

## 3 General Provisions

All lands used, and all structures and buildings erected, altered, or used within the City of Cornwall shall comply with the regulations of this Section, as well as any other applicable provisions in this By-law.

### 3.1 Accessory Uses, Buildings, and Structures

1. Accessory uses, buildings, or structures are permitted in any Zone, provided that they exist to aid and contribute to the main use on the lot to carry out the function of that main use.
2. Accessory uses, buildings or structures shall be located on the same lot as the main use to which they are accessory to.
3. An accessory building or structure shall only be permitted to be located to the rear or to the side of a main building.
4. Any building or structure which is attached to the main building shall not be considered accessory for the purposes of this By-law.
5. Accessory uses, buildings, and structures shall be subject to the following provisions:

Provision	Requirements for Accessory Uses, Buildings, and Structures			
	Residential, Institutional, and Open Space Zones	Commercial and Special Uses Zones	Employment Zones	Agricultural Zones
a) Maximum height	Residential and other permitted uses: 5 m, except that flat-roofed buildings or structures shall have a maximum height of 4 m	5 m, except that flat-roofed buildings or structures shall have a maximum height of 4 m	Same as main building	Agricultural and other permitted uses: No restriction

Provision	Requirements for Accessory Uses, Buildings, and Structures			
	Residential, Institutional, and Open Space Zones	Commercial and Special Uses Zones	Employment Zones	Agricultural Zones
				Residential uses: Same as for Residential Zones
b) Maximum size	Residential uses and other permitted uses: Lot occupancy of all accessory buildings not to exceed 10%, with a maximum footprint of 60 m <sup>2</sup> for each accessory building, and with a maximum cumulative footprint of 93 m <sup>2</sup> for all accessory buildings and structure on a lot, excluding pool and deck coverage.	Commercial uses: Lot occupancy of all accessory buildings not to exceed 10%.	Lot Occupancy of all accessory buildings not to exceed 20%.	Agricultural and other permitted uses: No restriction
				Residential uses: Same as for Residential Zones

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	Residential, Institutional, and Open Space Zones	Commercial and Special Uses Zones	Employment Zones	Agricultural Zones
		<p>a maximum footprint of 60 m<sup>2</sup> for each accessory building, and with a maximum cumulative footprint of 93 m<sup>2</sup> for all accessory buildings on a lot, excluding pool and deck coverage.</p>		
		<p>Combined residential and non-residential uses: Lot occupancy of all accessory buildings not to exceed 20%, with a maximum footprint of 60 m<sup>2</sup> for each accessory building, and with a maximum cumulative footprint of 93</p>		

Provision	Requirements for Accessory Uses, Buildings, and Structures			
	Residential, Institutional, and Open Space Zones	Commercial and Special Uses Zones	Employment Zones	Agricultural Zones
		m <sup>2</sup> for all accessory buildings on a lot, excluding pool and deck coverage.		
c) Maximum number of accessory buildings on a lot	Residential uses: 3, except that 4 accessory buildings shall be permitted for any dwelling with 4 or more units	3, except that 4 accessory buildings shall be permitted for any dwelling with 4 or more units	No restriction	Agricultural and other permitted uses: No restriction
	Other permitted uses: no restriction			Residential uses: Same as for Residential Zones
d) Minimum front yard setback	Same as main building	Same as main building	Same as main building	Same as for main building
e) Minimum rear yard setback	Residential uses: 0.8 m	1 m	1 m	Agricultural uses: 12 m
	Other permitted uses: 1 m			Residential uses: Same as for Residential Zones
				Other permitted uses: 7.5 m

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Provision	Requirements for Accessory Uses, Buildings, and Structures			
	Residential, Institutional, and Open Space Zones	Commercial and Special Uses Zones	Employment Zones	Agricultural Zones
f) Minimum Interior side yard setback	Residential uses: 0.8 m	1 m	1 m	Agricultural uses: 12 m
	Other permitted uses: 1 m			Residential uses: Same as for Residential Zones
				Other permitted uses: 7.5 m
g) Minimum exterior side yard setback	Same as main building	Same as main building	Same as main building	Agricultural uses: 17 m
				Residential uses: Same as for Residential Zones
				Other permitted uses: 20 m

6. In the Residential 40 Zone and Institutional Zones, an accessory building that is more than 4.6 m or 1 storey in height shall be considered a main building and shall be subject to the provisions for two or more buildings on a single lot In the Multiple Buildings on a Lot Section of this By-law.
7. In the Commercial Zones, the Accessory Uses, Buildings and Structures provisions shall only apply to buildings used for storage purposes accessory to commercial uses. In all other zones and for all other uses, any accessory buildings containing any part of a commercial operation shall be subject to the minimum setbacks for the main building.
8. Notwithstanding any other provisions in this Section, in the Highway Commercial Zone, the minimum interior side yard setback and minimum rear yard setback for accessory buildings

shall be 3 m; however, if there is a Residential Zone or Zone containing permitted residential uses adjacent to the site, excluding an accessory dwelling unit for an occupant whose residence on the premises is essential, then the minimum interior side yard setback and minimum rear yard setback for accessory buildings shall be the same as for the main building.

9. Notwithstanding any other provisions in this Section, in the Cotton Mills District Zone, the lot occupancy of all accessory buildings shall not exceed 5%.
10. Notwithstanding any other provisions in this Section, in the Major Institutional Zone, accessory buildings shall be subject to the same setback and lot occupancy requirements as for the main building.
11. In the Environmental Constraint – Natural Heritage Zone, accessory buildings shall be subject to the same requirements as for the main building.
12. In the Environmental Constraint – Natural Heritage (EC-NH) Zone, accessory buildings and structures shall not be permitted except accessory buildings or structures required by the City or Raisin Region Conservation Authority for flood and erosion control purposes.
13. Accessory buildings and structures abutting a laneway shall have a minimum setback of 0.8 m.
14. Subsection 3.1.5 a), b), and c) shall not apply to transitional housing or emergency housing as accessory uses.

### **3.1.1 Boathouses**

1. Notwithstanding any other provisions of this By-law to the contrary, a boathouse may be located in a front yard, side yard, or rear yard, where such yard abuts a navigable waterway, provided that the approval of any governmental authority having jurisdiction has been obtained.
2. A boathouse may be located no closer than 4 m to the nearest adjacent lot line and shall not encroach on the adjacent lot when the lot lines are extended into the water. The projection of lot lines onto water shall be perpendicular to the shoreline at the point of intersection.
3. A maximum of one single boathouse per lot of record shall be permitted.
4. A boathouse shall not include a guest cabin, sauna, plumbing, or cooking facility.

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5. A boathouse shall have a maximum building height of 4 m measured from the surface of the water, and maximum length of 7.5 m beyond the shoreline.
6. A boathouse shall not exceed 10% of the footprint of the primary dwelling or 55 m<sup>2</sup>, whichever is smaller.
7. A boathouse may be located on a lot that is separate from the lot where the related primary use is located, provided that there is no primary dwelling on the separate lot, and the owner has entered into a Site Plan Agreement with the City.

### 3.1.2 Temporary Garage Structures

1. No person shall erect or permit to be erected a temporary garage structure with a cover in a side or rear yard setback between April 30<sup>th</sup> and November 1<sup>st</sup> in any calendar year.
2. The frame structure associated with the temporary garage may be permitted to be erected all year, provided that the cover is completely removed during the specified period.
3. Setbacks for a temporary garage structure shall be consistent with setbacks for accessory buildings and structures, except that the interior side yard setback may be reduced to 0.5 m. This provision shall apply to all such temporary garage structures regardless of use (i.e. for the storage of firewood, lawn equipment, or vehicles).

### 3.1.3 Private Outdoor Above-ground Swimming Pools, Hot Tubs, and Associated Decks

Any part of a private outdoor above-ground swimming pool, hot tub, or associated deck that has a height greater than 1.2 m shall have a minimum interior side yard setback of 1.5 m and a minimum exterior side yard setback of 6 m.

## 3.2 Adult Entertainment Establishments, Travelling Adult Entertainment Shows, Adult Entertainment Body Rub Parlours,

## **Adult Entertainment Escort Services, and Class “A” Adult Entertainment Parlours (Goods)**

1. An adult entertainment establishment, travelling adult entertainment show, adult entertainment body rub parlour, and a Class “A” adult entertainment parlour (goods) shall only be permitted in the Highway Commercial Zone in the following specific locations:
  - a) West side of Brookdale from Eleventh Street to Fourteenth Street; and
  - b) South side of Vincent Massey Drive from Fourteenth Street to Tollgate Road.
2. An adult entertainment establishment and travelling adult entertainment show located in the permitted areas in provision (1) of this Section shall be subject to the following provisions:
  - a) A minimum separation distance of 150 m from any residential uses, place of worship, school, or day care centre; and
  - b) A minimum separation distance of 300 m from any other adult entertainment establishment.
3. A travelling adult entertainment show shall not exceed seven consecutive (7) days in duration in any calendar year and shall total no greater than five (5) separate and distinct times per year at any one location.
4. An adult entertainment body rub parlour located in the permitted areas in provision (1) of this Section shall be subject to the following provisions:
  - a) A minimum separation distance of 500 m from any Residential Zone, place of worship, school, or day care centre in existence at the time of a license application submission to the City; and
  - b) A minimum separation distance of one (1) km from any other adult entertainment body rub parlour in existence at the time of a license application submission to the City, regardless of whether such other adult entertainment body rub parlour is licensed or not.
5. An adult entertainment parlour (goods) located in the permitted areas in provision (1) of this Section shall be subject to the following provisions:

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- a) A minimum distance separation of 120 m from any lands zoned to permit residential uses, or any school, place of worship, or day care centre in existence at the time of a license application submission to the City; and
  - b) A minimum distance separation of 120 m from any other Class “A” adult entertainment parlour (goods), adult entertainment body rub parlour, or adult entertainment establishment in existence at the time of a license application submission to the City, regardless of whether such other businesses are licensed or not.
6. An adult entertainment escort service shall be considered an “office” for the purposes of this By-law and shall be permitted in the Highway Commercial Zone.

### 3.3 Amenity Area

1. Where four or more dwelling units, rooming units or transitional housing units are provided on a lot, a minimum of 10 m<sup>2</sup> of amenity area must be provided for each unit, to a maximum of 200 m<sup>2</sup>.
2. Amenity areas, or any part thereof, must be designed and located so that the length does not exceed four times the width.
3. Amenity areas, if provided as communal space, must be aggregated into one area or grouped into areas of not less than 40 m<sup>2</sup>.
4. Where communal amenity areas are provided exterior to a building, such amenity areas must be accessed by a barrier-free path of travel that is a minimum of 1.5 m in width connecting the amenity area to a street line or a building.

### 3.4 Ancillary Residential Uses

#### 3.4.1 Additional Residential Units

1. Where adequate public or private water and sanitary sewer services are available, the following are permitted:
  - a) One or two dwelling units in a single detached dwelling, semi-detached dwelling, duplex dwelling, link-detached dwelling, or rowhouse dwelling, if all buildings and structures ancillary to the single detached dwelling, semi-detached dwelling, duplex dwelling, link-

detached dwelling, or rowhouse dwelling on a parcel of land cumulatively contain no more than one dwelling unit; or

- b) Three dwelling units in a single detached dwelling, semi-detached dwelling, duplex dwelling, link-detached dwelling, or rowhouse dwelling, if no building or structure ancillary to the single detached dwelling, semi-detached dwelling, duplex dwelling, link-detached dwelling, or rowhouse dwelling contains any dwelling units on a parcel of land; or
  - c) One dwelling unit in a building or structure ancillary to a single detached dwelling, semi-detached dwelling or duplex dwelling, if the single detached dwelling, semi-detached dwelling or duplex dwelling cumulatively contains no more than two dwelling units on a parcel of land and no other building or structure ancillary to the single detached dwelling, semi-detached dwelling or duplex dwelling contains any dwelling units.
2. Notwithstanding provision (1) of this subsection, a semi-detached dwelling on a parcel of land is permitted to cumulatively contain no more than four dwelling units if no building or structure ancillary to the semi-detached dwelling contains any dwelling units on a parcel of land.
  3. An additional residential unit shall not be permitted in an Employment Zone where an accessory dwelling unit is permitted for the use of an occupant whose residence on the premises is essential.
  4. An additional residential unit which is located within the basement of a main dwelling unit shall not be permitted if it is located on land within the Environmental Constraint – Natural Heritage (EC-NH) Zone, the Environmental Constraint – Floodplain (EC-F) Zone, or on lands described in the Lands Subject to Flooding Section of this By-law.
  5. The gross floor area of an additional residential unit must be equal to or less than the gross floor area of the main dwelling unit(s).
  6. Notwithstanding provisions to the contrary, on a lot where an additional residential unit is located, the maximum lot occupancy of all main and accessory buildings and structures shall be 45%, unless the permitted maximum lot occupancy of the Zone is greater, in which case the Zone provision prevails.
  7. An additional residential unit shall be at least 4 m from another building or structure on the parcel containing a residential unit, unless located in a Zone which permits buildings or structures to be less than 4 m from one another, in which case the Zone provision prevails.

