

REGULAR COUNCIL AGENDA

C-05/2022 - Regular Council

Monday, March 7, 2022

5:30 PM

Town of Pelham Municipal Office - Council Chambers

20 Pelham Town Square, Fonthill

During the ongoing global pandemic, Novel Coronavirus COVID-19, the Town of Pelham Council will continue to convene meetings in compliance with Provincial directives. Attendance by most Members of Council will be electronic. Public access to meetings will be provided via Livestream

www.youtube.com/townofpelham/live and subsequent publication to the Town's website at www.pelham.ca.

Pages

1. Call to Order and Declaration of Quorum

1.1. Land Recognition Statement

We begin this meeting by acknowledging the land on which we gather is the traditional territory of the Haudenosaunee and Anishinaabe peoples, many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties and is within the land protected by the Dish With One Spoon Wampum agreement. Today this gathering place is home to many First Nations, Metis, and Inuit peoples and acknowledging reminds us that our great standard of living is directly related to the resources and friendship of Indigenous people.

2. Approval of Agenda

3. Disclosure of Pecuniary Interests and General Nature Thereof
4. Hearing of Presentation, Delegations, Regional Report
 - 4.1. Presentations
 - 4.1.1. COVID-19 Pandemic Update – CEMC
B. Lymburner, Community Emergency Management Co-Ordinator
 - 4.1.2. COVID-19 Pandemic Update – CAO
D. Cribbs, Chief Administrative Officer
 - 4.2. Delegations
 - 4.2.1. Niagara Chapter of Trout Unlimited Canada 8 - 26
Dennis Edell, President and Brian Green, Secretary
 - 4.3. Report of Regional Councillor
5. Adoption of Minutes
 - 5.1. SC-02/2022 - Special Council - February 22, 2022 27 - 30
 - 5.2. RC-04/2022 - Regular Council - February 22, 2022 31 - 45
6. Business Arising from Council Minutes
7. Request(s) to Lift Consent Agenda Item(s) for Separate Consideration
8. Consent Agenda Items to be Considered in Block
 - 8.1. Presentation of Recommendations Arising from COW or P&P, for Council Approval 46 - 46
1. PCOW-01/2022 - February 14, 2022 - Special Committee of the Whole, Public Meeting Under the Planning Act
 - 8.2. Minutes Approval - Committee 47 - 52
1. PCOW-01/2022 - February 14, 2022 - Special Committee of

8.3. Staff Reports of a Routine Nature for Information or Action

8.3.1.	Memo re: Amended Cost Sharing Agreement with the Niagara Region	53 - 53
8.3.2.	2021 Council and Board Remuneration, 2022-0052-Corporate Services	54 - 58
8.3.3.	Recommendation Report for Zoning By-law Amendment - 30, 54, 64, 66 and 68 Philmori Boulevard, 2022-0058-Planning	59 - 77
8.3.4.	Zoning By-law Amendment (AM-09-2021) 1553 Pelham Street - Recommendation Report, 2022-0063-Planning	78 - 125
8.3.5.	Town of Pelham Draft Comprehensive Zoning By-law - Status Update and Information Report, 2022-0054-Planning	126 - 352

8.4. Action Correspondence of a Routine Nature

8.5. Information Correspondence Items

8.5.1. Niagara Region Correspondence

8.5.1.1.	Violence and Harassment of Politicians and Public Servants	353 - 353
-----------------	---	------------------

February 18, 2022

8.5.1.2.	Evaluation of 2019 and 2020 Niagara Prosperity Initiative Projects	354 - 381
-----------------	---	------------------

February 18, 2022

8.5.1.3.	Consolidated Transportation System By-law 2021-96	382 - 400
-----------------	--	------------------

February 18, 2022

8.5.2.	Wally Braun Correspondence re: Development Charges	401 - 403
---------------	---	------------------

8.6. Regional Municipality of Niagara - Action Items

- 8.6.1. Invitation from the Region of Niagara - Regional Council 404 - 405**
Indigenous Education Training Session

8.7. Committee Minutes for Information

- 8.7.1. Pelham Active Transportation Committee 406 - 410**

January 18, 2022

- 8.7.2. Pelham Finance and Audit Committee 411 - 422**

November 24, 2021

9. Items for Separate Consideration, if Any

10. Presentation & Consideration of Reports

10.1. Reports from Members of Council:

10.2. Staff Reports Requiring Action

- 10.2.1. 2022 LDD Moth Management Program, 2022-0057- 423 - 434**
Public Works

- 10.2.2. Proposed 2022 Municipal Grant Allocation, 2022-0062- 435 - 437**
Recreation

11. Unfinished Business

12. New Business

13. Presentation and Consideration of By-Laws 438 - 464

1. By-law 4430(2022) - Being a by-law to remove the Holding (H) Provision executed by By-law No. 3868 (2017) for the lands located on the south side of Welland Road east of Church Street; municipally known as 788 Welland Road. Lume Investments Inc. File No. AM-07-18.

2. By-law 4431(2022) - Being a By-Law To Amend By-Law 4023(2018), as amended, Respecting Development Charges.

3. By-law 4432(2022) - Being a By-law to authorize the Mayor and Clerk to enter into an Agreement with the Corporation of the Town of Lincoln in order to establish a Union Public Library.
4. By-law 4433(2022) - Being a by-law authorizing the implementation of a 2022 spray program respecting the LDD moth, and to Repeal and Replace By-Law 4334(2021).
5. By-law 4434(2022) - Being a By-Law to amend By-law 4423(2022) authorizing the Mayor and Clerk to enter into a Cost Sharing Agreement with the Regional Municipality of Niagara for the Quaker Road Reconstruction Project, by Repealing and Replacing Schedule "A" with Schedule "A" appended hereto.

14. Motions and Notices of Motion

14.1. Councillor Wink - Twelve Mile Creek

Mover: Councillor Wink

Seconder: Councillor Hildebrandt

WHEREAS the Twelve Mile Creek is a significant environmental asset to the Town of Pelham and neighboring communities;

AND WHEREAS Council directed staff on April 19, 2021 to issue a Request for Proposal ("RFP") to undertake a design/building initiative for erosion mitigation and the rehabilitation of the Headwaters of the Twelve Mile Creek;

AND WHEREAS on July 26, 2021, Council approved \$70,000 to complete the engineering and detailed design for the project;

AND WHEREAS the design and completion of the project to identify, remediate and resolve the erosion taking place at the storm water outlet from the storm water management facility located at Rice Road and Highway 20 will ensure that the negative impacts to the Twelve Mile Creek and adjacent properties due to erosion is mitigated;

AND WHEREAS staff were not able to award the detailed engineering assignment for the erosion mitigation and rehabilitation project due to the budget restriction of \$70,000;

AND WHEREAS Niagara Chapter Trout Unlimited Canada has expressed interest in leading the project in partnership with the Niagara Peninsula Conservation Authority, the Town of Pelham, and private stakeholders;

AND WHEREAS Niagara Chapter Trout Unlimited Canada has engaged the services of Waters Edge Environmental Solutions Team to provide the required engineering services and detailed design at a total value not exceeding \$70,000;

NOW THEREFORE BE IT RESOLVED THAT Town of Pelham Council support the procurement of engineering services by Niagara Chapter Trout Unlimited Canada in the amount not to exceed \$70,000 to complete the review and design engineering plan to identify and evaluate the best practice to address the erosion problem present at the Headwaters of the Twelve Mile Creek;

AND THAT staff be authorized and directed to provide funds from the Roads Reserve.

- 15. Matters for Committee of the Whole or Policy and Priorities Committee**
- 16. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee**
- 17. Resolution to Move in Camera**

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(b) personal matters about an identifiable individual and (d) - labour relations or employee negotiations (1 Item - Committee Appointment)

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; (i) - a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or

organization; (j) - a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; (k) - a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (1 Item - Procurement Process)

18. Rise From In Camera

19. Confirming By-Law

465 - 465

20. Adjournment

Name: Niagara Chapter, Trout Unlimited Canada	
Address: 603 Memorial Drive, Fenwick	
Postal Code: L0S1C0	Telephone #: 416 918 4448
Email Address: dennisedell@tucniagara.ca	
The Council Chambers Is equipped with a laptop and projector. Please Check your audio/visual needs: <input type="checkbox"/> Laptop <input type="checkbox"/> Speaker <input type="checkbox"/> Internet Connection	
<p>PLEASE INDICATE THE DATE OF THE COUNCIL MEETING YOU WISH TO ATTEND AS A DELEGATION: Regular Council: 1st and 3rd Monday of the month; 5:30 p.m. (except summer schedule)</p> <p>DATE: <u>March 7, 2022</u></p> <p>Please identify the desired action of Council that you are seeking on this issue:</p> <p><u>Council to approve \$70k funds for Trout Unlimited Canada Niagara Chapter to provide a design engineering solution fo</u> <u>fix the erosion problems downstream of the stormwater management pond outlet at Hwy 20 near Rice Road subject to an approved</u> <u>design engineering proposal from Water's Edge. These funds have previously been earmarked for this purpose by Council</u></p> <p>I have never spoken on this issue before. Key points of my deputation are as follows: (Presentation must accompany the request) <u>An ongoing problem causing property damage and habitat destruction in the Twelve Mile Creek watershed.</u> <u>The competency of Trout Unllimited Canada and the selected engineering firm Waters Edge</u> <u>Consultatons and approvals built into the workplan.</u> <u>Timeline, milestones and deliverables</u></p> <p>In accordance with the Procedure By-law, Requests to Appear before Council with respect to a matter already on Council's Agenda shall submit a written request to the Clerk no later than 12:00 noon, eight business days prior to the meeting of Council. Delegation requests to address Council on matters not already on the Agenda of Council must be submitted at least fourteen (14) days before the date and time of the Meeting of Council. Delegations shall only be heard at regular Meetings of Council, unless specifically invited by Council to a Meeting of a Committee of Council.</p> <p>All requests must include a copy of the presentation materials as detailed in the deputation protocol. Failure to provide the required information on time will result in a deferral or denial. Delegations are limited to ten (10) minutes.</p> <p>I have read and understand the deputation protocol included with this form; and, that the information contained on this form, including any attachments, will become public documents and listed on Town Meeting Agendas and on the Town's website. I also understand that as a participant of this meeting, I will be recorded and further understand that this recording with be posted to the Town of Pelham's YouTube Channel. I also understand that presentation materials must be submitted with this deputation form. Electronic presentations must be e-mailed to hwillford@pelham.ca in accordance with the deadlines outlined above.</p>	
Signature	Date

Dennis Edell

Digitally signed by Dennis Edell
Date: 2022.02.20 12:18:33 -05'00'

DEPUTATION PROTOCOLS:

The Town of Pelham is an Open, Welcoming and Inviting Community, committed to supporting the strategic theme of ensuring that we are an engaged Community. To assist in achieving this goal, a Deputation Protocol has been developed to allow residents to make their views known to Council, based on the requirements of the Town of Pelham Procedural By-law. The views of interested citizens are valued and input is welcome, along with comments and constructive suggestions. Council must consider a large number of issues and concerns at any given time, thus the following protocol is observed:

Before:

- ✓ Please provide Clerk with a final and complete copy of your presentation to be included on the agenda for the meeting. MS PowerPoint is preferred. Failure to provide the final presentation will result in the deferral of your delegation.
- ✓ Presentations will be livestreamed. Therefore any PowerPoint presentation should move forward with your speaking points for the ease of the online public audience.
- ✓ Please arrive at the meeting by 5:15 p.m.

During:

- ✓ When called upon, please proceed immediately to the podium.
- ✓ Please keep your presentation brief and to the point. The maximum allowable time is 10 minutes.
- ✓ Please, only discuss the matters indicated on your submission and present in a respectful, temperate manner.
- ✓ If appearing as a group, please designate a spokesperson.
- ✓ Rules of decorum apply during your delegation in accordance with the Procedural By-law.

After:

- ✓ Upon completion of your presentation, please remain in position to allow for questions from Council members.

In Addition:

- ✓ Thank you for participating in this public meeting process.
- ✓ Your submission will form part of the public record on this matter.
- ✓ Deputation will not be permitted on items that are or have been subject of a Public Meeting under the Planning Act. Persons should present such concerns and opinions at the scheduled public meeting.

This form may contain personal information as defined under the Municipal Freedom of Information and Protection of Privacy Act. This information is collected under the legal authority of the Municipal Act, S.O. 2001 c.25, as amended and may be publicly released. Questions should be directed to the Clerk, 905.892.2607, ext. 315.

February 9, 2022
WE: P22014

Mr. Dennis Edell
President
Trout Unlimited Canada - Niagara Chapter

Dear Mr. Edell:

**Re: Twelve Mile Creek – Rice Road and Hwy 20 Stormwater Outfall Rehabilitation
Fluvial Geomorphological Assessment and Natural Channel Design**

Further to the proposal information provided via email previously, and to the site visit I had with Mr. Brian Green of the Trout Unlimited Canada Niagara Chapter on January 29, 2022, we note that the scope of work will consist of the rehabilitation of the (Twelve Mile Creek Tributary) outlet channel from the upstream stormwater management facility. The general objective will be to evaluate the outfall and channel conditions, undertake a detailed survey and geomorphic fieldwork, prepare a comprehensive design for the outfall and channel rehabilitation, and prepare the necessary tender documents for a tender-ready package. A report will be prepared and submitted to the agencies and we will assist in approvals with the Niagara Peninsula Conservation Authority (NPCA) regarding the design report and plans.

We understand that Trout Unlimited Canada (TUC) will be going before Pelham Council on March 7, 2022 for approval to contract the design engineering phase within the allocated \$70K budget. Water's Edge is a design engineering firm specializing in stream and streambank restoration and has completed work for the Town in the past. Under the direction of TUC, Water's Edge will undertake the design work as per our preliminary site visit and the requirements stated in the Town's RFP with these exceptions:

1. We will undertake a *combined* Stage 1 and Stage 2 Archaeology Assessment as the area has very high potential for archaeological resources due to its close proximity to multiple indicators (as per our archaeologist's professional opinion);
2. Geotechnical support for the stream restoration design is not required for design purposes. We will examine the exposed soil profile ourselves to understand local soil conditions for design purposes. However, chemical testing by the geotechnical engineer for the offsite removal of spoil, as required by current legislation, will be deferred to the construction phase. Our opinion is that it would require an excessive drilling program to cover the entire site and it would be much more cost-effective to test a spoil pile with 1 or 2 samples during construction. As such, this aspect of the geotechnical investigation will be deferred to the construction phase and we will indicate this in our design report; and,
3. NPCA will conduct the EA/SAR screening in support of the design.

With these caveats in mind, Water's Edge is prepared to provide TUC with a tender-ready design solution for less than \$70,000. If TUC's request to Pelham Council is approved, a fulsome proposal will be forthcoming.

Thank you for the opportunity to work with you on this project. Should you have any comments or questions, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Ed Gazendam', is written over the 'Respectfully submitted,' text.

Ed Gazendam, Ph.D., P.Eng.,
President, Sr. Fluvial Geomorphologist
Water's Edge Environmental Solutions Team Ltd.



Fixing the Hwy20 Stormwater Management Pond Outlet Erosion Causing Property and Habitat Damage Above Twelve Mile Creek in Fonthill

Presentation to Mayor and Council of the Town of Pelham, March 7, 2022

Objective for tonight.

A motion by Council to allocate the \$70K approved for the design phase to Trout Unlimited Canada's Niagara Chapter to deliver the Design Engineering plan to fix the Rice Road SWMP outlet erosion problem.

Trout Unlimited Canada

Trout Unlimited Canada is a registered Canadian charitable organization. Our mission is to conserve, protect and restore Canada's freshwater ecosystems and their coldwater resources for current and future generations. Our work is guided by science and research and fueled by the unending passion of our volunteers and professional staff.



Trout Unlimited Canada - Niagara Chapter

The Niagara Chapter of Trout Unlimited Canada is a conservation organization made up of volunteers who care about the last remaining cold water aquatic system in Niagara: Twelve Mile Creek. With our partners, we are working to preserve, protect, and enhance the Twelve for this and future generations.



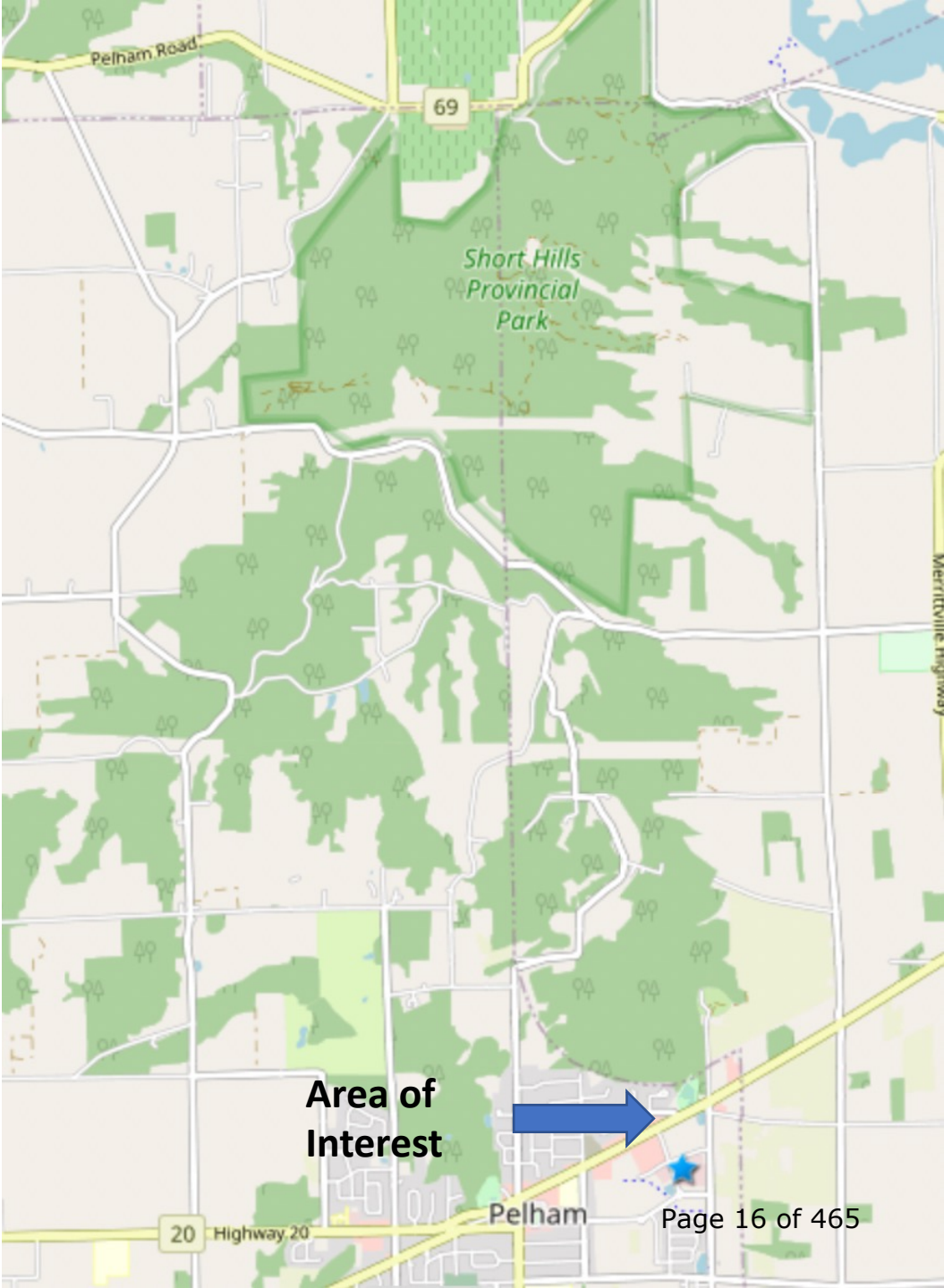
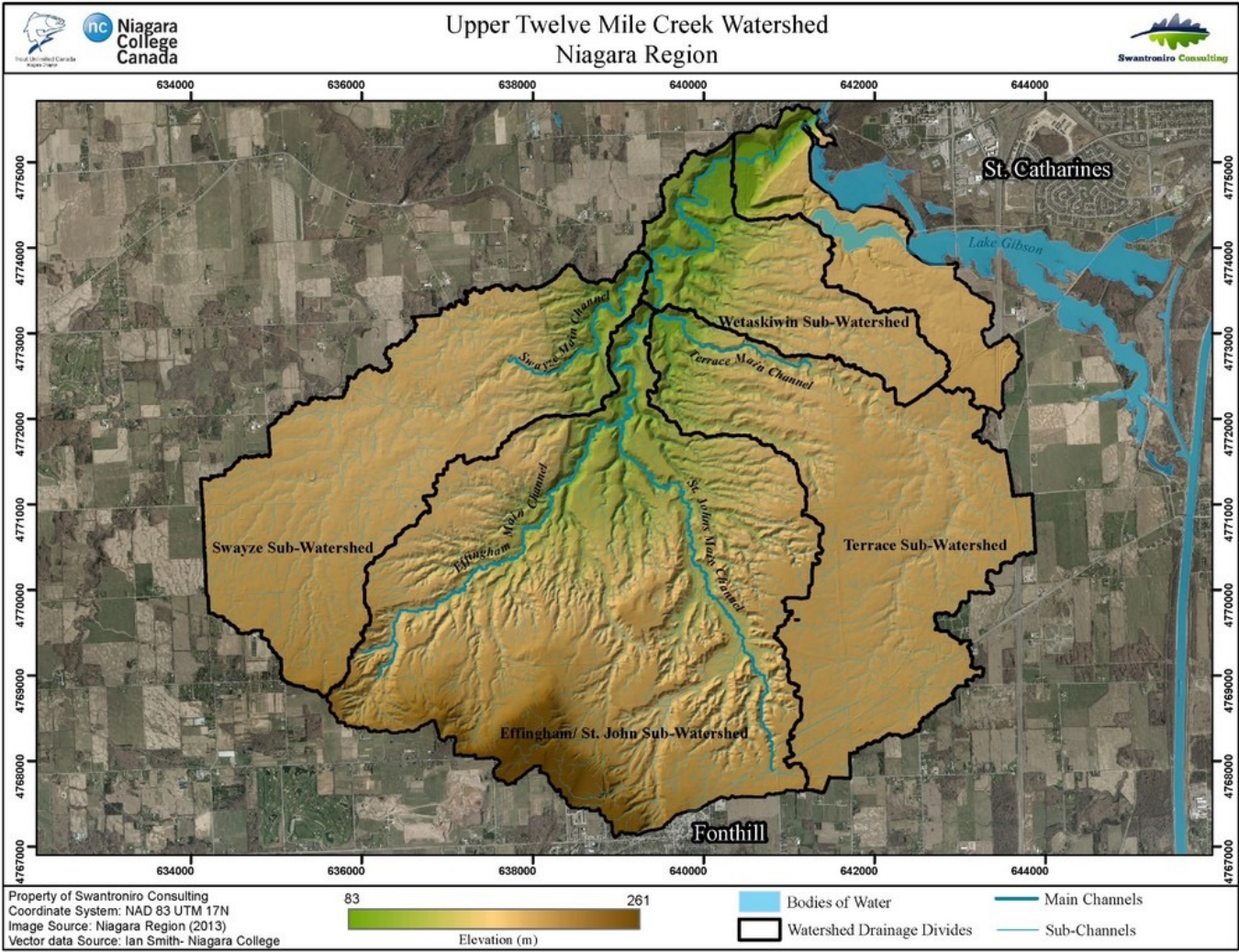
Trout Unlimited Canada - Niagara Chapter

We are celebrating ten years of successful stream restoration projects in the Upper Twelve Mile Creek watershed.

Working in partnership with the Town of Pelham, Niagara Region, MNRF, DFO, NEC and NPCA and private landowners.



The Upper Twelve Mile Creek Watershed is Niagara's "most significant watershed".



Upper Twelve
Mile Creek
Watershed



2018 Aerial

2018 Aerial

1:500



Erosion damage

Pelham Cares

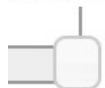
Lions Club

Stormwater
Management
Pond SWMP



Tools

3 Aerial



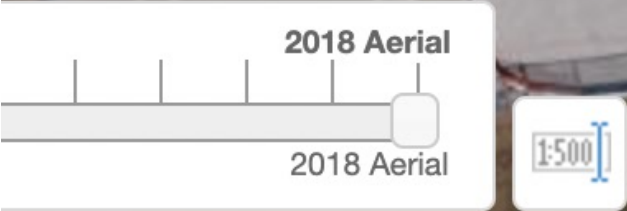
8 Aerial

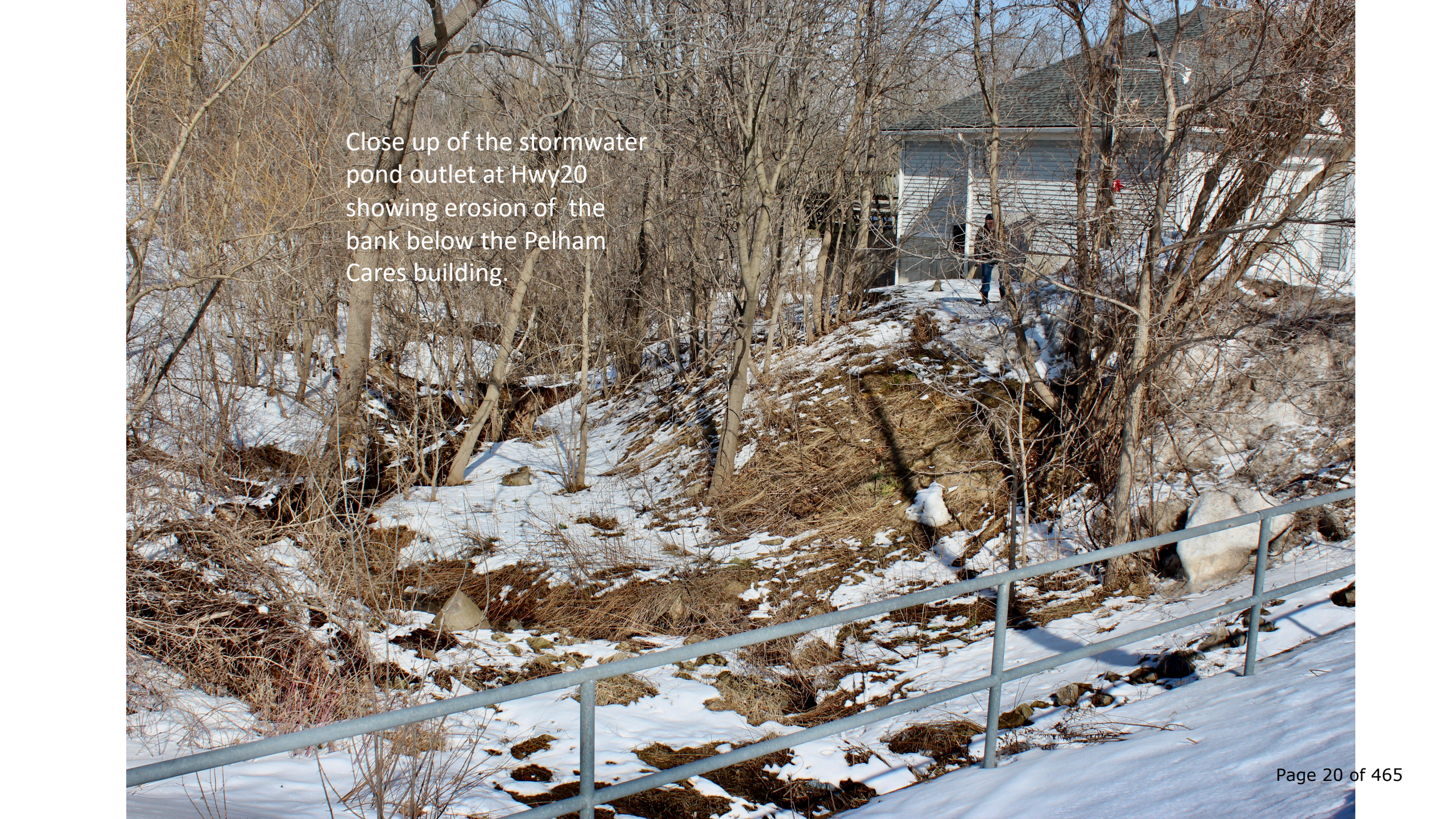
1:500



Property Loss

Pond Outlet



A photograph showing a winter scene with a snow-covered, eroded bank. Bare trees are scattered across the slope, and a metal railing runs along the bottom edge. In the background, a light-colored building is partially visible through the trees.

Close up of the stormwater
pond outlet at Hwy20
showing erosion of the
bank below the Pelham
Cares building.

Impact of excessive flows



- Scouring, erosion and property loss
- Sediment conveyed downstream into the watershed
- Destruction of vegetation, tree cover
- Damage to aquatic habitat
- Flood damage to properties downstream
- Damage from excess water flows will continue caused by unique weather events (climate change) and any additional development (hard surfaces) upstream



Erosion Control

Design Option : Step Pools

Stormwater step pools are often used for drainage areas to safely convey stormwater down a steep slope, gully, or ravine while minimizing scour and channel erosion potential.



Moving toward a solution

Phase One: Design Engineering

Phase Two: Fund Raising

Phase Three: Approvals and Construction

Phase Four: Beautification

Phase One: Design-engineering:



Water's Edge provides fluvial geomorphology, natural channel design, and water resources engineering consulting to municipal clients such as the Town of Pelham.

Senior staff under president Ed Gazendam has completed numerous stream restoration projects, ranging from full-scale design projects on large river systems to Class Environmental Assessments, baseline studies, and monitoring.

Waters Edge has agreed to provide a design engineering plan within the \$70K budget.





Oversight

Regular reviews at every project milestone by a working group consisting of representatives from:

The Town of Pelham

The NPCA

TUC National

TUC Niagara Chapter (Chair)



It's time for action.

SPECIAL COUNCIL MINUTES

Meeting #: SC-02/2022
Date: Tuesday, February 22, 2022, 4:30 pm
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present Marvin Junkin
Lisa Haun
Bob Hildebrandt
Ron Kore
Wayne Olson
Marianne Stewart
John Wink

Staff Present Jason Marr
Teresa Quinlin-Murphy
Jennifer Stirton
Vickie vanRavenswaay
Barbara Wiens
Sarah Leach
Holly Willford

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 4:31pm.

1.1 Land Recognition Statement

The Councillor Haun read the land acknowledgement into the record.

2. Approval of the Agenda

Moved By Wayne Olson

Seconded By Ron Kore

BE IT RESOLVED THAT the agenda for the February 22, 2022 Special Meeting of Council be adopted as circulated.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	

Marianne Stewart	X	
John Wink	X	
Results	7	0
		Carried (7 to 0)

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Resolution to Move in Camera

Moved By Marianne Stewart

Seconded By Lisa Haun

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them; (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. (1 Item - Agreement Negotiation); and

(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose; (i) - a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization; j) - a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value; and (k) - a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board (1 Item - Procurement Process)

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	

Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

5. Rise From In Camera

Moved By John Wink
Seconded By Bob Hildebrandt

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise: With No Report.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
Carried (7 to 0)		

6. Confirming By-law

Moved By John Wink
Seconded By Ron Kore

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 4427(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Special Meeting held on the 22nd day of February, 2022.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	

John Wink	X	
Results	7	0
		Carried (7 to 0)

7. Adjournment

The meeting adjourned at 4:42pm.

Moved By Lisa Haun
Seconded By Marianne Stewart

BE IT RESOLVED THAT this Special Meeting of Council be adjourned until the next regular meeting scheduled for February 22, 2022 at 5:30 pm.

	For	Against
Marvin Junkin	X	
Lisa Haun	X	
Bob Hildebrandt	X	
Ron Kore	X	
Wayne Olson	X	
Marianne Stewart	X	
John Wink	X	
Results	7	0
		Carried (7 to 0)

 Mayor Marvin Junkin

 Town Clerk, Holly Willford

REGULAR COUNCIL MINUTES

Meeting #: C-04/2022 - Regular Council
Date: Tuesday, February 22, 2022
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council
Chambers
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin
Councillor Lisa Haun
Councillor Bob Hildebrandt
Councillor Ron Kore
Councillor Wayne Olson
Councillor Marianne Stewart
Councillor John Wink

Staff Present: David Cribbs
Bob Lymburner
Jason Marr
Teresa Quinlin-Murphy
Jennifer Stirton
Vickie vanRavenswaay
Barbara Wiens
Holly Willford
Sarah Leach

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30pm.

1.1 Land Recognition Statement

Councillor Haun read the Land Recognition Statement into the record.

The Mayor provided 'shout outs' to Town Staff for Family Day activities and to The Voice of Pelham for reaching the finals for 9 potential media awards.

2. Approval of Agenda

BE IT RESOLVED THAT the agenda for the February 22, 2022 Regular meeting of Council be adopted.

Amendment: Moved By Councillor Wayne Olson
Seconded By Councillor John Wink

THAT the agenda be amended to:

- **Move item 10.2.5 Union Library Endorsement Staff Report after item 4.2.1 Pelham Library and Lincoln Library - Formation of a Union Library Between Pelham and Lincoln Delegation.**

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
Carried (7 to 0)		

Motion as Amended: Moved By Councillor Ron Kore
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT the agenda for the February 22, 2022 Regular meeting of Council be adopted, as amended.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
Carried (7 to 0)		

3. Disclosure of Pecuniary Interests and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Hearing of Presentation, Delegations, Regional Report

4.1 Presentations

4.1.1 COVID-19 Pandemic Update – CEMC

Fire Chief and Community Emergency Management Co-Ordinator presented updated information as it relates to the ongoing worldwide pandemic, COVID-19.

Moved By Councillor Lisa Haun
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council receive the COVID-19 update presentation from B. Lymburner, Fire Chief and Community Emergency Management Co-Ordinator, for information.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
Carried (7 to 0)		

4.1.2 COVID-19 Pandemic Update – CAO

Mr. Cribbs, CAO, provided Council an up-date with respect to COVID-19. He stated the Niagara Region has submitted a bill of \$291,452.00 to the Ministry of Health for potential reimbursement for Pelham vaccination clinics held at the MCC. Mr. Cribbs further provided Council an update from the Niagara Region's CAO meeting with Dr. Hirji. He stated this included discussions with respect to corporates vaccination policies and QR codes.

Moved By Councillor Marianne Stewart
Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive the COVID-19 update presentation from D. Cribbs, Chief Administrative Officer, for information.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	

Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
		Carried (7 to 0)

4.2 Delegations

4.2.1 Pelham Library and Lincoln Library - Formation of a Union Library Between Pelham and Lincoln

Library Board Members from Pelham and Lincoln, provided Council a presentation with respect to the proposed Union Library. A copy of the presentation is on file with the Clerk.

Moved By Councillor John Wink
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive correspondence from the Pelham Library and Lincoln Library regarding the Formation of a Union Library Between Pelham and Lincoln, for information;

AND THAT Council received the Report on Potential Operational Merger of Lincoln and Pelham Public Libraries by J. Andrews, Lincoln Public Library CEO, and A. Guilmette, Pelham Public Library Acting CEO, for information;

AND THAT Council approve, support and endorse the recommendations contained within the said report.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
		Carried (7 to 0)

4.3 Union Library Endorsement, 2022-0010-Chief Administrator Officer

Moved By Councillor John Wink
Seconded By Councillor Marianne Stewart

BE IT RESOLVED THAT Council receive Report #2022-0010, Union Library Endorsement, for information;

AND THAT Council receive the report by Watson and Associates which was funded by the Modernization Grant Phase 2, for information;

AND THAT Council approve posting this final report on the Town’s website as per the grant agreement,

AND THAT Council accepts and approved the recommendation of the Joint Lincoln/Pelham Library Board Committee and endorses the report on the Potential Operational Merger of Lincoln and Pelham Public Libraries, effective April 1, 2022;

AND THAT Council directs the Town Clerk to present a by-law appointing a new Library Board effective April 1, 2022.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
		Carried (7 to 0)

4.4 Report of Regional Councillor

5. Adoption of Minutes

Moved By Councillor Lisa Haun
Seconded By Councillor Marianne Stewart

BE IT RESOLVED THAT the following minutes be adopted as printed, circulated and read:

1. RC-03/2022 - Regular Council - February 7, 2022

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	

BE IT RESOLVED THAT Council receive Report #2022-0027 – Pelham Water Distribution System Summary Report, for information

8.5. Information Correspondence Items

8.5.1. Integrity Commissioner Report - IC-15479-1021

BE IT RESOLVED THAT Council receive for information the Integrity Commissioner correspondence, File IC-15479-1021.

8.5.2. Integrity Commissioner Report - IC-15480-1021

BE IT RESOLVED THAT Council receive for information the Integrity Commissioner correspondence, File IC-15480-1021.

~~8.5.3. St. Catharine's Correspondence re: Acts of Violence, Harassment and Intimidation Against Elected Officials and Government Employees~~

~~BE IT RESOLVED THAT Council receive correspondence from the City of St. Catharines regarding Acts of Violence, Harassment and Intimidation Against Elected Officials and Government Employees, for information.(lifted)~~

8.7. Committee Minutes for Information

8.7.1. Committee of Adjustment

BE IT RESOLVED THAT Council receive the Committee of Adjustment minutes dated November 2, 2021 and December 7, 2021, for information.

8.7.2. Summerfest Committee

BE IT RESOLVED THAT Council receive the Summerfest Committee minutes dated April 22, 2020, November 3, 2021, November 17, 2021 and December 8, 2021, for information.

8.7.3. Pelham Seniors Advisory Committee

BE IT RESOLVED THAT Council receive the Pelham Seniors Advisory Committee minutes dated June 30, 2021, September 30, 2021, October 21, 2021, November 18, 2021, December 15, 2021 and January 14, 2022, for information.

8.7.4. Pelham Arts Advisory Committee

BE IT RESOLVED THAT Council receive the Pelham Arts Advisory Committee minutes dated August 18, 2021, September 22, 2021, October 27, 2021 and November 17, 2021, for information.

8.7.5. MCC User Group

BE IT RESOLVED THAT Council receive the MCC User Group minutes dated September 21, 2021 and November 4, 2021, for information.

8.7.6. Joint Accessibility Advisory Committee

BE IT RESOLVED THAT Council receive the Joint Accessibility Advisory Committee minutes dated December 9, 2021, for information.

8.7.7. Cannabis Control Committee

BE IT RESOLVED THAT Council receive the Cannabis Control Committee minutes dated November 24, 2021, for information.

9.1 St. Catharines Correspondence re: Acts of Violence, Harassment and Intimidation Against Elected Officials and Government Employees

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT Council receive correspondence from the City of St. Catharines regarding Acts of Violence, Harassment and Intimidation Against Elected Officials and Government Employees, for information.

10. Resolution to Move in Camera

Moved By Councillor John Wink
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT the next portion of the meeting be closed to the public in order to consider a matter under Section 239 (2) of the Municipal Act, as follows:

(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson		X
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	6	1
Carried (6 to 1)		

11. Rise From In Camera

Moved By Councillor John Wink
Seconded By Councillor Bob Hildebrandt

BE IT RESOLVED THAT Council adjourn the In Camera Session and that Council do now Rise: With No Report.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
Carried (7 to 0)		

12. Reconvene: St. Catharines Correspondence re: Acts of Violence, Harassment and Intimidation Against Elected Officials and Government Employees

Moved By Councillor Bob Hildebrandt
Seconded By Councillor Ron Kore

BE IT RESOLVED THAT Council receive correspondence from the City of St. Catharines regarding Acts of Violence, Harassment and Intimidation Against Elected Officials and Government Employees, for information.

Amendment: Moved By Councillor John Wink
Seconded By Councillor Marianne Stewart

THAT the motion be amended to include:
AND THAT the Council for the Town of Pelham endorse and support the resolution from the City of St. Catharines;
AND THAT the Town Clerk is hereby directed to circulate a copy of this resolution to the Niagara Region and Local Area Clerks.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	

Councillor John Wink	X	
Results	7	0
		Carried (7 to 0)

Motion as Amended: Moved By Councillor John Wink
Seconded By Councillor Marianne Stewart

BE IT RESOLVED THAT Council receive correspondence from the City of St. Catharines regarding Acts of Violence, Harassment and Intimidation Against Elected Officials and Government Employees, for information;

AND THAT the Council for the Town of Pelham endorse and support the resolution from the City of St. Catharines;

AND THAT the Town Clerk is hereby directed to circulate a copy of this resolution to the Niagara Region and Local Area Clerks.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
		Carried (7 to 0)

13. **Presentation & Consideration of Reports**
- 13.1 **Reports from Members of Council:**
- 13.2 **Staff Reports Requiring Action**
- 13.2.1 **Establishment of a Development Application Refund and Withdrawal Policy, 2022-0029-Clerks**
- Moved By** Councillor Wayne Olson
Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive Report #2022-0029 Establishment of a Development Application Refund and Withdrawal Policy, for information;

AND THAT Council approve the Development Application Refund and Withdrawal Policy, S300-02.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
Carried (7 to 0)		

13.2.2 Rescue Truck Donation 2022, 2022-0051-Fire Dept

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Lisa Haun

BE IT RESOLVED THAT Council receive Report #2022-0050 – Rescue Truck Donation, for information;

AND THAT Council approve the donation of Rescue Vehicle 02-219 to the Community of Little Burnt Bay, Newfoundland.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
Carried (7 to 0)		

13.2.3 Parking Enforcement Options at the MCC, 2022-0020-Chief Administrator Officer

Moved By Councillor Marianne Stewart

Seconded By Councillor John Wink

BE IT RESOLVED THAT Council receive Report #2022-0020, Temporary Parking Solutions and Enforcement Options for the Meridian Community Centre, for information;

AND THAT Council direct staff to take no further action in relation to temporary parking at the Meridian Community Centre pending receipt of the parking study;

AND THAT Council direct staff to prepare a by-law to regulate parking at the Meridian Community Centre and other properties owned by the Town of Pelham where parking is provided.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
Carried (7 to 0)		

13.2.4 Modernization Grant Phase 2 Information Technology Web-based Services Review, 2022-0049-Corporate Services

Moved By Councillor Ron Kore
Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT Council receive Report # 2022-0049-Modernization Grant Phase 2 Information Technology, for information Corporate Services;

AND THAT Council receive the Report prepared by Spatial DNA, for information;

AND THAT Council approve the posting of this report on the Town of Pelham website as required by the grant agreement.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	

Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
		Carried (7 to 0)

14. Unfinished Business

15. New Business

16. Presentation and Consideration of By-Laws

Moved By Councillor Lisa Haun

Seconded By Councillor Ron Kore

BE IT RESOLVED THAT the Council of the Town of Pelham, having given due consideration to the following By-laws do now read a first, second and third time and do pass same, and

THAT the Mayor and Clerk be and are hereby authorized to sign and seal the by-laws:

1. By-law 4426(2022) - Being a by-law to amend By-law No. 4411(2022) to establish 2022 Fees and Charges to be collected by the Corporation of the Town of Pelham; And to Add Fees and Charges to the Planning and Development Services Schedule.

2. By-law 4428(2022) - Being a by-law to authorize the Mayor and Clerk to enter into a Memorandum of Understanding with the 2021 Canada Games Host Society Inc. with respect to the 2022 Canada Games; AND to authorize the Town, in collaboration with the 2021 Canada Games Host Society to organize and host a community event as part of the 13 for 13 Cultural Festival on Thursday, August 18, 2022 in Peace Park, 20 Pelham Town Square, Fonthill.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0

Carried (7 to 0)

17. Motions and Notices of Motion

17.1 Motion - Councillor Kore

Councillor Kore requested the motion be withdrawn. No members of Council objected.

18. Matters for Committee of the Whole or Policy and Priorities Committee

19. Matters Arising Out of Committee of the Whole or Policy and Priorities Committee

20. Confirming By-Law

Moved By Councillor Lisa Haun

Seconded By Councillor John Wink

BE IT RESOLVED THAT the following By-law be read a first, second and third time and passed:

Being a By-law No. 4429(2022) to Adopt, Ratify and Confirm the proceedings of Council of the Town of Pelham at its Regular Meeting held on the 22nd day of February, 2022.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0

Carried (7 to 0)

21. Adjournment

The meeting adjourned at 7:05pm.

Moved By Councillor Bob Hildebrandt

Seconded By Councillor Wayne Olson

BE IT RESOLVED THAT this Regular Meeting of Council be adjourned until the next regular meeting scheduled for March 7, 2022 at 5:30 pm.

	For	Against
Mayor Marvin Junkin	X	
Councillor Lisa Haun	X	
Councillor Bob Hildebrandt	X	
Councillor Ron Kore	X	
Councillor Wayne Olson	X	
Councillor Marianne Stewart	X	
Councillor John Wink	X	
Results	7	0
		Carried (7 to 0)

Mayor: Marvin Junkin

Town Clerk: Holly Willford

Recommendations of the Public Meeting under the Planning Act held February 14, 2022 – PCOW-01/2022

BE IT RESOLVED THAT COUNCIL HEREBY approves the following Recommendations Resulting from the Public Meeting under the Planning Act meeting of February 14, 2022:

1. THAT the agenda for the February 14, 2022 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

2. THAT Committee receive Report # 2021-044 for information and recommend to Committee;

THAT Planning staff be directed to prepare the Recommendation Report on this topic for Council's consideration once all comments have been received.

3. THAT Committee receive the applicant's presentation for information.

4. THAT Committee receives Report #2022-42 for information as it pertains to File No. AM-10-2021;

AND THAT Committee directs Planning staff to prepare the Recommendation Report on this application for consideration.

5. THAT Committee receive the applicant's presentation for information.

6. THAT Committee receive the written correspondence as listed on the agenda.

7. THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.

Committee of the Whole Meeting
Public Meeting under the Planning Act
Minutes

Meeting #: PCOW-01/2022
Date: Monday, February 14, 2022
Time: 5:30 PM
Location: Town of Pelham Municipal Office - Council Chambers
20 Pelham Town Square, Fonthill

Members Present: Mayor Marvin Junkin, Councillor Bob Hildebrandt,
Councillor Ron Kore, Councillor Wayne Olson, Councillor
Marianne Stewart, Councillor John Wink

Staff Present: Holly Willford, Barbara Wiens, Shannon Larocque, Sarah
Leach, Kenny Ng

1. Call to Order and Declaration of Quorum

Noting that a quorum was present, the Mayor called the meeting to order at approximately 5:30pm.

1.1 Land Recognition Statement

Councillor Hildebrandt read the Pelham Land Recognition Statement into the record.

Ms. Sarah Leach, Deputy Clerk read opening remarks regarding the Zoom Webinar meeting and procedures for public participation.

2. Adoption of Agenda

Moved By Councillor Wayne Olson

THAT the agenda for the February 14, 2022 Public Meeting Under the Planning Act, Special Meeting of Committee of the Whole, be adopted as circulated.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

3. Disclosure of Pecuniary Interest and General Nature Thereof

There were no pecuniary interests disclosed by any of the members present.

4. Planning Act Application: AM-09-2021 - 1553 Pelham Street

The Deputy Clerk read into the record the Notice Requirements regarding this application.

4.1 Planning Report

Kenny Ing, Town Planner provided an overview of the application before Council. A copy is available through the Clerk.

4.1.1 Zoning By-law Amendment (AM-09-2021) 1553 Pelham Street - Information Report, 2022-0044-Planning

4.2 Applicant's Presentation

The Agent, Ethan Laman from Upper Canada Consultants, provided a short presentation to further explain the application. A copy is available through the Clerk.

4.3 Public Input

Ms. Leach, Deputy Clerk, indicated she checked the clerks@pelham.ca email address at 5:47 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

4.4 Committee Input

A Member of Council asked for the age of the existing home on the subject property. Kenny Ng, Town Planner replied that the home was built in 1900. The Member asked if the property is considered a heritage property. Ms. Barbara Wiens, Director of Planning and Development stated that the home is not on the Town's list of non-designated properties. Ms. Wiens indicated that although the home is old, it is not unique or remarkable with respect to heritage features. Ms. Wiens further stated that the home has not been identified on a list of potential heritage properties by staff and has not been designated under the *Ontario Heritage Act*.

A Member asked if the roof leader discharge locations would flow into the storm water management system or storm sewer system. Ms. Wiens stated that any connections of roof water leaders would go into the storm system. Ms. Wiens indicated that it is better to have storm water infiltrate onto a lawn area if possible. The Member asked the Agent if they would consider low impact development such as soak away ponds. Mr. Ethan Laman, Agent, expressed willingness to explore low impact development as the design of the home is refined.

4.5 Presentation of Resolutions

Moved By Councillor Marianne Stewart

THAT Committee receive Report # 2021-044 for information and recommend to Committee;

THAT Planning staff be directed to prepare the Recommendation Report on this topic for Council’s consideration once all comments have been received.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

Moved By Councillor Ron Kore

THAT Committee Receive the applicants presentation for information.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

5. Planning Act Application: AM-10-2021 - 30, 54, 64, 66 and 68 Philmori Boulevard

The Deputy Clerk read into the record the Notice Requirements regarding this application.

5.1 Planning Report

Shannon Larocque, Senior Planner provided an overview of the application before Council. A copy is available through the Clerk.

5.1.1 Information Report - Zoning By-law Amendment for 30, 54, 64, 66 and 68 Philmori Boulevard, 2022-0042-Planning

5.2 Applicant's Presentation

The Agent, Mr. Dan Romanko from Better Neighbourhoods Inc. provided a short presentation to further explain the application. A copy is available through the Clerk

5.3 Public Input

Ms. Leach, Deputy Clerk, indicated she checked the clerks@pelham.ca email address at 6:13 pm and confirmed no e-mails has been received with regard to the subject application. Ms. Leach indicated the public comment portion of the application could be closed. The Committee agreed to close the public portion of the meeting and move to Committee input.

5.4 Committee Input

A Member of Council asked for confirmation that the Niagara Peninsula Conservation Authority received the proposal and offered no objection. Ms. Shannon Larocque, Senior Planner

confirmed. The Member asked if the approved zoning by-law amendment would appear on the deed. Ms. Larocque stated that the approved amendment would become the new zoning for the property and it would be the responsibility of the property owner to be informed of the zoning requirements.

A Member of Council expressed concern that swales may be filled in by property owners. The Member inquired if a Town swale is included on a deed. Ms. Larocque stated that the original subdivision agreement included an approved overall lot grading plan which current and future homeowners must comply with. Ms. Larocque further indicated that the Town has easements registered where there is storm water management infrastructure which can be found by title search.

A Member of Council expressed concern with respect to side yard swales and storm water drainage. The Member noted that it is common for property owners to install fences within the side and backyard swales and asked how this would be addressed and controlled. Ms. Larocque stated that it is the responsibility of each property owner to ensure they are not impacting easements where there are no structures permitted. Ms. Larocque indicated that if a property owner chooses to proceed in obstruction, they are doing so at their own risk resulting in a potential legal matter.

A Member of Council asked what type of fence is proposed. The Agent, Mr. Dan Romanko indicated that the type of fence has not been specified.

A Member of Council asked if the zoning by-law amendment would permit a second dwelling unit on the subject properties. Ms. Larocque confirmed that if the accessory structure met the provisions of the zoning by-law, a second dwelling unit would be permitted.

A Member of Council identified this area as sensitive with respect to the Twelve Mile Creek and stated that the Town has an obligation to protect the water quality and temperature. The Member expressed concern that the capacity of the infiltration gallery may not be sufficient with the addition of accessory building roofs and pools. The Member recommended the addition of low impact development features and infiltration galleries. The Member asked if the Niagara Peninsula Conservation Authority or the Town would be responsible should this design be unsuccessful and water travel down the slope if Philmori Boulevard onto Haist Street. Ms. Larocque stated that the updated storm water management report from the consultant indicated no concern with the addition of structures on current infrastructure. Ms. Larocque further stated that a brochure will be distributed to residents to explain how to safely drain pool water toward the front yard as opposed to the ravine. The Member expressed concern that the data within the storm water management report was derived from a five year storm event.

The Member asked for further confirmation. Ms. Larocque indicated that the concern would be referred to Public Works for response.

A Member of Council expressed dissatisfaction with the creation of big houses on ravine lots. With respect to the suggestion to obtain a drainage engineer, the Member asked who would bear the cost. Ms. Larocque confirmed that the cost would be borne by the property owners.

A Member of Council asked the effect of water runoff on temperature and volume entering Twelve Mile Creek. Ms. Larocque stated that the question would be referred to Public Works staff for response. Ms. Wiens noted that as part of the original subdivision agreement, the developer was required to monitor storm water for a period of five years and report to the Town and NPCA.

Citing the need for additional information, a Member of Council asked that the decision be deferred. Ms. Wiens stated that no decision was being made and confirmed that the additional information requested would be included in the recommendation report for Council consideration.

5.5 Presentation of Resolutions

Moved By Councillor Bob Hildebrandt

THAT Committee receives Report #2022-42 for information as it pertains to File No. AM-10-2021;

AND THAT Committee directs Planning staff to prepare the Recommendation Report on this application for consideration.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

Moved By Councillor John Wink

THAT Committee Receive the applicants presentation for information.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

Moved By Councillor Marianne Stewart

THAT Committee receive the written correspondence as listed on the agenda.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

6. Adjournment

The meeting was adjourned at 6:38 pm.

Moved By Councillor Wayne Olson

THAT this Special Committee of the Whole, Public Meeting Under the Planning Act, be adjourned.

For (6): Mayor Marvin Junkin, Councillor Bob Hildebrandt, Councillor Ron Kore, Councillor Wayne Olson, Councillor Marianne Stewart, and Councillor John Wink

Carried (6 to 0)

Mayor: Marvin Junkin

Deputy Clerk: Sarah Leach

Memo

To: Mayor Junkin and Members of Council

From: Jason Marr, Director of Public Works

Date: March 7, 2022

RE: Amended Cost Sharing Agreement with the Niagara Region for the Quaker Road Reconstruction Project

On February 7, 2022 Council authorized the execution of a cost sharing agreement between the Region of Niagara and the Town of Pelham with respect to the Quaker Road Reconstruction Project between Pelham Road and Line Avenue.

An amended cost sharing agreement has been provided by the Region of Niagara. The minor amendments, which are additions to provisions two (2) and four (4), are noted below:

"2. The Town ... provided that, if the Town's share of the actual construction costs attributed to the Project, once known, exceed the total Estimated Construction Costs set out in Section 2, above, Niagara Region's obligation to proceed with the construction of the Town Works shall be conditional on and subject to the Town obtaining budgetary approval for such additional costs from its Council and providing evidence of same to Niagara Region."

"4. Notwithstanding anything in this Agreement to the contrary, Niagara Region's obligation to proceed with the Tender is conditional on and subject to Niagara Region obtaining any necessary authorizations and approvals required in connection with the Project, including, for certainty, budgetary approval from Regional Council and as well as approval of any other relevant government authority. Provided that Niagara Region receives all necessary approvals it agrees to proceed with issuing the Tender and, provided the Tender is awarded, further agrees to be responsible for the management of the construction works contemplated thereby. In all cases, the Town shall only be responsible for paying its proportionate share of those design and construction services relating to the Project actually completed."

Amending By-law No. 4434(2022) is presented for your consideration.

Jason Marr, P. Eng.
Director of Public Works

Subject: 2021 Statement of Council and Board Remuneration

Recommendation:

BE IT RESOLVED THAT Council receive Report # 2022-0052 – 2021 Statement of Council and Board Remuneration, for information

Background:

Section 284(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, requires that the Treasurer shall in each year on or before March 31 provide to Council an itemized statement on remuneration and expenses paid in the previous year to,

(a) each member of council in respect of his or her services as a member of the council or any other body, including a local board, to which the member has been appointed by council or on which the member holds office by virtue of being a member of council;

(b) each member of council in respect of his or her services as an officer or employee of the municipality or other body described in clause (a); and

(c) each person, other than a member of council, appointed by the municipality to serve as a member of any body, including a local board, in respect of his or her services as a member of the body.

Analysis:

Appendix 1 through Appendix 3 to this report contains the 2021 Statement of Council and Board Remuneration.

Council remuneration may be defined in different ways depending on the purpose of the information. Remuneration for the purposes of this report is based on payments made to members of Council and is derived from the elected official's T4, excluding taxable benefits. Benefits paid by the employer, which are not paid to the official, have been excluded. Benefits for all of Council in 2021 totaled \$18,923, of which \$132 was taxable.

For the purposes of reporting remuneration and expenses in accordance with

Section 284 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, expenses include payments made on behalf of members of Council from public funds which were paid for conference registration, accommodations, and other expenses.

The Town has no information about the remuneration or expenses, if any, paid to Members of Council by any local board or body other than the Town. The Town has no information about the remuneration or expenses, if any, paid to local board members appointed by the Town by any local board or body other than the Town.

Financial Considerations:

The reported costs were budgeted.

Alternatives Reviewed:

Not applicable.

Strategic Plan Relationship: Strong Organization

The presentation of the 2021 Statement of Council and Board Remuneration is a legislated requirement.

Consultation:

Not applicable.

Other Pertinent Reports/Attachments:

Appendix 1 – Statement of Council Remuneration and Expenditures for 2021

Appendix 2 – Statement of Library Board Remuneration and Expenses for 2021

Appendix 3 – Statement of Committee of Adjustment Remuneration and Expenses for 2021

Prepared and Recommended by:

Teresa Quinlin-Murphy, FCPA, FCA, MBA
Director of Corporate Services/Treasurer

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

**STATEMENT OF COUNCIL REMUNERATION AND EXPENDITURES
FOR THE YEAR ENDED DECEMBER 31, 2021**

	Conferences Attended	Remuneration	Car Allowance	Conference Registration	Conference Mileage & Expenses	Conference Accommodations	Other Travel & Expenses	Total
MAYOR								
Junkin, Marvin	#2, #3, #5	\$ 35,733.68	\$ 2,400.00	\$ 1,250.06	\$ -	\$ -	\$ 259.78	\$ 39,643.52
COUNCILLORS								
Haun, Lisa		16,377.52	-	-	-	-	-	16,377.52
Hildebrandt, Bob	#1 & #5	16,377.52	-	793.73	-	-	-	17,171.25
Kore, Ron		16,377.52	-	-	-	-	-	16,377.52
Olson, Wayne	#1, #2, #4, #5, #6, #7 & #8	16,377.52	-	2,451.93	-	-	-	18,829.45
Stewart, Marianne	#5	16,377.52	-	610.56	-	-	-	16,988.08
Wink, John	#1 & #5	16,377.52	-	793.73	-	-	-	17,171.25
Total		\$ 133,998.80	\$ 2,400.00	\$ 5,900.01	\$ -	\$ -	\$ 259.78	\$ 142,558.59

The remuneration paid to all members of Council was paid pursuant to by-law #4226(2020) under section 284 of the *Municipal Act*, 2001, as amended.

Conference Details

- #1 AMO Virtual Workshop for Land Use Planning
- #2 ROMA Virtual Annual Conference for 2021
- #3 AMO Virtual Workshop for Beyond Basics Land Use Planning
- #4 AMO Virtual Conference for Climate Change and Asset Management
- #5 AMO Virtual Annual Conference for 2021
- #6 AMO Virtual Equity Training for Leaders
- #7 AMO Virtual Training for Indigenous Community Awareness
- #8 Local Authority Services Virtual Symposium for Risk Management

APPENDIX 2

**STATEMENT OF LIBRARY BOARD REMUNERATION AND EXPENSES
FOR THE YEAR ENDED DECEMBER 31, 2021**

Board Member	Conferences & Webinars	Remuneration	Expenses	Total
Brown, Donald	#1	\$ -	\$ -	\$ -
Lewis, Greg		-	87.67	87.67
MacDougall, Gwendoline		-	-	-
McPherson, Catherine		-	-	-
Nolan, Nicole		-	-	-
Pepper, Gail		-	-	-
Smith, Madison		-	-	-
Stewart, Marianne		-	-	-
Wright, Tim		-	-	-
Total		\$ -	\$ 87.67	\$ 87.67

The remuneration paid to all board members was paid pursuant to the Corporate By-law BI-04, as amended February 2018, and the *Public Libraries Act*, Section 18.

Conference & Webinar Details:
--

#1 Virtual Reconciliation Education

APPENDIX 3

**STATEMENT OF COMMITTEE OF ADJUSTMENT REMUNERATION & EXPENSES
FOR THE YEAR ENDED DECEMBER 31, 2021**

Committee Member	Remuneration	Mileage & Travel (OACA & Meetings)	Conference Registration (OACA)	Accommodations (OACA)	Total
Cook, Don	\$ 796.68	\$ 45.16	\$ -	\$ -	\$ 841.84
Klassen, John	861.35	66.95	-	-	928.30
Law, Bernie	586.25	90.64	-	-	676.89
Marsh, Sandra	753.75	92.98	-	-	846.73
Stan, Brenda	837.50	-	-	-	837.50
William, Sheldon	415.45	-	-	-	415.45
Total	\$ 4,250.98	\$ 295.73	\$ -	\$ -	\$ 4,546.71

The remuneration paid to all committee members was paid pursuant to by-law #2441(2002) under section 284(1) subsection 2 of the *Municipal Act*, 2001, as amended.



