

Public Meeting Under the Planning Act Agenda

PCOW-05/2022

Monday, June 13, 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. Adoption of Agenda

3.	Disclosure of Pecuniary Interest and General Nature Thereof	
4.	Planning Act Application: 15 Highway 20 East - OP-AM-01-2022 & AM-03-2021	4 - 7
4.1.	Planning Report	8 - 27
4.1.1.	Applications for Official Plan and Zoning By-law Amendments - 15 Highway 20 East, 2022-0136-Planning	28 - 74
4.2.	Applicant's Presentation	75 - 87
4.3.	Public Input	88 - 97
	<u>Written Correspondence</u>	
	1. Bernie and Susan Law	
	2. Alan Morgan	
	3. William McInerney	
	<u>Pre-Registered Members of the Public</u>	
	1. Bernie and Susan Law	
	2. William McInerney	
	3. Mike and Donna Zimmer	
4.4.	Committee Input	
4.5.	Presentation of Resolutions	
5.	Planning Act Application: Town of Pelham New Comprehensive Zoning By-law and Housekeeping Official Plan Amendment	98 - 98
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5.2.	Public Input	409 - 453

Written Correspondence

1. Sullivan Mahoney LLP
2. Better Neighbourhoods Development Consultants
3. Upper Canada Consultants
4. Hummel Properties Inc.
5. Mountainview Homes
6. Forestgreen Creations

Pre-Registered Members of the Public

1. Jeanine West
2. Tina De Luca
3. Sweet Thoughts, Bobbi Lococo
4. Graham Pett

5.3. Committee Input

5.4. Presentation of Resolutions

6. Adjournment

Notice of Public Meeting

DATE: June 13, 2022 at 5:30 PM

PLACE: This hearing will be held remotely by Zoom Webinar

Town Council approved Public Hearings to be held remotely during an emergency via By-law No. 4422 (2022). The Town of Pelham will be livestreaming this Public Meeting at the following link: <https://www.youtube.com/user/TownOfPelham>

File Numbers: OP-AM-01-2022 & AM-03-2021
Subject Lands: 15 Highway 20 East, Fonthill

Public Meeting for **Official Plan and Zoning By-law Amendments** in accordance with Sections 22 and 34 of the [Planning Act](#), R.S.O. 1990, as amended.

Applications for Official Plan and Zoning By-law Amendments were received for the property located 15 Highway 20 East known legally as Part of Lots 3, 4, 5 and 6, Plan 716, Parts 3, 4, 5 and 6, in the Town of Pelham, Regional Municipality of Niagara (see attached plan).

The proposed Official Plan Amendment would amend Policy B1.3.4.3(b) by increasing the maximum building height in the Downtown Transitional Area from 2 storeys to 4 storeys (14.5 metres) without a step back to permit the development of the property for a 4 storey residential apartment building containing 24 units.

The proposed Zoning By-law Amendment would rezone the lands from the GC (General Commercial) zone to a site-specific RM2 (Residential Multiple 2) zone. The zoning change would permit the apartment building use as shown on the proposed site plan. Site specific regulations are requested including a minimum lot area of 59 m² per dwelling units, a maximum density of 170 units per hectare, a maximum lot coverage of 48%, a minimum interior side yard of 0.9 metres (west lot line) and 4.2 metres (east lot line), a minimum landscaped area of 20%, a maximum building height of 14.5 metres, a minimum landscaped amenity area of 1.5 m² per unit, a minimum parking requirement of 1.1 spaces per dwelling unit, a 7.0 metre width for ingress and egress, a drive aisle width of 6.2 metres, the parking area to be located 0 metres from the south and west lot lines and 1.4 metres from the north lot line, a 2.6 metre wide parking space where abutting a column and a 1.4 metre planting strip.

YOUR INPUT IS ENCOURAGED! Please provide input by speaking at the public meeting or submitting a written submission to the Town of Pelham. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released. To provide input in writing, or to request personal notice if the proposed draft plan of subdivision is approved, please send all correspondence by **12:00 PM on Wednesday, June 1, 2022** for inclusion in the public meeting agenda package c/o Town Clerk, Holly Willford, PO Box 400, 20 Pelham Town Square, Fonthill, Ontario L0S 1E0, or by email at hwillford@pelham.ca. Comments and requests received after this date will still be received by Council, however they may not be published as part of the public meeting agenda. Verbal comments will be received remotely at this public hearing using the Zoom platform. To participate remotely, please pre-register with the Clerks office by sending an email to clerks@pelham.ca before **12:00 PM on Friday, June 10, 2022**. All registrants will be provided with instructions on how to use your computer, tablet or phone to participate in the Public Meeting. Registrants will also be notified of Council's decision. If you have not submitted

written comments or pre-registered before the aforementioned deadlines, but wish to submit comments during the Public Meeting, you may livestream the meeting from the Town of [Pelham's YouTube channel](#) and email comments to clerks@pelham.ca during the public commenting portion of the subject applications only. If your comments are not received prior to the closing of the public commenting portion of the meeting, they will not be considered.

NEED MORE INFORMATION: For more information, please contact Shannon Larocque, MCIP, RPP, Senior Planner, at 905-980-6661 or 905-892-2607 ext. 319, or email at slarocque@pelham.ca. A copy of the Information Report regarding the proposed applications as well as any additional information may be obtained on the Town's website at <http://calendar.pelham.ca/council> or from the Community Planning and Development Department after **4:30 PM on Wednesday, June 8, 2022.**

IMPORTANT INFORMATION:

If a person or public body would otherwise have an ability to appeal the decision of the Town of Pelham's Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Pelham before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Pelham before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Dated at the Town of Pelham, this 20th day of May 2022.



Holly Willford
Town Clerk

Date of Mailing: May 20, 2022

PROPOSED BUILDING ELEVATIONS



*Pdf plans available for viewing on the Town of Pelham website at:
<https://www.pelham.ca/en/news>

NOTICE REQUIREMENTS

**Town of Pelham Application for
Official Plan & Zoning By-law Amendments
15 Highway 20 East
File Nos OP-AM-01-22 & AM-03-21**

An Official Plan and Zoning By-law Amendment to permit a 4 storey apartment building with 24 units

The Planning Act requires under Sections 22 and 34 that Council must hold at least one public meeting for the purpose of informing the public in respect of the proposed amendments.

This public meeting has been called to satisfy this requirement. Notice of this meeting was provided by prepaid first class mail to all persons, who are listed as owners in the last revised assessment roll, within 120 metres of the subject property on May 20, 2022. The notice provided information on the properties and the proposed official plan and zoning by-law amendments.

In addition to providing information, we will also receive any comments which any member of the public may wish to offer.

If you wish to receive a copy of the Notice of Decision, please contact the Clerk in writing as soon as possible. Contact information is available on the Town's website and will also be displayed on the last slide of the staff Presentation to follow shortly.

If a person or public body would otherwise have an ability to appeal the decision of the Town of Pelham to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Pelham before the by-law is passed, the person public body is not entitled to appeal the decision.

In closing, we stress that at this point no decisions have been made on the proposed amendments and therefore any comments received will be considered by Council.

Public Meeting for 15 Highway 20 East

Official Plan and Zoning By-law Amendment Applications

OP-AM-01-2022 & AM-03-2021

June 13, 2022

Location & Purpose

Location:

north side of Highway 20 east of Pelham Street and south of Kinsman Court

Purpose:

- The Official Plan amendment would amend Policy B1.3.4.3(b) by increasing the maximum building height in the Downtown Transitional Area from 2 storeys to 4 storeys (14.5 metres) without a step back to permit the development of the property for a 4 storey residential apartment building containing 24 units.
- The Zoning By-law Amendment would rezone the lands from the GC (General Commercial) zone to a site-specific RM2 (Residential Multiple 2) zone to permit the apartment dwelling as shown on the proposed site plan.



[illegible]

Conceptual Building Elevations



FRONT (SOUTH) ELEVATION COLOR SCHEME
1/2" = 1'-0"



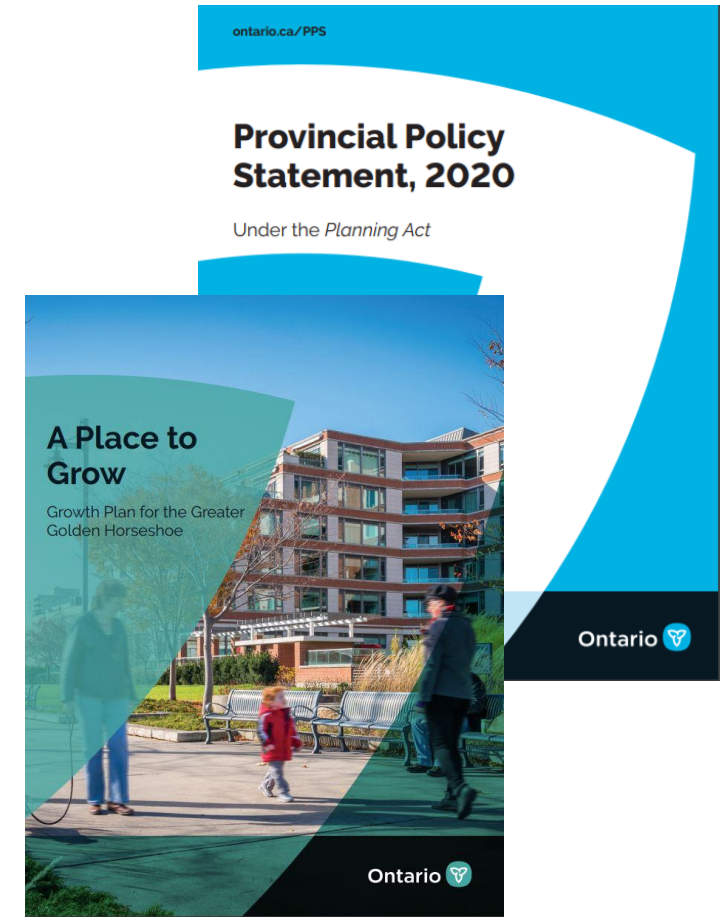
Provincial Policies & Plans

Provincial Policy Statement, 2020

- Settlement Area

Growth Plan for the Greater Golden Horseshoe, 2019

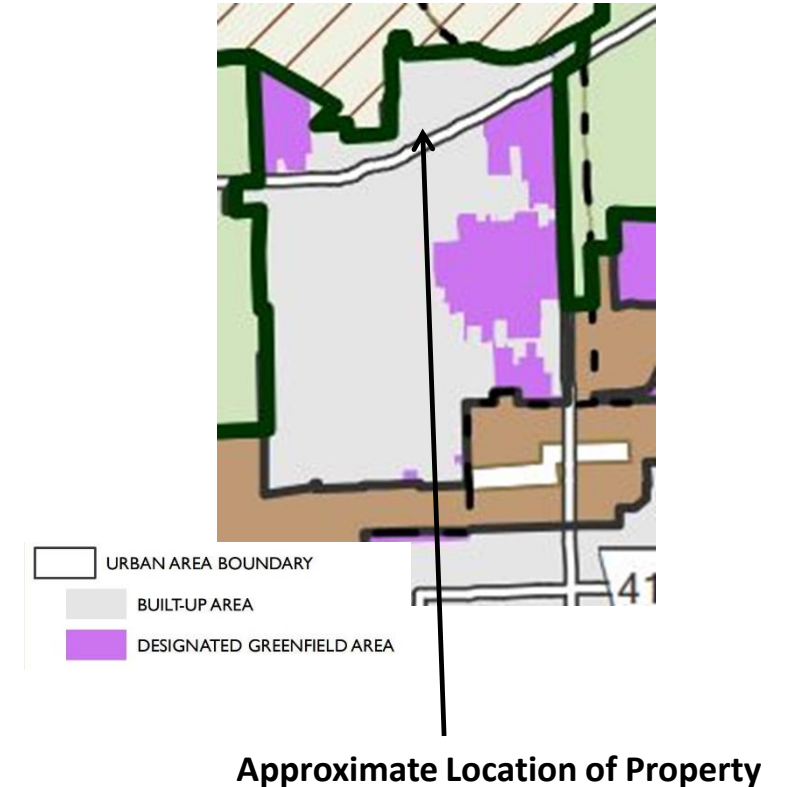
- Delineated Built-up Area



Niagara Region Official Plan

Urban Area Built-up Area

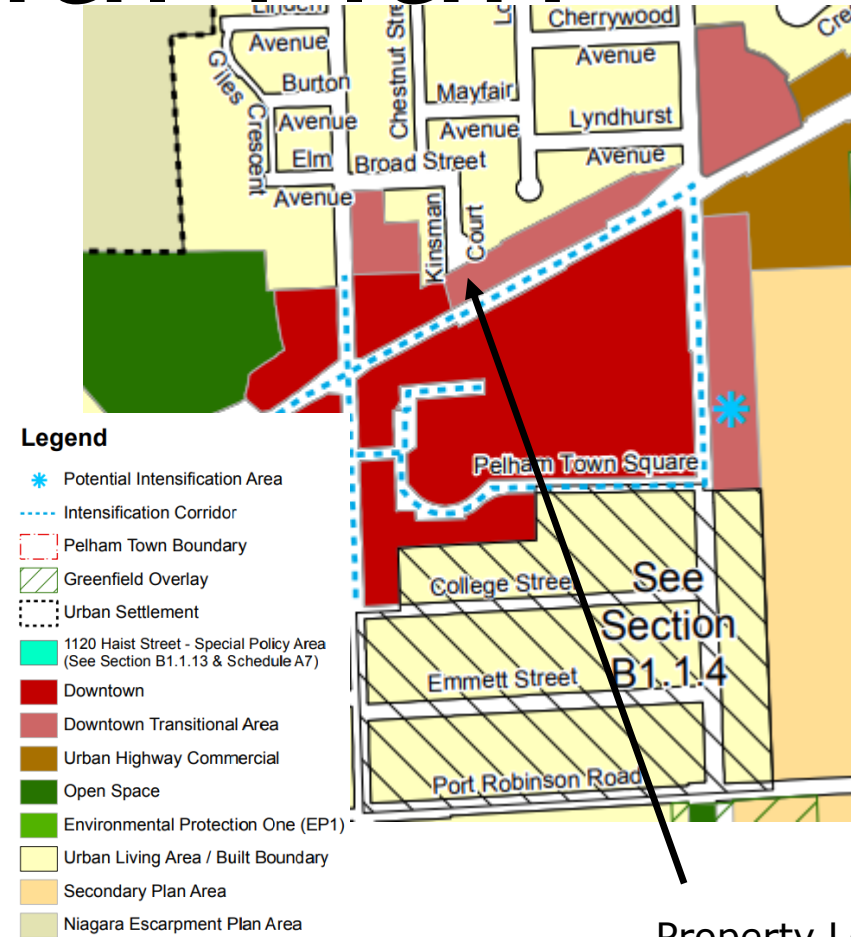
- Intensification target of 15% for the total annual development in Pelham.
- Encourages variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through their life cycle.



Town Official Plan

Downtown Transitional Area

- Permits residential uses; professional offices and clinics providing health services; inns and bed and breakfasts; studios and home occupations; and, small-scale restaurants, retail uses and personal service shops.
- Maximum building height 2 storeys.
- Building encouraged within 1 metre of the front lot line.
- Adherence to urban design guidelines for Downtown Fonthill and Fenwick.



Property Location

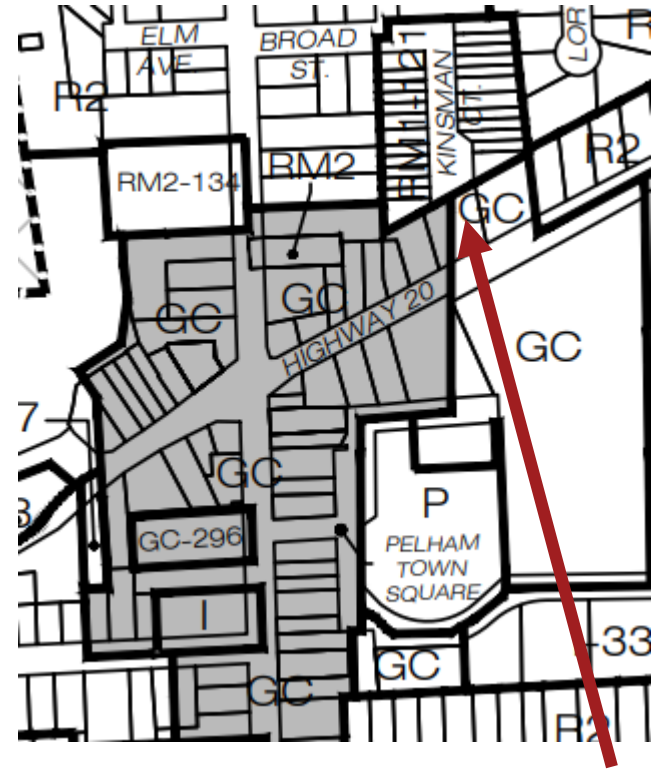
Requested Official Plan Amendment

- The Official Plan amendment would amend Policy B1.3.4.3(b) by increasing the maximum building height in the Downtown Transitional Area from 2 storeys to 4 storeys (14.5 metres) without a step back to permit the development of the property for a 4 storey residential apartment building containing 24 units.



Zoning By-law 1136 (1987)

- GC (General Commercial)
- Requesting site specific RM2 (Residential Multiple 2) to allow the 4 storey 24 unit apartment dwelling use.



Property Location

Requested Site Specific RM2 Zone

17.2 Zone Requirement	Standard RM2 Requirement	Requested RM2 Requirement
(a) Minimum Lot Area	150 m ² per dwelling unit	59m2 per dwelling unit
(b) Minimum Lot Frontage	30 m	No change
(c) Minimum Lot Depth	38 m	No change
(d) Maximum Density	65 units per hectare	170 units per hectare
(e) Maximum Lot Coverage	30 percent	48 percent
(f) Minimum Front Yard	one-half the height of the building or 7.5 m, whichever is the greater	0 metres
(g) Minimum Rear Yard	one-half the height of the building or 12 m, whichever is the greater	No change
(h) Minimum Interior Side Yard	one-half the height of the building or 6 m, whichever is the greater	0.9 west 1.2 east

Requested Site Specific RM2 Zone

17.2 Zone Requirement	Standard RM2 Requirement	Requested RM2 Requirement
(i) Minimum Exterior Side Yard	one-half the height of the building or 7 m, whichever is the greater	Not applicable
(j) Minimum Landscaped Area	35 percent	20 percent
(k) Maximum Building Height	5 storeys	4 storeys (14.5 metres)
(l) Minimum Floor Area per Dwelling Unit:	(i) Bachelor 42 m ² (ii) One bedroom 56 m ² plus 9 m ² for each additional bedroom	No change
(m) Amenity Area	2.5 m ² of area for each one-bedroom unit and at least 5 m ² of area for each two or more bedroom units in one location for recreational use for the residents of the development.	1.5 m ² per dwelling unit
(i) Minimum Exterior Side Yard	one-half the height of the building or 7 m, whichever is the greater	Not applicable
(j) Minimum Landscaped Area	35 percent	20 percent
(k) Maximum Building Height	5 storeys	4 storeys (14.5 metres)

Requested Site Specific RM2 Zone

6.0 General Provisions	Standard Requirement	Requested Requirement
6.16(a) Parking Requirements	1.5 spaces per unit	1.1 spaces per unit
6.16(d) Ingress and Egress	7.5 metre width for ingress and egress (two-way traffic)	7.0 metre width for ingress and egress (two-way traffic)
6.16(i) Parking Area Location	7.5 m to street line; 3.0 m to side or rear lot line	0 metres from the south property line 0 metres from the west property line 1.4 metres from the north property line
6.16(j) Dimensions of Parking Spaces	3 m where abutting a column	2.6 metres where abutting a column
6.16(k) Planting Strips	No requirement for this property/development	1.4 metre planting strip provided along the north lot line

Comments

Agency

Niagara Region Planning and Development Services

Regional Planning and Development Services staff is satisfied that the proposed local Official Plan Amendment and Zoning By-law Amendment applications are consistent with the PPS and conform to the Growth Plan and ROP, subject to any local compatibility concerns and requirements.

Public Works

Provided no objection to the applications for Official Plan and Zoning By-law amendment and technical comments for site plan approval application.

Enbridge Gas Inc.

No objection. Request standard conditions.

Hydro One

No comments or concerns.

Public

A. Morgan

concerned about traffic safety and building height and setback are not appropriate.

B. & S. Law

concerned about drainage, loss of trees, road noise, scale of development, snow piling area.

R. & M. Blakely

Opposed to application, concerned about impact on property value, loss of light, lack of fit with area, traffic impacts and disruption and impact of waste collection.

B. McInernery on behalf of residents on Kinsman Court

Support application subject to a number of considerations including maintain fencing, restriction on visitor parking, 4 storey maximum building height, gate at proposed waste collection driveway, work with arbourist, develop a plan for snow removal and minimize driveway impact on 24 and 26 Kinsman Court

Technical Reports

Planning Justification Report prepared NPG Planning Solutions Inc. dated May 26, 2021

Addendum to Planning Justification Report with Angular Plane Analysis prepared by NPG Planning Solutions Inc. dated April 7, 2022

Shadow Study prepared by ACK Architects dated September 2018 revised to March 30, 2022

Parking Analysis prepared by Paradigm Transportation Solutions Limited dated October 29, 2021

Functional Servicing Design Brief prepared by Hallex Engineering Ltd. dated August 28, 2020

Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. dated July 9, 2020

Record of Site Condition under Part XV.1 of the Environmental Protection Act submitted May 17, 2016

Environmental Noise Feasibility Assessment prepared by RJ Burnside and Associates Limited dated July 2020

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

Shadow Impact Analysis



DEC 21 9AM
1" = 80' 0"



DEC 21 12PM
1" = 80' 0"



DEC 21 3PM
1" = 80' 0"



MARCH 20 9AM
1" = 80' 0"



MARCH 20 12PM
1" = 80' 0"



MARCH 20 3PM
1" = 80' 0"

Shadow Impact Analysis



JUNE 21 9AM
1" = 80'-0"



JUNE 21 12PM
1" = 80'-0"



JUNE 21 3PM
1" = 80'-0"



SEPT 22 9AM
1" = 80'-0"

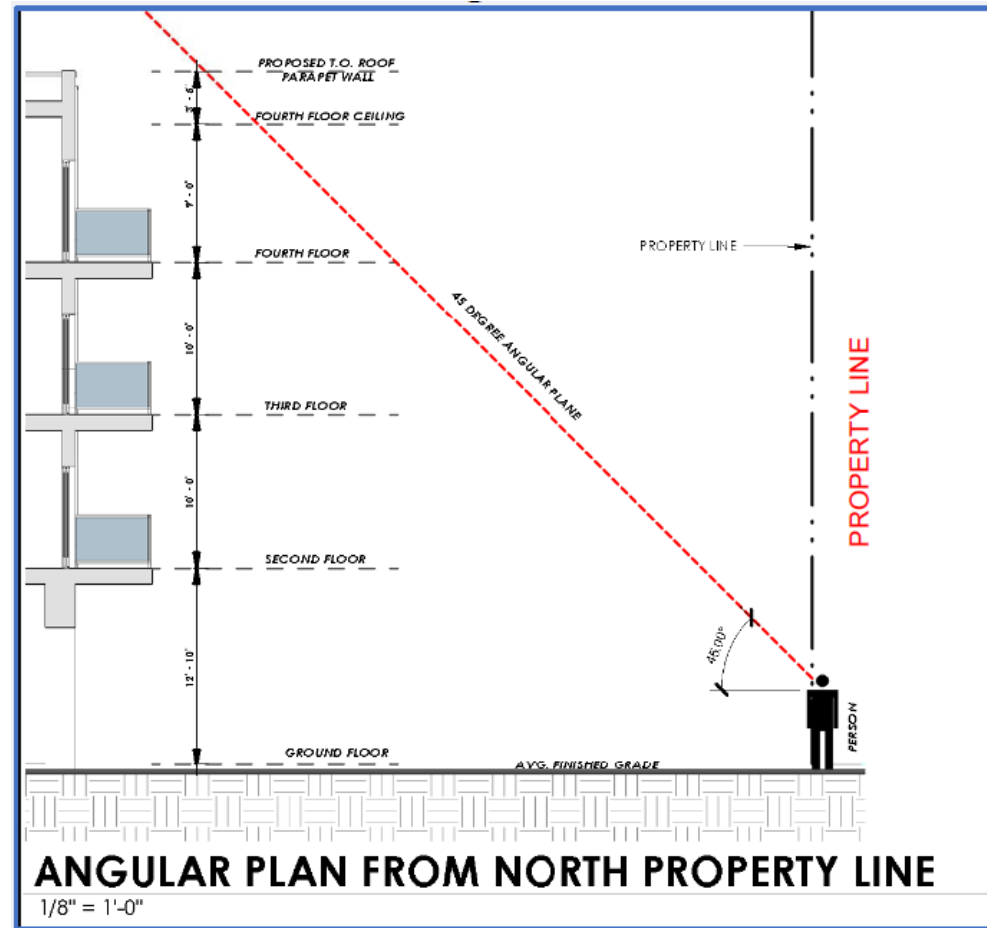


SEPT 22 12PM
1" = 80'-0"



SEPT 22 3PM
1" = 80'-0"

Urban Plane Analysis



Conclusion

No decisions or recommendations concerning these applications have been or will be made at this meeting.

Following review of comments received, a recommendation report will be prepared for Council's decision at a later date.

Please ensure you provide your contact information as soon as possible if you wish to receive future notices.

Questions & Comments

Shannon Larocque, Senior Planner

905-892-2607 x319

slarocque@pelham.ca

Community Planning & Development Department Planning Application Report

June 13, 2022

Subject: Information Report – Applications for Official Plan and Zoning By-law Amendment – 15 Highway 20 East

Recommendation:

**THAT Committee receive Report #2022-136 for information as it
pertains to File Nos. OP-AM-01-2022 and AM-03-2021;**

**AND THAT Committee direct Planning staff to prepare the
Recommendation Report on this topic for Council's consideration.**

Executive Summary:

The purpose of this report is to provide the Council and the public with information regarding the applications for Official Plan and Zoning By-law amendments.

Location:

The property is located on the north side of Highway 20 east of Pelham Street and south of Kinsman Court (Figure 1). It is municipally known as 15 Highway 20 East and legally known as Part of Lots 3, 4, 5 and 6, Plan 716, Parts 3, 4, 5 and 6, in the Town of Pelham, Regional Municipality of Niagara.

Figure 1: Property Location



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Planning Application Report**

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The property is approximately 0.142 hectares in size with frontage on both Highway 20 and Kinsman Court. The neighbouring land uses include street townhouses to the north, commercial to the east (Storm Hair Group), commercial uses to the south (Commercial Plazas, restaurant and offices) and commercial to the west (professional office).

Project Description and Purpose:

The proposed use of the property is for a 4-storey apartment dwelling consisting of 24 units along with associated parking, walkways and landscape areas (Figures 2).

The proposed Official Plan Amendment would amend Policy B1.3.4.3(b) by increasing the maximum building height in the Downtown Transitional Area from 2 storeys to 4 storeys (14.5 metres) without a step back to permit the development of the property for a 4 storey residential apartment building containing 24 units.

The proposed Zoning By-law Amendment would rezone the lands from the GC (General Commercial) zone to a site-specific RM2 (Residential Multiple 2) zone. The zoning change would permit the apartment building use as shown on the proposed site plan. Site specific regulations are requested including a minimum lot area of 59 m² per dwelling units, a maximum density of 170 units per hectare, a maximum lot coverage of 48%, a minimum interior side yard of 0.9 metres (west lot line) and 4.2 metres (east lot line), a minimum landscaped area of 20%, a maximum building height of 14.5 metres, a minimum landscaped amenity area of 1.5 m² per unit, a minimum parking requirement of 1.1 spaces per dwelling unit, a 7.0 metre width for ingress and egress, a drive aisle width of 6.2 metres, the parking area to be located 0 metres from the south and west lot lines and 1.4 metres from the north lot line, a 2.6 metre wide parking space where abutting a column and a 1.4 metre planting strip.

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Figure 3: Proposed Current Building Elevations



For background information, in 2013, the Committee of Adjustment approved minor variance A9/2013P to permit a three-storey (maximum height 13 metres) mixed-use building consisting of 3 commercial units and 14 residential units (Figure 2). The minor variance also allowed a 6.4 metre (underground) and 7.0 metre (at grade) ingress and egress for two-way traffic, a 0 metre setback for the parking area from the rear and side lot lines, a 2.6 metre wide parking stall where abutting a column or wall, a 1.4 metre wide planting strip with a height of 1.5 metres, 85% of the gross floor area to be used for dwelling units, 200 square metres of landscaped amenity space and a front yard setback of 0 metres.

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Figure 2: 2013 Approved Development Proposal



The applicant wishes to eliminate the commercial use from the site and is now proposing only residential use with a lobby, electrical room, storage, etc. located on the ground floor. Floors 2 through 4 will contain 8 units each ranging in size from 563 square feet to 980 square feet. 18 units are proposed to be one bedroom units and 6 units are proposed to be 2 bedroom units. 21 of the 24 units will have balconies. The proposed new building is 1.5m higher than what was approved in 2013.

Policy Review:

Planning Act

Section 3 of the Planning Act requires that, in exercising any authority that affects a planning matter, the decision of planning authorities "shall be consistent with the policy statements" issued under the 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". Sections 22 and 34 of the Act allows for consideration of amendments to the Official Plan and Zoning By-law.

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Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020 supports the efficient use of lands and development patterns that support sustainability by promoting livable, healthy and resilient communities, protecting the environment, public health and safety and facilitating economic growth. The subject lands are considered to be within a Settlement Area. Settlement areas are to be the focus for growth and development and their vitality and regeneration shall be promoted.

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 provides 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.

Greenbelt Plan, 2017

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

Growth Plan for the Greater Golden Horseshoe, 2019

The subject parcel is identified as being within a Delineated Built-up Area according

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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 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.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

Regional Official Plan, consolidated August 2015

The Region of Niagara identifies this property as Built-up Area. It is an objective of the Regional Official Plan that intensification be directed to built-up areas and the Plan establishes a minimum intensification target of 15% for the total annual development in Pelham. The Region also supports the inclusion of urban design analysis and guidelines for various types of plans and development projects.

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.

Policy 11.A.2 states the Region encourages the development of attractive, well designed residential development that: provides for active transportation; deemphasizes garages; emphasizes the entrance and point of access to neighbourhoods; is accessible to all persons; incorporates the principles of sustainability in building design; provides functional design solutions for waste collection and recycling; provides an attractive, interconnected and active transportation friendly streetscape; contributes to a sense of safety within the public realm; balances the need for private and public space; creates or enhances an aesthetically pleasing and functional neighbourhood; and, encourages a variety of connections between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.

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Pelham Official Plan (2014)

The property is designated Downtown Transitional Area in the Town's Official Plan. Permitted uses in the Downtown Transitional Area designation include residential uses; professional offices and clinics providing health services; inns and bed and breakfasts; studios and home occupations; and, small-scale restaurants, retail uses and personal service shops.

New street-level residential uses, including single detached and semi-detached units, townhouses and apartments as well as small-scale inns and bed and breakfast establishments are permitted in the Downtown Transitional Area designation both as a primary use and as an accessory use to a commercial business (B1.3.4.2).

Policy B1.3.4.3 Development Criteria requires that the maximum building height should be limited to 2 storeys; buildings are encouraged to be built within 1 metres of the front lot line, but may be setback up to 5 metres, provided amenities and landscaping are incorporated in the front yard; the maximum floor area dedicated to retail uses should not exceed 100 m²; design features such as pitched roof lines, awning and front porches are encouraged; and, interior side yard setbacks should be maintained but may be reduced to accommodate redevelopment provided the reduction is appropriate for the location and maintains or instils good urban design.

Policy B1.3.4.3 states that redevelopment and intensification proposals may be subject to a Zoning By-law Amendment and shall be subject to Site Plan Control. Prior to approving application for new development, Council should be satisfied that:

- a) The scale and appearance of the use is complementary to and does not detract from the residential character of the area;
- b) The building and/or the general appearance of the site will be improved through quality urban design;
- c) Adequate on-site or off-site parking is provided;
- d) The Site Plan and Site Plan Agreement will address appropriate urban design matters including accessibility provision, exterior design features, massing and relationship to adjacent buildings as well as sustainable design elements located on municipal road allowances and land; and,

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- e) The sign identifying the use is limited in size in accordance with the municipal Sign By-law.

Policy B1.2.4.3 Development and Urban Design Policies was derived from the Town's Urban Design Guidelines for Downtown Fenwick and Fonthill and is intended to guide proposals for new development or redevelopment along the Intensification Corridors in the Downtown designations:

- a) In order to maintain a consistent façade along Pelham Street/Highway 20 in Fonthill and Canboro Road in Fenwick, the maximum height of new buildings fronting on these streets shall be 3 storeys. Building heights greater than 3 storeys may be permitted subject to a Zoning By-law Amendment provided the upper storey are appropriately stepped back or recessed from the front building wall;
- b) New buildings should be built at or near the front lot line;
- c) Parking should not be permitted at the front of the building. Parking should be accommodated on-site at the rear of a lot, on the street or in a communal parking area;
- f) Buildings should be oriented to the street, consistent with adjacent building and provide clearly defined and accessible entry points from the sidewalk;
- g) Pedestrian weather protection is encouraged through the use of awning or canopies;
- h) Building frontages are encouraged to be highly transparent with at least 50% glazing or window treatments;
- i) Utilities and mechanical installations should be shrouded from main street viewsapes and/or be integrated in architectural treatments; and,
- j) Preferred building materials include brick, wood, stone glass, in-situ concrete and precast concrete. Building materials discouraged include vinyl siding, plastic, plywood, concrete block, metal siding and tinted or mirrored glass.

Policy B1.2.4.1 requires at least 50% of the dwellings to be constructed in the Downtowns should be affordable to low and moderate income households; Intensification proposals will be encouraged to incorporate high quality urban design, landscaping treatments and accessibility. To support the integration of quality urban design and accessibility, the Town may prepare and adopt urban design guidelines and may enforce these standards through Site Plan Control; Residential intensification projects proposed within the Downtown or Downtown Transition

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designation will be encouraged to incorporate street level space for mixed use retail, service commercial uses and/or professional offices.

The requested Official Plan Amendment would amend Policy B1.3.4.3(b) by increasing the maximum building height in the Downtown Transitional Area from 2 storeys to 4 storeys (14.5 metres) without a step back.

Zoning By-law 1136 (1987)

The property is zoned GC (General Commercial) which permits a wide range of commercial uses as well as residential uses above the ground floor.

The requested Zoning By-law Amendment would rezone the lands from the GC (General Commercial) zone to a site-specific RM2 (Residential Multiple 2) zone. The zoning change would permit the apartment building use as shown on the proposed site plan.

The requested site-specific zoning regulations are provided in Table 1.

Table 1: Requested Site Specific Zoning Requirements

17.2 Zone Requirement	Standard RM2 Requirement	Requested RM2 Requirement
(a) Minimum Lot Area	150 m ² per dwelling unit	59m2 per dwelling unit
(b) Minimum Lot Frontage	30 m	No change
(c) Minimum Lot Depth	38 m	No change
(d) Maximum Density	65 units per hectare	170 units per hectare
(e) Maximum Lot Coverage	30 percent	48 percent
(f) Minimum Front Yard	one-half the height of the building or 7.5 m, whichever is the greater	0 metres
(g) Minimum Rear Yard	one-half the height of the building or 12 m, whichever is the greater	No change
(h) Minimum Interior Side Yard	one-half the height of the building or 6 m, whichever is the greater	0.9 west 1.2 east

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

June 13, 2022

17.2 Zone Requirement	Standard RM2 Requirement	Requested RM2 Requirement
(i) Minimum Exterior Side Yard	one-half the height of the building or 7 m, whichever is the greater	Not applicable
(j) Minimum Landscaped Area	35 percent	20 percent
(k) Maximum Building Height	5 storeys	4 storeys (14.5 metres)
(l) Minimum Floor Area per Dwelling Unit:	(i) Bachelor 42 m ² (ii) One bedroom 56 m ² plus 9 m ² for each additional bedroom	No change
(m) Amenity Area	2.5 m ² of area for each one-bedroom unit and at least 5 m ² of area for each two or more bedroom units in one location for recreational use for the residents of the development.	1.5 m ² per dwelling unit
6.0 General Provisions	Standard Requirement	Requested Requirement
6.16(a) Parking Requirements	1.5 spaces per unit	1.1 spaces per unit
6.16(d) Ingress and Egress	7.5 metre width for ingress and egress (two-way traffic)	7.0 metre width for ingress and egress (two-way traffic)
6.16(i) Parking Area Location	7.5 m to street line; 3.0 m to side or rear lot line	0 metres from the south property line 0 metres from the west property line 1.4 metres from the north property line
6.16(j) Dimensions of Parking Spaces	3 m where abutting a column	2.6 metres where abutting a column
6.16(k) Planting Strips	No requirement for this property/development	1.4 metre planting strip provided along the north lot line



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

June 13, 2022

Submitted Reports:

Planning Justification Report prepared NPG Planning Solutions Inc. dated May 26, 2021

Addendum to Planning Justification Report with Angular Plane Analysis prepared by NPG Planning Solutions Inc. dated April 7, 2022

Shadow Study prepared by ACK Architects dated September 2018 revised to March 30, 2022

Parking Analysis prepared by Paradigm Transportation Solutions Limited dated October 29, 2021

Functional Servicing Design Brief prepared by Hallex Engineering Ltd. dated August 28, 2020

Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. dated July 9, 2020

Record of Site Condition under Part XV.1 of the Environmental Protection Act submitted May 17, 2016

Environmental Noise Feasibility Assessment prepared by RJ Burnside and Associates Limited dated July 2020

Agency Comments:

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

Niagara Region Planning and Development Services

Regional Planning and Development Services staff is satisfied that the proposed local Official Plan Amendment and Zoning By-law Amendment applications are consistent with the PPS and conform to the Growth Plan and ROP, subject to any local compatibility concerns and requirements.

Public Works Provided no objection to the applications for Official Plan and Zoning By-law amendment and technical comments for site plan approval application.

Community Planning & Development Department Planning Application Report

June 13, 2022

Enbridge Gas Inc. No objection. Request standard conditions.

Hydro One No comments or concerns.

Public Comments:

On May 20, 2022 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, public notice signs were posted facing Kinsman Court and Highway 20 on May 24, 2022. The following public comments have been received at the time of writing of this report:

<i>Alan Morgan</i>	Concerned about traffic on Highway 20/ queuing at the intersection affecting the ability to safely enter and exit the property. Feels the building height and setback from the road are not appropriate for the Town and that the development will contribute to traffic congestion.
<i>Bernie & Susan Law</i>	Concerned about drainage impacts resulting from the development, loss of trees on Kinsman Court road allowance, which protect from views and road noise, scale of building and loss of snow piling area on Kinsman Court.
<i>Ron & Mary Ann Blakely</i>	Opposed to the applications, concerned about impact on property values, loss of sunlight and privacy, lack of fit with community and traffic impacts. Also concerned about disruption due to waste collection from Kinsman Court. This area is curved, contains a hydrant and is used for snow piling and the service access will result in the removal of trees from the road allowance.
Bill McInernery - behalf Kinsman Ct. Residents	Supports applications subject to restrictions to 4 storeys, maintain privacy fencing, restriction of visitor parking on Kinsman Court, restriction of construction vehicles accessing Kinsman Court, fencing or gate at end of driveway access for garbage pick-up, work with arbourist to limit tree removal and impact on trees at end of Kinsman Court, the Town to develop a plan to remove snow from end of Kinsman Court, and minimize impact to driveway access for 24 and 26 Kinsman Court.



Community Planning & Development Department Planning Application Report

June 13, 2022

Staff Comments:

The purpose of this report is to provide the Council and the public with information regarding the applications, applicable policies, and comments received. The purpose of the public meeting is to receive feedback and input from the public and for the applicant to respond to inquiries. Committee may also provide recommendations for proposed changes based on the public, agency or staff input and consistency with approved plans. A future report with recommendations will be presented to Council for decision once all feedback is received.

Alternatives:

There are no alternatives as Council is statutorily obligated to host a public meeting and make a decision on the applications.

Attachments:

Appendix A Agency Comments

Prepared and Recommended by:

Shannon Larocque, MCIP, RPP
Senior Planner

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

Reviewed and Submitted by:

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

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
(905) 980-6000 Toll-free: 1-800-263-7215

Via Email

May 9, 2022

Region Files: D.10.06.OPA-22-0009
D.18.06.ZA-21-0134
D.19.06.SP-21-0103

Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1E0

Dear Ms. Larocque:

**Re: Regional and Provincial Comments
Official Plan Amendment, Zoning By-law Amendment, and Site Plan
Town Files: OP-AM-01-22, AM-03-21, SP-06-21
Owner: Avaia Development and Real Estate Ltd.
Agent: Mary Lou Tanner (Niagara Planning Group)
15 Highway 20 East
Town of Pelham**

Regional Planning and Development Services staff has reviewed the information circulated with the application for a proposed Official Plan Amendment and re-submission of a Zoning By-law Amendment, and Site Plan to facilitate the development of a residential 4 storey apartment building with a total of 24 dwelling units on lands municipally known as 15 Highway 20 East in the Town of Pelham.

The Official Plan Amendment proposes to permit the construction of a 4 storey structure, whereas the maximum permitted building height in the Town's Official Plan within the "Downtown Transitional Area" is 2 storeys. The Zoning By-law Amendment proposes to rezone the subject lands from "General Commercial" to a site-specific "Residential Multiple 2 ("RM2") Zone", and requests modified provisions for minimum lot area, minimum building height, minimum amenity area, minimum number of parking spaces, and minimum ingress and egress standards for parking spaces to permit the proposed development. The site plan will facilitate the development of the residential apartment building.

The need for a Local Official Plan Amendment ("OPA") was identified by Town staff as a requirement to address an increase in building height and the proposed change to a

solely residential use. The proposed development concept continues to propose a building height of 14.27m, which exceeds the maximum height of 13m that was previously approved for the property through a separate Minor Variance application (approved in 2013). The resubmission of the Zoning By-law Amendment and Site Plan applications are to respond to agency feedback that has been received to date.

A pre-consultation meeting for the proposal occurred on April 14, 2020. Regional staff had provided comments (dated January 14, 2022) in response to the initial circulation of the Zoning By-law Amendment and Site Plan applications. The following Provincial and Regional comments are provided to assist the Town in considering this 2nd submission.

Provincial and Regional Policies

The subject lands are located within a “Settlement Area” under the *Provincial Policy Statement, 2020* (“PPS”), designated “Delineated ‘Built-Up’ Area” in *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”) and designated “Urban (Built-Up) Area” in the *Regional Official Plan* (“ROP”).

Provincial and Regional policies direct for development to take place in the Urban Area to support intensified development where appropriate servicing and infrastructure exists. Intensification and infill is emphasized to foster the development of complete communities that have a mix of diverse land uses and housing choices, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in their design. A full range of residential uses are generally permitted within the Urban Area subject to the availability of adequate municipal infrastructure, and other policies relative to land use compatibility and environmental conservation.

The proposed development is considered infill development, and will result in residential intensification within the Built-Up Area, which will make more efficient use of designated urban land and existing infrastructure. Growth management policies state that until the Region has completed its municipal comprehensive review, and it is approved and in effect, an annual minimum intensification target of 15% will apply to the portion of the Built-Up Area within the Town of Pelham. The proposed construction of a 4 storey, 24 unit residential apartment building will contribute to the Town’s intensification target. While both Provincial and Regional policy emphasize intensification where appropriate, Regional staff acknowledges that local compatibility considerations and interface with neighbouring land uses is a local planning matter to be addressed by Town planning staff and Council. Further, staff notes that there are no environmental concerns.

As such, Regional staff do not object to the proposed applications, in principle, as the development is consistent with the PPS and conforms to Provincial and Regional growth management policies, subject to the comments of this letter.

Noise Impacts

As indicated in the Regional comment letter dated January 14, 2022, the “*Environmental Noise Feasibility Assessment*” prepared by RJ Burnside and Associates Limited (dated July 2020) provided that mitigation measures should be implemented, including the provision of central air conditioning in all units and the inclusion of standard warning clauses in all property and tenancy agreements and offers of purchase and sale regarding potential adverse noise impacts from road traffic along Regional Road 20.

Based on the submitted materials with the applications, the site design has not changed, therefore the conditions identified in the Region’s comment letter (dated January 14, 2022) remain and are included in the Appendix.

Archaeological Potential

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

A Letter of Acknowledgement from the Ministry of Heritage, Sport, Tourism, and Culture Industries (“MHSTCI”) has been provided with the 2nd submission of the Zoning By-law Amendment, confirming that all archaeological resource concerns for the property have met the Ministry’s licensing and resource conservation requirements. Regional staff offer no further requirements with respect to archaeological resources at this time.

In recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff will require that a standard warning clause be included within the Site Plan Agreement, relating to deeply buried archaeological materials that may be encountered during grading and construction activities. An appropriate condition is included in the Appendix.

Site Condition

As indicated in the Regional comment letter dated January 14, 2022, Regional staff remain satisfied that the requirements for the filing of a Record of Site Condition (“RSC”) has been addressed. As such, staff offer no further site condition requirements.

Urban Design

Regional Urban Design staff has reviewed the “*Addendum to the Planning Justification Report*” prepared by NPG Planning Solutions (dated April 7, 2022) and the “*Landscape Plan*” (revisions dated March 28, 2022), and offer no further comments or requirements.

Regional Road Allowance

In the Regional comment letter dated January 14, 2022, a road widening allowance was requested to be gratuitously granted to Niagara Region. The comments are provided below for information as well as an applicable condition is noted in the Appendix.

The subject property has frontage along Regional Road 20 (Highway 20). This section of road has a substandard road allowance. The designated road allowance is 20.1m as identified in the ROP. Therefore, the applicant is required to gratuitously grant the following widening to the Region:

- An irregular widening across the frontage of the subject with a max distance of 2.43m. This is required in order to achieve 10.05m from the original centerline of this road section.
- Currently there is a proposed entranceway/stairs that will encroach into the Regions new road allowance. Please note that no new entranceways or stairs should be proposed within the Regions right-of-way.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions, please direct them to contact the individuals listed below:

Norma Price, Law Clerk
Phone: (905) 980-6000 Ext. 3339.
E-mail: norma.price@niagararegion.ca

For inquiries specific to the transfer of property to the Region:
Normans Taurins, Manager, Surveys and Property Information
Phone: (905) 980-6000 Ext. 3325.
E-mail: normans.taurins@niagararegion.ca

Regional Permit Requirements

Regional Transportation staff has reviewed the submitted material for the Site Plan Application. Staff observe that the Site Plan drawings show an odd jog in the sidewalk. This should be removed and a new sidewalk constructed straight should be provided.

The note for reinstatement shall be revised to the following (Reinstatement Specifications are attached for reference):

"Disturbed surfaces, including asphalt pavement, shoulders, line painting and grass boulevard/ditch to be restored as per Region of Niagara Reinstatement Specifications. Final asphalt reinstatement to be minimum 60mm HL3HS surface asphalt and minimum 120mm HL8HS base asphalt (in 2 lifts) or match existing depth c/w 600mm lap joint. Surface asphalt to be paver laid and include tack coat. Trench backfills within roadways to be with full depth granular 'A' compacted to (100% SPDD)".

Regional Construction Encroachment Permit

Prior to any construction/work taking place within the Regional road allowance, a Regional Construction, Encroachment, and entrance Permit must be obtained from the Transportation Services Division, Public Works Department.

Regional Sign Permit

Please note that the placement of any sign, notice or advertising device within 20m of the centerline of Highway 20 will require a Regional Sign permit.

Permit applications can be made through the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

Stormwater Management

Regional staff has reviewed the "Storm Water Management Design Brief" and "Servicing and Grading Plan" prepared by Hallex Engineering Ltd. (dated March 21, 2022). The Plan proposes water quality and quantity control prior to discharge to Highway 20 storm sewer. Staff request the following be addressed in next submission:

- Provide a 2-year storm peak flow comparison between pre- and post-development. Regional staff strongly encourage Low Impact Development stormwater management measures to mitigate development impacts.
- Provide the SWMM 5.1 model input and output regarding storage sizing.
- The orifice control must be permanently fixed in order to eliminate the possibility of the control device being physically removed. Please provide orifice details on the re-submitted plan.

Regional staff would prefer that the development's stormwater outlet connect to the catch basin rather than across the sanitary, which would require a cut / construction across one lane of traffic on Highway 20.

Waste Collection

Regional waste collection comments provided in the letter dated January 14, 2022 remain. The Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are not exceeded:

- Recycling blue / grey containers – no limit (weekly collection).
- Organic green containers – no limit (weekly collection).
- Garbage / waste bags or containers – 2 per unit to a maximum of 24 (bi-weekly collection).
- Curbside collection only.

Regional staff has reviewed the submitted Site Plan and note the inclusion of molok units on site. The applicant is advised that this type of collection services is not provided by the Region and that waste collection will be the responsibility of the owner through a private contractor and not the Niagara Region. Notwithstanding the above comments, the site remains eligible for the weekly curbside collection for recycling and organics.

Conclusion

Regional Planning and Development Services staff is satisfied that the proposed Local Official Plan Amendment, Zoning By-law Amendment applications to permit a 4 storey, 24 unit residential development at 15 Highway 20 East in the Town of Pelham, is consistent with the PPS and conforms to the Growth Plan and ROP, subject to any local compatibility concerns and requirements.

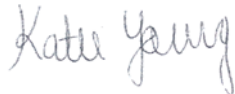
Regional staff notes that in accordance with ROP Policies 14.E.7 and 14.E.8, the Memorandum of Understanding, and By-law No. 2019-73, the reviewed Local Official Plan Amendment is exempt from Regional Council Approval.

With respect to the proposed Site Plan Application, Regional staff requires the submission of an revised Civil Plan that includes an updated the restoration note (as noted under "Regional Permit Requirements" above), as well as further consideration with respect to the storm outlet (as noted under "Stormwater Management" above).

Should you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca, or Alexander Morrison, Senior Development Planner at Alexander.Morrison@niagararegion.ca.

Please send copies of the staff report and notice of the Town's decision on these applications.

Kind regards,



Katie Young
Development Planner, Niagara Region

cc:

Cheryl Selig, Manager (A), Development Planning, Niagara Region
Alexander Morrison, Senior Development Planner, Niagara Region
Susan Dunsmore, Manager, Development Engineering, Niagara Region
Maggie Ding, Stormwater Management Engineer, Niagara Region
Khaldoon Ahmad, Manager, Urban Design and Landscape Architecture, Niagara Region

Attachment:

Appendix: Regional Conditions of Site Plan Approval

Appendix
Regional Conditions of Site Plan Approval
15 Highway 20 West, Town of Pelham

1. That the Site Plan Agreement includes the following warning clause with respect to the potential identification and protection of archaeological resources:
 - *“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Heritage, Sport, Tourism and Culture Industries (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, MHSTCI should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”
2. That the Owner agrees to implement the recommended site and building design mitigation measures / devices and warning clauses of the “Environmental Noise Feasibility Assessment” prepared by RJ Burnside and Associates Limited (dated July 2020).
3. That the Owner agrees to include the following warning clauses in all Agreements of Purchase and Sale or Lease or Occupancy for all units:
 - *“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”*
 - *“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closes, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”*
 - *“Purchasers/tenants are advised that due to the proximity of the adjacent Fonthill Shopping Centre, noise from the Fonthill Shopping Centre may at times be audible.”*

4. The Owner is advised that the development does not comply with Niagara Region's Corporate Policy for Waste Collection therefore garbage collection will be the responsibility of the owner through a private contractor and not the Niagara Region.
5. That the Owner agrees to include the following clauses in any Purchase and Sale, Lease or Tenancy Agreements for all units:
 - *"Owners/Purchasers/Tenants are advised that the subject property does not comply with Niagara Region's Corporate Policy for Waste Collection therefore this service will be the responsibility of the owner through a private contractor and not the Niagara Region. The site remains eligible for Regional curbside collection of recycling and organic material."*
6. That the Owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
7. That prior to any construction taking place within the Regional Road allowances, the Owner shall obtain a Regional Construction Encroachment, Entrance, and Sign Permit from the Permits section of the Niagara Region Transportation Services Division.
8. That the Owner dedicate an irregular road widening to the Niagara Region along the frontage of Regional Road 20 (Highway 20) prior to the issuance of a building permit, to the satisfaction of the Niagara Region Planning & Development Services Department. All costs for providing the necessary survey plan and all related documents are the responsibility of the applicant.

SPEC. #1

**SPECIFICATIONS FOR REINSTATEMENT
IN GRASSED BOULEVARDS IN
URBAN AREAS**

1.0 General

- 1.1 “Boulevard” means all parts of the highway save and except any roadway, shoulder, driveway or sidewalk.
- 1.2 Grassed areas disturbed by the applicant shall be restored matching the original surfaces as closely as possible.

2.0 Special Provisions

The provisions of OPSS 410, 501, 503, 504, 514, 570, 571, 701 and NPSCD Special Provisions C1, D1, B21 shall apply except as amended or extended herein.

- 2.1 Trenches in boulevards shall be backfilled with native material compacted to 90% Standard Proctor Density in 300 mm lifts.
- 2.2 Final restoration:
 - a) On grassed areas showing evidence that regular grass cutting is practiced, such as lawns, this restoration shall consist of the supply and placement of:
 - (i) 100 mm of topsoil with nursery sod.
 - (b) Weather conditions permitting, boulevard areas shall be reinstated within 7 days of backfilling of the trench. Areas disturbed during the winter months shall be reinstated by the first day of the following June.
- 2.3 All paved boulevards to be reinstated to existing conditions or better.

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SPEC. #2

SPECIFICATIONS FOR REINSTATEMENT OF BOULEVARDS IN RURAL AREAS

1.0 General

- 1.1 “Boulevard” means all parts of the highway save and except any roadway, should, driveway or sidewalk.

2.0 Special Provisions

The provisions of OPSS 314, 410, 501, 503, 504, 514, 570, 571, 572, 701 and NPSCD Special Provisions C1, D1, B21 and B22 shall apply except as amended or extended herein.

- 2.1 Trenches in boulevards shall be backfilled with native material compacted to 90% of the maximum dry density in 300 mm lifts.
- 2.2 Where shoulders are being restored with granular material and the boulevard is being restored with native material, the boulevard shall be completed first to ensure that native material does not spill into the shoulder trench.
- 2.3 Grassed areas disturbed by the applicant shall be restored matching the original surface as closely as possible.
- 2.4 In rural areas not showing evidence of having been cut on a regular basis except for the purpose of noxious weed control, 50 mm of topsoil and either a suitable grass seed mix or nursery sod shall be provided.
- 2.5 Weather conditions permitting, boulevard areas shall be reinstated within 7 days of backfilling of the trench. Areas disturbed during the winter months shall be reinstated by the 1st day of the following June.
- 2.6 All paved boulevards to be reinstated to existing conditions or better.

SPEC. #3

SPECIFICATIONS FOR REINSTATEMENT OF SIDEWALKS AND CURB AND GUTTERS

1.0 General

- 1.1 “Sidewalk” includes all such parts of a highway as are set aside or improved by the appropriate Road Authority for the use of pedestrians or used by the general public for the passage of pedestrians.
- 1.2 “Curb” includes all such parts of a highway as are set aside or improved by the appropriate Road Authority to facilitate roadway drainage system(s) within urbanized areas and/or at bridges and culverts.

2.0 Special Provisions

- 2.1 The provisions of OPSS 314, 353, 351, and NPSCD Special Provisions B8 and B9 shall apply except as amended or extended herein.
- 2.2 Supplementary special provisions for sidewalk reinstatement have not been included, as each municipality has separate standards related to sidewalk construction and restoration. For information related to sidewalk reinstatement, contact the local municipal office within whose jurisdiction construction will occur.

SPECIFICATIONS FOR REINSTATEMENT OF DRIVEWAYS

1.0 General

- 1.1 “Driveway” means that part of the highway that is improved, designed, or ordinarily used for vehicular access to private or public property.

2.0 Special Provisions

The provisions of OPSS 311, 314, 350, 506 and NPSCD Special Provisions B3, B14, B16, B17, B18 and B23 shall apply except as amended or extended herein.

- 2.1 The edges of all excavations made in concrete or asphalt surface driveways, shall be made by a concrete saw or by other suitable cutting equipment prior to the excavation and such edges of the cut must be straight and clean prior to reinstatement.

In the case of concrete driveways, the limit of restoration shall be the nearest existing construction joint as directed or at the limit of excavation.

In the case of asphalt driveways, the edges must be tack coated with a suitable asphalt emulsion prior to the placement of the final surface layer of asphalt.

In the case of paving (stone) brick driveways, the paving stones shall be disassembled and stockpiled and reused in the reinstatement. The filling of the voids in the restored brick work shall be limestone screenings swept and vibrated into place.

- 2.2 Driveways shall be backfilled as follows:

- (a) Driveways – Granular “A” limestone aggregate material compacted to 100% of the maximum dry density in maximum 300 mm lifts to the driveway base elevation. Suitable, recycled material may be used as backfill with the written permission of the Road Authority. The driveway base material shall be Granular “M” limestone aggregate compacted to 100% of the maximum dry density in maximum 150 mm lifts as specified hereinafter.
- (b) Wherever the depth of an asphalt driveway exceeds the dimensions provided in this section, the thickness of HL8 MDBC used to restore the cut shall be increased to match existing.

2.3 Temporary Restoration:

- (a) Where the work is not completed in one working day and must be temporarily closed up overnight or for a weekend, then one of the following three alternative procedures shall be followed:
 - (i) the opening will be covered with a minimum 20 mm steel plate designed to support vehicular traffic. Such plate is to be securely anchored to the road surface and the trench must be adequately shored to prevent failure. If available, HL3 hot mix asphalt or high performance cold patch shall be placed on the edges of the steel plate to form a minor ramp for vehicle transition.
 - (ii) the trench will be backfilled and compacted to a depth of 80 mm below grade, and remaining trench will be temporarily backfilled with high performance cold patch or if available hot mix asphalt.
 - (iii) With the permission of the Road Authority, the trench may also be completely backfilled with Granular “A” limestone aggregate and compacted with the surface area treated with calcium chloride.
- (b) In the case of inclement weather (i.e. winter works), the trench will be backfilled to a depth of 80 mm below grade, and remaining trench depth shall be temporarily covered with high performance cold patch asphalt material, or HL8 MDBC. At the time of final pavement restoration, the temporary top surface shall be removed to the required thickness to allow for the permanent asphalt (surface course). The maintenance of the temporary surface shall be the responsibility of the applicant until the final restoration is made.

2.4 Unpaved driveways will be restored in accordance with the provisions of SP 3, with the surface area treated with calcium chloride. Depths shall be as follows:

- (a) Residential 200mm
- (b) Commercial 300mm
- © Industrial 375mm

2.5 Concrete driveways shall restored as follows:

- (a) Residential driveways: 75 mm Granular “A” + 150 mm concrete;
- (b) Commercial and Industrial driveways: 150 mm granular “A” + 150 mm concrete.

Driveway concrete thickness shall match the existing thickness to a minimum of 150 mm. Increased thickness, when authorized, will be pro-rated.

Granular “A” base shall be compacted to 100% of the maximum dry density.

2.6 Asphalt driveways shall be restored as follows:

- (a) Residential Driveways/Walkways: 50 mm HL3 Fine (Modified) + 200 mm Granular “M” limestone aggregate
- (b) Commercial Driveways: 40 mm HL3 + 50 mm HL8 MDBC + 300 mm Granular “M” limestone aggregate
- (c) Industrial Driveways: 40 mm HL3 + 50 mm HL8 MDBC + 375 mm Granular “M” limestone aggregate

The Granular “M” limestone aggregate base shall be compacted to 100% of the maximum dry density.

2.7 Paving (stone) Brick Driveways shall be restored as follows:

Construct a 300 mm granular base with Granular “A” (limestone) compacted to a density of 100 % of the maximum dry density and overlain by 50 mm of limestone screening. Place the paving stones to match existing grade and fill the voids in the completed brick work with limestone screenings.

Revised February 2008

SPECIFICATIONS FOR REINSTATEMENT OF SHOULDERS

1.0 General

- 1.1 “Shoulder” means that portion of the highway lying adjacent to the roadway where there is no barrier curb, and which is improved to support a stopped vehicle.

2.0 Special Provisions

The provisions of OPSS 314 shall apply except as amended or extended herein.

- 2.1 In construction applications where work is off the roadway in the boulevard/ditch area the shoulders, if affected, shall be restored to their original condition or better. The shoulder area(s) shall be scarified and all contaminated materials removed prior to final restoration. Top dress shoulder with 50 mm of Granular M' limestone aggregate.

- 2.2 Where construction is directly impacting the shoulder area and full depth granular is required all trenches must be backfilled as follows:

- (a) From bottom of excavation to base of shoulder Granular “A” limestone aggregate shall be compacted to 100% of the maximum dry density in 300 mm maximum lifts.

Suitable recycled material may be used as backfill with the written permission of the Road Authority.

- (b) Shoulder Restoration:

Granular “M” limestone aggregate compacted to 95% of the maximum dry density in maximum 150 mm lifts.

The granular material for shoulder construction shall be placed by means of a shoulder spreader. Where obstacles on the shoulder prohibit the efficient use of a spreader, the shoulder material to be placed adjacent to such obstacles may be end dumped. Where practical, compact the granular to 95% maximum dry density.

In situation where the shoulder widths prohibit the efficient use of a spreader, the shoulder material shall be carefully placed in such a manner

as to minimize the amounts of shouldering granular on the newly placed asphalt. Where practical, compact the granular to 95% maximum dry density.

For gravel roads, this shall be considered permanent surface restoration.