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8. Where a garden suite exists on a parcel of land, an additional residential unit shall not be permitted in a building or structure that is ancillary to a main dwelling unit.
9. Where an additional residential unit is established in a building or structure that is ancillary to a main dwelling unit, the following provisions shall apply:
  - a) The additional residential unit is exempt from provisions that regulate accessory uses, buildings or structures;
  - b) The additional residential unit shall be subject to the provisions for the main dwelling unit(s) in the Zone in which it is located, except that the additional residential unit shall have a minimum rear yard setback of 3 m;
  - c) Where an additional residential unit is located in a detached ancillary building or structure containing a garage, the maximum footprint of the ancillary building or structure is 60 m<sup>2</sup>; and
  - d) Notwithstanding any provision of this By-law to the contrary, an ancillary building or structure containing an additional residential unit shall be located no closer to the front lot line or exterior lot line than the main building.
10. No new driveway may be established for the sole access of an additional residential unit.
11. Parking shall be provided for additional residential units in accordance with the Parking and Loading Space Requirements Section of this By-law.
12. Notwithstanding any other provisions of this By-law to the contrary, the required parking space for an additional residential unit may be provided through tandem parking with the required parking space of the main dwelling unit. In no case shall more than two vehicles be parked in tandem.

### 3.4.2 Garden Suites

1. A garden suite shall only be permitted where a site-specific, temporary use by-law passed under Section 39 of the Planning Act, as amended, allows for one, for a period of up to twenty (20) years.

2. The owner of the garden suite or any other person shall enter into an agreement with the City under the provisions of Provincial regulations.
3. A garden suite shall only be permitted in a Residential Zone and other Zones where residential uses are permitted, provided that the main use on the lot is a single-detached dwelling, semi-detached dwelling, or link-detached dwelling.
4. A maximum of one (1) garden suite is permitted per lot.
5. Nothing in this Section precludes both units of a semi-detached dwelling from having a garden suite.
6. The garden suite shall be located on the same lot as the main residential use building, and in the rear yard.
7. The maximum height of a garden suite shall be 4.6 m and 1 storey.
8. Garden suites are not subject to the maximum lot occupancy requirements of the Zone in which they are located; however, the maximum footprint of a garden suite shall be 50 m<sup>2</sup> or a lot occupancy of 15%, whichever is lesser.
9. A garden suite shall be subject to the same minimum interior and exterior side yard setback requirements as the main residential use building on the lot, and shall have a minimum rear yard setback of 3 m.
10. A garden suite shall not be located closer than 1.2 m from another building or accessory building on the lot.
11. A garden suite shall not be rented out to the public for gain or profit unless specifically permitted by the temporary use by-law.
12. The main residential use and the garden suite must share the parking area and yards provided for the main residential use, and no new driveway may be established.
13. Parking shall be provided for garden suites in accordance with the Parking and Loading Space Requirements Section of this By-law.
14. Notwithstanding any other provision in this By-law, the required parking space for a garden suite may be provided through tandem parking with the required parking space for the main residential use.

### **3.5 Bed and Breakfast Establishments**

A bed and breakfast establishment shall be permitted as an accessory use to a permitted or legal non-conforming single-detached dwelling, and shall be subject to the following provisions:

- a) The operation of a bed and breakfast establishment shall be incidental and secondary to the main use of the single-detached dwelling;
- b) The operation of a bed and breakfast establishment shall not change the residential character of the dwelling;
- c) There shall be a maximum of five (5) guest rooms or suites as part of the operation of a bed and breakfast establishment.
- d) Parking for bed and breakfast establishments shall be provided in accordance with the Parking and Loading Space Requirements Section of this By-law.
- e) A bed and breakfast establishment shall not be subject to the requirements of the Home Occupations Section of this By-law; and
- f) A bed and breakfast establishment shall provide meals only to guests of the bed and breakfast establishment.

### **3.6 Cannabis Production and Processing Facilities**

A cannabis production and processing facility shall be permitted in all Employment Zones and shall be subject to the provisions of the applicable Zone. The following additional provisions apply:

- a) A cannabis production and processing facility shall be located at least 150 m from the building to:
  - i) A lot in a Residential, Institutional, or Open Space Zone; and
  - ii) A lot containing a sensitive land use, including a school, day care centre, community centre, place of worship, or institutional use aimed primarily at children less than 16 years of age.

- iii) Despite the required minimum distances noted in this provision, no cannabis production and processing facility lawfully established under these provisions shall be deemed to be in violation of this provision by the subsequent erection of a residential or institutional use constructed on another lot.
- b) A cannabis production and processing facility must be entirely conducted indoors, with no outdoor commercial storage, within a licensed building;
- c) The licensed producer shall provide to the City of Cornwall notification of a licensed production application and a copy of the current and valid production license issued by Health Canada, as well as notification to the City of Cornwall Fire Services and City of Cornwall Police;
- d) A cannabis production and processing facility shall not be conducted within a residential dwelling and shall not be permitted as a home occupation;
- e) A cannabis production and processing facility must be fenced and shall be subject to Site Plan Control to address applicable physical design standards;
- f) All facilities must be equipped with outdoor surveillance equipment; and
- g) A cannabis production and processing facility must not result in nuisance, such as odour or fumes.

### **3.7 Community Gardens**

1. A community garden shall be permitted on public or private lands in the following Zones:
  - a) All Residential, Commercial, Institutional, Open Space, and Rural Zones; and
  - b) All Employment Zones, subject to minimum distance separation requirements for Class I, II, and III industries and sensitive land uses.
2. A community garden shall not be permitted on any lands with a history of potential contamination, unless it can be proven to the satisfaction of the City of Cornwall that remediation has taken place.

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3. A community garden shall be permitted as a secondary use on hydro corridor lands, subject to the primacy of the electricity transmission and distribution facilities, and shall require technical approval from the hydro provider through the Provincial Secondary Land Use Program (PSLUP).
4. A community garden shall not be permitted on lands within the Environmental Constraint – Natural Heritage (EC-NH) Zone, Environmental Constraint – Floodplain (EC-F) Zone, or on lands described in the Lands Subject to Flooding Section of this By-law.
5. A community garden shall not be permitted within 30 m of the stable top of bank of any watercourse or waterbody, or within 30 m of a stormwater management facility or drainage swale.
6. A community garden shall not be permitted within Provincially Significant Wetlands and within a 30 m setback from the boundary of a Provincially Significant Wetland. Beyond the required 30 m setback from the boundary of a Provincially Significant Wetland, a community garden may be permitted, subject to the completion of an Environmental Impact Study demonstrating that the development shall have no negative impacts on the feature or its ecological functions, in accordance with the policies of the City of Cornwall Official Plan.
7. Any portion of a community garden used for the cultivation of plants, including raised planting beds or tilled soil, shall have a minimum setback of 0.8 m from a lot line.
8. An accessory building or structure associated with a community garden (e.g. arbour, trellis, greenhouse) shall not be located in a required minimum front yard setback or exterior side yard setback, as established in the applicable Zone, and shall otherwise be subject to the general provisions for accessory buildings and structures in Section 3.1 of this By-law.

### 3.8 Drive-Through Provisions

1. A drive-through use shall be a permitted accessory use to a commercial use, such as a restaurant or financial service.
2. A drive-through queuing lane shall be set back a minimum of 3 m from any abutting residential zones.

3. Where a drive-through queuing lane abuts a residential zone, a minimum 3 m wide planting strip must be provided along the portion of the lot line that abuts a residential use or lot. Driveways, walkways and similar features are permitted to cut across a planting strip.
4. A minimum of 6 vehicle queuing spaces must be provided before the service window associated with a restaurant use.
5. A drive-through queuing lane for any other associated commercial use must provide a minimum of 3 vehicle queuing spaces.
6. A queuing space shall be a minimum of 3 m wide by 5.5 m long.
7. Queuing spaces shall not be included in the calculation of required parking spaces.
8. Queuing spaces shall not be located within any parking aisle or driveway.

### **3.9 Emergency Housing**

Notwithstanding anything else to the contrary, emergency housing shall be permitted in all zones and shall be subject to the following zone provisions:

- a) Where emergency housing is accessory to a principal use of the lot, the provisions of the zone in which it is located shall apply; and
- b) Where emergency housing is the principal use of the lot the zone provisions of the General Institutional (GI) one shall apply.

### **3.10 Frontage on a Street**

1. A lot or building must not be used or developed unless the lot abuts a street.
2. Notwithstanding the foregoing, a lot is permitted to be used or developed if, such lot has deeded vehicular access to a right-of-way which provides direct access to a street.
3. Where a building or lot is legally tied to a common element condominium which has frontage on a common element road that provides direct access to a street and is registered under the Condominium Act, such driveway shall be deemed to also be a street for purposes of applying the provisions of this By-law.

4. Nothing in this By-law shall prevent the use of a lot that does not have a lot line which is also a street line for agricultural uses or forestry uses if the applicable Zone permits such use. No buildings are permitted on such lot.

### **3.11 Group Homes**

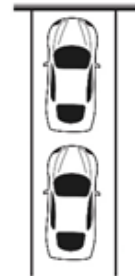
Group homes shall be permitted in all Residential Zones and in any other Zone where residential uses are permitted as a main use, provided that the group home is located within a dwelling type permitted in that Zone.

### **3.12 Home Occupations**

Home occupations shall be permitted as an accessory use to any dwelling unit in any Zone that permits residential uses, in accordance with the following provisions:

- a) The home occupation is secondary to the main use of the dwelling unit as a residence;
- b) The home occupation does not change the character of the dwelling unit;
- c) The home occupation does not become a nuisance by reasons of noise, odour, dust, fumes, vibration, radiation, glare, traffic or parking, or affect the amenities of the neighbourhood;
- d) The home occupation does not occupy more than 25% of the total gross floor area of the dwelling unit;
- e) No more than one (1) home occupation is conducted within the dwelling unit;
- f) The home occupation shall not become a fire or building hazard or health risk;
- g) The home occupation shall not interfere with radio, television, or other telecommunications transmissions;
- h) No more than one (1) on-site non-resident employee shall be employed in the operation of the home occupation;

- i) There is no display, advertisement, or visible indication from the exterior of the dwelling unit or building that a home occupation is conducted therein. However, an unlit or non-illuminated sign bearing the name of the home occupation may be erected on the property. The sign must not exceed 15 cm x 45 cm;
- j) Outdoor storage is prohibited;
- k) No stock-in trade is sold or kept for sale upon the premises unless such items were created by the resident, or are very limited in quantity and deemed necessary and ancillary to the use;
- l) Parking shall be provided for home occupations in accordance with the Parking and Loading Space Requirements Section of this By-law;
- m) The establishment of a parking space required for a home occupation must be in addition to the minimum parking spaces required for the main dwelling unit;
- n) Notwithstanding any other provision of this By-law, parking provided for a home occupation, whether for a non-resident employee or a customer, may be provided on a permitted driveway, including tandem parking as illustrated.
- o) No home occupation which requires more than one (1) business vehicle as part of its operation shall be permitted in a Residential Zone. The business vehicle must be parked on the lot in a permitted parking space, and beyond the required property line setback in a tandem position with any personal vehicle, as illustrated.
- p) The home occupation must be conducted within the main dwelling, unless authorized by the Committee of Adjustment.