**Community Planning & Development Department
Planning Application Report**

March 7, 2022

**Subject: Recommendation Report for Zoning By-law Amendment – 30,
54, 64, 66 & 68 Philmori Boulevard**

Recommendation:

**BE IT RESOLVED THAT Council receive Report #2022-58 –
Recommendation Report for Zoning By-law Amendment 30, 54, 64,
66 & 68 Philmori Boulevard for information as it pertains to File No.
AM-10-21;**

**AND THAT Council direct Planning staff to prepare the by-law for
approval of the Zoning By-law Amendment for Council's
consideration.**

Executive Summary:

The purpose of this report is to provide Council with a recommendation regarding the application for Zoning By-law Amendment for 30, 54, 64, 66 and 68 Philmori Boulevard.

Location:

The application for Zoning By-law Amendment was received for the properties known as 30, 54, 64, 66 and 68 Philmori Boulevard, and described legally as Lot 120, 108, 103, 102 and 101, 59M-403 and Parts 117, 98 and 90-85, 59R-15010. All properties are located in the Residences at Lookout Point Subdivision. 30 Philmori Boulevard is located on the east side of Philmori Boulevard abutting Haist Street. 54, 64, 66 and 68 Philmori Boulevard are located on the north side of Philmori Boulevard south of the Niagara Escarpment Plan area (Figure 1).

Community Planning & Development Department Planning Application Report

March 7, 2022

Figure 1: Property Locations



Project Description and Purpose:

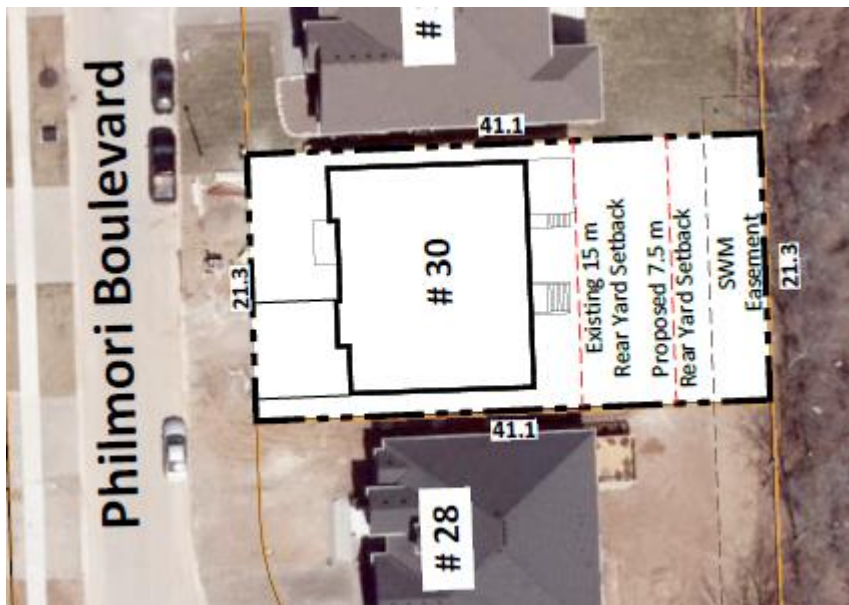
The requested Zoning By-law Amendment would rezone the lands from the site specific 'R1-185B' (*Residential 1*) and the site specific R1-187 (*Residential 1*) zones to a site-specific 'R1' (*Residential 1*) zone which would require a minimum rear yard of 7.5 metres and prohibit buildings or structures, including but not limited to, storage sheds, garages, pool houses, swimming pools, decks and gazebos within

Community Planning & Development Department Planning Application Report

March 7, 2022

7.5 metres of the rear lot line (Figures 2, 3 and 4). This represents a reduction to the current minimum rear yard requirement of 15 metres.

Figure 2: Requested Rear Yard Setback 30 Philmori Boulevard



**Community Planning & Development Department
Planning Application Report**

March 7, 2022

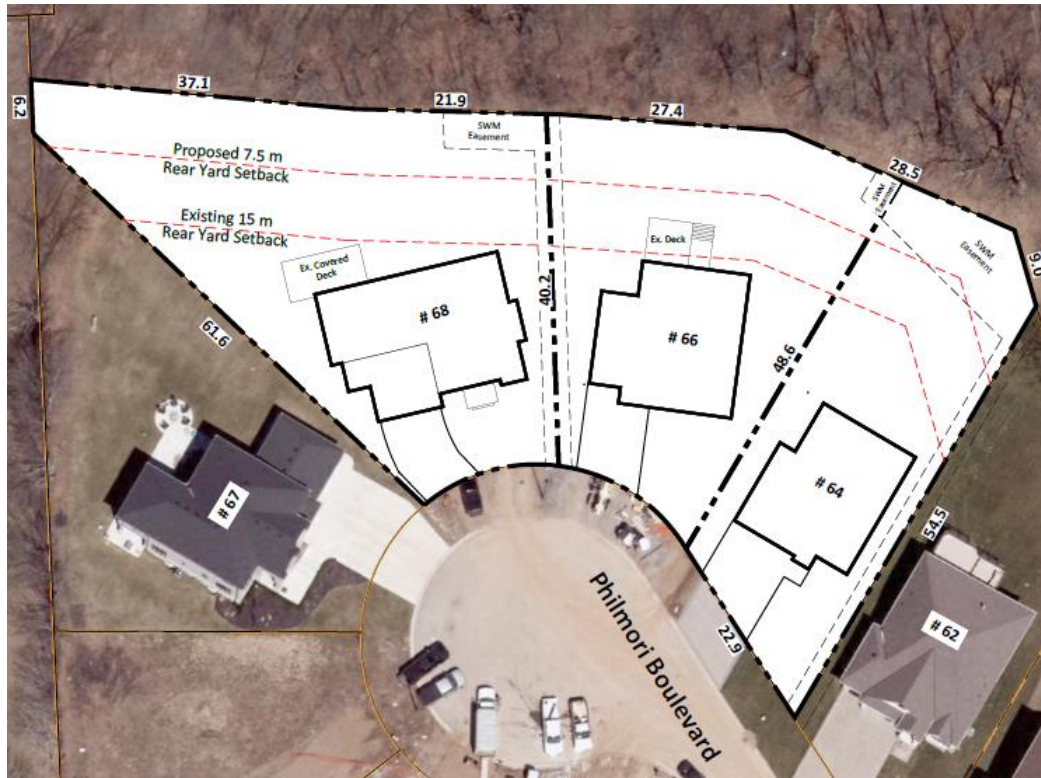
Figure 3: Requested Rear Yard Setback 54 Philmori Boulevard



Figure 4: Requested Rear Yard Setback 64, 66 & 68 Philmori Boulevard

Community Planning & Development Department Planning Application Report

March 7, 2022



Policy Review:

Planning Act, 1990

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities "shall be consistent with the policy statements" issued under the *Planning Act* and "shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be".

Section 34 of the *Act* allows for consideration of amendments to the zoning by-law.

Greenbelt Plan, 2017

The subject parcels are located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Escarpment Plan, 2017

**Community Planning & Development Department
Planning Application Report**

March 7, 2022

The subject parcels are not located in the Niagara Escarpment Plan Area (just south of); therefore, the Niagara Escarpment Plan policies do not apply.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is located in a 'Settlement Area' according to the PPS. Settlement areas are to be the focus of growth and development.

Policy 2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Residential uses and accessory uses are supported in the Settlement Area. The Environmental Impact Study that was provided in support of the applications indicated that there would be no negative impacts on the natural features or the ecological functions subject to the report recommendations. The report recommendations were accepted by Regional environmental staff and therefore, the application conforms to Policy 2.1.8.

Growth Plan for the Greater Golden Horseshoe, 2019

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2019. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential

**Community Planning & Development Department
Planning Application Report**

March 7, 2022

and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

The natural heritage system for the *Growth Plan for the Greater Golden Horseshoe* excludes lands within settlement areas approved prior to July 1, 2017. The subject properties are within a settlement area.

Residential uses and incidental uses are supported in the Delineated Built-Up Area.

Regional Official Plan, consolidated August 2015

The Region of Niagara identifies this property as Urban Area (Built-up Area) which supports a range of commercial, institutional, employment and residential uses.

Policy 7.B.1.11 only permits development and site alteration on adjacent lands to Environmental Protection Areas if it has been demonstrated that there will be no significant negative impact on the Core Natural Heritage System component through the preparation of an Environmental Impact Study.

Residential uses are supported in the Urban Area (Built-up Area). The applicants have provided an Environmental Impact Study that demonstrates that no significant negative impacts to the woodland will occur due to the allowance for accessory structures 7.5 metres from the rear lot line. Further, the Region has advised that the application conforms to the Regional Official Plan policies.

Pelham Official Plan (2014)

The lands are in the North West Fonthill Secondary Plan Area and designated Low Density Residential – Special Policies and subject to Policy B1.6.2.3. The intention for this designation is to permit large lot single-detached dwelling units in an environmentally sound manner, including the protection of the interpretive, educational and scientific value of the surrounding landscape. The Low Density Residential – Special Policies designation permits only single detached units on large lots and uses compatible with, complementary to and serving the primary residential use of the land, such as home occupations, pocket parks and open space linkages.

**Community Planning & Development Department
Planning Application Report**

March 7, 2022

Policy B1.6.2.4(a) requires all development on lands designated Low Density Residential – Special Policies to proceed on the basis of the recommendations of an Environmental Impact Statement.

Policy B1.6.6 recognizes the importance of stormwater management in the Secondary Plan Area due to the soil being sand and the importance of the watersheds and their receiving watercourses. The area drains northeast to Twelve Mile Creek, the only cold water fishery in Niagara, and south to Coyle Creek.

Policy B1.6.6(b) states that the general objectives for stormwater management within this Secondary Plan Area are: i) To maintain, and where possible, improve the health and condition of the receiving watercourses; ii) The achievement of no net increase in stormwater run-off from the Area to adjoining lands; iii) To maintain, and where possible, improve the quality of stormwater entering surface and groundwater supplies; and, iv) To promote the use of naturalized methods of stormwater management.

The requested zoning by-law amendment will permit uses consistent with large lot single detached dwellings in an environmentally sound manner. The amendment is consistent with the recommendations of the Environmental Impact Study. The stormwater management report indicates that there will be no net increase in stormwater run-off to adjoining lands as a result of the additional structures in the rear yards. Stormwater runoff from the additional development will be accommodated by the existing naturalized method of stormwater management (infiltration trenches) in the rear yards. Based on this information, the amendment conforms to the Town's Official Plan.

Zoning By-law 1136 (1987), as amended

54, 64, 66 and 68 Philmori Boulevard are zoned R1-187 and 30 Philmori Boulevard is zoned R1-185B. Both zones permit single detached dwellings, uses, buildings and structures accessory thereto and home occupations subject to special regulations including (k) which prohibits buildings, structures, including but not limited to, storage sheds, garages, pool houses, swimming pools, decks and gazebos, within 15m of the rear lot line.

The applicant is requesting that (k) in both zones be amended to reduce the rear yard structure prohibition to 7.5 metres for the properties that are subject to the

**Community Planning & Development Department
Planning Application Report**

March 7, 2022

application. Some of the property owners wish to have pools, decks and sheds and others do not have specific plans at this time but would like to have the option to do something in this area in the future.

The requested zoning change will allow residents to make use of the rear yard amenity space without negatively affecting the woodland or the slope. As a result, the amendment applies good planning principles.

Submitted Reports:

Planning Justification Report prepared by Better Neighbourhoods Development Consultants

The report concludes that the requested zoning by-law amendment is appropriate as it supports and does not conflict with Provincial, Regional or local policies, will not create adverse impacts to natural heritage features or slope hazards and that the existing stormwater management system can accommodate the additional flows from future impermeable development in the rear yards.

Scoped Environmental Impact Study prepared by Natural Resource Solutions Inc. dated September 2021

The study recommends that a 7.5 metre setback be maintained from the rear lot line and that a fence with no gate access be installed at the rear lot line to prevent ecological impacts and discourage encroachments into the natural heritage feature. The distribution of an educational brochure is also recommended for residents to inform of best practices to prevent negative impacts to the natural heritage feature, including encroachments, dumping of yard waste and unauthorized trails as well as to encourage good stewardship practices. The study recommendation have been accepted by Regional environmental staff.

Stormwater Management Assessment prepared by Upper Canada Consultants Engineers/Planners dated November 6, 2021

The assessment concludes that the proposed zoning amendment to reduce the rear yard setback from 15 metres to 7.5 metres will not impact the existing stormwater management systems in the rear yards and the Philmori Boulevard and downstream stormwater systems within this development area. The findings of the report have been accepted by Town Public Works staff.

**Community Planning & Development Department
Planning Application Report**

March 7, 2022

Digital copies of the reports are available by contacting the Planning Division.

Agency Comments:

The application was circulated to commenting agencies and Town Departments. The following comments have been received (Appendix A):

Enbridge Gas No objections.

Niagara Peninsula Conservation Authority No objection.

Niagara Region Planning and Development Services

"...no objection to the proposed Zoning By-law Amendment from a Provincial and Regional perspective, provided the recommendations of the Scoped EIS, prepared by Natural Resource Solutions Inc. (dated September 2021), including the installation of permanent fencing on the rear lot lines (unless already installed at that location), and the preparation of an ecological brochure explaining the significance and sensitivity of the adjacent natural features (including appropriate stewardship activities), are implemented to the satisfaction of Town staff."

Public Works

"The installation of structures in the rear yards will increase the amount of stormwater runoff. The Town will require an inspection of all the infiltration trenches by a Certified Drainage Engineer prior to construction, and post construction, to ensure infiltration capacities have not been impacted by construction activities. The existing observation ports will permit the inspections to be carried out. These reports are to be submitted to the Town for review.

Staff require confirmation that the additional runoff from the structures will not negatively affect the embankments at the rear of the properties.

There is an existing stormwater management easement located along the northern limits of the property. No development will be allowed on the easement, with the exception of minor landscaping (restricted to lower type vegetation, no large trees) in order to maintain access to an easement in perpetuity.

**Community Planning & Development Department
Planning Application Report**

March 7, 2022

A 1 metre offset from the side yard lot lines must remain free and clear of all encumbrances for swales and drainage purposes.”

Public Comments:

On January 21, 2022 a public meeting notice was circulated to all property owners within 120 metres of the properties’ boundaries. In addition, public notice signs were posted in front of each property. A public meeting was held on February 14, 2022.

The following comments have been received at the time of writing of this report:

Leo Benoit

Opposed to the amendment due to: concern that future construction would interfere with the drainage and swales, causing flooding and impacting Twelve Mile creek; excavation and drainage issues will accelerate erosion and make lands unstable; unnecessary interference with the natural beauty and enjoyment of the Lathrop Nature Preserve.

Michelle Strike

Concerned specifically with respect to 30 Philmori Boulevard and that the ground disturbance will lead to soil erosion and collapse onto Haist Street. There is some evidence of erosion already (vegetation and tree loss). Also concerned that the distance to the swale is short and that any water back up will put additional pressure on the hill and cause further soil erosion/wash out.

Staff Comments:

Staff advise that the 15 metre prohibition for structures in the rear yards of these properties was established based on the recommendations of the Environmental Impact Study and Slope Stability Studies that were prepared at the time of approval of the Residences at Lookout Point Subdivision. The property owners have consulted with the Niagara Region and the Niagara Peninsula Conservation Authority and provided an updated Environmental Impact Study prior to applying for the zoning by-law amendment. It should be noted that the Niagara Region is responsible for providing review and comments regarding natural heritage features with respect to

**Community Planning & Development Department
Planning Application Report**

March 7, 2022

this application. The Niagara Peninsula Conservation Authority regulates the slope and stable top of bank and provides comments in that respect.

There is existing stormwater infrastructure (infiltration trenches) located along the rear lot lines of these properties which are included within easements. The Town may be required to access this area for maintenance over time and no construction or development is permitted in the easement areas or within the drainage swales, this restriction will remain.

If the requested zoning by-law amendment is approved, residents would be required to obtain pool permits from the Town prior to construction of pools and building permits for structures greater than 10m² or 108ft² and higher than 0.6 metres or 24 inches above ground level and comply with the proposed 7.5m setback from the rear lot line. In addition, to ensure that the infiltration trenches are operating appropriately both pre and post construction, staff recommend that the property owners be required to sign a written undertaking stating that they will hire a drainage engineer to undertake an inspection to ensure infiltration capacities have not been impacted by construction activities. The existing observation ports will permit the inspections to be carried out. These reports must be submitted to the Town for review.

In response to the comments from Leo Benoit, Planning staff advise that neither Town Public Works staff nor the Niagara Peninsula Conservation Authority have raised concerns with respect to flooding, erosion or impacts to Twelve Mile Creek. There will be no development within the drainage swales and development and construction activities will be setback from the drainage swales. Further, the applicants have provided a stormwater management report from a Professional Engineer, which indicates there will be no negative impacts as the existing infiltration trenches on the properties and that the infiltration trenches have adequate capacity to accommodate development in the rear yards of these properties given that there are redundancies in the design of these systems and downstream systems. The Lathrop Nature preserve is located on the other side of Haist Street and there is no impact on that property. Future residential accessory structures would still be located a minimum of 7.5 metres from the rear lot line. No tree removal is proposed and it is not anticipated that future accessory structures would be any more visible than the existing dwellings.

**Community Planning & Development Department
Planning Application Report**

March 7, 2022

In response to the concerns raised by Michelle Strike, flooding, erosion and/or collapse of the slope behind 30 Philmori Boulevard is not anticipated as a result of the reduced rear yard setback. No development is proposed beyond the stable top of slope and a 7.5m setback from the stable top of slope will be maintained. There is no evidence of slope instability along the Haist Street slope at this time. The infiltration trenches are designed to allow water to dissipate naturally into the ground and not over the slope, maintaining the stability of the slope. Some trees may have fallen or died on the slope, however these are the result of invasive species (emerald ash borer) and wind rather than erosion.

Council raised a number of questions and concerns with respect to the stormwater management system and potential impacts on the slope behind the properties resulting from additional development in the rear yards.

A member of Council enquired whether additional infiltration trenches should be installed to accommodate the additional run off from structures in the rear yard. New infiltration chambers would have to be at least 4 metres away from existing infiltration trenches and structures. There would not be sufficient room to accommodate something like this. Further, the stormwater management assessment indicates that the current infiltration trenches can accommodate the increased runoff and adequate capacity exists within the existing infiltration trenches.

A Councillor asked who would be responsible should the stormwater management design be unsuccessful and water travel down the slope onto Haist Street. Haist Street and the slope are the responsibility of the Town as the slope is located within the Haist Street road allowance right-of-way, however a Professional Engineer has signed off on the engineering design and the Engineer would ultimately be responsible in the event of a system failure.

A Councillor enquired as to why the stormwater management system is designed to accommodate the 5-year storm event. The stormwater management design criteria from the Ministry of Environmental, Conservation and Parks (MECP) requires the design for a 5-year storm event. MECP issued the Environmental Compliance Approval design for the subdivision based on the 5-year storm event. 95% of the Town's stormwater system is designed to the 5-year storm event and so it is not possible to discharge a 100-year storm event to the system. The remainder of

**Community Planning & Development Department
Planning Application Report**

March 7, 2022

water during larger storm events is dispersed by overland flow. Storm ponds however, are designed for a 100-year storm and their rate of flow is restricted. New developments are required to match post development storm flow rates to match pre development storm flows.

A member of Council brought up concerns about stormwater runoff impacting the temperature and volume of flows entering Twelve Mile Creek. The Residences at Lookout Point subdivision agreement required the developer to monitor stormwater for a period of five years and report the results to the Town and Niagara Peninsula Conservation Authority. No issues were noted during the five-year monitoring period which confirmed the storm pond design was appropriate and no further monitoring is required as it related to water temperature or flows from the facility.

Concerns were also raised about residents potentially obstructing swales and stormwater management infrastructure. The subdivision agreement requires that the swales and lot grading be maintained in accordance with the approved lot grading plan. Further, easements exist which prohibit structures or interference with the stormwater management infrastructure and allow the Town to complete maintenance as needed. Both the subdivision agreement and the easements are registered on title on the affected properties.

There were also a number of concerns raised about potential impacts on the stability of the slope behind 30 Philmori Boulevard along Haist Street. The Niagara Peninsula Conservation Authority (NPCA) regulates the slope. NPCA has indicated that they have no concerns about the slope's stability provided that structures are not located closer than 7.5 metres from the rear lot line which aligns with the stable top of bank. The prohibition of structures within 7.5 metres of the rear lot line will also protect any tree roots from the woodland on the slope. Given that development is 7.5m from the stable top of bank there are no concerns regarding the slope stability of the slope along Haist Street.

Staff also recommend that the fencing requirement along the rear lot line with no gate (as recommended in the Environmental Impact Study) be included in the requested zoning by-law amendment. The educational brochure recommended by the Environmental Impact Study has been prepared and is being distributed to residents on Philmori Boulevard backing onto the natural heritage feature.

**Community Planning & Development Department
Planning Application Report**

March 7, 2022

In response to the questions and concerns raised at the public meeting, one of the applicants provided some additional information which has been attached to this report as Appendix A.

In summary, it is Planning staff's opinion that the requested zoning by-law amendment to permit a reduced rear yard setback is appropriate and there will be minimal impact on adjacent properties and on the existing stormwater management system servicing the individual lots and the subdivision as there is capacity and appropriate redundancies in place in the system. In addition, it is Planning staff's opinion that the requested zoning by-law amendment is consistent with Provincial policy and plans, conforms to the Regional and Town Official Plans and represents good planning and therefore, should be approved noting that:

- The property owners must sign a written undertaking stating that they will hire a drainage engineer to undertake an inspection to ensure infiltration capacities have not been impacted by construction activities and submit the inspection report to the Town for review.
- The zoning by-law amendment will include the requirement for fencing with no gate along the rear lot line.
- The educational brochure recommended by the Environmental Impact Study is being distributed to residents on Philmori Boulevard with properties abutting the woodland feature.

Attachments

Appendix A Email from Mark Stukel

Alternatives:

Council could choose not to approve the application for zoning by-law amendment.

Council could choose to approve the requested zoning by-law amendment with modifications.

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner



**Community Planning & Development Department
Planning Application Report**

March 7, 2022

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Reviewed and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Shannon Larocque

From: Mark S < >
Sent: Wednesday, February 16, 2022 9:32 PM
To: Marvin Junkin; Marianne Stewart; Wayne Olson; Ron Kore; John Wink; Bob Hildebrandt; Lisa Haun
Cc: Shannon Larocque; Lucy Colangelo; Larry C; ; Kelly Majka; Pat Pambianco; ; 'Nicole NOONAN); Bill Fordy
Subject: Zoning By-law Amendment File: AM-10-2021

Dear Mayor Junkin and Members of Pelham Town Council

I would like to start by acknowledging and thanking you for your public service. I appreciate that you have many competing pressures and that you can not possibly read everything on every issue.

I had an opportunity to view the Public Meeting in support of the application for Zoning By-law Amendment, File Number AM-10-2021. I am one of the homeowners involved in the application.

In the spirit of efficiency, I have tried to, in general terms, identify your specific questions, or comments. I apologize if I have overgeneralized and I think they were as follows:

- 1) Mayor Junkin - Have the NPCA and Region been consulted?
- 2) Councillor Stewart- The homeowners did not do their due diligence and feel entitled to do whatever they want.
- 3) Councillor Wink – has reviewed the reports and his questions were answered.
- 4) Councillor Kore – Will there be second properties built and what type of fencing will there be?
- 5) Councillor Olson – Will the drainage be affected and will there be liability for the Town (Haist). Would like to review the technical reports.
- 6) Councillor Hildebrandt – Structures and drainage.
- 7) Councillor Haun – was not present.
- 8) Public Comments – Leo Benoit and Michelle Strike

First: I will start by trying to address Councillor Stewart's concerns. I can tell you that this process has been frustrating for all the homeowners and I know that one of the applicants has had discussions with the CAO at the Niagara Region and the Manager of Planning at the Town of Pelham and suggested that this type of property development not be supported on a go-forward basis. The source of that frustration is that the homeowners were provided no or conflicting information with respect to variances on the property line. Over the past five years, there have been at least 4 applications for relief of variance. Variances were approved at the following addresses:

- 1) 28 Philmori Boulevard for a deck August 1, 2017
- 2) 44 Philmori Boulevard for pool January 9, 2018
- 3) 66 Philmori Boulevard for a deck December 4, 2018
- 4) 42 Philmori Boulevard for a deck/stairs January 9, 2022

In those processes, the Town of Pelham, Niagara Peninsula Conservation Authority (NPCA), Niagara Escarpment Commission, and the Region of Niagara have been actively involved and approved these noted applications.

In 2019, three of the applicants in this process embarked upon a similar process and met with the Town, Region and NPCA. In that meeting, it was suggested to us that a more efficient use of time, that complied with the Planning Act, would be to follow the By-law Amendment process rather than a Variance process. As such, we complied with that request and, in an effort to be inclusive, reached out to all the homeowners backing onto the protected grounds and

asked if they were interested in joining the application. We started with 9, but as the process continued and costs increased 4 of the applicants withdrew their interest.

Additionally 2 of the homeowners (Andy & Kelly - ; Pat and Charlene -) were advised by Mountainview/Costiano Developments that you can simply apply for a minor variance to allow structures in the first 7.5m (this information was accurate at the time as shown by the approved minor variances listed above). Purchasers were also made aware that rear 7.5m was untouchable. This information was a factor of consideration in the purchase of these 2 properties in order to allow for improvements for future enjoyment.

In other words, none of the applicants felt or feel that they were entitled. Rather, we are a group of persons that live and work in the Region, love the area, and have done everything that was asked of us, inclusive of having retained subject Matter Experts or Engineers to prepare technical reports.

Second: Mayor Junkin asked about NPCA consultation. As referenced by Manager Larocque, the NPCA and Niagara Region have been consulted and are in support of this application.

Third: Councillor Kore asked if the application allowed for second homes. Manager Larocque advised that outbuildings could be pursued by way of an application. I can confirm that none of us intend to build a second residence, carriage house of the like on our properties. Some seek a pool and or shed. One has no immediate plans but has young children and would like to have the option of adding a pool in the future. Permits will be sought for the pools. I anticipate all homeowners installing iron fences (IE not wood) on the rear property line.

Fourth: Councillors Olson and Hildebrandt identified drainage and resulting impact on current drainage systems with a particular emphasis on Haist. The councillors indicated a desire for more information. Technical reports have been secured that should address their respective concerns. I will not add any non-essential narrative to this message detailing the contents of their reports. The reports are as follows:

- 1) Planning Justification Report prepared by Better Neighbourhoods Development Consultants;
- 2) Scoped Environmental Impact Study prepared by Natural Resource Solutions Inc. dated September 2021; and
- 3) Storm water Management Assessment prepared by Upper Canada Consultants Engineers/Planners dated November 6, 2021

Public Comments: I would be remiss if I did not provide additional context with respect to the two persons that submitted comments at the public hearing. The Benoit's are the immediate neighbors of Kelly and Andy living at . For the four years that Kelly and Andy have lived at there, unfortunately, has been on-going conflict between these two families. The irony and hypocrisy of their concerns is that after selling their "2 million dollar home in Toronto" they are one of the above noted persons that has already had a variance issued at their property for a deck . The second concerned citizen, Michelle Strike, is Leo Benoit's daughter. I hope and trust that they were transparent and shared these facts with you. I believe upon review of the technical reports you would agree that their claims are false or unsubstantiated.

I would like to close by thanking you for your important and difficult work. Collectively, we believe that The Residences at Lookout are one the best locations to live in, work and play. It is my hope that with this additional context, you will more fully appreciate that we are a group of families that have tried to do everything asked of us in what has been an expensive and frustrating process.

Sincerely,

Mark and Karen Stukel

Subject: Recommendation Report for Application AM-09-2021,
1553 Pelham Street Zoning By-law Amendment

Recommendation:

**BE IT RESOLVED THAT Council receive Report #2022- 063 –
Recommendation Report for Application AM-09-2021, 1553 Pelham
Street Zoning By-law Amendment, for information; and**

**THAT Council direct Planning staff to prepare the By-law for approval
of the Zoning By-law amendment application AM-09-2021 to amend
the zoning from R2 (Residential 2) to R3-Exception-H (Residential 3
with Holding Provision) for Council's consideration.**

Background:

The purpose of this report is to provide Council with a recommendation regarding an application seeking approval to amend Zoning By-law No. 1136 (1987), as amended, to rezone the property known as 1553 Pelham Street.

The proposed zoning by-law amendment would rezone the property from Residential 2 (R2) to a site-specific Residential 3 (R3) zone with site specific provisions for maximum lot coverage and minimum interior side yard setback to accommodate the construction of a semi-detached dwelling on the existing lot.

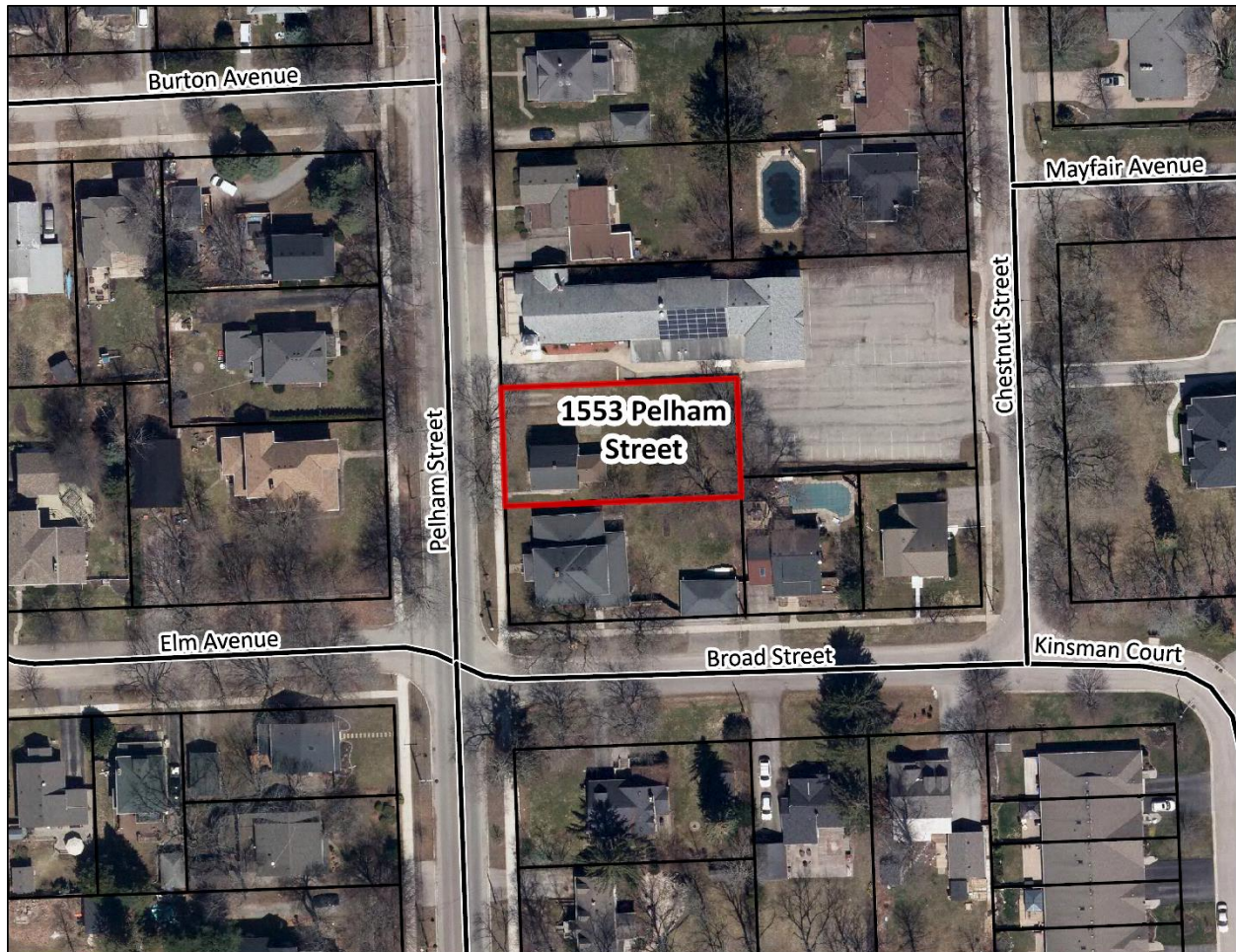
Location:

The subject property is located in close proximity to downtown Fonthill, and is situated on the east side of Pelham Street, lying north of Broad Street, municipally referred as 1553 Pelham Street (Figure 1). The legal description of the subject parcel is Plan 25 Lot 6 NP 716. The property currently contains one single detached dwelling, with a detached accessory structure on the approximately 809 square metre lot.

The property is within an established residential neighbourhood and is surrounded by an institutional building known as the Holy Trinity Church to the north, single

detached residential uses to the west and south, and single detached and townhouse residential use to the east.

Figure 1: Subject Lands (1553 Pelham Street)



Project Description and Purpose:

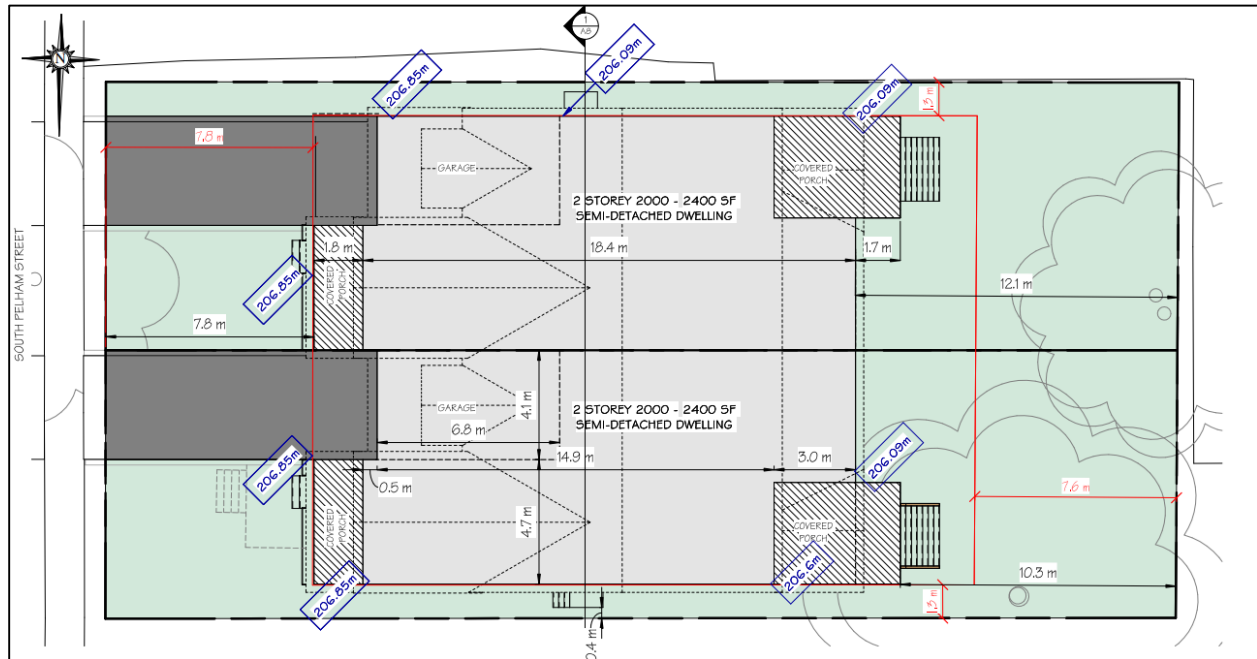
The subject parcel is currently Residential 2 (R2) zone according to Zoning By-law No. 1136 (1987), as amended.

The applicant seeks approval to change the zoning from Residential 2 (R2) zone to a site-specific Residential 3 (R3) zone to allow for the redevelopment of the property for a semi-detached dwelling. The requested rezoning would allow the development of the property as shown on the proposed site plan (Figure 2).

To accommodate for the specific building design, the applicant is seeking for amendment for two provisions specific for the R3 zone (Maximum Lot Coverage and

Minimum Interior Side Yard), and the site-specific zoning provisions are described in greater detail in this report.

Figure 2: Proposed Site Plan



The applicant is proposing a two-storey semi-detached dwelling that is approximately 2,500 square feet in size. Each residential unit is proposed to have a covered porch in the front yard, as well as in the rear yard of the property as per the submitted plan (Figure 3). A total of 3 parking spaces are proposed for each semi-detached unit.

Figure 3: Proposed Front Building Elevation



An archaeological assessment on the subject parcel will have to be completed as it meets the criteria for the evaluation of archaeological potential: a known archaeological site is within 300 metres of the property. The Town's Heritage Master Plan also identifies this area as having composite archaeological resource potential.

If the requested zoning by-law amendment with a holding (H) provision is approved, the applicant would proceed with fulfilling all conditions that are required to lift the holding (H) provision, and construct the semi-detached building. At that stage, a consent application to the Committee of Adjustment will be required to divide the subject property into two parcels, each containing one semi-detached dwelling unit.

Analysis:

Planning Act

Section 2 of the Act addresses matters of Provincial interest and requires municipal Councils to have regard to, among other matters:

- d) The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) The supply, efficient use and conservation of energy and water;
- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;

- n) The resolution of planning conflicts involving public and private interests;
- o) The protection of public health and safety;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - (i) Is well-designed,
 - (ii) Encourages a sense of place, and
 - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

Section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

Section 36 of the Act allows for the use of the holding (H) symbol in conjunction with any use designation in a zoning by-law passed under Section 34.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The Provincial Policy Statement (PPS) designates the subject land as within a ‘Settlement Area’.

Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy

efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

Policy 1.1.3.3 states that municipalities shall identify appropriate locations and provide for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated taking into account the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.4.3 (b) (2) indicates that planning authorities shall provide for an appropriate range and mix of housing types and densities by permitting and facilitating redevelopment in accordance with Policy 1.1.3.3.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved.

Consequently, an archaeological assessment is required and a Notice of Entry into the Ontario Public Register of Archaeological Reports for the required archaeological assessment must be issued by the Ministry of Tourism, Culture, and Sport (MTCS) prior to the holding (H) provision being lifted.

The proposed development will re-develop an underutilized parcel within the Settlement Area in the Town of Pelham. The redevelopment will make more efficient use of the land by permitting the construction of a two-storey semi-detached dwelling replacing the existing single-detached dwelling. The submitted site plan and building elevation indicate that the redevelopment takes into account the scale and massing of the surrounding built form. The proposed density of the development is appropriate given site and neighbourhood context, while the additional unit will add to the available housing options in the downtown Fonthill neighbourhood, ensuring the vitality of downtown Fonthill. The proposal would make more efficient use of existing infrastructure and public services which in turn minimizes land consumption and costs of servicing for the Town.

In Planning staff's opinion, a decision by Council to approve the proposed Zoning By-law Amendment will be consistent with the Provincial Policy Statement.

Greenbelt Plan (2017)

The subject lands are located in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Escarpment Plan (2017)

The subject lands are not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

The Growth Plan for the Greater Golden Horseshoe (2020)

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is identified as being within a 'Delineated Built-up Area' according to the Growth Plan for the Greater Golden Horseshoe. Guiding principles (among others) regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and infrastructure.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1.2 states that forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing municipal water / wastewater systems; and
 - iii. can support the achievement of *complete communities*.

Policy 2.2.6.2 states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan's horizon;
- b) planning to achieve the minimum intensification and density targets in this Plan;
- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

The subject lands are located within the built boundary with access to existing infrastructure and is within walking distance to schools, public / private amenities, institutional uses and shopping facilities. The proposed rezoning will support the achievement of a complete community by adding additional residential dwelling units in an area that is appropriate to do so while contributing in providing diversified housing options in the neighbourhood.

In Planning staff's opinion, a decision by Council to approve the proposed Zoning By-law Amendment will conform to the Growth Plan.

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Built-Up Area' within the Urban Area Boundary.

Policy 4.G.6.2 indicates that 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.G.8.1 states that *Built-Up Areas* will be the focus of residential intensification and redevelopment.

Policy 10.C.2.1.13 states that *development and site alteration* shall only be permitted on lands containing *archaeological resources or areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site.

Policy 11.A.1 encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through their life cycle.

The requested rezoning to allow for the construction of a semi-detached dwelling will facilitate additional residential intensification and redevelopment in an area that

is appropriate to do so. Further, regional staff provided comments on the archaeological potential of the subject land and offered no objections to the application.

In Planning staff's opinion, a decision by Council to approve the proposed Zoning By-law Amendment will conform to the Regional Official Plan.

Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary' according to Schedule 'A1'.

The permitted uses in the Urban Living Area / Built Boundary designation include: single-detached residential dwelling units; accessory apartments in single-detached dwellings (subject to Policy B1.1.4); semi-detached, townhouse, multiple and apartment dwellings (subject to Policy B1.1.5); and, complementary uses such as residential care facilities, daycare centres, institutional uses and convenience commercial uses (subject to Policy B1.1.8), etc.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the Urban Area specifically in proximity to the Downtown.

Policy A2.3.2 (Urban Character) – states the objectives of this Plan to protect and enhance the character of the existing Urban Areas, which include (among others):

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.
- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To foster a sense of civic identity through a high standard of urban design in public and private development.

- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

Policy A2.7.2 states the Plan's objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

The Town's Cultural Heritage Master Plan identifies the subject lands as having composite potential for deeply buried archaeological resources. The applicant must conduct an Archaeological Assessment prepared by a licensed archaeologist and receive clearance letter (s) from the Ministry of Heritage, Sport, Tourism & Culture. The Assessment must cover the building envelope of the proposed semi-detached dwelling, as well as any area that is subject to excavation. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 provides policy guidance and direction with respect to intensification proposals within the Urban Living Area / Built Boundary. While intensification opportunities are encouraged, proponents will be expected to demonstrate, that such proposals will be respectful of, compatible with, and designed to be integrated with the neighbourhood where they're proposed.

In considering residential intensification proposals, the following criteria are applicable:

- a) Schedules A1 and A2 identify a number of areas that may be good candidates for residential intensification. This does not preclude consideration elsewhere in the *Urban Living Area* provided these sites abut arterial or collector roads or are located on a local road on a site that is no further than 100 metres from an intersection with a collector or arterial road;
 - ✓ The subject lands front Pelham Street, a collector road according to Schedule 'C'.
- b) Intensification and redevelopment proposals are encouraged to achieve a unit density and housing type that is in keeping with the character of the neighbourhood density;
 - ✓ The character of the neighbourhood density is defined by a range of mixed housing types and densities, with mainly single-detached dwellings in the surrounding established residential neighbourhood, townhouse residential dwellings to the east, multi-storey assisted

living building to the south, and an institutional building to the immediate north. The proposed density is in keeping with the character of the neighbourhood density.

- c) Residential intensification and redevelopment proposals located on lands which abut local roads shall maintain the unit density and unit type of the surrounding neighbourhood, but may through a Zoning By-law Amendment, increase the unit density by up to 25% of the existing gross density of lands located within 300 metres of the site, provided the resultant development will be characterized by quality design and landscaping, suitable building setbacks, and further that parking areas and traffic movements will not negatively impact the surrounding neighbourhood from the perspectives of safety or neighbourhood character;
 - ✓ Not applicable.

Policy B1.1.5 requires that when considering a Zoning By-law amendment and site plan application to permit a semi-detached dwelling, townhouse, multiple or apartment development, Council shall be satisfied that the proposal:

- a) Respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
 - ✓ The proposed dwelling is of similar size as existing dwellings in the adjacent neighbourhood, and the development does not egregiously exceed the maximum lot coverage permitted. The proposed building height of 8.74m is in keeping with adjacent dwellings in proximity and the massing of the building is moderate and should have minimal visual impact to the streetscape and neighbouring properties.
- b) Can be easily integrated with surrounding land uses;
 - ✓ The development is ground-oriented and the overall architectural style is compatible with the surround neighbourhood.
- c) Will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and
 - ✓ Traffic congestion is not anticipated as a result of the development which adds 1 additional unit.
- d) Is located on a site that has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.
 - ✓ The proposal provides sufficient amount of parking and amenity area, and should have adequate amount of buffering which separates the new development from adjacent properties.

The proposal is in conformity with the Town of Pelham Official Plan by allowing for additional housing opportunities in an area where it is appropriate to do so, accompanied with building and site design that displays character compatibility with

the surrounding neighbourhood. The proposed development should not conflict with any policies as stated in the Official Plan.

In Planning staff's opinion, a decision by Council to approve the proposed Zoning By-law Amendment will conform to the Town's Official Plan.

Pelham Zoning By-law No. 1136 (1987)

The subject parcel is zoned Residential 2 (R2) in accordance with Pelham Zoning By-law 1136(1987), as amended.

The zoning by-law amendment application seeks approval to rezone the property from Residential 2 (R2) zone to a site-specific Residential 3 (R3) zone to allow a two storey semi-detached dwelling. The requested zoning change will also allow a Maximum Lot Coverage of 45%, and allow a Minimum Interior Side Yard Setback of 1.3 metres. The proposed dwelling adheres to all other R3 zone requirements.

The permitted uses in the Residential 2 (R2) zone include: a single detached dwelling, buildings and structures accessory to the residential use, and home occupations.

The permitted uses in the Residential 3 (R3) zone include: semi-detached dwellings, duplex dwellings and buildings and structures accessory to the residential use

Table 1 – Requested Zoning By-law Amendment

Zone Regulation	R3 Zone Default	Proposed Site-Specific R3 Zone
15.2 Zone Requirements for Semi-Detached Dwellings		
(c) Maximum Lot Coverage	35%	45%
(e) Minimum Interior Side yard	1.5 m plus an additional 0.5 m for every storey or part thereof above the ground floor	1.3 m

The proposed **R3-Exception (H)** (Residential 3-Exception with Holding Provision) is appropriate to accommodate the proposed redevelopment.

"H" Holding Symbol

Should this application be approved by Council, staff will request an "H" Holding Symbol which can be lifted upon:

- A Stage 1-2 Archaeological Assessment (s) has been completed and the clearance letter (s) from the Ministry of Heritage, Sport, Tourism & Culture Industries are provided to the Town.

Submitted Reports:

The applicant provided digital copies of the following reports in support of the applications:

- Conceptual Site Plan and Proposed Building Elevations, prepared by Maxwell Homes
- Planning Justification Report, prepared by Upper Canada Consultants

Digital copies of the reports are available by contacting the Planning Division.

Agency Comments:

Agencies were circulated for review and comment on the application prior to scheduling the public meeting. See attached document for comprehensive agency / staff comments. Agency comments received to date are summarized below:

- Building Division (January 5, 2022)
 - A demolition permit is required for the existing dwelling.
 - Building permits are required for the proposed semi-detached dwellings.
- Publics Works Department (January 5, 2022)
 - Public Works note that the site is currently serviced with 1 sanitary and 1 water service connection. Each unit is to be individually serviced with its own sanitary and water connections. This work is to be done by the owner, at the owner's expense, and will require a Temporary Works Permit. Should there be an intention to sever the lot in the future, the sanitary and water services for each unit will need to be contained in their respective lots. Should these services cross property lines, Public Works will not support the consent to sever.
 - Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All costs associated with this permit are the responsibility of the owner.
 - A comprehensive Lot Grading and Drainage Plan will be required at Building Permit stage, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.
- Niagara Region Planning & Development Services (December 6, 2021)

- Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for the discovery of archaeological resources due to their proximity (within 300 metres) to a registered archeological site.
- Regional staff will defer to the Town on whether an archeological assessment and/or warning clauses respecting the possible discovery of deeply buried remains during construction will be required for this application.
- Enbridge Gas (December 7, 2021)
 - No objections.

Public Comments:

On Friday, the 21st day of January 2022, a Public Meeting Notice was circulated to all property owners within 120 metres of the subject land's boundaries. In addition, a Public Notice Sign was posted facing Pelham Street.

One (1) public comment was received at the time of writing of this report following the public meeting:

Doug Carncroft

Opposed to the rezoning application with the following reasons: Bylaws should not be changed to accommodate the short-term needs of single interested parties. Many other alternative locations to accommodate semi-detached dwellings.

Planning Staff Comments:

In summary, the proposed rezoning will enable an additional residential unit on an urban lot. The redevelopment of the property for a semi-detached residential use is an example of a gentle form of residential intensification within an existing neighbourhood that will have virtually no impact on adjacent land uses. The proposed building design is compatible with the existing built form of the area and the re-investment into the neighbourhood will replace an existing dwelling in poor condition with new construction will aid in maintaining the stability of the area.

In response to the public comments received, while the proposal is to replace an existing single detached dwelling with a semi-detached dwelling, the proposal is supported by the Town Official Plan policies that encourage infill within existing built up areas and this supports the long term public interest in terms of minimizing impact on agricultural lands, supporting re-investment in existing communities to maintain their stability and vibrancy, and providing a small degree of housing choice in the community.

During the public meeting a Councillor questioned the age of the existing dwelling and whether it was a heritage building. Staff advise that the property is not designated under the *Ontario Heritage Act* and the property is not included on the proposed list of non-designated properties that have cultural heritage or interest. While the dwelling is over 100 years old, it has not been identified as having cultural heritage value or interest.

Town staff have evaluated the rezoning application against the Provincial Policy Statement, applicable Provincial Plans, Region of Niagara Official Plan and Town Official Plan. The proposed rezoning is acceptable from a planning perspective and should be approved for the following reasons:

1. The proposed rezoning application is consistent with the Provincial Policy Statement (PPS), conforms with the Growth Plan for the Greater Golden Horseshoe;
2. The proposed use and lot are in conformity with the overall intent, purpose and objectives of the Regional and Town Official Plan and are compatible with the existing adjacent uses of land.
3. The proposed zoning standards are appropriate to accommodate the proposed development application based on the submitted plan.

Staff recommend the application be approved subject to an "H" holding provision to address outstanding archaeological potential matters. The proposed By-law would note that the Holding (H) provision would be lifted once the following condition has been satisfied:

- A Stage 1-2 Archaeological Assessment (s) has been completed and the clearance letter (s) from the Ministry of Heritage, Sport, Tourism & Culture Industries are provided to the Town.

Should the rezoning application be approved by Council, the implementing zoning by-law will be brought forward to Council at a future date.

Financial Considerations:

The applicant is responsible for all costs associated with the rezoning process.

Alternatives Reviewed:

Council could choose to not approve the proposed zoning by-law amendment, however, it is noted that the applicant would then be in a position to appeal to the Ontario Land Tribunal on Council failing to make a decision.

Other Pertinent Reports/Attachments:

- Information Report 2022-044
- Zoning By-law Amendment Application AM-09-2021
- Agency comments
- Public comment

Prepared and Recommended by:

Kenny Ng, B.ES
Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Committee Report
Community Planning and Development Department
Monday, February 14, 2022

Subject: Information Report – Zoning By-law
Amendment Application (AM-09-2021)

Recommendation:

THAT Committee receive Report # 2021-044 for information and recommend to Committee;

THAT Planning staff be directed to prepare the Recommendation Report on this topic for Council’s consideration once all comments have been received.

Background:

The purpose of this report is to provide the Committee of the Whole and the public with an opportunity to receive information regarding an application seeking approval to amend Zoning By-law No. 1136 (1987), as amended, to rezone the property known as 1553 Pelham Street.

The proposed zoning by-law amendment would rezone the property from Residential 2 (R2) to a site-specific Residential 3 (R3) zone with site specific provisions for maximum lot coverage and minimum interior side yard setback to accommodate the construction of a semi-detached dwelling on the existing lot.

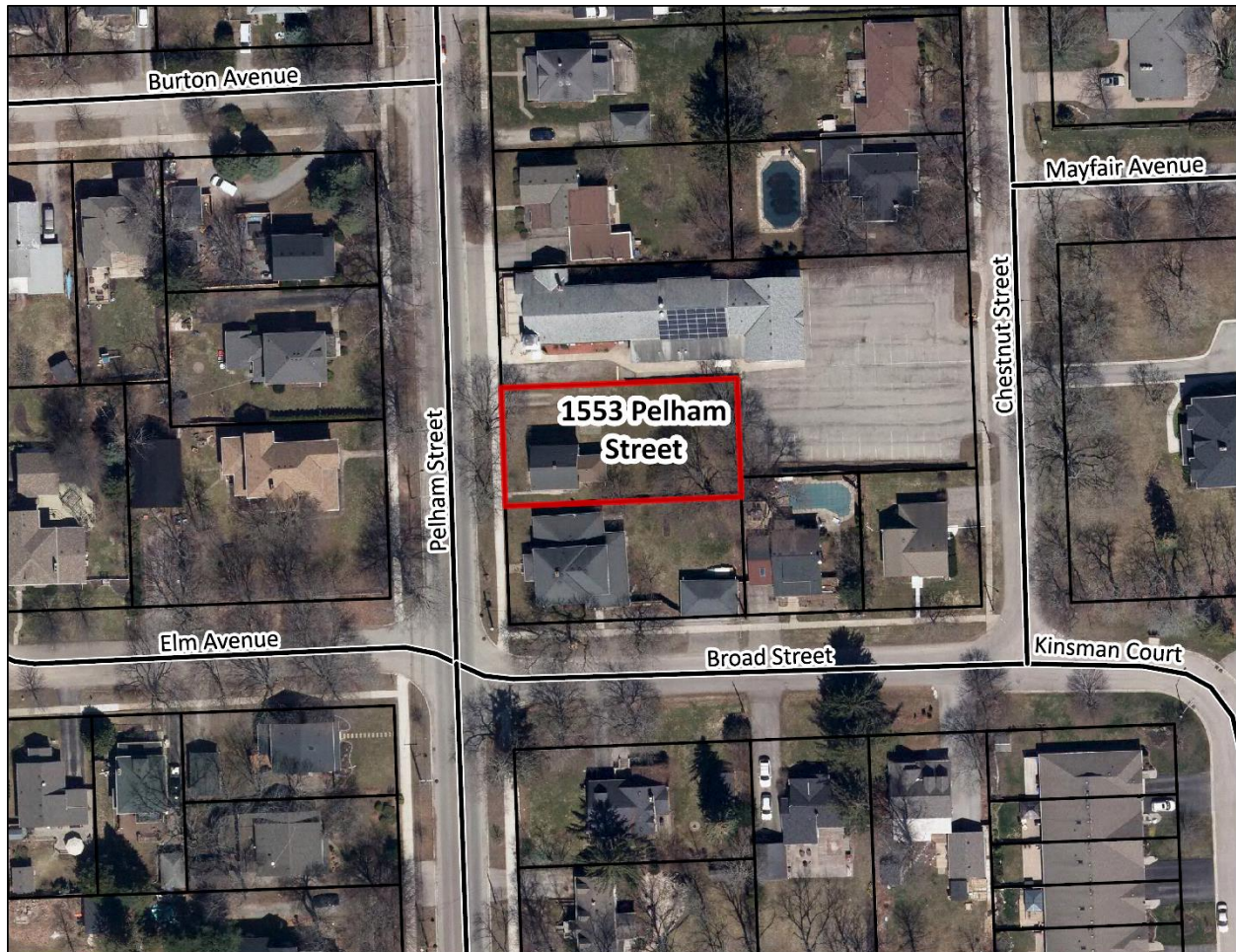
Location:

The subject property is located in close proximity to downtown Fonthill, and is situated on the east side of Pelham Street, lying north of Broad Street, municipally referred as 1553 Pelham Street (Figure 1). The legal description of the subject parcel is Plan 25 Lot 6 NP 716. The property currently contains one single detached dwelling, with a detached accessory structure on the approximately 809 square metre lot.

The property is within an established residential neighbourhood and is surrounded by an institutional building known as the Holy Trinity Church to the north, single

detached residential uses to the west and south, and single detached and townhouse residential use to the east.

Figure 1: Subject Lands (1553 Pelham Street)



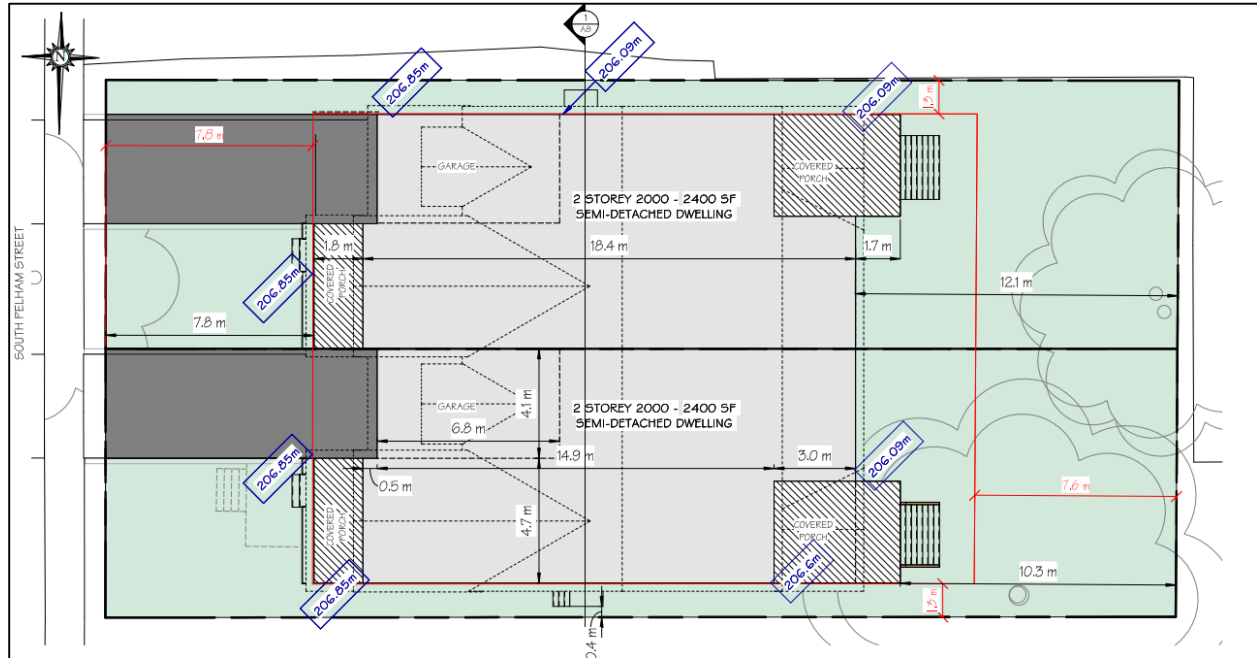
Project Description and Purpose:

The subject parcel is currently Residential 2 (R2) zone according to Zoning By-law No. 1136 (1987), as amended.

The applicant seeks approval to change the zoning from Residential 2 (R2) zone to a site-specific Residential 3 (R3) zone to allow for the redevelopment of the property for a semi-detached dwelling. The requested rezoning would allow the development of the property as shown on the proposed site plan (Figure 2).

To accommodate for the specific building design, the applicant is seeking for amendment for two provisions specific for the R3 zone (Maximum Lot Coverage and Minimum Interior Side Yard), and the site-specific zoning provisions are described in greater detail in this report.

Figure 2: Proposed Site Plan



The applicant is proposing a two-storey semi-detached dwelling that is approximately 2,500 square feet in size. Each residential unit is proposed to have a covered porch in the front yard, as well as in the rear yard of the property as per the submitted plan (Figure 3). A total of 3 parking spaces are proposed for each semi-detached unit.

Figure 3: Proposed Front Building Elevation



An archaeological assessment on the subject parcel will have to be completed as it meets the criteria for the evaluation of archaeological potential: a known archaeological sites within 300 metres of the property. The Town's Heritage Master Plan also identifies this area as having composite archaeological resource potential.

If the requested zoning by-law amendment is approved, the applicant would proceed with the construction of the semi-detached building and submit a consent application to the Committee of Adjustment to divide the subject property into two parcels, each containing one semi-detached dwelling unit.

Applicable Planning Policies:

Planning Act

Section 2 of the Act addresses matters of Provincial interest and requires municipal Councils to have regard to, among other matters:

- d) The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- e) The supply, efficient use and conservation of energy and water;
- f) The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- g) The minimization of waste;
- h) The orderly development of safe and healthy communities;
- j) The adequate provision of a full range of housing, including affordable housing;
- n) The resolution of planning conflicts involving public and private interests;
- o) The protection of public health and safety;
- p) The appropriate location of growth and development;
- q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
- r) The promotion of built form that,
 - (i) Is well-designed,
 - (ii) Encourages a sense of place, and
 - (iii) Provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) The mitigation of greenhouse gas emissions and adaptation to a changing climate.

Section 3 of the Planning Act requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the Act. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

Section 34 of the Act allows for the consideration of amendments to the zoning by-law.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The Provincial Policy Statement (PPS) designates the subject land as within a 'Settlement Area'. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development.

Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

Policy 1.1.3.3 states that municipalities shall identify appropriate locations and provide for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated taking into account the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

The Niagara Region Official Plan prescribes an annual residential intensification rate of at least 15% for all lands within Pelham's *Urban Settlement Areas*, this policy target is also reflected in the Pelham Official Plan.

Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.4.3 (b) (2) indicates that planning authorities shall provide for an appropriate range and mix of housing types and densities by permitting and facilitating redevelopment in accordance with Policy 1.1.3.3.

Policy 2.6.2 states that development and site alteration shall not be permitted on lands containing archaeological resources or archaeological potential unless the resources have been conserved.

Consequently, an archaeological assessment is required that may be provided prior to passing the zoning by-law amendment or through the inclusion of a Holding (H) provision.

Growth Plan for the Greater Golden Horseshoe, 2019

This Plan informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe (GGH). All decisions made after May 16, 2019 that affect a planning matter will conform with this Growth Plan, subject to any legislative or regulatory provisions providing otherwise. The policies of this Plan take precedence over the PPS to the extent of any conflict.

The subject parcel is identified as being within a 'Delineated Built-up Area' according to the Growth Plan for the Greater Golden Horseshoe. Guiding principles (among others) regarding how land is developed:

- Support the achievement of *complete communities* to meet people's needs through an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure*.
- Support a range and mix of housing options, including second units and *affordable* housing, to serve all sizes, incomes, and ages of households.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Integrate climate change considerations into planning and managing growth.

Policy 2.2.1.2 states that forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing municipal water / wastewater systems; and
 - iii. can support the achievement of *complete communities*.

Policy 2.2.6.2 states that notwithstanding policy 1.4.1 of the PPS (2014), in implementing policy 2.2.6.1, municipalities will support the achievement of *complete communities* by:

- a) planning to accommodate forecasted growth to this Plan's horizon;
- b) planning to achieve the minimum intensification and density targets in this Plan;

- c) considering the range and mix of housing options and densities of the existing housing stock; and
- d) planning to diversify their overall housing stock across the municipality.

Niagara Region Official Plan (Consolidated, August 2014)

The Regional Official Plan designates the subject land as 'Built-Up Area' within the Urban Area Boundary.

Policy 4.G.6.2 indicates that 'Urban Areas' will be the focus for accommodating the Region's growth and development.

Policy 4.G.8.1 states that *Built-Up Areas* will be the focus of residential intensification and redevelopment.

Policy 10.C.2.1.13 states that *development and site alteration* shall only be permitted on lands containing *archaeological resources or areas of archaeological potential* if the significant *archaeological resources* have been *conserved* by removal and documentation, or by preservation on site.

Policy 11.A.1 encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through their life cycle.

Pelham Official Plan (2014)

The Town of Pelham Official Plan is the primary planning document that will direct the actions of the Town and shape growth that will support and emphasize Pelham's unique character, diversity, cultural heritage and protect our natural heritage features.

The local Official Plan designates the subject land as 'Urban Living Area / Built Boundary' according to Schedule 'A1'.

Policy A2.2.2 Growth & Settlement – states that it is a goal of this Plan to encourage intensification and redevelopment within the Urban Area specifically in proximity to the Downtown.

Policy A2.3.2 (Urban Character) – states the objectives of this Plan to protect and enhance the character of the existing Urban Areas, which include (among others):

- To maintain and enhance the Urban Areas as diverse, liveable, safe, accessible and attractive communities.

- To respect the character of existing development and ensure that all applications for development are physically compatible with the character of the surrounding neighbourhood.
- To maintain and enhance the character and stability of existing and well-established residential neighbourhoods by ensuring that development and redevelopment is compatible with the scale and density of existing development.
- To foster a sense of civic identity through a high standard of urban design in public and private development.
- To encourage the development of neighbourhoods which are compact, pedestrian-friendly and provide a mix of housing types.

Policy A2.7.2 states the Plan's objective to ensure that the nature and location of cultural heritage and archaeological resources are known and considered before land use decisions are made.

The Town's Cultural Heritage Master Plan identifies the subject lands as having composite potential for deeply buried archaeological resources. The applicant must conduct an Archaeological Assessment prepared by a licensed archaeologist and receive clearance from the Ministry of Heritage, Sport, Tourism & Culture. The Assessment must cover the building envelope of the proposed semi-detached dwelling, as well as any area that is subject to excavation. The licensed archaeologist may recommend further archaeological analysis or preservation steps be taken.

Policy B1.1.1 recognizes the existing urban area of Fonthill and the role the Town will need to accommodate various forms of residential intensifications, where appropriate.

Policy B1.1.3 provides policy guidance and direction with respect to intensification proposals within the Urban Living Area / Built Boundary. While intensification opportunities are encouraged, proponents will be expected to demonstrate, that such proposals will be respectful of, compatible with, and designed to be integrated with the neighbourhood where they're proposed.

Pelham Zoning By-law No. 1136 (1987)

The subject parcel is zoned Residential 2 (R2) in accordance with Pelham Zoning By-law 1136(1987), as amended.

The zoning by-law amendment application seeks approval to rezone the property from Residential 2 (R2) zone to a site-specific Residential 3 (R3) zone to allow a

two storey semi-detached dwelling. The requested zoning change will also allow a Maximum Lot Coverage of 45%, and allow a Minimum Interior Side Yard Setback of 1.3 metres. The proposed dwelling adheres to all other R3 zone requirements.

The permitted uses in the Residential 2 (R2) zone include: a single detached dwelling, buildings and structures accessory to the residential use, and home occupations.

The permitted uses in the Residential 3 (R3) zone include: semi-detached dwellings, duplex dwellings and buildings and structures accessory to the residential use.

Table 1 – Requested Zoning By-law Amendment

Zone Regulation	R3 Zone Default	Proposed Site-Specific R3 Zone
15.2 Zone Requirements for Semi-Detached Dwellings		
(c) Maximum Lot Coverage	35%	45%
(e) Minimum Interior Side yard	1.5 m plus an additional 0.5 m for every storey or part thereof above the ground floor	1.3 m

Submitted Reports:

The applicant provided digital copies of the following reports in support of the applications:

- Conceptual Site Plan and Proposed Building Elevations, prepared by Maxwell Homes
- Planning Justification Report, prepared by Upper Canada Consultants

Digital copies of the reports are available by contacting the Planning Division.

Agency Comments:

Agencies were circulated for review and comment on the application prior to scheduling the public meeting. See Appendix A for comprehensive agency / staff comments. Agency comments received to date are summarized below:

- Building Division (January 5, 2022)
 - A demolition permit is required for the existing dwelling.
 - Building permits are required for the proposed semi-detached dwellings.

- Publics Works Department (January 5, 2022)
 - Public Works note that the site is currently serviced with 1 sanitary and 1 water service connection. Each unit is to be individually serviced with its own sanitary and water connections. This work is to be done by the owner, at the owner's expense, and will require a Temporary Works Permit. Should there be an intention to sever the lot in the future, the sanitary and water services for each unit will need to be contained in their respective lots. Should these services cross property lines, Public Works will not support the consent to sever.
 - Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All costs associated with this permit are the responsibility of the owner.
 - A comprehensive Lot Grading and Drainage Plan will be required at Building Permit stage, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.
- Niagara Region Planning & Development Services (December 6, 2021)
 - Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for the discovery of archaeological resources due to their proximity (within 300 metres) to a registered archeological site.
 - Regional staff will defer to the Town on whether an archeological assessment and/or warning clauses respecting the possible discovery of deeply buried remains during construction will be required for this application.
- Enbridge Gas (December 7, 2021)
 - No objections.

Public Comments:

On Friday, the 21st day of January 2022, a Public Meeting Notice was circulated to all property owners within 120 metres of the subject land's boundaries. In addition, a Public Notice Sign was posted facing Pelham Street. No public comments were received at the time of writing of this report.

Planning Staff Comments:

The purpose of this report is to provide Committee of the Whole and the public with information regarding the proposed rezoning application for 1553 Pelham Street, applicable policies and comments received to date. Committee may also provide

recommendations for proposed changes to the zoning by-law amendment request based on the public, agency or staff input and consistency with approved plans.

A pre-consultation was held with the applicant(s) of the property and Town staff on Thursday, July 15, 2021 to discuss the subject application.

Planning staff note that an archaeological assessment is required. Rezoning the lands to the site specific Residential 3 (R3) Zone with a Holding (H) provision would be appropriate in this case. The proposed By-law would note that the Holding (H) provision would be lifted once archaeological clearance is obtained from the Ministry of Tourism Culture and Sport after the archaeological report has been prepared and submitted to them.

Subject to the input received at the Public Meeting, the next steps are for staff to prepare a Recommendation Report for Council's consideration at a future meeting.

Financial Considerations:

The applicant is responsible for all costs associated with development.

Alternatives Reviewed:

Committee could choose to not direct Planning staff to prepare the recommendation Report on this topic. However, it is noted that the applicant would then be in a position to appeal to the Ontario Land Tribunal on Council failing to make a decision.

Other Pertinent Reports/Attachments:

- Appendix A:
 - Agency Comments

Prepared and Recommended by:

Kenny Ng, B.ES
Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



Application for a Zoning By-Law Amendment
Under Section 34 (10.1) of the Planning Act,
R.S.O. 1990, Ch. P 13, as amended

NOTE TO APPLICANTS:

This application form is to be used by persons or public bodies wishing to change the zoning designation on a specific parcel from the designation provided for in the Town of Pelham's Zoning By-law.

Submission of this application constitutes consent for authorized municipal staff to inspect the subject land.

COMPLETENESS OF APPLICATION:

The information requested by this application form must be provided by the applicant and will be used to process the request under Section 34 of the Planning Act and Ontario Regulation 545/06.

To ensure a prompt and complete review, all information must be submitted at the time of the application. In the absence of all required information, the application may be refused and it may not be possible to complete the review within the legislated time frame for making a decision.

SUBMISSION OF THE APPLICATION:

The submission must include:

- One (1) original copy of the completed application form;
- All required application fees- separate cheques made payable to:
 - Town of Pelham
 - Niagara Region
 - Niagara Peninsula Conservation Authority (if required);
- One (1) digital (pdf) and Six (6) paper plans, drawn on a single sheet and to scale. The sketch must show all items required by Ontario Regulation 545/06, as described below:
 - a) The boundaries and dimensions of the subject land;
 - b) The location, size and type of all existing and proposed buildings and structures on the subject land, indicating the distance of the buildings or structures from the front lot line, rear lot line and the side lot lines;
 - c) The approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that,

- i) are located on the subject land and on land that is adjacent to it, and,
 - ii) in the applicant's opinion, may affect the application;
- d) The current uses of land that is adjacent to the subject land;
- e) The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right-of-way;
- f) If access to the subject land will be by water only, the location of the parking and docking facilities to be used; and,
- g) The location and nature of any easement affecting the subject land.

**Please note that measurements are to be in metric units.*

- All required technical reports, including the planning justification report, or other information identified at the pre-consultation meeting, in digital (pdf) and paper format—six (6) copies.

PROCEDURE:

1. A pre-consultation meeting to review the proposed application with Town, Regional and Niagara Peninsula Conservation Authority Planning (if applicable) staff is held.
2. The formal application is submitted by the applicant. Planning staff ensure all prescribed information and the required fees have been provided. The applicant will be notified, in writing, whether the application is considered complete.

If Planning staff does not deem the application complete, within the prescribed time period, the applicant may appeal to the Ontario Municipal Board.

3. If the application is complete, a notice of application will be circulated to affected Town departments and external agencies to provide comments within twenty (20) days.

Comments are received and reviewed by Planning staff. As a result of comments received, the applicant may be requested to provide additional information or it may be necessary to amend the request to ensure support.

4. Planning staff will schedule a Public Meeting once comments are received and all outstanding matters are addressed.

At a minimum of twenty (20) days prior to the scheduled Public Meeting, Planning staff will send a notice of public meeting by mail to all assessed land owners within 120 metres of the subject land and to affected agencies. The notice will be posted on the Town's website and community calendar.

The applicant is required to post the public notice sign prominently on the subject land at a minimum twenty (20) days prior to the scheduled Public Meeting and provide a photograph (jpg or pdf) of its posting to Planning staff.

5. At the Public Meeting, Planning staff will make a presentation to Committee of the Whole (members of Council) and the public on the application. In addition, an information report is presented on the evening's agenda for review and comment. The applicant is expected to attend this meeting to address any questions or concerns that may arise. Committee provides direction to Planning staff, i.e. to prepare the recommendation report.
6. The recommendation report will be prepared and is presented for review and comment at a subsequent Committee of the Whole meeting. Committee provides direction to Planning staff, i.e. to prepare the amending zoning by-law.
7. The amending zoning by-law is prepared and is presented at a subsequent Council meeting. Council may approve or not approve the zoning by-law.

If Council chooses to not approve the zoning by-law, the applicant may appeal Council's decision to the Ontario Municipal Board.

8. After the amending by-law has passed and been enacted by Council, a notice of passing of the by-law is given within fifteen (15) days.

There is a twenty (20) day appeal period commencing the day after the notice of passing of the by-law is given. During this period, an appeal of Council's decision may be made to the Ontario Municipal Board. Should no appeal be lodged, the amending by-law is deemed to have come into force as of the date of passing of the enacting by-law.

HELP:

If you require assistance in completing this application, or throughout the process, please contact a Planner in the Town's Community Planning and Development Services Department at 905-892-2607.

Notes:

- It is the responsibility of the owner(s) / applicant(s) to advise the Town of Pelham of any changes (i.e. to ownership, agents, their addresses and telephone numbers, etc.) to ensure that you are advised of all matters pertaining to this application.
- It is the responsibility of the owner(s) / applicant(s) to ensure that all information provided is accurate.
- An amendment to the Zoning By-law does not constitute a change to the designation of the subject property in the Official Plan. An amendment to the Official Plan is required if the proposal does not conform to the existing Official Plan. In the event that an Official Plan Amendment is required, please complete an Official Plan Amendment application form.



Application for a Zoning By-Law Amendment
Under Section 34 (10.1) of the Planning Act,
R.S.O. 1990, Ch. P 13, as amended

Town Use Only

Date Received:	Date Accepted:	Fee Paid:	File No.
----------------	----------------	-----------	----------

1.0 GENERAL INFORMATION

Name	Address	Phone Nos.
1.1 Registered Owner of Subject Land *	Craig Speers	Business
	Katherine Speers	Cell
	Email Address craig.speers@gmail.com	Fax
1.2 Applicant (if different)**		Business
		Cell
	Email Address	Fax
1.3 Agent or Consultant	Upper Canada Consultants	Business 905-688-9400
	William Heikoop	Cell 289-228-5825
	Email Address wheikoop@ucc.com	Fax 905-688-5274
1.4 Persons or Institutions who have any mortgages, charges or other encumbrances on the property	HSBC Bank	Business 416-868-8162
	Chris Pannozzo, HSBC Premier, 70 York St, Toronto	Cell 289-654-2684
	Email Address chris_pannozzo@hsbc.ca	Fax 416-868-8419

* If a numbered company, also give the name and address of the principal owner. If more than one owner, complete an additional page for each owner.

** Owner's authorization (Part 14.0) required if applicant is not owner.

1.5 To whom shall all correspondence be sent? (Please check one box only)

☒ Owner
 ☐ Applicant
 ☒ Agent / Consultant

2.0 PRE-CONSULTATION WITH PLANNING STAFF

Has the proposed zoning by-law amendment, for which this application is being submitted, been the subject of a pre-consultation meeting?

☒ Yes (If yes, date: July 15, 2021) ☐ No

3.0 LOCATION OF LAND

Assessment Roll No.	Lot 6	Concession	Former Twp.
Registered Plan No. 716	Lot (s)	Reference Plan No.	Part (s)
Municipal Address 1553 Pelham Street			

3.1 Particulars of Property (in metric units)

Frontage 20.08	Depth 40.18	Area
-------------------	----------------	------

3.2 Date that the subject land was acquired by the current owner: 2021

4.0 TYPE AND PURPOSE OF AMENDMENT (please check all applicable)

- ☐ Condition of Consent. Consent File No.: _____
- ☐ Adds a site specific exemption
- ☒ Changes a zone in the Zoning By-Law.
Schedule to be changed: Schedule A5
- ☐ Removal of an 'H' Holding Provision

If a site specific zoning by-law amendment is being requested, attach the text of the requested amendment.

Provide a map of the subject land- indicating the land requested to be rezoned (i.e. from the current (R1) to requested zoning (RM1)).

4.1 What is the purpose of the requested amendment (attach additional sheets, if necessary)?

To permit a semi-detached dwelling on the subject lands

5.0 CURRENT ZONING

5.1 What is the current Official Plan designation of the subject land?

Urban Living Area

5.2 What are the land uses that the Official Plan designation permits?

Residential

5.3 What is the current zoning of the subject land?

R2

5.4 What are the existing uses on the subject land?

single detached dwelling

5.5 How long have the existing uses on the subject land continued? unknown

5.6 Are there existing buildings or structures on the subject land?

☒

Yes

☐

No

If yes, please complete the following chart and illustrate setbacks on the required sketch.

Description	Building		Accessory Building	
Type (i.e. House, Garage, Commercial Building)	single detached			
Front Yard Setback	4.37 m	ft	m	ft
Rear Yard Setback	22.58 m	ft	m	ft
Interior Side Yard Setback	2.45 m	ft	m	ft
Exterior Yard Setback	N/a m	ft	m	ft
Height	unknown m	ft	m	ft
Ground Floor Area	79.48 m ²	ft ²	m ²	ft ²
Gross Floor Area	158.96 m ²	ft ²	m ²	ft ²

If yes, please provide the date of construction for all existing buildings or structures.

unknown

Are any of the buildings or structures to be demolished?

☒

Yes

☐

No

5.7 Are there any existing easements or restrictive covenants affecting the subject land?

☐

Yes

☐

No

☒

Unknown

If yes, please provide information regarding any existing easement or restrictive covenant that affects the subject land.

6.0 REQUESTED ZONING

6.1 What is the requested zoning of the subject land?

Residential 3 (R3)

6.2 What are the land uses that the requested zoning by-law amendment would permit?

Semi-detached Dwelling

6.3 Are the requested land uses permitted in the Official Plan?

☒

Yes

☐

No

☐

Unknown

If no, an application to amend the Town's Official Plan is required.

6.4 Is a site specific zone being requested?

☒

Yes

☐

No

If yes, please provide the text of requested site specific regulations below or attach a separate sheet.

Please see Planning Report

6.5 Is the subject land within an area where the Town has pre-determined the minimum and maximum density requirements or the minimum and maximum height requirements?

☒

Yes

☐

No

If yes, please provide a statement of these requirements.

Please see Planning Report

6.6 Are any buildings or structures proposed to be built on the subject land?

☒

Yes

☐

No

If yes, please complete the following chart and illustrate requested setbacks on the required sketch.

Description	Building		Accessory Building	
Type (i.e. House, Garage, Commercial Building)				
Front Yard Setback	m	ft	m	ft
Rear Yard Setback	m	ft	m	ft
Interior Side Yard Setback	m	ft	m	ft
Exterior Yard Setback	m	ft	m	ft
Height	m	ft	m	ft
Ground Floor Area	m ²	ft ²	m ²	ft ²

7.0 EXISTING ADJACENT LAND USES

North institutional

East institutional/residential

South residential

West residential

8.0 SERVICING

8.1 Services provided to subject land (please check all applicable):

Municipal Water	<input checked="" type="checkbox"/>	
Municipal Sanitary	<input checked="" type="checkbox"/>	
Well	<input type="checkbox"/>	
Septic	<input type="checkbox"/>	
Storm sewers	<input type="checkbox"/>	
Ditches/ swales	<input checked="" type="checkbox"/>	
Other (please specify service)	<input type="checkbox"/>	<hr/>

8.2 Would the requested amendment permit development on a privately owned and operated individual or communal septic system and result in more than 4500 litres of effluent being produced per day?

☐ Yes ☒ No

If yes, attach a servicing options report and a hydrogeological report.

9.0 ROAD ACCESS

9.1 Road access provided to subject land (please check all applicable):

Municipal Road	<input checked="" type="checkbox"/>	
Regional Road	<input type="checkbox"/>	
Private Road	<input type="checkbox"/>	
Other (i.e. water access)	<input type="checkbox"/>	<hr/>

10.0 CURRENT STATUS OF SUBJECT LAND AND LAND WITHIN 120 METRES

(Provide information on additional applications for the subject land and for land within 120 metres if it is the subject of an application by the applicant under the Planning Act; attach additional sheets if necessary)

Application	If applicable, File No.	Land it Affects	Status
Example:			
Consent	B2-2015	35 Port Robinson Rd	Application submitted
Approval of a Plan of Subdivision/ Condominium	26T19-01015	177 Port Robinson Rd	Application submitted
Minor Variance			
Consent			
Amendment to the Regional Official Plan			
Amendment to the Town of Pelham Official Plan			
Amendment to the Zoning By-law			
Amendment to a Minister's Zoning Order			
Approval of a Plan of Subdivision/ Condominium			
Approval of a Site Plan			

If any of the above are applicable, provide the purpose of the application and the effect it would have on the requested zoning by-law amendment.

unknown

11.0 MATTERS OF PROVINCIAL INTEREST

Does the requested amendment alter all or any part of the boundary of an area of settlement or establish a new area of settlement?

☐ Yes ☒ No ☐ Unknown

* If yes, provide details of the official plan amendment that deals with the matter.

Does the requested amendment remove the subject land from an area of employment?

☐ Yes ☒ No ☐ Unknown

* If yes, provide details of the official plan amendment that deals with the matter.

Is the subject land included within an area where there is an approved watershed plan, if any?

☐ Yes ☒ No ☐ Unknown

Is the requested amendment consistent with the policy statements issued under subsection 3 (1) of the Planning Act?

☒ Yes ☐ No ☐ Unknown

Is the subject land within an area of land designated under any provincial plan or plans (i.e. Greenbelt Plan, Niagara Escarpment Plan)?

☐ Yes ☒ No ☐ Unknown

If the subject land is within an area of land designated under any provincial plan or plans, does it conform to and does it not conflict with the provincial plan or plans?

☒ Yes ☐ No ☐ Unknown

Is the subject land designated under the Ontario Heritage Act?

☐ Yes ☒ No ☐ Unknown

Attach on a separate sheet, text that discuss the effect of the application in regards to the topics outlined above, if applicable.

12.0 OTHER INFORMATION

Is there any other information that may be useful to the Town, public bodies, or other agencies in reviewing this zoning by-law amendment (i.e. efforts to resolve outstanding concerns)? If so, please explain below or attach on a separate sheet.

Plans for proposed dwelling was modified prior to applications based on comments

recieved from staff on design at pre-consultation meeting.

Please see Planning Report

NOTE:

The following sections include several declarations and authorizations that must be signed by the owner of the subject land to which this application applies.

If there is more than ONE owner, an additional declaration and authorization page must be completed and attached to the application for each owner.

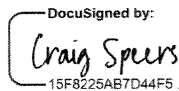
13.0 AFFIDAVIT OR SWORN DECLARATION:

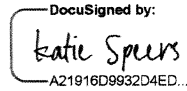
I/ we, Craig & Katherine Speers of the Town of Pelham
 (Name(s) of Owner) (City/Town or Township)

in the Region of Niagara make oath and say (or solemnly declare)
 (Region or County)

that the information contained in this application is true and accurate, the information contained in the documents that accompany this application is true and that the owner as of the day on which this application is made has unconditional ownership of the subject land and has disclosed any agreements or encumbrances that apply to the subject land.

I/we make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DocuSigned by:

 15F8225AB7D44F5

DocuSigned by:

 A21916D9932D4ED...

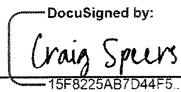
Signature of Owner (s)

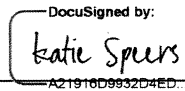
This 20 day of Oct. 20 21 .

14.0 PERMISSION TO ENTER

I/ we, Craig & Katherine Speers
 (Name(s) of Owner)

hereby authorize Council members, Town of Pelham staff and/or the Region of Niagara staff and/or the Niagara Peninsula Conservation Authority staff to enter onto the subject land for the limited purposes of evaluating the merits of this application.

DocuSigned by:

 15F8225AB7D44F5...

DocuSigned by:

 A21916D9932D4ED...

Signature of Owner (s)

This 20 day of Oct. 20 21 .

15.0 AUTHORIZATIONS OF OWNER FOR AGENT TO MAKE THE APPLICATION:

I/ we, Craig & Katherine Speers, am the owner of the land that is subject of
(Name(s) of Owner)

this application for approval of an amendment to the zoning by-law, and I/ we authorize

Upper Canada Consultants to make this application on my/our behalf.
(Name of Agent)

10/20/2021

Date

DocuSigned by:

Craig Speers

15F8225AB7D44F5...

DocuSigned by:

Katie Speers

A21916D9932D4ED...

Signature of Owner(s)

16.0 COMMISSIONER DECLARATION

Note: The signature of the applicant(s) or authorized agent must be witnessed by a Commissioner for Taking Affidavits, etc. The Clerk and Deputy Clerk are Commissioners, if needed.

DECLARED before me at the

City St. Catharines of _____
(Town, Township, City)

in the Region of Niagara
(Region, County)

This 20 of Oct., 20 21
(Day) (Month)

) TO BE SIGNED IN THE PRESENCE
) OF A COMMISSIONER FOR TAKING
) AFFIDAVITS

William H. Hogg

Signature of applicant or agent

BreAnne Marie Griffin

Commissioner

BreAnne Marie Griffin, a Commissioner, etc.,
Province of Ontario, for
Upper Canada Planning & Engineering Ltd.
Expires November 23, 2022.

Signature of applicant or agent

The personal information contained on this form is collected pursuant to the Planning Act and will be used for the purpose of responding to your application. If you have any questions on the gathering of personal information and the release of any personal information to any person or public body under the Freedom of Information and Protection of Privacy Act, you may contact the Clerk at 905-892-2607 ext. 315.

Zoning By-Law Amendment Comments

Date: January 5th, 2022

Subject: Zoning By-law Amendment AM-09-2021 - 1553 Pelham Street

The building department offers the following comments,

- A demolition permit is required for the existing dwelling.
- Building permits are required for the proposed semi-detached dwellings.

Kind Regards,

David Christensen, BSc (Hons), Adv. Dip.
Building Intake & Zoning Technician
dchristensen@pelham.ca

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: Tuesday, December 7, 2021 8:18 AM
To: Kenny Ng
Subject: RE: Request for Comments - Zoning By-law Amendment (1553 Pelham Street) (AM-09-2021)

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning
—

ENBRIDGE
TEL: 416-495-5386 | MunicipalPlanning@Enbridge.com
500 Consumers Road, North York, Ontario M2J 1P8

enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Kenny Ng <KNg@pelham.ca>
Sent: Thursday, December 2, 2021 1:21 PM
To: [REDACTED]

[REDACTED]

Subject: [External] Request for Comments - Zoning By-law Amendment (1553 Pelham Street) (AM-09-2021)

CAUTION: EXTERNAL EMAIL

This email originated from outside Enbridge and could be a phish. Criminals can pretend to be anyone. Do not interact with the email unless you are 100% certain it is legitimate.

Report any suspicious emails.

Good afternoon,

We are in receipt of a Zoning By-law Amendment (AM-09-2021) application for the property at 1553 Pelham Street in Fonthill. The application will facilitate the construction of a semi-detached dwelling.

The submitted materials are attached and include:

- Zoning By-law Amendment Application
- Cover Letter
- Conceptual Site Plan
- Planning Justification Report

Comments would be appreciated by December 23rd, 2021.

If you have any questions or concerns, or require additional information, please do not hesitate to contact me.

Best,



Kenny Ng, BES.

Planner

Town of Pelham

D: 905-980-6666 | E: Kng@pelham.ca

T: 905-892-2607 x324

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

Memo

To: Kenny Ng, Planner

CC: Jason Marr, Director of Public Works; Barb Wiens, Director of Planning and Development; Derek Young, Manager of Engineering

From: Tolga Aydin, Engineering Technologist

Date: 5th January 2022

RE: Zoning By-Law Amendment – 1553 Pelham Street

The Public Works Department has reviewed the submitted documentation regarding the proposed Zoning By-Law Amendment for 1553 Pelham Street. Please note the following comments

The following comments shall be addressed to the satisfaction of the Director of Public Works. Note that further comments to be forthcoming on subsequent submissions.

Submitted Drawings

1. Public Works note that the site is currently serviced with 1 sanitary and 1 water service connection. Each unit is to be individually serviced with its own sanitary and water connections. This work is to be done by the owner, at the owner's expense, and will require a Temporary Works Permit. Should there be an intention to sever the lot in the future, the sanitary and water services for each unit will need to be contained in their respective lots. Should these services cross property lines, Public Works will not support the consent to sever.
2. Construction of new or modification of existing driveways requires a Driveway Entrance Permit. This permit is obtained through the Public Works Department. All costs associated with this permit are the responsibility of the owner.
3. A comprehensive Lot Grading and Drainage Plan will be required at Building Permit stage, demonstrating overland flow routes, identifying swales and roof leader discharge locations, and showing neither parcel relies on the other for drainage, to the satisfaction of the Director of Public Works.

From: Shanks, Amy <Amy.Shanks@niagararegion.ca>
Sent: Monday, December 6, 2021 4:45 PM
To: Kenny Ng
Subject: RE: Archaeological assessment for 1553 Pelham St

Hi Kenny,

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) Criteria for Evaluating Archaeological Potential, the subject lands exhibit high potential for the discovery of archaeological resources due to their proximity (within 300 metres) to a registered archeological site. It appears the site wasn't show on our archeological mapping at the time of the precon, which is likely why I didn't flag it.

Given that archeological resources are the only Provincial/Regional interest associated with this application, and the Town has an approved Heritage Master Plan and therefore also has jurisdiction on matters related to archaeological resources, Regional staff will defer to the Town on whether an archeological assessment and/or warning clauses respecting the possible discovery of deeply buried remains during construction will be required for this application. I'm of course still available to provide any assistance and/or clarification on Ministry requirements if you need me to.

I hope this answers your questions. Please let me know if you need anything clarified further.

Kind regards,
Amy

Amy Shanks, M.Pl.
Development Planner
Planning and Development Services, Niagara Region
1815 Sir Isaac Brock Way, Thorold L2V 4T7
Phone: 905-980-6000 ext. 3264
Toll-free: 1-800-263-7215
www.niagararegion.ca

From: Kenny Ng <KNg@pelham.ca>
Sent: Wednesday, December 1, 2021 10:05 AM
To: Shanks, Amy <Amy.Shanks@niagararegion.ca>
Subject: Re: Archaeological assessment for 1553 Pelham St

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning Amy,

We received a ZBLA application for 1553 Pelham St and from the pre-con notes, it seems like archaeological assessment was not identified as a requirement. Just wonder if you have any comments for this and whether it should be a requirement for the application.

Thank you very much.

Best,



Kenny Ng, BES.

Planner

Town of Pelham

D: 905-980-6666 | E: Kng@pelham.ca

T: 905-892-2607 x324

20 Pelham Town Square | PO Box 400 | Fonthill, ON | L0S 1E0

TOWN OF PELHAM CONFIDENTIALITY NOTICE

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

The Regional Municipality of Niagara Confidentiality Notice The information contained in this communication including any attachments may be confidential, is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

From: clerks pelham
Sent: Monday, February 14, 2022 5:58 PM
To: Kenny Ng
Subject: FW: Meeting re 1553 Pelham

Please see the comments below for your consideration.

TOWN OF PELHAM CONFIDENTIALITY NOTICE

The information contained in this communication, including any attachments, may be confidential and is intended only for the use of the recipient(s) named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, disclosure, or copying of this communication, or any of its contents, is strictly prohibited. If you have received this communication in error, please re-send this communication to the sender and permanently delete the original and any copy of it from your computer system. Thank you.

-----Original Message-----

From: Doug Carncroft <carncroft@bell.net>
Sent: Monday, February 14, 2022 5:48 PM
To: clerks pelham <clerks@pelham.ca>
Subject: Meeting re 1553 Pelham

I would like to reject the rezoning application from R 2 to R3 as Bylaws should not be changed or adjusted to accommodate the short term needs of single interested parties. There is no reason at this time to rezone this property as there are many other areas of the town that accommodate such dwellings.

Subject: Town of Pelham Draft Comprehensive Zoning By-law – Status Update and Information Report

Recommendation:

BE IT RESOLVED THAT Council receive Report 2022-0054, Town of Pelham Draft Comprehensive Zoning By-law – Status Update and Information Report, for information purposes.

Background:

The Town's current Zoning By-law, By-law No. 1136 (1987), was originally approved in 1987. Since its approval more than 30 years ago, there have been significant changes to Provincial, Regional and local policy framework. The Town of Pelham has the responsibility as a municipality to bring the Zoning By-law in line with current policy framework at all levels of government, including conformity with the Town's approved Official Plan (2014). This report is a status update on the work underway to prepare a new comprehensive Zoning By-law to replace By-law 1136 (1987).

Public consultation initiatives undertaken in 2021 included:

- Utilizing "Engaging Pelham" website to release draft zoning sections based on themes (i.e. residential zoning requirements, commercial use zoning requirements, rural/agricultural zoning requirements etc.), mapping, reports and other pertinent documents in order to prompt feedback and provide the public an engagement point for discussion;
- One-on-one meetings and discussions with individuals through "Tuesday's with Tara" initiative
- Meetings with internal Staff

Following this consultation period, Staff reviewed the comments and feedback received and have updated the draft Zoning By-law where appropriate. The revised draft is now complete and is attached to this report as Appendix A.

Analysis:

The new Town of Pelham Comprehensive Zoning By-law is a hybrid model using contextual zoning primarily in the greenfield areas of the Town and more conventional zoning in the built up, rural and agricultural areas of the Town. This hybrid model will permit more flexibility, and better represents current development trends and diversity of uses in the Town.

A number of graphics have been introduced to provide for ease of use and interpretation of various zone requirements. The mapping has also been updated and uses colour to better differentiate between various zone categories.

The draft Zoning By-law is made up of 9 Sections:

Section 1: Interpretation and Administration

This Section describes how the Zoning By-law is to be interpreted, and how the By-law is to be administered by the Town. Section 1 contains details such as the application of zone categories and the interpretation of the zoning map boundaries.

Section 2: Definitions

This Section 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 are defined in this Section. Where a term is not specifically defined, it is intended that the common general definition of the term within Webster's Dictionary is applicable. These definitions ensure that the Zoning By-law is being interpreted and applied consistently.

Section 3: General Provisions

This Section provides general provisions which may be applicable to all zones, one or more categories of zones or to specific uses. The general provisions address matters such as special provisions for specific uses and additional requirements for specific situations (i.e. home occupations and industries, second dwelling units, loading and parking requirements etc.).

Section 4: Rural/Agricultural Zones

This Section outlines the regulations for the Rural/Agricultural Zones in the Town including: Agricultural, Specialty Agricultural, Rural Employment, Mineral Aggregate Resource and Commercial Rural Zones.

Section 5: Residential Zones

This Section outlines the regulations for the residential zones in the Town including: Residential One, Residential Two, Residential Three, Residential Multiple One, Residential Multiple Two and Residential Development Zones.

Section 6: Greenfield Development Zones

This Section outlines the regulations for the Greenfield Development zones in the Town including: New Greenfield Development Residential One, New Greenfield Development Residential Two, New Greenfield Development Residential Three and New Greenfield Development Neighbourhood Commercial Zones.

Section 7: Commercial Zones

This Section outlines the regulations for the various commercial zones in the Town including: Village Commercial, Main Street, Town Square, Downtown Corridor and Neighborhood Commercial Zones.

Section 8: Other Zones

This Section outlines the regulations for the remaining zone categories in the Town including: Open Space, Institutional, Airport, Environmental Protection One, Environmental Protection Two and Environmental Protection Three Zones.

Section 9: Exceptions

This Section lists the Special Exceptions, which include zone regulations and uses applicable to site specific properties within the Town.

Financial Considerations:

There are no financial implications as a result of the recommendations contained in this report.

Alternatives Reviewed:

There were no alternatives reviewed as this report is for information purposes.

Strategic Plan Relationship: Strong Organization

In September 2020, Pelham Town Council met to discuss priorities and updates to the corporate strategic plan. Council re-ranked the strategic priorities in order of importance and a new Zoning By-law was moved to the number one priority for the Town.

Consultation:

Staff are preparing to circulate the draft document to the appropriate agencies in accordance with the *Planning Act*, providing a 45-day commenting period as per the Memorandum of Understanding with the Region of Niagara. Additionally, a second round of public consultation via a series of Open Houses (either in-person* or virtual depending on the current pandemic regulations) will be completed prior to the formal Statutory Public Meeting which is proposed to be held in Q2 of this year.

Note: **if in-person Open Houses are held, they will follow Public Health guidelines, safety standards, and best practices for hosting such events during the pandemic.*

In addition, this version of the proposed draft Zoning By-law will be posted on the 'Engaging Pelham' website and the public will also be able to provide input online on the proposed draft Zoning By-law through this public engagement platform.

Council is also encouraged to review the draft Zoning By-law and reach out to Staff with any comments, concerns or questions during the commenting period so that we can address Council members' questions as well.

Staff will review all comments and correspondence received from agencies, stakeholders, Council members and the public and make final revisions to the draft Zoning By-law before scheduling the statutory public meeting and bringing the final By-law forward for a recommendation report to Council.

Other Pertinent Reports/Attachments:

Appendix A – Draft Comprehensive Zoning By-law

Prepared and Recommended by:

Lindsay Richardson, MCIP, RPP
Policy Planner

Barbara Wiens, MCIP, RPP
Director of Community Planning and Development

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer



Town of Pelham

Zoning By-Law

March, 2022

Table of Contents

PREAMBLE 7

 i. Introduction..... 7

 ii. Purpose of the By-law 7

 iii. Authority to Prepare the By-law..... 7

 iv. Structure of the By-law 7

 v. Use of the Holding “H” Symbol..... 9

 vi. Minor Variances 9

 vii. Non-Conformity and Non-Compliance 9

 viii. Confirming with the Town 10

 ix. Relationship to Other By-laws, Regulations and Legislation 10

PART I: INTREPRATION AND ADMINISTRATION 12

 1.1 INTRODUCTION 12

 1.2 TITLE AND SCOPE..... 15

 1.3 APPLICATION 15

 1.4 ZONES AND SYMBOLS 15

 1.5 ZONE BOUNDARIES 16

 1.6 MANDATORY WORDING 17

 1.7 DISCRETIONARY WORDING..... 17

 1.8 EXAMPLES AND ILLUSTRATIONS..... 17

 1.9 SEVERABILITY..... 17

 1.10 LITIGATION..... 17

 1.11 CERTIFICATE OF OCCUPANCY..... 17

 1.12 NEED FOR COMPLIANCE WITH OTHER LAWS 18

 1.13 VIOLATIONS AND PENALTIES 18

 1.14 REPEALS OF PREVIOUS BY-LAWS 18

 1.15 TECHNICAL REVISIONS TO THE ZONING BY-LAW 18

 1.16 TRANSITIONAL PROVISIONS 19

 1.17 EFFECTIVE DATE..... 20

SECTION 2: DEFINITIONS 21

SECTION 3: GENERAL PROVISIONS 56

 3.1 APPLICATION 56

 3.1 ACCESSORY USES 56

 3.2 AGRICULTURAL USES..... 56

 3.2.1 Agriculture-Related Uses..... 56

 3.2.2 On-Farm Diversified Uses..... 57

 3.3 BED AND BREAKFAST ESTABLISHMENTS 57

3.4	BUILDING RESTORATION	58
3.5	DAYLIGHTING TRIANGLES	58
3.6	DRIVE-THRU FACILITIES	58
3.7	ENCROACHMENTS	58
3.8	ESTABLISHED BUILDING LINE	59
3.9	FOOD VEHICLES	59
3.10	GARAGE SALES OR AUCTIONS	60
3.11	HOMES FOR SPECIAL CARE	60
3.11	HEIGHT EXCEPTIONS	60
3.12	HOME-BASED BUSINESS	61
3.12.1	Home Occupations	61
3.12.2	Home Industries	62
3.13	HOLDING ZONES (H SYMBOL)	63
3.14	KEEPING OF CHICKENS	63
3.15	LANDSCAPED STRIPS	64
3.16	LOT AND YARD REQUIREMENTS	64
3.16.1	Requirements for a Lot	64
3.16.2	Frontage on an Improved Street	65
3.16.3	Minimum Lot Area	65
3.16.4	Lots Reduced by Public Acquisitions	65
3.16.5	Lots with More than One Use	65
3.16.6	Lots with More than One Zone	66
3.16.7	Existing Undersized Lots	66
3.16.8	Undersized Lots Resulting from Boundary Adjustment or Lot Addition	66
3.17	MINIMUM DISTANCE SEPARATION REQUIREMENTS	66
3.18	MUNICIPAL SERVICES	67
3.19	NIAGARA ESCARPMENT COMMISSION JURISDICTION	67
3.20	EXANSION OF LEGAL NON-CONFORMING BUILDINGS AND STRUCTURES	68
3.21	NON-CONFORMING USES	68
3.22	OBNOXIOUS USES	68
3.23	PARKING AND LOADING REQUIREMENTS	69
3.23.1	Parking Requirements	69
3.23.2	Loading Space Requirements	75
3.24	PRE-FABRICATED SHIPPING CONTAINERS	77
3.25	PRIVATE HOME DAYCARE	77
3.26	PROHIBITED USES	77
3.27	PUBLIC USES	78
3.28	RAILWAY AND PIPELINE RIGHT-OF-WAY SETBACKS	78

3.29	RECONSTRUCTION OF BUILDINGS AND STRUCTURES	79
3.29.1	Agricultural Buildings and Structures	79
3.29.2	Replacement of Other Buildings	79
3.29.3	Replacement of Residential Buildings	79
3.30	SECOND DWELLING UNITS	80
3.31	SPECIAL EXCEPTIONS	81
3.32	SPECIAL SETBACKS	81
3.32.1	Setback from Environmental Protection One (EP1) Zone	81
3.32.2	Setback from Environmental Protection Two (EP2) Zone	81
3.31.3	Setback from Environmental Protection Three (EP3) Zone	81
3.32.4	Setbacks from Slopes	82
3.33	SWIMMING POOLS	82
3.34	TEMPORARY USES	82
SECTION 4: RURAL/AGRICULTURAL ZONES		84
4.1	AGRICULTURAL ZONE	87
4.1.1	Permitted Uses	87
4.1.3	Zone Requirements for Detached Dwellings	88
4.1.3.1	Zone Requirements for Seasonal or Permanent Farm Help Houses	88
4.1.5	Zone Requirements for Greenhouses	89
4.1.6	Zone Requirements for Home Industries	90
4.1.7	Zone Requirements for Home Occupations	90
4.1.8	Zone Requirements for Agricultural Related Uses	90
4.1.9	Zone Requirements for On-Farm Diversified Uses	90
4.1.10	Zone Requirements for Bed and Breakfasts	90
4.2	SPECIALTY AGRICULTURAL ZONE	91
4.2.1	Permitted Uses	91
4.2.2	Zone Requirements for Specialty Agricultural Uses	92
4.2.3	Zone Requirements for Detached Dwellings	92
4.2.4	Zone Requirements for Farm Wineries	92
4.2.5	Zone Requirements for Greenhouses	93
4.2.6	Zone Requirements for Home Industries	93
4.2.7	Zone Requirements for Home Occupations	93
4.2.8	Zone Requirements for Agricultural Related Uses	93
4.2.9	Zone Requirements for On-Farm Diversified Uses	93
4.2.10	Zone Requirements for Bed and Breakfasts	94
4.2.11	Exceptions – Greenbelt Natural Heritage Overlay	94
4.3	RURAL EMPLOYMENT ZONE	95
4.3.1	Permitted Uses	95

4.3.2	Zone Requirements for Rural Employment Uses	96
4.3.3	Zone Requirements for Agricultural Related Uses	96
4.4	MINERAL AGGREGATE RESOURCE ZONE	97
4.4.1	Permitted Uses	97
4.4.2	Zone Requirements for Mineral Aggregate Resource Uses	97
4.4.3	Zone Requirements for Agricultural Related.....	97
4.4.4	Zone Requirements for On-Farm Diversified Uses.....	97
4.5	COMMERCIAL RURAL ZONE	98
4.5.1	Permitted Uses	98
4.5.2	Zone Requirements for Commercial Rural Uses.....	99
SECTION 5: RESIDENTIAL ZONES		100
5.1	RESIDENTIAL ONE ZONE	103
5.1.1	Permitted Uses	103
5.1.2	Zone Requirements	103
5.2	RESIDENTIAL TWO ZONE	104
5.2.1	Permitted Uses	104
5.2.2	Zone Requirements for Single Detached Dwellings	104
5.2.3	Zone Requirements for Semi-Detached Dwellings.....	105
5.2.4	Zone Requirements for Duplex Dwellings	105
5.3	RESIDENTIAL THREE ZONE.....	107
5.3.1	Permitted Uses	107
5.3.2	Zone Requirements for Semi-Detached Dwellings.....	107
5.4	RESIDENTIAL MULTIPLE ONE ZONE.....	109
5.4.1	Permitted Uses	109
5.4.2	Zone Requirements for Triplex Dwellings, Converted Dwellings, Semi-detached Dwellings, Duplex Dwellings, Fourplex Dwellings and Boarding House Dwellings	109
5.4.3	Zone Requirements for Street Townhouse Dwellings	110
5.4.4	Zone Requirements for Block Townhouse Dwellings.....	110
5.5	RESIDENTIAL MULTIPLE TWO ZONE.....	112
5.5.1	Permitted Uses	112
5.5.2	Zone Requirements	112
5.6	RESIDENTIAL DEVELOPMENT ZONE	113
5.6.1	Permitted Uses	113
5.6.2	Zone Requirements	113
SECTION SIX: GREENFIELD DEVELOPMENT ZONE.....		114
6.1	NEW GREENFIELD DEVELOPMENT RESIDENTIAL ONE ZONE.....	119
6.1.1	Zone Provisions Single Detached with Attached Garage	119
6.1.2	Zone Provisions Single Detached with Detached Garage	121

6.1.3	Zone Provisions Semi-Detached with Attached Garage	123
6.1.4	Zone Provisions Semi-Detached with Rear Lane	125
6.1.6	Zone Provisions Duplex and Triplex with Attached Garage.....	129
6.2	NEW GREENFIELD DEVELOPMENT RESIDENTIAL TWO ZONE.....	130
6.2.2	Zone Provisions Street Townhouse with Rear Lane	132
6.3	NEW GREENFIELD DEVELOPMENT RESIDENTIAL THREE ZONE	134
6.3.1	Zone Provisions Block Townhouse Dwelling and Stacked Townhouse Dwelling	134
6.3.2	Zone Provisions Apartment.....	136
6.4	NEW GREENFIELD DEVELOPMENT NEIGHBOURHOOD COMMERCIAL ZONE	138
6.4.1	Permitted Uses	138
6.4.2	Zone Provisions.....	138
SECTION 7: COMMERCIAL ZONES		140
7.1:	VILLAGE COMMERCIAL ZONE.....	144
7.1.1	Permitted Uses	144
7.1.2	Zone Provisions.....	144
7.2	MAIN STREET ZONE	147
7.2.1	Permitted Uses	147
7.2.2	Zone Provisions.....	147
7.3	TOWN SQUARE ZONE.....	150
7.3.1	Permitted Uses	150
7.3.2	Zone Provisions.....	150
7.4	DOWNTOWN CORRIDOR ZONE	153
7.4.1	Permitted Uses	153
7.4.2	Zone Provisions.....	153
7.5	NEIGHBOURHOOD COMMERCIAL ZONE.....	156
7.5.1	Permitted Uses	156
7.5.2	Zone Provisions.....	156
SECTION 8: OTHER ZONES		158
8.1	OPEN SPACE.....	160
8.1.1	Permitted Uses	160
8.1.2	Zone Requirements for Open Space Uses	160
8.2	INSTITUTIONAL ZONE	161
8.2.1	Permitted Uses	161
8.3	AIRPORT ZONE.....	162
8.3.1	Permitted Uses	162
8.4	ENVIRONMENTAL PROTECTION ONE ZONE	164
8.4.1	Permitted Uses	164
8.4.2	Zone Requirements for Environmental Protection One Uses.....	164

8.5	ENVIRONMENTAL PROTECTION TWO ZONE	165
8.5.1	Permitted Uses	165
8.5.2	Zone Requirements for Environmental Protection Two Uses	165
8.5.3	Zone Requirements for Agricultural Uses.....	165
8.5.4	Zone Requirements for On-Farm Diversified Uses.....	166
8.5.5	Zone Requirements for Home Occupations	166
8.5.6	Zone Requirements for Home Industries	166
8.5.7	Zone Requirements for Bed and Breakfast Establishments.....	166
8.5.7	Zone Requirements for Secondary Dwelling Units	166
8.6	ENVIRONMENTAL PROTECTION THREE ZONE	167
8.6.1	Permitted Uses	167
8.6.2	Zone Requirements for Environmental Protection Three Zone	167
8.6.3	Zone Requirements for Agricultural Uses.....	167
8.6.4	Zone Requirements for Single Detached Dwellings	167
8.6.5	Zone Requirements for Secondary Dwelling Units	167
SECTION 9: EXCEPTIONS.....		168

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 CORPORATION 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.

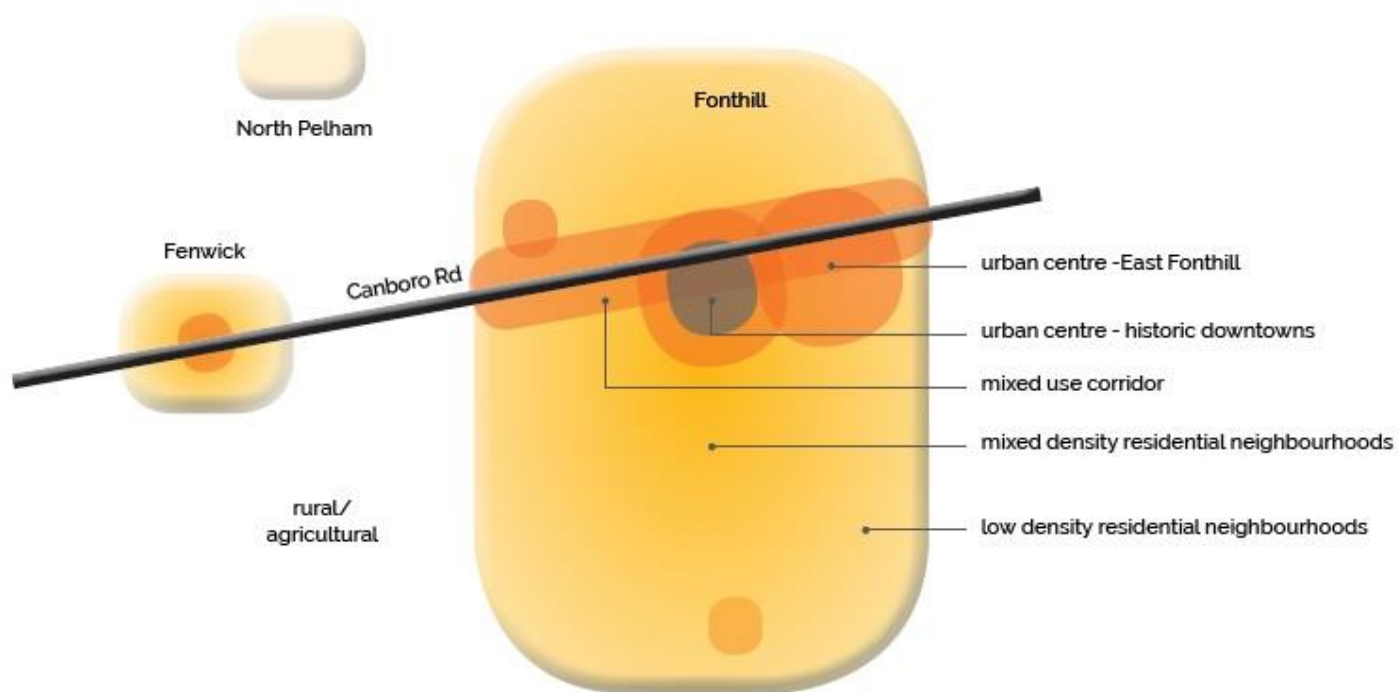
This Zoning By-law will apply to all land within the Town of Pelham with the exception of land in the Niagara Escarpment Commission Plan Area. Through the authority granted in Section 34 of the *Planning Act*, this By-law aims to prohibit the use of land and the erection of buildings and structures except 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.

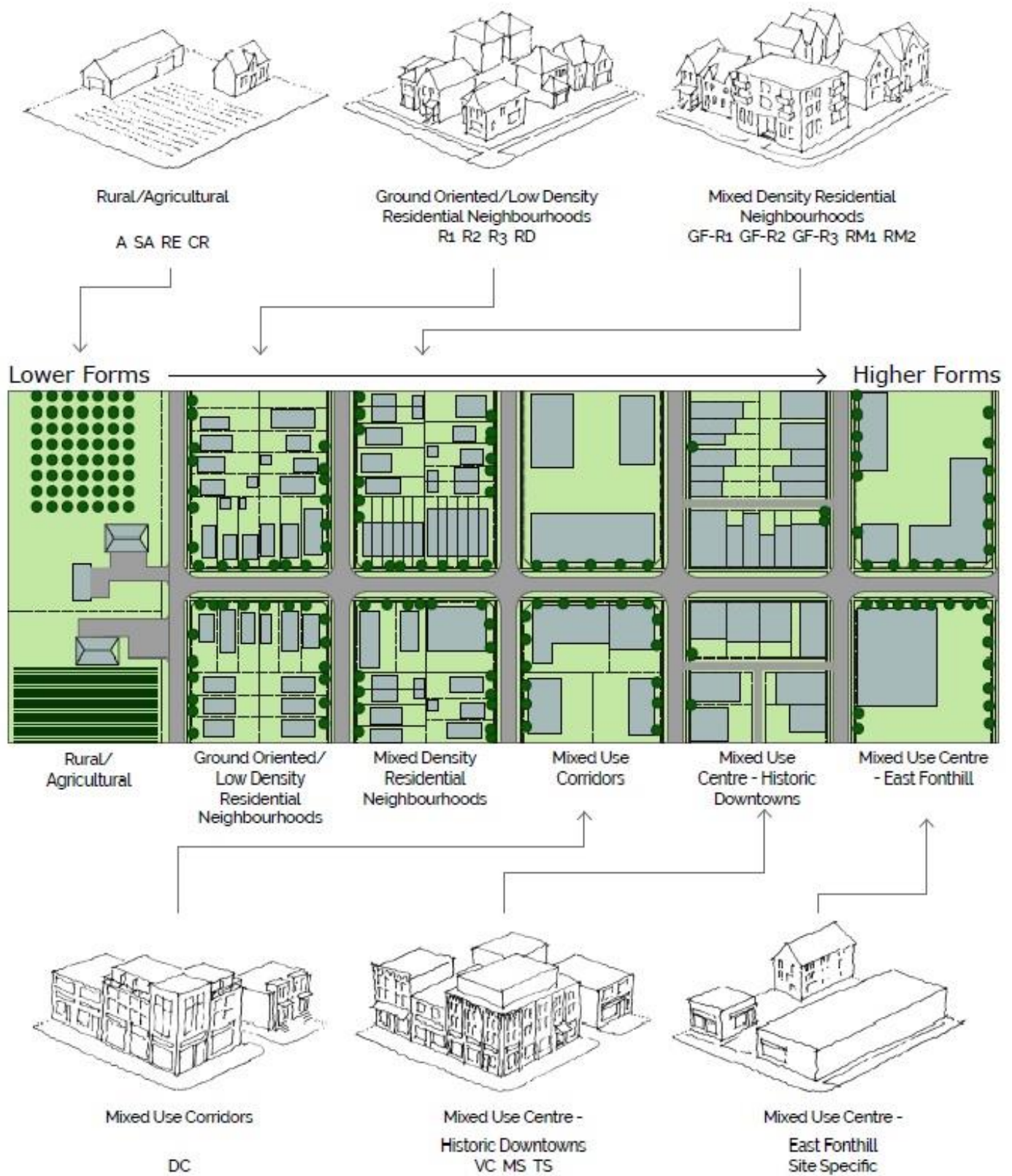
Zone for mixed uses and residential uses are based around the idea of a "Transect-based Code". This is a method for organizing urban form in a continuum of intensity from urban to rural, facilitating its categorization within form-based definitions. The Urban Core is the heart of the community – the 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:

Zone	Symbol
Residential Zones	
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
Greenfield Development Zones	
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
Commercial Zones	
Village Commercial Zone	VC
Main Street Zone	MS
Town Square Zone	TS
Downtown Corridor Zone	DC
Neighbourhood Commercial Zone	NC
Rural/Agricultural Zones	
Agricultural Zone	A
Specialty Agricultural Zone	SA
Rural Employment Zone	RE
Commercial Rural Zone	CR
Mineral Aggregate Resource Zone	MAR
Other Zones	
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 or 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.

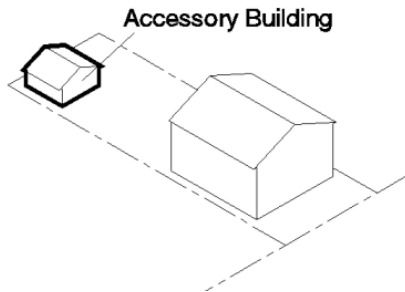
SECTION 2: DEFINITIONS

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 ft².

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.

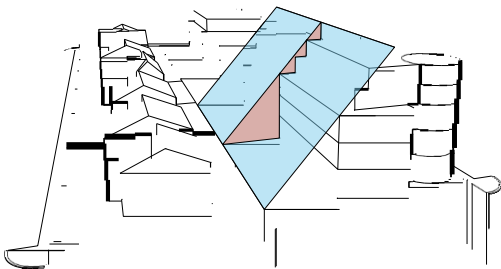
AGRICULTURAL-RELATED USE means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary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

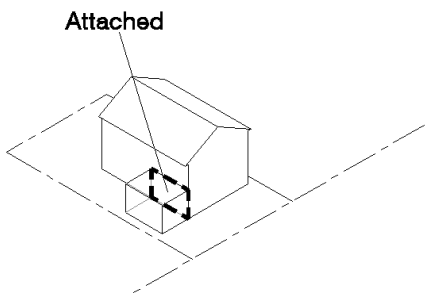


ARENA means a building containing an ice surface used for skating related activities, trade shows, and other recreational activities not requiring an ice surface and other events or gatherings, such as weddings, banquets and conferences.

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.

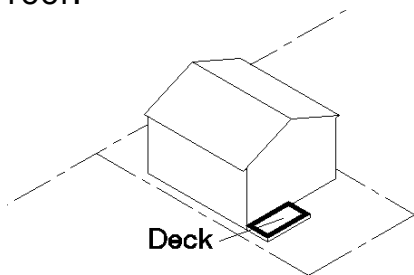
CULTURAL USE means the use of land, building or structure for the purpose of educational entertainment, art or history including but not limited to museums, libraries, art galleries/studios and community centres, and may include ancillary office, restaurant, retail and service commercial uses.

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.

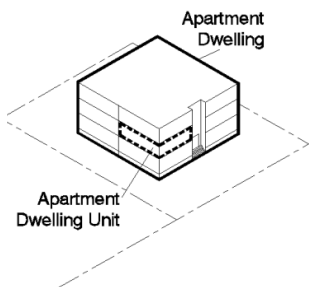
DRAINAGE DITCH AND IRRIGATION CHANNEL means those channels or means of conveying the passage of water that the Town, Niagara Peninsula Conservation Authority and Ministry of Natural Resources agree, have physical characteristics that are man-made or have been altered to the point that they no longer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

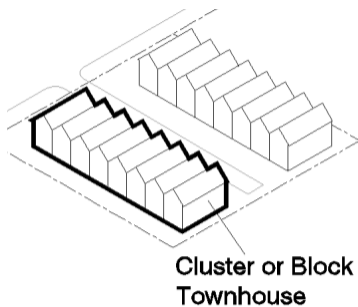
DWELLING means a building used for human habitation as a residence, with or without attached garage or carport, but shall not include a motor home, vehicle, trailer, hotel, motel, bed and breakfast, or dwelling unit accessory to a non-residential use.

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.



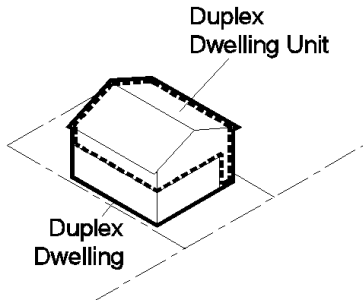
DWELLING, BOARDING HOUSE means a single dwelling that is occupied by the owner of such dwelling as their principle residence together with not less than two and not more than four accessory guest rooms.

