

**TOWN OF PELHAM
ZONING BY-LAW
NO. 1136(1987)**

Zoning By-Law No. 1136
Passed by Council on June 23, 1987

O.M.B. approval on May 14, 1991

THE CORPORATION OF THE
TOWN OF PELHAM
COMPREHENSIVE AND CONSOLIDATED
ZONING BY-LAW

NOTE OF METRIC MEASURES (For information only - not part of this By-law)

This By-law is written wholly using metric measures. In compliance with standards of the Metric Commission, all metric units are written in international abbreviations, SI (Système International). The three symbols applicable to this By-law are as follows:

m - metre or metres
m² - square metre or square metres
ha - hectare or hectares

For the benefit of those not yet conversant with the metric system, a conversion table of the metric measures used in this By-law is provided below showing their imperial equivalents.

LINEAR MEASURES:

General conversion factors:

feet = metres divided by 0.3048
metres = feet x 0.3048

AREA MEASURES:

General Conversion factors:

square feet = square metres divided by 0.0929
square metres = square feet x 0.0929
acres = hectares divided by 0.4047
hectares = acres x 0.4047

COMMON METRIC CONVERSIONS:

Linear

0.1m	=	0.33 feet	6.0m	=	19.69 feet
0.2m	=	0.66 feet	6.5m	=	21.33 feet
0.4m	=	1.31 feet	7.5m	=	24.61 feet
0.5m	=	1.64 feet	8.0m	=	26.25 feet
0.8m	=	2.62 feet	9.0m	=	29.53 feet
1.0m	=	3.28 feet	10.0m	=	32.81 feet
1.5m	=	4.92 feet	12.0m	=	39.37 feet
2.0m	=	6.56 feet	15.0m	=	49.21 feet
2.5m	=	8.20 feet	20.0m	=	65.52 feet
3.0m	=	9.84 feet	25.0m	=	82.02 feet
3.5m	=	11.48 feet	30.0m	=	98.43 feet
4.0m	=	13.12 feet	50.0m	=	164.04 feet
4.5m	=	14.76 feet	100.0m	=	328.09 feet
5.0m	=	16.40 feet	150.0m	=	492.13 feet
			300.0m	=	984.26 feet

Area

1m ²	=	10.76 sq.ft.	75m ²	=	807.29 sq.ft.
2m ²	=	21.53 sq.ft.	80m ²	=	861.11 sq.ft.
5m ²	=	53.82 sq.ft.	85m ²	=	914.94 sq.ft.
10m ²	=	107.64 sq.ft.	90m ²	=	968.75 sq.ft.
15m ²	=	161.46 sq.ft.	100m ²	=	1076.39 sq.ft.
20m ²	=	215.28 sq.ft.	105m ²	=	1130.22 sq.ft.
25m ²	=	269.10 sq.ft.	150m ²	=	1614.59 sq.ft.
30m ²	=	322.92 sq.ft.	200m ²	=	2152.78 sq.ft.
35m ²	=	376.74 sq.ft.	250m ²	=	2690.98 sq.ft.
40m ²	=	430.56 sq.ft.	300m ²	=	3229.17 sq.ft.
45m ²	=	484.38 sq.ft.	360m ²	=	3875.05 sq.ft.
50m ²	=	538.20 sq.ft.	400m ²	=	4305.57 sq.ft.
55m ²	=	592.02 sq.ft.	450m ²	=	4843.81 sq.ft.
60m ²	=	645.83 sq.ft.	500m ²	=	5381.96 sq.ft.
65m ²	=	699.65 sq.ft.	600m ²	=	6458.52 sq.ft.
70m ²	=	753.48 sq.ft.	1000m ²	=	10763.92 sq.ft.

0.4ha = 1 acre
0.8ha = 2 acres
1ha = 1000m² or 2.47 acres
10ha = 24.7 acres
22ha = 54.3 acres

**THE CORPORATION OF THE
TOWN OF PELHAM**

**BY-LAW NUMBER
1136 (1987)**

Being a by-law to regulate the use of lands and the character, location and use of buildings and structures within the Town of Pelham.

WHEREAS Section 34 of The Planning Act S.O. 1983, as amended, provides that the governing body of a municipal corporation may pass by-laws to regulate the use of lands and the character, location and use of buildings and structures.

AND WHEREAS the Planning and Development Committee of the Town of Pelham has recommended that such a by-law be enacted;

AND WHEREAS the Council of the Town of Pelham has deemed it to be in the public interest that such a by-law be enacted;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS AS FOLLOWS:

TOWN OF PELHAM
ZONING BY-LAW NO.

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SECTION 1 - APPLICATION AND INTERPRETATIONS

1.1 TITLE OF BY-LAW

This by-law shall be cited as the "Zoning By-law of the Town of Pelham.:

1.2 SCOPE OF THE BY-LAW

(a) LANDS SUBJECT TO BY-LAW

The provisions of this By-law shall apply to all those lands lying within the corporate limits of the Town of Pelham.

(b) CONFORMITY WITH BY-LAW

No building or structure shall hereafter be erected or altered, nor shall the use of any building, structure or lot hereafter be changed, in whole or in part, except in accordance with the provisions of this By-law.

(c) EXISTING USES CONTINUED

Nothing in this By-law shall prevent the use of any lot, building or structure for any purpose prohibited by this By-law if such building or structure was lawfully used for such purpose on the date of passing of this By-law, so long as it continues to be used for that purpose.