### 3.13 Lands Subject to Flooding

No person shall use any lot or erect, alter or use any building or structure in those parts of Lots 7 to 16, Concession 2, inclusive, lying between the Canadian National Railways Diversion and the northerly boundary of the City of Cornwall, except in accordance with the following provisions:

- a) Buildings or structures on any lands lying along the South Branch of the Raisin River or its tributaries shall be set back a minimum of 30 m from the normal high-water mark,

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stable top of bank, or regulatory flood limit of the said river and its tributaries, whichever is greater, subject to the review and approval of the Raisin Region Conservation Authority.

- b) No part of any land referred to in provision a) of this Section shall be used to calculate any of the Zone provisions as may be required by this By-law for uses in adjacent Zones.
- c) No basement, floor or crawl space floor or slab on grade shall be constructed below the regulatory flood limit on Lots 8 to 16 inclusive.
- d) In cases where a development does not meet the general requirements of this Section in respect of elevations, a letter of clearance from the Raisin Region Conservation Authority shall be acceptable to address such a provision, as a result of a type of mitigation or more precise interpretation of flood line locations.

### 3.13.1 Boales Drain

- 1. No person shall use any lot or erect, alter or use any building or structure in those parts of Lots 9 to 14, Concession 2, inclusive, lying between Tollgate Road and Balmoral Avenue; Emma Avenue and Emma Avenue produced westerly, except in accordance with the following provisions:
  - a) No buildings or structures shall be erected on any lands lying between the Boales Drain or its tributaries and lines drawn parallel to (on both sides of) at a distance of 30 m across Lots 9 to 12 inclusive; and of 15 metres across Lots 13 and 14 inclusive measured at right angles from the stable top of bank of the drain and its tributaries, subject to the review and approval of the Raisin Region Conservation Authority.
  - b) No part of any land referred to in provision a) of this Section shall be used to calculate any of the Zone provisions as may be required by this By-law for uses in adjacent Zones.
  - c) No basement, floor or crawl space floor or slab on grade shall be constructed at an elevation lower than 59.8 m (CGVD2013) on Lots 9 to 14 inclusive.
  - d) No habitable floor shall be constructed at an elevation lower than 59.8 m (CGVD2013) on Lots 9 to 14 inclusive.

- e) In cases where a development does not meet the general requirements of this Section in respect of elevations, a letter of clearance from the Raisin Region Conservation Authority shall be acceptable to address such a provision, as a result of a type of mitigation or more precise interpretation of flood line locations.
2. On lands where the Boales Drain is buried, provisions 1(a) and (b) of this Section shall not apply.

### **3.14 Lots Divided into More than One Zone**

Where a lot is divided into more than one (1) Zone, each such portion of the lot shall be used in accordance with the provisions of this By-law for the applicable Zone.

### **3.15 Marine Containers**

1. Marine containers shall be permitted in any Zone, other than the Environmental Constraint – Natural Heritage Zone.
2. A marine container shall be considered to be an accessory structure ancillary to the main use on a lot and subject to the Accessory Uses, Buildings, and Structures Section of this By-Law.
3. Notwithstanding the foregoing, a marine container shall be subject to the following additional provisions:
  - a) A marine container must be located in the rear yard and screened from view from the street and abutting properties.
  - b) A marine container shall not be located in a required parking area or parking space, and shall not encroach into any required landscaped area or landscape strip; and
  - c) A marine container shall not be placed for the purpose of display or advertising on a property, or for the purpose of providing screening or fencing.
4. A marine container shall be permitted in association with a temporary sales use, in accordance with the Temporary Sales Uses Section of this By-law.
5. Notwithstanding any other provision of this Section to the contrary, a marine container shall be permitted as a temporary use on a construction site in any Zone, other than the Environmental Constraint – Natural Heritage Zone, for the purposes of storing equipment

and materials incidental to construction, or for utilities purposes, provided that a marine container shall:

- a) Not be located in a minimum required front yard or in an exterior side yard;
- b) Be located entirely on private property without encroaching on to a public sidewalk or road right-of-way, and shall not create a site line obstruction;
- c) Not exceed two (2) in number; and
- d) Be removed from the site within 30 days of completing construction works.

### **3.16 Multiple Buildings on a Lot**

- 1. Multiple non-residential buildings are permitted on a lot, unless otherwise specified in the Zone.
- 2. In all Residential Zones and other Zones where residential uses are permitted, only one main residential building is permitted on a lot, except in the case of cluster rowhouse dwellings and apartment dwellings where multiple buildings are permitted.
- 3. Where two or more main buildings are to be erected on a single lot, each building shall comply with the regulations of the applicable Zone.

### **3.17 Municipal Services**

- 1. The use of land, or the use, erection, enlargement, or alteration of any building or structure within the Urban Area, as defined in the City of Cornwall Official Plan, shall only be permitted where municipal services are deemed to have adequate capacity.
- 2. Where municipal services are not available and the use of land, or the use, erection, enlargement, or alteration of any building or structure requires alternative private services on a lot, such services shall be approved by the City of Cornwall or its delegate.

### **3.18 Non-Complying Buildings, Structures, and Lots**

#### **3.18.1 Alterations to Non-Complying Buildings and Structures**

Nothing in this By-law shall prevent the enlargement, reconstruction, renovation or repair of an existing non-complying building or structure provided such enlargement, reconstruction, renovation or repair does not:

- a) Further increase non-compliance with any applicable provisions of this By-law; and
- b) Contravene any other provisions of this By-law.

#### **3.18.2 Development on Existing Non-Complying Lots**

Development is permitted on any vacant lot existing on the date of passing of this By-law and which lot is legally non-complying with respect to the provisions of this By-law, provided that:

- a) The proposed use is permitted in the Zone in which the lot is located; and
- b) The proposed use does not contravene any other provisions of this By-law.

#### **3.18.3 Use of Undersized or Small Lots**

1. Where a lot having less than the minimum lot area or frontage required by this By-law, exists and is held under distinct and separate ownership from adjacent lots on the date of passing of this By-law as shown by the records of the Registry of Land Titles Office, or is increased in area or frontage but still does not meet the minimum area or frontage requirements of this By-law, such lot may be used, and a building or structure may be erected, for a purpose permitted in the Zone in which it is located, provided that all other applicable provisions in this By-law are met.
2. Within the Residential 10, 15 and 20 Zones where lots were created through a plan of subdivision registered before June 24, 1960, and such lots have less than 18.3 m of frontage, the setbacks for main buildings and accessory structures may be reduced to 6 m on one street and 3.65 m on the other.
3. Within the Residential 10, 15 and 20 Zones, small lot singles are permitted in plans of subdivision registered after February 1, 1994, provided that the total number of small lot singles does not exceed 25% of the total number of dwelling units within the overall

registered plan(s), and no more than 25% of any phase, and subject to the following provisions:

- a) Minimum lot frontage: 12 m;
- b) Minimum lot area: 365 m<sup>2</sup>; and
- c) All units must include an attached carport or garage.

### 3.18.4 Expropriation and/or Road Widening

1. If any legally existing building or structure would become non-complying as a result of a road widening or an expropriation, by having its front yard, exterior side yard or setback reduced, the said existing building or structure shall be deemed to be complying for the purposes of this By-law.
2. If any legally existing lot becomes non-complying as a result of a road widening or an expropriation, by having its lot area, lot depth, and/or frontage reduced, the said existing lot shall be deemed to be complying for the purposes of this By-law.
3. If any legally existing building or structure becomes non-complying as a result of a road widening or an expropriation, it may be repaired, restored or rebuilt without the requirement to obtain relief from the applicable setbacks, lot occupancy, lot area, lot depth, and/or frontage provisions of this By-law, provided that such repair, restoration or rebuild does not increase the height, size, volume or extent of non-conformity, except as is required in order to comply with the requirements of the Ontario Building Code, and/or the regulations of the applicable Conservation Authority.

## 3.19 Non-Conforming Uses

### 3.19.1 Continuation of Existing Uses

The provisions of this By-law shall not apply to prevent the use of any existing lot, building, or structure for any purpose prohibited by this By-law if such lot, building, or structure was legally used for such purpose on the date of the passing of this By-law, and provided that the lot, building, or structure continued to be used for that purpose.

### **3.19.2 Reconstruction of a Damaged Existing Building**

1. Nothing in this By-law shall apply to prevent the reconstruction of any legal non-conforming building or structure which existed on the date of the passing of this By-law, which is damaged by causes beyond the control of the owner (e.g. earthquakes, fire, floods, involuntary demolition). Such building or structure may be reconstructed within the original footprint, building height, and location, even if such building or structure does not comply with one or more of the provisions of this By-law, provided that the building height, size, volume, or lot occupancy is not increased. This provision shall be subject to a time period of one (1) year commencing from the time of issuance of the demolition permit, when applicable.
2. Porches and entrance decks which existed on the date of the passing of this By-law can be rebuilt to the existing setbacks presently enjoyed, save and except, the minimum front yard setback shall be no less than 1.2 m. This provision shall be subject to a time period of one (1) year commencing from the time of issuance of the demolition permit, when applicable.

### **3.19.3 Restoration of Buildings to a Safe Condition**

- a) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure or part thereof, lawfully used on the date of the passing of this By-law, provided that such strengthening or restoration does not increase the building height, size, or volume, or change the use of such building or structure.
- b) The reconstruction of existing steps and landings that do not meet setback or projection requirements shall be permitted provided such repair, restoration, or rebuild does not increase the extent of non-conformity of the steps and landings, except as is required in order to comply with the requirements of the Ontario Building Code. Should the reconstruction of existing stairs or landings to a safe condition require enlargement in order to comply with the requirements of the Ontario Building Code, the permitted setback shall be 0 m.

### **3.19.4 Change of Use**

The use of any existing lot, building or structure which is not permitted in the Zone in which it is located shall not be changed except to a use which is listed as a permitted use in such Zone. Expanding a legal non-conforming use shall require the authorization of the Committee of Adjustment, and the introduction of a new use shall require the authorization of the Planning Advisory Committee.

### **3.20 Outdoor Commercial Storage**

1. Where permitted by this By-law, outdoor commercial storage areas shall be located, arranged, buffered, or screened to reduce the visual impact from any street, Highway 401, and any adjacent lot in a Residential, Institutional, or Open Space Zone using landscaping, landscaped berms or fencing. A minimum 3 m wide landscape strip shall be provided and maintained on the lot around all sides of an outdoor commercial storage area where it abuts Highway 401 or an adjacent lot in a Residential, Institutional or Open Space Zone.
2. Any areas used for outdoor commercial storage shall be in addition to any minimum parking and loading space requirements in the Parking and Loading Space Requirements Section of this By-law.

### **3.21 Parking and Loading Space Requirements**

#### **3.21.1 General Parking Provisions**

1. The owner of every building erected, altered, or used for any purpose shall provide and maintain off-street parking for the use of occupants, employees, and visitors in accordance with the provisions of this By-law.
2. Where an existing use is deficient with respect to the minimum required parking spaces in this By-law, it shall be interpreted that the minimum number of required parking spaces shall be the legally existing number of parking spaces, provided that the existing use continues and there is no enlargement or expansion that results in a net increase of the gross floor area of the existing use, building, or structure.
3. Where an enlargement or addition is made to an existing use, building, or structure and there is a resulting net increase in gross floor area, the provisions of the Parking and Loading Space Requirements Section of this By-law shall be satisfied, only with respect to the enlargement or addition made to that existing use, building, or structure.
4. Where an existing use changes to a new use after the effective date of this By-law, and the new use is deficient with respect to the parking requirements of this By-law, it shall be interpreted that the provisions of the Parking and Loading Space Requirements Section of this By-law shall apply to the new use.