All paved shoulders to be reinstated to existing conditions or better.

Revised February 2008

SPECIFICATIONS FOR REINSTATEMENT OF ROADWAYS

1.0 General

- 1.1 “Roadway” means that part of highway that is improved, designed, or ordinarily used for vehicular traffic.

2.0 Special Provisions

Unless soil conditions, utility locations, or other extraneous conditions dictate, all crossings of paved roads shall be undertaken by boring or similar construction methods to ensure the minimum disruption to road traffic and roadway surface.

The provisions of OPSS 310, 314, 350, 360, 501, 503, 504, 506, 507 and NPSCD Special Provisions B3, B14, C1 and D1 shall apply except as amended or extended herein.

- 2.1 The edges of all excavations made in concrete or asphalt surface roadways shall be made by a concrete saw or by other suitable cutting equipment prior to the excavation, and such edges of the cut must be straight and clean prior to pavement restoration.

- 2.2 All roadways shall be restored to their original conditions or better.

- 2.3 Trenches must be backfilled as follows:

- (a) From bottom of excavation to road subgrade

Granular “A” limestone aggregate compacted to 100% of the maximum dry density in maximum 300 mm lifts.

Suitable recycled material may be used as backfill with the written permission of the Road Authority.

- (b) Roadway base (granular)

Granular “A” limestone aggregate compacted to 100% of the maximum dry density in maximum 150 mm lifts. For gravel roads, this shall be considered permanent surface restoration.

- (c) In situations where the Road Authority has recently completed road reconstruction and/or rehabilitation the trench backfill shall be non-shrink

concrete and shall be placed from bottom of excavation to top of road base elevation. Non-shrink concrete should meet current OPS materials specifications 1359.

2.4 Surface Restoration- Temporary

- (a) Where the work is not completed in one working day and must be temporarily closed up overnight or for a weekend, then one of the following two alternative procedures shall be followed:
 - (i) the opening will be covered with a minimum 20 mm steel plate designed to support vehicular traffic. Such plate is to be securely anchored to the road surface and the trench must be adequately shored to prevent failure. If available, HL3 hot mix asphalt or high performance cold patch shall be placed on the edges of the steel plate to form a minor ramp for vehicle transition.
 - (ii) the trench will be backfilled and compacted to a depth of 80 mm below grade, and remaining trench will be temporarily backfilled with high performance cold patch or if available hot mix asphalt.
 - (iii) With the permission of the Road Authority, the trench may also be completely backfilled with Granular “A” and compacted with the surface area treated with calcium chloride.
- (b) In the case of inclement weather (i.e. winter works) the trench will be backfilled to a depth of 80 mm below grade, and remaining trench depth shall be temporarily covered with high performance cold patch material, or HL8 MDBC. At the time of final pavement restoration, the temporary surface shall be removed to the required thickness to allow for the permanent asphalt (surface course thickness as per SP 2.6). The maintenance of the temporary surface shall be the responsibility of the applicant until the final restoration is made.

2.5 Surface Restoration – Permanent

Permanent pavement restoration shall not be undertaken earlier than two weeks after temporary restoration. During winter months, permanent restoration shall depend upon weather conditions and the availability of appropriate materials. Hot mix asphalt may be used for permanent restoration during winter months with the prior written approval of the Road Authority.

- (a) For trench restoration on gravel road refer to condition SP 2.3.

Longitudinal trenches shall be milled to a minimum depth of 60 mm. The length and width of asphalt reinstatement will require a site meeting with the Region of Niagara and area municipality to determine extent of reinstatement.

- (b) All asphalt pavements shall be reinstated by matching the existing depth, or a minimum of 180 mm in total, (120 mm of base course and 60 mm top course), in 50 mm lifts of HL8 HS for roads with heavy truck traffic and bus routes or HL8 MDBC for moderate truck traffic and milled a minimum 0.6 m beyond the sawcut limit unless the pavement surface is further distressed as a result of construction activity and reinstated with 60 mm of HL3 HS surface course. The edges must be tack coated with a suitable asphalt emulsion prior to the replacement of the final surface layer of asphalt.
- (c) For composite pavements the asphalt wearing course shall be reinstated in accordance with SP 2.6(b) or to the full original depth of asphalt pavement, whichever is the greater.

NOTE: Materials, production and placement of hot mix asphalt shall conform to OPS and NPSCD specification including provisions for Quality Control and Quality Assurance.

- (d) Concrete pavements shall be reinstated to the full original depth of concrete and shall be not less than 30 MPa high early concrete with 5% + /-1% air entrainment, meeting current O.P.S. Materials Specifications 1350 (material) and concrete joint details O.P.S.D. 552 and 560.
- (i) Placing and Finishing Equipment

Equipment used for placing, consolidated and finished concrete shall be a self-propelled, vibratory steel screed or steel cylinder screed with integral internal vibration including automatic shut-off, leveling auger and shall operate on fixed forms. For repair areas less than 3m in length, the concrete may be consolidated with hand held external vibrators and finished with a wood or steel screed capable of leveling the concrete without bowing.

- (ii) Opening the Repair Areas to Traffic

Repair areas shall not be subjected to traffic until the concrete has achieved a minimum compressive strength of 20.0 MPa, based on standard cylinder compressive strength testing. The Owner will carry out sufficient concrete testing to evaluate the strength versus age properties of the mix in order to assess the time for opening of the road to traffic.

(iii) Quality Assurance

Criteria for Determining Unacceptable Concrete

Unacceptable concrete shall be removed and replaced at the Contractor's cost. Unacceptable concrete includes:

- Concrete which does not meet the minimum 20.0 MPa prior to opening traffic
- Concrete which does not meet the minimum 30.0 MPa at 28 days
- Concrete which is cracked
- Concrete which does not meet surface tolerance requirements
- Concrete which has a damaged surface due to vehicle, pedestrian, or other traffic during the contract period.

2.6 Restoration of Railway Crossing Rehabilitation

Road reinstatement for track crossings shall be hot-mix asphalt from the mud rail to the limit of asphalt removal. Rubberized matting will not be permitted outside the mud rail. All works shall be coordinated through the Regional Roads Area Manager.

Revised August 2012

Memo

To: Shannon Larocque, Senior Planner

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

From: Taylor Boyle, Engineering Technologist

Date: 9 May 2022

File No.: SP-06-21

RE: **Zoning By-Law Amendment and Site Plan Approval
15 Highway 20 East**

Town of Pelham Public Works' Staff have reviewed the above noted application to address the technical concerns related to the Site Plan Application and Zoning By-Law Amendment application 2nd submission for 15 Highway 20 East.

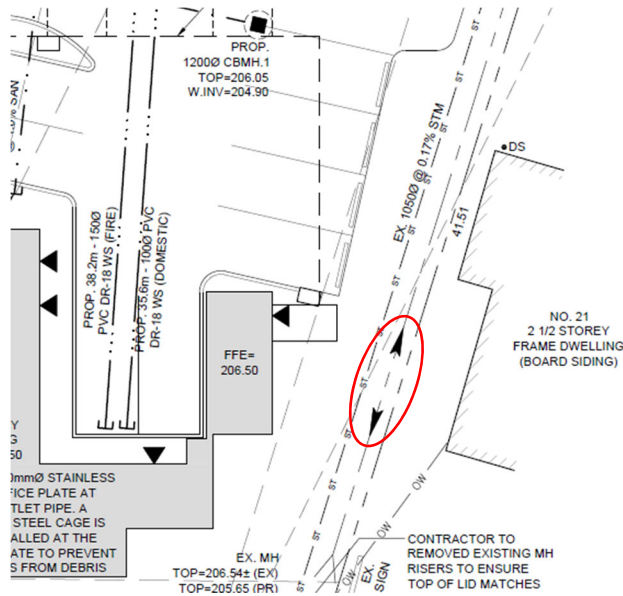
Town Staff have reviewed the following documentation for the purpose of this application:

- Site Services Plan (C1), prepared by Hallex Engineering, dated June 2021;
- Site Drainage Plan (C2), prepared by Hallex Engineering, dated June 2021; and
- Storm Water Management Design Brief, prepared by Hallex Engineering, dated March 21, 2022;

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.

Site Servicing Plan

That the developer clarify what the arrows are for. Please see below.



Easement

1. Town staff have no concerns regarding the pavement area located within the easement area.

In order to maintain access to the easement in perpetuity, please restrict any development to lower type vegetation and no large trees.

2. Staff request clarification on the use of the "Terraform Slope Stabilization System" within the easement.

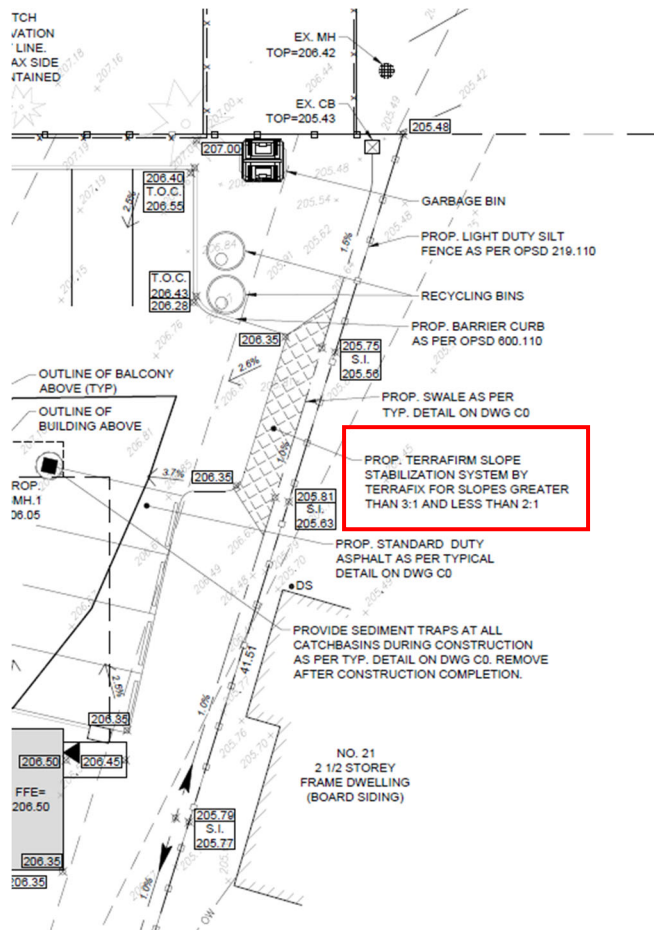
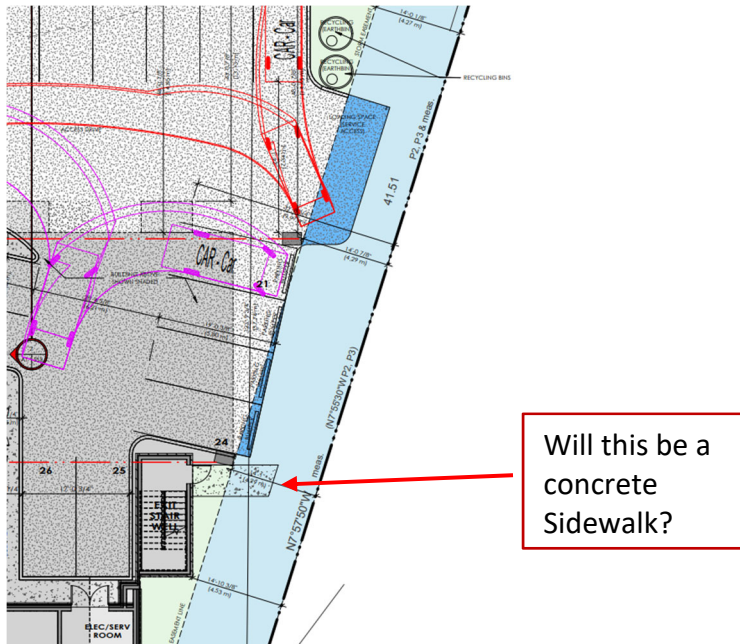


Figure 1: Site Drainage Plan

- Staff have concerns regarding adequate cover for the 1050mmØ storm sewer with the proposed slope along the eastern side of the property. Please ensure that there will be adequate cover as per Ontario Provincial Standards.

4. That the developer confirm that the area shown below will be a concrete sidewalk?



Concept Grading Plan (C1)

No further comments or concerns.

Shannon Larocque

From: SHETTY Dolly <Dolly.Shetty@HydroOne.com> on behalf of LANDUSEPLANNING <LandUsePlanning@HydroOne.com>
Sent: Tuesday, December 21, 2021 11:09 AM
To: Shannon Larocque
Subject: Pelham - 15 Highway 20 East - SP-06-2021

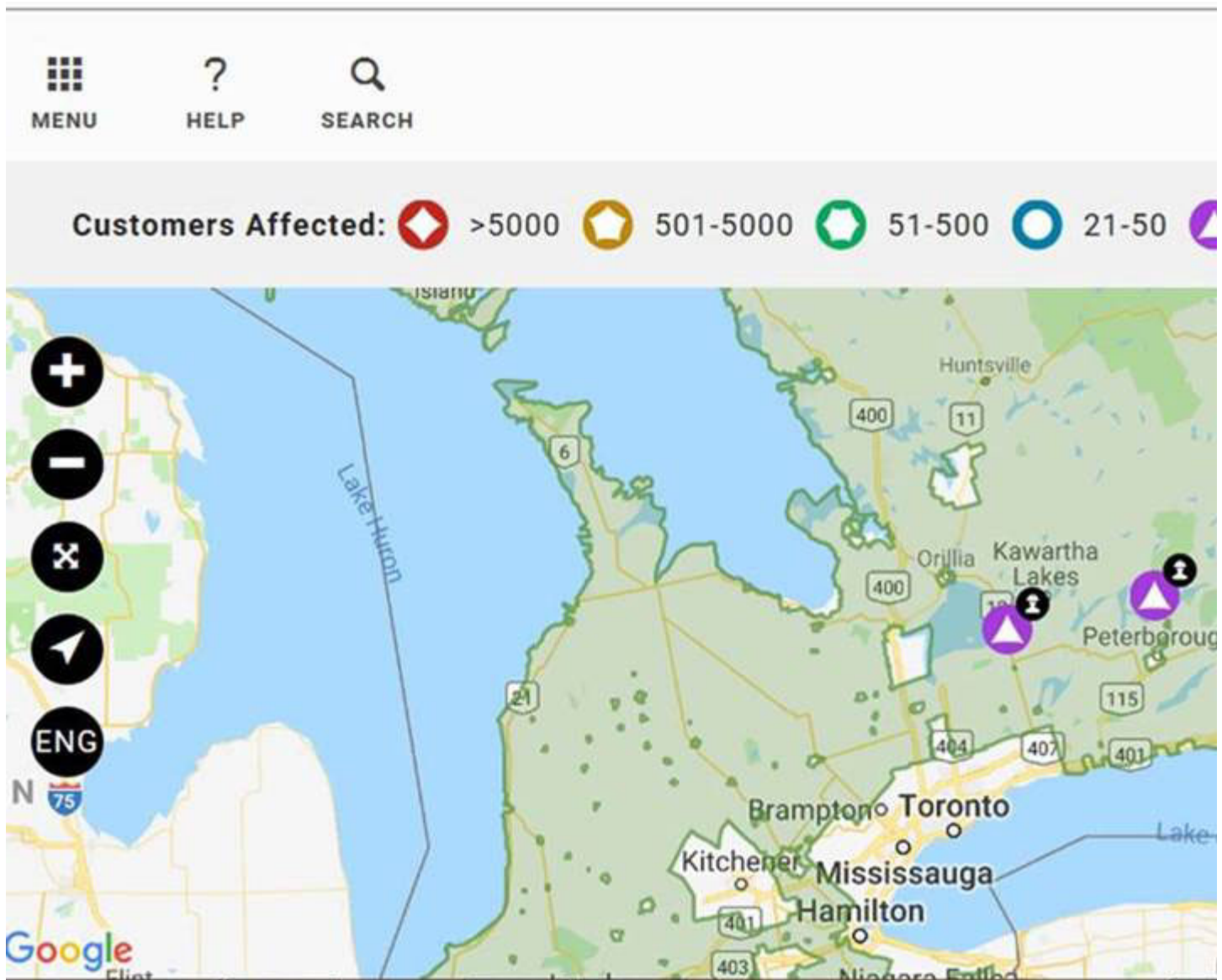
Hello,

We are in receipt of Application SP-06-2021 dated December 7, 2021. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.**

For proposals affecting 'Low Voltage Distribution Facilities' please consult your local area Distribution Supplier.

To confirm if Hydro One is your local distributor please follow the following link:
<http://www.hydroone.com/StormCenter3/>

Please select " Search" and locate address in question by entering the address or by zooming in and out of the map



If Hydro One is your local area Distribution Supplier, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre

Thank you,

Best Wishes,

Dolly Shetty

Real Estate Assistant | Land Use Planning

Hydro One Networks Inc.

185 Clegg Road (R32)

Markham, ON | L6G 1B7

Email: Dolly.Shetty@HydroOne.com



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From: Shannon Larocque <SLarocque@pelham.ca>

Sent: Tuesday, December 7, 2021 4:22 PM

To: LANDUSEPLANNING <LandUsePlanning@HydroOne.com>

Subject: Request for Comments - Applications for Zoning By-law Amendment & Site Plan Approval - 15 Highway 20 East

***** Exercise caution. This is an EXTERNAL email. DO NOT open attachments or click links from unknown senders or unexpected email. *****

Good Afternoon,

We are in receipt of applications for zoning by-law amendment and site plan approval (files AM-03-2021 & SP-06-2021) for the above property.

Application materials are attached.

Your comments would be appreciated by January 4, 2021.

If you have any questions or require any further information, please contact me.

Best Regards,

Shannon



Shannon Larocque, MCIP. RPP.

Senior Planner

Town of Pelham

D: 905-980-6661 | E: slarocque@pelham.ca

T: 905-892-2607 x319

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

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Shannon Larocque

From: circulations@wsp.com
Sent: Wednesday, December 8, 2021 6:24 AM
To: Shannon Larocque
Subject: ZBLA (AM-03-2021) and Site Plan Application (SP-06-2021), 15 Highway 20 E., Pelham.

2021-12-08

Shannon Larocque

Pelham

, ,

Attention: Shannon Larocque

Re: ZBLA (AM-03-2021) and Site Plan Application (SP-06-2021), 15 Highway 20 E., Pelham.; Your File No. AM-03-2021,SP-06-2021

Our File No. 92071

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.”

The Owner is advised to contact Bell Canada at planninganddevelopment@bell.ca during the detailed utility design stage to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada’s existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

Please note that WSP operates Bell's development tracking system, which includes the intake of municipal circulations. WSP is mandated to notify Bell when a municipal request for comments or for information, such as a request for clearance, has been received. All responses to these municipal circulations are generated by Bell, but submitted by WSP on Bell's behalf. WSP is not responsible for Bell's responses and for any of the content herein.

If you believe that these comments have been sent to you in error or have questions regarding Bell's protocols for responding to municipal circulations and enquiries, please contact planninganddevelopment@bell.ca

Should you have any questions, please contact the undersigned.

Yours truly,

Ryan Courville
Manager - Planning and Development
Network Provisioning
Email: planninganddevelopment@bell.ca

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-LAEmHhHzdJzBtWfa4Hgs7pbKl

February 2, 2022

Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, ON L0S 1E0

Dear Shannon,

Re: Site Plan Control Application, Zoning By-law Amendment
Aiva Development and Real Estate Ltd.
15 Highway 20 East (Regional Road 20)
Town of Pelham
File No.: SP-06-2021, AM-03-2021

Enbridge Gas Inc. does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

This response does not constitute a pipe locate, clearance for construction or availability of gas.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing CustomerConnectionsContactCentre@Enbridge.com to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, and any future adjacent developments, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

Sincerely,



Alice Coleman
Municipal Planning Analyst
Long Range Distribution Planning

—
ENBRIDGE
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com
Safety. Integrity. Respect. Inclusion.



15 Hwy 20 East

Town of Pelham

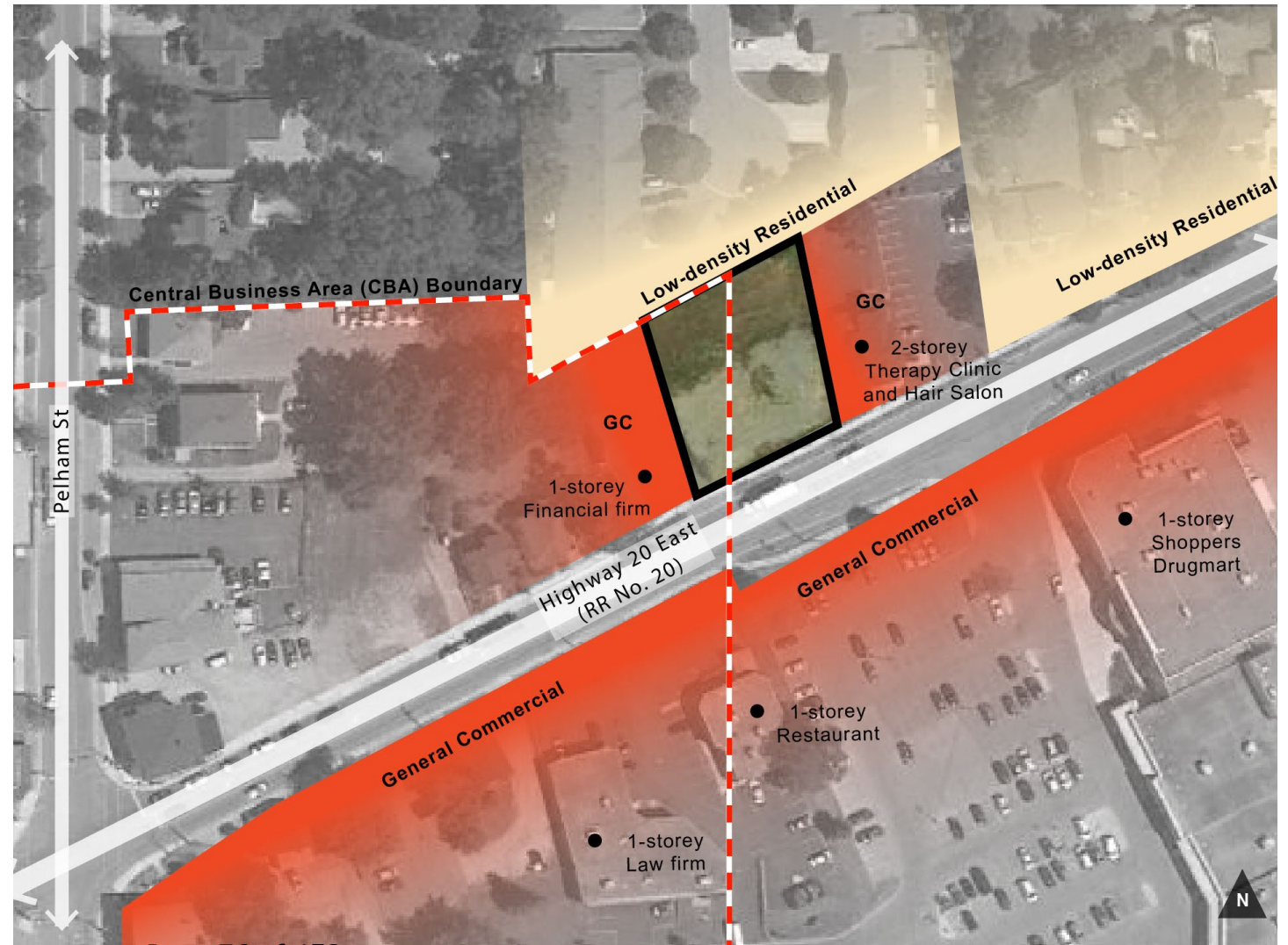
June 13, 2022

Application for Official Plan & Zoning By-law Amendment
For Aiva Development and Real Estate Ltd.

Subject Lands & Surrounding Land Uses

Lot Area: 0.142 ha

Frontage: 36 m (on Highway 20 East)



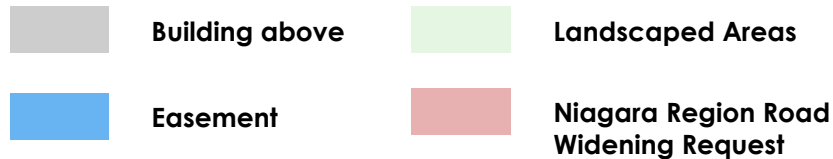
Proposed Development

Units: 24 apartment units

- Density: 170 units per hectare
- 1 bedroom: 18 units (563 – 735 sqft)
- 2 bedroom: 6 units (909 – 981 sqft)

Total Parking: 28 spaces

- Parking rate: 1.16 spaces/unit
- Parking for Residents: 24
- Parking for Visitor: 4



Building Elevation



FRONT (SOUTH) ELEVATION COLOR SCHEME

Permitted Height from Policy & Zoning Context

Town of Pelham Official Plan

Downtown Transitional Area designation

- Permits maximum of 2 storeys

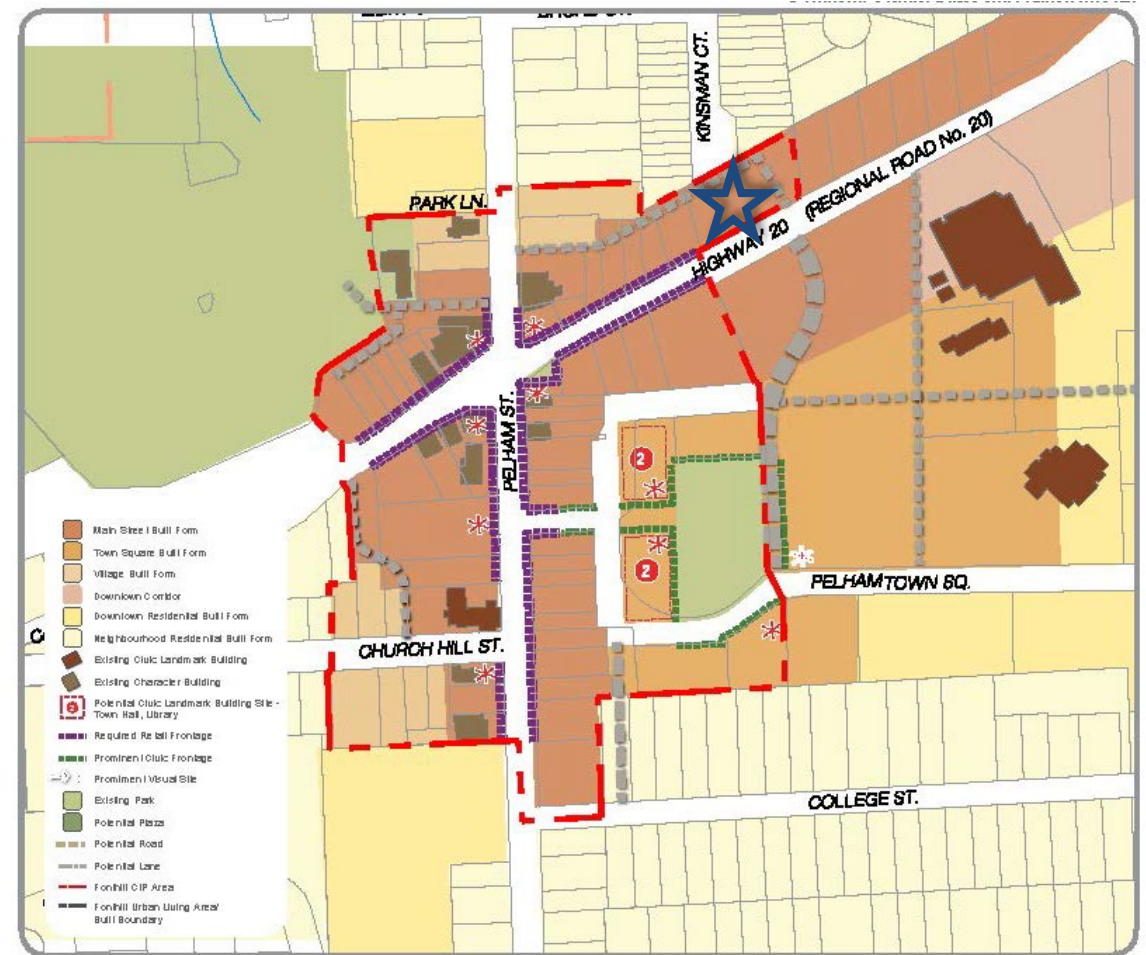
Downtown Master Plan for Fonthill and Fenwick 2014

Main Street Built Form designation

- Permits maximum of 3 storeys

Previous Minor Variance Application

- Permits a mixed-use development
- Allows a maximum building height of 13 metres.



Shadow Analysis

SPRING



MARCH 20 9AM

1" = 80'-0"



MARCH 20 12PM

1" = 80'-0"



MARCH 20 3PM

1" = 80'-0"

FALL



SEPT 22 9AM

1" = 80'-0"



SEPT 22 12PM

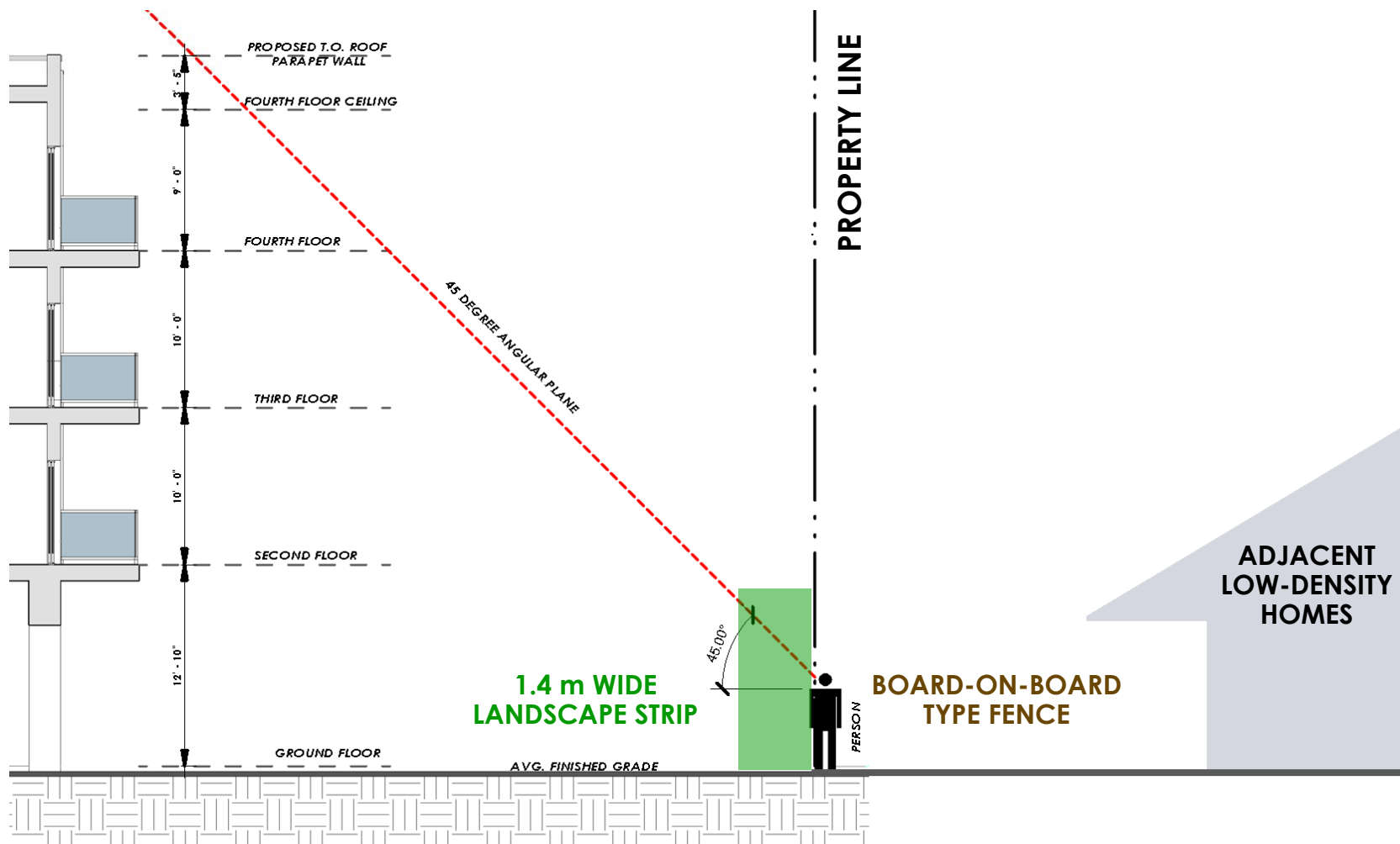
1" = 80'-0"



SEPT 22 3PM

1" = 80'-0"

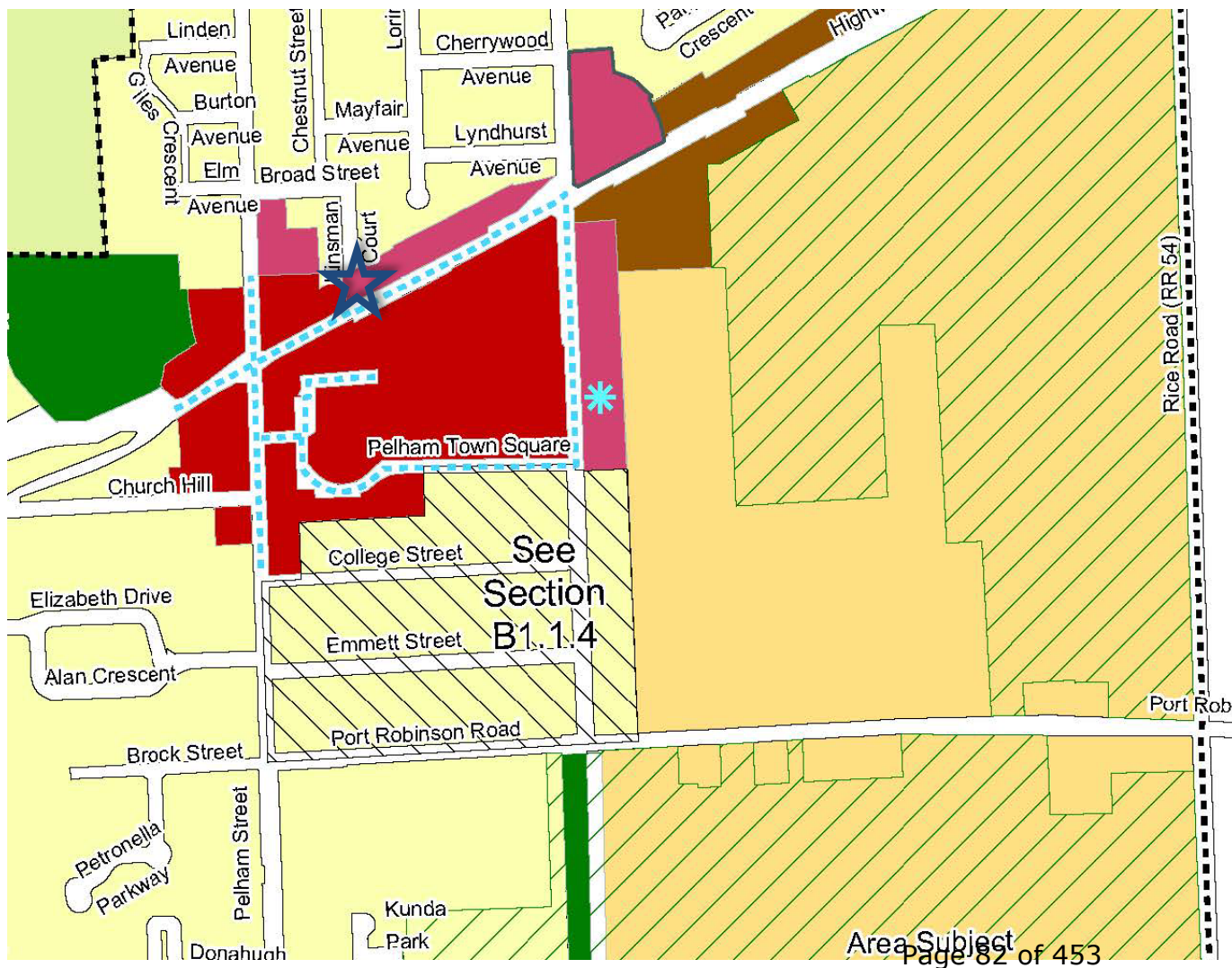
Northern Interface



ANGULAR PLAN FROM NORTH PROPERTY LINE

1/8" = 1'-0"

Official Plan Amendment



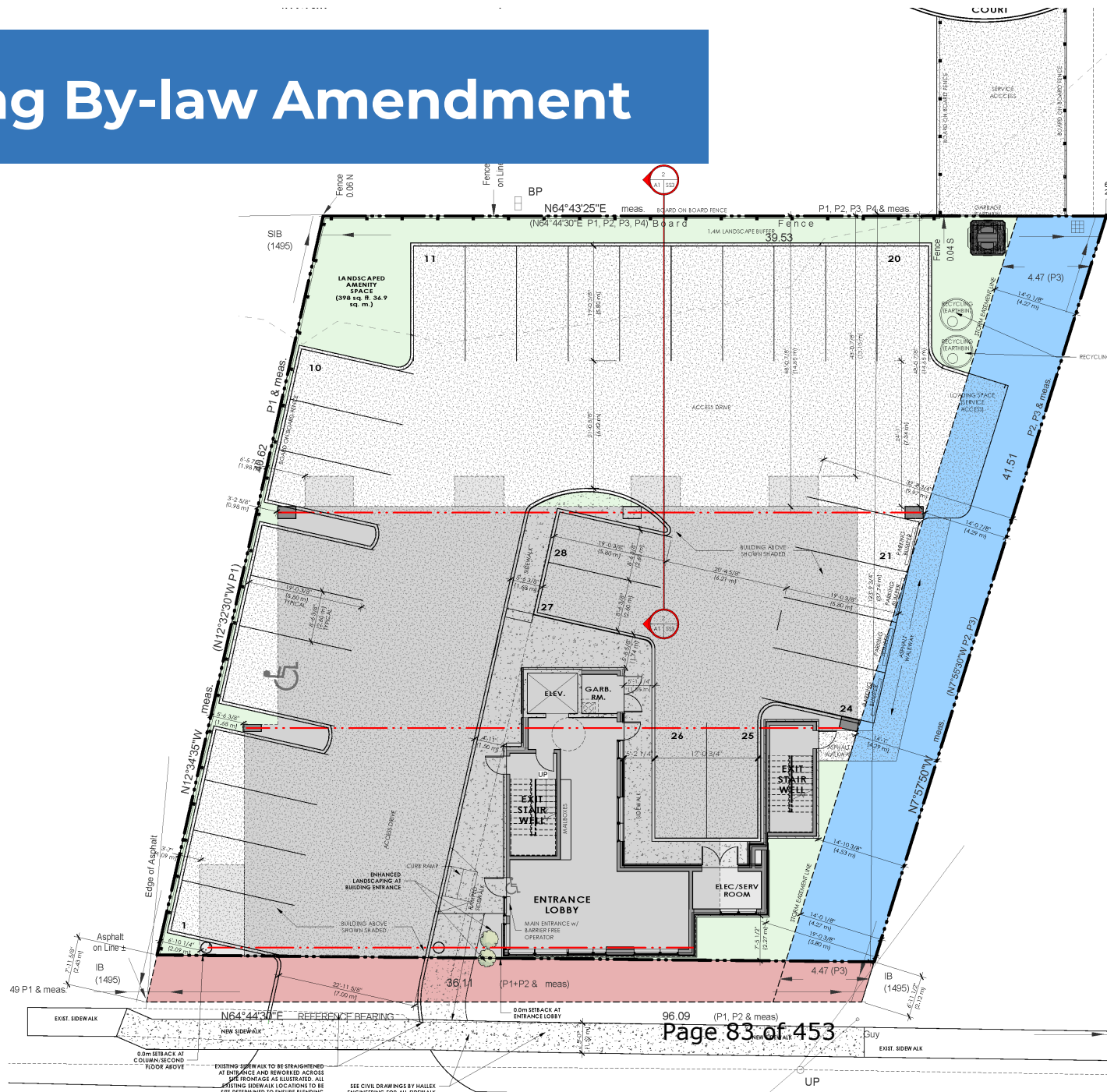
Proposed Amendment

- Proposed height: 14.27 m (4 storeys)

Supportable, as the development:

- Aligns with the intent and purpose of the Downtown Transitional Area
- Does not impact adjacent uses
- Principally aligns with the previously approved Minor Variance application

Zoning By-law Amendment



Existing zone: General Commercial (GC) Zone

Proposed zone: Residential Multiple 2 (R2) Zone

Min Lot Area

Provided: 59 sqm per dwelling unit
(Required: 150 sqm per dwelling unit)

Maximum Density

Provided: 170 uph (Allowed: 65 uph)

Max Lot Coverage

Provided: 48% (Allowed: 30%)

Min Floor Area Per Unit

1 bedroom: 52 sqm (Required: 56 sqm)

Maximum Building Height

14.5 m (Required: 13 m)

Zoning By-law Amendment

Width of planting strip

Provided: 1.4 m
(Required: 3 m)

Amenity Area

Provided: 36 m
(Required: 75 sqm)

Min Landscaped Area

Provided: 20% (Required:
35%)

Existing zone: General Commercial
(GC) Zone

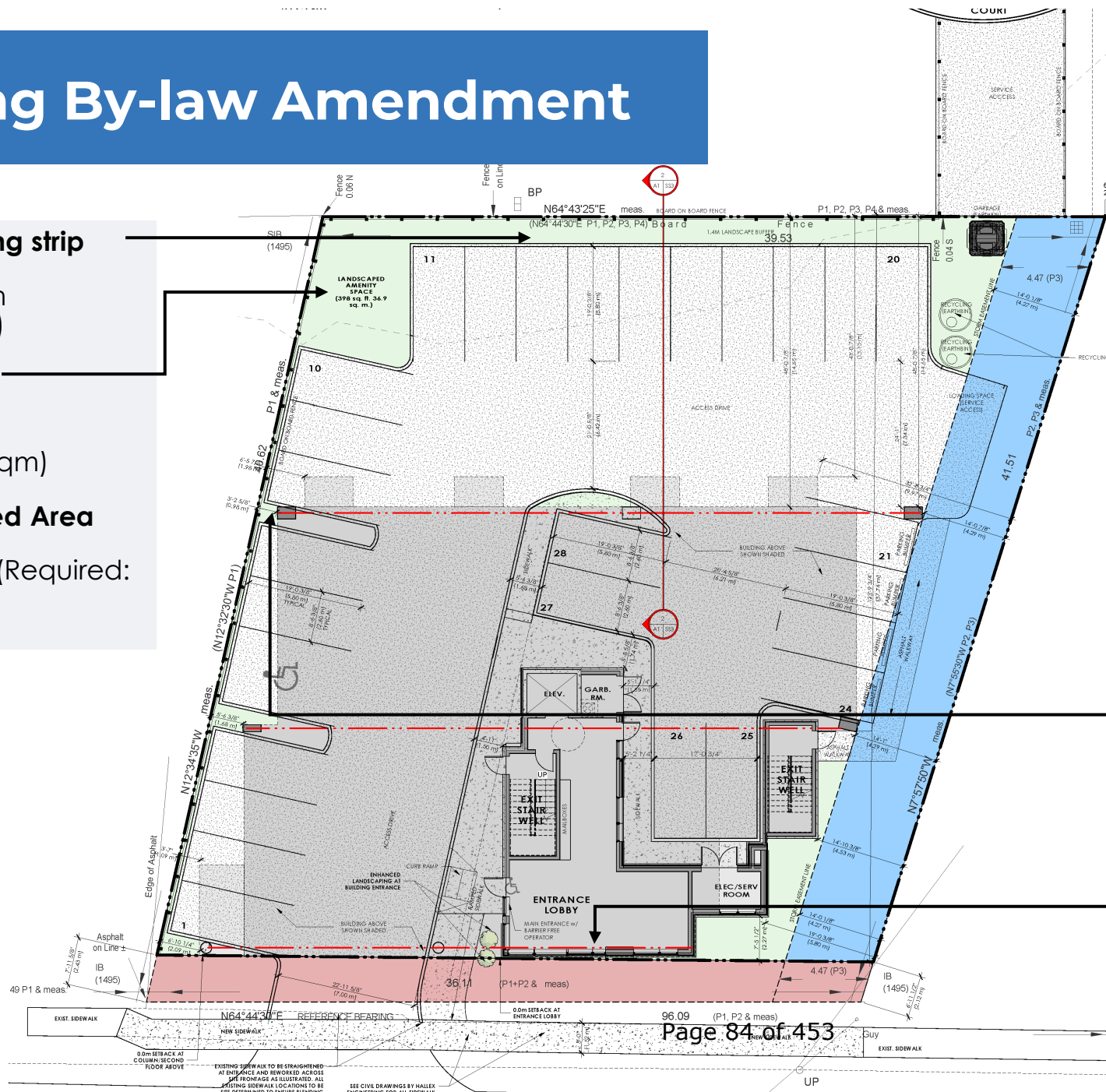
Proposed zone: Residential Multiple 2
(R2) Zone

Min Interior Side Yard

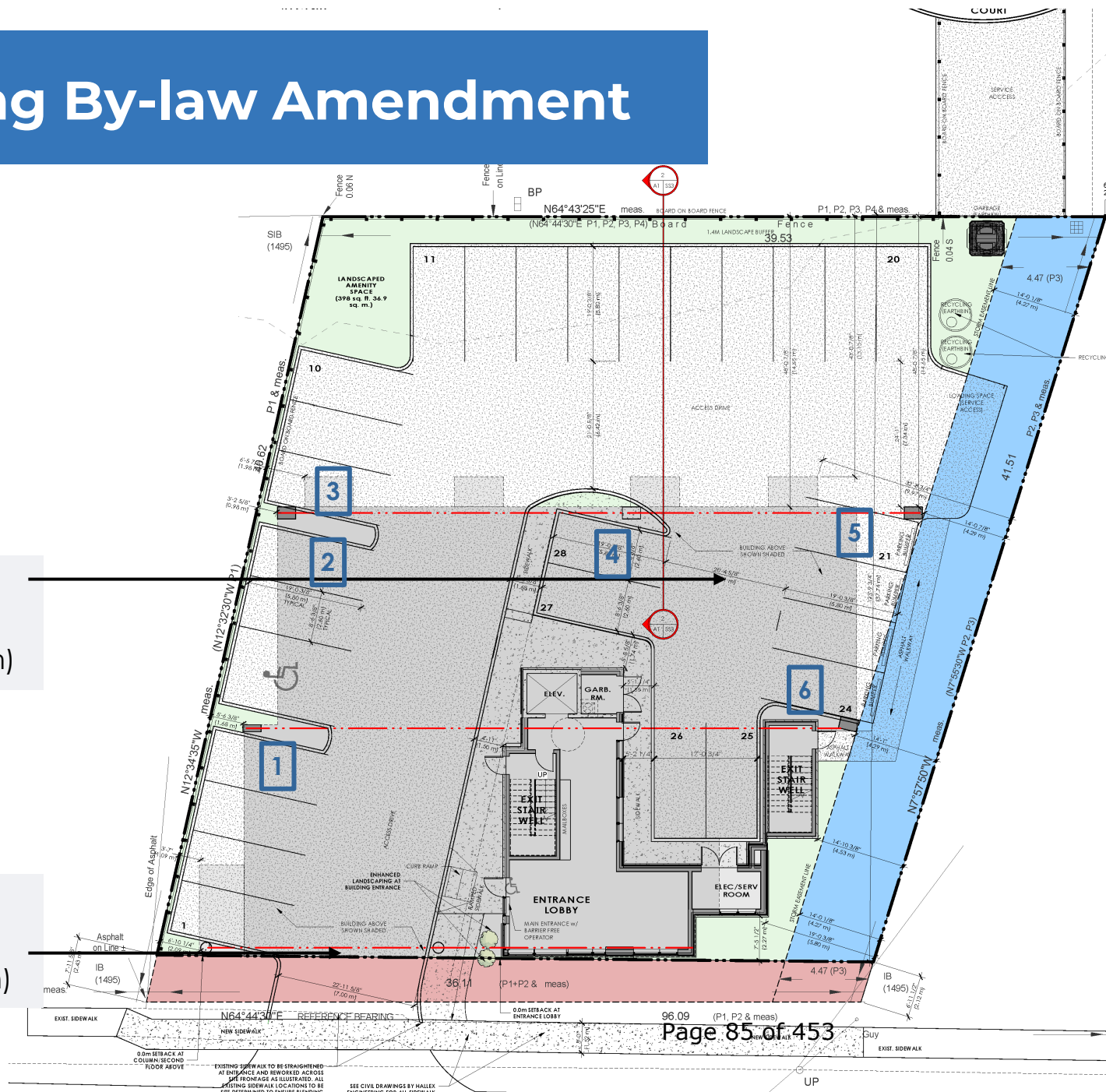
Provided: 0.9 m
(Required: 7.2 m)

Min Front Yard

Provided: 0
(Required: 7.5 m)



Zoning By-law Amendment



Aisle width

Provided: 6.2 m
(Required: 7.6 m)

Ingress Egress

Provided: 7 m
(Required: 7.5 m)

Existing zone: General Commercial (GC) Zone

Proposed zone: Residential Multiple 2 (R2) Zone

Parking Requirement

Provided: 28 spaces (Required: 36 spaces)

Parking Area Location

Front yard: 0 m (Required: 7.5 m)

Side yard: 0 m (Required: 3 m)

Rear yard: 1.4 m (Required: 3 m)

Parking space abutting a structure

Provided 2.6 m (Required: 3 m)

*Affected 6 spaces labelled on the plan

Supporting Studies

The Official Plan & Zoning By-Law Amendment Application was accompanied by supporting studies:

- Functional Servicing & Stormwater Management Report
- Archaeological Assessment
- Noise Study
- Parking Study
- Shadow Study

- ✓ Is consistent with the PPS and conforms with the Growth Plan, the NROP, and the Town of Pelham Official Plan.
- ✓ Creates new housing with a range of housing sizes and types within the Highway 20 Intensification Corridor.
- ✓ Provides “eyes on the street” benefits, enhances streetscape and public-realm experience along Highway 20 E.
- ✓ Appropriately distanced from the low-density residences
- ✓ Make efficient use of the existing municipal services and infrastructure.



Sarah Leach

To: Holly Willford; bernie law
Cc: Shannon Larocque
Subject: RE: Notice of Public Hearing 15 Hwy# 20 E Fonthill

From: bernie law [REDACTED]
Sent: Friday, May 27, 2022 9:52 AM
To: Holly Willford <HWillford@pelham.ca>
Subject: Notice of Public Hearing 15 Hwy# 20 E Fonthill

Good morning Holly,

I am sending this information to you regarding water run off from the property at 15 Hwy # 20. In the past we have had some very bad storms and the rain water coming down from Pelham St. N and the land west of #15 Hwy. 20 has caused serious concerns for the property East of # 15 Hwy # 20. The proposed site plan drawing does not show any capture of rain water falling down on this property. Presently there is no problem as the entire lot is covered with grass sod thereby absorbing some of the water down fall. However the Site Plan shows approx 95% coverage in the building roof and parking lot drive way , all covered in concrete. This plan will cause major damage to the neighbours east and north of this location. A abnormal amount of rain water will be transferred to Kinsman Crt. , and could cause severe damage to the Town homes presently located there. If you drive over to Kinsman Crt. you can see a row of beautiful pine trees blocking the view of Hwy # 20 and also creating a noise barrier from the Hwy. traffic. The plan does not show any trees , that are presently growing on Town Property. Please take into your consideration of only 2 of our concerns as to this development as requested. As a resident of Kinsman Crt. I wellcome a apt. building on this lot of a much smaller scale , thereby giving the residents some green space on their rented property for a outside pick nic table and BBQ, along with a flower garden .

Thank you for your attention to this matter,

We remain
Susan and Bernie Law
[REDACTED] Kinsman Crt.

From: [REDACTED]
To: [clerks pelham](#)
Subject: Notice of Public Hearing 15 Hwy# 20 E Fonthill
Date: Friday, May 27, 2022 1:55:54 PM

I wish to register for the proposed Zoning By-law Amendment for the above address. In addition to my rain water flooding concern, I wish to discuss the huge snow pile at the end of Kinsman Crt. S each winter. This mountain of snow completely blocks any entrance to the south end of Kinsman Crt. The town spends thousands of dollars every year to pay for a large front end loader Driver and 3 of the towns large dump trucks to haul away 30-50 loads of snow away to the works yard in Fenwick , this procedure takes approx 8-9 hours to complete. Every snow fall of approx 3 inches is pushed up Kinsman Crt to the south end creating a mountain of snow. The residents are OK with this procedure and this is the most cost efficient way for the town to handle this large build up of snow. Pedestrian access to Hwy# 20 is halted for a few months as the snow pile makes it prohibitive to walk past this pile of snow, therefore every one has to walk over to Pelham St N. and continue south to Hwy# 20.

Subject: RE: Proposed apartment on twenty highway

On May 27, 2022, at 2:34 PM, Alan Morgan [REDACTED] wrote:

I can't think of any small town around here that is letting fifty foot high buildings with a zero setback on the main street. The sidewalk is three feet wide and that's it between a pedestrian the building and the busy road. The access off of twenty is from a busy single lane. Going east and turning left means waiting until the light turns at station street on a busy day. That will back traffic up towards the Pelham light. I make a left on Pelham frequently and I have to wait for one or more lights on busy times of day. Shannon advised me that no traffic study has been done because they have the right to build anyway. We need to have these developments fit in with our grand plan. That means no tall buildings next to the road and not making traffic on twenty highway more congested than it is. Please forward to the other councillors. Thanks

Shannon Larocque

From: Alan Morgan [REDACTED]
Sent: Wednesday, May 25, 2022 4:54 PM
To: Shannon Larocque
Subject: Re: 15 Highway 20 west requested amendments

Sure that would be nice. Twenty and Pelham roads are narrow and busy already. A few thousand more residents will make it that even busier. You can't make a left out of Shoppers Drug Store at all. There is never a break in traffic. 40 more cars and visitors across the street will add to that congestion.

Thanks

On Wed, May 25, 2022 at 1:50 PM Shannon Larocque <SLarocque@pelham.ca> wrote:

Hi Alan,

Did you want me to include your email questions/comments in the information report to Council?

Best Regards,

Shannon



Shannon Larocque, MCIP, RPP.

Senior Planner

Town of Pelham

D: 905-980-6661 | E: slarocque@pelham.ca

T: 905-892-2607 x319

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

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From: Alan Morgan [REDACTED]
Sent: Wednesday, May 25, 2022 12:58 PM

To: Shannon Larocque <SLarocque@pelham.ca>

Subject: Re: 15 Highway 20 west requested amendments

Shannon

Thanks for the reply. The region staff need to see how busy this road is with the growth in houses, retail and the hockey arena. With a car stopped to make a left turn into this building it will back traffic up even more. Traffic now is backed up the hill and as I said making a left onto Pelham north is a long wait. For the region to not do any studies and make conclusions without data is irresponsible.

I'll be asking councillors to require studies if they want the votes

Thanks

On Wed, May 25, 2022 at 9:30 AM Shannon Larocque <SLarocque@pelham.ca> wrote:

Hi Alan,

I have attached the drawing set for your information. The sidewalk will be the same width as what exists along this portion of Highway 20 and the proposed road widening is shown on the site plan in pink. No centre turning lane or stop light is proposed. The Region has provided comments on the applications since Highway 20 is a Regional road and Regional staff do not feel these things are required. Similarly, the Region did not feel a traffic study was warranted and so no mitigation measures are required or proposed.

It is important to note that this property already has zoning and site plan approval for a mixed use building consisting of 3 ground floor commercial units and 14 apartment dwellings above dating from 2013. The current applications propose a residential apartment dwelling consisting of 24 units. The traffic generated is expected to be the same or less with the commercial units being eliminated.

If you have any further questions, please feel free to contact me.

Best Regards,
Shannon



Shannon Larocque, MCIP. RPP.

Senior Planner

Town of Pelham

D: 905-980-6661 | E: slarocque@pelham.ca

T: 905-892-2607 x319

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.

From: Alan Morgan [REDACTED]
Sent: Friday, May 20, 2022 11:17 AM
To: Shannon Larocque <SLarocque@pelham.ca>
Subject: 15 Highway 20 west requested amendments

Shannon

I can't seem to find any drawing that shows the sidewalk width in front of the building or where the proposed road widening would be. Is there a centre turn out lane proposed for eastbound cars going into the building? Is there a stop light proposed to allow for a smooth flow of traffic on highway twenty?

Highway twenty coming through the town is busy. Cars are waiting five minutes to make a west turn out of the retail strip mall across the street already. With an eastbound apartment dweller making a left into this building traffic will be stopped until a break in westbound traffic occurs. It's already a long wait at the traffic light to make a left onto north Pelham road after two pm on most days. Was any traffic study done by the applicant that shows these issues? Is the applicant suggesting any mitigating measures?

Thanks

--



Town of Pelham

Re –building proposed for 15 hwy. 20 east Fonthill.

The following are my concerns about this project.

- 1 number of condos --24 condos on this small property is
absurb .Increasing the # storeys from 2 to 4 to
accommodate 24 condos would be a serious mistake and
be a bad precedent for Pelham to establish.
- 2 garbage removal-----a rep. of project said a boom garbage
truck would come down Kinsman Crt . to fence at end of
the street and scoop up containers on property and dump
them into truck. This process would take place every
second week and would only take 10 minutes (not a very
feasible time line)
To allow the truck to get to the fence 2 or 3 tall
evergreens would have to be cut down--- a real tragedy .
During the winter snow is piled at end of the street to a
height of 10 to 15 feet and stays there for 2 to 3
months- I assume the company is unaware of this factor.
- 3 Exiting and entering property from hwy.20. --not a direct
concern for Kinsman Crt. but should be for Pelham and
Regional Gov. The traffic on hwy.20 is very heavy and is
increasing steadily as new homes are built.

Turning left out of the property is very difficult and risky—
Turning right is the safest exit but driver will have to
merge into the flow of traffic .

4 The previous proposal by Doctor Taylor provided for a
fenced path from Kinsman Crt . to Hwy .20---this would give
Kinsman Crt. Residents and other local residents access to
Hwy. 20 The present proposal does not indicate a fenced
pathway for residents.

In conclusion the only feasible solution is to make the building
smaller and have a driveway around the building to collect
garbage and moving trucks. That would eliminate most of the
Kinsman Court concerns.

Thank you considering my objections to this property proposal.

Ross A. Morris ■ Kinsman Crt. Fonthill

Ross A Morris

To the Clerk of the Town of Pelham

The residents of Kinsman Court in Fonthill wish to submit these comments on the proposed development of #15 Hwy 20E. We would like to participate by ZOOM to speak somewhat more fully to these concerns at the June 13 meeting of Council.

Our Comments

- **We support the applications for amendments to the Official Plan and Zoning Bylaw with respect to the subject property with the following provisos:**
 - **The overriding concern of residents of Kinsman Court is our desire to maintain the Quality of Life that we have enjoyed for the last 26 years.**
 - **We support the application for a maximum 4-story apartment complex (but no additional storys).**
 - **That the developer be required to work with us to maintain the privacy fencing that separates the property from Kinsman Court properties.**
 - **That, since the developers have not provided the required number of visitor parking spaces on site, action be taken by the Developers to limit the possibility of Kinsman Court becoming the overflow parking location for visitors.**
 - **the developers be required to take appropriate action to ensure that Kinsman Court not be used by workers during construction.**
 - **That, if the plan to construct a laneway from the south end of the Court to facilitate garbage removal is approved, the developer take steps to construct appropriate fencing and possibly include a locked gate to prevent the laneway being used as a walkway for pedestrians accessing the apartment property.**

- **That the Town develop a plan for removal of the snow which is regularly deposited up to 10 feet high at the south end of the court, and if not removed will interfere with access to the garbage removal lane**
- **That the developer be required to attempt, with the aid of an arborist, to limit as much as possible the removal of the beautiful trees at the south end of the property. These trees are not only beautiful, but they provide a noise and visual barrier from HWY 20.**
- **That care be taken by the developer to consider any negative impact on the driveways of the 2 properties at #24 and #26 in constructing the garbage removal lane, which already present some difficulties for ingress and egress.**

Town of Pelham Notice of Public Meeting

Notice of Electronic Public Meeting: New Comprehensive Zoning By-law and accompanying Housekeeping Official Plan Amendment (Housekeeping OPA)

Town Council approved Public Hearings to be held remotely during an emergency via By-law No. 4422 (2022). The Town of Pelham will be livestreaming this Public Meeting at the following link: <https://www.youtube.com/user/TownOfPelham>

**June 13 | Public Meeting 5:30 p.m.
By Zoom Webinar**

Purpose of the Public Meeting

Take notice that Council for the Town of Pelham will be holding an electronic Public Meeting for a New Comprehensive Zoning By-law and accompanying Housekeeping Official Plan Amendment (Housekeeping OPA) in accordance with Sections 22 and 34 of the Planning Act, R.S.O.1990, as amended. The purpose of the electronic public meeting is to provide the public with an opportunity to understand and comment on the proposed Zoning By-law and Housekeeping OPA which both will be applicable to all lands within the Town except areas subject to the Niagara Escarpment Plan permit area.

Purpose of the new Comprehensive Zoning By-law

A Zoning By-law is prepared under the requirements of Section 34 of the Planning Act and regulates the types of land uses and the character, height, location, size and massing of buildings for all lands within the Town. The Zoning By-law is the Town’s primary tool to regulate the use of all land in the Town. The new Comprehensive Zoning By-law will replace Town of Pelham Zoning By-law No. 1136 (1987) and implement the policies of the Town’s Official Plan and provided new and updated zoning and development standards that reflect policy and regulatory initiatives at the provincial and regional level.

