



# Town of Pelham

## Zoning By-Law

March, 2022

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# **PREAMBLE**

## **i. Introduction**

The preamble is intended to assist the reader in understanding and interpreting the Zoning By-law for the Town of Pelham and is provided for convenience purposes only. It does not form part of the Zoning By-law.

## **ii. Purpose of the By-law**

The Zoning By-law regulates the use of land, buildings and structures in the Town of Pelham. The by-law implements and conforms to the policies of the Town of Pelham Official Plan.

## **iii. Authority to Prepare the By-law**

The Zoning By-law is prepared in accordance with Section 34 of the Planning Act, R.S.O., 1990, c.P.13, as amended. Generally speaking, the Planning Act allows the Council of the Town of Pelham to pass zoning by-laws to restrict the use of land, and to regulate the size, location and character of buildings and structures within the Town.

## **iv. Structure of the By-law**

The Zoning By-law consists of the following sections:

### **Section 1: Interpretation and Administration**

Section 1 describes how the Zoning By-law is to be interpreted, and how the By-law is to be administered by the Town of Pelham.

### **Section 2: Definitions**

Section 2 provides specific definitions for commonly used terms in the By-law. Many of the permitted uses, and other technical terms used in the Zoning By-law. These definitions ensure that the Zoning By-law is being interpreted and applied consistently.

Where a word is not specifically defined, it is intended that the common, general definition of the term within Webster's Dictionary is applicable. Certain definitions are also supported by illustrations to help clarify or avoid multiple interpretations. The illustrations do not form part of the Zoning By-law but are intended to assist in understanding the meaning of a definition.

### **Section 3: General Provisions**

Section 3 provides general provisions which may be applicable to all zones, one or more categories or zones, or to specific uses, and additional requirements for



specific situations. The reader should identify all general provisions that are applicable to their situation.

## **Sections 4-8: Zone Categories (Permitted Uses and Zone Regulations)**

The Zoning By-law establishes a number of zones which permit certain uses, as well as requirements for the location and character of buildings and structures. Sections 4 to 8 detail the permitted uses and zone regulations in each zoning category. Each of the permitted uses is subject to the applicable zone regulations, general provisions (Section 3) and zone exceptions (Section 9).

This By-law is exclusionary, which means that if a use is not specifically identified within a zone, then the use is not permitted.

The zones are organized into categories as follows:

- Section 4: Agricultural/Rural Zones
- Section 5: Residential Zones
- Section 6: Greenfield Development Zones
- Section 7: Commercial Zones
- Section 8: Other Zones

## **Section 9: Zone Exceptions**

Most lands in the Town of Pelham are zoned by a base zone, which is represented by symbols such as "A", "R1" etc. However some lands are also zoned by a site-specific Exception, which is denoted as a base zone symbol followed by a hyphenated numeric suffix. For example, A-1 is Exception number 1 to the A Zone. All zone Exceptions are contained in Section 9 of the Zoning By-law.

## **Schedules A-E: Maps**

Schedules A through E identify the zoning for all lands in the Town of Pelham. In addition, the maps also identify areas which are subject to provisions related to the Niagara Escarpment Plan. The mapping is subject to change and may be amended from time to time to reflect amendments to the Zoning By-law as well as mapping changes due to technical adjustments.

## **Niagara Escarpment Plan Area**

The Regulated Area of the Niagara Escarpment Plan is illustrated on Schedules A and C. Development within this area may require a development permit from the Niagara Escarpment Commission before a building permit can be issued. The area identified on Schedules A and C is primarily intended for information purposes only as the Regulated Area of the Niagara Escarpment Plan may change from time to time. The reader should consult with the Town of Pelham and the Niagara Escarpment Commission to confirm whether a development permit will be required

prior to any development or site alteration. Section 3.19 in the General Provisions provides additional information on the Niagara Escarpment Plan Area.

### **Interpretation of the Schedules**

Section 1.4 describes how the schedules are to be interpreted. The zone boundaries are not intended to be absolute as they are illustrated. In most cases, the boundaries are intended to follow lot lines or the boundaries of roads and of natural heritage features.

#### **v. Use of the Holding “H” Symbol**

Certain lands are also subject to holding provisions. Lands subject to holding provisions are denoted by the symbol (H), added as a suffix to the zone. A holding symbol may be added to a base zone (i.e. A(H)) or to an Exception Zone (i.e. A-1(H)).

Where a holding symbol is shown, the general provisions of Section 3.13 apply. Where a holding symbol is applied to lands, the lands may not be used or developed according to the requirements of the underlying base zone until such time as the holding symbol is removed. Lands subject to a holding symbol are typically only permitted to be used for those uses which legally existed prior to the addition of the holding symbol. The reader should consult with the Town to confirm the permitted uses and the requirements for removing the holding symbol.

#### **vi. Minor Variances**

The Committee of Adjustment has the authority to approve minor variances to the Zoning By-law, which may provide minor relief from specific zoning provisions or minor changes to the permitted uses of one or more properties. Minor variances previously granted are not reflected in the Zoning By-law and are not shown in Section 9: Exceptions. A minor variance approved by the Town of Pelham Committee of Adjustment granted in relief to the provisions of the former By-law will remain in effect and a building permit may be issued by the Chief Building Official up to one-year from the effective date of this By-law. The reader should contact the Town of Pelham to identify whether there are any approved minor variances applicable to a property.

#### **vii. Non-Conformity and Non-Compliance**

A Use is considered to be legal non-conforming if it was legally established (existing use) prior to the passing of Zoning By-law 1136(1987) but is no longer permitted by the Zoning By-law. The Zoning By-law does not prevent the continued legal use, alteration or expansion of buildings and structures that no longer conform to the permitted uses in the Zoning By-law.

Buildings and structures are considered to be legal non-complying if they were established legally prior to the passing of Zoning By-law 1136(1987) but no longer comply with the new provision of the Zoning By-law. The Zoning By-law may have implemented different lot provisions than were previously required and as such,

buildings and structures that previously complied may no longer comply with the new standards.

Please refer to Section 1.12 of the Zoning By-law for provisions regarding non-conformity and non-compliance.

#### **viii. Confirming with the Town**

It is always a good idea to pre-consult with the Town of Pelham about your construction project prior to the submission of a complete application. Town Staff will help you to determine whether your project will comply with the applicable provisions of the Zoning By-law, or if there are any approved minor variances which are applicable to the property. For significant developments, consultation with other applicable agencies may also be required.

#### **ix. Relationship to Other By-laws, Regulations and Legislation**

The Zoning By-law does not supersede or surmount any other legislation, regulations or municipal by-laws. In fact, depending on your proposal or the use of your property, other laws may apply. It is the property owners' responsibility to understand what laws will apply to their land use or their construction project.

The Town administers other by-laws that are related to the Zoning By-law. For example the Town administers a clean yards by-law which sets out provisions for the maintenance of buildings and yards, ensuring safe, clean and sanitary conditions, along with enforcement of violations within the Town. These additional by-laws essentially build on the Zoning By-law's requirements, and are to be considered "in addition to" the Zoning By-law's requirements.

The laws and regulations of the Province, the Federal Government and other agencies may also apply. Some uses may be subject to Provincial/Federal Licensing or regulation. It is not the role of the Zoning By-law to integrate with the regulations or laws of other levels of government however, the Town can help you identify what other laws and regulations might apply to your project.

THE CORPORATION OF THE TOWN OF PELHAM  
BY-LAW 2022-XX

A BY-LAW TO REGULATE THE USE OF LAND AND THE CHARACTER, LOCATION AND USE OF BUILDINGS AND STRUCTURES IN THE TOWN OF PELHAM

WHEREAS:

1. It is considered desirable to regulate the use of land, and the character and location of buildings and structures for the promotion of public health, safety, general convenience and well-being of the Town of Pelham;
2. There is an Official Plan in effect in the Town of Pelham;
3. This By-law is deemed to be in conformity with the Town of Pelham Official Plan; and
4. Authority is granted to the Council of the Corporation of the Town of Pelham under Section 34 of the Planning Act, R.S.), 1990, c.P. 13 as amended, to pass this By-law.

NOW THEREFORE, THE COUNCIL OF THE COPORATION OF THE TOWN OF PELHAM HEREBY REPEALS BY-LAW 1136 (1987), AND ALL AMENDMENTS THERETO, AND ENACTS AS FOLLOWS:

# **PART I: INTREPRATION AND ADMINISTRATION**

## **1.1 INTRODUCTION**

The purpose of this zoning by-law is to implement policies of the Town of Pelham's Official Plan. The Official Plan is a long-range policy document that is not meant to regulate every aspect of built-form on a private lot. In the Province of Ontario, this is the role of the Zoning By-law. Once an Official Plan is in effect, a municipality's Zoning By-law must conform to the Official Plan.

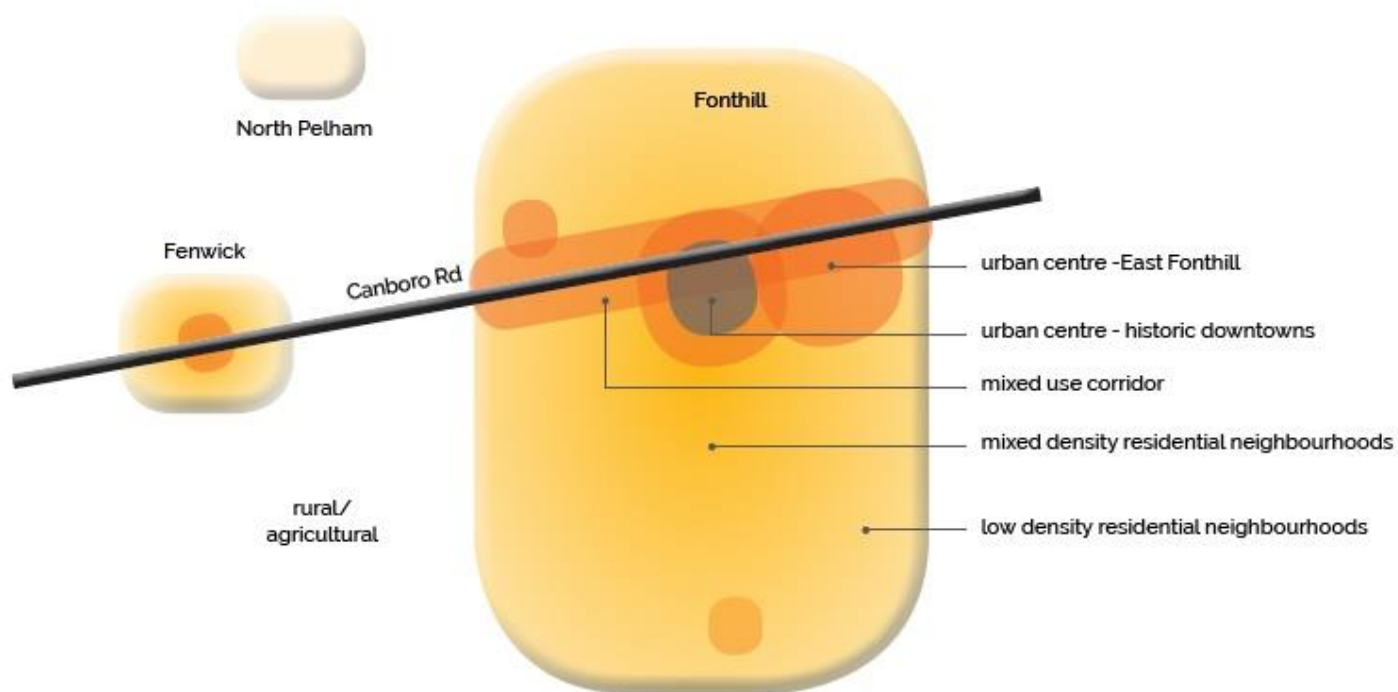
This Zoning By-law will apply to all land within the Town of Pelham with the exception of land in the Niagara Escarpment Commission Plan Area. Through the authority granted in Section 34 of the *Planning Act*, this By-law aims to prohibit the use of land and the erection of buildings and structures except for purposes as set out in this By-law. It will also regulate the type of construction, height, bulk, location, size, floor area, spacing, character and use of buildings or structure on the lands covered by this By-law.

It is the objective of this Zoning By-law to create successful, vibrant and livable communities with an array of residential housing types and commercial mixed uses in a pedestrian-oriented environment. This Zoning By-law integrates existing zones within the Town with Greenfield Residential and Commercial Mixed Use Zones, which support a growing and thriving community.

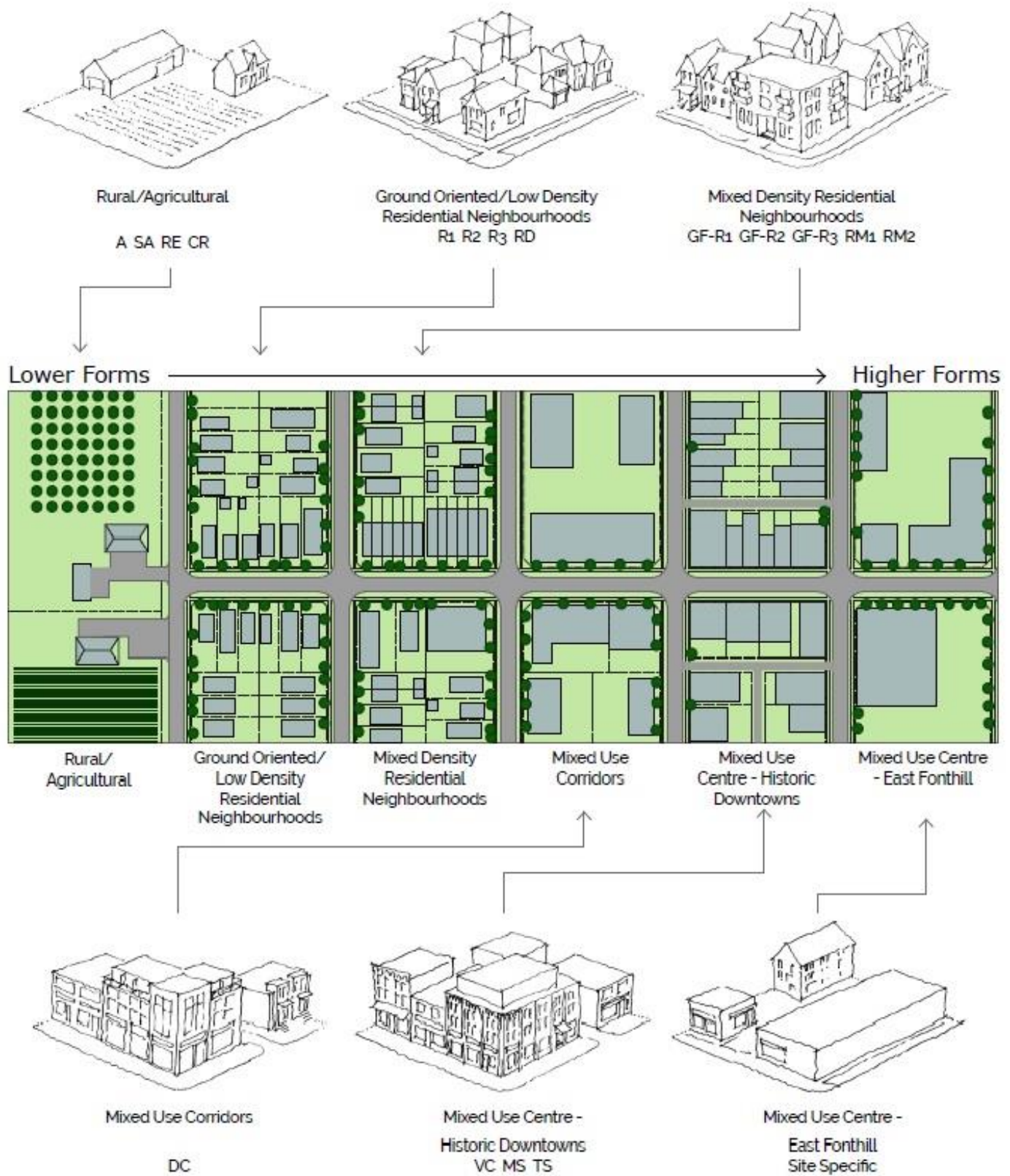
Zone for mixed uses and residential uses are based around the idea of a "Transect-based Code". This is a method for organizing urban form in a continuum of intensity from urban to rural, facilitating its categorization within form-based definitions. The Urban Core is the heart of the community – the downtown – where the greatest intensity is found. The highest and most dense buildings, and the greatest mix of uses are located here. The Rural/Agricultural edge surrounds the community and has the lowest density. In between are a series of graduated transitions, including low density residential neighbourhoods comprised of single detached houses, medium density enclaves comprised of townhouses, small commercial pockets servicing their neighbourhoods and planned mixed use areas. This theoretical approach to the "transect" cannot be applied dogmatically to existing communities that have developed over a long period of time.

In Pelham, while there is a general transition from lower and less dense forms to higher and more dense forms, it is important to recognize that the community has developed over a very long period of time, and there are a number of settlements, neighbourhoods and centres that exhibit different forms and densities. There are important nodes and corridors that have had their own role within the overall urban structure. The transect concept does not occur in a straight line from centre to edge, but it is still evident as a general pattern. The "transect" is a useful tool for organizing the Town's urban structure and establishing zones that facilitate a continuum of intensity using form-based standards.

## Conceptual Urban Structure of Pelham



# Prototype Transect



## **1.2 TITLE AND SCOPE**

This By-law is known as the Zoning By-law of the Town of Pelham (this By-law) and applies to all lands within the corporate limits of the Town.

## **1.3 APPLICATION**

- a) No person shall use any land or erect or alter any buildings or structures within a zone, except in conformity and compliance with the provisions of this By-law.
- b) No person, other than a public authority, shall reduce any lot by conveyance or otherwise so that it does not meet the requirements of this By-law, or if it did not meet the requirements initially, so that it is further from meeting them.
- c) No municipal permit, certificate or license may be issued if the permit is required for a use of land, erection, alteration, enlargement or use of any building or structure that is not in conformity and compliance with this By-law.
- d) Despite any other provisions of this By-law, the Chief Building Official of the Town may not issue a building permit for the development or redevelopment of any lands or buildings or structures or any part thereof within the area of the Town affected by this By-law unless in accordance with the provisions of this By-law and any By-law of the Town enacted pursuant to Section 41 of the *Planning Act*.
- e) The lack of a survey or mistake or an error or omission by any person required to comply with the provisions of this By-law does not relieve that person from liability for failure to comply with the provisions of this By-law.
- f) This By-law shall be administered by a person appointed by the Council of the Town of Pelham as the Zoning Administrator.

## **1.4 ZONES AND SYMBOLS**

- a) Schedules A through E attached hereto form part of this By-law.
- b) For the purpose of this By-law, the Town has been divided into zones, the boundaries which are shown on Schedules A through E.
- c) The zones are referred to using colour coding, as illustrated in the legend on Schedules A through E.
- d) The zones are referred to by the following names throughout the Zoning By-law:



<b>Zone</b>	<b>Symbol</b>
<b>Residential Zones</b>	
Residential One Zone	R1
Residential Two Zone	R2
Residential Three Zone	R3
Residential Multiple One Zone	RM1
Residential Multiple Two Zone	RM2
Residential Development Zone	RD
<b>Greenfield Development Zones</b>	
Greenfield Development Residential One Zone	GF-R1
Greenfield Development Residential Two Zone	GF-R2
Greenfield Development Residential Three Zone	GF-R3
Greenfield Neighbourhood Commercial Zone	GF-NC
<b>Commercial Zones</b>	
Village Commercial Zone	VC
Main Street Zone	MS
Town Square Zone	TS
Downtown Corridor Zone	DC
Neighbourhood Commercial Zone	NC
<b>Rural/Agricultural Zones</b>	
Agricultural Zone	A
Specialty Agricultural Zone	SA
Rural Employment Zone	RE
Commercial Rural Zone	CR
Mineral Aggregate Resource Zone	MAR
<b>Other Zones</b>	
Open Space Zone	OS
Institutional	I
Airport Zone	A
Environmental Protection One Zone	EP1
Environmental Protection Two Zone	EP2
Environmental Protection Three Zone	EP3

## 1.5 ZONE BOUNDARIES

- a) The zones and zone boundaries are shown on Schedules A through E that are attached to and form part of this By-law.
- b) Respecting the zone boundaries of the zones, the following applies:

- i) Each parcel of land within the Town is provided with a zone category or categories, and thus, the boundary of the parcel forms the zone boundary.
- ii) The Environmental Protection One (EP1), Environmental Protection Two (EP2), Environmental Protection Three (EP3) and Open Space (OS) Zones are exceptions to subsection 1.4 (a) above in that the boundary generally reflects the natural features and the location of the boundary may be determined by lot line, road, rail line, or where the zone does not abut any of the above, by the scale of the map.
- c) Where a parcel of land or lot falls into two or more zones, each portion of the parcel of land or lot shall be used in accordance with the provisions of this By-law for each of the applicable zones.

## **1.6 MANDATORY WORDING**

The words “must” or “shall” are mandatory

## **1.7 DISCRETIONARY WORDING**

The word “may” is not mandatory. “May” is used to indicate that some circumstances may or may not be applicable.

## **1.8 EXAMPLES AND ILLUSTRATIONS**

Examples and illustrations are for the purpose of clarification and convenience, and do not form part of this By-law.

## **1.9 SEVERABILITY**

Should any section, clause, provision or Schedule of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

## **1.10 LITIGATION**

This By-law does not affect the rights of any person or landowner concerned in any action, litigation or other proceeding pending on the date of final passage, except to the extent to be determined in the final adjudication of action, litigation or other proceedings.

## **1.11 CERTIFICATE OF OCCUPANCY**

- a) No land may be used or occupied, and no building or structure which has been erected or altered may be used or changed in use, in whole or in part,

until a Certificate of Occupancy by the Town under Section 34 of the Planning Act has been issued stating that the proposed use and occupancy of the land, building or structure complies with the provisions of this By-law.

- b) No Certificate of Occupancy, no building permit and no approval of an application for any municipal license shall be issued where the proposed use, building or structure, is contrary to the provisions of this By-law.

## **1.12 NEED FOR COMPLIANCE WITH OTHER LAWS**

Nothing in this By-law shall exempt any person from complying with the requirements of any other legislation or by-law in force or from obtaining any license, permission, permit authority or approval required by this By-law, any other by-law or any other legislation.

Where Conservation Authority Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (O. Reg. 172/06 and 179/06), are in force and effect, a permit from the Conservation Authority having jurisdiction, shall be obtained pursuant to the provisions of the Conservation Authorities Act prior to the following:

- a) The construction, reconstruction or erection of a building or placing of fill;
- b) Changes that would alter the use, or potential use, size or dwelling units of a building or structure; and
- c) Works within or around a wetland or watercourse.

Lands that are regulated include floodplains, erosion hazards, wetlands, watercourses, hazardous soils and shorelines.

## **1.13 VIOLATIONS AND PENALTIES**

Any person who contravenes this By-law is guilty of an offense and, each day a breach of this By-law continues, constitutes a separate offence and on summary conviction, the offender is liable to discontinuation of land use and a fine as provided for under the Planning Act.

## **1.14 REPEALS OF PREVIOUS BY-LAWS**

The following By-laws, and all amendments thereto, are hereby repealed except to give effect to the transitional provisions in Section 1.16 of this By-law or to give effect to the Exceptions of this By-law.

## **1.15 TECHNICAL REVISIONS TO THE ZONING BY-LAW**

Provided that the purpose and effect of this By-law is unaffected, the following technical revisions to this By-law shall be permitted without a Zoning By-law Amendments.

- a) Correction to grammatical, mathematical, boundary or other such errors, including minor technical revisions to the mapping consistent with the intent of this By-law and the Town's Official Plan;
- b) Changes to the numbering of sections, the numbering contained in the cross-referencing of sections, and the format and arrangement of the text, tables, schedules and maps, and the numbering of pages;
- c) Corrections or revisions to the technical information contained on maps, such as the title blocks and legend;
- d) Changes to the illustrations or the Preamble, which are not considered to form part of this By-law; and
- e) Changes resulting from the removal of a Holding (H) Symbol.

## **1.16 TRANSITIONAL PROVISIONS**

### **1.16.1 Building Permit Applications**

Nothing in this By-law shall prevent the erection of a use of a building or structure for which an application for a building permit was filed on or prior to the date of passage of this By-law, if the application complies, or the building permit application is amended to comply, with the provisions of the former By-law 1136 (1987) provisions as it read on the date of passage of this By-law. For the purposes of this section, an application for a building permit means the application for a building permit which satisfies the requirements set out in the Building Code Act, as amended.

### **1.16.2 Minor Variance**

Where the Committee of Adjustment of the Town or the Ontario Land Tribunal has authorized a minor variance, in respect of any land, building or structure and the decision of the Committee of Adjustment of the Town of the Ontario Land Tribunal authorizing such a minor variance has become final and binding prior to the enactment of this By-law, the provisions of this By-law, as they apply to such land, building or structure shall be deemed to be modified to the extent necessary to give effect to such minor variance.

### **1.16.3 Consent**

- a) Where:
  - i) An application is made for consent to convey land under Section 50 of the Planning Act, prior to enactment of this By-law; and
  - ii) That consent is granted and that land is conveyed before the consent lapses; and

- iii) That consent results in the creation of one or more lots which do not comply with the lot frontage or lot area requirements of this By-law;

Then, each such lot created is deemed to comply with the lot frontage and lot area requirements of this By-law provided that the lot created complies with the lot frontage and lot area requirements of the applicable zoning prior to the date of adoption of this By-law.

b) Where:

- i) An application for consent has been approved and a long from certificate has been issued by the Town in accordance with Section 53(42) of the Planning Act; and
- ii) The conveyance has not occurred prior to the date of adoption of this Zoning By-law;

Said lot shall be deemed to comply with the lot frontage and lot area of the zone in which the lot is located; provided such lot complied with the lot frontage and lot area requirements of the applicable zoning prior to the date of adoption of this By-law.

#### **1.16.4 Site Plan**

Where a Site Plan Agreement has been entered into prior to the effective date of this By-law, and the timeframes specified in the Agreement have not yet lapsed, the provisions of this By-law, as they apply to such land, building or structure, shall be deemed to be modified to the extent necessary to give effect to such Site Plan Agreement.

### **1.17 EFFECTIVE DATE**

This By-law comes into force and takes effect on the day it is finally passed by Council of the Corporation of the Town of Pelham.

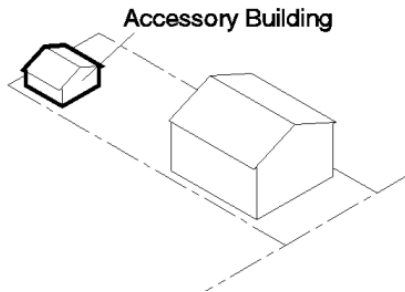
## SECTION 2: DEFINITIONS

**ABANDONED** means the failure, in the opinion of the Chief Building Official, to proceed expeditiously with construction work or to undertake construction work during any continuous 1 year period.

**ABUTTING** means two or more lots sharing a common boundary of at least one point; or a lot sharing a common boundary with a public road.

**ACCESSORY USE** means a use customarily incidental, subordinate and exclusively devoted to a principal use and located on the same lot as the principal use.

**ACCESSORY BUILDING OR STRUCTURE** means a detached building or structure not used for human habitation, but used to house an accessory use and included a private garage.



**ADDITION OF EXTENSION TO AN EXISTING BUILDING OR STRUCTURE** means any expansion or increase in size of a building or structure.

**ADULT ENTERTAINMENT PARLOUR** means any premises or part thereof in or on which is provided in pursuance of a trade, calling, business or occupation, body-rub business, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations and as further defined in the Municipal Act.

**AGGREGATE** means gravel, sand, clay, earth, shale, stone, limestone, dolostone, sand stone, marble, granite, rock or other prescribed material under the Aggregate Resources Act. For the purposes of this definition, earth does not include topsoil and peat.

**AGRI-TOURISM USE** means a farm-related tourism use, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.

**AGRICULTURAL CONSERVATION USE** means an area of land comprising part of an active agricultural use that is generally in its natural state and which is used to preserve, protect, link and/or improve components of the natural heritage system and may include as an accessory use, passive recreational uses such as trails, interpretive walking tours, temporary research stations for wildlife or weather patterns and structures to prevent or control flooding and erosion.

**AGRICULTURAL PRODUCE STAND** means a building or structure or portion thereof where only locally grown produce is retailed to the general public with a maximum footprint of 250 ft<sup>2</sup>.

**AGRICULTURAL USE** means the use of land, buildings or structures for the growing of crops including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures including, but not limited to, livestock facilities, manure storages, value-retaining facilities and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

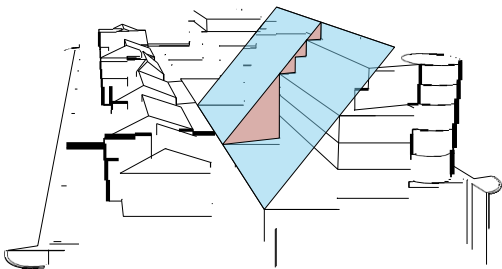
**AGRICULTURAL-RELATED USE** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

**AIRPORT** means an area of land used for the landing, storing and taking off of aircraft and their passengers and/or freight and may include, as accessory uses, ticket offices, restaurants, parcel shipping facilities, customs offices, business offices and retail stores.

**ALTER** when used in reference to a building or structure or portion thereof, means any alteration in a bearing wall or partition column, beam, girder or other supporting member of a building or structure, or any increase in the area or cubic contents of a building or structure. When used in reference to a lot, alter means to decrease the width, depth or area of a lot or to decrease the width, depth or area of any required yard, setback, landscaped open space or parking area or to change the location of a boundary of such lot with respect to a public highway or laneway, whether such alteration is made by conveyance or alienation of any portion of said lot, or otherwise. The words "altered" and "alteration" shall have a corresponding meaning.

**AMENITY AREA** means open space areas, balconies or recreation facilities, or other similar facilities in a residential or mixed use development which provide recreational space for the residents of a development.

**ANGULAR PLANE** means a flat surface extending from a lot line and projecting over a lot, at a specified angle measured up from the horizontal, through which no part of a structure on the lot may penetrate.

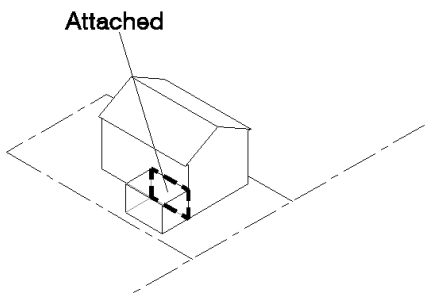


**ARENA** means a building containing an ice surface used for skating related activities, trade shows, and other recreational activities not requiring an ice surface and other events or gatherings, such as weddings, banquets and conferences.

**ARTERIAL ROAD** means an intermediate road which carries significant volumes of traffic from local roads to Regional Roads, as identified in Pelham's Official Plan.

**ASSEMBLY HALL** means a building or part of a building in which facilities are provided for meeting of a civic, educational, political, religious, social or recreational nature and which facilities are capable of accommodating in excess of 100 persons and includes banquet facilities.

**ATTACHED** means a building otherwise complete in itself, which depends for structural support or complete enclosure upon a division wall or walls shared in common with adjacent building or buildings.



**AUDITORIUM** means a building or structure where facilities are provided for athletic, civic, education, recreational, political, religious or social events including, but not so as to limit the generality of the foregoing, an arena, a community centre, a bowling alley, a recreation centre, an assembly hall, a gymnasium, a stadium, a cinema, a theatre or a playhouse.

**BAKERY** means a food processing establishment where food products for which flour, grains, meal or sugar are the principal ingredients, are produced, mixed, compounded, baked or otherwise prepared.

**BAKE SHOP** means a building where the prepared food products are offered for retail sale on the same premises and may include a restaurant.

**BALCONY** means a platform that projects from the wall of a building and is accessible from inside such building by means of a door.

**BANK** means an institution where money is deposited, kept, lent and exchanged and shall include Trust Companies, Credit Unions, and other like financial institutions.

**BASEMENT** means that portion of a building between two floor levels which is partly underground, but which has more than one-half of its height, from finished floor to finished ceiling.



**BED AND BREAKFAST ESTABLISHMENT** means a part of a dwelling unit in which not more than three bedrooms are used or maintained for the accommodation of the traveling public, in which the owner of the dwelling unit supplies lodgings with or without meals and which is owner occupied but does not include a group home or hotel.

**BERM** means a mound of earth which may include landscaping features, formed to provide visual and/or acoustical separation.

**BUILDING** means a structure, whether permanent or temporary, having a roof supported by columns or walls or supported directly on the foundation and used for accommodation, shelter or storage of people, animals or goods but does not include a fence, tent or any vehicles as defined herein.

**CAMPGROUND** means a place where people are temporarily accommodated in tents, whether or not washing and toilet facilities are provided in permanent buildings, and shall include a trailer camp, and where the operation is limited to between April 1st and November 15th.

**CAR WASH** means a building or structure containing facilities specifically used or intended to be used for washing vehicles either by production line methods employing mechanical devices or by hand.

**CARPORT** means a building or structure, at least forty per cent (40%) of the area of the perimeter walls of which are open and unobstructed by any wall, door, post or pier,

- a) Which is used for the temporary parking or storage of private passenger motor vehicles or commercial vehicles of less than one (1) tonne maximum capacity; and
- b) Wherein neither servicing nor repairing is carried on for profit.

**CEMETERY** means land that is set apart or used as a place for the interment of the dead and shall not include a crematorium but may include a mausoleum.

**CHIEF BUILDING OFFICIAL** means the person appointed by Council as the Chief Building Official charged with the duty of enforcing and administering the provisions of the Building Code Act, as amended, or any successor thereto, together with any regulations thereunder.

**CLINIC** means a building or part thereof used by health care professionals, their staff and their patients for the purpose of consultation, diagnosis or treatment.

**COLLECTOR ROAD** means a local road that provides efficient access between Regional and arterial roads from local roads, as identified in Pelham's Official Plan.

**COMMERCIAL USE** means the use of land, buildings or structures for the purpose of buying and/or selling of commodities and/or the supply of services for remuneration, but does not include activities associated with industrial uses.

**COMMERCIAL SELF STORAGE** means a premises used for the temporary storage of household items and secured storage areas or lockers which are generally accessible by means of individual loading doors for each storage unit or locker.

**COMMUNITY CENTRE** means a building or structure operated by a public authority that is used for community activities and other activities such as recreations uses, trade show, weddings and banquets.

**COMPATIBLE DEVELOPMENT** means a development that is not the same as or even similar to existing development in proximity. Compatible development is development that enhances the character of the existing community without causing any undue adverse impact on adjacent properties.

**COMPLYING** means in keeping with the quantitative requirements of this By-law.

**CONCRETE BATCHING OR ASPHALT PLANT** means the use of land, buildings or structures for the purpose of the manufacturing of concrete or asphalt, or products or objects made therefrom.

**CONFORMING** means a use which is permitted by this By-law in the zone category in which the use is located.

**CONSERVATION USE** means the use of land and/or water for the purpose of planned management of natural resources.

**CONTRACTORS ESTABLISHMENT** means the use of land, building or structure, or parts thereof, by any general contractor or builder where equipment and materials are stored, or where a contractor and/or tradesman performs shop and assembly work, and/or offers a trade or service, including, but not limited to landscaping services, general construction service, cabinetry services, plumbing services and welding services, or other similar services but does not include any other use as defined by this by-law.

**CONSTRUCTION TRADES RETAIL ESTABLISHMENT** means the wholesale or retail sale of construction trade products and includes uses such as building supply yards, equipment and materials storage and tradesmen's shops and accessory office uses.

**CONVENIENCE RETAIL STORE** means a small-scale retail store serving the daily or occasional needs of the residents in the immediate area with a variety of goods such as, but not limited to, groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines, and newspapers.

**CREMATORIUM** means a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

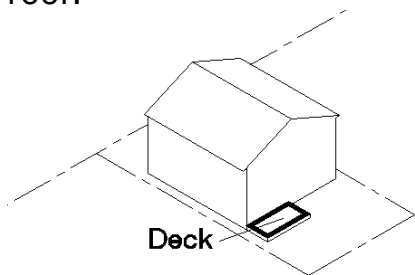
**CULTURAL USE** means the use of land, building or structure for the purpose of educational entertainment, art or history including but not limited to museums, libraries, art galleries/studios and community centres, and may include ancillary office, restaurant, retail and service commercial uses.

**CUSTOM WORKSHOP** means a building or structure or portion thereof used by a trade, craft or guild for manufacturing small quantities of made to measure or made to order clothes or articles and includes upholstering, furniture restoration and refinishing, custom order manufacturing or articles such as draperies and blinds, but not include any manufacturing uses which generate nuisance impacts such as noise, dust or vibration.

**DAYCARE CENTRE** means premises for the temporary care and custody of more than five children who are under ten years of age that is operated for reward or compensation for a continuous period not exceeding twenty-four hours and has a license as required to operate.

**DAYLIGHTING TRIANGLE** means an area free of buildings or structures or other visual obstructions, and which are to be determined by measuring, from the point of intersection of street lines on a corner lot, and along each such street line and joining such points with a straight line, and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the "daylighting triangle". Where the two street lines do not intersect at a point, the point of intersection of the street lines shall be deemed to be the intersection of the projection of the street lines or the intersection of the tangents to the street lines.

**DECK** means a ground oriented structure over 0.6 metres above any part of the finished grade of the adjoining exterior wall used as an outdoor living area or amenity space which may or may not be attached to a building and which does not have any walls or a roof.



**DENSITY** means the number of dwelling units per hectare on a lot.

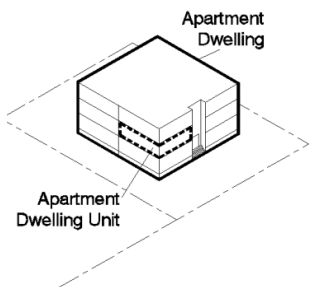
**DRAINAGE DITCH AND IRRIGATION CHANNEL** means those channels or means of conveying the passage of water that the Town, Niagara Peninsula Conservation Authority and Ministry of Natural Resources agree, have physical characteristics that are man-made or have been altered to the point that they no longer perform the functions of a natural watercourse.

**DRIVE-THRU SERVICE FACILITY** means use which includes a facility where business may be conducted, including the sale of goods, food or other articles directly with individuals who remain in their vehicles.

**DRIVEWAY** means a vehicle access provided between a street or lane and a parking area or a loading space, or between two parking areas, but does not include a parking aisle.

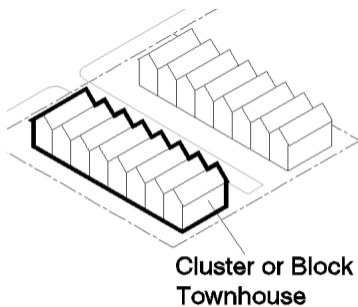
**DWELLING** means a building used for human habitation as a residence, with or without attached garage or carport, but shall not include a motor home, vehicle, trailer, hotel, motel, bed and breakfast, or dwelling unit accessory to a non-residential use.

**DWELLING, APARTMENT** means a building containing five or more dwelling units, which have a common entrance from the street level and where the occupants have the right in common to use halls, elevators, stairs, yards and accessory buildings.



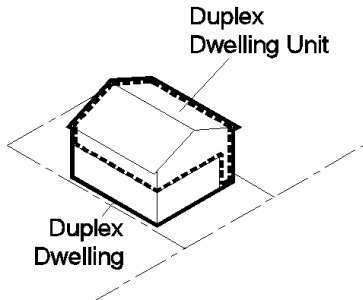
**DWELLING, BOARDING HOUSE** means a single dwelling that is occupied by the owner of such dwelling as their principle residence together with not less than two and not more than four accessory guest rooms.

**DWELLING, BLOCK TOWNHOUSE** means a group of no more than eight dwelling units located on the same lot, where the lot has direct access onto and frontage along a public street, but the individual units may not have legal frontage on a public street.

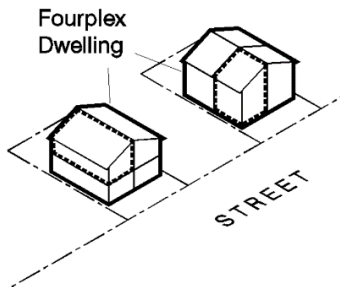


**DWELLING, CONVERTED** means a dwelling originally designed as a single detached dwelling that has been altered to accommodate additional dwelling units, but not more than 4 dwelling units.

**DWELLING, DUPLEX** means a building containing two dwelling units, on one lot but does not include a "Semi-Detached Dwelling".



**DWELLING, FOURPLEX** means a building containing four dwelling units.



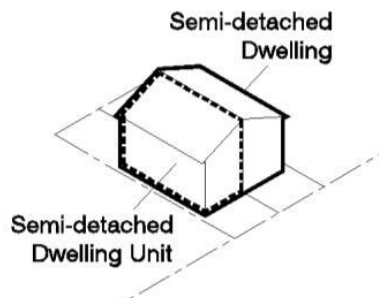
**DWELLING, LIVE-WORK** means a dwelling unit that included working space accessible from the living area, regularly used by one or more of the residents of the dwelling unit, but does not include a home-based business.

**DWELLING, MOBILE HOME** means a dwelling designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed), and which is suitable for permanent or seasonal occupancy as a residence, except for minor and incidental unpacking and assembly operations, placement on a mobile home stand and connections to utilities, but which does not include travel trailer, motor home, or other trailer or a single detached dwelling or a modular home constructed in parts and designed to be transported to a lot and where they are joined as an integral unit and place on a permanent foundation over a cellar or basement.

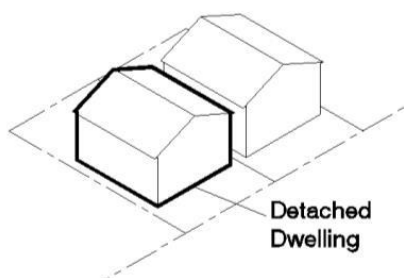
- a) Mobile Home, single wide, means a mobile home dwelling designed to be transported in a single load;
- b) Mobile Home, double wide means a mobile home dwelling consisting of two sections which are transported separately and are designed to be joined together into one integral unit.

**DWELLING, SECONDARY RESIDENTIAL UNIT** means a dwelling unit that is secondary to a single detached dwelling, semi-detached dwelling unit, townhouse dwelling unit, and is maintained as a self-contained unit with food preparation and sanitary facilities, and in accordance with the provisions of this By-law.

**DWELLING, SEMI-DETACHED** means a building divided vertically into two dwelling units by a common wall extending from the base of the foundation to the roof. The attachment along the common wall may include a dwelling unit wall and/or garage wall. Each unit may be located on a separate lot.

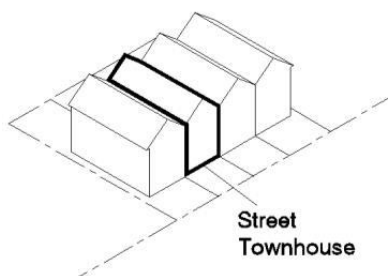


**DWELLING, SINGLE DETACHED** means a building containing one dwelling unit, but does not include a "Mobile Home Dwelling".