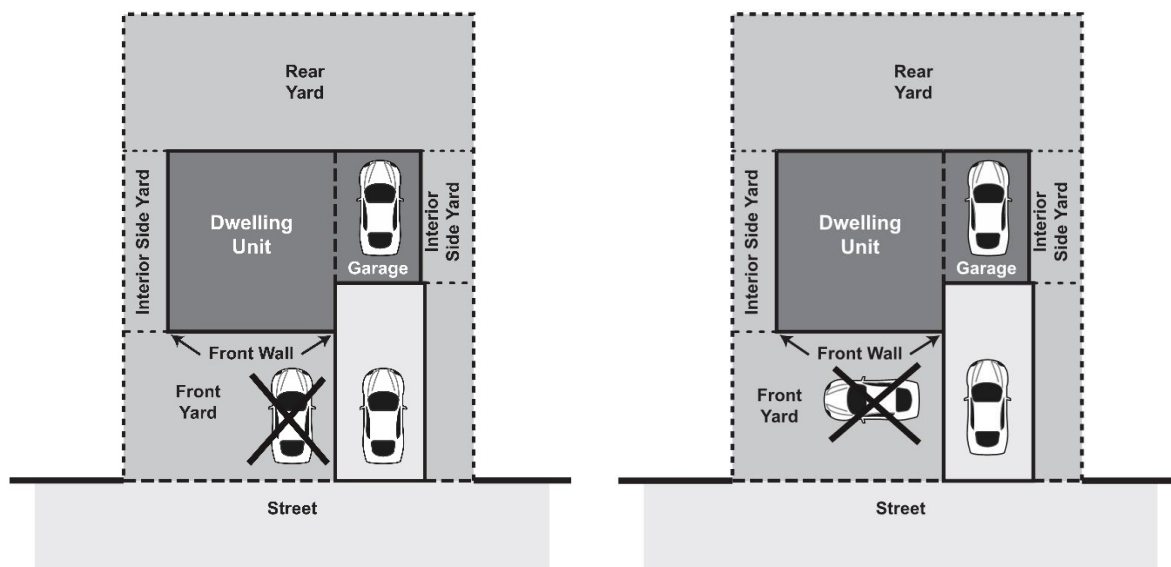
5. Except as otherwise provided in this By-law, where a building or structure or building complex contains more than one type of permitted use, the parking requirements shall be the sum of the requirements for each individual use. In the case of multi-use buildings or multi-use building complexes where parking is provided in common parking areas, an application may be made to the Committee of Adjustment for reduction of the total parking requirements, where it can be demonstrated that the parking area will be used at different times and no conflicting parking demands would result.
6. Where applicable, cash payment in lieu of required parking may be provided to the Corporation pursuant to the Cash-in-Lieu of Parking By-law/Committee of Adjustment decisions.
7. All parking spaces, whether required or not, are subject to the appropriate parking standards as set out in this By-law. Where a proposed development is governed by the Site Plan Control By-law or other development agreement, additional or more stringent parking requirements may be provided for in the agreement.
8. All parking spaces, parking areas, and parking lots, including driveways, shall be constructed with suitable hard surface materials such as asphalt, concrete, or decorative pavers within 1 year of occupancy. Permeable pavers shall be permitted to allow for reduced stormwater runoff. Notwithstanding the foregoing, in the Rural Area Zone and the Prime Agricultural Zone, all parking spaces, parking areas, and parking lots, including driveways, shall be constructed with a surface, such as gravel, that is usable in all seasons.

### 3.21.2 Parking Location

1. Parking areas, parking lots, parking spaces, and related site access, aisles, and circulation areas shall not be located on any part of a municipal right-of-way.
2. Except as otherwise provided in this By-law, all parking spaces shall be provided and maintained on the same lot and in the same Zone as the main building or use, with the exception of:
  - a) A place of assembly or recreation, provided that the parking lot for satellite parking is located a maximum distance of 150 m from the lot containing the main building or use; and
  - b) Any permitted non-residential use located in a Commercial Zone or Institutional Zone, provided that the parking lot for satellite parking is located a maximum distance of 150 m from the lot containing the main building or use under the same ownership.

## Section 3 General Provisions

- c) Off-site parking must be located in a zone that includes Parking Lots as a permitted use.
- No required parking spaces or storage of vehicles shall be permitted in any sight triangle, landscaped area (including lawns), landscape strip, or any non-allocated parking area.
  - Except as otherwise provided in this By-law, parking shall not be permitted in a required front yard or side yard, other than in a permitted driveway. In Residential Zones, no part of a driveway may be located between the front wall of the residential use building and the street. All of the area in a required yard not legally used for parking shall be landscaped.

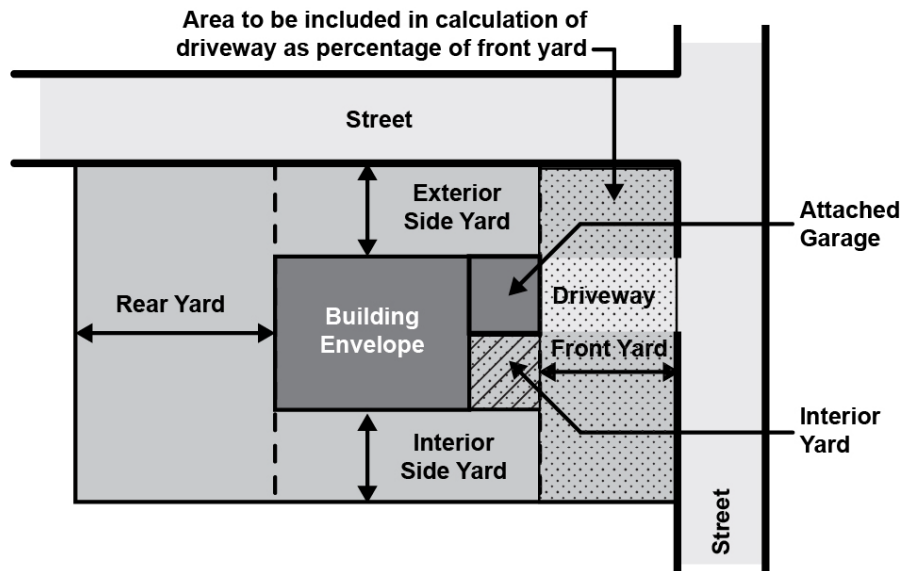


- On corner lots, a driveway shall only be permitted in the interior side yard or rear yard but may be permitted in a yard leading to a garage or carport. All the area in the required front yard or exterior side yard not legally used for parking shall be landscaped.
- Parking areas, parking lots, parking spaces, and related site access, aisles, and circulation areas provided for any shopping centre, commercial use, industrial use, institutional use or any mixed-use development (containing no more than 50% residential uses) may be located in any yard, provided that a landscape strip at least 3 m wide is provided along any lot line abutting a street, and a 1 m wide landscape strip is provided along any other property line. These landscape strips shall consist of topsoil and sod plus one or more landscaping elements.

7. In the case of multiple unit dwellings, there shall be no parking permitted in the required front yard, and a 1 m landscape strip shall be required adjacent to the side and rear lot lines.
8. A driveway for a dwelling containing one (1) to two (2) dwelling units leading from the roadway in a required front yard or side yard may be used for temporary or second car parking.
9. Circular driveways may be provided for temporary or second car parking only in a required front yard or exterior side yard, provided that the foregoing provisions can be met and the driveway is constructed with a suitable hard surface material or decorative pavers.
10. In the case of a dwelling containing one (1) to four (4) dwelling units, the following provisions shall apply to parking spaces and driveways:
  - a) For a property where a legal non-conforming non-residential use is converted back to a residential use in a Residential Zone, adequate landscaping ratios shall be provided if possible, as determined by the City's Planning Division Staff. A Site Plan demonstrating reconfiguration of the front yard parking area is to be approved by the Planning Division and the City's Traffic Engineer.
  - b) In the case of a quadruplex dwelling, where parking spaces are located in the front yard, a landscape strip at least 3 m wide shall be provided along any lot line abutting a street, and a 1 m landscape strip shall be required adjacent to the interior side and rear lot lines.
  - c) In the case of a single detached dwelling, the total area occupied by driveways, walkways, and surface parking shall not exceed 40% of the area of the entire front yard, and interior yard if applicable in the case of a dwelling with an attached garage which extends beyond the front wall of the living space of the dwelling, as illustrated in the following figure.

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### Illustration of area to be included in calculation of driveway as a percentage of the front yard and interior yard:



- d) In the case of semi-detached dwellings, duplexes, triplexes, quadruplexes, rowhouse dwellings, or where additional residential units are provided, the ratio of hard surfacing to landscaped area is permitted to be 50%. Notwithstanding any provision of this section to the contrary, in the case of rowhouse dwellings located on interior lots, the permitted ratio is 60% hard surfacing to 40% landscaped area on lots up to and including 6 m wide.
- e) On lots with converging lot lines (pie shaped lots), the permitted ratio of hard surfacing to landscaped area is permitted to be 50%.
- f) In no case shall these provisions result in a driveway that is less than 3 m wide or may be equal to the width of a garage provided that it is tapered to 6m at street line, except that for narrow frontage lots, such as for rowhouse dwellings with a single garage, a driveway shall have a maximum width of 3.5 m.
- g) All the remaining area of the front yard from side lot line to side lot line shall be landscaped and shall not be used for parking purposes.
- h) In the case of a dwelling containing two (2) to four (4) dwelling units, each parking space or portion thereof of a driveway used for parking shall be accessible without the

necessity of having to move another vehicle (tandem parking not permitted), unless otherwise permitted in this By-law. For clarity, tandem parking shall be permitted for an additional residential unit or a home occupation, in accordance with the Additional Residential Units Section and the Home Occupations Section of this By-law.

i) No person shall enlarge, modify, or amend a driveway without approval from the City.

11. Nothing in this By-law shall apply to prevent the location of an underground parking area at a 0 m setback from any yard of a lot, provided the structure is completely below grade and landscaped as a yard above grade. If any portion of the underground parking structure is above grade, it must comply with the main building setback.

### **3.21.3 Prohibited Parking**

1. Except for school buses, no person shall park or store, or permit to be parked or stored, any heavy commercial vehicles over 4,500 kg gross vehicle weight in a Residential Zone or on a lot used for residential purposes.
2. No person shall park or store, or permit to be parked or stored, a recreational vehicle or school bus in the front yard in a Residential Zone.
3. No person shall park or store, or permit to be parked or stored, a contractor or utility trailer in the front yard in a Residential Zone.
4. No person shall park or store, or permit to be parked or stored, more than one (1) business vehicle on a lot in a Residential Zone. Such vehicle must be parked on the lot in a permitted parking space beyond the required property line setback and can be in a tandem position with any personal vehicle.
5. No person shall park any vehicle in a front yard setback or side yard setback, other than in a permitted driveway.

### **3.21.4 Parking Space Requirements**

1. Each parking space shall have a minimum width of 2.6 m and a minimum length of 5.5 m. A maximum 0.6 m overhang over a hard landscaped or curbed parking area or lot, not used for parking, walkways, or sidewalks, shall be permitted, but this shall be in addition to the minimum required length of a parking space. The subject curbing and overhang situation shall not exceed 15 cm above the pavement elevation.

## Section 3 General Provisions

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2. Where this By-law requires more than four (4) parking spaces, all such spaces shall be suitably demarcated with paint or other material. Where a parking area is reconfigured, the parking space markings which no longer apply shall be completely removed.
3. All required parking spaces shall have direct and unobstructed access from a parking aisle or driveway and shall be accessible, unobstructed, and usable.
4. Minor encroachments into parking spaces, such as pillars, window wells, and steps, shall be permitted as long as the functionality of the parking space is not hindered.