(d) BUILDING PERMIT ISSUED

Nothing in this By-law shall prevent the erection or use of any building or structure for a purpose prohibited by this By-law if the plans for such building or structure were approved by the Chief Building Official prior to the date of passing of this By-law, provided that:

- (i) when the building or structure is commenced within one year of the date of passing of this By-law and is completed within six months after the erection thereof is commenced, and provided such building permit has not been revoked under Section 6 of **The Building Code Act**.

(e) COMPLIANCE WITH OTHER RESTRICTIONS

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience or general welfare. Whenever the requirements of this By-law are at variance with the requirements of any other By-law, the most restrictive, or the By-law imposing the higher standards, shall govern and apply.

Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any By-law of the Municipality or the Regional Municipality of Niagara, or Canada, including any regulation under the provisions of the **Conservations Authorities Act**, or any regulation or any other applicable Act of the Province of Ontario or Canada. Nothing in this By-law shall prevent the use of any land for the erection of buildings or structures, or the installation of other facilities essential to the supply and operation of public utilities as defined in **The Public Utilities Corporation Act, R.S.O. 1980**, provided that any such use, building or structure shall be in compliance with the relevant provisions of this By-law.

Nothing in this By-law shall prevent the erection of any properly authorized traffic sign or signal, or any sign or notice of any local or other government department or authority subject to the Municipality's sign by-law and as amended from time to time.

1.3 INTERPRETATION OF THE BY-LAW

(a) DEFINED AREAS

The extent and boundaries of all zones are shown on Schedule "A" and all such zones are hereby defined as areas to which the provisions of this By-law shall respectively apply.

(b) ZONE BOUNDARIES

When determining the boundary of any zone as shown on any schedule forming part of this By-law, the following provisions shall apply:-

- (i) A boundary indicated as following a highway, street or lane shall be the centre line of such highway, street or lane. In the event that a street or lane which forms the boundary between such zones is closed, the boundary between such zones shall be construed as the former centre line of the said closed street or lane.
- (ii) A boundary indicated as following a right-of-way of a railway or an electrical, gas or oil transmission line shall be the centre line of such right-of-way.

- (iii) A boundary indicated as following a shoreline shall be construed as the high water mark, or in the case of a watercourse, creek or stream, the centre line thereof.
- (iv) A boundary indicated as approximately following lot lines shown on a registered plan of subdivision or lot and concession lines shall follow such lines.
- (v) A boundary indicated as following a closed road, lane or railway shall imply that the property formerly in the said road, lane or railway shall be included within the zone of the adjoining property on either side of the said closed road, lane or railway. In the event that the said road, lane or railway was a zone between two or more different zones, the new boundary shall be the former centre line of the said closed road, lane or railway.
- (vi) Where a boundary is indicated as approximately parallel to a street line or other feature indicated in clauses (i), (ii) or (iii) of this Subsection, and the distance from such street line or other feature is not indicated, and clause (iv) or (v) above is not applicable, such boundary shall be construed as being parallel to such street line or other feature and the distance therefrom shall be determined according to the scale shown on the appropriate Schedule.
- (vii) A boundary indicated as following the limits of the Municipality shall follow such limits.
- (viii) The limit of any map comprising any Schedule forming part of this By-law as shown on the Key Map of such Schedule shall be deemed to be the boundary of the zone adjoining such limit.

(c) DEFINITIONS

In this By-law, unless the context requires otherwise, the definitions and interpretations set out in Section 5 hereof shall apply.

(d) SINGULAR AND PLURAL WORDS AND GENDERS

In this By-law, unless the context requires otherwise:

- (i) words used in the singular number include the plural;
- (ii) words used in the plural include the singular number; and;
- (iii) words used in the masculine gender shall include the feminine.

(e) "SHALL" IS MANDATORY

In this By-law, the word "shall" is mandatory.

(f) "USE" AND "OCCUPY"

In this By-law, unless the context requires otherwise:

- (i) the verb "use" shall include "design to be used", "arrange to be used" and "permit to be used"; and
- (ii) the verb "occupy" shall include "design to be occupied", and "permit to be occupied."

SECTION 2 - ADMINISTRATION AND ENFORCEMENT

2.1 REQUIREMENTS FOR BUILDING PERMITS

In addition to all of the requirements of the Building By-law or any other by-law of the Corporation, no building permit shall be issued in respect to the erection or alteration of a building or structure until the following have been submitted to and approved by the Chief Building Official to his satisfaction.

- (a) Two (2) copies of a site plan, one copy of which shall be retained by the Chief Building Official, drawn to scale and showing:
 - (i) the dimensions of the lot to be built upon or otherwise used;
 - (ii) the location of all existing buildings, structures or uses on the lot;
 - (iii) the proposed location and dimensions of any building, structure or use proposed for such lot; and
 - (iv) the proposed location and dimensions of yards, landscaped open spaces, parking areas and loading spaces;
- (b) A statement, signed by the owner, disclosing the specific existing or proposed use for each existing or proposed building or structure and containing all information necessary to determine if such existing or proposed building, structure or use conforms to the requirements of this By-law; and
- (c) Two (2) copies of a plan showing the ground level and contour lines on the lot as of the date of the application and as same upon completion of the proposed erection or alterations and when the redistribution of all topsoil has been completed.