Purpose of the Housekeeping Official Plan Amendment

A Housekeeping OPA is being proposed to update the agriculture-related, on-farm diversified and value-added agricultural policies to align the current plan with updated Provincial policies and permit and support the updated regulations proposed in the New Zoning By-law. This will improve and clarify the existing policies around secondary agricultural uses.

The Housekeeping OPA will also introduce policies to enable Council to delegate the authority to pass by-laws under Section 34 of the Planning Act to removing holding “H” symbols (holding by-laws), authorize the temporary use of land, buildings or structures (temporary use by-laws) and to pass housekeeping by-laws for the purpose of making clerical or other changes to assist in the interpretation of the Zoning By-law to a Committee of Council, or an authorized officer or employee of the municipality.

The Town is seeking input and feedback on both the proposed New Comprehensive Zoning By-law and the Housekeeping OPA.

Written Submission

Input on the proposed draft Zoning By-law and Housekeeping OPA is welcome and encouraged. Unless indicated otherwise, personal information and all comments will become part of the public record and may be publicly released. To provide input in writing, or to request personal notice if the proposed Zoning By-law and Housekeeping OPA are approved, please send all correspondence by 12:00 PM on Wednesday, June 1, 2022 for inclusion in the public meeting agenda package c/o Town Clerk, Holly Willford, PO Box 400, 20 Pelham Town Square, Fonthill, Ontario L0S 1E0, or by email at hwillford@pelham.ca. Comments and requests received after this date will still be received by Council, however they may not be published as part of the public meeting agenda.

Have Your Say

To participate at the public meeting you must pre-register with the Clerks office by sending an email to clerks@pelham.ca before 12:00 PM on Friday, June 10th, 2022. All registrants will be provided with instructions on how to use your computer, tablet or phone to participate in the Public Meeting. Registrants will also be notified of Council’s decision.

If you have not submitted written comments or pre-registered before the aforementioned deadlines, but wish to submit comments during the Public Meeting, you may livestream the meeting from the Town of Pelham’s YouTube channel and email comments to clerks@pelham.ca during the public commenting portion of the subject applications only. If your comments are not received prior to the closing of the public commenting portion of the meeting, they will not be considered.

More Information

For more information, please contact Lindsay Richardson, MCIP, RPP, Senior Planner, at 905-980-6675 or 905-892-2607 ext. 335, or via email at lrichardson@pelham.ca.

For further information or for a copy of the draft Zoning By-law and Official Plan Amendment, please visit engagingpelham.ca and search the project page or scan this QR code.



A copy of the Information Report regarding the proposed application as well as any additional information may be obtained on the Town’s website at <http://calendar.pelham.ca/council> or from the Community Planning and Development Department by appointment after 4:30 pm on Wednesday, June 8, 2022.

Important Information

If a person or public body would otherwise have an ability to appeal the decision of the Town of Pelham’s Municipal Council to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written statements to the Town of Pelham before the by-law is passed, the person or public body is not entitled to appeal the decision. If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Town of Pelham before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Dated at the Town of Pelham, this 24th day of May, 2022.

NOTICE REQUIREMENTS

**Town of Pelham
New Comprehensive Zoning By-law and
Housekeeping Official Plan Amendment
15 Highway 20 East
File Nos C01 & AM-02-2022**

New Comprehensive Zoning By-law to regulate land use in the Town of Pelham and Housekeeping Official Plan Amendment

The Planning Act requires under Sections 22 and 34 that Council must hold at least one public meeting for the purpose of informing the public in respect of the proposed new Comprehensive Zoning By-law and Housekeeping amendment.

This public meeting has been called to satisfy this requirement. Notice of this Statutory Public Meeting was published on May 24, 2022 in the Voice of Pelham, was posted on the Town's website and on the Zoning By-law Project page at engagingpelham.ca. Additionally, a copy of the notice was emailed out to all interested stakeholders who had provided contact information either via the public information sessions, online through the Engagingpelham project page or through direct contact with Planning Staff.

In addition to providing information, we will also receive any comments which any member of the public may wish to offer.

If you wish to receive a copy of the Notice of Decision, please contact the Clerk in writing as soon as possible. Contact information is available on the Town's website and will also be displayed on the last slide of the staff Presentation to follow shortly.

If a person or public body would otherwise have an ability to appeal the decision of the Town of Pelham to the Ontario Land Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the Town of Pelham before the by-law is passed, the person public body is not entitled to appeal the decision.

In closing, we stress that at this point no decisions have been made on the proposed amendments and therefore any comments received will be considered by Council.

Statutory Public Meeting: Town of Pelham New Comprehensive Zoning By-law and Housekeeping Official Plan Amendment

June 13, 2022

Project Overview

Zoning By-law

- To review and replace the current Zoning By-law No. 1136 (1987), focusing on:
 - Conforming to the Town's Official Plan (2014)
 - Conforming to recent provincial policy and legislation
 - Updating definitions, land use permissions and zone categories, and ensuring requirements reflect the current conditions; and
 - Improving the By-law's format to improve clarity and consistency.

Housekeeping Official Plan Amendment

- To update certain policies in the Town's Official Plan to improve clarity around secondary agricultural uses and efficiency for approving certain by-laws, focusing on:
 - Updating the agriculture-related, on-farm diversified and value added agriculture use policies;
 - Enabling Council to delegate authority to pass minor by-laws under Section 34 of the *Planning Act*; and
 - Update site specific mapping to reflect the agricultural use of the property at 98 Effingham Street.

What is a Zoning By-law?

The Town of Pelham Official Plan provides the general policies for land use in the Town. The purpose of the Zoning By-law is to implement the policies and objectives of the Official Plan through land use regulations.

The Zoning By-law states:

- How land may be used;
- Where buildings and other structures can be located;
- The types of buildings that are permitted and how they may be used; and
- The lot sizes and dimensions, parking requirements, building heights and setbacks from the street.

Overview of Existing Zoning By-law

Town of Pelham Zoning By-law No. 1136 (1987)

- Adopted by Town Council June 23, 1987 and approved by the Ontario Municipal Board May 14, 1991.
- Current By-law is outdated and does not reflect the many planning policy updates that have occurred since its approval, specifically:
 - New Provincial Policy Statement (2020)
 - Greenbelt Plan (2017)
 - Growth Plan for the Greater Golden Horseshoe (2020 Office Consolidation); and
 - Niagara Escarpment Plan (2017)

New Town of Pelham Comprehensive Zoning By-law

- Implements and conforms with the Town's Official Plan (2014);
- Updates zoning and development standards that reflect approved policy and regulatory initiatives at the Provincial and Regional levels;
- Reflects more contemporary zoning tools and approaches;
- Updates definitions and standardizes terminology for clarity and consistency;

New Town of Pelham Comprehensive Zoning By-law

- Proposes contextual zoning in the greenfield areas of the Town to increase flexibility of uses;
- Supports attainable housing by permitting Second Dwelling Units in all Residential Zone Categories as previously approved by Council;
- Guides height and transition adjacent to established or low-rise neighbourhoods;
- Introduces bicycle parking requirements, including minimum bicycle parking spaces, dimensions and location of bicycle parking facilities or structures.

New Town of Pelham Comprehensive Zoning By-law

- Permits and establishes provisions for Agriculture-related, Agri-Tourism/Value-Added, and On-farm Diversified uses in keeping with Provincial Guidelines;
- Identifies and introduces Environmental Protection Zones which reflect Provincial, Regional and Town Official Plan policies and mapping

What is an Official Plan?

- An Official Plan describes Council's policies on how land in the community should be used. An Official Plan ensures that future planning and development will meet the specific needs of the community.
- An Official Plan amendment is a formal document that changes a municipality's Official Plan. Changes may be needed because of new circumstances in the community or because of requests made by property owners.

Housekeeping Official Plan Amendment

- Proposes new policies for Agriculture-Related Uses and On-farm Diversified Uses;
- Updates the definition Agriculture-related Use to reflect the updated definition in the Provincial Policy Statement (PPS);
- Proposes a new definitions for On-farm Diversified and Value-Added Uses

Housekeeping Official Plan Amendment

- Adds new policy to the Implementation and Administration Section to permit Council to delegate authority to pass certain By-laws under Section of the Planning Act to a Committee of Council, or an individual who is an officer or employee of the municipality; and
- Amends Schedules A and B for lands at 98 Effingham Street to reflect the current agricultural land use and address mapping error.

Next Steps

- Refinement as necessary based on input from Council, Agency comments and the public (June 2022)
- Finalize Zoning By-law and Housekeeping Official Plan Amendment (July 2022)
- Council Adoption (August 2022)

Thank you for Participating!

For more information please contact:

Lindsay Richardson, Policy Planner
Town of Pelham

Phone: 905-892-2607 x 335

Email: lrichardson@Pelham.ca

Or visit the project page at:
engagingpelham.ca for more information and updates!



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

June 13, 2022

**Subject: Information Report - Draft Town of Pelham Comprehensive
Zoning By-law and Housekeeping Official Plan Amendment**

Recommendation:

THAT Committee receive Report # 2022-0132 for information;

**AND THAT Committee direct Planning staff to prepare the
Recommendation Report on the new Town of Pelham Comprehensive
Zoning By-law and Housekeeping Official Plan Amendment for
Council's consideration.**

Executive Summary:

This report provides background information to Council and the public for the public meeting being held on June 13, 2022, regarding the Draft Town of Pelham Comprehensive Zoning By-law and Housekeeping Official Plan Amendment.

Location:

The new draft Town of Pelham Comprehensive Zoning By-law (new Zoning By-law) affects all lands in the Town of Pelham except that area subject to the Niagara Escarpment Development Permit Control Area that is covered by the Niagara Escarpment Plan. The Housekeeping Official Plan amendment (Housekeeping OPA) applies to the Good General Agricultural and Specialty Agricultural areas of the Town by introducing policies for on-farm diversified uses and agricultural related uses, correct a mapping error for an agricultural property and provide policy direction that would allow for the delegation of approval of minor zoning by-law amendment.

Project Description and Purpose:

New Comprehensive Zoning By-law

A zoning by-law is prepared under the requirements of Section 34 of the *Planning Act* and regulates the types of land uses and the character, height, location, size and massing of buildings for all lands within the Town. The Zoning By-law is the

**Community Planning & Development Department
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Town's primary tool for implementing site specific policies of an Official Plan, and translating high-level planning objectives and policies into detailed land use permissions including lot and building requirements. Zoning By-laws provide a legal method to manage land use and development, while protecting from land use conflicts and potentially hazardous land uses in the Town.

The new Zoning By-law will replace Town of Pelham By-law No.1136 (1987), as amended and, implement the policies of the Town's Official Plan (2014) and provide new and updated zoning and development standards that reflect approved policy and regulatory initiatives at the Provincial and Regional levels.

Housekeeping Official Plan Amendment

The Housekeeping OPA is being proposed to update the agriculture-related, on-farm diversified, and value-added agriculture use policies to align the current plan with updated Provincial policies and permit and support the updated regulations proposed in the new Zoning By-law. This will improve and clarify the existing policies around secondary agricultural uses. Since the Official Plan was approved, the Provincial government has released guidelines on permitted uses in agricultural areas in 2019 that provide the framework for the policy guidance for the proposed Housekeeping OPA policies.

The Housekeeping OPA will also introduce policies to enable Council to delegate authority to pass minor by-laws under Section 34 of the *Planning Act* such as those to remove holding "H" symbols (holding by-laws), authorize the temporary use of land, buildings or structures (temporary use by-laws) and to pass housekeeping by-laws for the purpose of making clerical or other changes to assist in the interpretation of the Zoning By-law to a Committee of Council, or an authorized officer or employee of the municipality. This is a new authority that was included in the *Planning Act* effective December 2, 2021 and in order to potentially delegate such authority, the municipality is required to have policies to permit the delegation in its Official Plan. It is also noted that the *Planning Act* also does allow for Council to withdraw this delegated authority at any time should a Council deem that to be appropriate.

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Background:New Comprehensive Zoning By-law

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. In addition, there have been over 300 amendments to the Zoning By-law. The Town of Pelham has the responsibility, as a municipality to bring the zoning by-law into conformity with the current policy framework at all levels of government, including conformity with the Town's approved Official Plan (2014).

In March of 2022, Planning Staff brought forward an information report to Council providing an updated draft of the new Zoning By-law and outlining the next steps moving forward to approval. A draft version of the new Zoning By-law was posted on the project page at engagingpelham.ca at this time. Council and the public was encouraged to review the draft Zoning By-law at that time and provided comment to Staff.

Staff have also continued to review the document internally and have made a number of technical revisions to the March 2022 draft. The new draft Comprehensive Zoning By-law is attached as Appendix A to this report.

Housekeeping Official Plan Amendment

Staff monitors the Official Plan for opportunities to improve the definitions, general policies and mapping on an ongoing basis. This is done to ensure that the Plan is kept up to date with existing conditions in the Town as well as Provincial and Regional policy planning documents. During the development of the new Zoning By-law, Staff noted that sections of the Official Plan specifically related to secondary agricultural uses would need to be updated in order to support and permit the proposed regulations in the new Zoning By-law.

Additionally, the Housekeeping OPA will introduce policies that implement changes that have been made to the Planning Act resulting from Bill 13, *Supporting People and Business Act*, 2021. Bill 13 enables Town Council to delegate authority to pass by-laws that are minor in nature to a Committee of Council or an individual who is

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an officer or employee of the municipality. Increasing the use of delegation has a number of benefits for municipalities such as:

- Frees up council time and council agendas to focus on strategic priorities;
- Frees up staff time preparing detailed council reports on routine approvals allowing staff to focus on other priorities;
- Avoids unnecessary delays on planning applications that implement council-approved policies and regulations providing for a more streamlined and efficient approval process of such minor by-laws;
- Retains the ability for elected officials to provide input directly to staff should they wish to do so; and
- Allows elected officials to defer to judgement of professional staff for matters which are straightforward and technical in nature and not strategic.

The Draft Housekeeping OPA is attached as Appendix B to this report.

Notice of this Statutory Public Meeting was published on May 24, 2022 in the Voice of Pelham, was posted on the Town's website and on the Zoning By-law Project page at engagingpelham.ca. Additionally, a copy of the notice was emailed out to all interested stakeholders who had provided contact information either via the public information sessions, online through the Engagingpelham project page or through direct contact with Planning Staff.

Policy Review:*Planning Act*

Section 34 of the *Planning Act* enables Council to pass Zoning By-laws to regulate the use of land and the location, height, bulk, size, floor area, spacing, character and use of buildings and structures, as well as parking and loading requirements and lot requirements. Additionally, Zoning By-laws may be used to prohibit the use of land or erection of buildings and structures in:

- Wetlands, lands with steep slopes or otherwise hazardous land;
- Contaminated lands or in areas with sensitive groundwater or surface water features;
- Significant natural features and areas; and/or
- Significant archaeological resource sites.

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In accordance with Section 24(1), zoning by-laws must also conform to the Official Plan and be consistent with the Provincial Policy Statement and Provincial Plans.

Section 16 of the Planning Act enables Council to adopt and make amendments to an Official Plan. The Official Plan lays out goals, objectives and policies determined by the municipality to manage and direct physical change and the effects on the social, economic, built and natural environment of the municipality.

Provincial Policy Statement, 2020

It is required that municipal decisions are consistent with the policies of the Provincial Policy Statement (PPS). The PPS provides policy direction for the province on land use planning and development to promote strong healthy communities, wise use of management and resources, and the protection of public health and safety.

The Provincial Policy Statement contains policies on community development, employment areas, housing, public space, infrastructure, economic development, energy, resource management, natural heritage, agriculture, cultural heritage and public health and safety. This latest iteration of the PPS includes more emphasis on maximizing efficient use of urban areas and efficient use of infrastructure to promote the development of healthy, livable and safe communities, and the efficient use of land and infrastructure through more compact development, a mix of uses, and access to multiple modes of transportation, in turn preserving rural areas.

Section 1.4 of the PPS provides policies to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents including affordable housing.

Section 2.3 of the PPS provides policies to ensure the protection of Prime Agricultural Lands from urban development and to ensure that agriculture remains the principle use of properties within prime agricultural areas. To help the viability of Ontario's agricultural operations, the PPS permits a wide range of agricultural, agricultural-related, and on-farm diversified land uses subject to provincial standards. According to the PPS, the abovementioned land uses are defined as follows:

- Agriculture: the growing of crops (including nursery, biomass, and horticultural crops), raising of livestock, and associated on-farm buildings and structures including equipment storage, value-retaining facilities and

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farm help houses, Agricultural-Related: farm-related commercial and industrial uses that support agricultural activities on a property, are related to farm operations in the area, and/or provide direct products and/or services to farm operations.

- On-Farm Diversified: activities that are secondary to the principal agricultural use of a property and are limited in area.

A key objective of the PPS is to strengthen the economic vitality and quality of life of Ontario's rural areas while protecting the natural environment. To this end, the PPS provides policies that:

- Promote the diversification of the economic base and employment opportunities through goods and services, including value-added products (1.1.4.1(f)),
- Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets (1.1.4.1(g), 1.1.5.3, 1.7.1(h)), and
- Conserving biodiversity and environmental features and protecting agricultural uses (1.1.4.1(h), 1.1.5.7, 2.1.1, 2.1.9).

The Provincial Policy Statement recognizes Zoning By-laws as an important tool for implementing the Provincial Policy Statement, and planning authorities are required to keep their Zoning By-law up to date and consistent with the Official Plan and the Provincial Policy Statement.

Additionally, decisions on land use planning matters, including the goals, objectives and policies of Official Plans, must be consistent with the Provincial Policy Statement. It is intended that Official Plans are the primary vehicle for implementing the Provincial Policy Statement.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

It is required that municipal decisions affecting planning matters should be consistent with the principles and policies of the Growth Plan for the Greater Golden Horseshoe (Growth Plan). The policies of the Growth Plan aim to curb sprawl to promote the creation of complete communities. Complete communities are well designed to meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes.

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Schedule 2 of the Growth Plan designates the Town as being within the 'Greater Golden Horseshoe Growth Area' and portions of the Town are designated as being within the 'Greenbelt Area'.

Section 2.2.2 of the Growth Plan includes policies which impact the land use and built form of communities. These include building compact, transit-supportive communities in designated greenfield areas and ensuring the availability of sufficient employment land to accommodate forecasted growth to support economic competitiveness. The Growth Plan establishes expectations for cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local retail and services.

This updated Growth Plan brought forward several changes including the reorganization and revision of existing policy directions, and creation of new policies. The more significant changes include:

- An increase in range and mix of housing options, including additional residential units and affordable housing to serve all sizes, incomes and age of households;
- A one-time conversion of employment area is permitted outside the Municipal Comprehensive Review process, where appropriate and subject to criteria;
- Settlement Areas can be expanded without a Municipal Comprehensive Review, subject to certain criteria; and
- Municipalities can refine and implement mapping of the Agricultural and Natural Heritage System and provincial mapping does not apply until implemented through upper- and lower-tier official plans.

It should be noted that while these proposed changes to the Growth Plan do impact the Zoning By-law process, it is understood that the Region needs to complete their Official Plan review prior to the Town considering any changes.

Greenbelt Plan (2017)

The intent of the Province's Greenbelt Plan is to protect against the loss and fragmentation of agricultural land uses, protect natural heritage and water resources and support agriculture as the predominant land uses.

A significant portion of the lands within the Town of Pelham are subject to the policies contained within the Greenbelt Plan. The Greenbelt Plan establishes the limits of the Region's urban structure, identifies where urbanization should not

**Community Planning & Development Department
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occur and extends permanent protection to agricultural lands and ecological and hydrological features.

The Greenbelt Plan designates three major land use types in Pelham: Niagara Peninsula Tender Fruit and Grape Area, Town/Villages, and the Niagara Escarpment Plan Area.

The Towns/Villages designation applies to all urban areas in the Town of Pelham. The prevailing policy goal for these areas is the achievement of complete and resilient communities. At the time when the current Zoning By-law was adopted, the Greenbelt Plan did not exist. Although, the Zoning By-law has been updated since, the Comprehensive Zoning By-law review has gone a step further in considering the Greenbelt Plan policies, along with the Provincial Policy Statement's guidance on farm diversification. This review process has considered all provincial policies in concert with each other.

Niagara Escarpment Plan (2017)

The Niagara Escarpment Plan protects ecological and historical areas, ensuring the compatibility of new development and maintaining the open landscape character of the Escarpment area, through compatible farming, forestry, and preservation of natural scenery. Multiple land use designations are present in Pelham with the largest being the Escarpment Protection Area, Escarpment Rural area and Escarpment Natural Area, and there is a substantial Mineral Resource Extraction Area located north of Twenty Mile Creek.

As with the Growth Plan and Greenbelt Plan, the policies of the Niagara Escarpment Plan are enacted through the Niagara Region and the Town of Pelham Official Plan.

Regional Official Plan (Office Consolidation, August 2015)

It is required that the municipality ensure that municipal decisions conform to the Regional Official Plan (ROP). Policies in the ROP focus on managing growth, growth the economy, protecting the environment and providing infrastructure and direction for the development of Lower Tier Municipal Official Plans.

The Region is currently undergoing a Regional Official Plan Review. The Regional Official Plan, while still in draft form, recognizes the significant growth occurring in the Town of Pelham and further emphasizes the need to accommodate growth

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through a more compact built form and through complete streets and complete and active communities consisting of support opportunities for people of all ages and abilities to conveniently access most of the necessities of daily living, including appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities.

The Town Official Plan will be required to be updated to conform to the Regional Official Plan. As such, the Town Zoning By-Law will also have to be updated to reflect the updated Town Official Plan.

Town of Pelham Official Plan (2014)

The Town's Official Plan outlines the goals and objectives for the community and identifies land use policies to help guide and direct growth and development over the next 20 years.

It describes the Town as an identifiable and preferred settlement area in the Region and seeks to balance that growth with the protection of speciality croplands, and rural landscapes. The Town's Official Plan directs the location and form of development, identifies how infrastructure is to be planned, and plans for the conservation of natural heritage features and areas. In some instances, the Town also directs more detailed policy through the use of Secondary Plans, including the East Fonthill Secondary Plan.

The Housekeeping OPA will improve and clarify the existing agricultural policies for secondary agricultural uses and the new Zoning By-law will ensure that the land use and design policies of the Official Plan and Secondary Plans are reflected.

Town of Pelham Zoning By-law (1987)

The Housekeeping OPA will clarify secondary agricultural uses which will in turn support and permit the proposed regulations in the new Zoning By-law.

The new Zoning By-law will replace the current Zoning By-law No. 1136 (1987), as amended focusing on conforming to the Town's Official Plan and recent provincial policy and legislation, updating definitions/provisions ensuring they are contemporary while improving the By-law's clarity, ease of use and format.

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Agency Comments:

Staff have circulated the draft documents to all required agencies and reviewed the document internally with various departments. The comments, correspondence and feedback from the internal review and agency circulation have been considered and final revisions have been made to both the new Zoning By-law and Housekeeping OPA to reflect many of the comments that were received. Agency Comments are attached as Appendix C to this Report and are summarized below:

Region of Niagara

Regional Staff were generally pleased with the new Zoning By-law and noted that while their Urban Design team had no comments, they commended the Town on a progressive zoning by-law with respect to urban design requirements. Generally, the feedback received from the Region was technical in nature for both the proposed mapping and text. Planning Staff have incorporated their suggestions and feedback into the draft document to improve clarity and consistency with the Region of Niagara Official Plan.

There have been no comments on the Housekeeping OPA to date, however Staff anticipate comments in the next few weeks which will be included in any future reports.

Enbridge

No objections to the proposed new Zoning By-law.

No objections to the proposed Housekeeping OPA.

Niagara Escarpment Commission

The Niagara Escarpment Commission noted that on July 1, 2021 an amendment to Ontario Regulation 826/90 came into effect, which changed the format of the regulation from a meters and bounds text based description to new digital maps. This amendment was to provide greater accuracy to the Development Control (DC) boundary and as a result there were some areas where the boundary of the DC has been refined. A shapefile of the DC boundary was provided and the new Zoning By-law mapping has been updated to reflect these changes. The NEC also noted that

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where the NEC's DC applies, the municipal zoning by-law is not in effect. This is noted in the new Zoning By-law.

No comments have been received to date on the draft Housekeeping OPA.

Niagara Peninsula Conservation Authority

The Niagara Peninsula Conservation Authority proposed a number of technical mapping changes, which have been incorporated into the new Zoning By-law. Formal comments from the agency will be forthcoming.

Public Consultation and Comment

Public information sessions were advertised for in the Voice of Pelham on April 12th, 2022 and April 19th, 2022 and at the Pelham Home Show, April 8-10, 2022. Drop – in Public Information Sessions were held on April 26th, 2022 at Pelham Fire Station #2 in Fenwick, April 27th, 2022 at Fire Station #3 in North Pelham and on April 28th, 2022 at the Meridian Community Centre. Each drop-in session was held from 2:00 pm to 4:00 pm and 5:00 pm to 7:00 pm.

A total of approximately 30 persons attended these events and the general feedback was positive. The majority of participants were interested in the changes to their individual properties which were negligible in most instances. Staff have provided information, answers and follow-up correspondence with members of the public and are satisfied that the new Zoning By-law addresses the feedback that was provided.

Staff also met with a number of individual stakeholders at their request and reviewed their comments and input and made changes to the draft By-law where appropriate based on feedback received.

Staff also received a number of written comments from the development community which are summarized below:

Better Neighbourhoods Development Consultants

- Provide comment on various setback requirements in the Residential Zone categories;

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- Supportive of the introduction of various setbacks in the Residential Zone categories as well as the removal of the minimum floor area requirement;
- Recommend reduced frontage, lot area and some setbacks in the Residential Zone categories;
- Request clarification on some regulations, definitions etc. to ensure clarity and consistency;
- Recommend more intense uses in the R1 Zone; and
- Propose mixed-use developments be permitted in additional zones in the Commercial Zone categories.

Mountainview Homes

- Propose to expand the uses in each of the Residential Zone categories to include more intensive uses (i.e. to include semi-detached dwellings in the R1 Zone);
- Recommend reduced lot requirements in the Residential Zone categories in order to permit more infill opportunities;
- Recommend the reduction of parking requirements for Residential uses;
- Request clarification on ingress and egress parking provisions;
- Request the removal of the Special Setback requirements for EP1, EP2 and EP3 Zones;
- Request the expansion of uses in the Greenfield Development Zone categories; and
- Request clarification, removal or addition of some definitions.

Upper Canada Consultants

- Propose to reduce the parking requirements in the Residential Zone Category;
- Recommend the removal of the Special Setback requirements for EP1, EP2 and EP3 Zones;
- Recommend a reduction or removal of lot frontage requirement in the Agricultural Zone category;
- Recommend a reduced rear lot requirement in the Residential Zone categories; and
- Provide comments and feedback on the various schedules, including updated mapping to reflect recently approved developments in the East Fonthill area.

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Forestgreen Creations

- Provide a number of technical comments throughout the document;
- Recommend changes to various setbacks in Residential, Greenfield and Commercial Zone categories, lot frontages and rear yard setbacks;
- Requests clarification, removal or addition of some definitions;
- Recommends the removal of the setback from slope requirement; and
- Suggests permitting more than one Second Dwelling Unit within a dwelling.

Hummel Properties Inc.

- Propose some changes or clarification to specific definitions to improve clarity;
- Suggest removing the special setback requirements for the EP1, EP2 and EP3 Zones;
- Some concerns with parking space requirements, sizes and ingress and egress requirements;
- Concern with the size for a Second Dwelling unit being too small; and
- General comments about permitted uses in the Village Commercial Zone.

Sullivan Mahoney on behalf of Homes By Antonio Inc. and Tony Mancini

- Support and approve of opportunities for appropriate and compatible development;
- Concern with the new height definition restricting vertical growth;
- Suggest upzoning along arterial or collector roads and permitting more dense uses in the R1, R2 and R3 Zones
- Suggest reduced lot frontages and rear yard setbacks in the R1, R2, R3 and RM1 Zones; and
- Supportive of the Greenfield Residential Zones which encourage intensification.

Staff Comments:

The purpose of this report is to provide the Committee of the Whole and the public with information regarding the new Zoning By-law and Housekeeping OPA, applicable policies, and comments received. The purpose of the public meeting is to receive feedback and input from the public and for Town Staff to respond to

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inquiries. Committee may also provide comment and recommendations for proposed changes based on the public, agency or staff input and consistency with approved plans.

A future report with recommendations on both the new Zoning By-law and Housekeeping OPA will be presented to Council for decision once all feedback is received.

Zoning By-law

The new Zoning By-law has been prepared in accordance with provincial, regional and local Town policy documents. The 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 the current development trends and diversity of uses in the Town.

The new Zoning By-law is made up of 11 Sections including:

- Section 1: Interpretation and Administration
- Section 2: Definitions
- Section 3: General Provisions
- Section 4: Parking and Loading Requirements
- Section 5: Rural/Agricultural Zones
- Section 6: Residential Zones
- Section 7: Greenfield Development Zones
- Section 8: Commercial Zones
- Section 9: Other Zones
- Section 10: Special Exceptions
- Section 11: Effective Date

The following outlines the key changes that are being proposed through the new Zoning By-law:

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General

- Zones have been consolidated, renamed or expanded on where appropriate in order to recognize the existing conditions in the Town and permit greater flexibility of uses;
- New zone categories have been introduced to reflect current and future development trends. These new zones are the Greenfield Residential Zones;
- Uses have been consolidated and updated to reflect current terminology, and outdated uses have been removed or reclassified to increase flexibility;
- Definitions have been updated to reflect current standard terminology in keeping with Provincial and Regional plans in order to provide consistency with other approved terms and definitions;
- The new Zoning By-law has been created in compliance with current Provincial legislation and Regional planning policy; and
- The new Zoning By-law document is AODA compatible.

Agriculture

- Proposes to establish and permit new provisions for Agriculture-related, Agri-Tourism/Value-Added, and On-farm diversified Uses in keeping with Provincial Guidelines;
- Permits uses such as processing agricultural products, home industries, home occupations, agri-tourism and retail uses that are limited in scale;
- Permits complementary value-added and agri-tourism uses in the agricultural area, including short-term accommodations, wineries, special event facilities, and other uses which are secondary in nature but that promote and sustain the viability of the principal agricultural use;
- Identifies permissions for on-farm diversified uses (i.e. retail stores or processing associated with an agriculture use) on Prime Agricultural lands;
- Continues to recognize and support existing agricultural uses while promoting more flexibility and a more diverse range of uses;
- Permits Second Dwelling units internally or in a detached structure in the Agricultural and Specialty Agriculture categories; and
- Proposes a maximum height for agricultural buildings where the current by-law is silent

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Residential

- Generally, no significant changes in most setback and lot requirements;
- Proposes a new Rural Residential (RR) Zone for areas of North Pelham and Ridgeville to recognize these hamlet areas;
- Permits Second Dwelling units internally or in a detached structure in all Residential Zone categories as previously approved by Council;
- Proposes an increase in the lot coverage regulation to a standard 50% for most Residential Zones; and
- Proposes an increase in the types of residential uses in the R2 Zone to include semi-detached and duplex dwellings.

Greenfield Development

- Proposes new Zoning categories that are more contextual in nature and meant to be applied to new greenfield development;
- Provides minimum and maximum lot and setback requirements to improve flexibility and reduce minor variance requests;
- Permits Second Dwelling units internally or in a detached structure in all Greenfield Residential Development Zone categories; and
- Provides a demonstration streetscape and typologies for greater clarity.

Commercial

- Proposes to consolidate uses to increase flexibility;
- Provides minimum and maximum lot and setback requirements to improve flexibility;
- Proposes that building heights within downtown areas do not exceed the 45-degree angular plane where they abut a residential zone to ensure compatibility with existing neighbourhoods; and
- Introduces the concept of "landmark sites" which have the potential to be easily seen or recognized from a distance, acting as a wayfinding tool for the community. This implements the Downtown Master Plan for Fonthill and Fenwick.

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Parking

- Proposes updated parking requirements for all Zone categories based on the recommendations in the RVA Parking Strategy, 2022;
- Provides updated parking regulations for barrier free parking spaces; and
- Proposes minimum bicycle parking requirements based on the recommendations of the RVA Parking Strategy, 2022

Natural Heritage

- Identifies and introduces Environmental Protection 1, 2 and 3 Zones which reflect Provincial, Regional and Town Official Plan policies and mapping. These areas are not mapped in the current Zoning By-law and while these are new zones they are required in order to comply with the Town Official Plan;
- Proposes specific regulations and uses for each EP Zone, including setback requirements from the feature identified on the property; and
- Includes more accurate mapping of environmental features in order to support development and protect natural heritage features

Housekeeping OPA

As noted earlier in this report, the purpose of the proposed Housekeeping OPA is to update the agriculture-related, on-farm diversified and value-added agricultural use policies to permit and support the updated regulations proposed in the New Zoning By-law. The Housekeeping OPA will also introduce policies to enable Council to delegate the authority to pass certain by-laws under Section 34 of the *Planning Act*.

The following summarizes the proposed changes being considered:

1. Part B: Land Use Policies (Section B2.1 Good General Agricultural and Section B2.2 Specialty Agricultural)
 - a) Amend the text of Section B.2.1.2 to consolidate and update the permitted agricultural uses, to add additional policy in relation to on-farm diversified and agri-tourism uses, and to renumber Sections B2.1.3.6 through B2.1.3.12, and B2.1.4 through B2.1.6.

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- b) Amend the text of Section B2.2.2 to consolidate and update the additional permitted agricultural uses.
 - c) Amend Appendix "F" Definitions to include a definition of "Value-Added Use" and "On-Farm Diversified Use" to improve and clarify existing policies around secondary agricultural uses.
 - d) Amend Appendix "F" Definitions to update the definition of "Agriculture-Related Use" to align with the most current Provincial Policy Statement definition.
2. Part E: Plan Implementation and Administration
- a) Add new Policy Section E8 "Delegated Authority" to allow Town Council to delegate the authority to pass certain minor by-laws under Section 34 of the Planning Act to a Committee of Council, or an individual who is an officer or employee of the municipality as required by the *Planning Act*.
3. Schedules A and B
- a) Amend Schedule "A" for lands at 98 Effingham Street by removing the Environmental Protection Two EP2 designation from that portion of the subject lands that are actively being farmed and change the designation to Good General Agricultural. The Environmental Protection Two EP2 designation is a mapping error and should apply to only that portion of the lands that are wooded and not to that portion that is being farmed.
 - b) Amend Schedule "B" for lands at 98 Effingham Street by removing the Deer Wintering Areas designation on that portion of the subject lands that is actively being farmed. Similar to above, the Deer Wintering Area designation is a mapping error and should not be on that portion of the land is being farmed.

Alternatives:

There are no alternatives as Council is statutorily obligated to host a public meeting and make a decision on the applications.



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Attachments:

Appendix A – Draft Comprehensive Zoning By-law

Appendix B – Draft Housekeeping Official Plan Amendment

Appendix C – Agency Comments

Prepared and Recommended by:

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Reviewed and Submitted by:

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Chief Administrative Officer



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PREAMBLE

i. Introduction

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

ii. Purpose of the By-law

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

iii. Authority to Prepare the By-law

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

iv. Structure of the By-law

The Zoning By-law consists of the following sections:

Section 1: Interpretation and Administration

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

Section 2: Definitions

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

Where a word is not specifically defined, it is intended that the common, general definition of the term within Webster's Dictionary is applicable. Certain definitions are also supported by illustrations to help clarify, 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.

Section 4: Parking Requirements

Section 4 provides the minimum parking, loading and bicycle parking requirements for uses permitted in the Zoning By-law.

Sections 5-9: 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 5 to 9 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), parking requirements (Section 4) and zone exceptions (Section 10).

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 5: Agricultural/Rural Zones
- Section 6: Residential Zones
- Section 7: Greenfield Development Zones
- Section 8: Commercial Zones
- Section 9: Other Zones

Section 10: 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 10 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 development permit approval 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 3.20 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 3.14 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 similar use permissions of one or more properties. Minor variances previously granted are not reflected in the Zoning By-law and are not shown in Section 10: 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 two-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 the Zoning By-law 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 the Zoning By-law but no longer comply with the new provisions 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 3.21 and 3.22 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 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;

AND WHEREAS there is an Official Plan in effect in the Town of Pelham;

AND WHEREAS this By-law is deemed to be in conformity with the Town of Pelham Official Plan; and

WHEREAS 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:

SECTION 1: INTREPRATION AND ADMINISTRATION

1.1 INTRODUCTION

The purpose of this zoning by-law is to implement the 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.

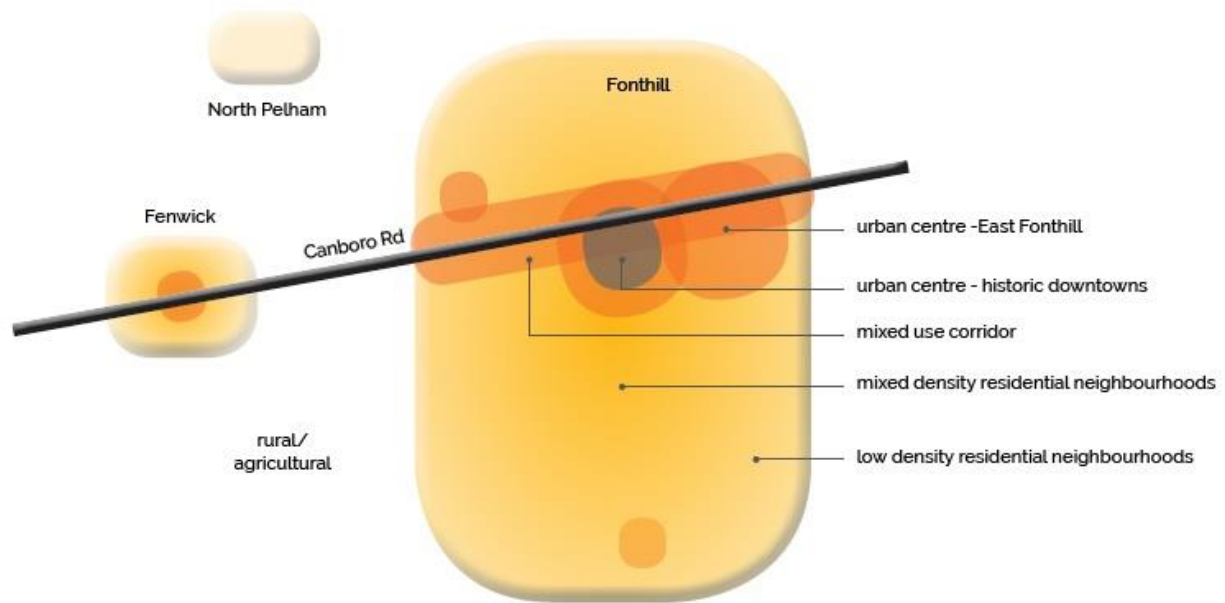
This Zoning By-law will apply to all land within the Town of Pelham with the exception of land in the Niagara Escarpment Commission Development Permit Control Area. Through the authority granted in Section 34 of the *Planning Act*, this By-law aims to prohibit the use of land and the erection of buildings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

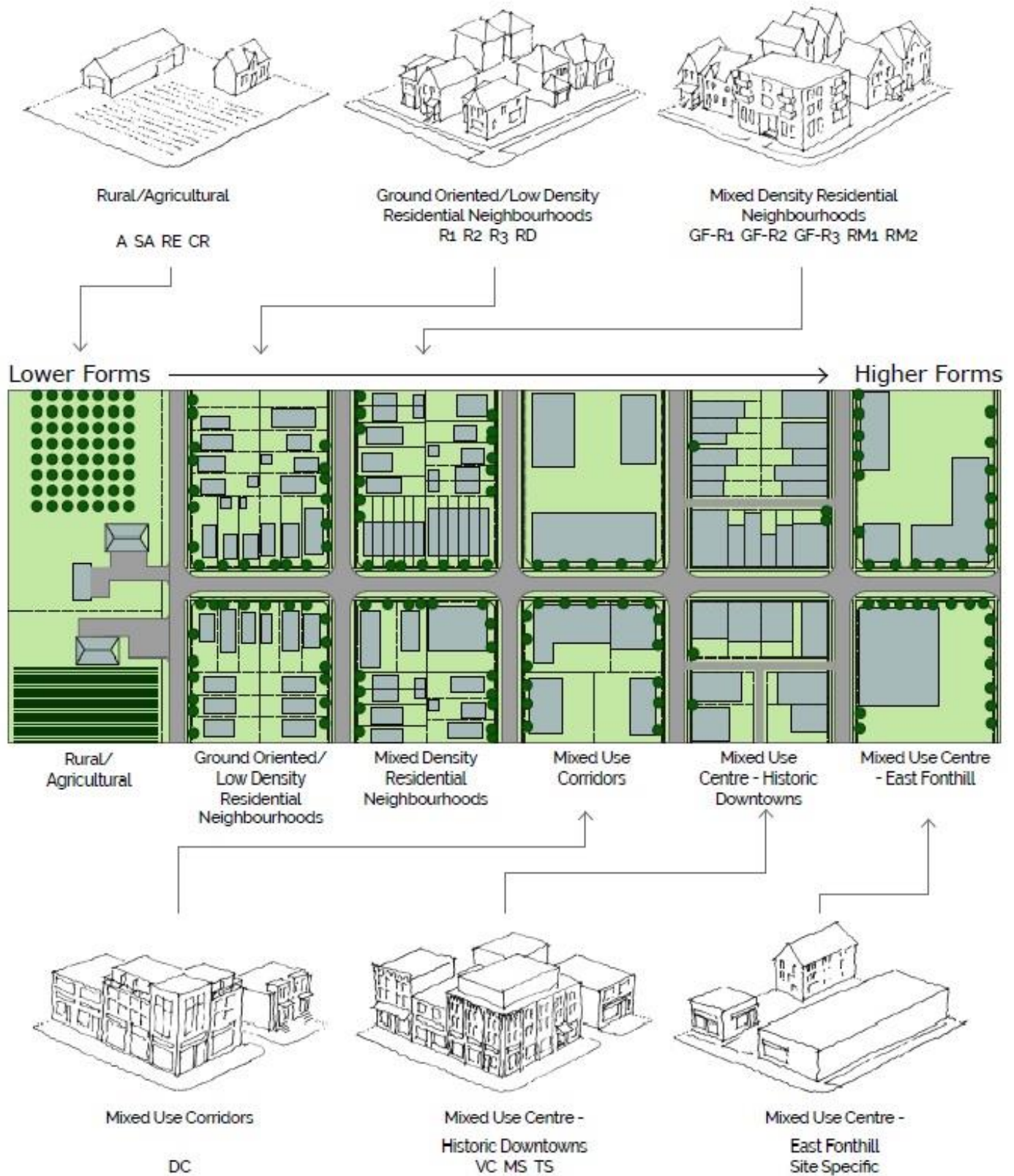
Zones for mixed uses and residential uses are based around the idea of a "Transect-based Code". This is a method for organizing urban form in a continuum of intensity from urban to rural, facilitating its categorization within form-based definitions. The Urban Core is the heart of the community – the 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 mostly of single detached houses, medium density areas 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 except for that area that is subject to the Niagara Escarpment Development Permit Control Area.

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, 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 does not conform or comply 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 zone categories 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
Rural Residential Zone	RR
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, 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 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 or as confirmed through an Environmental Impact Study.
- 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 OCCUPANCY INSPECTION/FINAL INSPECTION REPORT

- 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 an occupancy inspection report has been successfully completed and approved by the Town.
- b) No Occupancy Inspection Report, Final Inspection Report, building permit and/or 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

All previous Zoning 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 schedules, such as the title blocks, legend and updated parcel fabric;
- d) Changes to the illustrations or the Preamble, which are not considered to form part of this By-law; and
- e) Changes resulting from the removal of a Holding (H) Symbol.

1.16 TRANSITIONAL PROVISIONS

1.16.1 Building Permit Applications

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

1.16.2 Minor Variance

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

1.16.3 Consent

- a) Where:
 - i) An application is made for consent to convey land under Section 50 of the *Planning Act*, prior to enactment of this By-law; and
 - ii) That consent is granted and that land is conveyed before the consent lapses; and
 - iii) That consent results in the creation of one or more lots which do not comply with the lot frontage or lot area requirements of this By-law;

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

- b) Where:
 - i) An application for consent has been approved and a long form 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.

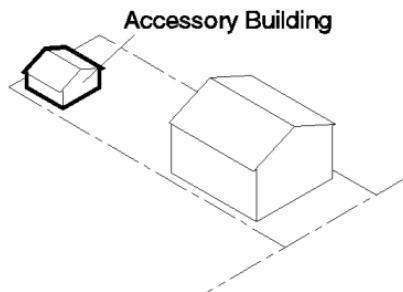
SECTION 2: DEFINITIONS

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 used to house an accessory use and included a private garage and second dwelling unit.



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/VALUE ADDED USE means the use of land, buildings or structures for uses accessory to the principal agricultural use of the lot, which are conducted for gain or profit to support, promote and sustain the viability of the agricultural use. These uses include but are not limited to: agricultural education and research facilities, farm markets and the retail sale of farm produce, pick your own facilities, farm mazes, special event facilities related to farming, and value-added assembly, fabrication, processing, packing or storage operations.

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 25 m².

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 includes a farm dwelling and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

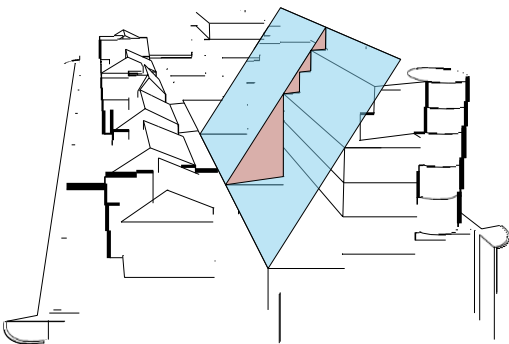
AGRICULTURAL-RELATED USE means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary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

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 area 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.

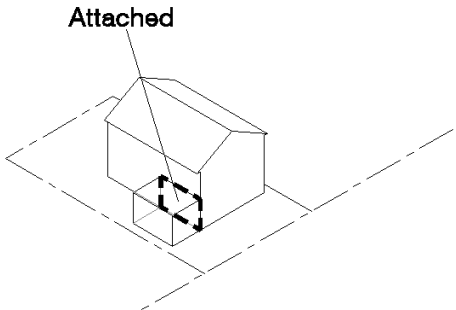
AMENITY AREA means open space areas, balconies or recreation facilities, or other similar facilities in a residential or mixed use development which provide recreational space for the residents of a development.

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.



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 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 an establishment where food products for which flour, grains, meal or sugar are the principal ingredients, are produced, mixed, compounded, baked or otherwise prepared and; where the prepared food products are offered for retail sale on the same premises.

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

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 below grade, from finished floor to finished ceiling.

BED AND BREAKFAST ESTABLISHMENT means a part of a dwelling unit in which not more than 3 bedrooms are used or maintained for the accommodation of the traveling public, in which the owner and operator of the dwelling unit supplies lodgings with or without meals and which is owner occupied but does not include a hotel or motel.

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.

BUILDING SUPPLY AND SERVICE means a building, structure or lands where the principal function is the selling of a wide variety of building supplies including lumber, millwork, siding, fencing, plumbing, electrical, air conditioning and heating equipment and similar commodities.

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.

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.

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.

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.

COMPLY 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.

CONFORM 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, welding services, and trucking 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.

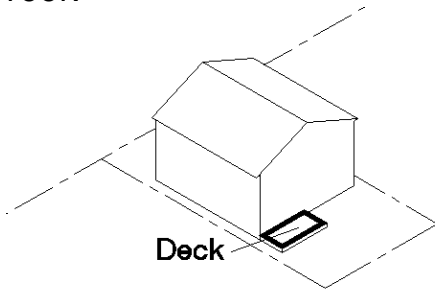
CULTURAL USE means the use of land, building or structure for the purpose of educational entertainment, art or history including but not limited to museums, libraries, art galleries/studios and community centres, and may include ancillary office, restaurant, retail and service commercial uses.

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 upholstery, 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 people that is operated for reward or compensation for a continuous period not exceeding twenty-four hours and has a license as required to operate. This use shall include a daycare for children, seniors or people with special needs.

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.

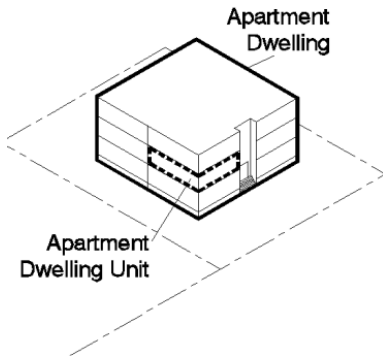
DRAINAGE DITCH AND IRRIGATION CHANNEL means those channels or means of conveying the passage of water that the Town, Niagara Peninsula Conservation Authority and Ministry of Natural Resources agree, have physical characteristics that are man-made or have been altered to the point that they no longer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

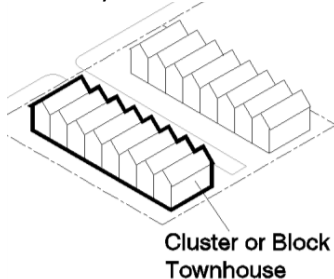
DWELLING means a building used for human habitation as a residence, with or without attached garage or carport, but shall not include a motor home, vehicle, trailer, hotel, motel, bed and breakfast, or dwelling unit accessory to a non-residential use.

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.



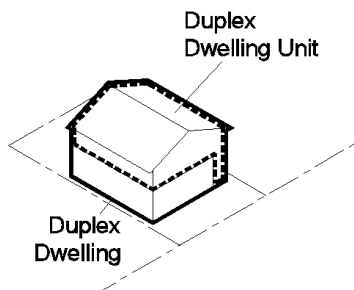
DWELLING, BOARDING HOUSE means a single dwelling that is occupied by the owner of such dwelling as their principle residence together with not less than two and not more than four accessory guest rooms.

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.



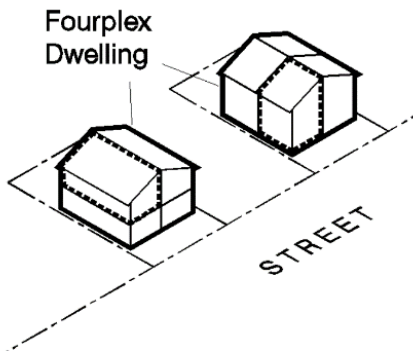
DWELLING, CONVERTED means a dwelling originally designed as a single detached dwelling that has been altered to accommodate additional dwelling units, but not more than 4 dwelling units.

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



DWELLING, FARM means a dwelling that provides full time accommodation for the owner or operator of an agricultural use.

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.

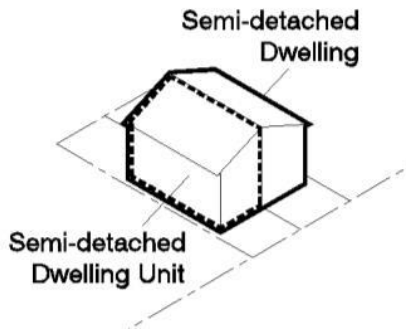
DWELLING, MOBILE HOME means a dwelling designed to be towed on its own chassis (notwithstanding that its running gear is or may be removed), and which is suitable for permanent or seasonal occupancy as a residence, except for minor and incidental unpacking and assembly operations, placement on a mobile 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.

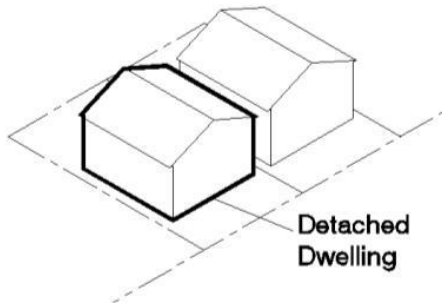
DWELLING, PRINCIPAL means a dwelling unit owned or rented by a person, alone or jointly with another person, which is their principal place of residency.

DWELLING, SECOND UNIT means a dwelling unit that is secondary to a single detached dwelling, semi-detached dwelling unit or 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. A Second Dwelling unit can be contained within the principal dwelling unit and/or as a detached accessory structure.

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.

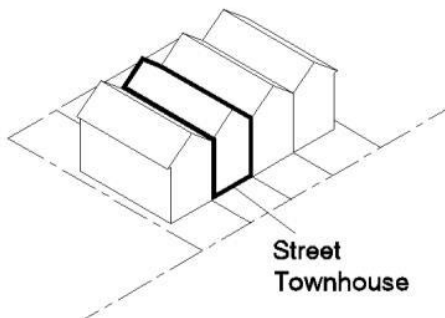


DWELLING, SINGLE DETACHED means a building containing one dwelling unit, but does not include a "Mobile Home Dwelling".

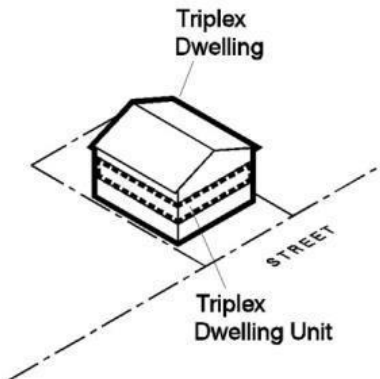


DWELLING, STACKED TOWNHOUSE means a building containing three or more dwelling units, with each dwelling unit separated from the other both horizontally and vertically that may have a private independent entrance from a yard or a shared entrance from a common corridor, vestibule or landing.

DWELLING, STREET TOWNHOUSE means a group of no more than 8 townhouse dwelling units which have direct access and frontage along a public street. Each dwelling unit may be 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 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.

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, PERMANENT OR SEASONAL 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 PRODUCE OUTLET means a building or portion thereof wherein the retail sale of the following products are offered for sale to the general public:

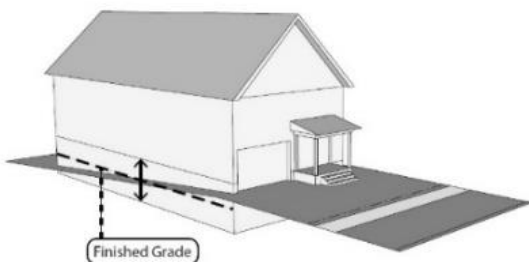
- a) Locally grown produce (a minimum of 70 percent of the retail floor area);
- b) Imported Produce;
- c) Bakery items and processed fruit prepared on the premises, grocery, deli and dairy products and locally made crafts (a maximum of 50 square metres retail floor area)
- d) Locally grown greenhouse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

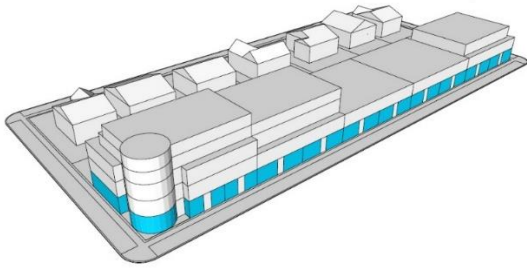
FARM WINERY means an on-farm diversified agricultural use that utilizes fruit grown on the farm to produce and market wine in accordance with Provincial law and regulation. A Farm Winery may also include a distillery, cidery or microbrewery.

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.

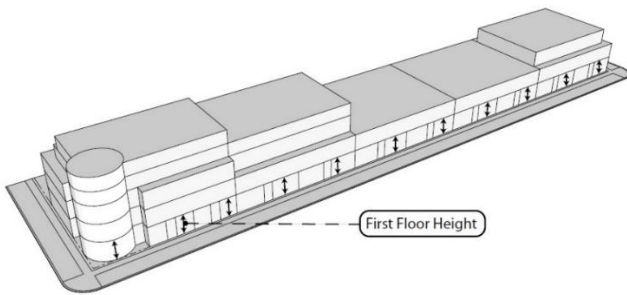
FINISHED GRADE means when used in reference to a building or structure, the average elevation of the finished surface of the ground adjoining the base of the longest exterior wall of such building or, where there are two or more such walls, the exterior wall having the lowest average elevation, exclusive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

FOOD VEHICLE means an outdoor vehicle not permanently affixed to the ground and capable of being moved on a daily basis, from which food intended for immediate consumption is provided for sale or sold, and includes a motorized, self-propelled vehicle (i.e. food truck), a vehicle that is not self-propelled but can be towed (i.e. food trailer) and a vehicle moved by human exertion (i.e. food cart).

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 internment.

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.

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 may 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 or 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 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.

HOME OCCUPATION means a business or professional activity conducted as a secondary use to the residential use within any dwelling unit which is the primary residence of the person or persons conducting the business or professional activity.

HOOP HOUSE means a temporary building used for the winter protection of plants, which is:

- a) Placed on the surface of the ground and has no permanent foundation;
- b) Not heated; and
- c) The sides and/or roof of which is in place for less than six months of the year.

For the purposes of this By-law, a hoop house shall not be included in the calculation of maximum coverage.

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.

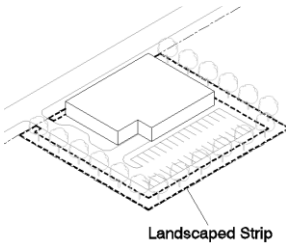
INDUSTRIAL USE means the use of land, building or structures for the manufacturing, processing, fabricating or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory and ancillary uses.

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, adult daycare or respite care and homes for special care.

KENNEL means the use of lands, buildings or structures where small domestic animals or household pets are: boarded for hire or gain; kept for the purpose of breeding; and/or kept for the purpose of training.

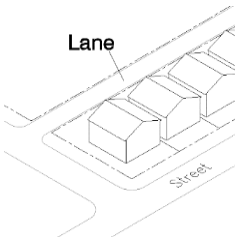
LANDMARK SITE means a site which is conspicuous and which has the potential to be easily seen and/or recognized from a distance, acting as an identifier or wayfinding tool for a community such as being located at the terminus of a street, or open space or located on a corner. Development on landmark 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.



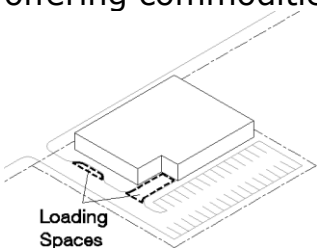
LANDSCAPED OPEN SPACE means the percentage of a lot used as a landscaped area or strip.

LANE means a public or private right-of-way which provides a 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.

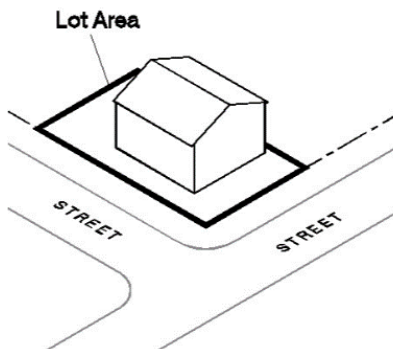


LONG-TERM BICYCLE PARKING SPACE means an indoor space to park and secure a bicycle in an enclosed, secured area with controlled access where a bicycle is intended to be parked for long periods of time.

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

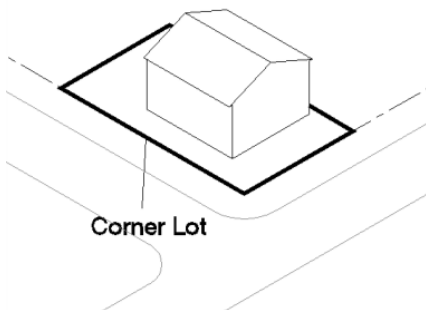
LOT means a parcel or contiguous parcels of land designated and registered at the Registry Office as one parcel of land in one ownership.

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

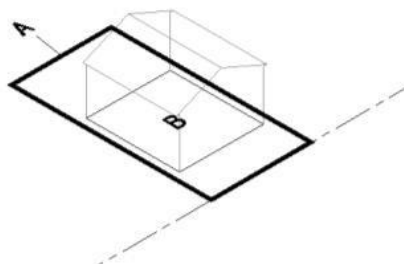
- a) A lot situated at the intersection of and abutting on two or more streets and which streets have an angle of intersection of not more than 135 degrees regardless of whether or not such streets abut a 0.3 metre reserve;
- b) A lot abutting a curve of a street, the adjacent sides of which curve contain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

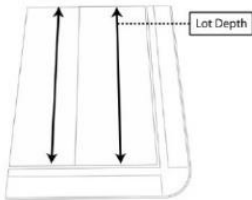
- a) That percentage of the lot area covered by all buildings above ground level, measured at the level of the lowest storey above grade, including all porches, and decks, having a height of 0.6 metres and above any part of the finished grade, and covered parking areas, but excluding open unenclosed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

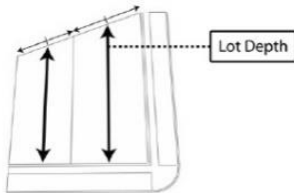


LOT DEPTH means:

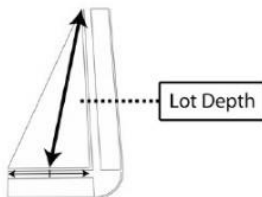
The shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;



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

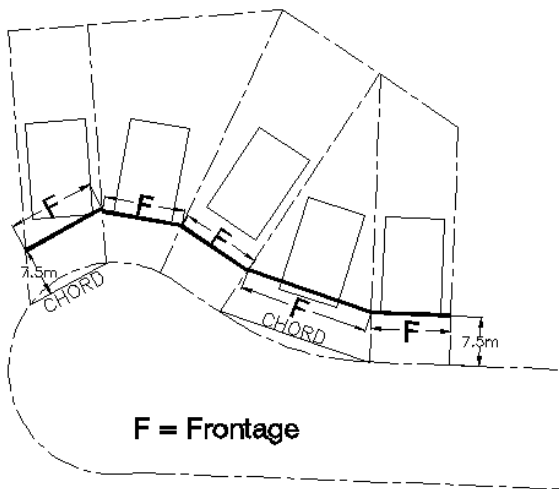


The horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot where there is no rear lot line.