### 3.21.5 Parking Areas, Parking Lots, and Parking Aisles

1. In the case of a dwelling containing one (1) to four (4) dwelling units, driveways shall have a minimum width of 3 m, subject to the Parking Location Section.
2. For non-residential uses and residential uses containing five (5) or more units, access driveways leading to a parking area or parking lot shall have a minimum width of:
  - a) 3.7 m for one-way traffic or separate entrance and exit driveways; and
  - b) 6 m for two-way traffic.
3. Notwithstanding the foregoing, in the case of an existing building altered or used for any purpose for which a parking lot is required for a maximum of twenty (20) parking spaces, a driveway width of 3 m is permitted, if a greater width is not possible.
4. "Vehicle access to or from Monroe Avenue to the lands municipally known as 435 Pitt Street is prohibited", as detailed in By-law 1136/71.
5. The following provisions for parking aisles shall apply:
  - a) Parking aisle widths shall comply with the following table:

Angle of Parking	Minimum Width of Parking Aisle
Parallel parking on one side of aisle	3 m
0 to 40 degrees	3.5 m

Angle of Parking	Minimum Width of Parking Aisle
41 to 55 degrees	4.3 m
56 to 90 degrees	6 m

- b) If a parking area or parking lot is comprised of a combination of parking arrangements, the greater minimum width for a parking aisle shall apply; and
  - c) Where parallel parking is provided, a 2.5 m demarcated and unencumbered gap shall be provided between every second parking space.
6. Parking areas, parking lots, parking spaces, and related site access, aisles, and circulation areas for new construction shall be constructed with suitable hard surface materials such as asphalt, concrete, or pavers, including permeable pavers, within 1 year of occupancy. Exceptions to this standard are provided below and in such cases the parking area or parking lot shall be graded and surfaced with a stable material so as to prevent the raising of dust or loose materials:
- a) In an Employment Zone, where the area is used only for truck parking or storage provided that the yard where the truck parking is located does not abut any street or any lot in a Residential, Institutional, or Open Space Zone, or where an adequate 45 m treed buffer is provided. However, where the parking is constructed with suitable material, a 25m buffer should be provided abutting a residential zone.
  - b) In an Open Space Zone, the Environmental Constraint – Natural Heritage Zone, or the Environmental Constraint – Floodplain Zone, where the parking is intended solely to serve outdoor recreational uses or conservation uses; and
  - c) Where a parking lot is a permitted use of land and is approved for a specified, temporary period of time by either City Council or the Committee of Adjustment.
  - d) For any use in a Rural Area or Prime Agricultural Zone.
7. All parking spaces, parking aisles, and site access shall be clearly demarcated and readily distinguishable. The type and function of the site access and parking aisle (one-way vs. two-way) shall be identified through appropriate signs, markings, pavements and/or curbs.

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### General Provisions

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8. Lights used for the illumination of any parking area or parking lot shall be designed so as to deflect direct illumination or glare away from adjacent properties and/or streets.
9. In the case of uses which require visitor parking spaces, these spaces shall be clearly identified.
10. Where permitted residential uses are provided in commercial buildings or form part of a mixed-use development, the parking spaces required for each use shall be clearly identified, including required visitor parking for the residential component.
11. A surface parking area or lot may contain a structure for a parking attendant, provided that it is not greater than 2.7 m in height or 7 m<sup>2</sup> in area.
12. A driveway leading to a parking area or lot may be obstructed by a gate, chain, or other temporary barrier used solely to restrict access and designed to be opened or removed when necessary to permit passage of a vehicle.
13. In parking lots, the City may require unobstructed pedestrian paths and crossings, and rights-of-way within the parking area, as appropriate and subject to site plan control and approval.
14. Temporary sales uses such as Christmas tree sales, garden centre sales, or such other uses located in parking lots, shall be permitted in accordance with a licensing agreement with the City of Cornwall, provided that it can be demonstrated that the temporary sales use does not interfere with the parking demand of the main use.
15. Charging stations shall be permitted in a parking area or parking lot and will be considered to be a technical parking stall.

#### 3.21.6 Calculation of Minimum Parking and Loading Space Requirements

1. On a lot with a single-detached dwelling, semi-detached dwelling, link-detached dwelling, rowhouse dwelling, duplex dwelling, triplex dwelling, and quadruplex dwelling, a driveway devoted to the exclusive use of a dwelling unit may be included in the calculation of a required parking space.
2. If the calculation of required minimum parking spaces, barrier-free parking spaces, visitor spaces, or loading spaces results in a fraction, the applicable requirement shall be rounded up to the next whole number.

3. If the calculation of required minimum bicycle parking spaces results in a fraction, the applicable requirement shall be rounded up to the next even whole number.

### 3.21.7 Minimum Parking Space Requirements

1. Off-street vehicle parking must be provided for any land use at the rate set out in the following table, except that commercial uses in the Central Business District Zone and Le Village District Zone are subject to one-fourth (25%) of the minimum parking space requirements:

Land Use	Minimum Number of Parking Spaces
<b>Residential Uses</b>	
Additional residential unit	1 space per dwelling unit
Apartment dwelling	0.75 spaces per dwelling unit
Continuum of care home	0.25 spaces per dwelling unit
Duplex dwelling	1 space per dwelling unit
Dwelling unit in a mixed-use building	0.75 spaces per dwelling unit
Emergency housing	0 spaces
Garden suite	1 space per dwelling unit
Group home	2 spaces, or 1 space for every staff on duty at any time, whichever is greater
Home occupation	a) 1 space per home occupation where clients or customers are serviced on site. b) 1 space for each non-resident employee of a home occupation. c) 0 space per home occupation where no clients or customers are serviced on site.
	In the case of an office or consulting room of a physician or dentist in a dwelling, 3 spaces
Link-detached dwelling	1 space per dwelling unit

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Land Use	Minimum Number of Parking Spaces
Quadruplex dwelling	1 space per dwelling unit
Retirement home	0.5 spaces per dwelling unit
Residential mobile home park	1 space per mobile home lot
Rooming house	0.75 spaces per rooming unit
Rowhouse dwelling	1 space per dwelling unit for four or less dwelling units. 0.75 spaces per additional dwelling unit in excess of four units
Semi-detached dwelling	1 space per dwelling unit
Single-detached dwelling	1 space per dwelling unit
Transitional housing	1 space per 100 m <sup>2</sup> of gross floor area office area  0.25 spaces per dwelling unit/accommodation unit
Triplex dwelling	1 space per dwelling unit
<b>Non-Residential Uses</b>	
Adult entertainment body rub parlour, Adult entertainment establishment, Adult entertainment parlour (goods), Adult entertainment travelling show	1 per 50 m <sup>2</sup> of gross floor area
Adult entertainment escort service	1 space per 28 m <sup>2</sup> of gross leasable area
Agricultural feed store	1 space per 50 m <sup>2</sup> of gross floor area
Agricultural uses	1 per farm, plus 1.5 spaces per 100 m <sup>2</sup> of gross floor area of farm produce outlet
Amusement Park	20 spaces per 1 ha
Animal hospital	1 space per 28 m <sup>2</sup> of gross leasable area
Animal shelter	1 per 100 m <sup>2</sup> of gross floor area

Land Use	Minimum Number of Parking Spaces
Arcade	1 space per 28 m <sup>2</sup> gross floor area
Art gallery	1 space per 50 m <sup>2</sup> of gross floor area
Artist studio	1 per 100 m <sup>2</sup> of gross floor area
Assembly operation	1 space per 50 m <sup>2</sup> of gross floor area, plus 1 additional space for every 200 m <sup>2</sup> of gross floor area in excess of 260 m <sup>2</sup>
Automobile body shop	1.5 spaces per service bay
Automobile repair garage	1 space per 100 m <sup>2</sup> of gross floor area, plus 1 space per service bay
Automobile sales establishment	1 space per 100 m <sup>2</sup> of sales / showroom gross floor area, plus 1 space per service bay and 1 space per 100 m <sup>2</sup> of other gross floor area
Automotive supply store	1 space per 50 m <sup>2</sup> of gross floor area
Bakery	1 space per 50 m <sup>2</sup> of gross floor area, plus 1 additional space for every 200 m <sup>2</sup> of gross floor area in excess of 260 m <sup>2</sup>
Bar	1 space per 5.5 m <sup>2</sup> devoted for patron use, or 1 space per 6 seats of approved or licensed patron use, , whichever is greater
Bed and breakfast establishment	1 space per guest room, in addition to the spaces required for the dwelling unit
Brewpub	1 space per 100 m <sup>2</sup> of gross floor area of the production area, plus 1 space per 5.5 m <sup>2</sup> devoted for patron use or 1 space per 6 seats of approved or licensed patron use, whichever is greater
Building supply outlet	1 space per 50 m <sup>2</sup> of gross leasable area
Bulk sales and storage yard	5 spaces, plus 1 additional space per 50 m <sup>2</sup> of gross floor area

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Land Use	Minimum Number of Parking Spaces
Business accelerator / incubator	1 space per 28 m <sup>2</sup> of gross leasable area
Contact Centre	1 space per 20 m <sup>2</sup> of gross floor area
Cannabis production and processing facility	1 space per 100 m <sup>2</sup> of gross floor area, plus 1 additional space per 300 m <sup>2</sup> of gross floor area in excess of 2,800 m <sup>2</sup>
Catering establishment	0.5 spaces per 100 m <sup>2</sup> of gross floor area
Cemetery	0 spaces
Cinema	1 space per 6 seats or 5.5 m <sup>2</sup> of assembly space, whichever is greater
Co-working space	1 space per 28 m <sup>2</sup> of gross leasable area
Commercial school	5 spaces per classroom, plus additional spaces for any place of assembly, as required
Commercial vehicle and equipment sales and servicing	1 space per 100 m <sup>2</sup> of sales / showroom gross floor area, plus 1 space per service bay and 1 space per 100 m <sup>2</sup> of other gross floor area
Community centre	1 space per 50 m <sup>2</sup> of gross floor area
Community garden	0 spaces
Concession facility	0 spaces
Conference centre	1 space per 6 seats or 5.5 m <sup>2</sup> of assembly space, whichever is greater
Conservation use	0 spaces
Convenience store	1 space per 28 m <sup>2</sup> of gross floor area
Data centre	A minimum of 10 spaces
Day care centre	1 space per 100 m <sup>2</sup> of gross floor area

Land Use	Minimum Number of Parking Spaces
Factory outlet	1 space per 28 m <sup>2</sup> of gross floor area used for retail sales
Factory outlet mall	1 space per 28 m <sup>2</sup> of gross floor area used for retail sales
Financial institution	1.25 spaces per 100 m <sup>2</sup> of gross floor area
Food processing	1 space per 50 m <sup>2</sup> of gross floor area, plus 1 additional space for every 200 m <sup>2</sup> of gross floor area in excess of 260 m <sup>2</sup>
Funeral home	1 space per 8 seats in a chapel or parlor, but not less than 10 spaces total
Garden centre	1 space per 50 m <sup>2</sup> of gross leasable area
Gas station	0.5 spaces per 100 m <sup>2</sup> of gross floor area for the servicing of vehicles.
Golf course	0.5 spaces per 100 m <sup>2</sup> of gross floor area, plus 2 spaces per hole or 1 space per stall for a driving range, but no less than 25 spaces in total
Home improvement centre	1 space per 50 m <sup>2</sup> of gross leasable area
Hospice	1 per 100 m <sup>2</sup> of gross floor area
Hospital	1 per 100 m <sup>2</sup> of gross floor area
Hotel	1 space per guest room, plus 1 space for every 10 m <sup>2</sup> of gross floor area devoted to public use (e.g. dining room, restaurant, lounge, conference rooms, banquet) but exclusive of any lobby
Institutional uses	1 space per 50 m <sup>2</sup> of gross floor area
Kennel	1 space per 50 m <sup>2</sup> of gross floor area
Laboratory	1 space per 100 m <sup>2</sup> of gross floor area
Library	1 space per 50 m <sup>2</sup> of gross floor area