2.2 ISSUANCE OF BUILDING PERMITS

Notwithstanding the provisions of the Building By-law or any other by-law of the Corporation to the contrary, no building permit shall be issued where a proposed building, structure or alteration to an existing building or structure would contravene in any way one or more of the provisions hereof.

2.3 OCCUPANCY PERMITS

- (a) No building which is the principal use erected or altered hereafter on any lot in any part of the zoned area shall be occupied or used for any purpose unless an Occupancy Permit has been issued by the Chief Building Official in respect of the said building.
- (b) An Occupancy Permit shall be issued in respect of a building only after:
 - (i) an application for such Occupancy Permit has been submitted in writing to the Chief Building Official, at least 10 days prior to the intended date of occupancy, by the owner of the lot upon which the said building is being erected or altered or by a duly authorized representative thereof; and
 - (ii) the erection or alteration of the said building has been substantially completed in accordance with the provisions of this By-law, the non-completion of minor details not exceeding 10% of the value of the work as set out in the building permit issued therefore by the Chief Building Official not to amount to, or be considered substantial non-completion;
- (c) All applications for an Occupancy Permit in respect of a building shall:
 - (i) be made on the appropriate form provided by the Corporation;
 - (ii) be accompanied by a plan or plans showing the dimensions of the said building in relation to all lot lines and to any other building on the lot; and
 - (iii) include a description of the proposed use or uses of the said building and of any other uses on the lot.
- (d) An Occupancy Permit issued in respect of a building shall cease to have effect and shall become null and void where:

- (i) any alteration is made to the dimensions, location or use of the said building, or to the number of parking spaces or loading spaces provided therefore, as a result of which alteration part or all of the said building or the lot on which the said building is located fails to comply with one or more of the provisions of this By-law; or
- (ii) a building permit is issued for altering the said building, in which case the Chief Building Official may, at his discretion, issue a temporary Occupancy Permit where it is considered desirable that the occupation or use of part or all of the said building continue throughout the duration of work relating to such alteration.
- (e) The Chief Building Official shall keep on file a record of all Occupancy Permits and any owner of, or other person having a proprietary interest or tenancy interest in a building in respect of which an Occupancy Permit has been issued shall, upon written request to the Chief Building Official, be provided with a copy of such Occupancy Permit for a fee to be determined from time to time by Council.

2.4 REQUESTS FOR AMENDMENTS

Every request for an amendment to this By-law shall be accompanied by two (2) copies of the appropriate application form provided by the Corporation.

2.5 INSPECTION

- (a) Subject to Clause (b) of this Subsection, the Chief Building Official or By-law Enforcement Officer of the Corporation, acting under the direction of Council, is hereby authorized to enter, at all reasonable hours, upon any property or premises for the purpose of carrying out his duties pursuant to the provisions of this By-law.
- (b) Notwithstanding anything to the contrary in Clause (a) of this Subsection, no officer or employee of the Corporation shall enter any room or place actually being used as a dwelling unit or part thereof without the consent of the occupier, except under the authority of a search warrant issued under Section 16 of **The Provincial Offences Act**, R.S.O. 1980, or any successors thereto.

2.6 VIOLATIONS AND PENALTIES

- (a) Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirement of this By-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or causes or permits such a violation, shall be guilty of an offence, and upon conviction therefore, shall forfeit and pay a penalty not exceeding One Thousand Dollars (\$1,000.00) exclusive of costs for each such offence, and every such penalty shall be recoverable under **The Municipal Act** and **The Provincial Offences Act**.
- (b) Each day of violation shall constitute an offence.
- (c) Any building or structure which contravenes any requirement of this By-law may be removed or altered at the instance of the Corporation, pursuant to the provisions of **The Municipal Act**.

2.7 REMEDIES

Where any building or structure is erected, altered, reconstructed or extended, or part thereof is used, or any lot is used, in contravention of any requirements of this By-law, such contravention may be restrained by action at the instance of any ratepayer or of the Corporation pursuant to the relevant provisions of **The Planning Act** and/or **The Municipal Act**.

2.8 VALIDITY

If any section, clause or provision of this By-law, including anything contained in the Schedules attached hereto, is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the section, clause or provision so declared to be invalid, and is hereby declared to be the intention that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions thereof shall have been declared to be invalid.

2.9 BY-LAWS REPEALED

By-law No. 279 of the Town of Pelham and all amendments thereto are hereby repealed, save and except for those amendments to By-law 279 of the Town of Pelham which are adopted by Council but which have not taken effect as of the date of passing of this by-law, but which will be deemed to be amendments to this by-law on the date that they take effect.

SECTION 3 - ZONES

The following zones are established within the Town of Pelham and such zones may be referred to by the appropriate symbol.

Zone	Symbol
Agricultural	A
Special Rural	SR
Residential Village 1	RV1
Residential Village 2	RV2
Residential Multiple Village 1	RMV1
Residential Multiple Village 2	RMV2
Residential 1	R1
Residential 2	R2
Residential 3	R3
Residential Multiple 1	RM1
Residential Multiple 2	RM2
Residential Development	RD
Neighbourhood Commercial	NC
Commercial General	GC
Commercial Rural	CR
Light Industrial	M1
General Industrial	M2
Industrial Extractive	M3
Institutional	I
Public	P
Open Space	OS
Hazard	H
Airport	AR

SECTION 4 - SCHEDULES TO THE BY-LAW**4.1 PART OF BY-LAW**

Schedules A, B, and C which are attached hereto and described in this Subsection, together with notations and references shown thereon, are hereby made a part of this By-law as fully and to all intents and purposes as though recited in full herein.

