlarged, improved and occupied, provided:
  - (a) the yards existing at the time of the passing of this By-Law are not reduced in depth, and where any such yards are larger in depth than the minimum required by this By-Law, such yards may be reduced to the minimum yards required by this By-Law; and
  - (b) such dwelling continues to be used in the same manner and for the same purpose it was used on the date of the passing of this By-Law.
- (4) Notwithstanding the provisions of Section 1(1) (a) i) of this Part K within the SR-2 a replacement new single detached dwelling shall be a permitted use. such replacement dwelling, accessory garage and lot are deemed to comply with all other applicable requirements of this By-Law.  
(2413-85)
- (5) (a) Notwithstanding the provisions of section 1(1) of this Part K, within the area zoned SR-3-H no person shall use any land, building or structure

for any purpose whatsoever except for the use that existed on the 20<sup>th</sup> day of January, 1986, subject to the provisions of Paragraph 6(5) (c) below.

- (b) The Holding Symbol "H" may be removed from the SR-3-H zone by the Council for the Corporation of the Township of Sidney by an amending by-law in accordance with the provisions of Section 35 of the Planning Act, 1983, PROVIDED THAT the Holding Symbol "H" shall not be removed until the requirements of each of the following governmental bodies have been satisfied, which requirements deal with the proper development of all of the lands within the area zoned SR-3-H having regard for the health and safety of the present and future inhabitants of the said lands:
  - (i) The Ministry of the Environment with respect to the provision of potable water and the treatment of sewage;
  - (ii) The Township of Sidney with respect to roads and drainage; and
  - (iii) Lower Trent Region Conservation Authority advise the Township in writing that the proposed building has been designed so that no opening or services being part of the building is below the following level, namely: .3 metres above the Regulatory Flood Elevation of 111.8 metres above sea level and further that the grade of access would not be less than .3 metres below 111.8 metres and after construction the landowner provide the Township with an affidavit from the builder that the requirements of this Section have been satisfied.
- (c) Upon the removal of the said Holding Symbol "H" by an amendment by-law, any person may use land and erect, occupy and maintain buildings and structures on land within the area zoned SR-3 for the purpose of a seasonal dwelling and any use, building or structure which is subordinate and customarily incidental to a seasonal dwelling, subject to the General Provisions under Part B and c of By-Law 2076-80 and the zone requirements of Part K of the said By-Law 2076-80. (2437-86)

**PART L - CR - RURAL COMMERCIAL ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all CR Zones subject to the general provisions under Part B and Part C of this By-Law.

1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

(a) Main Use

- (i) Convenience and Retail store with a gross floor area not exceeding 300square metres  
(3129-95)
- (ii) Farm Machinery Dealer
- (iii) Motels
- (iv) Service Shops
- (v) Motor Vehicle Service Station
- (vi) Eating Establishments
- (vii) Farmers'Market
- (viii) Market Garden and Sales outlet and/or Garden Supplies

(b) Accessory Uses, Buildings or Structures

- (i) Any use, building or structure which is subordinate and customarily incidental to a main use;
- (ii) One dwelling unit related to any main use other than a motor vehicle service station.

2. ZONE REQUIREMENTS

- (1) Lot Frontage (minimum): 30.0 metres
- (2) Front Yard Depth (minimum): 12.0 metres

## PART L – CR – RURAL COMMERCIAL ZONE

A strip of land with a depth of 1.5 metres abutting the street line shall be maintained as a landscaped area for ingress and egress

- (3) Rear Yard Depth (minimum): 7.5 metres

Where the rear yard abuts a lot which is located in a residential zone, a strip of land with a depth of 1.5 metres abutting the rear lot line shall be maintained as a landscaped area

- (4) Interior Side Yard Width (minimum): 5 metres, except

Where the side yard abuts a lot which is located in a residential zone, a minimum side yard of 6.5 metres shall be provided, of which the 1.5 metres abutting the lot line shall be maintained as a landscaped area

- (5) Lot Coverage (maximum): 30 percent

- (6) Building Height (maximum): 10.5 metres

### 3. REQUIREMENTS FOR ACCESSORY USES, BUILDINGS AND STRUCTURES

- (1) In addition to the provisions of Part C, section 7, the following requirements shall apply:

(a) Where a dwelling unit is attached to a commercial building, such unit shall not be located in front of the commercial building;

(b) Where a dwelling unit is in the form of a single detached dwelling:  
(3129-95)

(i) the provisions of Part I, Sections 2. (3) to (6) and Sections 3, 4, 5 and 6 shall apply, and

(ii) the minimum distance between such dwelling and the main building shall be one half of the combined heights of such dwelling and main building;

(c) The residential requirements shall be in addition to the zone requirements of this Part L.

### 4. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

### 5. FOR OFF STREET LOADING PROVISIONS

See Part C, Sections 17 and 18.

### 6. SPECIAL PROVISIONS

(1) Notwithstanding the provisions of Section 1(18)(a) of Part B and section 1(1)(a) and 2(1) of this Part L within the area zoned CR-1 the following shall apply:

(a) Main Use

(i) Convenience and Retail store, with a gross floor area not exceeding 300 square metres for each establishment

(ii) Service Shop

(iii) Bank

(iv) Business, Professional and/or Administrative Office

(v) Day Nursery

(b) The maximum number of Retail Store establishments permitted shall be one (1),

(c) Any main building shall be serviced by and connected to an adequate municipal water supply system.

(d) The minimum lot frontage and lot area shall be as existing on the first day of November, 1991. (2991-93)

(2) Notwithstanding the provisions of Section 1, (1) of this Part L, within the area zoned CR-2, the drycleaning distribution station existing on the date of the passing of this By-Law shall be deemed to be a permitted use.

(3) Notwithstanding the provisions of Section 1(18)(a) of Part B and Sections 1(1)(a) of this Part L within the area zoned CR-3 the following shall apply:

(a) Main Use

(i) Convenience and Retail Store, with a gross floor area not exceeding 500 square metres for each establishment

(ii) Service Shop

### (iii) Eating Establishment

- (b) The maximum number of Retail Store establishments permitted shall be one (1),
  - (c) Any main building shall be serviced and connected to an adequate municipal water supply system.  
(2991-93)
- (4) Notwithstanding the provisions of Sections 1(1)(a) and 2 of this Part L, within the area zoned CR-4 a motel shall not be a permitted use and the maximum gross floor area for a convenience and Retail Store shall not exceed 300 square metres.  
(2728-90)
- (5) Notwithstanding the provisions of Sections 1(1) (a) and 2 of this Part L, within the area zoned CR-5 the maximum gross floor area for a Convenience and Retail Store shall not exceed 300 square metres and a motor vehicle repair garage shall be deemed to be a permitted use in addition to those uses permitted by Section 1(1).  
(2788-90)
- (6) Notwithstanding the requirements of Section 1(1) of this Part L, within the area zoned CR-6 the following uses shall be deemed to be permitted uses in addition to those uses permitted by Section 1(1) of this Part L:
- a) - Truck Oriented Sales and Service Centre;
    - Truck Body and Truck Trailer Shop and Appearance Centre;
    - Truck and/or Transportation Terminal; and
    - Recreation Vehicle Sales and Service .
  - b) Notwithstanding the requirements of Section 1 (1) of this Part L, the following uses shall be deemed to be not permitted within the area zoned CR-6:
    - Eating Establishment; and
    - Motor Vehicle Service Station, excluding Truck Oriented Sales and Service Centre' and a Truck Body and Truck Trailer Shop and Appearance Centre.
  - c) For the purposes of the CR-6 zone a 'truck oriented sales and service centre 'and a 'truck body and truck trailer shop and appearance centre'are defined as follows:
    - (i) 'Truck Oriented Sales and Service Centre ' shall mean the use of a building or a portion of a building the purpose of which is for the



display and sale of truck trailers and parts and accessories to truck trailers and trucks and the servicing and repairing of truck trailers, trucks and related parts and accessories.

(ii) 'Truck Body and Truck Trailer Shop and Appearance Centre' shall mean the use of a building or part of a building where services to motor vehicles or a motor vehicle designed to have a combined vehicle and load weight with a combined vehicle and load weight exceeding five (5) tonnes and such services may include painting and/or repairing of truck bodies and truck trailers exteriors and/or undercarriages, sign and lettering services and exterior and interior washing, waxing and cleaning.

d) All storage shall be located in an enclosed building or structure or 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.  
(3008-93)

(7) Notwithstanding this the requirements of Section 1 (1) a of Part 2, within the area zoned CR-7 the following uses shall be deemed to be the permitted uses within the existing main building:

- assembly, wholesaling and/or retailing of handcrafts;
- flea market; and
- wholesale business.

(3129-95)

**PART M – CH - HIGHWAY COMMERCIAL ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all CH Zones subject to the general provisions under Part B and Part C of this By-Law.

1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

(a) Main Use

- (i) Motor Motor Rental Agency
- (ii) Motor Vehicle Repair Garage
- (iii) Motor Vehicle Sales Room and Lot
- (iv) Motor Vehicle Gasoline Bar
- (v) Motor Vehicle Service Station
- (vi) Recreation Vehicle Sales and Service
- (vii) Rental Outlet, but not including outside storage
- (viii) Eating Establishment
- (ix) Hotel
- (x) Motel
- (xi) Farm Implement Sales and Service
- (xii) Parking Lot
- (xiii) Places of Amusement
- (xiv) Convenience Store, with a gross floor area not exceeding 300 square metres
- (xv) Bank
- (xvi) Service Shop

- (xvii) Home Improvement and/or Interior Decorating Centre
- (xviii) Building Supply Centre
- (xix) Nursery or Garden Centre
- (xixa) Monument Shop, but not including outside storage
- (xx) Non Personal Service or Repair Operation, but not including outside storage
- (xxi) Banquet or Meeting Hall
- (xxii) Church
- (xxiii) Auction Sales Building
- (xxiv) Mini Storage Building
- (xxv) Existing Uses  
(3129-95)

(b) Accessory Uses, Buildings or Structures

- (i) Any use, building or structure which is subordinate and customarily incidental to a main use;
- (ii) An existing single detached dwelling related to, or one dwelling unit in a commercial building, except in the case of a motor vehicle service station or motor vehicle repair garage where such dwelling shall not be permitted.  
(3129-95)

2. ZONE REQUIREMENTS (except for Motor Vehicle Service Stations and Gas Bars)

- (1) Lot Frontage (minimum): 30.0 metres
- (2) Front Yard Depth (minimum): 12.0 metres

A strip of land with a depth of 1.5 metres abutting the street line shall be maintained as a landscaped area, except for ingress and egress.

- (3) Rear Yard Depth (minimum): 7.5 metres

Where the rear yard abuts a streetline or a lot which is located in a residential zone, a strip of land with a depth of 1.5 metres abutting the rear

lot line shall be maintained as a landscaped area.

- (4) Interior Side Yard Width (minimum): 4.5 metres

Where the side yard abuts a lot which is located in a residential zone, a minimum side yard of 6.0 metres shall be provided, of which the 1.5 metres abutting the lot line shall be maintained as a landscaped area.

- (5) Lot Coverage (maximum): 50 percent

- (6) Building Height (maximum): 13.5 metres

- (7) Where open storage is located in a yard which abuts a residential, open space or community facility zone, or is visible from the street, such open storage shall be enclosed by adequate screening in the form of landscaping and/or fencing to a height of not less than 1.8 metres. No open storage shall be permitted within 3.0 metres of a lot line.  
(3129-95)

### 3. ZONE REQUIREMENTS FOR MOTOR VEHICLE SERVICE STATIONS AND GAS BARS

- (1) Minimum frontage on any street shall be 36.5 metres;
- (2) No gasoline pump shall be located closer to any lot line than 6.0 metres;
- (3) Notwithstanding the requirements of this By-Law, canopies over gas pumps are permitted provided:
- (a) the minimum distance between ground at the base of the gas pumps and the lowest point of the canopy is 3.0 metres; and
- (b) the nearest part of the canopy is not closer than 1.5 metres to any lot line.
- (4) No buildings shall be erected closer to a street line than 9.0 metres nor closer to any other lot line than 3.0 metres;
- (5) The width of any entrance or exit, or combined entrance or exit, measured at the street line, shall not be greater than 9.0 metres;
- (6) The distance between the point of intersection of the street line and either side lot line and the nearest entrance or exit shall be at least 3.0 metres;
- (7) On a corner lot, no entrance or exit shall be permitted within 7.5 metres of the intersection of the two street lines;

- (8) A strip of land not less than 1.5 metres in width shall be provided for landscaping purposes between the working area and any adjacent lot line other than those sections used for ingress and egress;
- (9) No open storage of unserviceable cars and waste materials shall be permitted.

#### 4. REQUIREMENTS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES

- (1) In addition to the provisions of Part C, Section 7, the following requirements shall apply:
  - (a) Where the accessory building is in the form of a dwelling unit attached to a commercial building, such unit shall not be located in front of the commercial building;
  - (b) Where a dwelling unit is in the form of an existing single detached dwelling,  
(3129-95)
    - (i) the provisions of Part E, Sections 2. (4) to (10) and Sections 3, 4, 5, 6 and 7 shall apply; and
    - (ii) the minimum distance between such dwelling and the main building shall be one half of the combined heights of such dwelling and main building.
  - (c) The residential requirements shall be in addition to the zone requirements of this Part M.

#### 5. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

#### 6. FOR OFF STREET LOADING PROVISIONS

See Part C, Sections 17 and 18.

#### 7. SPECIAL PROVISIONS

- (1) Notwithstanding the provisions of Section 1 (1) of this Part M, within the area zoned CH-1, business, professional and administrative offices and retailing warehouse outlets shall be deemed to be permitted uses in addition to those uses permitted by Section 1(1) of this Part M. Notwithstanding anything to the contrary, any main building in the CH-1 zone shall be serviced by and connected to:

- (a) an adequate municipal water supply system; and
  - (b) an adequate municipal sanitary sewer system. (3129-95)
- (2) Notwithstanding the provisions of Sections 1, 2, 3 and 4 of this Part M, within the area zoned CH-2, only commercial uses in the form of a Shopping Centre shall be permitted subject to the following requirements:
- (a) Permitted Uses: a bank and/or trust company; places of amusement; business, professional and/or administrative office; coin operated laundry; dry cleaning distribution station; eating establishment; retail store; service shop; and non personal service or repair operation, but not including outside storage. (3129-95)
  - (b) Accessory Uses: Any use, building or structure which is subordinate and customarily incidental to a main use;
  - (c) Lot Frontage (minimum): 93.2 metres
  - (d) Lot Area (maximum): 7193 square metres
  - (e) Front Yard Depth (minimum): 17.7 metres
    - A strip of land with a depth of 1.5 metres abutting the street line shall be maintained as a landscaped area, except for ingress and egress.
  - (f) Rear Yard Depth: 10.2 metres
  - (g) Side Yard Width (minimum): 7.5 metres
  - (h) Gross Ground Floor Area (maximum): 2112.0 square metres
  - (i) Building Height (maximum): 10.5 metres
- (3) Notwithstanding the provisions of Section 1. (1) of this Part M, within the area zoned CH-3, only the motor vehicle sales lot as existing on the date of the passing of this By-Law shall be deemed to be a permitted use.
- (4) Notwithstanding the provisions of Section 1,(1) of this Part M, within the area zoned CH-4 a 'carpet sales and service shop' use and a 'packaging and warehousing of bathtub adhesive strips and other similar and related bathroom products' use shall be deemed to be permitted uses . (3169-95)
- (5) Notwithstanding the provisions of Section 1,(1) of this Part M, within the area zoned CH-5, the only permitted uses shall be the Motor Vehicle

Repair Garage as existing on the date of the passing of By-Law 2076-80, Farm Implement Sales and Service, Recreational Vehicle Sales and Service, a Rental outlet and Non Personal Service and Repair Operation. (3129-95)

- (6) Notwithstanding the provisions of Section 1(1) (a) and 2, of this Part M, within the area zoned CH-6 the following shall apply:

(a) Main Use

- (i) business, professional and/or administrative office;
- (ii) small household appliance sales and service;
- (iii) service shop; and
- (iv) clothing store.