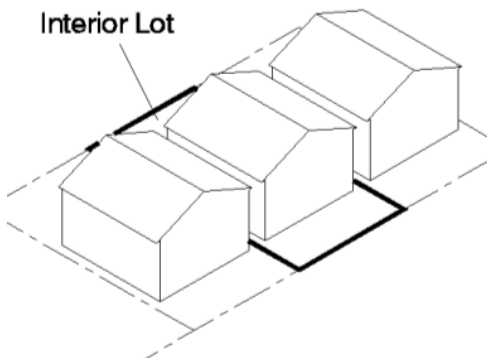


LOT FRONTAGE means

- 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.

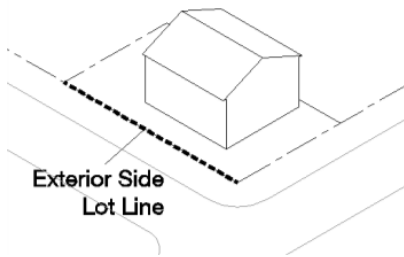


LOT, INTERIOR means a lot other than a corner lot or a through lot.



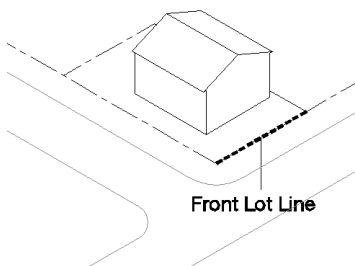
LOT LINE means any boundary of a lot.

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

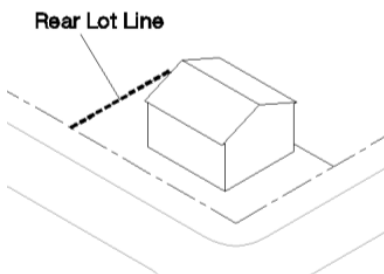


LOT LINE, FRONT means

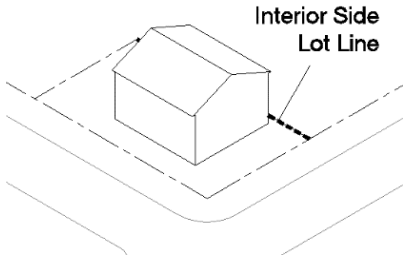
- a) The lot line that divides the lot from the street;
- b) In the case of a corner lot, the shorter streetline shall be deemed to be the front lot line and the longer streetline shall be deemed to be an exterior side lot line; and
- c) In the case of a corner lot with two streetlines of equal length,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



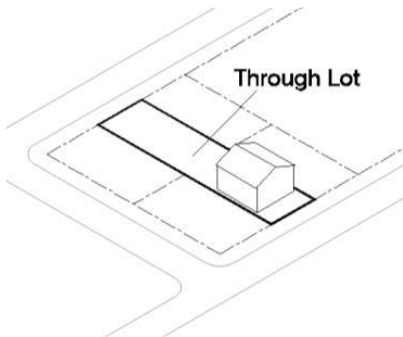
LOT LINE, REAR means the lot line or lines opposite a front lot line.



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.



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 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 By-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 of, or instead of.

OBNOXIOUS 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 and are limited in area. On-farm diversified uses include, but are not limited to, home-based businesses, and agri-tourism/value added uses. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.

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 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 hall, a 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.

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.

RECREATIONAL USE means the use of lands, buildings or structures for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf course, golf driving ranges and miniature golf, picnic areas, swimming pools, day camps, community centres and other similar uses, together with accessory buildings and structures, but does not include a track for the racing of animals, vehicles, motorcycles or motorized snow vehicles or other vehicles.

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.

REPAIR 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.

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 road.

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".

ROAD means a public highway or public road under the jurisdiction of either the Town, the Region or the Province of Ontario, and includes any highway as defined by the *Municipal Act*, as amended from time to time and does not include a lane or private right-of-way, unopened or closed road allowances.

ROAD ALLOWANCE means land held under public ownership for the purpose of providing a road.

ROAD, IMPROVED means any road that is:

- a) Owned and maintained all year round by the Town hereafter;
- b) Has been constructed in such a manner so as to permit its use by normal vehicular traffic; and
- c) Not a lane or private right-of-way

ROAD, 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.

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.

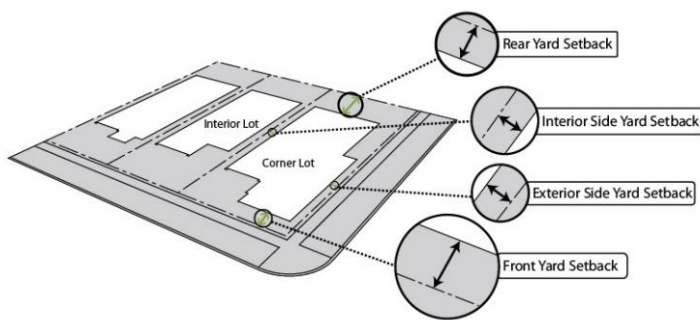
SCHOOL means a school under the jurisdiction of a Board as defined in the *Education Act*, as amended from time to time, a college, a university or any other educational establishment including, but not necessarily restricted to, a nursery school or a boarding school having accessory dormitory facilities.

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 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 the commercial use of an entire dwelling unit, that may be rented for a period up to 28 consecutive days for use as temporary accommodation and used as an occasional or seasonal residential dwelling for recreation, rest or relaxation. Short term rental accommodation shall not include a hotel/motel, bed and breakfast establishment, inn, boarding house dwelling or similar commercial or institutional use.

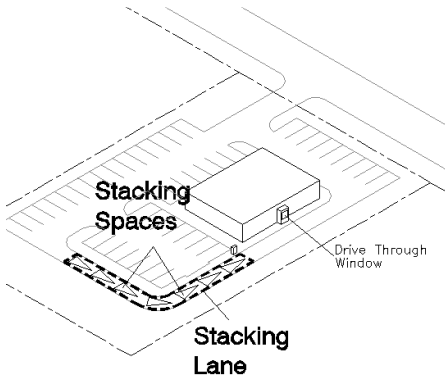
SHORT TERM BICYCLE PARKING SPACE means a space to park and secure a bicycle for a few minutes or a few hours.

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:

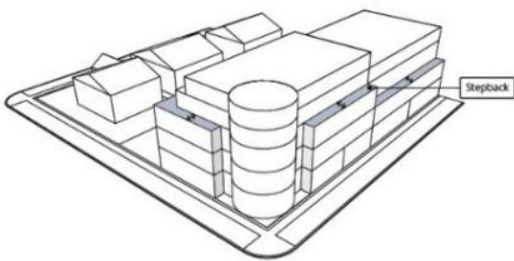
- a) A sign within a building that is visible from a street; and
- b) The posting or painting of an advertisement or notice on any building or structure.

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.

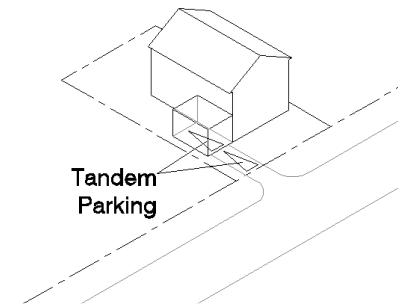
STREETLINE means the limit of a street or road allowance and is the dividing line between a lot and a street or road.

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 (GAS BAR) 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.

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.

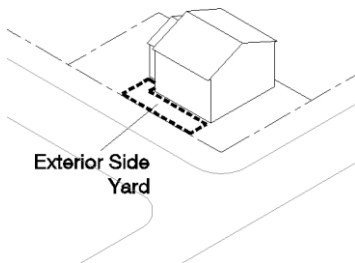
WASTE DISPOSAL SITE means a provincially licensed facility where garbage, refuse or domestic, institutional, commercial or industrial waste is dumped, destroyed or stored in suitable containers.

WATERCOURSE means an identifiable depression in the ground in which a flow of water regularly or continuously occurs.

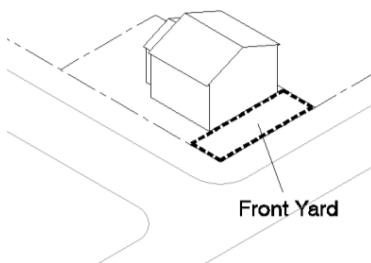
WHOLESALE USE means a building or portion thereof in which goods, wares, merchandise or article are stored or kept for distribution purposes to retail merchants, but shall not include a "Retail Use".

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.

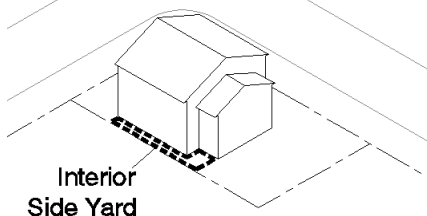
YARD, EXTERIOR SIDE means a side yard immediately adjoining a public street.



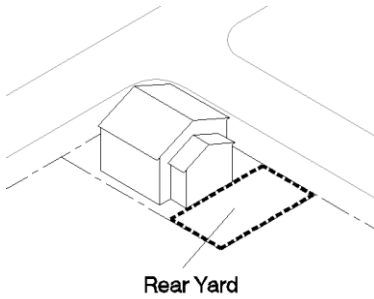
YARD, FRONT means a yard extending across the full width of a lot between the front lot line and the nearest wall of any building or structure on the lot.



YARD, INERIOR 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

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, except for Second Dwelling Units that are subject to Section 3.30;
- c) Not be located in any required front yard or the required exterior side yard;
- d) Not be located within, or partially within, any utility easement, corridor, daylighting triangle or storm drainage swale;
- e) 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 the maximum lot coverage for all buildings shall not exceed the maximum lot coverage of the zoning category in which the property is located;
- f) Exceed a building height of 7.0m; and
- g) 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 provisions of Section 5, the Rural/Agricultural Zones and in accordance with the following:

- a) The use shall be conducted entirely within a detached accessory building in conjunction with an operational farm;
- b) Only one agriculture-related use is permitted on one lot;
- c) Ancillary retail/commercial sales and service activities shall be limited to the lessor of 50m² or a maximum of 10% of the gross floor area of the building;

- d) All buildings related to the use shall be located within a cluster of existing buildings;
- e) The minimum lot area shall be 1.0ha;
- f) The minimum lot frontage shall be 150m;
- g) The use and all associated facilities including parking areas shall not exceed a maximum area of 0.4ha;
- h) The maximum combined total floor area of the building utilized for the agriculture-related use shall be 250m²;
- i) The maximum area that may be utilized for open storage shall be 200m² and no more than one area of open storage shall be permitted;
- j) The area utilised for open storage shall be screened from the view of a public road;
- k) The use shall comply with the applicable noise emission standards of the Ministry of the Environment and Climate Change and where necessary, acoustic fencing, berms or other mitigation measures shall be provided to ensure that off-site sound levels generated by the use meet those standards;
- l) There shall be no external advertising other than a sign erected in accordance with the Town of Pelham Sign By-law;
- m) The use shall comply with the parking and loading requirements of Section 4; and
- n) Site Plan Control shall apply to any development.

3.2.2 On-Farm Diversified Uses

On-farm diversified uses, including agri-tourism/value added uses, may only be permitted in accordance with the provisions of Section 5, the Rural/Agricultural Zones, and in accordance with the following:

- a) The use shall be accessory and directly related to the existing permitted agricultural use(s) on the lot and shall primarily serve the existing permitted agricultural use(s) on the lot and the existing permitted agricultural use(s) on surrounding lots in the area;
- b) On-farm diversified uses that involve value-added packaging, processing, sale and/or storage of products shall be limited to products produced by, or derived from, the principal agricultural use(s) on the lot as the primary source of the majority of the product, and may include product sourced from agricultural uses on surrounding lots in the area as a secondary source of product;

- c) A maximum of three on-farm diversified uses shall be permitted on a lot;
- d) All buildings related to the use shall be located within a cluster of existing buildings;
- e) The area of the lot permanently, temporarily or seasonally devoted to on-farm diversified uses shall not exceed 2% of the total lot area to a maximum of 1 hectare, including the area of existing and new buildings and structures, required parking and loading areas, outside display and sales areas, outside storage areas and any other areas of the lot used for the on-farm diversified use, excluding existing driveways shared with a permitted principal use on the lot and areas that produce a harvestable crop;
- f) 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% noted in 3.2.2 e);
- g) The total gross floor area that is permanently, temporarily or seasonally devoted to on-farm diversified uses shall not exceed 500m² including the gross floor areas used within all main buildings or structures, and accessory buildings or structures on the lot;
- h) Accessory buildings or structures that are used for on-farm diversified used shall comply with the requirements of Section 3.1;
- i) Main buildings or structures that are used for on-farm diversified uses shall comply with the regulations of the applicable zone;
- j) The total lot coverage for all main buildings or structures and accessory buildings or structures shall not exceed the maximum lot coverage of the applicable zone;
- k) Retail sales that form part of the on-farm diversified uses shall be subject to the following:
 - i. The gross floor area devoted to retail sales shall not exceed 50% of the gross floor area of all buildings and structures used in conjunction with the on-farm diversified uses, to a maximum of 200m² of gross floor area for retail use;
 - ii. The gross floor area devoted to retail sale of products that are not produced on, or derived from, agricultural products produced on the lot shall not exceed 25% of the gross floor area of all buildings and structures uses in conjunction with the on-farm diversified use(s);
 - iii. A maximum of one retail outlet shall be permitted on a lot;

- iv. The maximum area of the lot permitted to be used for outside display and sales areas shall be 25m² and shall not be counted as part of the maximum gross floor area permitted for retail use;
 - v. Outside display and sales areas shall be setback a minimum of 3.0m to all lot lines; and
 - vi. Outside display and sales areas and any related structures shall not exceed a maximum height of 3.0m.
- l) Outside storage for purposes other than outside display and sales areas on the lot shall be located in a rear yard or side yard and screened from view from public streets and adjacent lots by planting strips in accordance with Section 3.16, and shall comply with the regulations of the applicable zone;
- o) There shall be no external advertising other than a sign erected in accordance with the Town of Pelham Sign By-law;
- m) Comply with the parking and loading requirements of Section 4; and
- n) Site Plan Control shall apply.

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 principal residence of an Owner and/or operator;
- b) Be located in a single detached dwelling only and be clearly secondary to the main residential use;
- c) Not be established or operated in an accessory building;
- d) Not contain more than 3 guest rooms;
- e) Be licensed through the Town's Short Term Accommodation Licensing By-law, pursuant to the *Municipal Act, 2001*;
- f) Obtain approval from the Regional Public Health Department and the Town's Building and Fire Departments;
- g) No bed and breakfast establishment located on a separate lot from a livestock facility, manure storage or anaerobic digester, 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.

h) Comply with the parking requirements of Section 4.

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, 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 stacking lane shall be located a minimum of 7.5m from any Residential, Institutional or Open Space Zone and vehicles may be parked in tandem within the stacking lane; 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,	Any yard	0.5m

Appendix A

pilasters, or other ornamental structures		
Fences, freestanding walls, flag poles, garden trellises, retaining walls, light standards and similar accessory structures and appurtenances and hedges, trees and shrubs	Any Yard	Unrestricted
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 barrier-free 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 4;
- 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

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

3.13 HOME-BASED BUSINESS

3.13.1 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) Parking shall be provided in accordance with Section 4;
- i) There shall be no external advertising other than a sign erected in accordance with the Town of Pelham Sign By-law; and
- j) A home occupation shall not create noise, vibration, fumes, odour, dust, glare or radiation that is detectable outside of the dwelling unit.

3.13.2 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 2ha;

- 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) Parking shall be provided in accordance with Section 4;
- k) There shall be no external advertising other than a sign erected in accordance with the Town of Pelham Sign By-law;
- l) No more than one home industry shall be permitted per lot; and
- m) 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.

3.14 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.

3.15 KEEPING OF CHICKENS

The keeping of chickens within the Urban Boundary or on properties zoned rural that are smaller than 10ha, shall be subject to the following provisions:

- a) No person shall keep a rooster within the Urban Boundary or on properties zoned rural which are smaller than 10ha;
- b) The maximum number of chickens permitted within the Urban Boundary or on properties zoned rural which are smaller than 10ha 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 7.5m from the rear lot line of the lot on which the coop is located;
- j) The coop shall be located at least 4.5m 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. Single detached dwellings on them;
 - ii. Frontage of at least 12.0m;
 - iii. A depth of at least 30.0m.

3.16 LANDSCAPED STRIPS

- a) Where land is required to be used for no other purpose than a 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 3.16 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 3.0m 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 3.16.

3.17 LOT AND YARD REQUIREMENTS

3.17.1 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.

3.17.2 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 fronts on an improved public street.

An improved street means a street which has been constructed in such a manner so as to permit its use by means of normal vehicular traffic by the public.

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 fronts an improved public street, 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.

3.17.3 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 Niagara Region Planning and

Development Services Department may require a larger lot area for water supply and sewage disposal facilities, in which case the lot area requirements of the Niagara Region Planning and Development Services Department shall prevail.

3.17.4 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 setback, side yard setback or rear yard setback 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.

3.17.5 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.

3.17.6 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.

3.17.7 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.

3.18 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) 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.
- d) 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.

3.19 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 E, and no use shall be permitted without being connected to such services in such area.

- b) Written approval is received from the Niagara Region Planning and Development Services Department for the use of private septic services for those lots located outside of the urban boundary.

3.20 NIAGARA ESCARPMENT COMMISSION JURISDICTION

Lands located within the Niagara Escarpment Plan Area illustrated on Schedules A and C 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.

3.21 RECONSTRUCTION, REPLACEMENT OR EXTENSION OF LEGAL NON-COMPLYING 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;
- 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 comply 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; and
- c) All other provisions of this By-law are complied with.

3.22 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) 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.

3.23 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.

3.24 PRE-FABRICATED SHIPPING CONTAINERS

Pre-fabricated shipping 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 pre-fabricated shipping 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 pre-fabricated shipping 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 30.0m to a railway right-of-way; and
- b) No building or structure shall be located closer than 3.0m 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 3.29.3 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, RR, GF-R1, GF-R2, GF-R3, A or SA Zones provided:
- i. The maximum floor area of the second dwelling unit is 75m² on a lot within the Urban Area Boundary and 93m² on a lot outside of the Urban Area Boundary;
 - 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, RR, GF-R1, GF-R2, GF-R3, A or SA Zone provided:
- i. A maximum of one detached second dwelling unit is permitted per lot;
 - ii. The maximum floor area of the second dwelling unit is 75m² on a lot within the Urban Area Boundary and 93m² on a lot outside of the Urban Area Boundary;
 - iii. The maximum height of the detached accessory building shall be 7.0m;
 - iv. For a Second Dwelling Unit located in a detached garage, the maximum height shall be 8.0m;
 - v. The maximum distance of a Second Dwelling Unit is permitted from the closest portion of the principle dwelling located on a property is 40m unless the Second Dwelling Unit is located in an existing building;
 - vi. If applicable, a septic approval is obtained confirming the septic system can sustain the additional dwelling unit;
 - vii. A minimum of one parking space shall be required for the second dwelling unit;
 - viii. All requirements of the Ontario Building Code, as applicable, shall be met; and

- ix. The detached accessory building shall be compliant with all other aspects of the zoning by-law.
- c) Within the Greenbelt Plan Area, a second dwelling unit is not permitted in a dwelling or accessory structure on lands located within the Greenbelt Natural Heritage System. In other areas of the Greenbelt Plan Area that are outside the Greenbelt Natural Heritage System, a second dwelling unit is only allowed within an existing dwelling, an existing accessory structure or a new dwelling authorised for use prior to the effective date of the Greenbelt Plan (December 16, 2004).
- d) 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 SHORT TERM ACCOMMODATIONS

Where permitted, a short term accommodation shall be subject to the requirements of the Zone in which it is located, and it shall:

- a) Be permitted only in the A, SA, CR, VC, DC, MS, TS, and NC Zones;
- b) Permit a maximum occupancy of 10 persons per dwelling at any one time;
- c) Be licensed through the Town's Short Term Accommodation Licensing By-law, pursuant to the *Municipal Act, 2001*;
- d) Obtain approval from the Regional Public Health Department and the Town's Building and Fire Departments; and
- e) Comply with the parking provisions of Section 4.

3.32 SPECIAL EXCEPTIONS

The Special Exceptions noted in Section 10 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.

3.33 SPECIAL SETBACKS

Notwithstanding any other provisions in this By-law, the following shall apply:

3.33.1 Setback from Environmental Protection One (EP1) Zone and Environmental Protection Two (EP2) Zone

Natural Heritage Feature	Building Setback
Provincially Significant Life Science Area of Natural and Scientific Interest	50m
Provincially Significant Wetland	120m
Habitat of Threatened and Endangered Species	50m
Environmental Conservation Area	50m
Type 1 – Critical Fish Habitat	30m
Type 2 or 3 – Critical Fish Habitat	15m
Regulated Floodplain	0m

3.33.2 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.

3.33.3 Setbacks from Slopes

Notwithstanding any other provisions of this By-law, no dwelling unit, building or structure shall be located within 5.0 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.

3.33.4 Greenbelt Natural Heritage Zone

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, subject to the following:

- a) Site Plan Control; and
- b) Maximum Lot Coverage shall be 25%

3.33.5 Airport Influence Area

No building or structure shall exceed 12.0 metres in height within the Airport Influence Area.

3.34 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) A swimming pool shall not be considered as part of lot coverage.
- c) In the case of an indoor swimming pool in a separate building or structure or enclosure, the building, structure or enclosure shall comply with all accessory building provisions of the Zone in which such a building, structure or enclosure is located.

3.35 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 incidental to and 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, wind, 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: PARKING AND LOADING REQUIREMENTS

4.1 PARKING SPACE REQUIREMENTS

4.1.1 Minimum Parking Requirements

- a) A minimum number of parking spaces shall be provided and maintained on a lot in accordance with the following:

Use	Minimum # of Parking Spaces
AGRICULTURAL USES	
Agri-tourism/Value Added Use	1 space per 55 m ² GFA
Agricultural-Related Use	1 space per 55 m ² GFA
Greenhouse and Hoop House Use	1 space per 55 m ² GFA
On-farm Diversified Use	1 space per 55 m ² GFA
RESIDENTIAL USES	
Apartment Dwelling	1.25 spaces per dwelling unit
Bed and Breakfast	1.25 spaces per dwelling unit plus 1 additional space for each guest room
Home Industry	1.25 spaces per dwelling unit plus 1 additional space for home industry use
Home Occupation	1.25 spaces per dwelling unit plus 1 additional space for home occupation use
Second Dwelling Unit	1 space per dwelling unit
Short Term Accommodation	1 space per guest room
Other Permitted Residential	1.25 spaces per dwelling unit
COMMERCIAL USES	
Drive-thru Facility	Restaurant – 10 tandem spaces All Other Uses – 3 tandem spaces
Medical Office	4.5 spaces per 100m ² GLFA
Office	3.0 spaces per 100m ² GLFA
Retail Place of Entertainment and Restaurant	3.25 spaces per 100m ² GLFA
Other Permitted Commercial	3.0 spaces per 100m ² GLFA
INDUSTRIAL USES	
Industrial	1 space per 50m ² of GLFA
PUBLIC/INSTITUTIONAL	
Public and Institutional including associated office space and/or retail, restaurants and personal service uses	3.5 spaces per 100m ² of GLFA
OTHER USES	
All Other Permitted Uses	3.5 spaces per 100m ² of GLFA

Within 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.

4.1.2 Calculation of Required Parking Spaces

- b) Where the calculation of the required number of parking spaces under Section 4.1a) results in a fraction of 0.25 or higher, the value shall be rounded up to the next whole number;
- c) When a building or structure accommodates more than one type of use, as defined in this By-law, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate uses, including any accessory uses with a defined parking requirement under Section 4.1a); and
- d) On a lot with a single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, fourplex dwelling or townhouse dwelling, a private driveway devoted to the dwelling unit and located on the lot may be included in the calculation of parking spaces.

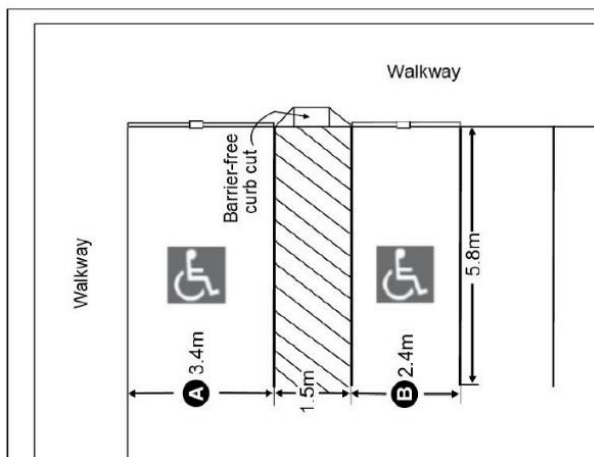
4.1.3 Barrier Free Parking Spaces

- a) Barrier-free parking spaces are required to be provided near entrances for apartment buildings, mixed-use buildings, commercial and institutional uses in accordance with the following, and have signage in accordance with the Ontario Regulation 191/11 Integrated Accessibility Standards, as amended:

Total Number of Parking Spaces	Minimum Number of Barrier Free Parking Spaces		
	Type A	Type B	Total
1 to 25	1	-	1
26 to 50	1	1	2
51 to 75	1	2	3
76 to 100	2	2	4
100 or more	4% of the total number of parking spaces on the lot shall be barrier free parking spaces. Where an even number of barrier free parking spaces are required, an equal number of Type A and Type B parking spaces shall be provided. Where an odd number of barrier free parking spaces are required, the additional barrier free parking space may be Type A or Type B.		

- b) Where one or more Type B barrier free parking space(s) is required, an equal number of Type A barrier free parking spaces may be substituted for the Type B space(s), provided that this provision shall not reduce the total number of barrier free parking spaces required;

- c) Notwithstanding the minimum barrier-free parking requirements, 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;
- d) 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;
- e) Type A barrier free parking spaces shall be a minimum of 3.4m by 5.8m;
- f) Type B barrier free parking spaces shall be a minimum of 2.4m by 5.8m; and
- g) An access aisle shall be provided on one side of all barrier free parking spaces and shall have a minimum width of 1.5m and a minimum length equal to the full length of the parking space and shall be marked with high tonal contrast diagonal lines where the surface asphalt, concrete or other hard surface, and one access aisle may be shared by two barrier free parking spaces (with one barrier free parking space located on each side of the access aisle).



4.1.4 Parking Area and Driveway Requirements

4.1.4.1 Parking Space Dimensions and Requirements

- a) The minimum dimensions of a parking space shall be 2.6m by 5.8m with a minimum vertical clearance of 4.2m;
- b) The minimum dimensions of a tandem parking space shall be 2.6m by 6.7m with a minimum vertical clearance of 4.2m; and
- c) Any required space shall be unobstructed and free of any structures or encroachments.

4.1.4.2 Parking Aisles

- a) Each parking space shall be accessed either directly by a driveway or a parking aisle. A parking aisle shall have a minimum width of 6.2m; and
- b) Notwithstanding Section 4.1.4.2 a), where a parking aisle is designed to provide one-way traffic only, and the parking spaces are provided at an angle not exceeding 45° measured at the parking aisle, the minimum width shall be 4.5m.

4.1.4.3 Driveways

- a) Only one driveway shall be permitted in a residential zone;
- b) In any zone where a dwelling is permitted, the maximum driveway width shall be 6.0m or 50% of the frontage or the exterior side lot line distance, whichever is less for the entire length of the driveway;
- c) Ingress and egress to and from required parking areas and required parking spaces in any zone shall be provided by means of unobstructed driveways at least 3.0m in width for one-way traffic and 7m in width for two-way traffic;
- d) Notwithstanding the requirements of 4.1.4.3 c), the ingress and egress requirements of the Region of Niagara shall apply along all Regional Roads;
- e) 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; and
- f) Notwithstanding 4.1.4.3 a), a circular or secondary driveway shall only be permitted in accordance with the following:
 - i. On a lot with a minimum lot frontage of 30m;
 - ii. The maximum combined width of all driveway entrances/egresses shall be 9.0m; and
 - iii. The minimum distance between the driveway entrances/egresses shall be 15.0m. For the purpose of interpreting this regulation, the distance between proposed driveway entrances/egresses shall be measured along the applicable street line(s) between the driveway entrances/egresses.

4.1.4.4 Parking Area and Driveway Surface

- a) In the Urban Area, a parking area and the driveway(s) connecting the parking area with a street shall be constructed of asphalt, concrete, permeable paving, Portland cement, or like materials.

4.1.4.5 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 4.4.5 a).

4.1.4.6 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.

4.1.4.7 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.

4.1.4.8 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:

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.
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.

4.1.4.9 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.

4.2 LOADING SPACE REQUIREMENTS

4.2.1 Minimum Loading Space Requirements

- a) A minimum number of loading space(s) shall be provided and maintained on a lot in accordance with the following:

Use	Minimum # of Required Loading Spaces
INDUSTRIAL USES	
Less than 500m ² GFA	None
500m ² of GFA to 2,500 m ² GFA	1
Over 2,500m ²	2, plus 1 additional loading space for each 10,000m ² GFA in excess of 10,000m ²
COMMERCIAL USES	
Less than 185m ² of GFA	0
185m ² GFA to 930m ² GFA	1
Over 930m ² GFA	2, plus 1 additional loading space for each 1,400m ² GFA in excess of 930m ²

4.2.2 Loading Space Requirements

- a) A loading space shall be a minimum of 3.5m in width and 9.0m in length with a minimum vertical clearance of 4.0m;
- b) A loading space shall be unobstructed, and free of any structures and encroachments;
- c) Where the calculation of the required number of loading spaces under Section 4.2.1a) results in a fraction of 0.25 or higher, the value shall be rounded up to the next whole number;

- d) The required loading space(s) shall be provided on the same lot occupied by the building or structure for which the said loading space(s) is required, and shall not form any part of any improved street or lane;
- e) When a building or structure accommodates more than one type of use, as defined in this By-law, the loading space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate uses;
- f) A loading space shall be constructed of asphalt, concrete, permeable paving, Portland cement, or like materials; and
- g) A loading space shall not be permitted in any front yard or exterior side yard, except in any agricultural or rural zone, where it shall be permitted in any yard.

4.3 BICYCLE PARKING REQUIREMENTS

4.3.1 Minimum Bicycle Parking Requirements

- a) A minimum number of parking spaces for bicycles shall be provided and maintained on a lot in accordance with the following:

Use	Short-term Bicycle Parking Space Requirements	Long-term Bicycle Parking Space Requirements
RESIDENTIAL USES		
Apartment dwelling	0.8/unit	0.7/unit
COMMERCIAL USES		
Office	3 + 0.25/100m ² GFA	0.15/100m ² GFA
Medical Office	3 + 0.1/100m ² GFA	0.15/100m ² GFA
Any retail or restaurant use	3 + 0.25/100m ² GFA	0.1/100m ² GFA
All other permitted commercial uses	3 + 0.25/100m ² GFA	0.1/100m ² GFA
INDUSTRIAL USES		
Industrial	0.1/100m ² GFA	0.06/100 m ² GFA
INSTITUTIONAL/PUBLIC USES		
Private and Public School	3 + 0.06/100m ² GFA	0.06/100m ² GFA
Institutional/Public	3 + 0.25/100m ² GFA	0.1/100m ² GFA
Other Uses		
All other non-residential uses	0.1/100m ² GFA	0.06/100m ² GFA

4.3.2 Bicycle Space and Parking Area Requirements

- a) A bicycle parking space must be on the same lot as the use for which it is required;

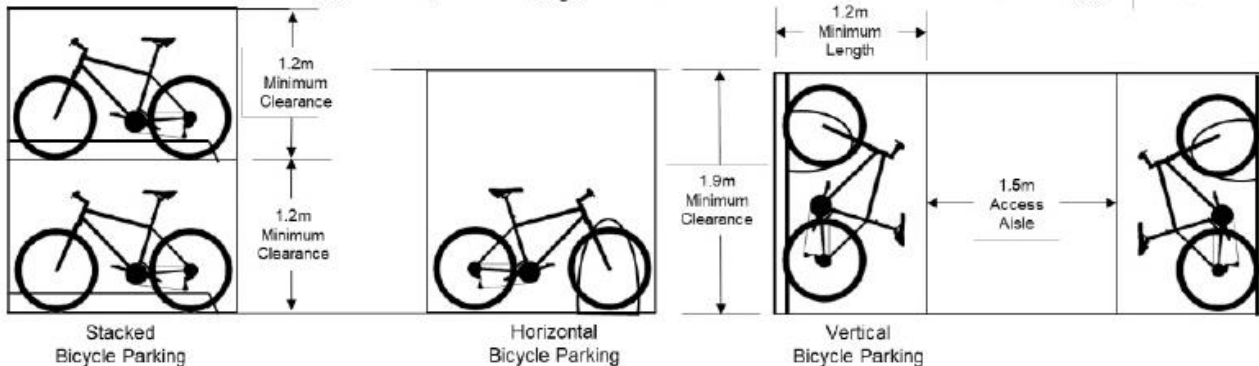
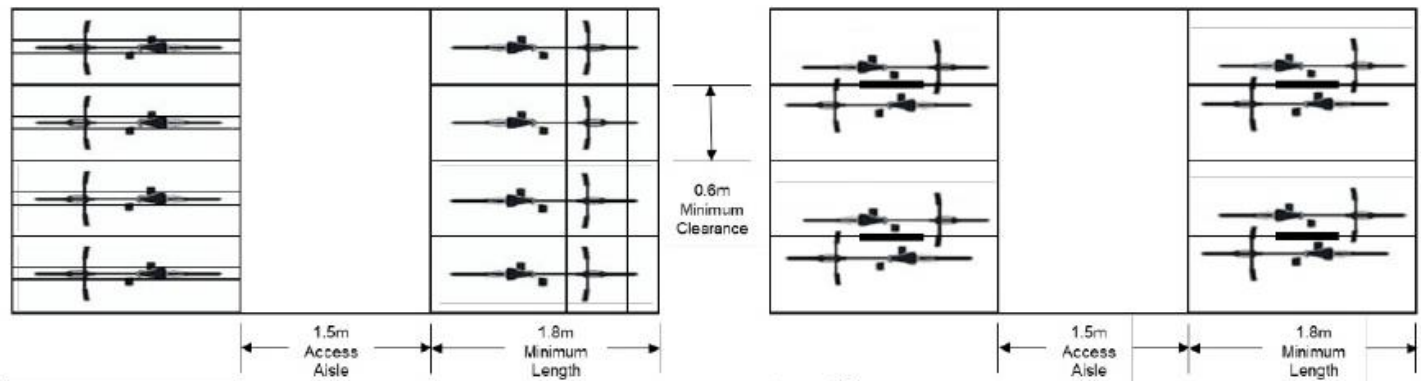
- b) Where the calculations of the required number of bicycle parking spaces under Section 4.3.1a) results in a fraction of 0.25 or higher, the value shall be rounded up to the next whole number;
- c) When a building or structure accommodates more than one type of use, as defined in this By-law, the bicycle parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate uses;
- d) All short-term bicycle parking areas shall be located a maximum of 15.0m from a building entrance; and
- e) All long-term bicycle parking spaces shall be located indoors on the ground floor.

4.3.3 Bicycle Parking Space Dimensions

The minimum bicycle parking space dimensions shall be:

Bicycle Parking Space	Length	Width	Height	Vertical Clearance	Aisle Width
Horizontal	1.8m	0.6m	1.9m	1.9m	1.5m
Vertical	1.8m	0.6m	1.9m	1.9m	
Stacked	1.8m	0.6m	1.2m	2.4m	

Plan View



Side View

SECTION 5: RURAL/AGRICULTURAL ZONES

The following zoning categories are described in this section:

A Agricultural Zone

Permitted Uses:

- Agricultural use;
- Agri-tourism/Value-added use;
- Agricultural-related use;
- Bed and breakfast;
- Farm winery;
- Forestry and resource management;
- Hobby farm;
- Home industry;
- Home occupation;
- Kennel;
- On-farm diversified use;
- Seasonal or permanent farm help house on farms larger than 10ha;
- Second dwelling units;
- Short term accommodation;
- Single detached dwelling on an existing lot of record; and
- Uses, buildings and structures accessory to the foregoing uses.

RE Rural Employment Zone

Permitted Uses:

- Agricultural-related use;
- Agricultural use that does not involve the keeping of livestock;
- Building supply & service establishment;
- Construction trade & retail establishment;
- Contractor's establishment;
- Commercial self storage;
- Custom workshop;
- Farm supply and service establishment
- Kennel;
- Manufacturing, assembly, processing and fabrication;
- Vehicle service and repair establishment;
- Veterinarian's clinic;
- Warehouse;
- Wholesaling establishments; and
- Uses, buildings and structures accessory to the foregoing uses.

SA Speciality Agricultural Zone

Permitted Uses:

- Agricultural use;
- Agri-tourism/Value added use;
- Agricultural-related use;
- Bed and breakfast;
- Farm winery;
- Forestry and resource management;
- Hobby farm;
- Home industry;
- Home occupation;
- Kennel;
- On-farm diversified use;
- Seasonal or permanent farm help house on farms larger than 10ha;
- Second dwelling units;
- Short term accommodation;
- Single detached dwelling on an existing lot of record; and
- Uses, buildings and structures accessory to the foregoing uses.

CR Commercial Rural Zone

Permitted Uses:

- Custom workshop;
- Vehicle service and repair establishment;
- Building supply and service;
- Farm supply and service establishments;
- Farm produce markets;
- Service shop;
- Short term accommodation;
- Vehicle fuel station (gas bar);
- Vehicle sales and rental establishment;
- Veterinarian's clinic; and
- Uses, buildings and structures accessory to the foregoing uses.

MAR Mineral Aggregate Resource Zone

Permitted Uses:

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

5.1 AGRICULTURAL ZONE



5.1.1 Permitted Uses

- a) Agricultural use;
- b) Agri-tourism/Value added use;
- c) Agricultural-related use;
- d) Bed and breakfast;
- e) Farm winery;
- f) Forestry and resource management;
- g) Hobby farm;
- h) Home industry;
- i) Home occupation;
- j) Kennel;
- k) On-farm diversified use;
- l) Seasonal or permanent farm help house on farms larger than 10ha;
- m) Second dwelling units;
- n) Short term accommodation;
- o) Single detached dwelling on an existing lot of record; and
- p) Uses, buildings and structures accessory to the foregoing uses.

5.1.2 Zone Requirements for Agricultural Use

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 Building Height	18.0m or 12.0m for a residential dwelling
Maximum Lot Coverage	10%

5.1.3 Zone Requirements for a Single Detached Dwelling on an Existing Lot of Record

Minimum Lot Frontage	180.0m
Minimum Lot Area	0.4ha
Minimum Front Yard	8.0m
Minimum Interior Side Yard	8.0m
Minimum Corner Side Yard	8.0m
Minimum Rear Yard	15.0m
Maximum Building Height	12.0m
Maximum Lot Coverage	10%

5.1.3.1 Zone Requirements for a Seasonal or Permanent Farm Help House

- 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 1ha and containing a permitted agricultural use, 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.

5.1.4 Zone Requirements for Buildings and Structures Accessory to a Single Detached Dwelling on an Existing Lot of Record

Maximum Lot Coverage	1% to a maximum of 10% for all buildings
Minimum Side Yard	3.0m
Minimum Rear Yard	3.0m
Minimum Distance to the Dwelling	3.0m
Maximum Building Height	3.7m

Accessory buildings and structures shall not be permitted in the required front yard.

5.1.5 Zone Requirements for a Farm Winery, Brewery, Distillery

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 Building Height	18.0m
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

5.1.6 Zone Requirements for a Greenhouse and Hoop House

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 Building Height	18.0m
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.

5.1.7 Zone Requirements for a Kennel

Minimum Lot Frontage	100.0m
Minimum Lot Area	2.0ha
Minimum Front Yard	20.0m
Minimum Interior Side Yard	15.0m
Minimum Corner Side Yard	20.0m
Minimum Rear Yard	25.0m
Maximum Building Height	18.0m
Maximum Lot Coverage	10%
Minimum Setback from a Dwelling on an Adjacent Lot	150m

5.1.8 Zone Requirements for an Agricultural Related Use and On-Farm Diversified Use

Please refer to Section 3.2

5.1.9 Zone Requirements for a Bed and Breakfast

Please refer to Section 3.3

5.1.10 Zone Requirements for a Home Industry and Home Occupation

Please refer to Section 3.13

5.1.11 Zone Requirements for Second Dwelling Units

Please refer to Section 3.30

5.1.12 Zone Requirements for Short Term Accommodation

Please refer to Section 3.31

5.2 SPECIALTY AGRICULTURAL ZONE



5.2.1 Permitted Uses

- a) Agricultural use;
- b) Agri-tourism/Value added use;
- c) Agricultural-related use;
- d) Bed and breakfast;
- e) Farm winery, brewery, distillery;
- f) Forestry and resource management;
- g) Hobby farm;
- h) Home industry;
- i) Home occupation;
- j) Kennel;
- k) On-farm diversified use;
- l) Seasonal or permanent farm help house on farms larger than 10ha;
- m) Second dwelling units;
- n) Short term accommodation;
- o) Single detached dwellings on an existing lot of record; and
- p) Uses, buildings and structures accessory to the foregoing uses.

5.2.2 Zone Requirements for Specialty Agricultural Uses

Minimum Lot Frontage	180.0m or 100.0m for Hobby Farm
Minimum Lot Area	10.0ha 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 Building Height	18.0m or 12.0m for residential dwelling
Maximum Lot Coverage	10%

5.2.3 Zone Requirements for a Single Detached Dwelling on an Existing Lot of Record

Minimum Lot Frontage	20.0m
Minimum Lot Area	0.4ha
Minimum Front Yard	8.0m
Minimum Interior Side Yard	8.0m
Minimum Corner Side Yard	8.0m
Minimum Rear Yard	15.0m
Maximum Building Height	12.0m
Maximum Lot Coverage	10%

5.2.3.1 Zone Requirements for a Seasonal or Permanent Farm Help House

- 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 1ha and containing a permitted agricultural use, 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.

5.2.4 Zone Requirements for Buildings and Structures Accessory to a Single Detached Dwelling on an Existing Lot of Record

Maximum Lot Coverage	1% to a maximum of 10% for all buildings
Minimum Side Yard	3.0m
Minimum Rear Yard	3.0m
Minimum Distance to the Dwelling	3.0m
Maximum Building Height	3.7m

Accessory buildings and structures shall not be permitted in the required front yard.

5.2.5 Zone Requirements for a Farm Winery, Brewery, Distillery

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 Building Height	18.0m
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

5.2.6 Zone Requirements for a Greenhouse and Hoop House

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 Building Height	18.0m
Maximum Lot Coverage	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.

5.2.7 Zone Requirements for a Kennel

Minimum Lot Frontage	100.0m
Minimum Lot Area	2.0ha
Minimum Front Yard	20.0m
Minimum Interior Side Yard	15.0m
Minimum Corner Side Yard	20.0m
Minimum Rear Yard	25.0m
Maximum Building Height	18.0m
Maximum Lot Coverage	10%
Minimum Setback from a Dwelling on an Adjacent Lot	150m

5.2.8 Zone Requirements for an Agricultural Related Use and On-Farm Diversified Use

Please refer to Section 3.2

5.2.9 Zone Requirements for a Bed and Breakfast

Please refer to Section 3.3

5.2.10 Zone Requirements for a Home Industry and Home Occupation

Please refer to Section 3.13

5.2.11 Zone Requirements for a Second Dwelling Units

Please refer to Section 3.30

5.2.12 Zone Requirements for Short Term Accommodation

Please refer to Section 3.31

5.2.13 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 and 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%.
- c) Notwithstanding, agricultural buildings and structures are not subject to the above requirements.

5.3 RURAL EMPLOYMENT ZONE



5.3.1 Permitted Uses

- a) Agricultural-related use;
- b) Agricultural use that does not involve the keeping of livestock;
- c) Building supply and service establishment;
- d) Commercial self storage;
- e) Construction trade and retail establishment;
- f) Contractor's establishment;
- g) Custom workshop;
- h) Farm supply and service establishment;
- i) Fuel storage tank establishment;
- j) Kennel;
- k) Manufacturing, assembly, processing and fabrication establishment;
- l) Vehicle service and repair shop;
- m) Vehicle body shop;
- n) Veterinarian's clinic;
- o) Warehouse;
- p) Wholesaling establishment; and
- q) Uses, buildings and structures accessory to the foregoing uses.

5.3.2 Zone Requirements for Rural Employment Uses

Minimum Lot Frontage	30.0m
Minimum Lot Area	0.4ha
Minimum Front Yard	14.0m
Minimum Interior Side Yard	6.0m
Minimum Corner Side Yard	14.0m
Minimum Rear Yard	7.5m
Maximum Building Height	12.0m
Maximum Lot Coverage	60%
Maximum Building Height	12.0m

5.3.3 Zone Requirements for a Kennel

Minimum Lot Frontage	100.0m
Minimum Lot Area	2.0ha
Minimum Front Yard	20.0m
Minimum Interior Side Yard	15.0m
Minimum Corner Side Yard	20.0m
Minimum Rear Yard	25.0m
Maximum Building Height	12.0m
Maximum Lot Coverage	10%
Minimum Setback from a Dwelling on an Adjacent Lot	150m

5.3.4 Zone Requirements for Agricultural Related Uses

Please refer to Section 3.2.1

5.4 COMMERCIAL RURAL ZONE



5.4.1 Permitted Uses

- a) Building supply and service establishment;
- b) Custom workshop;
- c) Farm supply and service establishment;
- d) Farm produce market;
- e) Service shop;
- f) Short term accommodation;
- g) Vehicle fuel station (gas bar);
- h) Vehicle service and repair establishment;
- i) Vehicle sales and rental establishment;
- j) Veterinarian's clinic; and
- k) Uses, buildings and structures accessory to the foregoing uses.

5.4.2 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	12.0m
Maximum Gross Floor Area	50% of lot area

5.4.3 Zone Requirements for Short Term Accommodation

Please refer to Section 3.31

5.5 MINERAL AGGREGATE RESOURCE ZONE

5.5.1 Permitted Uses

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

5.5.2 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.

5.5.3 Zone Requirements for Agricultural Related and On-Farm Diversified Use

Please refer to Section 3.2

SECTION 6: RESIDENTIAL ZONES

The following zoning categories are described in this section:

R1 Residential One Zone

Permitted Uses:

- Bed and breakfast establishment
- Single detached dwelling;
- Semi-detached dwelling;
- Second dwelling units; and
- Uses, buildings and structures accessory to the foregoing uses.

R2 Residential Two Zone

Permitted Uses:

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

R3 Residential Three Zone

Permitted Uses:

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

RM1 Residential Multiple One Zone

Permitted Uses:

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

RM2 Residential Multiple Two Zone

Permitted Uses:

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

RD Residential Development Zone

Permitted Uses:

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

RR Rural Residential Zone

Permitted Uses:

- Single detached dwelling;
- Second dwelling units; and
- Uses, buildings and structures accessory to the foregoing uses.

6.1 RESIDENTIAL ONE ZONE



6.1.1 Permitted Uses

- a) Single detached dwelling;
- b) Semi-detached dwelling;
- c) Bed and breakfast establishment;
- d) Second dwelling units; and
- e) Uses, buildings and structures accessory to the foregoing uses.

6.1.2 Zone Requirements for a Single Detached Dwelling

Minimum Lot Frontage	15.0m and 17.0m on a corner lot
Minimum Lot Area	500m ²
Minimum Front Yard	3.0m except 6.0m where there is an attached garage
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	12.0m

Maximum Lot Coverage 50%

6.1.3 Zone Requirements for a Semi-Detached Dwelling

Minimum Lot Frontage	7.5m per dwelling unit
Minimum Lot Area	250m ² per dwelling unit
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m except that no interior side yard shall be required for a semi-detached dwelling between the common vertical wall dividing one unit from another.
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 Building Height	12.0m
Maximum Lot Coverage	50%

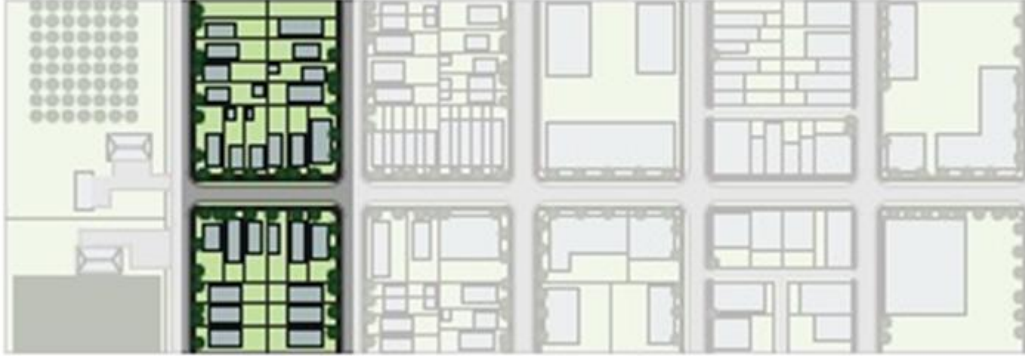
6.1.4 Zone Requirements for a Bed and Breakfast Establishment

Please refer to Section 3.3

6.1.5 Zone Requirements for Second Dwelling Units

Please refer to Section 3.30

6.2 RESIDENTIAL TWO ZONE



6.2.1 Permitted Uses

- a) Single detached dwelling;
- b) Duplex dwelling;
- c) Semi-detached dwelling;
- d) Bed and breakfast establishment in a single detached dwelling;
- e) Second dwelling units; and
- f) Uses, buildings and structures accessory to the foregoing uses.

6.2.2 Zone Requirements for a Single Detached Dwelling

Minimum Lot Frontage	12.0m and 14.0m on a corner lot
Minimum Lot Area	360m ²
Minimum Front Yard	3.0m except 6.0m where there is an attached garage
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m
Minimum Corner Side Yard	3.0m
Minimum Rear Yard	7.5m

Maximum Building Height	12.0m
Maximum Lot Coverage	50%

6.2.3 Zone Requirements for a Semi-Detached Dwelling

Minimum Lot Frontage	6.0m per dwelling unit
Minimum Lot Area	250m ² per dwelling unit
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m except that no interior side yard shall be required for a semi-detached dwelling between the common vertical wall dividing one unit from another.
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 Building Height	12.0m
Maximum Lot Coverage	50%

6.2.4 Zone Requirements for a Duplex Dwelling

Minimum Lot Frontage	14.0
Minimum Lot Area	500m ²
Minimum Front Yard	3.0m except 6.0m where there is an attached garage
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m
Minimum Corner Side Yard	4.5m
Minimum Rear Yard	7.5m
Maximum Building Height	12.0m
Maximum Lot Coverage	50%

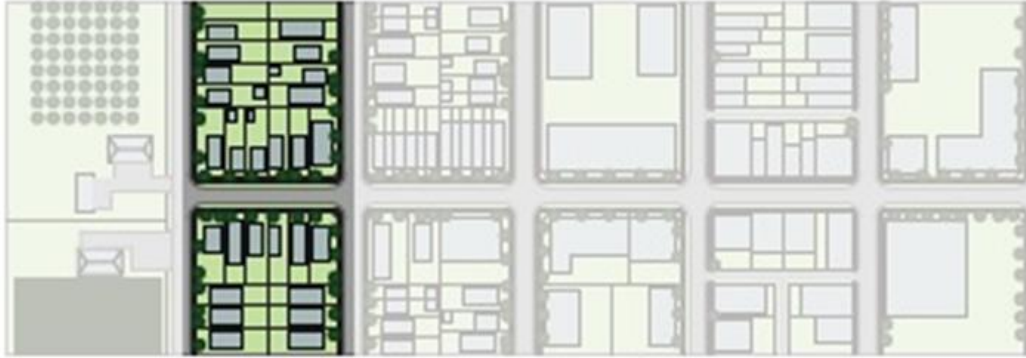
6.2.5 Zone Requirements for a Bed and Breakfast Establishment

Please refer to Section 3.3

6.2.6 Zone Requirements for Second Dwelling Units

Please refer to Section 3.30

6.3 RESIDENTIAL THREE ZONE



6.3.1 Permitted Uses

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

6.3.2 Zone Requirements for a Semi-Detached Dwelling

Minimum Lot Frontage	6.0m per dwelling unit
Minimum Lot Area	250m ² per dwelling unit
Minimum Front Yard	3.0m except 6.0m where there is an attached garage
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m except that no interior side yard shall be required for a semi-detached dwelling between the common vertical wall dividing one unit from another.
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 Building Height 12.0m

Maximum Lot Coverage 50%

6.3.3 Zone Requirements for a Duplex Dwelling

Minimum Lot Frontage 14.0

Minimum Lot Area 500m²

Minimum Front Yard 3.0m

Maximum Front Yard 6.0m

Minimum Side Yard 1.2m

Minimum Corner Side Yard 4.5m

Minimum Rear Yard 7.5m

Maximum Building Height 12.0m

Maximum Lot Coverage 50%

6.3.4 Zone Requirements for a Triplex Dwelling

Minimum Lot Frontage 14.0

Minimum Lot Area 140m² 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

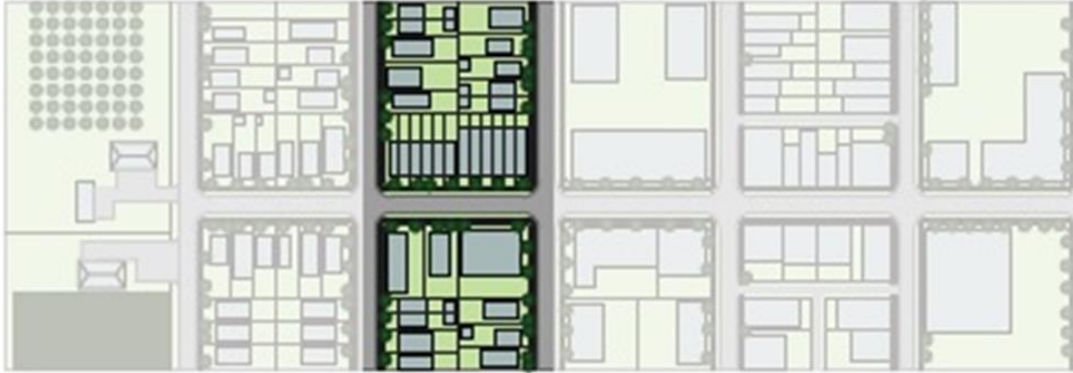
Maximum Building Height 12.0m

Maximum Lot Coverage 50%

6.3.5 Zone Requirements for Second Dwelling Units

Please refer to Section 3.30

6.4 RESIDENTIAL MULTIPLE ONE ZONE



6.4.1 Permitted Uses

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

6.4.2 Zone Requirements for a Triplex, Converted, Semi-detached, Duplex, Fourplex and Boarding House Dwelling

Minimum Lot Frontage	14.0m 6.0m per dwelling unit for semi-detached dwellings
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 Building Height	12.0m
Maximum Lot Coverage	50%

6.4.3 Zone Requirements for a Street Townhouse Dwelling

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 Building Height	12.0m
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
Maximum Lot Coverage	50%

6.4.4 Zone Requirements for a Block Townhouse Dwelling

Minimum Lot Frontage	30.0m 14.0m on a corner lot
Minimum Lot Area	2,000m ²

Appendix A

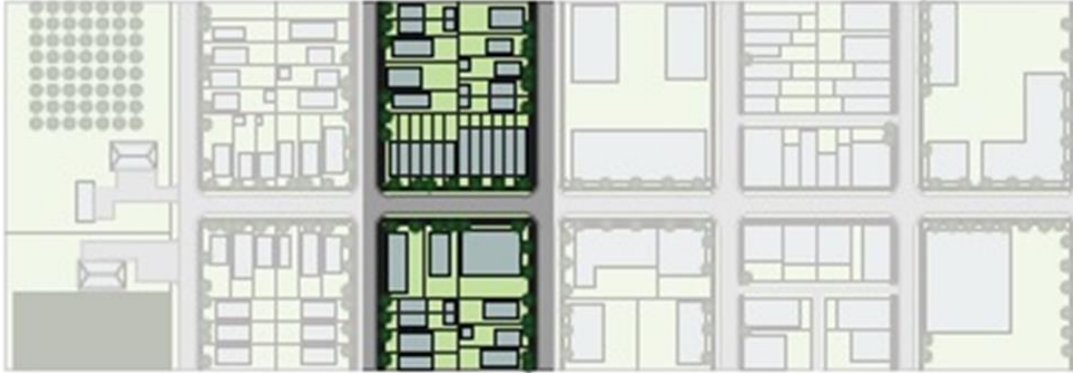
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m, except that where the rear of a building faces the side yard, the minimum side yard shall be 7.5m, and the minimum side yard abutting a street shall be 7.5m
Minimum Corner Side Yard	3.0m
Minimum Rear Yard	7.5m
Maximum Building Height	12.0m
Minimum Setback from an Internal Road	3.0m except for garages where it is 6.0m
Maximum Setback from an Internal Road	4.5m
Distance Between Buildings on the Same Lot	<p>A FACE OF A BUILDING means one or other of the longest walls on a building. Each building shall be deemed to have two faces.</p> <p>A SIDE OF A BUILDING means one or the other of the shortest walls on a building. Each building shall be deemed to have two sides.</p> <p>Any face of one townhouse shall be no closer to any side of another townhouse than 9.0m.</p> <p>Any face of any townhouse shall be no closer than 14.0m to any face of another townhouse.</p> <p>Any side of any townhouse shall be no closer than 3.0m to any side of another townhouse.</p>
Landscape strip	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.
Maximum Lot Coverage	50%

6.4.5 Zone Requirements for Second Dwelling Units

Please refer to Section 3.30

RM2

6.5 RESIDENTIAL MULTIPLE TWO ZONE



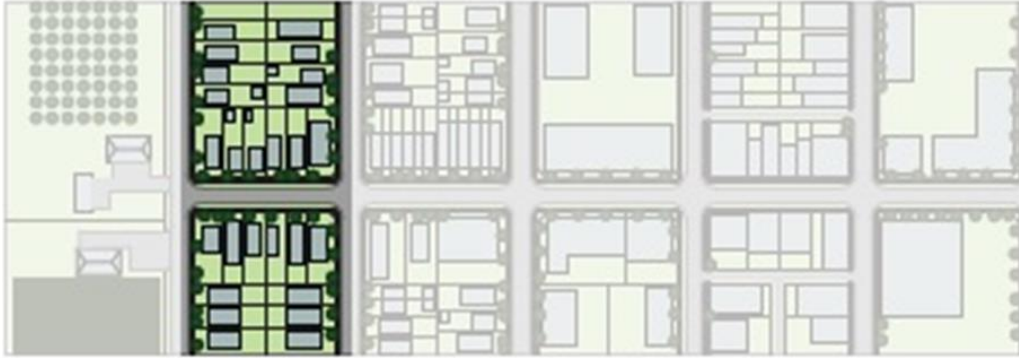
6.5.1 Permitted Uses

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

6.5.2 Zone Requirements

Minimum Lot Frontage	30.0m
Minimum Lot Area	150m ² per unit
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	6.0m or ½ the height of the building, whichever is less
Minimum Corner Side Yard	3.0m to 6.0m
Minimum Rear Yard	12.0m
Maximum Building Height	15.0m
Maximum Lot Coverage	50%
Landscape strip	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.

6.6 RESIDENTIAL DEVELOPMENT ZONE



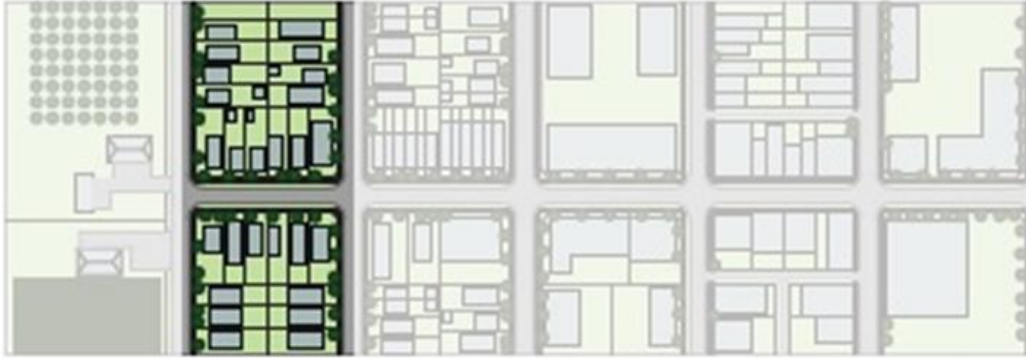
6.6.1 Permitted Uses

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

6.6.2 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 Building Height	12.0m
Maximum Lot Coverage	50%

6.7 RURAL RESIDENTIAL ZONE



6.7.1 Permitted Uses

- a) Single detached dwelling;
- b) Second dwelling units; and
- c) Uses, buildings and structures accessory to the foregoing uses.

6.7.2 Zone Requirements

Minimum Lot Frontage	15.0m or 17.0m on a corner lot
Minimum Lot Area	0.4ha
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 Building Height	12.0m
Maximum Lot Coverage	50%

6.7.3 Zone Requirements for Second Dwelling Units

Please refer to Section 3.30

SECTION 7: GREENFIELD DEVELOPMENT ZONE

The following zoning categories are described in this section:

GF-R1

New Greenfield Development Residential One Zone

Permitted Uses:

- Single detached dwelling;
- Semi-detached dwelling;
- Duplex dwelling;
- Triplex dwelling;
- Bed and breakfast establishment in a single detached dwelling;
- Second dwelling units; and
- Uses, buildings and structures accessory to the foregoing uses.