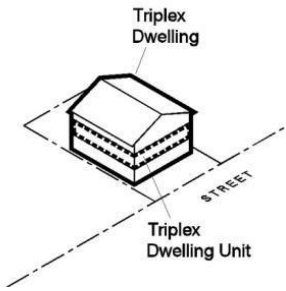


**DWELLING, STACKED TOWNHOUSE** means a building containing three or more dwelling units, with each dwelling unit separated from the other both horizontally and vertically that may have a private independent entrance from a yard or a shared entrance from a common corridor, vestibule or landing.

**DWELLING, STREET TOWNHOUSE** means a townhouse dwelling which has direct access and frontage along a public street. Each dwelling unit maybe located on a separate lot.



**DWELLING, TRIPLEX** means a building that is divided horizontally into three dwelling units, each of which has an independent entrance either directly or through a common vestibule.



**DWELLING UNIT** means one room or a group of rooms in a building used or designed or intended to be used as a single, independent and separate housekeeping unit:

- a) In which a food preparation area and sanitary facilities are provided for the exclusive use of such housekeeping unit; and
- b) Which has a private entrance from outside the building or from a common hallway or stairway inside the building, but does not include a tent, cabin, trailer, motor home, mobile home, or in a hotel, motel, or bed and breakfast establishment.

**DWELLING UNIT, ACCESSORY** means a dwelling unit accessory to and wholly contained within a permitted non-residential use.

**EASEMENT** means an instrument that is registered on title which provides for the use of land subject to the easement for sewer, water, drainage or utility purposes and which may include a right-of-way.

**EATING ESTABLISHMENT** means a building or part of a building where food is offered for sale or sold to the public for immediate consumption and includes such uses as a restaurant, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand, but does not include a boarding or lodging house.

**ERECT** means, with reference to a building or structure, to build, alter, construct, reconstruct, relocate or enlarge and without limiting the generality of the foregoing also includes:

- a) Any physical operation such as excavating, filling, grading or drainage works preparatory to building, construction, reconstruction; or
- b) Altering any existing building or structure by an addition, deletion, enlargement or other structural change; or
- c) The moving of a building or structure from one location to another; or
- d) Any work for which a building permit is required.

**“Erected”** and **“Erection”** shall have a corresponding meaning.

**EXISTING** means legally existing as of the date of passing of this By-law.

**FARM HELP HOUSE** means a building located on the same lot and accessory to an agricultural use and which is provided and maintained by the owners of the lot for the accommodation of persons employed full time in agriculture by the owner of the lot.

**FARM IMPLEMENT SALES AND SERVICE** means the use of land and buildings for the purpose of selling, servicing and repairing new and used farm equipment and machinery.

**FARM PRODUCE OUTLET** means a building or portion thereof wherein the retail sale of the following products are offered for sale to the general public:

- a) Locally grown produce (a minimum of 70 percent of the retail floor area);
- b) Imported Produce;
- c) Bakery items and processed fruit prepared on the premises, grocery, deli and dairy products and locally made crafts (a maximum of 50 square metres retail floor area)
- d) Locally grown greenhouse and nursery products.

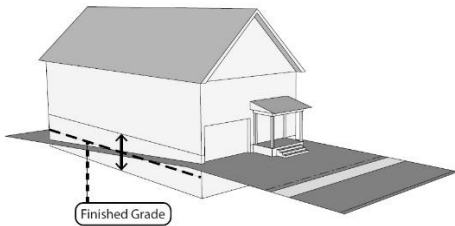
**FARM SUPPLY AND SERVICE ESTABLISHMENT** means a building or structure or portion thereof, such as a farm co-op, used for the retail sale and rental for farm use, of minor equipment and implements and parts thereof and tools, hardware and clothing and includes a farm implement sales and service establishment.

**FARM WINERY** means an on-farm diversified agricultural use that utilizes fruit grown on the farm to produce and market wine in accordance with Provincial law and regulation. A Farm Winery shall also include a distillery, cidery or microbrewery.

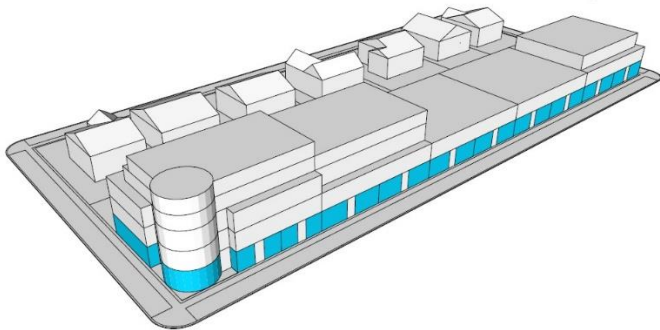


**FENCE** includes a hedge, free standing wall, structure or partition constructed of any material or combination of materials, enclosing, partly enclosing or dividing lot boundaries or being used for decorative purposes.

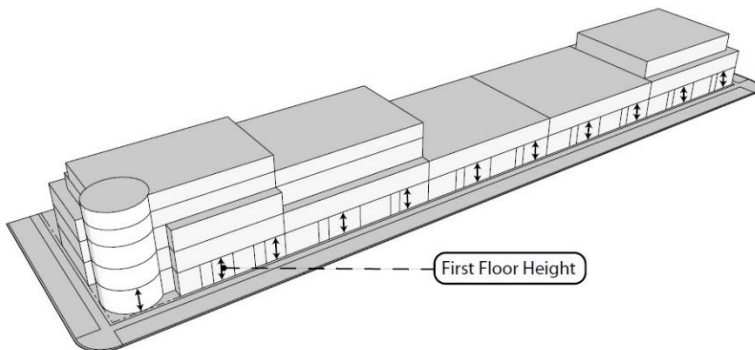
**FINISHED GRADE** means when used in reference to a building or structure, the average elevation of the finished surface of the ground adjoining the base of the longest exterior wall of such building or, where there are two or more such walls, the exterior wall having the lowest average elevation, exclusive of any artificial embankment at the base of such structure.



**FIRST FLOOR GLAZING** means the amount of glazing (transparent windows and doors) expressed as a percentage of the surface area of a building's first floor façade facing publicly accessible streets, walkways or open space.



**FIRST FLOOR HEIGHT** means the vertical height from the finished first floor elevation of the interior of the building to the ceiling of the first floor.



**FLOOR AREA** means the area of the floor surface of a storey or part thereof.

**FLOOR AREA, DWELLING UNIT** means the aggregate of the floor areas of all habitable rooms in a dwelling unit, excluding the thickness of any exterior walls.

**FLOOR AREA, GROSS** means the aggregate of the floor areas of all storeys of a building or structure other than a private garage, an attic or a basement or cellar not used for commercial purposes.

**FLOOR AREA, GROUND** means the floor area of the first storey of a building.

**FLOOR AREA, GROSS LEASABLE** means the total of all floor areas of a building(s) or structure(s) which is used for any permitted non-residential use measured from the interior surface of the exterior walls, including basements, but excluding the following:

- a) Any area not capable of being used for any permitted non-residential use which area may include, without restricting the generality of the foregoing, public washrooms, public corridors, utility rooms, utility and service corridors, loading areas, and parking areas provided in a building.
- b) Areas to which the public cannot nor does not have access to.
- c) Areas used for no other purpose than the storage of goods, fixtures and equipment.

**FLOOR AREA, NET** means the aggregate of the floor areas of a building above or below established grade, but excluding car parking areas within the building, stairways, elevator shafts, service or mechanical rooms and penthouses, washrooms, garbage or recycling rooms, staff locker and lunch rooms, loading areas any space with a floor to ceiling height of less than 1.8 metres and any part of a basement that is unfinished, is used solely for storage purposes and is not accessible to the public.

**FORESTRY USE** means the general raising and harvesting of wood and, without limiting the generality of the foregoing, includes the raising and cutting of fuel wood, pulp wood, lumber, Christmas trees and other forest products.

**FUEL STORAGE TANK** means a tank used or intended to be used for the bulk storage of combustible or inflammable liquids or gases including, but not so as to limit the generality of the foregoing, petroleum or petroleum products.

**FUNERAL HOME** means a premises used for providing funeral supplies and services to the public and includes facilities intended for the preparation of the human body for interment.

**GARAGE, PRIVATE** means an accessory building or portion of a dwelling designed for the parking of private vehicles, and is not used for repairing / servicing vehicles for gain or profit, and includes a partially enclosed carport.

**GARAGE DOOR WIDTH** means the width of the garage door opening(s), which is used for vehicular access. Where there is more than one opening, the garage door width shall be the distance between the two outer extremities of the garage door opening(s), including any intervening columns, doors, windows or wall sections which might separate two or more garage door opening(s).

**GARDEN SUITE** means a small, independent temporary building, physically separate from the principle dwelling unit with which it is associated, which may be used as a dwelling unit, or for activities accessory to those permitted in the principle dwelling unit.

**GOLF COURSE** means an area operated for the purpose of playing golf, and includes such accessory uses as a restaurant, a retail store that sells golf equipment and accessories, a dwelling unit for an owner/caretaker and other buildings or structures devoted to the maintenance and operation of the golf course and may include, as accessory uses, a golf driving range and a miniature golf facility.

**GOLF DRIVING RANGE** means an indoor or outdoor public or private facility dedicated to the driving of golf balls from fixed golf tees.

**GRADE, FINISHED** means the average elevation of the surface ground adjoining a building or structure at all exterior walls.

**GREENHOUSE** means the use of a building or structure for the growing of such items as flowers, bushes, shrubs, trees, plants, fruits, vegetables and other types of nursery stock. Such use may include the wholesale or retail sale of greenhouse products customarily, incidental, subordinate and exclusively devoted to the principle use, located on the same lot therein. A retail use accessory to a greenhouse shall have a maximum retail floor area of 200 square metres.

**GUEST ROOM** means a habitable room or suite of habitable rooms wherein accommodation, with or without meals, is provided for gain or profit to one or more persons, and which contains no facilities for cooking.

**GYMNASIUM/FITNESS CENTRE** means a building designed and intended to accommodate various forms of indoor sports and recreation and shall include an arena, tennis, squash, handball and badminton courts and roller rinks.

**HABITABLE ROOM** means any room of a residential building or an institutional building, used or capable of being used by one or more persons for living, eating or sleeping, or as a kitchen serving a dwelling unit; but does not include a bathroom, water-closet compartment, laundry, serving or storage pantry, corridor or other space not for use frequently or during extended periods.

**HEIGHT** means the vertical distance measured from the finished grade level to the highest point of the roof surface of parapet, whichever is greater. In the case of a deck, height means the height of the highest floor level. In calculating the height of a building, any construction used as an ornament or for the mechanical operation of a building such as a mechanical penthouse, firehouse tower, chimney, tower, cupola or steeple, it is not to be included.

**HOBBY FARM** means a small-scale agricultural use located in the rear yard of a lot and comprised of up to 5 domestic livestock and up to 20 fowl for recreational purposes or for personal consumption by the occupants of a dwelling unit on the same lot.

**HOME BASED BUSINESS** means the use of part of a dwelling unit for a legal business activity that results in a product or service and which is clearly accessory to the principal residential use of the dwelling unit and may include a private home daycare.

**HOME BASED INDUSTRY** means a small scale operation of an industrial nature conducted entirely within a building or part of an accessory building to a single detached dwelling such as a welding shop, machine shop or large animal vet clinic, but does not include the repairing, storage or recycling of motor vehicles, recreational vehicles or heavy equipment.

**HOME FOR SPECIAL CARE** means a building that is licensed or funded under an Act of the Parliament of Canada or the Province of Ontario for the accommodation of persons exclusive of staff, living under supervision and who, by reason of their emotional, mental, social or physical condition or legal status require a group living arrangement for their well-being, but does not include a place maintained and operated primarily for the care of or occupation by inmates or persons placed on probation or released on parole or for any other correctional purpose.

**HOTEL** means any establishment so defined in The Hotel Registration of Guests Act, as amended from time to time, and includes a motel or motor hotel.

**INDUSTRIAL USE** means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory and ancillary uses.

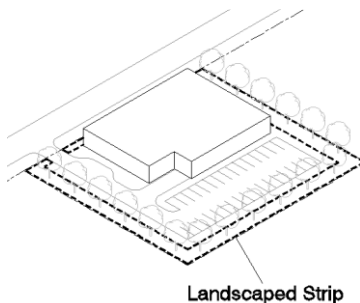
**INSTITUTIONAL USE** mean the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes and without limiting the generality of the foregoing, may include churches, places of worship, public or private schools, public or private hospitals, community centres, government buildings, children's residences and special care residences.

**KENNEL** means the use of lands, buildings or structures where more than four dogs, cats and other small domestic animals or household pets are:

- a) Boarded for hire or gain; and/or
- b) Kept for the purpose of breeding; and/or
- c) Kept for personal use as sled dogs or show dogs; and/or
- d) Kept for the purpose of training.

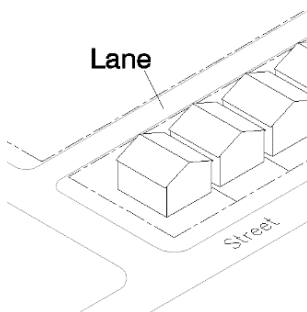
**LANDMARK SITE** means a site which is conspicuous and which has the potential to be easily seen and/or recognized from a distance, acting as an identifier or wayfinding tool for a community. Development on landmark sites is generally expected to be iconic and raise the profile of the location.

**LANDSCAPED AREA OR LANDSCAPED STRIP** means a permeable area not built upon and not used for any purpose other than as a landscaped area which may include grass, shrubs, flowers, trees and similar types of vegetation and decorative paths, decorative walkways, fences and similar appurtenances, but does not include parking areas, driveways, service walkways or ramps. The words "landscaping" and "landscaped" shall have the same meaning.



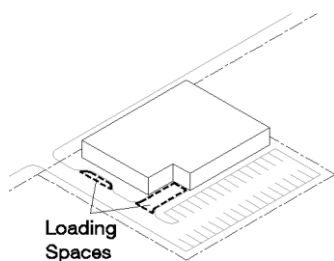
**LANDSCAPED OPEN SPACE** means the percentage of a lot used as a landscaped area or strip.

**LANE** means a public or private right-of-way which provides a secondary means of access to abutting lots and which is not intended for general traffic circulation.



**LIVESTOCK** means farm animals kept for use, for propagation, or for intended profit or gain and without limiting the generality of the foregoing includes; dairy and beef cattle, horses, swine, sheep, laying hens, chicken, turkey broilers, turkeys, goats, geese, mink and rabbits but excluding animals such as pets raised or housed for recreational or hobby purposes.

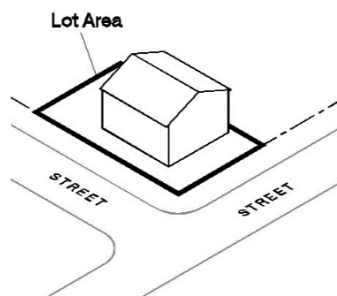
**LOADING SPACE** means an area of land, exclusive of aisles or driveways and accessible to a street or lane which is provided and maintained upon the same lot or lots upon which the principal use is located and which is used for the temporary parking of one or more commercial vehicles while merchandise or materials are being loaded or unloaded from such vehicle, and such parking is not to be used for the purpose of offering commodities for sale or display.



**LONG TERM CARE HOME** means a long-term care home as defined in the Long-Term Care Homes Act, 2007, as amended.

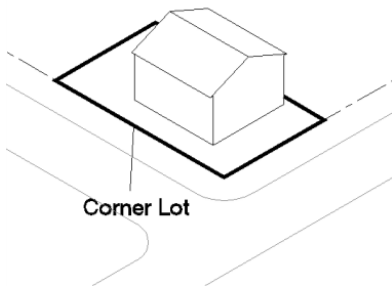
**LOT** means a parcel or contiguous parcels of land designated and registered at the Registry Office as one parcel of land in one ownership.

**LOT AREA** means the total horizontal area within the lot lines of a lot, excluding any area covered by water or marsh or between the rim of the banks of a river or watercourse. In the case of a corner lot having streetlines rounding at the corner with a radius of 6 metres or less, the lot area of such lot is to be calculated as if the lot lines were projected to their point of intersection.



## **LOT, CORNER** means

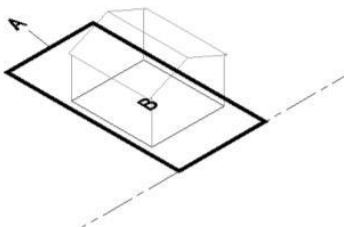
- a) A lot situated at the intersection of and abutting on two or more streets and which streets have an angle of intersection of not more than 135 degrees regardless of whether or not such streets abut a 0.3 metre reserve;
- b) A lot abutting a curve of a street, the adjacent sides of which curve contain an angle facing the lot of not more than 135 degrees, and such angle shall be formed by their tangents drawn from the points where the side lot lines meet the streetline but does not include a lot abutting the bulb of a cul-de-sac or a turning circle, regardless of whether or not such streets have a 0.3 metre reserve.



## **LOT COVERAGE** means

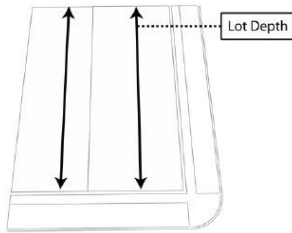
- a) That percentage of the lot area covered by all buildings above ground level, measured at the level of the lowest storey above grade, including all porches, and decks, having a height of 0.6 metres and above any part of the finished grade, and covered parking areas, but excluding open unenclosed patios, steps, cornices, eaves, bay windows, chimney breasts and similar projections and swimming pools; and
- b) Does not include that portion of the lot area which is occupied by a building or horizontal portion thereof which is completely below ground level; and
- c) For the purposes of this definition the lot coverage in each zone applies and shall be deemed to apply only to that portion of such lot that is located within said zone.

Lot Coverage =  $B/A$

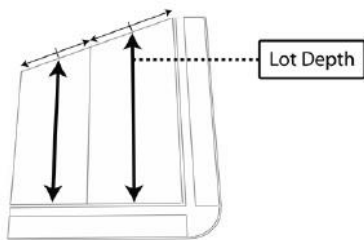


**LOT DEPTH** means:

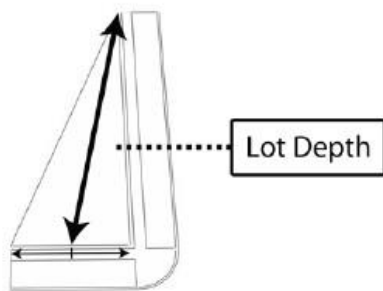
- a) The shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;



- a) The horizontal distance between the mid-point of the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or



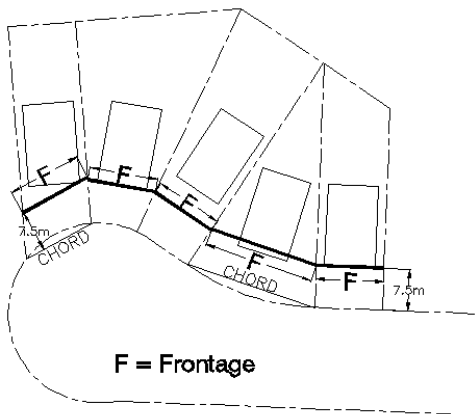
- a) The horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot where there is no rear lot line.



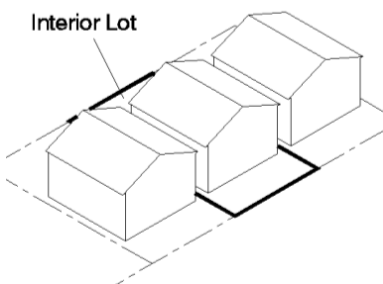


## **LOT FRONTAGE** means

- a) The horizontal distance between the side lot lines measured along the continuous front lot line, and if the front lot line is not continuous, measured along the longest front lot line;
- b) Where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line 7.5 metres back from and parallel to the chord of the lot frontage, and for the purposes of this definition, the chord of the lot frontage is a straight line joining the two points where the side lot lines intersect the front lot lines; and
- c) In the case of a corner lot where a radius has been established, the lot frontage is determined by measuring along the front lot line after the side lot line and front lot line have been extended to the point of intersection.

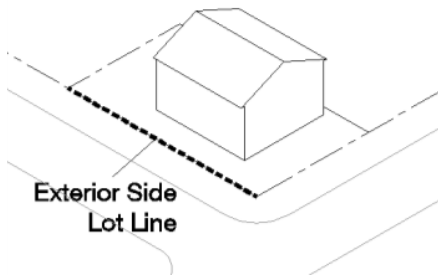


## **LOT, INTERIOR** means a lot other than a corner lot or a through lot.



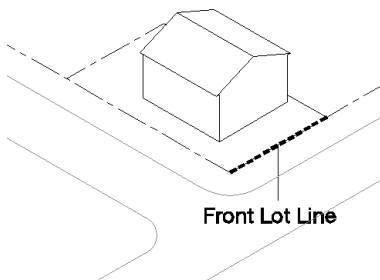
## **LOT LINE** means any boundary of a lot.

**LOT LINE, EXTERIOR** means a side lot line that is also a streetline. "Flankage Lot Line" shall have the same meaning.

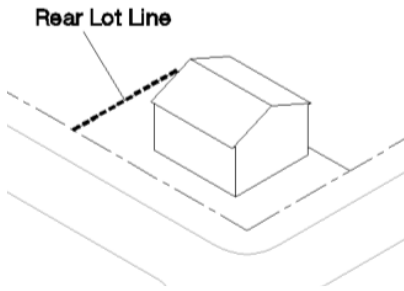


**LOT LINE, FRONT** means

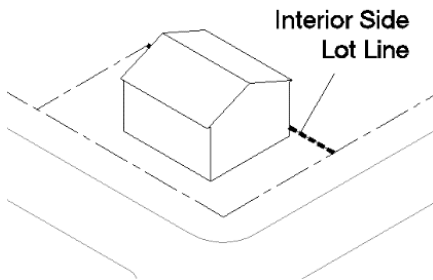
- a) The lot line that divides the lot from the street;
- b) In the case of a corner lot, the shorter streetline shall be deemed to be the front lot line and the longer streetline shall be deemed to be an exterior side lot line; and
- c) In the case of a corner lot with two streetlines of equal length, the lot line that abuts the wider street, or abuts a Regional Road or a Provincial Highway shall be deemed to be the front lot line; and in the case of both streets being under the same jurisdiction, or the same width, the owner of such corner lot may designate either streetline as the front lot line; and
- d) In the case of a through lot, the longer boundary dividing the lot from the street shall be deemed to be the front lot line and the opposite shorter boundary shall be deemed to be the rear lot line. In case each of such lot lines should be equal length the Town may designate either street line as the front lot line.



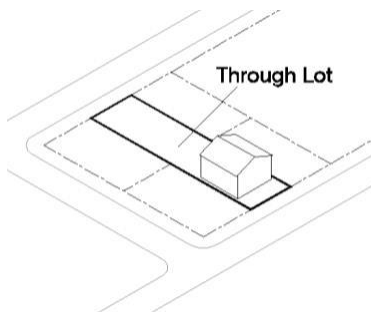
**LOT LINE, REAR** means the lot line or lines opposite a front lot line.



**LOT LINE, SIDE** means a lot line other than a front lot line or a rear lot line.



**LOT, THROUGH** means a lot other than an interior lot or a corner lot which has frontage on two streets.



**MACHINE SHOP** means a building or part of a building used for the repair of household articles and shall include the repair or servicing of communication parts and accessories, electronic devices, television sets, radios, home security systems, satellite systems, computers, furniture, appliance repair shops and other similar uses, but shall not include manufacturing, industrial assembly or motor vehicle repair shops.

**MANUFACTURING, ASSEMBLY, PROCESSING AND FABRICATION** means activities of an industrial nature undertaken entirely within an enclosed buildings designed to assemble, create, repair, restore, finish or package goods, articles or things, but shall not include any handling or recycling of hazardous waste material.

**MAUSOLEUM** means a building or structure serving as a final repository for the dead.

**MICRO-BREWERY** means a building used for the making of beer on a small scale, and may include tasting and restaurant facilities and the retail sale of related items.

**MINERAL AGGREGATE RESOURCE OPERATION** means:

- a) Lands under license or permit, other than for a wayside pit or quarry, issued in accordance with the Aggregate Resources Act, or successors thereto; and
- b) Associated facilities used in extraction transport, beneficiation, processing or recycling of mineral aggregate resources and derived products such as asphalt and concrete or the production of secondary related products.

Mineral aggregate resources are gravel, sand, clay, earth, shale, stone, limestone, dolostone, sandstone, marble, granite, rock or other material prescribed under the Aggregate Resources Act suitable for construction, industrial, manufacturing and maintenance purposes but does not include metallic ores, asbestos, graphite, kyanite, mica, nepheline syenite, salt, talc, wollastonite, mine tailings or other material prescribed under the Mining Act.

**MODULAR HOME** means a prefabricated building or structure which is designed to provide a permanent dwelling unit for one or more persons and which is placed on a finished permanent foundation but does not include a mobile home dwelling, travel trailer, motor home or other trailer.

**MOTEL** means a separate building or two (2) or more connected or detached buildings designed and used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and/or other refreshments, and without limiting the generality of the foregoing, shall include a motor court, auto court and tourist homes, within the meaning of The Tourism Act, as amended from time to time.

**MOTOR FUEL RETAIL OUTLET (GAS BAR)** means an establishment where vehi or cle fuels and lubricants are offered for retail sale.

**MOTOR HOME** means a self-propelled vehicle capable of being used for temporary sleeping and/or eating accommodation for one or more persons.

**MUNICIPALITY** means the Town of Pelham

**MUNICIPAL LAW ENFORCEMENT OFFICER** means a person, appointed by Council, charged with the duty of enforcing this By-law.

**MUNICIPAL SERVICES** means all publicly owned physical works and facilities necessary to sustain and service a lot and shall include streets, municipal water systems, sanitary sewer services, storm sewers and stormwater ponds.

**NON-COMPLYING** means a use, building or structure existing at the date of the passing of this By-law is a permitted use under this B-law but which does not comply with a zone provision or requirement of the zone within which it is located.

**NON-CONFORMING** means the use or activity in respect of any land, building or structure which is not within the list of permitted uses set out in this By-law for the zone in which such land, building or structure is located.

**NON-RESIDENTIAL** when used in reference to a use, building or structure, means designed, intended or used for a purpose other than as a dwelling.

**NOTWITHSTANDING** when used in this By-law means in spite or, or instead of.

**NOXIOUS USES** when used in reference to a use, building or structure, means a use which from its nature, or from the manner of carrying on the same, creates or is liable to create, by reason of gas, fumes or dust, objectionable odour, noise or vibration or unsightly storage of goods, wares, merchandise, salvage, junk, waste, or other material, a condition which becomes or may become hazardous or injurious in regards to health or safety or which prejudices the character of the surrounding area or interferes with or may interfere with the normal enjoyment of any use of land, building or structure.

**OFFICE** means the use of a building or portion thereof designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration or where not conducted on an industrial site, the administration of an industry, but shall not include a retail use, any industrial use, clinic, financial use or place of entertainment.

**ON-FARM DIVERSIFIED USE** means uses that are secondary to the principle agricultural use of an active farm operation. On-farm diversified uses include, but are not limited to, home-based businesses, home-based industries, agri-tourism and uses that produce value-added agricultural products.

**OPERATING MACHINERY** shall mean any apparatus (including air conditioners, generators, electric motor and compressors) used for mechanical power having one or more moving parts which are driven by other than muscular power and meeting the following criteria:

- a) Incidental to the main use or accessory use of the property and connected to the main building by way of brackets, electrical power lines, air ducts or similar connectors, but excluding portable type air conditioning units of 6500 KJ or less.

**OUTSIDE STORAGE** means the placing or locating in the open air and/or in partially closed buildings or structures of any goods, materials, parts, merchandise or equipment of any kind but does not include operative vehicles licensed or capable of being licensed to be operated on a highway at any time, or motorized construction vehicles or agricultural or parks vehicles or vehicles or commercial vehicles, whether or not operative or capable of being licensed.

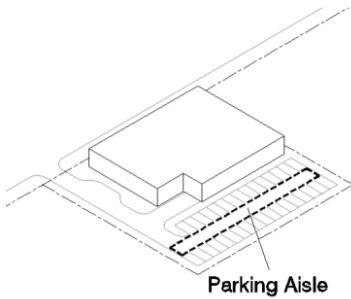
**OWNER** means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office.

**PARK** means an open space area, playground or playing field, which may include recreational facilities, including buildings for such facilities or support services.

**PARK, PUBLIC** means a park owned or controlled by a public agency.

**PARK, PRIVATE** means a park other than a public park.

**PARKING AISLE** means an area of land which abuts and provides direct vehicular access to one or more parking spaces within a parking area.



**PARKING AREA** means an area of land which is provided and maintained for the parking of vehicles and which area comprises all parking spaces of at least the minimum number required according to the provisions of this By-law and all aisles and related ingress and egress lanes and similar areas used for the purpose of gaining access to or from the said parking spaces and is provided and maintained in accordance with the provisions of this By-law.

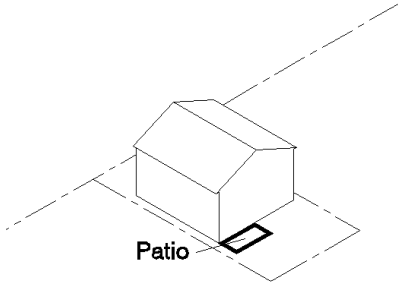
**PARKING GRAGE** means a building or structure used for the parking of vehicles including commercial vehicles of less than 1 tonne maximum capacity and may include aisles, parking spaces and related ingress and egress lanes, but shall not include a public street.

**PARKING SPACE** means an area of land which:

- a) Is provided for the temporary parking or storage of one vehicle or bicycle for other than the purpose of sale or display; and
- b) Is of a size which is adequate for the temporary parking or storage of one vehicle or bicycle in accordance with the provisions of this By-law; and
- c) Has adequate access to permit ingress and egress of a vehicle or bicycle from a street by means of a driveway, aisles, maneuvering areas or similar areas, no part of which shall be used for the temporary storage of one or more vehicles or bicycles; and
- d) May be located outside or within a private garage, carport, building or other covered area as identified in the particular zone.

**PATIO, COMMERCIAL** means an outside area that is accessory to a restaurant and where food and/or beverages are prepared and served in conjunction with the restaurant use.

**PATIO, RESIDENTIAL** means an outside area made of impermeable material, that is no higher than 0.6 metres from the ground surface and which is accessory to a dwelling.



**PERSON** means an individual, individuals, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and their heirs, executors or other legal representative of a person to whom the same can apply according to law.

**PLACE OF ENTERTAINMENT** means a motion picture or other theatre, arena, auditorium, public hall, bowling alley, ice or roller skating rink, dance hall or music hall; but does not include any place of entertainment or amusement otherwise defined or classified herein.

**PLACE OF WORSHIP** means a building owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall, a church auditorium, a convent or monastery, an office of a clergyman, a cemetery, a Sunday school, a parish hall or a parsonage as uses accessory thereto.

**PORCH** means roofed structure abutting the exterior wall of a structure, which is used to define and provide entry to a dwelling. For the purpose of this definition, a porch may be comprised of a knee-wall or partial wall to support a roof but shall remain unenclosed.

**PRE-FABRICATED SHIPPING CONTAINER** means a metal container designed and utilized to ship freight, but does not include a truck body, truck trailer or transport trailer.

**PREMISES** means an area of a building occupied or used by a business or enterprise. In a multiple tenancy building occupied by more than one (1) business, each business area shall be considered a separate premises. Each individual unit proposed and/or registered in a draft Plan of Condominium shall also be considered an individual premises.

**PRIVATE CLUB** means an athletic, recreational or social club which is not operated for gain or profit, and includes the premises of a fraternal organization.

**PRIVATE HOME DAYCARE** means the accessory use of a dwelling unit for the temporary care and custody of not more than five children who are under ten years of age who do not live in the dwelling unit and which is operated for reward or compensation for a continuous period not exceeding twenty-four hours.

**PRIVATE ROAD** means a private thoroughfare not under the jurisdiction of the Town of Pelham, the Region of Niagara, the Province of Ontario, or any other Government Agency.

**PUBLIC AUTHORITY** means any Federal, Provincial, Regional or Municipal Corporation and includes any commissions, board, authority, agency, ministry or department established by or for any of them.

**PUBLIC USE** means designed, adapted or used for civic political, educational, social or recreational purposes by various levels of government and their commissions, boards, agencies, ministries or departments.

**PUBLIC UTILITY** means any utility which supplies water, sanitary sewers, storm sewers, electricity, gas, steam, telecommunications, cable television, transportation, drainage, and refuse collection and disposal services to the general public.

**RECONSTRUCTION** means the act of returning a failing building or structure to a safe and secure condition, but shall not constitute the replacement of the building or structure.

**REDEVELOPMENT** means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereupon.

**REGION OR REGIONAL** means or refers to the Corporation of the Regional Municipality of Niagara.

**REGIONAL ROAD** means any street or road under the jurisdiction of the Region.

**REGULATORY FLOODPLAIN** means lands which have the potential to be impacted by a One Hundred Year Flood and are subject to the regulations and authority of the Niagara Peninsula Conservation Authority.

**REPLACEMENT** means the act of demolishing and removing a structure for the purpose of building a new structure in the same location having the same footprint and floor area.

**REQUIRED** means as required by the provisions contained herein.

**RESERVE** means a strip of land abutting a public street and owned by the authority having jurisdiction over the public street.

**RESIDENTIAL** means the use of land, buildings or structures or portion thereof, for human habitation.

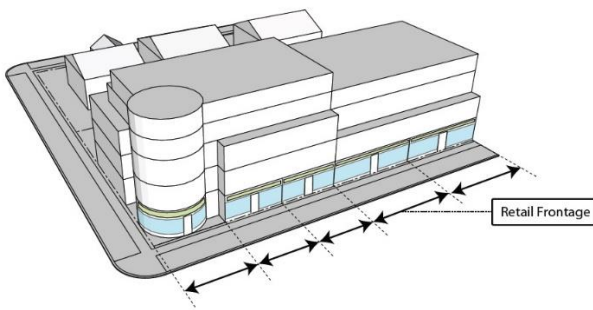


**RESTAURANT** means a building or part thereof where food is prepared and offered or kept for retail sale to the public for immediate consumption either on or off the premises.

**RESTAURANT, DRIVE-THRU RESTAURANT** means a restaurant where patrons order and purchase their food from their vehicles and then drive away to consume the food elsewhere, and may be secondary to an establishment that offers sit-down service on the premises as well.

**RETAIL USE** means a building or part thereof in which goods, wares, merchandise, substances, articles or things are stored, offered or kept for retail sale to the public.

**RETAIL FRONTAGE** means the horizontal distance of a commercial/retail unit measured along the building's frontage.



**RETIREMENT HOME** means a premises that provides accommodation primarily to retired persons or couples where each private bedroom or living unit has a separate bathroom and separate entrance from a common hall and where common facilities for the preparation and consumption of food are provided and where common lounges, recreation rooms and medical care facilities may also be provided, but where full culinary facilities are not provided within a unit. A Retirement Home shall not include an "Apartment Dwelling".

**SALVAGE YARD** means a place where derelict and/or non-functional vehicles are wrecked and/or disassembled for resale and where second hand goods or scrap metal are collected, sorted and stored for commercial purposes.

**SCHOOL** means a school under the jurisdiction of a Board as defined in The Education Act, as amended from time to time, a college, a university or any other educational establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.

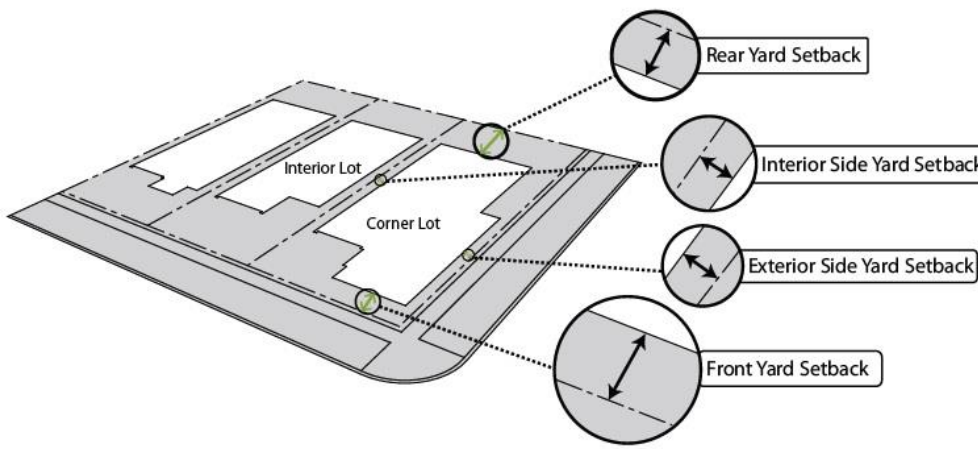
**SCHOOL, PUBLIC** means a school under the jurisdiction of a public agency.

**SCHOOL, PRIVATE** means a school, other than a public school, under the jurisdiction of a private board or trustee or governors, a religious organization, a charitable institution or operated by one or more persons for gain or profit.

**SERVICE COMMERCIAL** means a non-retail commercial use and excludes medically related functions and services.

**SERVICE SHOP** means a building or part thereof wherein a personal service is performed, including, but not so as to limit the generality of the foregoing, a barber shop, a beauty salon, a shoe repair shop, a dry cleaning outlet, a laundromat, a tailor or dressmaking shop, a photographic studio and a taxi dispatch office, but does not include a massage or body-rub parlour or any adult entertainment parlour as defined in The Municipal Act, as amended from time to time.

**SETBACK** means the shortest distance from a building/structure to a lot line.



**SEWER, SANITARY** means a system of underground conduits; either publicly or privately operated which carries sewage to a place for treatment.

**SEWER, STORM** means a system of open ditches and/or underground conduits; either publicly or privately operated which carries storm water and surface drainage to an outlet.

**SHOPPING CENTRE** means one or more buildings or part thereof containing five or more separate permitted commercial uses, which is maintained as a single unit and located on a single lot, such lot being held and maintained under one ownership or under condominium ownership pursuant to The Condominium Act, as amended from time to time.

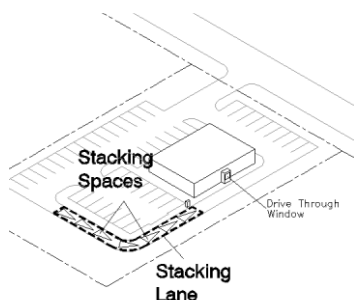
**SHORT-TERM ACCOMODATION** means a dwelling, or dwelling unit that in whole, or part is rented or available for rent with the intention of financial compensation for an occupancy period of less than twenty-eight consecutive days and includes a Bed and Breakfast Establishment, but does not include a motel, hotel, inn, tavern or any other use governed by the Innkeepers Act, R.S.O. 1990, C.I.7, as amended.

**SIGN** means a display board, screen, cloth or structure having characters, letters or illustrations applied thereto or display thereon in any manner which directs attention to an object, activity, person, institution, organization or business and which includes:

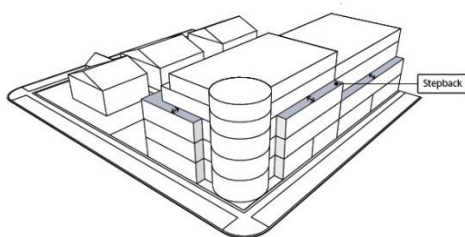
- a) A sign within a building that is visible from a street; and
- b) The posting or painting of an advertisement or notice on any building or structure.

**STACKING LANE** means a continuous on-site queuing lane than includes tandem parking spaces for motorized vehicles which is separated from other vehicular traffic and pedestrian circulation, by barriers, markings or signs.

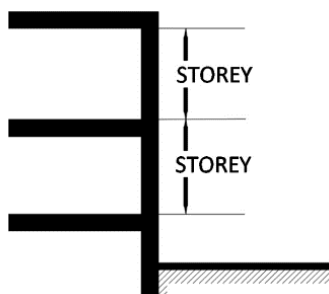
**STACKING SPACE** means a portion of a stacking lane which provides standing room for vehicles in a queue for a drive-thru service facility.



**STEP BACK** means the horizontal distance a building façade above-grade is set back from the building façade immediately below it.



**STOREY** means that portion of a building other than an attic, one-half storey, basement or cellar, included between the surface of any floor and the surface of the floor, roof deck or deck ridge next above it.



**STOREY, ONE-HALF** means that portion of a building situated wholly or in part within the roof, and in which there is sufficient space to provide a height between finished floor and finished ceiling of between 1.5 metres and 2.5 metres over a floor area which is not less than one-third nor more than two-thirds of the floor area of the storey next below.

**STREET** means a public highway or public road or an open road allowance owned and maintained by the Province of Ontario, the Region or the Town. The words "road allowance" or "street allowance" has the same meaning. This definition does not include unopened or closed road allowances, a land, an alley or a right-of-way.

**STREET, PRIVATE** means a private road or right-of-way that accesses multiple properties that is not owned or maintained by the Town or any other Public Authority.

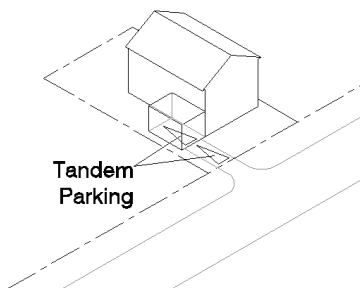
**STREETLINE** means the limit of a street or road allowance and is the dividing line between a lot and a street or road.

**STRUCTURE** means anything including a building constructed or erected, and the use of which requires location on the ground or attached to something having location on the ground, but shall not include pavement, curbs, walks, open air surface areas or moving vehicles.

**STUDIO** means any premises or part thereof used as a working place for the creation or instruction of painting, sculpture, pottery, glass, wrought iron, dance, music, acting, yoga or other similar uses.

**SWIMMING POOL** means a privately owned body of water located at, below or above ground level in which the depth of water at any point can exceed 0.6 metres and is used, or capable of being used for swimming, diving or bathing, but shall not include a pond or other such body of water, created and used or intended to be used, for agricultural or industrial purposes.

**TANDEM PARKING** means two parking spaces, located one behind the other.



**TOP OF BANK** means the upper edge of the slope of a stream valley or shoreline where the slope intersects the horizontal plain or flood plain identified and regulated by the Niagara Peninsula Conservation Authority pursuant to the *Conservation Authorities Act*.

**TOWN** means the Corporation of the Town of Pelham.

**TRAILER** means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and is capable of being used for the transport of goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed.

**TRAILER CAMP** means a lot used for the parking of tourist trailers.

**TRAILER, TOURIST** means a trailer capable of being used for the temporary living, sleeping or eating accommodation of one or more persons, notwithstanding that the running gear of such trailer is or may be removed, or that such trailer is fixed on a finished and permanent foundation or has become in any other manner so adapted and affixed to the land upon which it is situated and it is, or has become, an immobile and permanent structure.