4.2 SCHEDULE "A" - ZONE MAPS

The extent and boundaries of all zones are set out on Schedule "A" hereto and shall be interpreted in accordance with the provisions of this by-law.

4.3 SCHEDULE "B" - MINIMUM DISTANCE SEPARATION FORMULAE

Setbacks of and/or from livestock buildings are set out in Schedule "B" attached hereto.

4.4 SCHEDULE "C" - PARKING DESIGN STANDARDS

Geometric design standards for all parking spaces are set out in Schedule "C" attached hereto.

SECTION 5 - DEFINITIONS

- 5.1 **"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 12 month period.
- 5.2 **"ACCESSORY"**, when used to describe a use, a building or a structure that is incidental, subordinate and exclusively devoted to a main use, building or structure and located on the same lot therewith.
- 5.3 **"ACCESSORY DWELLING UNIT"** - see "DWELLING UNIT"
- 5.4 **"ADULT ENTERTAINMENT PARLOUR"** means any premises or part thereof in or on which is provided in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclination, and as further defined in Section 222 of the Municipal Act R.S.O. 1980.
- 5.5 **"AGRICULTURAL USE"** means a use of land, building or structure for the purpose of animal husbandry, bee-keeping, dairying, fallow, field crops, forestry, fruit farming, horticulture, market gardening, pasturage, nursery, poultry-keeping, greenhouses, or any other farming use, and includes the growing, raising, packing, treating, storing and sale of farm products produced on the farm and other similar uses customarily carried on in the field of general agriculture and which are not obnoxious.
- 5.6 (a) **"ALTER"** means:
- (i) when used in reference to a building or structure or part thereof, to change any one or more of the external dimensions of such building or structure or to make any change in the supporting members or to the type of construction of the exterior walls or roof thereof;
 - (ii) when used in reference to a lot to change the lot area, lot frontage or lot depth thereof; to change the width, depth or area of any required yard, landscaped open space or parking area; or to change the location of any boundary of such lot with respect to a street or lane, whether such alteration is made by conveyance or alienation of any portion of such lot or otherwise; or
 - (iii) when used in reference to a use, to discontinue and replace a use with a use which is defined herein as being distinct from the discontinued use.
- (b) **"ALTERED"** and **"ALTERATION"** shall have corresponding meanings.

- 5.7 **"ANIMAL HOSPITAL or SHELTER"** means a building or part thereof, with or without related structures, wherein domestic household pets including, but not so as to limit the generality of the foregoing, dogs, cats, caged birds and specialty fish, but excluding any animals kept primarily for the purpose of providing food or skins, are given temporary shelter and accommodation or are treated or kept for treatment by a registered veterinarian, and includes the office of a registered veterinarian, but does not include any establishment engaged primarily in the retail sale of animal or in breeding animals for gain or profit, or a veterinarian's clinic as defined herein.
- 5.8 **"ANIMAL UNIT"** shall be defined in Tables 1 and 2 of Schedule B attached hereto and forming part of this by-law.
- 5.9 **"ARCADE"** means any establishment or part or parts of an establishment containing four (4) or more arcade machines operated for profit or gain, including where the operation of such game machine for profit or gain is an accessory use or is not the primary use of the establishment.
- 5.10 **"ARCADE MACHINE"** means any mechanised game machine or electronic game machine including a pinball machine or coin operated billiard table operated for profit or gain.
- 5.11 **"ASSEMBLY HALL"** means a building or part of a building in which facilities are provided for meetings of a civic, educational, political, religious, social or recreational nature and which facilities are capable of accommodating in excess of 100 persons and includes a public hall within the meaning of **The Public Hall Act**.
- 5.12 **"ATTACHED"** means:
- (i) when referring to an accessory building, "attached horizontally to a main building on the same lot";
 - (ii) when referring to a main building, "attached horizontally to another main building either on the same lot or on an adjacent lot."
- 5.13 **"ATTIC"** - see **"STOREY"**
- 5.14 **"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.

- 5.15 **"AUTOMOBILE SERVICE STATION"** means an establishment where vehicles fuels, lubricants and accessories are offered for retail sale and which contain facilities for the minor running repairs and maintenance of vehicles that are essential to their operation, but does not include a body shop or automobile washing establishment.
- 5.16 **"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.
- 5.17 **"BAKE SHOP"** means a bakery where the prepared food products of such bakery are offered for retail sale on the same premises and includes a restaurant.
- 5.18 **"BANK"** means an institution where money is deposited, kept, lent and exchanged and shall include Trust Companies, Credit Unions, and other like financial institutions.
- 5.19 **"BASEMENT"** means any storey below the first storey.
- 5.20 **"BEDROOM"** means a room located within a dwelling unit and used primarily for sleeping.
- 5.21 **"BERM"** means a landscaped mound of earth.
- 5.22 **"BILLIARD PARLOUR"** means any establishment or part or parts of an establishment containing two (2) or more billiard tables operated for profit or gain including where the operation of such billiard tables for profit or gain is an accessory use or is not the primary use of the establishment.
- 5.23 **"BILLIARD TABLE"** means any table designed for the playing of various games with cues and balls, but does not include a coin operated billiard table which shall be considered as an arcade machine.
- 5.24 **"BODY SHOP"** (see "Vehicle Body Shop")
- 5.25 **"BONAFIDE FARM OPERATION"** means a farm operation that provides full time employment for one or more persons.
- 5.26 **"BUILDING"** means any structure consisting of walls and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, and includes any structure defined as a building in **The Building Code Act R.S.O. 1980**, or in the Building By-law, but does not include any vehicles as defined herein.