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.

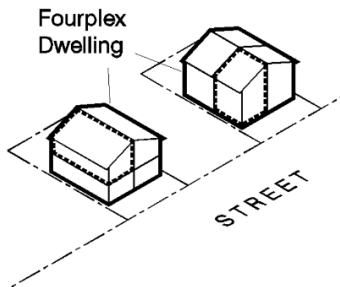


DWELLING, CONVERTED means a dwelling originally designed as a single detached dwelling that has been altered to accommodate additional dwelling units, but not more than 4 dwelling units.

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.



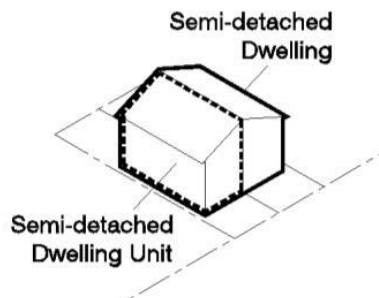
DWELLING, LIVE-WORK means a dwelling unit that included working space accessible from the living area, regularly used by one or more of the residents of the dwelling unit, but does not include a home-based business.

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.

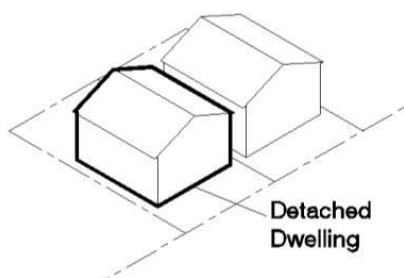
- a) Mobile Home, single wide, means a mobile home dwelling designed to be transported in a single load;
- b) Mobile Home, double wide means a mobile home dwelling consisting of two sections which are transported separately and are designed to be joined together into one integral unit.

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.

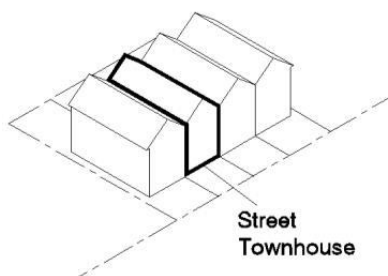


DWELLING, SINGLE DETACHED means a building containing one dwelling unit, but does not include a "Mobile Home Dwelling".

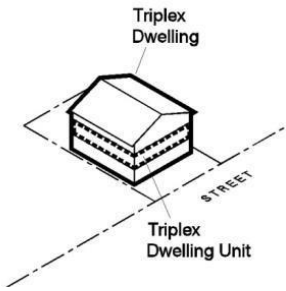


DWELLING, STACKED TOWNHOUSE means a building containing three or more dwelling units, with each dwelling unit separated from the other both horizontally and vertically that may have a private independent entrance from a yard or a shared entrance from a common corridor, vestibule or landing.

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:

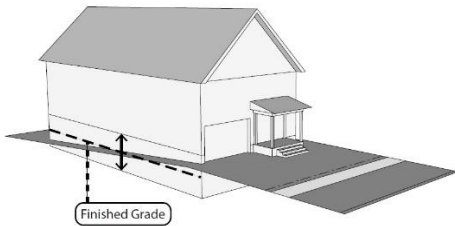
- a) Locally grown produce (a minimum of 70 percent of the retail floor area);
- b) Imported Produce;
- c) Bakery items and processed fruit prepared on the premises, grocery, deli and dairy products and locally made crafts (a maximum of 50 square metres retail floor area)
- d) Locally grown greenhouse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

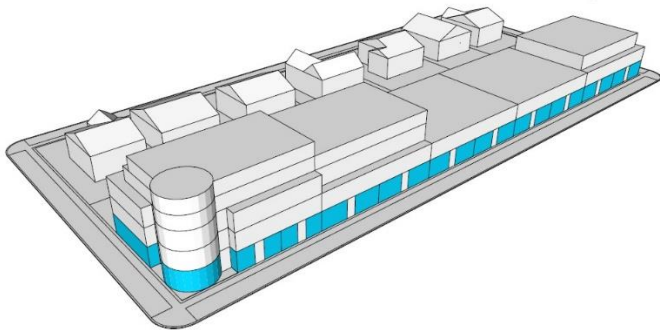
FARM WINERY means an on-farm diversified agricultural use that utilizes fruit grown on the farm to produce and market wine in accordance with Provincial law and regulation. A Farm Winery shall also include a distillery, cidery or microbrewery.

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.

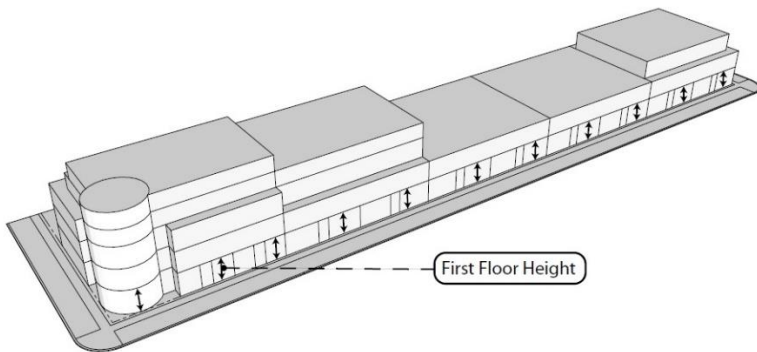
FINISHED GRADE means when used in reference to a building or structure, the average elevation of the finished surface of the ground adjoining the base of the longest exterior wall of such building or, where there are two or more such walls, the exterior wall having the lowest average elevation, exclusive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

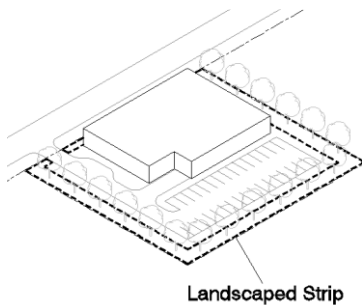
INSTITUTIONAL USE mean the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes and without limiting the generality of the foregoing, may include churches, places of worship, public or private schools, public or private hospitals, community centres,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

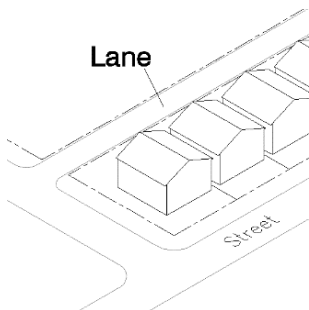
LANDMARK SITE means a site which is conspicuous and which has the potential to be easily seen and/or recognized from a distance, acting as an identifier or wayfinding tool for a community. Development on landmark sites is generally expected to be iconic and raise the profile of the location.

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.



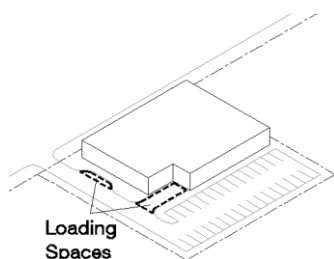
LANDSCAPED OPEN SPACE means the percentage of a lot used as a landscaped area or strip.

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.

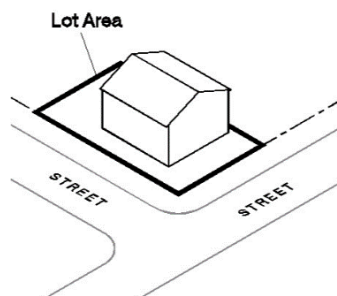
LOADING SPACE means an area of land, exclusive of aisles or driveways and accessible to a street or lane which is provided and maintained upon the same lot or lots upon which the principal use is located and which is used for the temporary parking of one or more commercial vehicles while merchandise 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.

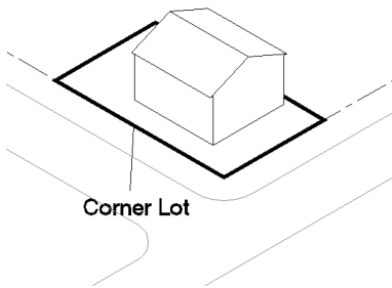
LOT means a parcel or contiguous parcels of land designated and registered at the Registry Office as one parcel of land in one ownership.

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

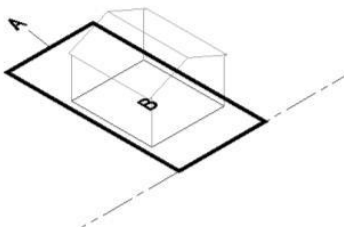
- a) A lot situated at the intersection of and abutting on two or more streets and which streets have an angle of intersection of not more than 135 degrees regardless of whether or not such streets abut a 0.3 metre reserve;
- b) A lot abutting a curve of a street, the adjacent sides of which curve contain 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

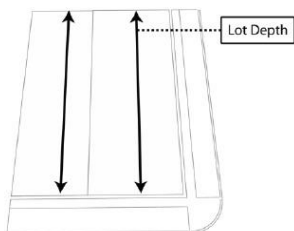
- a) That percentage of the lot area covered by all buildings above ground level, measured at the level of the lowest storey above grade, including all porches, and decks, having a height of 0.6 metres and above any part of the finished grade, and covered parking areas, but excluding open unenclosed 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

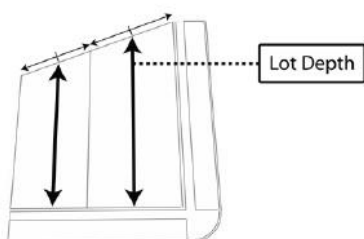


LOT DEPTH means:

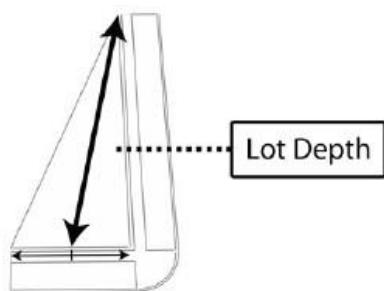
- a) The shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;



- 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

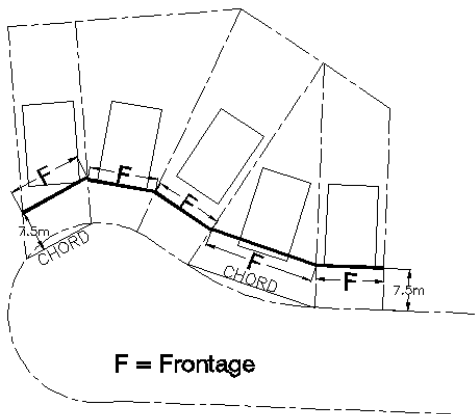


- a) The horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot where there is no rear lot line.

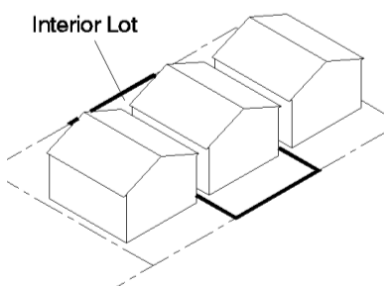


LOT FRONTAGE means

- 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.

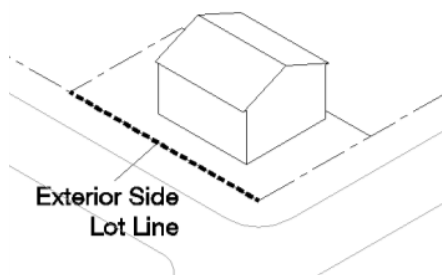


LOT, INTERIOR means a lot other than a corner lot or a through lot.



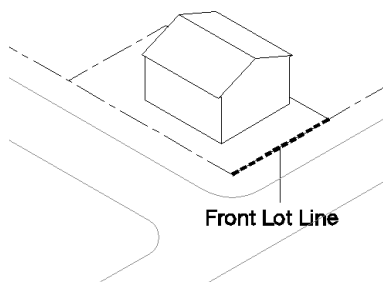
LOT LINE means any boundary of a lot.

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

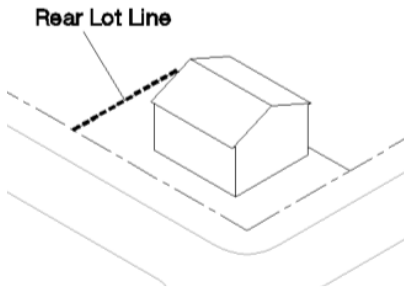


LOT LINE, FRONT means

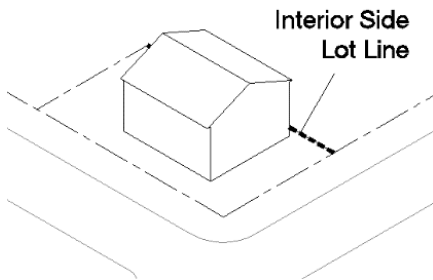
- a) The lot line that divides the lot from the street;
- b) In the case of a corner lot, the shorter streetline shall be deemed to be the front lot line and the longer streetline shall be deemed to be an exterior side lot line; and
- c) In the case of a corner lot with two streetlines of equal length, 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.



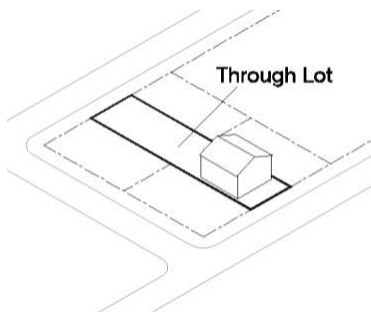
LOT LINE, REAR means the lot line or lines opposite a front lot line.



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.

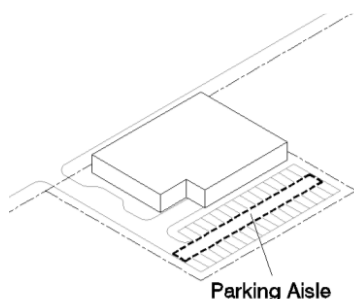
OWNER means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office.

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.

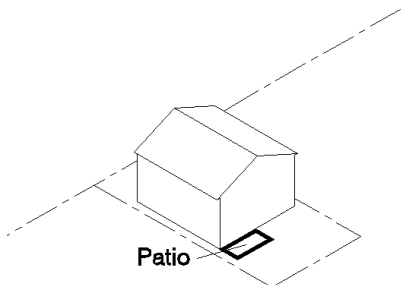
PARKING GRAGE means a building or structure used for the parking of vehicles including commercial vehicles of less than 1 tonne maximum capacity and may include aisles, parking spaces and related ingress and egress lanes, but shall not include a public street.

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.

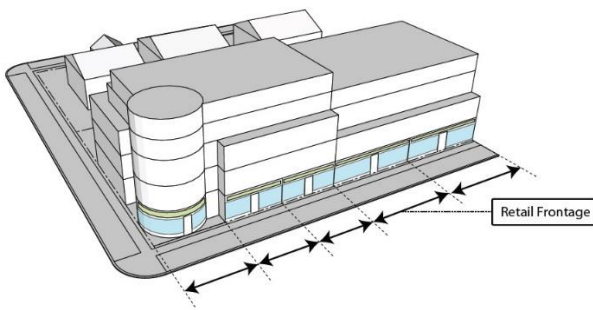
RESIDENTIAL means the use of land, buildings or structures or portion thereof, for human habitation.

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.

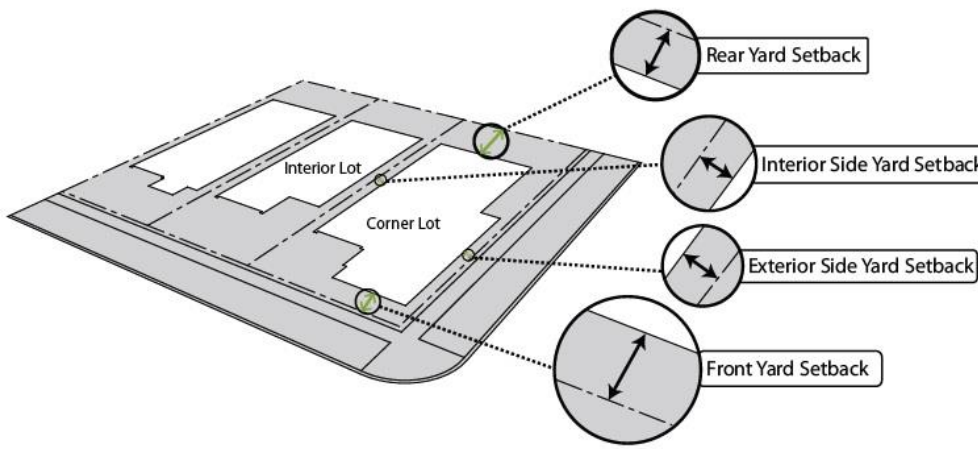
SCHOOL, PUBLIC means a school under the jurisdiction of a public agency.

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.

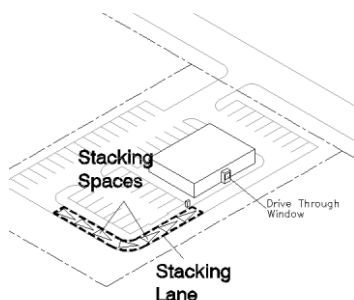
SHORT-TERM ACCOMODATION means a dwelling, or dwelling unit that in whole, or part is rented or available for rent with the intention of financial compensation for an occupancy period of less than twenty-eight consecutive days and includes a Bed and Breakfast Establishment, but does not include a motel, 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:

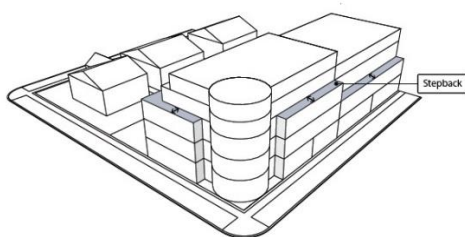
- a) A sign within a building that is visible from a street; and
- b) The posting or painting of an advertisement or notice on any building or structure.

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.

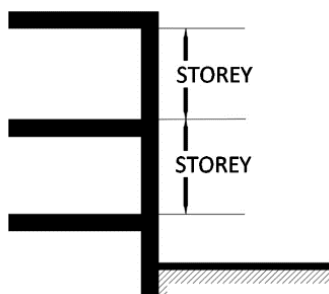
STACKING SPACE means a portion of a stacking lane which provides standing room for vehicles in a queue for a drive-thru service facility.



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.

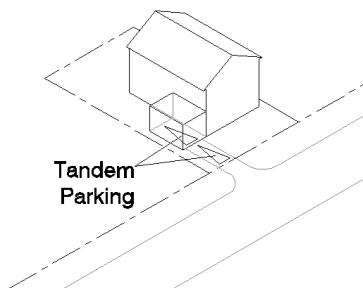
STREETLINE means the limit of a street or road allowance and is the dividing line between a lot and a street or road.

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.

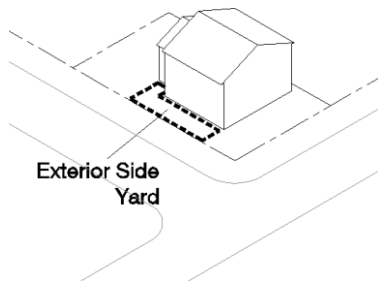
WAYSIDE PIT OR QUARRY means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.

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

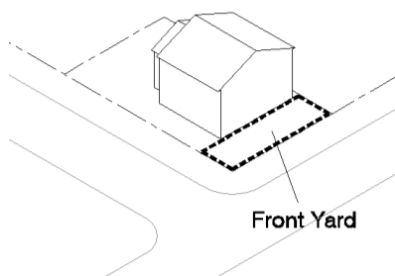
WHOLESALE USE means a building or portion thereof in which goods, wares, merchandise or article are stored or kept for distribution purposes to retail merchants, but shall not include a "Retail Use".

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.

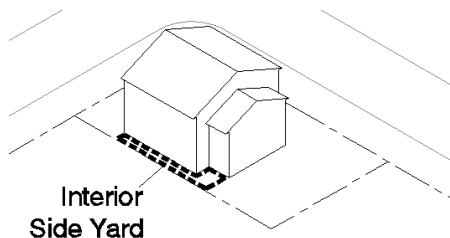
YARD, EXTERIOR SIDE means a side yard immediately adjoining a public street.



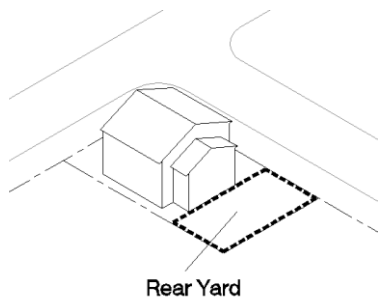
YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot.



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 1,000m²;

- 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 4,000m².
- 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 0.6m² 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 100m²

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 50m² 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 100m²;
- 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 50m²;
- 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
Commercial Uses	Office Uses	3.0 spaces per 100m ² of Gross Leasable Floor Area Minimum Bicycle Parking: 2 spaces plus 1 space for every 1,000m ² of Gross Floor Area
	Medical Office Uses	4.5 spaces per 100m ² of Gross Leasable Floor Area Minimum Bicycle Parking: 2 spaces plus 1 space for every 1,000m ² of Gross Floor Area
	Retail and Service Commercial Uses, including Restaurants	3.25 spaces per 100m ² of Gross Leasable Floor Area Minimum Bicycle Parking: 2 spaces plus 1 space for every 1,000m ² of Gross Floor Area
	Other Permitted Commercial Uses	3.0 spaces per 100m ² of Gross Leasable Floor Area Minimum Bicycle Parking: 2 spaces plus 1 space for every 1,000m ² of Gross Floor Area
	Drive-thru facility	Restaurant: 10 tandem spaces All Other Uses: 3 tandem spaces
Indus. Uses	Industrial Uses	1 parking space per 50m ² of Gross Leasable Floor Area
Public/Inst. Uses	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 ² 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 ² of Gross Floor Area

Other Uses	Other Permitted Uses	3.5 spaces per 100m ² of Gross Leasable Floor Area
		Minimum Bicycle Parking: 2 spaces plus 1 space for every 1,000m ² 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 5m².
- 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 500m² of total gross floor area 0 loading spaces
- b) Over 500m² up to and including 2,500m² of gross floor area 1 loading space
- c) Over 2,500m² up to and including 10,000m² of total gross floor area 2 loading spaces
- d) Over 10,000m² of gross floor area 2 loading spaces plus 1 additional loading space for each 10,000m² of total gross floor area or part thereof in excess of 10,000m²

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 ² of gross floor area | 0 loading spaces |
| b) Over 185m ² up to and including 930m ² of gross floor area | 1 loading space |
| c) Over 930m ² of gross floor area | 2 loading spaces plus 1 additional loading space for each 1,400m ² of total gross floor area or part thereof in excess of 930m ² |

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 75m²;
 - 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 75m²;
 - 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 55m²;
 - 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 or 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
---	----	----	-----	----

Lot Size/Building Height	min lot area	10ha (24.7 acres)	10ha (24.7 acres)	4000m ² (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 30m²;
- e) The minimum floor area for a permanent farm help house shall be 93m²; 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 ²
Maximum Floor Area of a Hospitality and Retail Space	100.0m ²

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 ²
Maximum Floor Area of a Hospitality and Retail Space	100.0m ²

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 ²
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 ²	360m ²	250m ² per unit	500m ²	250m ² per unit	500m ²	140m ²
	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 ²	230m ²	2000m ²	150m ²	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.

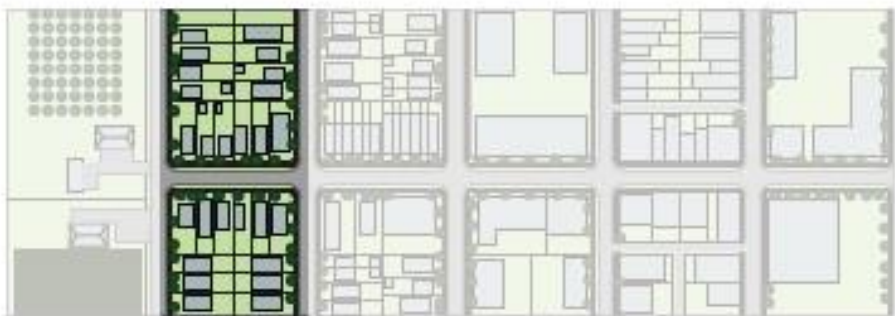
5.1.1 Permitted Uses

- 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 ²
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

Transect





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 ²
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

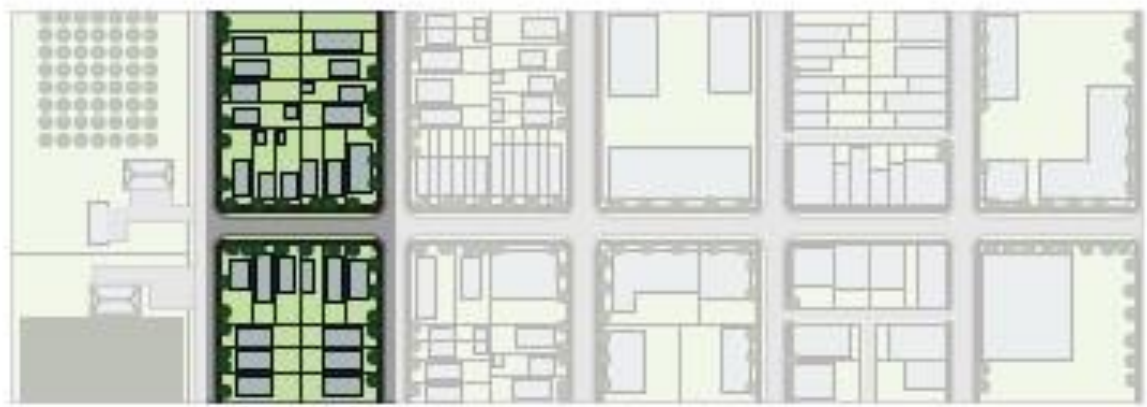
5.2.3 Zone Requirements for Semi-Detached Dwellings

Minimum Lot Frontage	12.0m
Minimum Lot Area	250m ² 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 ²
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 ² 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 ²
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 ² 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 ² 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

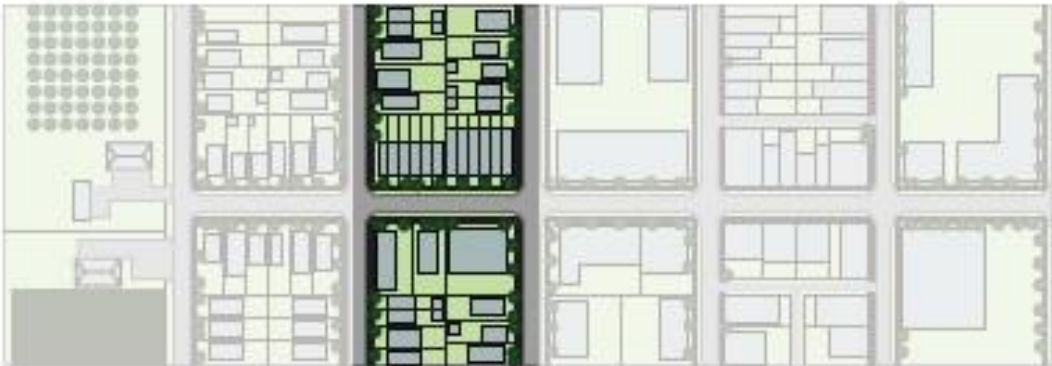
Minimum Lot Frontage	6.0m per dwelling unit, except in the case of an interior lot containing a dwelling attached on one side only, the minimum lot frontage required shall be 9.0m
Minimum Lot Area	230m ² per unit
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m
Minimum Corner Side 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 ²
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> <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>
Landscape strip	

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.

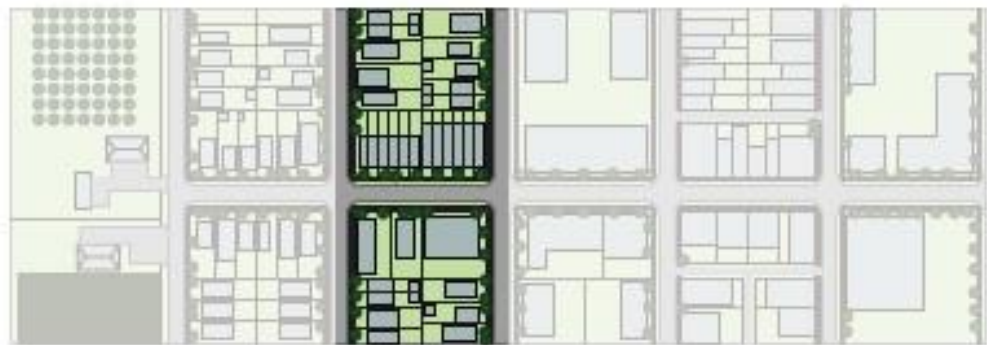
5.5.1 Permitted Uses

- 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 ² 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.

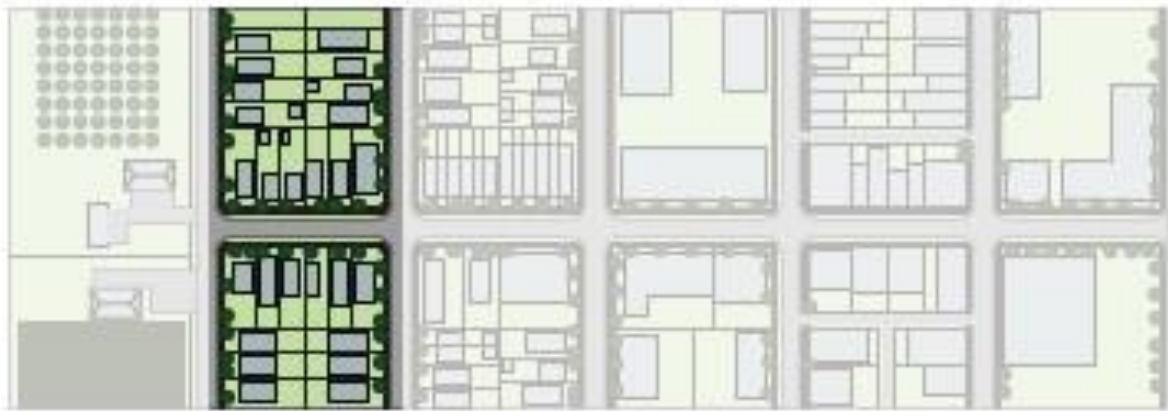
5.6.1 Permitted Uses

- 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 ² 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 ²
	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

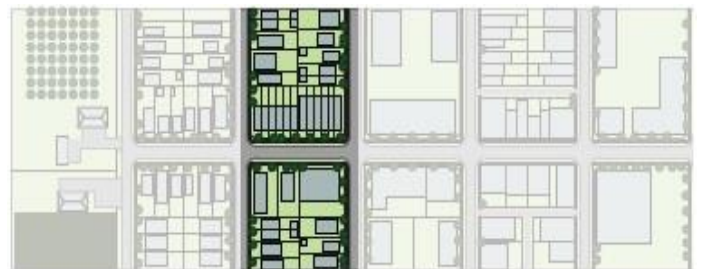
6.1.1 Zone Provisions Single Detached with Attached Garage

- 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.

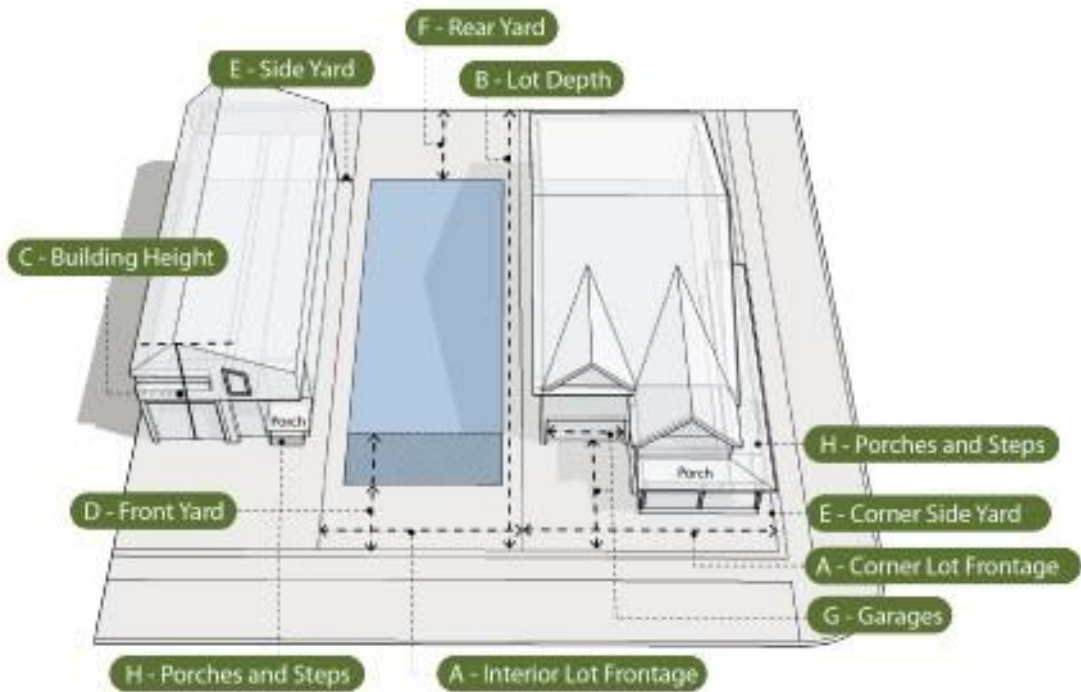
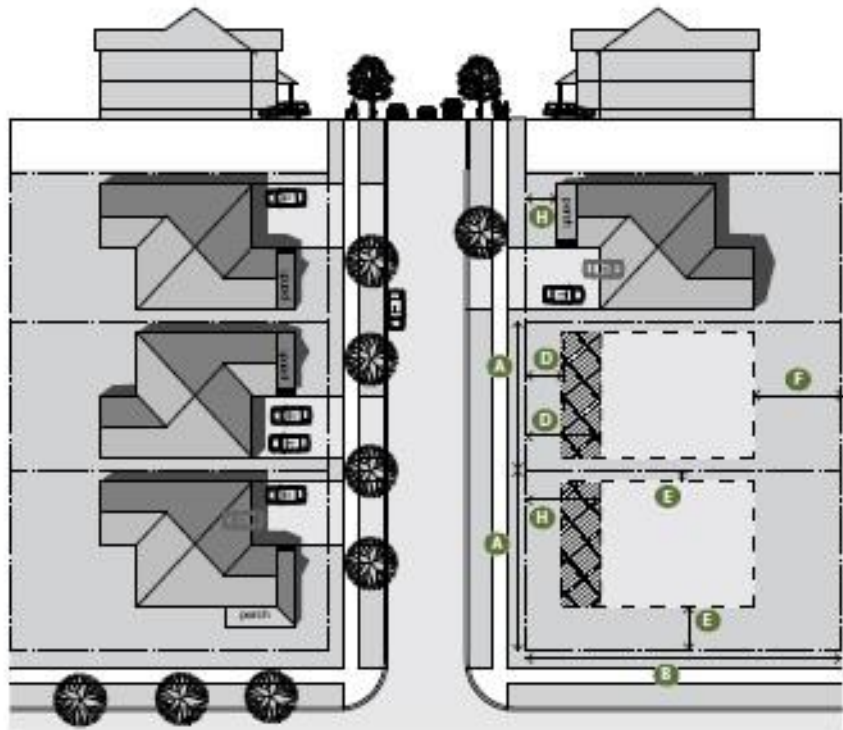
Single Detached with Attached Garage Typologies



Transect



Demonstration Streetscape



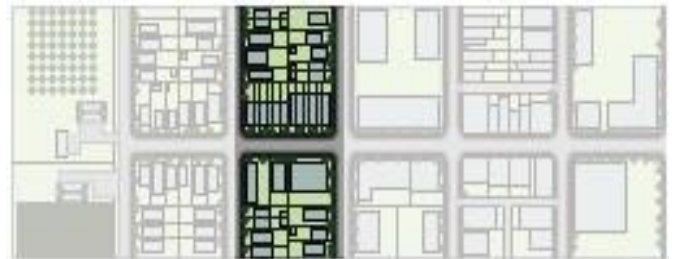
6.1.2 Zone Provisions Single Detached with Detached Garage

- 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.

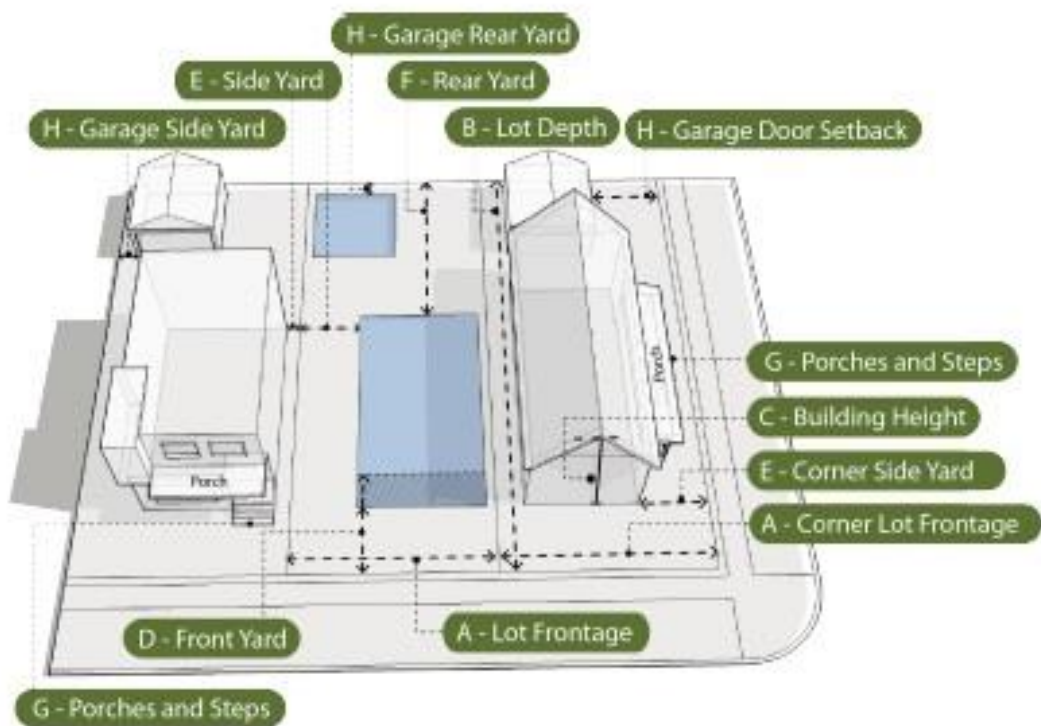
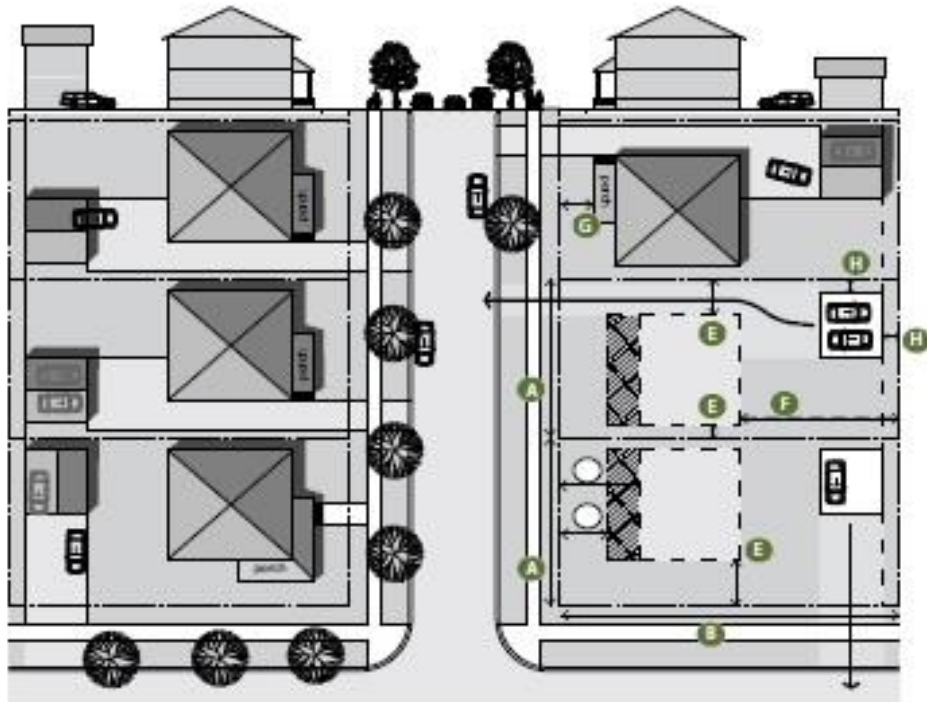
Single Detached with Detached Garage Typologies



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.

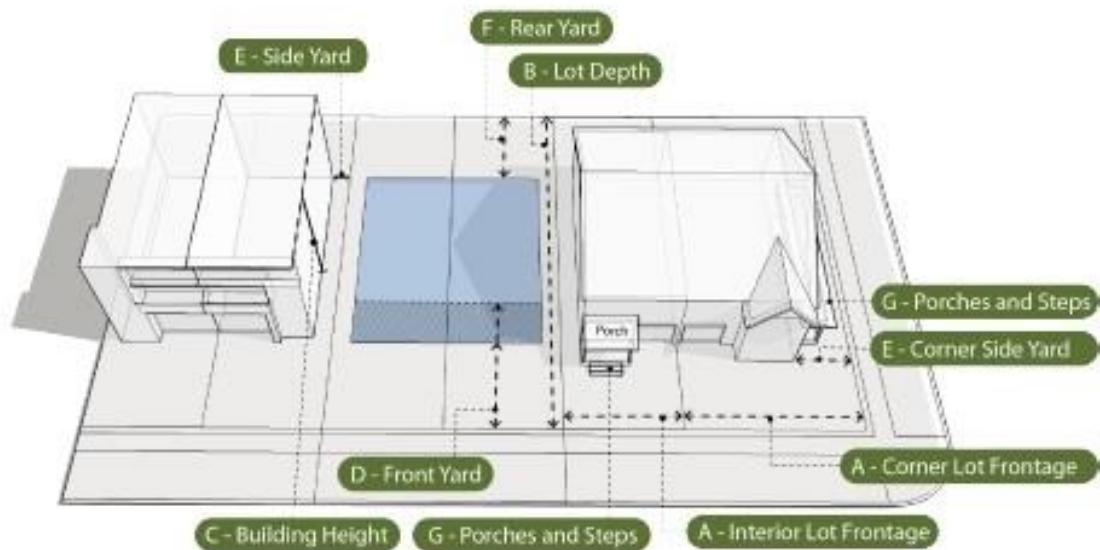
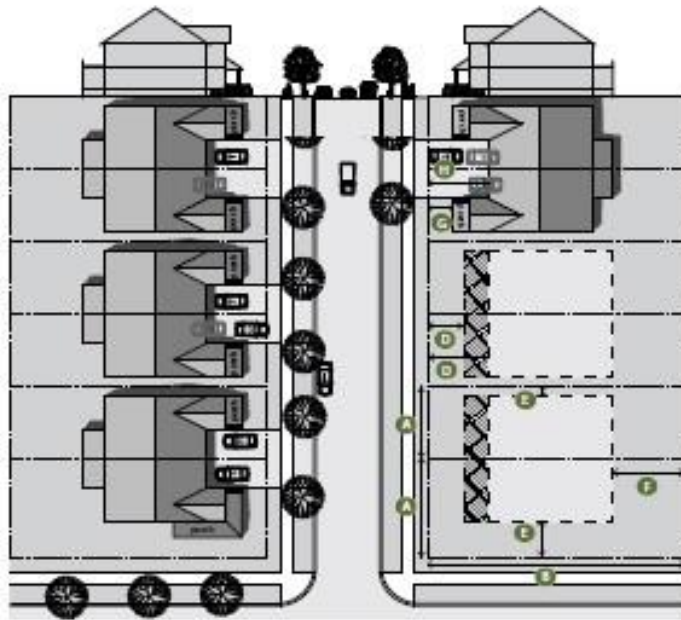
Semi-Detached with Attached Garage Typologies



Transect



Demonstration Streetscape



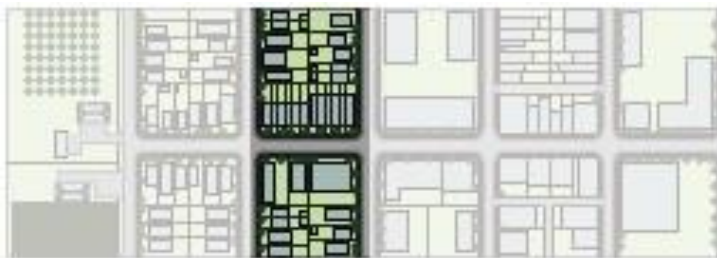
6.1.4 Zone Provisions Semi-Detached with Rear Lane

- 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.

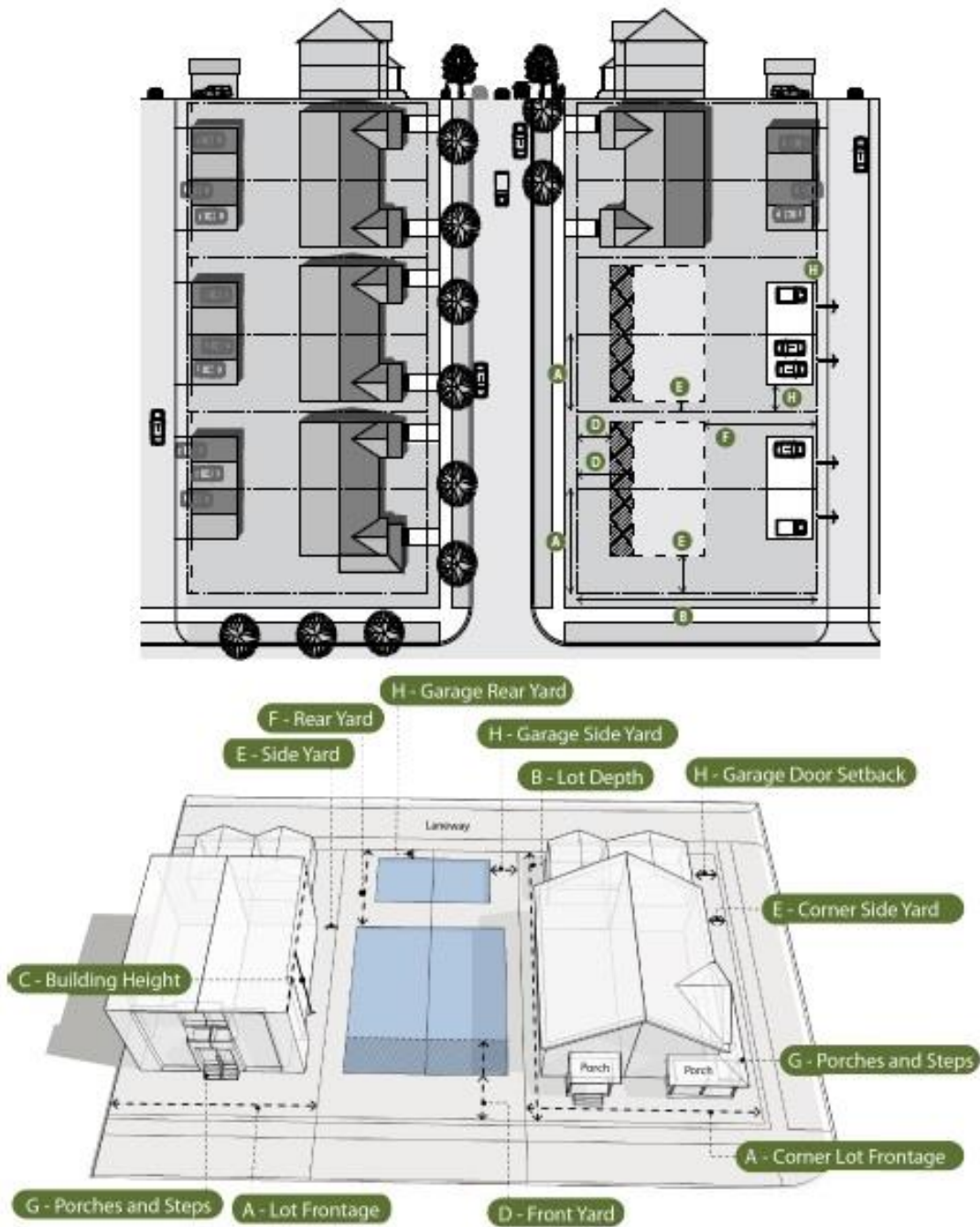
Semi-Detached with Rear Lane Typologies



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.

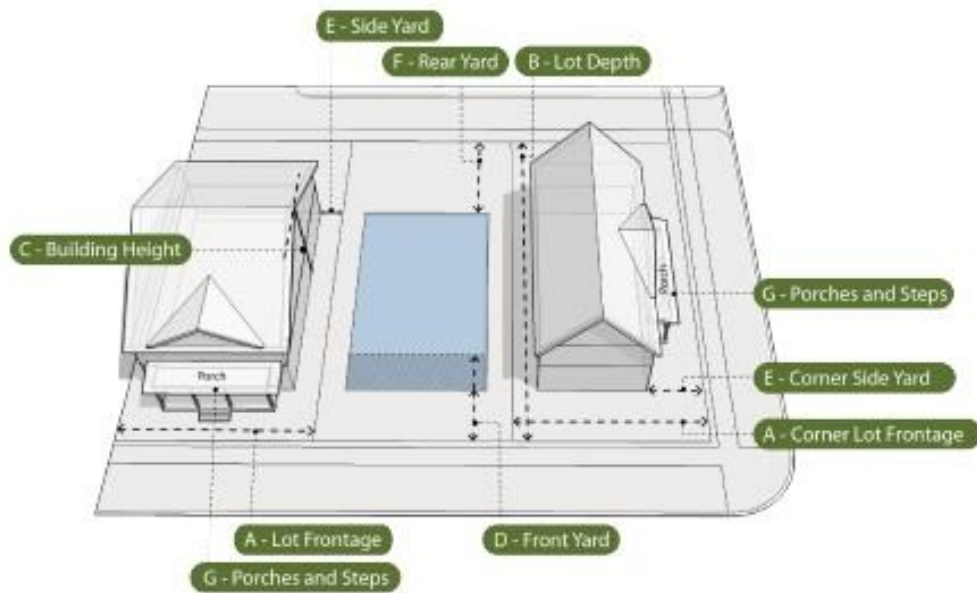
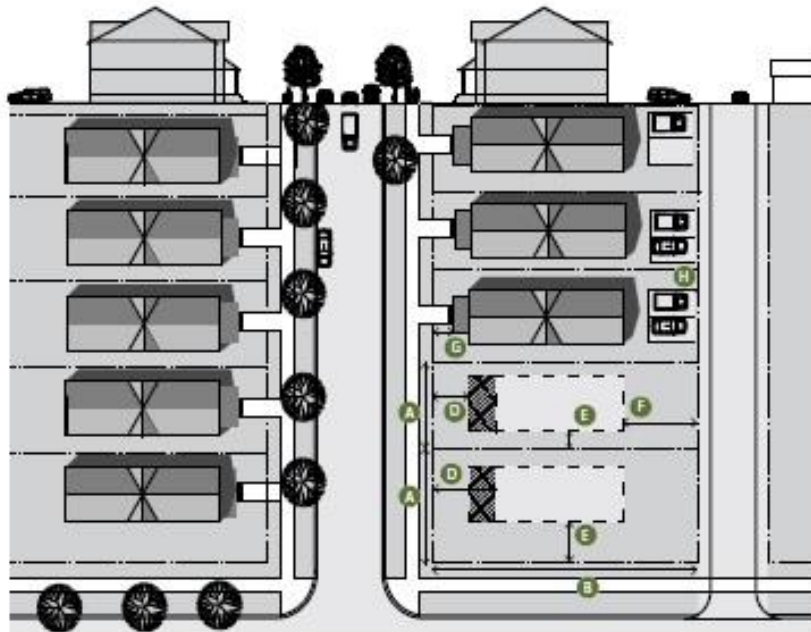
Duplex and Triplex with Rear Lane Typologies



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.

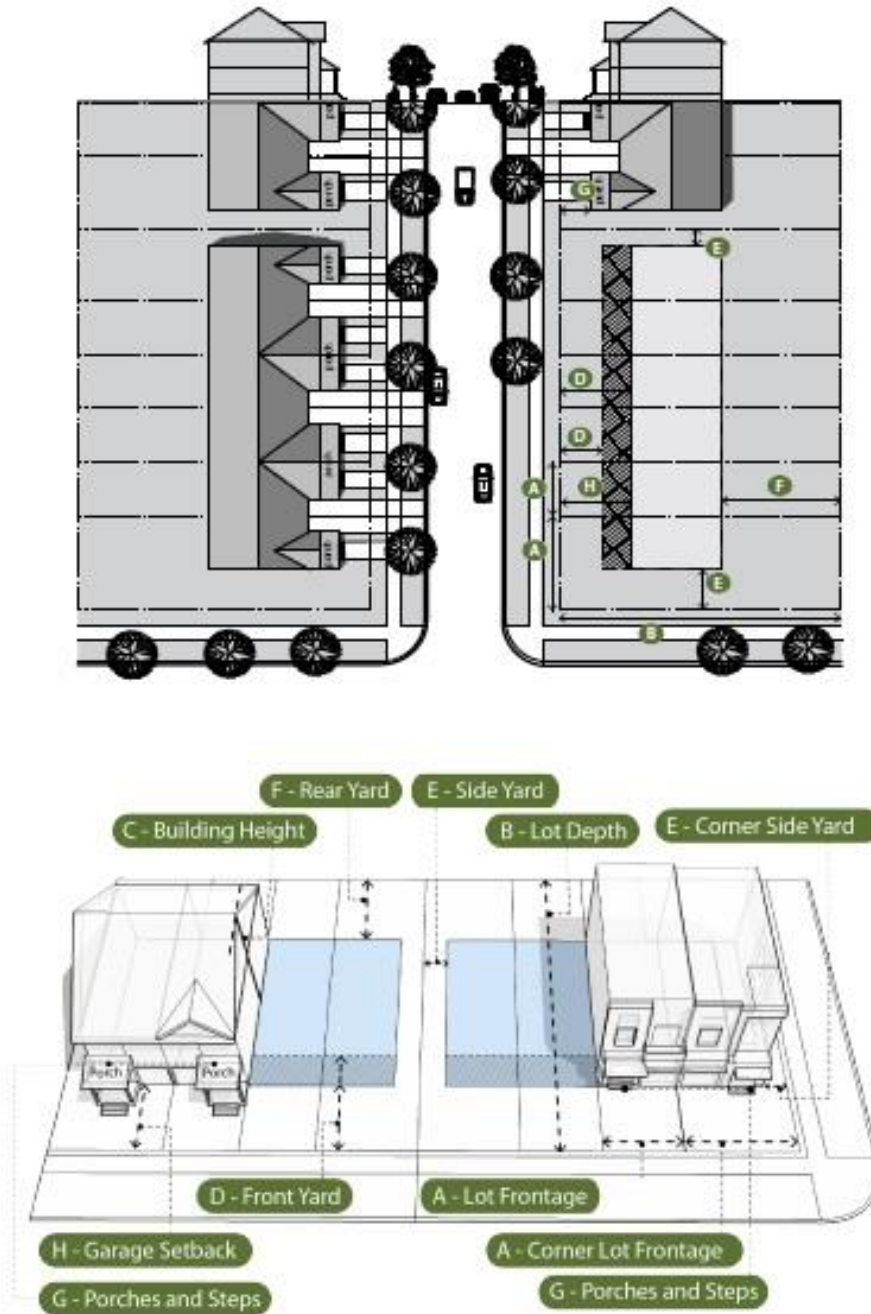
Street Townhouse with Attached Garage Typologies



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.

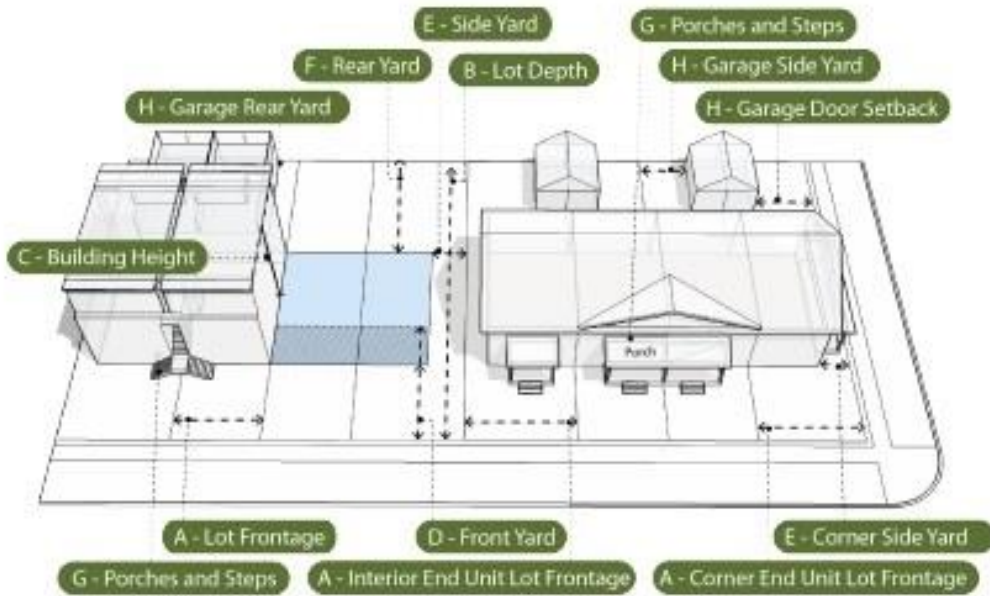
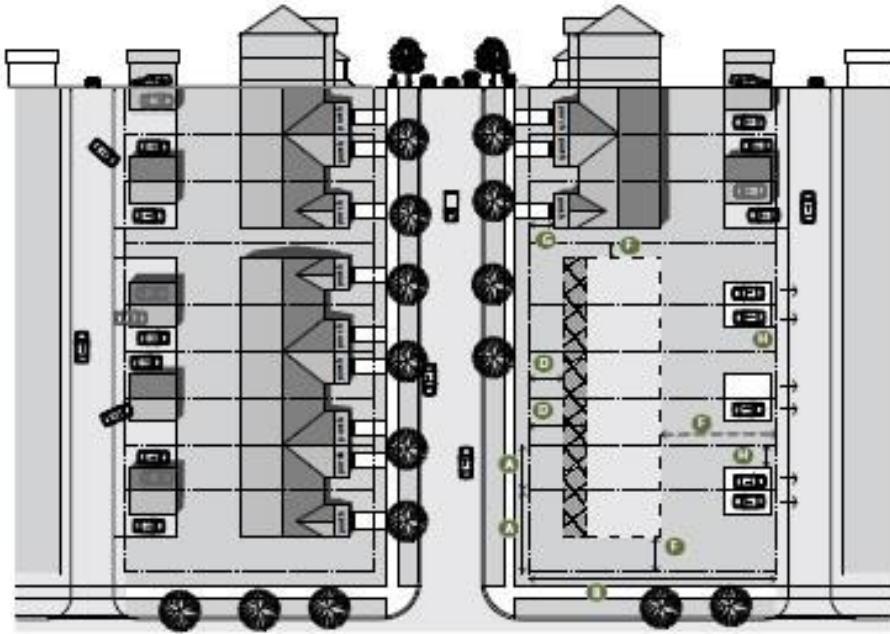
Street Townhouse with Rear Lane Typologies



Transect



Demonstration Streetscape



6.3 NEW GREENFIELD DEVELOPMENT RESIDENTIAL THREE ZONE

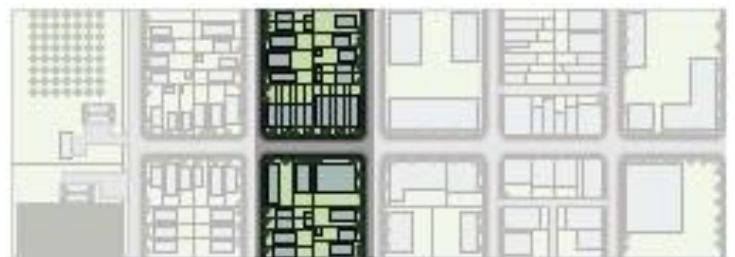
6.3.1 Zone Provisions Block Townhouse Dwelling and Stacked Townhouse Dwelling

- 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.