**URBAN SQUARE** means a moderately scaled park found within a denser urban area which may include both hard and soft landscaping and which provides for multifunctional and flexible space for social gatherings, festivals and civic functions.

**USE** means the purpose for which any portion of a lot, building or structure is designed, arranged, intended, used, occupied or maintained.

**VEHICLE** means an automobile or vehicle used for carrying passengers or for transporting goods and may include a farm implement, mobile home, motor home, tourist trailer, snowmobile or marine craft.

**VEHICLE, COMMERCIAL** means a vehicle which is designed for transport of goods and which is used for business, employment or commercial purposes.

**VEHICLE, RECREATIONAL** means a boat, all-terrain vehicle, a snowmobile or any other vehicle having not more than two wheels including, but not so as to limit the generality of the foregoing, a motorcycle, bicycle, or any other device powered solely by means of human effort.

**VEHICLE BODY SHOP** means a building or portion thereof where the repairing, straightening, filling, grinding, painting or replacing of body, interior and frame components of vehicles takes place.

**VEHICLE FUEL STATION** means the use of land, buildings or structures where automotive fuels and accessories are sold at retail and may include a convenience store as an accessory use.

**VEHICLE SALES OR RENTAL ESTABLISHMENT** means the use of land, buildings or structures, or portion thereof, where vehicles are displayed, sold, leased or rented. Repair or maintenance of such vehicles, including a vehicle body shop, may be included as an accessory use.

**VEHICLE SERVICE AND REPAIR ESTABLISHMENT** means a building or portion thereof, where mechanical repairs and servicing of vehicles occurs, and may include the incidental retail sale to the general public of automotive parts and accessories and cars not exceeding six at any one time but shall not include a vehicle body shop.

**VEHICLE WASH ESTABLISHMENT** means a building or structure or portion thereof where vehicles are washed or cleaned.

**VETERINARIAN'S CLINIC** means a building or part thereof with or without related structures wherein animals of all kinds are treated or kept for treatment by a registered veterinarian.

**WAREHOUSE** means a building or part thereof which is used primarily for the housing, storage, adapting for sale, packaging or wholesale distribution of goods, wares, merchandise, food-stuff, substances, articles or things, and includes the premises of a warehouseman, but does not include a fuel storage tank except as an accessory use.

**WASTE DISPOSAL SITE** means a Provincially licensed facility where garbage, refuse or domestic, institutional, commercial or industrial waste is dumped, destroyed or stored in suitable containers.

**WATERCOURSE** means a natural channel of a stream, including intermittent streams, but does not include a drainage ditch or irrigation channel.

**WATER SUPPLY, PUBLIC** means a distribution system of underground piping and related storage, including pumping and purification appurtenances owned and operated by the Town, the Region and/or the Ministry of the Environment and/or any public utilities commission, for public use.

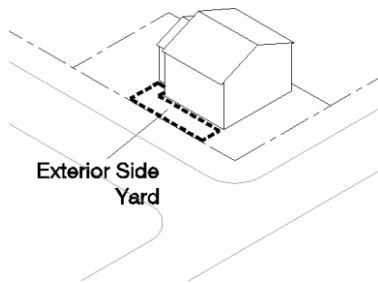
**WAYSIDE PIT OR QUARRY** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

**WELDING BUSINESS** means where services are offered for the fabrication or sculptural process of joining materials by causing fusion.

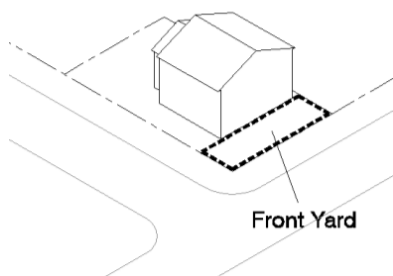
**WHOLESALE USE** means a building or portion thereof in which goods, wares, merchandise or article are stored or kept for distribution purposes to retail merchants, but shall not include a "Retail Use".

**YARD** means an open, uncovered space on a lot appurtenant to a main building or structure and unoccupied by any building or structure except as specifically permitted in this By-law. In determining yard measurements, the minimum horizontal distance from the respective lot lines shall be used.

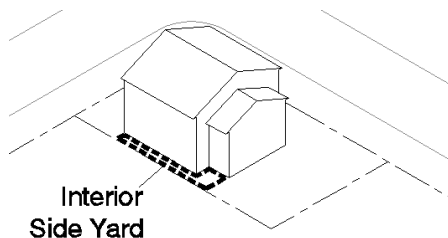
**YARD, EXTERIOR SIDE** means a side yard immediately adjoining a public street.



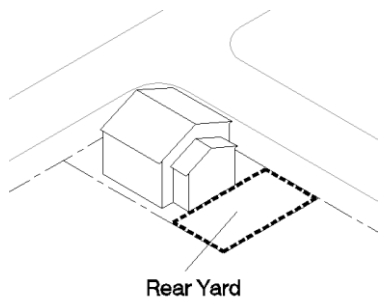
**YARD, FRONT** means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot.



**YARD, INNERIOR SIDE** means a side yard, other than an exterior side yard.



**YARD, REAR** means the yard extending across the full width of the lot between the rear lot line of the lot and the nearest wall of any principal building or structure on the lot.



**YARD, REQUIRED** means the minimum yard required by the provisions of this By-law.

**ZONE** means an area designated on a Zoning Map Schedule and established by this By-law for a specific use.

**ZONING ADMINISTRATOR** means the Director of Community Planning and Development or designate, or other persons, appointed by Council, charged with the duty of administering this By-law.



## **SECTION 3: GENERAL PROVISIONS**

### **3.1 APPLICATION**

The provisions of Section 3 shall apply to all zones, unless otherwise specified in these provisions.

### **3.1 ACCESSORY USES**

Except as provided otherwise within a specific zone, accessory buildings and structures not attached to the main building shall:

- a) Not be established until or unless the main building or use to which it is accessory is established;
- b) Not be used for human habitation;
- c) Not be used for gain or profit;
- d) Not be located in any required front yard or the required exterior side yard;
- e) Not be located within, or partially within, any utility easement, corridor, daylighting triangle or storm drainage swale;
- f) Have a total lot coverage for all accessory buildings of not more than 10% in any Residential Zone and not more than 5% in any other Zone and have a lot coverage, which together with the coverage of the main building on the side, does not exceed the maximum lot coverage of the zoning category in which it is located;
- g) Exceed a building height of 7.0m; and
- h) Be located less than 1m from an interior side or rear yard lot line.

### **3.2 AGRICULTURAL USES**

#### **3.2.1 Agriculture-Related Uses**

Agriculture-related uses may only be permitted in accordance with the following:

- a) All buildings related to the use shall be located within a cluster of existing buildings;
- b) The aggregate activity area occupied by an agriculture-related use including all associated uses such as but not limited to parking, loading areas, and recreational amenities shall not exceed 5% of the total lot area to a maximum of 1,000m<sup>2</sup>;

- c) Production lands which are used for the growing of crops and simultaneously used as part of the activity are shall not be included in the calculation of the 5%; and
- d) Site Plan Control shall apply to any development

### **3.2.2 On-Farm Diversified Uses**

On-farm diversified uses may only be permitted in accordance with the provisions of Section 4, the Rural/Agricultural Zones, and in accordance with the following:

- a) The use shall be secondary to the main farm use on the subject lands;
- b) All buildings related to the use shall be located within a cluster of existing buildings;
- c) The aggregate activity area occupied by an on-farm diversified use, including all associated uses such as but not limited to parking, loading areas, and recreational amenities shall not exceed 2% of the total lot area to a maximum of 4,000m<sup>2</sup>.
- d) Production lands which are used for the growing of crops and simultaneously used as part of the activity area shall not be included in the calculation of the 2%;

### **3.3 BED AND BREAKFAST ESTABLISHMENTS**

Where permitted, a bed and breakfast establishment shall be subject to the requirements of the zone in which it is located, and it shall:

- a) Be permitted only within a single detached dwelling, semi-detached dwelling and townhouse dwelling;
- b) Be clearly secondary to the main residential use, which is owner-occupied;
- c) Not contain more than 6 guest rooms;
- d) Where required by the Town, be licensed pursuant to the Municipal Act, 2001;
- e) Not provide any outside display, other than a legal sign which shall not exceed 0.6m<sup>2</sup> in area, indicating the name of the bed and breakfast;
- f) Obtain approval from the Regional Public Health Department and the Town's Building and Fire Departments; and
- g) Comply with the parking requirements of Section 3.23.1

### 3.4 BUILDING RESTORATION

- a) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any existing building or structure, provided that such strengthening or restoration does not increase the height, area or volume or result in the change of the use of such building or structure so as to contravene any of the provisions of this By-law.
- b) Nothing in this By-law shall prevent the replacement of a building or structure which has been partially or completely destroyed by fire, an act of God or any other means, except within a floodplain, beyond the control of the owner on all or part of the existing foundation, provided the said building or structure is replaced within five years of it being partially or completely destroyed.

### 3.5 DAYLIGHTING TRIANGLES

Within the Daylighting Triangle, no sign, fence, landscaping, parking area, building or structure shall be greater than 0.5m in height above the elevation of the ground at the lot line. There shall be no additional building setbacks offset from a daylight triangle.

### 3.6 DRIVE-THRU FACILITIES

- a) Notwithstanding any other provisions of this By-law, where a building or structure incorporates a drive-thru service facility, an area for vehicles waiting to use the drive-through service facility shall be provided, in addition to any other parking areas. The waiting area shall be located a minimum of 7.5m from any Residential, Intuition or Open Space Zone and vehicles may be parked in tandem within this area; and
- b) All drive-thru windows on building facades shall not face any streetline.

### 3.7 ENCROACHMENTS

Every part of any yard required to be provided in any zone shall be open and unobstructed by any structure from the ground to the sky, in accordance with the following:

Structure	Yard	No part of any building or structure shall project into the specified yard more than:
Eaves or gutters, sills, belt courses, cornices, chimneys, firewalls, bay windows, pilasters, or other ornamental structures	Any yard	0.5m
Fences, freestanding walls, flag poles, garden trellises,	Any Yard	Unrestricted

retaining walls, light standards and similar accessory structures and appurtenances and hedges, trees and shrubs		
Exterior stairs in a Residential Zone	Any Yard	No restriction, provided the stairs are: a) No longer than 1.5m; b) No wider than 1.5m; and c) No closer to a lot line than 0.6m
Balconies, canopies, drop awnings, unenclosed porches	Front, exterior or rear yard	2m
Canopy attached to an apartment dwelling	Front or exterior side yard	3m
Clothes poles and antennae	Any yard except a front yard	
Decks (uncovered)	Exterior side yard or rear yard	4m
Fire Escapes	Exterior side or rear yard	1.5m, however a minimum interior side yard setback of 1.2m is required.
Air Conditioners	Front, side or exterior side yard	In a Residential Zone: a) 2m from the main wall of the main building in the front yard; or b) 0.3m from the exterior or side lot line
Operating Machinery	In a non-residential zone: a) Not be directed towards any side yard that abuts a Residential use; b) Not be located less than 5m from an existing Residential use under separate ownership; and c) Be permitted to encroach into any side yard, provided that the operating equipment shall be no closer than 5m from any lot line.	

### **3.8 ESTABLISHED BUILDING LINE**

Within any zone where a permitted building or structure is to be erected on a lot located between two adjacent lots on which existing buildings are located not more than 30 metres apart, such permitted building or structure may be erected closer to the streetline, than required by this By-law, provided that the front yard setback of the proposed building or structure has a depth at least as great as the average depth of the front yards of said adjacent buildings and structures.

### **3.9 FOOD VEHICLES**

Where food vehicles are permitted by this By-law, the following provisions shall apply:

- a) Every food vehicle shall operate in accordance with the regulations for the zone in which the food vehicle is located;
- b) No food vehicle shall occupy a designated accessible parking space;
- c) No portion of a food vehicle shall be located within a Fire Route designated in accordance with the Fire Code or a Town By-law;
- d) No portion of a food vehicle shall be located within any daylighting triangle;
- e) Where required by the laws and regulations of the Province and Town By-laws, approval shall be obtained from the Regional Public Health Department, the Technical Standards and Safety Authority, and the Town Fire Department, as applicable to operate a food vehicle in any zone.

### **3.10 GARAGE SALES OR AUCTIONS**

Notwithstanding any other provision of this By-law, a garage or yard sale or auction is a permitted use in any agricultural, rural, residential or commercial zone provided that such sales are restricted to no more than three occasions per year and no more than three consecutive days at a time on any one lot.

### **3.11 HOMES FOR SPECIAL CARE**

Where a home for special care is permitted, it shall be subject to the requirements of the zone in which it is located, and the following:

- a) Parking shall be provided in accordance with Section 3.23.1;
- b) The home for special care shall comprise the sole use of the dwelling;
- c) The home for special care shall be subject to Provincial approval or licensing may be required;
- d) The maximum number of residents permitted in a home for special care shall be 10 residents, excluding staff or the receiving family; and
- e) The minimum floor area per home for special care shall be 100m<sup>2</sup>

### **3.11 HEIGHT EXCEPTIONS**

The height provisions of this By-law shall not apply to the following uses, nor shall such used be used in calculation of height:

- a) A barn;
- b) A belfry;
- c) A chimney;
- d) A clock tower;

- e) An elevator or stairway penthouse;
- f) A flag pole;
- g) A hydro-electric transmission tower;
- h) An ornamental structure;
- i) A communications antenna;
- j) A silo;
- k) A place of worship spire;
- l) A structure containing heating, cooling or other mechanized equipment pertaining to a building;
- m) A tower;
- n) A water tower; and
- o) A windmill

### **3.12 HOME-BASED BUSINESS**

#### **3.12.1 Home Occupations**

Where a home occupation is permitted in a Zone, the following provisions shall apply:

- a) Not more than one employee, in addition to the residents of the dwelling unit, shall be engaged in the business;
- b) Any dwelling unit containing a home occupation shall be occupied as a residence by the operator of the business;
- c) The use is entirely restricted to the dwelling unit and shall not be conducted in whole or in part in any accessory building, yard or private garage;
- d) No more than one home occupation shall be permitted in one dwelling;
- e) The maximum gross floor area dedicated to the home occupation shall be the lesser of 50m<sup>2</sup> or 25% of the gross floor area of the dwelling;
- f) There shall be no goods, wares or merchandise offered or exposed for sale or kept for sale on the premises other than those produced on the premises;

- g) There shall be no outside storage of materials, goods or vehicles in conjunction with the home occupation use;
- h) There shall be no external advertising other than a sign erected in accordance with the Town of Pelham Sign By-law;
- i) A home occupation shall not create noise, vibration, fumes, odour, dust, glare or radiation that is detectable outside of the dwelling unit; and

### **3.12.2 Home Industries**

Where a home industry is permitted in an Agricultural (A) or Specialty Agricultural (SA) Zone, the following provisions shall apply:

- a) Not more than 2 employees, who are not residents of the dwelling unit, shall be engaged in the business and working in the home industry and one parking space shall be provided for each employee;
- b) Any lot upon which a home industry is located shall be occupied as a residence by the operator of the business;
- c) Any accessory building and any associated activity area used for the home industry shall be located no closer than 30m from any lot line;
- d) A home industry shall only be located on a lot with a minimum lot area of at least 2.0ha;
- e) The maximum gross floor area dedicated to the home industry shall not exceed 100m<sup>2</sup>;
- f) The driveway accessing the home industry shall be shared with the driveway that is utilized for the residential use on the lot;
- g) Only the sale of goods that are primarily manufactured, processed, fabricated or produced on the premises shall be permitted;
- h) Outdoor storage of goods or materials related to a home industry shall be permitted in the rear yard and interior side yards only, provided that the area utilized for open storage does not exceed 50m<sup>2</sup>;
- i) No more than 2 currently licensed motor vehicles, associated with the home industry, shall be parked or stored on the lot and within and interior side or rear yard;
- j) There shall be no external advertising other than a sign erected in accordance with the Town of Pelham Sign By-law;
- k) No more than one home industry shall be permitted per lot; and

- l) The following shall not be permitted as a home industry:
  - i. Any use involving the storage, repair, maintenance and/or towing of motor vehicles or recreational vehicles.

### **3.13 HOLDING ZONES (H SYMBOL)**

Holding (H) Zones are established and identified on Schedules A through F of this By-law in parenthesis with a corresponding number, such as (H), following the zone symbol.

- a) Prior to the removal of the Holding (H) symbol, the only permitted uses on the lands subject to the Holding (H) symbol shall be those uses legally existing at the date the Holding (H) symbol is applied.
- b) Where a Holding (H) symbol is imposed on any land, the By-law which places the Holding (H) symbol on said lands shall set out the conditions to be satisfied to effect its removal.

### **3.14 KEEPING OF CHICKENS**

The keeping of chickens within the Urban Boundary shall be subject to the following provisions:

- a) No person shall keep a rooster within the Urban Boundary as contained in Schedule "A" of this By-law, as amended;
- b) The maximum number of chickens permitted within the Urban Boundary shall be ten (10);
- c) A "Coop" means a fully enclosed, weatherproof building where chickens are kept which prevents them from escaping and which included nest boxes for egg laying, perches for the chickens to sleep on and food and water containers;
- d) All coops shall be located in the rear yard;
- e) The coop shall be designed and constructed to ensure proper ventilation and sufficient space for the chickens, shall be maintained in accordance with good animal husbandry practices and shall keep all vermin out;
- f) All dead chickens shall be disposed of immediately and, in any event, within 24 hours;
- g) Chicken feces shall be hygienically stored and promptly removed from the premises;
- h) The chicken's food supply shall be protected against vermin;



- i) The coop shall be located at least 7.5 metres from the rear lot line of the lot on which the coop is located;
- j) The coop shall be located at least 4.5 metres from any side lot line of the lot on which the coop is located; and
- k) All premises on which chickens are kept must have:
  - i. Detached dwellings on them;
  - ii. Frontage of at least 12 metres;
  - iii. A depth of at least 30 metres.

### **3.15 LANDSCAPED STRIPS**

- a) Where land is required to be used for no other purpose than landscape strip, it shall have a minimum width of 3.0m, measured perpendicular to the lot line it adjoins.
- b) In all cases where ingress and egress driveways or walkways extend through a landscape strip, it shall be permissible to interrupt the strip within 3m of the edge of such driveway or within 1.5m of the edge of such walk.
- c) A landscape strip referred to in Section 3.14 may form part of any landscaped area required by this By-law.
- d) Landscape strips shall be planted with trees and bushes to form a visual screen at least 3m in height and may be in combination with privacy fencing.
- e) Where a lot is used for a non-residential purpose and the interior side or rear lot line, or portion thereof, abuts a Residential Zone, then a strip of land adjoining such abutting lot, or portion thereof, shall be used for no other purpose than a landscape strip in accordance with the provisions of Section 3.14.

### **3.16 LOT AND YARD REQUIREMENTS**

#### **3.16.1 Requirements for a Lot**

Except as otherwise provided in this By-law, no building or structure shall be erected, altered, extended or enlarged except upon a lot, nor shall land be used for any permitted use unless it comprises a lot, but this provision shall not prevent the use of any parcel or tract of land for agricultural purposes excluding the erection or enlargement of any building or structure, except a fence.

### **3.16.2 Frontage on an Improved Street**

No person shall erect any building or structure in any zone after the date of passing of this By-law, unless the lot upon which such building or structure is to be erected has direct access to or abuts an improved public road.

This shall not apply to prevent the erection of a permitted building or structure on a lot in a Registered Plan of Subdivision or Plan of Condominium where a Development or Subdivision Agreement has been entered into with the Town, notwithstanding that the road or roads will not be assumed by the Town until the end of the maintenance period. This provision shall not prevent the enlargement, extension, reconstruction or other structural alteration of an existing building or structure which is located on a lot which does not have direct access to or abut an improved public road, provided the use of the building or structure does not change, is permissible within the zone in which it is located and complies with all applicable yard and setback requirements of the Zoning By-law.

### **3.16.3 Minimum Lot Area**

The minimum lot area shall be as contained in the appropriate section of this By-law for the zone in which the lot is located. However, the Regional Public Health Department may require a larger lot area for water supply and sewage disposal facilities, in which case the lot area requirements of the Regional Public Health Department shall prevail.

### **3.16.4 Lots Reduced by Public Acquisitions**

Where the area of a lot is reduced by means of an acquisition of part of the lot by a public agency for the purpose of providing a public service, and where such acquisition causes the lot to be reduced, or any building or structure existing lawfully on the lot on the date of such acquisition to have a lot area, lot frontage, lot depth, lot coverage, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then the lot as reduced shall continue to be used as if no such acquisition had taken place, provided that:

- a) No change is made in the dimensions or area of the lot as reduced, subsequent to the date of such public acquisition, that would increase the extent of the said non-conformity; and
- b) No building, structure or addition is erected on the lot as reduced, subsequent to the date of such public acquisition, except in accordance with all of the provisions hereof for the zone in which such lot is located.

### **3.16.5 Lots with More than One Use**

- a) Where a lot contains more than one permitted use defined separately herein, other than an accessory use, each such use shall conform to the provisions of this By-law which are applicable to such use in the zone in which the said lot is located as if such use existed independently of any other use.

- b) Where standards or provisions pertaining to two or more uses on one lot are in conflict, the highest or most restrictive standards or provisions shall prevail.

### **3.16.6 Lots with More than One Zone**

- a) Where a lot is divided into two or more zones, each such portion of the said lot shall be used in accordance with the provisions of this By-law which are applicable to the zone wherein such portion of the said lot is located.
- b) Notwithstanding subsection a) and subject to subsection c) for the purpose of determining required yard setbacks, the provisions of the said zone in which a building or structure is to be erected shall apply.
- c) Where one of the zones of the lot(s) is EP1, the required setback for each of the respective zones shall be the greater of that determined under subsection a) above, or as otherwise required by the Niagara Peninsula Conservation Authority, in accordance with the provisions of the Conservation Authorities Act, as amended from time to time.

### **3.16.7 Existing Undersized Lots**

Where a lot, having a lesser lot area and/or lot frontage than required herein, existed on the date of passing of this By-law, or where such a lot is created by a public authority or correction of title, such smaller lot may be used and a permitted principle building or structure may be erected and/or used on such a smaller lot provided that all other applicable provisions of this By-law are complied with and provided that a sewage system that complies with the regulations under the Building Code, or can be connected to the sanitary sewer and water system can be installed on the lands.

### **3.16.8 Undersized Lots Resulting from Boundary Adjustment or Lot Addition**

Lots which have been increased in frontage or area following adoption of this By-law as a result of a Planning Act approval, but still do not comply with minimum area or frontage requirements of this By-law, may also be used in accordance with subsection 3.15.7 and furthermore, no zoning amendment shall be necessary to legalize the undersized lot.

## **3.17 MINIMUM DISTANCE SEPARATION REQUIREMENTS**

- a) New and expanded livestock facilities, manure storage facilities and anaerobic digesters are subject to the Minimum Distance Separation II (MDS II) requirements development by the province, as amended from time to time, and shall comply with the requirements of the *Ontario Nutrient Management Act*.
- b) No dwelling shall be erected or located on a separate lot unless it complies with the requirements of the Ontario Nutrient Management Act and the Minimum Distance Separation I (MDS I) formulae and guidelines developed by the province,

as amended from time to time. An existing off-site dwelling, destroyed by a catastrophic event, may be replaced by a new dwelling provided that the new dwelling is sited no closer to the lot on which the livestock facility is located than the previously existing dwelling.

- c) No bed and breakfast establishment located on a separate lot shall be permitted unless the dwelling in which it is located complies with the Minimum Distance Separation (MDS I) formulae and guidelines developed by the province, as amended from time to time.
- d) A new livestock facility may replace a former livestock facility destroyed by a catastrophic event, provided that the new livestock facility does not result in increases in the values of Factors A, B or D, of the MDS Formulae, compared to what existed at the livestock facility prior to the catastrophic event, such that there is no switch to a livestock type with a higher odour potential, there is no increase in the number of nutrient units housed and there is no switch to a manure system type with a higher odour potential.
- e) Notwithstanding the MDS requirements, where new development on a vacant lot of record is unable to comply with the MDS requirements, a dwelling may be permitted on the lot provided the dwelling is located on the lot the furthest distance reasonably feasible from the impacted livestock facilities.

### **3.18 MUNICIPAL SERVICES**

Notwithstanding any other provisions of this By-law, no lands shall be used nor any building or structure erected or used thereon, unless:

- a) Municipal sanitary sewer and water services are available and capable of servicing the said land, building or structures. Municipal sanitary sewer and water services are required for development within any Urban Boundary as shown on Schedules A through F, and no use shall be permitted without being connected to such services in such area.
- b) Written approval is received from the Regional Public Health Department for the use of private sewage and water supply.

### **3.19 NIAGARA ESCARPMENT COMMISSION JURISDICTION**

Lands located within the Niagara Escarpment Plan Area illustrated on Schedule A are lands that provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment. The delineation of the Niagara Escarpment Area is based on the most current information available, and may not be accurate or up to date in some areas.

- a) Development within the Niagara Escarpment Development Control Area is regulated by the Niagara Escarpment Commission through the issuance of development permits.
- b) Within the Niagara Escarpment Plan Area, development includes a change in the use of any land, building or structure.

### **3.20        EXANSION OF LEGAL NON-CONFORMING BUILDINGS AND STRUCTURES**

Where a building or structure has been lawfully erected on a lot having less than the minimum frontage and/or area, or having less than the minimum setback, and/or yard or any other provision required in this By-law, the said building or structure shall be deemed to comply with this By-law with respect to any deficiency or deficiencies; and further the said building or structure may be reconstructed or replaced provided that:

- a) The reconstruction or replacement does not further reduce such setback at the front yard and/or side yard and/or corner side yard and/or rear yard less than the minimum required by this By-law; and
- b) All other provisions of this By-law are complied with.

### **3.21        NON-CONFORMING USES**

- a) No lands shall be used and no building or structure shall be used except in conformity with the provisions of this By-law unless such use legally existed prior to the passage of this By-law and provided that it has continued and continues to be used for such purpose, and that such use, when established, was not contrary to a By-law passed under Section 34 of the Planning Act, R.S.O. 1990, cP.13 or a predecessor thereof that was in force at that time.
- b) Nothing in this By-law shall prevent a vertical or horizontal extension or addition from being made to an existing building or structure on a lot, even though such a building, structure or lot does not conform to one or more of the provisions of this By-law, provided such extension or addition itself is designed, located, used and otherwise in compliance with the provisions of this By-law, with the exception that no extensions or additions will be permitted in an Environmental Protection Zone.
- c) A use of a lot, building or structure which under the provisions hereof is not permissible within the zone in which such lot, building or structure is located shall not be changed except to a use which is permissible within such zone.

### **3.22        OBNOXIOUS USES**

Notwithstanding anything contained herein, no land shall be used and no building or structure shall be erected, altered or used for any purpose which is obnoxious, and

without limiting the generality of this subsection, for any purpose that creates or is likely to become a nuisance or offensive, or both:

- a) By the creation of noise or vibration; or
- b) By reason of the emission of gas, fumes, smoke, dust or objectionable odour; or
- c) By reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, motor vehicles, trailers, or parts of vehicles or trailers, machinery or other such material; or
- d) By any combination of a) through c); or
- e) Any use that is not legally permitted.

### 3.23 PARKING AND LOADING REQUIREMENTS

#### 3.23.1 Parking Requirements

- a) All development shall include parking for vehicles and bicycles located at-grade and/or located within a structure. Within the specified parking space requirements, all development shall include appropriate spaces for visitors parking, parking for persons with disabilities and/or parking for expectant families/families with young children, wherever appropriate.
- b) With the Main Street (MS) Zone, all non-residential development shall be exempt from any parking requirement. Residential uses within the Main Street (MS) Zone shall be required to provide 1 parking space per dwelling unit.

#### 3.23.1.2 Use Specific Parking Requirements

Type of Use		Minimum Parking Requirement
Residential Uses	Single Detached Dwelling, Duplex, Triplex, Fourplex, Block, Street or Stacked Townhouse	1.5 parking spaces/unit (includes parking space in a garage)  Minimum Bicycle Parking: 1 internal or external space for ever 5 units, plus 1 external space for every 20 units
	Other Permitted Residential Uses	1.25 spaces/unit  Minimum Bicycle Parking: 1 internal or external space for ever 5 units, plus 1 external space for every 20 units

	Type of Use	Minimum Parking Requirement
<b>Commercial Uses</b>	Office Uses	3.0 spaces per 100m <sup>2</sup> of Gross Leasable Floor Area  Minimum Bicycle Parking: 2 spaces plus 1 space for every 1,000m <sup>2</sup> of Gross Floor Area
	Medical Office Uses	4.5 spaces per 100m <sup>2</sup> of Gross Leasable Floor Area  Minimum Bicycle Parking: 2 spaces plus 1 space for every 1,000m <sup>2</sup> of Gross Floor Area
	Retail and Service Commercial Uses, including Restaurants	3.25 spaces per 100m <sup>2</sup> of Gross Leasable Floor Area  Minimum Bicycle Parking: 2 spaces plus 1 space for every 1,000m <sup>2</sup> of Gross Floor Area
	Other Permitted Commercial Uses	3.0 spaces per 100m <sup>2</sup> of Gross Leasable Floor Area  Minimum Bicycle Parking: 2 spaces plus 1 space for every 1,000m <sup>2</sup> of Gross Floor Area
	Drive-thru facility	Restaurant: 10 tandem spaces All Other Uses: 3 tandem spaces
<b>Indus. Uses</b>	Industrial Uses	1 parking space per 50m <sup>2</sup> of Gross Leasable Floor Area
<b>Public/Inst. Uses</b>	Public and/or Institutional land use that includes any combination of cultural, educational, recreational and/or entertainment uses, as well as associated office space, and/or retail stores, restaurants and personal service uses	3.5 spaces per 100m <sup>2</sup> of Gross Leasable Floor Area  Minimum Bicycle Parking: Schools: 1 space per 10 students plus 1 space per 35 employees Other – 2 spaces plus 1 space for every 1,000m <sup>2</sup> of Gross Floor Area

<b>Other Uses</b>	Other Permitted Uses	3.5 spaces per 100m <sup>2</sup> of Gross Leasable Floor Area
		Minimum Bicycle Parking: 2 spaces plus 1 space for every 1,000m <sup>2</sup> of Gross Floor Area

### 3.23.1.2 Barrier Free Parking Spaces

Off-street barrier free parking spaces shall be provided in accordance with the following:

- a) The minimum barrier free parking requirement shall be as follows:

Number of Minimum Required Parking Spaces	Number of Minimum Required Designated Spaces
6 or fewer	None
7 to 15	1
16 to 25	2
26 to 99	3
100 or more	4% of the total number of required spaces. Where the calculation results in a fraction, the required number of parking spaces to be designated as accessible shall be rounded down where the fraction is less than 0.5 and rounded up when the fraction is greater than or equal to 0.5.

- b) Notwithstanding subsection 3.23.1.2 a), the minimum barrier free parking requirement for medical offices, clinics and facilities providing outpatient services shall be 10% of the total minimum parking requirement for the use.
- c) The total number of required barrier free parking spaces shall be included within the minimum parking requirements of the permitted use of the overall parking requirement.

### 3.23.1.3 Calculation of Parking Requirements

- a) Where the minimum number of required parking spaces is calculated on the basis of a rate or ratio, the number of required spaces shall be rounded to the next higher whole number.
- b) The parking requirements for more than one use on a single lot or for a building containing more than one use, shall be the sum total of the parking requirements for each of the component uses, unless otherwise noted.



### **3.23.1.4 Dimensions of Parking Spaces/Aisles**

- a) Parking spaces shall be a minimum of 2.6m wide and 5.8m long.
- b) A barrier free off-street parking space shall be a minimum of 4.2m wide and 5.8m long and have a minimum vertical clearance of 2.75m.
- c) The following parking design standards will be applicable:

Parking Angle	Stall Width	Stall Length	Aisle Width (2-way)	Aisle Width (1-way)
90°	2.6 metres	5.8 metres	6.2 metres	n/a
Angled (40° - 70°)	2.6 metres	5.8 metres	6.2 metres	3.5 metres
Parallel (0°)	2.4 metres	7.0 metres	6.0 metres	3.5 metres

### **3.23.1.5 Location of Parking Area**

All required parking spaces shall be provided on the same lot occupied by the building, structure or use for which the parking spaces are required.

### **3.23.1.6 Parking Structures**

- a) Where a parking area located in a structure constitutes the main use on a lot, then such structure shall conform to all the zone provisions for the zone in which the lot is located.
- b) Where a parking area located in a structure is accessory to a permitted use on a lot, then such structure shall conform to all the provisions for accessory uses set out in Subsection 7.18.6 a).

### **3.23.1.7 Underground Parking Areas**

Nothing in this By-law shall apply to prohibit the location of underground parking areas in any yard, provided that:

- a) Only less than half a part of any underground parking area shall be situated above finished grade in any required yard; and
- b) No part of any underground parking area shall be located outside the property lines.

### **3.23.1.8 Ingress and Egress**

- a) Ingress and egress, to and from the required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3.0m wide, where only one-way traffic is permitted, and have a minimum width of 6.0m, but not more than 9.0m in perpendicular width where two-way traffic is permitted.

- b) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9.0m.
- c) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5m.
- d) Except in Residential Zones the minimum distance between driveways measured along the street line intersected by such driveways shall be 7.5m.
- e) The minimum angle of intersection between a driveway and a street line shall be 60°.
- f) Every lot shall be limited to the following number of driveways:
  - i. 20.0m or less of frontage – only one driveway
  - ii. 20.0m – 30.0m of frontage – not more than 1 additional driveway
  - iii. For each additional 30.0m of frontage – not more than 1 additional driveway
- g) Notwithstanding the requirements of items a) through f) above, the ingress and egress requirements of the Region of Niagara shall apply along all Regional Roads.
- h) Nothing in this By-law shall prevent the obstruction of a driveway by a gate, a temporary barrier or similar obstruction used solely to restrict access to said driveway and designed to be easily raised, swung aside or otherwise opened or removed when necessary to permit passage of a vehicle. On Regional Roads, all such gates and barriers should be set back from the property line to allow the temporary stopping of a vehicle so that the vehicle while stopped is entirely contained within the property limits and does not overhang the public road allowance.
- i) Nothing in this subsection shall apply to prevent the use of a right-of-way as a means of obtaining access to a parking area provided the right-of-way has been legally established for such purpose.
- j) Driveway width for a dwelling shall be 6.0m or 50% of the lot frontage, whichever is less.
- k) Abutting driveways shall be consolidated into one side driveway.

#### **3.23.1.9 Illumination**

Where parking areas are illuminated, lighting fixtures shall be arranged, designed and installed so that the light is directed downward and deflected away from adjacent properties.

### **3.23.1.10 Parking Area Surface**

All parking areas in the urban area shall be maintained with a stable surface such as asphalt, concrete or similar type of permeable materials and shall also maintain a dust free condition.

### **3.23.1.11 Additions to Buildings**

The parking area requirements referred to herein shall not apply to any building in existence at the date of passing of this By-law so long as the floor area, as it existed at such date is not increased and the building or structure is used for a purpose which does not require more parking spaces in accordance with subsection 7.18.1, than were required by its use at the date of passing of this By-law. If an addition or change of use is made to a building or structure as it existed at the date of passing of this By-law, then additional parking spaces shall be provided to the number required for such addition or change in use. This shall not apply to require the establishment of parking spaces and areas for a detached single-family dwelling which existed at the date of passing of this By-law.

### **3.23.1.12 Other Parking Regulations**

- a) Nothing in this By-law shall prevent the erection of a shelter for use solely by parking attendants in any part of a parking area, except within a daylighting triangle, provided such shelter is not more than 4.5m in height and has a floor area of not more than 5m<sup>2</sup>.
- b) No commercial vehicle as defined in the Highway Traffic Act, of greater than 1 tonne maximum capacity and/or no bus used as a commercial vehicle designed for carrying 10 or more passengers and used for the transportation of persons, shall be parked or stored in a Residential Zone and shall not be parked overnight on a street.
- c) Parking of recreational vehicles over 7.0m in length shall not be permitted in a Residential Zone.

### **3.23.1.13 Parking Area Location on Lot**

Notwithstanding the yard provisions of this By-law to the contrary, uncovered surface parking areas shall be permitted in the required yards as follows:

Zone	Yard in Which Required Parking
Residential (except Apartment)	All required yards provided that no part of any dwelling and parking area, other than a driveway, is located closer than 0.9m to any street line.

Apartment Dwelling	Shall be permitted except in any front yard and corner yard provided that no part of any parking area, other than a driveway is located closer than 7.5m to any street line and no closer than 3.0m to any side lot line or rear lot line – reduce to reflect actual setbacks
Institutional, Commercial, Open Space	All required yards provided that no part of any parking area, other than a driveway is located closer than 0.9m to any street line.
Industrial	Interior side and rear yards only, except for visitor parking, provided that no part of any parking area, other than driveway is located closer than 4.5m to any street line.
Commercial	All rear yards provided no part of a parking area, other than a driveway, is located closer than 0.9m to any street line.

### **3.23.2 Loading Space Requirements**

Any lot, building or structure used for any commercial or industrial use shall provide and maintain, on the same lot, locating spaces in accordance with the following provisions.

#### **3.23.2.2 Loading Space Requirements for Industrial Uses**

The number of loading spaces required on a lot shall be based on the total gross floor area of all the uses on said lot for which loading spaces are required in accordance with the following:

- a) Less than 500m<sup>2</sup> of total gross floor area    0 loading spaces
- b) Over 500m<sup>2</sup> up to and including 2,500m<sup>2</sup> of gross floor area    1 loading space
- c) Over 2,500m<sup>2</sup> up to and including 10,000m<sup>2</sup> of total gross floor area    2 loading spaces
- d) Over 10,000m<sup>2</sup> of gross floor area    2 loading spaces plus 1 additional loading space for each 10,000m<sup>2</sup> of total gross floor area or part thereof in excess of 10,000m<sup>2</sup>

#### **3.23.2.3 Loading Space Requirements for Commercial Uses**

The number of loading spaces required on a lot shall be based on the total gross floor area of all the uses on said lot for which loading spaces are required, in accordance with the following:

- |   |  |
|---|--|
| a) Less than or equal to 185m <sup>2</sup> of gross floor area                      | 0 loading spaces   |
| b) Over 185m <sup>2</sup> up to and including 930m <sup>2</sup> of gross floor area | 1 loading space  |
| c) Over 930m <sup>2</sup> of gross floor area                                       | 2 loading spaces plus 1 additional loading space for each 1,400m <sup>2</sup> of total gross floor area or part thereof in excess of 930m <sup>2</sup> |

**3.23.2.4                    Calculation of Loading Space Requirements**

When a part of a loading space is required in accordance with this By-law, such part shall be considered 1 loading space for the purpose of calculating total lading space requirements.

**3.23.2.5                    Dimension of Loading Spaces**

A required loading space shall have a minimum dimension of 3.5m by 9.0m and a minimum vertical clearance of 4.0m.

**3.23.2.6                    Location of Loading Spaces**

The required loading paces shall be provided on the same lot occupied by the building or structure for which the said loading spaces are required, and shall not form a part of any improved street or lane.

**3.23.2.7                    Yards Where Permitted**

Loading spaces shall be permitted in any yard other than a required front yard or required exterior side yard, provided that:

- a) No part of any loading space shall be located closer than 2.5m to any street line;  
and
- b) No part of any loading space shall be located closer than 1.0m to any interior side lot line or rear lot line.

**3.23.2.8                    Access to Loading Spaces**

Access to loading spaces shall be by means of a driveway at least 3.5m in width in commercial zones and at least 6.0m in width in industrial zones and contained within the lot on which the loading spaces are located and leading to either an improved street or a lane not less than 7.5m in width.

### **3.23.2.9 Addition to Existing Use**

When a building or structure has insufficient loading spaces on the date of passing of this By-law to comply with the requirements herein, this By-law shall not be interpreted to require that the deficiency be made up prior to the construction of any addition provided, however, that any additional loading spaces required by this By-law for such addition(s) are provided in accordance with all provisions hereof respecting loading spaces.

### **3.23.2.10 Loading Space Surface**

The driveways, loading and unloading spaces shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick or tile, cinders, asphalt, concrete or Portland cement binder, from a combined depth of at least 0.15m and with provisions for drainage facilities.

## **3.24 PRE-FABRICATED SHIPPING CONTAINERS**

Sea containers and unlicensed trailers shall not be permitted to be used or stored on any lot in a Residential Zone.

This provision shall not restrict the use of a sea container or unlicensed trailer to be used in a Residential Zone on a temporary basis for the storage of construction materials and equipment for any project undertaken by or on behalf of a public authority or for any construction project for which the Municipality has issued a building permit, provided the container or trailer is removed prior to final inspection.

## **3.25 PRIVATE HOME DAYCARE**

Where a private home daycare is permitted, it shall be subject to the requirements of the zone in which it is located and the following:

- a) Is permitted within any residential dwelling unit; and
- b) Notwithstanding any other provisions of this By-law, no part of any required front yard shall be used for the purposes of an outdoor play space accessory to a private home daycare.

## **3.26 PROHIBITED USES**

The following uses are prohibited in any Zone:

- a) The use of any trailer, tourist trailer, motor home or sea container for human habitation except where such tourist trailer or motor home is located in a camping establishment, in a trailer park or in a mobile home park.

- b) The use of any motor vehicle for human habitation.
- c) The use of a truck, bus or coach body for human habitation.
- d) The storage of disused rail cars, streetcars, truck bodies or trailers except where legally permitted by this Zoning By-law.
- e) The outdoor storage of partially dismantled motor vehicles or trailers or motor vehicle or trailer parts except where legally permitted by this Zoning By-law.
- f) Obnoxious uses.
- g) The manufacturing, refining, rendering or distillation of acid, ammonia, chlorine, coal, creosote, explosives, fireworks, glue, petroleum or tar.
- h) The bulk storage of industrial chemicals, hazardous waste or liquid industrial waste as defined under the Environmental Protection Act, as amended.
- i) Permanent race tracks for automobiles or machines.

### **3.27 PUBLIC USES**

The provisions of this By-law shall not apply to prevent the use of any land, building or structure by any public authority, except for a waste disposal site, provided that:

- a) Such use building or structure complies with the yard, setback and height provisions of the Zone in which it is located; and
- b) No outdoor storage is permitted unless such outdoor storage is specifically permitted in the Zone in which the use is located.

Notwithstanding the above provisions, buildings and structure associated with a public works yard owned by a public authority are exempt from the height requirements of this By-law.

Nothing in this By-law shall prevent a public authority from providing or using land as a street or rail line nor prevent the installation of a utility main including a water main, sanitary sewer, storm sewer, gas main, pipeline or overhead or underground hydro, telecommunication or other utility supply or communication line.