(b) Zoning Requirements

- (i) Lot Frontage (minimum): 30.0 metres
- (ii) Front Yard Depth (minimum): 8.0 metres
- (iii) Rear Yard Depth (minimum): 10.0 metres
- (iv) Interior Side Yard Width (minimum): 10.5 metres
- (v) Exterior Side Yard Width(minimum): 11.5 metres
- (vi) A strip of land with a minimum depth of 1.5 metres abutting the streetline and the rear lot line shall be maintained as a landscaped area except for ingress and egress.
- (vii) Building Floor Area (maximum): as existing
- (viii) Building Height (maximum): as existing
- (ix) Ingress and Egress Location: as existing

(3129-95)

- (7) Notwithstanding the provisions of Section 2(4) of this Part M, within the area zoned CH-7, the interior side yard width shall be 12 metres. This entire yard shall be maintained as a landscaped area. (2342-84)

- (8) Notwithstanding the provisions of Section 1(18) (a) of Part B and Section I (l) a) of this Part M within the area zoned CH-8, the provisions of Section 7 (17) of this Part M shall apply, and the following shall also apply:
- (a) In addition to those uses permitted by Section 7(17) of this Part M, the following uses shall also be permitted:
- (i) a printing business
  - (ii) a commercial marina and related buildings and structures
- (b) Notwithstanding the landscape requirements of Section 2 (2) and 2(4) of this Part M, the required landscaped area shall consist of grass as well as trees and shrubbery and shall be maintained along the lot lines which abut Provincial Highway #2 and a residential zone. In addition, wooden board on board fencing to a minimum height of 2.4 metres shall also be required on those lot lines which abut a residential zone. Notwithstanding the requirements of Section 13(3) of Part C, gasoline pumps and marina related buildings shall be permitted subject to appropriate provincial and municipal approvals.  
(2991-93) (3129-95)
- (9) This section deleted. (3129-95)
- (10) Notwithstanding the provisions of Section 1(1) of this Part M, within the area zoned CH-9, a business, professional and/or administrative office and a retailing warehouse outlet shall be deemed to be permitted uses in addition to those uses permitted by Section 1(1) of this Part M,  
(3129-95)
- (11) Notwithstanding the provisions of section 2(3) and 2 (4) of this Part M, within the area zoned CH-10, the minimum interior side yard width to the existing concrete building along the southerly lot boundary shall be 3.35 metres, of which 1,5• metres abutting the lot line shall be maintained as a landscaped area and the minimum rear yard depth to the existing concrete building along the westerly lot boundary shall be 1.07 metres.  
(2528-87)
- (12) Notwithstanding the provisions of Sections 1 (1) and 2 (1), (2) and (4) of this Part M, within the area zoned CH-11 , a retailing warehouse outlet, business, professional and/or administrative offices, and day nursery shall be deemed to be a permitted use in addition to those uses permitted by Section 1 (1) of this Part M and the existing minimum lot frontage, front yard depth and interior side yard width for the existing building shall be permitted. Notwithstanding the aforementioned, the existing building may be extended or enlarged provided the existing yards are not reduced in



depth or width and where any such yards are larger in depth or width than the minimum required by Sections 2 (2) and (4) of this Part M, such yards may be reduced to the minimum yards required by Sections 2 (2) and (4) of this Part M.

(3129-95) (2006-25)

- (13) Notwithstanding the provisions of Section 1(1) of this Part M, within the area zoned CH-12, a business, professional or administrative office and office supplies and equipment sales and service, shall be deemed to be permitted uses in addition to those uses permitted by Section 1(1) of this Part M.  
(2597-88) (3129-95)
- (14) Notwithstanding Sections 2(4) and 4(1) of this Part M, within the area zoned CH-13, the following shall apply:
- (a) the minimum eastern interior side yard width for a main use permitted within the CH-13 zone shall be 4.2 metres;
  - (b) an overhead crane constructed as an accessory structure for a monument shop shall be permitted to have a minimum western interior side yard width of 1.8 metres ; and
  - (c) open storage shall be permitted provided such open storage is in accordance with Section 2 (7) of this Part M.  
(3129-95)
- (15) (a) Notwithstanding the provisions of Section 1(1) of this Part M, within the area zoned CH-14, the following uses shall be deemed to be permitted uses in addition to those uses permitted by Section 1(1) of this Part M:
- Furniture, Appliance and Interior Decoration Retail and Warehouse Operation
  - Office Supply and Equipment Sales and Service;
  - Printing or Copy Service;
  - Retailing Warehouse outlet;
  - Business, Professional and/or Administrative Office;
  - Motor Vehicle Parts and Accessories.
- (3129-95)
- (b) Notwithstanding the requirements of Part c, Section 15, the minimum off street parking requirements for a Furniture, Appliance and Interior Decoration Retail and Warehouse Operation shall be 2.4 spaces per 100 square metres of G.F.A. (gross floor area).  
(2607-88)

## PART M – CH – HIGHWAY COMMERCIAL ZONE

- (16) Notwithstanding the provisions of Section 1(1) of this Part M and Section 15 of Part C, the following uses shall be deemed to be permitted uses in addition to those uses permitted by Section 1(1) of this Part M and the minimum off street parking requirements for the following uses within the area zoned CH-15 are the following:

<u>Uses</u>	<u>Minimum Parking Spaces Required</u>
(a) Printing or Copy Service	4 spaces per 100 square metres of gross floor area
Business, Professional or Administrative Office	5 spaces per 100 square metres of gross floor area
Wholesale Business	2 spaces per 100 square metres of gross floor area
(b) This section deleted. (3129-95)	

- (17) Notwithstanding Section 1(18) (a) of Part B and Sections 1(1)(a) , 2(l) and 3(1) of this Part M, within the area zoned CH-16 the following shall apply:

(a) Main Use

- (i) Motor Vehicle Rental Agency
- (ii) Motor Vehicle Repair Garage
- (iii) Motor Vehicle Sales Room and Lot
- (iv) Motor Vehicle Gasoline Bar
- (v) Motor Vehicle Service Station
- (vi) Recreation Vehicle Sales and Service
- (vii) Rental Outlet, but not including outside storage
- (viii) Hotel
- (ix) Motel
- (x) Farm Implement Sales and Service
- (xi) Parking Lot

- (xii) Places of Amusement
  - (xiii) Service Shop
  - (xiv) Bank
  - (xv) Convenience Store, with a gross floor area not exceeding 300 square metres
  - (xvi) Building Supply Centre
  - (xvii) Nursery or Garden Centre;
  - (xviii) Non Personal Service or Repair Operation but not including outside storage
  - (xix) Business, Professional and/or Administrative Offices
  - (xx) Home Improvement and/or Interior Decoration Centre;
  - (xxi) Auction Sales Building
  - (xxii) Banquet or Meeting Hall
  - (xxiii) Church
  - (xxiv) Mini Storage Building
  - (xv) Existing Uses
- (b) Notwithstanding Section 1(1) (b) (ii) of this Part M, no single detached dwelling related to, or a dwelling unit in a commercial building, shall be permitted. (3129-95)
- (c) Special Maximum Yard and Setback: See Part C, Section 13 (1)c) .
- (d) Any main building shall be serviced by and connected to an adequate municipal water supply system.
- (e) The minimum lot frontage and minimum lot area shall be as existing on the first day of November, 1991.
- (f) Where at the time of the first day of November, 1991 a main building has been erected on a lot in the CH-16 zone, such main building may be extended, enlarged, improved, and occupied provided the yards and setbacks existing at the time of the first day of November, 1991

are not reduced in depth, and where such lands and setbacks are larger in depth than the minimum required by this By-Law, such yards and setbacks may be reduced to the minimum yards and setbacks required by this By-Law.

- (g) Notwithstanding the requirements of Sections 2, 3 and 7(17) of this Part M within the area zoned CH-16-H, no person shall erect or enlarge any building or structure or alter the external dimensions of any building or structure. The uses permitted within the CH-16-H zone shall be those uses permitted by Sections 7(17) (a) and 1(1) (b) (i) of this Part M. The Holding "H" symbol shall be removed from any lot or lots within the CH-16-H zone in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990 provided that all of the following are addressed for the lot or lots in question:
- (i) that an adequate municipal water supply system is available to service and connect to the main use on the lot in question;
  - (ii) the submission of engineering or hydrogeological studies regarding the required private sewage disposal system satisfactory to the Ministry of Environment and Energy, the Hastings/Prince Edward counties Health Unit and the Municipality;
  - (iii) that a master drainage plan has been completed for the relevant watershed to the satisfaction of the Ministry of Environment and Energy, the Lower Trent Region Conservation Authority, the Ministry of Natural Resources, and the Municipality;
  - (iv) the submission of grading and drainage plans satisfactory to the Municipality and stormwater management plans satisfactory to the Ministry of Environment and Energy, the Ministry of Natural Resources, the Lower Trent Region Conservation Authority, and the Municipality;
  - (v) written confirmation from the Ministry of Natural Resources and the Lower Trent Region conservation Authority that no significant fish or wildlife habitats or wetlands will negatively be impacted by the development of the lot in question; and
  - (vi) written confirmation of road access approval from the appropriate road authority.  
(2991-93) (3129-95)
- (18) Notwithstanding the provisions of Section 1(1), Section 2 and Section 4 of this Part I, within the area zoned CH-17, the following special provisions shall apply:

- (a) The only main permitted uses within the area zoned CH-17 shall be:
- (i) bank;
  - (ii) motor vehicle rental agency;
  - (iii) motor vehicle sales room and lot;
  - (iv) recreation vehicle sales and service;
  - (v) business, professional and/or administrative office; and
  - (vi) computer hardware and software sales, research and development operation.

A single detached dwelling shall not be permitted as a main permitted use or an accessory use, building or structure within the area zoned CH-17.

- (b) The following special requirements shall apply to the area zoned CH-17 :

- (i) lot frontage (minimum): as existing on the date of the passing of this By-Law
- (ii) front yard depth (minimum): as existing on the date of the passing of this By-Law

A strip of land with a minimum depth of 4.5 metres abutting the streetline shall be maintained as a landscaped area, except for ingress and egress.

- (iii) rear yard depth minimum: 7.5 metres from the southern CH-17 zone boundary

- (iv) interior side yard depth (minimum): 6.0 metres

A strip of land with a minimum width of 3.0 metres abutting the side yard lot line shall be maintained as a landscaped area.

- (v) lot coverage (maximum): 50 percent

- (vi) building height (maximum): 13.5 metres  
(2977-93)

- (19) Notwithstanding the requirements of section 1(1) of this Part M, within the

area zoned CH-18 the following use shall be deemed to be a permitted use in addition to those uses permitted by Section 1(1) of this Part M:

Natural Gas Utility Administrative Centre.

a) For the purposes of the CH-18 zone a 'Natural Gas Utility Administrative Centre' is defined as follows:

(i) 'Natural Gas Utility Administrative Centre ' shall mean the use of any land, building or structure by and for a business having control and management of natural gas works and/or distribution, supply and/or transportation systems for the purposes of an administrative and payment office and/or limited appliance retail showroom and/or employee training facility and/or equipment fabrication and/or indoor and/or outdoor storage of equipment and vehicles and/or the servicing, fueling and maintenance of equipment and vehicles and other similar uses.

b) In the CH-18 zone all storage shall be located in an enclosed building or structure or where open storage is visible from a street 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. Where open storage is carried out in conjunction with any permitted use of the CH-18 zone such open storage shall not be located in any required front yard or required rear yard.

c) A retail showroom for a Natural Gas Utility Administrative Centre use within the CH-18 zone shall occupy not more than five percent (5%) of the gross floor area of the main building or 100 square metres whichever is the lesser.  
(3042-94)

(20) Notwithstanding the provisions of Section 1(1), Section 2 and section 4 of this Part I, within the area zoned CH-19 the following special provisions shall apply:

a) The only main permitted uses within the area zoned CH-19 shall be:  
(i) existing uses;

(ii) business, professional and/or administrative office;

(iii) service shop, with a gross floor area not exceeding. 325 square metres;

(iv) convenience store, with a gross floor area not exceeding 325 square metres; and

- (v) retail store, with a gross floor area not exceeding 325 square metres.

No dwelling unit detached or attached shall be permitted as an accessory use, building or structure within the area zoned CH-19.

- b) Any main building shall be serviced by and connected to an adequate municipal water supply system.
- c) The following special requirements shall apply to the area zoned CH-19:
  - (i) lot frontage (minimum): as existing on the date of the passing of this By-Law
  - (ii) front yard depth (minimum): as existing on the date of the passing of this By-Law  

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.
  - (iii) rear yard depth (minimum): as existing on the date of the passing of this By-Law  

A strip of land with minimum width of 3.0 a metres abutting the rear yard lot line shall be maintained a landscaped area.
  - (iv) interior side yard depth (minimum): as existing on the date of the passing of this By-Law  

A strip of land with minimum width of 3.0 metres abutting the side yard lot line shall be maintained a landscaped area.
  - (v) lot coverage (maximum): as existing on the date of the passing of this By-Law
  - (vi) building height (maximum): as existing on the date of the passing of this By-Law
  - (vii) floor area (maximum): as existing on the date of the passing of this By-Law
- d) In the CH-19 zone all storage shall be located in an enclosed building or structure or where open storage is visible from a street 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. Where open storage is carried out in conjunction with any permitted use of the CH-19 zone such open storage shall not be located in any required front yard.

(3067-94)

- (21) Notwithstanding the requirements of Section 7(17) of this Part M, within the area zoned CH-20 the following use shall be deemed to be a permitted use in addition to those uses permitted by Section 7(17) of this Part M:

- Non Personal Service or Repair Operation, but not including outside storage.

All other provisions of Section 7(17) of this Part M shall apply within the area zoned CH-20

(3105-95)

- (25) Notwithstanding Section 1 (1) of this Part M, within the area zoned CH-24, a veterinary clinic shall be a permitted use in addition to those uses permitted by Sections 1 (1) (a), and 7 (15) of this Part M and Section 1 (1) of Part Q-1. In addition the pertinent zone restrictions of Part M and Part Q-1 shall apply to the respective permitted uses of the CH-24 zone.

(01-69)

- (26) Within the area zoned CH-25/MS, the uses of Sections 7(10) and 7(15) of Part M and Section 1(1) of Part Q-1 are permitted.

Notwithstanding the permitted uses of the CH-25/MS zone, within the area zoned CH-25/MS-H no person shall erect or occupy any building or structure or land for any purposes, other than the use that existed on September 4, 2001. The Holding "H" symbol shall be removed from any lot or lots within the CH-25/MS-H zone in accordance with the provisions of Section 36 of the Planning Act R.S.O. 1990, as amended, provided that all of the following are addressed for the lot or lots in question:

- (i) That adequate municipal water and municipal sanitary services are available to connect to the main use on the lot or lots in question to the satisfaction of the City of Quinte West and the City of Belleville.  
Notwithstanding the foregoing, in those locations where municipal water and municipal sanitary services are not available only those uses which are of a "dry" nature shall be permitted to the satisfaction of the City of Quinte West and the City of Belleville;
- (ii) the completion of a traffic study/review to the satisfaction of the City of Quinte West, the City of Belleville and the Ministry of Transportation;



and

- (iii) the completion of a hydrogeological analysis to determine impacts on ground water in conjunction with Quinte Conservation.

For the purposes of this section, a "dry" use would be a use which does not require water for cooling, washing and processing and whose subsurface sewage disposal systems are used solely for the disposal of domestic waste.

(01-99)

2010-103     **(NOTE:**     By-Law Number 2010-103 passed June 14, 2010 removed 'H - holding' symbol on this property.)