- 5.27 **"BUILDING BY-LAW"** means any by-law of the Corporation passed pursuant to **The Building Code Act, R.S.O. 1980.**
- 5.28 **"BUILDING PERMIT"** means a permit required by the Building By-law and/or the **Building Code Act, R.S.O. 1980.**
- 5.29 **"BUSINESS OFFICE"** means a building or part thereof in which one or more persons is employed in the management, direction or conducting of a public or private agency, a business, a brokerage or a labour or fraternal organization including, but not so as to limit the generality of the foregoing, an office accessory to a permitted non-residential use, a telegraph office, a bank, the premises of a real estate or insurance agent, a data processing establishment, a newspaper publisher or a radio or television broadcasting station and related studios or theatres, but does not include a retail store or a professional office.
- 5.30 **"BY-LAW ENFORCEMENT OFFICER"** means a person appointed by Council and charged with the duty of enforcing the provisions of the Zoning By-law and any amendments thereto.
- 5.31 **"CAMP"** 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.
- 5.32 **"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.
- 5.33 **"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,
- (i) 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
 - (ii) wherein neither servicing or repairing is carried on for profit.

- 5.34 "CELLAR" - See "STOREY"
- 5.35 "CEMETERY" means land that is set apart or used as a place for the interment of the dead or in which human bodies have been buried.
- 5.36 "CHIEF BUILDING OFFICIAL" means the Chief Building Official appointed by Council and charged with the duty of enforcing the provisions of the Building Code Act, R.S.O. 1980, or any successors thereto, together with any Regulations made thereunder, and the provisions of the Building By-law.
- 5.37 "CHURCH" means a building owned or occupied by a religious congregation or religious organization and dedicated exclusively to worship and related religious, social and charitable activities, with or without a church hall, a church auditorium, a convent or monastery, an office of a clergyman, a cemetery, a Sunday school, a parish hall or a parsonage as uses accessory thereto.
- 5.38 "CLINIC" means a building or part thereof used by medical doctors, dentists or drugless practitioners for the purpose of consultation, diagnosis or treatment.
- 5.39 "COMMERCIAL", when used in reference to a building, structure, lot, use or activity, means a building, structure, lot, use or activity pertaining to the buying or selling of commodities or the supplying of services for remuneration, but does not include activities associated with the manufacturing, warehousing or assembling of goods, or with any construction work.
- 5.40 "COMMERCIAL VEHICLES" means a vehicle licenced by the Province of Ontario
- (i) as a public vehicle pursuant to the provisions of The Public Vehicles Act, R.S.O. 1980, as amended from time to time, or any successors thereto.
 - (ii) as a public commercial vehicles, pursuant to the provisions of The Highway Traffic Act, R.S.O. 1980, as amended from time to time, or any successors thereto.
- 5.41 "COMMITTEE OF ADJUSTMENT" means the Committee of Adjustment of the Town of Pelham in accordance with the provisions of Sections 48 and 49 of The Planning Act.
- 5.42 "CONSTRUCTION TRADES 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.

- 5.43 "CONVENIENCE RETAIL STORE" means a 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, newspapers, and video sale and rental.
- 5.44 "CORPORATION" means the Corporation of the Town of Pelham.
- 5.45 "COUNCIL" means the Council of the Corporation of the Town of Pelham.
- 5.46 "COVERAGE" - see "LOT COVERAGE"
- 5.46(a) "CUSTOM WORKSHOP" means a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes, or articles and includes upholstering, but does not include metal spinning, woodworking or furniture manufacturing or any factory production or any shop or factory otherwise classified or defined in this By-law.
- 5.47 "DANGEROUS TRADES" means a use which is likely to create danger to health or danger from fire or explosion.
- 5.48 "DAY NURSERY" means a building or part thereof duly licensed by the Province of Ontario for use as a facility for the daytime care of children.
- 5.49 "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, the distance required by this By-law 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".
- 5.50 "DETACHED" means "not attached".
- 5.51 "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.
- 5.52 "DRY CLEANING OUTLET" means a building used for the purpose of receiving articles or goods of fabric to be subjected to the process of dry cleaning, dry dyeing, or cleaning elsewhere and for the pressing and distribution of any such articles or goods which have been subjected to any such process.

- 5.53 "DRY CLEANING PLANT" means a building or part thereof where dry cleaning, dry dyeing, cleaning or pressing of articles or goods of fabric is carried on and may include a dry cleaning outlet but does not include a laundry or laundromat.
- 5.54 "DWELLING" means a building containing one or more dwelling units.
- (a) "APARTMENT DWELLING" means a dwelling other than a triplex dwelling, containing 3 or more dwelling units accessible from a corridor system connecting with a common entrance from outside the dwelling, where the occupants of such units have the common right to use halls, stairs, elevators and yards, the said dwellings being located on a single lot with or without other dwellings, such lot being held and maintained under one ownership.
 - (b) "BLOCK TOWNHOUSE DWELLING" means a dwelling containing two or more dwelling units having private independent entrances directly from a yard and being attached horizontally in whole or in part above grade and divided vertically from each other by a common masonry wall, the said dwelling being located on a single lot, with or without other dwellings, such lot being held and maintained under one ownership or under condominium ownership pursuant to The Condominium Act, R.S.O. 1980, as amended from time to time, or any successors thereto.
 - (c) "BOARDING HOUSE DWELLING" means a single dwelling that contains a dwelling unit occupied and used by the owner of such dwelling as his principle residence together with not less than two and not more than four accessory guest rooms.
 - (d) "CONVERTED DWELLING" means a single detached dwelling that has been altered or otherwise converted to contain therein more than one (1) but not more than 4 single dwelling units.