### **3.28 RAILWAY AND PIPELINE RIGHT-OF-WAY SETBACKS**

Notwithstanding anything contained in this By-law:

- a) No residential building shall be located closer than 30 metres to a railway right-of-way; and

- b) No building or structure shall be located closer than 3m to any natural gas pipeline.

### **3.29 RECONSTRUCTION OF BUILDINGS AND STRUCTURES**

#### **3.29.1 Agricultural Buildings and Structures**

Nothing in this By-law shall apply to prevent the reconstruction of any legal non-compliant agricultural building or structure situated in the Agricultural (A) or Specialty Agricultural (SA) Zones in the case of partial or complete destruction caused by fire, lightning or severe weather event provided:

- a) Such building was in a state of good repair and was utilized for agricultural purposes at the time of destruction;
- b) Such building or structure, as replaced or reconstructed, shall not have in total a greater livestock housing capacity than lawfully existed in the destroyed or demolished building or structure at the date of its partial or complete destruction or demolition; and
- c) Where any yard existing at the date of the partial or complete destruction or demolition of such building or structure does not comply with the minimum yard or minimum setback required by this By-law, such yard shall not be further reduced.

#### **3.29.2 Replacement of Other Buildings**

Any building other than a building used exclusively for residential purposes may, in case of this complete destruction, be replaced with a new building where the complete destruction is caused by fire, lightning or severe weather event provided that:

- a) Such destroyed or demolished building was in conformity with this By-law at the date of its complete destruction; or
- b) For buildings not in conformity with this By-law, the ground floor area of such building as replaced does not exceed that which was existing at the date of its complete destruction.

#### **3.29.3 Replacement of Residential Buildings**

Any building used exclusively for residential purposes may, in the case of its complete destruction, be replaced with a new building or in the case of its partial destruction, be reconstructed where the complete or partial destruction, as the case may be, is caused by fire, lightning, explosion, or severe weather event provided that:

- a) Such destroyed or demolished building was lawfully used at the date of its partial or complete destruction;



- b) Such building as replaced or reconstructed shall not contain a greater number of dwelling units than lawfully existed in the destroyed or demolished building at the date of its partial or complete destruction;
- c) Where the ground floor area of the destroyed building was less than the minimum ground floor area permitted in the applicable Zone under this By-law, such building, as replaced or reconstructed, shall not contain a lesser floor area than lawfully existed in the destroyed or demolished building at the date of its partial or complete destruction or demolition;
- d) Where any yard existing at the date of the partial or complete destruction of such building does not comply with the minimum yard required in the applicable Zone under this By-law, then such yard shall not be less than the yard existing at the date of the partial or complete destruction or demolition of such building;
- e) The height of such building, as replaced or reconstructed, shall not exceed the maximum height permitted in the applicable Zone under this By-law; and
- f) Nothing withstanding Section 7.23.3 a) through e) where the building is destroyed by flood, the replacement of said structure shall be subject to the regulations of the Niagara Peninsula Conservation Authority.

### **3.30 SECOND DWELLING UNITS**

- a) One Second Dwelling Unit is permitted in a single detached, semi-detached or townhouse dwelling in the R1, R2, R3, RM1, GF-R1, GF-R2, GF-R3, A or SA Zones provided:
  - i. The maximum floor area of the second dwelling unit is 75m<sup>2</sup>;
  - ii. A maximum of one entrance is permitted along a front or corner side yard;
  - iii. If applicable, a septic approval must be obtained confirming the septic system can sustain the additional dwelling unit;
  - iv. A minimum of one parking space shall be required for the second dwelling unit; and
  - v. All requirements of the Ontario Building Code, as applicable, shall be met.
- b) One Second Dwelling Unit is permitted in a detached accessory building in the R1, R2, R3, RM1, GF-R1, GF-R2, GF-R3, A or SA Zone provided:
  - i. A maximum of one second dwelling unit is permitted per lot;
  - ii. The maximum floor area of the second dwelling unit shall be 75m<sup>2</sup>;
  - iii. The maximum height of the detached accessory building shall be 7.0m;
  - iv. If applicable, a septic approval is obtained confirming the septic system can sustain the additional dwelling unit;
  - v. A minimum of one parking space shall be required for the second dwelling unit;
  - vi. All requirements of the Ontario Building Code, as applicable, shall be met; and

- vii. The detached accessory building shall be compliant with all other aspects of the zoning by-law.
- c) Notwithstanding any other provisions of this By-law, one second dwelling unit is permitted on the ground floor in Commercial Zones provided:
  - i. The second dwelling unit(s) in the Commercial Zone VC, MS, TS or DC shall be permitted to the extent of the provisions provided herein;
  - ii. The second dwelling unit in the existing Commercial Zone NC, GC or HC shall not exceed 33% of the ground gross floor area of the commercial building;
  - iii. The maximum floor area of the secondary dwelling unit is 55m<sup>2</sup>;
  - iv. Secondary dwelling units have a means of egress only to the rear or side yard and is separate from any means of egress for the commercial use(s); and
  - v. The second dwelling unit shall be located to the rear or above the commercial use.

### **3.31 SPECIAL EXCEPTIONS**

The Special Exceptions noted in Section 9 shall have effect in respect of the subject use and the provisions of the respective shall be amended insofar as required to give effect to the special provisions. All other provisions of the respective zone shall apply, with the necessary changes being made to the subject use.

### **3.32 SPECIAL SETBACKS**

Notwithstanding any other provisions in this By-law, the following Special setbacks shall apply.

#### **3.32.1 Setback from Environmental Protection One (EP1) Zone**

Notwithstanding any other provision in this By-law, no building or structure shall be located within 120 metres of any Environmental Protection One (EP1) Zone, except for lands in Fonthill as identified on Schedule C.

#### **3.32.2 Setback from Environmental Protection Two (EP2) Zone**

Notwithstanding any other provision in this By-law, no building or structure shall be located within 50 metres of any Environmental Protection Two (EP2) Zone.

#### **3.31.3 Setback from Environmental Protection Three (EP3) Zone**

Notwithstanding any other provision in this By-law, no building or structure shall be located within 120 metres of any Environmental Protection Three (EP3) Zone, with the exception that new agricultural buildings and structures are permitted within the 120 metres of an EP3 Zone, provided such buildings or structures maintain a 30 metre setback from the EP3 Zone.

### **3.32.4 Setbacks from Slopes**

Notwithstanding any other provisions of this By-law, no dwelling unit, building or structure shall be located within 5 metres of a slope or embankment that exceed 33% of 3:1. This provision shall also not prevent the expansion or replacement of buildings or structures that existed on the effective date of this By-law within this setback area, provided the expansion or replacement does not have the effect of reducing the setback from the slope or increasing the volume or floor area of a building or structure in a minimum required yard.

### **3.33 SWIMMING POOLS**

- a) Notwithstanding any other provision of this By-law to the contrary, in any Zone a swimming pool may be erected and used in any side yard or rear yard provided:
  - i. No interior wall surface of any such swimming pool shall be located closer than 1.5m to any side lot line, rear lot line or exterior side lot line, or closer than 3.0m to that portion of the rear lot line which abuts a side lot line of any adjoining lot;
  - ii. No water circulating or treatment equipment, such as pumps or filters shall be located closer than 3.0m to any side lot line, or rear lot line or 1.2m to any side lot line or rear lot line if enclosed in an accessory building or structure or closer to any street than the required yard for the main building or structure.
- b) Notwithstanding Section 3.33 a), a swimming pool may be permitted in any front yard beyond the required front yard in any Commercial Zone.
- c) Above ground and in-ground swimming pools shall not be considered as part of lot coverage.
- d) In the case of an indoor swimming pool, a separate building or structure containing or enclosing said swimming pool shall comply with all accessory building provisions of the Zone in which such a building or structure is located.

### **3.34 TEMPORARY USES**

- a) Nothing in this By-law shall prevent the use of any land, or the erection or use of any temporary building or structure for a construction camp, work camp, tool shed, scaffold or other temporary building to structure incidental to an necessary for construction work on the premises for which a building permit has been issued and not expired, but only for so long as such use, building or structure is necessary for such construction work which has not been finished or abandoned for a period of one year.

- b) Nothing shall prevent the use of a mobile home, motor home or tourist trailer for the temporary accommodation of the occupants in the case of complete or partial destruction of the farm dwelling by fire, lightening, explosion, tempest, flood or Act of God, or where its demolition is by order of the Town of Pelham, the Region of Niagara Health Services Department or other authority, for safety, health or sanitation requirements in the Agricultural (A) Zone or Specialty Agricultural (SA) Zone for a period of time not to exceed 18 months.
- c) Nothing shall prevent the use of land, or the erection of a real estate sales pavilion or model home on a temporary basis either located within or not more than 300 metres from a developing subdivision and which use shall be removed when all lots have been sold.

## SECTION 4: RURAL/AGRICULTURAL ZONES

The following zoning categories are described in this section:

### **A** Agricultural Zone

Permitted Uses:

- Agricultural uses;
- Agri-tourism uses;
- Agricultural-related uses;
- Bed and breakfast establishments;
- Farm winery, brewery, distillery;
- Forestry and resource management;
- Hobby farm;
- Home industries;
- Home occupations;
- Kennels;
- On-farm diversified uses;
- Passive recreational trails and facilities owned by public authority;
- Seasonal or permanent farm help houses on farms larger than 10ha;
- Second dwelling units;
- Short term accommodations\*
- Single detached dwellings;
- Wayside pits and quarries; and
- Uses, buildings and structures accessory to the foregoing uses.

### **SA** Speciality Agricultural Zone

Permitted Uses:

- Agricultural uses;
- Agri-tourism uses;
- Agricultural-related uses;
- Bed and breakfast establishments;
- Farm winery, brewery, distillery;
- Forestry and resource management;
- Hobby farm;
- Home industries;
- Home occupations;
- Kennels;
- On-farm diversified uses;
- Passive recreational trails and facilities owned by public authority;
- Second dwelling units;
- Short term accommodations\*
- Single detached dwellings;
- Solar farm; and
- Uses, buildings and structures accessory to the foregoing uses.

### **RE** Rural Employment Zone

Permitted Uses:

- Accessory office uses;
- Agricultural-related uses;
- Agricultural uses that do not involve the keeping of livestock;
- Contractor's yard
- Kennels;
- Manufacturing, assembly, processing and fabrication;
- Open air recreation uses;
- Vehicle repair service shop;
- Veterinarian's clinic;
- Warehouse;
- Wayside pits and quarries;
- Wholesaling establishments; and
- Uses, buildings and structures accessory to the foregoing uses.

### **CR** Commercial Rural Zone

Permitted Uses:

- Automobile service stations;
- Building supply sales
- Convenience retail stores;
- Farm implement sales and service establishments;
- Farm produce markets;
- Motor fuel retail outlet (gas bar);
- Public and private halls;
- Retail farm supply stores;
- Restaurants;
- Service shops;
- Vehicle repair shops;
- Vehicle sales and rental establishments;
- Veterinarian's clinic;
- Water loading stations;
- Uses, buildings and structures accessory to the foregoing uses.

## **MAR Mineral Aggregate Resource Zone**

### Permitted Uses:

- Agricultural uses;
- Agricultural-related uses;
- Mineral aggregate resource operation;
- On-farm diversified uses; and
- Uses, buildings and structures accessory to the foregoing uses.

\*Short term accommodations are only permitted subject to licensing in accordance with the Town's Licensing By-law.

A	SA	RE	MAR	CR
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Lot Size/Building Height	min lot area	10ha (24.7 acres)	10ha (24.7 acres)	4000m <sup>2</sup> (0.98 acres)	20ha (49.4 acres)	0.4ha (0.98 acres)
	dwelling	0.6ha (1.5 acres)	0.6ha (1.5 acres)	-	-	-
	min lot frontage	180.0m	180.0m	30.0m	100.0m	30.0m
	dwelling	20.0m	20.0m	-	-	-
	max lot coverage	10%	10%	60%	-	30%
	dwelling	10%	10%	-	-	-
	max gross floor area	-	-	-	-	50%
	max building height	-	-	10.5m	-	10.5m

Yards	min front yard	20.0m	20.0m	14.0m	20.0m*	7.5m
	dwelling	8.0m	8.0m	-	-	-
	min side yard	20.0m	20.0m	6.0m	20.0m*	6.0m
	dwelling	8.0m	8.0m	-	-	-
	min corner side yard	20.0m	20.0m	14.0m	20.0m*	7.5m
	dwelling	8.0m	8.0m	-	-	-
	min. rear yard	20.0m	20.0m	7.5m	20.0m*	7.5m
	Dwelling	15.0m	15.0m	-	-	-

\*Where the lands are licensed for mineral aggregate extraction under the Aggregate Resources Act (ARA), the setbacks established in the approved ARA Site Plan shall prevail.



## **4.1 AGRICULTURAL ZONE**

### **4.1.1 Permitted Uses**

- Agricultural uses;
- Agri-tourism uses;
- Agricultural-related uses;
- Bed and breakfast establishments;
- Farm winery, brewery, distillery;
- Forestry and resource management;
- Hobby farm;
- Home industries;
- Home occupations;
- Kennels;
- On-farm diversified uses;
- Passive recreational trails and facilities owned by public authority;
- Seasonal or permanent farm help houses on farms larger than 10ha;
- Second dwelling units;
- Short term accommodations\*
- Single detached dwellings;
- Wayside pits and quarries; and
- Uses, buildings and structures accessory to the foregoing uses.

\*Short term accommodations are only permitted subject to licensing in accordance with the Town's Licensing By-law.



#### **4.1.2 Zone Requirements for Agricultural Uses**

Minimum Lot Frontage	180.0m or 100.0m for Hobby Farm
Minimum Lot Area	10ha or 2.0ha for Hobby Farm
Minimum Front Yard	20.0m
Minimum Interior Side Yard	20.0m
Minimum Corner Side Yard	20.0m
Minimum Rear Yard	20.0m
Maximum Lot Coverage	10%

#### **4.1.3 Zone Requirements for Detached Dwellings**

Minimum Lot Frontage	180.0m
Minimum Lot Area	0.6ha
Minimum Front Yard	8.0m
Minimum Interior Side Yard	8.0m
Minimum Corner Side Yard	8.0m
Minimum Rear Yard	15.0m
Maximum Lot Coverage	10%

##### **4.1.3.1 Zone Requirements for Seasonal or Permanent Farm Help Houses**

- a) A farm help house shall be located in accordance with a site plan agreement with the Town of Pelham;
- b) A farm help house shall be located on a lot having a minimum lot area of 10 hectares and containing a permitted agricultural use and an associated single detached dwelling, where permitted by the applicable zone;
- c) No seasonal farm help houses shall be used as a permanent dwelling;
- d) The minimum floor area for a seasonal farm help house shall be 30m<sup>2</sup>;
- e) The minimum floor area for a permanent farm help house shall be 93m<sup>2</sup>; and

- f) Notwithstanding the above provisions, a seasonal farm help house may be used as a principal farm dwelling for a period not to exceed one (1) year in the event of destruction by fire, flood or natural disaster of the said farm dwelling.

#### **4.1.4 Zone Requirements for Farm Wineries**

Minimum Lot Frontage	46.0m
Minimum Lot Area	10.0ha
Minimum Front Yard	20.0m
Minimum Interior Side Yard	20.0m
Minimum Corner Side Yard	20.0m
Minimum Rear Yard	20.0m
Maximum Lot Coverage	10%
Minimum Land Area Planted in Vineyards	5.0ha
Maximum Floor Area of Building(s) Used for a Farm Winery	300.0m <sup>2</sup>
Maximum Floor Area of a Hospitality and Retail Space	100.0m <sup>2</sup>

#### **4.1.5 Zone Requirements for Greenhouses**

Minimum Lot Frontage	100.0m
Minimum Lot Area	3.0ha
Minimum Front Yard	20.0m
Minimum Interior Side Yard	15.0m*
Minimum Corner Side Yard	20.0m
Minimum Rear Yard	15.0m
Maximum Lot Coverage	30%
Minimum Setback from a Dwelling on an Adjacent Lot	45.0m
Minimum Setback for Outside Storage - Lot Line or Dwelling on Adjacent Lot	30.0m

\*Where ventilation fans face the rear or side yard the yard shall be increased to 25.0m where one or more ventilating fans exhaust into the respective yard.

#### **4.1.6 Zone Requirements for Home Industries**

Please refer to Section 3.12.2

#### **4.1.7 Zone Requirements for Home Occupations**

Please refer to Section 3.12.1

#### **4.1.8 Zone Requirements for Agricultural Related Uses**

Please refer to Section 3.2.1

#### **4.1.9 Zone Requirements for On-Farm Diversified Uses**

Please refer to Section 3.2.3

#### **4.1.10 Zone Requirements for Bed and Breakfasts**

Please refer to Section 3.3

#### Transect





## **4.2 SPECIALTY AGRICULTURAL ZONE**

### **4.2.1 Permitted Uses**

- Agricultural uses;
- Agri-tourism uses;
- Agricultural-related uses;
- Bed and breakfast establishments;
- Farm winery, brewery, distillery;
- Forestry and resource management;
- Hobby farm;
- Home industries;
- Home occupations;
- Kennels;
- On-farm diversified uses;
- Passive recreational trails and facilities owned by public authority;
- Second dwelling units;
- Short term accommodations\*
- Single detached dwellings;
- Solar farm; and
- Uses, buildings and structures accessory to the foregoing uses.

\*Short term accommodations are only permitted subject to licensing in accordance with the Town's Licensing By-law.

#### **4.2.2        Zone Requirements for Specialty Agricultural Uses**

Minimum Lot Frontage	180.0m 100.0m for Hobby Farm
Minimum Lot Area	10.0ha 2.0ha for Hobby Farm
Minimum Front Yard	20.0m
Minimum Interior Side Yard	20.0m
Minimum Corner Side Yard	20.0m
Minimum Rear Yard	20.0m
Maximum Lot Coverage	10%

#### **4.2.3        Zone Requirements for Detached Dwellings**

Minimum Lot Frontage	20.0m
Minimum Lot Area	0.6ha
Minimum Front Yard	8.0m
Minimum Interior Side Yard	8.0m
Minimum Corner Side Yard	8.0m
Minimum Rear Yard	15.0m
Maximum Lot Coverage	10%

#### **4.2.4        Zone Requirements for Farm Wineries**

Minimum Lot Frontage	46.0m
Minimum Lot Area	10.0ha
Minimum Front Yard	20.0m
Minimum Interior Side Yard	20.0m
Minimum Corner Side Yard	20.0m
Minimum Rear Yard	20.0m

Maximum Lot Coverage	10%
Minimum Land Area Planted in Vineyards	5.0ha
Maximum Floor Area of Building(s) Used for a Farm Winery	300.0m <sup>2</sup>
Maximum Floor Area of a Hospitality and Retail Space	100.0m <sup>2</sup>

**4.2.5        Zone Requirements for Greenhouses**

Minimum Lot Frontage	100.0m
Minimum Lot Area	3.0ha
Minimum Front Yard	20.0m
Minimum Interior Side Yard	15.0m*
Minimum Corner Side Yard	20.0m
Minimum Rear Yard	15.0m
Maximum Lot Coverage	30%
Minimum Setback from a Dwelling on an Adjacent Lot	45.0m
Minimum Setback for Outside Storage from Lot Line or Dwelling on an Adjacent Lot	30.0m

\*Where ventilation fans face the rear or side yard the yard shall be increased to 25.0m where one or more ventilating fans exhaust into the respective yard.

**4.2.6        Zone Requirements for Home Industries**

Please refer to Section 3.12.2

**4.2.7        Zone Requirements for Home Occupations**

Please refer to Section 3.12.1

**4.2.8        Zone Requirements for Agricultural Related Uses**

Please refer to Section 3.2.1

**4.2.9        Zone Requirements for On-Farm Diversified Uses**

Please refer to Section 3.2.3

#### **4.2.10 Zone Requirements for Bed and Breakfasts**

Please refer to Section 3.3

#### **4.2.11 Exceptions – Greenbelt Natural Heritage Overlay**

Lands identified with the exception -1 are located within the Greenbelt Natural Heritage Overlay designation of the Town's Official Plan. Permitted uses in the Exception -1 Zone shall be the uses of the Zone category associated with the Exception -1 Zone but shall be subject to the following provisions:

- a) Entering into a site plan agreement with the Town to address Section B3.5.4.1 of the Official Plan and;
- b) Maximum lot coverage shall be 25%.

Notwithstanding, agricultural buildings and structures are not subject to the above requirements.

#### Transect





## **4.3 RURAL EMPLOYMENT ZONE**

### **4.3.1 Permitted Uses**

- Accessory office uses;
- Agricultural-related uses;
- Agricultural uses that do not involve the keeping of livestock;
- Contractor's yard
- Kennels;
- Manufacturing, assembly, processing and fabrication;
- Open air recreation uses;
- Vehicle repair service shop;
- Veterinarian's clinic;
- Warehouse;
- Wayside pits and quarries;
- Wholesaling establishments; and
- Uses, buildings and structures accessory to the foregoing uses.



**4.3.2        Zone Requirements for Rural Employment Uses**

Minimum Lot Frontage	30.0m
Minimum Lot Area	4,000m <sup>2</sup>
Minimum Front Yard	14.0m
Minimum Interior Side Yard	6.0m
Minimum Corner Side Yard	14.0m
Minimum Rear Yard	7.5m
Maximum Lot Coverage	60%
Maximum Building Height	10.5m

**4.3.3        Zone Requirements for Agricultural Related Uses**

Please refer to Section 3.2.1

Transect





**4.4 MINERAL AGGREGATE RESOURCE ZONE**

**4.4.1 Permitted Uses**

- a) Agricultural uses;
- b) Agricultural-related uses;
- c) On-farm diversified uses;
- d) Mineral aggregate resource operation; and
- e) Uses, buildings and structures accessory to the foregoing uses.

**4.4.2 Zone Requirements for Mineral Aggregate Resource Uses**

Minimum Lot Frontage	100.0m
Minimum Lot Area	20ha
Minimum Front Yard	20.0m*
Minimum Interior Side Yard	20.0m*
Minimum Corner Side Yard	20.0m*
Minimum Rear Yard	20.0m*

\*Where lands are licensed for mineral aggregate extraction under the Aggregate Resources Act (ARA), the setbacks established in the approved ARA site plan shall prevail.

**4.4.3 Zone Requirements for Agricultural Related**

Please refer to Section 3.2.1

**4.4.4 Zone Requirements for On-Farm Diversified Uses**

Please refer to Section 3.2.2



## **4.5 COMMERCIAL RURAL ZONE**

### **4.5.1 Permitted Uses**

- a) Automobile service stations;
- b) Building supply sales
- c) Convenience retail stores;
- d) Farm implement sales and service establishments;
- e) Farm produce markets;
- f) Motor fuel retail outlet (gas bar);
- g) Public and private halls;
- h) Retail farm supply stores;
- i) Restaurants;
- j) Service shops;
- k) Vehicle repair shops;
- l) Vehicle sales and rental establishments;
- m) Veterinarian's clinic;
- n) Water loading stations; and
- o) Uses, buildings and structures accessory to the foregoing uses.

**4.5.2        Zone Requirements for Commercial Rural Uses**

Minimum Lot Frontage	30.0m
Minimum Lot Area	0.4ha
Minimum Front Yard	7.5m
Minimum Interior Side Yard	6.0m
Minimum Corner Side Yard	7.5m
Minimum Rear Yard	7.5m
Maximum Lot Coverage	30%
Maximum Building Height	10.5m
Maximum Gross Floor Area	50% of lot area

Transect



## SECTION 5: RESIDENTIAL ZONES

The following zoning categories are described in this section:

### **R1 Residential One Zone**

Permitted Uses:

- Single detached dwellings; and
- Uses, buildings and structures accessory to the foregoing uses.

### **R2 Residential Two Zone**

Permitted Uses:

- Single detached dwellings;
- Semi-detached dwellings;
- Duplex dwellings; and
- Uses, buildings and structures accessory to the foregoing uses.

### **R3 Residential Three Zone**

Permitted Uses:

- Semi-detached dwellings;
- Duplex dwellings;
- Triplex dwellings; and
- Uses, buildings and structures accessory to the foregoing uses.

### **RM1 Residential Multiple One Zone**

Permitted Uses:

- Semi-detached dwellings;
- Duplex dwellings;
- Triplex dwellings;
- Fourplex dwellings;
- Boarding house dwellings;
- Converted dwellings;
- Street townhouse dwellings;
- Block townhouse dwellings; and
- Uses, buildings and structures accessory to the foregoing uses.

### **RM2 Residential Multiple Two Zone**

Permitted Uses:

- Apartment dwellings; and
- Uses, buildings and structures accessory to the foregoing uses.

### **RD Residential Development Zone**

Permitted Uses:

- Existing single detached dwellings;
- Uses, buildings and structures accessory to the foregoing uses; and
- Uses existing at the time of the passing of the by-law.

R1	R2			R3		
	Single Detached	Semi-Detached	Duplex	Semi-Detached	Duplex	Triplex

Lot Size/Building Height	min lot frontage	15.0m	12.0m	14.0m	14.0m	14.0m	14.0m	14.0m
	Min lot frontage (corner)	17.0m	14.0m	-	-	-	-	-
	min lot area	500m <sup>2</sup>	360m <sup>2</sup>	250m <sup>2</sup> per unit	500m <sup>2</sup>	250m <sup>2</sup> per unit	500m <sup>2</sup>	140m <sup>2</sup>
	max building height	10.5m	10.5m	10.5m	10.5m	10.5m	10.5m	10.5m

Yards	min front yard	3.0m	3.0m	3.0m	3.0m	3.0m	3.0m	3.0m
	max front yard	6.0m	6.0m	6.0m	6.0m	6.0m	6.0m	6.0m
	min side yard	1.2m and 3.0m on the other side	1.2m and 3.0m on the other side	1.2m	1.2m	1.2m	1.2m	1.2m
	min side yard (attached garage or carport)	1.5m	1.5m	-	-	-	-	-
	min corner side yard	5.0m	3.0m	3.0m	3.0m	3.0m	3.0m	3.0m
	min. rear yard	7.5m	7.5m	7.5m	7.5m	7.5m	7.5m	7.5m

RM1			RM2	RD
Semi-detached, Duplex, Triplex, Fourplex, Boarding House, Converted Dwelling	Street Townhouse	Block Townhouse		

Lot Site/Building Height	min lot frontage	14.0m	6.0m per unit 9.0m end unit	30.0m	30.0m	122.0m
	Min lot frontage (corner)	-	14.0m	-	-	-
	min lot area	140m <sup>2</sup>	230m <sup>2</sup>	2000m <sup>2</sup>	150m <sup>2</sup>	0.4ha
	max building height	10.5m	10.5m	10.5m	12.0m	10.5m

Yards	min front yard	3.0m	3.0m	3.0m	3.0m	8.0m
	max front yard	6.0m	6.0m	6.0m	6.0m	-
	min side yard	1.2m	1.2m	1.2m	6.0m	5.0m
	min corner side yard	3.0m	3.0m	3.0m	3.0m to 6.0m	8.0m
	min. rear yard	7.5m	7.5m	7.5m	12.0m	8.0m



**5.1 RESIDENTIAL ONE ZONE**

Subject to the general provisions of Section 7 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Residential Two Zone.

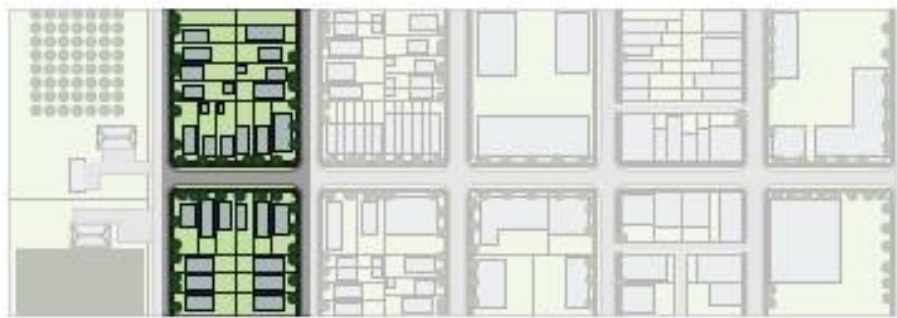
**5.1.1 Permitted Uses**

- a) Single detached dwellings; and
- b) Uses, buildings and structures accessory to the foregoing uses.

**5.1.2 Zone Requirements**

Minimum Lot Frontage	15.0m 17.0m on a corner lot
Minimum Lot Area	500m <sup>2</sup>
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m and 3.0m on the other side 1.5m on each side where carport or garage is attached
Minimum Rear Yard	5.0m
Maximum Height for a Dwelling	10.5m

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**5.2 RESIDENTIAL TWO ZONE**

Subject to the general provisions of Section 7 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Residential Two Zone.

**5.2.1 Permitted Uses**

- a) Single detached dwellings;
- b) Duplex dwellings;
- c) Semi-detached dwellings; and
- d) Uses, buildings and structures accessory to the foregoing uses.

**5.2.2 Zone Requirements for Single Detached Dwellings**

Minimum Lot Frontage	12.0m 14.0m on a corner lot
Minimum Lot Area	360m <sup>2</sup>
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m and 3.0m on the other side 1.2m on each side where carport or garage is attached
Minimum Corner Side Yard	3.0m
Minimum Rear Yard	7.5m
Maximum Height (Dwelling)	10.5m

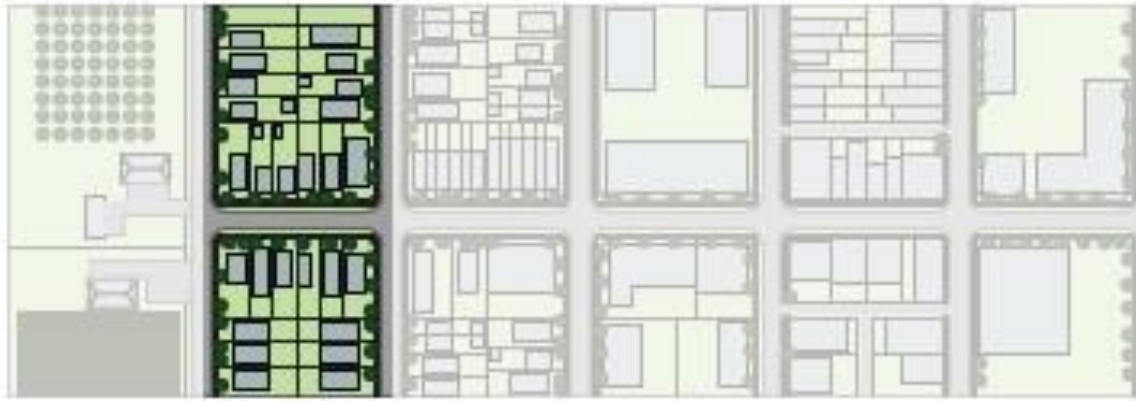
### **5.2.3 Zone Requirements for Semi-Detached Dwellings**

Minimum Lot Frontage	12.0m
Minimum Lot Area	250m <sup>2</sup> per dwelling unit
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m except where no private garage or carport is provided a side yard of not less than 2.5m on one side of such semi-detached dwelling; except that no interior side yard shall be required where a pair of semi-detached dwellings on adjacent lots are attached together by a common wall extending along the side lot line separating such lots, provided that any wall which does not constitute part of such common wall or a direct extension thereof shall be set back not less than 1.0m from the side lot line separating such lots
Minimum Corner Side Yard	3.0m except where no attached garage or carport is provided the minimum corner side yard shall be 5.5m
Minimum Rear Yard	7.5m
Maximum Height (Dwelling)	10.5m

### **5.2.4 Zone Requirements for Duplex Dwellings**

Minimum Lot Frontage	14.0
Minimum Lot Area	500m <sup>2</sup>
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m except where no attached carport or garage, the minimum interior side yard on one side shall be 3.0m
Minimum Corner Side Yard	4.5m
Minimum Rear Yard	7.5m
Maximum Height for a Dwelling	10.5m

## Transect





**5.3 RESIDENTIAL THREE ZONE**

Subject to the general provisions of Section 7 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Residential Three Zone.

**5.3.1 Permitted Uses**

- a) Semi-detached dwellings;
- b) Duplex Dwellings
- c) Triplex dwellings; and
- d) Uses, buildings and structures accessory to the foregoing uses.

**5.3.2 Zone Requirements for Semi-Detached Dwellings**

Minimum Lot Frontage	12.0m
Minimum Lot Area	250m <sup>2</sup> per dwelling unit
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m except where no private garage or carport is provided a side yard of not less than 2.5m on one side of such semi-detached dwelling; except that no interior side yard shall be required where a pair of semi-detached dwellings on adjacent lots are attached together by a common wall extending along the side lot line separating such lots, provided that any wall which does not constitute part of such common wall or a direct extension thereof shall be set back not less than 1.0m from the side lot line separating such lots
Minimum Corner Side Yard	3.0m except where no attached garage or carport is provided the minimum corner side yard shall be 5.5m
Minimum Rear Yard	7.5m
Maximum Height (Dwelling)	10.5m

### 5.3.3 Zone Requirements for Duplex Dwellings

Minimum Lot Frontage	14.0
Minimum Lot Area	500m <sup>2</sup>
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m except where no attached carport or garage, the minimum interior side yard on one side shall be 3.0m
Minimum Corner Side Yard	4.5m
Minimum Rear Yard	7.5m
Maximum Height for a Dwelling	10.5m

### 5.3.4 Zone Requirements for Triplex Dwellings

Minimum Lot Frontage	14.0
Minimum Lot Area	140m <sup>2</sup> per unit
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m
Minimum Corner Side Yard	3.0m
Minimum Rear Yard	7.5m
Maximum Height for a Dwelling	10.5m

#### Transect





**5.4 RESIDENTIAL MULTIPLE ONE ZONE**

Subject to the general provisions of Section 7 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Residential Multiple One Zone.

**5.4.1 Permitted Uses**

- a) Triplex dwellings;
- b) Semi-detached dwellings;
- c) Duplex dwellings;
- d) Fourplex dwellings;
- e) Boarding house dwellings;
- f) Converted dwellings;
- g) Street townhouse dwellings;
- h) Block townhouse dwellings;
- i) Fourplex dwellings; and
- j) Uses, buildings and structures accessory to the foregoing uses.

**5.4.2 Zone Requirements for Triplex Dwellings, Converted Dwellings, Semi-detached Dwellings, Duplex Dwellings, Fourplex Dwellings and Boarding House Dwellings**

Minimum Lot Frontage	14.0
Minimum Lot Area	140m <sup>2</sup> per unit
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m
Minimum Corner Side Yard	3.0m

Minimum Rear Yard	7.5m
Maximum Height for a Dwelling	10.5m

#### **5.4.3 Zone Requirements for Street Townhouse Dwellings**

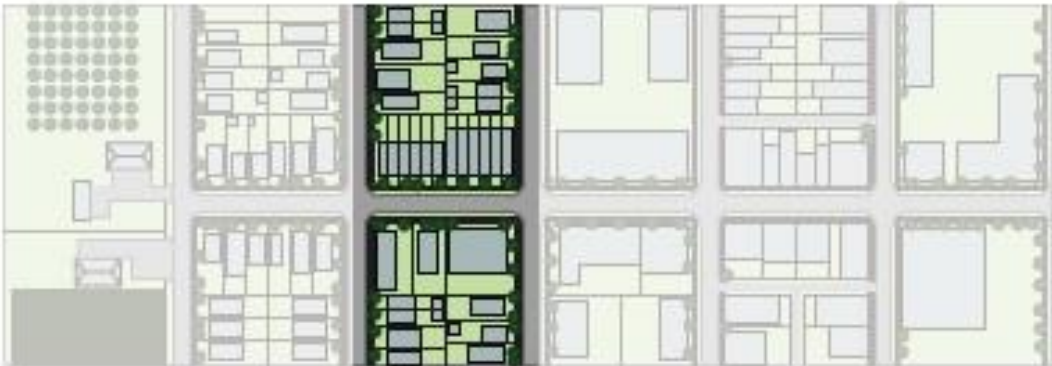
Minimum Lot Frontage	6.0m per dwelling unit, except in the case of an interior lot containing a dwelling attached on one side only, the minimum lot frontage required shall be 9.0m
Minimum Lot Area	230m <sup>2</sup> per unit
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m
Minimum Corner Side Yard	3.0m
Minimum Rear Yard	7.5m
Maximum Height for a Dwelling	10.5m
Landscape strip	A landscape strip of 1.5m minimum in width shall be provided where the boundary of a RM1 Zone abuts an R1, R2 or R3 Zone

#### **5.4.4 Zone Requirements for Block Townhouse Dwellings**

Minimum Lot Frontage	30.0m 14.0m on a corner lot
Minimum Lot Area	2,000m <sup>2</sup>
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m, except that where the rear of a building faces the side yard, the minimum side yard shall be 7.5m, and the minimum side yard abutting a street shall be 7.5m
Minimum Corner Side Yard	3.0m
Minimum Rear Yard	7.5m

Maximum Height (Dwelling)	10.5m
Minimum Setback from an Internal Road	3.0m except for garages where it is 6.0m
Maximum Setback from an Internal Road	4.5m
Distance Between Buildings on the Same Lot	<p>A FACE OF A BUILDING means one or other of the longest walls on a building. Each building shall be deemed to have two faces.</p> <p>A SIDE OF A BUILDING means one or the other of the shortest walls on a building. Each building shall be deemed to have two sides.</p> <p>Any face of one townhouse shall be no closer to any side of another townhouse than 9.0m.</p> <p>Any face of any townhouse shall be no closer than 14.0m to any face of another townhouse.</p> <p>Any side of any townhouse shall be no closer than 3.0m to any side of another townhouse.</p>
Landscape strip	<p>A landscape strip of 1.5m minimum in width shall be provided where the boundary of a RM1 Zone abuts a R1, R2, or R3 Zone.</p>

Transect







**5.5 RESIDENTIAL MULTIPLE TWO ZONE**

Subject to the general provisions of Section 7 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Residential Multiple Two Zone.

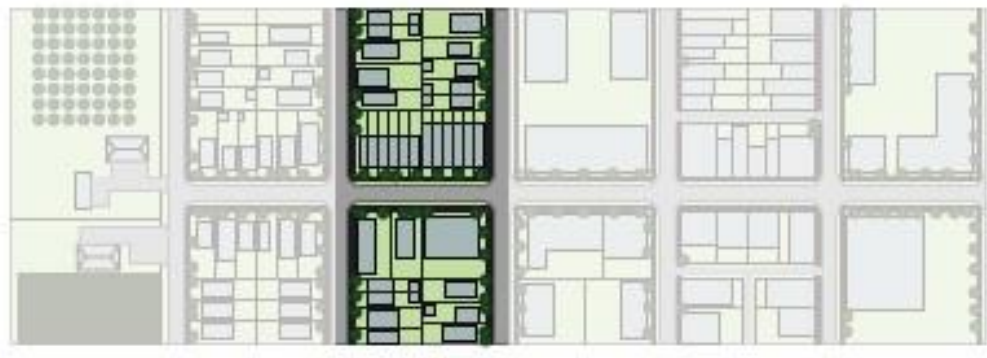
**5.5.1 Permitted Uses**

- a) Apartment dwellings; and
- b) Uses, buildings and structures accessory to the foregoing uses.

**5.5.2 Zone Requirements**

Minimum Lot Frontage	30.0m
Minimum Lot Area	150m <sup>2</sup> per unit
Maximum Density	65 units per hectare
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	6.0m
Minimum Corner Side Yard	3.0m to 6.0m
Minimum Rear Yard	12.0m
Maximum Building Height	12.0m

Transect





**5.6 RESIDENTIAL DEVELOPMENT ZONE**

Subject to the general provisions of Section 7 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Residential Development Zone.

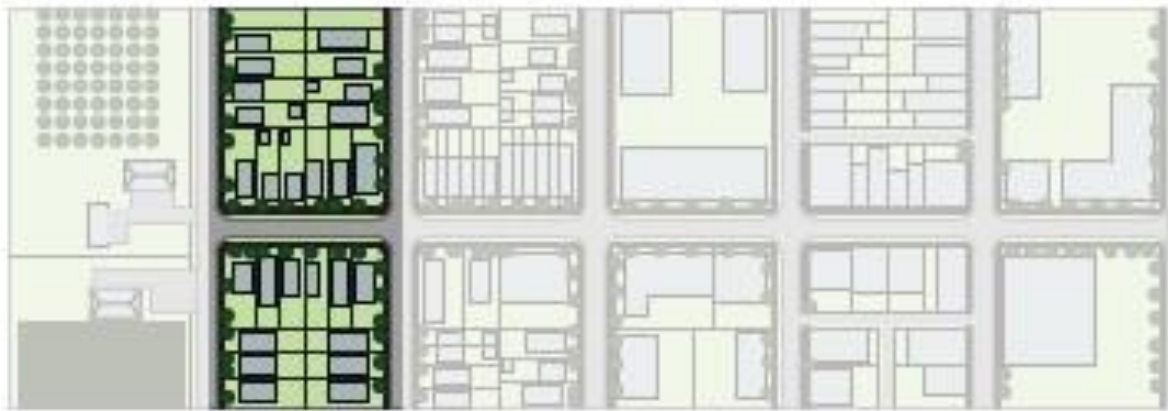
**5.6.1 Permitted Uses**

- a) Existing single detached dwellings;
- b) Uses, buildings and structures accessory to the foregoing uses; and
- c) Uses existing at the date of passing of the By-law.

**5.6.2 Zone Requirements**

Minimum Lot Frontage	122.0m or as existing
Minimum Lot Area	4000m <sup>2</sup> or as existing
Minimum Front Yard	8.0m
Minimum Side Yard	5.0m
Minimum Corner Side Yard	8.0m
Minimum Rear Yard	8.0m
Maximum Height (Dwelling)	10.5m

Transect



## **SECTION SIX: GREENFIELD DEVELOPMENT ZONE**

The following zoning categories are described in this section:

### **GF-R1**

#### **New Greenfield Development Residential One Zone**

Permitted Uses:

- Single detached dwellings;
- Semi-detached dwellings;
- Duplex dwellings;
- Triplex dwellings and
- Uses, buildings and structures accessory to the foregoing uses.

### **GF-NC**

#### **New Greenfield Development Neighbourhood Commercial Zone**

Permitted Uses:

- Retail and Service Commercial uses;
- Dwelling units above the ground floor; and
- Uses, buildings and structures accessory to the foregoing uses.

### **GF-R2**

#### **New Greenfield Development Residential Two Zone**

Permitted Uses:

- Street Townhouses; and
- Uses, buildings and structures accessory to the foregoing uses.

### **GF-R3**

#### **New Greenfield Development Residential Three Zone**

Permitted Uses:

- Apartment dwellings;
- Block Townhouses;
- Stacked Townhouses; and
- Uses, buildings and structures accessory to the foregoing uses.