2003-72

- (27) a) Within the area zoned CH-26/MS, a slot machine gaming facility located and developed only in conjunction with a racing facility for horses, a hotel and convention centre, racing facilities for horses and fairgrounds are permitted uses, in addition to the permitted uses of Section 7 (26) of this Part M.
- b) Notwithstanding the permitted uses of the CH-26/MS zone, within the area zoned CH-26/MS-H no person shall erect or occupy any building or structure or land for any purposes, other than the use that existed on May 12, 2003. The "H" Holding symbol shall be removed from any lot or lots within the CH-26/MS-H zone in accordance with Section 36 of the Planning Act R.S.O. 1990, as amended, provided that all of the following are addressed for the lot or lots in question:
  - i) the completion of the analysis of traffic impacts on the intersection of Wallbridge-Loyalist Road and Bell Boulevard, as a condition of site plan control approval, including the determination of the need for intersection signalization and other related traffic improvements;
  - ii) that adequate municipal water and municipal sanitary sewer services are available to connect to the use(s) in question to the satisfaction of the City of Belleville; and
  - iii) clarification as to the conclusions of the Hydrogeological Assessment submitted by Lissom Earth Sciences.

2007-48     **(NOTE:**     By-Law Number 2007-48 passed March 26, 2007 removed 'H - holding' symbol on this property.)

2008-51

- (28) Within the area zoned CH-27, the only permitted use shall be a business, professional and/or administrative office comprising a maximum floor area of 450 square metres.

2012-149

- (29) Within the area zoned CH-28/MS, a casino shall be a permitted use in addition to those uses permitted by Subsection 7 (26) of this Part M. For the purpose of this By-Law a casino shall mean a gaming facility approved by the Ontario Lottery and Gaming Corporation.

Notwithstanding the permitted uses of the CH-28/MS zone, within the area zoned CH-28/MS-H no person shall erect or occupy any building or structure or land for any purposes, other than the use that existed on the day of the passing of this By-Law. The 'H' Holding symbol shall be removed from any lot or lots within the CH-28/MS-H zone, in accordance with Section 36 of the Planning Act R.S.O. 1990, as amended, provided that the following are addressed for the lot or lots in question:

- That adequate municipal water and sanitary services are available to connect to the main use on the lot or lots in question to the satisfaction of the City of Belleville. Notwithstanding the foregoing, in those locations where municipal water and municipal sanitary services are not available, only those uses of a 'dry' nature shall be permitted to the satisfaction of the City of Belleville. A 'dry' use would be a use which does not require water for cooling, washing and processing and whose subsurface sewage disposal systems are used solely for the disposal of domestic waste;
- Completion of a traffic study/review to the satisfaction of the City of Belleville and the Ministry of Transportation; and,
- Completion of a hydrogeological analysis to determine impacts on ground water in conjunction with Quinte Conservation.
- Moreover, for the purpose of this By-Law, a casino shall not be a permitted use unless approval has been given by the Ontario Lottery and Gaming Corporation.

2013-115

**(NOTE:** By-Law Number 2013-115 passed July 8, 2013 removed 'H - holding' symbol on Parts 1 - 7, Plan 21R-23997, former Township of Sidney.)

2016-23

**(NOTE:** By-Law Number 2016-23 passed January 25, 2016 removed 'H - holding' symbol on 380 Bell Boulevard, former Township of Sidney.)

2012-149

- (30) Within the area zoned CH-29/MS, a casino shall be a permitted use in addition to those uses permitted by Subsection 7 (27) of this Part M. For the purpose of this By-Law a casino shall mean a gaming facility approved by the Ontario Lottery and Gaming Corporation.

Notwithstanding the permitted uses of the CH-29/MS zone, within the area zoned CH-29/MS-H, the 'H' Holding symbol shall not permit a casino use and the 'H' Holding symbol shall not be removed from the CH-29/MS-H zone until approval for a casino has been given by the Ontario Lottery and Gaming Corporation.

2013-44

- (31) Notwithstanding the provisions of Subsection 2(1) and 2(6) of this Part M within the area zoned CH-30/MS the minimum lot frontage shall be 21.2 metres and the maximum height for a hotel (exclusive of any elevator housing, roof stairway, ventilating fan housing or a parapet wall) shall be 15.5 metres.

Notwithstanding the permitted uses of the CH-30/MS zone, within the area zoned CH-30/MS-H, no person shall erect any building or structure or use the land for any purpose other than the use existing on the day of the passing of this By-Law. The H - Holding symbol shall be removed in accordance with the provisions of the Planning Act, R.S.O., 1990, as amended, subject to the completion of a hydrogeological study to the satisfaction of the City of Belleville.

2016-25

**(NOTE:** By-Law Number 2016 - 25 passed January 25, 2016 removed 'H - holding' symbol on 784 Bell Boulevard, former Township of Sidney.)

2014-131

- (32) Notwithstanding the provisions of Section 15 of Part C, within the area zoned CH-31/MS the Off-Street Parking Requirements shall be calculated as follows:

Shopping Centre

Office: >20% of Shopping Centre - none

<20% of Shopping Centre - 2.69 spaces / 100 square metres gross leasable floor area in excess of the 20%. All Other Uses: 5.91 spaces/100 metres of gross leasable floor area.

Notwithstanding the provisions of Section 17 of Part C, within the area zoned CH-31/MS Off-Street Loading Requirements shall not be required;

Notwithstanding the provisions of Subsection 1 (1) (a) of this Part M,

within the area zoned CH-31/MS the permitted uses shall be limited to the following:

- Bank
- Business and Industrial Incubator
- Business, Professional and/or Administrative Office
- Convenience Store
- Eating Establishment
- Furniture, Appliances and Interior Decoration Retail & Warehouse Operation
- Home Improvement / Interior Decoration Centre
- Monument Shop (no outside storage)
- Motor Vehicle Parts and Accessories
- Non Personal Service or Repair Operation
- Nursery or Garden Centre
- Office Supply and Equipment Sales and Service
- Parking Lot
- Places of Amusement
- Printing or Copy Service
- Rental Outlet
- Service Shop
- Wholesale Business
- Amusement Arcade
- Art Gallery
- Auditorium
- Bakery
- Bake Shop
- Bank or Financial Establishment
- Banquet Hall
- Beverage Room
- Candy Shop
- 2015-54 ~~Church or Religious Institution~~
- Clinic
- Coin-Operated Laundry
- Commercial Club
- Commercial Entertainment Establishment
- Commercial Establishment
- Commercial Recreation Facility
- 2015-54 ~~Commercial School~~
- Community or Recreation Centre
- Computer Programming Establishment
- Craft Shop
- Data Processing Establishment
- 2015-54 ~~Day Care Centre / Day Nursery~~
- Department Store
- Drugstore / Pharmacy

Dry-Cleaning Distribution Station  
Dry-Cleaning Establishment  
Dry-Cleaning or Laundry Outlet  
Florist  
Food Store  
Funeral Home  
Government Office  
Hardware Store  
Hobby Beer & Wine Making Establishments  
Laundromat  
Library  
Liquor or Beer Store  
Microbrewery or Craft Brewery  
Parking Structure  
Pet-Grooming Establishment  
Pet Store  
Photo or Artist Studio  
Photocopying or Blueprinting Shop  
Photofinishing Establishment  
Postal or Courier Service  
Printing and Binding Establishment  
Private Social or Cultural Facility  
Public Use  
Radio or Television Studio  
Recreational Establishment  
Repair Service  
Restaurant  
Restaurant, Drive-In  
Restaurant, Outdoor Patio  
Restaurant, Take-Out  
Retail Store  
Service Establishment  
Service Shop, Merchandise  
Service Shop, Personal  
Shopping Centre  
Specialty Retail Store  
Supermarket  
Tavern  
Taxi Business  
Taxi Establishment  
Taxi Stand or Bus Station  
Telecommunication Services  
Theatre  
Video Rental  
Workshop

2014-132

2016-32

- (33) Notwithstanding the provisions of Subsection 1 (1) (a) of this Part M, within the area zoned CH-32/MS a medical clinic and a retail store shall be permitted uses in addition to the uses permitted by subsection 7 (10) of this Part M.

Moreover, as defined in the Condominium Act, 1998, Parcels of Tied Land (POTL) that are located in the CH-32/MS zone shall each be subject to the provisions of this By-Law save and except for the provisions of Subsections 2 (1), (2), (3) and (4) of this Part M and the provision of Subsection 1 (15) of Part B. For the purposes of this By-Law, all POTL shall be permitted to front on a common elements condominium private road with all buildings subject to a minimum distance of 4.5 metres from the west, east and south boundaries of the CH-32/MS zone, save and except for the southwesterly 61 metres of the zone boundary which shall be subject to a minimum distance of 6.0 metres of which 1.5 metres shall be maintained as a landscaped area.

2015-164

- (34) Notwithstanding the provisions of Subsection 7 (10) of this Part M, with the area zoned CH-33 a Humane Society shall be a permitted use in addition to the uses permitted by Subsection 7 (10) of this Part M.

2016-05

- (35) Notwithstanding the provisions of Subsections 2 (3) and 7 (10) of this Part M, with the area zoned CH-34 the minimum rear yard depth shall be 2.5 metres and a Medical Clinic shall be a permitted use in addition to the uses permitted by Subsection 7(10) of this Part M.

Notwithstanding the permitted uses of the CH-34 zone, within the area zoned CH-34-H. no person shall erect any building or structure or use the land for any purpose other than the uses existing on the day of the passing of this By-Law. The H - Holding symbol shall be removed in accordance with the provisions of the Planning Act. R.S.O., 1990, as amended, subject to stormwater management being addressed to the satisfaction of the City of Belleville as part of the site plan control process.

**PART M-1 - MCH - MODIFIED HIGHWAY COMMERCIAL ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all MCH Zones subject to the general provisions under Part B and Part C of this By-Law.

1. PERMITTED USES

- (1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes :
  - (a) Main Use
    - (i) Recreation uses.
  - (b) Accessory Uses, Building or Structures
    - (i) Any use, building or structure which is subordinate to a main use;
    - (ii) A lounge and/or snack bar;
    - (iii) A facility for the sale, rental or repair of equipment for the playing of a game or sports activity normally used in association with a Main Use on the same lot.

2. ZONE REQUIREMENTS

- (1) Lot Frontage (minimum): 30.0 metres  
(2266-84)
- (2) Front Yard Depth (minimum): 12.0 metres  

A strip of land with a depth of 1.5 metres abutting the street line shall be main- tained as a landscaped area except for ingress and egress.
- (3) Rear Yard Depth (minimum): 7.5 metres  

Where the rear yard abuts a lot which is located in a residential zone, a strip of land with a depth of 1.5 metres abutting the rear lot line shall be maintained as a landscaped area.
- (4) Interior Side Yard Width (minimum): 4.5 metres  

Where the side yard abuts a lot which is located in a residential zone, a

minimum interior side yard width of 6.0 metres shall be provided, of which the 1.5 metres abutting the lot line shall be maintained as a landscaped area.

(5) Building Height (maximum): 13.5 metres

3. REQUIREMENTS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES

See Part C, Section 7.

4. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.



**PART M-2 - CC - CORE COMMERCIAL ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all CC zones subject to the general provisions under Part B and C of this By-Law.

1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures therein for any of the following purposes:

(a) Main Use

- (i) Retail Store, with a gross floor area not exceeding 500 square metres;
- (ii) Convenience Store, with a gross floor area not exceeding 500 square metres;
- (iii) Service Shop, with a gross floor area not exceeding 500 square metres;
- (iv) Business, Professional and/or Administrative Office;
- (v) Eating Establishment;
- (vi) Bank;
- (vii) Dry Cleaning Distribution Station;
- (viii) Places of Amusement;
- (ix) Private Club;
- (x) Private School;
- (xi) Commercial School;
- (xii) Trade School, but not including outside storage;
- (xiii) Museum;
- (xiv) Church.

(b) Accessory Uses, Buildings or Structures

- (i) Any use, building or structure which is subordinate and customarily incidental to a main use.

### 2. ZONE REQUIREMENTS

- (1) Lot Frontage (minimum): 30.0 metres

- (2) Front Yard Depth (minimum): 7.5 metres

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.

- (3) Rear Yard Depth (minimum): 7.5 metres

Where the rear yard abuts any residential, community facility or open space zone, a strip of land with a minimum depth of 1.5 metres abutting the rear lot line shall be maintained as a landscaped area.

- (4) Interior Side Yard Width (minimum): 4.5 metres

Where the side yard abuts any residential, community facility or open space zone, a minimum side yard of 7.5 metres shall be provided and a strip of land with a minimum depth of 1.5 metres abutting the side lot line shall be maintained as a landscaped area.

- (5) Lot coverage (maximum): 50 percent

- (6) Gross Floor Area (maximum): shall not exceed that cumulative maximum area allowed for each main use in accordance with a retail market study satisfactory to the Municipality and the requirements of this By-Law

- (7) Building Height (maximum): 13 .5 metres

### 3. DEVELOPMENT FORM

- (1) All buildings shall be in the form of a shopping centre with pedestrian access to the establishments being predominantly by means of a common climate controlled internal network.

### 4. MINIMUM PUBLIC UTILITIES

- (1) Any main building shall be serviced by and connected to:

- (a) an adequate municipal water supply system; and

(b) an adequate municipal sanitary sewer system.

5. SPECIAL MAXIMUM YARD AND SETBACK PROVISIONS

See Part C, Section 13 (1) c) .  
(3129-95)

6. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

7. FOR OFF STREET LOADING PROVISIONS

See Part C, Sections 17 and 18.

8. HOLDING "H" SYMBOL

(1) Notwithstanding the requirements of Subsection 1(1) of this Part M-2 within the area zoned CC-H, no person shall erect or occupy any building or structure or use any building, structure or land for any purposes, other than the use that existed on the first day of November, 1991. The Holding "H" symbol shall be removed from any lot or lots within the CC-H zone in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990 provided that all of the following are addressed for the lot or lots in question:

(a) that adequate municipal water and municipal sanitary sewer services are available to service and connect to the main use on the lot in question;

(b) that a master drainage plan has been completed for the relevant watershed to the satisfaction of the Ministry of Environment and Energy, the Lower Trent Region Conservation Authority, the Ministry of Natural Resources, and the Municipality;

(c) the submission of grading and drainage plans satisfactory to the Municipality and stormwater management plans satisfactory to the Ministry of Environment and Energy, the Ministry of Natural Resources, the Lower Trent Region Conservation Authority, and the Municipality;

(d) written confirmation from the Ministry of Natural Resources and the Lower Trent Region conservation Authority that no significant fish or wildlife habitats or wetlands will negatively be impacted by the development of the lot in question;

- (e) written confirmation of road access approval from the appropriate road authority; and
- (f) the submission of retail market studies satisfactory to the Municipality identifying that:
  - (i) that the proposal is economically feasible and viable based on the existing and projected likely market demands and opportunities;
  - (ii) that the primary market area of the proposal will be the surrounding community; and
  - (iii) that the proposal will not significantly impact or threaten the role, function or economic viability of the central Business Districts located in the City of Trenton or the City of Belleville or any existing regional retail commercial centre in the aforementioned cities.  
(2991-93)

**PART N - CD - DISTRICT COMMERCIAL ZONE**

The following provisions shall apply to the use of land the construction of buildings in all CD Zones subject to the general provisions under Part B and Part C of this By-Law.

1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

(a) Main Use

- (i) Retail Store
- (ii) Business, Professional or Administrative Office
- (iii) Bank
- (iv) Service Shop
- (v) Places of Amusement
- (vi) Eating Establishment
- (vii) Convenience store
- (viii) Motor Vehicle Service Station

(b) Accessory Uses, Buildings or Structures

Any use, building or structure which is subordinate and customarily incidental to the main use.

(3129-95)

2. ZONE REQUIREMENTS

- (1) Lot Frontage (minimum): 30.0 metres
- (2) Front Yard Depth (minimum): 12.0 metres

A strip of land with a depth of 1.5 metres abutting the street line shall be maintained as a landscaped area, except for ingress and egress.

- (3) Rear Yard Depth (minimum): 7.5 metres  
Where the rear yard abuts a lot line, a strip of land with a depth of 3.0

metres abutting the rear lot line shall be maintained as a landscaped area.

- (4) Interior Side Yard Width (minimum): 6.0 metres

Where the side yard abuts a lot line, a strip of land with a depth of 1.5 metres abutting the lot line shall be maintained as a landscaped area.