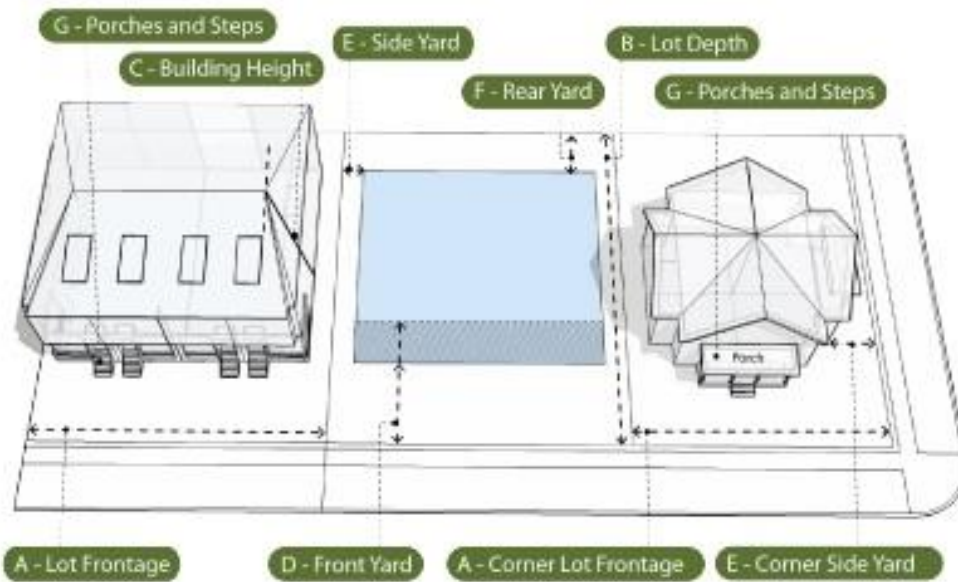
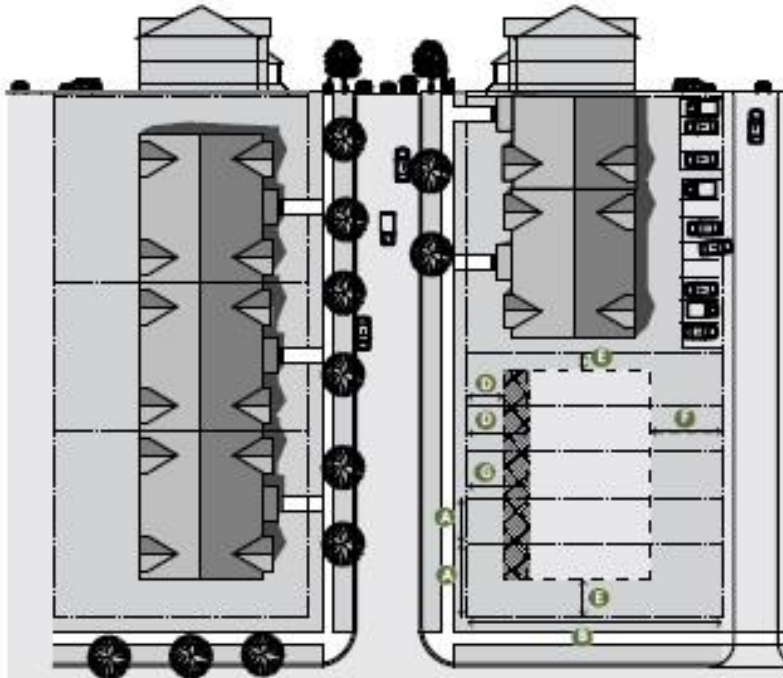
Block and Stacked Townhouse Typologies



Transect



Demonstration Streetscape



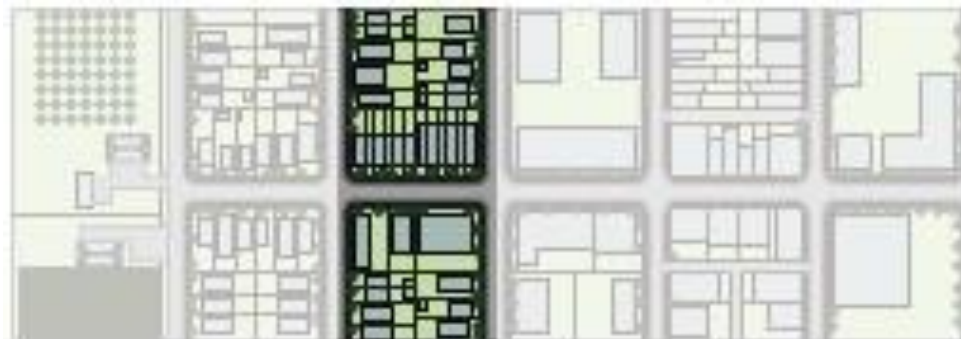
6.3.2 Zone Provisions Apartment

- 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

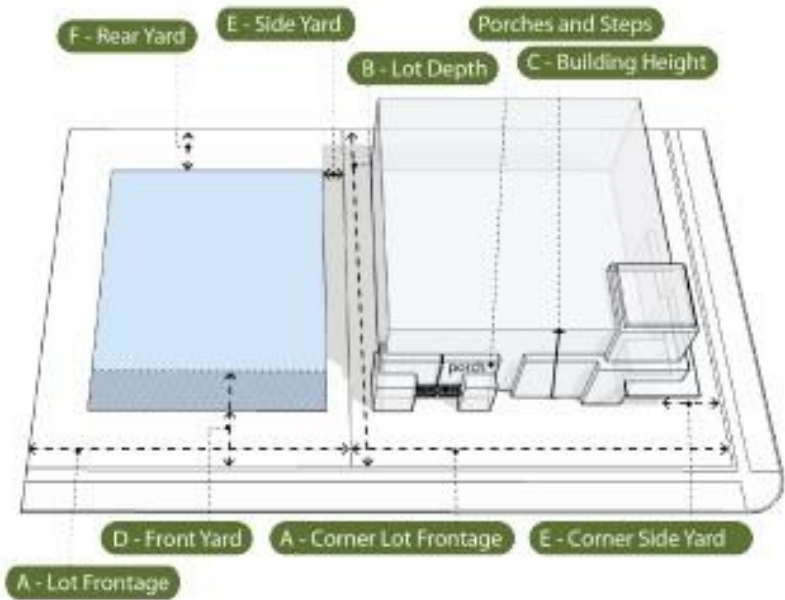
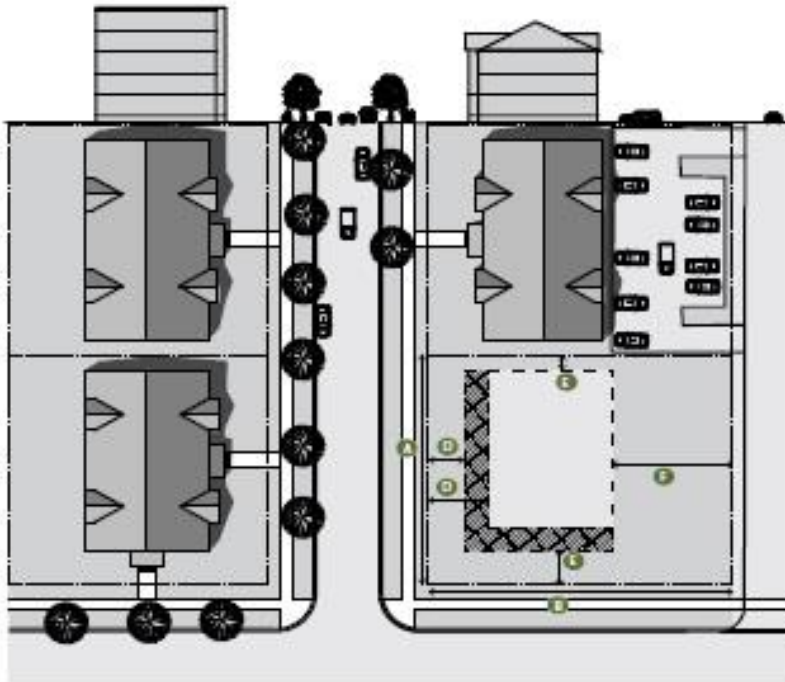
Apartment Typologies



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 500m².

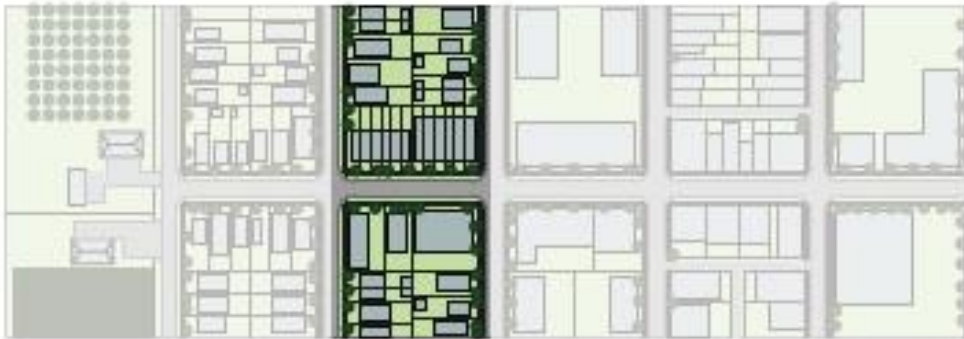
g) Lot Coverage

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 55m² 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
----	----	----	----	----

Lot size/building height	lot area	-	-	-	-	min 465m ²
	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

Yards	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 rd storey for 4 storey building	1.5m above 3 rd storey for 4 storey building	-

Retail Use	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 ²	500m ² 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	-

Landmark Sites	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 rd storey	1.5m above 3 rd 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 500m²

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.

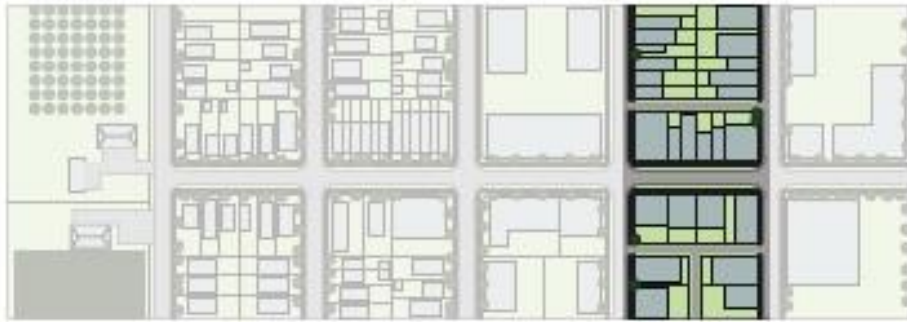
i) Landmark Sites

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 3rd and 4th storey.

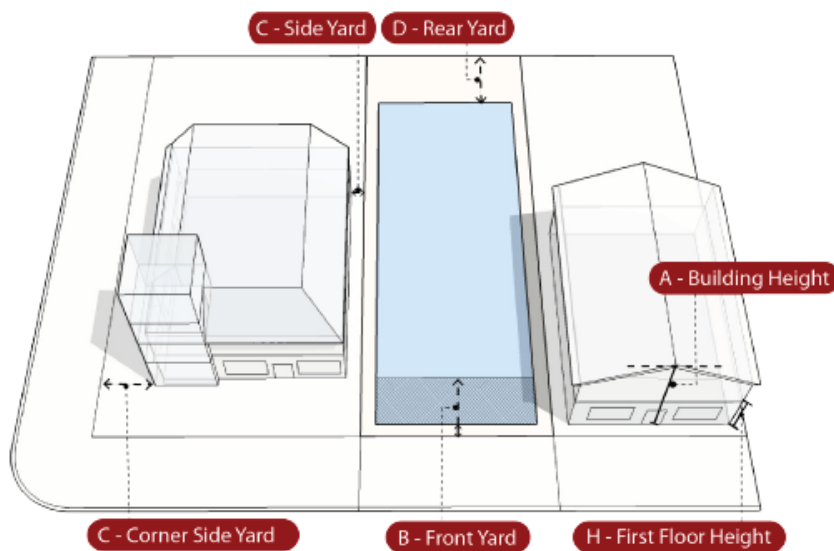
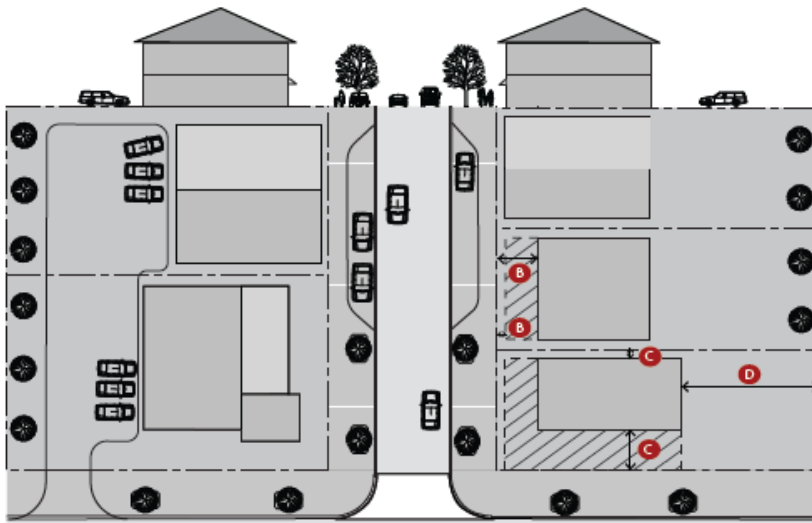
Village Commercial Typologies



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 500m² on Pelham St. and 2500m² 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 3rd storey.

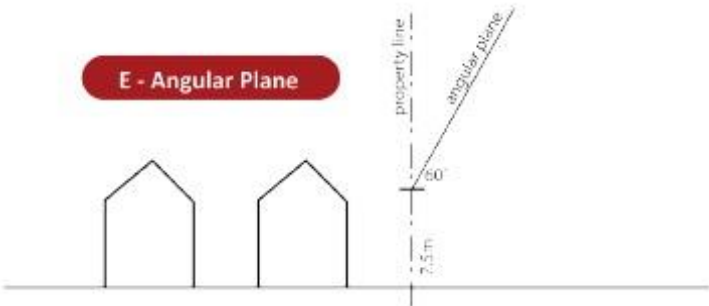
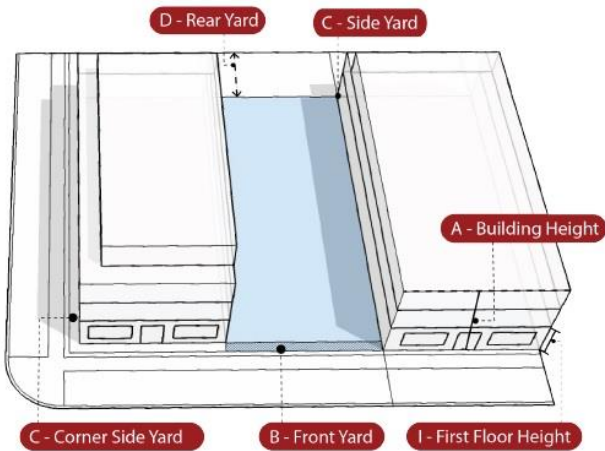
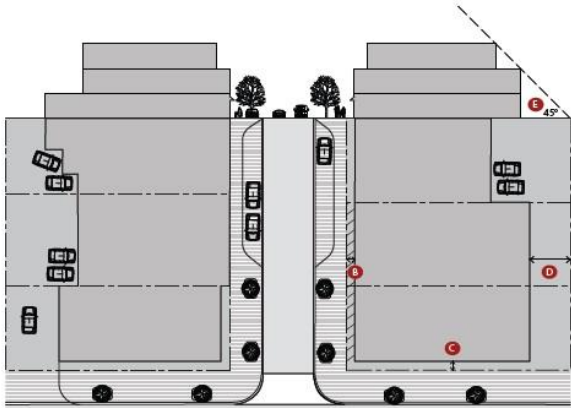
Main Street Typologies



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 3rd 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.

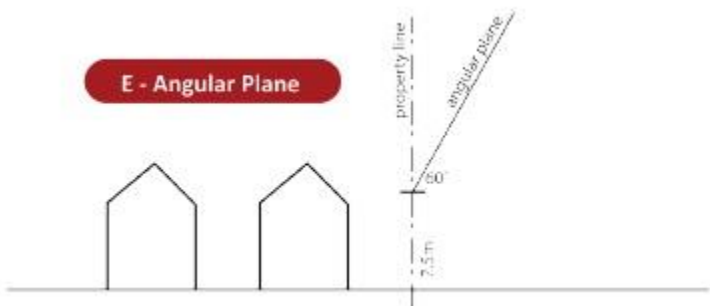
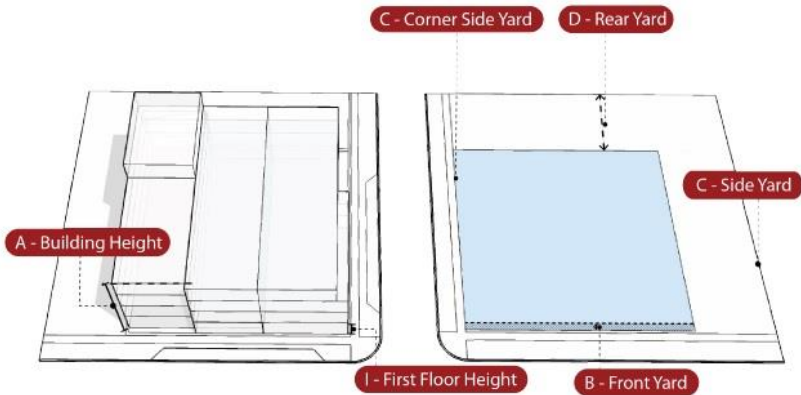
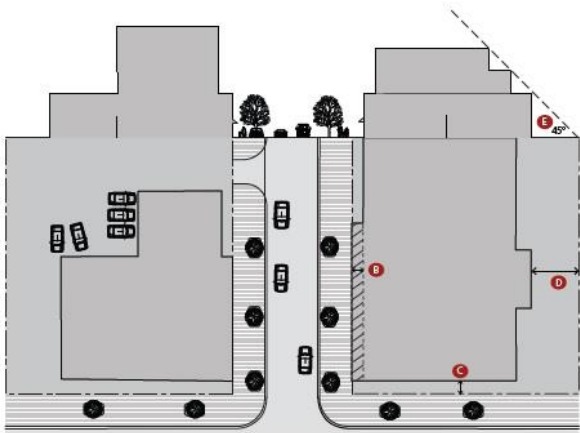
Town Square Typologies



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 3rd storey through 6th 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.

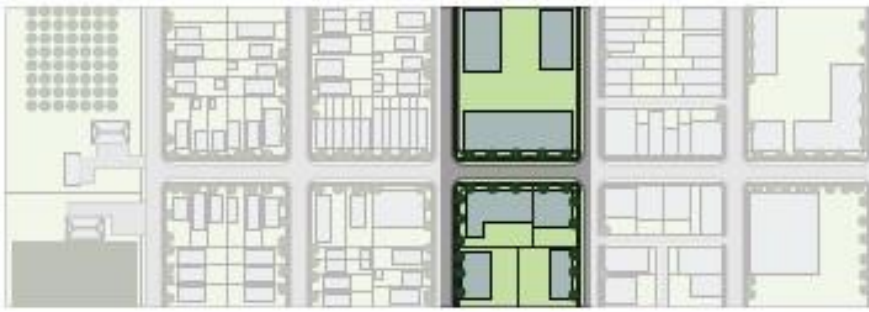
j) Landmark Sites

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.

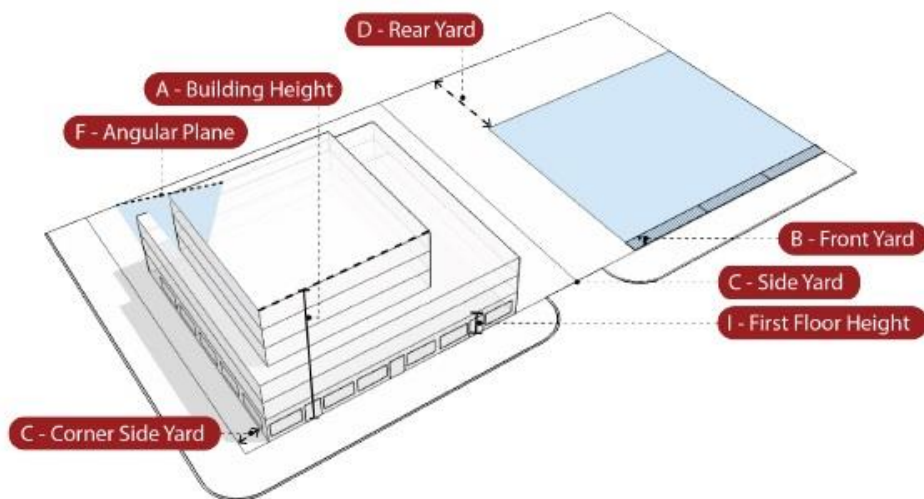
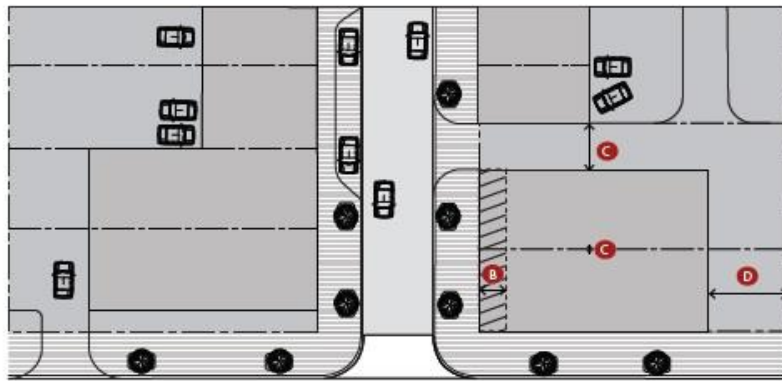
Downtown Corridor Typologies



Transect



Demonstration Streetscape





7.5 NEIGHBOURHOOD COMMERCIAL ZONE

7.5.1 Permitted Uses

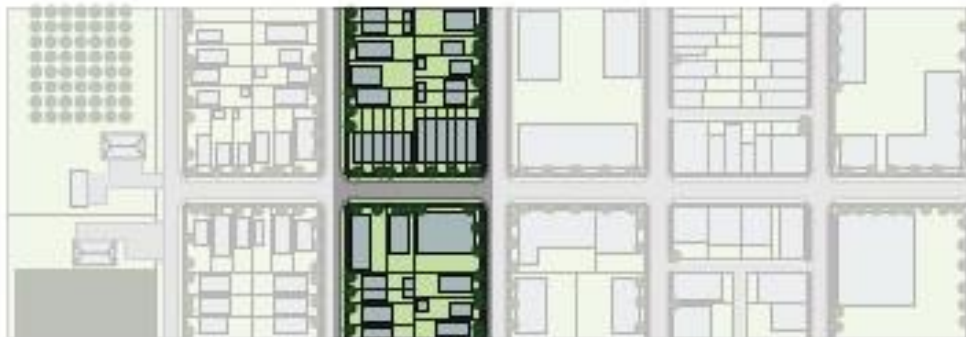
- a) Dwelling units above ground floor;
- b) Retail and service commercial uses; and
- c) Uses, buildings and structures accessory to the foregoing uses

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 465m².
- 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 55m² 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 ²
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
-----------------------------	---

formerly A-246

Maximum building height for an accessory structure 6.09m

formerly A-97 & H-97

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

formerly A-54

A-20: 380 Cream Street

formerly A-249

A-21: 259 Farr Street

formerly A-232

Minimum lot area	1.9ha
------------------	-------

A-22: 275 Church Street

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

A-24: 206 Webber Road (Regional Road no. 29)

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
----------------------------	--------

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 ²
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
-----------------------------	----

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 30.0m² shall be provided for each dwelling unit.
- d) Parking Requirements
 - i. 1.5 parking spaces per dwelling unit
 - ii. 1 parking space per 30m² 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 ²
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 25m² 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 ²
Minimum Frontage per Unit	9.6m
Minimum Ground Floor Area	88m ² for a one storey dwelling 50m ² 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 ²
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

88m² one-storey

50m² 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 2.5m² for each one-bedroom unit and a minimum of 5.0m² 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 ² 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 51.85m² 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 ²
Maximum gross commercial floor area	930m ²

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 225m²

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 ²
Minimum indoor residential amenity area	160m ² 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 speciation 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 ²
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 ² 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 ² – One-storey 50m ² – 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 ²
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 60m²;
 - 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 ²
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 60m²;
 - 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 ²
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 ² 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 ² 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 ²
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

A 'face' of a building means the longest wall of a building. Each building shall be deemed to have two faces.

A 'side' of a building means the shortest wall of a building. Each building shall be deemed to have two sides.

Any face of one townhouse shall be no closer to any side of another townhouse than 7.2m

Any face of any townhouse shall be no closer than 11m to any face of another townhouse

Any side of any townhouse shall be no closer than 3m to any side of another townhouse

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

5m² 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 60m²;
 - 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
-------------------	-----

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 ² 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 65m²;
 - 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 ²
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 65m²;
 - 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 65m²;
 - 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 ²
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 ² Two or Three Storey: 50m ²

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 65m²;
 - 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 ² Two or Three Storey: 50m ²
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 65m²;
 - 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 ² 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 ² Two or Three Storey: 50m ²

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

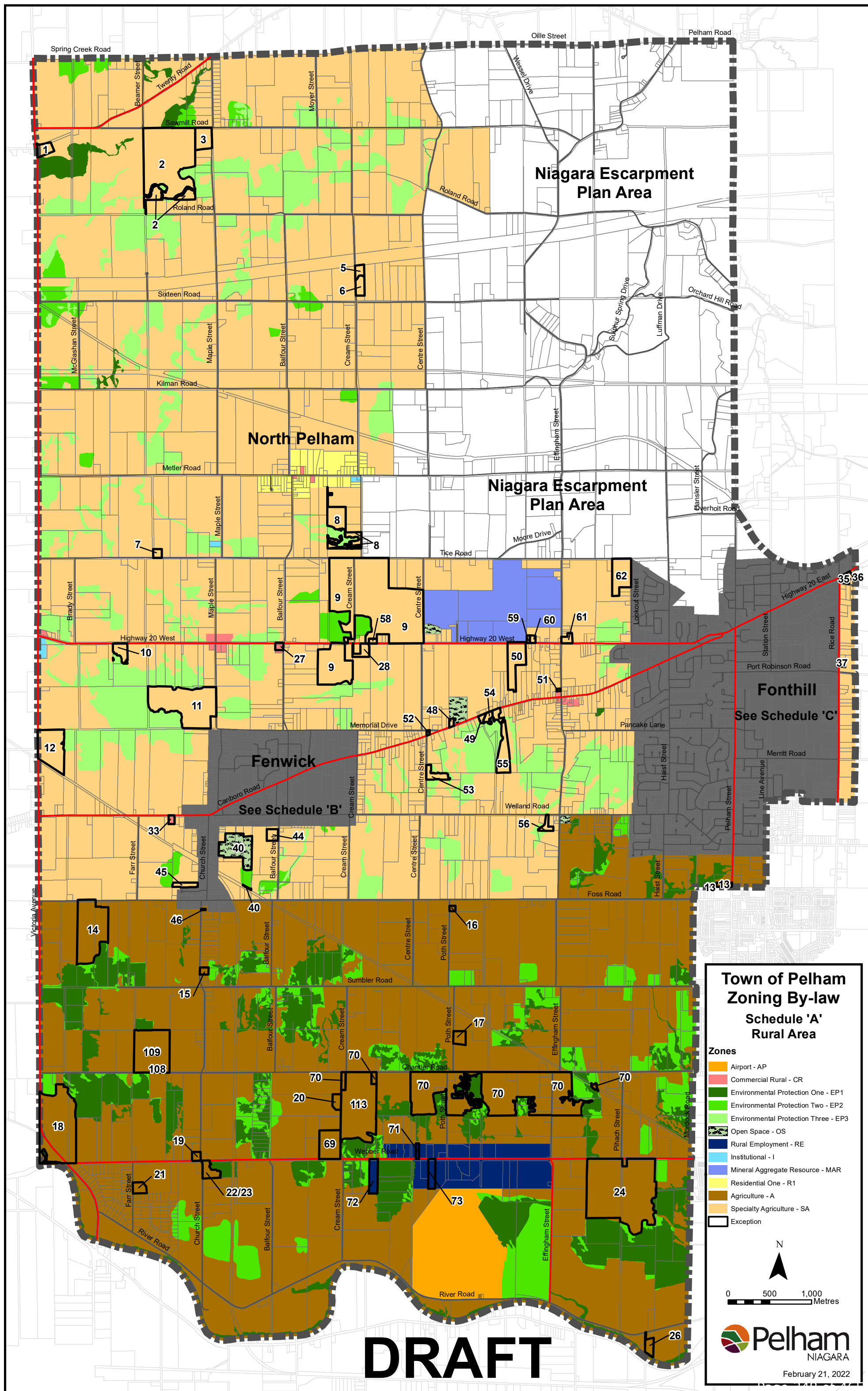
The lands identified as A-114 prohibits the use of the lands for residential purposes as result of a Farm Surplus Severance (File No. B21/2021P) and be rezoned as Agricultural Purposes Only (APO).

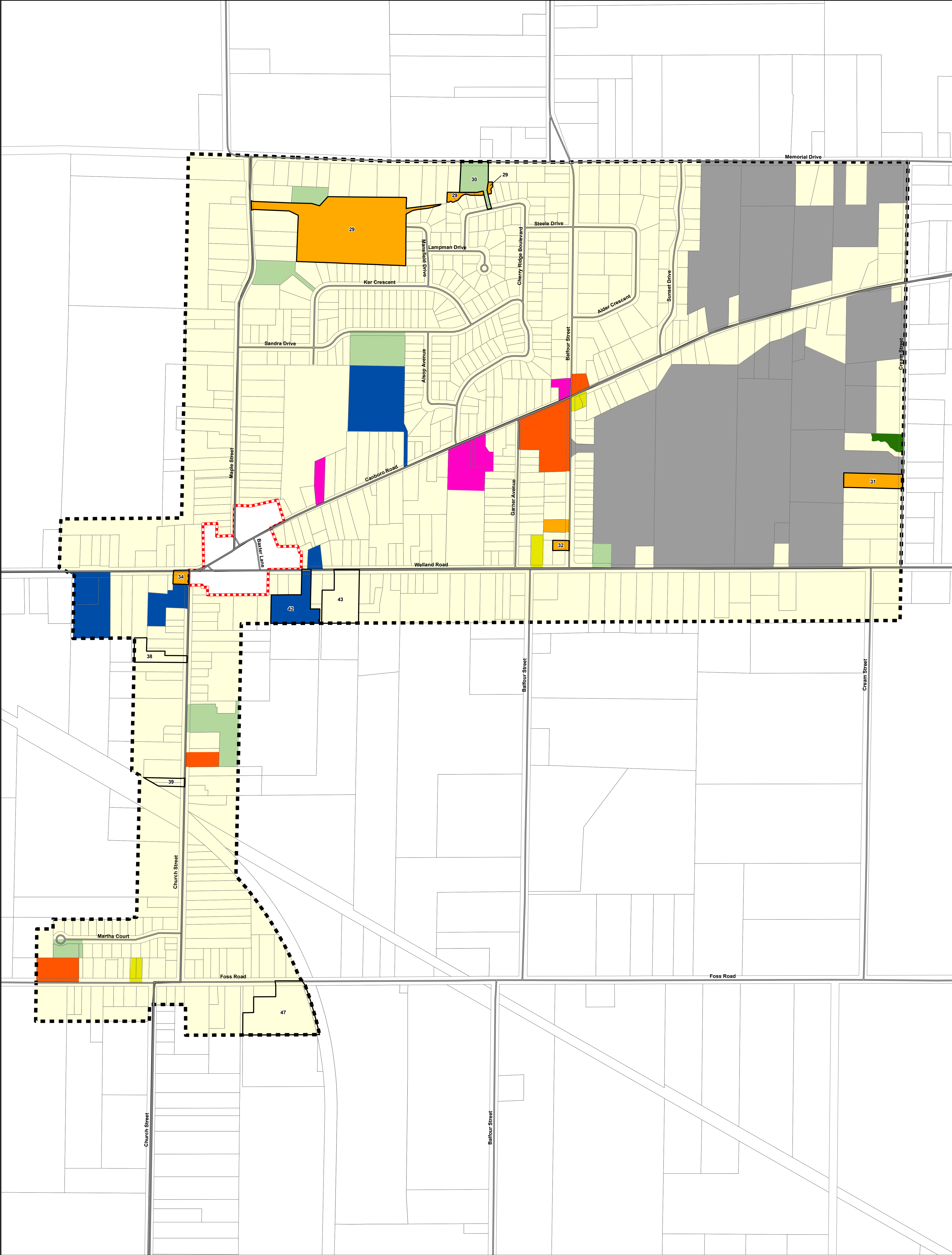


Town of Pelham

Zoning By-Law

Schedules

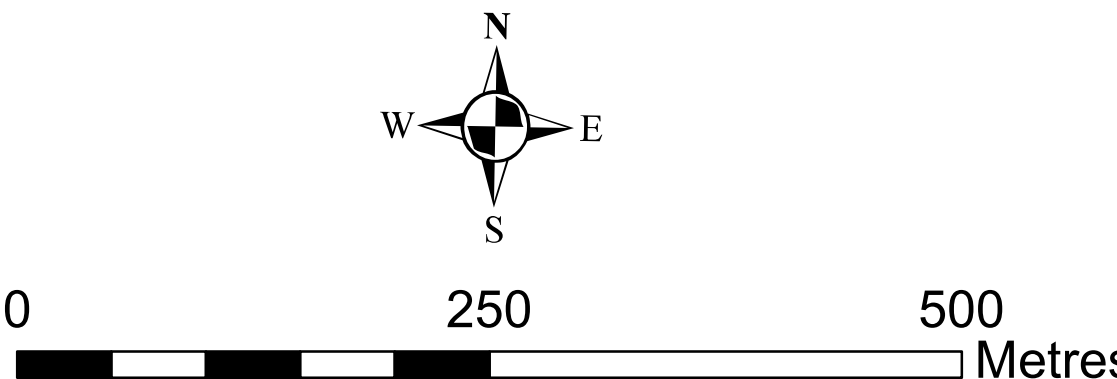




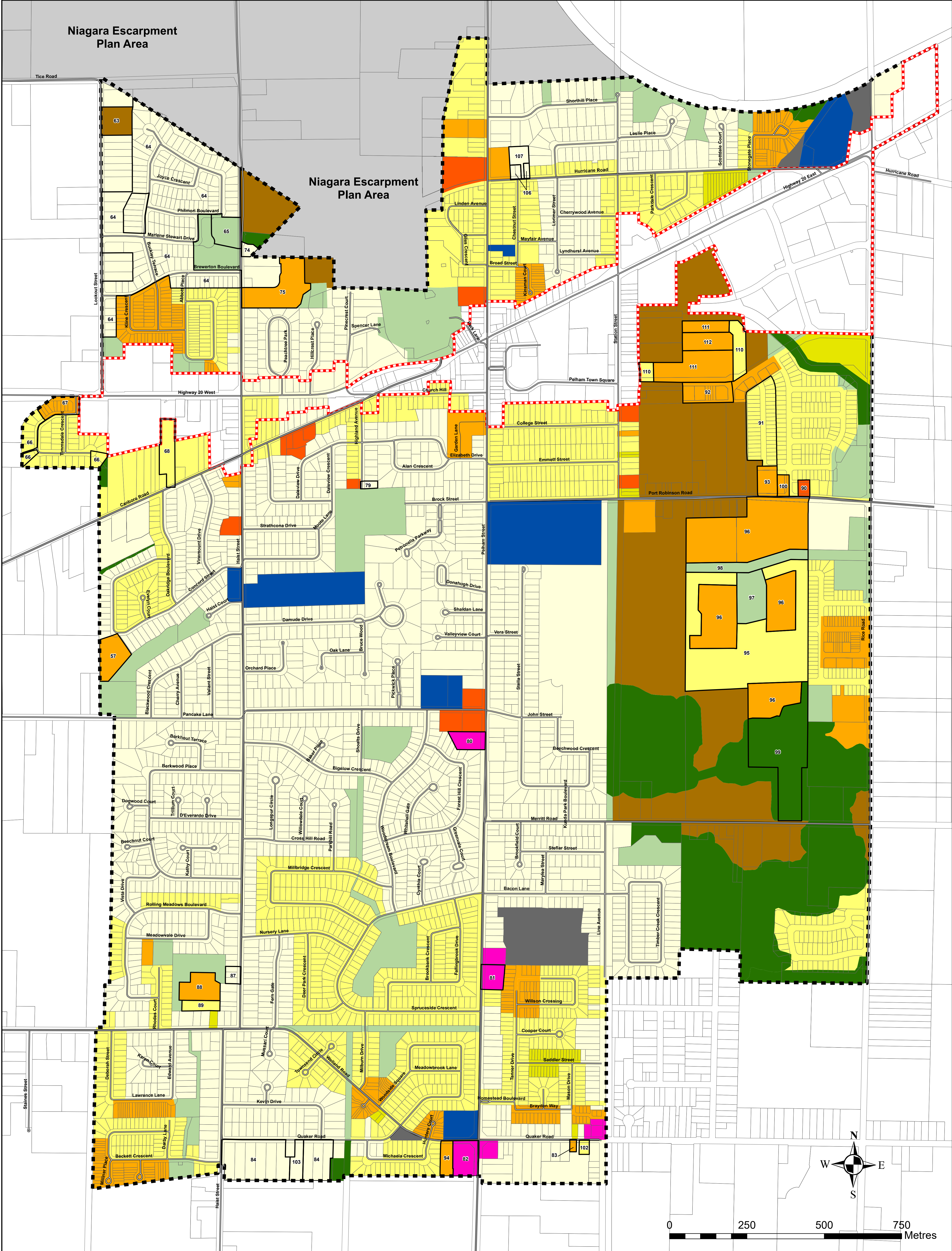
**Town of Pelham
Zoning By-law
Schedule 'B'
Fenwick**

- Legend**

 - R1 - Residential One
 - R3 - Residential Three
 - RM1 - Residential Multiple One
 - RM2 - Residential Multiple Two
 - NC - Neighbourhood Commercial
- RD - Residential Development
 - I - Institutional
 - A - Agricultural
 - OS - Open Space
 - EP1 - Environmental Protection
- See Schedule 'D'



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' |

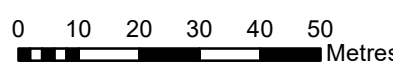
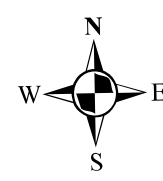
DRAFT

****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' Boundfary



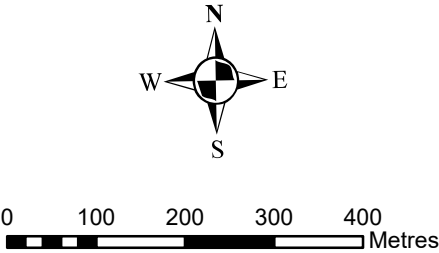
DRAFT



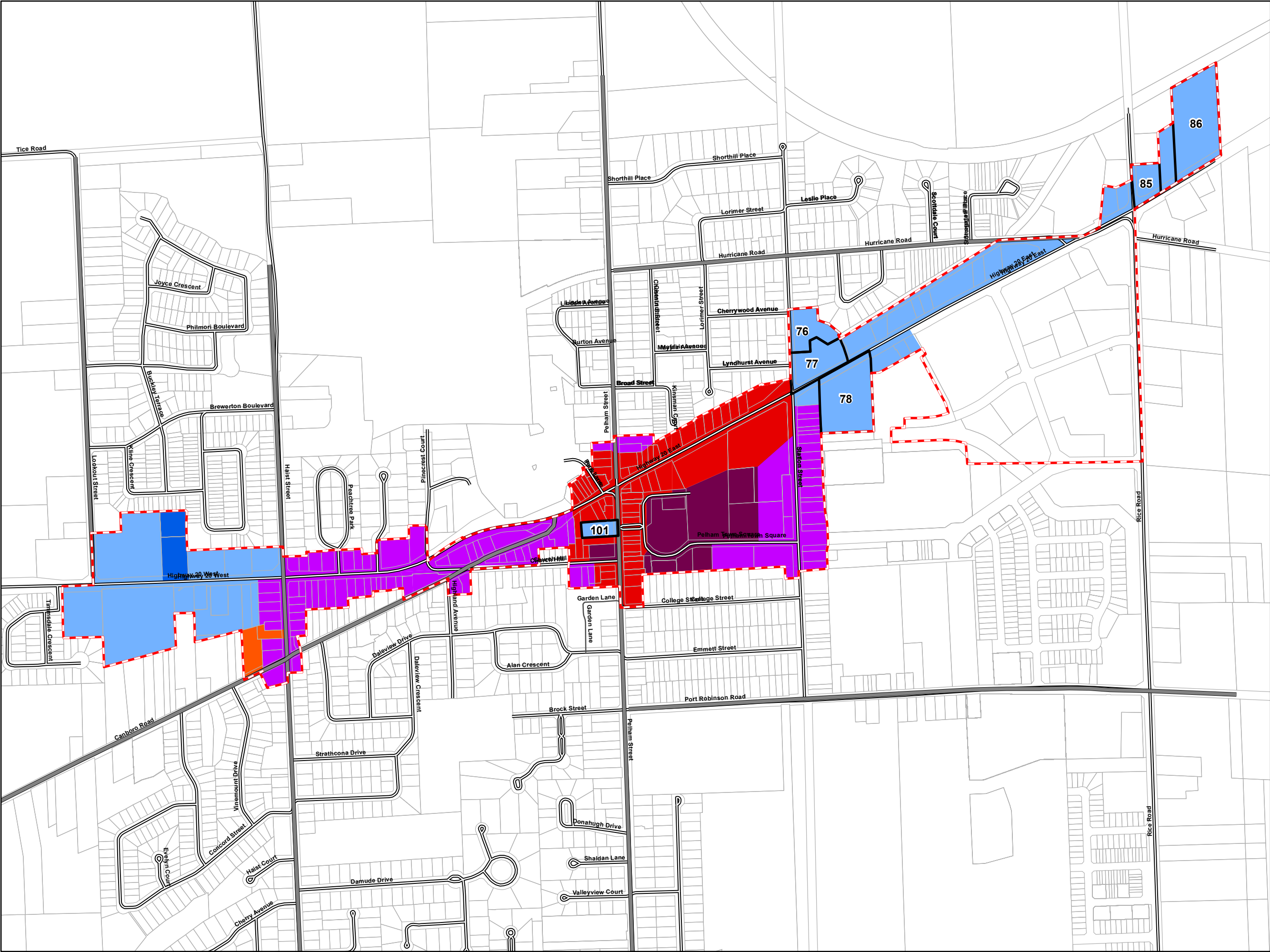
Town of Pelham
Zoning By-law
Schedule 'E'
Fonthill Downtown

- 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****



DRAFT



February 18, 2022

CL 4-2022, February 17, 2022

CSC 2-2022, February 9, 2022

Minute Item 5.3, February 9, 2022

LOCAL AREA MUNICIPALITIES

THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO (AMO)

SENT ELECTRONICALLY

Motion – Violence and Harassment of Politicians and Public Servants

Minute Item 5.3

Regional Council, at its meeting held on February 17, 2022, approved the following resolution of its Corporate Services Committee:

WHEREAS violent attacks, online harassment, and physical intimidation of politicians and public servants is on the rise, and is something we've repeatedly witnessed in our communities;

WHEREAS Niagara Regional Council condemns the latest violent act against St. Catharines City Councillor Porter and her family and wants our communities to know that such acts are unacceptable and will not be tolerated; and

WHEREAS everyone should be free from harassment and violence in their workplaces and their homes.

NOW THEREFORE BE IT RESOLVED:

1. That Niagara Regional Council **CONDEMNS** these acts of violence, harassment, and intimidation against our Regional Council colleagues, our local area municipal counterparts, all public servants and all health care providers; and
2. That this motion **BE CIRCULATED** to the local area municipalities and the Association of Municipalities of Ontario (AMO), to consider passing similar resolutions.

Yours truly,



Ann-Marie Norio

Regional Clerk

:kl

CLK-C 2022-032

Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

February 18, 2022

CL 4-2022, February 17, 2022

PHSSC 2-2022, February 8, 2022

COM 6-2022, February 8, 2022

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Evaluation of 2019 and 2020 Niagara Prosperity Initiative Projects

COM 6-2022

Regional Council, at its meeting held on February 17, 2022, passed the following recommendation of its Public Health and Social Services Committee:

That Report COM 6-2022, dated February 8, 2022, respecting Evaluation of 2019 and 2020 Niagara Prosperity Initiative Projects, **BE RECEIVED** for information; and

That this report **BE CIRCULATED** to the local area municipalities.

A copy of COM 6-2022 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:kl

CLK-C 2022-031

cc: M. Todd, Manager, Social Assistance & Employment Opportunities
A. Jugley, Commissioner, Community Services
S. Dean, Executive Assistant to the Commissioner, Community Services

Subject: Evaluation of 2019 and 2020 Niagara Prosperity Initiative Projects

Report to: Public Health and Social Services Committee

Report date: Tuesday, February 8, 2022

Recommendations

That Report COM 6-2022 **BE RECEIVED** for information.

Key Facts

- The purpose of this report is to provide a summary and evaluation of the 2019 and 2020 Niagara Prosperity Initiative (NPI) funded projects.
- Since 2008, Regional Council has supported local poverty reduction efforts through its annual investment in the NPI program.
- Priorities for 2021 have been informed by impacts of the COVID-19 pandemic and as such funding was targeted to needs in the areas of housing, health and domestic violence.
- In October 2021, Council approved a new approach for NPI investments moving forward in the context of a broader Poverty Reduction Strategy, leveraging the findings from the Brock Report [COM 22-2021 Path Forward to Building a Five Year Poverty Reduction Strategy](https://pub-niagararegion.escibemeetings.com/filestream.ashx?DocumentId=19006) (https://pub-niagararegion.escibemeetings.com/filestream.ashx?DocumentId=19006).

Financial Considerations

Regional Council, as part of the Community Services operating budget, reviews the investment in the NPI annually. \$1,500,000 and \$1,250,000 were approved as part of the 2019 and 2020 operating budgets respectively, with a total of 44 projects funded in those two years. Unspent funds that were returned from prior year completed projects, including interest, allowed an additional \$218,747 to be allocated for a total of \$2,968,747 over the two years. Of this amount, \$150,000 is allocated each year between the convener (Niagara Community Foundation) and secretariat (United Way Niagara) functions to support administration and stakeholder engagement associated with this initiative.

Analysis

NPI focuses on neighbourhood-based interventions aimed to increase prosperity for Niagara residents living in poverty. Neighbourhoods in need of attention have been identified throughout the region based on key indicators such as the low-income measure, unemployment rate, and educational attainment.

In March of 2020, the lock-down of services due to COVID-19 affected the entire community. Many of the projects funded in 2020 were required to make adjustments to service delivery. In some program areas, the impact of the pandemic, as reported by agencies, led to an increased demand for service and needs for individuals living in poverty. Project details are provided in Appendix A and B.

The following table outlines the contracted amounts by project type for 2019.

Project Type	\$	# of Projects
Housing – Outreach	\$115,196	1
Housing – Stability	\$39,576	1
Housing – Homelessness Prevention	\$142,466	3
Health – Mental Health	\$202,697	3
Health – Children	\$180,389	3
Health – Food	\$88,468	2
Health – Dental	\$184,192	1
Employment – Social Enterprises	\$261,021	5
Neighbourhood – Belonging	\$165,630	4
Neighbourhood - Leadership	\$84,982	1
Total	\$1,464,617	24

The following table outlines the contracted amounts by project type for 2020.

Project Type	\$	# of Projects
Housing – Outreach	\$184,648	2
Housing – Stability	\$186,149	5
Housing – Homelessness Prevention	\$175,973	3
Health – Mental Health	\$278,210	3
Health – Food	\$81,735	3
Health – Dental	\$139,586	1
Employment – Social Enterprises	\$157,829	3

Project Type	\$	# of Projects
Total	\$1,204,130	20

NPI projects are required to submit quarterly and final reports that include:

- Number of children, youth, adults and/or seniors served;
- Outcomes achieved and measured;
- Lessons learned and recommendations for future initiatives;
- Specific examples of impact to neighbourhood/community; and
- Testimonials from project participants.

The NPI secretariat and/or convener complete site visits/program reviews throughout the funding period to ensure contractual obligations are being met.

All 2019 and 2020 funded projects stayed within their approved budgets, provided reports and passed their site visits/program reviews.

A tally of the final reports from the 2019 and 2020 projects provided the following information:

Year	Total People Expected	Total People Served	Jobs Created	Revenue Generated
2019	4,932	4,993	184	\$269,697
2020	5,365	5,898	140	\$60,254
Total	10,297	10,891	324	\$329,951

2021 Funded Projects

There are currently 16 projects being funded from the 2021 Regional budget (COM 19 - 2021 Niagara Prosperity Initiative 2021Update). NPI is committed to providing supports to help the community rebuild and recover from the devastating impacts of COVID-19. The pandemic has exacerbated and amplified many of the issues caused by poverty. To address this, the 2021 NPI request for proposals (RFP) targeted needs in the areas of housing, health and domestic violence. Contracts with these projects will be ending August 30, 2022 and evaluations will be available at the end of 2022.

Path Forward to Building a Five-Year Poverty Reduction Strategy

In October 2021, Council approved a new approach for NPI investments moving forward in the context of a broader poverty reduction strategy. Work is underway to

develop a Niagara Region Poverty Reduction Strategy, led by Niagara Region, as well as establish a Niagara Region Poverty Reduction Steering Committee, and transition the administration of the NPI in-house to Community Services.

Alternatives Reviewed

This report provides information on the 2019 and 2020 NPI funded projects. Work is underway on a new approach for NPI investments in the context of a broader Poverty Reduction Strategy.

Relationship to Council Strategic Priorities

Investing in Healthy and Vibrant Communities to foster a high quality of life through safe, healthy, and inclusive neighbourhoods and delivery of quality, affordable and accessible human services.

Other Pertinent Reports

COM 25-2019	Niagara Prosperity Initiative 2019 Update
COM 12-2020	Niagara Prosperity Initiative 2020 Update
COM 19-2021	Niagara Prosperity Initiative 2021 Update
COM 22-2021	Path Forward to Building a Five Year Poverty Reduction Strategy

Prepared by:

Marc Todd
Manager
Community Services

Recommended by:

Adrienne Jugley, MSW, RSW. CHE
Commissioner
Community Services

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Lori Watson, Director Community Services.

Appendices

Appendix A 2019 Individual NPI Project Evaluations

Appendix B 2020 Individual NPI Project Evaluations

Appendix A – 2019 Individual NPI Project Evaluations

Project	Description	Funding Stream: Housing – Outreach																		
Niagara Outreach Worker Agency: Gateway Residential & Community Support Services of Niagara Inc. Municipality: All Niagara	Two street Outreach Workers provided mobile services and supports to vulnerable and disadvantaged citizens. Services were provided to people who were at urgent risk of becoming homeless and the chronically or persistently homeless.	Result: This funding provided opportunities for interactions with individuals who are homeless and or sleeping rough. We also partnered with The Raft to identify homeless youth and provided them with the supports to move into affordable housing.																		
Contract Requirements Contract Amount \$115,196 Amount Spent \$115,196 Contract Length 2 years Jobs Expected 2 Jobs Created 0 Revenue Expected \$0.00 Revenue Generated\$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>10</td></tr> <tr> <td>Youth 13-18</td><td>4</td><td>43</td></tr> <tr> <td>Adult 19-64</td><td>200</td><td>259</td></tr> <tr> <td>Seniors 65+</td><td>80</td><td>23</td></tr> <tr> <td>TOTAL</td><td>284</td><td>335</td></tr> </table>		Expected	Actual	Children 0-12	0	10	Youth 13-18	4	43	Adult 19-64	200	259	Seniors 65+	80	23	TOTAL	284	335	Testimonial: “I am now in the Housing First Program with Gateway. I am no longer living in a shelter with all my kids. My family now has a place to call home.”
	Expected	Actual																		
Children 0-12	0	10																		
Youth 13-18	4	43																		
Adult 19-64	200	259																		
Seniors 65+	80	23																		
TOTAL	284	335																		

Project	Description	Funding Stream: Housing – Stability																		
Housing Coordinator Agency: Welland Heritage Council and Multicultural Centre Municipality: Welland	Newcomers falling into precarious housing or homelessness were provided education about housing/renting in Canada, and supports through the process of finding, securing, and maintaining stable housing.	Result: A series of Rent-Ready workshops were conducted which helped clients with budgeting and learning about renting costs and the rights and responsibilities of tenants. We were able to secure housing for 11 families and 38 single individuals.																		
Contract Requirements Contract Amount \$39,576 Amount Spent \$38,103 Contract Length 1 year Jobs Expected 0 Jobs Created 0 Revenue Expected \$0.00 Revenue Generated\$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>5</td><td>30</td></tr> <tr> <td>Youth 13-18</td><td>4</td><td>7</td></tr> <tr> <td>Adult 19-64</td><td>71</td><td>79</td></tr> <tr> <td>Seniors 65+</td><td>5</td><td>6</td></tr> <tr> <td>TOTAL</td><td>85</td><td>122</td></tr> </table>		Expected	Actual	Children 0-12	5	30	Youth 13-18	4	7	Adult 19-64	71	79	Seniors 65+	5	6	TOTAL	85	122	Testimonial: “They give me food, they give me apartment, clothes, education and information on the community and help me find a job and help me find a permanent home in Mississauga. Without this help I would be homeless.”
	Expected	Actual																		
Children 0-12	5	30																		
Youth 13-18	4	7																		
Adult 19-64	71	79																		
Seniors 65+	5	6																		
TOTAL	85	122																		

Project	Description	Funding Stream: Housing – Prevention																		
Rental Assistance Service Agency: Grimsby Benevolent Fund Municipality: Grimsby	This program provided one-time rent assistance for people facing eviction and subsidy for people paying more than 30% of their total income on rent.	Result: Individuals and families were able to stay housed and remain in the town of Grimsby. Individuals identified that their stress and anxiety levels were reduced due to the ability to pay their rent on time.																		
Contract Requirements Contract Amount \$35,000 Amount Spent \$35,000 Contract Length 1 year Jobs Expected 0 Jobs Created 0 Revenue Expected \$0.00 Revenue Generated\$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>3</td><td>24</td></tr> <tr> <td>Youth 13-18</td><td>6</td><td>14</td></tr> <tr> <td>Adult 19-64</td><td>11</td><td>39</td></tr> <tr> <td>Seniors 65+</td><td>2</td><td>1</td></tr> <tr> <td>TOTAL</td><td>22</td><td>78</td></tr> </table>		Expected	Actual	Children 0-12	3	24	Youth 13-18	6	14	Adult 19-64	11	39	Seniors 65+	2	1	TOTAL	22	78	Testimonial: “Fell on hard times after separation with two kids. I received help for past rent. I have two children in school and do not want to move them. Grimsby is a great area to raise kids. I do not have to uproot my children and start them at a new school.”
	Expected	Actual																		
Children 0-12	3	24																		
Youth 13-18	6	14																		
Adult 19-64	11	39																		
Seniors 65+	2	1																		
TOTAL	22	78																		

Project	Description	Funding Stream: Housing – Prevention																		
Intensive Casemanagement Agency: Project SHARE of Niagara Falls Inc. Municipality: Niagara Falls	Working one-on-one to address the needs of clients with multiple barriers to provide support, accountability, community referrals and advocacy for the client in their search for stable housing.	Result: This project has provided the means and support to help clients transition from being homeless to securing shelter. We are aware of 7 clients who secured housing, 5 clients were referred to the Housing First Program, and 3 were referred to the Home for Good Program.																		
Contract Requirements Contract Amount \$52,235 Amount Spent \$52,235 Contract Length 1 year Jobs Expected 0 Jobs Created 0 Revenue Expected \$0.00 Revenue Generated\$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>1</td><td>3</td></tr> <tr> <td>Youth 13-18</td><td>8</td><td>9</td></tr> <tr> <td>Adult 19-64</td><td>15</td><td>20</td></tr> <tr> <td>Seniors 65+</td><td>4</td><td>8</td></tr> <tr> <td>TOTAL</td><td>28</td><td>40</td></tr> </table>		Expected	Actual	Children 0-12	1	3	Youth 13-18	8	9	Adult 19-64	15	20	Seniors 65+	4	8	TOTAL	28	40	Testimonial: “We received help with food and clothing including laundry service. We also received help with our utilities, which was a big help. I can't imagine what we would have done if our utilities were turned off. So grateful for the assistance including the food and kind words from staff.”
	Expected	Actual																		
Children 0-12	1	3																		
Youth 13-18	8	9																		
Adult 19-64	15	20																		
Seniors 65+	4	8																		
TOTAL	28	40																		

Project	Description	Funding Stream: Housing – Prevention																		
The Niagara Rooming House Project Agency: Start Me Up Niagara Municipality: St. Catharines	Assisted landlords and tenants with practical supports to ensure issues that negatively impact tenancy in single room occupancy dwellings were addressed.	Result: Supported 64 individuals in maintaining their housing and independence. Barriers to housing were addressed, for example, individuals experiencing mobility concerns were assisted in obtaining mobility devices.																		
Contract Requirements Contract Amount \$55,231 Amount Spent \$54,834 Contract Length 1 year Jobs Expected 0 Jobs Created 0 Revenue Expected \$0.00 Revenue Generated\$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>0</td></tr> <tr> <td>Adult 19-64</td><td>47</td><td>43</td></tr> <tr> <td>Seniors 65+</td><td>8</td><td>21</td></tr> <tr> <td>TOTAL</td><td>55</td><td>64</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	0	Adult 19-64	47	43	Seniors 65+	8	21	TOTAL	55	64	Testimonial: “I was homeless, moved into a rooming house, now moved into a shared two bedroom apartment with a roommate. Got lots of help I was able to get my taxes done for the past 10 years.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	0																		
Adult 19-64	47	43																		
Seniors 65+	8	21																		
TOTAL	55	64																		

Project	Description	Funding Stream: Health – MH Outreach																		
Mental Health & Addictions Coach Project Agency: Canadian Mental Health Association Niagara Branch Municipality: All Niagara	The Coaches support individuals in YWCA shelters who are experiencing mental health and addiction issues that interfere with their ability to find and maintain housing and employment, and help them develop a connection to their community.	Result: Impact over the long term was measured through clients not returning to shelters. Client experience surveys spoke to experience from beginning to end. In mental health, the OCAN was used to track how identified needs at the beginning of service were met, and from Addiction, the GAIN was used to measure stability.																		
Contract Requirements Contract Amount \$136,037 Amount Spent \$136,037 Contract Length 1 year Jobs Expected 19 Jobs Created 12 Revenue Expected \$0.00 Revenue Generated\$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>3</td></tr> <tr> <td>Adult 19-64</td><td>279</td><td>363</td></tr> <tr> <td>Seniors 65+</td><td>18</td><td>9</td></tr> <tr> <td>TOTAL</td><td>297</td><td>375</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	3	Adult 19-64	279	363	Seniors 65+	18	9	TOTAL	297	375	Testimonial: “I became first involved when I became homeless and ended up at the YWCA women’s shelter and am currently involved in one-on-one therapy and group therapy. The best thing that has happened is that I have hope for a future again... cannot put in words and will be forever grateful.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	3																		
Adult 19-64	279	363																		
Seniors 65+	18	9																		
TOTAL	297	375																		

Project	Description	Funding Stream: Health – MH Outreach																		
Return 2 Hope Counselling Program Agency: The Hope Centre Municipality: Welland	This project offered free, high quality counselling service to individuals without access to affordable mental health services. A registered psychotherapist offered group and individual counseling sessions.	Result: Success has been letting clients talk through their stories and help them regulate their emotional responses. Individuals were able to access specialized support and undergo rigorous self-assessments when needed.																		
Contract Requirements Contract Amount \$53,460 Amount Spent \$52,596 Contract Length 1 year Jobs Expected 0 Jobs Created 0 Revenue Expected \$0.00 Revenue Generated\$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>21</td></tr> <tr> <td>Adult 19-64</td><td>421</td><td>464</td></tr> <tr> <td>Seniors 65+</td><td>106</td><td>47</td></tr> <tr> <td>TOTAL</td><td>527</td><td>532</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	21	Adult 19-64	421	464	Seniors 65+	106	47	TOTAL	527	532	Testimonial: “I was referred by a housing worker in the community for deeper counselling. While my housing worker was able to listen to my needs and concerns, she felt I needed to talk to someone who could get into some of my interpersonal issues. Counselling provided made me feel hopeful.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	21																		
Adult 19-64	421	464																		
Seniors 65+	106	47																		
TOTAL	527	532																		