- (e) **"DUPLEX DWELLING"** means a dwelling other than a converted dwelling, which is divided horizontally into two dwelling units, each of which has an independent entrance either directly from a yard or from a common vestibule.
 - (f) **"FOURPLEX DWELLING"** means a dwelling which is divided both horizontally and vertically into 4 dwelling units, each of which has an independent entrance from a yard or a common vestibule.
 - (g) **"SEMI-DETACHED DWELLING"** means a pair of dwelling units which are attached together in whole or in part, either above grade or below grade and divided vertically from each other by a common masonry wall and each of which has a private, independent entrance directly from a yard and said pair of single dwellings shall be free standing, separate and detached from other main buildings or structures. Where such attachment is above grade, a minimum of 35% of the vertical wall area shall be attached, and where below grade, a minimum of 10% or 4m², whichever is the greater of the vertical wall area shall be attached.
 - (h) **"SINGLE DETACHED DWELLING"** means a single dwelling which is freestanding, separate and detached from other main buildings or main structures.
 - (i) **"STREET TOWNHOUSE DWELLING"** means a group of not less than 3 but not more than 8 dwelling units which are attached together horizontally in whole or in part above grade and divided vertically from each other by a common masonry wall between each two adjacent dwelling units and each of which fronts onto a travelled public road and has a private independent entrance directly from a yard.
 - (j) **"TRIPLEX DWELLING"** means a dwelling other than a converted dwelling, which is divided into three dwelling units, each of which has an independent entrance either directly from a yard or from a common vestibule.
- 5.55 (a) **"DWELLING UNIT"** means a suite of habitable rooms which:
- (i) is located in a building
 - (ii) is used or intended to be used in common by one or more persons as a single, independent and separate housekeeping establishment.
 - (iii) contains food preparation and sanitary facilities provided for the exclusive common use of the occupants thereof, and

(iv) has a private entrance directly from outside the building or from a common hallway or stairway inside the building.

(b) **"ACCESSORY DWELLING UNIT"** means a dwelling unit accessory to a permitted non-residential use, other than an automobile service station, and occupied by either the owner of, or by a person employed on, the lot where such dwelling unit is located.

(c) **"BACHELOR DWELLING UNIT"** means a dwelling unit consisting of a room containing sanitary facilities and not more than 2 other habitable rooms providing therein living, dining, sleeping and cooking accommodation.

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

5.57 **"EMISSION"** means any corrosive gases, dust, dirt, fly ash, electromagnetic fields, heat, glare, odours, smoke, toxic gases or radiation issuing from a building, structure or lot.

5.58 (a) **"ERECT"** means to build, place, construct, reconstruct, relocate or alter by means of an addition, enlargement or extension, and includes any preliminary physical operation preparatory to such building, construction, reconstruction or relocation including, but not so as to limit the generality of the foregoing, excavating, filling or draining.

(b) **"ERECTED"** and **"ERECTION"** shall have corresponding meanings.

5.59 **"EXISTING"** means "lawfully existing prior to the date of passing of this By-law."

5.60 **"FAMILY"** means an individual, or two or more persons who are related by consanguinity or marriage or legal adoption and for the purpose of this By-law, a maximum of four (4) foster children shall be considered to be so related, or a group of not more than five (5) unrelated persons which may include a maximum of 2 foster children exclusive of servants occupying a dwelling unit, and not more than two (2) persons who receive their lodging and/or board for compensation.

- 5.61 **"FARM"** means a lot, with or without accessory building or structures, which is used for:
- (i) the tillage of soil;
 - (ii) the growing of vegetables, fruits, grains or flowers including, but not necessarily limited to lettuce, carrots, tomatoes, mushrooms, beans, melons, and potatoes;
 - (iii) woodlots;
 - (iv) the raising of livestock including, but not so as to limit the generality of the foregoing, cattle, swine, sheep, goats, poultry, horses, ponies, donkeys, mules, mink, ducks, rabbits;
 - (v) dairying;
 - (vi) bee-keeping;
 - (vii) greenhouses; or
 - (viii) the sale of farm products produced on the farm
- 5.62 **"FARM HELP HOUSE, PERMANENT"** 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.
- 5.63 **"FARM HELP HOUSE, SEASONAL"** means a trailer located accessory to a principal farm dwelling and used only for the accommodation of one or more persons employed on the farm between April 1st and November 30th of each calendar year.
- 5.64a) **"FARM PRODUCE OUTLET"** means a building or structure accessory to a farm where farm products produced on the farm are offered for retail sale on the same lot as the farm.
- b) **"FARM PRODUCE MARKET"** means a building or structure where farm products are offered for retail sale
- 5.65 **"FARM SUPPLY AND SERVICE ESTABLISHMENT"** means the use of land and/or buildings or structures for the provision of goods, materials or services that are necessary to support an agricultural use as defined in the by-law and without limiting the generality of the foregoing shall include such goods and services as machinery sales and service, welding, contracting trades related to agriculture, custom equipment operations, veterinary services and processing and storage of seed, feed, fertilizer and agricultural chemicals.