- (5) Gross Floor Area (maximum): 13,000.0 square metres

- (6) Lot Coverage (maximum): 50 percent

- (7) Building Height (maximum): 13.5 metres

- (8) storage

In the CD zone all storage shall be located in an enclosed building or structure or where open storage is visible from a street 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. Where open storage is carried out in conjunction with any permitted use of the CD zone such open storage shall not be located in any required yard.  
(3129-95)

### 3. REQUIREMENTS FOR ACCESSORY USES, BUILDINGS AND STRUCTURES

See Part C, Section 7.  
(3129-95)

### 4. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.  
(3129-95)

### 5. FOR OFF STREET LOADING PROVISIONS

See Part C, Sections 17 and 18.  
(3129-95)

**PART O - MR - RURAL INDUSTRIAL ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all MR Zones subject to the general provisions under Part B and Part C of this By-Law .

1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

(a) Main Use

- (i) Agricultural Processing Plant
- (ii) Builders' Supply Yard
- (iii) Bulk Storage Yard
- (iv) Contractors' Yard
- (v) Motor Vehicle Repair Garage
- (vi) Open Storage
- (vii) Saw Mill
- (viii) Truck and Transportation Terminal
- (ix) Non Personal Service or Repair Operation
- (x) Rental Outlet
- (xi) Warehousing
- (xii) Manufacturing, storage and distribution of fencing, wooden building trusses and walls and wooden pallets and related products.  
(3129-95)

(b) Accessory Uses, Buildings or Structures

- (i) One dwelling unit for a caretaker or maintenance staff of the land, building or equipment thereof;

- (ii) Any use, building or structure which is subordinate and customarily incidental to a main use. These would include a retail outlet for the purposes of selling goods manufactured, stored and/or assembled on the premises, provided such outlet is part of the main building and occupies not more than five percent (5%) of the gross floor area of the main building or 100 square metres whichever is the lesser.

### 2. ZONE REQUIREMENTS

- (1) Front Yard Depth (minimum): 15 metres, except  
where the opposite side of the street is in a residential zone: 22 metres
- (2) Rear Yard Depth (minimum): 7.5 metres
  - (a) where the rear yard abuts a residential zone 12 metres, of which the 1.5 metres abutting the lot line shall be maintained as landscaped area.
  - (b) where the rear yard abuts a railway right of way, which will provide loading facilities. Nil
- (3) Interior Side Yard Width (minimum): 7.5 metres, except
  - (a) where the side yard abuts a lot in a residential zone 12 metres, of which 1.5 metres abutting the lot line shall be maintained as landscaped area; or
  - (b) where the side yard abuts a railway right of way which will provide loading facilities. Nil
- (4) Lot Coverage (maximum): 50 percent
- (5) Building Height (maximum): 15.0 metres

### 3. OPEN STORAGE

- (1) Where open storage is carried on in conjunction with any use permitted under section 1 of this Part O , such open storage shall not be located in any required front yard or required outside side yard.
- (2) Where open storage is located in a yard which abuts a residential zone, or is visible from the street, such open storage shall be enclosed by adequate screening in the form of landscaping or fencing to a height of not less than 1.8 metres.



## PART O – MR – RURAL INDUSTRIAL ZONE

### 4. REQUIREMENTS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES

(1) In addition to the provisions of Part C, Section 7 , the following requirements shall apply:

(a) Where a dwelling unit is an integral part of the industrial building the minimum gross floor area of such unit shall be as follows:

- (i) Bachelor
- (ii) One Bedroom
- (iii) Two Bedroom
- (iv) Three Bedroom
- (v) Four Bedroom
- (vi) For Each Additional Bedroom

As per the Ontario Building Code

(b) Where a dwelling unit is in the form of a single detached dwelling: (3129-95)

(i) the provisions of Part I, Sections 2. (3) to (6), and Sections 3, 4, 5 and 6 shall apply; and

(ii) the minimum distance between such dwelling and the main building shall be one half of the combined heights of such dwelling and main building.

(c) The residential requirements shall be in addition to the zone requirements of this Part O.

### 5. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

### 6. FOR OFF STREET LOADING PROVISIONS

See Part C, Sections 17 and 18.

### 7. SPECIAL PROVISIONS

(1) Notwithstanding the provisions of Section 1 of this Part O, within the area zoned MR-1, the existing paper mill shall be permitted subject to the requirements and standards existing on the date of the passing of this By-Law. (3129-95)

(2) Notwithstanding the provisions of Section 1.(1) of this Part O, within the area zoned MR-2, the existing abattoir and meat store shall be deemed to

be permitted uses .  
(3129-95)

- (3) This section deleted. (3129-95)
- (4) This section deleted. (3129-95)
- (5) Notwithstanding the provisions of Part O - MR Rural Industrial Zone, Section 1, Permitted Uses, within the area zoned MR-5, a metal manufacturing use shall be a permitted use on the property described as Part of Lot 20, Concession 8 and containing 0.44 hectares.

And notwithstanding Part C, Section 7 (2), the existing building at the date of the passing of this By-Law shall be permitted have a one metre side yard along the southerly lot boundary.  
(2316-84) (3129-95)

- (6) Notwithstanding the provisions of Sections 1(1) (a) and (b) and 2(4) of this Part O, within the area zoned MR-6, the only permitted main use shall be warehouse storage. In addition, a maximum of 20.50 square metres of floor area may be used for the processing of premanufactured paint and wallpaper materials and a maximum of 51.25 square metres of floor area may be used for retailing of paint and wallpaper materials. Open storage shall not be permitted within the area zoned MR-6 and the maximum permitted gross floor area in the area zoned MR-6 is 205 square metres.  
(2527-87)

Notwithstanding Part o, Section 2 (3) (a), the minimum interior side yard width of the existing concrete building within the area zoned MR- 6 along the easterly lot boundary shall be 1,82 metres, of which 1.5 metres abutting the lot line shall be maintained as a landscaped area. In addition to the requirements of Part o, Section 2(2), 1.5 metres abutting the rear lot line of the area zoned MR-6 shall be maintained as landscaped area. All other applicable provisions of By-Law 2076-80 shall apply.  
(2356-85)

- (7) Notwithstanding the provisions of Section 1.(1) of this Part O, within the area zoned MR-7, a salvage yard shall be deemed to be a permitted use and such use shall be subject to all provisions of this By-Law and all other By-Laws of the Corporation as apply.  
(2485-86)
- (8) This section deleted.
- (9) (a) Notwithstanding Section 1(1) (a) and (b) of this Part O within the area zoned MR-9, the only permitted uses shall be :

## PART O – MR – RURAL INDUSTRIAL ZONE

- Truck and Transportation Terminal;
- Open Storage; and
- Warehousing.

Notwithstanding Section 2 of this Part O, the minimum permitted yard depths and widths for existing buildings shall be recognized as the minimum yard depths and widths for those buildings existing on the first day of November, 1991. Notwithstanding the aforementioned, the existing buildings may be extended or enlarged provided the existing yards are not reduced in depth or width except where any such yards are larger in depth or width than the minimum required by Sections 2 (2) and (3) of this Part O, such yards may be reduced to the minimum yards required by Sections 2(2) and (3) of this Part O. Any main building shall be serviced by and connected to an adequate municipal water supply system.

(2991-93)

- (10) Notwithstanding the permitted uses and accessory uses, buildings or structures of Section 1 and the provisions of Sections 2, 3 and 4 of this Part O, within the area zoned MR-10, no person shall erect or occupy a building or structure or use any building structure or land except in accordance with the following:

(a) PERMITTED USES

(i) Main Uses

- assembly of saw mills;
- assembly of goods;
- warehousing;
- rental outlet;
- non personal service shop or repair operation, excluding a painter's shop or a welding shop
- mini storage building; and manufacturing of metal products.

(ii) Accessory Uses, Buildings or Structures

Any use, building or structure which is subordinate and customarily incidental to the permitted main use shall be permitted and permitted accessory uses may include accessory: office uses; display areas; sales; and warehousing and storage.

Notwithstanding the aforementioned, an accessory dwelling unit shall not be permitted.

- (b) For the purposes of the MR-10 zone "assembly" is defined as follows:

- (i) "assembly" shall mean any operation carried on for the purpose of the putting together of premanufactured parts in order to provide a finished product, but nothing in the aforementioned shall mean to include welding as a main component of such an operation.

### (c) ZONE REQUIREMENTS

- (i) Lot Frontage (minimum)

The minimum lot frontage for lands located within the MR-10 zone shall be 190.0 metres.

- (ii) Front Yard Depth (minimum): 15.0 metres

A strip of land with a depth of 3.0 metres abutting the street line shall be maintained as a landscaped area, except for ingress and egress.

- (iii) Interior Side Yard Width (minimum): 15.0 metres

- (iv) Yard Required Adjacent to the Northern Boundary of the MR-10 Zone

That area within the MR-10 zone located within 22.0 metres of the northern boundary of the MR-10 zone shall be maintained as an open, uncovered, unoccupied natural space or yard.

Notwithstanding the aforementioned, a strip of land with a depth of 3.0 metres abutting the northern boundary of the MR-10 zone shall be maintained as a landscape area consisting of grass, cedar hedge and wooden board on board fencing. The wooden board on board fencing shall have a minimum height of 2.4 metres and shall be located on the southern limit of the required 3.0 metre landscape area.

- (v) Special Setbacks

- (a) Storage not within a wholly enclosed building and commercial vehicle parking areas not within a wholly enclosed building or main buildings shall not be located within 75.0 metres of the northern boundary of the MR-10 zone.

- (b) Storage not within a wholly enclosed building and commercial vehicle parking areas not within a wholly enclosed building shall not be located closer to the street line than a main building or located within an interior side yard.

- (vi) Storage Not Within a Wholly Enclosed Building and Commercial Vehicle Parking Areas not within a Wholly Enclosed Building.

With the exception of ingress or egress, a strip of land not less than 3.0 metres in width shall be maintained as a landscaped area with fencing adjacent to any storage area not within a wholly enclosed building or commercial vehicle parking area not within a wholly enclosed building.

- (vii) Floor Area (maximum)

The gross floor area of the one (1) main building used for the assembly of saw mills or assembly of goods shall not exceed 1000 square metres. The gross floor area of the main building used for a manufacturing of metal products use shall not exceed 1800 square metres.

- (viii) Lot coverage (maximum): 50 percent

- (ix) Height (maximum): 15.0 metres

(d) FOR ACCESSORY USES, BUILDINGS OR STRUCTURES PROVISIONS

In addition to the zone requirements of the MR-10 Zone, see Part C, Section 7.

(e) FOR OFF STREET PARKING PROVISIONS

In addition to the zone requirements of the MR-10 Zone, see Part C, Sections 15 and 16.

(f) FOR OFF STREET LOADING PROVISIONS

See Part C, Sections 17 and 18.  
(3104-94), (3154-95)

- (11) Notwithstanding the requirements of Sections 1(1)(a), 2 (1) and 3 of this Part O, within the area zoned MR-11 the only permitted use shall be the warehouse storage of recreational vehicles and the minimum front yard depth shall be 16.0 metres. (3050-94)

## PART P - MW - INDUSTRIAL WASTE DISPOSAL ZONE

The following provisions shall apply to the use of land and the construction of buildings in all MW Zones subject of the general provisions under Part B and Part C of this By-Law.

### 1. PERMITTED USES

- (1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:
  - (a) Main use
    - (i) Active Solid Waste Disposal Area.
  - (b) Accessory Uses, Buildings or Structures
    - (i) Any use, building or structure which is subordinate and customarily incidental to a main use.

### 2. ZONE REQUIREMENTS

- (1) All uses are subject to the requirements of the Ministry of the Environment.
- (2) Except as otherwise may be permitted by the Ministry of the Environment,
  - (i) Where a permitted use abuts a residential or open space zone the minimum dimension of the yard or yards abutting such zone shall be increased to a least 90 metres.
  - (ii) Where a permitted use abuts a commercial or institutional zone the minimum dimension of the yard or yards abutting such zone shall be increased to at least 45 metres.
- (3) A strip of land with a minimum depth of 3 metres abutting all lot lines shall be maintained as a landscaped area which shall provide adequate visual screening, or a fence shall be erected to provide adequate visual screening, for all open storage areas and disposal operations.

### 3. SPECIAL PROVISIONS

- (1) Notwithstanding the provisions of Section 1.(1) of this Part P, the area zoned MW-1 permits Inactive Solid Waste Disposal Areas . The only use permitted is a "Farm" subject to the provisions of Part V of this By-Law provided no main buildings or structures shall be permitted to be erected.

## PART P – MW – INDUSTRIAL WASTE DISPOSAL ZONE

- (2) Notwithstanding the provisions of Section 1,(1) of this Part P, within the area zoned MW-2, the existing Sewage Treatment Plant shall be permitted subject to the following provisions :
  - (a) Where the operation of a Sewage Treatment Plant abuts a residential zone the minimum dimensions of the yard, or yards, abutting such zone shall be increased to at least 90 metres.
- (3) Notwithstanding the provisions of Section 1,(1) of this Part P, within the area zoned MW-3, the existing Sewage Lagoon shall be permitted subject to the following provisions:
  - (a) Where the operation of a Sewage Lagoon abuts a residential zone the minimum dimensions of the yard or yards abutting such zone shall be increased to at least 450 metres.
- (4) Notwithstanding the provisions of Section 1(1) of this Part P, within the area zoned MW-4, only the following uses shall be permitted:
  - (a) Inactive Solid Waste Disposal Area; and
  - (b) Contouring and planting for landscaping purposes in accordance with a Certificate of Approval issued under the Environmental Protection Act and any agreements with the municipality.

For the purposes of the MW-4 zone, "Inactive Solid Waste Disposal Area" shall mean any parcel of land upon which, or building or structure in which waste had previously been deposited, processed or treated but has ceased to be used for any additional such deposits, processing or treatment.  
(2769-90)
- (5) Notwithstanding Section 1. (1) and Section 2 of this Part P, within the area zoned MW-5, only the salvage yard and wrecking yard as existing on the date of the passing of By-Law 2076-80 shall be deemed to be permitted uses.  
(3129-95)

### PART Q – M1 - URBAN INDUSTRIAL ZONE

The following provisions shall apply to the use of land and the construction of buildings in all M1 zones subject to the general provisions under Part B and Part C of this By-Law.

#### 1. PERMITTED USES

- (1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes provided the same are carried on within wholly enclosed buildings and are not obnoxious by reason of dust, smoke, fumes, gas, soot, cinders, glare, noise vibration or waste.

##### (a) Main Use

- (i) Manufacturing, processing and fabrication of goods and materials;
- (ii) Warehousing and storage of goods but not including salvage yards;
- (iii) Wholesale business;
- (iv) Truck and/or Transportation Terminal;
- (v) Motor Vehicle Body Shop;
- (vi) Rental Outlet;
- (vii) Non Personal Service or Repair Operation;
- (viii) Business and Industrial Incubator;
- (ix) Business, Professional and/or Administration Office . (3129-95)

##### (b) Accessory Uses, Buildings or Structures

- (i) Any use, building or structure which is subordinate and customarily incidental to a main use. These would include a retail outlet for the purposes selling goods manufactured, stored and/or assembled on the premises, provided such outlet is part of the main building and occupies not more than five percent (5%) of the gross floor area of the main building or 100 square metres whichever is the lesser.



### 2. ZONE REQUIREMENTS

- (1) Front Yard Depth (minimum): 15 metres, except where the opposite side of the street is in a residential zone: 22 metres
- (2) Rear Yard Depth (minimum): 7.5 metres
  - (a) where the rear yard abuts a residential zone 12 metres, of which the 1.5 metres abutting the lot line shall be maintained as landscaped area.
  - (b) where the rear yard abuts a railway right of way which will provide loading facilities: NIL.
- (3) Interior Side Yard Width (minimum): 7.5 metres except
  - (a) where the side yard abuts a lot in a residential zone 12 metres, of which 1.5 metres abutting the lot line shall be maintained as landscaped area; or
  - (b) where the side yard abuts a railway right of way which will provide loading facilities: NIL
- (4) Lot Coverage (maximum): 50 percent
- (5) Height (maximum): 15.0 metres

### 3. REQUIREMENTS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES

See Part C, Section 7.  
(3129-95)

### 4. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

### 5. FOR OFF STREET LOADING PROVISIONS

See Part C, Sections 17 and 18.