GF-R1					
Single Detached		Semi-Detached		Duplex and Triplex	
Attached Garage	Detached Garage	Attached Garage	Rear Lane	Attached Garage	Rear Lane

Lot Size/Building Height	min lot area	-	-	-	-	-	-
	min lot frontage	12.0m	12.0m	9.0m/unit	9.0m/unit	12.0m	12.0m
	min lot frontage (corner)	15.0m	13.5m	12.0m	12.0m	15.0m	15.0m
	min lot depth	32.0m	32.0m	32.0m	32.0m	32.0m	32.0m
	max lot coverage	-	-	-	-	-	-
	max building height	10.5m or 3 storeys, whichever is less	10.5m or 3 storeys, whichever is less	10.5m or 3 storeys, whichever is less	10.5m or 3 storeys, whichever is less	10.5m or 3 storeys, whichever is less	10.5m or 3 storeys, whichever is less
	min building height	-	-	-	-	-	-
	min first floor height	-	-	-	-	-	-

Yards	min front yard setback	3.0m-5.0m	3.0m-5.0m	3.0m-5.0m	3.0m-5.0m	3.0m-5.0m	3.0m-5.0m
	min side yard setback	1.2m	1.2m and 3.0m other side (to accom. driveway)	1.2m	1.2m	1.2m	1.2m
	min corner yard setback	3.0m	3.0m	3.0m	3.0m	3.0m	3.0m
	min rear yard	7.5m	10.5m	7.5m	10.5m	7.5m	10.5m

GF-R1					
Single Detached		Semi-Detached		Duplex and Triplex	
Attached Garage	Detached Garage	Attached Garage	Rear Lane	Attached Garage	Rear Lane

Garages	max garage width (% of lot frontage/ % of lot depth)	6.0m or 50%/20%	50%/20%	6.0m or 50%/20%	-	6.0m or 50%/20%	-
	min garage setback to front or exterior lot line	6.0m	6.0m	6.0m	-	6.0m	-
	min garage setback to interior lot line	-	1.2m	-	1.2m	-	1.2m
	min garage setback to rear lot line	-	1.2m	-	0.5m	-	0.5m
	max garage height (to ceiling)	-	7.0m or 2 storeys, whichever is less	-	7.0m or 2 storeys, whichever is less	-	7.0m or 2 storeys, whichever is less

Porches and Steps	encroach. to within front or exterior side lot line	1.0m	1.0m	1.0m	1.0m	1.0m	1.0m
	min porch depth	2.0m	2.0m	2.0m	2.0m	2.0m	2.0m

GF-R2		GF-R3		GF-NC
Street Townhouse		Apartment	Block or Stacked Townhouse	
Attached Garage	Rear Lane			

Lot Size/Building Height	min lot area	-	-	-	-	500m <sup>2</sup>
	min lot frontage	6.0m 7.5m end unit 9.0m exterior end unit	6.0m 7.5m end unit 9.0m exterior end unit	30.0m	30.0m	15.5m
	min lot frontage (corner)	7.5m	9.0m	-	-	-
	min lot depth	29.0m	32.0m	32.0m	32.0m	-
	max lot coverage	-	-	-	-	
	max building height	17.0m or 5 storeys, whichever is less	17.0m or 5 storeys, whichever is less	35.0m or 10 storeys, whichever is less	17.5m or 5 storeys, whichever is less	10.5m
	min building height	-	-	10.5m or 3 storeys, whichever is less	7.0m or 2 storeys, whichever is less	-
	min first floor height	-	-	4.0m	4.0m	-

Yards	min front yard setback	3.0m-5.0m	3.0m-5.0m	3.0m-5.0m	3.0m-5.0m	3.0m-4.5m
	min side yard setback	1.2m	1.2m	1.2m	1.2m	0-com/ind 4.5m-res/inst.
	min corner yard setback	3.0m	3.0m	3.0m	3.0m	3.0m
	min rear yard	7.5m	10.5m	7.5m	10.5m	0-com/ind 4.5m-res/inst.

GF-R2		GF-R3		GF-NC
Street Townhouse		Apartment	Block or Stacked Townhouse	
Attached Garage	Rear Lane	8		

Garages	max garage width (% of lot frontage/ % of lot depth)	6.0m or 50%/20%	-	-	-	-
	min garage setback to front or exterior lot line	6.0m	-	-	-	-
	min garage setback to interior lot line	-	0/1.2m	-	-	-
	min garage setback to rear lot line	-	0.5m	-	-	-
	max garage height (to ceiling)	-	7.0m or 2 storeys, whichever is less	-	-	-

Porches and Steps	encroach. to within front or exterior side lot line	1.0m	1.0m	-	1.0m	-
	min porch depth	2.0m	2.0m	2.0m	2.0m	-

## 6.1 NEW GREENFIELD DEVELOPMENT RESIDENTIAL ONE ZONE

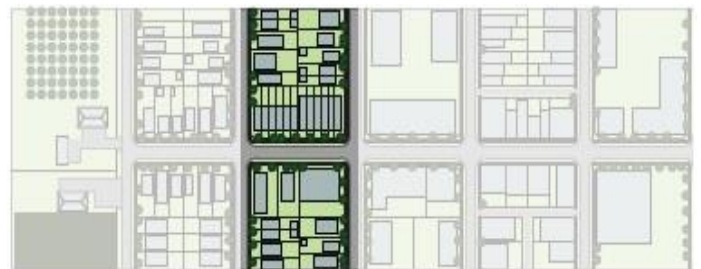
### 6.1.1 Zone Provisions Single Detached with Attached Garage

- a) Lot Frontage  
The minimum lot frontage shall be 12.0m, with a minimum lot frontage of 15.0m for corner lots.
- b) Lot Depth  
The minimum lot depth shall be 32.0m
- c) Building Height  
The maximum building height shall be 10.5m or 3 storeys, whichever is less.
- d) Front Yard  
The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
- e) Side Yards  
The minimum side yard shall be 1.2m.  
The minimum corner side yard shall be 3.0m
- f) Rear Yard  
The minimum rear yard setback shall be 7.5m
- g) Garage  
The garage door shall be set back a minimum of 6.0m from the lot line, or corner side yard lot line. The garage door width shall not exceed a maximum of 50% of the width of the lot or 6.0m, whichever is less, or, if facing the corner side lot line, a maximum of 20% of the lot depth.
- h) Porches and Steps  
Porches and associated steps may encroach to within 1.0m of the front lot line and/or the corner side yard lot line. Porches must have a minimum depth of 2.0m.

#### Single Detached with Attached Garage Typologies

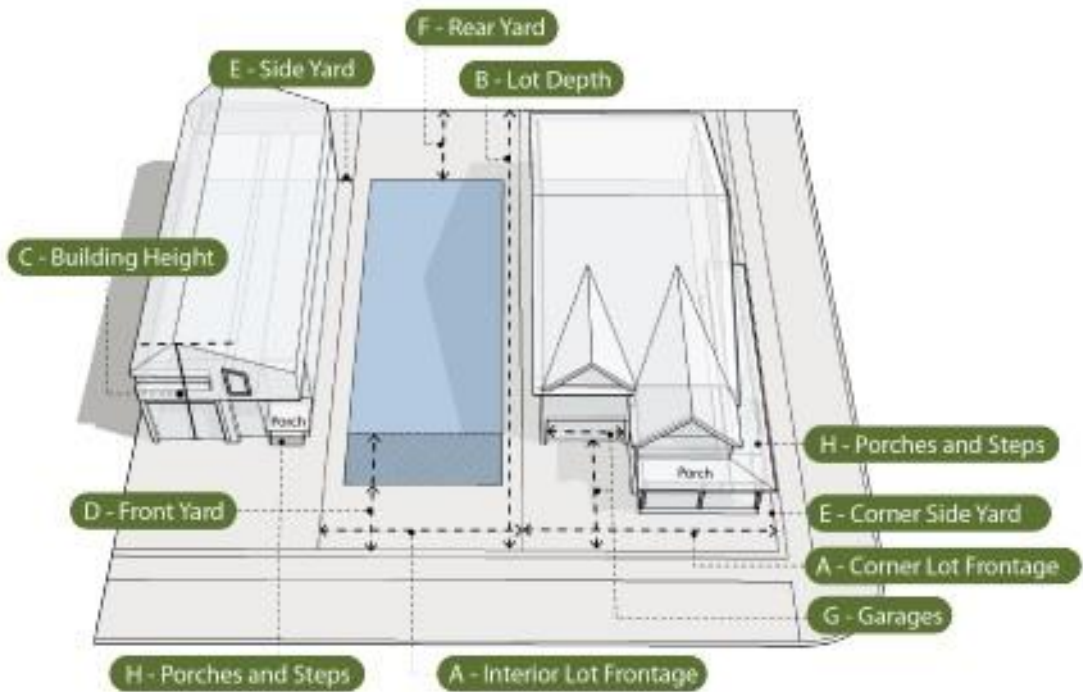
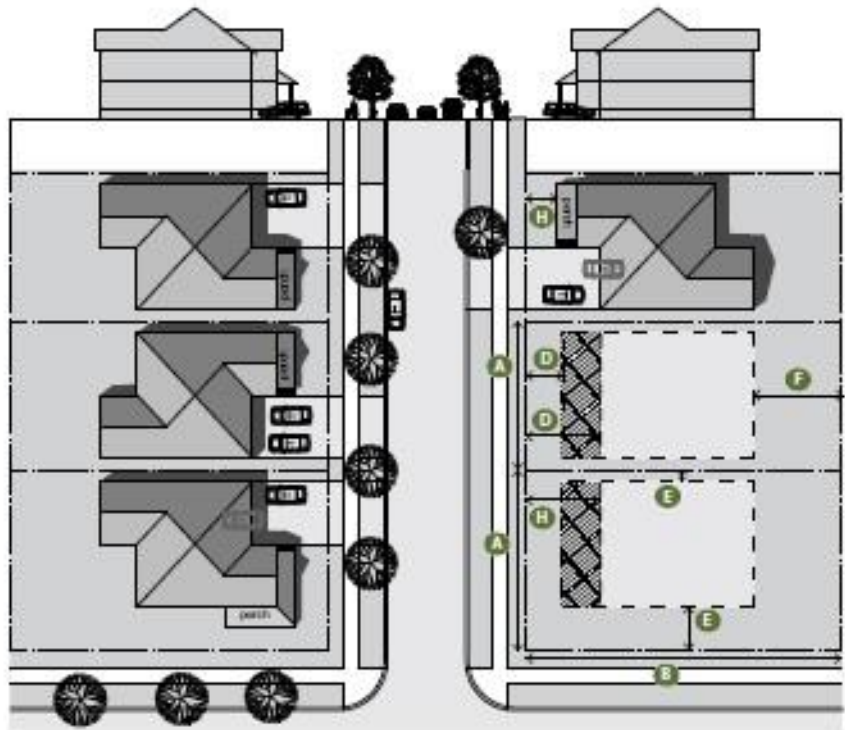


#### Transect





## Demonstration Streetscape



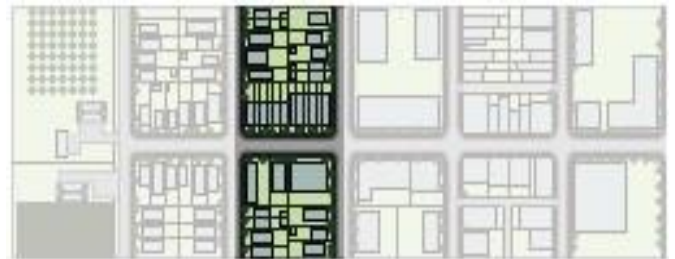
## 6.1.2 Zone Provisions Single Detached with Detached Garage

- a) Lot Frontage  
The minimum lot frontage shall be 12.0m, with a minimum lot frontage of 13.5m for corner lots.
- b) Lot Depth  
The minimum lot depth shall be 32.0m
- c) Building Height  
The maximum building height shall be 10.5m or 3 storeys, whichever is less. The height of a detached garage shall not exceed 7.0m or 2 storeys, whichever is less.
- d) Front Yard  
The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
- e) Side Yards  
The minimum side yard shall be 1.2m. Where there is a driveway within the interior side yard, the minimum side yard shall be 3.0m. The minimum corner side yard shall be 3.0m
- f) Rear Yard  
The minimum rear yard setback shall be 10.5m
- g) Porches and Steps  
Porches and associated steps may encroach to within 1.0m of the front lot line and/or the corner side yard lot line. Porches must have a minimum depth of 2.0m.
- h) Garage  
A detached garage shall be set back a minimum of 1.2m from the interior side lot line and rear lot line. The garage door shall be set back a minimum of 6.0m from the front lot line or corner side yard. The garage door width shall not exceed 50% of the lot width, or, if facing the corner side lot line, 20% of the lot depth.

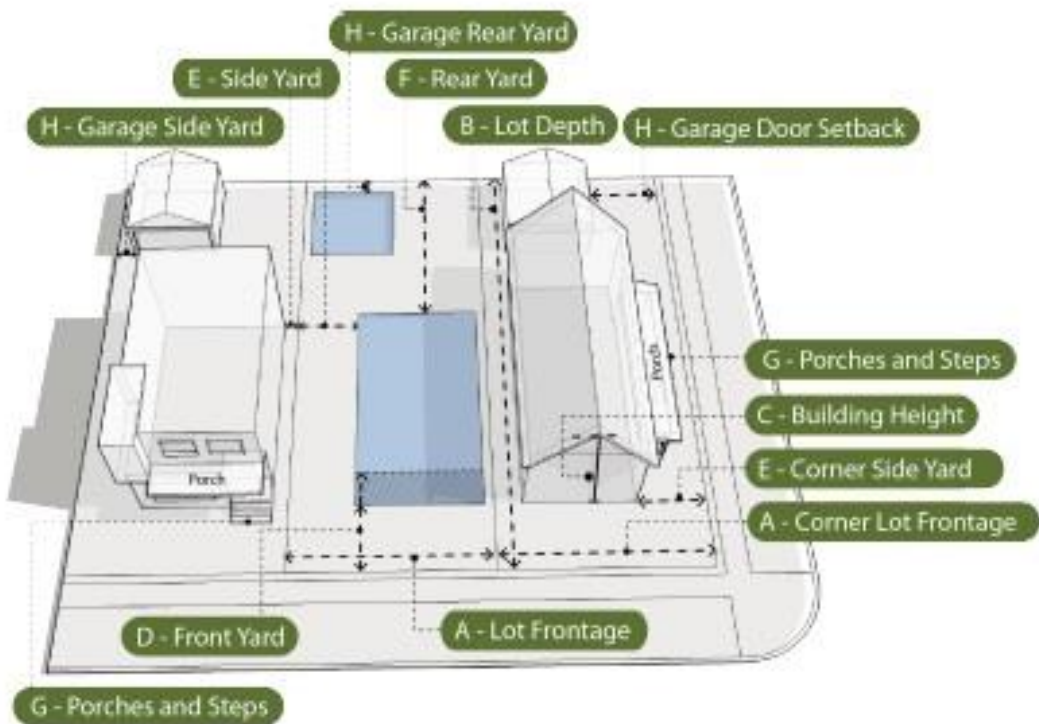
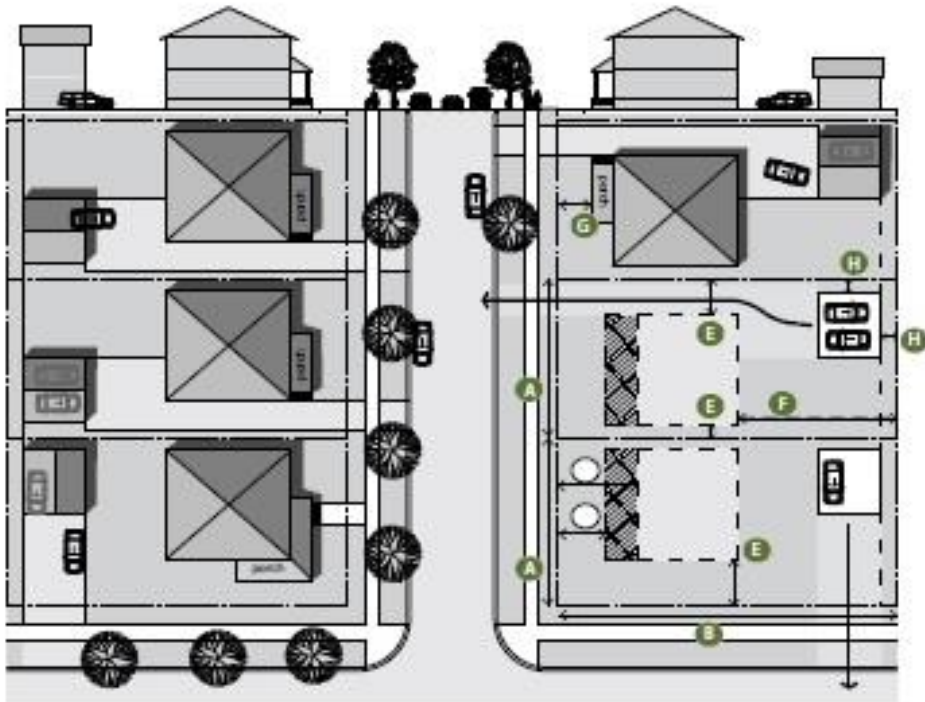
### Single Detached with Detached Garage Typologies



### Transect



Demonstration Streetscape



### 6.1.3 Zone Provisions Semi-Detached with Attached Garage

- a) Lot Frontage  
The minimum lot frontage shall be 9.0m, with a minimum corner lot frontage of 12.0m for the corner unit.
- b) Lot Depth  
The minimum lot depth shall be 32.0m
- c) Building Height  
The maximum building height shall be 10.5m or 3 storeys, whichever is less.
- d) Front Yard  
The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
- e) Side Yards  
The minimum side yard shall be 1.2m.  
The minimum corner side yard shall be 3.0m
- f) Rear Yard  
The minimum rear yard setback shall be 7.5m
- g) Porches and Steps  
Porches and associated steps may encroach to within 1.0m of the front lot line and/or the corner side yard lot line. Porches must have a minimum depth of 2.0m.
- h) Garage  
The garage door shall be set back a minimum of 6.0m from the front lot line. The garage door width shall not exceed 50% of the lot width or 6.0m, whichever is less, or, if facing the corner side lot line, 20% of the lot depth.

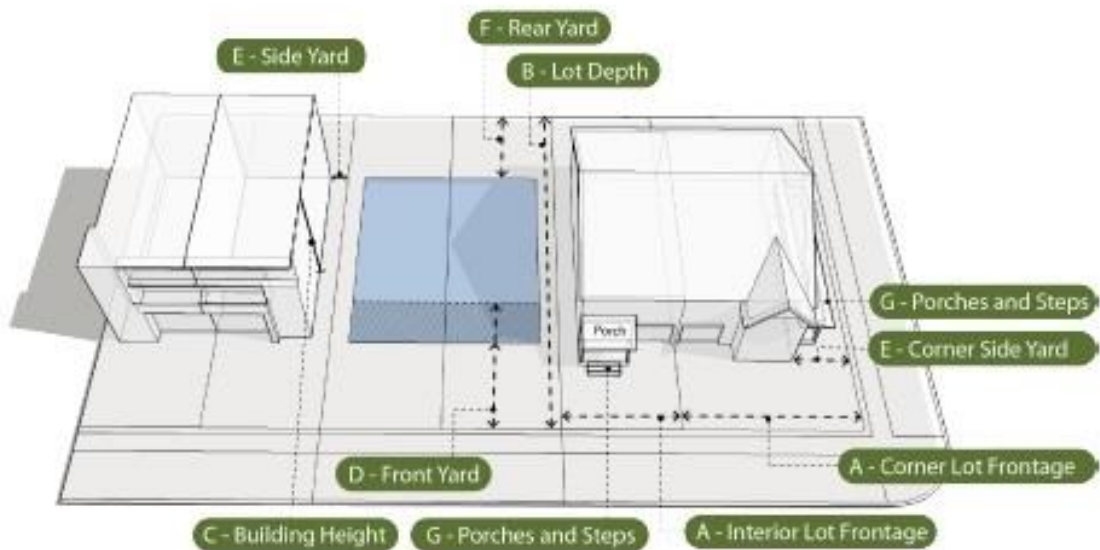
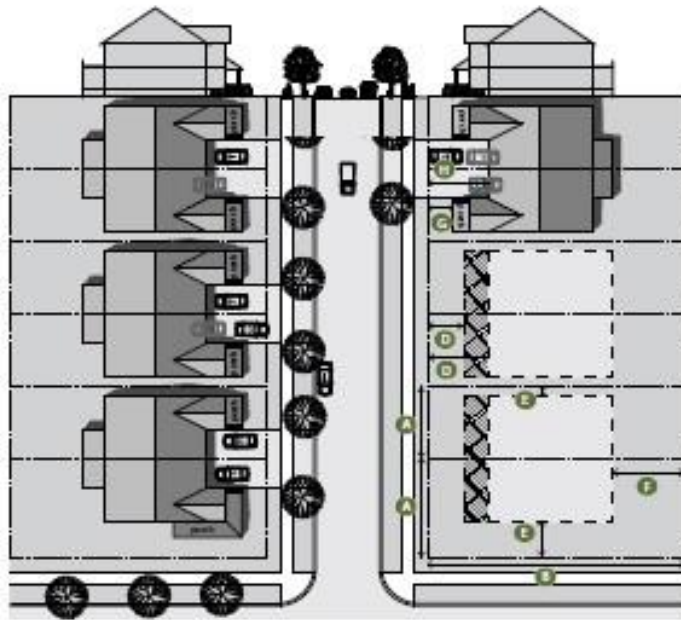
#### Semi-Detached with Attached Garage Typologies



#### Transect



## Demonstration Streetscape





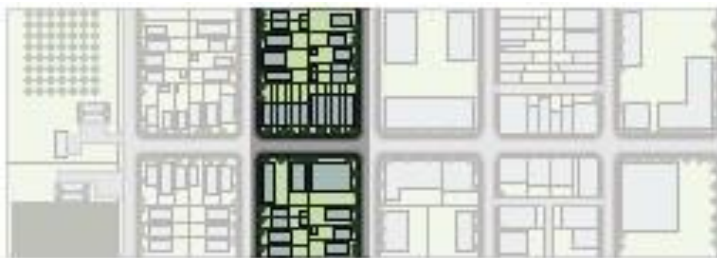
## 6.1.4 Zone Provisions Semi-Detached with Rear Lane

- a) Lot Frontage  
The minimum lot frontage shall be 9.0m per unit, with a minimum corner lot frontage of 12.0m.
- b) Lot Depth  
The minimum lot depth shall be 32.0m
- c) Building Height  
The maximum building height shall be 10.5m or 3 storeys, whichever is less. The height of a detached garage shall not exceed 7.0m or 2 storeys, whichever is less.
- d) Front Yard  
The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
- e) Side Yards  
The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
- f) Rear Yard  
The minimum rear yard setback shall be 10.5m
- g) Porches and Steps  
Porches and associated steps may encroach to within 1.0m of the front lot line and/or the corner side yard lot line. Porches must have a minimum depth of 2.0m.
- h) Garage  
The garage shall be set back 1.2m from one side lot line and 0.5m from the rear lot line.

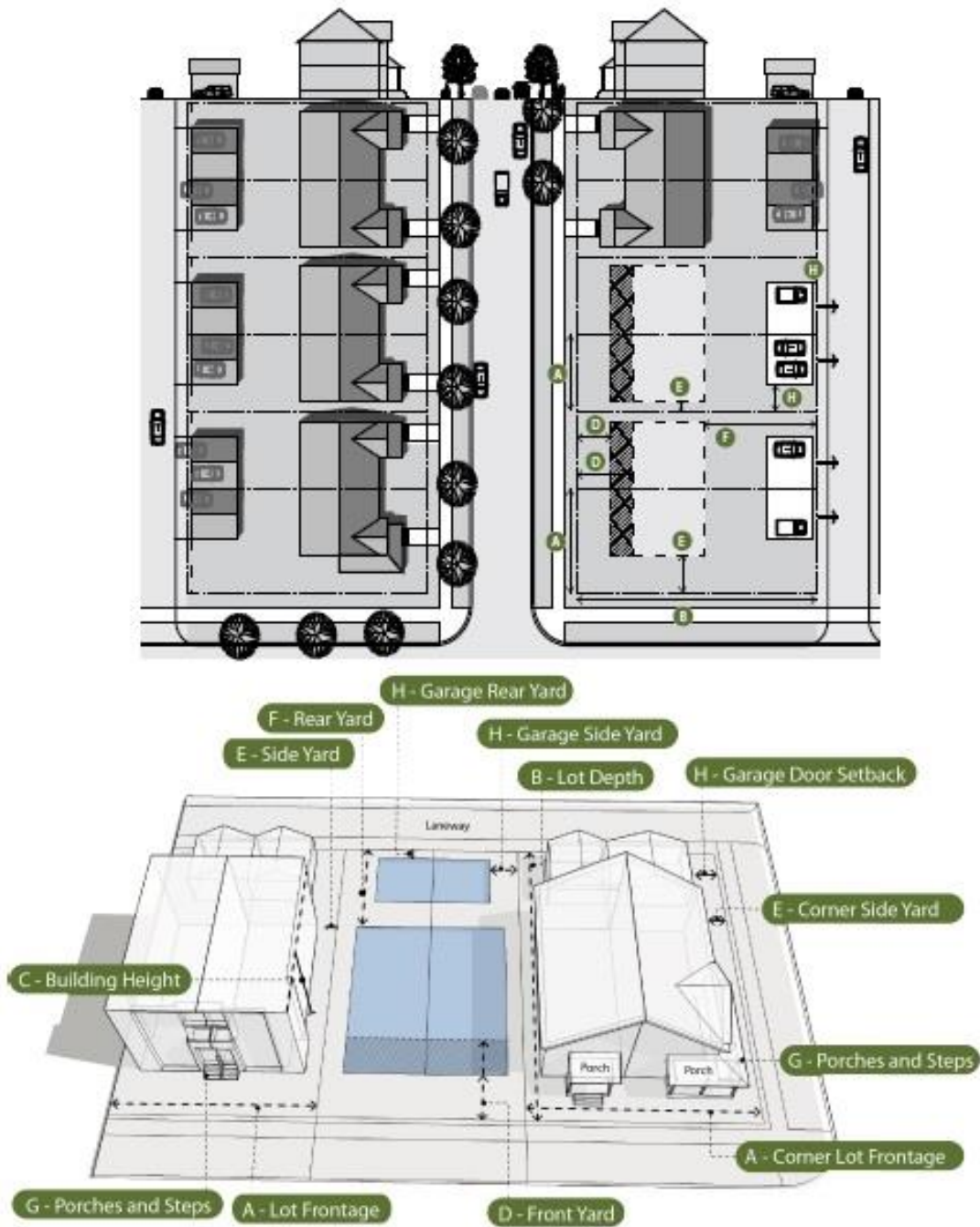
### Semi-Detached with Rear Lane Typologies



### Transect



## Demonstration Streetscape



### 6.1.5 Zone Provisions Duplex and Triplex with Rear Lane

- a) Lot Frontage  
The minimum lot frontage shall be 12.0m, with a minimum corner lot frontage of 15.0m.
- b) Lot Depth  
The minimum lot depth shall be 32.0m
- c) Building Height  
The maximum building height shall be 10.5m or 3 storeys, whichever is less. The height of a detached garage shall not exceed 7.0m or 2 storeys, whichever is less.
- d) Front Yard  
The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
- e) Side Yards  
The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
- f) Rear Yard  
The minimum rear yard setback shall be 10.5m
- g) Porches and Steps  
Porches and associated steps may encroach to within 1.0m of the front lot line and/or the corner side yard lot line. Porches must have a minimum depth of 2.0m.
- h) Garage  
The garage shall be set back 1.2m from one side lot line and 0.5m from the rear lot line.

#### Duplex and Triplex with Rear Lane Typologies

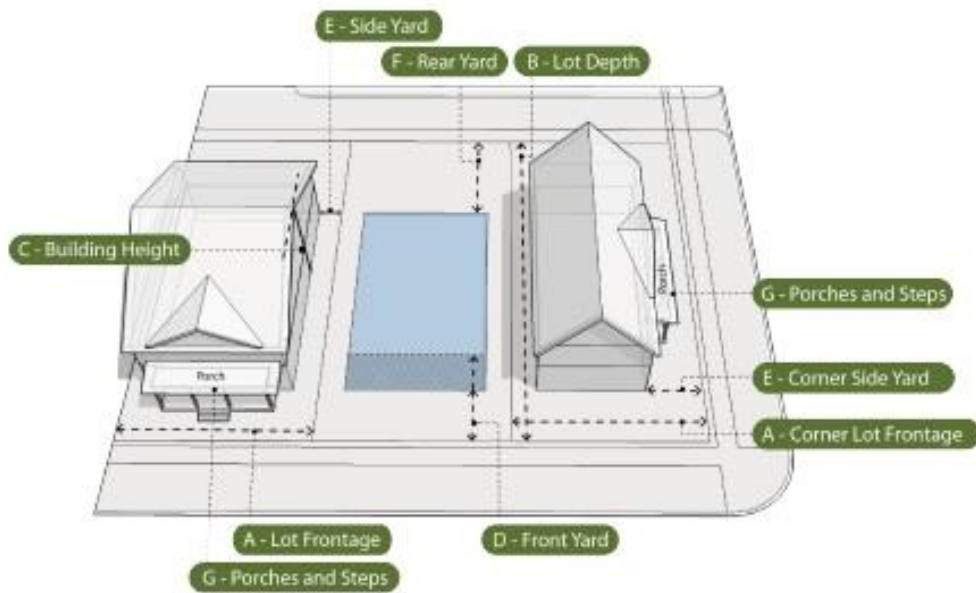
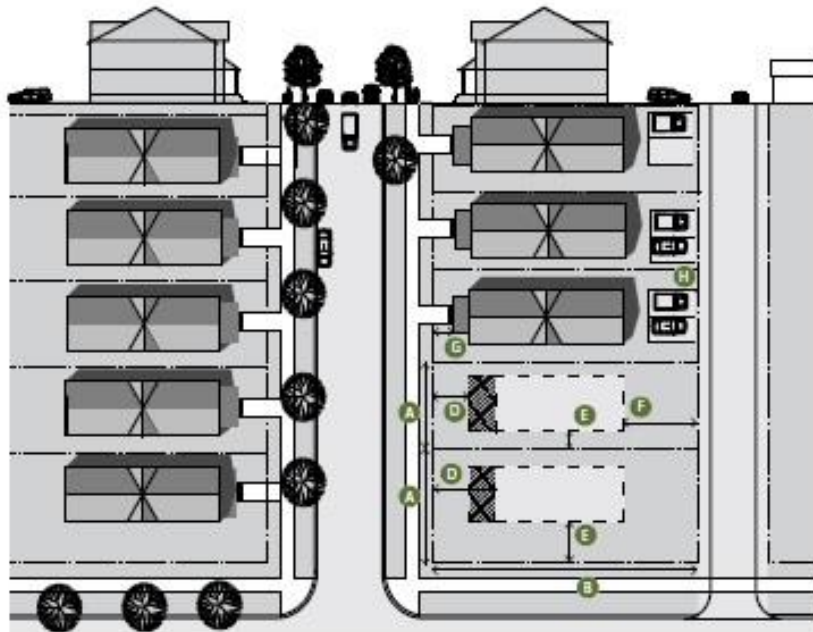


Transect





## Demonstration Streetscape



## 6.1.6 Zone Provisions Duplex and Triplex with Attached Garage

- a) Lot Frontage  
The minimum lot frontage shall be 12.0m, with a minimum corner lot frontage of 15.0m.
- b) Lot Depth  
The minimum lot depth shall be 32.0m
- c) Building Height  
The maximum building height shall be 10.5m or 3 storeys, whichever is less.
- d) Front Yard  
The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
- e) Side Yards  
The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
- f) Rear Yard  
The minimum rear yard setback shall be 7.5m
- g) Porches and Steps  
Porches and associated steps may encroach to within 1.0m of the front lot line and/or the corner side yard lot line. Porches must have a minimum depth of 2.0m.
- h) Garage  
The garage shall be set back a minimum of 6.0m from the front lot line or corner side yard lot line. The garage door width shall not exceed 50% of the width of the lot or 6.0m, whichever is less, or if facing the exterior side lot line, a maximum of 20% of the lot depth.

### Duplex and Triplex with Attached Garage Typologies



### Transect



## 6.2 NEW GREENFIELD DEVELOPMENT RESIDENTIAL TWO ZONE

### 6.2.1 Zone Provisions Street Townhouse with Attached Garage

- a) Lot Frontage  
The minimum lot frontage shall be 6.0m per unit, with a minimum frontage of 7.2m for interior end units and 9.0m for exterior end units.
- b) Lot Depth  
The minimum lot depth shall be 29.0m
- c) Building Height  
The maximum building height shall be 17.0m or 5 storeys, whichever is less.
- d) Front Yard  
The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
- e) Side Yards  
The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
- f) Rear Yard  
The minimum rear yard setback shall be 7.5m
- g) Porches and Steps  
Porches and associated steps may encroach to within 1.0m of the front lot line and/or the corner side yard lot line. Porches must have a minimum depth of 2.0m.
- h) Garage  
The garage shall be set back a minimum of 6.0m from the front lot line. The garage door width shall not exceed 50% of the width of the lot or 6.0m, whichever is less, or if facing the exterior side lot line, a maximum of 20% of the lot depth.

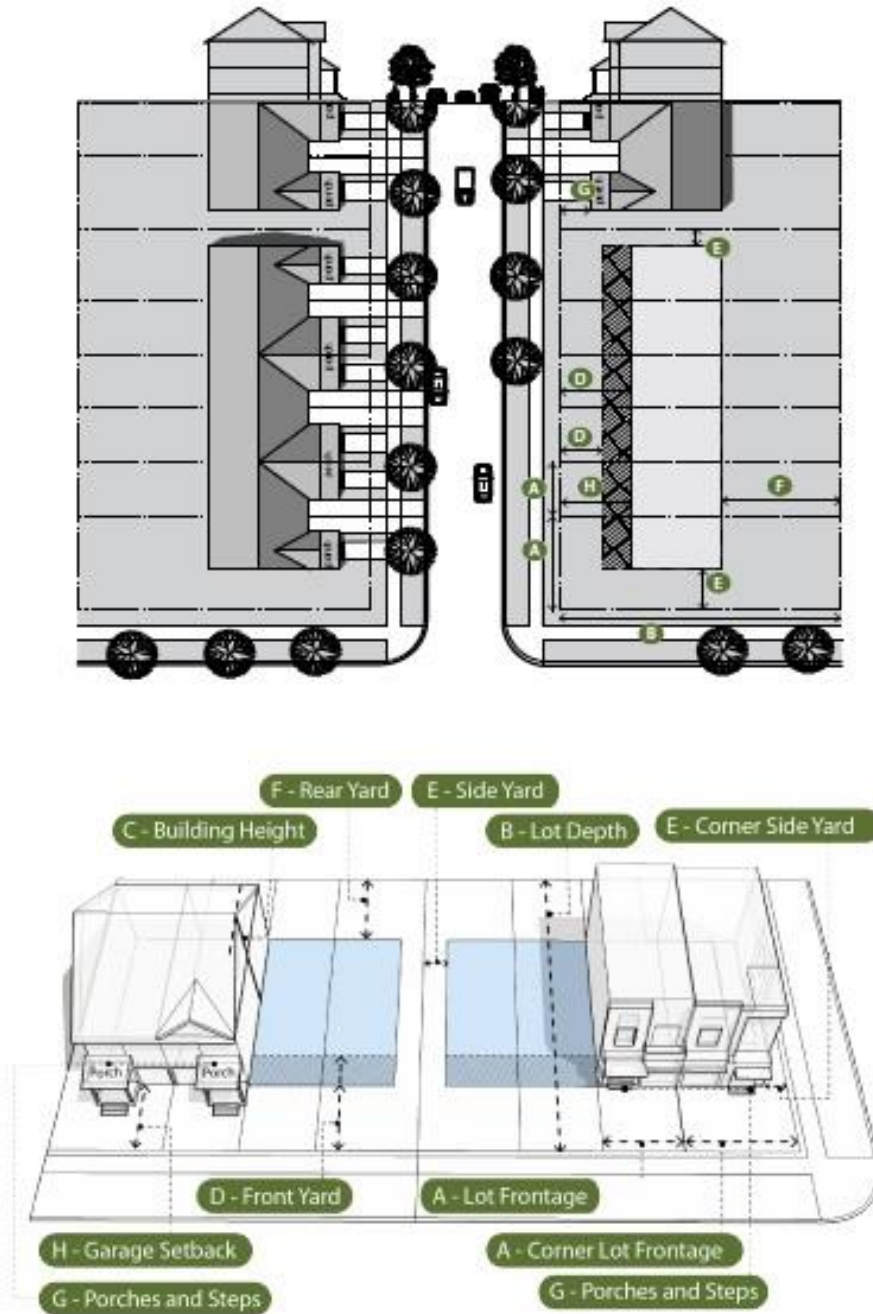
#### Street Townhouse with Attached Garage Typologies



#### Transect



## Demonstration Streetscape



## 6.2.2 Zone Provisions Street Townhouse with Rear Lane

- a) Lot Frontage  
The minimum lot frontage shall be 6.0m per unit, with a minimum frontage of 7.2m for interior end units and 9.0m for exterior end units.
- b) Lot Depth  
The minimum lot depth shall be 32.0m
- c) Building Height  
The maximum building height shall be 17.0m or 5 storeys, whichever is less. The height of a detached garage shall not exceed 7.0m or 2 storeys, whichever is less.
- d) Front Yard  
The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
- e) Side Yards  
The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
- f) Rear Yard  
The minimum rear yard setback shall be 10.5m
- g) Porches and Steps  
Porches and associated steps may encroach to within 1.0m of the front lot line and/or the corner side yard lot line. Porches must have a minimum depth of 2.0m.
- h) Garage  
The garage shall be set back a minimum of 1.2m from one side lot line and 0.5 from the rear lot line.
- i) Arterial and Collector Roads  
Townhouses abutting arterial and collector roads shall be accessed by a rear laneway.

### Street Townhouse with Rear Lane Typologies

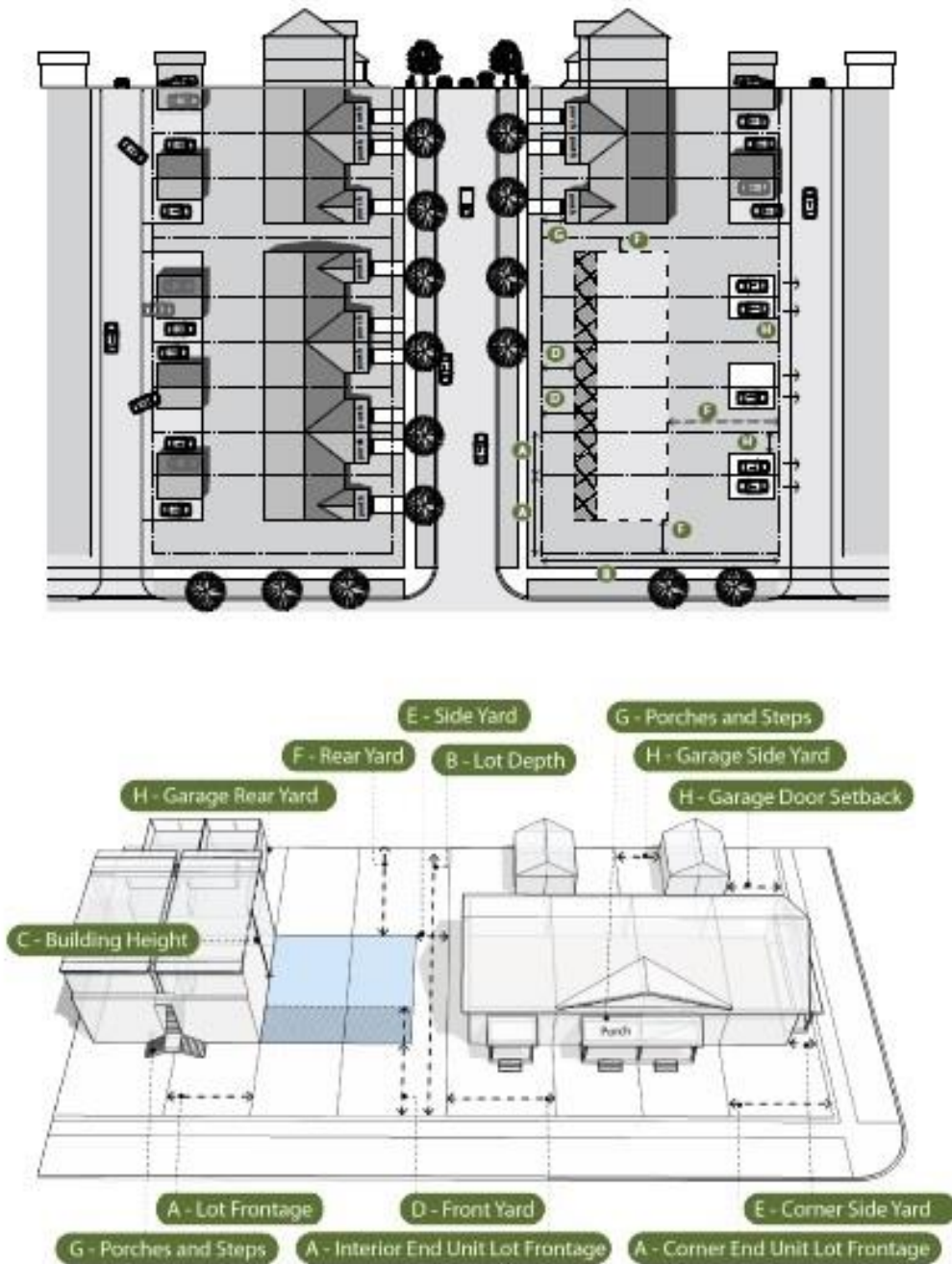


### Transect





## Demonstration Streetscape



## 6.3 NEW GREENFIELD DEVELOPMENT RESIDENTIAL THREE ZONE

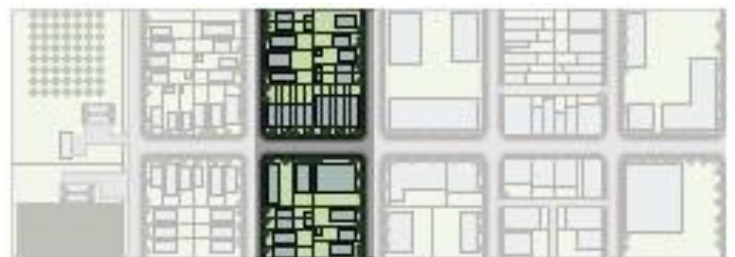
### 6.3.1 Zone Provisions Block Townhouse Dwelling and Stacked Townhouse Dwelling

- a) Lot Frontage  
The minimum lot frontage shall be 30.0m.
- b) Lot Depth  
The minimum lot depth shall be 32.0m
- c) Building Height  
The maximum building height shall be 17.0m or 5 storeys, whichever is less.
- d) Front Yard  
The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
- e) Side Yards  
The minimum side yard shall be 1.2m.  
The minimum corner side yard shall be 3.0m
- f) Rear Yard  
The minimum rear yard setback shall be 7.5m
- g) Porches and Steps  
Porches and associated steps may encroach to within 1.0m of the front lot line and/or the corner side yard lot line. Porches must have a minimum depth of 2.0m.
- h) Parking  
Parking shall not be located in the front yard or corner side yard.