Project	Description	Funding Stream: Health – MH Outreach																		
Westview at Night Agency: Westview Christian Fellowship Municipality: St. Catharines	This project offered support to sex trade workers and those struggling with addiction by providing a nutritious hot meal, supplies, clothing, advocacy and a safe place to share concerns.	Result: We have seen outcomes of women connecting with Doctors to go on methadone to slowly come off street drugs, and we have seen other women reconnect with Family and Children’s Services to start access / visitation to their children.																		
Contract Requirements Contract Amount \$13,200 Amount Spent \$13,189 Contract Length 1 year Jobs Expected 0 Jobs Created 0 Revenue Expected \$0.00 Revenue Generated\$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>0</td></tr> <tr> <td>Adult 19-64</td><td>150</td><td>177</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>0</td></tr> <tr> <td>TOTAL</td><td>150</td><td>177</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	0	Adult 19-64	150	177	Seniors 65+	0	0	TOTAL	150	177	Testimonial: “When I come in I ask for support, supplies, food etc. they are helpful and care about me. I’d be lost without this program, without them I have no support.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	0																		
Adult 19-64	150	177																		
Seniors 65+	0	0																		
TOTAL	150	177																		

Project	Description	Funding Stream: Health – Children																		
Youth Summer Sports Camp – YSSC Jeunesse en action Agency: Centre de sante communautaire Municipality: Welland	A free eight-week sports camp to increase the emotional health and wellbeing for Francophone children aged 7 to 13 from low-income families.	Result: Post surveys showed that 100% of parents were more than satisfied with our sports camp. 96% were more than satisfied about the food served, the sports activities presented throughout the week and the communication with the staff.																		
Contract Requirements Contract Amount \$31,680 Amount Spent \$31,658 Contract Length 1 year Jobs Expected 0 Jobs Created 0 Revenue Expected \$0.00 Revenue Generated\$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>40</td><td>54</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>0</td></tr> <tr> <td>Adult 19-64</td><td>0</td><td>0</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>0</td></tr> <tr> <td>TOTAL</td><td>40</td><td>54</td></tr> </table>		Expected	Actual	Children 0-12	40	54	Youth 13-18	0	0	Adult 19-64	0	0	Seniors 65+	0	0	TOTAL	40	54	Testimonial: “Being an only child can be hard on social skills and the camp has improved my daughter’s greatly. She has been exposed to new sports and activities and is more active.”
	Expected	Actual																		
Children 0-12	40	54																		
Youth 13-18	0	0																		
Adult 19-64	0	0																		
Seniors 65+	0	0																		
TOTAL	40	54																		

Project	Description	Funding Stream: Health – Children																		
Strengthening Families for the Future Agency: John Howard Society Municipality: All Niagara	Supports for families and children who may be at risk for mental health issues and substance use. The program included individual sessions followed by family sessions, role-play and interactive activities to promote problem solving and communication skills.	Result: Unfortunately COVID-19 occurred during the last half of the sessions. While we were not able to hold traditional sessions as we had previously done, we were able to hold virtual sessions with many of the participants in order for them to complete the program.																		
Contract Requirements Contract Amount \$53,262 Amount Spent \$53,262 Contract Length 1 year Jobs Expected 3 Jobs Created 3 Revenue Expected \$0.00 Revenue Generated\$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>80</td><td>32</td></tr> <tr> <td>Youth 13-18</td><td>15</td><td>9</td></tr> <tr> <td>Adult 19-64</td><td>44</td><td>25</td></tr> <tr> <td>Seniors 65+</td><td>6</td><td>4</td></tr> <tr> <td>TOTAL</td><td>145</td><td>70</td></tr> </table>		Expected	Actual	Children 0-12	80	32	Youth 13-18	15	9	Adult 19-64	44	25	Seniors 65+	6	4	TOTAL	145	70	Testimonial: “I asked my FACS worker if there were any family programs for me and my children and she referred me to the Strengthening Families program Learning how to communicate and talk openly to solve problems. We sometimes struggled to talk openly when frustrated or upset.”
	Expected	Actual																		
Children 0-12	80	32																		
Youth 13-18	15	9																		
Adult 19-64	44	25																		
Seniors 65+	6	4																		
TOTAL	145	70																		

Project	Description	Funding Stream: Health – Children																		
Moving Forward Agency: Strive Niagara Municipality: Niagara Falls, Port Colborne, St. Catharines, Welland	Trauma-informed, customized individual / group interventions including information, education/skills building, referral and expert support to teenage parents.	Result: Our project was successful because our participants became more confident with our programming and attendance increased monthly as a result of them feeling safe and secure not only in their trauma informed classroom but with the childcare that was provided as well.																		
Contract Requirements Contract Amount \$95,447 Amount Spent \$91,013 Contract Length 1 year Jobs Expected 0 Jobs Created 0 Revenue Expected \$0.00 Revenue Generated\$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>87</td><td>73</td></tr> <tr> <td>Youth 13-18</td><td>25</td><td>31</td></tr> <tr> <td>Adult 19-64</td><td>75</td><td>57</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>0</td></tr> <tr> <td>TOTAL</td><td>187</td><td>161</td></tr> </table>		Expected	Actual	Children 0-12	87	73	Youth 13-18	25	31	Adult 19-64	75	57	Seniors 65+	0	0	TOTAL	187	161	Testimonial: “I was referred through my OW worker to get credits to finish high school. My daughter is socializing. Because I want to graduate and it’s a lot easier having my daughter here with me. It’s a better work environment being with people that understand my situation.”
	Expected	Actual																		
Children 0-12	87	73																		
Youth 13-18	25	31																		
Adult 19-64	75	57																		
Seniors 65+	0	0																		
TOTAL	187	161																		

Project	Description	Funding Stream: Health – Food																		
Weekends Without Hunger Agency: Food4Kids Niagara Municipality: Niagara Falls, St. Catharines, Welland	This project expanded the weekend program that provides access to food, to reach an additional 60 children in four schools that are experiencing food insecurity.	Result: We were successfully able to add 60 children at 4 schools in 3 municipalities to our program. 100% of the respondents indicated that their children were less hungry, happier and healthier.																		
Contract Requirements Contract Amount \$38,830 Amount Spent \$38,807 Contract Length 1 year Jobs Expected 1 Jobs Created 3 Revenue Expected \$0.00 Revenue Generated\$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>54</td><td>52</td></tr> <tr> <td>Youth 13-18</td><td>6</td><td>8</td></tr> <tr> <td>Adult 19-64</td><td>0</td><td>0</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>0</td></tr> <tr> <td>TOTAL</td><td>60</td><td>60</td></tr> </table>		Expected	Actual	Children 0-12	54	52	Youth 13-18	6	8	Adult 19-64	0	0	Seniors 65+	0	0	TOTAL	60	60	Testimonial: “I was referred through the principal at school and my kids each get a bag of food every Friday which helps a lot. It’s been a great help and support. Not always having to worry is nice. Kids want to eat a lot and you feel pretty bad when you have to tell them no or when you don’t have enough.”
	Expected	Actual																		
Children 0-12	54	52																		
Youth 13-18	6	8																		
Adult 19-64	0	0																		
Seniors 65+	0	0																		
TOTAL	60	60																		

Project	Description	Funding Stream: Health – Food																		
The Good Food Box Agency: Links for Greener Learning Municipality: Niagara Falls, Fort Erie, Port Colborne, St. Catharines, Welland	This project aimed to increase the use of fresh food in daily meals by reaching out to communities with barriers to accessing fresh and affordable produce and providing low cost, high value monthly fresh produce boxes.	Result: Increased delivery of food boxes from 100 to around 200 per month. Food grown in our gardens added more fresh food to the box that helped us with wintertime when food is more expensive and we used these resources to add more food at this time of the year.																		
Contract Requirements Contract Amount \$49,638 Amount Spent \$49,638 Contract Length 1 year Jobs Expected 1 Jobs Created 6 Revenue Expected \$0.00 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>100</td><td>247</td></tr> <tr> <td>Youth 13-18</td><td>150</td><td>76</td></tr> <tr> <td>Adult 19-64</td><td>250</td><td>471</td></tr> <tr> <td>Seniors 65+</td><td>200</td><td>50</td></tr> <tr> <td>TOTAL</td><td>700</td><td>844</td></tr> </table>		Expected	Actual	Children 0-12	100	247	Youth 13-18	150	76	Adult 19-64	250	471	Seniors 65+	200	50	TOTAL	700	844	Testimonial: “My family got involved with this program as newcomers. We currently are involved in the program and we are willing to help it as volunteers if necessary. The groceries that we received have helped the family as well as the things donated to my daycare.”
	Expected	Actual																		
Children 0-12	100	247																		
Youth 13-18	150	76																		
Adult 19-64	250	471																		
Seniors 65+	200	50																		
TOTAL	700	844																		

Project	Description	Funding Stream: Health – Dental																		
Brushed Aside 2019 Agency: Community Care St. Catharines and Thorold Municipality: All Niagara	This project provided access to dental care services and dentures for adults in need of treatment.	Result: This year we had a lower number of clients accessing the program due to COVID-19. Adjustments in treatment costs had to be made after the 5-month closures. With the assistance of this project, we contributed to individuals’ pain relief, dentures, and many other dental needs.																		
Contract Requirements Contract Amount \$184,192 Amount Spent \$184,192 Contract Length 1 year Jobs Expected 0 Jobs Created 0 Revenue Expected \$5,000 Revenue Generated \$14,400	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>0</td></tr> <tr> <td>Adult 19-64</td><td>230</td><td>168</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>0</td></tr> <tr> <td>TOTAL</td><td>230</td><td>168</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	0	Adult 19-64	230	168	Seniors 65+	0	0	TOTAL	230	168	Testimonial: “As a senior, I have no access to dental benefits and I was badly in need of assistance after my dentist had removed all of my infected teeth. I needed dentures but could not afford the cost upfront. I was approved for the brushed aside program and was able to get my dentures and now I just have a small monthly payment that I am able to afford and I can eat again.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	0																		
Adult 19-64	230	168																		
Seniors 65+	0	0																		
TOTAL	230	168																		

Project	Description	Funding Stream: Employment – Self-employment																		
Niagara Community Garden Makers Program Agency: Employment Help Centre Municipality: All Niagara	In collaboration with Start Me Up Niagara, this project offered an employment skills training program and market gardening social enterprise for youth and adults.	Result: Provided 166 units of transportation, distributed a total of \$3,750 in volunteer honorariums, facilitated 93 community garden workshops, delivered 78 kitchen workshops and completed 26 farmer's market days as vendors.																		
Contract Requirements Contract Amount \$35,264 Amount Spent \$35,264 Contract Length 1 year Jobs Expected 6 Jobs Created 6 Revenue Expected \$2,400 Revenue Generated\$2,935	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>15</td><td>13</td></tr> <tr> <td>Adult 19-64</td><td>25</td><td>19</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>33</td></tr> <tr> <td>TOTAL</td><td>40</td><td>65</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	15	13	Adult 19-64	25	19	Seniors 65+	0	33	TOTAL	40	65	Testimonial: “The best thing as the result of this project is the chance I have to practice cooking, and the fact that the people have liked the products. It is significant because this way, people can know about our culture, and at the same time they eat natural food.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	15	13																		
Adult 19-64	25	19																		
Seniors 65+	0	33																		
TOTAL	40	65																		

Project	Description	Funding Stream: Employment – Self-employment																		
Employ-Ability Skills for Adults with Disabilities Agency: Heartland Forest Nature Experience Municipality: All Niagara	A structured and goal-oriented work experience programs for adults with intellectual and developmental disabilities through development of employ-ability skills and exploration of social procurement strategies.	Result: 20% were able to gain permanent positions in competitive employment, 40% enrolled in the Work Experience Program, 10% received employment supports, 60% were able to find permanent opportunities.																		
Contract Requirements Contract Amount \$65,533 Amount Spent \$65,533 Contract Length 1 year Jobs Expected 12 Jobs Created 8 Revenue Expected \$5,000 Revenue Generated\$3,464	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>15</td><td>23</td></tr> <tr> <td>Adult 19-64</td><td>30</td><td>30</td></tr> <tr> <td>Seniors 65+</td><td>100</td><td>133</td></tr> <tr> <td>TOTAL</td><td>145</td><td>186</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	15	23	Adult 19-64	30	30	Seniors 65+	100	133	TOTAL	145	186	Testimonial: “Someone was helping me look for a job, like a worker. They were helping me look for a job and they found Work Experience at the movie theater. It makes me feel good to do a job that has to get done.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	15	23																		
Adult 19-64	30	30																		
Seniors 65+	100	133																		
TOTAL	145	186																		

Project	Description	Funding Stream: Employment – Self-employment																		
Niagara Furniture Bank Training and Skill Development Centre Agency: Niagara Furniture Bank Municipality: All Niagara	The Niagara Furniture Bank warehouse is used as a "classroom" for Start Me Up Niagara (SMUN) clients. Training options include warehouse logistics, warehouse maintenance, inventory, janitorial, fleet maintenance, woodworking repair and reception/scheduling.	Result: Participants were trained for 3-month periods at the Niagara Furniture Bank. This training increased NFB ability to service more clients with an increased work force. Participants gained knowledge of warehouse management and administration duties around inventory.																		
Contract Requirements Contract Amount \$53,064 Amount Spent \$39,286 Contract Length 1 year Jobs Expected 12 Jobs Created 22 Revenue Expected \$0.00 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>0</td></tr> <tr> <td>Adult 19-64</td><td>12</td><td>22</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>0</td></tr> <tr> <td>TOTAL</td><td>12</td><td>22</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	0	Adult 19-64	12	22	Seniors 65+	0	0	TOTAL	12	22	Testimonial: "The Work Action program connected me with Niagara Furniture Bank. Covid-19 caused me to be laid off and not be able to complete my program. Niagara Furniture Bank provided me with flexible work hours, skills for other employment and a positive work environment."
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	0																		
Adult 19-64	12	22																		
Seniors 65+	0	0																		
TOTAL	12	22																		

Project	Description	Funding Stream: Employment – Self-employment																		
Southridge Jam Company Agency: Southridge Shelter Municipality: St. Catharines	This social enterprise produces and sells small-batch jams while providing individuals who are transitioning from homelessness with stability, purpose and positive momentum from job and life skills training.	Result: Goal was to progress toward sustainability within four years. Sales trends are up almost 150% and retail channels increased in 2019. Program participants found increased purpose and employability.																		
Contract Requirements Contract Amount \$35,588 Amount Spent \$33,951 Contract Length 1 year Jobs Expected 6 Jobs Created 16 Revenue Expected \$48,314 Revenue Generated \$57,440	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>0</td></tr> <tr> <td>Adult 19-64</td><td>6</td><td>16</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>0</td></tr> <tr> <td>TOTAL</td><td>6</td><td>16</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	0	Adult 19-64	6	16	Seniors 65+	0	0	TOTAL	6	16	Testimonial: "As a resident of the Shelter I was invited to join the Jam Company on Wednesdays. It makes me happy giving back to the shelter. I enjoy working with people. It makes me feel like I am doing something."
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	0																		
Adult 19-64	6	16																		
Seniors 65+	0	0																		
TOTAL	6	16																		

Project	Description	Funding Stream: Employment – Self-employment																		
Fresh Paint Agency: The RAFT Municipality: All Niagara	This social enterprise project provides at-risk youth opportunities to work with experienced contractors to complete unit turnover preparation for Niagara Regional Housing.	Result: The project was a success due to the impact it had on youth and the work completed for Niagara Regional Housing renovations at the homeless youth shelter. While our youth succeeded in learning job traits our target of having constant and steady work sites lined up on a weekly basis were not met due to COVID-19.																		
Contract Requirements Contract Amount \$71,572 Amount Spent \$71,572 Contract Length 1 year Jobs Expected 24 Jobs Created 9 Revenue Expected \$140,000 Revenue Generated \$87,777	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>1</td></tr> <tr> <td>Adult 19-64</td><td>24</td><td>8</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>0</td></tr> <tr> <td>TOTAL</td><td>24</td><td>9</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	1	Adult 19-64	24	8	Seniors 65+	0	0	TOTAL	24	9	Testimonial: “I was unemployed and looking for work at the time. My RAFT worker mentioned this program to me. After the interview, I was hired and now I'm working for the Fresh Paint project by the RAFT. The best thing about this project is that I secured a job and now I am able to get off government assistance.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	1																		
Adult 19-64	24	8																		
Seniors 65+	0	0																		
TOTAL	24	9																		

Project	Description	Funding Stream: Empowerment – Belonging																		
With My Friends Agency: Community Living Municipality: Port Colborne, Wainfleet	This project provided an opportunity for children from low-income families to attend summer camps at Heartland Forest, I CANter or YMCA in July and August 2019.	Result: Children gained new skills and experiences. Improved their social and communication skills, leadership skills and self-esteem.																		
Contract Requirements Contract Amount \$15,840 Amount Spent \$15,840 Contract Length 1 year Jobs Expected 0 Jobs Created 0 Revenue Expected \$0.00 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>25</td><td>25</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>0</td></tr> <tr> <td>Adult 19-64</td><td>0</td><td>0</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>0</td></tr> <tr> <td>TOTAL</td><td>25</td><td>25</td></tr> </table>		Expected	Actual	Children 0-12	25	25	Youth 13-18	0	0	Adult 19-64	0	0	Seniors 65+	0	0	TOTAL	25	25	Testimonial: “There is no way that I could ever give them the kinds of experiences they got at camp. My children and I live from paycheck to paycheck. Money is always an issue. The kids got to do things that I could never afford to do with them.”
	Expected	Actual																		
Children 0-12	25	25																		
Youth 13-18	0	0																		
Adult 19-64	0	0																		
Seniors 65+	0	0																		
TOTAL	25	25																		

Project	Description	Funding Stream: Empowerment – Belonging																		
Helping West Niagara Youth Agency: Fort Municipality: West Lincoln	The FORT offered free after-school and summer programming, resources, and guidance in Smithville.	Result: Helped youth stay in school, learn life skills, and maintain positive mental health. Provided daily homework help, peer-to-peer tutoring, and access to the internet for research and projects.																		
Contract Requirements Contract Amount \$40,234 Amount Spent \$40,234 Contract Length 1 year Jobs Expected 10 Jobs Created 5 Revenue Expected \$0.00 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>40</td><td>78</td></tr> <tr> <td>Youth 13-18</td><td>150</td><td>45</td></tr> <tr> <td>Adult 19-64</td><td>0</td><td>0</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>0</td></tr> <tr> <td>TOTAL</td><td>190</td><td>123</td></tr> </table>		Expected	Actual	Children 0-12	40	78	Youth 13-18	150	45	Adult 19-64	0	0	Seniors 65+	0	0	TOTAL	190	123	Testimonial: “We come everyday after school. I love the free access to food and the technology like the new computers. It's important because I don't get to use computers at home and I can play with friends.”
	Expected	Actual																		
Children 0-12	40	78																		
Youth 13-18	150	45																		
Adult 19-64	0	0																		
Seniors 65+	0	0																		
TOTAL	190	123																		

Project	Description	Funding Stream: Empowerment – Belonging																		
Building Community on Queen Agency: Third Space Cafe Municipality: Niagara Falls	This social enterprise provides an inclusive workplace for those who face barriers to employment because of physical, cognitive, and invisible disabilities.	Result: Hired individuals who have experienced barriers to employment and helped them be successful in their work. Free meals were provided in partnership with Small Scale Farms to individuals in need.																		
Contract Requirements Contract Amount \$32,050 Amount Spent \$29,277 Contract Length 1 year Jobs Expected 8 Jobs Created 7 Revenue Expected \$85,000 Revenue Generated \$100,682	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>6</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>19</td></tr> <tr> <td>Adult 19-64</td><td>555</td><td>523</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>70</td></tr> <tr> <td>TOTAL</td><td>555</td><td>618</td></tr> </table>		Expected	Actual	Children 0-12	0	6	Youth 13-18	0	19	Adult 19-64	555	523	Seniors 65+	0	70	TOTAL	555	618	Testimonial: “My NTEC found me this job. I met a lot of people and I love my boss. Now I am giving money out to people and I can make banana bread by myself. I like trying new things.”
	Expected	Actual																		
Children 0-12	0	6																		
Youth 13-18	0	19																		
Adult 19-64	555	523																		
Seniors 65+	0	70																		
TOTAL	555	618																		

Project	Description	Funding Stream: Empowerment – Belonging																		
Westview Centre 4 Women Agency: Westview Christian Fellowship Municipality: St. Catharines	Services include hot meals, pantry access, laundry services, literacy classes, education, employment / housing support, haircuts, hygiene, free clothing, income tax classes, and field trips.	Result: Offered opportunities that are not readily available in the Queenston community. Women attended our programs and built trust as we supported them and guided them to new and better opportunities.																		
Contract Requirements Contract Amount \$77,506 Amount Spent \$77,506 Contract Length 1 year Jobs Expected 35 Jobs Created 45 Revenue Expected \$0.00 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>60</td><td>65</td></tr> <tr> <td>Youth 13-18</td><td>15</td><td>18</td></tr> <tr> <td>Adult 19-64</td><td>600</td><td>482</td></tr> <tr> <td>Seniors 65+</td><td>20</td><td>43</td></tr> <tr> <td>TOTAL</td><td>695</td><td>608</td></tr> </table>		Expected	Actual	Children 0-12	60	65	Youth 13-18	15	18	Adult 19-64	600	482	Seniors 65+	20	43	TOTAL	695	608	Testimonial: “This group has made me feel welcome, normal that I matter and that I am not alone. Which I was for a long time. We all have different stories but we come together and connect in one way or another. I can eat breakfast and lunch even if I have no money because of this place.”
	Expected	Actual																		
Children 0-12	60	65																		
Youth 13-18	15	18																		
Adult 19-64	600	482																		
Seniors 65+	20	43																		
TOTAL	695	608																		

Project	Description	Funding Stream: Empowerment – Leadership																		
Community Champions Agency: Westview Christian Fellowship Municipality: St. Catharines	This train-the-trainer project invited local experts from the community to teach participants to become future "Community Champions" who will in turn assist other participants.	Result: Women in this program felt more confident in themselves. As an example, we had women trained in housing supports working with women who need housing.																		
Contract Requirements Contract Amount \$84,982 Amount Spent \$84,982 Contract Length 1 year Jobs Expected 50 Jobs Created 39 Revenue Expected \$0.00 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>10</td><td>11</td></tr> <tr> <td>Youth 13-18</td><td>10</td><td>32</td></tr> <tr> <td>Adult 19-64</td><td>400</td><td>168</td></tr> <tr> <td>Seniors 65+</td><td>10</td><td>27</td></tr> <tr> <td>TOTAL</td><td>430</td><td>239</td></tr> </table>		Expected	Actual	Children 0-12	10	11	Youth 13-18	10	32	Adult 19-64	400	168	Seniors 65+	10	27	TOTAL	430	239	Testimonial: “I was applying for a job as the cook and got it. I have learned so much that I am now able to help others in the program. I often take a leadership role when staff are busy. I like the women and feel that my help is useful to them. I see women working hard to improve themselves.”
	Expected	Actual																		
Children 0-12	10	11																		
Youth 13-18	10	32																		
Adult 19-64	400	168																		
Seniors 65+	10	27																		
TOTAL	430	239																		

Appendix B – 2020 Individual NPI Project Evaluations

Project	Description	Funding Stream: Housing – Outreach																		
Niagara Dual Diagnosis Outreach Worker Specialist Agency: Gateway Residential & Community Support Services of Niagara Inc. Municipality: All Niagara	Enhancement to the “Assertive Street Outreach” services with the addition of a “Dual Diagnosis Outreach Specialist. Included additional weekend coverage.	Result: We were able to hire an outreach work from Mainstream services who had an enhanced background in developmental disorders. Our weekend worker allowed us to have two workers on each weekend allowing for broader coverage around the region.																		
Contract Requirements Contract Amount \$112,845 Amount Spent \$93,809 Contract Length 1 year Jobs Created 0 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>10</td><td>21</td></tr> <tr> <td>Youth 13-18</td><td>10</td><td>14</td></tr> <tr> <td>Adult 19-64</td><td>60</td><td>115</td></tr> <tr> <td>Seniors 65+</td><td>10</td><td>14</td></tr> <tr> <td>TOTAL</td><td>90</td><td>167</td></tr> </table>		Expected	Actual	Children 0-12	10	21	Youth 13-18	10	14	Adult 19-64	60	115	Seniors 65+	10	14	TOTAL	90	167	Testimonial: “I was referred by The Hope center in Welland. We were enlightened on the availability of help that is out there for people in need of housing, informed about places that can provide furniture. ‘My’ worker...went above and beyond helping ‘me’ find somewhere to live.”
	Expected	Actual																		
Children 0-12	10	21																		
Youth 13-18	10	14																		
Adult 19-64	60	115																		
Seniors 65+	10	14																		
TOTAL	90	167																		

Project	Description	Funding Stream: Housing – Outreach																		
Westview Centre4Women Agency: Westview Christian Fellowship Municipality: St. Catharines	Services included hot meals, pantry access, laundry services, literacy classes, education, employment / housing support, haircuts, hygiene, free clothing, income tax classes, field trips and many other services.	Result: During lock-down, we had the added concern of keeping everyone safe as well as helping those with mental health / addictions and homelessness. We provided services by opening our window in the kitchen and giving out food and supplies (blankets, coats, Hygiene supplies etc.)																		
Contract Requirements Contract Amount \$71,803 Amount Spent \$71,803 Contract Length 1 year Jobs Created 97 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>50</td><td>20</td></tr> <tr> <td>Youth 13-18</td><td>25</td><td>67</td></tr> <tr> <td>Adult 19-64</td><td>750</td><td>757</td></tr> <tr> <td>Seniors 65+</td><td>25</td><td>97</td></tr> <tr> <td>TOTAL</td><td>850</td><td>941</td></tr> </table>		Expected	Actual	Children 0-12	50	20	Youth 13-18	25	67	Adult 19-64	750	757	Seniors 65+	25	97	TOTAL	850	941	Testimonial: “Before WC4W my life was full of problems, a violent ex, health issues, a whole bunch of issues too many to list, they are all still there however I have people to talk to, support, and most of all a place that cares about me.”
	Expected	Actual																		
Children 0-12	50	20																		
Youth 13-18	25	67																		
Adult 19-64	750	757																		
Seniors 65+	25	97																		
TOTAL	850	941																		

Project	Description	Funding Stream: Housing – Stability	
Cyber-Seniors Building Self-Reliance Agency: Cyber-Seniors Connecting Generations Inc. Municipality: Grimsby, Niagara Falls, Welland	Provided low income seniors with access to technology and WiFi within their place of residence. Also included a teaching component.	Result: Due to COVID we immediately pivoted to offer free devices and over-the-phone and virtual training which allowed us to exceed our stated goal. All were provided free devices to help them stay connected and self-sufficient.	
Contract Requirements	Number Served	Testimonial: “It's just at a standstill because we've had to close the common room which is where the computers are and where we study. This is a great set up to be able to get a computer. Especially for seniors who are alone and limited.”	
Contract Amount \$44,679	Expected Actual		
Amount Spent \$44,296	Children 0-12 0 0		
Contract Length 1 year	Youth 13-18 0 0		
Jobs Created 0	Adult 19-64 0 106		
Revenue Generated \$0.00	Seniors 65+ 200 153		
	TOTAL 200 259		

Project	Description	Funding Stream: Housing – Stability	
Second-Stage Housing and Support Program Agency: Gillian's Place Municipality: St. Catharines	Funding for seven affordable transitional housing units in downtown St. Catharines for women and children escaping violence. Included wrap-around case-management and group life-skills support programming.	Result: There was a delay in receiving our second-stage units because of construction delays due to COVID. Thirteen women and twelve children from Niagara are living in safe and affordable conditions.	
Contract Requirements	Number Served	Testimonial: “I've experienced domestic assault from my spouse. Shortly after I was given notice asking me to vacate what used to be my husband and I's apartment. I was offered to participate in a second stage housing program. Hence my son and I moved into our current apartment.”	
Contract Amount \$46,291	Expected Actual		
Amount Spent \$46,291	Children 0-12 10 12		
Contract Length 1 year	Youth 13-18 10 0		
Jobs Created 1	Adult 19-64 20 13		
Revenue Generated \$0.00	Seniors 65+ 3 0		
	TOTAL 43 25		

Project	Description	Funding Stream: Housing – Stability																		
Child and Youth Support Program Agency: Project SHARE of Niagara Falls Inc. Municipality: Niagara Falls	Provided essential supports including diapers and wipes, formula, healthy snacks for children, new running shoes and school supplies and Christmas gifts for teenagers.	Result: Many new families found themselves struggling to meet their basic needs due to sudden and in many cases lengthy job losses. Children were home from school for a significant period of time without school nutrition programs, so this program was crucial to help children receive the essential supports they needed.																		
Contract Requirements Contract Amount \$25,465 Amount Spent \$25,453 Contract Length 1 year Jobs Created 0 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>38</td><td>47</td></tr> <tr> <td>Youth 13-18</td><td>163</td><td>163</td></tr> <tr> <td>Adult 19-64</td><td>0</td><td>0</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>0</td></tr> <tr> <td>TOTAL</td><td>201</td><td>210</td></tr> </table>		Expected	Actual	Children 0-12	38	47	Youth 13-18	163	163	Adult 19-64	0	0	Seniors 65+	0	0	TOTAL	201	210	Testimonial: “I have participated in the 'Back to School' program for about 10 years. This helps provide the necessary school supplies needed for my children. It also provides financial help to allow me to deal with other household expenses.”
	Expected	Actual																		
Children 0-12	38	47																		
Youth 13-18	163	163																		
Adult 19-64	0	0																		
Seniors 65+	0	0																		
TOTAL	201	210																		

Project	Description	Funding Stream: Housing – Stability																		
Income Matters Agency: Start Me Up Niagara Municipality: St. Catharines; Thorold	Provided help for low-income and homeless to access finances, budgeting, tax filing, and applications to eligible benefits and credits.	Result: We helped participants obtain extra benefits that the government offered through Canada Pension, Ontario Works, and / or Ontario Disability Support Program. This was done virtually or through the monthly drop-in that was offered.																		
Contract Requirements Contract Amount \$28,100 Amount Spent \$27,285 Contract Length 1 year Jobs Created 12 Revenue Generated \$13,986	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>13</td></tr> <tr> <td>Adult 19-64</td><td>750</td><td>679</td></tr> <tr> <td>Seniors 65+</td><td>100</td><td>193</td></tr> <tr> <td>TOTAL</td><td>850</td><td>885</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	13	Adult 19-64	750	679	Seniors 65+	100	193	TOTAL	850	885	Testimonial: “Covid has made it difficult, but it also forced me to be more independent and find out how to accomplish things on my own.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	13																		
Adult 19-64	750	679																		
Seniors 65+	100	193																		
TOTAL	850	885																		

Project	Description	Funding Stream: Housing – Stability																		
Housing Coordinator Agency: Welland Heritage Council and Multicultural Centre Municipality: Welland	Served newcomers in the community; providing shelter intake support, facilitation of transition of clients into permanent housing, promotion of self-reliance, and education about housing and renting in Canada.	Result: Clients learned self-reliance dealing with Covid-19, along with continuous progress accessing resources within the community on their own. Workshops and one-on-one sessions were provided to clients regarding measurable steps to secure permanent housing and knowledge of the Residential Tenancy Act in Ontario.																		
Contract Requirements Contract Amount \$41,615 Amount Spent \$41,518 Contract Length 1 year Jobs Created 0 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>10</td><td>13</td></tr> <tr> <td>Youth 13-18</td><td>5</td><td>7</td></tr> <tr> <td>Adult 19-64</td><td>60</td><td>60</td></tr> <tr> <td>Seniors 65+</td><td>5</td><td>2</td></tr> <tr> <td>TOTAL</td><td>80</td><td>82</td></tr> </table>		Expected	Actual	Children 0-12	10	13	Youth 13-18	5	7	Adult 19-64	60	60	Seniors 65+	5	2	TOTAL	80	82	Testimonial: “I was able to live at the immigration shelter where I received support from staff and neighbours to organize my life. They support us in all aspects: mental and physical health, education, work and economy.”
	Expected	Actual																		
Children 0-12	10	13																		
Youth 13-18	5	7																		
Adult 19-64	60	60																		
Seniors 65+	5	2																		
TOTAL	80	82																		

Project	Description	Funding Stream: Housing – Prevention																		
Community Housing Workers Agency: Community Care St. Catharines and Thorold Municipality: St. Catharines, Thorold	Two Housing Workers served the vulnerable, low-income population through daily walk-ins or at weekly community drop-in sessions.	Result: Referrals increased over the year, due to COVID. The focus of the Housing Workers shifted to prioritize keeping people housed, and assist with stopping reno-victions and provide mediation with landlords and property managers.																		
Contract Requirements Contract Amount \$78,328 Amount Spent \$73,854 Contract Length 1 year Jobs Created 0 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>17</td><td>8</td></tr> <tr> <td>Adult 19-64</td><td>684</td><td>644</td></tr> <tr> <td>Seniors 65+</td><td>102</td><td>154</td></tr> <tr> <td>TOTAL</td><td>803</td><td>806</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	17	8	Adult 19-64	684	644	Seniors 65+	102	154	TOTAL	803	806	Testimonial: “I was living temporarily with my daughter, and was sleeping in the sun room. Once my daughter got an eviction, I know I needed to find a more stable solution. The best part of this program is that I was able to find an affordable unit outside of Niagara Regional Housing. Very Affordable, especially on an OW budget.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	17	8																		
Adult 19-64	684	644																		
Seniors 65+	102	154																		
TOTAL	803	806																		

Project	Description	Funding Stream: Housing – Prevention																		
Rental Assistance Service Agency: Grimsby Benevolent Fund Municipality: Grimsby	Provided low-income households with one-time rent assistance for people facing eviction and subsidy for people paying more than 30% of their total income on rent.	Result: This funding allowed us to address households that were at risk of potential homelessness in Grimsby. This funding also assisted individuals that were homeless as we were able to secure housing for them.																		
Contract Requirements Contract Amount \$35,000 Amount Spent \$35,000 Contract Length 1 year Jobs Created 0 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>4</td><td>17</td></tr> <tr> <td>Youth 13-18</td><td>8</td><td>11</td></tr> <tr> <td>Adult 19-64</td><td>13</td><td>32</td></tr> <tr> <td>Seniors 65+</td><td>3</td><td>5</td></tr> <tr> <td>TOTAL</td><td>28</td><td>65</td></tr> </table>		Expected	Actual	Children 0-12	4	17	Youth 13-18	8	11	Adult 19-64	13	32	Seniors 65+	3	5	TOTAL	28	65	Testimonial: “I feel much better knowing my rent will be paid. Just so grateful for the support.”
	Expected	Actual																		
Children 0-12	4	17																		
Youth 13-18	8	11																		
Adult 19-64	13	32																		
Seniors 65+	3	5																		
TOTAL	28	65																		

Project	Description	Funding Stream: Housing – Prevention																		
The Niagara Rooming House Project Agency: Start Me Up Niagara Municipality: St. Catharines	Assisted landlords and tenants with support to ensure issues that negatively impact tenancy in single room occupancy dwellings. Supported individuals with complex needs and/or mental health concerns with the goal of reducing evictions.	Result: Relationships continued with program participants, the housing support worker, and existing landlords. Housing stock was added to this project for Single Room Occupancies, increasing current stock by 5 rooms.																		
Contract Requirements Contract Amount \$62,645 Amount Spent \$57,055 Contract Length 1 year Jobs Created 0 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>1</td></tr> <tr> <td>Adult 19-64</td><td>30</td><td>34</td></tr> <tr> <td>Seniors 65+</td><td>10</td><td>8</td></tr> <tr> <td>TOTAL</td><td>40</td><td>43</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	1	Adult 19-64	30	34	Seniors 65+	10	8	TOTAL	40	43	Testimonial: “I am currently housed in one of Start Me Up Niagara's rooming houses. I was able to put my life back together and have an opportunity to have a solid base of operation. I was able to get a bank account, identification, a dentist and a family doctor.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	1																		
Adult 19-64	30	34																		
Seniors 65+	10	8																		
TOTAL	40	43																		

Project	Description	Funding Stream: Health – Mental Health																		
Mental Health & Addictions Coach Project Agency: Canadian Mental Health Association Niagara Branch Municipality: All Niagara	Collaboration with YWCA Niagara shelters employing full-time Mental Health & Addiction Coaches. The Coaches supported individuals in YWCA shelters who are experiencing mental health and addiction issues that interfere with their ability to find and maintain housing and employment.	Result: Coaches connected with individuals right from entering the shelter system, and continued to follow them up into the community until they were able to be linked to other services, and were able to achieve some level of stability in terms of their mental health, addictions, finances, and housing.																		
Contract Requirements Contract Amount \$118,904 Amount Spent \$118,904 Contract Length 1 year Jobs Created 3 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>0</td></tr> <tr> <td>Adult 19-64</td><td>286</td><td>199</td></tr> <tr> <td>Seniors 65+</td><td>22</td><td>0</td></tr> <tr> <td>TOTAL</td><td>308</td><td>199</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	0	Adult 19-64	286	199	Seniors 65+	22	0	TOTAL	308	199	Testimonial: “Being involved with this program has helped me immensely with my anxiety issues. My worker has reintroduced me to many coping skills I had forgotten about. She has also introduced me to other tools and agencies that can help in urgent situations.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	0																		
Adult 19-64	286	199																		
Seniors 65+	22	0																		
TOTAL	308	199																		

Project	Description	Funding Stream: Health – Mental Health																		
Peer Support in the Emergency Department for People Experiencing Homelessness Agency: Quest Community Health Centre Municipality: All Niagara	Peer support workers with lived experience provided nonclinical and referral assistance to homeless individuals. Positive peer interactions expected to reduce social isolation and exclusion, increase referrals to services and help counteract negative perceptions of the healthcare system.	Result: Referrals/connections were made to different programs and services such as shelters, mental health services, detox centers, and more. The program was paused twice due to the COVID-19 pandemic and was operational for only a period of 25 weeks.																		
Contract Requirements Contract Amount \$91,694 Amount Spent \$66,110 Contract Length 1 year Jobs Created 4 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>10</td><td>0</td></tr> <tr> <td>Adult 19-64</td><td>90</td><td>144</td></tr> <tr> <td>Seniors 65+</td><td>40</td><td>11</td></tr> <tr> <td>TOTAL</td><td>140</td><td>155</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	10	0	Adult 19-64	90	144	Seniors 65+	40	11	TOTAL	140	155	Testimonial: “Went to the hospital cuz my mouth was hurting seen the sign by the phone saying need help with homelessness, so I called them in. Friendship, as well as someone that relates and truly cares helping people, goes that extra step. Cuz it is good to talk with a person that has been through the same problems and to see where he's at, well that gives a person like me hope.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	10	0																		
Adult 19-64	90	144																		
Seniors 65+	40	11																		
TOTAL	140	155																		

Project	Description	Funding Stream: Health – Mental Health																		
Return 2 Hope Counselling Program Agency: The Hope Centre Municipality: Welland	Provided free, high quality counselling service to individuals without access to affordable mental health services. A registered psychotherapist offered group and individual counseling sessions.	Result: Our pivot to virtual counselling (zoom, Teams, phone) ensured that our services were maintained for those that were in need. Most common conversation with clients has been coping skills during lock downs.																		
Contract Requirements Contract Amount \$67,612 Amount Spent \$36,171 Contract Length 1 year Jobs Created 0 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>3</td></tr> <tr> <td>Adult 19-64</td><td>150</td><td>186</td></tr> <tr> <td>Seniors 65+</td><td>50</td><td>28</td></tr> <tr> <td>TOTAL</td><td>200</td><td>217</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	3	Adult 19-64	150	186	Seniors 65+	50	28	TOTAL	200	217	Testimonial: “Having someone to talk to about my depression has helped me with some coping plans. I didn't know how to deal with the depression. I wasn't leaving my house, and when covid happened, it really got worse. Knowing that there is somebody to help me, and that they gave me some things to try when things are dark, has really helped me.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	3																		
Adult 19-64	150	186																		
Seniors 65+	50	28																		
TOTAL	200	217																		

Project	Description	Funding Stream: Health – Food																		
The Good Food Box Plus Pop-Up Markets Agency: Links for Greener Learning Municipality: Fort Erie, Niagara Falls, Port Colborne, St. Catharines, Welland, West Lincoln	This project reached out to communities with barriers to accessing fresh and affordable produce by providing low cost and high value monthly fresh produce boxes to households. Pop-up markets implemented in food deserts in partnership with Niagara Public Health.	Result: More than 3,800 boxes delivered. Around 30 clients learned about healthy eating every month. 12 online cooking classes were delivered to connect clients and prevent them from isolation.																		
Contract Requirements Contract Amount \$52,828 Amount Spent \$52,828 Contract Length 1 year Jobs Created 1 Revenue Generated \$3,120	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>150</td><td>349</td></tr> <tr> <td>Youth 13-18</td><td>100</td><td>90</td></tr> <tr> <td>Adult 19-64</td><td>250</td><td>395</td></tr> <tr> <td>Seniors 65+</td><td>200</td><td>36</td></tr> <tr> <td>TOTAL</td><td>700</td><td>870</td></tr> </table>		Expected	Actual	Children 0-12	150	349	Youth 13-18	100	90	Adult 19-64	250	395	Seniors 65+	200	36	TOTAL	700	870	Testimonial: “I started seeing my medical team at Bridges Community Health Centre; they encouraged me to cut grocery bill by ordering from good food box programs, I have been happy with buying fruits and vegetables from this place, and what a difference it made to my life.”
	Expected	Actual																		
Children 0-12	150	349																		
Youth 13-18	100	90																		
Adult 19-64	250	395																		
Seniors 65+	200	36																		
TOTAL	700	870																		

Project	Description	Funding Stream: Health – Food																		
Service Hours Expansion Agency: Open Arms Mission - Welland Municipality: Welland	This funding extended service hours for the Welland foodbank in the afternoon to decrease barriers to access healthy food.	Result: Prior to this project, we only had 12 hours a week to serve our clients. We now have 24 hours a week. We saw an increase in the numbers of people attending and an increase in food supplies being provided.																		
Contract Requirements Contract Amount \$14,638 Amount Spent \$13,582 Contract Length 1 year Jobs Created 0 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>60</td><td>54</td></tr> <tr> <td>Youth 13-18</td><td>8</td><td>20</td></tr> <tr> <td>Adult 19-64</td><td>99</td><td>168</td></tr> <tr> <td>Seniors 65+</td><td>41</td><td>6</td></tr> <tr> <td>TOTAL</td><td>208</td><td>248</td></tr> </table>		Expected	Actual	Children 0-12	60	54	Youth 13-18	8	20	Adult 19-64	99	168	Seniors 65+	41	6	TOTAL	208	248	Testimonial: “I am grateful that the food bank is open later. Winter was the hardest season for me to get around because I don't drive. I need to take the bus to get to the food bank. With the limited bus schedule due to COVID, it was even harder than past years. Thankfully, with the extended hours, it was easier to get to the food bank.”
	Expected	Actual																		
Children 0-12	60	54																		
Youth 13-18	8	20																		
Adult 19-64	99	168																		
Seniors 65+	41	6																		
TOTAL	208	248																		

Project	Description	Funding Stream: Health – Food																		
Growing Food Security Agency: Project SHARE of Niagara Falls Inc. Municipality: Niagara Falls	This project provided workshops and events on planting, growing, preparing and preserving produce. Funding was used to double the size of the urban farm at Westlane Secondary allowing a 50% increase in fresh produce.	Result: We were able to build 5 new plots for families in need. Garden participants were extra attentive to their gardens this year and many reported growing between 200 & 300 pounds of produce for their families. Garden participants shared with us that the gardens helped decrease isolation and boosted their mood.																		
Contract Requirements Contract Amount \$14,270 Amount Spent \$14,270 Contract Length 1 year Jobs Created 0 Revenue Generated \$0.00	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>100</td><td>36</td></tr> <tr> <td>Youth 13-18</td><td>20</td><td>75</td></tr> <tr> <td>Adult 19-64</td><td>80</td><td>145</td></tr> <tr> <td>Seniors 65+</td><td>20</td><td>58</td></tr> <tr> <td>TOTAL</td><td>220</td><td>314</td></tr> </table>		Expected	Actual	Children 0-12	100	36	Youth 13-18	20	75	Adult 19-64	80	145	Seniors 65+	20	58	TOTAL	220	314	Testimonial: “So much positive results come from the community gardens. It's great to have a hobby that is outside of work and home life. It encourages healthy eating, being outdoors, sense of accomplishment, calming/relaxing effect on my mental health.”
	Expected	Actual																		
Children 0-12	100	36																		
Youth 13-18	20	75																		
Adult 19-64	80	145																		
Seniors 65+	20	58																		
TOTAL	220	314																		

Project	Description	Funding Stream: Health – Dental																		
Brushed Aside 2020 Agency: Community Care St. Catharines and Thorold Municipality: All Niagara	This program funded either the dental needs of individuals who are ineligible for publicly funded programs, or the unfunded portion of those who are eligible. Offered through five partner agencies across Niagara. The maximum annual allotment per client is \$1000.	Result: Brushed Aside served our clients by handling dental infections, allowing for comfort and confidence in their smile again. Without this program, our clients would have been left in pain, leading to possible further medical conditions, mental or physical deterioration. Targets were not met in this cycle of the program because of COVID.																		
Contract Requirements Contract Amount \$139,586 Amount Spent \$84,209 Contract Length 1 year Jobs Created 0 Revenue Generated \$3,407	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>0</td><td>0</td></tr> <tr> <td>Adult 19-64</td><td>127</td><td>77</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>13</td></tr> <tr> <td>TOTAL</td><td>127</td><td>90</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	0	0	Adult 19-64	127	77	Seniors 65+	0	13	TOTAL	127	90	Testimonial: “Engaging in more social activities since the dental treatment. Feeling more confident with social interaction Missed smiling. Confidence has been boosted. Very helpful. Without the program dental care could have been afforded.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	0	0																		
Adult 19-64	127	77																		
Seniors 65+	0	13																		
TOTAL	127	90																		

Project	Description	Funding Stream: Social Enterprises																		
Employ-Ability Skills for Adults with Disabilities Agency: Heartland Forest Nature Experience Municipality: All Niagara	This project offered structured and goal-oriented work experience programs for adults with intellectual and developmental disabilities. Local businesses and community partner developed individual’s employ-ability skills through centre and community based positions.	Result: Heartland Forest saw 80% of its revenue suddenly disappear when COVID-19 hit. Despite the impacts of the pandemic, participants were able to safely experience different sectors of work, specifically administration, facility set up, maintenance, day program support, wood shop support and gift shop orders.																		
Contract Requirements Contract Amount \$48,895 Amount Spent \$36,091 Contract Length 1 year Jobs Created 4 Revenue Generated \$3,227	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>15</td><td>1</td></tr> <tr> <td>Adult 19-64</td><td>30</td><td>16</td></tr> <tr> <td>Seniors 65+</td><td>100</td><td>121</td></tr> <tr> <td>TOTAL</td><td>145</td><td>138</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	15	1	Adult 19-64	30	16	Seniors 65+	100	121	TOTAL	145	138	Testimonial: “Our daughter is reluctant to join new groups. We are very pleased that she feels comfortable with this program. The worker has made our daughter feel very welcome which is important to a person that does not like change and has social phobias.”
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	15	1																		
Adult 19-64	30	16																		
Seniors 65+	100	121																		
TOTAL	145	138																		

Project	Description	Funding Stream: Social Enterprises																		
Garden Makers Program Agency: Links for Greener Learning Municipality: Lincoln, Niagara Falls, St. Catharines, Welland	This project provided socially marginalized people an opportunity to gain practical skills and training through community gardening.	Result: Participants developed a broad range of assets that make them more employable for local farms, kitchen, and retail in Niagara.																		
Contract Requirements Contract Amount \$41,438 Amount Spent \$27,559 Contract Length 1 year Jobs Created 2 Revenue Generated \$4,599	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>6</td></tr> <tr> <td>Youth 13-18</td><td>20</td><td>12</td></tr> <tr> <td>Adult 19-64</td><td>60</td><td>141</td></tr> <tr> <td>Seniors 65+</td><td>40</td><td>11</td></tr> <tr> <td>TOTAL</td><td>120</td><td>170</td></tr> </table>		Expected	Actual	Children 0-12	0	6	Youth 13-18	20	12	Adult 19-64	60	141	Seniors 65+	40	11	TOTAL	120	170	Testimonial: "I became involved in the project through volunteer projects. It has helped me with new skill and I feel very good because I have learn more English. Because I have the opportunity to practice English and meet different people."
	Expected	Actual																		
Children 0-12	0	6																		
Youth 13-18	20	12																		
Adult 19-64	60	141																		
Seniors 65+	40	11																		
TOTAL	120	170																		

Project	Description	Funding Stream: Social Enterprises																		
Fresh Paint Agency: The RAFT Municipality: All Niagara	This project provided at-risk youth opportunities to work with experienced contractors to complete unit turnover preparation for Niagara Regional Housing. Youth were paid competitive wages while working with Youth Reconnect to ensure healthy life decisions and support to remain housed.	Result: We have been able to hire a steady group of youth between the ages of 16-24 and have had some move on to other employment companies in the trades and labour sector.																		
Contract Requirements Contract Amount \$67,496 Amount Spent \$67,496 Contract Length 1 year Jobs Created 16 Revenue Generated \$31,915	Number Served <table> <tr> <th></th><th>Expected</th><th>Actual</th></tr> <tr> <td>Children 0-12</td><td>0</td><td>0</td></tr> <tr> <td>Youth 13-18</td><td>12</td><td>4</td></tr> <tr> <td>Adult 19-64</td><td>0</td><td>12</td></tr> <tr> <td>Seniors 65+</td><td>0</td><td>0</td></tr> <tr> <td>TOTAL</td><td>12</td><td>16</td></tr> </table>		Expected	Actual	Children 0-12	0	0	Youth 13-18	12	4	Adult 19-64	0	12	Seniors 65+	0	0	TOTAL	12	16	Testimonial: "I have always struggled in jobs and workplace settings in the past, but this program has patience with me and allows me to feel more comfortable where I work. It was one of my favourite jobs I have ever been a part of."
	Expected	Actual																		
Children 0-12	0	0																		
Youth 13-18	12	4																		
Adult 19-64	0	12																		
Seniors 65+	0	0																		
TOTAL	12	16																		

MEMORANDUM

CWCD 2022-41

Subject: Triple Majority Achieved for By-law 2021-96 being a By-law to establish, operate and maintain a consolidated passenger transportation system for The Regional Municipality of Niagara

Date: February 18, 2022

To: Regional Council

From: Ann-Marie Norio, Regional Clerk

Regional Council, at its meeting held on November 25, 2021, passed By-law No. 2021-96, being a by-law to establish, operate and maintain a consolidated passenger transportation system for the Regional Municipality of Niagara.

In accordance with section 115(5) of the *Municipal Act, 2001* a by-law passed under subsection 115(1) of the *Act*, shall not come into force unless,

- (a) a majority of all votes on the Council of the upper-tier municipality are cast in its favour;
- (b) a majority of the Councils of all the lower-tier municipalities forming part of the upper-tier municipality for municipal purposes have passed resolutions giving their consent to the by-law; and
- (c) the total number of electors in the lower-tier municipalities that have passed resolutions under clause (b) form a majority of all the electors in the upper-tier municipality.

This memorandum confirms that all of the above provisions have been met, and the effective date of By-law No. 2021-96 was February 2, 2022.

For your reference a summary of the local area municipal responses and By-law No. 2021-96 are attached.

With the transfer of exclusive authority to the Region to establish, operate and maintain a single consolidated transit system now complete; Staff will be moving forward with necessary steps to implement the direction of Regional Council in accordance with Report PW 55-2021, dated November 25, 2021. More specifically Staff will proceed to advance the creation of a Regional Transit Commission and negotiate municipal asset

transfer agreements with the City of Niagara Falls, City of St. Catharines and the City of Welland.

Council will note that the City of Welland in their letter dated December 10, 2021, (attached), expressed support for the future state of Regional Transit subject to certain issues outlined therein being addressed, including but not limited to, seeking compensation for the transfer of assets; whereas Report PW 55-2021 (specifically Appendix 3) provides that assets will be transferred at no cost. Given the support of ten local area municipalities demonstrated by the achievement of triple majority approval **on the basis of the terms outlined in Report PW 55-2021**; Staff intend to proceed with the negotiation of the municipal asset transfer agreements in accordance with the terms outlined in Report PW 55-2021, including the principles outlined in Appendix 3.

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk

December 9, 2021

Ann-Marie Norio
Clerk
Regional Municipality of Niagara
1815 Sir Isaac Brock Way
P.O. Box 1042
Thorold, ON
L2V 4T7

Dear Ms. Norio

Sent via email: ann-marie.norio@niagararegion.ca

Re: Niagara Transit Governance
Our File 35.23.11, 10.4.19

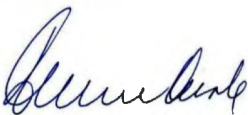
Please be advised that the Council of the City of St. Catharines, at its meeting held on December 8, 2021 passed the following motion:

That the Council of the City of St. Catharines consents to the passage of By-law No. 96-2021 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region; and

That staff begin to negotiate municipal asset transfer agreements for the Corporation of the City of St. Catharines with representatives of the future Regional Transit Commission on the basis of the principles in Report PW 55-2021 - Appendix 3 Municipal Transfer Agreements – Summary Sheet (attached as Appendix 1 to this report) and in a form satisfactory to the City Solicitor; and

That staff provide subsequent reports to Council regarding and impacts to the 2023 Capital and Operating Budgets in the creation of a Regional Transit Commission, as described in this report and the attached appendices.

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:mb



City of Welland
Office of the Chief Administrative Officer
Office of the City Clerk
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2159 | **Fax:** 905-732-1919
Email: clerk@welland.ca | www.welland.ca

December 10, 2021

File No. 21-19

SENT VIA EMAIL

Attention: Regional Clerk & Clerks of Local Area Municipalities

Dear Clerks:

Re: ACTION REQUIRED - December 9, 2021 – CITY OF WELLAND SPECIAL COUNCIL MEETING

At its meeting of December 9, 2021, Welland City Council passed the following motion:

“THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report PW-55-2021 – Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission from the Niagara Region; and

THAT Welland City Council recognize the request for local area municipalities to pass resolutions consenting to the By-law No. 2021-96 of the Regional Municipality of Niagara, being a By-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region; and

THAT Welland City Council supports the future state of Inter Regional Transit and the consolidation of Welland, St. Catharines and Niagara Falls Transit Systems, provided the following outstanding issues are addressed:

- a) City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.***
- b) The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,***
- c) Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,***

- d) *That municipalities be compensated for their Transit Fleet based on the net book value valuation as of Dec 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle.*

THAT Welland City Council requests the local area municipalities (Fort Erie, Grimsby, Lincoln, Niagara Falls, Niagara-on-the-Lake, Pelham, Port Colborne, St. Catharines, Thorold, Wainfleet, West Lincoln) present the following amended resolution to their councils for consideration:

“That the Council of (name of municipality) consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region, only if the following conditions are addressed:

- a. City of Welland request for 2 members from the City of Welland to be included in the new Transit Commissions Governance structure.***
- b. The proposed financial model which will apportion future Transit Operating and Capital costs be updated to present the financial impact to all lower tier municipalities based on approved 2022 Transit Operating Budgets and updated 5-year Transit Capital Budgets,***
- c. Clarification on how existing and future Transit Debt for Capital Budgets is to be apportioned to all lower tier municipalities,***
- d. That municipalities be compensated for their Transit Fleet based on the net book value valuation as of Dec 31, 2022, of their average vehicle price based on the difference between the lowest municipal valuation per vehicle and that municipalities valuation per vehicle; and further***

That a copy of this resolution be sent to the Niagara Region and local municipalities.”

Yours truly,



Tara Stephens
City Clerk

TS:bl

From: Heather Ruzylo <hruzylo@niagarafalls.ca>
Sent: Tuesday, December 14, 2021 10:18 AM
To: Norio, Ann-Marie <Ann-Marie.Norio@niagararegion.ca>
Subject: City of Niagara Falls Council: Support for: - Regional Report PW 55-2021 re Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission

CAUTION EXTERNAL EMAIL: This email originated from outside of the Niagara Region email system. Use caution when clicking links or opening attachments unless you recognize the sender and know the content is safe.

Good morning Ann-Marie:

Please be guided by the following motion that was passed by the Niagara Falls Council at its meeting on December 7, 2021:

MOTION:

ORDERED on the motion of Councillor Victor Pietrangelo, Seconded by Councillor Wayne Thomson that the Council of the City of Niagara Falls consent to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region. Carried Unanimously (Councillor Ioannoni not present for the vote).

Kind regards,
Heather

Heather Ruzylo | Clerks & Council Services Coordinator | Clerks Services | City of Niagara Falls
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4203 | Fax 905-356-9083 | hruzylo@niagarafalls.ca



Community Services

Legislative Services

December 14, 2021

File #120203

Sent via email: ann-marie.norio@niagararegion.ca

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Issac Brock Way
Thorold, ON L2V 4T7

Dear Ms. Norio:

**Re: Moving Transit Forward in Niagara:
Creation of a Consolidated Transit Commission**

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of December 13, 2021 passed the following resolution regarding "Moving Transit Forward in Niagara: Creation of a Consolidated Transit Commission":

That: The Council of The Corporation of the Town of Fort Erie consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk

cschofield@forterie.ca

CS:dlk

c.c. K. Walsh, Director, Infrastructure Services kwalsh@forterie.ca
M. Robinson, Director, GO Implementation Office, Niagara Region Matt.Robinson@niagararegion.ca
S. Frasser, Transportation Lead, GO Implementation Office, Niagara Region scott.fraser@niagararegion.ca

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

January 18, 2022

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold Ontario
L2V 4T7

Via email: Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Niagara Region - Transit

At their special meeting of January 17, 2022 Council of the Town of Pelham received the Niagara Region's presentation with respect to the future of transit, and endorsed the following:

BE IT RESOLVED THAT Council receive the Niagara Region Transit presentation from Mr. Matt Robinson, Scott Fraser and Heather Talbot, for information.

Council also received your report, and endorsed the following:

BE IT RESOLVED THAT Council receive the Niagara Region Report CL 22-2021 and PW 55-2021, dated November 25, 2021, for information.

For your information, Staff Report 2022-0007 Future of Integrated Transit Report was also considered by Council and the following motion approved:

**BE IT RESOLVED THAT Council receive Report #2022-0007 Future of Integrated Transit Report, for information purposes;
AND THAT Council consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to**

establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

On behalf of Council, thank you for your presentation and report. The Town of Pelham looks forward to the new transit system.

Yours very truly,



Holly Willford, BA
Town Clerk

HW/jm

cc: Matt Robinson, Director, GO Implementation Office
Scott Fraser, Transportation Lead, GO Implementation Office
Heather Talbot, Financial and Special Projects Consultant, GO Implementation Office
David Cribbs, Chief Administrative Officer
Vickie vanRavenswaay, Director, Recreation, Culture and Wellness



4800 SOUTH SERVICE RD
BEAMSVILLE, ON L0R 1B1
905-563-8205

January 25, 2022

SENT VIA EMAIL: annmarie.norio@niagararegion.ca

Region of Niagara
Ann-Marie Norio, Clerk
1815 Sir Isaac Brock way
Thorold, ON L2V 4T7

RE: Town of Lincoln Council Resolution - Transit Consolidation: Moving Transit Forward in Niagara

Please be advised that Council of the Corporation of the Town of Lincoln at its Special Council Meeting held on January 24, 2022, passed the following motion in support of the Niagara Region's Transit Consolidation

Resolution Number: SC-2022-05

Moved by: Councillor Lynn Timmers; Seconded by: Councillor Adam Russell

That Council receive and file Report AD-01-22 regarding Transit Consolidation: Moving Transit Forward in Niagara; and

That Town of Lincoln Council consents to the passage of By-law No. 96-2021 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated transit system for the Niagara Region.

CARRIED

A copy of Report AD-01-22 is attached for your reference.

If you have any questions, please do not hesitate to contact the undersigned.

Regards,


Julie Kinkelos
Town Clerk
jkinkelos@lincoln.ca

JK/dp



Township of Wainfleet

"Wainfleet - find your country side!"

January 27, 2022

Office of the Regional Clerk
1815 Sir Isaac Brock Way
PO Box 1042
Thorold, ON L2V 4T7

SENT ELECTRONICALLY

RE: Niagara Regional Transit

Please be advised that, at its meeting of January 25, 2022, the Council of the Corporation of the Township of Wainfleet considered the following motion:

"THAT the Council of the Township of Wainfleet consents to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region."

DEFEATED

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact the undersigned.

Regards,

Meredith Ciuffetelli
Deputy Clerk
mciuffetelli@wainfleet.ca



Department of Corporate Services

1593 Four Mile Creek Road

P.O. Box 100, Virgil, ON L0S 1T0

905-468-3266 • Fax: 905-468-2959

www.notl.org

SENT ELECTRONICALLY

January 31, 2022

Regional Municipality of Niagara
1815 Sir Issac Brock Way, PO Box 1042
Thorold ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

RE: Transit Governance

Please be advised the Council of The Corporation of the Town of Niagara-on-the Lake, at its regular meeting held on December 20, 2021, approved the following resolution:

"Council consents to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara, being the by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region."