### 6. MINIMUM UTILITIES

- (1) Any main building shall be serviced by and connected to:
  - (a) an adequate municipal water supply system.

(b) an adequate municipal sanitary sewer system.  
(3129-95)

7. SPECIAL PROVISIONS

(1) Notwithstanding the provisions of Sections 2(2) and (3) of this Part Q the minimum permitted interior side yard width and rear yard depths for existing buildings within the MI-1 zone shall be deemed as the permitted minimums. Notwithstanding the aforementioned, the existing buildings may be extended or enlarged provided the existing interior side yard widths and rear yard depths are not reduced in width or depth except where any such yards are larger in width or depth than the minimum required by Sections 2 (2) and (3) of this Part Q such yards may be reduced to the minimum yards required by the MI zone.  
(3129-95)

**PART Q-1 - MS - SPECIAL INDUSTRIAL ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all MS Zones subject to the general provisions under Part B and Part C of this By-Law.

1. PERMITTED USES

- (1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes provided they are not obnoxious by reason of dust, smoke, fumes, gas, soot, cinders, glare, noise, vibration or waste. (2087-81)

(a) Main Use

- (i) Manufacturing, processing and fabrication of goods and materials;
- (ii) Warehousing and storage of goods but not including salvage yards;
- (iii) Wholesale business;
- (iv) Truck and/or Transportation Terminal;
- (v) Rental outlet;
- (vi) Business and Industrial Incubator; (vii) Motor Vehicle Repair Garage;
- (viii) Motor Vehicle Body Shop;
- (ix) Non Personal Service or Repair Operation;
- (x) Business, Professional or Administration Office, with a gross floor area not exceeding 500 square metres (3129-95)

(b) Accessory Uses, Buildings or Structures

- (i) Any use, building or structure which is subordinate and customarily incidental to a main use . These would include a retail outlet for the purpose of selling goods manufactured, stored and/or assembled on the premises, provided such outlet is part of the main building and occupies not more than five percent (5%) of the gross floor area of the main building or 100 square metres whichever is the

lesser. (3129-95)

2. ZONE REQUIREMENTS

- (1) Front Yard Depth (minimum): 15 metres except  
where the opposite side of the street is in a residential zone: 22 metres
- (2) Rear Yard Depth (minimum): 7.5 metres
  - (a) where the rear yard abuts a residential zone 12 metres, of which the 1.5 metres abutting the lot line shall be maintained as landscaped area.
  - (b) where the rear yard abuts a railway right of way which will provide loading facilities: NIL
- (3) Interior Side Yard Width (minimum): 7.5 metres except
  - (a) where the side yard abuts a lot in a residential zone 12 metres, of which 1.5 metres abutting the lot line shall be maintained as landscaped area; or : Nil
  - (b) where the side yard abuts a railway right of way which will provide loading facilities.
- (4) Lot Coverage (maximum): 50 percent
- (5) Height (maximum): 15.0 metres
- (6) Open storage
  - (a) Where open storage is carried on in conjunction with any use permitted under section 1 of this Part Q-1, such open storage shall not be located in any required front yard or required outside side yard.
  - (b) Where open storage is located in a yard which abuts a residential zone, or is visible from the street, such open storage shall be enclosed by adequate screening in the form of landscaping or fencing to a height of not less than 1.8 metres.  
(3129-95)

3. REQUIREMENTS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES

See Part C, Section 7. (3129-95)

### 4. FOR OFF STREET PARKING PROVISIONS

See Part C, sections 15 and 16.

### 5. FOR OFF STREET LOADING PROVISIONS

See Part C, Sections 17 and 18.

### 6. SPECIAL PROVISIONS

(1) Notwithstanding the generality of the permitted uses as listed under Section 1(1) above, only "dry industries" shall be permitted.

(a) For the purposes of this Part Q-1 a "dry industry" shall be defined as follows:

"Dry Industry" means any industrial operation that does not use water for processing, manufacturing or production purposes; and requires no water for cleaning or washing purposes; and does not discharge nor generate any liquid effluent from its operations. These restrictions shall not apply to the operation of washrooms, cafeteria or firefighting purposes.

(2) In addition to the provisions of Subsection 1(1) of this Part Q-1, within the area zoned MS-1, the uses permitted shall be carried on within wholly enclosed buildings.

(2105-81) (3129-95)

(3) Notwithstanding the provisions of Sections 2(1), 2 (2) and 2(3) of this Part Q-1, within the area zoned MS-1, the minimum yard depth between the western lot line, the southern lot line and the eastern lot line and the nearest part of the industrial building on the site shall be 7.5 metres. The minimum yard depth between the northern lot line and the nearest part of the industrial building on the site shall be 110 metres.

(2105-81) (3129-95)

(4) Notwithstanding the provisions of Section 1 of this Part Q-1, within the area zoned MS-2 the use shall be restricted to the assembly and wholesale of handcraft supplies with an ancillary retail outlet. The provisions of Section 6 (1)a) apply.

(2300-84) (3129-95)

(5) Notwithstanding the provisions of Sections 2(2), 2(3) and 2(4) of this Part Q-1, within the area zoned MS-2, the minimum rear yard depth shall be 1.2 metres, the minimum easterly side yard width shall be 1.2 metres and the minimum westerly side yard width shall be 3.8 metres. The maximum

lot coverage shall be twenty percent (20%).  
(2300-84) (3129-95)

- (6) Notwithstanding the provisions of Section 1(1) -of this Part Q-1 within the area zoned MS-4 the following shall be deemed to be permitted uses in addition to those uses permitted by section 1(1) of this Part Q-1:
- a) - Truck oriented Sales and service Centre
    - Truck Body and Truck Trailer Shop and Appearance Centre
    - Truck and/or Transport Terminal
  - b) For the purposes of the MS-4 zone a 'truck oriented sales and service centre'and a 'truck body and truck trailer shop and appearance centre' are defined as follows:
    - (i) "Truck Oriented Sales and Service Centre" shall mean the use of a building or a portion of a building the purpose of which is for the display and sale of truck trailers and parts and accessories to truck trailers and trucks and the servicing and repairing of truck trailers, trucks and related parts and accessories.
    - (ii) "Truck Body and Truck Trailer Shop and Appearance Centre" shall mean the use of a building or part of a building where services to motor vehicles or a motor vehicle designed to have a combined vehicle and load weight with a combined vehicle and load weight exceeding five (5) tonnes and such services may include painting and/or repairing of truck bodies and truck trailers exteriors and/or undercarriages sign and lettering services and exterior and interior washing, waxing and cleaning.
  - c) All storage shall be located in an enclosed building or structure or shall be enclosed by adequate screening in the form of landscaping or fencing to a height of not less than 1.8 metres.  
(2716-89) (3129-95)
- (7) This section deleted. (3129-95)
- (8) (a) Notwithstanding the provisions of Section 1(1) of this Part Q-1 within the area zoned MS-7, an Ontario Provincial Police Detachment station shall be deemed to be a permitted use in addition to those uses permitted by Section 1(1) of this Part Q-1.  
(2894-92) (3129-95)
- (9) Within the area zoned CH-25/MS, the uses of Sections 7(10) and 7(15) of Part M and Section 1(1) of Part Q-1 are permitted.

Notwithstanding the permitted uses of the CH-25/MS zone, within the area zoned CH-25/MS-H no person shall erect or occupy any building or structure or land for any purposes, other than the use that existed on September 4, 2001. The Holding "H" symbol shall be removed from any lot or lots within the CH-25/MS-H zone in accordance with the provisions of Section 36 of the Planning Act R.S.O. 1990, as amended, provided that all of the following are addressed for the lot or lots in question:

- (i) That adequate municipal water and municipal sanitary services are available to connect to the main use on the lot or lots in question to the satisfaction of the City of Quinte West and the City of Belleville. Notwithstanding the foregoing, in those locations where municipal water and municipal sanitary services are not available only those uses which are of a "dry" nature shall be permitted to the satisfaction of the City of Quinte West and the City of Belleville;
- (ii) the completion of a traffic study/review to the satisfaction of the City of Quinte West, the City of Belleville and the Ministry of Transportation; and
- (iii) the completion of a hydrogeological analysis to determine impacts on ground water in conjunction with Quinte Conservation.

For the purposes of this section, a "dry" use would be a use which does not require water for cooling, washing and processing and whose subsurface sewage disposal systems are used solely for the disposal of domestic waste.

(01-99)

**PART Q-2 – M1S - SPECIAL URBAN INDUSTRIAL ZONE**

The following provisions shall apply to the use of land and construction of buildings in all M1S zones subject to the general provisions under Part B and Part C of this By-Law.

1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

(a) Main Use (Serviced by and Connected to Municipal Water Supply System and a Private Sewage Disposal System)

- (i) Builder's Supply Yard
- (ii) Bulk Storage Yard
- (iii) Contractors Yard
- (iv) Open Storage
- (v) Motor Vehicle Body Shop
- (vi) Rental Outlet
- (vii) Non Personal Service or Repair Operation
- (viii) Truck and/or Transportation Terminal
- (ix) Warehousing
- (x) Wholesale Business
- (xi) Mini Storage Building

(b) Main Use (Serviced by and Connected to a Municipal Water Supply System and a Municipal Sanitary Sewer System)

- (i) Manufacturing, Processing and Fabrication of Goods and Materials
- (ii) Motor Vehicle Repair Garage
- (iii) Business, Professional and/or Administration Office



- (iv) Laboratory or Research Establishment
- (v) Business and Industrial Incubator
- (vi) This section deleted
- (vii) Trade School
- (viii) Those uses in Section 1(1)(a) of this Part Q-2  
(3129-95)

(c) Accessory Uses, Buildings or Structures

Any use, building or structure which is subordinate and customarily incidental to a main use including a retail outlet for the purposes of selling goods manufactured, stored and/or assembled on the premises, provided such outlet is part of the main building and occupies not more than ten percent (10%) of the gross floor area of the main building or 200 square metres, whichever is the lesser.

## 2. ZONE REQUIREMENTS

- (1) Front Yard Depth (minimum): 15.0 metres, except

Where the opposite side of the street is in any residential, community facility or open space zone then 22.0 metres.

A strip of land with a depth of 3.0 metres abutting the streetline shall be maintained as a landscaped area, except for ingress and egress.

- (2) Rear Yard Depth (minimum): 7.5 metres, except

(a) where the rear yard abuts any residential, community facility or open space zone then 15.0 metres, of which the 3.0 metres abutting the lot line shall be maintained as landscaped area

(b) where the rear yard abuts a railway right of way which provides loading facilities: NIL

- (3) Interior Side Yard Width (minimum): 7.5 metres, except

(a) where the side yard abuts any residential, community facility or open space zone then 15.0 metres, of which 3.0 metres abutting the lot line shall be maintained as landscaped area; or

- (b) where the side yard abuts a railway right of way which provides loading facilities: NIL
- (4) Storage and Truck and/or Transportation Vehicles Not Within Wholly Enclosed Buildings
  - (a) a strip of land not less than 3.0 metres in width shall be maintained as a landscaped area with fencing adjacent to any storage area or truck and/or transportation vehicle parking or service area not within a wholly enclosed building.
  - (b) a storage area or truck and/or transportation vehicle parking or service area not within a wholly enclosed building shall not be located in the front yard, outside side yard or within 10.5 metres of any residential, community facility or open space zone.
- (5) Private Sewage Disposal System
  - (a) private sewage disposal systems shall only be located in that area between the main use and an abutting streetline.
- (6) Lot Coverage (maximum): 50 percent
- (7) Height (maximum): 15.0 metres
- 3. FOR ACCESSORY USES, BUILDINGS OR STRUCTURES PROVISIONS

See Part C, Section 7.
- 4. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16,
- 5. FOR OFF STREET LOADING PROVISIONS

See Part C, Sections 17 and 18,
- 6. HOLDING "H" SYMBOL
  - (1) Notwithstanding the requirements of Subsection 1(1) of this Part Q-2 within the area zoned M1S-H, no person shall erect or occupy any building or structure or use any building, structure or land for any purposes, other than the use that existed on the first day of November, 1991. The Holding "H" symbol shall be removed from any lot or lots within the M1S-H zone in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990 provided that all of the following are addressed for the lot or lots in

question:

- (a) that adequate and appropriate municipal services are available to service and connect to the main use on the lot in question;
- (b) the submission of engineering or hydrogeological studies regarding any required private sewage disposal system satisfactory to the Ministry of Environment and Energy, the Hastings/Prince Edward Counties Health Unit and the Municipality;
- (c) that a master drainage plan has been completed for the relevant watershed to the satisfaction of the Ministry of Environment and Energy, the Lower Trent Region Conservation Authority, the Ministry of Natural Resources, and the Municipality;
- (d) the submission of grading and drainage plans satisfactory to the Municipality and storm water management plans satisfactory to the Ministry of Environment and Energy, the Ministry of Natural Resources, the Lower Trent Region Conservation Authority, and the Municipality;
- (e) written confirmation from the Ministry of Natural Resources and the Lower Trent Region Conservation Authority that no significant fish or wildlife habitats or wetlands will negatively be impacted by the development of the lot in question; and
- (f) written confirmation of road access approval from the appropriate road authority.  
(2991-93)

**PART R - M2 - RAILWAY ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all M2 Zones.

1. PERMITTED USES

- (1) Those uses permitted under "The Railway Act" or any other Act governing railway operations, subject to the provisions of those Acts.

## PART S - AG - AGGREGATE ZONE

The following provisions shall apply to the use of land and the construction of buildings in all AG zones subject to the general provisions under Part B and Part C of this By-Law:

### 1. PERMITTED USES

- (1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:
  - (a) Main Use
    - (i) a pit
    - (ii) a quarry
  - (b) Accessory Uses, Buildings or Structures
    - (i) Any use, building or structure which is subordinate and customarily incidental to aggregate extraction such as crushing, screening and washing operations, portable asphalt plant, portable concrete plant, stockpiling, storage sheds, weigh scales, office and parking.  
(3129-95)

### 2. ZONE REQUIREMENTS

- (1) No aggregate use shall be located within 120 metres of a residential use or area zoned for residential purposes other than a residence owned and occupied by the owner of the aggregate operation. (3129-95)
- (2) Minimum yards required for any building, structure or produce stock pile of a pit or quarry shall be 30 metres, or where a yard abuts a residential use or area zoned for residential purposes, 90 metres.  
(3129-95)
- (3) Minimum distance from the edge of the pit or quarry to a street shall be 30 metres.  
(3129-95)
- (4) Minimum distance from the edge of the pit or quarry to any lot line other than the front lot line shall be 15 metres.  
(3129-95)
- (5) Notwithstanding the requirements of this Part S, where the pit or quarry is

## PART S – AG – AGREGATE ZONE

exposed to public view, such pit or quarry shall be adequately screened by means of earth berms and/or landscaping .

- (6) No portable asphalt plant or portable concrete plant shall be located within 215 metres of a residential use or area zoned for residential purposes other than a residence owned and occupied by the owner of the aggregate operation.  
(3129-95)

### 3. FOR ACCESSORY USES, BUILDINGS AND STRUCTURES PROVISIONS

See Part C, Section 7.