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Land Use	Minimum Number of Parking Spaces
Light industrial use	1 space per 50 m <sup>2</sup> of gross floor area, plus 1 additional space for every 200 m <sup>2</sup> of gross floor area in excess of 2600 m <sup>2</sup>
Logistics / distribution centre	1 space per 100 m <sup>2</sup> of gross floor area, plus 1 additional space per 300 m <sup>2</sup> of gross floor area in excess of 2,800 m <sup>2</sup>
Long-term care facility	0.25 spaces per bed, plus 1 space per 100 m <sup>2</sup> of gross floor area used for medical, health, or personal services
Manufacturing	1 space per 50 m <sup>2</sup> of gross floor area, plus 1 additional space for every 200 m <sup>2</sup> of gross floor area in excess of 2600 m <sup>2</sup>
Marina	1 space per 100 m <sup>2</sup> of gross floor area, plus 1 space per boat slip and 2 spaces per boat launch
Medical facility	1 space per 28 m <sup>2</sup> of gross leasable area
Medium industrial uses	1 space per 50 m <sup>2</sup> of gross floor area, plus 1 additional space for every 200 m <sup>2</sup> of gross floor area in excess of 2600 m <sup>2</sup>
Motel	1 space per guest room
Museum	1 space per 50 m <sup>2</sup> of gross floor area
Office	1 space per 28 m <sup>2</sup> of gross leasable area
Park	4 spaces per sports field or swimming pool or 1 space per 5 fixed seats, whichever is greater; other cases: 0 spaces
Parking Garage	0 spaces
Parking Lot	0 spaces
Personal service establishment	1 space per 28 m <sup>2</sup> of gross leasable area

Land Use	Minimum Number of Parking Spaces
Pharmacy	1 space per 28 m <sup>2</sup> of gross floor area
Place of assembly or recreation	5 spaces per 100 m <sup>2</sup> of gross floor area of assembly space
Place of worship	5 spaces per 100 m <sup>2</sup> of gross floor area of assembly space
Post-secondary school	5 spaces per classroom, plus additional spaces for any place of assembly, as required
Production and broadcasting studio	1 space per 100 m <sup>2</sup> of gross floor area
Recreational and athletic facility	2 spaces per alley, court, ice sheet, game table, arena, gymnasium, or other game surface, plus 5 spaces per 100 m <sup>2</sup> of gross floor area used for assembly or common area
Recreational vehicle or marine sales and service establishment	1 space per 100 m <sup>2</sup> of sales / showroom gross floor area, plus 1 space per service bay and 1 space per 100 m <sup>2</sup> of other gross floor area
Research and development facility	1 space per 100 m <sup>2</sup> of gross floor area
Restaurant	1 space per 15 m <sup>2</sup> of gross leasable area, except that any take-out restaurant shall require 1 space per 8 m <sup>2</sup> of gross leasable area  In all cases, a minimum of 2 spaces shall be provided
Retail food store	1 space per 28 m <sup>2</sup> of gross floor area
Retail store	1 space per 28 m <sup>2</sup> of gross floor area
School	2 spaces per classroom
Self-storage facility	Minimum 1 space required, plus 1 additional space per 1000 m <sup>2</sup> of gross floor area of storage buildings/units.

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Land Use	Minimum Number of Parking Spaces
Service commercial use	1 space per 28 m <sup>2</sup> of gross floor area
Service industrial use	1 space per 50 m <sup>2</sup> of gross floor area, plus 1 additional space for every 200 m <sup>2</sup> of gross floor area in excess of 2600 m <sup>2</sup>
Shopping centre	4.5 spaces per 100 m <sup>2</sup> of gross leasable area
Small-scale brewery	1 space per 100 m <sup>2</sup> of gross floor area of the production area, plus 3 spaces per 100 m <sup>2</sup> of gross floor area dedicated to accessory tasting and dining facilities or accessory retail sales area
Small-scale distillery	1 space per 100 m <sup>2</sup> of gross floor area of the production area, plus 3 spaces per 100 m <sup>2</sup> of gross floor area dedicated to accessory tasting and dining facilities or accessory retail sales area
Small-scale urban horticulture	1 space per employee, plus 3 spaces for any retail component
Theatre	1 space per 6 seats or 5.5 m <sup>2</sup> of assembly space, whichever is greater
Trade and technical school	5 spaces per classroom, plus additional spaces for any place of assembly, as required
Transportation terminal	0.8 spaces per 100 m <sup>2</sup> of gross floor area up to 2,800 m <sup>2</sup> , 0.4 spaces per additional 300 m <sup>2</sup> of gross floor area in excess of 2,800 m <sup>2</sup>
Vehicle rental agency	1 space per 100 m <sup>2</sup> of sales / showroom gross floor area, plus 1 space per service bay and 1 space per 100 m <sup>2</sup> of other gross floor area

Land Use	Minimum Number of Parking Spaces
Warehouse	0.8 spaces per 100 m <sup>2</sup> of gross floor area up to 2,800 m <sup>2</sup> , 0.4 spaces per additional 300 m <sup>2</sup> of gross floor area in excess of 2,800 m <sup>2</sup>
Wayside pit or quarry, portable asphalt plant, portable concrete plant	0 spaces
Wholesale establishment	0.8 spaces per 100 m <sup>2</sup> of gross floor area up to 2,800 m <sup>2</sup> , 0.4 spaces per additional 300 m <sup>2</sup> of gross floor area in excess of 2,800 m <sup>2</sup>
All other commercial uses not defined in this Section, except for outdoor patio facilities	1 space per 28 m <sup>2</sup> of gross floor area

- Where a building contains more than one use, the total number of parking spaces required shall be based on the combined number of spaces required for each use within the building, in accordance with the rates set out in provision (1) of this Section.
- Outdoor patio facilities, when ancillary to a restaurant or similar use, shall not be required to provide parking where the outdoor patio does not exceed 50 seats, provided such outdoor patio is not used for more than six (6) months in any year. Beyond that size and time, the outdoor patio is required to provide parking spaces at the rate of one (1) parking space per six (6) seats.

### 3.21.8 Minimum Visitor Parking Space Requirements

- In addition to the minimum parking space requirements of this By-law, off-street visitor parking must be provided for the land uses at the rates specified in the following table:

Land Use	Minimum Number of Visitor Parking Spaces
Apartment dwelling	0.25 spaces per dwelling unit
Continuum of care home	0.25 spaces per dwelling unit
Dwelling units in a mixed-use building	0.25 spaces per dwelling unit

## Section 3 General Provisions

Land Use	Minimum Number of Visitor Parking Spaces
Residential mobile home park	0.25 spaces per mobile home lot
Retirement home	0.25 spaces per dwelling unit
Rowhouse dwelling	0.25 spaces per dwelling unit

2. Notwithstanding provision (1) of this Section, no visitor parking spaces are required for the first 10 dwelling units on a lot, and no more than 30 visitor parking spaces are required per building.
3. Notwithstanding provision (1) of this Section, in the case of a rowhouse dwelling, where each dwelling unit has a driveway accessing a garage or carport located on the same lot as the dwelling unit, no visitor parking is required for that dwelling unit.

### 3.21.9 Minimum Bicycle Parking Space Requirements and Provisions

1. In all Zones, except for commercial uses on properties where there is no front yard, bicycle parking must be provided for the land uses at the rates specified in the following table:

Land Use	Minimum Number of Bicycle Parking Spaces
Apartment dwelling, Rowhouse dwelling developments consisting of six (6) or more units	0.5 spaces per dwelling unit
Automotive supply store, Gas station, Personal service establishment, Garden centre	In all cases, a minimum of 2 spaces shall be provided  Where the gross floor area is more than 500 m <sup>2</sup> , an additional 2 spaces are required for every 1,000 m <sup>2</sup> of gross floor area
Arcade, Bar, Brewpub, Community centre, Day care centre, Funeral home, Institutional uses, Office, Place of assembly or recreation, Place of worship, Recreational and athletic facility, Pharmacy, Restaurant, Retail	In all cases, a minimum of 4 spaces shall be provided  Where the gross floor area is more than 500 m <sup>2</sup> , an additional 2 spaces are required for every 500 m <sup>2</sup> of gross floor area

Land Use	Minimum Number of Bicycle Parking Spaces
food store, Retail store, Small-scale brewery	
Cinema	2 spaces per theatre
Commercial school, school	2 spaces for every 200 m <sup>2</sup> of gross floor area
Continuum of care home, Employment uses, Hospice, Hotel, Long-term care facility, Motel, Retirement home	A minimum of 4 spaces
Hospital	A minimum of 16 spaces
Self-storage facility	A minimum of 2 spaces

2. Where a building contains more than one use, the total number of bicycle parking spaces shall be based on the combined number of spaces required for each use within the building, in accordance with the rates set out in provision (1) of this Section.
3. Bicycle parking must be located on the same lot as the use or building for which it is provided and must be located in order to promote convenient access to main entrances.
4. A bicycle parking space may be located in any yard.
5. A maximum of 50% of the required bicycle spaces may be located in a landscaped area.
6. A bicycle parking space must comply with the minimum parking space dimensions specified in the following table:

Bicycle Parking Space Orientation	Minimum Width	Minimum Space Length
Horizontal	0.6 m	1.8 m
Vertical	0.5 m	1.2 m

7. Horizontal bicycle parking spaces shall allow for bicycles to be securely locked at two points on the bicycle (e.g. frame and one wheel).
8. In the case of vertical bicycle parking spaces, each bicycle parking space shall contain a rack that is secured to the ground or a wall.

**3.21.10 Barrier-Free Parking Requirements**

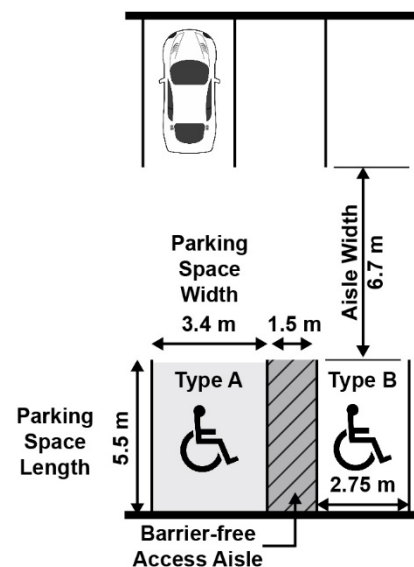
1. Where parking spaces are required in the Minimum Parking Space Requirements Section of this By-law for any non-residential use, barrier-free parking spaces shall be provided in accordance with the following table. Barrier-free parking spaces shall not be required in addition to those parking spaces required in the Minimum Parking Space Requirements Section of this By-law, but rather, these barrier-free parking spaces shall contribute to the total number of parking spaces required.

<b>Minimum Number of Parking Spaces Required under Section 3.21.7</b>	<b>Corresponding Minimum Number of Barrier-Free Parking Spaces Required</b>
1 – 12	1
13 - 100	4% of the total number of parking spaces required
101 – 200	1, plus an additional 3% of the total number of parking spaces required
201 – 1,000	2, plus an additional 2% of the total number of parking spaces required
1,001 or more	11, plus an additional 1% of the total number of parking spaces required

2. The minimum number of barrier-free parking spaces shall be calculated and provided for the total number of parking spaces on the lot and shall not solely be based on the minimum number of parking spaces required. The calculation of the total minimum number of barrier-free parking spaces required shall be in accordance with the following:
  - a) Where an even number of barrier-free parking spaces are required, an equal number of Type A and Type B barrier-free parking spaces shall be provided.
  - b) Where an odd number of barrier-free parking spaces are required, the number of barrier-free parking spaces must be divided equally between a Type A and a Type B barrier-free parking space, while the remainder may be provided as a Type B barrier-free parking space.