A copy of the staff report is attached for information. If you have any questions or require further information, please contact our office at 905-468-3266.

Yours sincerely,

Colleen Hutt
Acting Town Clerk



**The Corporation of the Town of Grimsby
Administration**

Office of the Town Clerk

160 Livingston Avenue, P.O. Box 159, Grimsby, ON L3M 4G3

Phone: 905-945-9634 Ext. 2015 | **Fax:** 905-945-5010

Email: skim@grimsby.ca

February 2, 2022

SENT VIA E-MAIL

Niagara Region
1815 Sir Isaac Brock Way, PO Box 1042
Thorold, ON
L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio,

**RE: Moving Transit Forward in Niagara: Creation of a Consolidated Transit
Commission**

Please be advised that the Council of the Corporation of the Town of Grimsby at its meeting held on December 13, 2021 passed the following resolution:

C-21-292

*Resolved that Report CAO 21-21 dated December 13, 2021, be received;
and*

That the Council of the Town of Grimsby consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

If you require additional information, please do not hesitate to reach out.

Regards,

Sarah Kim
Town Clerk



PORT COLBORNE

Corporate Services Department
Clerk's Division

Municipal Offices: 66 Charlotte Street
Port Colborne, Ontario L3K 3C8 • www.portcolborne.ca

T 905.835.2900 ext 106 F 905.834.5746
E amber.lapointe@portcolborne.ca

February 2, 2022

Ann-Marie Norio
Office of the Regional Clerk,
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Sent via E-mail: Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

Re: City of Port Colborne – Resolution Re: Consolidated Passenger Transportation System for the Niagara Region

Please be advised that, at its meeting of December 13, 2021, the Council of The Corporation of the City of Port Colborne resolved as follows:

That Chief Administrative Office Report 2021-317 be received; and

That Council consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

A copy of Chief Administrative Office Report 2021-317 is enclosed for your reference.

Sincerely,

Amber LaPointe
City Clerk

cc: Niagara Local Municipalities



February 3, 2022

Office of the Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way, P.O. Box 1042
Thorold, ON L2V 4T7

Ann-Marie.Norio@niagararegion.ca

Dear Ms. Norio:

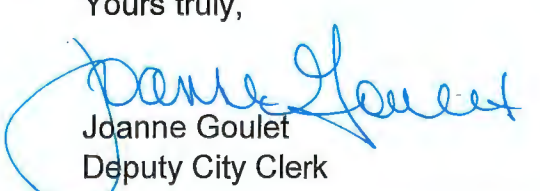
Re: Niagara Transit Governance Recommendations

Please be advised Thorold City Council, at its December 21, 2021 meeting, adopted the following motion:

1. That the information presented by Niagara Region staff be received, and,
2. That the Council of the City of Thorold consents to the passage of By-law No. 96-2021 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

CARRIED

Yours truly,



Joanne Goulet
Deputy City Clerk

ec: M. Dilwaria, Chief Administrative Officer

City of Thorold

P.O. Box 1044, 3540 Schmon Parkway, Thorold, Ontario L2V 4A7

www.thorold.ca

Tel: 905-227-6613

CLERK'S DEPARTMENT

February 10th, 2022

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON
L2V 4T7

Dear Ms. Norio,

Re: Moving Transit Forward in Niagara: Creation of a Consolidated Transit
Commission - Niagara Region Report PW 55-2021

This correspondence is to confirm that on January 31, 2022, West Lincoln Township Council adopted the following resolution regarding the Township's consent to the passage of By-law No. 2021-96 of the Regional Municipality of Niagara regarding the creation of a consolidated passenger transportation system for the Niagara Region:

That the Council of the Township of West Lincoln consents to the passage of By-law No. 2021-96 of The Regional Municipality of Niagara, being a by-law to provide Niagara Region with the exclusive authority to establish, operate and maintain a consolidated passenger transportation system for the Niagara Region.

If any further information is required, please contact the undersigned at 905-957-3346, Ext 6720.

Yours truly,



Jessica Dyson
Deputy Clerk

cc: Matt Robinson, Niagara Region, Director GO Implementation
Leah Tracey, Project Coordinator, GO Implementation Office

X:\cl-Clerks\Council-2022\Letters\Niagara Region – Go Implementation – Consolidated Transit Commission

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2021-96

A BY-LAW TO ESTABLISH, OPERATE AND MAINTAIN A
CONSOLIDATED PASSENGER TRANSPORTATION SYSTEM FOR THE
REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Niagara Region Council deems it expedient and beneficial to address transit issues in Niagara Region;

WHEREAS the Linking Niagara Transit Committee was established to lead the development of a consolidated governance model, as well as the harmonization and integration of operational and policy regimes of the existing transit properties;

WHEREAS the Inter-municipal Transit Working Group was established to gather information and provide guidance on operational matters related to the transition to a consolidated transit system;

WHEREAS Niagara's four (4) major transit operators entered into a Memorandum of Understanding in 2017 that, in principle, endorsed the creation of a consolidated transit system;

WHEREAS all local area municipalities have been consulted on and provided input regarding the results of the Niagara Transit Governance Study, associated financial strategy, and the subsequently revised models reflecting initial feedback;

WHEREAS the Linking Niagara Transit Committee has endorsed the Commission governance model, Niagara Service Standards Strategy and associated twelve (12) special levy financial strategy as the models under which consolidation should take place as identified in Regional Reports LNTC-C 5-2021 and PW 55-2021;

WHEREAS Niagara Region obtained triple-majority authority in 2017 to establish, operate and maintain an inter-municipal passenger transportation system in Niagara Region and enacted By-law No. 2017-21 on March 23, 2017, which came into effect on June 1, 2017, in this regard;

WHEREAS under this new consolidated system, Niagara Region would plan and operate both intra-municipal and inter-municipal transit routes, including specialized and demand-responsive transit services, throughout Niagara Region creating one unified transit system;

Bill No. 2021-96

Authorization Reference: CL 22-2021;
Minute Item 5.1

WHEREAS existing transit assets would transfer to the Commission on the basis of Municipal Transfer Agreements, to be negotiated and entered into with the major transit operators substantially on the basis of the terms outlined in Appendix 3 to PW 55-2021;

WHEREAS Section 11 of the Municipal Act, 2001, Ch. 25, as amended, grants exclusive jurisdiction over the operation of transit services to lower-tier municipalities in Niagara Region; and

WHEREAS Section 189 of the Municipal Act, 2001, Ch. 25, as amended, provides an upper-tier municipality with the ability to pass a by-law for the transfer of all or part of a lower-tier power to the upper-tier municipality, subject to certain rules regarding consideration and approval by the lower-tier municipalities.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

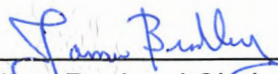
1. That the authority to establish, operate and maintain a consolidated passenger transportation system for Niagara Region be transferred to The Regional Municipality of Niagara;
2. That steps to transfer jurisdiction and related assets essential to operating a consolidated passenger transportation system to The Regional Municipality of Niagara begin immediately after the following requirements have been met:
 - a. A majority of the councils of the lower-tier municipalities forming part of Niagara Region have passed resolutions consenting to the by-law;
 - b. The total number of electors in the lower-tier municipalities that have passed resolutions consenting to the by-law form a majority of all electors in the Region of Niagara as established in the revised list of electors for the municipal election held in the year 2018.
3. That in this by-law, the term "consolidated passenger transportation system" shall mean a single, unified public transportation services system operating within or between any two or more of the twelve (12) lower-tier municipalities which comprise the Region of Niagara;
4. That The Regional Municipality of Niagara does hereby assume from all lower-tier municipalities comprising the Region of Niagara, those parts of the lower-tier power and related assets essential to provide public transportation systems, other than highways, necessary to own and operate a consolidated passenger transportation system as contemplated by this by-law;

Bill No. 2021-96


Authorization Reference: CL 22-2021;
Minute Item 5.1

5. That Sections 1 and 2 of the by-law shall come into force and effect on the day the requirements of Section 189 of the Municipal Act 2001, Ch. 25, as amended, are met;
6. That Section 4 of this by-law respecting the transfer of assets and operations to the new transit commission does not come into effect until January 1, 2023. For clarity, the lower-tier municipalities that operate public transportation systems will continue to do so until these operations transition to The Regional Municipality of Niagara on January 1, 2023.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair

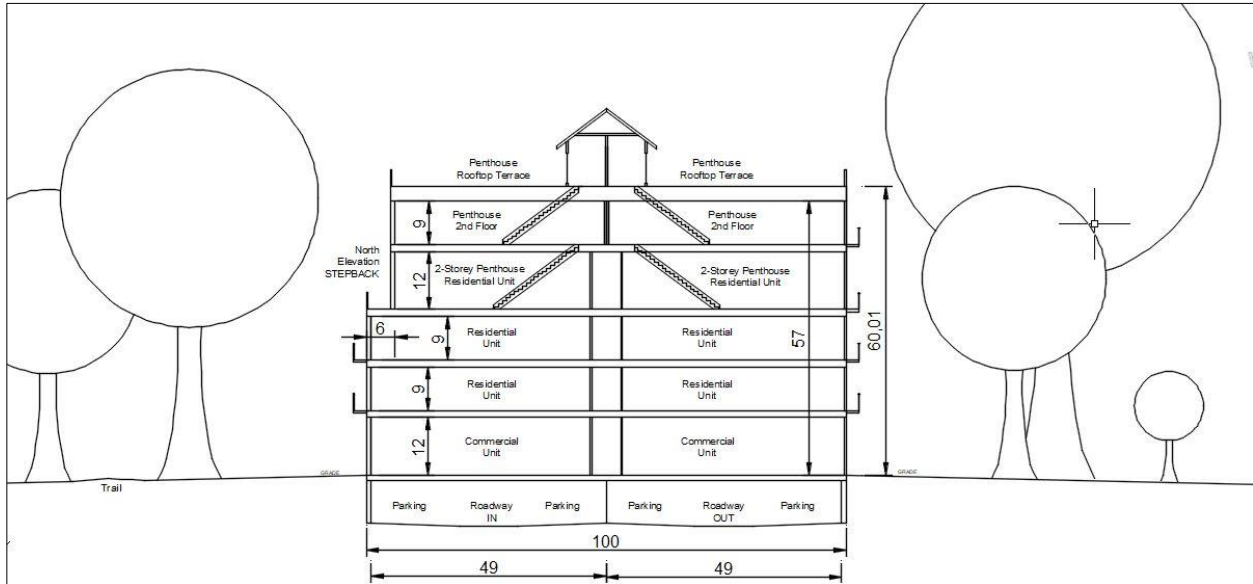


Ann-Marie Norio, Regional Clerk

Passed: November 25, 2021

Supplement to Council Presentation

For greater clarity the following drawings and supplemental materials have been produced for the consideration of Council:



Below Grade Parking as Enabling of Green Pedestrian Spaces

The built form in the above drawing can be extruded out of the page to any desired length. At greater lengths, adopting a curved form or periodic offsetting is possible provided that roadways remain continuous. When this built form is 'plugged into' existing arterial roadways, very little new paved roadway surface is required per unit added to the tax-base.

Conclusion: When below grade parking is adopted as a general development policy, more property taxes are paid into Town coffers while total road maintenance remains largely unchanged.

A file is also attached suggesting architectural treatment of exterior elevations as the preferred solution to any residual concerns of scale.

Proprietary adaptations of this built form are entirely compatible with net-plus solar energy production, with over .5 Megawatts green electrical output/500 feet of built form.

Wally Braun



The ROYAL CRESCENT



American-style row housing is perhaps the built form most resistant to visual improvement. The Royal Crescent, however, is not only adequate, but resolves the issue in spectacular fashion.



Through the expedient application of classical architectural detailing, multi-unit development now has the potential to become the most welcome addition to any community.





February 25, 2022

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

Invitation – Regional Council Indigenous Education Training Session

Regional Council will be holding a Special Regional Council meeting, by electronic participation, on Thursday, March 31, 2022 from 6:00 – 9:00 p.m. for an Indigenous Education Training Session for Councillors. Regional Council is extending an invitation for all local area municipal Councils to also take part.

This preliminary education session will provide Councillors with an introduction to core topics and themes important to understanding Indigenous worldviews, the legacies of colonialism and anti-Indigenous racism, and key considerations to create culturally safe programs and services. This will include:

- The importance of land to Indigenous ways of knowing and being
- How colonial and assimilationist policies have impacted land use, Indigenous governance and sought to define Indigeneity
- Current forms of systemic anti-Indigenous racism within the child welfare, criminal justice, housing and health care systems
- Foundational principles of cultural safety to inform work *with* Indigenous communities

Please note that the intention is for this educational and training session to be held in closed session as permitted in accordance with section 239(3.1) of the Municipal Act. Therefore, in order to facilitate this session and to ensure adherence to the closed session meeting provisions of the Municipal Act, 2001, local councils that are interested in having their members attend, are requested to pass the following motions:

That the Council Members of <insert municipality name> **BE PERMITTED** to attend and participate electronically in the Special Regional Council meeting being held on March 31, 2022, at 6:00 p.m. to receive indigenous education and training in closed session in accordance with Subsection 239(3.1) of the *Municipal Act, 2001*;

That the Council of <insert municipality name> **CONFIRM** that this session is for training and education purposes only and no direction will be issued to staff and no decisions or motions will be made that advance the business or decision-making of the Council of <insert municipality name>;

That the Council of <insert municipality name> **WAIVE** the Rules of Procedure to adopt Niagara Region Procedural By-law 120-2010, as amended, for the purpose and duration of the Special Regional Council meeting being held on March 31, 2022;

That the Council of <insert municipality name> **AUTHORIZE** the delegation of the duties of the Clerk to the Regional Clerk for the purpose and duration of the Special Regional Council meeting in accordance with subsection 228(4) of the Municipal Act, 2001;

That Regional Chair Jim Bradley **BE APPOINTED** as the presiding officer for the purpose and duration of the Special Regional Council meeting; and

That the Clerk **BE DIRECTED** to provide a copy of this resolution to the Regional Clerk so that it may be included as part of the Minutes of the Special Regional Council meeting.

To ensure transparency, it is further suggested that notice of this meeting be included on your website with a link to the Region's website, where the agenda and minutes will be posted.

Should you have any questions, please feel free to contact me.

Yours truly,



Ann-Marie Norio
Regional Clerk

CLK-C 2022-037

Date: January 18, 2022
Time: 6:00 pm to 8:00 pm
Location: Via Zoom
Attendance: Bea Clark, Chair and Recorder
Brian Baty, Vice-chair
Rhys Evans, Member
Bob Fish, Member
Dave Nicholson, Member
Barbara Rybiak, Member
John Wink, Councillor
Taylor Boyle, staff

Regrets: L. Gallant, Member
D. Huson, Regional Councillor
J. Marr, staff

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Clark called the meeting to order at approximately 6:00 pm. Taylor Boyle, Engineering Technologist was introduced and will be working with the PATC.

2. Approval of Agenda

Additions to the agenda:

none

Moved by B. Rybiak

Seconded by R. Evans

THAT the agenda for the January 18, 2022 regular meeting of the Pelham Active Transportation Committee be adopted.

Carried

3. Declaration of Pecuniary Interest and General Nature

Chair Clark noted that she is assisting the Town with proposals.

4. Approval of Minutes

The Committee approved the amended minutes from the December 21, 2021 Pelham Active Transportation Committee meeting.

Moved by B. Baty
Seconded by B. Rybiak

THAT the minutes of the December 21, 2021 Pelham Active Transportation Committee be approved.

Carried

5. Business Arising from Minutes

5.1 Fonhill to Shorthills Potential Trail

Dave indicated that there may be an unopened road allowance that would enable better access to Shorthills.

Action: Taylor will check and advise at next meeting.

5.2 Addition of trails to All Trails update

The committee recommends that the trails in Bradshaw Park, E.C. Brown Park, and St. John's Conservation area be added to AllTrails. The information about the John Nemy Trail and the Lathrop Trail must also be checked and included.

Action: Taylor will review with staff.

5.3 Bicycle Friendly Community Renewal Application update

The application is due April 9, 2022. As for past submissions, staff will prepare technical information and additional input from PATC members will be required.

Action: Bea to meet with Taylor to discuss further.

5.4 Concerns re Steve Bauer Trail nomenclature

Councillor Wink reported that Council directed staff to prepare a report for Council's review by March 7th.

Action: Bea to send Taylor the pictures of the signage that St. Catharines installed this year

5.5 Bikes Mean Business Cycling Routes and Signage

The Town has received an extension to May 31, 2022 to complete this project. Work on the project is underway.

Action: Taylor will follow-up with Bea and Brian to finalize the routes

5.6 Addressing the Problem of Speeding on Fonthill roads update

No report.

5.7 Presentation of Active Transportation related items in 2022 Capital Budget and 10-year capital plan -

Deferred to February AOTC meeting

6. Committee Events and Reports

6.1 Summerfest

Planning is underway. Public health guidelines will be followed.

6.2 Seniors' Advisory Committee

Nothing to report.

6.3 Active School Travel - Lisa

Members raised several issues related to sidewalk snow removal in school zones, at intersections and in other areas populated by vulnerable residents.

Action: Taylor will report these issues to R. Cook, Manager, Public Works

7. New Business

7.1 Vision Zero Plan for Niagara

Councillor Wink provided an update on the Region's presentation, indicating that Council did endorse this strategy to improve road safety for all users. The information is included in the January 10th Council meeting agenda and meeting recording.

7.2. Plans for the remainder of the PATC's term

With six meetings remaining in the PATC's term, Bea asked members to identify the items that might be accomplished before the fall. In addition to the items already in progress (Bicycle Friendly Community application, Pelham Summerfest Active Zone, review of sidewalks and trails post Capital Budget/Ten Year Plan presentation, Buddy Bench) members also agreed to request a table at the Farmers Market in June and to request that the Road Safety social media campaign developed last year be mounted again. The complete list of suggestions is attached to the minutes for discussion at the next meeting.

Action: Bea will contact staff requesting a table at the Farmers Market and requesting that the Road Safety social media messages be used again this spring.

8. Next Meeting

February 15, 2022 – 6:00pm to 8:00pm via Zoom

9. Adjournment

Moved by	R. Evans
Seconded by	B. Fish

THAT this Regular Meeting of the Pelham Active Transportation Committee be adjourned at 7:40 pm.

Carried

Chair, Bea Clark

Recorder, Bea Clark

Date: Wednesday, November 24, 2021

Time: 4:00pm

Location: Zoom

Attendance: John Wink, Chair
Wayne Olson, Councillor
Michael Cottenden
Bill Crumm
Teresa Quinlin-Murphy, Director of Corporate Services/Treasurer
Charlotte Tunikaitis, Deputy Treasurer
Trevor Ferguson, Deloitte
David Cribbs, CAO
Belinda Ravazzolo, Secretary

1. Call to Order and Declaration of Quorum

Noting that quorum was present, Chair Wink called the meeting to order at approximately 4:02pm.

The CAO indicated that Mayor Junkin is present at the meeting through his phone with camera off but to avoid constituting a meeting of Council, the Mayor will just listen and not comment during the meeting.

2. Approval of Agenda

Moved by Councillor Wayne Olson

Seconded by Bill Crumm

THAT the agenda for the November 24, 2021 regular meeting of the Pelham Finance and Audit Committee be adopted.

Carried

3. Declaration of Pecuniary Interest and General Nature

None.

4. Approval of Minutes

The Committee approved the minutes from the August 4, 2021 Pelham Finance and Audit Committee meeting.

Moved by Michael Cottenden

Seconded by Bill Crumm

THAT the minutes of the August 4, 2021 Pelham Finance and Audit Committee be approved.

Carried

5. Business Arising from Minutes

None.

6. Audit**6.1. Deloitte Audit Plan Presentation, Trevor Ferguson, Partner**

Trevor Ferguson, Partner at Deloitte presented the Committee with the Audit Plan for the 2021 Year End. He stated that they are very happy to be working with the Town and to be successful during the RFP process.

Mr. Ferguson noted that there are no changes in either accounting or audit standards that will affect the Town's financial statements for 2021 year-end. He pointed out the reporting threshold is \$36,000, therefore if any misstatements greater than \$36,000 are identified, they will be bringing it to the Committee as part of their year-end audit.

Concerning fraud risk, every audit conducted under Canadian Audit Standards is required to consider the risk of fraud in their role of external auditors. Mr. Ferguson highlighted a section where Deloitte ask the Committee for their views about the risk of fraud, whether they know of any actual or suspected fraud affecting the Town and their role in the oversight of management's antifraud programs. The Chair asked the Committee if they had any concerns regarding fraud risk. The Committee had none.

Mr. Ferguson noted that they will continue to use Deloitte Connect which is their virtual platform where management uploads documents they ask for and need support for as part of the audit process. He noted that even if there comes a time where the audit process goes back to being done in-person, they would continue to use this tool.

Mr. Ferguson highlighted some of the more significant audit risks. Because Canadian Audit Standards presumes a risk of fraud around Revenue and Deferred Revenue Amounts as well as Management Override of Controls, Deloitte will then do a fair bit more testing in those areas. Mr. Ferguson stated that there are a number of estimates that goes into the preparation of the Town's statements and their job is to determine that the process that management has for developing their estimates is reasonable and that the estimates themselves are reasonable.

Mr. Ferguson stated that if anything of significance comes up when reviewing the list of Communication Requirements as part of the year-end reporting, Deloitte will not wait until the year-end reporting. They would bring it to the attention of the Committee right away.

Mr. Ferguson brought the new Canadian Public Sector Accounting Standards to the attention of the Committee noting that they will not come to affect until December 31, 2023 and 2024. He noted that more municipalities are starting to think ahead about dealing with the new standards in the future.

Mr. Ferguson is the Deloitte's municipal leader in Ontario. He will be hosting a municipal conference on December 8th and 9th and invited everyone on the Committee to participate in the conference.

Councillor Olson stated that he feels that there has been a lot of progress in the greatly improved agendas and minutes. He feels that this may be a useful audit tool in terms of management override of controls.

He asked if the Town has the digital horsepower to properly support the audit remotely. The Deputy Treasurer stated the Town has been doing it this way in the past couple of years and it has been a very helpful method of providing documentation and tracking audit requests and the Town is fully capable to support that.

Councillor Olson said that he would be happy to attend the conference that was offered by Mr. Ferguson and asked if there was material that the public could access. Mr. Ferguson commented that their website has plenty of material that can be accessed by the general population and not just clients.

Moved by Councillor Wayne Olson
Seconded by Bill Crumm

THAT the Pelham Finance and Audit Committee hereby direct the Chair to provide a letter to Council forthwith, indicating:

WHEREAS the Pelham Finance and Audit Committee received the presentation by Trevor Ferguson, Partner from Deloitte regarding the 2021 Year End Audit Service Plan, for information;

NOW THEREFORE, THAT the Committee hereby recommends that Council receive the 2021 Year End Audit Service Plan, for information.

Carried

7. New Business

7.1. 2022 Operating Budget

The Treasurer gave an overview of the budget as presented to the committee, noting that the Committee was provided the binder with all the details prior to this meeting. She stated that the Capital presentation to Council on November 29th would be more detailed.

Ms. Quinlin spoke about the challenges and difficulties of preparing the 2022 Budget stating that this is second year of the pandemic with almost 6 months of lockdown losing revenue at the MCC in 2021. When preparing the 2022 budget, staff assumed that with the increase of vaccinations, the circumstances surrounding COVID will get better and restrictions will be lifted.

The Treasurer showed the net 2022 Operating Budget increase of 4.77% that translates to an increase of \$96 in annual taxes to the average taxpayer. This is with an estimated assessment growth of 1.75% with the actual number expected sometime next week. Ms. Quinlin explained the breakdown of the increase indicating more than half going to reserve transfers and capital expenditure funding. The rest is split amongst various costs such as an increase in cost of benefits, new staff complements, pay increase for cost of living, continued costs due to COVID-19 and increased cost of materials and services for roads, parks, insurance and software. She indicated that she has not received any information from that ministry that the Town will receive any additional funding to cover COVID-19 costs through the Safe Restart COVID-19 grant funding.

The Town has not received any information from the Region concerning any additional Safe Restart COVID-19 grant funding. Because of the lack of grant funding, staff transferred \$200,000 from the working fund reserve to help offset some of those expenses. \$27,000 was transferred from the HR capacity reserve to cover some of the grid movements for staff. There was a slight increase in supplemental revenues. Staff tried to be conservative with this number due to the unknown and lack of control as this depends on the new properties and when the assessment is done by MPAC. The Transfer from the Building department has increased due to updating some of the current and direct costs to the building department. There was a decrease in the Provincial Grants budgeted in the Finance department pertaining to the OCIF funding, because some of the Asset Management and GIS Specialist wages are being allocated to water and wastewater. The increase in the Fees and Other Revenues in Finance reflects the increase to the Property Tax administrative fees. The Treasurer continued to explain the fluctuations in the budget throughout the departments regarding revenues. She then went on to explain the fluctuations in expenses.

The decrease in Public Works represents the revenue that the Town is no longer receiving for the Climate Change Coordinator position through the grant, with an offsetting decrease in wages. She indicated that as the municipality is growing and being developed, the costs are increasing as far as snow removal, grass cutting and other services that the Town provides.

RCW has an increase to administration expenses due to the addition of the Pathstone Youth Mental Health Clinic, which is being offset by the donations on the revenue side. RCW is also anticipating an increase in activity due to COVID-19 restrictions being lifted.

Councillor Olson asked about the new arrangement for tree maintenance and its implication on the budget. The Treasurer responded saying that it has increased the Beautification budget. Councillor Olson also asked about the Municipal Modernization Intake Number 3 grant in which the Treasurer said that the grant application was submitted and the Town is still waiting on a response.

The Treasurer offered to go through all the departments separately with all the details and asked the Committee if they would like her to do so. Mr. Cottenden indicated that there is a great deal of transparency in the budget and does not feel there is a need to go through it in its entirety.

The Treasurer indicated that the Region is looking between a 4-5% increase so the Town falls right in the ballpark. The Deputy Treasurer said that over half of the increase is capital

related. It was said that the Town's benefits increased greatly due to the amount of claims processed after reopening in 2021.

Moved By Michael Cottenden

Seconded By Bill Crumm

THAT the Committee receive the 2022 Operating Budget for information.

Carried

7.2. 2022 Capital Budget

The Treasurer went through the 2022 Capital Budget presentation with the Committee. In the Capital Summary, she indicated that there is approximately \$14 million worth of work to be done in 2022, not to mention any carry forward projects.

The biggest project for 2022 is the continuation of the Pelham Street project with Phase II almost complete. The Town received \$4.2 million of the infrastructure ICIP funding for that project with two more phases to complete.

The Treasurer showed the Capital Grant Summary, which indicates where the grant funding is coming from. The Town received notification that the funding formulas have been changed for the OCIF grant. The Town currently receives \$480,000 from that funding and hoping that it will increase. Staff is still waiting to hear back.

The Treasurer stated that they are hopeful that when the province receives all the Asset Management Plans that are due on July 1, 2022, they recognize the magnitude of the deferred maintenance and amount of funding that municipalities receive and therefore reconsider increasing the amount of the grants and provide more funding.

The Deputy Treasurer explained that the funding sources for the Town's debt is essentially staying the same from 2021 and 2022. She stated at 45% of the Town's debt is paid for by development charges. It is important to recognize that when looking at the annual repayment limit, the development charges are excluded from that revenue. The annual repayment limit technically is the difference between the percentage that the Town is at and the 25% limit. The repayment limit forecast has changed significantly from where it stood in the 2021 Capital Budget forecast due to the even distribution of the capital projects within the Public Works department as well as a lot of work in building reserves and reducing debt.

Regarding the debt-related financial indicators the Deputy Treasurer showed the committee that Pelham still sits at high-risk in debt servicing and has moved into lower risk with some indicators. She highlighted that over the years, Pelham's debt to reserve ratio has improved significantly over the past 4 years.

The Deputy Treasurer explained the 10-Year Reserve Forecast Summary and why the significant change in the balance between 2020 and 2021. She informed the committee that the 2020 balance on the financial statements would exclude all the commitments against the reserves, which are projects that are carrying forward. The capital budget forecast 2021 and onwards includes the commitments and assumes that all capital projects will be completed.

When sharing the Summary of Capital Reserve Transfers and Forecast Tax Levy Impact, the Deputy Treasurer said that in order to complete the plan that is in place based on all the assumptions that are there, the capital itself would impact the tax levy by 3% to 4% per year for about five years. This is just an indicator as these numbers are in isolation of other things such as newfound revenue, grants, etc. The Chair asked if those numbers took growth into consideration in which she replied no saying that this is purely capital and nothing else.

Mr. Crumm asked about the expected completion date of the Asset Management Plan knowing that it is such a critical component to the Capital Budget. As well, how do they envision it affecting the Town's short-term asset needs? The Treasurer said that the AMP would be going to Council on December 20th. Plan would meet all of the requirements that the ministry is requesting which is due July 1, 2022. Based on the condition of the assets, the plan shows the shortfall and the funding required. Mr. Crumm suggested highlighting any deviation from what is presented through the Asset Management Plan and the capital budget presentation.

The Treasurer did a comparison of the Asset Management Plan with the capital budget to ensure that there would not be a massive shortfall in the short-term. The CAO indicated that the Asset Management Plan presented in December would not include the facilities, as it is not required until 2022. Therefore, although staff is hitting all the major the milestones, the Asset Management Plan is not essentially complete until it includes Meridian Community Centre. The Treasurer indicated that the facilities portion of the AMP is due in July of 2023 being deferred a year due to Covid.

Mr. Crumm was pleased to see the continued focus on reserves being built into the planning exercise as well as no debt requirement for the upcoming budget. He believes the

Town has been working very hard at realigning and recalibrating the establishment of the reserves and minimizing debt. He felt there was a significant improvement showing the Town's progress with the financial health indicators over a 4-year period.

Moved By Councillor Wayne Olson

Seconded By Michael Cottenden

THAT the Committee receive the 2022 Capital Budget for information.

Carried

7.3. 2022 Water & Wastewater Budget

The Treasurer went through the Water & Wastewater Budget with the Committee. She reminded the Committee of the BMA study that was completed in 2018 for the Water Wastewater long-range financial plan from 2019 to 2024. The Town is following the recommendations made by the consulting firm, which guides the increase of 7.5% for water and 9.5% for wastewater. The Niagara Region has passed their Water and Wastewater Budget for 2022 indicating a 5.15% increase, which is incorporated into the Town's increase. The extra money being received as part of the plan helps to increase the reserves, which has improved over the years. Because the water and wastewater projects need to be funded directly from these budgets and not part of the tax levy, the BMA study helps to ensure that the fee that is charged on the usage is enough to cover the future capital plan which is important the sustainability of the water and wastewater. The increase would represent an increase of \$80.26 per year to the average household. The Treasurer highlighted a graph indicating that even with the increase Pelham is still below the average residential water and wastewater cost per 200m³ across the Region.

Mr. Cottenden left the meeting at this point due to prior commitments.

Councillor Olson noted that he was pleased to see the incentives to use less water in the structure with fixed versus variable costs.

Mr. Crumm asked if water and wastewater was considered in the Asset Management Plan in which the Treasurer said it was considered a core asset. He is curious to see how the BMA study compares to the outcome of the Asset Management Plan and check to validate and see if it still holds true. He also asked if the high percentage increases are coming to an end from a ratepayer's point of view. The Treasurer said that the study is over the 6-year term but although the study suggests to charge up to the particular rate, staff should review every year to make sure it is still logical to make that increase. Mr. Crumm suggested that

as Pelham reaches that Regional average, there should be a reduction in the amount of increase.

The Deputy Treasurer mentioned that they felt it was necessary to increase the rates this year due to the affect it would have in years to come if not increased. The BMA study anticipated debt taken out when there has not been, therefore, the Town has improved its situation over where it was forecasted to be.

Moved By Bill Crumm

Seconded By Councillor Wayne Olson

THAT the Committee receive the 2022 Water & Wastewater Budget for information.

Carried

7.4. Goals and Priorities for 2019-2022 Update and Set Meeting Dates for 2022

The Treasurer explained that because this is the last year for the Audit committee for the election in 2022, she reviewed the Pelham Finance and Audit Committee Goals and Priorities for 2019 to 2022 with the committee members. She noted that with regards to the review of the risk management framework, it was noted at the November 24, 2020 meeting that this would be taken off the task list for the committee, as this will be assigned to the Town Solicitor. The Town Solicitor could bring it back to the committee through presentation for consultation but the prime responsibility of the committee is to review financial risk.

The Treasurer went over the proposed 2022 meeting schedule as outlined below.

DATE	TOPIC
February 16, 2022	Review final approved 2022 Operating, Capital and Water & Wastewater Budgets
May 4, 2022	Review 2021 Consolidated Audited Financial Statements
June 8, 2022	Review the 2021 Annual Report
November 16, 2022	Audit Plan Presentation with Deloitte for 2022 audit

Because next year is an election year, the timelines will change as to when the budgets will be brought to the Committee waiting on new Council.

Mr. Crumm asked about Council's expectation in reviewing operating reports as they have done in the past. The Treasurer indicated that the operating reports are done on a monthly basis but does not feel the need for the committee to meet monthly. Mr. Crumm feels that the Committee is to be a financial supporting role to Council and therefore, reports be brought through the Committee for review in the event that Council requires further review or guidance by the Committee, prior to approval. He does not feel it necessary to receive reports on a monthly basis but maybe quarterly or semi-annually unless management brings forward a risk. Councillor Olson stated that he feels that the Committee meetings are becoming more strategic than tactical and evolving well, focusing on higher-level issues.

Moved By Councillor Wayne Olson

Seconded By Bill Crumm

THAT the Committee receive and approve the proposed 2022 Goals and Priorities AND approve the following dates for the future 2022 meetings:

- February 16, 2022
- May 4, 2022
- June 8, 2022
- November 16, 2022

Carried

8. Operating Financial Report

9. MCC Operating Financial Report

10. Transit Operating Financial Report

11. Capital Report

Although the Treasurer had intended on sending the Financial Reports to September 30, 2021 electronically on Friday, November 26, 2021 to the committee for review, as stated

above Mr. Crumm felt it not necessary unless there is a financial risk or is asked by Council to review. The Treasurer will reach out to Mr. Cottenden to ask his preference.

12. Reserves

None.

13. Financial Risks**13.1. COVID-19 Update**

The Treasurer indicated that with the regards the Covid expenses and the revenue losses for 2021, the Town will maximize all revenue. Additional pressures for the Town were due to the vaccination clinics, not receiving any funding to run the clinics. Still waiting to see if the Town will receive additional funding due to the cost in running the clinics to offset some of the expenses. The Town is very proud that over 74,000 people were vaccinated at the Meridian Community Centre, which is remarkable for a municipality just over 17,000. She noted that the revenue at the MCC is doing very well with camp registrations, programming, arenas and gyms, operating at least 12 hours a day. In one month, over 36,000 people went through the MCC including vaccination clinic and all the activity at the MCC.

Moved by Bill Crumm

Seconded by Councillor Wayne Olson

THAT the Committee accept the COVID-19 Update Report for information.

Carried

14. Unfinished Business

None.

15. Next Meeting – February 16, 2022**16. Adjournment**

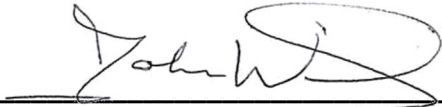
Moved by Bill Crumm

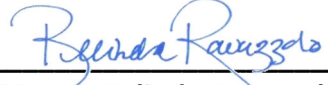
Seconded by Councillor Wayne Olson

THAT this Regular Meeting of the Pelham Finance and Audit Committee be adjourned.

Carried

The meeting was adjourned at 5:47pm.



Chair, John Wink

Executive Assistant, CAO/Mayor, Belinda Ravazzolo

Subject: 2022 LDD Moth Management Program**Recommendation:**

BE IT RESOLVED THAT Council receive Report #2022-0057 - 2022 LDD Moth Management Program, for information;

AND THAT the blocks identified in Report #2022-0057 be aerially sprayed for the LDD Moth in 2022;

AND THAT Council consider repealing and replacing By-Law No. 4334(2021) with By-law No. 4433(2022) to allow for the implementation of an aerial spray program in 2022;

AND THAT Council approve the use of Zimmer Air Services to conduct the 2022 aerial spray program.

Background:

In February, 2022, Council received Public Works Report 2022-0028 outlining the results of the LDD Moth egg mass surveys, management recommendations, and associated costs. This current report serves to fulfill the requirements of Policy S802-03 to inform Council of the proposed spray blocks, and present the by-law amendment required to implement an aerial spray program using the biologic control agent *Bacillus thuringiensis* subspecies *kurstaki* (Btk) in and around public trees and trees on private lands within the Town of Pelham.

Analysis:

Lallemand Inc. /Bioforest (BioForest) worked in conjunction with staff to develop aerial spray blocks to fit within the available spray budget. Consideration was given to Policy S802-03, as well as the 2022 defoliation forecast, and a number of other criteria.

The proposed spray blocks are attached to this report as Appendix A. The proposed program will spray a total of 108ha at a cost of \$973 (including applicable taxes) per Hectare. The mobilization and permitting fees are included in the unit cost. The cost of the 2022 LDD Moth Management Program is \$149,500. The breakdown is as follows:

- 1) Aerial Spray = \$106 000,
- 2) Egg Mass Surveys & Program Consulting = \$32,500,
- 3) Media, Communication, Postage = \$6000,
- 4) Specimen Tree Injections = \$5000

To allow the 2022 LDD Moth Aerial Spray Program to be implemented, and to allow for the aerial application of Btk to manage gypsy moth population on both public and private lands, the existing By-Law 4334(2021) is required to be repealed and replaced with By-Law 4433(2022) to include the spray blocks identified as attached in Appendix A.

The 2022 LDD Moth communication strategy includes the use of both print and digital methods to engage and educate the community about the impacts of the LDD Moth. The campaign will focus on the key messages of spraying, prevention and measures home owners can take to reduce the impact of LDD Moths. The 2022 campaign will have targeted social media to support the traditional advertisements and supplementary print material. Demonstrations and community outreach will be added to the campaign this year including partnership with the local scouting group in developing at home LDD kits, participating in the Kinsmen Home Show and the Earth Week community clean up event.

The implementation of aerial spray application over urban/residential areas is highly specialized. Low-level, aerial spraying over homes and roadways requires the use of a twin-engine helicopter, as well as, federal and provincial permits. Staff have explored options for aerial spray service providers, including competitors in the rural spraying industry. Zimmer Air Services have committed to providing aerial spray services to the Town of Pelham at the same unit price as the City of Hamilton, Mississauga and Toronto. Due to the specialized services, it is necessary to enter into a non-competitive procurement contract with Zimmer Air Services as done in 2009, 2018, 2019, 2020, and 2021.

Financial Considerations:

There are no financial considerations attributed to this report. An aerial spray program as proposed can be implemented within the limits of the existing \$150,000 operating budget.

Alternatives Reviewed:

As staff are following the Council approved policy, and Public Works Report 2022-0028, no further alternatives were considered in the preparation of this report.

Strategic Plan Relationship: Strong Organization

The tree canopy within the municipal boundary is vital to the high quality of life within the Town of Pelham.

Consultation:

Lallemand Inc./BioForest provided; Spray Block Mapping.
Leah Letford, Communications and Public Relations Specialist.

Other Pertinent Reports/Attachments:

Attachments:

Appendix A – Spray Block Mapping
See by-law 4433(2022)

Other Pertinent Reports:

Policy S802-03

Public Works Report 2022-0028 (Refer to February 7, 2022)

2021 LDD Moth Monitoring Program Report, Bioforest (Refer to February 7, 2022)

Prepared and Recommended by:

Ryan Cook, Dipl.M.M., CRS
Manager of Public Works

Jason Marr, P. Eng.
Director of Public Works

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Canboro Road



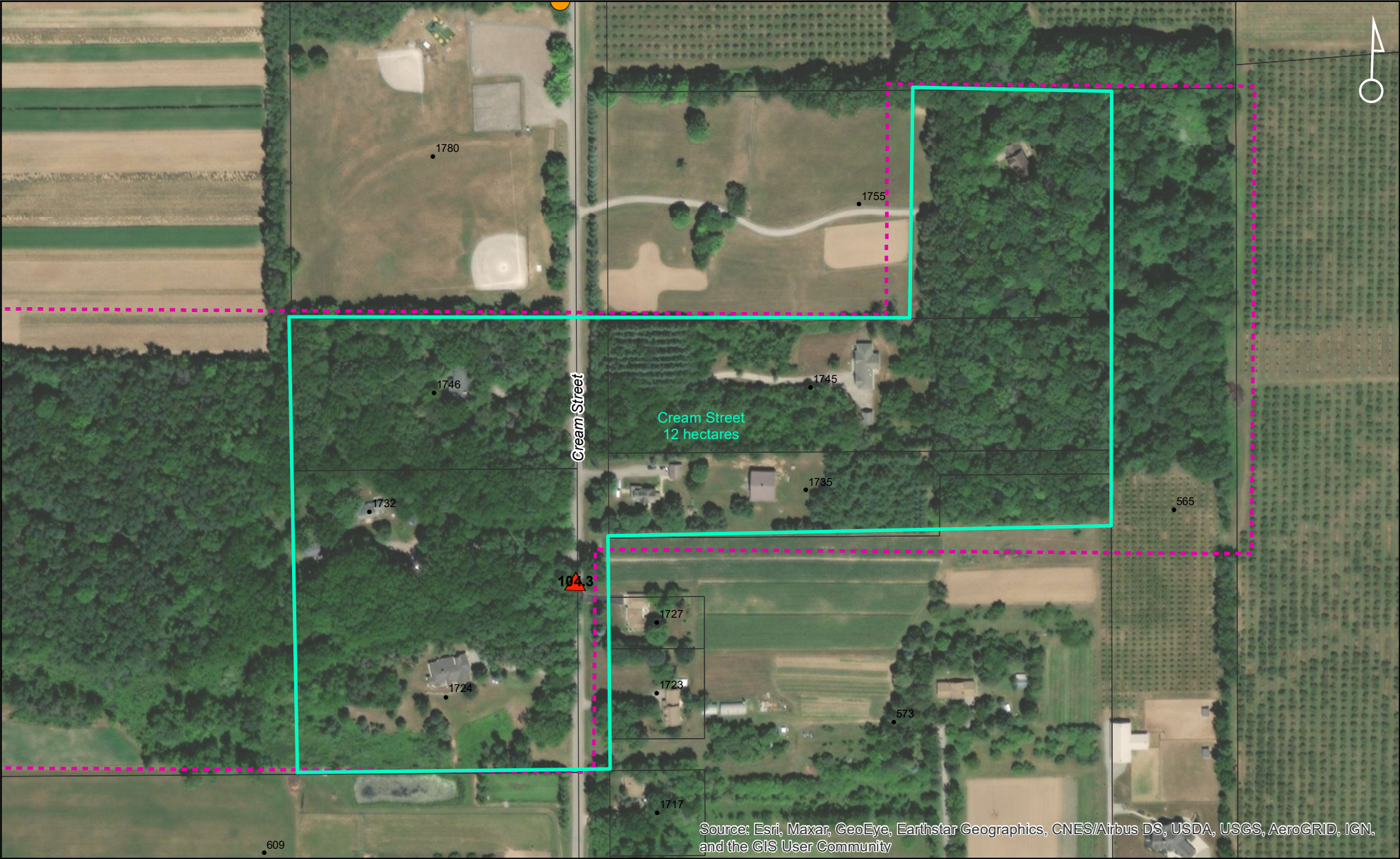
Town of Pelham
LDD Moth Aerial Spray Program

0 25 50 100
Meters
1:1,780

NAD 1983 UTM Zone 17N
Produced by Lallemand Inc./BioForest

2022 Defoliation Forecasts

Forest Plots (em/ha)	Street Plots (em/tree)	
▲ Nil (0)	● Nil (0)	▬ PelhamSprayBlocks_Feb23
▲ Light (1-1250)	● Light (1-10)	▬ PelhamSprayBlocks_Original
▲ Moderate (1251-3750)	● Moderate (11-40)	□ AssessmentParcels
▲ Heavy (3751-5000)	● Heavy (41-100)	
▲ Severe (5001+)	● Severe (101+)	



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Town of Pelham

LDD Moth Aerial Spray Program

04590180

Meters

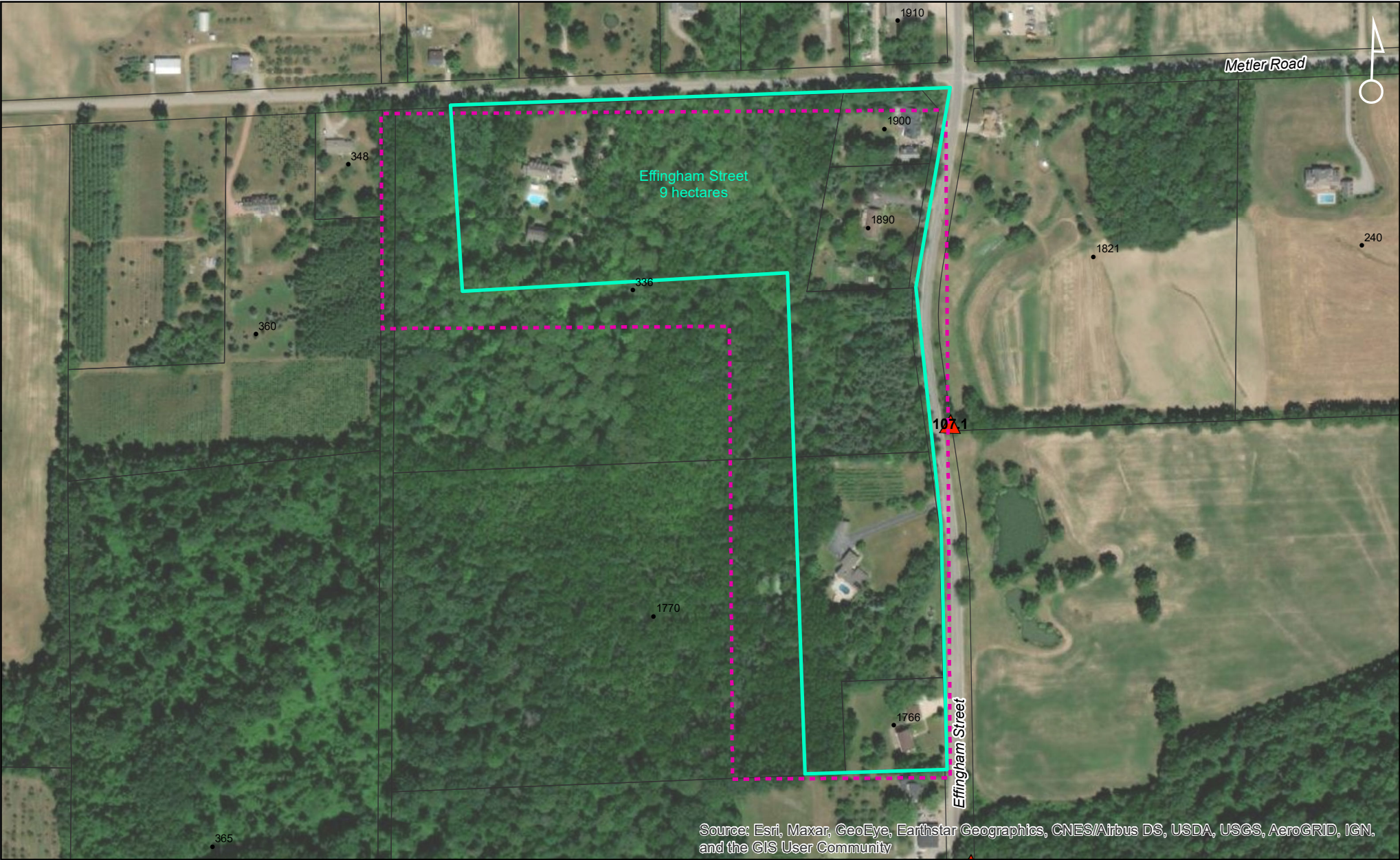
1:3,330

NAD 1983 UTM Zone 17N
Produced by Lallemand Inc./BioForest

2022 Defoliation Forecasts

Forest Plots (em/ha)	Street Plots (em/tree)	
▲ Nil (0)	● Nil (0)	■ PelhamSprayBlocks_Feb23
▲ Light (1-1250)	● Light (1-10)	■ PelhamSprayBlocks_Original
▲ Moderate (1251-3750)	● Moderate (11-40)	□ AssessmentParcels
▲ Heavy (3751-5000)	● Heavy (41-100)	
▲ Severe (5001+)	● Severe (101+)	

Page 427 of 465



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Town of Pelham

LDD Moth Aerial Spray Program

055110220

Meters

1:3,920

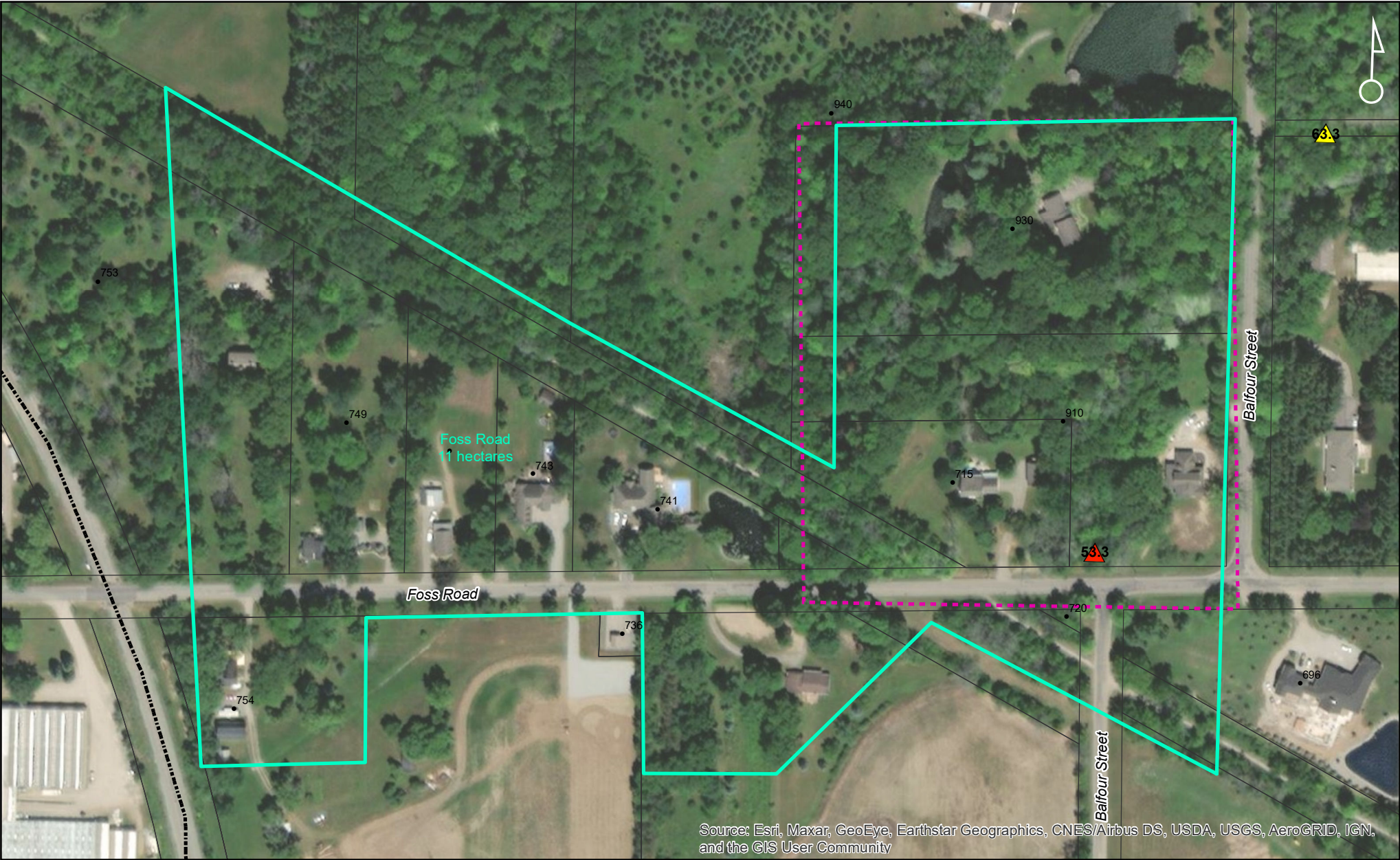
NAD 1983 UTM Zone 17N

Produced by Lallemand Inc./BioForest

2022 Defoliation Forecasts

Forest Plots (em/ha)	Street Plots (em/tree)	
▲ Nil (0)	● Nil (0)	▬ PelhamSprayBlocks_Feb23
▲ Light (1-1250)	● Light (1-10)	▬ PelhamSprayBlocks_Original
▲ Moderate (1251-3750)	● Moderate (11-40)	▬ AssessmentParcels
▲ Heavy (3751-5000)	● Heavy (41-100)	
▲ Severe (5001+)	● Severe (101+)	

Page 428 of 465



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Town of Pelham

LDD Moth Aerial Spray Program

03570140

Meters

1:2,450

NAD 1983 UTM Zone 17N

Produced by Lallemand Inc./BioForest

2022 Defoliation Forecasts

Forest Plots (em/ha)	Street Plots (em/tree)
▲ Nil (0)	● Nil (0)
▲ Light (1-1250)	● Light (1-10)
▲ Moderate (1251-3750)	● Moderate (11-40)
▲ Heavy (3751-5000)	● Heavy (41-100)
▲ Severe (5001+)	● Severe (101+)

PelhamSprayBlocks_Feb23

PelhamSprayBlocks_Original

AssessmentParcels

Page 429 of 465

Pancake Lane

Effingham Street

Welland Road

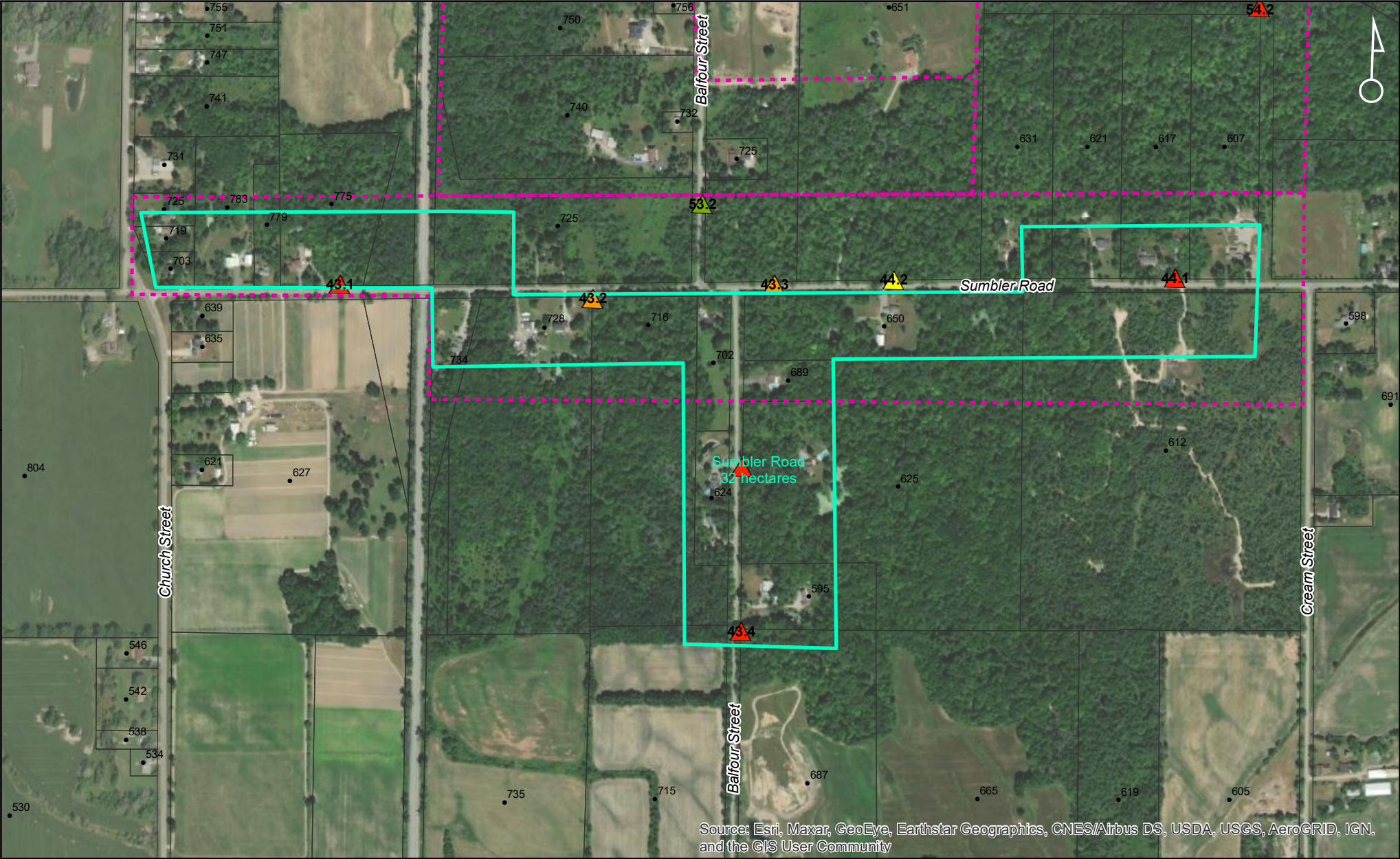
Pancake Lane
24 hectares

Source: Esri, Maxar GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

A horizontal number line is shown with major tick marks at 0, 125, 250, and 500. The unit is labeled "Meters". A point is marked on the line at the value 1,360, which is to the right of the 500 mark.