GF-NC

New Greenfield Development Neighbourhood Commercial Zone

Permitted Uses:

- Retail use;
- Service shop;
- 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;
- Second dwelling units; and
- Uses, buildings and structures accessory to the foregoing uses.

GF-R3

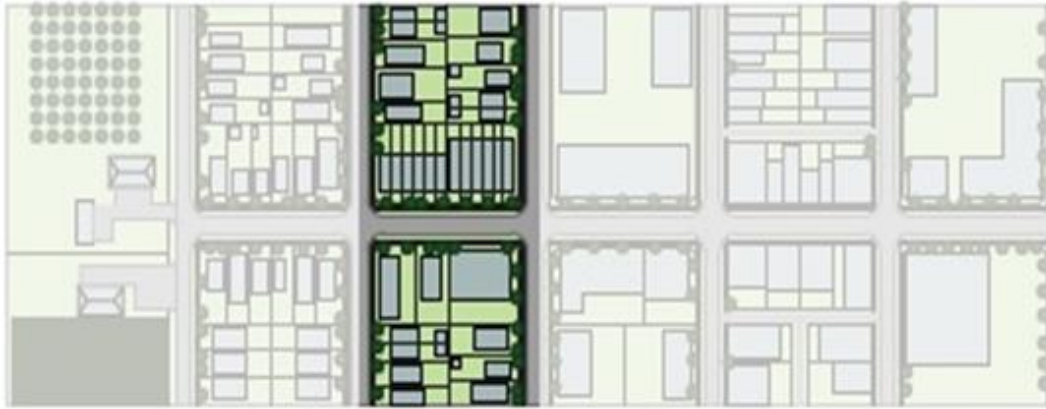
New Greenfield Development Residential Three Zone

Permitted Uses:

- Triplex dwelling;
- Fourplex dwelling;
- Street Townhouses;
- Block Townhouses;
- Stacked Townhouses;
- Apartment dwellings;
- Secondary dwelling units; and
- Uses, buildings and structures accessory to the foregoing uses.

GF-R1

7.1 NEW GREENFIELD DEVELOPMENT RESIDENTIAL ONE ZONE



7.1.1 Permitted Uses

- a) Single detached dwelling;
- b) Semi-detached dwelling;
- c) Duplex dwelling;
- d) Triplex dwelling;
- e) Bed and breakfast establishment in a single detached dwelling;
- f) Second dwelling units; and
- g) Uses, buildings and structures accessory to the foregoing uses.

7.1.2 Zone Requirements for a Bed and Breakfast Establishment

Please refer to Section 3.3

7.1.3 Zone Requirements for Second Dwelling Units

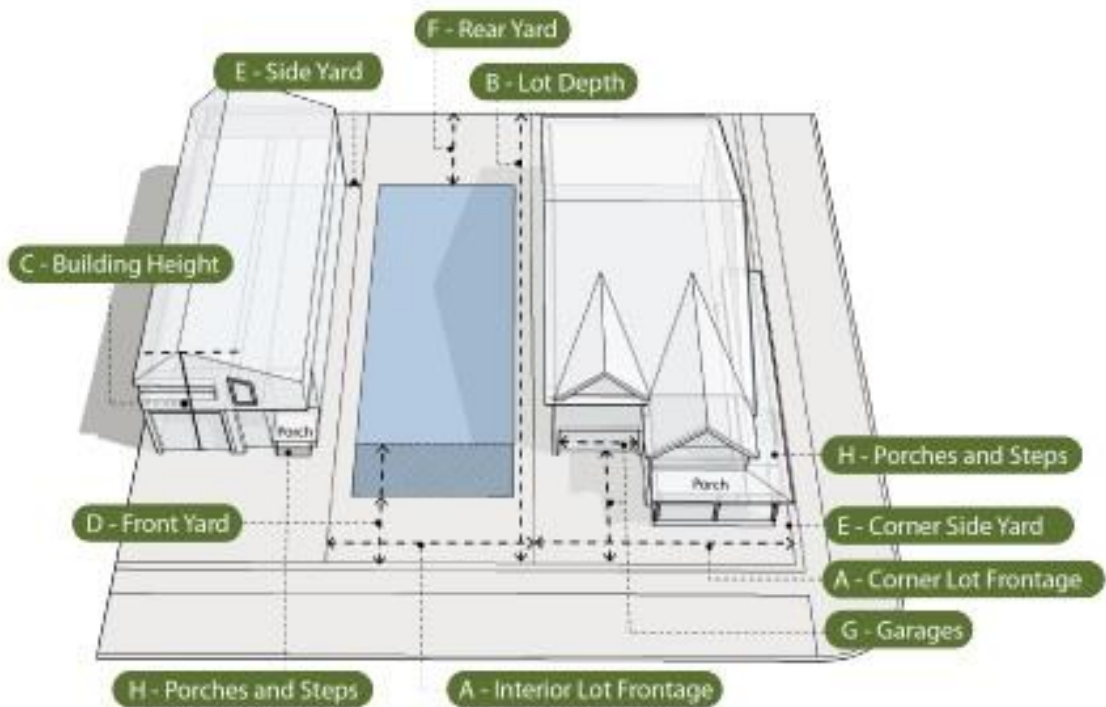
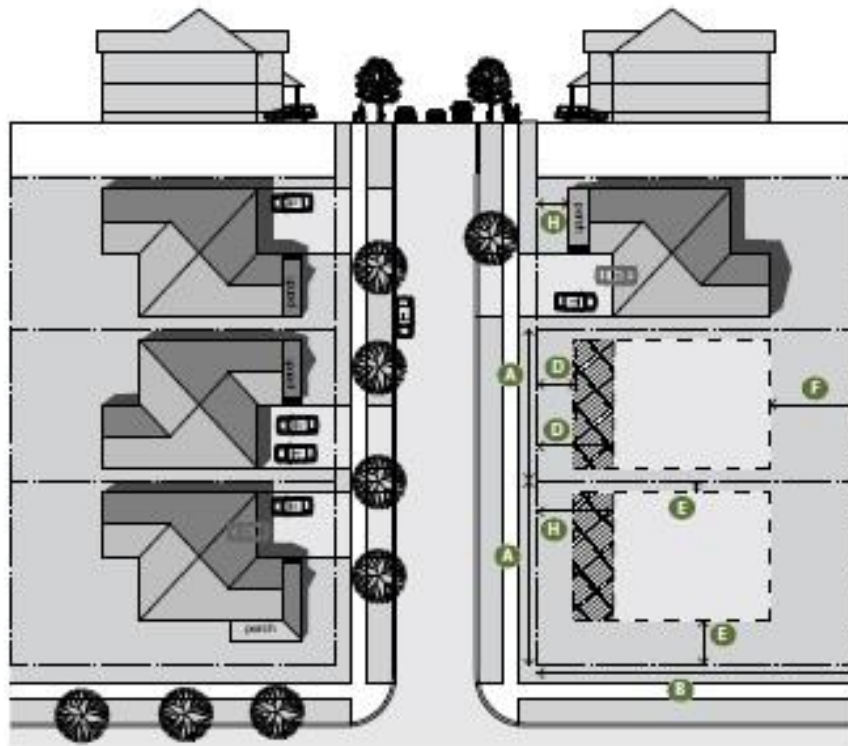
Please refer to Section 3.30

7.1.4 Zone Requirements Single Detached with Attached Garage

Lot Frontage	The minimum lot frontage shall be 12.0m, with a minimum lot frontage of 15.0m for corner lots.
Lot Depth	The minimum lot depth shall be 32.0m
Building Height	The maximum building height shall be 12.0m or 3 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
Rear Yard	The minimum rear yard setback shall be 7.5m
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.
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

Demonstration Streetscape

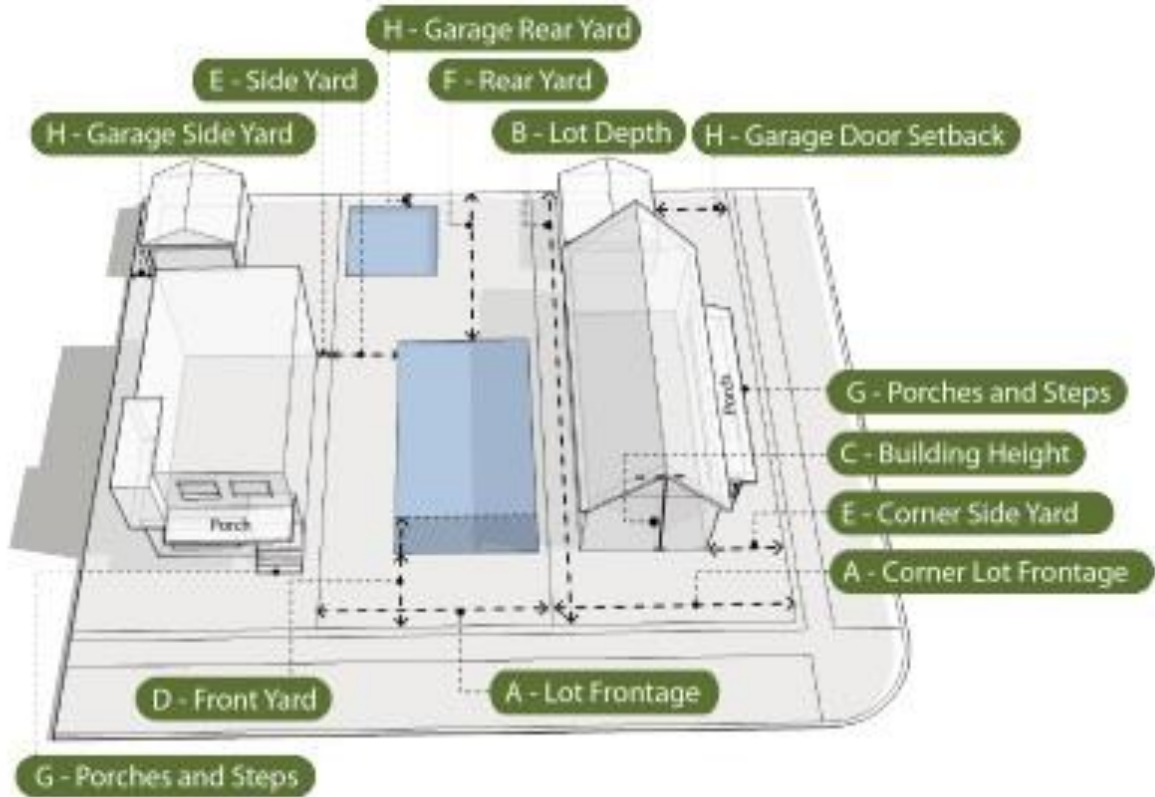
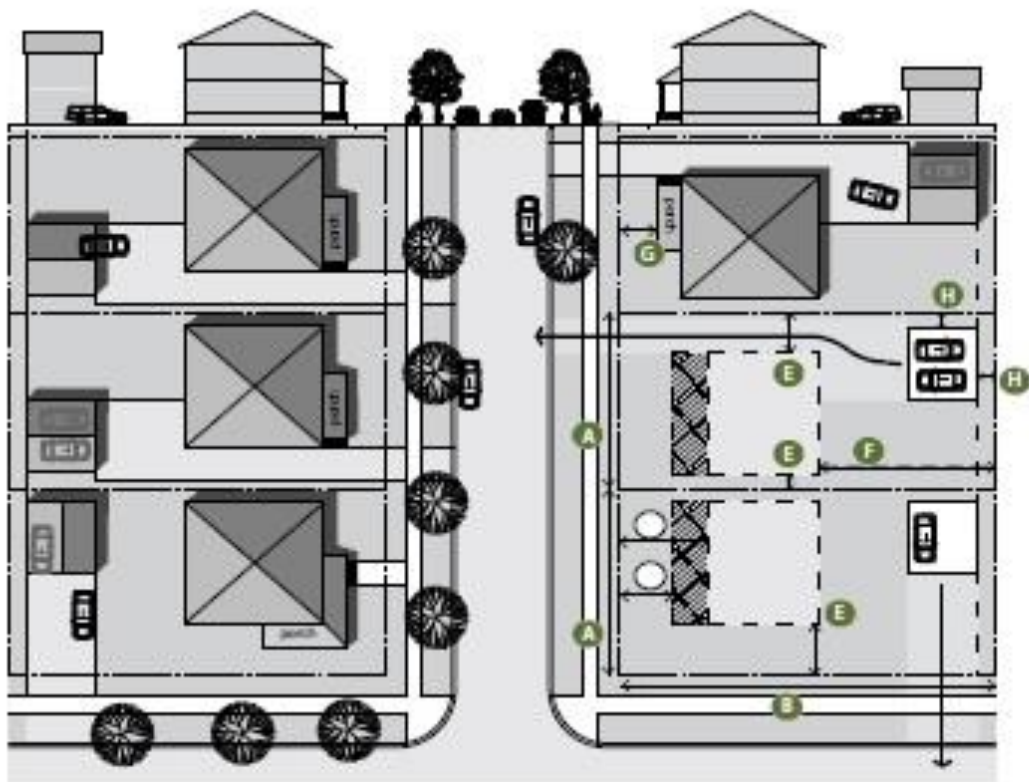


7.1.5 Zone Requirements Single Detached with Detached Garage

Lot Frontage	The minimum lot frontage shall be 12.0m, with a minimum lot frontage of 13.5m for corner lots.
Lot Depth	The minimum lot depth shall be 32.0m
Building Height	The maximum building height shall be 12.0m or 3 storeys, whichever is less. The height of a detached garage shall not exceed 7.0m or 2 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
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
Rear Yard	The minimum rear yard setback shall be 10.5m
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.
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 Detached Garage Typologies

Demonstration Streetscape

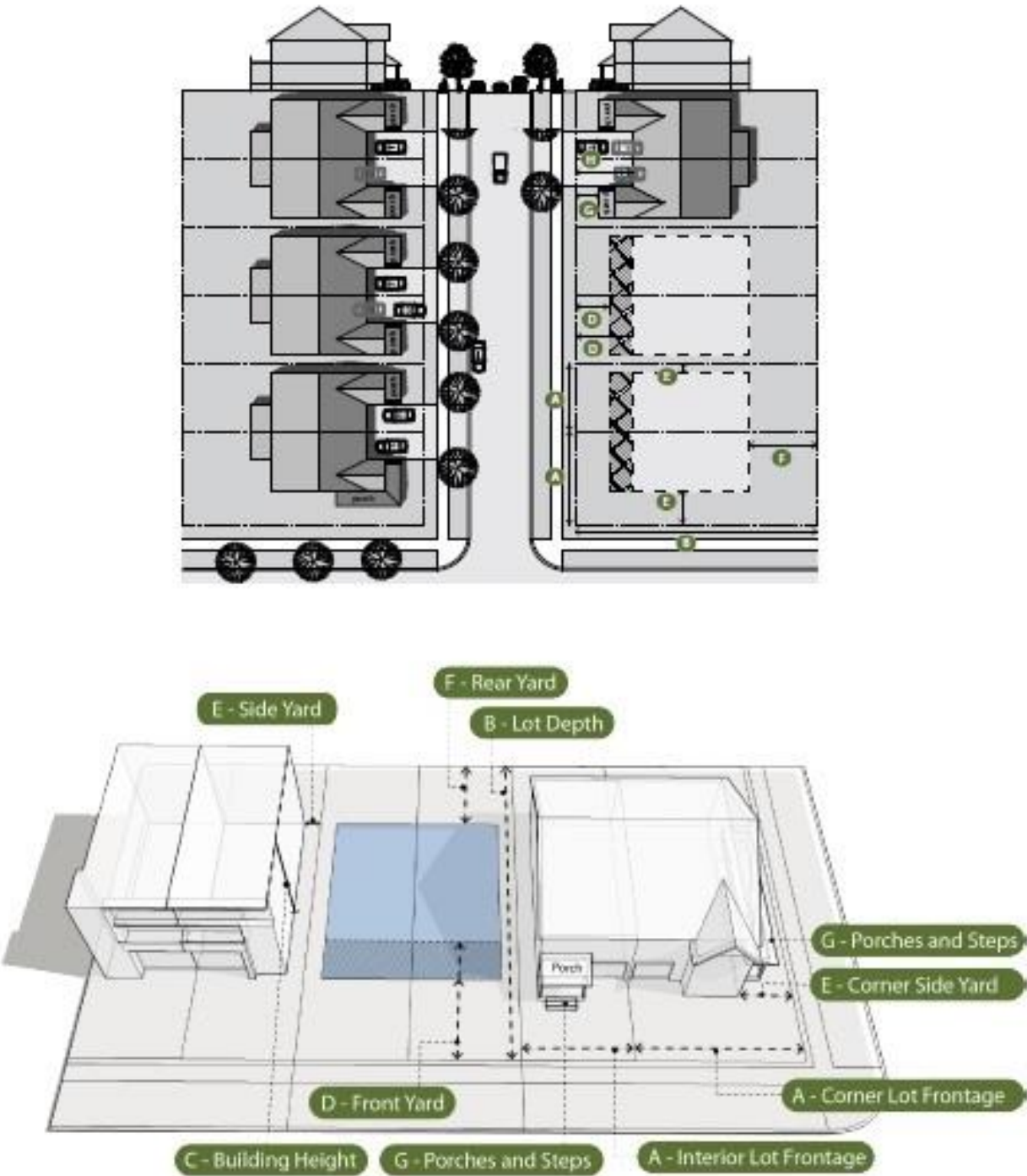


7.1.6 Zone Requirements Semi-Detached with Attached Garage

Lot Frontage	The minimum lot frontage shall be 9.0m, with a minimum lot frontage of 12.0m for corner lots.
Lot Depth	The minimum lot depth shall be 32.0m
Building Height	The maximum building height shall be 12.0m or 3 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
Rear Yard	The minimum rear yard setback shall be 7.5m
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.
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.

Semi-Detached with Attached Garage Typologies

Demonstration Streetscape

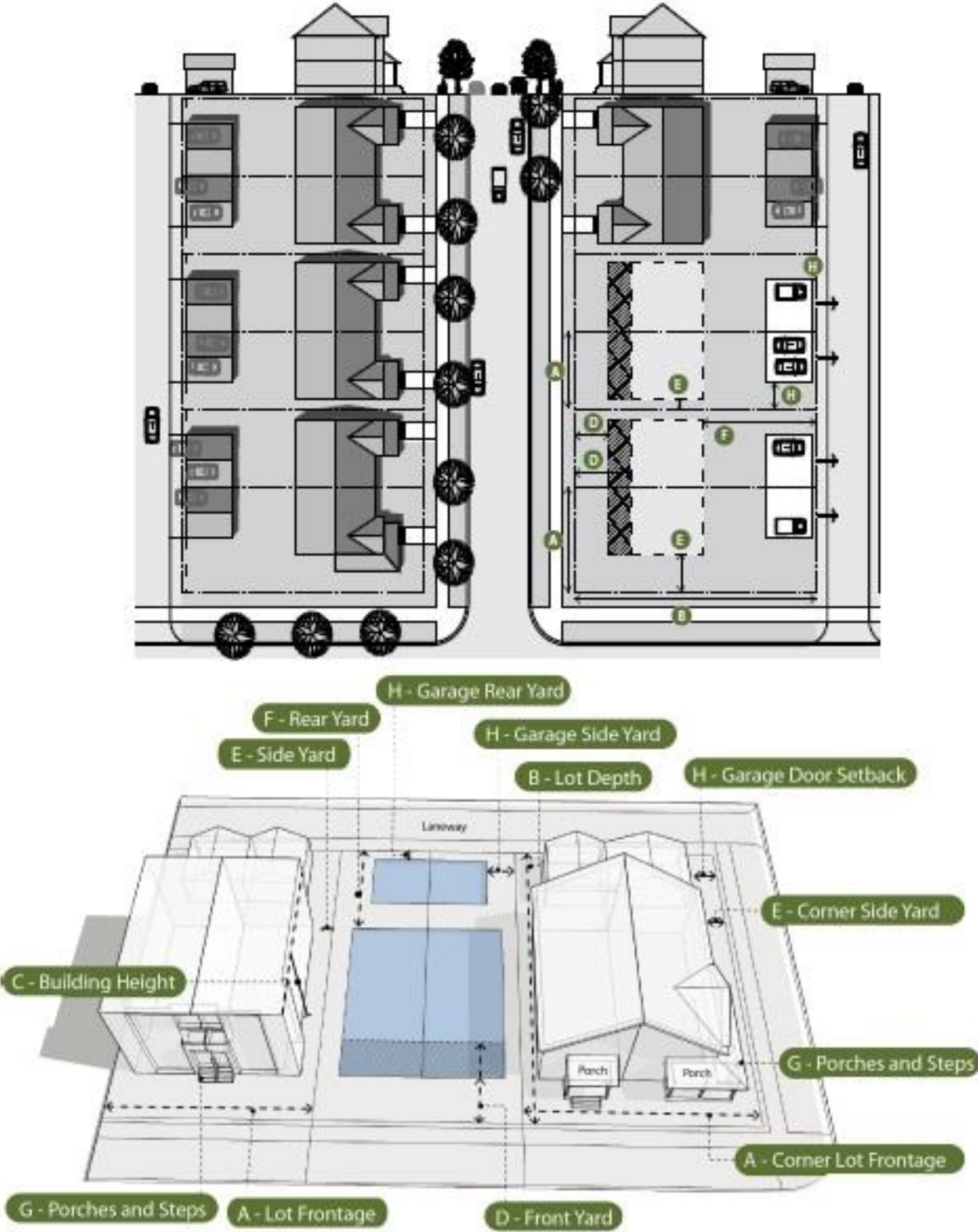


7.1.7 Zone Requirements Semi-Detached with Rear Lane

Lot Frontage	The minimum lot frontage shall be 9.0m, with a minimum lot frontage of 12.0m for corner lots.
Lot Depth	The minimum lot depth shall be 32.0m
Building Height	The maximum building height shall be 12.0m or 3 storeys, whichever is less. The height of a detached garage shall not exceed 7.0m or 2 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
Rear Yard	The minimum rear yard setback shall be 10.5m
Garage	The garage shall be set back 1.2m from one side lot line and 0.5m from the rear lot line.
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.

Semi-Detached with Rear Lane Typologies

Demonstration Streetscape

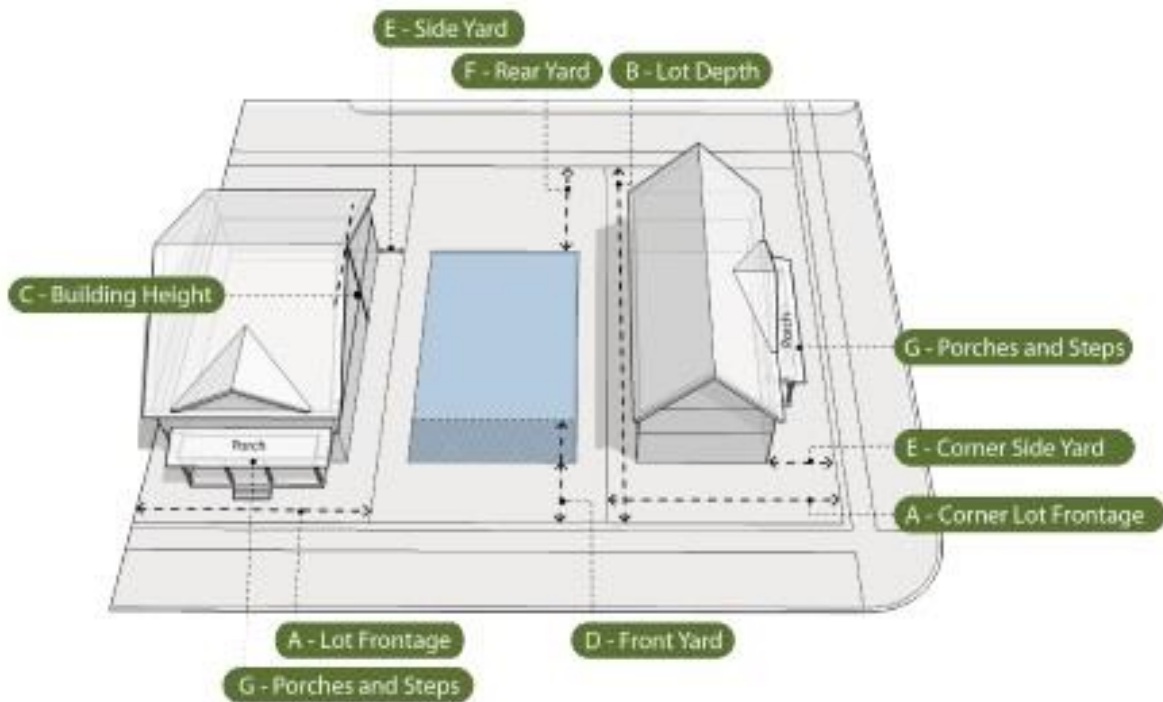
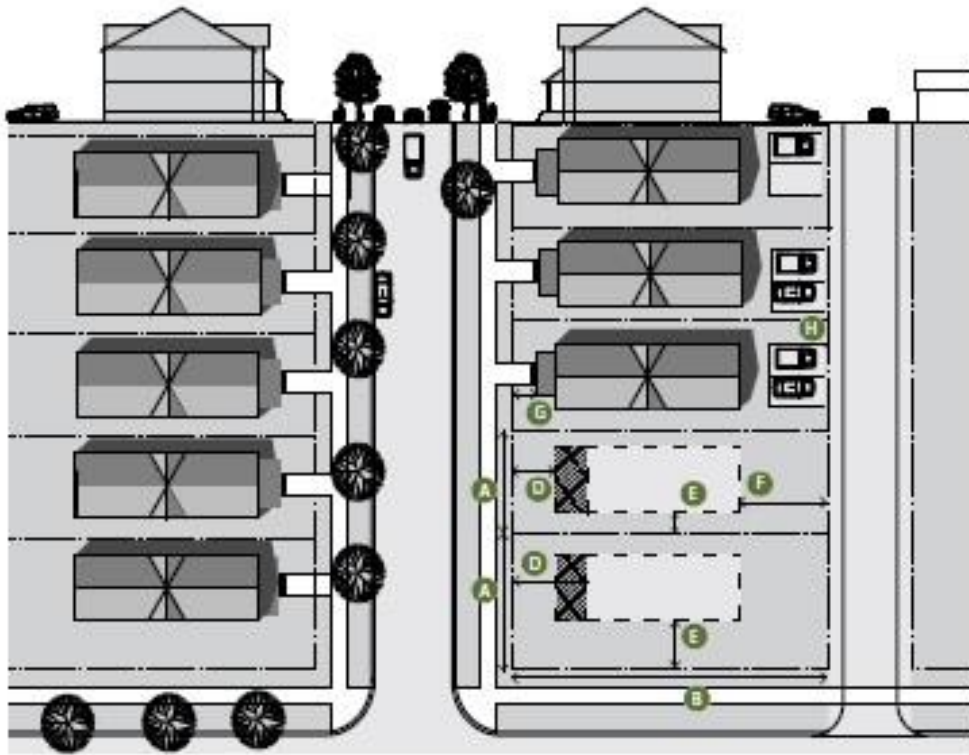


7.1.8 Zone Requirements Duplex and Triplex with Rear Lane

Lot Frontage	The minimum lot frontage shall be 12.0m, with a minimum lot frontage of 15.0m for corner lots.
Lot Depth	The minimum lot depth shall be 32.0m
Building Height	The maximum building height shall be 12.0m or 3 storeys, whichever is less. The height of a detached garage shall not exceed 7.0m or 2 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
Rear Yard	The minimum rear yard setback shall be 10.5m
Garage	The garage shall be set back 1.2m from one side lot line and 0.5m from the rear lot line.
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.

Duplex and Triplex with Rear Lane Typologies

Demonstration Streetscape



7.1.9 Zone Requirements Duplex and Triplex with Attached Garage

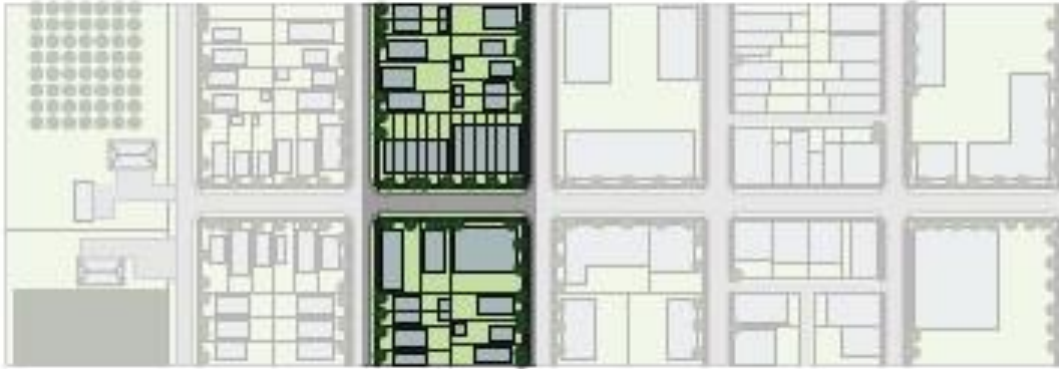
Lot Frontage	The minimum lot frontage shall be 12.0m, with a minimum lot frontage of 15.0m for corner lots.
Lot Depth	The minimum lot depth shall be 32.0m
Building Height	The maximum building height shall be 12.0m or 3 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
Rear Yard	The minimum rear yard setback shall be 7.5m
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.
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.

Duplex and Triplex with Attached Garage Typologies



GF-R2

7.2 NEW GREENFIELD DEVELOPMENT RESIDENTIAL TWO ZONE



7.2.1 Permitted Uses

- a) Street townhouses;
- b) Second dwelling units; and
- c) Uses, buildings and structures accessory to the foregoing uses.

7.2.2 Zone Requirements for Second Dwelling Units

Please refer to Section 3.30

7.2.3 Zone Requirements Street Townhouse with Attached Garage

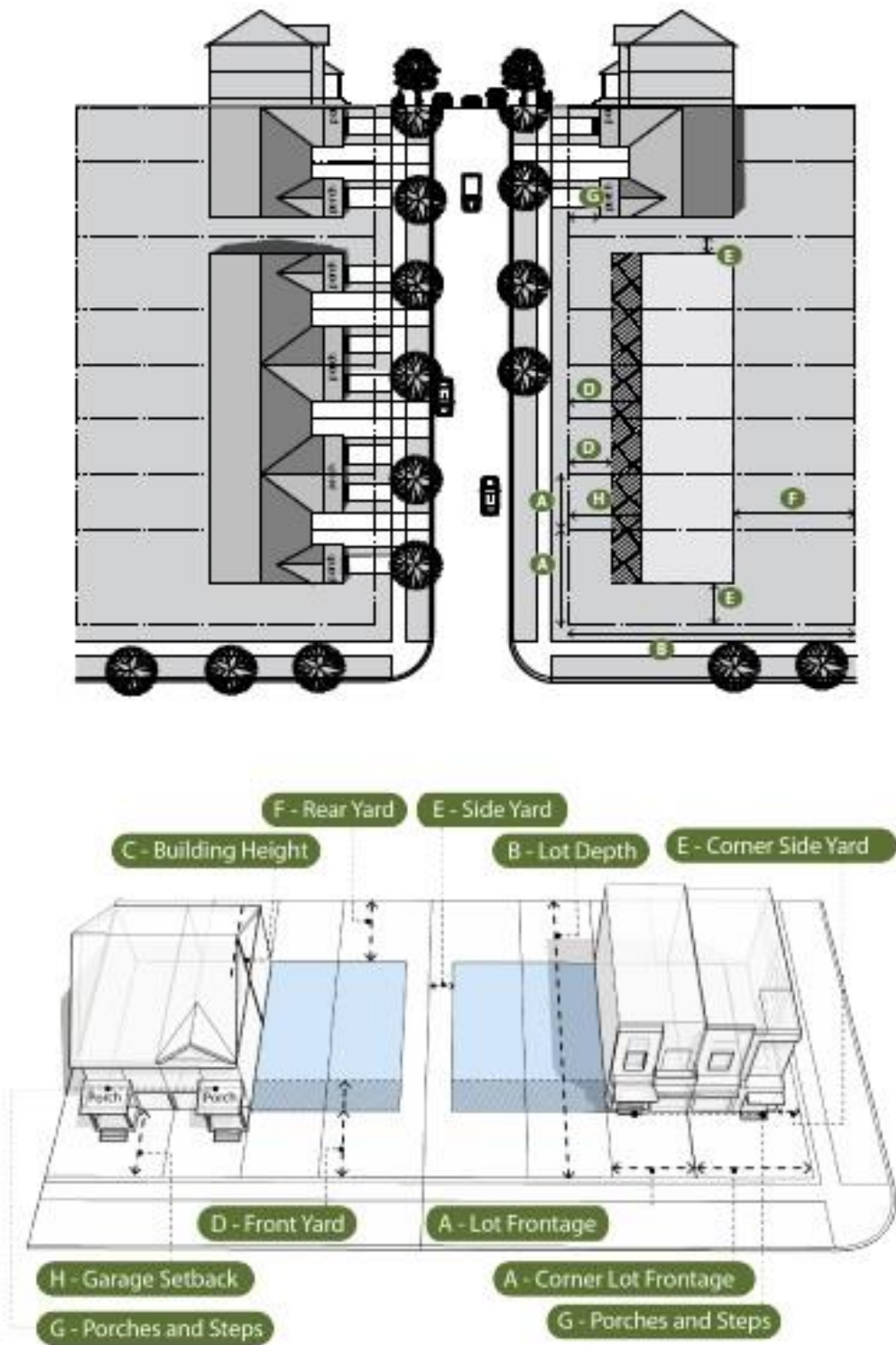
Lot Frontage	The minimum lot frontage shall be 6.0m per unit, with a minimum frontage of 7.2m for interior end units and 9.0m for exterior end units.
Lot Depth	The minimum lot depth shall be 29.0m
Building Height	The maximum building height shall be 17.0m or 5 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m

Rear Yard	The minimum rear yard setback shall be 6.0m
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 65% 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.
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.

Street Townhouse with Attached Garage Typologies



Demonstration Streetscape

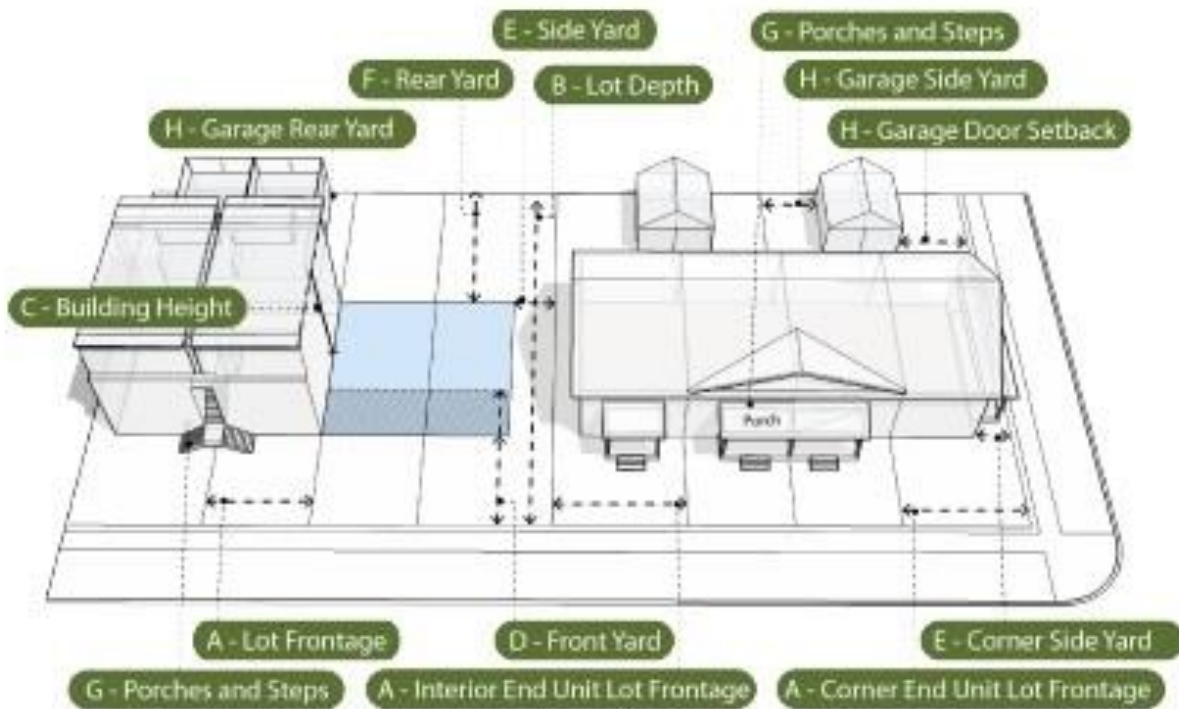
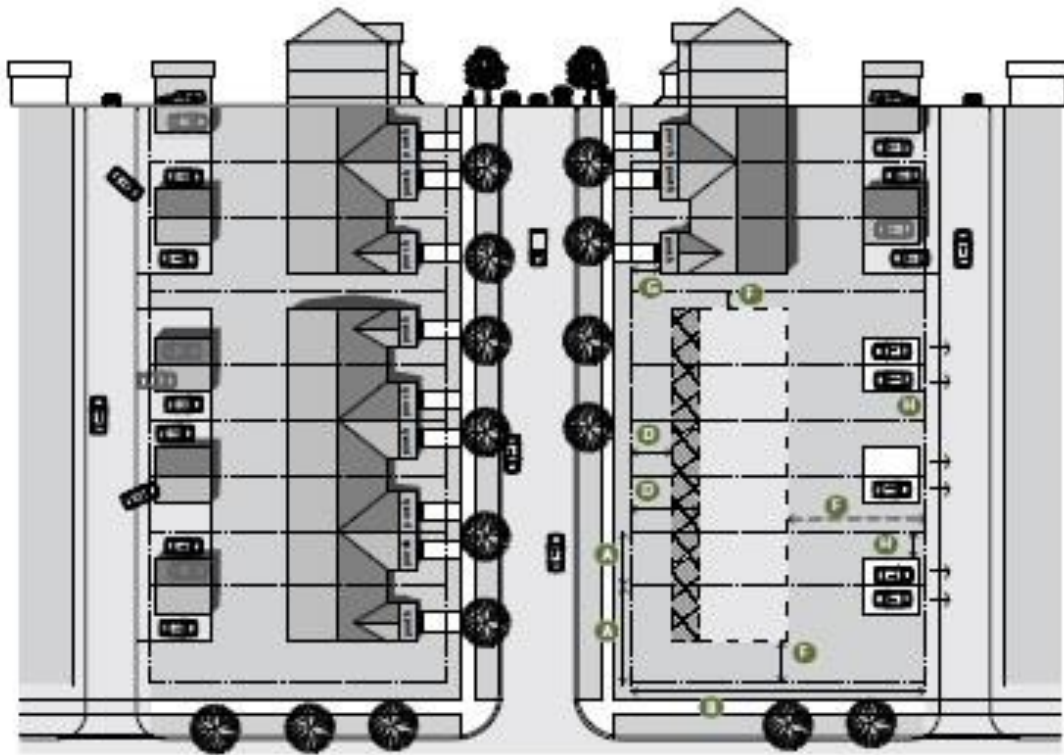


7.2.4 Zone Requirements Street Townhouse with Rear Lane

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.
Lot Depth	The minimum lot depth shall be 32.0m
Building Height	The maximum building height shall be 12.0m or 3 storeys, whichever is less. The height of a detached garage shall not exceed 7.0m or 2 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
Rear Yard	The minimum rear yard setback shall be 10.5m
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.
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.

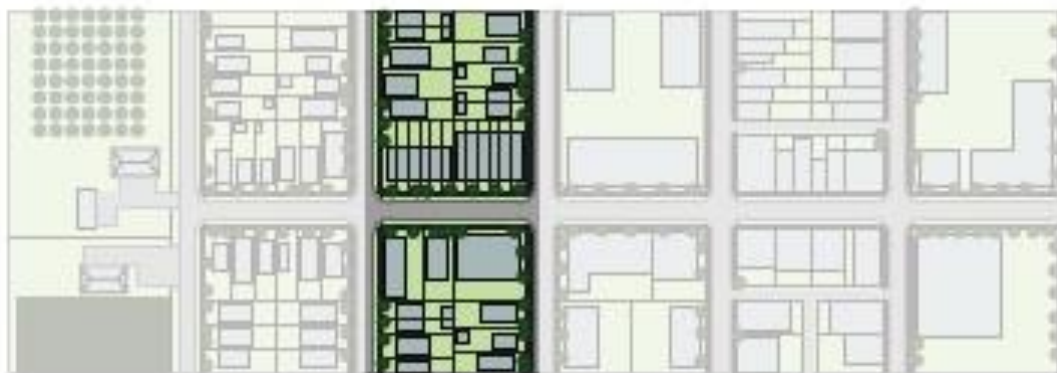
Street Townhouse with Rear Lane Typologies

Demonstration Streetscape



GF-R3

7.3 NEW GREENFIELD DEVELOPMENT RESIDENTIAL THREE ZONE



7.3.1 Permitted Uses

- a) Triplex dwelling;
- b) Fourplex dwelling;
- c) Street townhouses;
- d) Block townhouses;
- e) Stacked townhouses;
- f) Apartment dwellings;
- g) Second dwelling units; and
- h) Uses, buildings and structures accessory to the foregoing uses.

7.3.2 Zone Requirements for Second Dwelling Units

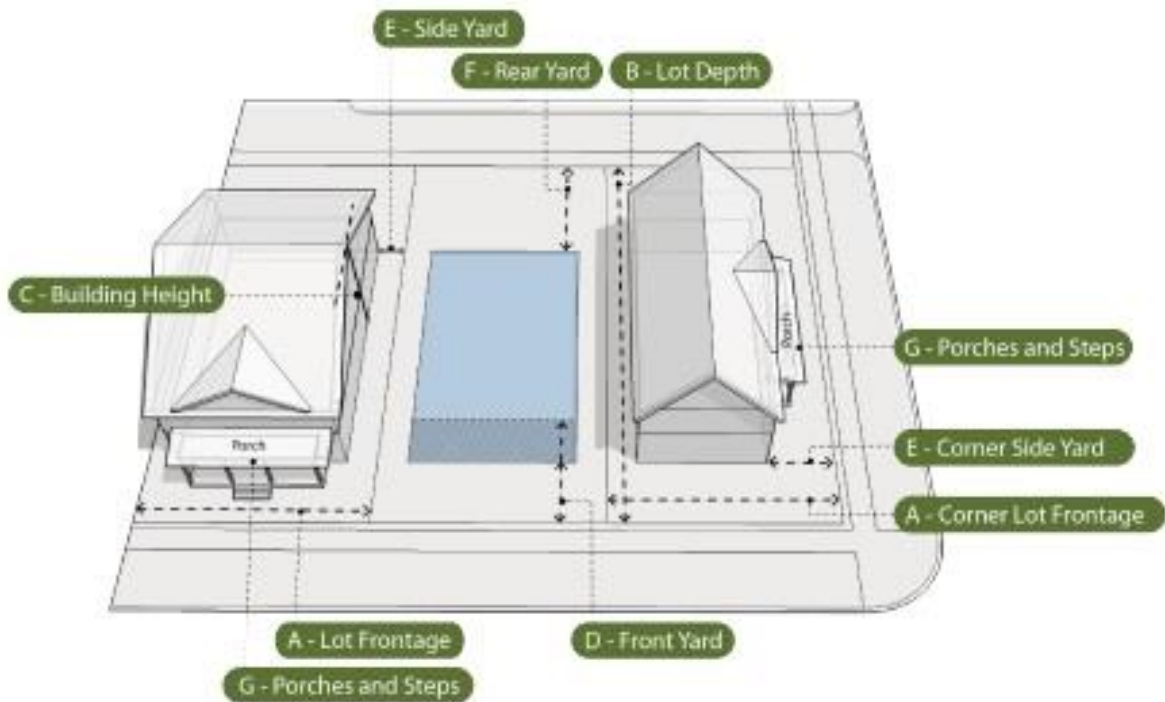
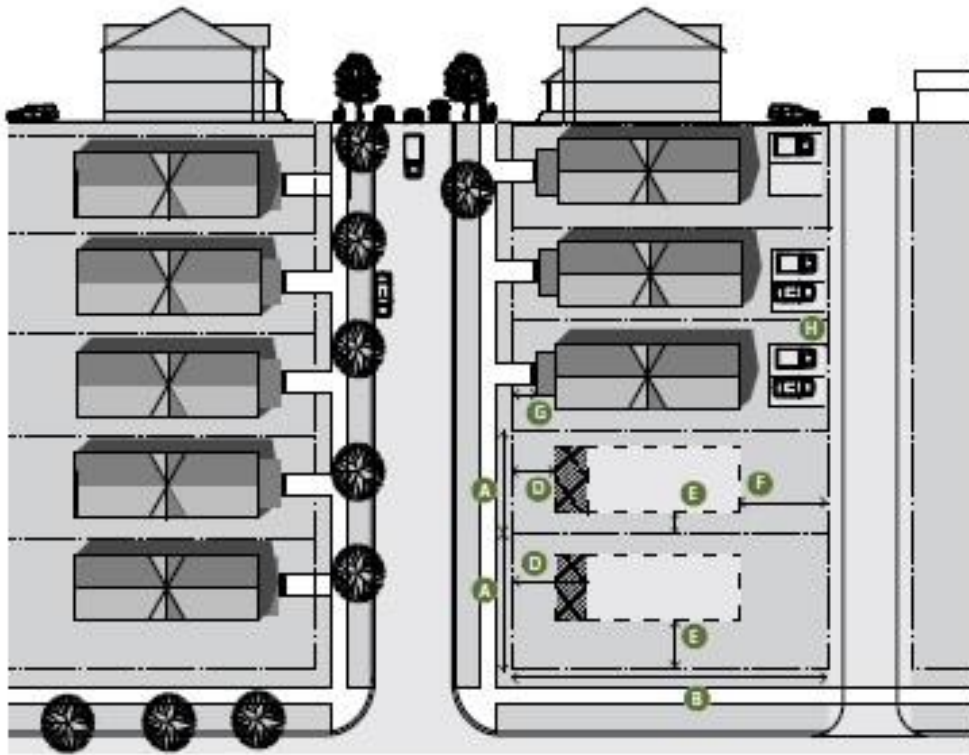
Please refer to Section 3.30

7.3.3 Zone Requirements Triplex and Fourplex with Rear Lane

Lot Frontage	The minimum lot frontage shall be 12.0m, with a minimum lot frontage of 15.0m for corner lots.
Lot Depth	The minimum lot depth shall be 32.0m
Building Height	The maximum building height shall be 12.0m or 3 storeys, whichever is less. The height of a detached garage shall not exceed 7.0m or 2 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
Rear Yard	The minimum rear yard setback shall be 10.5m
Garage	The garage shall be set back 1.2m from one side lot line and 0.5m from the rear lot line.
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.

Triplex and Fourplex with Rear Lane Typologies

Demonstration Streetscape



7.3.4 Zone Requirements Duplex and Triplex with Attached Garage

Lot Frontage	The minimum lot frontage shall be 12.0m, with a minimum lot frontage of 15.0m for corner lots.
Lot Depth	The minimum lot depth shall be 32.0m
Building Height	The maximum building height shall be 12.0m or 3 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
Rear Yard	The minimum rear yard setback shall be 7.5m
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.
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.

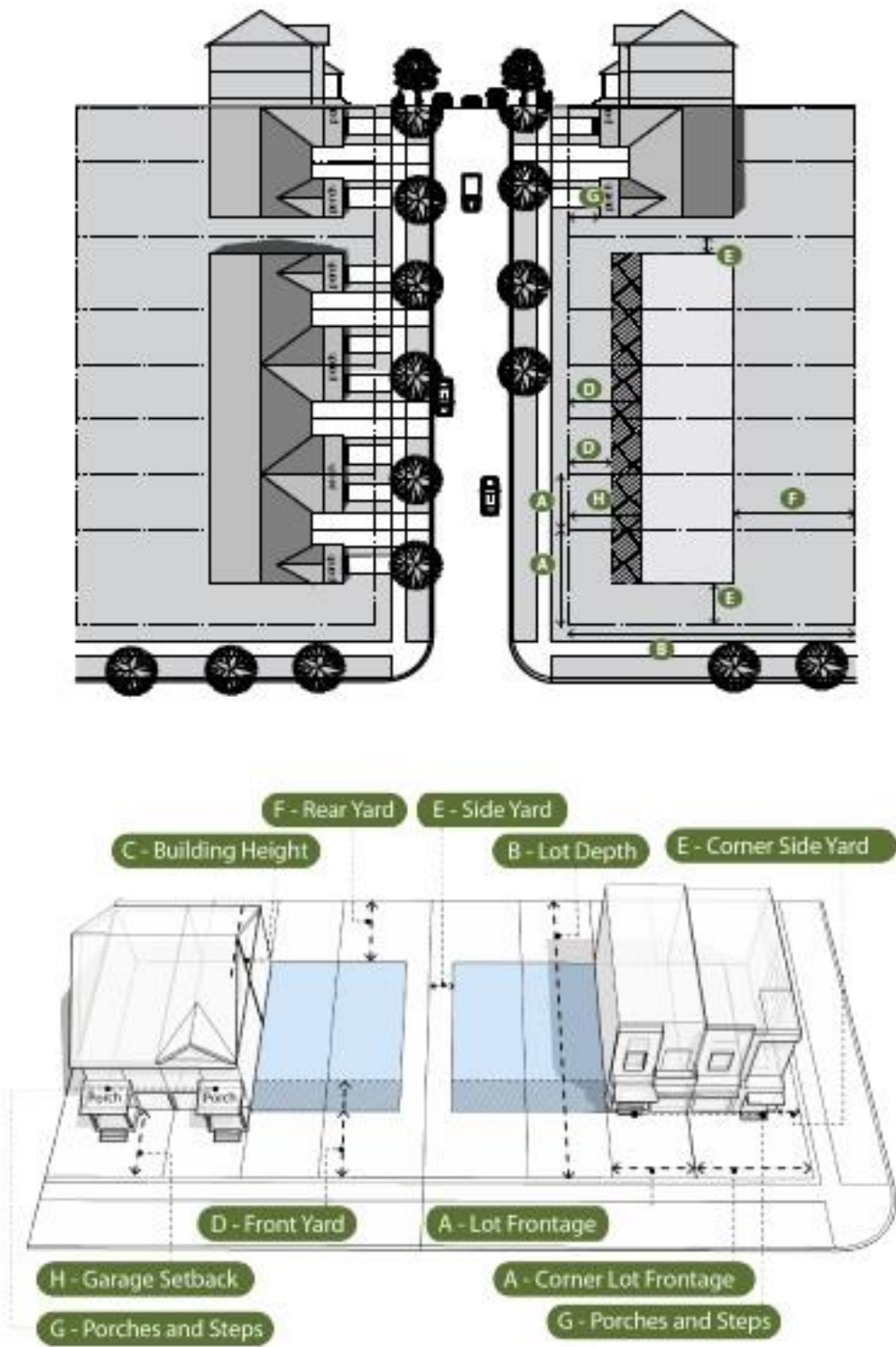
Triplex and Fourplex with Attached Garage Typologies

7.3.5 Zone Requirements Street Townhouse with Attached Garage

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.
Lot Depth	The minimum lot depth shall be 29.0m
Building Height	The maximum building height shall be 17.0m or 5 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
Rear Yard	The minimum rear yard setback shall be 6.0m
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 65% 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.
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.

Street Townhouse with Attached Garage Typologies

Demonstration Streetscape

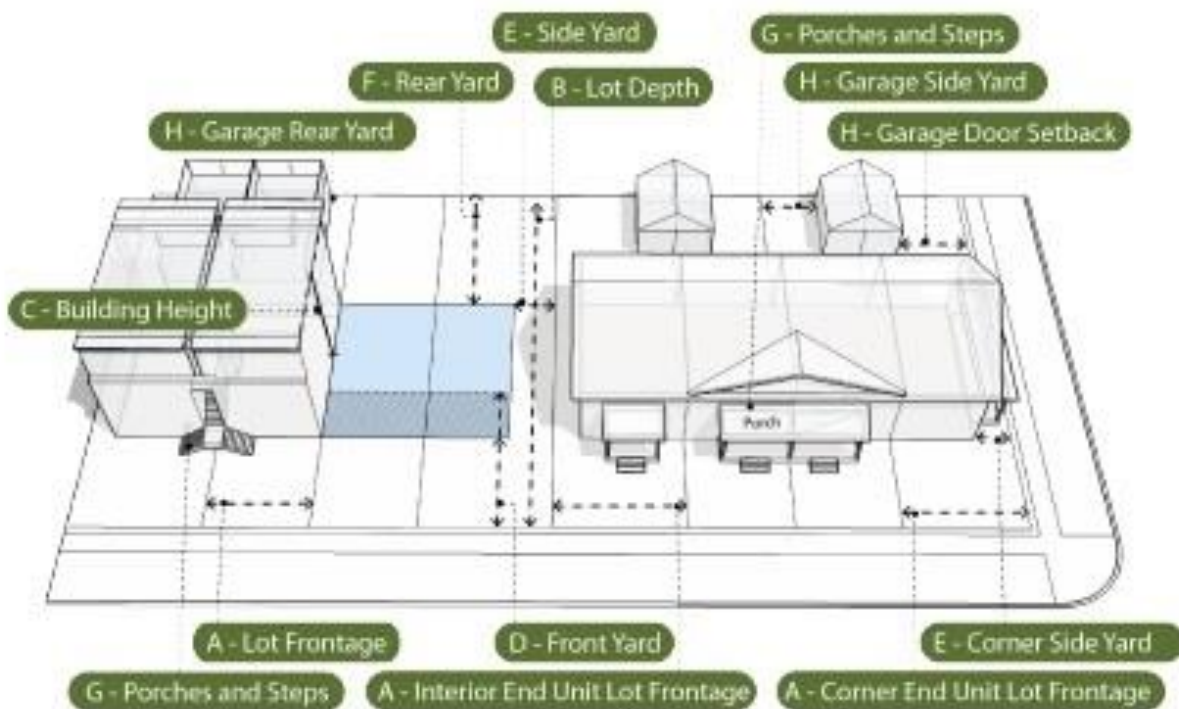
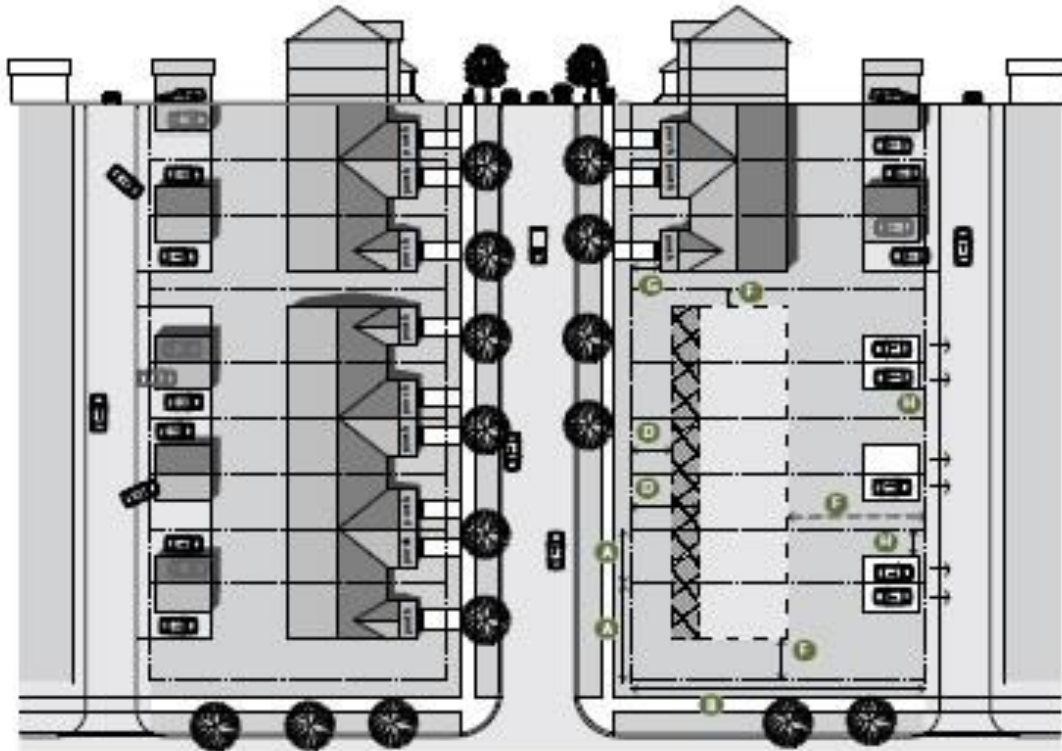


7.3.6 Zone Requirements Street Townhouse with Rear Lane

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.
Lot Depth	The minimum lot depth shall be 32.0m
Building Height	The maximum building height shall be 12.0m or 3 storeys, whichever is less. The height of a detached garage shall not exceed 7.0m or 2 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
Rear Yard	The minimum rear yard setback shall be 10.5m
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.
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.

Street Townhouse with Rear Lane Typologies

Demonstration Streetscape

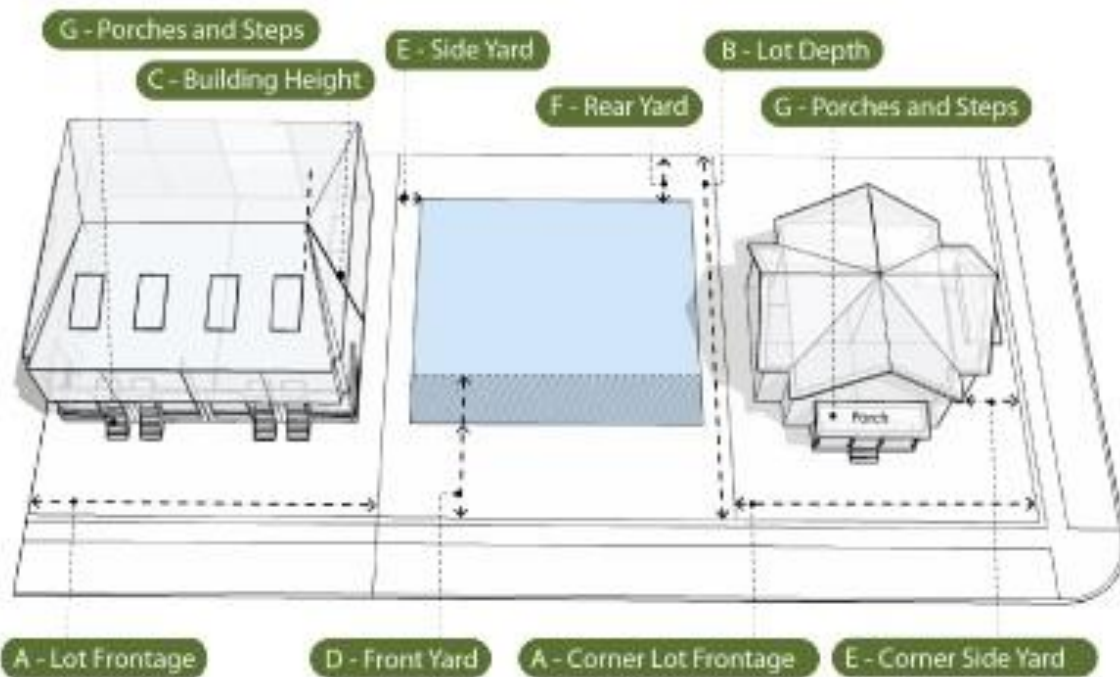
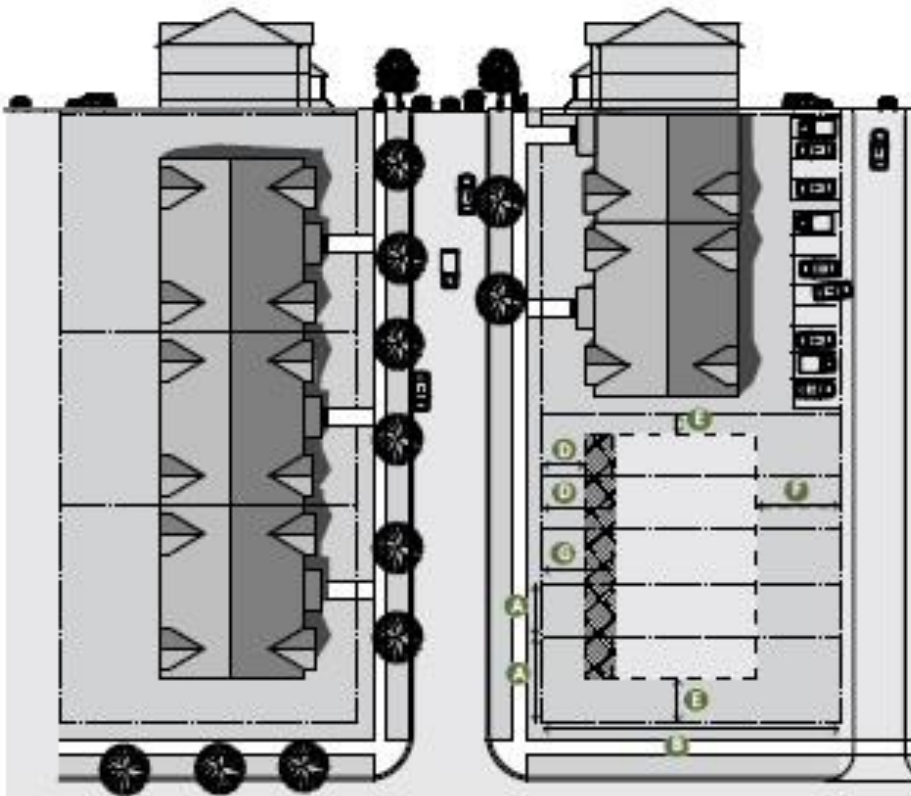


7.3.7 Zone Requirements Block Townhouse and Stacked Townhouse Dwelling

Lot Frontage	The minimum lot frontage shall be 30.0m.
Lot Depth	The minimum lot depth shall be 28.0m
Building Height	The maximum building height shall be 12.0m or 3 storeys, whichever is less.
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 1.2m. The minimum corner side yard shall be 3.0m
Rear Yard	The minimum rear yard setback shall be 6.0m
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.
Parking	Parking shall not be located in the front yard or corner side yard.