5.66 **"FINISHED GRADE"** means;

- (i) when used in reference to a building, 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; or
- (ii) when used in reference to any other structure the average elevation of the finished surface of the ground at the base of such structure, exclusive of any artificial embankment at the base of such building or structure.

5.67 (a) **"FLOOR AREA"** means the area of the floor surface of a storey or part thereof.

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

(c) **"GROSS FLOOR AREA"** means the aggregate of the floor areas of all storeys of a building or structure other than a private garage, an attic or a cellar.

(d) **"GROUND FLOOR AREA"** means the floor area of the first storey of a building.

(e) **"NET FLOOR AREA"**

5.68 **"FOOD PROCESSING ESTABLISHMENT"** means a building or part of a building, other than a restaurant or a refreshment room in which agricultural products are prepared, processed, preserved or stored for human consumption, and includes a dairy, a bakery, a cannery, a catering establishment or a soft drink manufacturing establishment.

5.69 **"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.

5.70 **"FRONTAGE"** - see "LOT FRONTAGE"

5.71 **"FRONT LOT LINE"** - see "LOT LINE"

5.72 **"FRONT YARD"** - see "YARD"

5.73 **"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.

COOKING.

(b) **"ACCESSORY GUEST ROOM"** means a guest room accessory to a permitted dwelling.

5.79 (a) **"HABITABLE ROOM"** means a room which:

- (i) is located within a dwelling unit;
- (ii) is designed for living, sleeping or eating, or contains sanitary or food preparation facilities; and
- (iii) can be used at all times throughout the year;

but does not include any room specifically defined herein as a non-habitable room.

- 5.120 (a) **"PARK"** means an area of land consisting primarily of landscaped open space, including, but not so as to limit the generality of the foregoing, a recreational playground, a golf course, a play area, a bowling green, a tennis or badminton court, a playfield and a conservation area, with or without accessory recreational buildings or structures thereupon.
- (b) **"PUBLIC PARK"** means a park owned or controlled by a public agency.
- (c) **"PRIVATE PARK"** means a park other than a public park.
- 5.121 **"PARKING AISLE"** means a portion of a parking area which abuts, on one or more sides, parking spaces to which it provides access, and which is not used for the parking of vehicles.
- 5.122 **"PARKING AREA"** means an area or structure, including a private garage, carport, provided for the parking of vehicles, and includes any related parking aisles, parking spaces and structures, but does not include any part of a street or lane.
- 5.123 **"PARKING LOT"** means a lot which contains, and the main use of which is a parking area, whether or not such parking area is located within a structure.
- 5.124 **"PARKING SPACE"** means a portion of a parking area, exclusive of any aisles, to be used for the temporary parking or storage of a motor vehicle.
- 5.125 **"PERMITTED"** means "permitted by this By-law."
- 5.126 **"PERSON"** means any human being, association, firm, partnership, corporation, agent or trustee, and the heirs, executors or other legal representatives of a person at law.
- 5.127 **"PERSONAL 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, R.S.O. 1980** as amended.
- 5.128 **"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.