Produced by Lallemand Inc./BioForest

Sumbler Road



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Town of Pelham

LDD Moth Aerial Spray Program

0115230460

Meters

1:7,740

NAD 1983 UTM Zone 17N

Produced by Lallemand Inc./BioForest

2022 Defoliation Forecasts

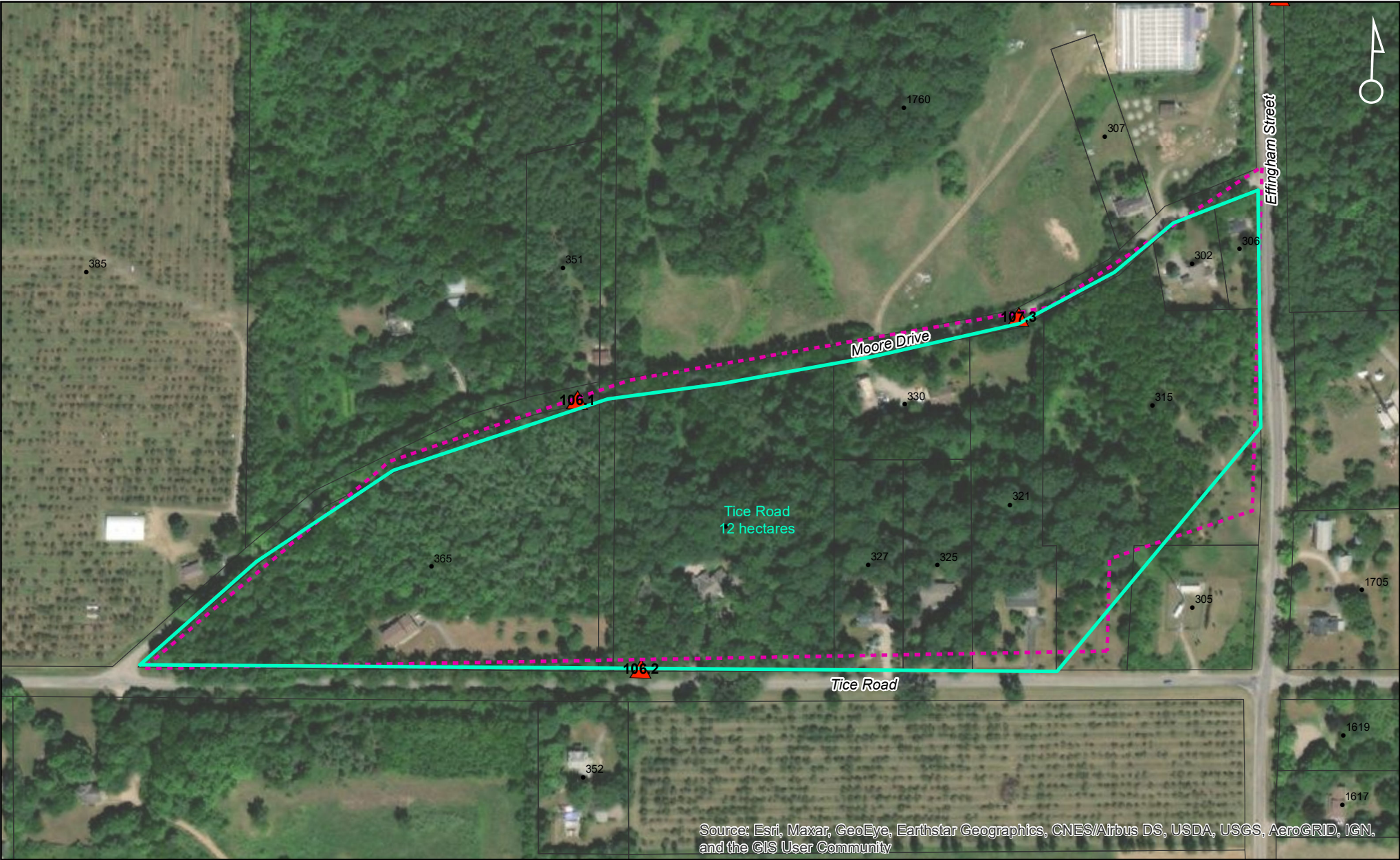
Forest Plots (em/ha)	Street Plots (em/tree)
▲ Nil (0)	● Nil (0)
▲ Light (1-1250)	● Light (1-10)
▲ Moderate (1251-3750)	● Moderate (11-40)
▲ Heavy (3751-5000)	● Heavy (41-100)
▲ Severe (5001+)	● Severe (101+)

PelhamSprayBlocks_Feb23

PelhamSprayBlocks_Original

AssessmentParcels

Page 431 of 465



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Town of Pelham

LDD Moth Aerial Spray Program

050100200

Meters

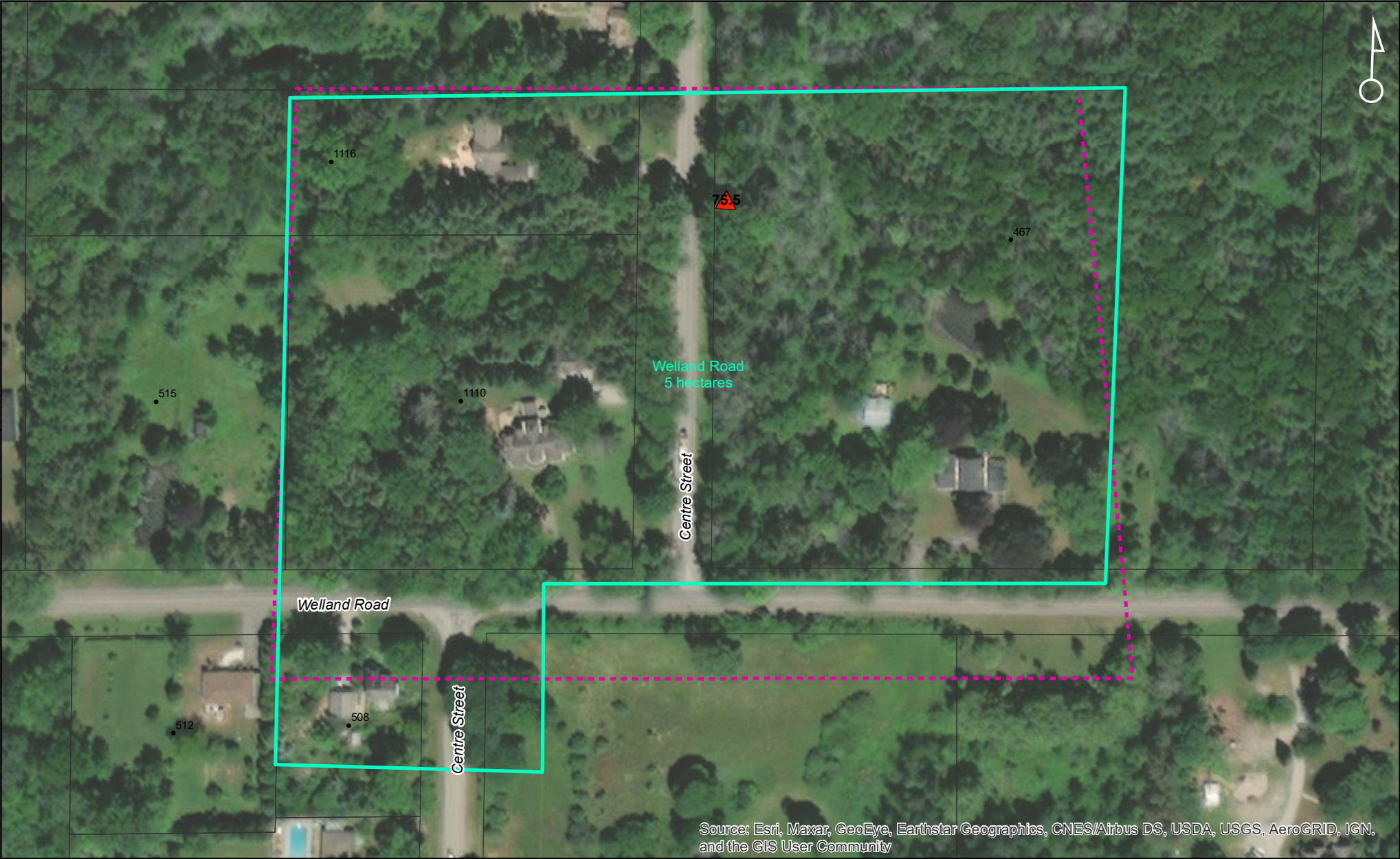
1:3,430

NAD 1983 UTM Zone 17N
Produced by Lallemand Inc./BioForest

2022 Defoliation Forecasts

Forest Plots (em/ha)	Street Plots (em/tree)	
▲ Nil (0)	● Nil (0)	▬ PelhamSprayBlocks_Feb23
▲ Light (1-1250)	● Light (1-10)	▬ PelhamSprayBlocks_Original
▲ Moderate (1251-3750)	● Moderate (11-40)	▭ AssessmentParcels
▲ Heavy (3751-5000)	● Heavy (41-100)	
▲ Severe (5001+)	● Severe (101+)	

Page 432 of 465



Town of Pelham
LDD Moth Aerial Spray Program

0 20 40 80
Meters
1:1,640

NAD 1983 UTM Zone 17N
Produced by Lallemand Inc./BioForest

2022 Defoliation Forecasts

Forest Plots (em/ha)

- ▲ Nil (0)
- ▲ Light (1-1250)
- ▲ Moderate (1251-3750)
- ▲ Heavy (3751-5000)
- ▲ Severe (5001+)

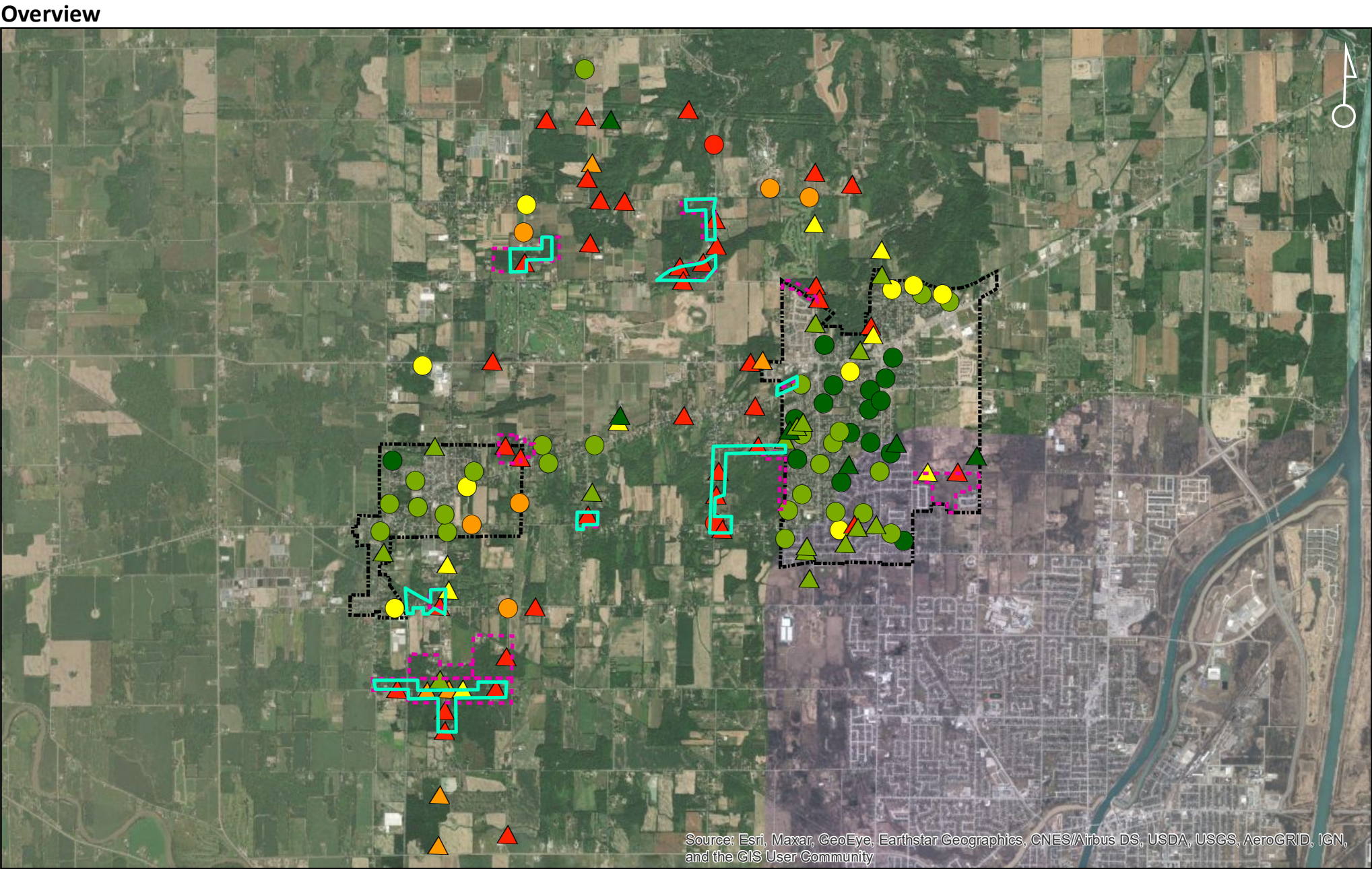
Street Plots (em/tree)

- Nil (0)
- Light (1-10)
- Moderate (11-40)
- Heavy (41-100)
- Severe (101+)

PelhamSprayBlocks_Feb23

PelhamSprayBlocks_Original

AssessmentParcels



Town of Pelham

LDD Moth Aerial Spray Program

090018003600

Meters

1:64,006

NAD 1983 UTM Zone 17N

Produced by Lallemand Inc./BioForest

2022 Defoliation Forecasts

Forest Plots (em/ha)

▲ Nil (0)

▲ Light (1-1250)

▲ Moderate (1251-3750)

▲ Heavy (3751-5000)

▲ Severe (5001+)

Street Plots (em/tree)

● Nil (0)

● Light (1-10)

● Moderate (11-40)

● Heavy (41-100)

● Severe (101+)

PelhamSprayBlocks_Feb23

PelhamSprayBlocks_Original

Page 434 of 465

Subject: Proposed 2022 Municipal Grant Allocation

Recommendation:

BE IT RESOLVED THAT Council receive Report #2022-0062 – Proposed 2022 Municipal Grant Allocation, for information;

AND THAT Council approve the 2022 Municipal Grant allocations of \$11,900 waived facility fees; \$30,100 cash allocations; and \$5,416 estimated in-kind labor requests, as outlined in the 2022 Municipal Grant allocation summary.

Background:

In accordance with Municipal Grants Policy S400-04, applications for funding are accepted annually from not-for-profit organizations that implement significant events and services within the Town of Pelham. These organizations are eligible for grant funding of in-kind contributions. In-kind contributions include the waiving of fees for use of Town facilities for the purposes of developing and organizing significant events and can also include staff labor. In addition to in-kind contributions, Council may, at its discretion, approve grants to support community not-for-profit organization groups or events that will be of a direct benefit to the residents of Pelham.

Analysis:

As per the Policy, there are two categories of grant awards:

Application based process (up to \$20,000.00 maximum for the calendar year)

- Qualifying applicants are eligible to receive up to \$4,000.00 of non-cash, in-kind funding.
- The grant provides relief to organizations from the Town established user fees.
- In-Kind funding can be granted as waived fees and in-kind labour assistance.

Request to Council (up to \$40,000.00 maximum for the calendar year)

- Requests are considered on a first come first serve basis
- Requests to Council for this category maybe for cash or in-kind contributions

Financial Considerations:

Total 2022 Municipal Grant Budget is \$42,000.00

After a review of the applications received for waived fees; in-kind assistance; and cash contributions, it is recommended that \$11,900.00 be allocated to waived fees and \$30,100.00 in cash funding. It is estimated that \$5,416.00 of in-kind labor requests were received. (Grant Summary Attached)

Alternatives Reviewed:

N/A

Strategic Plan Relationship: Build Strong Communities and Cultural Assets

To enable and support significant events and services provided for by local not-for-profit organizations that foster self-fulfillment of individuals, and enhance the quality of life within the Town of Pelham.

Consultation:

Teresa Quinlin, Director of Corporate Services

Other Pertinent Reports/Attachments:

2022 Municipal Grant Summary request

Prepared and Recommended by:

Vickie vanRavenswaay, RRFA
Director of Recreation, Culture and Wellness

Prepared and Submitted by:

David Cribbs, BA, MA, JD, MPA
Chief Administrative Officer

Municipal Grant Summary										
Town of Pelham										
2019 to requests 2022										
			2020 Request	Proposed 2022 Cash/Waived Fee	Proposed 2022 Est. In Kind Labour	Proposed 2021 Cash/Waived Fee	Proposed 2020 Cash/Waived Fee		Actual 2019 Cash/Waived Fee	Notes
Budget				\$42,000	Request	\$42,000	\$25,500	2020 COVID-19 Update	\$25,500	
	Cash	Fonthill Lions	Contribution for operating Community Hall, Parks and Playground.	3,500		3,500	3,000	3,000	3,500	
	Cash	Royal Canadian Legion	offset costs regarding deep fryer oil cleaning unit	3,800		3,500	2,600	2,600	2,000	
	Cash	E.L.Crossley Scholarship	Town of Pelham scholarship	1,000		1,000	1,000	1,000	1,000	
	Cash	Strawberry Festival	No requests for 2022	n/a		n/a	1,300	1,300		
	Cash	Women's Place of Sourth Niagara	To offset costs to provide services to women and children who are victims of abuse.	2,500		2,500				
	Cash	Hospice Niagara	Pallative Care Expansion: \$85,000 \$17,000 for 5 years. Year 2.	17,000		17,000				
	Cash	North Pelham Youth Assoc - Hall	To expand programming, broaden rental abilities and update equipment (tables. chairs, dollies)	2,300		2,150	n/a		n/a	
	Inkind	Farmers Market	Washrooms, security, shuttles, garbage/recycling	229	1,000	n/a	n/a			
	Inkind	Bandshell Committee	Washrooms, security, shuttles, Street Banner	400	3,600	n/a	n/a			
	Waived Fees	International Silverstick Tournament	Thursday Opening Ceremonies and Shuttles	Cancelled	n /a	n/a	4,000	4,000	2,500	
	Waived Fees	Fonthill Kinsmen	OPTH meeting fees, Citizen of the Year, Seniors Christmas & Homeshow	4,000		1,024	4,076	1,929	3963.01	
	Waived Fees	Fonthill Kinettes	No requests for 2022	n/a		462	1,206	924	1591.86	
	Waived Fees	Niagara College Event Management	No requests for 2022	n/a		n/a	n/a		423.42	
	Waived Fees	RCA Cadets	Cadet Corp Annual Review Ceremony	245		n/a	500	0	234.39	
	Waived Fees	Pelham Art Festival	Art Festival facility fees	2,617		3,200	4,052	0	3551.51	
	Waived Fees	Fenwick Lions	Carnival, Parades, Car Show, Flossie, Christmas Tree Lighting	3,184	816	3,175	3,175	794	3206.84	
	Waived Fees	3rd Fonthill Scouting	Use of Centennial Park for weekly meetings.	1,225		1,165				
	Waived Fees	Meridian Credit Union	For Use of Centennial Park for Charity Baseball Tournament for Wellspring	n/a		n/a	n/a	n/a	n/a	
	Waived Fees	Rotary Club of Fonthill	Waived Fees for Rotary Club meetings at MCC	n/a		1,122				
				42,000	5,416	39,798	24,908	15,547	21,971	

THE CORPORATION OF THE
TOWN OF PELHAM

BY-LAW NO. 4430(2022)

Being a by-law to remove the Holding (H) Provision executed by By-law No. 3868 (2017) for the lands located on the south side of Welland Road east of Church Street; municipally known as 788 Welland Road.

Lume Investments Inc.

File No. AM-07-18

WHEREAS Section 34 of the Planning Act, R.S.O. 1990, as amended, provides the governing body of a municipal corporation may pass by-laws to regulated the use of lands and the character, location and use of buildings and structures;

WHEREAS the Council of the Corporation of the Town of Pelham is empowered to enact this By-law by virtue of the provisions of Section 36 of the Planning Act, R.S.O. 1990, as amended;

WHEREAS notice of removal of the Holding (H) Provision has been provided in accordance with the provisions of the Planning Act, R.S.O. 1990, as amended;

WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to remove the Holding (H) Provision;

NOW THEREFORE the Municipal Council of the Town of Pelham hereby enacts as follows:

1. **THAT** the Holding (H) Provision affecting lands municipally known as 788 Welland Road; in the Town of Pelham, be removed.
2. **THAT** Schedule 'A2' of the Zoning By-law No. 1136 (1987), as amended, be amended by removing the Holding (H) Provision from the lands zoned NC-262 (H) also shown on Schedule 'A' of this By-law.
3. **THAT** this By-law shall come into force and take effect pursuant to Sections 34 and 36 of the Planning Act, R.S.O. 1990, as amended;

ENACTED, SIGNED AND SEALED THIS
7th DAY OF MARCH, 2022.

MAYOR MARVIN JUNKIN

CLERK HOLLY WILLFORD

Explanation of the Purpose and Effect of By-law No. 4430(2022)

The subject lands are located on the south side of Welland Road in Fenwick, municipally known as 788 Welland Road, in the Town of Pelham.

The By-law authorizes the removal of the Holding (H) Provision from a portion of the lands currently zoned NC-262(H).

Schedule 'A'



0 5 10 20 30 40
Meters

This is Schedule 'A' to By-law No. 4430 (2022) passed the 7th day of March, 2022.

Mayor: Marvin Junkin

Clerk: Holly Willford

The Corporation of the Town of Pelham

By-law No. 4431(2022)

Being a By-Law To Amend By-Law 4023(2018), as amended, Respecting Development Charges.

WHEREAS the Town of Pelham (the "Town") enacted By-law 4023(2018) pursuant to the *Development Charges Act, 1997*, S.O. 1997, c. 27, as amended (the "Act"), which Act authorizes Council to pass By-laws for the imposition of development charges against land;

AND WHEREAS the Town has undertaken a study pursuant to the Act which has provided updated Schedules to By-law 4023(2018);

AND WHEREAS the Council of the Town of Pelham ("Council") has before it a report entitled "Town of Pelham 2021 Development Charge Update Study" prepared by Watson & Associates Economists Ltd., dated December 22, 2021 (the "update study");

AND WHEREAS the update study and proposed amending By-law were made available to the public on December 22, 2021 and Council gave notice to the public pursuant to Section 12 of the Act;

AND WHEREAS Council, on February 7, 2022 held a meeting open to the public, pursuant to Section 12 of the Act, at which Council considered the study, and written and oral submissions from the public;

NOW THEREFORE Council of the Corporation of the Town of Pelham Enacts as Follows:

1. By-law 4023(2018) is hereby amended as follows:

The purpose of this By-law is to accomplish the following objectives:

a) Addition of Class to the definitions in Section 1 as follows:

"Class" means a grouping of services combined to create a single

service for the purposes of this By-law and as provided in Section 7 of the Development Charges Act.

- b) Addition of Institutional Development to definitions in Section 1 as follows:

“Institutional Development” means development of a building or structure intended for use:

- i. as a long-term care home within the meaning of Subsection 2 (1) of the Long-Term Care Homes Act, 2007;
- ii. as a retirement home within the meaning of Subsection 2 (1) of the Retirement Homes Act, 2010;
- iii. by any of the following post-secondary institutions for the objects of the institution:
 1. a university in Ontario that receives direct, regular, and ongoing operating funding from the Government of Ontario,
 2. a college or university federated or affiliated with a university described in subclause (1), or
 3. an Indigenous Institute prescribed for the purposes of Section 6 of the Indigenous Institutes Act, 2017;

- c) Addition of Interest Rate to the definitions in Section 1 as follows:

“Interest Rate” means the annual rate of interest calculated as per the Town’s *Timing for Calculation of Development Charge, Instalment and Interest Policy* (S400-09) as may be revised from time to time.

- d) Addition of Non-profit Housing Development to the definitions in Section 1 as follows:

“Non-profit Housing Development” means development of a building or structure intended for use as residential premises by,

- i. a corporation without share capital to which the Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing;
- ii. a corporation without share capital to which the Canada Not-for-profit Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing; or
- iii. a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or any successor legislation.

e) Addition of Rental Housing to the definitions in Section 1 as follows:

“Rental Housing” means development of a building or structure with four or more dwelling units all of which are intended for use as rented residential premises;

f) Addition of exemption for University to Section 4, subsection (6), as follows:

New bullet “j) land vested in or leased to a university that receives regular and ongoing operating funds from the government for the purposes of post-secondary education is exempt from development charges imposed under the Act, if the development in respect of which development charges would otherwise be payable is intended to be occupied and used by the university.”

g) Addition of Section 4(8) for “Rules with Respect to Exemptions for New Development”

“4(8) Notwithstanding the provisions of this By-law, no development charge shall be payable where the development:

- (a) is limited to the creation of an additional dwelling unit as prescribed, in prescribed classes of new residential buildings as set out in the Regulations to the Development Charges Act, 1997; and

(b) is limited to the creation of an additional dwelling unit ancillary to a new dwelling unit for prescribed classes of new residential buildings as set out in the Regulations to the Development Charges Act, 1997.”

- h) Addition of policies related to the timing of development charges payments. These will be included after Section 14(2) of the development charges by-law:

New Sections:

14(3) Notwithstanding subsections 14(1) and 14(2), Development Charges for Rental Housing and Institutional Developments are due and payable in six equal annual instalment payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest as per the Town’s D.C. Interest Policy, payable on the anniversary date each year thereafter.

14(4) Notwithstanding subsections 14(1) and 14(2), Development Charges for Non-profit Housing Developments are due and payable in 21 equal annual instalment payments commencing with the first instalment payable on the date of occupancy, and each subsequent instalment, including interest as per the Town's D.C. Interest policy, payable on the anniversary date each year thereafter.

14(5) Where the development of land results from the approval of a site plan or zoning by-law amendment application received on or after January 1, 2020, and the approval of the application occurred within two years of building permit issuance, the development charges under section 2 (2) and shall be calculated on the rates set out in Schedule "B" on the date of the planning application, including interest. Where both planning applications apply development charges under section 2 (2) shall be calculated on the rates payable on the anniversary date each year thereafter, set out in Schedule "B" on the date of the later planning application, including interest as provided in the Town's D.C. Interest Policy.

- i) Schedule "A" is deleted, and the attached Schedule "A" is substituted, therefore.
- j) Schedules "B" is deleted, and the attached Schedule "B" is substituted, therefore.

2. Effective Date

This By-law shall come into force and effect at 12:01AM on March 8, 2022.

- 3. Except as amended by this By-law, all provisions of By-law 4023(2018), as amended, are and shall remain in full force and effect.

By-law read a first and second time this 7th day of March, 2022.

By-law read a third time and finally passed this 7th day of March, 2022.

Marvin Junkin, Mayor

Holly Willford, Town Clerk

Schedule "A"
T0 By-law 4023(2018)
Designated Municipal Services/ Classes of Services under This By-law

Town-Wide D.C.-Eligible Services

- Services Related to a Highway
- Fire Protection Services
- Library Services
- Parks and Recreation Services
- Growth Studies

Urban Area D.C.-Eligible Services

- Water Services
- Wastewater Services

Schedule "B"

Schedule of Development Charges

Service	RESIDENTIAL				Special Care/Special Dwelling Units	NON-RESIDENTIAL (per ft² of Gross Floor Area)
	Single and Semi- Detached Dwelling	Multiples	Apartments - 2 Bedrooms +	Apartments - Bachelor and 1 Bedroom		
Municipal Wide Services:						
Services Related to a Highway	9,330	6,647	6,388	3,906	3,191	5.21
Fire Protection Services	349	249	239	146	119	0.19
Parks and Recreation Services ¹	5,282	3,763	3,616	2,211	1,806	0.74
Library Services	619	441	424	259	212	0.09
Growth Studies ²	692	493	474	290	237	0.39
Total Municipal Wide Services	16,272	11,593	11,141	6,812	5,565	6.62
Urban Services						
Wastewater Services	2,762	1,968	1,891	1,156	945	1.90
Water Services	1,165	830	798	488	398	0.80
Total Urban Services	3,927	2,798	2,689	1,644	1,343	2.70
GRAND TOTAL RURAL AREA	16,272	11,593	11,141	6,812	5,565	6.62
GRAND TOTAL URBAN AREA	20,199	14,391	13,830	8,456	6,908	9.32

¹ Previously presented as two separate charges for Indoor and Outdoor Recreation Services

² Previously presented as Administration

The Corporation of the Town of Pelham

By-law No. 4432(2022)

Being a By-law to authorize the Mayor and Clerk to enter into an Agreement with the Corporation of the Town of Lincoln in order to establish a Union Public Library.

WHEREAS the Council of the Corporation of the Town of Pelham deems it desirable to enter into the attached Agreement with the Corporation of the Town of Lincoln to establish a union public library.

NOW THEREFORE Council of the Corporation of the Town of Pelham Enacts as Follows:

1. **THAT** the agreement attached hereto and forming part of this By-law between the Corporation of the Town of Pelham and the Corporation of the Town of Lincoln be and is hereby approved; and
2. **THAT** the Mayor and Clerk be and are hereby authorized and directed to execute the agreement annexed hereto as Schedule "A" to the by-law and to affix the corporate seal thereto.

Read, Enacted, Signed and Sealed this
07th Day of March, 2022.

Marvin Junkin, Mayor

Holly Willford, Town Clerk

THE CORPORATION OF THE TOWN OF LINCOLN

("Lincoln")

- and -

THE CORPORATION OF THE TOWN OF PELHAM

("Pelham")

AGREEMENT TO ESTABLISH A UNION PUBLIC LIBRARY

WHEREAS section 20 of the *Municipal Act, 2001*, S.O. 2001, c. 25 ("*Municipal Act, 2001*") provides that a municipality may enter into an agreement with one or more other municipalities to jointly provide, for their joint benefit, any matter which all of the municipalities have the power to provide within their own boundaries;

AND WHEREAS section 3 of the *Public Libraries Act*, R.S.O. 1990, c. P. 44 ("*Public Libraries Act*") provides that the council of a municipality may by by-law establish a public library; and

AND WHEREAS section 5 of the *Public Libraries Act* provides that the Councils of two or more municipalities may make an agreement for the establishment of a union public library;

AND WHEREAS the Councils of the municipalities of Pelham and Lincoln (each "a party" and collectively "the parties") wish to enter into an agreement to establish a union public library pursuant to section 5 of the *Public Libraries Act*;

NOW THEREFORE in consideration of the mutual covenants and agreements contained herein, and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties agree as follows:

1. ESTABLISHMENT OF THE LINCOLN PELHAM UNION PUBLIC LIBRARY

- 1.1. The parties hereby agree that a union public library shall be established pursuant to and in accordance with the provisions of the *Public Libraries Act* to serve Lincoln and Pelham ("the Lincoln Pelham Union Public Library").

2. TERM

- 2.1. This Agreement comes into effect on the date it is signed by the parties or, should the parties sign this Agreement on different dates in accordance with section 12.9, on the latest date on which it is signed by a party, and shall continue indefinitely unless it is amended or terminated in accordance with the provisions herein.

3. THE LINCOLN PELHAM UNION PUBLIC LIBRARY BOARD

- 3.1. The Lincoln Pelham Union Public Library shall be under the management and control of a union board as described in the *Public Libraries Act*, which shall be a corporation incorporated pursuant to the *Not-for-Profit Corporations Act, 2010*, S.O. 2010, c. 15 and shall be known as The Lincoln Pelham Union Public Library Board ("the Board").

- 3.2. The Board shall be composed of eleven (11) members of the communities served by the Lincoln Pelham Union Public Library and shall be appointed by the Councils of the parties in accordance with the following rules:
- i. Every member of the Board shall meet the qualifications prescribed by section 10 of the *Public Libraries Act*;
 - ii. Lincoln and Pelham shall each appoint one (1) member of Council to the Board;
 - iii. Lincoln and Pelham, or either of them, may, but are not required to, appoint a second member of Council to the Board, and any such member of Council shall be counted toward that party's total number of appointees under paragraphs 3.2 iv. and 3.2 v. of this Agreement;
 - iv. Six (6) members of the Board, including the appointed member(s) of Council for Lincoln, shall be residents of Lincoln, which accords with the proportion of costs payable by Lincoln pursuant to section 8 of this Agreement; and
 - v. Five (5) members of the Board, including the appointed member(s) of Council for Pelham, shall be residents of Pelham, which accords with the proportion of costs payable by Pelham pursuant to section 8 of this Agreement.

4. ASSETS AND LIABILITIES

- 4.1. Upon entry into this Agreement, the public library boards established for Lincoln and Pelham are dissolved and the assets and liabilities of those public library boards are vested in and assumed by the Board, subject to the following exceptions:
- i. Ownership of any existing library building(s) owned by a party shall remain with that party. Responsibility for capital repairs to any such existing library building(s) shall be addressed in separate Facilities Agreements to be established between the Board and each party to this Agreement.
 - ii. If a party and/or a former public library board serving that party had established a capital reserve account for the sole purpose of expanding and/or renovating any existing library building(s), that reserve account shall be kept separate for the sole purpose of building expansion and/or renovation of said existing library building(s) and shall be identified as a separate capital reserve within the financial accounts of the Board.
 - iii. If a party and/or a former public library board serving that party had established a specific reserve account for other library purposes, that reserve account shall be kept separate for the identified purposes and shall be identified as a separate specific reserve within the financial accounts of the Board.
 - iv. The Board shall maintain a joint operating reserve account to which the parties shall contribute surplus funds annually in accordance with the proportions set out in section 8 of this Agreement. Should the balance of the joint operating reserve reach five percent (5%) of the Lincoln Pelham Union Public Library operating budget, any surplus shall be deposited annually into the capital reserve accounts described in paragraph 3.1 ii. in accordance with the proportions set out in section 8 of this Agreement.

- v. If a party and/or a former public library board serving that party had established a charitable trust for the sole purpose of receiving financial donations, the charitable trust account shall be kept separate for the purpose of receiving such financial donations and shall be identified as a separate account within the financial accounts of the Board.
- 4.2. Other than donations received via a charitable trust as set out in paragraph 3.1 v., all donations received by a party and/or a former public library board for library purposes prior to this Agreement shall vest in and be assumed by the Board. Notwithstanding the foregoing, the parties agree that where a donation is made for a purpose specified by the donor, it shall be allocated and applied in accordance with that purpose.
- 4.3. Other than donations received via a charitable trust as set out in paragraph 3.1 v., all donations received by the Lincoln Pelham Union Public Library or the Board shall be the property of the Board. Notwithstanding the foregoing, the parties agree that where a donation is made for a purpose specified by the donor, it shall be allocated and applied in accordance with that purpose.

5. POWERS AND DUTIES OF THE LINCOLN PELHAM UNION PUBLIC LIBRARY BOARD

- 5.1. The Board shall have the powers and duties prescribed under the *Public Libraries Act* and, without limiting the generality of the foregoing, the Board shall:
- i. Operate a library system with a minimum of four (4) locations that represent the present geographical locations of libraries in Lincoln and Pelham and ensure that library operations are conducted in accordance with the *Public Libraries Act* and its regulations;
 - ii. Employ a Chief Executive Officer, who shall have general supervision over and direction of the operations of the Lincoln Pelham Union Public Library and its staff, shall attend all Board meetings and shall have such other powers and duties that the Board assigns to him or her from time to time;
 - iii. Enter into an employment contract with the Chief Executive Officer described in paragraph 4.1 ii., which contract shall set out the terms and conditions of his or her employment including salary, benefits, vacation and such other terms as are necessary, and which terms and conditions shall be set by the Board;
 - iv. Review all library locations every four (4) years, with the first such review to take place four (4) years after this Agreement is signed, to ensure that such locations are appropriate for the purposes of providing a comprehensive and efficient public library service that reflects community needs; and
 - v. Have exclusive control of the disbursement of the finances of the Lincoln Pelham Union Public Library and apply all revenues and profits of all property of the Board solely to the establishment, operation and maintenance of a public library service.

6. ANNUAL ESTIMATES OF COSTS

- 6.1. On or before the first day of December in each year of this Agreement, the Board shall prepare, adopt and submit to the Councils of Lincoln and Pelham estimates of all sums required during the upcoming year for the purposes of the Board as required by section 24 of the *Public Libraries Act*. For greater certainty, such estimates:
- i. Shall set forth the estimated revenues and expenditures of the Board;

- ii. Shall set forth the proportion of the estimates to be charged to each of Lincoln and Pelham; and
 - iii. May provide for capital expenditures to be made using funds accumulated and/or received by the Board during the previous year.
- 6.2. If the estimates are approved or amended and approved by the Council or Councils of the party or parties representing more than one-half of the population of the area for which the Board was established, then such approvals are binding on all parties to this Agreement in accordance with section 24 of the *Public Libraries Act*.
- 6.3. Notwithstanding any other provisions of this Agreement, in the second and third years of this Agreement, the Board shall not prepare, adopt or submit estimates that set forth an annual increase of more than two percent (2%) over the contributions made by each of the parties in the first year of this Agreement or that change the proportions to be charged to each of the parties.
- 6.4. The parties shall cause the accounts and transactions of the Board to be annually audited by a municipal auditor in accordance with section 296 of the *Municipal Act, 2001*. The parties acknowledge and agree that such audits shall be conducted by the auditor of the party that is responsible for the largest share of the expenses of the Board in that year.

7. COUNCIL OBLIGATION TO PAY ANNUAL ESTIMATES

- 7.1. The Councils of Lincoln and Pelham shall each appropriate and pay to the Board the amounts in the estimates that have been approved for the establishment, operation and maintenance of a comprehensive and efficient public library service that reflects the parties' unique needs.

8. PROPORTIONS

- 8.1. Lincoln and Pelham shall each supply one hundred percent (100%) of their respective Provincial Library Operating Grant ("PLOG") and Pay Equity ("PE") to the Board.
- 8.2. In addition, the Councils of Lincoln and Pelham shall each contribute local operating support to the Board, the proportions of which shall reflect the relative populations of the municipalities as established by available census data.
- 8.3. The proportions of local operating support to be contributed by the Councils of Lincoln and Pelham in each of the first four (4) years of this Agreement shall be based on 2016 census data.
- 8.4. Census data shall be reviewed by the Board every four (4) years, with the first such review to take place four (4) years after this Agreement is signed, and the parties shall make any necessary adjustment to the proportions at that time.
- 8.5. The PLOG, PE and local operating support payable to the Board in accordance with this Agreement in the first year of this Agreement is as follows:

Library	Population (2016)	PLOG/PE (2020)	Provincial Pay Equity Down Payment	Local Support (2022)	Proportion of Local Support Requested
Lincoln	23,787 58%	\$27,394	\$13,486	\$1,164,054	58%
Pelham	17,110 42%	\$22,256	\$932	\$827,207	42%
	40,897	\$49,650	\$14,418	\$1,991,261	100%

9. ADDITION OF PARTIES

- 9.1. At any time after the Board is established, the Council of any municipality that is not a party to this Agreement may submit a request to the Councils of Lincoln and Pelham to join the union public library established by this Agreement.
- 9.2. Where a majority of the members of each of the Councils of Lincoln and Pelham vote in favour of a request submitted under section 9.1 of this Agreement, this Agreement shall be amended in accordance with section 10 to make all amendments required to add the municipality as a party to this Agreement and a participant in the union public library, including but not limited to the proportions set out in section 8 of this Agreement.

10. AMENDMENT AND TERMINATION

- 10.1. The parties may revise, alter or amend this Agreement only by mutual agreement. If at any time the parties deem it necessary or expedient to make any revision, alteration or amendment to this Agreement, they may do so only by way of a written document, signed by the parties, which shall be appended to and form part of this Agreement.
- 10.2. At any time, the parties may jointly agree in writing to terminate this Agreement on such terms and conditions as the parties consider appropriate.
- 10.3. Either party may terminate this agreement by providing not less than eighteen (18) months written notice to the other party of its desire to terminate this Agreement and of its proposed date for dissolution of the Board and the Lincoln Pelham Union Public Library, which dissolution date shall be not less than twenty-four (24) months from the date of the written notice of termination.
- 10.4. Upon dissolution of the Board and the Lincoln Pelham Union Public Library pursuant to section 10.3, all books and other library materials housed in library building(s) that are located in a municipality are vested in and assumed by the municipality in which they are situated. All other assets and liabilities of the Board and the Lincoln Pelham Union Public Library shall be apportioned and allocated to the parties in accordance with the proportions set out in section 8 of this Agreement.
- 10.5. Termination of this Agreement is without prejudice to the rights of any party that may have accrued up to the date of termination.

11. DISPUTE RESOLUTION

- 11.1. In the event that a dispute arises as to the interpretation, application and/or execution of this Agreement, including but not limited to a party's rights or obligations under the Agreement and/or an allegation of default or breach of the Agreement, the party that disputes the other party's position or conduct shall immediately provide written notice of the dispute to the other party.
- 11.2. Where a notice of dispute is received in accordance with section 11.1, the parties' Chief Administrative Officers shall attempt to resolve the dispute through negotiation for a period of thirty (30) days from the date on which the notice is delivered. The parties may extend the negotiation period if they agree that a reasonable extension is likely to resolve the dispute.
- 11.3. If a dispute cannot be resolved through negotiation by the parties' Chief Administrative Officers, the parties shall refer the matter to a single, skilled and experienced arbitrator selected by the parties, who shall have the authority to finally resolve the dispute in accordance with the *Arbitrations Act, 1991*, S.O. 1991 c. 17. The cost of any such arbitration(s) shall be paid equally by the parties unless otherwise agreed.
- 11.4. Other than the cost of any arbitration(s) conducted pursuant to section 11.3, each party shall bear any costs that it incurs in relation to the determination of disputes arising under this Agreement.

12. GENERAL

- 12.1. This Agreement constitutes the entire agreement between the parties in relation to the matters set out herein. There are no other representations, promises, covenants or terms relating to the subject matter of this Agreement. This Agreement supersedes any prior discussions, understandings or agreements between the parties in relation to its subject matter.
- 12.2. The invalidity or unenforceability of any particular term of this Agreement shall not limit the validity or enforceability of the remaining terms, each of which is distinct and severable from all other terms of this Agreement.
- 12.3. Waiver by a party of any provision of this Agreement in one instance shall not constitute a waiver in any other instance and any such waiver must be made in writing.
- 12.4. Any delay or failure on the part of any party to exercise or enforce any right, power or remedy conferred by this Agreement shall not constitute a waiver of same and shall not operate as a bar to that party exercising or enforcing said right, power or remedy at any subsequent time.
- 12.5. No party shall be considered in default of its obligations under this Agreement to the extent that a delay or failure to perform those obligations is due to an event beyond the control of the parties, including but not limited to fires, floods, acts of God, strikes, riots, war or hostilities, terrorism, lawful acts of public authorities and other events that cannot be reasonably foreseen or provided against.

- 12.6. This Agreement shall enure to the benefit of, and be binding upon, the parties and their respective successors and permitted assigns; however, this Agreement and the parties' associated rights and obligations are not assignable by any party without the prior written consent of all other parties.
- 12.7. This Agreement shall be governed by and construed in accordance with the law of the Province of Ontario and laws of Canada applicable therein.
- 12.8. In the event of any conflict between any provision of this Agreement and any provision of the *Public Libraries Act* or the *Municipal Act, 2001*, the provision of the statute shall prevail. In the event of any conflict between the *Public Libraries Act* and the *Municipal Act, 2001* in relation to this Agreement, the *Public Libraries Act* shall prevail.
- 12.9. This Agreement may be signed in counterpart, each of which is an original and all of which together constitute a single document. Counterparts may be executed on different dates and in original or electronic form and may be exchanged by way of mail or PDF file delivered by email or facsimile transmission.

13. NOTICE

- 13.1. Upon entry into this Agreement, Lincoln shall promptly notify the Minister of Culture or such other member of the Executive Council to whom the administration of the *Public Libraries Act* has been assigned ("the Minister") and shall mail or deliver a copy of this Agreement to the Minister pursuant to section 5 of the *Public Libraries Act*.
- 13.2. Any written notice to or communication with the Board and/or the Lincoln Pelham Union Public Library provided for or required under this Agreement or otherwise shall be given by personal delivery, mail or electronic mail, addressed as follows:

Lincoln Pelham Union Public Library
5020 Serena Drive
Beamsville, ON L0R 1B0

Email: andrews@lincoln.library.on.ca

[signature page follows]

IN WITNESS WHEREOF the parties have executed this Agreement by their authorized representatives and agree to be bound thereby as of the latest date set out below.

THE CORPORATION OF THE TOWN OF LINCOLN

By: _____

Name:

Title:

By: _____

Name:

Title:

I/We have authority to bind the Corporation.

Date: _____

THE CORPORATION OF THE TOWN OF PELHAM

By: _____

Name:

Title:

By: _____

Name:

Title:

I/We have authority to bind the Corporation.

Date: _____

47571514.1

The Corporation of the Town of Pelham

By-law No. 4433(2022)

Being a by-law authorizing the implementation of a 2022 spray program respecting the LDD moth, and to Repeal and Replace By-Law 4334(2021)

WHEREAS the Council of the Town of Pelham ("Council") deems it necessary to take steps to limit the impact of LDD moth infestation on trees within the Town's Municipal Boundary, so as to help preserve its tree assets and to reduce the consequences to the well-being of the public due to the loss of trees;

AND WHEREAS section 128 of the *Municipal Act, 2001, S.O. 2001, c.25*, as amended ("the Act"), permits a local municipality to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of council, are or come become, or cause a public nuisances;

AND WHEREAS section 10(1) of the Act authorizes a municipality to provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS section 10(2) of the Act authorizes a municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality;

AND WHEREAS Council has considered the research and surveying conducted by staff and an external consultant on the levels and effects of the LDD moth infestation in certain areas within the Town;

AND WHEREAS Council is of the opinion that the level of LDD moth infestations in certain areas within the Town constitutes a matter of public nuisance or could become a public nuisance;

NOW THEREFORE Council of the Corporation of the Town of Pelham Enacts as Follows:

1. The LDD moth infestations in areas identified by the Director of Public Works as severe in nature and deemed a matter of public nuisance in the Town of Pelham
2. The Director of Public Works is authorized to implement an aerial spray program using the biological control agent *Bacillus thuringiensis* subspecies *kurstaki* (Btk) In and around the proposed spray areas identified in the Public Works Report "2022 LDD Moth Management Program, Report #2022-0057" where the Director is satisfied that the established criteria outlined in Policy S802-03 for the aerial spray program are met.

3. The Director of Public Works is authorized to implement a LDD moth control aerial spray program using the biological control agent *Bacillus thuringiensis* subspecies *kurstaki* (Btk) in and around Public Street Trees within the road allowances and trees on private lands within the Town found within the areas identified in the Public Works Report "2022 LDD Moth Management Program, Report #2022-0057" where surveys have been carried out by the Director confirming that the treatment threshold has been exceeded and the Director is satisfied that the established criteria outlined in Policy S802-03 for the aerial spray program are met.

4. Repeal

That By-law 4334(2021) be and is hereby Repealed.

5. Effective Date

This By-law shall come into force and effect on the date of its enactment.

Read, Enacted, Signed and Sealed this
07th Day of March, 2022.

Marvin Junkin, Mayor

Holly Willford, Town Clerk

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW 4434(2022)

**Being a By-Law to amend By-law 4423(2022)
authorizing the Mayor and Clerk to enter into a Cost
Sharing Agreement with the Regional Municipality of
Niagara for the Quaker Road Reconstruction Project,
by Repealing and Replacing Schedule "A" with
Schedule "A" appended hereto.**

WHEREAS the Council for the Town of Pelham authorized the Mayor and Clerk to enter into a Cost Sharing Agreement with the Regional Municipality of Niagara on February 7, 2022;

AND WHEREAS The Region of Niagara has deemed it desirable to amend the agreement authorized by By-law No. 4423(2022) to require budgetary approval from Niagara Regional Council and Town of Pelham Council for any additional costs incurred from the project;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

- (1) THAT the Niagara Region Cost Sharing Agreement attached as hereto and made part of this by-law between the Regional Municipality of Niagara and Town of Pelham be and is hereby approved; and
- (2) THAT the Mayor and Clerk be and are hereby authorized and instructed on behalf of the Corporation of the Town of Pelham to execute said Agreement and the Clerk is hereby authorized to affix the Corporate Seal thereto.

ENACTED, SIGNED & SEALED THIS
07th DAY OF March, 2022

MARVIN JUNKIN, MAYOR

HOLLY WILLFORD, TOWN CLERK

COST SHARING AGREEMENT

THIS AGREEMENT made in triplicate this day of , 2022.

- BETWEEN -

THE REGIONAL MUNICIPALITY OF NIAGARA

Hereinafter called "Niagara Region" (of the first part)

- AND –

THE CORPORATION OF THE TOWN OF PELHAM

Hereinafter called the "Town" (of the second part)

WHEREAS Niagara Region intends to issue a Tender (hereinafter called the "Tender") for Quaker Road Water-Wastewater Infrastructure Projects, specifically installation of a new sanitary sewer, and replacement of local sanitary sewers, watermain and appurtenances along Quaker Road from Pelham Street to Clare Avenue in the Town of Pelham (hereinafter called the "Project").

AND WHEREAS MTE Consultants Inc. submitted a cost estimate for the construction work to be undertaken for the Project totalling \$6,720,125.00, excluding taxes;

AND WHEREAS the Town's portion of the Project is estimated at \$1,976,129.98 (excluding taxes) based on the agreed cost-sharing breakdown attached as Schedule "A" to this Agreement, and based on estimated quantities and prices, and subject to potential increase based on actual bid prices and contingencies payments to the extent Niagara Region is obligated to make same pursuant to the terms of the Tender;

AND WHEREAS Council of the Town agreed on December 20, 2021 to cost share certain services related to the Project undertaken by Niagara Region on behalf of the Town related to the Project as further detailed herein;

AND WHEREAS Niagara Region's authority to proceed with the Tender remains (i) subject to receiving budgetary approval and (ii) is internally conditional upon the Town making the contribution contemplated by this Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and other good and valuable consideration, the sufficiency whereof is acknowledged hereby by the parties, the parties hereto agree with each other as follows:

1. The Town agrees to pay the Town's share for the services undertaken by Niagara Region on the Town's behalf relating to the Project (the "Town Works"), as having an estimated value totaling \$1,976,129.98, excluding Harmonized Sales Tax (HST), and based on estimated quantities and prices, as outlined in the cost-sharing breakdown attached as Schedule "A" to this Agreement.

2. The Town's share for the above-noted contract amounts to:

Construction Cost	\$1,534,279.98
Construction Contingency	\$302,400.00
Contract Administrator / Inspection Services and Material Testing	\$99,900.00
(the above referenced costs, together, the "Estimated Construction Costs")	
Engineering Design Services	\$39,550.00
TOTAL (excluding tax)	\$1,976,129.98

The Town acknowledges and agrees that the said sum is an estimate only and that payment shall be made by the Town to Niagara Region for the actual costs incurred, together with all surcharges and non-recoverable HST; provided that, if the Town's share of the actual construction costs attributable to the Project, once known, exceed the total Estimated Construction Costs set out in Section 2, above, Niagara Region's obligation to proceed with the construction of the Town Works shall be conditional on and subject to the Town obtaining budgetary approval for such additional costs from its Council and providing evidence of same to Niagara Region.

3. Niagara Region shall provide an invoice to the Town after tendering for the cost of the Town's share of the Engineering Design Services, which shall be paid within thirty (30) days of the invoice date.
4. Notwithstanding anything in this Agreement to the contrary, Niagara Region's obligation to proceed with the Tender is conditional on and subject to Niagara Region obtaining any necessary authorizations and approvals required in connection with the Project, including, for certainty, budgetary approval from Regional Council and as well as approval of any other relevant government authority. Provided that Niagara Region receives all necessary approvals it agrees to proceed with issuing the Tender and, provided the Tender is awarded, further agrees to be responsible for the management of the construction works contemplated thereby. In all cases, the Town shall only be responsible for paying its proportionate share of those design and construction services relating to the Project actually completed.
5. The final cost-sharing breakdown will be provided by Niagara Region at the completion of the Project using actual contract quantities.
6. Niagara Region shall provide invoices to the Town at Substantial Completion and at the end of the Warranty period for the cost of the Town's share of the construction portion of the Project, which shall be paid within thirty (30) days of the invoice dates.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per: _____

Name: Bruce Zvaniga, P. Eng.

Position: Commissioner Public Works

I have authority to bind the Corporation.

THE CORPORATION OF THE TOWN OF PELHAM

Per: _____

Name:

Position:

Per: _____

Name:

Position:

We have authority to bind the Corporation.

SCHEDULE "A"

TABLE 1 - PRELIMINARY CONSTRUCTION COST ESTIMATE (40% Design)
Quaker Road Sanitary Trunk Sewer



Project No. 48335-100
January 11, 2022

General Notes Welland is approximately 800m of the total 1200m (66%)
Pelham is approximately 400m of the total 1200m (33%)

Item No.	Description	Unit	Unit Price	Estimated Quantity	Total Cost	Niagara Region Costs		Town of Pelham Costs	
						Percentage	Total Costs	Percentage	Total Costs
SECTION '1' - GENERAL									
1	Bonding, Insurance, Etc.	lump sum	\$190,000.00	1	\$190,000.00	53.0%	\$100,700.00	28.8%	\$54,720.00
2	Mobilization/Demobilization	lump sum	\$50,000.00	1	\$50,000.00	53.0%	\$26,500.00	28.8%	\$14,400.00
3	Pre-condition Survey	lump sum	\$8,000.00	1	\$8,000.00	53.0%	\$4,240.00	28.8%	\$2,304.00
4	Site Office	lump sum	\$25,000.00	1	\$25,000.00	53.0%	\$13,250.00	28.8%	\$7,200.00
5	Traffic control	lump sum	\$25,000.00	1	\$25,000.00	53.0%	\$13,250.00	28.8%	\$7,200.00
6	Construction layout	lump sum	\$12,000.00	1	\$12,000.00	53.0%	\$6,360.00	28.8%	\$3,456.00
7	Contingency (20%)	lump sum	\$1,050,000.00	1	\$1,050,000.00	53.0%	\$556,500.00	28.8%	\$302,400.00
Subtotal Section 1 - General					\$1,360,000.00		\$720,800.00		\$391,680.00
SECTION '2A' - Removals									
8	Remove & dispose of existing asphalt	m ²	\$6.50	9,600	\$62,400.00	50%	\$31,200.00	17%	\$10,399.99
9	Remove & dispose of existing concrete (sidewalk, curb)	LS	\$3,000.00	1	\$3,000.00	50%	\$1,500.00	50%	\$1,500.99
10	Removal and modifications to existing sanitary	m	\$250.00	55	\$13,750.00	100%	\$13,750.00	0%	\$0.00
11	Tree removals, protection, maintain & relocate as required	lump sum	\$12,000.00	1	\$12,000.00	50%	\$6,000.00	17%	\$2,000.00
12	Miscellaneous removals (pillars, signs etc.)	lump sum	\$20,000.00	1	\$20,000.00	50%	\$10,000.00	17%	\$3,333.33
Subtotal Section 1 - General					\$111,150.00		\$62,450.00		\$17,233.32
SECTION '2B' - ROADS									
13	Roadway Paving								
14	Granular 'B' (450mm) - to be confirmed	tonnes	\$15.00	10,800	\$162,000.00	83%	\$135,000.00	17%	\$27,000.00
15	Granular 'A' (150mm) - to be confirmed	tonnes	\$20.00	3,600	\$72,000.00	83%	\$60,000.00	17%	\$12,000.00
16	Surface Asphalt (HL3) (50 mm) - to be confirmed	tonnes	\$125.00	1,200	\$150,000.00	83%	\$125,000.00	17%	\$25,000.00
17	Base Asphalt (HLB)(150 mm) - to be confirmed	tonnes	\$100.00	3,600	\$360,000.00	83%	\$300,000.01	17%	\$60,000.00
18	Boulevard restoration - including reinstate ditch, topsoil and sod	m ²	\$14.00	7,200	\$100,800.00	50%	\$50,400.00	17%	\$16,800.00
Subtotal Section 2 - Roads					\$844,800.00		\$670,400.01		\$140,800.00
SECTION '3' - Region SANITARY SEWER									
19	Supply and Install 600mm concrete sanitary trunk sewer	m	\$1,250.00	1,200	\$1,500,000.00	100%	\$1,500,000.00	0%	\$0.00
20	Supply and Install Maintenance holes (1200mm)	ea	\$15,000.00	11	\$165,000.00	100%	\$165,000.00	0%	\$0.00
21	Flume Chamber (2400mm MH, including benching and flume, ladder, hatch, etc.)	lump sum	\$53,000.00	1	\$53,000.00	100%	\$53,000.00	0%	\$0.00
22	Electrical (Panel, wiring)	lump sum	\$25,000.00	1	\$25,000.00	100%	\$25,000.00	0%	\$0.00
23	Diversion Chamber (including sluice gates)	lump sum	\$60,000.00	1	\$60,000.00	100%	\$60,000.00	0%	\$0.00
24	Sewer Main Testing	m	\$15.00	1200	\$18,000.00	100%	\$18,000.00	\$0.00	\$0.00
Subtotal Section 3 - Sanitary Sewer					\$1,821,000.00		\$1,821,000.00		
SECTION '4' - MISCELLANEOUS AND PROVISIONAL									
25	Removal of Unsuitable Fill	lump sum	\$80,000.00	1	\$80,000.00	95%	\$76,000.00	2%	\$1,333.33
26	Allowance for contaminated material remediation	lump sum	\$50,000.00	1	\$50,000.00	50%	\$25,000.00	17%	\$8,333.33
Subtotal Section 4 - Miscellaneous and Provisional					\$130,000.00		\$101,000.00		\$9,666.67
SECTION '6' - TOWN OF PELHAM URBANIZATION									
34	Supply and Install 300mm local sanitary sewer	m	\$400.00	420	\$168,000.00	0%	\$0.00	100%	\$168,000.00
35	Supply and Install Sanitary Maintenance holes (1200mm)	ea	\$8,000.00	6	\$48,000.00	0%	\$0.00	100%	\$48,000.00
36	Supply and Install 525 storm sewer	m	\$650.00	420	\$273,000.00	0%	\$0.00	100%	\$273,000.00
37	Supply and Install Storm manholes	ea	\$6,500.00	9	\$58,500.00	0%	\$0.00	100%	\$58,500.00
38	Supply and Install catch basins with leads	ea	\$3,500.00	9	\$31,500.00	0%	\$0.00	100%	\$31,500.00
39	Supply and Install 300mm watermain	m	\$550.00	450	\$247,500.00	0%	\$0.00	100%	\$247,500.00
40	Supply and install hydrants and leads	ea	\$6,500.00	6	\$39,000.00	0%	\$0.00	100%	\$39,000.00
41	Supply and Install 600.04 curb and gutter w/ subdrain	m	\$90.00	840	\$75,600.00	0%	\$0.00	100%	\$75,600.00
42	Supply and install 1.8m concrete sidewalk	m ²	\$60.00	1,620	\$97,200.00	0%	\$0.00	100%	\$97,200.00
43	Supply and install water services	ea	\$3,500.00	27	\$94,500.00	0%	\$0.00	100%	\$94,500.00
44	Supply and install sanitary services	ea	\$3,500.00	27	\$94,500.00	0%	\$0.00	100%	\$94,500.00
45	Private driveway restorations	lump sum	\$50,000.00	1	\$50,000.00	0%	\$0.00	100%	\$50,000.00
Subtotal Section 6 - Town of Pelham Urbanization					\$1,277,300.00		\$0.00		\$1,277,300.00
SECTION '7' - CONTRACT ADMIN & CONSTRUCTION SERVICES									
46	Contract Administration (Assume 200 Days @ 2 hours/day)	ea	\$135.00	400	\$54,000.00	53%	\$28,620.00	28.80%	\$15,552.00
47	Construction Inspection Assume 200 Days @ 10 hours/day)	ea	\$105.00	2,000	\$210,000.00	53%	\$111,300.00	28.80%	\$60,480.00
48	Materials Testing	lump sum	\$50,000.00	1	\$50,000.00	53%	\$26,500.00	28.80%	\$14,400.00
49	Warranty Services	ea	\$105.00	40	\$4,200.00	53%	\$2,226.00	28.80%	\$1,209.60
50	As-Constructed Drawings	ea	\$105.00	35	\$3,675.00	53%	\$1,947.75	28.80%	\$1,058.40
51	Contingency	lump sum	\$25,000.00	1	\$25,000.00	53%	\$13,250.00	28.80%	\$7,200.00
Subtotal Section 7 - CA and Construction Services					\$346,875.00		\$183,843.75		\$99,900.00
SECTION '8' - ENGINEERING DESIGN SERVICES									
53	Pelham Engineering Design - 2022	lump sum	\$ 39,550.00	1	\$ 39,550.00	0%	\$0.00	100%	\$39,550.00
54	Region Engineering Design - 2022	lump sum	\$ 122,510.00	1	\$ 122,510.00	100%	\$122,510.00	0%	\$0.00

Total Construction Cost \$6,720,125.00
Total Project Cost \$6,899,970.00

less contingency \$5,323,250.00

\$3,559,493.76
\$3,682,003.76

\$1,936,579.98
\$1,976,129.98

Percentage 53.0% 28.8%

Notes

Welland pays for half of the 1/3rd, Pelham pays half of 2/3
Only small amount of curb at Pelham Street and Line Ave, Region and Town to split
Modifications to Sanitary are driven by Region
Welland pays for half of the 1/3rd, Pelham pays half of 2/3
Welland pays for half of the 1/3rd, Pelham pays half of 2/3

Pelham and Region split 50/50, Region pays 100% of road granular (Watermain is in i
Pelham and Region split 50/50, Region pays 100% of road granular (Watermain is in i
Pelham and Region split 50/50, Region pays 100% of road granular (Watermain is in i
Pelham and Region split 50/50, Region pays 100% of road granular (Watermain is in i
Welland and Pelham pay half of the restoration

Expectation is that 95% of potential unsuitable will be from sanitary trench
Welland and Pelham each pay half

THE CORPORATION OF THE
T O W N O F P E L H A M
BY-LAW #4435(2022)

**Being a by-law to adopt, ratify and confirm the actions of
the Council at its regular meeting held on the 07th day of
March 2022.**

WHEREAS Section 5 (3) of the Municipal Act, S.O. 2001, Chapter M.25,
as amended, provides that, except if otherwise authorized, the powers of Council
shall be exercised by by-law;

AND WHEREAS it is deemed desirable and expedient that the actions of
the Council as herein set forth be adopted, ratified and confirmed by by-law;

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF
PELHAM ENACTS AS FOLLOWS:

- (1) (a) The actions of the Council at its meeting held on the 07th day of
March, 2022, including all resolutions or motions approved, are hereby
adopted, ratified and confirmed as if they were expressly embodied in
this by-law.
(b) The above-mentioned actions shall not include:
 - (I) any actions required by law to be taken by resolution,
or
 - (II) any actions for which prior Ontario Municipal Board
approval is required, until such approval is obtained.
- (2) The Mayor and proper officials of the Corporation of the Town of Pelham
are hereby authorized and directed to do all things necessary to give
effect to the above-mentioned actions and to obtain approvals where
required.
- (3) Unless otherwise provided, the Mayor and Clerk are hereby authorized
and directed to execute and the Clerk to affix the seal of the Corporation
of the Town of Pelham to all documents necessary to give effect to the
above-mentioned actions.
- (4) THAT this by-law shall come into force on the day upon which it is
passed.

READ, ENACTED, SIGNED AND SEALED
THIS 07th DAY OF MARCH 2022.

MAYOR MARVIN JUNKIN

TOWN CLERK HOLLY WILLFORD