### 4. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and. 16. (2485-86)

### 5. SPECIAL PROVISIONS

- (1) Notwithstanding the requirements of Subsection 1(1) of this Part S, within the area zoned AG-H, no person shall erect or occupy any building or structure or use any building, structure or land for any purpose other than existing uses, agricultural uses or passive recreational uses; however, no buildings or structures shall be erected or located on such lands. The Holding "H" symbol shall be removed from any lot or lots within the AG-H zone in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990, provided that all of the following are addressed for the lot or lots in question:
  - (i) the submission of studies and plans satisfactory to the municipality and the Ministry of Natural Resources addressing, among other things , proposed: maximum annual extracted tonnes; site rehabilitation; buffering and screening; environmental impacts and emissions; impacts on natural features; hours of operation and transportation routes; and
  - (ii) that any and all agreements required by the municipality arising from the proposal for the lot in question have been addressed to the satisfaction of the municipality.  
(3129-95)
- (2) Notwithstanding Section 2(4) of this Part S, within the AG-1 zone the permitted minimum distance from the edge of the pit to the lot line shall be 0 metres where the lot line in the AG-1 zone abuts the AG-2 or AG-2-H zones. (3129-95)

## PART S – AG – AGREGATE ZONE

- (3) Notwithstanding Section 2 (4) of this Part S, within the AG-2 zone the permitted minimum distance from the edge of the pit to the lot line shall be 0 metres where the lot line in the AG-2 zone abuts the AG-1 zone.  
(3129-95)

**PART T**

This section deleted.  
(3129-95)



**PART U - CF - COMMUNITY FACILITY ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all CF Zones subject to the general provisions under Part B and Part C of this By-Law.

1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

(a) Main Community Facility Use

- (i) Art Gallery
- (ii) Church and/or Religious Institution
- (iii) Community Centre (iv) Fire Hall
- (v) Public Utility and/or Maintenance Facility Municipal
- (vi) Public Park and Playground
- (vii) Recreation Use
- (viii) Government Administration Building
- (ix) Library
- (x) Museum
- (xi) Public School or Private School
- (xii) Meeting Hall
- (xiii) Cemetery
- (xiv) Day Nursery
- (xv) Public Facility
- (xvi) Group Home  
(2460-86) (3129-95)

(b) Accessory Uses, Buildings or Structures

- (i) Any use, building or structure which is subordinate and customarily incidental to a main use. This may include a dwelling unit or a single detached dwelling either one of which is associated with a church and/or religious institution, provided it is located on the same lot as the church or religious institution.

2. ZONE REQUIREMENTS

- (1) Front Yard Depth (minimum)
  - (2) Rear Yard Depth (minimum)
  - (3) Interior Side Yard Width (minimum)
  - (4) Lot Coverage (maximum): 35 percent
- } 7.5 metres or one half the height of the building, whichever is greater

3. REQUIREMENTS FOR ACCESSORY USES, BUILDINGS OR STRUCTURES

- (1) In addition to the provisions of Part C, Section 7, the following requirements shall apply:
  - (a) Where a dwelling unit is an integral part of the main building the minimum gross floor area of such unit shall be as follows:
    - (i) Bachelor: 28 square metres
    - (ii) One Bedroom: 42 square metres
    - (iii) Two Bedroom: 55 square metres
    - (iv) Three Bedroom: 70 square metres
    - (v) Four Bedroom: 80 square metres
    - (vi) For each additional bedroom: 9.5 square metres
  - (b) Where a dwelling unit is in the form of a single detached dwelling: (3129-95)
    - (i) the provisions of Part I, Sections 2. (3) to (6), and Sections 3, 4, 5 and 6 shall apply; and
    - (ii) the minimum distance between such dwelling and the main building shall be one half of the combined heights of such dwelling and main building.

(c) The residential requirements shall be in addition to the zone requirements of this Part U.

#### 4. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

#### 5. SPECIAL PROVISIONS

(1) Notwithstanding the provisions of Section 1. (1) of this Part U, within the area zoned CF-1, the existing buildings shall be permitted to be used for business, professional and administrative offices, bank and retail uses in addition to the uses permitted by Section 1(1) of this Part U. Further, that the building formerly used as a post office and located on a parcel of land approximately 1,487 square metres in area, described by a metes and bounds description as per Instrument Number 20319, lodged with the Hastings County Land Registry Office, may also be used as a wholesale/retail outlet of children's furniture and other wooden products, with the allowance for the manufacturing of the said products on the premises as an accessory use (i.e. less than fifty percent (50%) of the gross floor area), to the main commercial sales use. The outside storage of materials or product shall not be permitted.

(3129-95)

(2) (a) Notwithstanding the provisions of Sections 1(1)(b) and Section 3 of this Part U, within the area zoned CF-2 the only permitted main use shall be a community college and student residences shall be deemed to be permitted accessory uses to a permitted community college use and such accessory student residences shall be subject to the following requirements :

(i) Total Number of Residents (maximum): 288

(ii) Front Yard Depth (minimum): 7.5 metres

(ii) Side Yard Width (minimum): 7.5 metres

(iv) Rear Yard Width (minimum): 7.5 metres

(v) Building Height (maximum): 14.0 metres or 4 storeys whichever is the lesser

(vi) Parking Spaces (minimum): 1 parking space per 10 residents  
(3129-95)

(b) Notwithstanding Section 2(4) of this Part U and any other provisions to

the contrary, the maximum building floor area for the permitted main use shall be as existing plus that additional building floor area required for a gymnasium complex.

(3129-95)

- (c) Any main building and any student residence building shall be serviced by and connected to:
  - (i) an adequate municipal water supply system; and
  - (ii) an adequate municipal sanitary sewer system.
  
- (3) Notwithstanding the provisions of Section 1 and Section 2 of this Part U, within the area zoned CF-3 only municipal public works buildings, structures and uses are permitted and such uses shall be deemed to include a municipal sand/salt structure, and such a municipal sand/salt structure shall be subject to the following requirements.
  - (i) Front Yard Depth (minimum): 55.0 metres
  - (ii) Side Yard Width (north) (minimum): 230.0 metres
  - (iii) Side Yard Width (south) (minimum): 184.0 metres
  - (iv) Rear Yard Depth (minimum): 254.0 metres  
(2878-91) (3129-95)
  
- (4) Notwithstanding Section 1(18)(a) of Part B and Sections 1(1)(a) and 2 (1) of this Part U within the area zoned CF-4 the following shall apply:
  - (a) Main Use
    - (i) Art Gallery
    - (ii) Church and/or Religious Institution
    - (iii) Community centre
    - (iv) Fire Hall
    - (v) Government Administration Building
    - (vi) Public Utility and/or Municipal Maintenance Facility
    - (vii) Public Park and Playground

- (viii) Recreation Use
  - (ix) Library
  - (x) Museum
  - (xi) Public School or Private School
  - (xii) Meeting Hall
  - (xiii) Cemetery
  - (xiv) Day Nursery
  - (xv) Public Facility
  - (xvi) Group Home
- (b) Notwithstanding Section 1(1) (b) (i) of this Part U, no dwelling unit or single detached dwelling shall be permitted.  
(3129-95)
- (c) Any main building shall be serviced by and connected to an adequate municipal water supply system.
- (d) The minimum lot frontage and lot area shall be as existing on the first day of November, 1991.
- (e) Special Maximum Yard and Setback
- See Part C, Section 13 (1) c).  
(3129-95)
- (f) Notwithstanding Section 13 (3) of Part C and Sections 1 and 2 of Part Y-1, a municipal water treatment plant and accessory buildings, structures and uses thereto shall be permitted to be located within the setback from the Bay of Quinte or ES zone on that lot described as Parts 2 and 3 of Plan 21R-10825.  
(3129-95)
- (g) Notwithstanding the requirements of Sections 2 and 5 (4) of this Part U within the area zoned CF-4-H, no person shall erect or enlarge any building or structure or alter the external dimensions of any building or structure. The uses permitted within the CF-4-H zone shall be those uses permitted by Section 5 (4) of this Part U. The Holding "H" symbol shall be removed from any lot or lots within the CF-4-H zone in

accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990 provided that all of the following are addressed for the lot or lots in question:

- (i) that an adequate municipal water supply system is available to service and connect to the main use on the lot in question;
  - (ii) the submission of engineering or hydrogeological studies regarding the required private sewage disposal system satisfactory to the Ministry of Environment and Energy, the Hastings/Prince Edward Counties Health Unit and the Municipality;
  - (iii) that a master drainage plan has been completed for the relevant watershed to the satisfaction of the Ministry of Environment and Energy, the Lower Trent Region Conservation Authority, the Ministry of Natural Resources, and the Municipality;
  - (iv) the submission of grading and drainage plans satisfactory to the Municipality and stormwater management plans satisfactory to the Ministry of Environment and Energy, the Ministry of Natural Resources, the Lower Trent Region conservation Authority and the Municipality;
  - (v) written confirmation from the Ministry of Natural Resources and the Lower Trent Region Conservation Authority that no significant fish or wildlife habitats or wetlands will negatively be impacted by the development of the lot in question; and
  - (vi) written confirmation of road access approval from the appropriate road authority.  
(2991-93)
  - (h) Notwithstanding section 1(1)(a) of this Part U, within the area zoned CF-5, the only permitted main use shall be a public school, serviced by and connected to an adequate municipal water supply system and an adequate municipal sanitary sewer system. Notwithstanding Section 2(4) of this Part U, the maximum building floor area for the permitted main use shall be as existing on the date of the passing of this By-Law.
- (5) Notwithstanding section 1(1)(a) of this Part U, within the area zoned CF-5, the only permitted main use shall be a public school, serviced by and connected to an adequate municipal water supply system and an adequate municipal sanitary sewer system. Notwithstanding Section 2 (4) of this Part U, the maximum building floor area for the permitted main use shall be 4650 square metres. (3129-95)

### PART V – A1 - AGRICULTURE ZONE

The following provisions shall apply to the use of land and the construction of buildings in all A1 Zones subject to the general provisions under Part B and Part C of this By-Law.

#### 1. PERMITTED USES

- (1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes :
  - (a) Main Use
    - (i) a farm
    - (ii) a group home in a permitted single detached dwelling. (2460-86)
  - (b) Accessory Uses, Buildings or Structures
    - (i) a farm produce outlet;
    - (ii) a rural home occupation;
    - (iii) a home occupation;
    - (iv) a dog kennel.  
(3129-95)

#### 2. ZONE REQUIREMENTS

- (1) Lot Frontage (minimum): 100 metres
- (2) Lot Area (minimum): 12 hectares
- (3) Front Yard Depth (minimum): 7.5 metres
- (4) Rear Yard Depth (minimum): 7.5 metres
- (5) Side Yard Width (minimum): 7.5 metres
- (6) Building Height (maximum): 10.5 metres
- (7) Notwithstanding the yard provisions of Subsections (3), (4) and (5) above, if the provisions of the Agricultural Code of Practice as stated in Part C, Section 23 of this By-Law are applicable, then the distances

## PART V – A1 – AGRICULTURE ZONE

obtained by the application of the minimum distance separation requirements as amended from time to time shall be the minimum distances. (3129-95)

### 3. FOR HOME OCCUPATION PROVISIONS

See Part C, Section 8 .

### 4. FOR RURAL HOME OCCUPATION PROVISIONS

See Part C, Section 9.

### 5. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

### 6. SPECIAL PROVISIONS

#### (1) Enlarging of a Farm

Notwithstanding any provisions of this By-Law, when a farmer enlarges his farm by acquiring another farm in an A1 zone and the acquired farm has located thereon a single detached dwelling, then, where the Land Division committee permits the severance of a lot upon which such surplus dwelling is located, the severed lot shall comply with the provisions of the RR - Residential Rural Zone. Such dwelling and lot shall be deemed to be a permitted use for subsequent owners and purchasers thereof. (3129-95)

#### (2) Farm Retaining a Lot

Notwithstanding any provisions of this By-Law, when a farmer in an A1 Zone sells his farm, then, where the Land Division Committee permits a lot to be severed from the farm for the farmer 's own occupation, a single detached dwelling may be erected, altered or used thereon provided that such lot conforms to the provisions of the RR Residential Rural Zone. Such dwelling shall be deemed to be a permitted use for subsequent owners and purchasers thereof.

#### (3) Notwithstanding any provision of this By-Law, where the Land Division Committee permits a residential lot to be severed from the farm lot, such residential lot shall comply with the provisions of the RR - Residential Rural Zone and such dwelling shall be deemed to be a permitted use for subsequent owners and purchasers thereof. (3129-95)



## PART V – A1 – AGRICULTURE ZONE

- (4) Notwithstanding Sections 13(3) a) and c) of Part C of this By-Law but subject to the provisions of Section 2 (2) of Part Y of this By-Law and when in association with a permitted farm, land zoned A1 and located within a setback required by the provisions of this By-Law shall be permitted to be used for farm related uses and farm related structures, but not buildings, other structures and private sewage systems. For the purposes of this Section 6(4) "farm related structures" shall mean fencing, piping, laneways, accesses, culverts, tile drainage, and other similar farm related structures.  
(3246-96)
- (5) Notwithstanding the provisions of Section 1.(1) of this Part V, within the area zoned A1-1, the River Valley Air Park existing on the date of the passing of this By-Law shall be deemed to be a permitted use.
- (6) Notwithstanding the provisions of Section 1(1) of this Part V, within the area zoned A1-2, the land and building used for the operation of the Humane Society, existing on the date of the passing of this By-Law, shall be deemed to be a permitted use.
- (7) Notwithstanding the provisions of Section 1. (1) of this Part V, non farm related 'single detached dwellings' intended to be located on lots for which a consent was granted by the County of Hastings Land Division Committee, or its predecessor the Township of Sidney Committee of Adjustment, or on appeal by the Ontario Municipal Board on or before November 28, 1980, shall be deemed to be a permitted use, subject to the provisions of Part I, RR - Residential Rural Zone.
- (8) Notwithstanding the requirements of Section 2(2) of this Part V, a lot with a lot area of less than 12 hectares and located in an A1 zone, may be used as a farm provided the lot existed on the date of the passing of the By-Law.  
(2153-82)
- (9) Notwithstanding Section 5 (79) and 5 (83) of Part A of this By-Law and any other section of this By-Law to the contrary, for a lot zoned A1 and E it shall be permitted to utilize the lot area and lot frontage of the E zone when calculating the lot area and lot frontage for a permitted farm.  
(3246-96)
- (10) Notwithstanding the provisions of Section 2(2) of this Part V, within the area zoned A1-4 the minimum lot area shall be 4.655 hectares .  
(2354-85)
- (11) Notwithstanding the provisions of Section 2 (1) of this Part V, within the area zoned A1-5, the minimum lot frontage shall be 61.22 metres.

## PART V – A1 – AGRICULTURE ZONE

(2354-85)

- (12) This section deleted. (3129-95)
- (13) This section deleted. (3129-95)
- (14) This section deleted. (3129-95)
- (15) Notwithstanding the provisions of Section 2 (1) of this Part V, within the area zoned A1-9, the minimum lot frontage shall be 48 metres.  
(2799-90)
- (16) This section deleted. (3129-95)
- (17) Notwithstanding the provisions of Sections 2 (1) and 2(2) of this Part V, within the area zoned A1-11 the minimum lot frontage shall be 45 metres and the minimum lot area shall be 9.7 hectares.  
(2840-91)
- (18) Notwithstanding the provision of Section 2 (2) of this Part V, within the area zoned A1-12 the minimum lot area shall be 3.4 hectares .  
(2860-91)
- (19) Notwithstanding the provision of Section 2(1) of this Part V, within the area zoned A1-13 the minimum lot frontage shall be 69 metres.  
(2868-91)
- (20) This section deleted. (3129-95)
- (20) Notwithstanding the provisions of Section 1 (1) of this Part V, a farm related equipment sales dealership and associated parts warehouse shall be permitted to locate within a 2.8 hectare area of the 13.6 hectare area zoned A1-14. The subject 2.8 hectare area shall comprise a frontage of 280 metres, a depth of 101.5 metres and abut the north eastern limit of Part 1, Plan 21R-17449 as well as the streetline of County Road 1 (Wallbridge -Loyalist Road). The boundary of this said 2.8 hectare area shall be defined by visible fencing, posts or other similar markings on the ground sufficiently spaced to clearly delineate the subject 2.8 hectare area.

The locating of a farm related equipment sales dealership and associated parts warehouse within the said 2.8 hectare area of the A1-14 zone shall be subject to the zone requirements of Section 2, Part M CH - Highway Commercial zone of Zoning By-Law 2076-80, as amended. (3239-96)

## PART W - A2 - AGRICULTURE ZONE

The following provisions shall apply to the use of land and the construction of buildings in all A2 Zones subject to the general provisions under Part B and Part C of this By-Law.