Block and Stacked Townhouse Typologies

Demonstration Streetscape

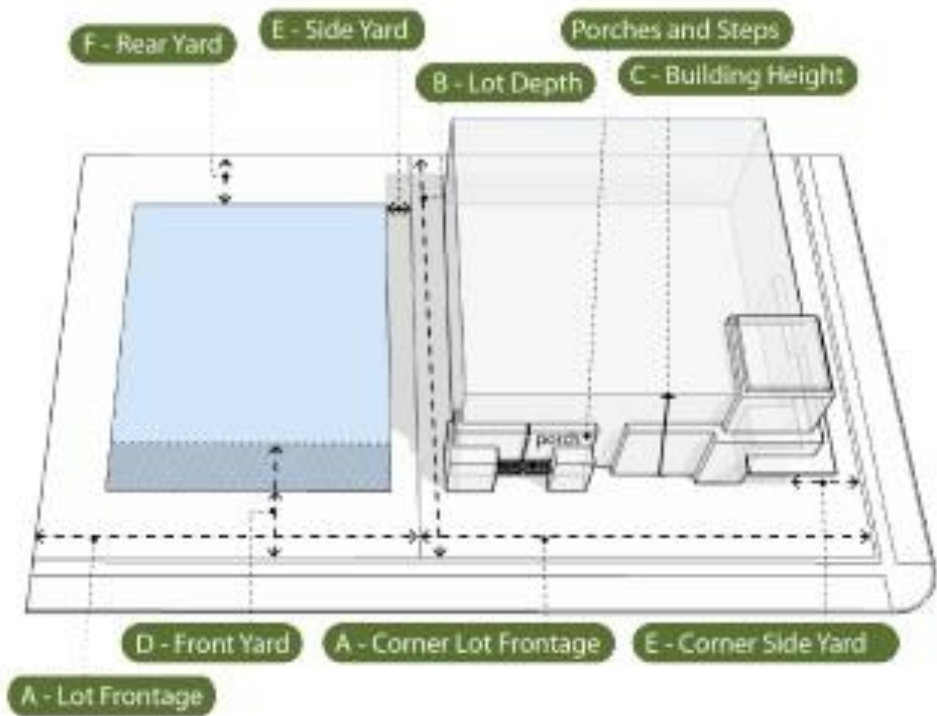
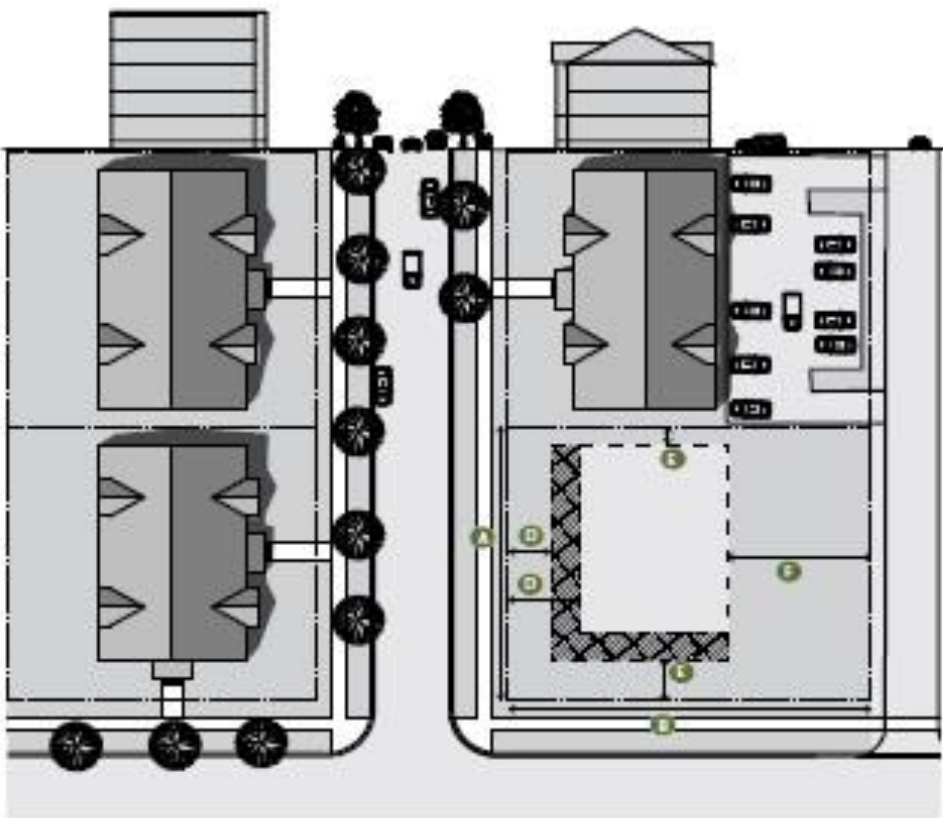


7.3.8 Zone Requirements Apartment

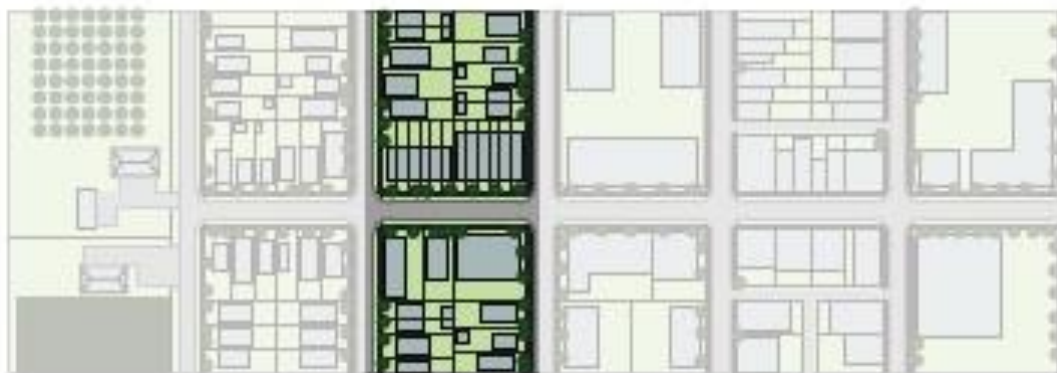
Lot Frontage	The minimum lot frontage shall be 30.0m.
Lot Depth	The minimum lot depth shall be 32.0m
Building Height	The maximum building height shall be 5 storeys
Front Yard	The main front wall of the dwelling shall be built within 3.0m and 5.0m of the front lot line.
Side Yards	The minimum side yard shall be 3.0m. The minimum corner side yard shall be 3.0m
Rear Yard	The minimum rear yard setback shall be 7.5m

Apartment Typologies

Demonstration Streetscape



7.4 NEW GREENFIELD DEVELOPMENT NEIGHBOURHOOD COMMERCIAL ZONE



7.4.1 Permitted Uses

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

7.4.2 Zone Requirements

Building Height	The building height shall be a maximum of 12.0m.
Front Yard	The main front wall shall be built within 3.0m and 4.5m from the front lot line.
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.
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

Appendix A

	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.
Lot Frontage	The minimum lot frontage shall be 15.5m.
Lot Area	The minimum lot area shall be 500m ²
Lot Coverage	The maximum lot coverage shall be 50%
Dwelling units shall only be permitted above the ground floor of a commercial use.	
A minimum landscaped amenity area of 55m ² shall be provided for each dwelling unit.	

SECTION 8: COMMERCIAL ZONES

The following zoning categories are described in this section:

VC Village Commercial Zone

Permitted Uses:

- Apartment dwellings;
- Bakery;
- Cultural use;
- Dwelling unit(s) above a commercial use;
- Existing single detached dwelling;
- Hotel;
- Institutional use;
- Micro brewery;
- Office use;
- Parking facility;
- Parks and urban square;
- Places of entertainment;
- Restaurant;
- Retail use;
- Short term accommodation; and
- Townhouses and live-work units

DC Downtown Corridor Zone

Permitted Uses:

- Apartment dwellings;
- Bakery;
- Cultural use;
- Daycare centre;
- Drive-thru service facility;
- Dwelling unit(s) above a commercial use;
- Gymnasiums/fitness centre;
- Hotel;
- Institutional use;
- Micro brewery;
- Office use;
- Retail use;
- Parking facility;
- Parks and urban square;
- Places of entertainment;
- Restaurant;
- Service shop;
- Shopping centre;
- Short term accommodation; and
- Vehicle fuel station (gas bar)

MS Main Street Zone

Permitted Uses:

- Bakery;
- Cultural use;
- Dwelling unit(s) above a commercial use;
- Existing single detached dwelling;
- Hotel;
- Institutional use;
- Live-work unit;
- Micro brewery;
- Office use;
- Parking facility;
- Parks and urban square;
- Places of entertainment;
- Restaurant;
- Retail use; and
- Short term accommodation

TS Town Square Zone

Permitted Uses:

- Cultural use;
- Dwelling unit(s) above a commercial use;
- Hotel;
- Institutional use;
- Micro brewery;
- Office use;
- Parking facility;
- Parks and urban square;
- Places of entertainment;
- Restaurant;
- Retail Use; and
- Short term accommodation

**NC Neighbourhood
Commercial Zone**

Permitted Uses:

- Bakery;
- Dwelling unit(s) above a commercial use;
- Retail use;
- Service shop;
- Short term accommodation; and
- Uses, buildings and structures accessory to the foregoing uses;

8.1 VILLAGE COMMERCIAL ZONE



8.1.1 Permitted Uses

- a) Apartment dwellings;
- b) Bakery;
- c) Cultural use;
- d) Dwelling unit(s) above a commercial use;
- e) Existing single detached dwelling;
- f) Hotel;
- g) Institutional use;
- h) Micro brewery;
- i) Office uses;
- j) Parking facility;
- k) Parks and urban square;
- l) Places of entertainment;
- m) Restaurant;
- n) Retail use;
- o) Short term accommodation; and
- p) Townhouses and live-work units

8.1.2 Zone Requirements for Short Term Accommodation

Please refer to Section 3.30

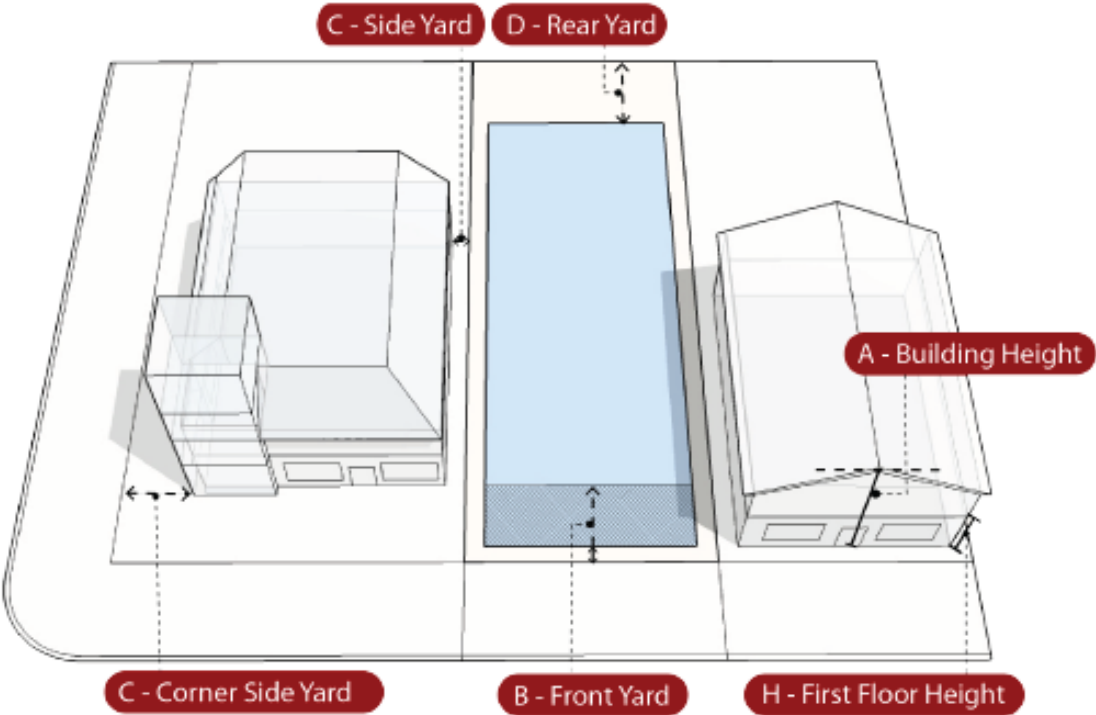
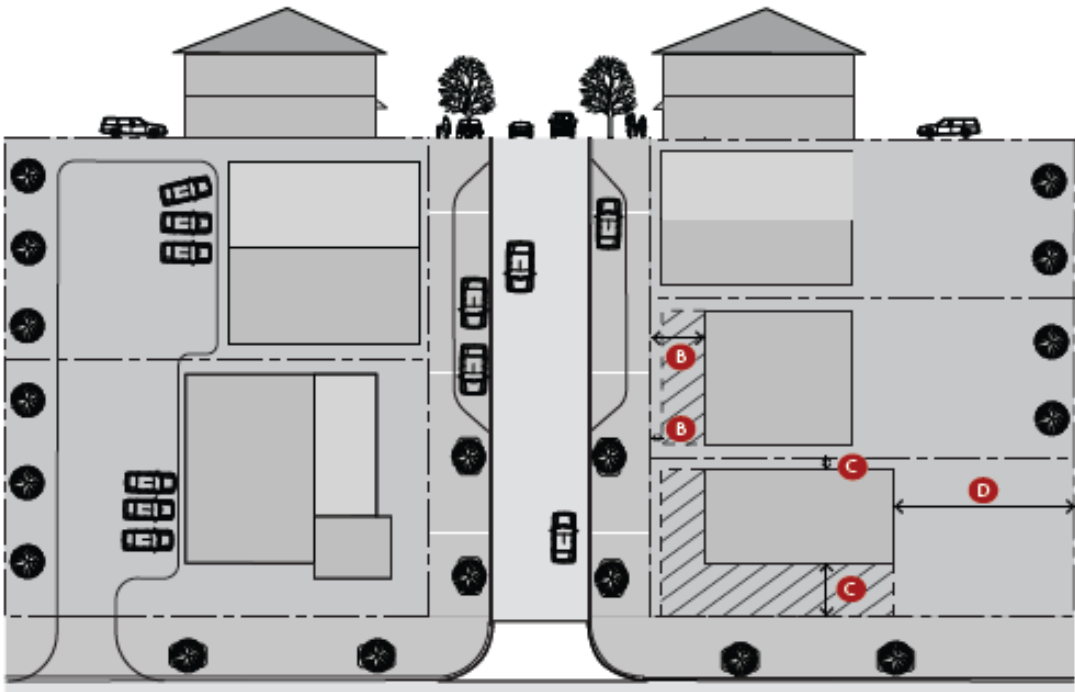
8.1.3 Zone Requirements

Building Height	The building height shall be a minimum of 6.0m and 2 storeys. The building height shall be a maximum of 12.0m or 3 storeys, whichever is less.
Front Yard	The main front wall of the structure shall be built between 1.0-5.0m from the front lot line.
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.
Rear Yard	The minimum rear yard setback shall be 6.0m.
Retail Frontage	The maximum retail frontage of individual businesses shall not exceed 14.0m.
Retail Store GFA	The maximum retail GFA of individual businesses shall not exceed 500m ²
First Floor Window Height	0.3m – 0.6m
First Floor Glazing	The first floor glazing shall be a minimum of 50% of the front wall.
First Floor Height	The first floor height shall be a minimum of 3.0m.
Landmark Sites	The minimum height for Landmark Sites shall be 12.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 14.0m or 4 storeys. There shall be a minimum step back of 1.5m on the 3 rd and 4 th storey.

Village Commercial Typologies



Demonstration Streetscape



8.2 MAIN STREET ZONE



8.2.1 Permitted Uses

- a) Bakery;
- b) Cultural uses;
- c) Dwelling unit(s) above a commercial use;
- d) Existing single detached dwellings;
- e) Hotels;
- f) Institutional uses;
- g) Live-work units;
- h) Micro breweries
- i) Office uses;
- j) Parking facilities;
- k) Parks and urban squares;
- l) Places of entertainment;
- m) Residential apartments located above the first floor;
- n) Restaurants;
- o) Retail uses; and
- p) Short term rental accommodations

8.2.2 Zone Requirements for Short Term Accommodation

Please refer to Section 3.30

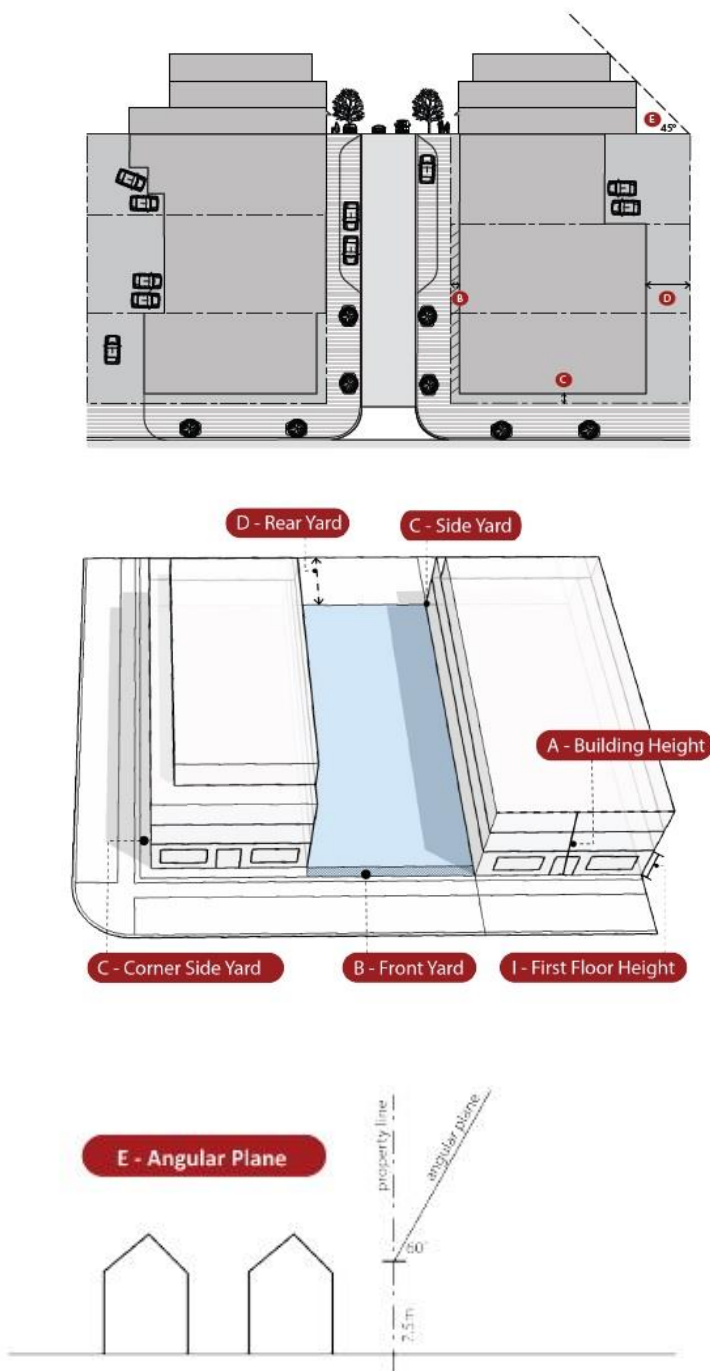
8.2.3 Zone Requirements

Building Height	The building height shall be a minimum of 6.0m and 2 storeys. The building height shall be a maximum of 12.0m or 3 storeys, whichever is less.
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.
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.
Rear Yard	The minimum rear yard setback shall be 6.0m.
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.
Retail Frontage	The maximum retail frontage of individual businesses shall not exceed 12.0m.
Retail Store GFA	The maximum retail GFA of individual businesses shall not exceed 500m ² on Pelham St. and 2500m ² on Regional Road 20.
First Floor Window Height	0.3m – 0.6m
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.
First Floor Height	The first floor height shall be a minimum of 4.5m.
Landmark Sites	The minimum height for Landmark Sites shall be 12.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 14.0m or 4 storeys. There shall be a minimum step back of 1.5m on the 3 rd storey.

Main Street Typologies



Demonstration Streetscape



8.3 TOWN SQUARE ZONE



8.3.1 Permitted Uses

- a) Cultural use;
- b) Dwelling unit(s) above a commercial use;
- c) Hotel;
- d) Institutional use;
- e) Micro brewery;
- f) Office use;
- g) Parking facility;
- h) Parks and urban square;
- i) Places of entertainment;
- j) Residential apartments located above the first floor;
- k) Restaurant;
- l) Retail Use; and
- m) Short term accommodation

8.3.2 Zone Requirements for Short Term Accommodation

Please refer to Section 3.30

8.3.3 Zone Requirements

Building Height	The building height shall be a minimum of 12.0m and 3 storeys. The building height shall be a maximum of 17.0m and 5 storeys.
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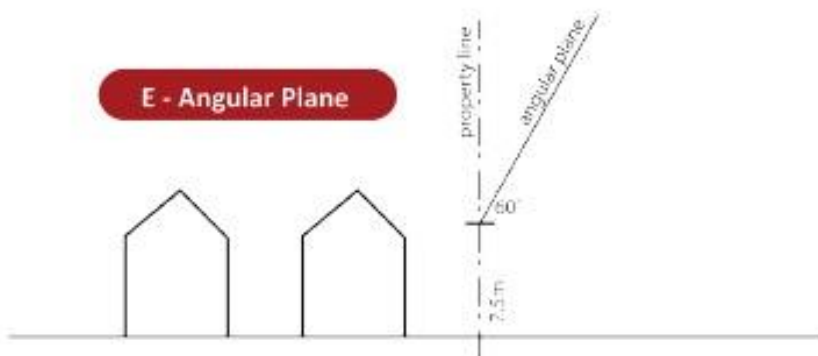
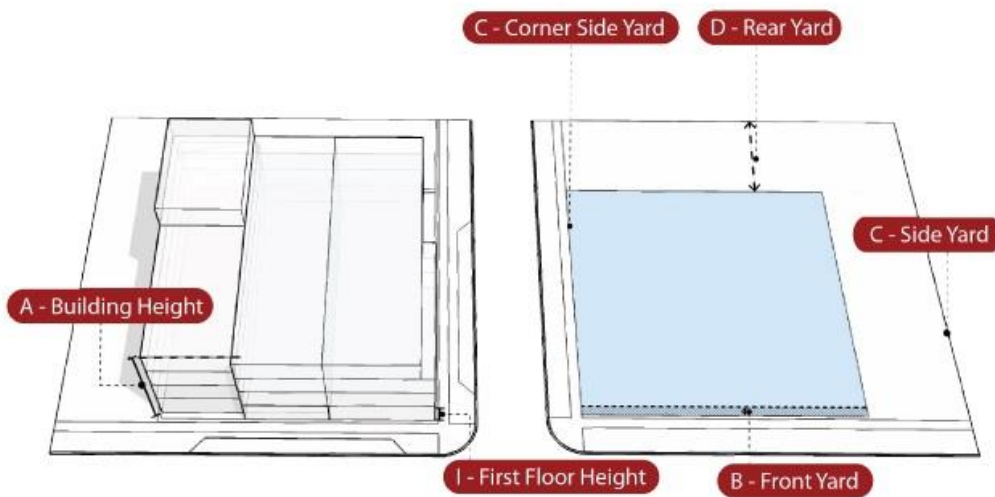
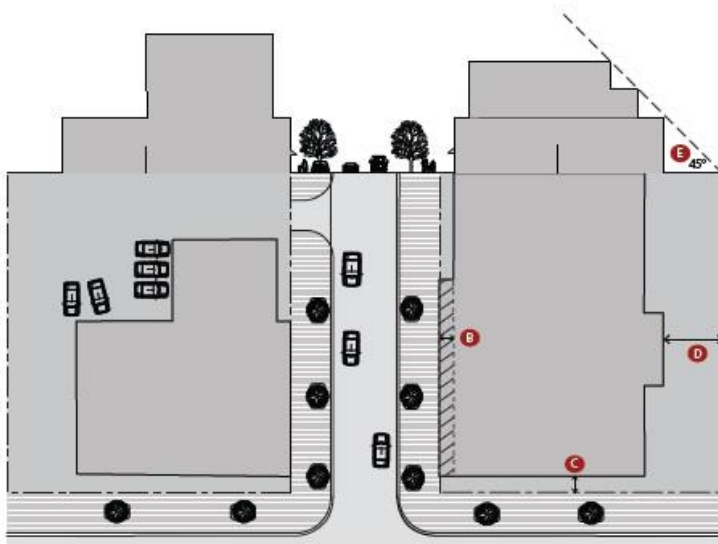
Appendix A

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.
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.
Rear Yard	The minimum rear yard setback shall be 6.0m. For lots surrounding Peace Park, a minimum of 2.0m is permitted
Step Backs	There shall be a minimum step back of 1.5m above the 3 rd storey for buildings of 4 or more storeys.
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.
Retail Frontage	The maximum retail frontage of individual businesses shall not exceed 12.0m.
Retail Store GFA	The maximum retail GFA of individual businesses shall not exceed 500m ² on Pelham St. and 2500m ² on Regional Road 20.
First Floor Window Height	0.3m – 0.6m
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.
First Floor Height	The first floor height shall be a minimum of 4.5m.
Landmark Sites	The minimum height for Landmark Sites shall be 12.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 20.0m or 6 storeys.

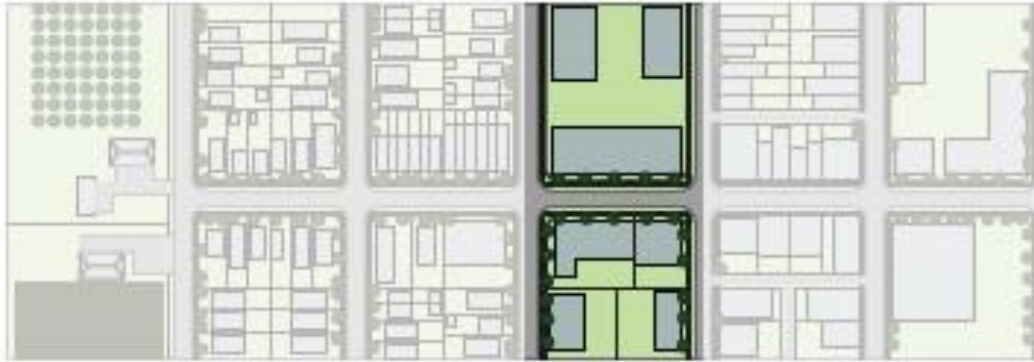
Town Square Typologies



Demonstration Streetscape



8.4 DOWNTOWN CORRIDOR ZONE



8.4.1 Permitted Uses

- a) Apartment dwellings;
- b) Bakery;
- c) Cultural use;
- d) Daycare centre;
- e) Drive-thru service facility;
- f) Dwelling unit(s) above a commercial use;
- g) Gymnasiums/fitness centre;
- h) Hotel;
- i) Institutional use;
- j) Micro brewery;
- k) Office use;
- l) Retail use;
- m) Parking facility;
- n) Parks and urban square;
- o) Places of entertainment;
- p) Restaurant;
- q) Service shop;
- r) Shopping centre;
- s) Short term accommodation; and
- t) Vehicle fuel station (gas bar)

8.4.2 Zone Requirements for Short Term Accommodation

Please refer to Section 3.30

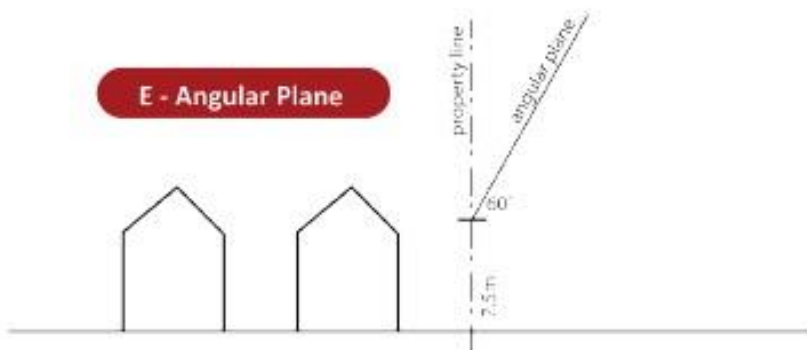
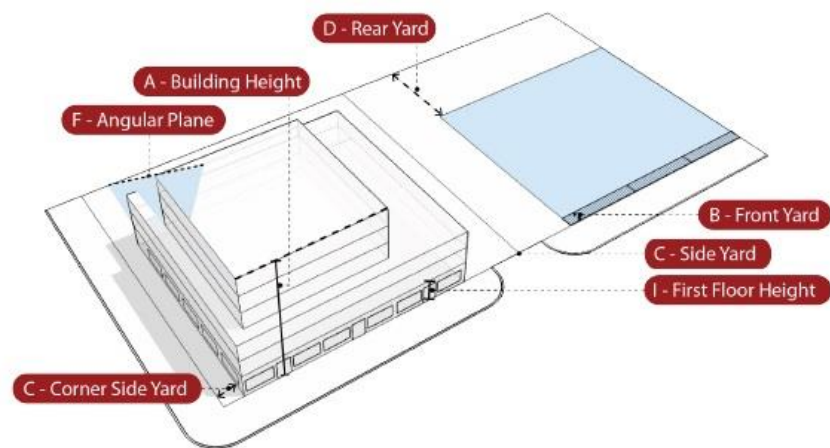
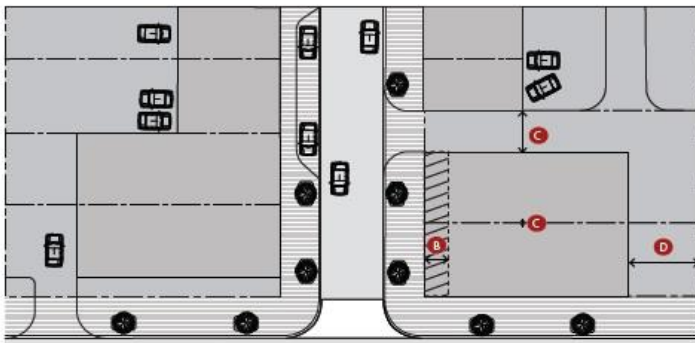
8.4.3 Zone Requirements

Building Height	The building height shall be a minimum of 8.0m and 2 storeys. The building height shall be a maximum of 20.0m and 6 storeys, whichever is less.
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.
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.
Rear Yard	The minimum rear yard setback shall be 6.0m from the lot line.
Step Backs	There shall be a minimum step back of 1.5m above the 3 rd storey through 6 th storey.
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.
Retail Frontage	The maximum retail frontage of individual businesses shall not exceed 12.0m.
Retail Store GFA	The maximum retail GFA of individual businesses shall not exceed 500m ² on Pelham St. and 2500m ² on Regional Road 20.
First Floor Window Height	0.3m – 0.6m
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.
First Floor Height	The first floor height shall be a minimum of 4.5m.
Landmark Sites	The minimum height for Landmark Sites shall be 12.0m or 3 storeys, whichever is greater and the maximum height shall be the lesser of 26.0m or 8 storeys.

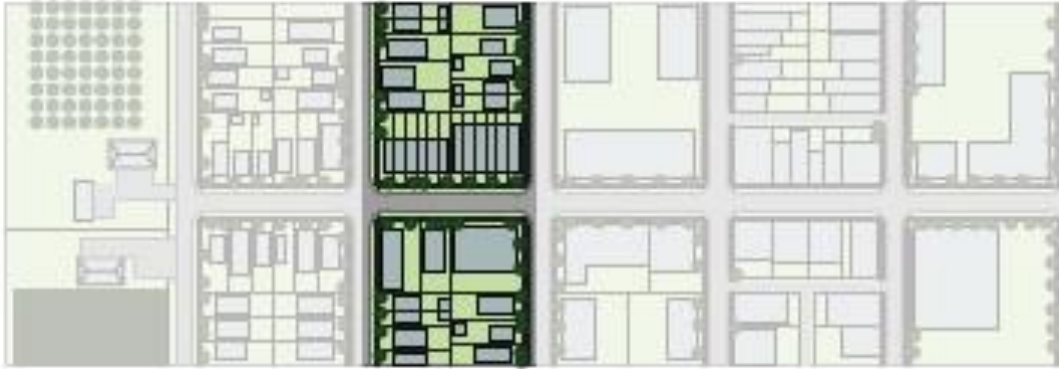
Downtown Corridor Typologies



Demonstration Streetscape



8.5 NEIGHBOURHOOD COMMERCIAL ZONE



8.5.1 Permitted Uses

- a) Dwelling unit(s) above a commercial use;
- b) Retail use;
- c) Service shop;
- d) Short term accommodation; and
- e) Uses, buildings and structures accessory to the foregoing uses

8.5.2 Zone Requirements for Short Term Accommodation

Please refer to Section 3.30

8.5.3 Zone Requirements

Building Height	The building height shall be a maximum of 12.0m.
Front Yard	The main front wall shall be built within 4.0-6.0m of the front lot line.
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.
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

Appendix A

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

Lot Frontage The minimum lot frontage shall be 15.5m.

Lot Area The minimum lot area shall be 465m².

Lot Coverage The maximum lot coverage shall be 50%

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

A minimum outdoor amenity area of 55m² shall be provided for each dwelling unit.

SECTION 9: 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;
- Apartment dwelling;
- Daycare centre;
- Long term care home;
- Municipal, government or public use;
- Place of worship;
- Public or private club;
- Retirement home;
- School; 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;
- Conservation uses and flood control;
- Existing uses;
- Home industry;
- Home occupation;
- 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 use;
- 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

9.1 OPEN SPACE

9.1.1 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

9.1.2 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	12.0m

9.2 INSTITUTIONAL ZONE

9.2.1 Permitted Uses

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

9.2.2 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	12.0m

9.2.3 Zone Requirements for Apartment Dwelling

Minimum Lot Frontage	30.0m
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Minimum Lot Area	150m ² per unit
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	6.0m or ½ the height of the building, whichever is less
Minimum Corner Side Yard	3.0m to 6.0m
Minimum Rear Yard	12.0m
Maximum Building Height	15.0m
Maximum Lot Coverage	50%

9.3 AIRPORT ZONE

9.3.1 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
Maximum Building Height	12.0m
Minimum Lot Coverage	50%
Minimum Setback from Residential Zone	15.0m

9.4 ENVIRONMENTAL PROTECTION ONE ZONE

9.4.1 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

9.4.2 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 3.22: Non-Conforming Uses.
- c) All new buildings or structures located in proximity to the EP1 Zone are subject to Section 3.33.1.

9.5 ENVIRONMENTAL PROTECTION TWO ZONE

9.5.1 Permitted Uses

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

9.5.2 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 3.22: Non-Conforming Uses.
- c) All new buildings or structures located in proximity to the EP2 Zone are subject to Section 3.33.1.

9.5.3 Zone Requirements for an On-Farm Diversified Use

Please refer to Section 3.2.2

9.5.4 Zone Requirements for a Bed and Breakfast Establishment

Please refer to Section 3.3

9.5.5 Zone Requirements for a Home Occupation

Please refer to Section 3.13.1

9.5.6 Zone Requirements for a Home Industry

Please refer to Section 3.13.2

9.5.7 Zone Requirements for Secondary Dwelling Units

Please refer to Section 3.30

9.5.8 Zone Requirements for Short Term Accommodations

Please refer to Section 3.31

9.5.9 Zone Requirements for an Agricultural Use

Please refer to Section 5.1

9.6 ENVIRONMENTAL PROTECTION THREE ZONE

9.6.1 Permitted Uses

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

9.6.2 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 3.22: Non Conforming Uses.
- c) All new buildings or structures located in proximity to the EP3 Zone are subject to Section 3.33.2.
- d) A new single detached dwelling shall be permitted on an existing vacant lot provided the vacant lot existed prior to December 6, 2004.

9.6.3 Zone Requirements for a Second Dwelling Unit

Please refer to Section 3.30

9.6.4 Zone Requirements for a Single Detached Dwelling

Please refer to Section 4.1.3

9.6.5 Zone Requirements for an Agricultural Use

Please refer to Section 5.1

SECTION 10: 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, 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 5.1 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	12.0m
Maximum Building Height	12.0m

A-15: 731 Church Street

formerly A-53

In addition to the uses in the Agricultural Zone, this land may also be used for a contractor's yard and uses, buildings and structures accessory thereto, a vehicle repair shop and a vehicle body shop subject to the following special regulations:

- 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.

A-16: 809 Poth Street

formerly A-151

In addition to the uses in the Agricultural Zone, this land shall also be used for a group home and the following special regulations shall apply:

Maximum number of residents	8
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No private garage or carport is required.

A-17: 571 Poth Street

formerly A-246

Notwithstanding the regulations of the Agricultural Zone, the following special regulations shall apply:

Maximum building height for an accessory structure	6.09m
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Maximum number of horses	7
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A-18: 313 Victoria Avenue (Regional Road No. 24)

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.

A-19: 304 Church Street

formerly A-54

In addition to the uses in the Agricultural Zone, this land may also be used for a warehouse, excluding a warehouse for food stuffs, and the regulations of the Commercial Rural zone shall apply thereto.

A-20: 380 Cream Street

formerly A-249

Maximum height for an accessory structure	6.09m
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A-21: 259 Farr Street

formerly A-232

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

Minimum lot area	1.9ha
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Minimum rear yard	15.0m
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A-22: 275 Church Street

formerly A-226

Notwithstanding the regulations of the Agricultural Zone, this land may only be used for forestry and conservation uses excluding buildings and structures.

A-23: 275 Church Street

formerly A-227

In addition to the uses in the Agricultural Zone, this land may also be used for the repair and service of farm vehicles and implements within the existing agricultural building subject to the following regulations:

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
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RM1-29: OakHaven Estates Subdivision

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

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

OS-30: 73 Cherry Ridge Boulevard

formerly OS-204

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

RM1-31: 1128 Cream Street

formerly RV1-199

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

RM1-32: 1106 Balfour Street

formerly RV1-156

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

CR-33: 854 Canboro Road

formerly CR-132

Notwithstanding the Commercial Rural Zone, this land may only be used for a farm supply establishment, a warehouse, manufacturing, assembly, processing and

fabrication of wood products such as kitchen cupboards, furniture, wood crafts, windows, doors and offices subject to the following special regulations:

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

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

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

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

R1-34: 808 Canboro Road

formerly RV1-279

Notwithstanding the Residential 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
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SA-37: 1369 Rice Road

formerly A-82

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

Maximum Lot Coverage	20%
Minimum Front Yard	20.0m
Minimum Side Yard	9.0m
Minimum Rear Yard	9.0m
Maximum Building Height	12.0m

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 2.0m 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 0.6m 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%
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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 3 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 7.5m 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 7.5m 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 12.0m.

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

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Minimum Side Yard from North Property Line	7.0m for a dwelling 4.0m for a covered porch or deck
Minimum Side Yard from South-West Property Line	3.0m for a dwelling, covered porch or deck
Minimum Side Yard for most South-Easterly Dwelling Unit (south-east property line)	1.2m for dwelling side walls 0.3m for covered porch or deck
Minimum Setback between side of Dwelling and Internal Road	2.0m for dwelling side walls, covered porch or deck
Minimum Setback between sides of Dwelling Units	2.4m
Minimum Rear Yard (East Property Line)	7.0m for a dwelling 4.0m for a covered porch or deck
Minimum Rear Yard for most Easterly Dwelling Unit (north-east property line)	1.2m for a dwelling, covered porch or deck
Minimum Rear Yard for most Easterly Dwelling Unit (south-east property line)	4.0m for a dwelling 2.0m for a covered porch or deck
Distance between buildings on the same lot	Any face of one townhouse shall be no closer than 11.0m to any face of another townhouse Any side of any townhouse shall be no closer than 2.4m to any side of another townhouse
Minimum Ground Floor Area for a Dwelling	88m ² one-storey 50m ² 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

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line) a minimum landscape strip of 0.5m with a privacy fence is required.

Amenity Area	minimum of 2.5m ² for each one-bedroom unit and a minimum of 5.0m ² 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 Landscape Area and Amenity Area	25%
Grade Level Internal Roadway Width	6.0m along shared roadway locations
Parking Requirements	1.25 spaces per apartment dwelling

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3 spaces per 100m² 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 8.4 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 8.4), 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%
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Front Yard Setback	6m
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Minimum number of Loading Spaces	2
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Minimum number of Parking Spaces	180
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Minimum ingress and egress from a required parking space	7.3m
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Minimum landscape strip width along RR 20	6m
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Minimum landscape strip width along easterly Boundary	1.2 m
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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%

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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 12.0m 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
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DC-85: 209 Highway 20 East

formerly HC-127

Notwithstanding the Downtown Corridor zone, this land shall only be used for a bank, personal service shops, business and professional office and dwelling units above the first floor subject to the following special regulations:

Maximum floor area devoted to health care practitioners	225m ²
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 2: 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 3: General Provisions, the following special regulations shall apply:

- a) Ingress and egress for all driveway and garages shall be from a rear lane.
- b) The minimum rear yard for a garage shall be 0.5m.
- c) The maximum garage height shall be 7m.
- d) Garages shall have a 0m interior side yard setback with a shared masonry wall on one side and have a minimum interior side yard setback of 2.75m on the other side.
- e) The minimum porch depth shall be 2m.
- f) Porches may encroach a maximum of 2m into a required front or exterior side yard. Steps associated with a porch may encroach up to the lot line.

Block Townhouse Dwellings

The following special regulations shall apply to block townhouse dwellings:

- a) The minimum setback from an internal roadway shall be 4.5m.
- b) The minimum setback from a rear lane shall be 10.5m.
- c) The setback of the building face from the northerly lot line shall be 4.5m.
- d) The minimum setback of the side of building to lot line, rear lane internal roadway shall be 1.2m.
- e) The minimum setback of the side of building to any side of another side of building shall be 1.2m.

Notwithstanding Section 3: 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:

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 3: 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 3: 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 3: 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 2: 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 3: 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:

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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 3: 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 2: 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 3: 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.

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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 2: 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 3: 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

Appendix A

	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

Appendix A

Maximum Attached Garage Width	7.5m or 50% of the lot frontage, or 20% of the lot depth, whichever is less
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Maximum Driveway Width	7m or 50% of the lot frontage, or 20% of the lot depth, whichever is less
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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	12.0m
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

Appendix A

	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	5m on a street or internal laneway
Minimum Rear Yard	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	12.0m
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	5m ² 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 2: 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 3: 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
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RM1-104: 1307 Haist Street

Formerly RM1-299

Notwithstanding the requirements of the Residential Multiple 1 zone, these lands may be used for street townhouse dwellings and uses, buildings and structures accessory and the following site-specific regulations shall apply:

Minimum Lot Frontage	17m
Minimum Lot Area	400m 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 3: 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 2: 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 3: 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 2: 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 3: 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
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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
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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%
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Maximum Building Height	Existing as of the date of passing or 3.7m
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R2-110: Park Place South Subdivision

Formerly R2-306

Section 2: 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 3: 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 2: 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 3: 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 2: 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 3: 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).

I-115: 1105 Baxter Lane & 769 Welland Road (Baxter Hall)

Formerly I-265

Notwithstanding the requirements of the Institutional zone, these lands may be used for:

- a) Cemetery;
- b) Clinics;

- c) Daycare Centres;
- d) Long-term Care Facility or Retirement Homes;
- e) Municipal, Government or Public Uses;
- f) Offices;
- g) Personal Service Uses;
- h) Places of Worship;
- i) Public or Private Clubs;
- j) Retail uses with a floor area of less than 185m²;
- k) Schools; and
- l) Uses, buildings and structures accessory to the foregoing uses

Notwithstanding the requirements of the Institutional zone, these lands are subject to the following site-specific regulations:

Maximum Lot Coverage	43.4%
Minimum Front Yard	0.9m
Minimum Exterior Side Yard	3m
Minimum Side Yard	4m
Maximum Building Height	12m
Parking Requirements	70 spaces total

Ingress and Egress shall be provided by means of unobstructed driveways or passageways of at least:

One-way Traffic: 3 metres

Two-way Traffic: 5.8 metres but not more than 9 metres in perpendicular width

Planting Strips	1.8m measured perpendicular to the lot line it adjoins
Yard Encroachments	Unenclosed porches, balconies, steps and patios, covered or uncovered may project into any required yard a maximum of 3.5m

DC-116: 151 Highway 20 East (Regional Road no. 20)

no former exception

In addition to the uses in the Downtown Corridor Zone, this land may also be used for a car wash.

DC-117: 158 Highway 20 West (Regional Road no. 20)

no former exception

In addition to the uses in the Downtown Corridor Zone, this land may also be used for a car wash.

A-118: 799 Balfour Road

no former exception

In addition to the uses in the Agricultural Zone, this land may also be used for an existing Landscape Contractor.

A-119: 605 Chantler Road

no former exception

In addition to the uses in the Agricultural Zone, this land may also be used for an existing Landscape Contractor.

A-120: 110 Chantler Road

no former exception

In addition to the uses in the Agricultural Zone, this land may also be used for an existing Construction Company.

A-121: 597 Sixteen Road and 2315 Cream Street

no former exception

In addition to the uses in the Agricultural Zone, this land may also be used for an existing Trucking Repair/Vehicle Repair Establishment.

A-122: 850 and 854 Canboro Road

no former exception

In addition to the uses in the Agricultural Zone, this land may also be used for the existing storage and retail sale of fireworks.

A-123: 364 Chantler Road

no former exception

In addition to the uses in the Agricultural Zone, this land may also be used for an existing Construction Company.

A-124: 400 Chantler Road

no former exception

In addition to the uses in the Agricultural Zone, this land may also be used for an existing Tree Removal Service Contractor.

A-125: 2320 Maple Street

no former exception

In addition to the uses in the Agricultural Zone, this land may also be used for an existing Excavation Services Company.

A-126: 137 Chantler Road

no former exception

In addition to the uses in the Agricultural Zone, this land may also be used for an existing Construction Company.

SECTION 11: EFFECTIVE DATE

11.1 By-laws Repealed

All existing Zoning By-laws adopted under the *Planning Act*, as amended, as they apply to any part of the defined area, are hereby repealed.

11.2 Effective Date

The By-law shall come into force and effect on the date of its final passing.

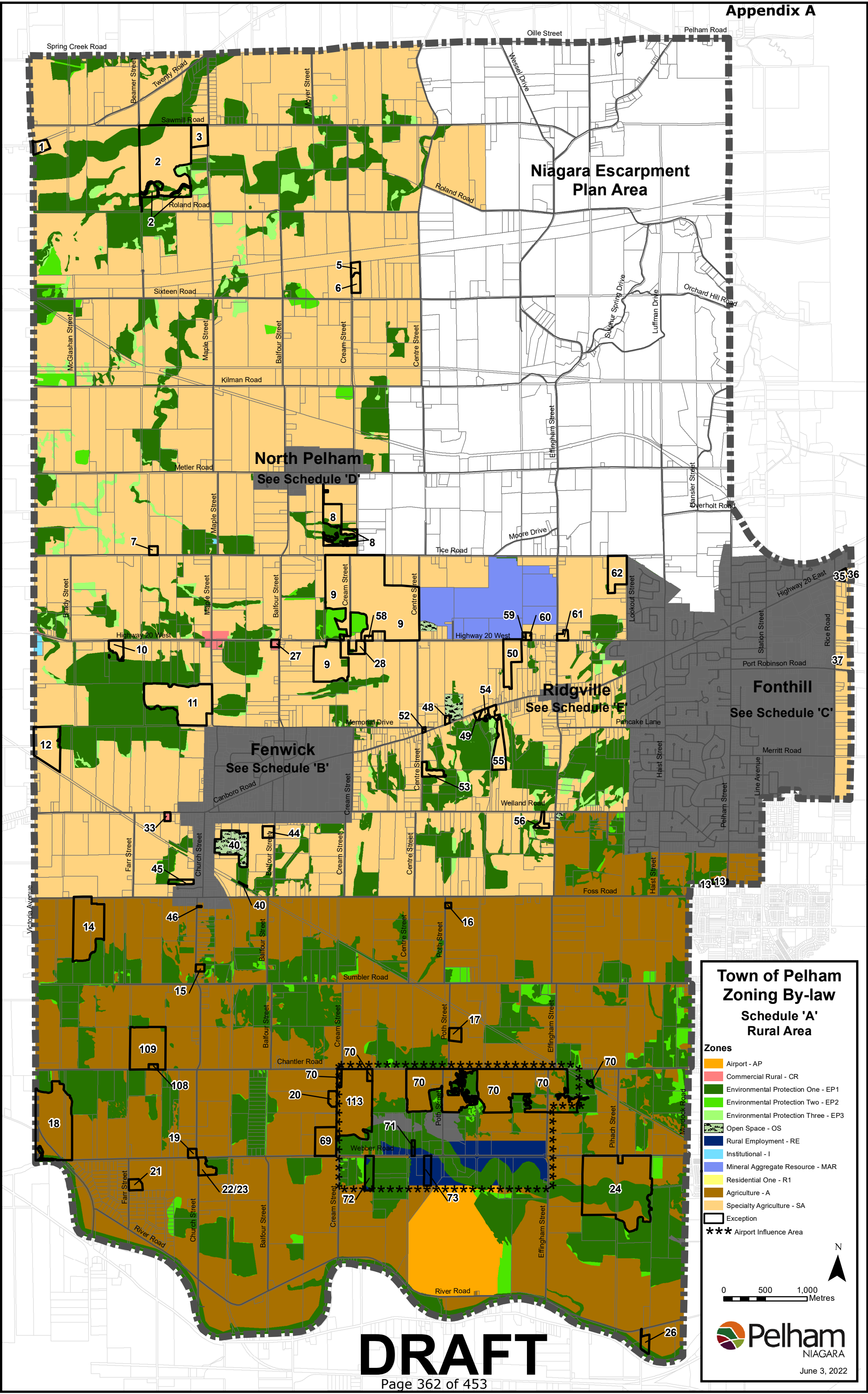
Read a first time on the _____ day of _____,

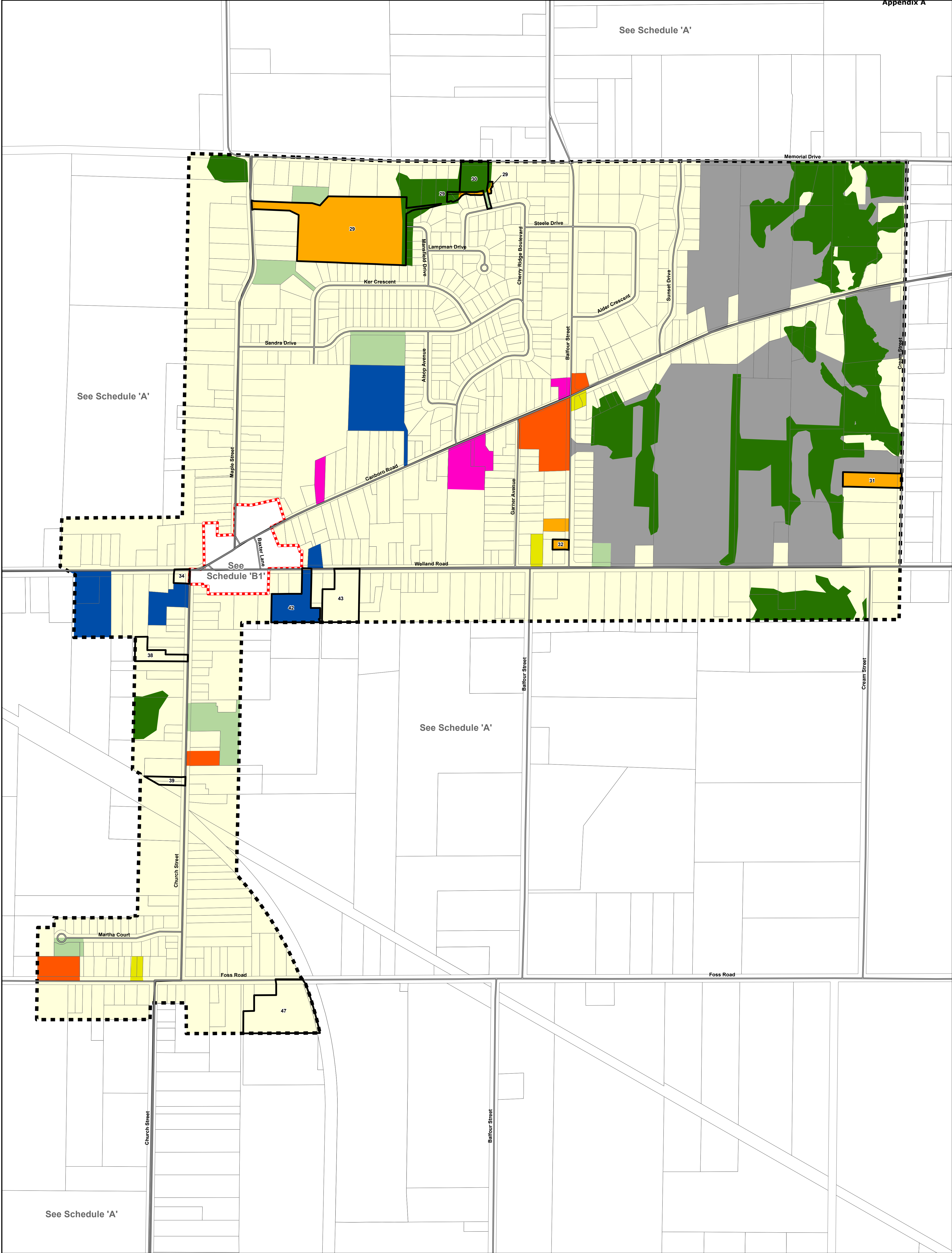
Read a second time on the _____ day of _____,

Read a third time and finally passed on the _____ day of _____,

Mayor

Clerk

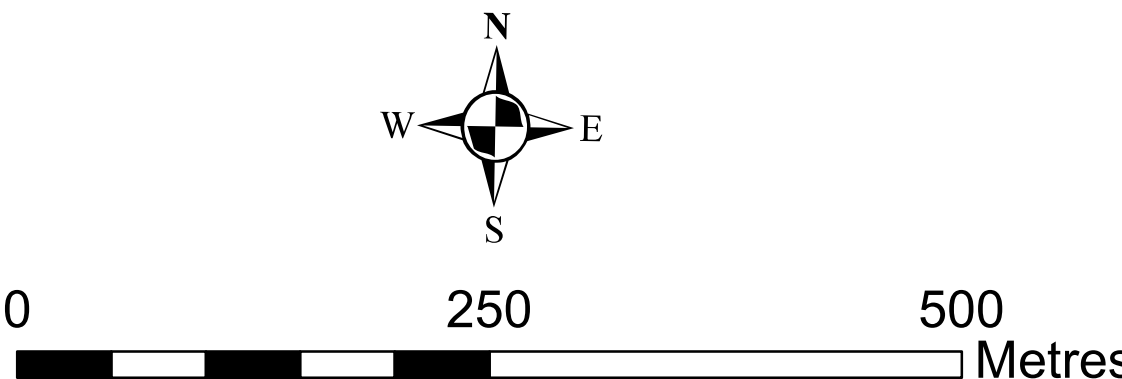




**Town of Pelham
Zoning By-law
Schedule 'B'
Fenwick**

Legend

- | | | |
|--------------------------------|--------------------------------|-------------------|
| R1 - Residential One | RD - Residential Development | Exceptions |
| R3 - Residential Three | I - Institutional | See Schedule 'B1' |
| RM1 - Residential Multiple One | A - Agricultural | Settlement Area |
| RM2 - Residential Multiple Two | OS - Open Space | |
| NC - Neighbourhood Commercial | EP1 - Environmental Protection | |



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Appendix A **Town of Pelham** **Zoning By-law**

Schedule 'B1' **Fenwick Downtown**

Legend

VC - Village Commercial

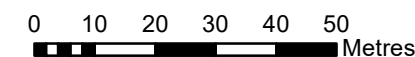
NC - Neighbourhood Commercial

I - Institutional

OS - Open Space

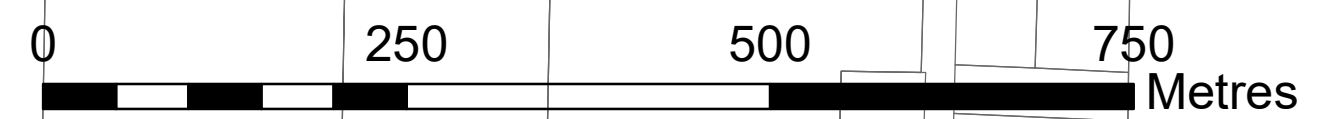
Exceptions

Schedule 'B1' Boundary



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Legend

- 

June 3, 2022

Appendix A
**Town of Pelham
Zoning By-law**
**Schedule 'C1'
Fonthill Downtown**

Legend

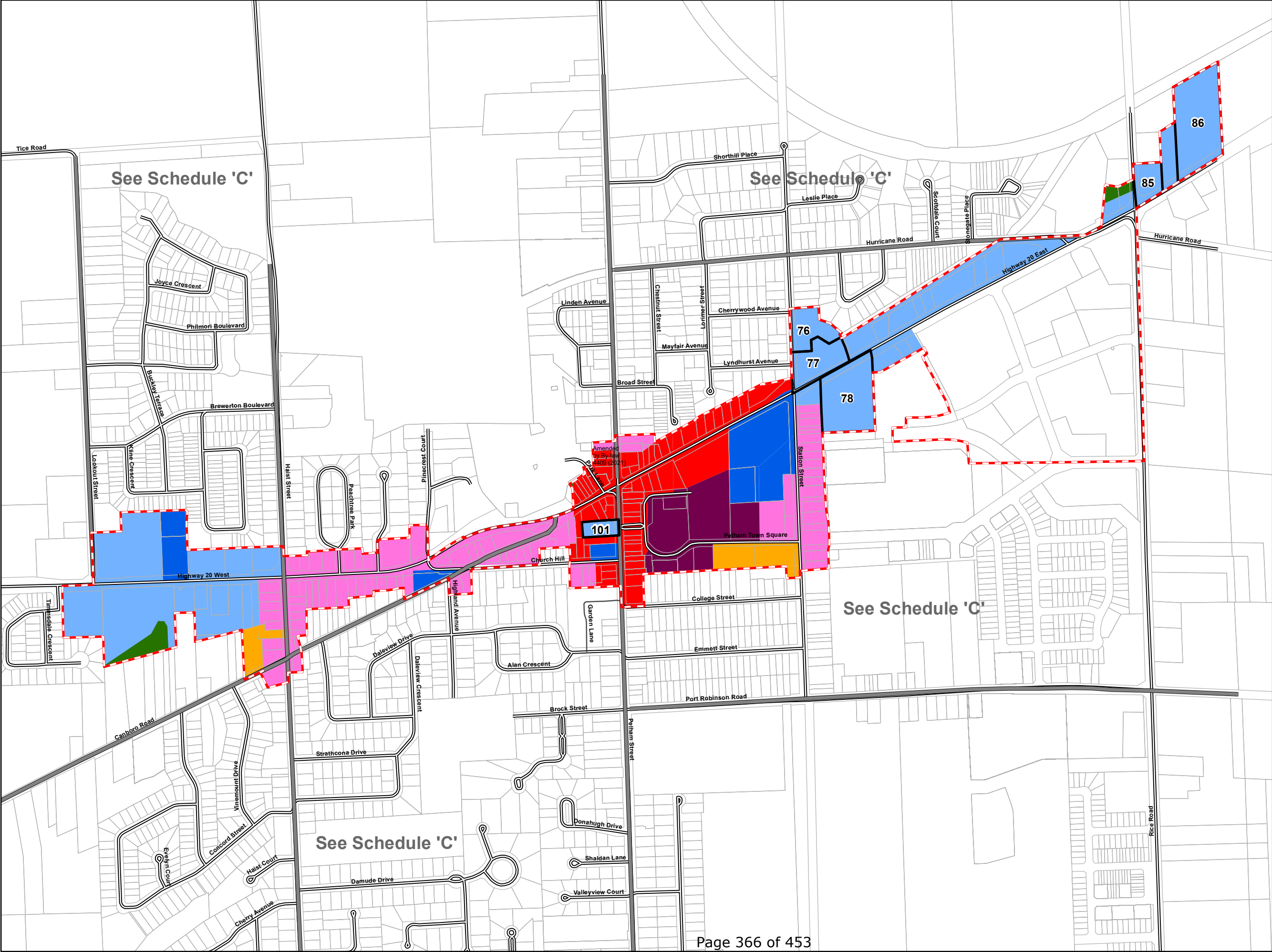
- VC - Village Commercial
- DC - Downtown Corridor
- MS - Main Street
- TS - Town Square
- RM2 - Residential Multiple Two
- I - Institutional
- EP1 - Environmental Protection
- Exceptions
- Schedule 'C1' Boundary

*Please Note: Lands in the East Fonthill
Secondary Plan Area will be updated
prior to any final recommendations being
made*



0 100 200 300 400 Metres

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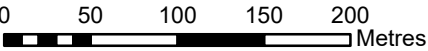


Appendix A
**Town of Pelham
Zoning By-law**

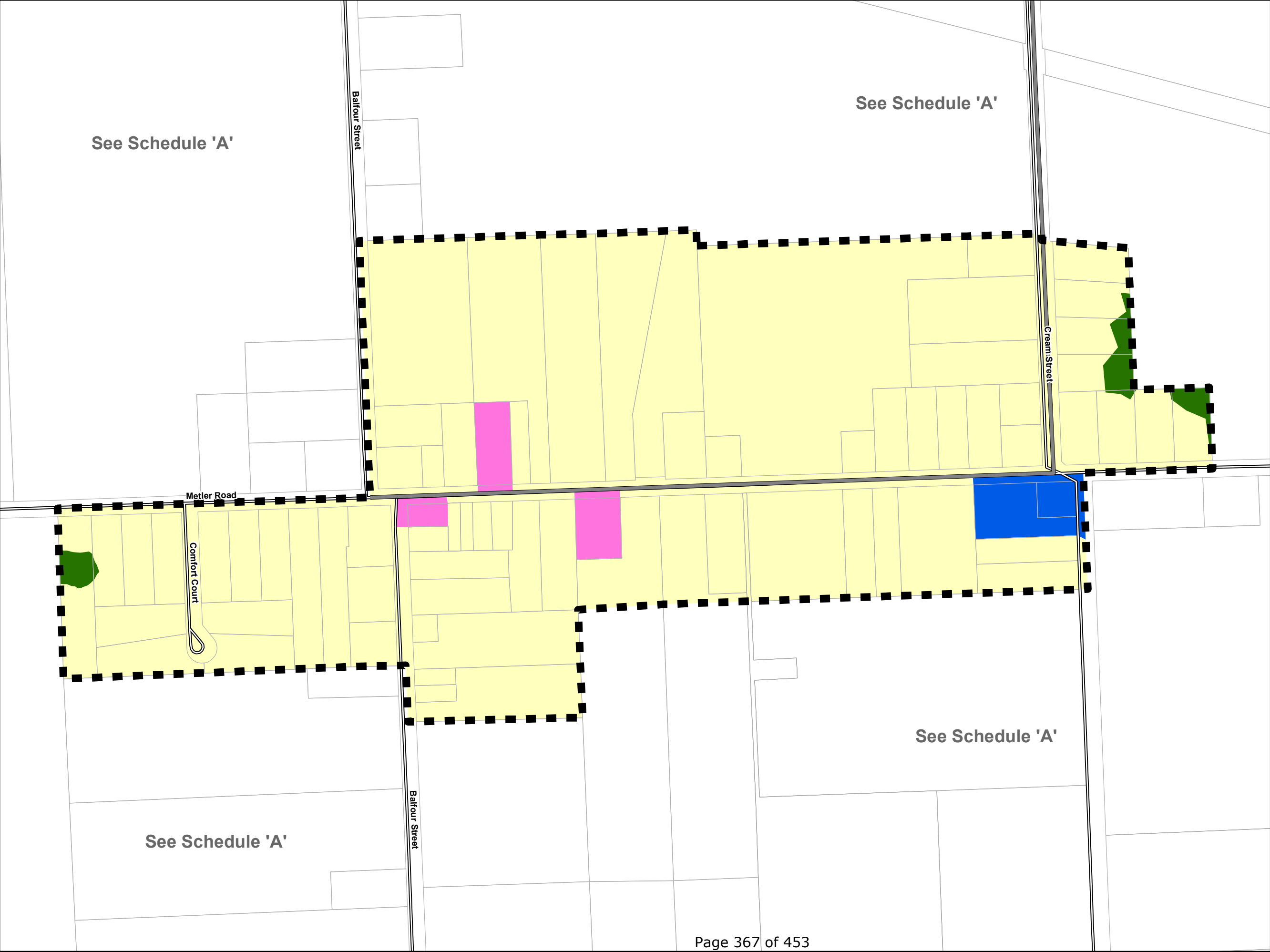
**Schedule 'D'
North Pelham**

Legend

- VC - Village Commercial
- RR - Rural Residential
- I - Institutional
- EP1 - Environmental Protection
- Settlement Area

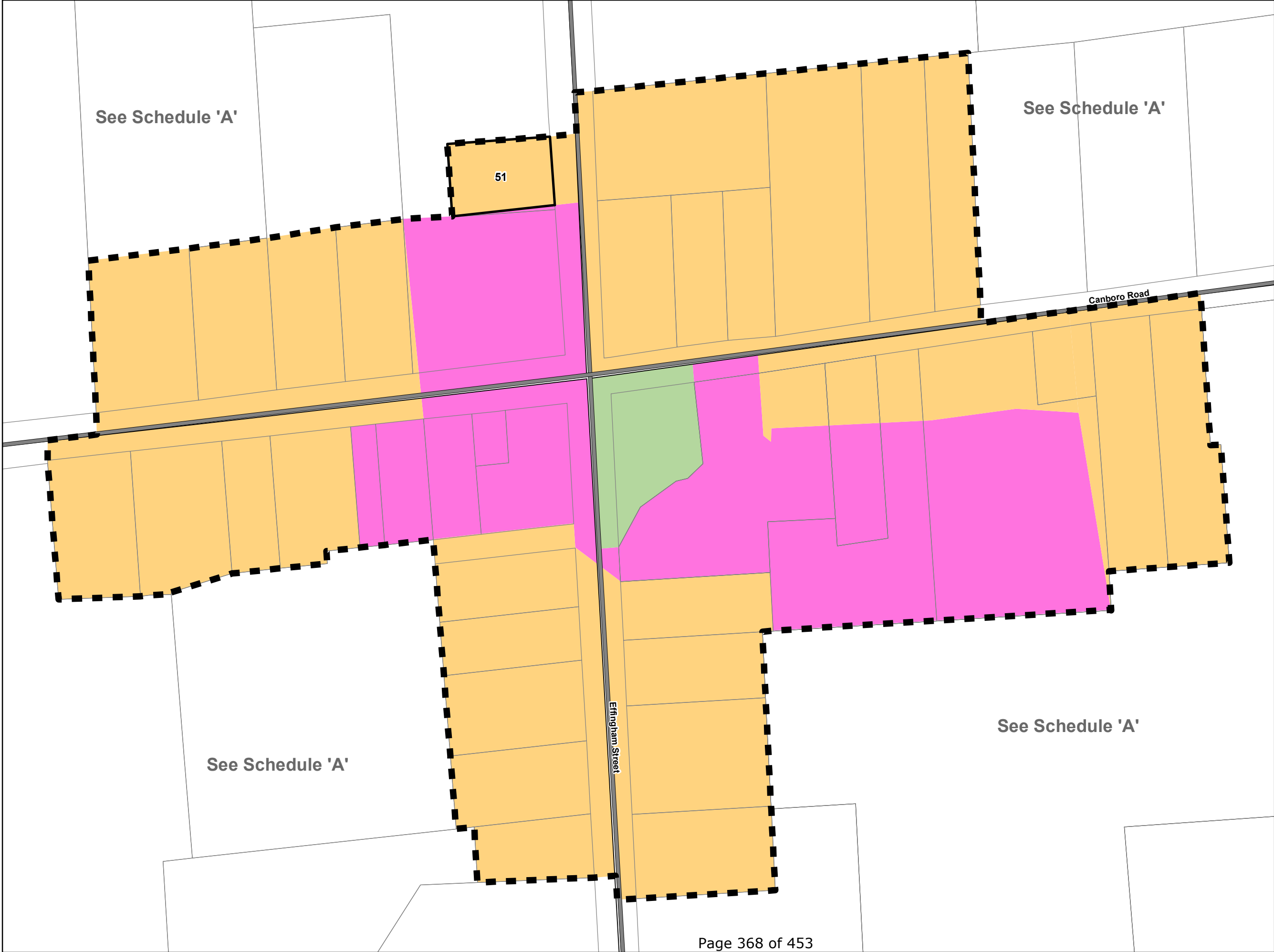
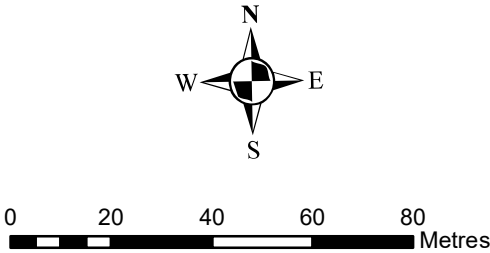


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Appendix A
**Town of Pelham
Zoning By-law**
**Schedule 'E'
Ridgeville**

- Legend**
- VC - Village Commercial
 - RR - Rural Residential
 - OS - Open Space
 - Exceptions
 - Settlement Area



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**AMENDMENT NO. XX
TO THE
OFFICIAL PLAN (2014)
FOR THE
CORPORATION OF THE TOWN OF PELHAM**

CONTENTS

PART "A" – THE PREAMBLE

- Section 1 Title and Components
- Section 2 Purpose of the Amendment
- Section 3 Location of the Amendment
- Section 4 Background and Basis of the Amendment
- Section 5 Implementation of the Amendment

PART "B" – THE AMENDMENT

- Introductory Statement
- Details of the Amendment

PART "C" – APPENDICIES

- Appendix 1 – Notice of Public Meeting
- Appendix 2 – Public Meeting Minutes
- Appendix 3 – Circulation Comments

PART “A” – THE PREAMBLE

SECTION 1

TITLE AND COMPONENTS

This document was approved in accordance with Section 17 and 21 of the *Planning Act, R.S.O. 1990*, as amended and shall be known as Amendment No. XX to the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Town of Pelham Planning Area.