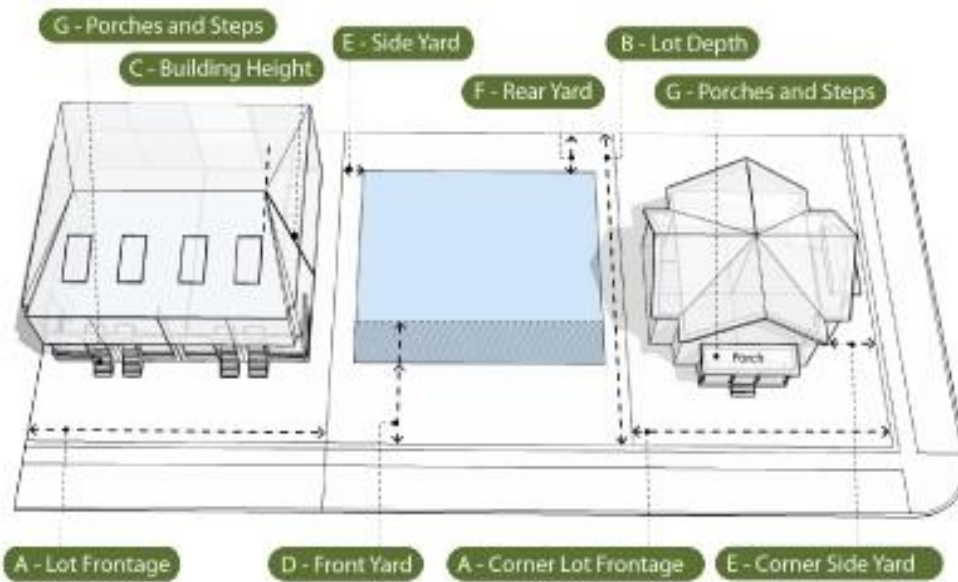
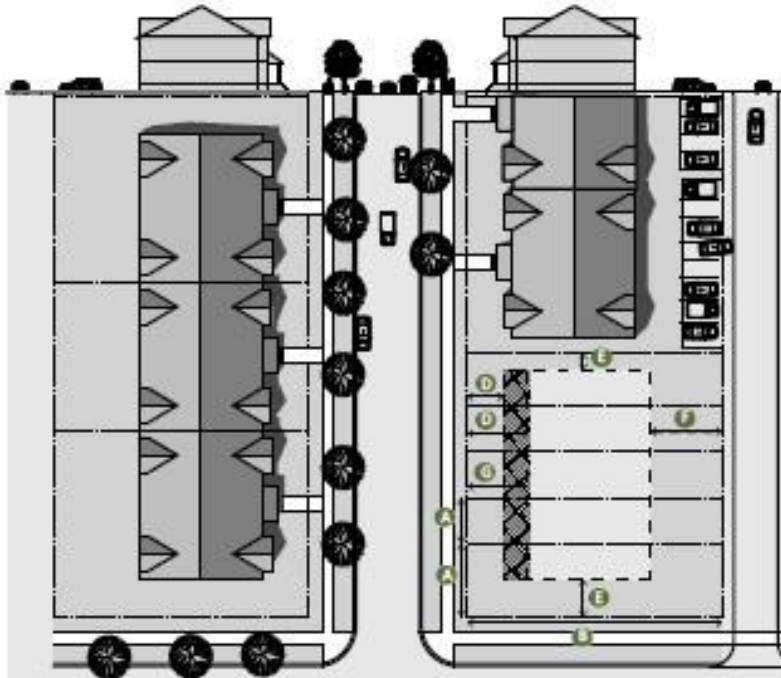
#### Block and Stacked Townhouse Typologies



#### Transect



## Demonstration Streetscape





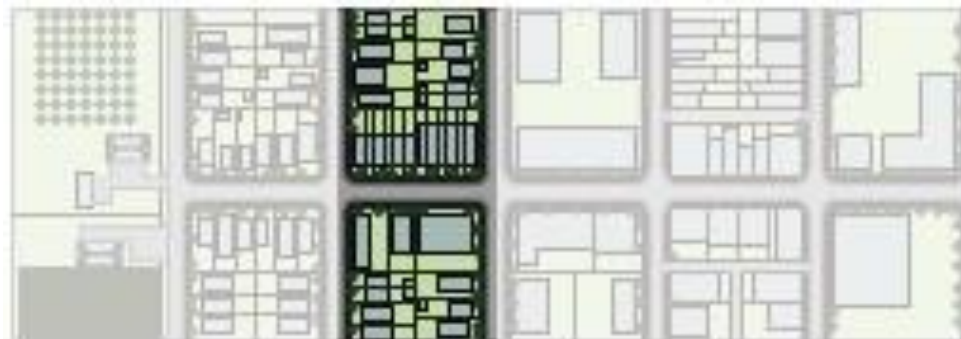
### 6.3.2 Zone Provisions Apartment

- a) Lot Frontage  
The minimum lot frontage shall be 30.0m.
- b) Lot Depth  
The minimum lot depth shall be 32.0m
- c) Building Height  
The maximum building height shall be 35.0m or 10 storeys, whichever is less.
- d) Front Yard  
The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
- e) Side Yards  
The minimum side yard shall be 3.0m.  
The minimum corner side yard shall be 3.0m
- f) Rear Yard  
The minimum rear yard setback shall be 7.5m

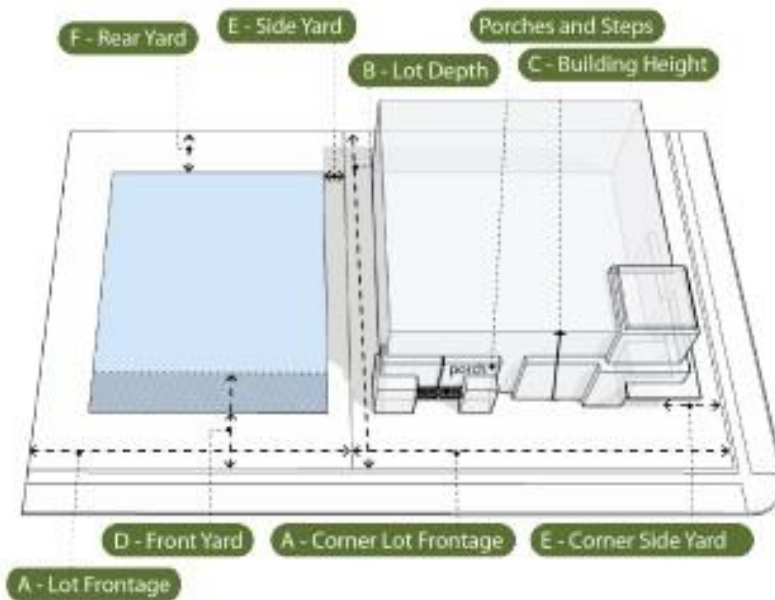
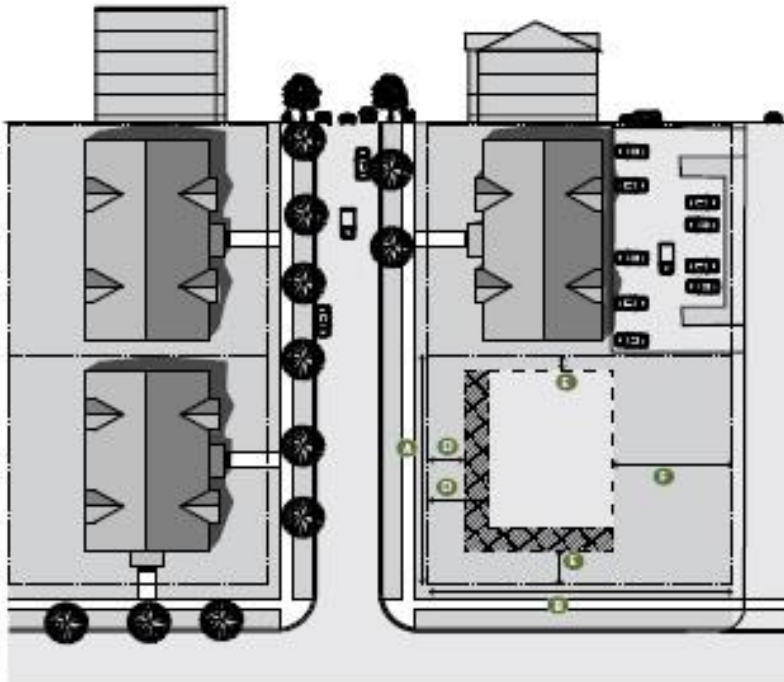
#### Apartment Typologies



#### Transect



## Demonstration Streetscape



## **6.4 NEW GREENFIELD DEVELOPMENT NEIGHBOURHOOD COMMERCIAL ZONE**

### **6.4.1 Permitted Uses**

- a) Retail and service commercial uses;
- b) Uses, buildings and structures accessory to the foregoing uses; and
- c) Dwelling units above ground floor.

### **6.4.2 Zone Provisions**

- a) Building Height  
The building height shall be a maximum of 10.5m.
- b) Front Yard  
The main front wall shall be built within 3.0m and 4.5m from the front lot line.
- c) Side Yards  
There is no minimum required side yard abutting a Commercial Zone.  
A minimum side yard of 4.5m is required when abutting a Residential or Institutional Zone.  
The minimum corner side yard is 3.0m.
- d) Rear Yard  
There is no minimum required rear yard abutting a Commercial Zone where access is available to the rear of the building on said lot by means of a public or private lane.  
A minimum rear yard of 6.0m is required when abutting a Commercial Zone where no access is available to the rear of said building, except by means of a yard.  
A minimum rear yard of 10.5m is required where the building contains residential accommodation of one or more storeys in height.  
A minimum rear yard of 10.5m is required when abutting a Residential or Institutional use or Zone.
- e) Lot Frontage  
The minimum lot frontage shall be 15.5m.
- f) Lot Area  
The minimum lot area shall be 500m<sup>2</sup>.

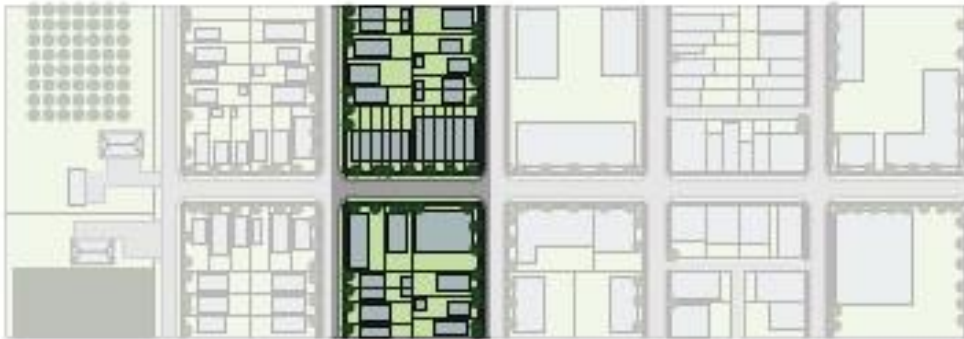
g) Lot Coverage

The maximum lot coverage shall be 50%

h) Dwelling units shall only be permitted above the ground floor of a commercial use.

i) A minimum landscaped amenity area of 55m<sup>2</sup> shall be provided for each dwelling unit.

Transect



## SECTION 7: COMMERCIAL ZONES

The following zoning categories are described in this section:

### **VC Village Commercial Zone**

Permitted Uses:

- Cultural uses;
- Existing single detached dwellings;
- Hotels;
- Institutional uses;
- Micro breweries;
- Office uses;
- Parking facilities;
- Parks and urban squares;
- Places of entertainment;
- Residential apartments located above the first floor;
- Restaurants;
- Retail uses; and
- Townhouses and live-work units

### **DC Downtown Corridor Zone**

Permitted Uses:

- Cultural uses;
- Daycare centre;
- Drive-thru;
- Gymnasiums/fitness centres;
- Hotels;
- Institutional uses;
- Micro breweries;
- Motor fuel retail outlet (gas bar)
- Office uses;
- Retail uses;
- Residential apartments located above the first floor;
- Parking facilities
- Parks and urban squares;
- Places of entertainment;
- Restaurants;
- Service shops; and
- Shopping centre

### **MS Main Street Zone**

Permitted Uses:

- Cultural uses;
- Existing single detached dwellings;
- Hotels;
- Institutional uses;
- Live-work units;
- Micro breweries
- Office uses;
- Parking facilities;
- Parks and urban squares;
- Places of entertainment;
- Residential apartments located above the first floor;
- Restaurants; and
- Retail uses

### **TS Town Square Zone**

Permitted Uses:

- Cultural uses;
- Hotels;
- Institutional uses;
- Micro breweries;
- Office uses;
- Parking facilities;
- Parks and urban squares;
- Places of entertainment;
- Residential apartments located above the first floor;
- Restaurants; and
- Retail Uses

## **NC Neighbourhood Commercial Zone**

### Permitted Uses:

- Dwelling units above the ground floor;
- Retail and service commercial uses; and
- Uses, buildings and structures accessory to the foregoing uses;

VC	MS	TS	DC	NC
----	----	----	----	----

<b>Lot size/building height</b>	lot area	-	-	-	-	min 465m <sup>2</sup>
	lot frontage	-	-	-	-	min 15.5m
	lot coverage GFA	-	-	-	-	max 50%
	min. building height	2 stories	6.0m and 2 stories	10.5m and 3 stories	6.0m and 2 stories	-
	max building height	10.5m or 3 stories, whichever is less	10.5m or 3 stories, whichever is less	17.0m or 5 stories	20.0m or 6 stories	10.5m

<b>Yards</b>	front yard setback	1.0-5.0m	0-3.0m	0-3.0m	0-3.0m	4.0-6.0m
	side yard	0.6-1.2m	-	-	-	0- com/ind 4.0m - res
	min. side yard w/ driveway	3.0m	3.0m	3.0m	6.0m adjacent driveways must consolidate driveways 3.0m each	-
	corner side yard	1.0-5.0m	0-3.0m	0-3.0m	0-3.0m	3.0m
	min. rear yard	6.0m	6.0m	6.0m or 2.0m for lot frontage on Peace Park	6.0m	0-6.0m- com/ind 10.5 m-res
	rear angular plane	-	45° from abutting residential lot line	45° from abutting residential lot line	45° from abutting residential lot line	-
	side angular plane	-	60° from 7.5m vertical height at the abutting residential lot line	60° from 7.5m vertical height at the abutting residential lot line	60° from 7.5m vertical height at the abutting residential lot line	-
	stepback	-	-	1.5m above 3 <sup>rd</sup> storey for 4 storey building	1.5m above 3 <sup>rd</sup> storey for 4 storey building	-

<b>Retail Use</b>	max. retail frontage	14.0m or 4 storeys	14.0m or 4 storeys	20.0m or 6 storeys	26.0m or 8 storeys	-
	max. retail store GFA	500m <sup>2</sup>	500m <sup>2</sup> on Pelham st 2500 m2 on Hwy 20	-	-	-
	min. first floor glazing	50%	75% and 10.0m from lot line along exterior side yard lot line	75% and 50% of any wall abutting any public space	75% and 10.0m from lot line along exterior side lot line	-
	min. first floor height	3.0m	4.5m	4.5m	4.5m	-

<b>Landmark Sites</b>	max. building height	14.0m or 4 storeys	14.0m or 4 storeys	20.0m or 6 storeys	26.0m or 8 storeys	-
	min. building height	10.5m or 3 storeys, whichever is greater	10.5m or 3 storeys, whichever is greater	10.5m or 3 storeys, whichever is greater	10.5m or 3 storeys, whichever is greater	-
	stepback	1.5m above 3 <sup>rd</sup> storey	1.5m above 3 <sup>rd</sup> storey	-	-	-





## **7.1: VILLAGE COMMERCIAL ZONE**

### **7.1.1 Permitted Uses**

- a) Cultural uses;
- b) Existing single detached dwellings;
- c) Hotels;
- d) Institutional uses;
- e) Micro breweries;
- f) Office uses;
- g) Parking facilities;
- h) Parks and urban squares;
- i) Places of entertainment;
- j) Residential apartments located above the first floor;
- k) Restaurants;
- l) Retail uses; and
- m) Townhouses and live-work units

### **7.1.2 Zone Provisions**

- a) Building Height  
The building height shall be a minimum of 6.0m and 2 storeys.  
The building height shall be a maximum of 10.5m or 3 storeys, whichever is less.
- b) Front Yard  
The main front wall of the structure shall be built between 1.0-5.0m from the front lot line.
- c) Side Yards  
The minimum side yard shall be 0.6m and a maximum of 1.2m.  
The minimum side yard with a driveway is 3.0m unless shared.  
The main corner side wall shall be built within 1.-5.0m of the exterior side lot line.
- d) Rear Yard  
The minimum rear yard setback shall be 6.0m.
- e) Retail Frontage  
The maximum retail frontage of individual businesses shall not exceed 14.0m.

f) Retail Store GFA

The maximum retail GFA of individual businesses shall not exceed 500m<sup>2</sup>

g) First Floor Glazing

The first floor glazing shall be a minimum of 50% of the front wall.

h) First Floor Height

The first floor height shall be a minimum of 3.0m.

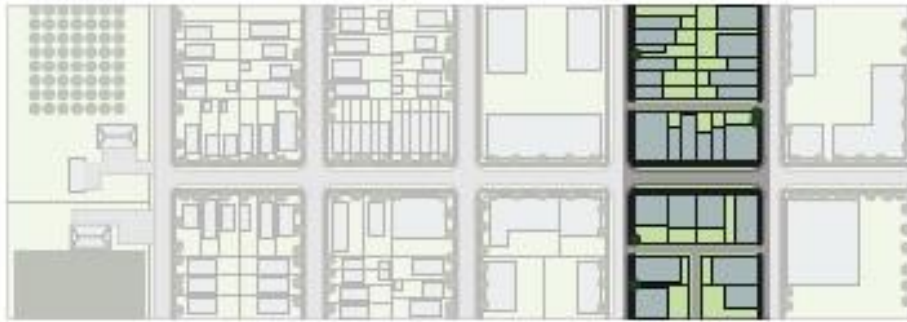
i) Landmark Sites

The minimum height for Landmark Sites shall be 10.5m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 14.0m or 4 storeys. There shall be a minimum step back of 1.5m on the 3<sup>rd</sup> and 4<sup>th</sup> storey.

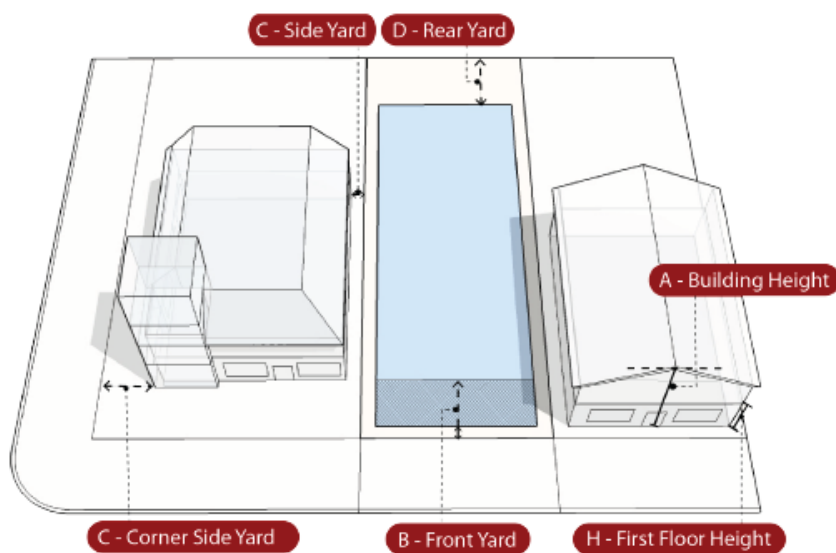
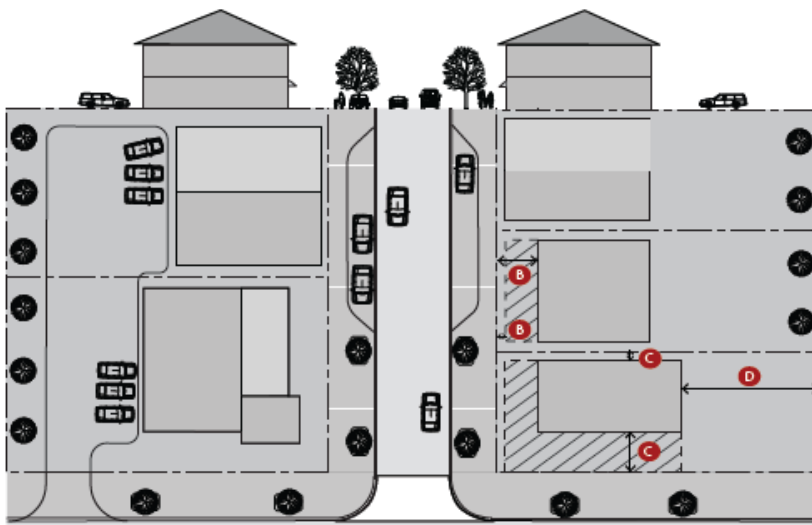
Village Commercial Typologies



## Transect



## Demonstration Streetscape





## **7.2 MAIN STREET ZONE**

### **7.2.1 Permitted Uses**

- a) Cultural uses;
- b) Existing single detached dwellings;
- c) Hotels;
- d) Institutional uses;
- e) Live-work units;
- f) Micro breweries
- g) Office uses;
- h) Parking facilities;
- i) Parks and urban squares;
- j) Places of entertainment;
- k) Residential apartments located above the first floor;
- l) Restaurants; and
- m) Retail uses

### **7.2.2 Zone Provisions**

- a) Building Height  
The building height shall be a minimum of 6.0m and 2 storeys.  
The building height shall be a maximum of 10.5m or 3 storeys, whichever is less.
- b) Front Yard  
The main front wall shall occupy a minimum of 75% of the lot frontage and be built within 0-3.0m of the front lot line.
- c) Side Yards  
There is no minimum interior side yard requirement. The minimum side yard with a driveway is 3.0m. The main exterior side wall shall be built within 0-3.0m of the corner side lot line.
- d) Rear Yard  
The minimum rear yard setback shall be 6.0m.
- e) Angular Plane

A 45° angular plane shall be established from the rear yard lot line where abutting a residential use. A 60° angular plane shall be established from 7.5m above the side yard lot line where abutting a residential use.

f) Retail Frontage

The maximum retail frontage of individual businesses shall not exceed 12.0m.

g) Retail Store GFA

The maximum retail GFA of individual businesses shall not exceed 500m<sup>2</sup> on Pelham St. and 2500m<sup>2</sup> on Regional Road 20.

h) First Floor Glazing

The first floor glazing shall be a minimum of 75% of the front wall and the exterior side wall for a distance of 10.0m from the front wall.

i) First Floor Height

The first floor height shall be a minimum of 4.5m.

j) Landmark Sites

The minimum height for Landmark Sites shall be 10.5m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 14.0m or 4 storeys. There shall be a minimum step back of 1.5m on the 3<sup>rd</sup> storey.

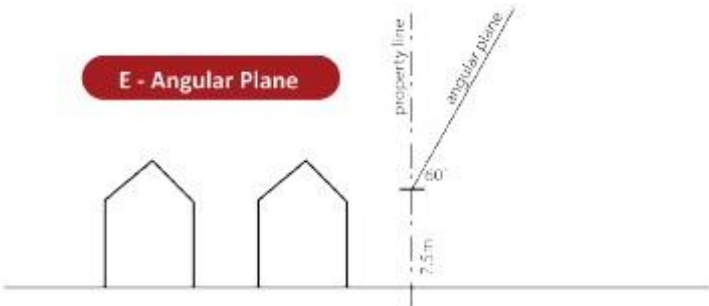
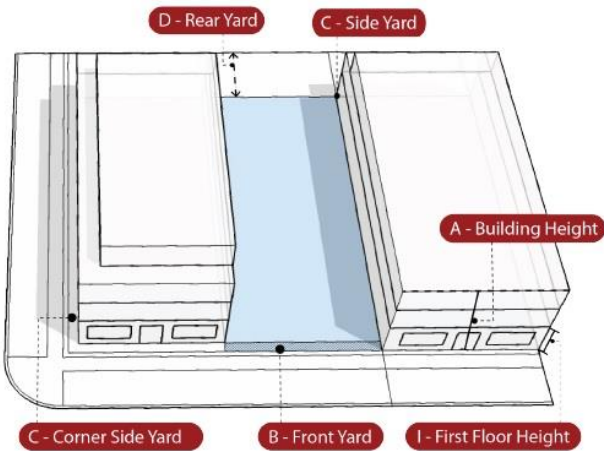
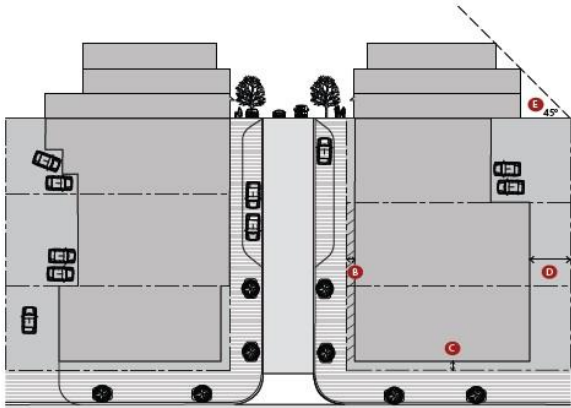
Main Street Typologies



Transect



Demonstration Streetscape





## **7.3 TOWN SQUARE ZONE**

### **7.3.1 Permitted Uses**

- a) Cultural uses;
- b) Hotels;
- c) Institutional uses;
- d) Micro breweries;
- e) Office uses;
- f) Parking facilities;
- g) Parks and urban squares;
- h) Places of entertainment;
- i) Residential apartments located above the first floor;
- j) Restaurants; and
- k) Retail Uses

### **7.3.2 Zone Provisions**

- a) Building Height  
The building height shall be a minimum of 10.5m and 3 storeys.  
The building height shall be a maximum of 17.0m and 5 storeys.
- b) Front Yard  
The main front wall shall occupy a minimum of 75% of the lot frontage and be built within 0-3.0m of the front lot line.
- c) Side Yards  
There is no minimum interior side yard requirement. The minimum side yard with a driveway is 3.0m. The main exterior side wall shall be built within 0-3.0m of the exterior side lot line.
- d) Rear Yard  
The minimum rear yard setback shall be 6.0m. For lots surrounding Peace Park, a minimum of 2.0m is permitted
- e) Step Backs  
There shall be a minimum step back of 1.5m above the 3<sup>rd</sup> storey for buildings of 4 or more storeys.



f) Angular Plane

A 45° angular plane shall be established from the rear yard lot line where abutting a residential use. A 60° angular plane shall be established from 7.5m above the side yard lot line where abutting a residential use.

g) Retail Frontage

The maximum retail frontage of individual businesses shall not exceed 12.0m.

h) First Floor Glazing

The first floor glazing shall be a minimum of 75% of any walls facing streets or public spaces for retail uses, and 50% of any walls facing streets or public spaces for all other uses.

i) First Floor Height

The first floor height shall be a minimum of 4.5m.

j) Landmark Sites

The minimum height for Landmark Sites shall be 10.5m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 20.0m or 6 storeys.

Town Square Typologies

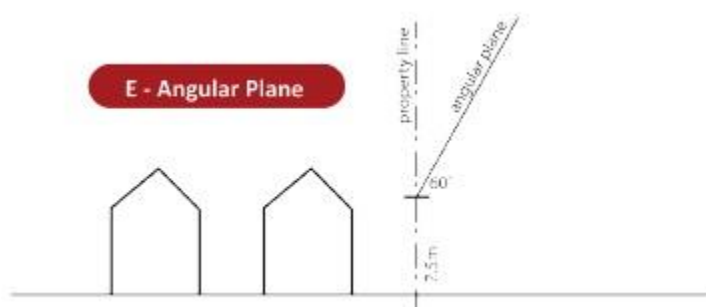
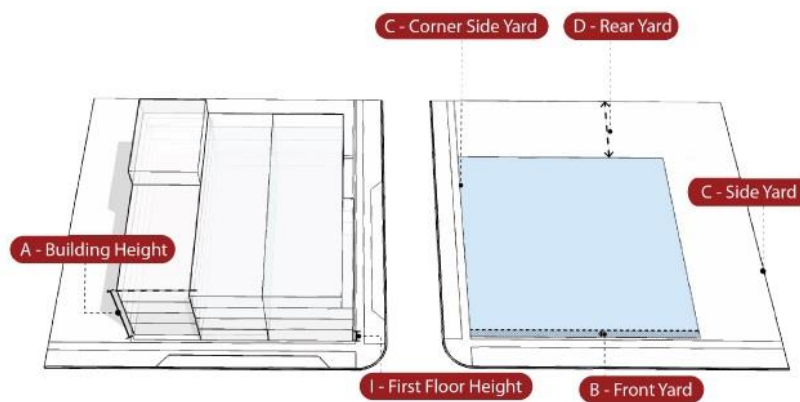
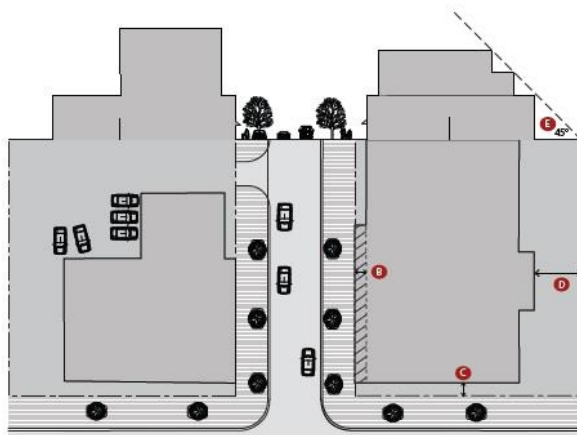




## Transect



## Demonstration Streetscape





## **7.4 DOWNTOWN CORRIDOR ZONE**

### **7.4.1 Permitted Uses**

- a) Cultural uses;
- b) Daycare centre;
- c) Drive-thru;
- d) Gymnasiums/fitness centres;
- e) Hotels;
- f) Institutional uses;
- g) Micro breweries;
- h) Motor fuel retail outlet (gas bar)
- i) Office uses;
- j) Retail uses;
- k) Residential apartments located above the first floor;
- l) Parking facilities
- m) Parks and urban squares;
- n) Places of entertainment;
- o) Restaurants;
- p) Service shops; and
- q) Shopping centre

### **7.4.2 Zone Provisions**

- a) Building Height  
The building height shall be a minimum of 6.0m and 2 storeys.  
The building height shall be a maximum of 20.0m and 6 storeys, whichever is less.
- b) Front Yard  
The main front wall shall occupy a minimum of 60% of the lot frontage and be built within 0-3.0m of the front lot line.
- c) Side Yards  
There is no minimum interior side yard requirement. The minimum side yard with a driveway is 6.0m from the side yard lot line or if shared 3.0m. The main exterior side wall shall occupy a minimum of 60% of the exterior lot frontage and be built within 0-3.0m of the exterior side lot line.

d) Rear Yard

The minimum rear yard setback shall be 6.0m from the lot line.

e) Step Backs

There shall be a minimum step back of 1.5m above the 3<sup>rd</sup> storey through 6<sup>th</sup> storey.

f) Angular Plane

A 45° angular plane shall be established from the rear yard lot line where abutting a residential use. A 60° angular plane shall be established from 7.5 m above the side yard lot line where abutting a residential use.

g) Retail Frontage

The maximum retail frontage of individual businesses shall not exceed 12.0m.

h) First Floor Glazing

The first floor glazing shall be a minimum of 75% of the front wall and exterior side wall for a distance of 10.0m from the front wall.

i) First Floor Height

The first floor height shall be a minimum of 4.5m.

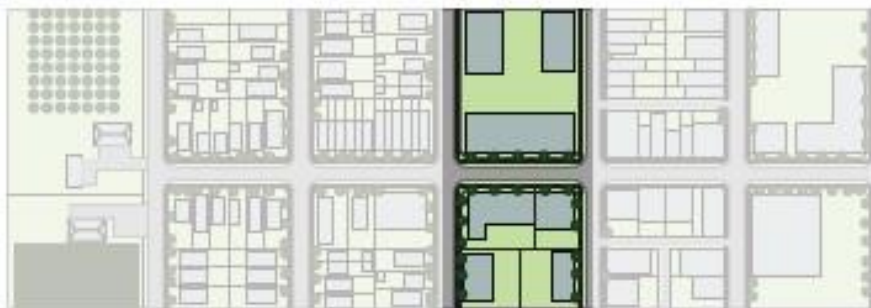
j) Landmark Sites

The minimum height for Landmark Sites shall be 10.5m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 26.0m or 8 storeys.

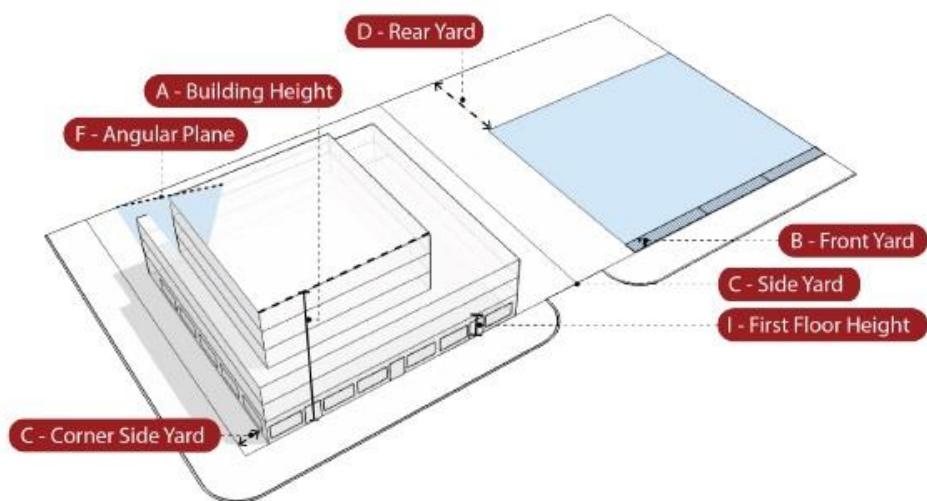
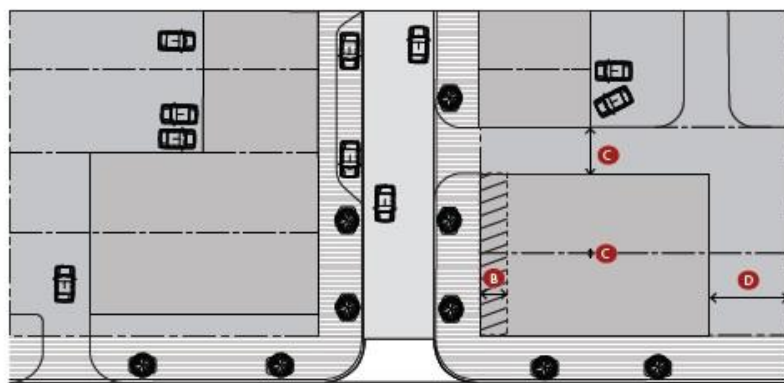
Downtown Corridor Typologies



## Transect



## Demonstration Streetscape





## **7.5 NEIGHBOURHOOD COMMERCIAL ZONE**

### **7.5.1 Permitted Uses**

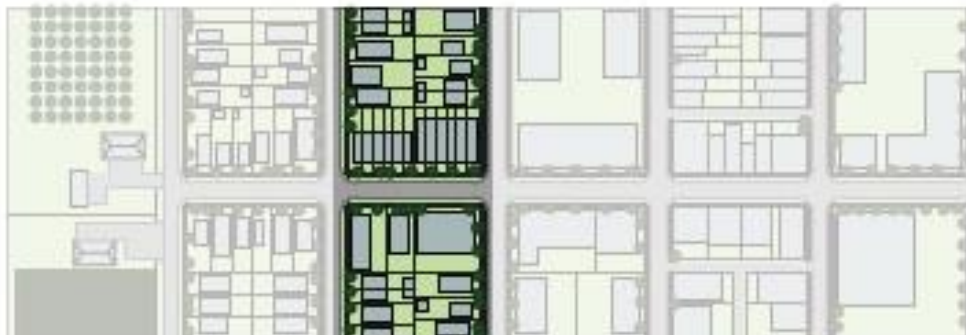
- a) Dwelling units above ground floor;
- b) Retail and service commercial uses; and
- c) Uses, buildings and structures accessory to the foregoing uses

### **7.5.2 Zone Provisions**

- j) Building Height  
The building height shall be a maximum of 10.5m.
- k) Front Yard  
The main front wall shall be built within 4.0-6.0m of the front lot line.
- l) Side Yards  
There is no minimum required side yard abutting a Commercial Zone.  
A minimum side yard of 4.0m is required when abutting a Residential or Institutional Zone.  
The minimum corner side yard is 3.0m.
- m) Rear Yard  
There is no minimum required rear yard abutting a Commercial Zone where access is available to the rear of the building on said lot by means of a public or private lane.  
A minimum rear yard of 6.0m is required when abutting a Commercial Zone where no access is available to the rear of said building, except by means of a yard.  
A minimum rear yard of 10.5m is required where the building contains residential accommodation of one or more storeys in height.  
A minimum rear yard of 10.5m is required when abutting a Residential or Institutional use or Zone.
- n) Lot Frontage  
The minimum lot frontage shall be 15.5m.
- o) Lot Area  
The minimum lot area shall be 465m<sup>2</sup>.
- p) Lot Coverage  
The maximum lot coverage shall be 50%
- q) Dwelling units shall only be permitted above the ground floor of a commercial use.

- r) A minimum landscaped amenity area of 55m<sup>2</sup> shall be provided for each dwelling unit.

Transect



## SECTION 8: OTHER ZONES

The following zoning categories are described in this section:

### **OS Open Space Zone**

Permitted Uses:

- Conservation and forestry uses;
- Existing cemeteries;
- Municipal, government or public use;
- Park, private;
- Park, public; and
- Uses, buildings and structures accessory to the foregoing uses

### **I Institutional Zone**

Permitted Uses:

- Assembly hall auditorium;
- Daycare centre;
- Long term care facilities
- Municipal, government or public use;
- Place of worship;
- Public or private clubs;
- Retirement homes;
- Schools; and
- Uses, buildings and structures accessory to the foregoing uses

### **AP Airport Zone**

Permitted Uses:

- Airport; and
- Uses, buildings and structures accessory to the foregoing use.

### **EP1 Environmental Protection One Zone**

Permitted Uses:

- Conservation uses and flood control;
- Existing uses;
- Linear infrastructure;
- Passive recreational trails and facilities; and
- Wildlife management uses

### **EP2 Environmental Protection Two Zone**

Permitted Uses:

- Agricultural uses;
- Bed and breakfast;
- Conservation uses and flood control;
- Existing uses;
- Home industries;
- Home occupations;
- Linear infrastructure;
- On-farm diversified agricultural uses;
- Passive recreational trails and facilities;
- Secondary dwelling unit\*;
- Single detached dwelling;
- Wildlife management uses; and
- Uses, buildings and structures accessory to the foregoing uses

### **EP3 Environmental Protection Three Zone**

Permitted Uses:

- Agricultural uses;
- Conservation uses and flood control;
- Existing uses;
- Linear infrastructure;
- Passive recreational trails and facilities;
- Secondary dwelling unit\*;
- Single detached dwelling;
- Wildlife management uses; and
- Uses, buildings and structures accessory to the foregoing uses

OS	I	AP
----	---	----

Lot Site/Building Height	min lot area	-	0.15ha or as existing	-
	Min lot frontage	15.0m	30.0m or as existing	-
	max lot coverage	10%	80%	50%
	max building height	10.5m	10.5m	-

Yards	min front yard	8.0m	0.0m	15.0m
	Min interior side yard	4.5m	3.0m	7.5m
	min corner side yard	5.0m	3.0m	15.0m
	Min rear yard	7.5m	7.5m	7.5m
	Min setback from Residential Zone	-	-	15.0m





**8.1 OPEN SPACE**

**8.1.1 Permitted Uses**

- a) Conservation and forestry uses;
- b) Existing cemeteries;
- c) Municipal, government or public use;
- d) Park, private;
- e) Park, public; and
- f) Uses, buildings and structures accessory to the foregoing uses

**8.1.2 Zone Requirements for Open Space Uses**

Minimum Lot Frontage	15.0m
Minimum Front Yard	8.0m
Minimum Interior Side Yard	4.5m
Minimum Corner Side Yard	5.0m
Minimum Rear Yard	7.5m
Maximum Lot Coverage	10%
Maximum Building Height	10.5m



**8.2 INSTITUTIONAL ZONE**

**8.2.1 Permitted Uses**

- a) Assembly hall auditorium;
- b) Daycare centre;
- c) Long term care facilities
- d) Municipal, government or public use;
- e) Place of worship;
- f) Public or private clubs;
- g) Retirement homes;
- h) Schools; and
- i) Uses, buildings and structures accessory to the foregoing uses

**8.2.2 Zone Requirements for Institutional Uses**

Minimum Lot Frontage	30.0m or as existing
Minimum Lot Area	0.15ha or as existing
Minimum Front Yard	0.0m
Minimum Interior Side Yard	3.0m
Minimum Corner Side Yard	3.0m
Minimum Rear Yard	7.5m
Maximum Lot Coverage	80%
Maximum Building Height	10.5m



**8.3        AIRPORT ZONE**

**8.3.1       Permitted Uses**

- a) Airport; and
- b) Uses, buildings and structures accessory to the foregoing use.

Minimum Front Yard	15.0m
Minimum Interior Side Yard	7.5m
Minimum Corner Side Yard	15.0m
Minimum Rear Yard	7.5m
Minimum Lot Coverage	50%
Minimum Setback from Residential Zone	15.0m

		EP1	EP2	EP3
Use	Existing Uses	X	X	X
	Wildlife Management Uses	X	X	X
	Conservation and Flood Control	X	X	X
	Agricultural Uses		X	X
	On-Farm Diversified Agricultural uses		X	
	Bed and Breakfast		X	
	Home Occupations		X	
	Home Industries		X	
	Single Detached Dwelling		X	X
	Secondary Dwelling Unit		X	X
	Linear Infrastructure		X	X
	Passive Recreational Trails and Facilities	X	X	X



## **8.4 ENVIRONMENTAL PROTECTION ONE ZONE**

### **8.4.1 Permitted Uses**

- a) Conservation uses and flood control;
- b) Existing uses;
- c) Linear infrastructure;
- d) Passive recreational trails and facilities; and
- e) Wildlife management uses

### **8.4.2 Zone Requirements for Environmental Protection One Uses**

- a) An existing use shall be a use which was legally established prior to the effective date of this By-law.
- b) Existing uses not otherwise permitted in the EP1 Zone are subject to Section 3.21: Non-Conforming Uses.
- c) All new buildings or structures located in proximity to the EP1 Zone are subject to Section 3.32.1: Setback from Environmental Protection One (EP1) Zone.