- c) Where only one barrier-free parking space is required, the barrier-free parking space shall be a Type A barrier-free space.
  - d) Notwithstanding provision (1), where only one parking space is required for a non-residential use, a Type A barrier-free parking space shall be required in addition to the standard parking space requirement.
3. Where Type A barrier-free parking spaces are required, each barrier-free parking space shall be designated by a sign mounted on a post or wall that is visible during the winter months. Such sign shall be mounted at least 1.5 m above grade and shall identify the space as being "van accessible".
  4. For any residential use which requires the provision of visitor parking spaces, the following provisions shall apply:
    - a) One (1) Type B barrier-free visitor parking space shall be required where three (3) or more visitor parking spaces are required;
    - b) Where more than 12 visitor parking spaces are required, barrier-free visitor parking spaces shall be provided in accordance with the rates established in provisions 1 and 2 of this Section.
  5. Barrier-free parking spaces shall not be required in association with any parking spaces required and provided for emergency service vehicles, motor vehicles displayed for sale, or any other vehicles associated with outside storage.
  6. Barrier-free parking spaces shall be subject to the following provisions:

- a) Type A - A minimum width of 3.4 m and a minimum length of 5.5 m;
- b) Type B – A minimum width of 2.75 m and a minimum length of 5.5 m;
- c) Access provided by a barrier-free access aisle with a minimum width of 1.5 m which extends the full length of the parking space, and which is marked with high tonal contrast diagonal lines (i.e. hatching)



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on a hard surface. Two (2) barrier-free parking spaces which are adjacent to one another may share one (1) barrier-free access aisle.

- Barrier-free parking spaces shall be constructed with hard surface materials, shall be reasonably level, and as accessible to the building entrance(s) as possible.

### 3.21.11 Loading Space Requirements

- Off-street loading spaces shall be provided in accordance with the standards of this By-law in any Zone where a building or use requires frequent receiving, shipping, loading and unloading of goods, wares, materials, articles, or merchandise, in accordance with the following table:

Use	Minimum Number of Loading Spaces Required
Funeral Home	1
Hotel	2
Light industrial uses, Medium industrial uses, Institutional uses, Offices, Retail Store, Retail Food Store, Shopping Centre, Wholesale Establishment, and all other non-residential uses	1 space for every 2,800 m <sup>2</sup> of gross floor area or part thereof, but no greater than 6 loading spaces shall be required.  The provision of an off-street loading space for building containing less than 200 m <sup>2</sup> of gross floor area is optional
Residential uses	0

- Loading spaces shall be located on the lot occupied by the use for which the spaces are required and such spaces shall not form part of any street or required parking area or parking spaces.
- Loading spaces shall not be located in any required front yard or yard abutting a street.
- Loading spaces shall be located, arranged, buffered, or screened to reduce the visual impact from any street and any adjacent lot in a Residential, Institutional, or Open Space Zone. A minimum 3 m wide landscape strip shall be provided and maintained on the lot along any lot line abutting a Residential, Institutional or Open Space Zone.

5. Loading spaces adjacent to Highway 401 shall be located, arranged, buffered, or screened to reduce the visual impact from the highway using landscaping, landscaped berms, or fencing. A minimum 3 m wide landscape strip shall be provided and maintained abutting Highway 401.
6. No part of a loading space or required manoeuvring area shall be used for vehicular parking or outdoor storage.
7. Each loading space shall have a minimum width of 3.7 m, a minimum length of 10.7 m, and a minimum height clearance of 4.3 m.
8. Access to loading spaces shall be by means of an unobstructed driveway providing ingress and egress from adjacent streets to loading areas, which shall have a minimum width of 3.7 m for one-way traffic and 6 m for two-way traffic. Access to loading spaces shall not require vehicles to use the public right-of-way or boulevard in whole or in part, to manoeuvre or park.
9. Loading spaces and driveways leading thereto shall be constructed of and maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. Where a loading space and associated driveway is located in a yard which abuts a lot in a Residential Zone or a residential use in any other Zone, the loading space or driveway shall be constructed with a hard surface material.
10. Lighting used for any loading area shall be designed so as to deflect direct illumination and glare away from adjacent properties and streets.
11. Where there are two (2) or more uses located on the same lot, the loading space requirements shall be the sum of the requirements for each use.
12. Notwithstanding any other provisions in this By-law, at least one (1) loading space shall be required for every two (2) units in a multi-tenant industrial mall.
13. The loading space requirements herein shall not apply to any floor area in existence at the time of passing of this By-law but shall apply to any additions made thereafter.

### **3.22 Permitted Projections Above Maximum Building Heights**

The maximum building height limits in each Zone do not apply to the structures listed below, or to any other similar structures that may require a height in excess of maximum building height limits in order to serve their intended purpose, unless otherwise specified in this By-law and

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provided these structures are erected only to such height or area as is necessary to accomplish the purpose they are to serve and that is necessary to operate effectively and safely:

- a) Buildings and structures that are accessory to a permitted agricultural use (e.g. silos), provided that the accessory building or structure is not used for human habitation;
- b) Bridge;
- c) Chimney or smokestack;
- d) Clock or bell tower;
- e) Spire, steeple or belfry associated with a place of worship;
- f) Temporary construction equipment during the construction process;
- g) Rooftop mechanical and service equipment or penthouse and elevator or stairway penthouses, to a maximum of 5.0 m in excess of the maximum building height permitted in the applicable Zone;
- h) Flag pole;
- i) Telecommunication transmission and distribution equipment forming part or all of a utility installation;
- j) Landscaped areas, roof-top gardens and terraces and associated safety guards and access structures;
- k) Ornamental architectural features such as, but not limited to, a dome, skylight, cupola or parapet;
- l) Solar panels;
- m) Utility poles; and
- n) Water tower.

### 3.23 Permitted Projections into Required Yards

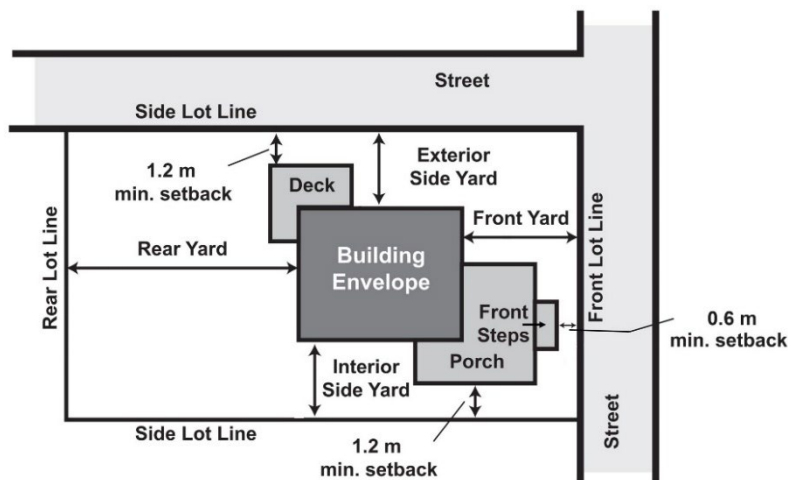
For any lot, including a legal non-complying lot, and any lot with legal non-conforming buildings and structures, every part of a yard required by this By-law shall be open and unobstructed by any building or structure from the ground to the sky, provided however that those building features and structures listed in the following table shall be permitted to project into the minimum required yards indicated for the distances specified in the following table:

Building Feature / Structure	Yard in which Projection is Permitted	Maximum Projection Permitted from Main Wall into Required Yard
a) Sills, belt courses, cornices, eaves, gutters, fireplace boxes, chimney, chimney boxes, pilasters, awnings, parapets, or similar architectural adornments	Any required yard	0.5 m, but no closer than 0.8 m to a lot line
b) Bay windows	Any required yard	0.5 m, but no closer than 1.2 m to a lot line
c) Steps, landings, and ramps for accessibility	Required front yard, rear yard, and exterior side yard	Steps and landings: 1.85 m, but no closer than 0.8 m to a lot line
		Ramps: 2.4 m
		Steps and ramps less than 0.61 m in height: No limit, but no closer than 0.8 m to the lot line
	Required interior side yard	0.8 m, but no closer than 0.8 m to a lot line
d) Covered or uncovered balconies, platforms, porches and verandahs, with a maximum of two enclosed sides, excluding those covered by canopies and awnings	Any required yard	1.85 m, but no closer than 1.2 m to a lot line
e) Decks	Required rear yard	No limit, but no closer than 0.8 m to a lot line
	All other required yards	1.85 m, but no closer than 1.2 m to a lot line

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Building Feature / Structure	Yard in which Projection is Permitted	Maximum Projection Permitted from Main Wall into Required Yard
f) Air conditioner, condenser, heat pump or similar equipment	Required rear yard, interior side yard	1 m, but no closer than 0.3 m to a lot line
g) Canopy over gas pumps	Required front yard, interior side yard, and exterior side yard	No limit, but no closer than 1 m from a lot line

### Example of permitted projections:



### 3.24 Private Snow Dumps

A private snow dump, being those lands used for the storage and melting of snow brought to the land from off-site, shall only be permitted if the following criteria are met:

- a) The area of stored snow shall be located a minimum of 150 m from the nearest existing residence under separate ownership and a minimum of 10 m from the nearest property line under separate ownership;

- b) A drainage plan has been prepared by the owner and/or operator and approved by the City and the Conservation Authority, as applicable; and
- c) Access to the private snow dump is from a municipal roadway which does not primarily service a residential neighbourhood.

### **3.25 Public Lanes**

No building, except an accessory building, shall front on a public lane.

### **3.26 Public Uses**

1. Notwithstanding anything else contained in this By-law, public uses, including those associated with the City of Cornwall, the Provincial and Federal Government, a utility company providing public utilities to the City of Cornwall, a transportation service operated by or for the City, parks and recreation facilities, any Conservation Authority established by the Provincial Government, and a Health Unit, may use any land or erect or use any building or structure in any Zone, only for the purposes of public service. For the purposes of this by-law a public use shall include Transitional and Emergency Housing.
2. Notwithstanding provision (1) of this Section, major facilities such as garages, workshops, office buildings, treatment plants, landfill sites, large pumping stations, hydro corridors, and similar large utility installations, must be located in an appropriate Employment Zone or other applicable Zone. Where such major facilities and utility installations are subject to the requirements of the Environmental Assessment Act and any other relevant Acts or Regulations, they are permitted in all Zones and are not subject to the provisions of this Zoning By-law.
3. Where a public use, building, or structure is permitted in all Zones, including Residential Zones, it shall:
  - a) Be designed, operated and maintained in general scale and harmony with the permitted and existing residential buildings in the Zone;
  - b) Not result in adverse impacts on any residential areas with regard to traffic, parking or environmental disturbances;
  - c) Incorporate buffering, screening, landscaping, and enclosing of structures, which shall be reviewed through the site plan approval process; and

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- d) Not adversely fragment or bisect the residential area or adversely affect the development potential of adjacent areas which have been designated for future development.
- 4. Public uses, buildings, or structures permitted under this Section shall be in a substantial compliance of the regulations for the Zone in which it is located. Municipal staff shall work with the particular exempted entity to try to achieve compliance; however, individual circumstances may dictate substantial compliance. For the purpose of this Section, regulations include, but are not limited to, lot size and frontages, setbacks, heights and parking requirements.
- 5. Public uses, buildings, or structures permitted under this Section shall not include the outdoor storage of goods, materials, or equipment, except as permitted in the Zone in which they are located.

### 3.27 Recycling / Salvage Uses

No person shall recycle or salvage, or permit to recycle or salvage, material or goods other than in an Employment or Rural Area Zone.

### 3.28 Seasonal Stationary Food Facilities

A seasonal stationary food facility is a permitted use in all Zones which permit a restaurant, subject to the following provisions:

- a) The use must be established within a structure or vehicle with a minimum area of 14 m<sup>2</sup>;
- b) The use shall be subject to the setback requirements for a main building in the applicable Zone;
- c) Municipal water and sewer connections are required; and
- d) Where the use provides seating, the site on which the use is located shall provide parking as per the parking requirements for a restaurant.