Part “A”, the Preamble does not constitute part of this amendment.

Part “B”, the Amendment, consisting of the following text constitutes Amendment No. XX to the Official Plan adopted by By-law 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014 for the Town of Pelham Planning Area.

SECTION 2

PURPOSE OF THIS AMENDMENT

The purpose of this Housekeeping Amendment is to:

1. Part B: Land Use Policies (Section B2.1 Good General Agricultural and Section B2.2 Specialty Agricultural)
 - a) Amend the text of Section B2.1.2 to consolidate and update the additional permitted agricultural uses, to add additional policy in relation to on-farm diversified and agri-tourism uses, and to renumber Sections B2.1.3.6 through B2.1.3.12, and B2.1.4 through B2.1.6.
 - b) Amend the text of Section B2.2.2 to consolidate and update the additional permitted agricultural uses.
 - c) Amend Appendix “F” Definitions to include a definition of “Value-Added Use” and “On-Farm Diversified Use” to improve and clarify existing policies around secondary agricultural uses.
 - d) Amend Appendix “F” Definitions to update the definition of “Agriculture-Related Use” to align with the most current Provincial Policy Statement definition.

2. Part E: Plan Implementation and Administration
 - a) Add new Policy Section E8 “Delegated Authority” to permit Town Council to delegate the authority to pass certain by-laws under Section 34 of the Planning Act to a Committee of Council, or an individual who is an officer or employee of the municipality.
3. Schedules A and B
 - a) Amend Schedule “A” for lands at 98 Effingham Street by removing the Environmental Protection Two EP2 designation from the subject lands. The lands will remain designated Good General Agricultural.
 - b) Amend Schedule “B” for lands at 98 Effingham Street by removing the Deer Wintering Areas designation from the subject lands.

These proposed housekeeping amendments are referred to collectively as Official Plan Amendment No. XX.

SECTION 3

LOCATION OF THE AMENDMENT

1. Part B: Land Use Policies (Section B2.1 Good General Agricultural and Section B2.2 Specialty Agricultural)

The lands that are subject to the amendments in Part B, are all lands designated Good General Agricultural or Specialty Agricultural within the Town of Pelham.

2. Part E: Plan Implementation and Administration

The lands that are subject to the amendments in Part E are all lands within the planning boundary of the Town of Pelham.

3. Schedule A and B

The land that is subject to the mapping amendments is 98 Effingham Street.

SECTION 4

BACKGROUND AND BASIS OF THE AMENDMENT

1. General
 - a) The *Planning Act, R.S.O. 1990*, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors:

- i) The policies will ensure compatibility with the surrounding land uses.
 - ii) This Amendment is consistent with the *Provincial Policy Statement* and conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.
 - b) Official Plan Amendment No. XX is a compilation of policy changes (text) and site specific mapping changes.
2. Part B: Land Use Policies (Section B2.1: Good General Agricultural, Section B2.2: Specialty Agricultural and Appendix F: Definitions)
- a) The Policy changes are proposed for lands designated as Good General Agricultural and Specialty Agricultural. The proposed changes relate specifically to defining and clarifying agricultural-related uses, on-farm diversified and value-added agricultural uses, which will help to improve and clarify the general types of secondary uses which are permitted in the Good General Agricultural and Specialty Agricultural designations.
 - b) Development in these designations is limited to low density development and agricultural based development and uses. Agricultural-related uses and on-farm diversified uses (including value-added and agri-tourism uses) are intended to be secondary to the main agricultural use and will be required to be compatible with surrounding agricultural uses. Uses will be required to adhere to all other applicable policies of the Official Plan and Comprehensive Zoning By-law, in addition to relevant Federal, Provincial and Regional Policies where applicable.
3. Part E: Plan Implementation and Administration
- a) Bill 13, *Supporting People and Business Act*, 2021, received Royal Assent on December 2, 2021. Schedule 19 of the Bill made changes to the *Planning Act*, *Municipal Act*, 2001 and *City of Toronto Act*, 2006, that enable Council to, by by-law, delegate the authority to pass by-laws under Section 34 of the Planning Act that are minor in nature to a committee of Council, or an individual who is an officer, employee or agent of the municipality.
 - b) For the purpose of passing by-laws under Section 34 that are minor in nature, this includes by-laws to remove a holding "H" symbol, by-laws to authorize the temporary use of land, buildings or structures and housekeeping by-laws for the purpose of making clerical or other changes to assist in the interpretation of the Zoning By-law.
 - c) In order to delegate the authority to pass by-laws on these matters, the Planning Act requires that the Official Plan provide policies to specify the types of by-laws that may be delegated.

4. Schedules A and B

- a) The proposed mapping change will reflect the current site conditions of the subject lands as a farmed field. The Good General Agricultural designation will be maintained to ensure the continued use of the property for agricultural purposes.

SECTION 5

IMPLEMENTATION AND INTERPRETATION

The relevant policies of the Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, of the Town of Pelham Planning Area shall apply to the implementation and interpretation of this Amendment.

PART “B” – THE AMENDMENT

The Official Plan adopted by By-law No. 3259 (2012) and confirmed by the Ontario Municipal Board decision of July 18, 2014, for the Pelham Planning Area is hereby amended by:

1. Deleting Section B2.1.2(a) through B2.1.2(k) and replacing it with the following:
 - a) Single detached dwellings accessory to a farm business or on a vacant lot of record;
 - b) Accessory residential uses on farm properties subject to Policy B2.1.3.5 of this Plan;
 - c) Agriculture-related uses subject to Policy B2.1.4
 - d) On-farm diversified uses subject to Policy B2.1.5;
 - e) Forestry and other resource management uses;
 - f) Passive recreational uses, such as walking trails and nature interpretation centres on lands owned by a public authority;
 - g) Mineral aggregate operations in accordance with Policy B2.5.3.3; and
 - h) Wayside pits and quarries and portable asphalt plants for road works in the area in accordance with Policy B2.5.3.10
2. Renumbering Policy B2.1.4 to B2.1.6.
3. Renumbering Policy B2.1.5 to B2.1.7.
4. Renumbering Policy B2.1.6 to B2.1.8.
5. Renumbering Policy B2.1.6.1 to B2.1.8.1.
6. Renumbering Policy B2.1.6.2 to B2.1.8.2.
7. Adding new Policy B2.1.4 Agriculture-Related Uses as follows:

B2.1.4 Agriculture-Related Uses

- a) Agriculture-related uses may be permitted in accordance with the policies of this Plan. Allowing a range of appropriate on-farm uses contributes to economically sustainable agriculture in the Town which in turn facilitates broader access to local food and beverages, agricultural products and VQA

wines while preserving the agricultural land base and maintaining the agricultural landscape.

- b) Agriculture-related uses include farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area. These uses support agriculture and benefit from being in close proximity to farm operations and provide direct products from and/or direct services to farm operations as a primary activity.
- c) Adaptive re-use of surplus farm facilities on existing farms for agriculture-related uses will be encouraged to conserve built heritage resources and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.
- d) Agriculture-related uses must relate directly to farms in the area. It is recognized that in order to sustain market and allow for efficient operation of agriculture-related uses, products processed and/or sold by these businesses may be obtained from surrounding local farm operations or from further away. This is permitted provided the majority of product is from farm operations in the area. To assess whether a proposed agriculture-related use meets the test of providing direct products and/or services to farm operations as a primary activity, the Town may require evidence demonstrating that the use will service the local agricultural industry as the sole or main business activity.
- e) Lot creation to accommodate agriculture-related uses is not permitted.
- f) Agriculture-related uses involving 500 square metres or less will be permitted as of right in the implementing Zoning By-law.
- g) Agriculture-related uses involving development over 500 square metres shall be subject to a Zoning By-law Amendment and may be permitted subject to the following criteria:
 - i) Whether the use is more appropriately located in a nearby settlement area;
 - ii) Whether the use is required on or in close proximity to the agricultural operation for it to support and complement the agricultural activity;
 - iii) Whether the use is compatible with the existing farming operation and/or surrounding farming operations;
 - iv) Whether the scale of the activity is appropriate to the site and/or the farming operation;
 - v) Whether the use is consistent with and maintains the character of the agricultural area;
 - vi) The use does not generate potentially conflicting off-site impacts;

- vii) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- viii) The use shall be subject to site plan control in accordance with Section 9.1 in relation to entrances, parking, loading, signage, grading, drainage, buffering and landscaping;
- ix) The use does not require significant improvements to utilities or infrastructure such as road or hydro services; and
- x) The use complies with all the policies of this Plan and the Niagara Region Official Plan.

8. Adding new Policy B2.1.5 On-Farm Diversified Uses as follows:

B2.1.5 On-Farm Diversified Uses

- a) On-farm diversified uses may be permitted in accordance with the policies of this Plan. Allowing a range of appropriate on-farm uses contributes to economically sustainable agriculture in the Town and facilitates broader access to local food and beverages, agricultural products, VQA wines while preserving the agricultural land base and maintaining the agricultural landscape.
- b) On-farm diversified uses must be both secondary to the principle agricultural use of the property and limited in area. Such uses include but are not limited to home occupations, home industries, agri-tourism uses and other uses that produce value added agricultural products.
- c) The adaptive re-use of surplus farm facilities on existing farms for on-farm diversified uses and agri-tourism uses at a scale that is appropriate to the farm operation will be encouraged to conserve built heritage resources and cultural heritage landscapes that would otherwise disappear as a result of no longer being required for farm purposes.
- d) Lot creation to accommodate on-farm diversified uses is not permitted.
- e) On farm diversified uses involving 500 square metres or less will be permitted as of right in the implementing Zoning By-law.
- f) On-farm diversified uses involving development over 500 square metres shall be subject to a zoning by-law amendment and may be permitted subject to the following criteria:
 - i) Whether the use is more appropriately located in a nearby settlement area;
 - ii) Whether the use is required on the agricultural property for it to support and complement the agricultural activity

- iii) Whether the use is compatible with the existing farming operation and surrounding farming operations;
- iv) Whether the scale of the activity is appropriate to the site and the farming operation;
- v) Whether the use is consistent with and maintains the character of the agricultural area;
- vi) The use does not generate potentially conflicting off-site impacts;
- vii) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems;
- viii) The use shall be subject to site plan control in accordance with E1.4
- ix) The use does not require significant improvements to utilities or infrastructure such as roads or hydro services; and
- x) The use complies with all of the policies of this Plan and the Niagara Region Official Plan

Specific on-farm diversified uses are permitted subject to the following provisions:

- 9. Renumbering Policy B2.1.3.9 to B2.1.5.1.
- 10. Amending Policy B2.1.3.9 (now B2.1.5.1) as follows:

B2.1.5.1 Agri-tourism Uses

- a) Agri-tourism uses that are located on a farm and secondary to the principle agricultural use of the property, limited in area to 500 square metres or less, and related to agriculture will be permitted as of right in the implementing Zoning By-law.
- b) Agri-tourism uses that are both located on a farm and secondary to the principle agricultural use of the property involving development over 500 square metres shall be subject to a Zoning By-law Amendment and may be considered based on the following criteria:
 - i) The scale of the operation is appropriate to the site and surrounding farming operations;
 - ii) The use has minimal impact on, does not interfere with and is compatible with surrounding agricultural uses;
 - iii) The use does not generate potentially conflicting off-site impacts including impacts related to infrastructure or transportation/traffic;
 - iv) The use is limited to low water and low effluent producing uses, and the site is capable of accommodating the use on private water and private sewage treatment systems and will not generate the need for additional public infrastructure;
 - v) The use does not require significant improvements to utilities or infrastructure such as roads or hydro services;

- vi) The use complies with all of the policies of this Plan and the Niagara Regional Official Plan;
- vii) For special events, the use represents and occasional activity and is not a regular recurring activity; and
- viii) The timing and duration of such uses do not hinder the agricultural operation on the site or result in any adverse impacts on surrounding lands.

11. Renumbering Policy B2.1.3.6 to B2.1.5.2.
12. Renumbering Policy B2.1.3.11 to B2.1.5.3.
13. Renumbering Policy B2.1.3.12 to B2.1.5.4.
14. Renumbering Policy B2.1.3.7 to B2.1.5.5.
15. Renumbering Policy B2.1.3.10 to B2.1.5.6.
16. Renumbering Policy B2.1.3.8 to B2.1.5.7.
17. Amending Appendix F: Definitions to include the following definitions:

On-farm Diversified Use means uses that are secondary to the principle agricultural use of the property, and are limited in area. On farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. Ground mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses. (PPS)

Value-added means uses that generally occur on-farm which add value to agricultural products and their sale and distribution and are intended to promote and sustain the viability of farming operations. Such uses are generally considered agriculture related uses, and are required to be small scale and related to the farm activity. Value Added Uses may be grouped into three major components: Support Uses, Production Uses and Marketing Uses:

- i) Production uses: mean value added farm related uses that include processing of agricultural products (including wineries, canneries, bakeries, cheese factories and similar uses); and distribution and warehousing of agricultural products.
- ii) Marketing uses: mean value added farm related uses that include a variety of methods of increasing the sales of raw or finished farm products. Such uses may include road side produce stands and other retail facilities for the sale of products, pick your own facilities, agri-tourism use (such as farm mazes, special events facilities (e.g. farm weddings) and educational

facilities) and “experiential uses” (such as “working farm vacations” or culinary schools).

- iii) Support uses: mean uses that support day to day farm operation and may include machinery repairs, seed suppliers, and other uses not more appropriately accommodated in settlement areas. Support uses are intended to primarily serve the farm operation and surrounding local farm operations and are intended to remain secondary to the principle farm operation.

18. Amending Appendix F: Definitions to update the existing definition of Agriculture-Related Use to read:

Agriculture-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

19. Deleting Section B2.2.2(a) through B2.1.2(j) and replacing it with the following:

- a) Agricultural uses;
- b) Single detached dwellings;
- c) Accessory residential uses on farm properties subject to Policy B2.1.3.5 of this Plan;
- d) Agriculture-related uses subject to Policy B2.1.4
- d) On-farm diversified uses subject to Policy B2.1.5;
- e) Forestry and other resource management uses;
- f) Mineral aggregate operations in accordance with Policy B2.5.3.3; and

20. Adding Policy E8 Delegated Authority as follows:

E8 Delegated Authority

- a) The Town may, by by-law, delegate the authority to pass by-laws under Section 34 of the *Planning Act*, that are of a minor nature, to a committee of Council or an individual who is an officer or employee of the municipality.
- b) Delegation of the authority to pass by-laws under Section 34 of the *Planning Act* shall be limited to:
 - i) A by-law to remove a holding “H” symbol;

- ii) A by-law to authorize the temporary use of land, buildings or structures; and
 - iii) A housekeeping by-law for the purpose of making clerical or other changes to assist in the interpretation of the Zoning By-law.
 - c) The delegation of authority authorized under Section E8 b) may be subject to conditions of Council.
 - d) Delegation of authority may be withdrawn, by by-law, in respect of any by-law for which a final disposition was not made before the withdrawal.
21. Removing the Environmental Protection Two EP2 designation for the property at 98 Effingham Street as shown on Schedule A.
22. Removing the Deer Wintering Areas designation for the property at 98 Effingham Street as shown on Schedule B.

PART "C" – APPENDICIES

To be inserted as available.

Date: April 20, 2022

File: D.18.09.ZA-22-0027

To: Ms. Lindsey Richardson, Policy Planner, Planning and Development

**Re: Region Staff Review Comments
Town of Pelham Comprehensive Draft Zoning By-law**

Thank you for the opportunity to review the Town of Pelham's Draft Comprehensive Zoning By-law. Staff has reviewed the initial materials received March 8, 2022 as well as the revisions received March 29, 2022. Comments with regards to the updated mapping schedules, received April 7, 2022, will be provided at a later date.

Detailed comments are outlined in the attached matrix (Appendix I). Regional staff are available to meet should you have any questions or wish to discuss these comments. Please feel free to contact Cheryl Selig at extension 3488 or Alexandria Tikky at extension 3593. Alternatively, you may wish to contact Pat Busnello, Acting Director of Development Planning at extension 3379.

Respectfully submitted,



Cheryl Selig

Acting Manager of Development Planning
Niagara Region

cc: Mr. Pat Busnello, Acting Director of Development Planning, Niagara Region
Ms. Amy Shanks, Senior Development Planner, Niagara Region
Ms. Alexandria Tikky, Senior Planner, Niagara Region
Ms. Lori Karlewicz, Planning Ecologist, Niagara Region

Attachments:

- **Appendix I: Region Staff Review Comments**

Regional Staff Review Comments

Comments RE: Section 2 – DEFINITIONS

Topic	Region Staff Comment	Applicable Policy References
Agricultural Produce Stand	<ul style="list-style-type: none"> Recommend changing the size from 250 ft² to a metric measurement such as 23 m² or 25m² for consistent use of measurement units throughout the bylaw. 	
Bed and Breakfast Establishment	<ul style="list-style-type: none"> The definition limits the establishment to 3 rooms but the general provisions for Bed and Breakfast Establishments allow for up to 6 rooms. 	
Finished Grade and Grade, Finished	<ul style="list-style-type: none"> Two similar terms with different definitions. Not sure when one definition would apply versus the other definition. Consider deleting one of the two terms. 	
Gymnasium/Fitness Centre	<ul style="list-style-type: none"> The definition includes the word “shall” consider changing the word to “may” to provide flexibility of interpretation. 	
Institutional Use	<ul style="list-style-type: none"> References “special care residences” but the other references to this type of use are “Home for Special Care” both in the definitions and the General Provisions. Consider amending the wording of this definition from “special care residences” to “homes for special care” for consistency. Unless “special care residences” was used to be more general and all encompassing. Would Institutional Use include something like Adult Daycare or Respite Care? Such uses are likely to become more prevalent as the population ages. 	

Lane	<ul style="list-style-type: none"> Does the wording "not intended for general traffic circulation" affect Region's waste collection vehicles use of the lane? There are several lanes in Pelham that are used for waste collection 	
Machine Shop	<ul style="list-style-type: none"> Consider amending this definition to Repair Shop or some similar term. The term "Machine Shop" does not appear to accurately reflect the defined use. Note that the use appears in the following places in the bylaw: <ul style="list-style-type: none"> SA-58: 563 Highway 20 West (Regional Road no. 20) *formerly A-14*; and the definition for Home Based Industry. 	
Micro-brewery	<ul style="list-style-type: none"> Regional staff note that the definition for Farm Winery indicates that a Farm Winery includes a micro-brewery but that there is also a separate definition for a micro-brewery. Consider amending the definition of Farm Winery or deleting the definition of Micro-brewery. 	
On-Farm Diversified Use	<ul style="list-style-type: none"> The definition is missing the words "and are limited in area" after the words "agricultural use of the property" at the end of the first sentence. Further, the PPS definition has been expanded to include guidance as it relates to solar facilities, as such, it is recommended that this definition be updated to reflect the 2020 PPS definition. 	<p>PPS and Greenbelt Plan definition</p> <p><i>On-farm diversified uses:</i> means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses. (PPS, 2020).</p>

Town of Pelham Draft Comprehensive Zoning By-Law Review
 Prepared by Niagara Region Development and Planning Services
 (Last Update: March 16, 2022)

Appendix I: Region Staff Review Comments

Vehicle Wash Establishment	<ul style="list-style-type: none"> Regional staff note that Vehicle Wash Establishment and Car Wash are both defined terms. Neither is a permitted use in the bylaw The Vehicle Fuel Station (Gas Bar) definition does not allow a car wash or vehicle wash establishment as an accessory use to a Vehicle Fuel Station (Gas Bar). 	
Watercourse	The definition for watercourse should match the Conservation Authorities Act definition	Ontario Regulation 155/06, Definitions, Watercourse <i>An identifiable depression in the ground in which a flow of water regularly or continuously occurs</i>

General Comments

Topic	Region Staff Comment	Applicable Policy References
References to the Regional Public Health Department	<ul style="list-style-type: none"> The following sections may need to be revised to state “Niagara Region Planning and Development Services Department” rather than “Regional Public Health Department” as it appears to relate to the requirements and approval for private sewage systems: <ul style="list-style-type: none"> 3.17.3 Minimum Lot Area 3.19 Municipal Services 	

Comments RE: Section 3 – GENERAL PROVISIONS

Topic	Region Staff Comment	Applicable Policy References
3.2 Agriculture-Related Uses	<ul style="list-style-type: none"> Provided it meets the criteria specified in its definition, agriculture-related uses may be permitted as a primary use on a property. Provincial Guidelines go further to state that such uses "...may be located on farms or on separate agriculture-related commercial or industrial properties". <p>With this in mind, Town staff may wish to consider adjusting the permitted lot coverage for "aggregate activity area" outlined in Subsection 3.2 b) (i.e. 5% lot coverage to a maximum of 1,000m²) in order to recognize those agriculture-related uses located on parcels of their own. However, the Town can leave the provisions as is and be more restrictive.</p>	<p>Provincial Policy Statement, Definition for Agricultural-Related Use</p> <p><i>"...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."</i></p> <p>Guidelines on Permitted Uses in Ontario's Prime Agricultural Area, Agriculture-Related Uses</p> <p><i>"As described in the PPS definition, agriculture-related uses are farm-related commercial and industrial uses. They add to the vitality and economic viability of prime agricultural areas because they are directly related to and service farm operations in the area as a primary activity. These uses may be located on farms or on separate agriculture-related commercial or industrial properties."</i></p>
3.2.2 On-Farm Diversified Uses	<ul style="list-style-type: none"> Subsection 3.2.2 c) states: "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." <p>Regional staff note that Provincial Guidelines recommend for on-farm diversified uses a total lot coverage of 2% of the total lot area to a maximum of <u>10,000m²</u>." If desired, the Town may be more</p>	<p>Guidelines on Permitted Uses in Ontario's Prime Agricultural Area, On-Farm Diversified Uses</p> <p>"These guidelines recommend that "limited in area" be relative to the size of the farm property on which the on-farm diversified use is located. The size of the entire farm property, including land subject to an easement, and not just the portion of a farm that is in agricultural use, should be considered....These guidelines recommend that the standard for the acceptable area occupied by an on-farm diversified</p>

	<p>restrictive than this recommendation.</p> <ul style="list-style-type: none"> There appears to be missing criteria following Subsection 3.2.2 d). Will there be a requirement for Site Control for on-farm diversified uses? 	<p>use is up to 2% of a farm parcel to a maximum of 1 ha (10,000 m²)."</p>
3.5 Daylighting Triangles	<ul style="list-style-type: none"> Regional Staff request that the Town remove the permission for a "parking area" within the daylighting triangle section. If a car is parked in the parking area within a daylighting triangle there will be sight line issues. 	
3.13.2 Home Industries	<ul style="list-style-type: none"> The Town may wish to clarify whether "home industries" are the same as home-based industries, as defined. 	
3.17.2 Frontage on an Improved Street	<ul style="list-style-type: none"> A typo is noted in the second paragraph. The second sentence should read as follows: "which is located on a lot which does not have direct access to or abuts an improved public road," 	
3.19 Municipal Services	<ul style="list-style-type: none"> Regional Staff recommend deleting the word "and water supply" from subsection b) as the Region does not regulate private water supply. 	
3.24 Parking and Loading Requirements	<ul style="list-style-type: none"> The Parking Provisions section should contain information about the type of bicycle parking required or there should be definitions describing the type and size of bicycle parking that is required especially as it relates to the requirement for indoor bicycle parking. 	<p>Regional Official Plan, Policy 9.D.12</p> <p><i>The Niagara Region will develop guidelines for local Official Plans and Zoning By-laws that outline minimum provisions for accommodating active transportation-friendly facilities in new development, redevelopment, and public work projects.</i></p>

3.24.1.2 Barrier Free Parking	<ul style="list-style-type: none"> The required number of accessible parking spaces outlined in Section 3.24.1.2 do not appear to align with the requirements of Subsection 80.36(1) of Ontario Regulation 191/11. Staff recommend that the Table be updated to meet these standards. Additionally, the accessible parking provisions within Ontario Regulation 191/11 require that accessible parking spaces include signage that “identifies the space as ‘van accessible’”. The legislation further requires that barrier free parking spaces are indicated by a parking sign. Staff recommend that these requirements also be included within the Zoning By-law. Regional Staff also note that references to barrier-free parking are inconsistently referred to in Subsection 3.9 b) (i.e. “accessible parking”) and 3.24.1 a) (i.e. “parking for persons with disabilities”). 	<p>O. Reg 191/11 Integrated Accessibility Standards, Section 80.36 (1)</p> <p><i>Off-street parking must have a minimum number of parking spaces for the use of persons with disabilities, in accordance with the following requirements [...]</i></p> <p>O. Reg 191/11 Integrated Accessibility Standards, Section 80.37</p> <p><i>Obligated organizations shall ensure that parking spaces for the use of persons with disabilities as required under section 80.36 are distinctly indicated by erecting an accessible permit parking sign in accordance with section 11 of Regulation 581 of the Revised Regulations of Ontario, 1990 (Accessible Parking for Persons with Disabilities) made under the Highway Traffic Act. O. Reg. 413/12, s. 6.</i></p>
3.31 Second Dwelling Units	<ul style="list-style-type: none"> Regional Staff note that the provisions in Section 3.31 do not appear to align with Amendment 12 to the Town’s Official Plan. It is recommended that Town staff revisit this section and ensure that conformity is achieved. 	
3.34.1, 3.34.2, 3.34.3 Setbacks from EP1 Zone, EP2 Zone, EP3 Zone	<p>Section 3.34, in conjunction with Sections 8.4, 8.5 and 8.6, suggests that a Zoning By-law Amendment is required when development or site alteration is proposed within the identified setbacks, for the permitted uses. Staff note that this is more restrictive than ROP and Greenbelt Plan policies.</p>	<p>Regional Official Plan, Policy 7.B.1.10</p> <p><i>Notwithstanding Policies 7.B.1.15 and 7.B.1.20 and the Policies in Chapter 7.A.2, within Environmental Protection Areas, within Fish Habitat in the Greenbelt Natural Heritage System, within key hydrologic features within the Unique Agricultural Areas, and within any associated vegetation protection zones in the Greenbelt Area, development and site alteration shall not be permitted except for the following: a)</i></p>

		<p><i>forest, fish and wildlife management; b) conservation and flood or erosion control projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available; and c) small scale, passive recreational uses and accessory uses such as trails, boardwalks, footbridges, fences, docks and picnic facilities that will have no significant negative impact on natural features or ecological functions of the Core Natural Heritage System. Where such uses are proposed, the proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Region in accordance with Policies 7.B.2.1 to 7.B.2.5.</i></p> <p>Regional Official Plan, Policy 7.B.1.11 <i>Development and site alteration may be permitted without an amendment to this Plan: a) In Environmental Conservation Areas; and b) On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 7-1 except for those lands within vegetation protection zones associated with Environmental Protection Areas in the Greenbelt Natural Heritage System. If it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Policies 7.B.2.1 to 7.B.2.5.</i></p> <p>Greenbelt Plan, Policy 3.2.5.5 <i>A proposal for new development or site alteration within 120 metres of a key natural heritage feature</i></p>
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		within the Natural Heritage System or a key hydrologic feature anywhere within the Protected Countryside requires a natural heritage evaluation or a hydrological evaluation
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Comments RE: Section 4 – RURAL/AGRICULTURAL ZONES

Topic	Region Staff Comment	Applicable Policy References
"Farms, microbreweries, distilleries"	<ul style="list-style-type: none"> "Farm winery, brewery, distillery" is listed as a permitted use. Regional Staff note that the definition for "farm winery" already includes the use of microbrewery and a distillery. As such, it may be more consistent to state the permitted use as simply "Farm winery". 	
Second Dwelling Units Requirements	<ul style="list-style-type: none"> "Second dwelling units" are listed as a permitted use. It may be beneficial to also include reference to Section 3.31 for Zone Requirements for Second Dwelling Units. 	
Transect Diagram	<ul style="list-style-type: none"> The Transect Diagram for the agricultural section seems to highlight areas within the urban boundary. Should it perhaps highlight the far left section of the figure instead i.e. the agricultural and rural lands? 	
Section 4.1 Specialty Agricultural Zone	<ul style="list-style-type: none"> "Solar farms" are listed as a permitted use within the Specialty Agricultural Zone. As noted in our comments above, the use of "ground mounted solar facilities" is listed as an on-farm diversified use in the Provincial Policy Statement and is required to only be permitted as an on-farm diversified use. It may also be permitted in other prime agricultural areas. 	<p>Provincial Policy Statement, On-Farm Diversified Uses</p> <p><i>...means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value added agricultural Products. Ground-mounted solar facilities are permitted in prime agricultural areas, including specialty crop areas, only as on-farm diversified uses.</i></p>


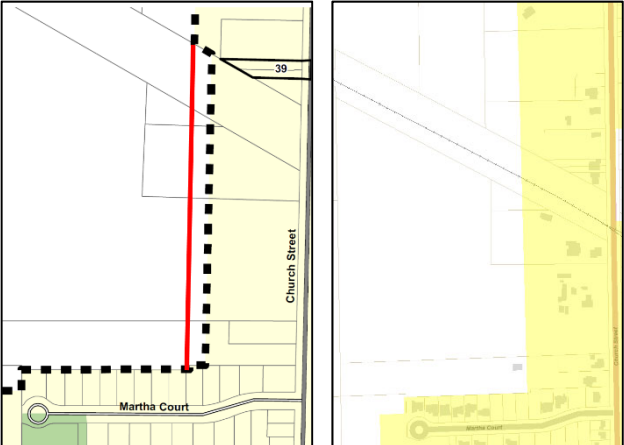
4.3.11 Exceptions – Greenbelt Natural Heritage Overlay	<ul style="list-style-type: none"> Staff require clarity and more information on this section and where the lands identified with the “Exception -1 Zone” are located. Is the Greenbelt Natural Heritage Overlay as a whole considered the Exception -1 Zone? 	Greenbelt Plan, Policy 3.2.2.3 (d) (i) <i>The disturbed area, including any buildings and structures, of the total developable area will not exceed 25 per cent (40 per cent for golf courses).</i>
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Comments RE: Section 5 – RESIDENTIAL ZONES

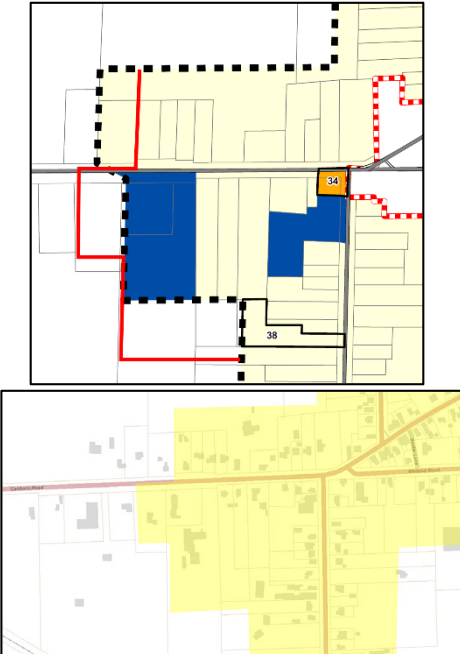
Topic	Region Staff Comment	Applicable Policy References
Second Dwellings Units	<ul style="list-style-type: none"> Similar to the permissions in “Section 4: Rural/Agricultural Zones”, Regional Staff recommend that “second dwelling units” be listed as a permitted use, where appropriate, and that reference is made to Section 3.31 for zone requirements. 	
Home Occupation	<ul style="list-style-type: none"> The Town may wish to consider permissions for home occupations/home-based business within Residential Zones, where appropriate. 	
Intensification	<ul style="list-style-type: none"> While recognizing there is a need for compatibility in established neighbourhoods, Provincial and Regional policies call for a range of housing types to be provided within existing built up areas. In particular, staff recommend the Town consider additional “as-of-right” permissions in the Residential 1 (R1) and Residential 2 (R2) Zones to allow for the integration of gentle density in stable residential neighbourhoods. 	<p>Regional Official Plan, Objective 4.A.1.10 <i>Provide a framework for developing complete communities all across Niagara, including a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile, transit and active transportation.</i></p> <p>Regional Official Plan, Policy 11.A.1 <i>The Region encourages the provision of a variety of housing types within urban communities and</i></p>

		<i>neighbourhoods to serve a variety of people as they age through the life cycle.</i>
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Comments re: ZONE SCHEDULES

Schedule Overlay	Reference Image	Region Staff Comment
Schedule A – Rural Area		<ul style="list-style-type: none"> The extent of the Mineral Aggregate Resource (MAR) zone should be updated to align with the current Regional Official Plan (ROP) mapping for Licensed Pits and Quarries (as indicated by the red line in the figure on the left).
Schedule B - Fenwick		<ul style="list-style-type: none"> There is a discrepancy in the Urban Area Boundary for the area west of Church Street in Fenwick. The figure on the right represents the current ROP Urban Area Boundary. While it is understood that this currently does not align with the Urban Area Boundary included in the Town's Official Plan, the ROP boundary should take precedence. Accordingly, the lands outlined in red in the figure on the left should be provided with a zoning code and be shown as being included in the Urban Area Boundary.

Town of Pelham Draft Comprehensive Zoning By-Law Review
 Prepared by Niagara Region Development and Planning Services
 (Last Update: March 16, 2022)

Schedule Overlay	Reference Image	Region Staff Comment
Schedule B - Fenwick		<ul style="list-style-type: none"> There is a discrepancy in the Urban Area Boundary for the area west of the intersection of Canboro Road and Church Street in Fenwick. The figure on the bottom represents the current ROP Urban Area Boundary. While it is understood that this currently does not align with the Urban Area Boundary included in the Town's Official Plan, the ROP boundary should take precedence. The figure on the top shows the current ROP Urban Area Boundary in red. The schedule should be revised to include appropriate zoning codes for lands within this boundary. Lands outside of this boundary should be included in Schedule A, and provided with an appropriate zoning code which reflects their location outside of the Urban Area Boundary.

Town of Pelham Draft Comprehensive Zoning By-Law Review
Prepared by Niagara Region Development and Planning Services
(Last Update: March 16, 2022)

Schedule Overlay	Reference Image	Region Staff Comment
Schedule B - Fenwick		<ul style="list-style-type: none"> There is a discrepancy in the Urban Area Boundary for the area east of Church Street in Fenwick. The figure on the right represents the current ROP Urban Area Boundary. While it is understood that this currently does not align with the Urban Area Boundary included in the Town's Official Plan, the ROP boundary should take precedence. The figure on the left shows the current ROP Urban Area Boundary in red. The schedule should be revised to include appropriate zoning codes for lands within this boundary. Lands outside of this boundary should be included in Schedule A, and provided with an appropriate zoning code which reflects their location outside of the Urban Area Boundary.
EP1, EP2, EP3 Zones	N/A	Mapping to be reviewed and comments provided under separate cover.

Date: April 25, 2022

File: D.18.09.ZA-22-0027

To: Ms. Lindsey Richardson, Policy Planner, Planning and Development

**Re: Region Staff Review Comments—Environmental Mapping
Town of Pelham Comprehensive Draft Zoning By-law**

Thank you for the opportunity to review the Town of Pelham's Draft Comprehensive Zoning By-law. Staff has reviewed the updated mapping schedules, received April 7, 2022.

Detailed comments are outlined in the attached matrix (Appendix I). Regional staff are available to meet should you have any questions or wish to discuss these comments. Please feel free to contact Lori Karlewicz or myself.

Respectfully submitted,



Cheryl Selig

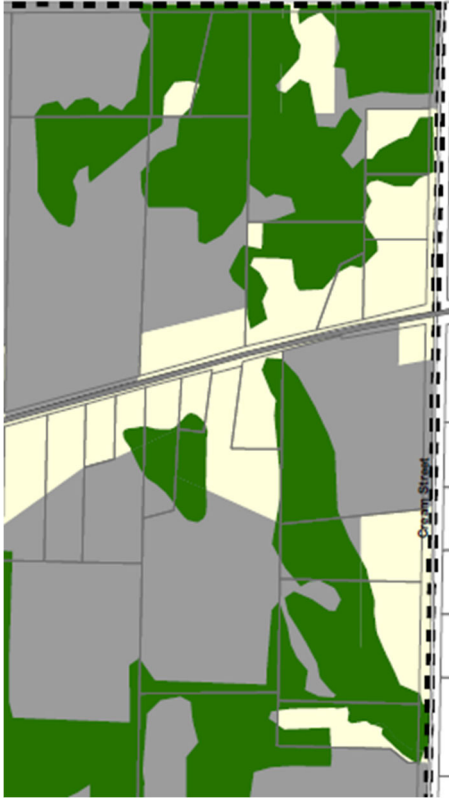

Acting Manager of Development Planning
Niagara Region



cc: Mr. Pat Busnello, Acting Director of Development Planning, Niagara Region
Ms. Cara Lampman, Manager Environmental Planning, Niagara Region
Ms. Lori Karlewicz, Planning Ecologist, Niagara Region

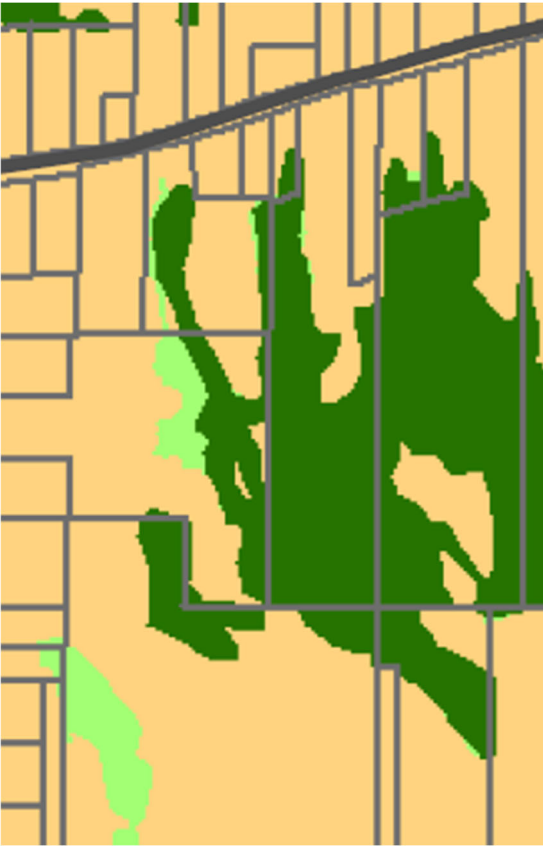

Attachments:



- **Appendix I: Region Staff Review Comments**

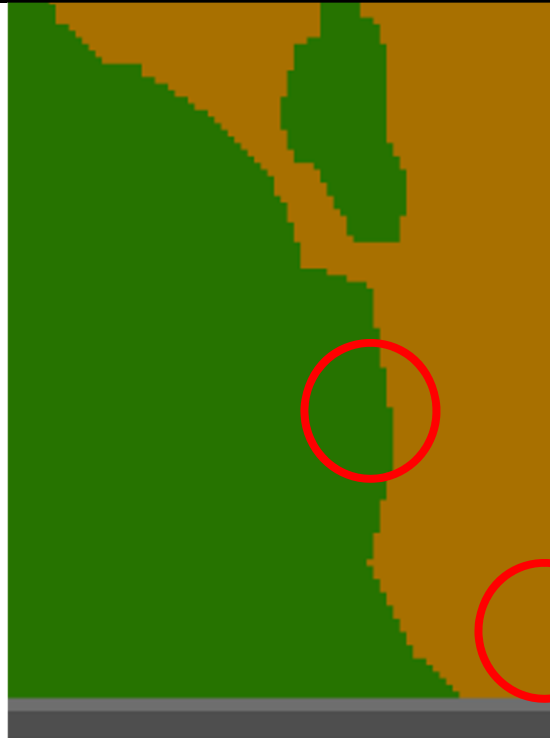

Comments re: MAPPING



Schedule Overlay	Reference Image	Region Staff Comment
Fenwick		 <p>Missing PSW Layer – Regional EPA layer was used rather than MNRF Wetland layer</p>

Schedule Overlay	Reference Image	Region Staff Comment
RURAL		 PSW not accurate

Schedule Overlay	Reference Image	Region Staff Comment
RURAL		 <p>PSW not accurate in some areas</p>

Schedule Overlay	Reference Image	Region Staff Comment
RURAL		 PSW not accurate

Schedule Overlay	Reference Image	Region Staff Comment
RURAL		 <p>PSW not accurate</p>

Schedule Overlay	Reference Image	Region Staff Comment
RURAL		 Regional EPA layer – MNRF PSW layer doesn't show a wetland here



April 14, 2022

Lindsay Richardson, Policy Planner
Community Planning & Development
Town of Pelham
20 Pelham Town Square
Fonthill, ON L0S 1E0

Dear Ms. Richardson:

Re: Town of Pelham Draft Zoning By-law

Thank you for providing Niagara Escarpment Commission (NEC) staff an opportunity to review the draft Zoning By-law. We offer the following comments.

Ontario Regulation 826/90 under the *Niagara Escarpment Planning and Development Act* regulates lands which are designated as within the NEC's area of Development Control (DC). On July 1, 2021, an amendment to Ontario Regulation 826/90 came into effect, which changed the format of the regulation from a metes and bounds text based description to new digital maps. This amendment was to provide greater accuracy to the DC boundary and as a result there may be some areas where the boundary of DC has been refined.

The zoning by-law maps will need to reflect the new DC mapping to ensure that there are no gaps in land use planning control. A shapefile of the DC boundary is attached with this letter. NEC staff undertook a preliminary review of gaps, and note that there are some areas along the boundary of the Niagara Escarpment Plan Area and Fonthill where the boundary of DC as per O-Reg 826/90 does not match the boundary within the zoning by-law. In particular, these areas are along the eastern edge of the DC area where it meets Fonthill.

Where the NEC's DC applies, the municipal zoning by-law is not in effect. However, some municipalities apply underlying zoning to the area of DC. This can be helpful for commenting on NEC Development Permit Applications and also if changes to the area of DC take place and the Town has underlying zoning, it would be simpler to transfer land use control.

It should be noted within the zoning by-law that different standards may apply in the Niagara Escarpment Plan Area. Under Part 1.1.1 of the NEP, a municipality may set standards and policies that are more stringent than the requirements of the NEP,

unless doing so would conflict with the NEP. NEC staff note that the preamble includes the relationship to other regulations and legislation, which would include the *Niagara Escarpment Planning and Development Act*.

We trust that these comments are of assistance. Please contact the undersigned at 905-703-5354 if you have any questions or require clarification.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cheryl Tansony', with a stylized, flowing script.

Cheryl Tansony
Senior Planner
Niagara Escarpment Commission

From: [Municipal Planning](#)
To: [Lindsay Richardson](#)
Subject: RE: Request for Comments - Town of Pelham Comprehensive Zoning By-law (March 2022 Draft)
Date: March 8, 2022 10:52:55 AM

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: [Municipal Planning](#)
To: [Lindsay Richardson](#)
Subject: RE: Town of Pelham - Housekeeping Official Plan
Date: June 1, 2022 8:34:08 AM

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,

Casey O'Neil (she/her)
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-5180
500 Consumers Rd, North York, ON M2J1P8

enbridge.com

Safety. Integrity. Respect. Inclusion.

From: [David Deluce](#)
To: [Lindsay Richardson](#)
Subject: Pelham New ZBL - Mapping Comments (NPCA)
Date: May 4, 2022 3:42:41 PM

Hi Lindsay,

Further to our conversation yesterday, I will be providing full comments shortly but in the interim, I want to flag several mapping issues that were noticed.

1. There is a PSW missing at 920 Metler Road
2. PSW missing from 760 Church Street
3. PSW missing from 569 Sumbler Road property to the north
4. LSW missing from 740 Poth Street
5. LSW at 671 River Road does not appear to be accurately captured – also it's zoned EP2 (is that the proper zone?)
6. The 100 year Regulatory flood plain is not captured in any zoning, this should be identified in either an existing zone or a Hazard Land zone
7. Valleyland mapping also not captured but we know that map layer has accuracy issues
8. PSW on Kunda Part (Phase 4) is missing
9. Property at Timber Creek Cres. (ARN: 273203001900275) should be zone EP1 – there is PSW on it
10. PSW has not been shown on Schedule B (Fenwick) – there is a PSW that runs N/S along the east side of the map (Fonthill Kame Wetland Complex)

Our mapping layers are readily available through our Open Data portal: [Niagara Peninsula Conservation Authority Open Data \(arcgis.com\)](#) where you can find the OWES wetland mapping and the 100 year flood plain mapping. If you have any troubles accessing the mapping, we can put you or your GIS staff in touch with our GIS staff.

I trust this information is useful. If you have any questions, please let me know.

Best Regards,

David Deluce, MCIP, RPP
Senior Manager Planning & Regulations
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, Ontario, L3C 3W2
905-788-3135 ext. 224
ddeluce@npca.ca

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly. Our Conservation Areas are currently open, but may have

modified amenities and/or regulations.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

June 1, 2022

Please reply to St. Catharines Office
J. PATRICK MALONEY
(905) 688-5403 (Direct Line)
pmaloney@sullivanmahoney.com

Via email to: hwillford@pelham.ca

Holly Wilford
Town Clerk
PO Box 400, 20 Pelham Town Square
Fonthill, ON L0S 1E0

Dear Ms. Wilford:

Re: Public Comments-Proposed Comprehensive Zoning By-law
Our File No.: 134444

We are the solicitors for [REDACTED], and [REDACTED], who have several development interests in the Town of Pelham. They have consulted with a planner firm and architectural firm and wish to provide comments on the proposed Comprehensive Zoning By-law.

In terms of preliminary comments, it has become clear from the Report of the Ontario Housing Affordability Task Force that the housing situation in Ontario and in the Town of Pelham is in a crisis and there is a real and present need for housing that is more affordable to all residents in the Town of Pelham, particular to the low- or moderate-income earners. The current market that has resulted in elevated housing prices has strengthened the need for additional housing stock, particularly in the Town.

With that in mind, our clients are supportive of opportunities for appropriate and compatible infill and intensification and have considered that in the following comments:

Definitions

Height - Regarding the definition of height, the new ZBL proposes to change how height is measured, namely from the finished grade level to the highest point of the roof surface or parapet. This will have the result of lower height requirements for residential dwellings. It is our clients' submission that new housing will be pressured to grow vertically and therefore this provision will limit the height. Moreover, from an architectural perspective, the market for new housing is desirous of taller ceilings, which this provision would limit.

Client Committed. Community Minded.

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814

4781 Portage Road, Niagara Falls, ON L2E 6B1 t: 905.357-3334 f: 905.357.3336

sullivanmahoney.com

Our clients' respectfully request that height continued to be calculated from the mid-point of the roof.

General Provisions

Secondary Dwelling Unit ("SDU")- it is our clients' position that the Township should not set a limit for an SDU for one per dwelling. In reality, there may be opportunities in larger homes for two SDU's, while still being able to achieve the other zoning requirements (i.e., parking, maximum square footage). Additionally, a property owner may want multiple SDUs, and limiting one per dwelling will force the person to have the additional SDU in an accessory building. It would be simpler of the additional SDU be constructed within the existing dwelling.

Section 6 – Residential Zones

Our clients do support the introduction of maximum front yard setbacks, reductions of minimum lot areas and frontages, reduced yard setbacks, increases to maximum lot coverages and removal of minimum gross floor areas.

Overall, in our client's submission, the zoning performance standards that are in place for R1 zones should be more reflective of a R2 zone. We also recommend that the Town consider "up-zoning" any lands that are adjacent to arterial or collector roads or streets that are generally busier. Additionally, lands that are within close proximity to Downtown Nodes & corridors should play a greater role in supporting the Town's intensification, walkability & transit goals.

Residential 1 Zone

As noted above, it is our clients view that the R1 zone should be eliminated or reduced significantly in many parts of Fonhill and Fenwick, or more closely reflect a traditional R2 zone. It is our clients position that the new Comprehensive Zoning By-law should address the "missing middle" (as addressed by the Provincial government) and allow greater flexibility for medium density development within an established neighbourhood. This would allow greater opportunity for infill opportunities, and would assist the Town in meeting its intensification targets, providing a greater range of housing type in the Town and provide housing that is more affordable.

Our clients request that a semi-detached dwelling and townhouse dwellings and other forms of medium density be included as a permitted use within the R1 zone. We also recommend smaller minimum lot frontages at 13 m and smaller minimum lot areas at 400 m² for single detached dwellings and reduced zoning requirements for any other form of housing.

Residential 2 Zone

Our clients are seeking townhouses be added as a permitted use within the R2 Zone, with reduced zoning requirements.

For single detached, our client is requesting reduced lot frontages to 11 m, reduced minimum lot areas to 275 m² and reduced minimum rear yard setbacks to be 6 m.

For semi-detached dwellings and duplexes, our client is requesting reduced minimum lot area to 150 m² per dwelling unit and reduced minimum rear yard setbacks to be 6 m.

Residential 3 Zone

Our client supports more lands within the Town be zoned to R3, as there is very little example of such zoning.

Our clients are seeking townhouses be added as a permitted use within the R2 Zone, with reduced zoning requirements.

For semi-detached dwellings and duplexes, our client is requesting reduced minimum lot area to 150 m² per dwelling unit and reduced minimum rear yard setbacks to be 6 m.

For triplex dwellings, our client is requesting reduced lot frontages to 12 metres, reduced minimum lot area and reduced minimum rear yard setbacks to be 6 m.

Residential Multiple One Zone

Our client supports the expanded list of permitted uses and requests that more lands be designated within the RM1 Zone.

Our client is requesting the minimum lot frontage for triplex and fourplex be set at 12 m, and the minimum rear yard setback be set at 6 m. We also request that there be a removal of the landscape strip requirement as these forms of multi-unit residences are highly compatible with lower density housing forms.

Residential Multiple Two Zone

Our client is requesting reduced minimum lot frontage requirements for apartment dwellings. We would also request that the provision for maximum density be removed. This would be governed by the Town's Official Plan and would unnecessarily limit density within an apartment dwelling.

Greenfield Residential Zones

Our clients support Greenfield Residential Zones be allowed for greater intensification with the Town.

On behalf of our client, we respectfully request that the Town consider and include the above noted suggestions into the new Comprehensive Zoning By-law. We would also ask that you continue to provide notice of any decision with respect to this matter.

Yours very truly

Sullivan Mahoney LLP

Per:

A handwritten signature in black ink, appearing to be 'JPM', written over a horizontal line.

J. Patrick Maloney

JPM:sb

Town of Pelham (2022) Comprehensive Zoning By-law Better Neighbourhoods Comments

Section 3 – General Provisions

- Section 3.30 b) is confusing as it states only one (1) SDU is permitted per lot?
- Section 4.1 (Parking Spaces)
 - Required 1.25 stalls / SDU conflicts with Section 3.30.
 - Recommend minimum 1.0 stall / unit.
 - Recommend 'Other Permitted Residential' require 1.0 stall / unit.
 - Recommend minimum commercial / institutional parking stall requirements be reduced broadly.

Section 6 – Residential Zones

Broad Comments:

- Supports the introduction of *Maximum Front Yard* setbacks, reductions of *Minimum Lot Areas / Frontages, Yard Setbacks*, increases of *Maximum Lot Coverages* & removal of *Minimum GFAs*.
- Recommend *Minimum Attached Garage Setback* of 6 m (Front & Corner Yards).
- Recommend up-zoning all lands adjacent to arterial / collector roads & busy streets like Station Street / Line Avenue, as well as lands in close proximity to Downtown. Nodes & corridors should play a more essential role in helping support the Town's intensification, walkability & transit goals.
- Recommend reduced *Minimum Lot Frontage & Lot Area* provisions for rear-loaded (garage) development, specifically townhouses. (I.e., Welland requires townhouses have 6 m lot frontages is front-loaded garages, or 5 m where garage access is from rear lane.)
 - This is well principled and justified from an urban design, safety, & streetscape perspective.

Section 6.1 – R1 Zone

- Too pervasive throughout Fonthill & Fenwick which negatively restricts future intensification opportunities & raising the price of housing.
 - Recommend semi-detached be permitted use.
- Recommend smaller frontages, (I.e., 14 m).
- Recommend smaller lot areas, (I.e., 400 m²).

Section 6.2 – R2 Zone

Single Detached

- Recommend 'Duplex' provisions be included.
- Recommend smaller frontages, (I.e., 11 m).
- Recommend smaller lot areas, (I.e., 275 m²).
- Recommend *Minimum Rear Yard Setback* of 6 m.

Section 6.2 & 6.3 – R2 & R3 Zone

Semi-Detached

- Recommend 150 – 180 m² lot areas.
- Recommend *Minimum Rear Yard Setback* of 6 m.

- Clarification re: *Minimum Side Yard* on common wall is redundant per *Definition*.