## **8.5 ENVIRONMENTAL PROTECTION TWO ZONE**

### **8.5.1 Permitted Uses**

- a) Agricultural uses;
- b) Bed and breakfast;
- c) Conservation uses and flood control;
- d) Existing uses;
- e) Home industries;
- f) Home occupations;
- g) Linear infrastructure;
- h) On-farm diversified agricultural uses;
- i) Passive recreational trails and facilities;
- j) Secondary dwelling unit\*;
- k) Single detached dwelling;
- l) Wildlife management uses; and
- m) Uses, buildings and structures accessory to the foregoing uses

### **8.5.2 Zone Requirements for Environmental Protection Two Uses**

- a) An existing use shall be a use which was legally established prior to the effective date of this By-law.
- b) Existing uses not otherwise permitted in the EP2 Zone are subject to Section 3.21: Non-Conforming Uses.
- c) All new buildings or structures located in proximity to the EP2 Zone are subject to Section 3.32.2: Setback from Environmental Protection Two (EP2) Zone.
- d) Uses a, b, e, f, h, j and k are subject to site plan control as Section 3.3.4 of the Official Plan.

### **8.5.3 Zone Requirements for Agricultural Uses**

Please refer to Section 4.1

#### **8.5.4 Zone Requirements for On-Farm Diversified Uses**

Please refer to Section 3.2.2

#### **8.5.5 Zone Requirements for Home Occupations**

Please refer to Section 3.12.1

#### **8.5.6 Zone Requirements for Home Industries**

Please refer to Section 3.12.2

#### **8.5.7 Zone Requirements for Bed and Breakfast Establishments**

Please refer to Section 3.3

#### **8.5.7 Zone Requirements for Secondary Dwelling Units**

Please refer to Section 3.30



## **8.6 ENVIRONMENTAL PROTECTION THREE ZONE**

### **8.6.1 Permitted Uses**

- a) Agricultural uses;
- b) Conservation uses and flood control;
- c) Existing uses;
- d) Linear infrastructure;
- e) Passive recreational trails and facilities;
- f) Secondary dwelling unit\*;
- g) Single detached dwelling;
- h) Wildlife management uses; and
- i) Uses, buildings and structures accessory to the foregoing uses

### **8.6.2 Zone Requirements for Environmental Protection Three Zone**

- a) An existing use shall be a use which was legally established prior to December 6, 2004.
- b) Existing uses not otherwise permitted in the EP3 Zone are subject to Section 3.21: Non Conforming Uses.
- c) All new buildings or structures located in proximity to the EP3 Zone are subject to Section 3.32.3: Setback from Environmental Protection Three (EP3) Zone.
- d) A new single detached dwelling shall be permitted on an existing vacant lot provided the vacant lot existed prior to December 6, 2004.

### **8.6.3 Zone Requirements for Agricultural Uses**

Please refer to Section 4.1

### **8.6.4 Zone Requirements for Single Detached Dwellings**

Please refer to Section 4.1.3

### **8.6.5 Zone Requirements for Secondary Dwelling Units**

Please refer to Section 3.30



SECTION 9: EXCEPTIONS

SA-1: 2695 Victoria Avenue (Regional Road 24)

\*formerly A-37\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a farm supply and service establishment and such use shall be subject to the zone requirements in the Commercial Rural Zone (Section 5.5).

SA-2: 856 Sawmill Road

\*formerly A-98 & H-98\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a golf course and uses, buildings and structures accessory thereto.

SA-3: 2610 Maple Street

\*formerly A-239\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a golf driving range with one accessory building to contain a golf ball dispensing machine only and the following special regulations shall apply thereto:

Maximum gross floor area of accessory building	10.0m <sup>2</sup>
Parking and access	as existing
No lighting is permitted.	
Minimum Lot Frontage	186.0m
Minimum Lot Area	6.5ha
Maximum Lot Coverage	0.5%
Minimum Front Yard	10.0m
Minimum Side Yard	15.0m
Minimum Corner Side Yard	60.0m
Minimum Rear Yard	15.0m
Maximum Building Height	3.7m

SA-4: 2325 Victoria Avenue (Regional Road No. 24)

\*formerly A-95\*

In addition to the uses permitted in the Specialty Agricultural Zone, this land may also be used for a campground and open air recreational uses such as hiking, cross country

skiing, horseback riding, pleasure snowmobiling and uses, buildings and structures accessory thereto.

**SA-5: 2355 Cream Street**

\*formerly A-63\*

In addition to the uses permitted in the Specialty Agricultural Zone, this land may also be used for a fire hall and uses, buildings and structures accessory thereto.

**SA-6: 2315 Cream Street**

\*formerly A-39\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a transport terminal with vehicle sales and fuel storage and uses, buildings and structures accessory thereto.

**SA-7: 895 Tice Road**

\*formerly A-60\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for automotive glass sales and services and uses, buildings and structures accessory thereto.

**SA-8: 1732 Cream Street**

\*formerly A-277\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used secondary dwelling unit designation under the Ontario Heritage Act, R.S.O., 1990 c.O.18, as amended.

**SA-9: 569 Highway 20 West (Regional Road no. 20), w/s Cream Street and 630 Highway 20 West (Regional Road no. 20)**

\*formerly A-142 & A-112\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for an existing golf course and uses, buildings and structures accessory thereto.

**SA-10: 922 Highway 20 West (Regional Road No. 20)**

\*formerly A-109\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a motor fuel retail outlet (gas bar) and convenience retail store containing one accessory dwelling unit and the following special regulations apply:

Regulations for Motor Fuel Retail Outlet:

Minimum Front Yard     5.0m

Minimum Side Yard     30m from easterly and westerly zone lines

Minimum Rear Yard      30m from northerly zone line

#### Regulations for Convenience Retail Store:

Minimum Front Yard      5.4m

Minimum Side Yard      30m from westerly zone line 27m from easterly zone line

Minimum Rear Yard      30m from northerly zone line

#### **SA-11: 1350 Maple Street**

\*formerly A-01\*

In addition to the uses in the Specialty Agricultural Zone, this land shall also be used for a vehicle repair shop, light manufacturing, assembly, processing and fabrication, warehouse and uses buildings and structures accessory thereto but does not include the warehouse of food-stuff or the manufacture and warehouse of explosive materials.

#### **SA-12: 1261 Victoria Avenue (Regional Road No. 24)**

\*formerly A-48\*

In addition to the uses in the Specialty Agricultural Zone, this land shall also be used for a salvage yard and uses, buildings and structures accessory thereto.

#### **A-13: 920 Pelham Street**

\*formerly A-163\*

In addition to the uses in the Agricultural Zone, this land may also be used for a senior citizens apartment house and nursing home and the regulations of Section 6.2 shall apply thereto.

#### **A-14: 952 Foss Road and Southside Foss Road**

\*formerly A-51\*

In addition to the uses in the Agricultural Zone, this land may also be used for a farm supply and service establishment, sale and service of motorcycles, snowmobiles, all-terrain vehicles and personal watercrafts, one accessory dwelling unit and uses, buildings and structures accessory to the foregoing permitted uses and the following special regulations shall apply thereto:

Minimum Front Yard      25.0m

Minimum Side Yard      15.0m

Minimum Rear Yard      10.5m

Maximum Building Height      10.5m

\*formerly A-53\*

- a) Outside storage shall only be permitted within a rear yard which is screened from view from the street.
- b) The maximum number of pieces of contractor's equipment to be stored on site at any given time shall not exceed 15.
- c) The maximum number of disabled vehicles to be stored on site accessory to the vehicle repair shop and the vehicle body shop shall not exceed 6 at any given time.
- d) Notwithstanding the special regulations above, the maximum combined number of pieces of contractor's equipment and disabled vehicles to be stored on site shall not exceed 15.
- e) The maximum weight limit for contractor's equipment stored at the site shall not exceed 10 ton per piece of equipment.

\*formerly A-151\*

Maximum number of residents	8
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\*formerly A-246\*

Maximum building height for an accessory structure 6.09m

\*formerly A-97 & H-97\*

# TOWN OF PELHAM Zoning By-law

\*formerly A-54\*

## A-20: 380 Cream Street

\*formerly A-249\*

Maximum height for an accessory structure 6.09m

\*formerly A-232\*

Minimum lot area	1.9ha
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Minimum rear yard	15.0m
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\*formerly A-226\*

### A-23: 275 Church Street

\*formerly A-227\*

Farm vehicles and implements shall be limited to farm plated trucks and tow trailers, vehicles and implements designed to be used in the production of crops and/or raising of livestock.

Outside storage shall be limited to a maximum of 3 farm vehicles or implements at any one time

Maximum floor area within existing building 130.0m2

\*formerly A-99, H-99\*

In addition to the uses in the Agricultural Zone, this land may also be used for a golf course, restaurant/banquet hall and uses, buildings and structures accessory thereto.

**A-25: 119 River Road and Southside River Road**

\*formerly A-192, H-194, H-193, H-195\*

In addition to the uses in the Agricultural Zone, this land may also be used for a golf course.

**A-26: 144 River Road**

\*formerly A-139\*

Notwithstanding the regulations of the Agricultural Zone, a septic area will only be permitted within the A-26 zone.

**CR-27: 708 Highway 20 West (Regional Road no. 20)**

\*formerly CR-148\*

In addition to the uses in the Commercial Rural Zone, this land may also be used for a vehicle body shop subject to the following special regulations:

- a) Open storage shall be directly related to the permitted use on the lot.
- b) Open storage shall be permitted in the rear and interior side yard but not within the exterior side yard.
- c) Open storage shall not be permitted within 6m of a residential use.
- d) Open storage shall be screen from view at a plane level which is a minimum of 1.5m from grade level of an adjacent street; or when abutting a residential use at a plan level which is a minimum of 1.5m from the finished grade level at the property line; and by means of landscaping features to be located within a landscape strip.

**SA-28: 576 Highway 20 East (Regional Road no. 20)**

\*formerly A-133\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for an agriculturally related research and development and training radar based facility with associated radio transmitter antenna subject to the following special regulations:

Minimum Easterly Side Yard	17.98m
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**RM1-29: OakHaven Estates Subdivision**

\*formerly RMV1-205, 233, 234, 235, 236 & 237\*

Notwithstanding the regulations of the Residential Multiple 1 Zone, no buildings or structures shall be permitted on the lands.

### **OS-30: 73 Cherry Ridge Boulevard**

\*formerly OS-204\*

Notwithstanding the regulations of the Open Space Zone, no buildings or structures shall be permitted on the lands.

### **RM1-31: 1128 Cream Street**

\*formerly RV1-199\*

Notwithstanding the regulations of the Residential Multiple 1 Zone, the minimum rear yard for all structures shall be 91.0m.

### **RM1-32: 1106 Balfour Street**

\*formerly RV1-156\*

In addition to the uses in the Residential Multiple 1 Zone, this land may also be used for a construction trades establishment with no outside storage.

### **CR-33: 854 Canboro Road**

\*formerly CR-132\*

Notwithstanding the Commercial Rural Zone, this land may only be used for a farm supply establishment, a warehouse, manufacturing, assembly, processing and fabrication of wood products such as kitchen cupboards, furniture, wood crafts, windows, doors and offices subject to the following special regulations:

Minimum front yard	14.0m
Minimum easterly side yard	7.5m
Minimum westerly side yard	20.0m
Minimum rear yard	22.5m

All activities shall be carried on entirely within the wholly-enclosed buildings with no outside storage, manufacturing, assembly, processing and fabrication or display of goods for sale being permitted.

Any manufacturing, assembly, processing and fabrication requiring municipal water service is prohibited.

All parking and loading areas and their approaches are not required to have cement, asphalt or other permanent type surface. Any required dust collection system shall be located within a building.

**RM1-34: 808 Canboro Road**

\*formerly RV1-279\*

Notwithstanding the Residential Multiple 1 Zone, the lands shall be subject to the following special regulations:

Minimum lot area	679.0m <sup>2</sup>
Minimum front yard	3.8m to a covered porch or deck
	5.6m to a dwelling

**SA-35: 200 Highway 20 East**

\*formerly A-46\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a bank, church, personal service shop, clinic, dry cleaning outlet, hotel, motel, tavern, office, public and private club, restaurant, retail use, service shop and uses, buildings and structures accessory thereto and subject to the regulations in the Downtown Corridor Zone.

**SA-36: 214 Highway 20 East (Regional Road no. 20)**

\*formerly A-145\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a Group Home consisting of two dwellings on one lot and subject to the following special regulations:

Maximum number of residents	19
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**SA-37: 1369 Rice Road**

\*formerly A-82\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a church subject to the following special regulations:

Maximum Lot Coverage	20%
Minimum Front Yard	20.0m
Minimum Side Yard	9.0m
Minimum Rear Yard	9.0m
Maximum Building Height	10.5m



**R1-38: 1014 Church Street**

\*formerly RV1-56a & 56\*

In addition to the uses in the Residential 1 zone, this land may also be used for the manufacture of concrete burial vaults and uses, buildings and structures accessory thereto subject to the following special regulations:

Minimum Side Yard	6.0m except the minimum side yard adjacent to a Residential Zone shall be 9.0m
Minimum Rear Yard	7.5m except the minimum rear yard adjacent to a Residential Zone shall be 15.0m
Landscaping Requirements	A landscaped amenity area of a minimum width of 3.0m shall be provided adjacent to any residential or commercial zone or a street that abuts the side or rear yard.
Exterior Lighting	Exterior lighting and illuminated signage shall be directed away from any adjacent residential zone
Loading Spaces	Required loading spaces shall not be located in any front yard or any yard adjacent to a residential zone

**R1-39: 956 Church Street and 958 Church Street**

\*formerly RV2-05\*

In addition to the uses in the Residential 1 Zone, this land may also be used for the storage of petroleum products and uses, buildings and structures accessory thereto.

**OS-40: Centennial Park**

\*formerly OS-179\*

Notwithstanding the regulations of the Open Space Zone, no buildings shall be constructed within 15 metres of the watercourses.

**NC-41 (H): 788 & 792 Welland Road**

\*formerly NC-262 & NC-262(H)\*

In addition to the uses in the Neighbourhood Commercial zone, this land may also be used for dwelling units above the ground floor and at grade at side and rear yards and the following special regulations apply:

Commercial Uses:

Maximum Lot Coverage	45%
Maximum Gross Floor Area	65% of lot area

Minimum Front Yard	0m
Minimum Side Yard	0m where abutting a commercial or industrial use 3.0m where abutting a residential or institutional use
Minimum Rear Yard	6.0m where abutting a commercial or industrial use 3.0m where abutting a residential or institutional use

#### Residential Uses:

- a) Dwelling units are permitted about the ground floor of any commercial use and at the side and rear yards.
- b) No maximum gross floor area for dwelling units.
- c) A minimum landscaped amenity area of 30.0m<sup>2</sup> shall be provided for each dwelling unit.
- d) Parking Requirements
  - i. 1.5 parking spaces per dwelling unit
  - ii. 1 parking space per 30m<sup>2</sup> of net floor area for retail or office uses
  - iii. 1 space per 4 persons seating capacity for eating establishments
- e) Ingress and Egress
  - i. Ingress and egress to and from the required parking spaces and areas shall be provided by means of unobstructed driveways or passageways at least 3.0m wide where only one-way traffic is permitted and have a minimum width of 6.5m but not more than 9.0m in perpendicular width where two-way traffic is permitted.
- f) Parking Area Location on Lot
  - i. Apartment Dwelling and Boarding House Dwelling: All yards provided that no part of any parking area, other than a driveway, is located closer than 7.5m to any street line and no closer than 1.0m to any side lot line or rear lot line.
- g) Landscape strips
  - i. Where land is required to be used for no other purpose than a landscape strip, it shall have a minimum width of 1.0m, except where adjacent to an at-grade patio at the north-west corner of the site where the landscape strip shall have a minimum width of 0.5m and a privacy fence, measured perpendicular to the lot line it adjoins.

h) Unenclosed porches, balconies, steps and patios

- i. Notwithstanding the yard provisions of this By-law to the contrary, unenclosed porches, balconies, steps and patios, covered or uncovered may project into any required yard a maximum distance of 2.0 m provided that, in the case of porches, steps or patios, such uses are not more than 2.0m above ground. Patios may project into any required rear yard provided they are not more than 0.6 m above grade.

THAT the lifting of the holding (H) provision for the NC-262 (H) zone for 788 Welland Road shall be subject to the Ministry of Tourism, Culture and Sport issuing an acknowledgement letter for the submitted Stage 1 and 2 Archaeological Assessment for 788 Welland Road and the Town receiving a copy of the letter.

**P-42: 766 Welland Road**

\*formerly P-222\*

Notwithstanding the provision of the Open Space Zone, the following special regulations shall apply:

Minimum Lot Coverage	50%
Minimum Front Yard	15.0m
Minimum Side Yard	15.0m
Minimum Easterly Side Yard	3.0m
Minimum Parking Requirements	60 spaces

The parking area and driveway connecting the parking area with the street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles.

The maximum width for the driveway ramp measured along the street line shall be 16.0m.

A landscaping area in the form of a landscape strip shall be planted with trees to form a visual screen of at least 3.0m in height adjacent to every portion of any lot line that abuts the boundary of any Residential Zone, except where prohibited by the Niagara Peninsula Conservation Authority.

**R1-43: 754 Welland Road and s/s Welland Road**

\*formerly RV1-03\*

In addition to the uses in the Residential 1 Zone, this land may also be used for a greenhouse and accessory retail use.

**SA-44: 1040 Balfour Street**  
\*formerly I-70\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a church.

**SA-45: 916 Church Street**  
\*formerly A-203\*

Notwithstanding the Specialty Agricultural Zone, the following special regulations shall apply:

Minimum side yard	10.8m north
	20.0m south
Minimum distance separation for the existing agricultural building	as existing

**A-46: 807 Church Street**  
\*formerly A-06\*

In addition to the uses in the Agricultural Zone, this land may also be used for a welding shop and uses, buildings and structures accessory thereto.

**R1-47: 760 Foss Road**  
\*formerly RV1-123\*

In addition to the uses in the Residential 1 Zone, this land may also be used for a greenhouse and uses, buildings and structures accessory thereto subject to the following special regulations:

- a) Greenhouses shall be located a minimum of 15.0m from a lot line except where ventilating fans exhaust into the side or rear yard of any adjacent lot, in which case the minimum setback distance of greenhouses from the lot line shall be 25.0m.
- b) Greenhouses shall be located a minimum distance of 30.0m from any residential use on an adjacent lot.
- c) No manure compost or equipment storage area on the subject lands shall be permitted within 30.0m of a residential use on an adjacent lot.

**SA-48: 461 Canboro Road**  
\*formerly I-72\*

In addition to the uses in the Specialty Agricultural zone, this land may also be used for a church.

**SA-49: 418 Canboro Road**

\*formerly I-73\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a church.

**SA-50: 350 Highway 20 West**

\*formerly I-75\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a school.

**SA-51: 1368 Effingham Street**

\*no former exception\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for the warehouse of a public utility.

**SA-52: 495 Canboro Road**

\*formerly A-137\*

Notwithstanding the Specialty Agricultural Zone, the following special regulations shall apply:

Minimum rear yard	2.5m
Minimum side yard	1.0m
Maximum lot coverage	11%
Maximum lot coverage for accessory structures	2.9%
Minimum easterly side yard	0.8m
Minimum front yard for an accessory structure	4.4m
Minimum easterly side yard for an accessory structure	2.4m

**SA-53: 1162 Centre Street**

\*formerly I-74\*

Notwithstanding the Specialty Agricultural Zone, this land may only be used for a school.

**SA-54: 406, 408 & 410 Canboro Road**

\*formerly A-10\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for two existing single detached dwelling units and one existing secondary dwelling unit in an existing dwelling, the manufacturing and sale of lumber and wood products, a construction trades establishment and uses, buildings and structures accessory thereto.

The manufacturing and sale of lumber and wood products, construction trades establishment and uses, buildings and structures accessory thereto shall be subject to the regulations of the Rural Employment Zone.

**SA-55: 398 Canboro Road**

\*formerly A-141\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a seasonal restaurant and farm produce market subject to the following special regulations:

Minimum front yard	12.5m
Maximum retail floor area including restaurant	148m <sup>2</sup>
Parking Spaces	20 spaces

Seasonal is defined as having a duration of 6 months commencing May 1st to November 1st each calendar year.

Seasonal farm produce market shall provide a minimum of 70% of the retail floor area for Ontario Grown Produce; a maximum of 25m<sup>2</sup> of the retail floor area for bakery items and processed fruit, deli and dairy products and locally hand crafted products; and locally grown greenhouse and nursery products.

**SA-56: 308 Welland Road**

\*formerly A-08\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a vehicle repair shop and uses, buildings and structures accessory thereto.

**RM1-57: 42 Concord Street**

\*formerly RM1-97\*

Notwithstanding the Residential Multiple 1 Zone, this land shall be used for block townhouse dwellings and where the lands are adjacent to lands zoned Environmental Protection 1, the only permitted use is a private passive yard use defined as a natural or landscaped area, used for passive amenity purposes but does not include a building, structure, swimming pools, parking lot or active recreational use.

**SA-58: 563 Highway 20 West (Regional Road no. 20)**

\*formerly A-14\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a vehicle repair shop, machine shop, vehicle sales or rental establishment and uses, buildings and structures accessory thereto.

**SA-59: 345 Highway 20 West (Regional Road no. 20)**

\*formerly A-157\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a welding business which includes ancillary manufacture and sale of trailers, trailer accessories and hitches and subject to the following special regulations:

Maximum lot coverage	15%
Minimum side yard	3.0m
Minimum rear yard	6.0m
Maximum height	6.4m

Outside storage of goods and materials related to the welding business is not permitted, save and except the exterior display for sale of products manufactured on site.

No private garage or carport is required.

**SA-60: 337 Highway 20 West (Regional Road no. 20)**

\*formerly A-20\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a vehicle sales or rental establishment, a service shop, a retail use, a farm supply and service establishment, the storage of all vehicles except commercial vehicles and uses buildings and structures accessory thereto subject to the regulations in the Commercial Rural zone.

**SA-61: 299 Highway 20 West (Regional Road no. 20)**

\*formerly A-18\*

In addition to the uses in the Specialty Agricultural Zone, this land may also be used for a motel.

**SA-62: 220 Tice Road**

\*formerly A-160\*

Notwithstanding the Specialty Agricultural Zone, this land may only be used for agricultural uses not including greenhouses and a golf driving range.

**A-63: 1615 Lookout Street**

\*formerly A-17\*

In addition to the uses in the Agricultural Zone, this land may also be used by a public or private utility.

**R1-64: Residence at Lookout Point Subdivision**

\*formerly R1-180, 182, 183, 184, 185, 186 & 187\*

Notwithstanding the provisions of Section 7 and the Residential 1 Zone, no buildings or structures, including but not limited to storage sheds, garages, pool houses, swimming pools, decks and gazebos shall be permitted within 15.0m of the rear lot line.

**OS-65: Residences at Lookout Point Subdivision**

\*formerly OS-188\*

Notwithstanding the provisions of the Open Space Zone, no buildings or structures, including but not limited to, storage sheds, garages and gazebos shall be permitted.

**R2-66: Timmsdale Estates Subdivision**

\*formerly RM1-175\*

Notwithstanding the provisions of the Residential 2 Zone, no structural development, including but not limited to storage sheds, garages, pool houses, swimming pools, decks and gazebos shall be permitted within 7.5 metres of the top of bank, as approved by the Niagara Peninsula Conservation Authority.

**RM1-67: Timmsdale Estates Subdivision**

\*formerly RM1-176\*

Notwithstanding the provisions of the Residential Multiple 1 Zone, no structural development, including but not limited to storage sheds, garages, pool houses, swimming pools, decks and gazebos shall be permitted within 7.5 metres of the top of bank, as approved by the Niagara Peninsula Conservation Authority.

**R2-68: 175 Canboro Road**

\*formerly R2-22\*

Notwithstanding the provisions of the Residential 2 Zone, this land may also be used for a greenhouse and uses, buildings and structures accessory thereto.

**A-69: 310 Cream Street**

\*formerly I-76\*

In addition to the uses in the Agricultural Zone, this land may also be used for a school.

**A-70: Land surrounding the Airport**

\*formerly A-25\*

Notwithstanding the provisions of the Agricultural Zone, the maximum height of all buildings and structures shall be 10.5m.



**M1-71: 491 Webber Road (Regional Road no. 29)**

\*formerly M1-114\*

Notwithstanding the provisions of the Rural Employment Zone, one dwelling unit internal to the existing building shall be permitted accessory to the uses permitted in the Rural Employment zone.

**M1-72: 550 Webber Road (Regional Road no. 29)**

\*formerly M2-124\*

Notwithstanding the provisions of the Rural Employment Zone, one dwelling unit internal to the existing building shall be permitted accessory to the uses permitted within the Rural Employment zone.

**M1-73: 472 Webber Road (Regional Road no. 29)**

\*formerly M2-103\*

Notwithstanding the provisions of the Rural Employment zone, this land may only be used for manufacturing, industrial and warehousing uses, but not including obnoxious or dangerous uses, automobile service stations and construction trades establishments and uses, buildings and structures accessory thereto as well as one dwelling unit internal to the existing building as of February 4, 1991 accessory to the foregoing permitted uses and the following special regulations shall apply:

Minimum side yard	9.0m where adjacent to a residential zone
	0m where adjacent to a railway spur
Minimum rear yard	15.0m where adjacent to a residential zone
	0m where adjacent to a railway spur

Outside storage shall only be permitted within a rear yard which is screen from public view.

A landscaped amenity area with a minimum width of 3.0m shall be provided adjacent to any residential or commercial zone or a street that abuts the side or rear yard.

Exterior lighting and illuminated signage shall be directed away from any adjacent residential zone.

Required loading spaces shall not be located in any front yard or in any yard adjacent to a residential zone.

**R1-74: 1551 Haist Street**

\*formerly R1-225\*

Notwithstanding the Residential 1 zone, the following special regulations shall apply:

Minimum Northerly Interior Side Yard	7.5m
Minimum Southerly Interior Side Yard	1.8m
No driveways and buildings or structures, including but not limited to, storage sheds, garages, pool houses, swimming pools, decks and gazebos shall be permitted within 7.5m of the top of bank as approved by the Niagara Peninsula Conservation Authority.	

**RM1-75: Davis Heights**

\*formerly RM1-253\*

Notwithstanding the Residential Multiple 1 zone, this land shall be used for a maximum of 36 block townhouse dwellings subject to the following special regulations:

Maximum Lot Coverage	25.51%
Minimum Area per Unit	226.9m <sup>2</sup>
Minimum Frontage per Unit	9.6m
Minimum Ground Floor Area	88m <sup>2</sup> for a one storey dwelling 50m <sup>2</sup> for a two storey dwelling
Minimum Setbacks of all Buildings	As shown on Schedule B
Minimum Side Yard between Block Townhouse Dwellings	As shown on Schedule B
Minimum Structural Setback from Top of Bank	As shown on Schedule B
Minimum Amenity Area per Dwelling Unit	14m <sup>2</sup>
Minimum Landscaped Area	25%

Unenclosed porches, balconies, steps and patios, covered or uncovered may project into any required yard shown on Schedule B provided that in the case of porches, steps or patios, such uses are not more than 3.0m above ground.

**DC-76: 1465 Station Street**

\*formerly RM1-276\*

Notwithstanding the provisions of the Residential Multiple zone, this land may only be used for block townhouse dwellings subject to the following special regulations:

Maximum density	45 dwelling units per hectare
Minimum front yard (Station Street)	7.0m for a dwelling 4.0m for a covered porch or deck
Minimum setback between front of dwelling and internal roadway	4.0m for a dwelling and covered porch 6.0m for a garage door
Minimum Side Yard from North Property Line	7.0m for a dwelling 4.0m for a covered porch or deck
Minimum Side Yard from South-West Property Line	3.0m for a dwelling, covered porch or deck
Minimum Side Yard for most South-Easterly Dwelling Unit (south-east property line)	1.2m for dwelling side walls 0.3m for covered porch or deck
Minimum Setback between side of Dwelling and Internal Road	2.0m for dwelling side walls, covered porch or deck
Minimum Setback between sides of Dwelling Units	2.4m
Minimum Rear Yard (East Property Line)	7.0m for a dwelling 4.0m for a covered porch or deck
Minimum Rear Yard for most Easterly Dwelling Unit (north-east property line)	1.2m for a dwelling, covered porch or deck
Minimum Rear Yard for most Easterly Dwelling Unit (south-east property line)	4.0m for a dwelling 2.0m for a covered porch or deck
Distance between buildings on the same lot	Any face of one townhouse shall be no closer than 11.0m to any face of another townhouse

Any side of any townhouse shall be no closer than 2.4m to any side of another townhouse

Minimum Ground Floor Area for a Dwelling

88m<sup>2</sup> one-storey

50m<sup>2</sup> two-storey

Minimum Landscaped Area

25%

Landscape strip

1.2m in width where the boundary of the RM1 zone abuts an R1 or R2 zone.

If a swale is required at the most easterly dwelling unit of the townhouse block (north-east property line) a minimum landscape strip of 0.5m with a privacy fence is required.

Amenity Area

minimum of 2.5m<sup>2</sup> for each one-bedroom unit and a minimum of 5.0m<sup>2</sup> for each two or more-bedroom units in one location for recreational use for the residents of the development.

Minimum Internal Roadway Width

6.0m

Minimum Garage Width

3.4m

Maximum Lot Coverage

42%

Parking Requirements

2 parking spaces per dwelling unit, which may include a space in a garage and a tandem parking space in the associated unit driveway.

Parking Space Size

2.7m wide by 5.8m long

### **DC-77: 105 Highway 20 East (Regional Road no. 20)**

\*formerly GC-275\*

Minimum Above Grade Building Setback:

Minimum Side yard (North property line of the mixed use Condominium domain and the townhouse condominium domain)

7.5m

Minimum rear yard (east property line)	15.0m for main building 13.0m for balconies
Minimum corner side yard (Highway 20 east)	0m
Minimum setback for Sub-grade structures and ramps	0m
Minimum Landcape Area and Amenity Area	25%
Grade Level Internal Roadway Width	6.0m along shared roadway locations
Parking Requirements	1.25 spaces per apartment dwelling  3 spaces per 100m <sup>2</sup> of commercial floor area  1 space per 4 persons seating capacity for restaurants
Parking area on Lot	All yards provided that no part of any parking area other than a driveway is located closer than 3.0m to any street line and no closer than 0m to any side lot line or 3.0m to the rear lot line
Sub-grade parking level internal roadway width	Minimum 6.0m
Parking space size	2.7m wide by 5.8m long

### **DC-78: 110 Highway 20 East (Regional Road no. 20)**

\*formerly HC-162\*

Notwithstanding the provisions of Section 2.4 and the provisions of this Zoning By-law, the following special provisions shall apply:

In addition to the permitted uses of Downtown Corridor Zone (Subsection 2.4), a retail use and supermarket retail establishment may be permitted in accordance with the following:

A supermarket is defined as: "a retail establishment having a minimum floor area of 300 square metres and a maximum floor area of 3,800 square metres, primarily selling food and grocery items and which may sell other accessory merchandise such as household supplies and personal care products but not including a pharmacy, a photo shop, a dry cleaners, or a florist."

Maximum Lot Coverage	40%
Front Yard Setback	6m
Minimum number of Loading Spaces	2
Minimum number of Parking Spaces	180
Minimum ingress and egress from a required parking space	7.3m
Minimum landscape strip width along RR 20	6m
Minimum landscape strip width along easterly Boundary	1.2 m

### **R1-79: 23 Highland Avenue**

\*formerly R1-31\*

Notwithstanding the provisions of the Residential 1 zone, this land may also be used for the manufacture and sale of monuments and uses, buildings and structures accessory thereto.

### **NC-80: 1292 Pelham Street**

\*no former exception\*

In addition to the uses in the Neighbourhood Commercial zone, this land may also be used for a funeral home and uses, buildings and structures accessory thereto.

### **NC-81: 1145 Pelham Street**

\*formerly GC-89\*

In addition to the uses in the Neighbourhood Commercial zone, this land may also be used for professional and business offices, restaurants, personal service shops, clinics, custom workshops, daycare centre, dry cleaning outlets, banks and trust companies, undertaking establishments and uses, buildings and structures accessory thereto. The following special regulations shall apply:

- a) Maximum of 20 dwelling units above the ground floor
- b) Maximum gross floor area for the commercial uses shall be 50% of the lot area.
- c) Maximum gross floor area for dwelling units shall be 72%.
- d) Dwelling units shall only be permitted above the ground floor of any commercial use.
- e) Minimum landscaped amenity area 51.85m<sup>2</sup> per dwelling unit

### **NC-82: 1022 Pelham Street**

\*formerly NC-108\*

In addition to the uses in the Neighbourhood Commercial zone, this land may also be used for business and professional offices, parking lots, restaurants, studios, agencies and personal service shops on the ground floor only and uses, buildings and structures accessory thereto subject to the following special regulations:

Commercial uses:

Maximum lot coverage	17%
Maximum gross floor area	34%
Minimum side yard	0m where abutting a commercial or industrial use 4.5m where abutting a residential or institutional use
Minimum rear yard	6.0m where abutting a commercial or industrial use 10.5m where abutting a residential or institutional use
Maximum building height	8.0m
Maximum gross floor area per permitted use	235m <sup>2</sup>
Maximum gross commercial floor area	930m <sup>2</sup>

Accessory Residential Uses:

- a) Maximum of one accessory dwelling unit for each commercial use.

**RM1-83 (H): 703 Quaker Road**

\*formerly RM1-281(H)\*

Notwithstanding the Residential Multiple 1 zone, this land shall only be used for block townhouse dwellings.

Minimum Lot Frontage	8.8m
Minimum Setback from Quaker Road	30.0m
Minimum Setback from Internal Roadway	4.5m to dwelling unit or 6.0m to garage
Minimum Side Yard	1.5m
Minimum Rear Yard	6.0m to back of dwelling unit

1.5m to side of dwelling unit

Distance between buildings on same lot      Any side of any townhouse shall be no closer than 3.0m

Landscape strip      A landscape strip of 1.3m minimum in width shall provided where the boundary of an RM1 zone abuts an R1 or R2 zone except for along the west property line of 695 Quaker Road a 0.5m buffer strip with a privacy fence is required

Unenclosed porches, balconies, steps and patios, covered or uncovered, may project into any required yard a maximum distance of 3.5m provided that, in the case of porches, steps or patios, such uses are not more than 1.3m above ground.

Removal of the holding (H) provision will occur subject to execution of condominium and site plan agreements addressing servicing and drainage to the satisfaction of the Director of Public Works.

**R1-84: 1078 Quaker Road, 1080 Quaker Road, 1082 Quaker Road, 1084 Quaker Road, 1088 Quaker Road, 1090 Quaker Road, 1092 Quaker Road, 1094 Quaker Road, 1096 Quaker Road, and 1098 Quaker Road**

\*formerly R1-26\*

The following special regulation shall apply to these lands:

Minimum rear yard      61.0m

**DC-85: 209 Highway 20 East**

\*formerly HC-127\*

Notwithstanding the Downtown Corridor zone, this land shall only be used for a bank, personal service shops, business and professional office and dwelling units above the first floor subject to the following special regulations:

Maximum floor area devoted to health care practitioners      225m<sup>2</sup>

Maximum number of dwelling units      12

Minimum number of parking spaces      58

Minimum number of parking spaces per health care practitioner      5

Required setback of parking spaces along south-easterly property line      1.5m



Location of dwelling unit parking	Not required in a garage or carport
Location of required loading space	Exterior side yard
Required setback of loading space abutting Rice Road	1.5m
Minimum maneuvering aisle width in the parking garage	6.4m
Minimum driveway width for the parking garage	5.4m
Maximum building height	12.06m from the finished floor elevation of 190.73m
Minimum landscaped amenity area	430m <sup>2</sup>
Minimum indoor residential amenity area	160m <sup>2</sup> to be located in the cellar
Minimum front yard	17.8m

#### **DC-86: 227 Highway 20 East**

\*no former exception\*

In addition to the uses in the Downtown Corridor zone, this land may also be used a vehicle repair shop and a vehicles sales or rental establishment.

#### **R1-87: 1120 Haist Street**

\*Formerly R1-282\*

Notwithstanding the provisions of the Residential 1 zone, the following special regulations shall apply:

Minimum Front Yard	6m 6.5m to garage
Maximum Front Yard	6m
Maximum garage door width	Lesser of 50% of the lot width or 60% of the dwelling width

#### **RM1-88: 120 Haist Street**

\*Formerly RM1-283\*

Notwithstanding the provisions of the Residential Multiple 1 zone, this land may only be used for block townhouse dwellings, street townhouse dwellings, home occupation and one accessory dwelling unit or home occupation located above a garage subject to the following special regulations:

Minimum Lot Frontage	7.2m for interior end units
Minimum Lot Depth	32m
Minimum Front Yard	4.5m
Minimum Interior Side Yard	1.2m
Minimum Exterior Side Yard	3m
Minimum Rear Yard	10.5m

Notwithstanding Section 8: Definitions, for street townhouse dwellings that abut the Public (P) zone, the north lot line abutting the Public zone will be considered the front lot line.

Notwithstanding Section 7: General Provisions, the following special regulations shall apply:

- a) Ingress and egress for all driveway and garages shall be from a rear lane.
- b) The minimum rear yard for a garage shall be 0.5m.
- c) The maximum garage height shall be 7m.
- d) Garages shall have a 0m interior side yard setback with a shared masonry wall on one side and have a minimum interior side yard setback of 2.75m on the other side.
- e) The minimum porch depth shall be 2m.
- f) Porches may encroach a maximum of 2m into a required front or exterior side yard. Steps associated with a porch may encroach up to the lot line.

### **Block Townhouse Dwellings**

The following special regulations shall apply to block townhouse dwellings:

- a) The minimum setback from an internal roadway shall be 4.5m.
- b) The minimum setback from a rear lane shall be 10.5m.
- c) The setback of the building face from the northerly lot line shall be 4.5m.
- d) The minimum setback of the side of building to lot line, rear lane internal roadway shall be 1.2m.
- e) The minimum setback of the side of building to any side of another side of building shall be 1.2m.

Notwithstanding Section 7: General Provisions, the following special regulations shall apply:

- a) Ingress and egress for all driveway and garages shall be from a rear lane.
- b) The minimum garage setback from a rear lane shall be 0.5m.
- c) The maximum garage height shall be 7m.
- d) Garages shall have a shared masonry wall on one side and be located a minimum of 5.5m from another garage on the other side.
- e) The minimum porch depth shall be 2m.
- f) Porches may encroach a maximum of 2m closer to an internal roadway and the northerly lot line. Steps associated with a porch may encroach up to the internal roadway or northerly lot line.

**R2-89: 120 Haist Street**

\*Formerly R2-284\*

Notwithstanding the provisions of the Residential 2 zone, the following special regulations shall apply:

Notwithstanding the provisions of the Residential Multiple 1 zone, this land may only be used for block townhouse dwellings, street townhouse dwellings, home occupation and one accessory dwelling unit or home occupation located above a garage subject to the following special regulations:

Minimum Lot Depth	32m
Minimum Front Yard	4.5m 6m to garage
Minimum Interior Side Yard	1.2m
Minimum Exterior Side Yard	3m
Minimum Rear Yard	7.5m or 10m where backing onto an existing residential property
Maximum garage door width	Lesser of 50% of the lot width or 60% of the dwelling unit
Minimum setback from internal roadway	4.5m 6m to garage
Minimum setback between single detached dwellings	2.4m

Minimum setback from east/west lot line	1.2m
Minimum setback from south lot line	10m

Notwithstanding Section 7: General Provisions, the following special regulations shall apply:

- a) The minimum porch depth shall be 2m.
- b) Porches may encroach a maximum of 2m into a required front or exterior side yard or internal roadway. Steps associated with a porch may encroach up to the lot line or internal roadway.

## **RM2-90: 163 Port Robinson Road**

\*Formerly RM2-285\*

Notwithstanding the provisions of the Residential Multiple 2 zone, the following site-specific regulations shall also apply:

Minimum Lot Area per Dwelling Unit	115m <sup>2</sup>
Minimum Lot Depth	36m
Maximum Density	70 units per hectare
Maximum Lot Coverage	50%
Minimum Front Yard	3m
Minimum Interior Side Yard	2.25m
Minimum Landscaped Area	25%
Maximum Building Height	3 Storeys
Amenity Area	Every unit shall be provided with a balcony of at least 5m <sup>2</sup> in floor area

Notwithstanding the provisions of Section 7: General Provisions, the following site-specific regulations shall also apply:

Minimum Parking Requirements - Apartment Dwelling	1.08 spaces per dwelling unit
Ingress and Egress - Two-way Traffic	6m
Parking Area Location – Apartment Dwelling	All yards provided that no part of any parking area, other than a driveway is located closer than 7.5m to any street line, 0m to any

rear lane and no closer than 1 m to any side lot line.

## **R2-91: River Estates Phase 2 Subdivision**

\*Formerly R2-286\*

Notwithstanding the provisions of the Residential 2 zone, the following site-specific regulations shall also apply:

Maximum Lot Coverage	Delete
Minimum Front Yard	4.5m 6m for Garages
Minimum Interior Side Yard	1.2m
Minimum Exterior Side Yard	3m
Minimum Ground Floor Area for a Dwelling	88m <sup>2</sup> – One-storey 50m <sup>2</sup> – Two-storey

## **RM1-92: River Estates Phase 2 Subdivision**

\*Formerly RM1-287\*

Notwithstanding the provisions of the Residential Multiple 1 zone, these lands may only be used for street townhouse dwellings and uses, buildings and structures accessory thereto, and the following site-specific regulations shall apply:

Minimum Lot Frontage	6m per dwelling unit
Minimum Corner Lot Frontage	7.5m per dwelling unit
Minimum Lot Area	170m <sup>2</sup>
Minimum Front Yard	4.5m
Minimum Exterior Side Yard	3m
Minimum Interior Side Yard	3m 0m for a common wall

Notwithstanding Section 7: General Provisions, the following special regulations shall apply:

- a) Ingress and egress for all driveways/garages shall be from the laneway.
- b) The minimum rear yard for garages shall be 0.5m.

- c) Garages shall have a 0m interior side yard setback with a shared masonry wall on one side and a minimum interior side yard setback of 2.4m on the other side.

Section 8: Definitions is amended for the subject lands as follows:

“DAYLIGHTING TRIANGLE” means an area free of buildings or structures or other visual obstructions, and which are to be determined by measuring, from the point of intersection of street lines on a corner lot, a minimum of 6m along each such street line and joining such points with a straight line, and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the “daylighting triangle”.