### **3.29 Small-scale Urban Horticulture**

1. Small-scale urban horticulture shall be permitted in the following Zones: Highway Commercial; and all Employment Zones, subject to minimum distance separation requirements for Class I, II and III industries and sensitive land uses.
2. Notwithstanding provision (1) of this Section, the cultivation, harvesting, and processing of mushrooms shall only be permitted as an indoor operation.
3. Small-scale outdoor urban horticulture shall be limited to lots with a maximum lot size of 0.8 hectares, while indoor operations are not subject to lot size requirements.
4. Any portion of an outdoor small-scale urban horticulture operation used for the cultivation of plants, including raised planting beds or tilled soil, shall have a minimum setback of 3 metres from an interior lot line and 6 metres from an exterior lot line.
5. On-site retail sales shall be permitted but shall be limited to the sale of products cultivated on site and shall be limited to 25% of the building area or 10% of the lot area.
6. The small-scale urban horticulture operation shall not result in impacts on neighbouring properties or the general public by reason of emitting odour, noise, dust or artificial lighting.
7. All small-scale urban horticulture activities are subject to the following, as amended: Ontario Nutrient Management Act, 2002, S.O. 2002, c. 4; Farming and Food Production Protection Act, S.O. 1998, c. 1; the Environmental Protection Act, R.S.O. 1990 c. E 19; Pesticides Act R.S.O. 1990, c P. 11; and Ontario Water Resources Act, R.S.O. 1990, c. O.40.

### **3.30 Special Setbacks**

#### **3.30.1 Development Abutting Canadian National Railway Mainline**

1. Residential, institutional, commercial, and recreational uses shall have a minimum building setback of 30 m from the railway right-of-way, in conjunction with a 2.5 m high safety berm, or a minimum building setback of 120 m from the railway right-of-way in the absence of a safety berm.
2. Light and medium industrial uses, including manufacturing and automotive repair uses, shall have a minimum building setback of 15 m from the railway right-of-way, in conjunction with a 2.0 m high safety berm, or a minimum building setback of 60 m from the railway right-of-way in the absence of a safety berm.

3. Heavy industrial uses, as well as warehouses, shall have a minimum building setback of 15 m from the railway right-of-way.

### **3.30.2 Development Abutting Trans Northern Pipeline**

On any lot located within 200 m from the Trans Northern Pipeline right-of-way, as illustrated on the Zoning Map, consultation with Trans Northern Pipeline Inc. (TNPI) shall be required prior to any development, including the erection of buildings and structures, site alteration, ground disturbances, and changes in land use, in accordance with the TNPI Crossing Guidelines.

### **3.30.3 Development Abutting Watercourses and Waterbodies**

1. Development, including the erection of buildings and structures, shall require a minimum setback of 30 m from the normal high water mark of a watercourse or waterbody, or from the stable top of bank, whichever is greater, unless it can be demonstrated through the preparation of an Environmental Impact Study in accordance with the requirements of the Official Plan that there will be no negative impacts on the aquatic and fish habitat.
2. For existing lots of record where it is demonstrated that a 30 m setback cannot be achieved, new development must be set back as far back as the lot permits, with non-disturbance of the native soils and very limited removal of shoreline vegetation and adherence to applicable zoning standards, subject to review and approval by the City of Cornwall and the Raisin Region Conservation Authority.

### **3.30.4 Industrial Uses and Sensitive Land Uses**

1. Class I Industries (Light Industrial)
  - a) The minimum recommended influence area of a Class I Industry shall be 70 m;
  - b) No lands within the influence area of a Class I Industry shall be used for a sensitive land use, and vice versa. The influence area shall be calculated from property line to property line; and
  - c) Where a reduced influence area is determined, in accordance with the City of Cornwall Official Plan, the separation distance between the industrial use and the sensitive land use shall not be reduced to less than 20 m and shall be measured from property line to property line.

2. Class II Industries (Medium Industrial)

- a) The minimum recommended influence area of a Class II Industry shall be 300 m;
- b) No lands within the influence area of a Class II Industry shall be used for a sensitive land use, and vice versa. The influence area shall be calculated from property line to property line; and
- c) Where a reduced influence area is determined, in accordance with the City of Cornwall Official Plan, the separation distance between the industrial use and the sensitive land use shall not be reduced to less than 70 m and shall be measured from property line to property line.

3. Class III Industries (Heavy Industrial)

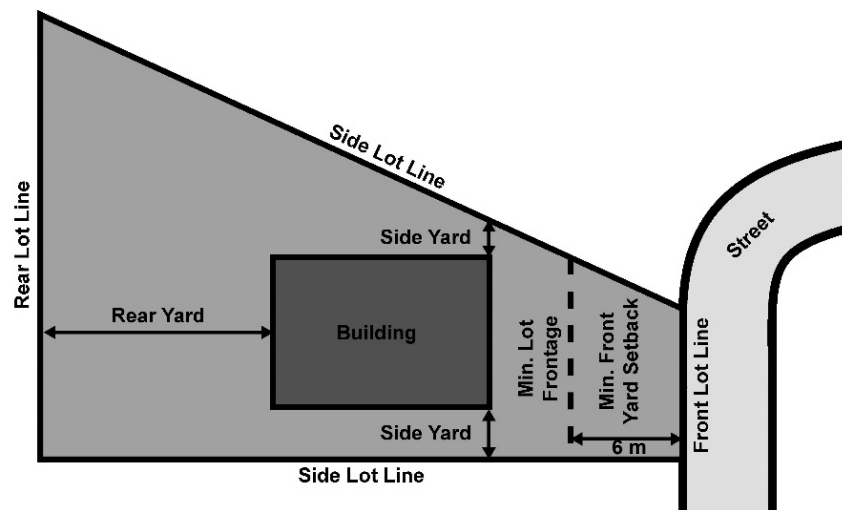
- a) The minimum recommended influence area of a Class III Industry shall be 1,000 m;
- b) No lands within the influence area of a Class III Industry shall be used for a sensitive land use, and vice versa. The influence area shall be calculated from property line to property line; and
- c) Where a reduced influence area is determined, in accordance with the City of Cornwall Official Plan, the separation distance between the industrial use and the sensitive land use shall not be reduced to less than 300 m and shall be measured from property line to property line.

### **3.30.5 Development Abutting Niagara Pipeline**

On any lot located within 200 m from the Niagara Gas Pipeline right-of-way, as illustrated on the Zoning Map, consultation with Niagara Gas Transmission Ltd shall be required prior to any development, including the erection of buildings and structures, site alterations, ground disturbances, and changes in land use, in accordance with the NGTL Crossing Guidelines.

### 3.30.6 Lots of Irregular Shape

A lot of irregular shape may have a lot frontage that is less than the minimum lot frontage at the street line required in the applicable Zone, provided that the lot width measured at the line of the minimum required front yard setback shall not be less than the required minimum lot frontage.



### 3.30.7 Minimum Distance Separation Requirements for Agricultural Uses and Non-Agricultural Uses

Notwithstanding any other provisions of this By-law, the establishment, erection, or expansion of all new agricultural and non-agricultural uses, including livestock and manure storage facilities, located in the Rural and Prime Agricultural Zones and on lands adjacent to these Zones, shall comply with the Province's Minimum Distance Separation (MDS) I and II formulae, as defined in "The Minimum Distance Separation (MDS) Document: Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks" (Publication 853), as amended.

### 3.30.8 Right-of-way Protection

1. On all streets or rights-of-way of less than 20 m in width, a right-of-way protection of 10 m from the centre line in both directions shall apply, and all setbacks shall be measured from that line, with the exception of the following streets: Giroux Avenue, Gleason Avenue, Conliffe Avenue, Rideau Avenue, or any streets which are dead-ended or a cul-de-sac.

2. On the streets in the following table, a right-of-way protection of 13 m from the centre line in both directions shall apply. All setbacks shall be measured from the right-of-way protection line.

Street	From	To
<b>Pitt Street</b>	Thirteenth Street	Tollgate Road
<b>Sydney Street</b>	Ninth Street	Lemay Street
<b>Sydney Street</b>	Water Street	Ninth Street
<b>Marlborough Street</b>	Montreal Road	Tenth Street
<b>Tenth Street</b>	McConnell Avenue	Boundary Road

3. On the streets in the following table, a right-of-way protection of 12 m from the centre line in both directions shall apply, and all setbacks shall be measured from that line.

Street	From	To
<b>Emma Avenue</b>	Cumberland Street	Pitt Street
<b>Balmoral Avenue</b>	Pitt Street	West Limit Lot 7
<b>Marleau Avenue</b>	McConnell Avenue	Iroquois Drive
<b>Power Dam Drive</b>	Second Street	Cornwall Centre Road
<b>Pitt Street</b>	Highway 401	Cornwall Centre Road
<b>Baldwin Avenue</b>	Montreal Road	Fifth Street
<b>McConnell Avenue</b>	Montreal Road	Eleventh Street
<b>Tollgate Road</b>	Pitt Street	McConnell Avenue

4. On Montreal Road, from Dunbar Avenue to Copeland Drive (formerly known as Boundary Road), the following right-of-way protection from the centre line shall apply, and all setbacks shall be measured from that line:
- a) 13 m from the centre line of the present right-of-way to the north; and
  - b) 19 m from the centre line of the present right-of-way to the south.

### **3.31 Temporary Sales Uses**

1. Notwithstanding anything in this By-law, temporary sales uses shall be permitted on a limited basis, to be established on a case-by-case basis depending on the type and location of the temporary sales use, and in accordance with a licensing agreement with the City of Cornwall.
2. Temporary sales uses are permitted as an accessory use to the following uses:
  - a) Community centres;
  - b) Conference centres;
  - c) Hotels and motels;
  - d) Locations within a Commercial Zone where retail sales are permitted, including storefronts;
  - e) Parks and open spaces;
  - f) Performance and exhibition spaces;
  - g) Recreational and athletic facilities;
  - h) Schools;
  - i) Temporary commercial vendors or markets; and
  - j) Parking lots associated with the above locations.
3. Temporary sales uses may occur in temporary structures and tents, including marine containers, placed in proximity to and on the same lot as the uses described in provision (2) of this Section.
4. Temporary sales uses shall not include outdoor commercial storage of goods, materials, or equipment, unless specifically permitted in the Zone in which the use is located. Outdoor storage shall not be permitted in any required yard abutting a residential use.
5. A dwelling unit accessory to a temporary sales use shall not be permitted.

### **3.32 Temporary Uses**

1. Any temporary building, structure, or equipment incidental to construction on the premises, including an office for the sale of residential lots or residential units, shall be permitted in any Zone, other than the Environmental Constraint – Natural Heritage Zone or the Environmental Constraint – Floodplain (EC-F) Zone, and shall be subject to the following provisions:

- a) The minimum yard setback provisions of the applicable Zone and parking provisions do not apply to these temporary buildings, structures, or equipment.
  - b) These temporary buildings, structures, or equipment may be located on the premises only until such time as the work has been completed or abandoned, or such buildings, structures, or equipment are no longer required.
2. Where a temporary office for the sale of residential lots or residential units is located in a Zone where an office is not a permitted use, such office must not exceed the height limit applicable to that Zone.
  3. A temporary habitable accommodation facility, such as a recreational vehicle, shall be permitted in any Zone, other than the Environmental Constraint – Natural Heritage Zone or in the Environmental Constraint – Floodplain (EC-F) Zone, in the case when an existing dwelling is damaged to the extent that it becomes uninhabitable and for the time period while reconstruction of a new dwelling is in progress.
  4. Other temporary uses may be authorized from time to time by Temporary Use By-laws passed under Section 39 of the Planning Act, as amended.

### **3.33 When Zone Standards Not Specified**

Notwithstanding anything else in this By-law, when Zone standards are not specifically stated for a use, the most typical standards for the use as determined by Municipal staff shall apply.