Duplex

- Recommend complete removal as there is no discernable difference between a duplex dwelling's functional needs and that of an SDU other than that the *maximum floor area* is not restricted. The increased lot area is unnecessary and burdensome.

Section 6.3 – R3 Zone

- Recommend more land be up-zoned to R3.
 - Very little R3 zoned land exists in Fonthill and almost none exists in Fenwick.

Triplex

- Recommend 12 m frontages.
- Supports reduced *Minimum Lot Areas*.
- Recommend *Minimum Rear Yard Setback* of 6 m.
- Clarification re: *Minimum Side Yard* on common wall is redundant per *Definition*.

Section 6.4 – RM1 Zone

- Supports continued list of permitted uses.
- Recommend 12 m frontages for triplex & fourplex.
- Recommend *Minimum Rear Yard Setback* of 6 m.
- Recommend removal of *Landscape Strip* provision entirely as these forms of multi-unit residences are highly compatible with lower density housing forms.

Section 6.5 – RM2 Zone

- Recommend reduced *Minimum Lot Frontage*.
- Recommend removal of redundant *Maximum Density*.
 - *Minimum Parking* standards & *Minimum Lot Area* fundamentally already limit density.

Section 7 – Greenfield Residential Zones

Section 7.1 – GF-R1 Zone

Section 7.1.5 – (semi-detached w/ attached garage) (front-loaded)

- Recommend these be re-titled as 'front-loaded' or 'front-accessed' instead of 'attached garage'.
- Recommend increased *Minimum Lot Frontage* to 12 m to avoid excessive paving & front yard parking.

Section 7.1.6 – (semi-detached w/ rear lane)

- Are these combined for the pair of semis, (so 4.5 m / unit)?
 - If so, recommend *Minimum Lot Frontage* of 10 m (5 m / unit).
- Recommend increased *Minimum Rear Yard Setback* to 12 m.

Section 7.1.7 – (Duplex & Triplex w/ attached garage) (front-loaded)

- Recommend these be re-titled as ‘front-loaded’ or ‘front-accessed’ instead of ‘attached garage’.
- Photo on left is confusing, resembles semi-detached form.

Section 7.2 – GF-R2 Zone

Section 7.2.3 – (street townhouse w/ attached garage) (front-loaded)

- Recommend these be re-titled as ‘front-loaded’ or ‘front-accessed’ instead of ‘attached garage’.
- 5-storey heights for townhouses?

Section 7.2.4 – (street townhouse w/ rear lane)

- Recommend *Minimum Lot Frontage* of 5.5 m and 8.2 m for end units.
- 5-storey heights for townhouses?
- Why is garage height taller in just this zone class?

Section 7.3 – GF-R3 Zone

Section 7.3.1 – (Permitted Uses)

- Recommend *Triplex & Fourplexes* be permitted uses.

Section 7.3.4 – (Apartments)

- Recommend *Minimum Lot Frontage* of 15 m.
- Recommend larger *Minimum Rear Yard Setback*.

Section 8 – Commercial Zones

- ‘Mixed-use’ (Commercial-residential) should be permitted in the VC & DC Zone.
 - It is not identified as a permitted use but standalone residential and standalone commercial uses are.
- Recommend *Minimum First Floor Window Height* of 0.3 – 0.6 m.
- Recommend replacement of *Angular Plane* provision with increased yard setbacks above the 3rd floor.
 - Angular planes & step-backs are more expensive & challenging to build. Other municipalities are moving away from these ‘wedding cake’ style building forms.
- Re: NC Zone
 - Recommend *Minimum Landscaped Amenity Area* be reduced or replaced with an *Amenity Area* provision that includes balconies / patios.

Sarah Leach

To: Lindsay Richardson; Holly Willford
Subject: RE: Public Meeting Notice - New Town of Pelham Zoning By-law and Housekeeping Official Plan Amendment

From: Matt Kernahan [REDACTED]
Sent: May 30, 2022 10:58 AM
To: Lindsay Richardson <LRichardson@pelham.ca>
Cc: William Heikoop [REDACTED]
Subject: [POSSIBLE SPAM] RE: Public Meeting Notice - New Town of Pelham Zoning By-law and Housekeeping Official Plan Amendment

Hi Lindsay,

I've attached a copy of the schedules with comments included.

In addition, UCC has the following comments and suggestions on the text:

1. Suggest that a clause be included in the interpretation section that will permit Environmental Protection/Environmental Conservation Areas to be delineated/redelineated in accordance with approved EIS' or NPCA/MNRF mapping without amendment to the Zoning By-law.
2. Requirement for 1.25 parking spaces/single detached, semi-detached, street townhouse dwellings seems excessive since it automatically amounts to 2 spaces per unit. This is a bit unprecedented and we think it could be problematic to implement. It is also unclear whether tandem spaces contribute to provided parking and whether additional width would be required for spaces provided in garages.
3. Section 3.34 which requires zoning setbacks from features regulated by others is problematic. This would either be redundant to or in conflict with NPCA regulations.
4. The minimum lot frontage for an agricultural zone seems excessive given minimum lot area (lot depth for a 0.6 ha lot would be 33 m @ 180m of frontage).
5. Minimum rear yard for R1/RR zones is less than R2/R3/RM1 Zone?
6. You may want to consider adding an "existing undersized lots of record" provision that permits people to build on existing undersized lots without the necessity for a minor variance provided certain performance criteria are met (i.e. minimum frontage, lot size etc.).

I have tried to stick to implementation type comments, leaving comments on regulations that guide building design to the builders. I hope our comments are helpful.

Please let me know if you have any questions or would like to discuss.

Matt

Matt Kernahan, MCIP, RPP
Planning Manager
Upper Canada Planning & Engineering Ltd.
30 Hannover, Unit #3
St. Catharines, ON, L2W 1A3
[REDACTED]

Town of Pelham Comprehensive Zoning By-law Comments – June 1st 2022

- There are a couple of areas in East Fonthill that look to be proposed as Agricultural (A) Zone according to Schedule 'C'. One of these areas is just north of the Summersides Village Subdivision. I am not sure if this is an oversight or perhaps the coloring is off and it is in fact another zone entirely?
- I understand the site-specific zoning for Summersides Village is going to Council on Monday. Is it the intent to insert the site-specific zoning after it is council approved and it comes into effect, as a site-specific provision under Section 9 of the new zoning by-law? I am not sure of the timing of the approval of the Town's new zoning but we should chat about how the Summersides Village approval factors into the process to ensure it is captured appropriately.
- **Section 2: Definitions – page 27 – Dwelling, Block Townhouse.** The proposed wording in this definition could be confusing and potentially limiting. I believe this definition applies to condominium townhouse developments and the intent of the definition is to limit the number of connected units in a block of townhouse, not to limit the number of units on a lot as a whole. The definition indicates that a group of no more than eight dwelling units be located on the same lot. When you read this, it sounds like you cannot have more than eight townhouses on one lot, rather than eight townhouses in a block. Let me know if I am reading this correctly?
- **Section 2: Definitions – page 33 – Garage Door Width** – The proposed definition does not allow flexibility to exclude decorative walls and columns between garage doors from the calculation of garage door width. This makes it challenging to achieve on narrow lots in newer subdivisions and may actually discourage builders from using architectural features to break up garage walls and instead encourage builders to use larger slab two car garage doors, rather than breaking up double car garages with a column or other decorative features with two separate garage doors. It is our experience in other municipalities that the decorative columns become an attractive feature to enhance the aesthetics of home design and should be encouraged and facilitated. This provision encourages the use of larger garage doors so that they can meet the maximum width requirements and it does not achieve the intent of trying to minimize the presence of the garage face based on our experience. We would suggest that the wording related to including intervening columns, doors, windows or wall sections which might separate two or more garage door openings be removed.
- **Page 34 – Height** – I believe the word 'of' in the second line should be 'or'
- **Section 2: Definitions – page 37 – Lot Coverage** – can you clarify, as it looks like uncovered decks are to be included in the calculation of lot coverage now. In our experience only covered decks would be included in lot coverage. Can you clarify, if this is the intent? We believe that uncovered decks should be excluded as this would create the need for many minor variances to permit uncovered rear decks in the future.
- **Section 2 Definitions – page 39 – corner lot frontage on a radius.** Is this calculation different than how it is currently measured? This definition seems very technical and it could affect recently approved subdivisions that have not yet been registered. We are

having our surveyor confirm if the Summersides Village corner lots meet this definition so that we do not run into any zoning related issues at the time of registration.

- **Page 44** – Second definition – add ‘a’ to Garage
- **Section 3.7 Encroachments** – suggesting adding a separate encroachment for rear covered porches of 3metres, rather than 2 metres. The standard that most builders use for rear covered porches is 3mx3m, which makes the covered porches large enough to accommodate patio furniture. 2mx2m would not be large enough for a family table and chairs causing the need for minor variances.
- **Section 3.16 Landscaped Strips** – We have found that the requirement for 3.0-metre-wide landscape strips in urban areas makes it difficult to facilitate many forms of infill development on smaller lots. 3.0 metres is almost 10 feet. Taking 10 feet of useable space from an infill lot for landscaping is significant. Many municipalities are now requiring 1.5-metre-wide landscape strips, to provides appropriate space for landscaping to create a visual buffer, like a row of cedars or decorative grasses. It is our submission that this requirement be reduced to allow for more efficient development patterns in the urban boundary.
- **Section 3.24.1.2 Use Specific Parking Requirements** – Is the parking requirement for Single detached, semi-detached and townhouses being increased from what is required in the existing by-law? The existing zoning requires only 1 space per unit for these types of uses, whereas the proposed indicates 1.25 spaces. In the essence or reducing dependence on the automobile and promoting active transportation in the community, it is our submission that the parking requirements for these uses remain the same as the existing zoning by-law. The development that has taken place so far in East Fonthill is appropriate and has not triggered any parking issues and should therefore in our opinion be maintained as-is.
- **Section 3.24.1.3 – Calculation of Parking Requirements** – we would suggest that this be amended to indicate that if there is a ratio of parking required, anything below .5 is rounded down and any ratio of 0.55+ is rounded up to the next whole number. This will allow for more flexibility with infill development projects, where parking becomes the dictating factor in how many units can be permitted on a lot and will allow for a more efficient use of urban land.
- **Section 3.24.1.4 Dimensions of Parking Spaces/Aisles** – The minimum parking space width in the existing by-law is 2.4m. Is it the intent to increase the minimum width to 2.6m as proposed? We would suggest that this remains the same as the existing by-law for consistency and for the sake of allowing flexibility on small infill development lands.
 - Also, the Aisle widths – we suggest that this be modified to be consistent with section 3.24.1.8 Ingress and Egress, which reflects modern more efficient design standards. 6.0-metre-wide aisle for two-way traffic and 3.0m wide aisle for one way traffic.
- **Section 3.24.1.8 Ingress and Egress f)** – We have first hand experience in the challenges that this provision creates on lands that are zoned for more than one dwelling unit. For example, on the townhouses on Port Robinson Road, we could not build more than one block at a time as the lands had to be severed in order to meet the provision for

number of driveways even though the use was already permitted. This provision caused great delays, additional unnecessary work for the town in processing multiple severance applications and end up with the same product. If the multiple consent applications were not required, 6 townhouse units could have been brought onto the market immediately instead of almost a one-year gap between the two blocks to address a technical driveway matter. I would suggest the wording of this section be revised to include an exception for lands that are zoned to permit more than one dwelling unit or that the number of driveways be specified per lot instead of based on an arbitrary frontage number.

- **Section 3.24.1.8 Ingress and Egress J)** – Driveway width for a dwelling shall be 6.0m or 50% of the lot frontage, whichever is less. Can you clarify how this would work on corner lots on a radius, where the frontage of the lot is a lot smaller than a lot on a linear portion of the road. Will this provision make it difficult to have two car width driveways on corner lots because the frontage is much smaller or is there another way to deal with these types of lots?
- **Section 3.31 – Second Dwelling units i)** – the maximum size for a second dwelling unit is 75m², which is only about 800 square feet. This seems restrictive, is there an alternative size that can be considered?
- **Section 3.34 Special Setbacks** – we are concerned with a zoning by-law placing minimum setback requirements on features that are typically subject to the completion of scientific work that is used to determine the appropriate setback. It is our submission that setbacks to environmental features should be left up to the appropriate authority and should be based on the completion of scientific studies such as an Environmental Impact Study or a Slope Stability Study. Otherwise, minor variances and re-zoning applications will be required if a study determines a lesser setback is appropriate creating unnecessary delays in timelines to bring housing online.
- **Section 5.6 Residential Development Zone** – if someone owns a property in this zone and wishes to construct a permitted accessory structure, such as a garage, what provisions would apply to the accessory structures? There are provisions for Single detached dwellings but not for accessory structures. We had an experience in NOTL where an existing home owner in an RD zone wanted to construct an accessory garage and they had to do a zoning by-law amendment to permit it, which seemed excessive and opened him up potential appeals for a simple accessory structure.
- **Section 6** – have these zones disappeared? I no longer see these zones reflected on any of the proposed zoning maps. Will these zones be eliminated from the text of the by-law as well?
- **Section 7 – Village Commercial Zone** – We have recently acquired a parcel of land in the Village Commercial Zone (1415 Station Street) with intentions to develop stand alone multi-residential uses as is currently permitted in the Official Plan and Zoning By-law. The list of uses in the proposed Village Commercial Zone should include stand alone residential apartments as per the land use permissions in the Official Plan.
- **7.1.2 Zone Provisions c)** – as noted above, we believe that the minimum side yard or landscape strip for urban infill development should be more compact at 1.5 metres in

width in order to facilitate efficient use of urban lands, but still achieve appropriate separation and space to provide visual buffering.

Town of Pelham - Comprehensive Zoning By-law review					
Category	Zone	Section	Provision	Comment	Suggested Change
SECTION 5: RESIDENTIAL ZONES	Residential One Zone (R1)	Permitted Uses	Single Detached Dwellings; and, uses, buildings and structures accessory to the foregoing uses	Infill development opportunities maybe restricted by the permitted uses within this zone. A lower density zone such as Residential One Zone (R1) should permit other lower density uses such as Semi-detached units mirroring the permitted uses outlined in the Urban Living Area. If there is concern regarding these more dense unit types within this zone, then it may be worth exploring a provision that limits the percentage of them within the proposal. Consideration should also be given to including Second dwelling units.	Expand the permitted uses to include Semi-detached dwellings. Also give consideration to Second Dwelling units to achieve official plan conformity.
		Minimum Lot Frontage	15.0m, 17.0m on corner lot	Establishing the minimum lot frontage at 15m does not provide much opportunity to create more affordable infill development. Rather a 15m minimum lot frontage can be perceived as an inefficient use of urban lands.	Consider reducing the required minimum lot frontage to 12m
		Minimum Side Yard	1.2m and 3.0m on the other side. 1.5m on each side where carpot or garage is attached.	A minimum side yard of 1.2m is typically for single-detached residential development. In our opinion requiring a 3m interior side yard setback on one side of the lot is excessive.	Reduce the side yard setback requirement to be 1.2m as per recent typical standards.
		Minimum Rear Yard	7.5m	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings, while providing an amenity area.	Reduce the minimum rear yard to 6.0m.
	Residential Two Zone (R2)	Permitted Uses	Single Detached Dwellings; Semi-detached dwellings; Duplex dwellings; and, uses, buildings and structures accessory to the foregoing uses	Infill development opportunities maybe restricted by the permitted uses within this zone. A lower density zone such as Residential Two Zone (R2) should permit other lower density uses such as Street townhouses s mirroring the permitted uses outlined in the Urban Living Area. This would allow intensification to take place in accordance with with other legislation and guidance implemented by the province. If there is concern regarding these more dense unit types within this zone, then it may be worth exploring a provision that limits the percentage of them within the proposal. Consideration should also be given to including Second dwelling units.	Include Street Townhouses and Secondary Dwelling units.
		Minimum Side Yard	1.2m and 3.0m on the other side. 1.5m on each side where carport or garage is attached.	A minimum side yard of 1.2m is typically for single-detached residential development. In our opinion requiring a 3m interior side yard setback on one side of the lot is excessive.	Reduce the side yard setback requirement to be 1.2m as per recent typical standards
		Minimum Rear Yard	7.5m	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings and providing an amenity area for those who reside there.	Reduce the minimum rear yard to 6.0m.
	Residential Zone 3 (R3)	Permitted Uses	Semi-detached dwellings; Duplex dwellings; Triplex dwellings; and, uses, buildings and structures accessory to the foregoing uses	Infill development opportunities maybe restricted by the permitted uses within this zone. A lower density zone such as Residential Three Zone (R3) should permit other lower density uses such as Single Detached units and Street townhouses. This would allow intensification to take place in accordance with with other legislation and guidance implemented by the province. If there is concern regarding these more dense unit types within this zone, then it may be worth exploring a provision that limits the percentage of them within the proposal. Consideration should also be given to including Second dwelling units.	Include Single Detached units, Street Townhouses and Secondary Dwelling units.
		Minimum Rear Yard	7.5m	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings and providing an amenity area for those who reside there.	Reduce the minimum rear yard to 6.0m.
		Permitted Uses	Triplex dwellings; Semi-detached dwellings; Duplex dwellings; Fourplex dwellings; Boarding house dwellings; Converted dwellings; Street townhouse dwellings; Block townhouse dwellings; and, Uses, buldings and structures accessory to the foregoing uses	The Residential Multiple One Zone (RM1) should also allow for a percentage of Single Detached units to be permitted in order to provide a variety and mix of housing types that appeal to multiple levels of income and the current market.	Consider adding a provision for a percentage of Single Detached units.

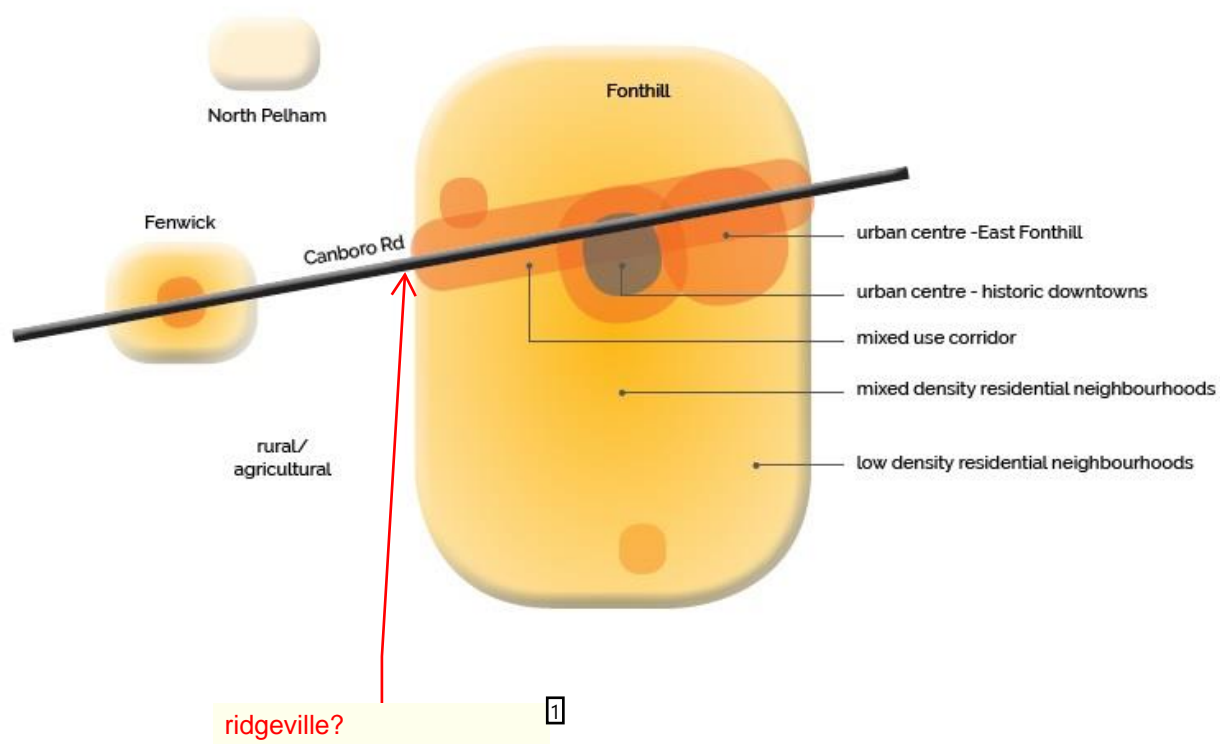
	Residential Multiple One Zone (RM1)	Street townhouse dwellings Minimum Lot Frontage	6.0m per dwelling and 9m per end unit	Requiring a minimum lot frontage of 9m for end unit street townhouse dwellings can be a challenge when designing subdivisions for denser forms of development. For example, a typical 20' end townhouse would be one third open space with a 9m lot frontage requirement and should this provision be in effect for a series of 20' townhouse blocks side by side, the opportunity for density and more affordability would be significantly reduced, by hindering the overall unit count. To promote more efficient use of land, the end unit townhouse should be required to have a 7.5m lot frontage.	Reduce the 9m lot frontage for an end unit townhouse to be 7.5m.
		Planting Strips	A planting strip of 1.5m minimum in width shall be provided where the boundary of a (RM1) zone abuts a (R1), (R2) or (R3) zone	This provisions should be removed altogether as it should only be required in the event that the use proposed is more dense than the abutting form. For example, two semi-detached units in different zones should not be required to include a planting strip, this would cause disruption of the streetscape and not promote efficient use of land.	We recommend removing this provision altogether as these uses are compatible.
		Minimum Rear Yard	7.5m	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings and providing an amenity area for those who reside there.	Reduce the minimum rear yard to 6.0m.
	Residential Multiple Two Zone (RM2)	Permitted Uses	Apartment dwellings; and, Uses, buildings and structures accessory to the foregoing uses	This zone should permit other forms of housing such as street townhouses and block townhouses. This would create an opportunity for a variety and mix of land uses appealing to multiple levels of the current market.	Consider permitting other uses in this zone, such as street townhouses, block townhouses and stacked townhouses.
		Minimum Side Yard	6.0m	More recent standard development practices suggest that one-half the building height is sufficient. Possibly revise to say one-half the building height or 6m, whichever is less.	Possibly revise to say one-half the building height or 6m, whichever is less.
		Minimum Rear Yard	12m	More recent standard development practices suggest that one-half the building height is sufficient. Possibly revise to say one-half the building height or 12m, whichever is less.	Possibly revise to say one-half the building height or 12m, whichever is less.
SECTION 3: GENERAL PROVISIONS	Parking Requirements	3.23.1.2 Use Specific Parking Requirements	Single Detached dwelling, Semi-detached dwelling, Duplex, Triplex, Fourplex, Block, Street or Stacked Townhouse - 1.5 parking spaces/unit (may include a parking space in a garage)	It appears that an increase in parking spaces/unit is proposed based on this provision. We do not support this increase from 1 space/unit to 1.5 spaces/unit, as there are restrictions on driveway and garage widths, which create an obstacle for providing additional parking. In particular for townhouses. We'd strongly suggest that 1 space/unit is adequate for Single detached, Semi-detached and Townhouse units.	Reduce the requirement to 1 space/unit.
		3.23.1.2 Other Permitted Residential Uses	1.25 spaces/unit, Minimum Bicycle Parking: 1 internal or external for every 5 units, plus 1 external space for every 20 units	Typical apartment standard in East Fonthill has been 1.15 spaces per unit. Given the approved developments in this area with a ratio of 1.15 spaces per unit, we believe that establishing this as the standard is appropriate. Strong consideration should be given to the wording requiring that internal bicycle parking be provided. "Internal bicycle parking" needs to be clearly defined.	Reduce the requirement to 1.15 spaces/unit and clearly define "internal bicycle parking".
		3.24.1.3 a) Calculation of Parking requirements	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	Please provide some elaboration on this provision. It seems appropriate that a parking space ratio that is less than 0.5 spaces be rounded down to the next lower whole number and vice-versa for a ratio higher than 0.5 spaces.	Awaiting elaboration.
		3.24.1.8 Ingress and Egress	c.) The minimum distance between a driveway and an intersection of street lines measured along the street line intersected by such driveway shall be 7.5 m.	This provisions raises concern from the compact development standpoint. Some of our street townhouses are 6.0m in width and would nearly always result in an amendment or variance to this provision.	Consider revising this provision to contemplate narrow street townhouses.
		3.24.1.8 Ingress and Egress	f) Every lot shall be limited to the following number of driveways: i) 20 metres or less - only one driveway; ii) 20-30m of frontage - not more than 2 driveways; and iii) for each additional 20m of frontage - not more than 1 additional driveway	How would this provision affect street townhouses or semi-detached units that are in the final phases of construction on blocks and not yet divided by removal of part lot control?	Elaboration needed for us to fully understand the intent of this provisions and provide our comments.
		3.24.1.8 Ingress and Egress	j) Driveway width for a dwelling - 6.0m or 50% of the lot frontage, which ever is less	As noted above, limiting the width of driveways causes on-street parking issues. For the reasons already mentioned, this provision should revised or removed altogether.	Consider revising this provision or removing it altogether.
		3.24.1.10 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.	Please elaborate on this provision.	Awaiting elaboration.

		3.24.1.13 Parking Area Location on Lot	Residential (except apartment dwelling) 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.	This provision would require driveways to be extended further back to create a legal parking space in the driveway. This would result in a long corridor at the front of the house to keep the house close to the street and have the garage set further back. Consideration should be given to having this provision removed altogether.	Remove provision altogether.
	7.26 Special Setbacks	3.33.1 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.	Special setbacks based on environmental zones should be removed from the zoning by-law all together. Not only are these matters that should be dealt with by the regulating authority/agency, but these are being proposed based on a one-size fits all approach without giving context to the site characteristics. Further evaluation should be done by a land owner and their consulting environmental scientist through an EIS for a proper analysis and evaluation of the features to inform their recommendations for related setbacks and buffering. These setback provisions are onerous and will no doubt cause significant obstacles in developing designated land abutting these features and zones.	Remove provision altogether.
		3.33.2 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.		Remove provision altogether.
		3.33.3 Setback from Environmental Protection Three (EP3) Zone	Notwithstanding any other provision in this By-law, no building or structure shall be permitted to locate 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 Environmental Protection Three (EP3) Zone, provided such buildings or structures maintain a 30 metre setback from the Environmental Protection Three (EP3) Zone.		Remove provision altogether.
SECTION 2: DEFINITIONS		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.	This is a definition that we believe should be omitted from the proposed zoning by-law. Compatibility should be defined in the Official Plan, as this is largely open to interpretation and consistency of this interpretation could be significantly hindered on site-by-site basis depending on the reviewer.	Remove provision altogether.
		Dwelling, Street Townhouse	means a townhouse dwelling which has direct access amd frontage along a public street. Each dwelling unit may be located on a separate lot.	This definition should include "Back to Back Townhouses" and may be defined as either street or block townhouses, which have no rear yard or building setback therefrom.	Definition to include back to back townhouses.
		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.	We think that this definition should provide further clarification with regards to how finished grade is determined for low-rise housing (singles, semis and townhouses) and medium/high-rise housing. Low-rise housing should have the finished grade measured at the front yard to avoid issues when constructing walkout or lookout units.	Clarification requested for different unit styles (low, mid and high rise).

		Lot Frontage	means the horizontal distance between the side lot lines measured along the front lot line, but 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 m back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two (2) points where the side lot lines intersect the front lot line.	Clarification should be provided for this definition in the event that a pie shaped lot around a bend is measured at 7.5m from the front lot line, but the garage is within 7.5m of the lot line. Will the driveway width be determined based on the lot frontage determined at the 7.5m measurement from the front lot line.	Clarification requested.
SECTION 6: GREENFIELD DEVELOPMENT ZONES	Greenfield Development Residential One Zone (GF-R1)	Permitted Uses	Permitted Uses: <ul style="list-style-type: none">• Single Detached Dwellings;• Semi-Detached Dwellings;• Duplex Dwellings; and,• Triplex Dwellings.	This zone should permit street townhouses in addition the proposed permitted uses. This would ensure conformity with the EF- Low Density Residential section of the Official Plan and provide a range and variety of housing types. If there is a form of housing that is not viewed as ideal in this zone, then a solution may to be restrict the percentage of this housing type.	Expand the permitted uses to include Street Townhouse Dwellings. Also give consideration to Second Dwelling units to achieve official plan conformity.
		Lot Frontage	The minimum lot frontage shall be 12.0m, with a minimum lot frontage of 15.0m for corner lots.	A minimum lot frontage of 12m is limiting with regards to the single detached unit types that appeal to all levels of the market. It's important to consider that while 12m (40') single detached lots are typical in developments, there is also a demand from the market for more affordable singles, such as 11m (36') single detached lots and 10m (32') single detached lots. In addition, requiring that corner lots have a frontage of 15m is not ideal for the same reasons listed above compounded by the reality that it is not efficient use of urban developable land. Consideration should be given to that the corner lot frontage should be a minimum of 13m.	Consider reducing the required minimum lot frontage to 10m and the required corner lot frontage to 13m to allow for a variety of single detached unit types that appeal to multiple levels of the market.
		Lot Depth	The minimum lot depth shall be 32.0m.	A minimum lot depth of 32m is excessive and should strongly consider reduction to 28m to ensure more compact and consistent development, while efficiently utilizing urban land.	Reduce the minimum lot depth to 28m, as the main lot area is met.
		Rear Yard Setback	The minimum rear yard setback shall be 7.5m.	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings and providing an amenity area for those who reside there.	Reduce the minimum rear yard to 6.0m.
		Garages	The garage door 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 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.	This is a challenge in current housing design as the market desires double car garages to suit their desired double car driveways. This is largely because of the number of vehicles that a typical family owns has drastically increased, but also because the garage and driveway has become an amenity area (e.g. basketball hoops, hockey nets etc.). Requiring the garage width to be a maximum of 50% of the lot frontage significantly impacts that storage and amenity space in particular for townhouses that are 7m in width. Consideration should be given to increase this percentage to 65% to at a minimum accommodate one and a half car garages.	Increase the maximum garage door width to 65%.
		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.	Consider reducing the minimun depth of a porch to 1.5m. This is typical in most developments and provides adequate space for chairs, a lounge chair and other smaller outdoor furniture.	Consider reducing minimum porch depth to 1.5m.
		Permitted Uses	Permitted Uses: <ul style="list-style-type: none">• Street Townhouses.	Consideration should be given to include semi-detached units in the permitted uses for this zone. Often in townhouse developments there are bends in a road that result in narrow blocks that can't accommodate a townhouse block, but rather can be efficiently used by a constructing a semi-detached unit.	Consider including semi-detached units in the permitted uses for this zone.
	Greenfield Development Residential	Street Townhouse with Attached Garage: Building Height	The maximum building height shall be 17.0m, or 5 storeys, whichever is less.	This may be an error, 5 storeys for a townhouse seems excessive.	Could this be an error?
		Street Townhouse with Attached Garage: Rear Yard Setback	The minimum rear yard setback shall be 7.5m.	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings and providing an amenity area for those who reside there.	Reduce the minimum rear yard to 6.0m.

	Greenfield Development Residential Two Zone (GF-R2)	Street Townhouse with Attached Garage: Garages	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 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.	This is a challenge in current housing design as the market desires double car garages to suit their desired double car driveways. This is largely because of the number of vehicles that a typical family owns has increased, but also because the garage and driveway has become an amenity area (e.g. basketball hoops, hockey nets etc.). Requiring the garage width to be a maximum of 50% of the lot frontage significantly impacts that storage and amenity space in particular for townhouses that are 7m in width. In our experience, limiting the width of a driveway results in a on-street parking problem as well. Consideration should be given to increase this percentage to 65% to at a minimum accommodate one and a half car garages.	Increase the maximum garage door width to 65%.
		Street Townhouse with Rear Lane: Arterial and Collector Roads	Townhouses abutting arterial and collector roads shall be accessed by a rear laneway.	This provision should be deleted as this does not provide any flexibility to the developer in their subdivision design and will ultimately be reviewed during the planning approval process.	Remove provision altogether.
	Greenfield Development Residential Three Zone (GF-R3)	Block Townhouse Dwelling: Building Height	The maximum building height shall be 17.0m or 5 storeys, whichever is less.	This may be an error, 5 storeys for a townhouse seems excessive.	Could this be an error?
		Block Townhouse Dwelling: Rear Yard Setback	The minimum rear yard setback shall be 7.5m.	Requiring 7.5m for a rear yard setback is not practical and will be amended frequently for new development applications. More recent standard practice is 6.0m, as this is more than adequate for sufficient spacing between dwellings and providing an amenity area for those who reside there.	Reduce the minimum rear yard to 6.0m.
		Block Townhouse Dwelling: Lot Depth	The minimum lot depth shall be 32.0m.	A minimum lot depth of 32m is excessive and should strongly consider reduction to 28m to ensure more compact and consistent development, while efficiently utilizing urban land.	Reduce the minimum lot depth to 28m.
		Permitted Uses	Permitted Uses: <ul style="list-style-type: none">• Apartment Dwellings;• Block Townhouses; and,• Stacked Townhouses.	Street townhouses and semi-detached units should permitted within this zone in addition the uses listed. This would encourage a range and mix of uses while ensuring efficient use of land during site design.	Consider including semi-detached units and street townhouses in the permitted uses.

Conceptual Urban Structure of Pelham



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.

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.

Attached

this needs some
clarification of should be
removed

this version allows for
more creative design
freedom

"ATTACHED" means a building adjoined by a roof or which shares a common wall with an adjacent building(s).

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 3 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 hotel or motel.

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.

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 may include an arena, tennis, squash, handball and badminton courts and roller rinks.

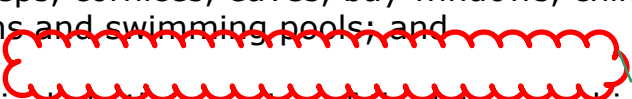
HABITABLE ROOM means any room of a residential building or an institutional building, used or capable of being used by one or more persons for living, eating or sleeping, or as a kitchen serving a dwelling unit; but does not include a bathroom, water-closet compartment, laundry, serving or storage pantry, 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 or 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. **if this definition is to stay the building heights in the bylaw need to grow by a couple-three metres past 10.5m**

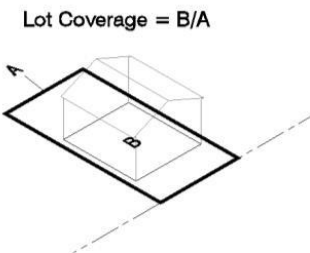
HOBBY FARM means a small-scale agricultural use located in the rear yard of a lot and comprised of up to 5 domestic livestock and up to 20 fowl for recreational purposes or for personal consumption by the occupants of a dwelling unit on the same lot.

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 ... 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.



does this exclude eaves?
or part of eaves? how
does the roof come into
play?



LOT DEPTH means:

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

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 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.

 **GARAGE**



PARKING GRADE 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.

- c) The use shall be operated by the owner(s) of the lot and have a maximum of two additional employees;
- d) Ancillary retail/commercial sales and service activities shall be limited to the lessor of 50m² or a maximum of 10% of the gross floor area of the building;
- e) All buildings related to the use shall be located within a cluster of existing buildings;
- f) The minimum lot area shall be 1.0ha; ¹
- g) The minimum lot frontage shall be 150m;
- h) The use and all associated facilities including parking areas shall not exceed a maximum area of 0.4ha;
- i) The minimum separation distance between agriculture-related uses shall be 500m;
- j) The maximum combined total floor area of the building utilized for the agriculture-related use shall be 250m²;
- k) The maximum area that may be utilized for open storage shall be 200m² and no more than one area of open storage shall be permitted;
- l) The area utilised for open storage shall be screened from the view of a public road;
- m) The use shall comply with the applicable noise emission standards of the Ministry of the Environment and Climate Change and where necessary, acoustic fencing, berms or other mitigation measures shall be provided to ensure that off-site sound levels generated by the use meet those standards;
- n) There shall be no external advertising other than a sign erected in accordance with the Town of Pelham Sign By-law;
- o) The use shall comply with the parking and loading requirements of Section 4; and
- p) Site Plan Control shall apply to any development.

3.2.2 On-Farm Diversified Uses

On-farm diversified uses, including agri-tourism/value added uses, may only be permitted in accordance with the provisions of Section 5, the Rural/Agricultural Zones, and in accordance with the following:

- a) The use shall accessory and directly related to the existing permitted agricultural use(s) on the lot and shall primarily serve the existing permitted agricultural

- d) Not contain more than 3 guest rooms;
- e) Be licensed through the Town's Short Term Accommodation Licensing By-law, pursuant to the Municipal Act, 2001;
- 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 4.

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. ¹
- 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.

this should be up to
NPCA

3.5 DAYLIGHTING TRIANGLES

Within the Daylighting Triangle, no sign, fence, landscaping, 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:

3.30 SECOND DWELLING UNITS

Two SDU could be in dwelling

- a) One Second Dwelling Unit is permitted in a single detached, semi-detached or townhouse dwelling in the R1, R2, R3, RM1, RR, GF-R1, GF-R2, GF-R3, A or SA Zones provided:
 - i. The maximum floor area of the second dwelling unit is 75m² on a lot within the Urban Area Boundary and 93m² on a lot outside of the Urban Area Boundary;
 - 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.

Two SDU could be in accessory building

- b) One Second Dwelling Unit is permitted in a detached accessory building in the R1, R2, R3, RM1, RR, 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 is 75m² on a lot within the Urban Area Boundary and 93m² on a lot outside of the Urban Area Boundary;
 - iii. The maximum height of the detached accessory building shall be 7m;
 - iv. For a Second Dwelling Unit located in a detached garage, the maximum height shall be 8m;
 - v. The maximum distance of a Second Dwelling Unit is permitted from the closest portion of the principle dwelling located on a property is 40m unless the Second Dwelling Unit is located in an existing building;
 - vi. If applicable, a septic approval is obtained confirming the septic system can sustain the additional dwelling unit;
 - vii. A minimum of one parking space shall be required for the second dwelling unit;
 - viii. All requirements of the Ontario Building Code, as applicable, shall be met; and

3.32 SPECIAL EXCEPTIONS

The Special Exceptions noted in Section 10 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.

3.33 SPECIAL SETBACKS

Notwithstanding any other provisions in this By-law, the following shall apply:

3.33.1 Setback from Environmental Protection One (EP1) Zone and Environmental Protection Two (EP2) Zone

Natural Heritage Feature	Building Setback
Provincially Significant Life Science Area of Natural and Scientific Interest	50m
Provincially Significant Wetland	120m
Habitat of Threatened and Endangered Species	50m
Environmental Conservation Area	50m
Type 1 – Critical Fish Habitat	30m
Type 2 or 3 – Critical Fish Habitat	15m
Regulated Floodplain	0m

3.33.2 Setback from Environmental Protection Three (EP3) Zone

should be removed

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.

3.33.3 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.

SECTION 4: PARKING AND LOADING REQUIREMENTS

4.1 PARKING SPACE REQUIREMENTS

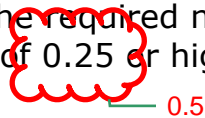
4.1.1 Minimum Parking Requirements

- a) A minimum number of parking spaces shall be provided and maintained on a lot in accordance with the following:

Use	Minimum # of Parking Spaces
AGRICULTURAL USES	
Agri-tourism/Value Added Uses	1 space per 55 m ² GFA
Agricultural-Related Uses	1 space per 55 m ² GFA
On-farm Diversified Uses	1 space per 55 m ² GFA
RESIDENTIAL USES	
Apartment Dwelling	1.25 spaces per dwelling unit
Bed and Breakfast	1.25 spaces per dwelling unit plus 1 additional space for each guest room
Home Industry	1.25 spaces per dwelling unit plus 1 additional space for home industry use
Home Occupation	1.25 spaces per dwelling unit plus 1 additional space for home occupation use
Second Dwelling Unit	1.25 spaces per dwelling unit
Short Term Accommodation	1 space per guest room
Other Permitted Residential	1.25 spaces per dwelling unit
COMMERCIAL USES	
Drive-thru Facility	Restaurant – 10 tandem spaces All Other Uses – 3 tandem spaces
Medical Office	4.5 spaces per 100m ² GLFA
Office	3.0 spaces per 100m ² GLFA
Retail and Service Commercial Uses, including Restaurants	3.25 spaces per 100m ² GLFA
Other Permitted Commercial	3.0 spaces per 100m ² GLFA
INDUSTRIAL USES	
Industrial	1 space per 50m ² of GLFA
PUBLIC/INSTITUTIONAL	
Public and Institutional including associated office space and/or retail, restaurants and personal service uses	3.5 spaces per 100m ² of GLFA
OTHER USES	
All Other Permitted Uses	3.5 spaces per 100m ² of GLFA
Within 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.	

should include TS

4.1.2 Calculation of Required Parking Spaces

- b) Where the calculation of the required number of parking spaces under Section 4.1a) results in a fraction of 0.25 or higher, the value shall be rounded up to the next whole number;  0.5 ¹
- c) When a building or structure accommodates more than one type of use, as defined in this By-law, the parking space requirement for the whole building shall be the sum of the requirements for the separate parts of the building occupied by the separate uses, including any accessory uses with a defined parking requirement under Section 4.1a); and
- d) On a lot with a single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling, fourplex dwelling or townhouse dwelling, a private driveway devoted to the dwelling unit and located on the lot may be included in the calculation of parking spaces.

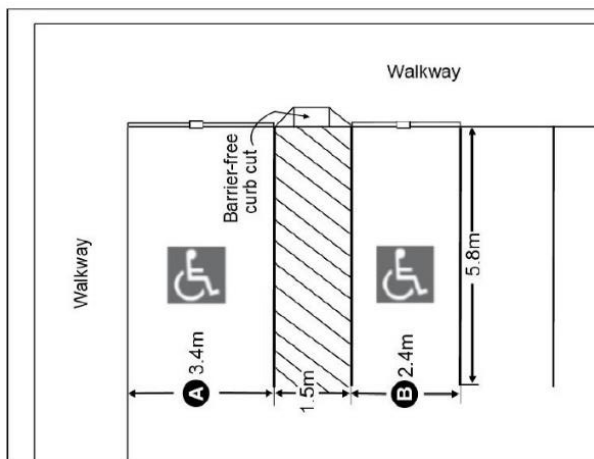
4.1.3 Barrier Free Parking Spaces

- a) Barrier-free parking spaces are required to be provided near entrances for apartment buildings, mixed-use buildings, commercial and institutional uses in accordance with the following, and have signage in accordance with the Ontario Regulation 191/11 Integrated Accessibility Standards, as amended:

Total Number of Parking Spaces	Minimum Number of Barrier Free Parking Spaces		
	Type A	Type B	Total
1 to 25	1	-	1
26 to 50	1	1	2
51 to 75	1	2	3
76 to 100	2	2	4
100 or more	4% of the total number of parking spaces on the lot shall be barrier free parking spaces. Where an even number of barrier free parking spaces are required, an equal number of Type A and Type B parking spaces shall be provided. Where an odd number of barrier free parking spaces are required, the additional barrier free parking space may be Type A or Type B.		

- b) Where one or more Type B barrier free parking space(s) is required, an equal number of Type A barrier free parking spaces may be substituted for the Type B space(s), provided that this provision shall not reduce the total number of barrier free parking spaces required;
- c) Notwithstanding the minimum barrier-free parking requirements, 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;

- d) 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;
- e) Type A barrier free parking spaces shall be a minimum of 3.4m by 5.8m;
- f) Type B barrier free parking spaces shall be a minimum of 2.4m by 5.8m; and
- g) An access aisle shall be provided on one side of all barrier free parking spaces and shall have a minimum width of 1.5m and a minimum length equal to the full length of the parking space and shall be marked with high tonal contrast diagonal lines where the surface asphalt, concrete or other hard surface, and one access aisle may be shared by two barrier free parking spaces (with one barrier free parking space located on each side of the access aisle).



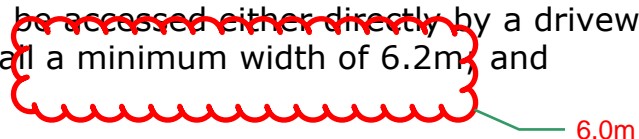
4.1.4 Parking Area and Driveway Requirements

4.1.4.1 Parking Space Dimensions and Requirements

- a) The minimum dimensions of a parking space shall be 2.6m by 5.8m with a minimum vertical clearance of 4.2m;
- b) The minimum dimensions of a tandem parking space shall be 2.6m by 6.7m with a minimum vertical clearance of 4.2m; and
- c) Any required space shall be unobstructed and free of any structures or encroachments.

4.1.4.2 Parking Aisles

- a) Each parking space shall be accessed either directly by a driveway or a parking aisle. A parking aisle shall have a minimum width of 6.2m, and



- b) Notwithstanding Section 4.1.4.2 a), where a parking aisle is designed to provide one-way traffic only, and the parking spaces are provided at an angle not exceeding 45° measured at the parking aisle, the minimum width shall be 4.5m.

1

4.1.4.3 Driveways

except corner lots and 2 permitted

- a) Only one driveway shall be permitted in a residential zone;
- b) In any zone where a dwelling is permitted, the maximum driveway width shall be 6.0m or 50% of the frontage or the exterior side lot line distance, whichever is less for the entire length of the driveway;
- c) Ingress and egress to and from required parking areas and required parking spaces in any zone shall be provided by means of unobstructed driveways at least 3.0m in width for one-way traffic and 7m in width for two-way traffic;
- d) Notwithstanding the requirements of 4.1.4.3 c), the ingress and egress requirements of the Region of Niagara shall apply along all Regional Roads;
- e) 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;
- f) Abutting driveways shall be consolidated into one side driveway; and
- g) Notwithstanding 4.1.4.3 a), a circular or secondary driveway shall only be permitted in accordance with the following:
- On a lot with a minimum lot frontage of 30m;
 - The maximum combined width of all driveway entrances/egresses shall be 9.0m; and
 - The minimum distance between the driveway entrances/egresses shall be 15.0m. For the purpose of interpreting this regulation, the distance between proposed driveway entrances/egresses shall be measured along the applicable street line(s) between the driveway entrances/egresses.

2

6m

4.1.4.4 Parking Area and Driveway Surface

- a) A parking area and the driveway(s) connecting the parking area with a street shall be constructed of asphalt, concrete, permeable paving, Portland cement, or like materials.

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.

5.1.3.2 Zone Requirements for Buildings and Structures Accessory to Dwellings

Maximum Lot Coverage	1% to a maximum of 10% for all buildings	
Minimum Side Yard	3.0m	
Minimum Rear Yard	3.0m	
Minimum Distance to the Dwelling	3.0m	1
Maximum Building Height	3.7m	7.0m

Accessory buildings and structures shall not be permitted in the required front yard.

5.1.4 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

5.1.5 Zone Requirements for Greenhouses and Hoop Houses

Minimum Lot Frontage	100.0m
Minimum Lot Area	3.0ha
Minimum Front Yard	20.0m

SECTION 6: RESIDENTIAL ZONES

The following zoning categories are described in this section:

R1 Residential One Zone

Permitted Uses:

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

R2 Residential Two Zone

Permitted Uses:

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

town houses

R3 Residential Three Zone

Permitted Uses:

- Semi-detached dwellings;
- Duplex dwellings;
- Triplex dwellings;
- Second dwelling units; 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;
- Second dwelling units; 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.

RR Rural Residential Zone

Permitted Uses:

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

6.1 RESIDENTIAL ONE ZONE



6.1.1 Permitted Uses

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

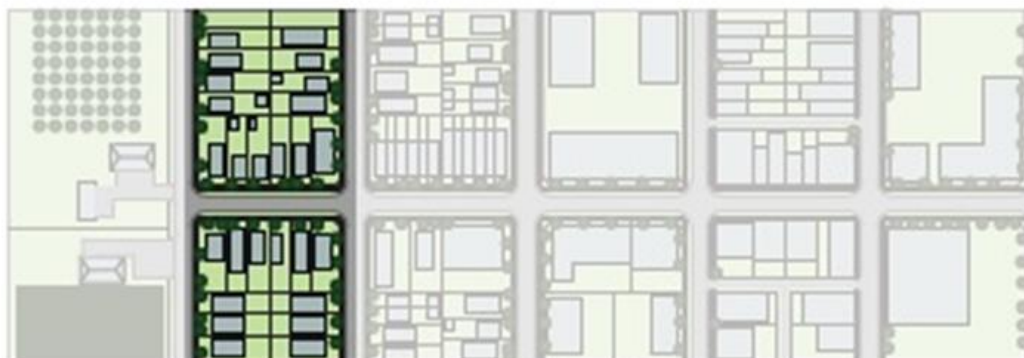
6.1.2 Zone Requirements

Minimum Lot Frontage	15.0m ¹ 16.0m ² and 17.0m on a corner lot
Minimum Lot Area	500sqm ³ 500m² ⁴
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m
Minimum Corner Side Yard	3.0m
Minimum Rear Yard	5.0m ⁵ 6.0m ⁶ 6.0m ⁷
Maximum Height for a Dwelling	10.5m
Maximum Lot Coverage	50%

6.1.3 Zone Requirements for Secondary Dwelling Units

Please refer to Section 3.30

6.2 RESIDENTIAL TWO ZONE



6.2.1 Permitted Uses

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

6.2.2 Zone Requirements for Single Detached Dwellings

Minimum Lot Frontage	12.0m and 14.0m on a corner lot	
Minimum Lot Area	360m ²	
Minimum Front Yard	3.0m	11.0m and 13.0m
Maximum Front Yard	6.0m	275sqm
Minimum Side Yard	1.2m	
Minimum Corner Side Yard	3.0m	
Minimum Rear Yard	7.5m	6.0m
Maximum Height (Dwelling)	10.5m 12m	
Maximum Lot Coverage	50%	

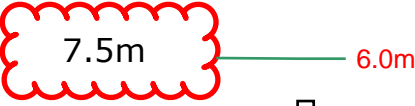
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6.2.3 Zone Requirements for Semi-Detached Dwellings

Minimum Lot Frontage	6.0m per dwelling unit
Minimum Lot Area	250 m ² per dwelling unit 150sqm ²
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m except that no interior side yard shall be required for a semi-detached dwelling between the common vertical wall dividing one unit from another.
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	 ³
Maximum Height (Dwelling)	10.5m 12m ⁴
Maximum Lot Coverage	50%

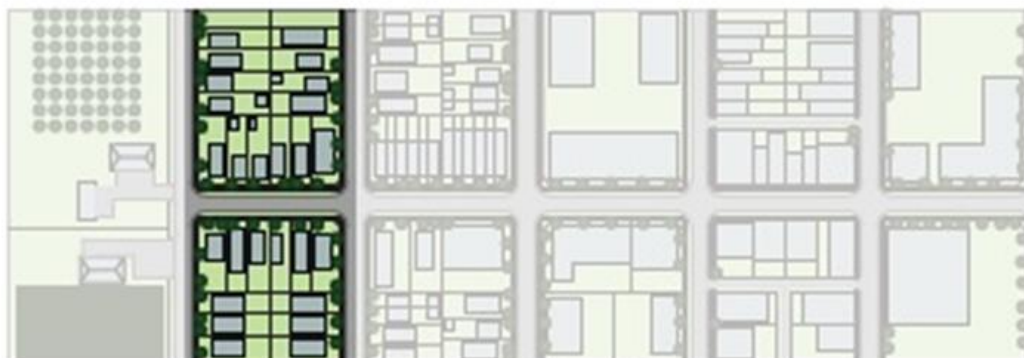
6.2.4 Zone Requirements for Duplex Dwellings

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
Minimum Corner Side Yard	4.5m
Minimum Rear Yard	 ⁵
Maximum Height for a Dwelling	10.5m 12m ⁶
Maximum Lot Coverage	50%

6.2.5 Zone Requirements for Secondary Dwelling Units

Please refer to Section 3.30

6.3 RESIDENTIAL THREE ZONE



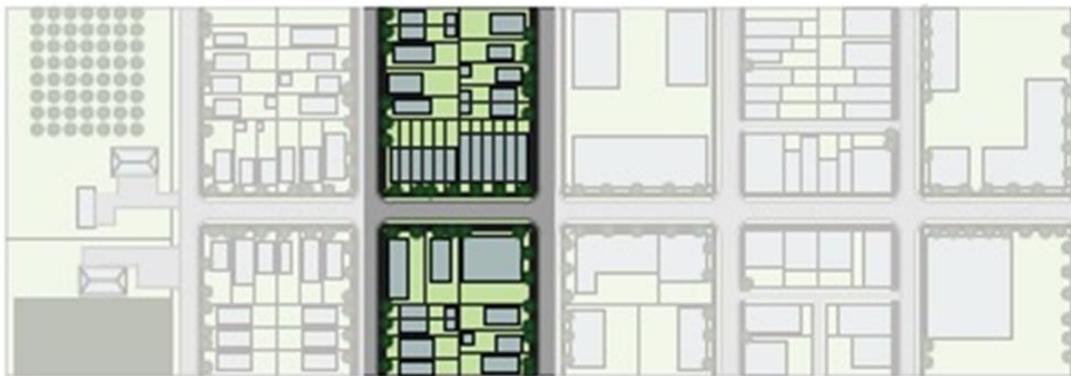
6.3.1 Permitted Uses

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

6.3.2 Zone Requirements for Semi-Detached Dwellings

Minimum Lot Frontage	6.0m per dwelling unit
Minimum Lot Area	250m² per dwelling unit 150sqm ²
Minimum Front Yard	3.0m
Maximum Front Yard	6.0m
Minimum Side Yard	1.2m except that no interior side yard shall be required for a semi-detached dwelling between the common vertical wall dividing one unit from another.
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 6.0m ⁴

6.4 RESIDENTIAL MULTIPLE ONE ZONE



6.4.1 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) Secondary dwelling units; and
- j) Uses, buildings and structures accessory to the foregoing uses.

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

Minimum Lot Frontage	14.2m ¹ 12m 6.0m per dwelling unit for semi-detached dwellings
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
Maximum Lot Coverage	50%

6.4.3 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	230m² per unit	150sqm ²
Minimum Front Yard	3.0m	
Maximum Front Yard	6.0m	
Minimum Side Yard	1.2m	
Minimum Corner Side Yard	3.0m	
Minimum Rear Yard	<div><div>7.5m</div><div>6.0m</div></div>	³
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	
Maximum Lot Coverage	50%	

6.4.4 Zone Requirements for Block Townhouse Dwellings

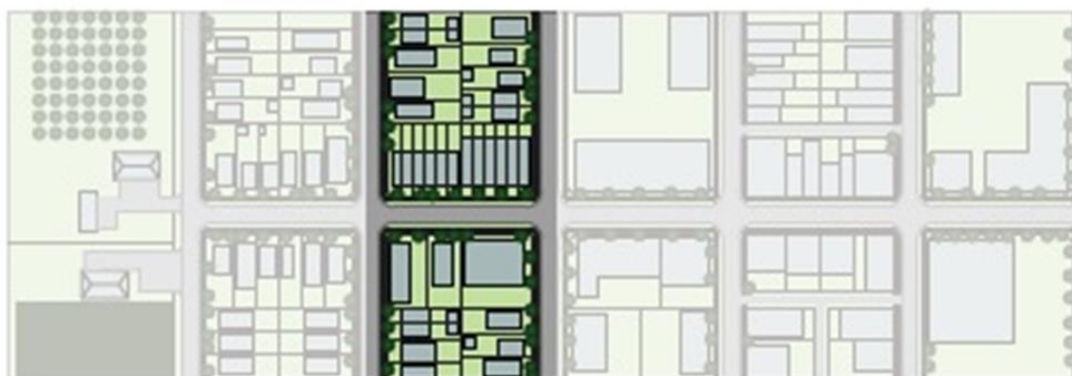
Minimum Lot Frontage	30.0m 14.0m on a corner lot
Minimum Lot Area	2,000m ²
Minimum Front Yard	3.0m

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 ² 6.0m
Maximum Height (Dwelling)	10.5m ⁴ 12m
Minimum Setback from an Internal Road	3.0m except for garages where it is 6.0m
Maximum Setback from an Internal Road	4.5m
Distance Between Buildings on the Same Lot	<p>A FACE OF A BUILDING means one or other of the longest walls on a building. Each building shall be deemed to have two faces.</p> <p>A SIDE OF A BUILDING means one or the other of the shortest walls on a building. Each building shall be deemed to have two sides.</p> <p>Any face of one townhouse shall be no closer to any side of another townhouse than 9.0m.</p> <p>Any face of any townhouse shall be no closer than 14.0m to any face of another townhouse.</p> <p>Any side of any townhouse shall be no closer than 3.0m to any side of another townhouse.</p>
Landscape strip	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.
Maximum Lot Coverage	50%

6.4.5 Zone Requirements for Secondary Dwelling Units

Please refer to Section 3.30

6.5 RESIDENTIAL MULTIPLE TWO ZONE



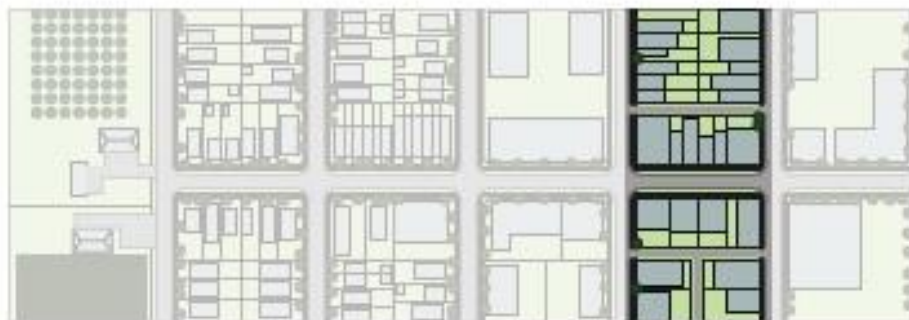
6.5.1 Permitted Uses

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

6.5.2 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 5 storey (20m) ¹
Maximum Lot Coverage	50%

8.2 MAIN STREET ZONE



8.2.1 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;
- m) Retail uses; and
- n) Short term rental accommodations

8.2.2 Zone Requirements for Short Term Accommodations

Please refer to Section 3.30

8.2.3 Zone Requirements

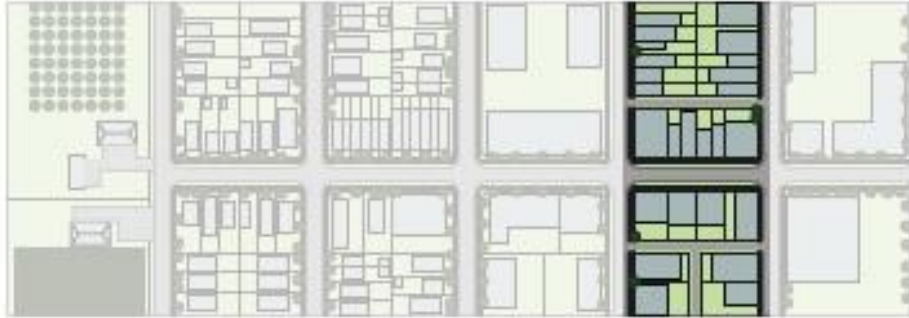
Building Height	<p>The building height shall be a minimum of 6.0m^{8m¹} and 2 storeys.</p> <p>The building height shall be a maximum of 10.5m^{12m⁴} or 3 storeys, whichever is less.</p>
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Front Yard	The main front wall shall occupy a minimum of 75% of the lot frontage and be built within 0-3.0m of the front lot line.
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.
Rear Yard	The minimum rear yard setback shall be 6.0m ¹ 0m
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.
Retail Frontage	The maximum retail frontage of individual businesses shall not exceed 12.0m.
Retail Store GFA	The maximum retail GFA of individual businesses shall not exceed 500m ² on Pelham St. and 2500m ² on Regional Road 20.
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.
First Floor Height	The first floor height shall be a minimum of 4.5m. ³
Landmark Sites	<p>The minimum height for Landmark Sites shall be 10.4m ^{12m} or 3 storeys, whichever is greater and the maximum height shall be the lesser of 14.0m ^{16m} or 4 storeys. There shall be a minimum 7 step back of 1.5m on the 3rd storey. ⁸</p> <p>refer to design guidelines</p>

Main Street Typologies



8.3 TOWN SQUARE ZONE



8.3.1 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;
- k) Retail Uses; and
- l) Short term accommodations

8.3.2 Zone Requirements for Short Term Accommodations

Please refer to Section 3.30

8.3.3 Zone Requirements

Building Height	The building height shall be a minimum of 10.5m and 3 storeys. The building height shall be a maximum of 11.0m 20.0m and 5 storeys.
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.

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.
Rear Yard	The minimum rear yard setback shall be 6.0m. For lots surrounding Peace Park, a minimum of 2.0m is permitted
Step Backs	There shall be a minimum step back of 1.5m above the 3 rd storey for buildings of 4 or more storeys.
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.
Retail Frontage	The maximum retail frontage of individual businesses shall not exceed 12.0m.
Retail Store GFA	The maximum retail GFA of individual businesses shall not exceed 500m ² on Pelham St. and 2500m ² on Regional Road 20.
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.
First Floor Height	The first floor height shall be a minimum of 4.5m.
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 20.1m or 6 storeys. 24.0m

Town Square Typologies



abutting a Residential or Institutional use or Zone. The minimum rear yard setback shall be 6.0m from the lot line.

Lot Frontage The minimum lot frontage shall be 15.5m.

Lot Area The minimum lot area shall be 465m².

Lot Coverage The maximum lot coverage shall be 50%

¹ Dwelling units shall only be permitted above the ground floor of a commercial use.

² A minimum landscaped amenity area of 55m² shall be provided for each dwelling unit.

additional dwelling units are permitted to be considered at grade if it can be demonstrated that they are private from commercial activity (needs better wording - but this idea of having dwelling units at grade around the side/back etc. helps with barrier free conditions on small projects)

³