### 1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

#### (a) Main Use

(i) a farm

(ii) a single detached dwelling (3129-95)

(iii) a group home in a permitted single detached dwelling. (2460-86)

#### (b) Accessory Uses, Buildings or Structures

(i) Any use, building or structure which is subordinate and customarily incidental to a main use; and

(ii) a dog kennel.  
(3129-95)

### 2. ZONE REQUIREMENTS FOR A FARM

(1) The provisions of Part V, A1 Agriculture Zone shall apply. Notwithstanding Sections 5(79) and 5 (83) of Part A of this By-Law and any other Section of this By-Law to the contrary, for a lot zoned A2 and E it shall be permitted to utilize the lot area and lot frontage of the E zone when calculating the lot area and lot frontage for a permitted farm.  
(3246-96)

### 3. ZONE REQUIREMENTS FOR A DWELLING

(1) The provisions of Part I, RR Residential Rural Zone shall apply.

### 4. SPECIAL PROVISIONS

(1) Notwithstanding the provisions of Section 1(1) of this Part W, within the area zoned A2-1, the Oak Hills Flying Club existing on the date of the

## PART W - A2 - AGRICULTURE ZONE

passing of this By-Law, shall be deemed to be a permitted use.

- (2) Notwithstanding the lot area requirements for a farm located in an A2 zone, a lot with a lot area of less than 12 hectares and located in an A2 Zone, may be used as a farm, provided the lot existed on the date of the passing of the By-Law.  
(2153-82)
- (3) Notwithstanding Sections 13(3)a) and c) of Part C of this By-Law but subject to the provisions of Section 2(2) of Part Y of this By-Law and when in association with a permitted farm, land zoned A2 and located within a setback required by the provisions of this By-Law shall be permitted to be used for farm related uses and farm related structures, but not buildings, other structures and private sewage systems. For the purposes of this Section 4 (3) "farm related structures" shall mean fencing, piping, laneways, accesses, culverts, tile drainage, and other similar farm related structures .  
(3246-96)
- (4) Notwithstanding the provisions of Section 3(1) of this Part W, within the area zoned A2-3, the minimum lot frontage shall be 20.0 metres for the existing approximately 8.7 hectare parcel of land.  
(2610-88)
- (5) Notwithstanding the requirements of Section 2 and Section 3 of this Part W within the area zoned A2-4 no buildings, structures or private septic disposal systems shall be permitted to locate within 120 metres of a Provincially significant wetland (Foxboro Swamp), except as may otherwise be permitted by the Ministry of Natural Resources and the Municipality. However, no yard required by Section 2 and Section 3 of this Part W shall be reduced beyond the required yard minimum depth or width stipulated in Section 2 or Section 3 of this Part W.  
(3007-93)
- (6) Notwithstanding the requirements of Section 2 and Section 3 of this Part W within the area zoned A2-5, no buildings, structures or private septic disposal systems shall be permitted to locate within 120 metres of a provincially significant wetland (Trent River Final Bend swamp) , except as may otherwise be permitted by the Ministry of Natural Resources and the Municipality. However, no yard required by Section 2 and section 3 of this Part W shall be reduced beyond the required yard minimum depth or width stipulated in Section 2 or section 3 of this Part W.  
(3012-93)
- (7) Notwithstanding the requirement of Section 2(1) of this Part W, within the area zoned A2-6 the minimum lot frontage shall be 90.0 metres and the minimum lot area shall be 1.5 hectares. (3024-94)

- (8) Notwithstanding the permitted uses and accessory uses, buildings or structures of Section 1 and the provisions of Sections 2 and 3 of this Part W, within the area zoned A2-7, no person shall erect or occupy a building or structure or use any building, structure or land except in accordance with the following:

(a) PERMITTED USES

(i) Main Uses

(a) a single detached dwelling (3129-95)

(b) a mobile wash operation.

For the purposes of the A2-7 zone a "mobile wash operation" shall mean land or a building or a structure where vehicles are kept, stored and/or dispatched in association with a mobile wash business and may include an office associated with a mobile wash business.

(ii) Accessory Uses, Buildings or Structures

Any use, building or structure which is subordinate and customarily incidental to the permitted main uses shall be permitted.

(b) ZONE REQUIREMENTS

(i) Lot Frontage (minimum): 120.0 metres

(ii) Front Yard Depth (minimum): 30.0 metres

Notwithstanding the minimum front yard depth, no building or structure used for or in association with a mobile wash operation shall be located within 45.0 metres of a 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.

(iii) Interior Side Yard Width (minimum): 15.0 metres

Notwithstanding the minimum interior side yard width, no building or structure used for or in association with a mobile wash operation shall be located within 85.0 metres of the western interior side lot line.

(iv) Floor Area (maximum)

## PART W - A2 - AGRICULTURE ZONE

The gross floor area used for a mobile wash operation main building shall not exceed 325.0 square metres.

(v) Lot Coverage (maximum): 50.0 percent

(vi) Height (maximum)

(a) a single detached dwelling: 10.5 metres  
(3129-95)

(b) a mobile wash operation building or structure: 15.0 metres

(vii) Special Setbacks (minimum)

No main building or use and no accessory building, structure or use shall be located within 120.0 metres of a Provincially significant wetland.

### (c) FOR ACCESSORY USES, BUILDINGS OR STRUCTURES PROVISIONS

In addition to the zone requirements of the A2-7 zone, see Part C, Section 7.

### (d) FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

### (e) FOR OFF STREET LOADING PROVISIONS

See Part C, Sections 17 and 18.

### (f) SPECIAL OFF STREET PARKING AND OFF STREET LOADING PROVISIONS

Notwithstanding Sections 4(8) (d) and (e) of this Part W, no off street parking or off street loading space for a mobile wash operation shall be located within any required yard or special setback of the A2-7 zone.  
(3039-94)

(9) Notwithstanding Sections 1(1)(a) and (b), 2 and 3 of this Part W, within an area zoned A2-8, the following shall apply:

(a) Main Use

(i) a farm, including only existing farm dwellings;

## PART W - A2 - AGRICULTURE ZONE

(ii) an existing single detached dwelling; and (3129-95)

(iii) existing uses.

(b) Accessory Uses, Buildings or Structures

(i) Any use, building or structure which is subordinate and customarily incidental to a main use.

(c) Dwellings and Dwelling Units

(i) Notwithstanding Sections 4(7)(a) and (b) of this Part W no single detached dwelling, dwelling unit or farm dwelling shall be erected or located in that area zoned A2-8.

(d) Zone Requirements

The minimum lot area and lot frontage shall be as existing on the date of the passing of this By-Law. The minimum front yard and rear yard depth shall be 7.5 metres and the minimum interior and exterior side yard width shall be 7.5 metres . Notwithstanding the aforementioned, any existing yard having a depth or width less than 7.5 metres shall be recognized for the existing building or structure. The maximum building height shall be 10.5 metres.

(3129-95)

(10) Notwithstanding the requirements of Section 1(1)(a) of this Part W, within the area zoned A2-9 a second dwelling unit shall be permitted within the permitted single detached dwelling. (3129-95)

(11) Notwithstanding the requirement of Section 13(5) of Part C, within the area zoned A2-10 a single detached dwelling is a permitted use. (3125-95)

(12) Notwithstanding the provisions of Section 1(1) of this Part W within the area zoned A2-11 the following shall be deemed to be permitted uses in addition to those uses permitted by Section 1(1) of this Part W:

1. Permitted Uses

(a) Main Use

Commercial water taking operation having an appropriate Ministry of Environment and Energy "Permit To Take Water".

(b) Accessory Uses, Buildings or Structures

## PART W - A2 - AGRICULTURE ZONE

Any use, building or structure which is subordinate and customarily incidental to a permitted commercial water taking operation having an appropriate Ministry of Environment and Energy "Permit To Take Water".

### (c) Water Processing Plant Building

A building for a water processing plant associated with a permitted commercial water taking operation shall be permitted on lands located in Part 1 of Plan 21R-6055 provided such a building does not exceed 290.0 square metres of gross floor area. Further, such a building shall not be located closer than 30 metres to a street line or 50 metres to a side or rear lot line.

### (d) Setbacks

Notwithstanding Sections 13(3)a) and c) of Part C of this By-Law, lands in the A2-11 zone located within the required setback from the E-2 zone or a watercourse shall be permitted to be used for pipes, valves, hoses, accesses and other similar structures and improvements related to a commercial water taking operation having an appropriate Ministry of Environment and Energy "Permit To Take Water" ."

(3240-96)



### PART X - O1 - OPEN SPACE ZONE

The following provisions shall apply to the use of land and the construction of buildings in all O1 Zones, subject to the general provisions under Part B and Part C of this By-Law.

#### 1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes :

##### (a) Main Use

- (i) public park and playground;
- (ii) indoor and outdoor recreation facility;
- (iii) playing field;
- (iv) swimming pool;
- (v) arena;
- (vi) golf course.

##### (b) Accessory Uses, Buildings or Structures

- (i) Any use, building or structure which is subordinate and customarily incidental to a main use;
- (ii) A retail outlet located within an indoor recreation facility or an arena for the purpose of selling goods used for the recreational activities carried on in the building. Such outlet shall not occupy more than five percent (5%) of the gross floor area of the building or 46 square metres, whichever is the lesser.

#### 2. FOR ACCESSORY USES, BUILDINGS OR STRUCTURES PROVISIONS

See Part C, Section 7.

#### 3. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

4. SPECIAL PROVISIONS

- (1) Notwithstanding the provisions of Section 1. (1) of this Part X, within the area zoned 01-1, the Tourist Camp existing at the date of the passing of this By-Law shall be deemed to be a permitted use.

**PART Y - E - ENVIRONMENTAL PROTECTION ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all E Zones subject to the general provisions under Part B and Part C of this By-Law.

1. PERMITTED USES

(1) Any person may use land for any of the following purposes:

(a) Main Use:

(i) a farm;

(ii) market garden and/or nursery;

(iii) preservation and conservation uses of the natural land and environment;

(iv) public and/or private passive park;

(iv) boat docking facilities and marinas.  
(3129-95)

(b) Accessory Uses, Buildings or Structures

(i) Any use or structure which is subordinate and customarily incidental to a main use.

2. ZONE REQUIREMENTS

(1) (a) Only buildings and structures which are necessary for preservation and conservation of the natural amenities shall be permitted, provided those buildings and structures are erected by, or on behalf of, the appropriate public authority.  
(3246-96)

(b) Only farm related structures associated with a permitted farm shall be permitted. For the purposes of this Section 2 (1)(b) "farm related structures" shall mean fencing, piping, laneways, accesses, culverts, tile drainage and other similar farm related structures.  
(3246-96)

(2) Notwithstanding Sections 1(1) (a) (i) and (ii) of this Part Y, Section 6(4) of Part V and Section 4(3) of Part W, those lands within 15 metres of a

waterbody or within 15 metres of a watercourse having a continuous flow of water, shall be maintained as a natural vegetative buffer comprised of permanent self sustaining vegetation such as natural ground covers and trees and other similar natural plantings.  
(3246-96)

### 3. SPECIAL PROVISIONS

(1) This section deleted. (2991-93)

(1) Notwithstanding Subsections 1(1) and 2 (1) of this Part Y, within the area zoned E-1, no person shall erect or occupy a building or structure or use any building, structure or land except in accordance with the following:

#### (a) PERMITTED USES

##### (i) Main Use

(a) preservation and conservation uses of the natural land and environment;

(b) passive outdoor recreation uses .

##### (ii) Accessory Uses, Buildings or Structures

(a) any use which is subordinate and customarily incidental to a main use ;

(b) a boat house.

#### (b) ZONE REQUIREMENTS

##### (i) Buildings and structures

Only buildings and structures which are necessary for the preservation and conservation of natural amenities shall be permitted, provided those buildings or structures are erected by, or on behalf of, the appropriate public authority.

##### (ii) Boat House

Notwithstanding Subsections 7(1)f) and 13(3)a) of Part C - General Provisions and Subsection 3(1)(b) (i) of this Part Y, a boat house shall be permitted in accordance with the following:

(a) Setback from Bay of Quinte Highwater Mark:

Minimum: 7.5 metres  
Maximum: 8.5 metres

(b) Eastern Side Yard:  
Minimum: 6.0 metres  
Maximum: 7.0 metres

(c) Western Side Yard:  
Minimum: 83.0 metres  
Maximum: 85.0 metres

(d) Gross Floor Area:  
Maximum: 110 square metres

(3057-94) (3129-95)

- (2) Notwithstanding section 1(1) and Section 2 of Part Y and Section 13(3) a) and c) of Part C of this By-Law lands zoned E-2 and lands located within the required setback from the E-2 zone or watercourse shall be permitted to be used for pipes, valves, hoses, accesses and other similar structures and improvements related to a commercial water taking operation having an appropriate Ministry of Environment and Energy "Permit To Take Water".  
(3240-96)

**PART Y-1-ES - SPECIAL ENVIRONMENTAL PROTECTION ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all ES Zones subject to the general provisions under Part B and Part C of this By-Law.

1. PERMITTED USES

(1) Any person may use land for any of the following purposes:

(a) Main Use:

(i) Preservation and conservation uses of the natural land and environment

(ii) Passive Outdoor Recreation Uses

(iii) Public Park

(iv) Private boat docking facilities existing on the first day of November, 1991

(b) Accessory Uses, Buildings or structures

(i) Any use or structure which is subordinate and customarily incidental to a main use.

2. ZONE REQUIREMENTS

(1) Only buildings or structures which are for preservation and conservation of the natural amenities or for public parks shall be permitted, provided those buildings or structures are enacted by, or on behalf of, the appropriate public authority.  
(2991-93)

**PART Y-2 - W - WETLAND ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all W Zones subject to the general provisions under Part B and Part C of this By-Law .

1. PERMITTED USES

(1) Any person may use land for any of the following purposes:

(a) Main Use:

(i) Existing uses

(ii) Preservation and conservation uses of the natural land and environment.

(b) Accessory Uses, Buildings or Structures

(i) Any accessory use which is subordinate and customarily incidental to the preservation and conservation of the natural land and environment.

2. ZONE REQUIREMENTS

(1) No buildings or structures other than existing buildings or structures shall be permitted.  
(3129-95)

## PART Z - UH - URBAN HOLDING ZONE

The following provisions shall apply to the use of land and the construction of buildings in all UH Zones subject to the general provisions under Part B and Part C of this By-Law.

### 1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

#### (a) Main Use

(i) existing uses;

(ii) a farm.

(iii) a group home in an existing permitted single detached dwelling.  
(2460-86) (3129-95)

#### (b) Accessory Uses, Buildings or Structures

(i) Any use, building or structure which is subordinate and customarily incidental to a main use.

### 2. ZONE REQUIREMENTS FOR EXISTING USES

(1) The minimum and maximum requirements for lot area, lot frontage, yards, floor area, parking, landscaping and height shall be as existing. (3129-95)

### 3. ZONE REQUIREMENTS FOR A FARM

(1) The provisions of Part V, A1 Agriculture Zone shall apply.

(2) Notwithstanding the requirements of the A1 Zone, no main buildings or structures shall be permitted to be erected.

### 4. SPECIAL PROVISIONS

This section deleted. (3129-95)

(1) Within the area zoned UH-1 the uses of Section 1 (1) of this Part Z shall be permitted subject to the lot area and lot frontage as existing at the time of the final approval of City of Quinte West Committee of Adjustment



## PART Z - UH - URBAN HOLDING ZONE

Consent File # B12/01S.  
(01-69)

### PART AA - H - HOLDING ZONE

The following provisions shall apply to the use of land and the construction of buildings in all H Zones subject to the general provisions under Part B and Part C of this By-Law.

#### 1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

a) Main Use

(i) existing uses;

(ii) a group home in a permitted single detached dwelling.  
(2460-86) (3129-95)

b) Accessory Uses, Buildings or Structures

(i) Any use, building or structure which is subordinate and customarily incidental to a main use.