**RM1-93: River Estates Phase 2 Subdivision**

\*Formerly RM1-288\*

Notwithstanding the regulations of the Residential Multiple 1 zone, these lands may only be used for block townhouse dwellings and uses, buildings and structures accessory thereto, and the following site-specific regulations shall apply:

Minimum Front Yard	3m
Minimum Side Yard	1.5m except that where the rear of a building faces the side yard, the minimum side yard shall be 6m
Minimum Rear Yard	3m
Distance between buildings on the same lot	3m
Landscape strip	0m
Minimum setback from internal roadway	3m to building front 6m to rear of building 6m to front access garages 0m to rear access garages

The front of all buildings flanking Port Robinson Road shall be facing Port Robinson Road

Notwithstanding Section 7: General Provisions, the following special regulations shall apply:

- a) Ingress and egress for all driveways/garages shall be from an internal road.

**RM1-94: 100 Welland Road**

\*Formerly RM1-289\*

Notwithstanding the regulations of the Residential Multiple 1 zone, these lands may be used for block townhouse dwellings and uses, buildings and structures accessory thereto, and the following site-specific regulations shall apply:

Minimum Front Yard	2.9m to street or private lane
Minimum Side Yard	1.2m to lot line or private lane
Minimum Rear Yard	6m
Distance between buildings on the same lot	Any side of any block townhouse shall be no closer than 1.3m to any side of another block townhouse
Landscape strip	A minimum landscape strip width of 1 m shall be provided where the boundary of an RM1 zone abuts an R1 or R2 zone

One second dwelling unit accessory to each dwelling of a two-block townhouse dwelling shall be permitted.

Notwithstanding the provisions of Section 7: General Provisions, the following site-specific regulations shall also apply:

Ingress and Egress – Two-way Traffic	6m drive aisle width (clear width measured from curb-face to curb-face)
Unenclosed Porches, Balconies, Steps and Patios	Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and patios, covered or uncovered shall not be permitted within 1m of the front lot line provided that, such uses are not more than 1.3m above ground. Such uses shall not be within 3.6m of the rear lot line provided that, such uses are not more than 2m above ground. Patios may project into any require rear yard provided they are not more than 0.6m above grade

**R2-95: Saffron Meadows Ph. 3 Subdivision**  
\*Formerly R2-290\*

Section 8: Definitions is amended for the subject lands as follows:

“SECOND DWELLING UNIT” means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building (e.g. in-law suite, basement suite, coach house).

Section 7: General Provisions is amended for the subject lands as follows:

- a) Where this By-law provides that a lot, building or structure may be erected or used for a purpose, that purpose shall include any accessory building, structure or accessory use, but shall not include any occupation for gain or profit conducted within or accessory to a dwelling unit except as in this By-law is specifically permitted.
- b) Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, or in their accessory building provided:
  - i. The maximum floor area does not exceed 60m<sup>2</sup>;
  - ii. A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling;
  - iii. A minimum of one parking stall is required;
  - iv. Compliance with the Ontario Building Code and Fire Code, as applicable;
- c) Except as otherwise provided herein, no accessory building shall exceed 3.7m in height and no accessory building containing a second dwelling unit shall exceed 6m in height.
- d) Ingress and egress to and from required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3m wide, where only one-way traffic is permitted or if the number of residential units being served is three or less, and a minimum width of 6.5m, but not more than 7.3m in perpendicular width where two-way traffic is permitted.
- e) All uses fronting Port Robinson Road and Street 'C' (Klager Avenue) from a point no less than 220m south of Port Robinson Road shall be accessed from a public or private rear laneway.
- f) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 7.3m.
- g) Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and patios, covered or uncovered shall not be permitted within 2m of the front lot line or exterior side lot line, and 4.5m of the rear lot line provided that, in the cases of porches, steps and patios, such uses are not more than 1.3m above ground. Uncovered patios and decks shall not be permitted within 1.2m of a rear or side lot line provided that, such uses are not more than 0.3m above ground.



Notwithstanding the regulations of the Residential 2 zone, these lands may be used for one single detached dwelling, uses, buildings and structures accessory thereto, and home occupations, and the following site-specific regulations shall apply:

Minimum Lot Area	360m <sup>2</sup>
Minimum Lot Frontage	12m
Minimum Front Yard	4m to dwelling front face 6m to garage
Maximum Front Yard	5.5m to dwelling front face
Minimum Interior Side Yard	1.2m on both sides where carport or garage is attached, or 1.2m on one side and 3m on the other side where there is no attached carport or garage
Minimum Exterior Side Yard	3m to dwelling 6m to garage
Minimum Rear Yard	7.5m
Maximum Attached Garage Width	7.5m or 50% of the lot frontage, or 20% of the lot depth, whichever is less
Maximum Driveway Width	7m or 50% of the lot frontage, or 20% of the lot depth, whichever is less

**RM1-96: Saffron Meadows Ph. 3 Subdivision**

\*Formerly RM1-291\*

Section 8: Definitions is amended for the subject lands as follows:

“SECOND DWELLING UNIT” means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building (e.g. in-law suite, basement suite, coach house).

Section 7: General Provisions is amended for the lands identified as RM1-96 as follows:

- a) Where this By-law provides that a lot, building or structure may be erected or used for a purpose, that purpose shall include any accessory building, structure or accessory use, but shall not include any occupation for gain or profit conducted within or accessory to a dwelling unit except as in this By-law is specifically permitted.

- b) Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, or in their accessory building provided:
  - i. The maximum floor area does not exceed 60m<sup>2</sup>;
  - ii. A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling;
  - iii. A minimum of one parking stall is required;
  - iv. Compliance with the Ontario Building Code and Fire Code, as applicable;
- c) Except as otherwise provided herein, no accessory building shall exceed 3.7m in height and no accessory building containing a second dwelling unit shall exceed 6m in height.
- d) Ingress and egress to and from required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3m wide, where only one-way traffic is permitted or if the number of residential units being served is three or less, and a minimum width of 6.5m, but not more than 7.3m in perpendicular width where two-way traffic is permitted.
- e) All uses fronting Port Robinson Road and Street 'C' (Klager Avenue) from a point no less than 220m south of Port Robinson Road shall be accessed from a public or private rear laneway.
- f) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 7.3m.
- g) Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and patios, covered or uncovered shall not be permitted within 2m of the front lot line or exterior side lot line, and 4.5m of the rear lot line provided that, in the cases of porches, steps and patios, such uses are not more than 1.3m above ground. Uncovered patios and decks shall not be permitted within 1.2m of a rear or side lot line provided that, such uses are not more than 0.3m above ground.

Notwithstanding the regulations of the Residential Multiple 1 zone, these lands may be used for semi-detached dwellings, duplex dwellings, triplex dwellings, fourplex dwellings, converted dwellings, street townhouse dwellings, block townhouse dwellings, uses, buildings and structures accessory thereto, and home occupations, and the following site-specific regulations shall apply:

Minimum Lot Area	360m <sup>2</sup>
Minimum Lot Frontage	12m
Minimum Front Yard	4m to dwelling front face 6m to garage
Maximum Front Yard	5.5m to dwelling front face

Minimum Interior Side Yard	1.2m on both sides where carport or garage is attached, or 1.2m on one side and 3m on the other side where there is no attached carport or garage
Minimum Exterior Side Yard	3m to dwelling 6m to garage
Minimum Rear Yard	7.5m
Maximum Attached Garage Width	7.5m or 50% of the lot frontage, or 20% of the lot depth, whichever is less
Maximum Driveway Width	7m or 50% of the lot frontage, or 20% of the lot depth, whichever is less

### **Semi-detached, Duplex, Triplex, Fourplex and Converted Dwellings**

The following special regulations shall apply to semi-detached, duplex, triplex, fourplex and converted dwellings:

Minimum Lot Area	150m <sup>2</sup> per dwelling unit
Minimum Lot Frontage	16m
Minimum Front Yard	4m to dwelling front face 6m to garage
Maximum Front Yard	5.5m to dwelling front face
Minimum Interior Side Yard	1.2m on both sides where carport or garage is attached, or 1.2m on one side and 3m on the other side where there is no attached carport or garage
Minimum Exterior Side Yard	3m to dwelling 6m to garage
Minimum Rear Yard	7.5m
Maximum Attached Garage Width	7.5m or 50% of the lot frontage, or 20% of the lot depth, whichever is less
Maximum Driveway Width	7m or 50% of the lot frontage, or 20% of the lot depth, whichever is less

## **Street Townhouse Dwellings**

The following special regulations shall apply to street townhouse dwellings:

Minimum Lot Area	180m <sup>2</sup> per dwelling unit
Minimum Lot Frontage	6m per dwelling unit
Minimum Front Yard	4m to dwelling front face 6m to garage
Maximum Front Yard	5.5m to dwelling front face
Minimum Interior Side Yard	1.2m on both sides where carport or garage is attached, or 1.2m on one side and 3m on the other side where there is no attached carport or garage
Minimum Exterior Side Yard	3m to dwelling 6m to garage
Minimum Rear Yard	7.5m
Maximum Height	10.5m
Maximum Attached Garage Width	7m or 50% of the lot frontage, or 20% of the lot depth, whichever is less

## **Block Townhouse Dwellings**

The following special regulations shall apply to block townhouse dwellings:

Minimum Lot Area	2000m <sup>2</sup>
Minimum Lot Frontage	30m
Minimum Front Yard	2.5m on a street or internal laneway 6m to garage on a street or internal laneway
Maximum Front Yard	5m on a street or internal laneway
Minimum Interior Side Yard	1.2m to dwelling, except where the rear of a building faces the side yard, the minimum side yard shall be 6m.

	Detached garages shall have a 0m setback on one side and a 2.4m setback on the other side
Minimum Exterior Side Yard	3m on a street or internal laneway 6m to garage on a street or internal laneway
Maximum Exterior Side Yard Minimum Rear Yard	5m on a street or internal laneway 6m, except where the side of a building faces the rear yard, the minimum rear yard shall be 1.2m 0.5m to garage on internal laneway
Maximum Height	10.5m
Distance between buildings on the same lot	<p>A 'face' of a building means the longest wall of a building. Each building shall be deemed to have two faces.</p> <p>A 'side' of a building means the shortest wall of a building. Each building shall be deemed to have two sides.</p> <p>Any face of one townhouse shall be no closer to any side of another townhouse than 7.2m</p> <p>Any face of any townhouse shall be no closer than 11m to any face of another townhouse</p> <p>Any side of any townhouse shall be no closer than 3m to any side of another townhouse</p>
Maximum Attached Garage Width	7.5m or 50% of the lot frontage, or 20% of the lot depth, whichever is less
Minimum Landscaped Area	25%
Amenity Area	5m <sup>2</sup> of amenity area shall be provided for each unit in one location for recreational use of the residents

**OS-97: Saffron Meadows Ph. 3 Subdivision**

\*Formerly OS-292\*

Notwithstanding the regulations of the Open Space zone, these lands may be used for public parkland, conservation and flood control projects, recreational uses such as trails, fences and picnic facilities, and uses, buildings and structures accessory thereto and the following site-specific regulations shall also apply:

Minimum Lot Area	0.4ha
Minimum Lot Frontage	15m
Minimum Lot Coverage	10%
Minimum Front Yard	4m
Minimum Exterior Side Yard	4m
Minimum Side Yard	4m
Minimum Rear Yard	7.5m
Maximum Building Height	12m

**OS-98: Saffron Meadows Ph. 3 Subdivision**

\*Formerly OS-293\*

Notwithstanding the regulations of the Open Space zone, these lands may be used for forest, fish and wildlife management uses, conservation and flood control projects, stormwater management facilities, and small-scale passive recreational uses such as trails, fences, docks and picnic facilities that will have no negative impact on natural heritage features or on their ecological functions, and the following site-specific regulations shall also apply:

Minimum Lot Area	0.4ha
Minimum Lot Frontage	15m

**EP1-99: Saffron Meadows Ph. 3 Subdivision**

\*Formerly EP-294\*

Notwithstanding the regulations of the Environmental Protection 1 zone, these lands may be used for forest, fish and wildlife management uses, conservation and flood control projects, stormwater management facilities, and small-scale passive recreational uses such as trails, fences, docks and picnic facilities that will have no negative impact on natural heritage features or on their ecological functions.

**RM1-100: 155 Port Robinson Road**

\*Formerly RM1-295\*

Notwithstanding the regulations of the Residential Multiple 1 zone, the following site-specific regulations shall apply:

Minimum Exterior Side Yard	6m
Minimum Interior Side Yard	3m or 0m for common walls

### **DC-101: 1440 Pelham Street**

\*Formerly GC-296\*

Notwithstanding the requirements of the Downtown Commercial zone, the following site-specific regulations shall apply:

Minimum Gross Floor Area	123% of lot area
Maximum Height	4 storeys

The rooftop area shall be used for outdoor amenity space which is accessory to the dwelling units only.

A minimum 2.8m step-back shall be provided for the front building façade of the fourth storey.

A minimum 3m step-back shall be provided for the elevator and mechanical penthouse.

### **R2-102: 695,697 Quaker Road**

\*Formerly R2-297\*

Section 8: Definitions is amended for the subject lands as follows:

“SECOND DWELLING UNIT” means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building (e.g. in-law suite, basement suite, coach house).

Section 7: General Provisions is amended for the lands identified as RM1-96 as follows:

- a) Where this By-law provides that a lot, building or structure may be erected or used for a purpose, that purpose shall include any accessory building, structure or accessory use, but shall not include any occupation for gain or profit conducted within or accessory to a dwelling unit except as in this By-law is specifically permitted.
- b) Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, or in their accessory building provided:
  - i. The maximum floor area does not exceed 60m<sup>2</sup>;
  - ii. A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling;
  - iii. A minimum of one parking stall is required; and

iv. Compliance with the Ontario Building Code and Fire Code, as applicable.

- c) Except as otherwise provided herein, no accessory building shall exceed 3.7m in height and no accessory building containing a second dwelling unit shall exceed 6m in height.

### **R1-103: 1084 Quaker Road**

\*Formerly R1-298\*

In addition to the uses permitted in the Residential 1 zone, these lands may also be used for a duplex dwelling and the following site-specific regulation shall apply:

Minimum Rear Yard	61m
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### **RM1-104: 1307 Haist Street**

\*Formerly RM1-299\*

Notwithstanding the requirements of the Residential Multiple 1 zone, these lands may be used for street townhouse dwellings and uses, buildings and structures accessory and the following site-specific regulations shall apply:

Minimum Lot Frontage	17m
Minimum Lot Area	400m <sup>2</sup> per dwelling unit
Minimum Front Yard	4.5m to front building face 6m to a garage
Minimum Exterior Side Yard	4.5m
Minimum Rear Yard	7m
Maximum Building Height	6m

Second dwelling units are prohibited.

### **RM1-105: Saffron Valley Ph. 2 Subdivision**

\*Formerly RM1-300\*

Notwithstanding the requirements of Section 7: General Provisions, the following regulations shall apply:

- a) Ingress and Egress shall be provided by unobstructed driveways with a maximum width of 7m for two-way traffic.
- b) Unenclosed porches, balconies, steps and patios, covered or uncovered may project into any required yard a maximum distance of 3m provided that, in the case of porches, steps or patios, such uses are not more than 1.3m above ground.



Patios may project into any required yard provided they are not more than 0.6m above grade.

Notwithstanding the provisions of the Residential Multiple 1 zone, the following site-specific regulations shall apply:

Minimum Lot Frontage	7.1m
Minimum Front Yard	4.5m to front building face 6m to a garage on a street or internal roadway
Minimum Side Yard	i) Where the rear wall of a building faces and interior side yard, the minimum require yard shall be 6m ii) Unit 6 – 5.3m iii) Unit 13 – 2.1m iv) Unit 17 – 3.8m v) Unit 24 & 35 – 1.5m vi) Units 9, 12, 18, 23, 29 & 30 may be located no closer than 3m from the inside radius of an internal street (i.e. intersection or turn) vii) Where abutting an internal roadway – 4.2m
Minimum Rear Yard	6.1m
Distance Between Buildings	Any face of one townhouse shall be no closer to any side of another townhouse than 9m. Any face of any townhouse shall be no closer than 15m to any face of another townhouse. Any side of any townhouse shall be no closer than 3m to any side of another townhouse.

### **R1-106: 1, 1A, 3C Hurricane Road**

\*Formerly R1-302\*

Section 8: Definitions is amended for the subject lands as follows:

“SECOND DWELLING UNIT” means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building (e.g. in-law suite, basement suite, coach house).

“DWELLING – FRONT FACE” means where a setback is measured from the ‘dwelling front face’, this shall include any portion of a building face exposed to the street line including the front door, but does not include a covered porch.

Notwithstanding the requirements of Section 7: General Provisions, the following regulations shall apply:

- a) Where this By-law provides that a lot, building or structure may be erected or used for a purpose, that purpose shall include any accessory building, structure or accessory use, but shall not include any occupation for gain or profit conducted within or accessory to a dwelling unit except as in this by-law is specifically permitted.
- b) Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, or in their accessory building provided:
  - i. The maximum floor area does not exceed 65m<sup>2</sup>;
  - ii. A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling;
  - iii. A minimum of one parking stall is required; and
  - iv. Compliance with the Ontario Building Code and Fire Code, as applicable.
- c) Except as otherwise provided herein, no accessory building shall exceed 6m in height.
- d) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 7.3m.
- e) Dwelling units below grade are not permitted.

Notwithstanding the provisions of the Residential 1 zone, the following site-specific regulations shall apply:

Minimum Lot Area	620m <sup>2</sup>
Maximum Lot Frontage	17m
Minimum Front Yard	6m to dwelling face 7.7m to garage
Maximum Front Yard	7.7 to dwelling face
Minimum Interior Side Yard	1.8m or 3m to a laneway
No minimum ground floor area requirement.	

**R1-107: 3, 3A Hurricane Road**  
\*Formerly R1-303\*

Section 8: Definitions is amended for the subject lands as follows:

“SECOND DWELLING UNIT” means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building (e.g. in-law suite, basement suite, coach house).

“DWELLING – FRONT FACE” means where a setback is measured from the ‘dwelling front face’, this shall include any portion of a building face exposed to the street line including the front door, but does not include a covered porch.

Notwithstanding the requirements of Section 7: General Provisions, the following regulations shall apply:

- a) Where this By-law provides that a lot, building or structure may be erected or used for a purpose, that purpose shall include any accessory building, structure or accessory use, but shall not include any occupation for gain or profit conducted within or accessory to a dwelling unit except as in this by-law is specifically permitted.
- b) Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, or in their accessory building provided:
  - i. The maximum floor area does not exceed 65m<sup>2</sup>;
  - ii. A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling;
  - iii. A minimum of one parking stall is required; and
  - iv. Compliance with the Ontario Building Code and Fire Code, as applicable.
- c) Except as otherwise provided herein, no accessory building shall exceed 6m in height.
- d) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 7.3m.
- e) Dwelling units below grade are not permitted.

Notwithstanding the provisions of the Residential 1 zone, the following site-specific regulations shall apply:

Maximum Lot Frontage 4.7m

Existing accessory buildings are permitted.

No minimum ground floor area requirement.

**A-108: Concession 17, Part Lot 17 (Form. Part of 855 Chantler Road)**

\*Formerly A-304\*

Notwithstanding the requirements of the Agricultural zone, these lands may be used for agricultural uses including greenhouses, uses, buildings and structures accessory and forestry and conservation uses and the following site-specific regulations shall apply:

Minimum Lot Frontage 91m

**A-109: 855 Chantler Road**

\*Formerly A-305\*

Notwithstanding the requirements of the Agricultural zone, the following site-specific regulations shall apply:

Maximum Lot Coverage 6.4% provided the maximum lot coverage of all buildings does not exceed 10%

Maximum Building Height Existing as of the date of passing or 3.7m

**R2-110: Park Place South Subdivision**

\*Formerly R2-306\*

Section 8: Definitions is amended for the subject lands as follows:

“SECOND DWELLING UNIT” means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building (e.g. in-law suite, basement suite, coach house).

Notwithstanding the requirements of Section 7: General Provisions, the following regulations shall apply:

- a) Where this By-law provides that a lot, building or structure may be erected or used for a purpose, that purpose shall include any accessory building, structure or accessory use, but shall not include any occupation for gain or profit conducted within or accessory to a dwelling unit except as in this by-law is specifically permitted.
- b) Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, or in their accessory building provided:
  - i. The maximum floor area does not exceed 65m<sup>2</sup>;
  - ii. A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling;
  - iii. A minimum of one parking stall is required; and
  - iv. Compliance with the Ontario Building Code and Fire Code, as applicable

- c) Except as otherwise provided herein, no accessory building shall exceed 3.7m in height and no accessory building containing a second dwelling unit shall exceed 6m in height.
- d) Detached garages shall be located in the rear yard with a minimum rear setback of 6.0m to laneways, minimum 1.5m setback from end wall to interior side lot line or 0m setback from common wall to interior side lot line.
- e) The maximum lot coverage shall be 15%
- f) Dwelling units below grade are not permitted.
- g) Ingress and egress to and from required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3m wide, where only one-way traffic is permitted or if the number of residential units is 3 or less, and have a minimum width of 6.5m, but not more than 8m in perpendicular width where two-way traffic is permitted.
- h) All uses fronting Summersides Boulevard shall be accessed from a public or private laneway.
- i) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 8m.
- j) Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and patios, covered or uncovered shall not be permitted within 2m of the front lot line or exterior side lot line, and 4.5m of the rear lot line provided that, such uses are not more than 2m above ground. Uncovered patios and decks shall not be permitted within 1.2m of a rear or side lot line provided that such uses are not more than 0.3m above ground.

Notwithstanding the requirements of the Residential 2 zone, the following site-specific regulations shall apply:

Minimum Lot Area	360m <sup>2</sup>
Minimum Lot Frontage	12m
Maximum Lot Coverage	There is no maximum lot coverage requirement
Minimum Front Yard	4m to dwelling front face 6m to garage
Minimum Interior Side Yard	1.2m
Minimum Exterior Side Yard	3m
Minimum Rear Yard	6m

Maximum Height	3 storey or 12m, whichever is greater
Minimum Ground Floor Area for Dwelling	One Storey: 88m <sup>2</sup> Two or Three Storey: 50m <sup>2</sup>

### **RM1-111: Park Place South Subdivision**

\*Formerly RM1-307\*

Section 8: Definitions is amended for the subject lands as follows:

“SECOND DWELLING UNIT” means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling that maintains an independent entrance, or within a detached accessory building (e.g. in-law suite, basement suite, coach house).

Notwithstanding the requirements of Section 7: General Provisions, the following regulations shall apply:

- a) Where this By-law provides that a lot, building or structure may be erected or used for a purpose, that purpose shall include any accessory building, structure or accessory use, but shall not include any occupation for gain or profit conducted within or accessory to a dwelling unit except as in this by-law is specifically permitted.
- b) Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, or in their accessory building provided:
  - i. The maximum floor area does not exceed 65m<sup>2</sup>;
  - ii. A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling;
  - iii. A minimum of one parking stall is required; and
  - iv. Compliance with the Ontario Building Code and Fire Code, as applicable
- c) Except as otherwise provided herein, no accessory building shall exceed 3.7m in height and no accessory building containing a second dwelling unit shall exceed 6m in height.
- d) Detached garages shall be located in the rear yard with a minimum rear setback of 6.0m to laneways, minimum 1.5m setback from end wall to interior side lot line or 0m setback from common wall to interior side lot line.
- e) The maximum lot coverage shall be 15%
- f) Dwelling units below grade are not permitted.
- g) Ingress and egress to and from required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3m wide,

where only one-way traffic is permitted or if the number of residential units is 3 or less, and have a minimum width of 6.5m, but not more than 8m in perpendicular width where two-way traffic is permitted.

- h) All uses fronting Summersides Boulevard shall be accessed from a public or private laneway.
- i) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 8m.
- j) Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and patios, covered or uncovered shall not be permitted within 2m of the front lot line or exterior side lot line, and 4.5m of the rear lot line provided that, such uses are not more than 2m above ground. Uncovered patios and decks shall not be permitted within 1.2m of a rear or side lot line provided that such uses are not more than 0.3m above ground.

Notwithstanding the requirements of the RM1 zone, the following site-specific regulations shall apply:

Minimum Lot Frontage	6m
Minimum Corner Lot Frontage	7.5m
Minimum Front Yard	3m to dwelling front face 6m to garage
Minimum Interior Side Yard	1.2m, 0m to common wall
Minimum Exterior Side Yard	3m
Minimum Rear Yard	6m
Maximum Height	3 storey or 12m, whichever is greater
Minimum Ground Floor Area for Dwelling	One Storey: 88m <sup>2</sup> Two or Three Storey: 50m <sup>2</sup>
Landscape strips	There are no landscape strip requirements.

#### **RM1-112: Park Place South Subdivision**

\*Formerly RM1-308\*

Section 8: Definitions is amended for the subject lands as follows:

“SECOND DWELLING UNIT” means a second dwelling unit on a lot with a principle dwelling that is created through converting part of, or adding on to the existing dwelling

that maintains an independent entrance, or within a detached accessory building (e.g. in-law suite, basement suite, coach house).

Notwithstanding the requirements of Section 7: General Provisions, the following regulations shall apply:

- a) Where this By-law provides that a lot, building or structure may be erected or used for a purpose, that purpose shall include any accessory building, structure or accessory use, but shall not include any occupation for gain or profit conducted within or accessory to a dwelling unit except as in this by-law is specifically permitted.
- b) Only one second dwelling unit is permitted per lot in a single detached, semi-detached, or townhouse dwelling, or in their accessory building provided:
  - i. The maximum floor area does not exceed 65m<sup>2</sup>;
  - ii. A maximum of one entrance is permitted to face a street, inclusive of the principle dwelling;
  - iii. A minimum of one parking stall is required; and
  - iv. Compliance with the Ontario Building Code and Fire Code, as applicable
- c) Except as otherwise provided herein, no accessory building shall exceed 3.7m in height and no accessory building containing a second dwelling unit shall exceed 6m in height.
- d) Detached garages shall be located in the rear yard with a minimum rear setback of 6.0m to laneways, minimum 1.5m setback from end wall to interior side lot line or 0m setback from common wall to interior side lot line.
- e) The maximum lot coverage shall be 15%
- f) Dwelling units below grade are not permitted.
- g) Ingress and egress to and from required parking spaces and areas, shall be provided by means of unobstructed driveways or passageways at least 3m wide, where only one-way traffic is permitted or if the number of residential units is 3 or less, and have a minimum width of 6.5m, but not more than 8m in perpendicular width where two-way traffic is permitted.
- h) All uses fronting Summersides Boulevard shall be accessed from a public or private laneway.
- i) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 8m.
- j) Notwithstanding the yard provisions of this By-law, unenclosed porches, balconies, steps and patios, covered or uncovered shall not be permitted within 2m of the front lot line or exterior side lot line, and 4.5m of the rear lot line provided that, such uses are not more than 2m above ground. Uncovered patios and decks shall



not be permitted within 1.2m of a rear or side lot line provided that such uses are not more than 0.3m above ground.

Notwithstanding the requirements of the Residential Multiple 1 zone, back-to-back townhouse dwellings shall also be permitted subject to the following site-specific regulations:

Minimum Lot Frontage	6m
Minimum Corner Lot Frontage	10m
Minimum Lot Area	110m <sup>2</sup> per dwelling unit
Minimum Front Yard	7.5m
Minimum Interior Side Yard	1.2m, 0m to common wall
Minimum Exterior Side Yard	3m
Minimum Rear Yard	0m
Maximum Height	3 storey or 12m, whichever is greater
Minimum Ground Floor Area for Dwelling	One Storey: 88m <sup>2</sup> Two or Three Storey: 50m <sup>2</sup>

#### **A-113: 588 Chantler Road**

\*Formerly A-309\*

Notwithstanding the requirements of the Agricultural zone, the following site-specific regulations shall apply:

Maximum Lot Coverage	1.58% provided the maximum lot coverage of all buildings does not exceed 10%
Maximum Building Height	5.9m

#### **A-114: Concession 13, Part of Lot 11 (Form. Part of 588 Chantler Road)**

\*Formerly A-310\*

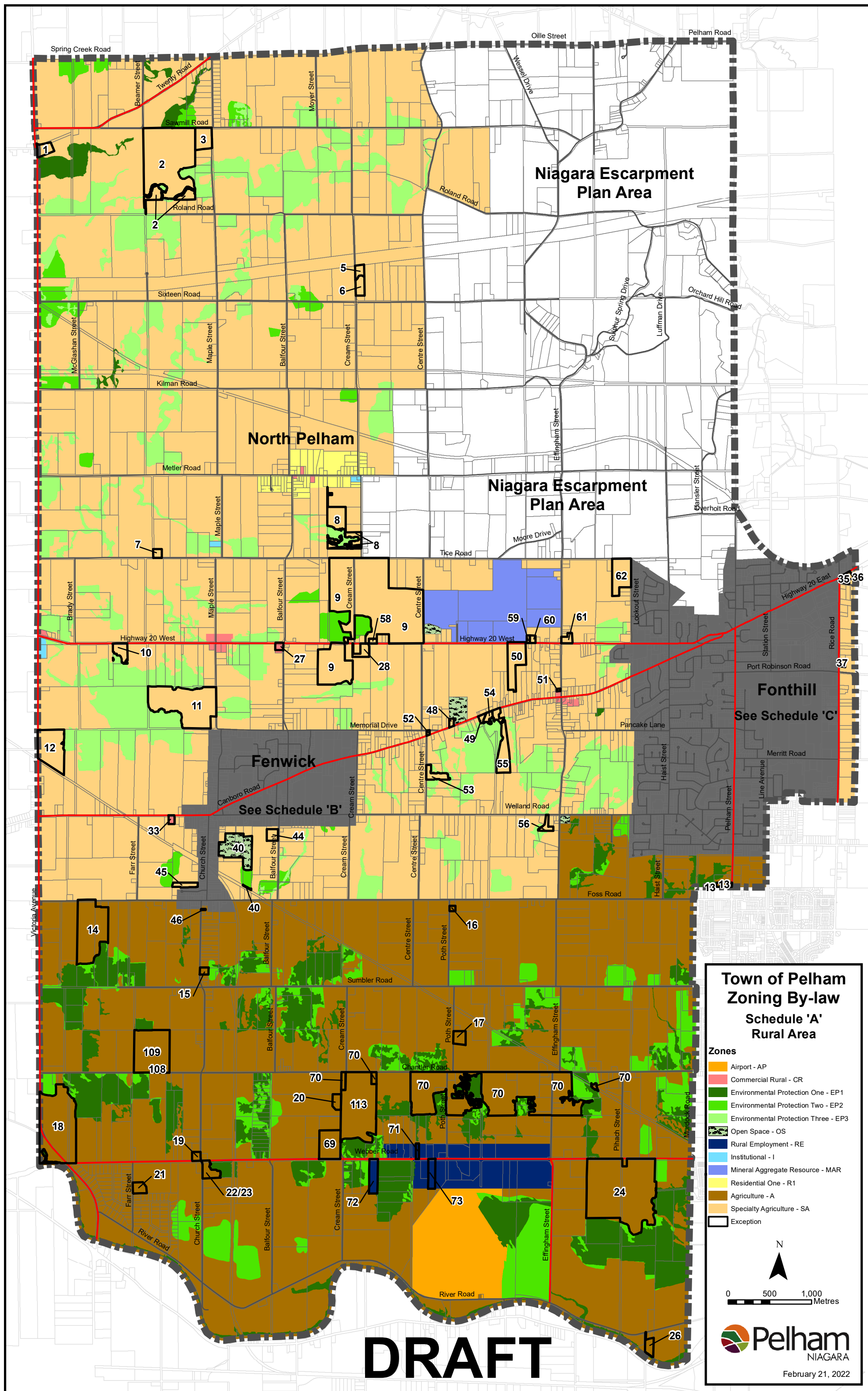
The lands identified as A-114 prohibits the use of the lands for residential purposes as result of a Farm Surplus Severance (File No. B21/2021P) and be rezoned as Agricultural Purposes Only (APO).



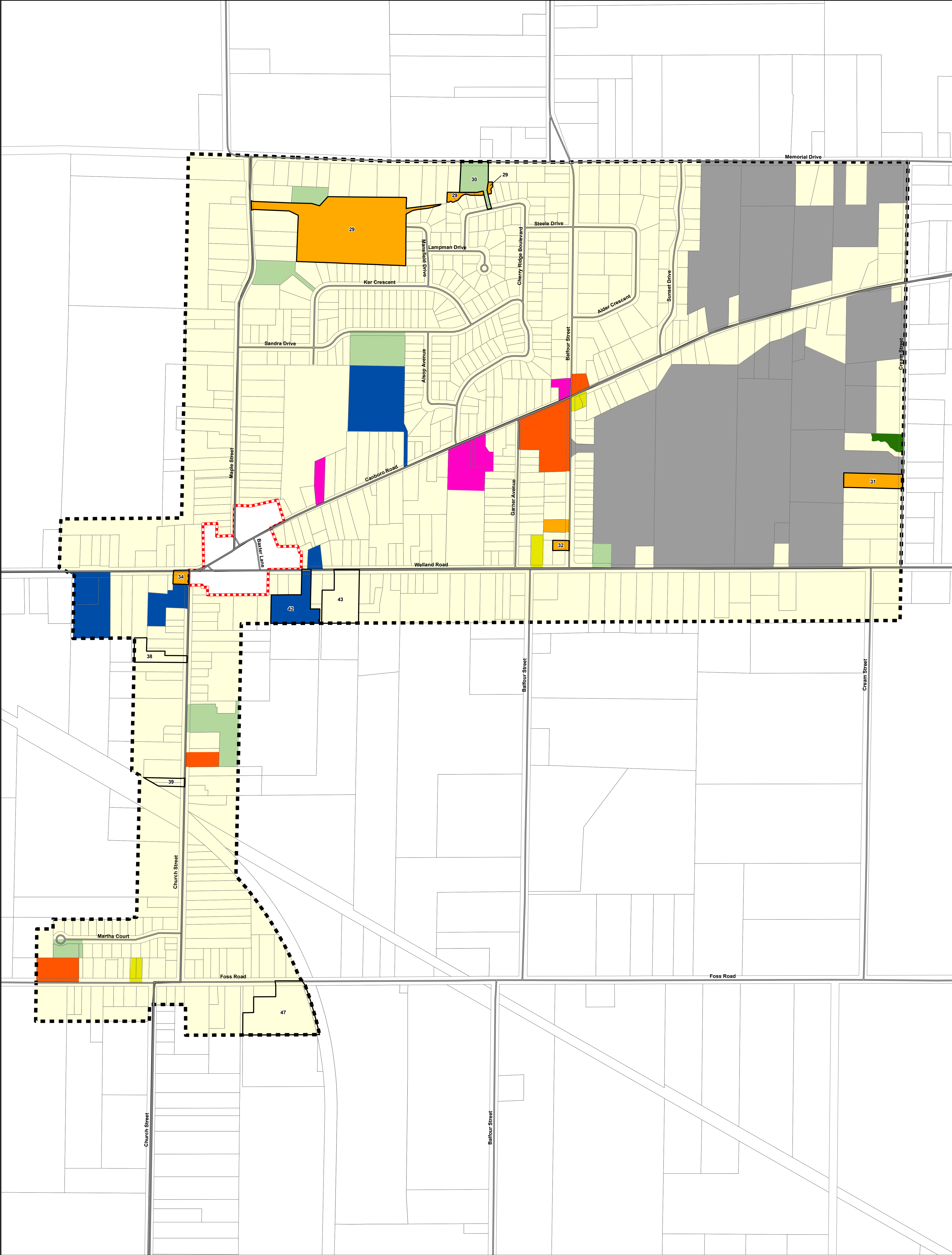
# Town of Pelham

## Zoning By-Law

### Schedules



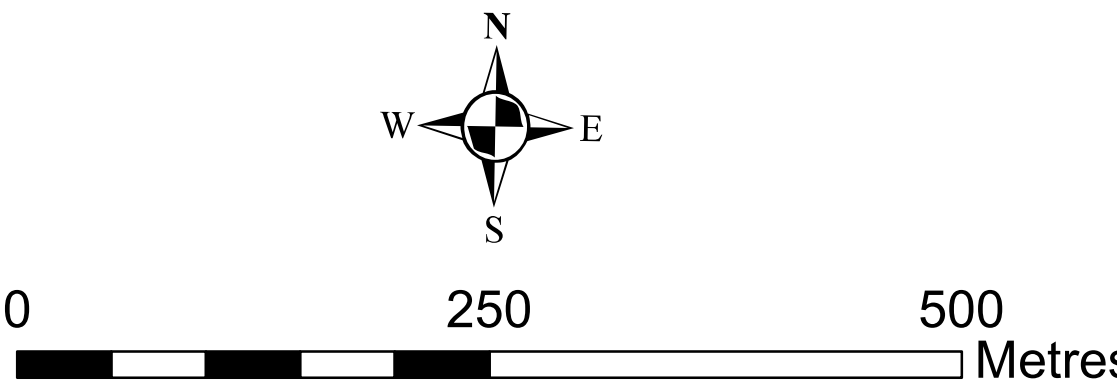




**Town of Pelham**  
**Zoning By-law**  
**Schedule 'B'**  
**Fenwick**

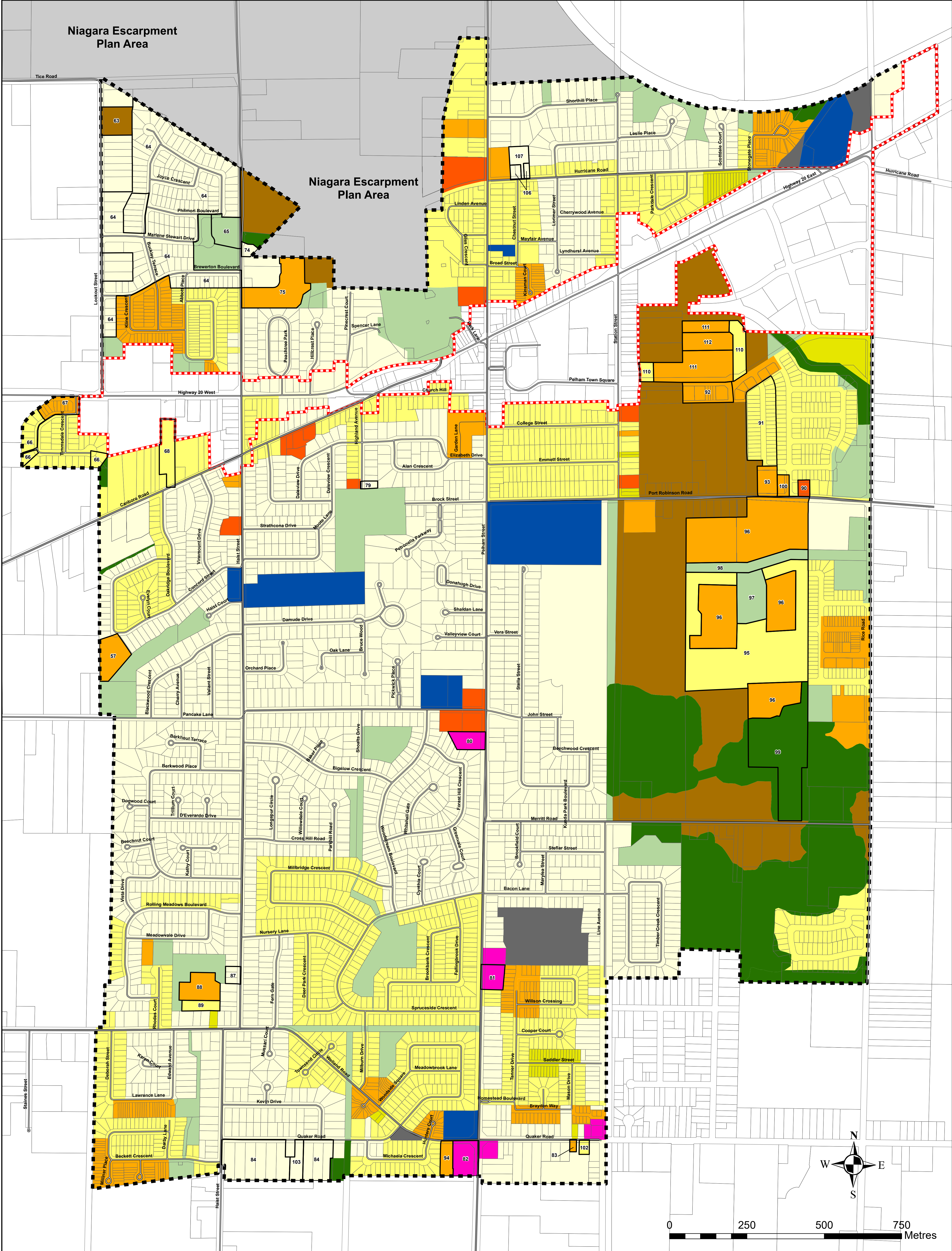
**Legend**

- |                                |                                |                  |
|--------------------------------|--------------------------------|------------------|
| R1 - Residential One           | RD - Residential Development   | See Schedule 'D' |
| R3 - Residential Three         | I - Institutional              |                  |
| RM1 - Residential Multiple One | A - Agricultural               |                  |
| RM2 - Residential Multiple Two | OS - Open Space                |                  |
| NC - Neighbourhood Commercial  | EP1 - Environmental Protection |                  |



**DRAFT**





**Town of Pelham**  
**Zoning By-law**  
**Schedule 'C'**  
**Fonthill**

**Legend**

- |  |  |                                |
|--|--|--------------------------------|
| R1 - Residential One                   | GF-R3 - New Greenfield Residential Three | RD - Residential Development   |
| R2 - Residential Two                   | GF-MU1 - New Greenfield Mixed Use One    | I - Institutional              |
| R3 - Residential Three                 | <i>Refer to Zoning By-law 3543-2014</i>  | A - Agricultural               |
| GF-R1 - New Greenfield Residential One | RM1 - Residential Multiple One           | EP1 - Environmental Protection |
| GF-R2 - New Greenfield Residential Two | RM2 - Residential Multiple Two           | OS - Open Space                |
|  | NC - Neighbourhood Commercial            | See Schedule 'E'               |

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**\*\*Please note: Lands in the East Fonthill Secondary Plan Area will be updated prior to any final recommendations being made\*\***



# Town of Pelham Zoning By-law

## Schedule 'D' Fenwick Downtown

**Legend**

- VC - Village Commercial
- NC - Neighbourhood Commercial
- OS - Open Space
- Exceptions
- Schedule 'D' Bounfary

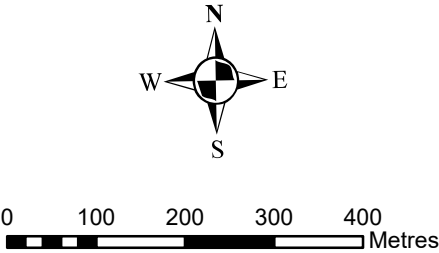
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Town of Pelham  
Zoning By-law  
Schedule 'E'  
Fonthill Downtown

- Legend**
- VC - Village Commercial
  - DC - Downtown Corridor
  - MS - Main Street
  - TS - Town Square
  - RM2 - Residential Multiple Two
  - I - Institutional

**\*\*Please note: Lands in the East Fonthill Secondary Plan Area will be updated prior to any final recommendations being made\*\***



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