#### 2. ZONE REQUIREMENTS FOR EXISTING USES

(1) The minimum and maximum requirements for lot area, lot frontage, yards, floor area, parking, landscaping and height shall be as existing. (3129-95)

#### 3. SPECIAL PROVISIONS

(1) Notwithstanding the provisions of Part C, Section 22, and the requirements of Part I, Sections 2 (1) and 2 (2), within the areas zoned H-1 only one 'single detached dwelling' may be constructed. (2212-83)

(2) Notwithstanding the provisions of Section 1 (1b) of this Part AA, within the area zoned H-2 - Holding Zone, an office for a professional person may be permitted subject to the requirements of Part C, Section 10.  
(2372-85)

(3) Notwithstanding the provisions of Section 2 (1) of this Part AA, within the area zoned H-3, the minimum requirements for lot frontage and lot area for existing uses are as existing on the date of passing of this By-Law.  
(2409-85)

(4) Notwithstanding the provisions of Sections 1(1) and Section 2(1) of this

## PART AA - H - HOLDING ZONE

Part AA within the area zoned H-4, the only uses permitted shall be those uses existing on the day of the passage of this By-Law or a single detached dwelling accessory to the main use permitted by subsection (a) (vi) of Section 7(18) of Part M and such an accessory dwelling shall be subject to the provisions of Section 2(5) and 2(6) of Part I and Section 13(3) of Part C. Notwithstanding any other provision of this By-Law, a single detached dwelling accessory to the main use permitted by subsection (a) (vi) of Section 7(18) of Part M shall be serviced by, and connected to, an appropriate aerobic biological private sewage disposal system, including a primary clarifier and other related treatment process units satisfactory to the Township of Sidney, the Ministry of Environment and Energy and the Hastings and Prince Edward Counties Health Unit. (2977-93) (3129-95)

### PART BB - VH - VILLAGE HOLDING ZONE

The following provisions shall apply to the use of land and the construction of buildings in all VH Zones subject to the general provisions under Part B and Part C of this By-Law.

#### 1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

##### (a) Main Use

(i) existing uses;

(ii) a single detached dwelling; (3129-95)

(iii) a group home in a permitted single detached dwelling.  
(2460-86)

##### (b) Accessory Uses, Buildings or structures

(i) Any use, building or structure which is subordinate and customarily incidental to a main use.

#### 2. ZONE REQUIREMENTS FOR EXISTING USES

(1) The minimum and maximum requirements for lot area, lot frontage, yards, floor area, parking, landscaping and height shall be as existing.  
(3129-95)

#### 3. ZONE REQUIREMENTS FOR A FARM

(1) The provisions of Part V, A1 Agriculture Zone shall apply.

(2) Notwithstanding the requirements of the A1 Zone, no main buildings or structures shall be permitted to be erected.

**PART CC - ND - NATIONAL DEFENCE ZONE**

The following provisions shall apply to the use of land and the construction of buildings in all ND Zones.

1. PERMITTED USES

(1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:

(a) Main Use

(i) installations of the Department of National Defence.

## PART DD - NH - NURSING HOME ZONE

The following provisions shall apply to the use of land and the construction of buildings in all NH Zones, subject to the general provisions under Part B and Part C of this By-Law.

### 1. PERMITTED USES

- (1) Any person may use land and erect, occupy and maintain buildings and structures thereon for any of the following purposes:
  - (a) Main Use
    - (i) a nursing home; (2092-81)
    - (ii) a special care residential building. (3129-95)
  - (b) Accessory Uses, Buildings or Structures
    - (i) any use, building or structure which is subordinate and customarily incidental to a main use of the building.

### 2. ZONE REQUIREMENTS

- (1) Lot Frontage (minimum): 30.0 metres
- (2) Lot Area (minimum): 3250.0 square metres
- (3) Front Yard Depth (minimum): 7.5 metres
- (4) Rear Yard Depth (minimum): 7.5 metres
- (5) Interior Side Yard Depth (minimum)
  - (a) one side: 4.5 metres
  - (b) other side: 1.5 metres plus 0.6 metres for each additional or partial storey above one storey
- (6) Lot Coverage (maximum): 40 percent

### 3. FOR ACCESSORY BUILDINGS OR STRUCTURES PROVISIONS

See Part C, Section 7.

### 4. FOR OFF STREET PARKING PROVISIONS

See Part C, Sections 15 and 16.

### 5. FOR OFF STREET LOADING PROVISIONS

See Part C, Sections 17 and 18.

### 6. SPECIAL PROVISIONS

- (1) Notwithstanding the provisions of Sections 1(1)(a) and 2 (4) of the Part DD, within the area zoned NH-1 a Special Care Residential Building with a maximum of forty (40) residents shall be a permitted use and the minimum rear yard depth shall be 1.3 metres. Any main building shall be serviced by and connected to an adequate municipal water supply system.  
(2831-91, 2991-93)
- (2) Within the area zoned NH-2 the following special provisions shall apply in addition to those applicable to lands subject to the provisions of this Part DD:  
(3129-95)
  - (a) a maximum of two hundred and fifty-five (255) residents shall be permitted;and
  - (b) any main building shall be serviced by and connected to:
    - (i) an adequate municipal water supply system; and
    - (ii) an adequate municipal sanitary sewer system.  
(3129-95)

## PART EE

**PART EE** - This section deleted.  
(3129-95)



# SCHEDULES

# APPENDICES

## Appendix "A"

**TABLE 1 OF 7** – Tables for Minimum Distance Separation

<b>Type of Livestock and Factors</b>		
Beef Cattle	• open feedlot with barn	0.8
	• total confinement	0.7
Broilers	• chicken	0.6
	• turkey	0.7
Dairy Cattle	• free stall	0.7
	• tie stall	0.65
	• loose housing	0.8
Hens	• caged	0.9
	• floor housing	0.8
	• breeding flocks	0.7
	• pullets	0.7
Hogs	• feeder	1.1
	• dry sows	1.0
Horses		0.7
Mink		1.1
Rabbits		0.8
Roasters		0.7
Sheep		0.7
Veal Calves	• white	1.0

See Notes following Table 2.

# APPENDICES

## Appendix “A”

**TABLE 2 OF 7 – Tables for Minimum Distance Separation**

<b>Animal Units of Production</b>	
<b>Type of Livestock or Poultry</b>	<b>Maximum Number on Farm for Complete Year</b>
1 dairy cow (plus calf)	1 animal unit
1 beef cow (plus calf)	1 animal unit
1 bull	1 animal unit
1 horse	1 animal unit
4 sheep (plus lambs)	1 animal unit
4 sows (plus litter to weaning)	1 animal unit
125 laying hens	1 animal unit
100 female mink (plus associated males & kits)	1 animal unit
40 female rabbits (plus associated males)	1 animal unit
	<b>Maximum Number Marketed During Years</b>
2 beef feeders (gain 180-500 kg.)	1 animal unit
4 beef feeders (gain 180-340 kg.)	1 animal unit
4 beef feeders (gain 340-500 kg.)	1 animal unit
15 hogs (gain 18-90 kg.)	1 animal unit
1000 broiler chickens or roasters (1.8-2.3 kg.)	1 animal unit
300 turkey broilers (5-5.5 kg.)	1 animal unit
150 heavy turkey hens (4.5-9 kg.)	1 animal unit
100 heavy turkey toms (13.5-14.5 kg.)	1 animal unit
40 veal calves (gain 9-136 kg.)	1 animal unit
1000 pullets	1 animal unit
<b>NOTES:</b>	
1. Dairy	A dairy farm usually has milking cows, dry cows, heifers and calves. E.g. a herd of 50 milking cows is usually considered 75 animal units.
2. Feeder Hogs	A feeder hog operation will market annually 2 to 3 times (average 2.5 times) the number of feeder hogs housed at one time.
3. Chicken Broilers	Usually 4 batches per year.
4. Turkey Broilers	Usually 3 batches per year.
5. Heavy Turkeys (confinement)	Usually 1 or 2 batches per year.
6. Veal Calves	Usually 4 batches per year.

# APPENDICES

## Appendix "A"

**TABLE 3 OF 7 – Tables for Minimum Distance Separation**

<b>Animal Units Factor B</b>							
<b>Animal Units</b>	<b>Animal Units Factor B</b>	<b>Animal Units</b>	<b>Animal Units Factor B</b>	<b>Animal Units</b>	<b>Animal Units Factor B</b>	<b>Animal Units</b>	<b>Animal Units Factor B</b>
2 or less	.151	72	.950	320	1.455	1650	2.195
3	.238	74	.958	340	1.480	1700	2.345
4	.301	76	.965	360	1.505	1750	2.364
5	.349	78	.972	380	1.528	1800	2.383
6	.399	80	.979	400	1.551	1850	2.402
7	.423	82	.986	420	1.573	1900	2.420
8	.452	84	.993	440	1.594	1950	2.438
9	.477	86	1.000	460	1.614	2000	2.456
10	.500	88	1.006	480	1.634	2100	2.491
12	.540	90	1.012	500	1.653	2200	2.524
14	.573	92	1.019	520	1.672	2300	2.556
16	.602	94	1.025	540	1.690	2400	2.588
18	.628	96	1.031	560	1.707	2500	2.618
20	.651	98	1.038	580	1.724	2600	2.647
22	.671	100	1.044	600	1.741	2700	2.676
24	.690	105	1.058	620	1.758	2800	2.704
26	.707	110	1.072	640	1.774	2900	2.731
28	.724	115	1.086	660	1.789	3000	2.758
30	.739	120	1.099	680	1.805	3200	2.809
32	.754	125	1.112	700	1.820	3400	2.858
34	.767	130	1.125	730	1.842	3600	2.905
36	.779	135	1.137	760	1.863	3800	2.951
38	.792	140	1.149	800	1.890	4000	2.994
40	.803	150	1.172	850	1.924	4200	3.036
42	.815	160	1.194	900	1.955	4400	3.077
44	.825	170	1.214	950	1.986	4600	3.116
46	.836	180	1.234	1000	2.015	4800	3.154
48	.846	190	1.254	1050	2.043	5000	3.191
50	.856	200	1.272	1100	2.071	5500	3.279
52	.866	210	1.290	1150	2.097	6000	3.362
54	.875	220	1.307	1200	2.123	6500	3.440
56	.884	230	1.324	1250	2.148	7000	3.513
58	.893	240	1.340	1300	2.172	7500	3.583
60	.902	250	1.356	1350	2.195	8000	3.650
62	.910	260	1.371	1400	2.218	8500	3.714
64	.919	270	1.386	1450	2.241	9000	3.775
66	.927	280	1.401	1500	2.262	9500	3.833
68	.935	290	1.415	1550	2.284	10000	3.890
70	.943	300	1.428	1600	2.304		

# APPENDICES

## Appendix "A"

**TABLE 4 OF 7 – Tables for Minimum Distance Separation**

<b>Operations Increase Factor C</b>							
<b>Percent Increase</b>	<b>Factor C</b>	<b>Percent Increase</b>	<b>Factor C</b>	<b>Percent Increase</b>	<b>Factor C</b>	<b>Percent Increase</b>	<b>Factor C</b>
0	.55	48.0	.70	111.0	.85	232	1.00
3.1	.56	51.5	.71	116.4	.86	246	1.01
6.1	.57	55.0	.72	122.1	.87	260	1.02
9.2	.58	58.7	.73	128.0	.88	276	1.03
12.3	.59	62.4	.74	134.1	.89	294	1.04
13.4	.60	66.2	.75	140.6	.90	314	1.05
18.5	.61	70.1	.76	147.5	.91	336	1.06
21.6	.62	74.1	.77	154.7	.92	361	1.07
24.8	.63	78.3	.78	162.3	.93	390	1.08
28.0	.64	82.5	.79	170.3	.94	423	1.09
31.2	.65	86.9	.80	179.0	.95	461	1.10
34.5	.66	91.4	.81	188.1	.96	506	1.11
37.8	.67	96.0	.82	197.9	.97	560	1.12
41.1	.67	100.8	.83	208.4	.98	628	1.13
44.5	.69	105.8	.84	220	.99	700	1.14
Over 700% increase.....1.14							
New operation.....1.14							

**NOTES to Table 4**

- Note 1 - where there are no livestock or livestock buildings on the farm now, but would be after construction, use factor for “new” livestock enterprise, 1.14.
  
- Note 2 - where the barn is being remodeled or rebuilt (such as after a fire) representing substantial capital investment, but with increase in A.U. and no change in kind of livestock, use 0.70.
  
- Note 3 - where the barn is being remodeled or rebuilt (such a as after a fire) representing substantial capital investment, and with increase in A.U. , and with or without change in kind of livestock, increase the factor from Table 4 by 0.10, but in no case enter less than 0.70.
  
- Note 4 - whether the additional housing is annexed to or separate from the existing housing, in either case enter the factor for increase from Table 4.

# APPENDICES

## Appendix "A"

**TABLE 5 OF 7** – Tables for Minimum Distance Separation

<b>Type of Manure System and Factor D</b>		
<b>Type of Manure System</b>	<b>Examples</b>	<b>Factor D</b>
1. Wet and anaerobic within the barn, (stored wet in the barn more than 14 days).	<ol style="list-style-type: none"> <li>1. Total Confinement barns for cattle or hogs on slats.</li> <li>2. Caged laying barn with wet droppings stored under the cages.</li> </ol>	0.82
2. Wet or semi-solid, removed from the barn frequently (stored in the barn 14 days or less).	<ol style="list-style-type: none"> <li>1. Free-stall dairy barn, alleys scraped frequently.</li> <li>2. Piggereies with deep, narrow gutter system.</li> <li>3. Caged laying barn with set droppings, mechanical scraper.</li> </ol>	0.78
3. Semi-solid, using bedding or air-drying of the manure.	<ol style="list-style-type: none"> <li>1. Cattle and pigs, partially bedded.</li> <li>2. Beef cattle and pigs bedded and high density housing.</li> <li>3. Caged laying barns with air-dried droppings stored under the cages.</li> <li>4. Mink.</li> </ol>	0.75
4. Solid or dry-bedded manure system within the barn.	<ol style="list-style-type: none"> <li>1. Poultry on dry bedding.</li> <li>2. Cattle or sows, heavily bedded, housed loose in low density, or stabled.</li> <li>3. Horse and sheep barns.</li> </ol>	0.70

# APPENDICES

## Appendix "A"

**TABLE 6 OF 7** – Tables for Minimum Distance Separation

<b>Encroachment Factor E for Specific Uses Adjacent to Livestock Buildings in an Agricultural Zone</b>	
Condition prevailing at time of application. Applicant requests:	Encroachment Factor E
1. Permit to build dwelling on lot already severed	.8
2. Consent to allow severance of lot on which a dwelling will be erected	.8
3. Permit to build new dwelling on rural parcel of land (over 0.8 hectares).	.75
4. Permit to build dwelling on adjacent farm (no severance involved).	.7
5. Permit to replace and relocate dwelling on rural parcel of land (over 0.8 hectares).	.6
6. Rezoning of land from agricultural to recreational, institutional or residential for orderly enlargement of an urban area.	.75
7. Rezoning of land in pockets such as for estate residential.	1.5

# APPENDICES

## Appendix "A"

**TABLE 7 OF 7 – Tables for Minimum Distance Separation**

<b>Type of Manure Storage</b>	<b>Factor M</b>
Open Pile	$.9F^* + .06$
Covered Concrete Tank	$.6F^* + .2$
Anaerobic, Open Concrete Tank or Silo	$.7F^* + .3$
Above grade or partially above grade storage with concrete or clay side walls and concrete floor – for semi solid manure	$.8F^* + .25$
Anaerobic, open earth sided pit, pond or lagoon	$.5F^* + 1$
<p><b><u>FOR NEW MANURE STORAGE</u></b></p> <p>* when calculating the acceptable distance, use MDS formula 2.</p> <p>Values of "C" in the formula <math>F = ABCD</math> should never be less than following minimums</p> <ul style="list-style-type: none"> <li>• open concrete tank, silo, or pile.....0.8</li> <li>• covered concrete tank.....0.6</li> <li>• open earth sided pit, pond or lagoon.....1.0</li> </ul>	