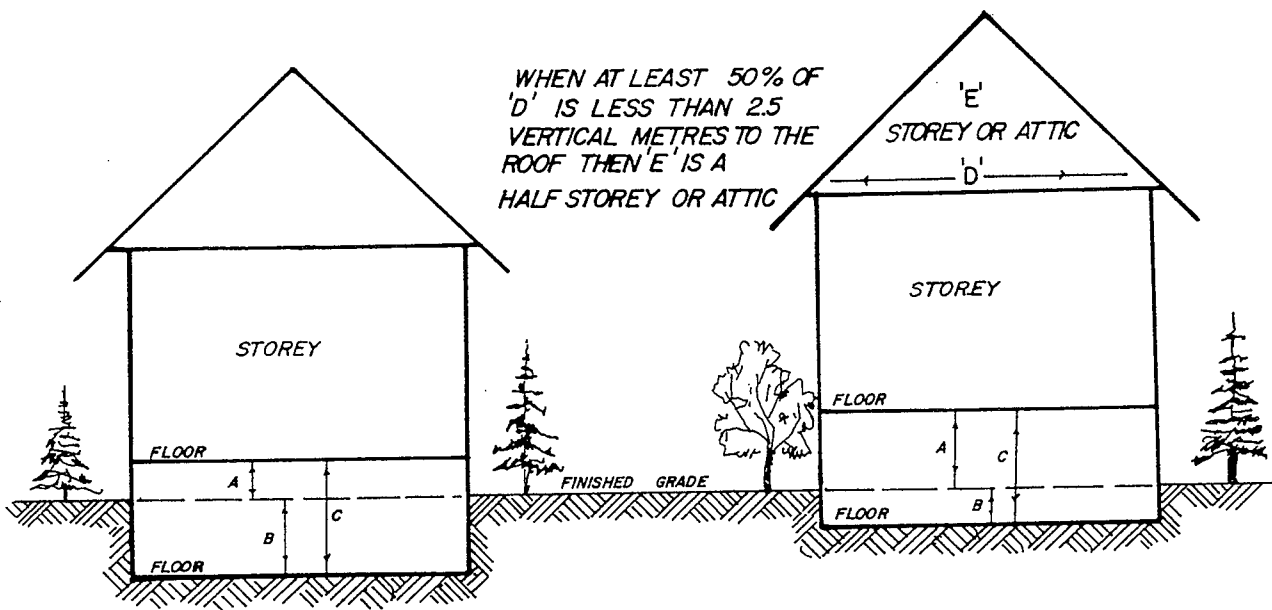
- 5.137 **"PUBLIC UTILITY"** means
- (i) any agency, corporation, board or commission providing electricity, gas, steam, water, telegraph, telephone, cable television, transportation, drainage or sewage or waste collection and disposal services to the public; or
 - (ii) a use pertaining to any such agency, corporation, board or commission.
- 5.138 a) **"QUARRY"** or **"PIT"** means any pit or excavation made for the removal of any soil, earth, clay, marl, sand, stone, gravel or rock for commercial purposes, or to supply material for construction, industrial or manufacturing purposes, but shall not include an excavation incidental to the erection of a building or structure for which a building permit has been granted by a corporation, or an excavation incidental to the construction of any public works.
- 5.138 b) **"WAYSIDE PIT OR QUARRY"** means a temporary pit or quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- 5.139 **"REAR LOT LINE"** - see **"LOT LINE"**
- 5.140 **"REAR YARD"** - see **"YARD"**
- 5.141 **"REDEVELOPMENT"** means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereupon.
- 5.142 **"REFRESHMENT ROOM"** means a building or part thereof in which alcoholic or non-alcoholic beverages and related refreshments other than meals are offered or kept for retail sale to the public for immediate consumption therein.
- 5.143 **"RENOVATION"** means the repair and restoration of a building to good condition, but shall not include its replacement
- 5.144 **"REQUIRED"** means "required by this By-law."
- 5.145 **"RESIDENTIAL RETIREMENT HOME"** shall mean a residence containing individual bedroom units without food preparation facilities. The home shall be used for a long-term residence where nursing care is available on a continuous basis and where central dining facilities are provided. The dining facilities are not intended for use by the general public and the food prepared therein is not offered for retail sale. The home shall include auxiliary uses such as indoor and outdoor recreational amenities.
- 5.146 (a) **"RESTAURANT"** means a building or part thereof, other than a refreshment room, where food is prepared and offered or kept for retail sale to the public for immediate consumption either on or off the premises.

- (b) **"TAKE-OUT RESTAURANT"** means a restaurant which does not contain any facilities for the consumption of food therein.
 - (c) **"DRIVE-IN RESTAURANT"** means any restaurant where patrons consume food and drink within vehicles parked on the same lot therewith.
 - (d) **"EAT-IN RESTAURANT"** means any restaurant other than a take-out restaurant or a drive-in restaurant.
- 5.147 **"RETAIL STORE"** 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, but does not include any establishment defined or classed in this By-law.
- 5.148 **"ROAD"** - See **"STREET"**
- 5.149 **"SALVAGE YARD"** means a lot, building or structure used for wrecking, dismantling, storing or selling used goods, wares or materials including, but not so as to limit the generality of the foregoing, rags, bones, bottles, metals, clothing, furniture, paper, machinery, building materials, vehicles and parts thereof.
- 5.150 (a) **"SCHOOL"** means a school under the jurisdiction of a Board as defined in **The Education Act, R.S.O. 1980**, 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.
- (b) **"PUBLIC SCHOOL"** means a school under the jurisdiction of a public agency.
- (c) **"COMMERCIAL SCHOOL"** means a school operated by one or more persons for gain or profit.
- (d) **"PRIVATE SCHOOL"** means a school, other than a public school or a commercial school, under the jurisdiction of a private board or trustee or governors, a religious organization or a charitable institution.
- 5.151 **"SENIOR CITIZENS APARTMENT HOUSE"** means a multiple dwelling used for self-contained living quarters for elderly persons, which may be sponsored and administered by a non-profit organization or is under the authority of the Ontario Housing Corporation and which is qualified to receive aid from the Province of Ontario, and such homes shall include auxilliary uses such as club and lounge facilities, usually associated with senior citizens development.

- 5.152 **"SERVICE SHOP"** means a building or part of a building, not otherwise defined or classified herein, and whether conducted in conjunction with a retail store or not, for the servicing or repairing of articles, goods or materials, and in which no product is manufactured.
- 5.153 **"SETBACK"** means the shortest horizontal dimension of a yard between the street line of a lot and the nearest part of any building or structure on such lot, and includes the front yard depth and the exterior side yard width of a lot.
- 5.154 **"SEWER SYSTEM, PUBLIC SANITARY"** means a system of underground conduits, operated by the Corporation, by another municipality or by the Ministry of the Environment, which carries sewage to a sewage treatment facility.
- 5.155 **"SEWER SYSTEM, STORM"** means a system of conduits and ditches which carries storm surface water and storm drainage, but which does not carry sewage or industrial waste.
- 5.156 **"SHOPPING CENTRE"** means one or more buildings or part thereof containing two 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, R.S.O. 1980**, as amended from time to time, or any successors thereto.
- 5.157 **"SHOWROOM"** means a building or part thereof where samples of patterns are displayed and orders taken for delivery of goods, wares and merchandise, and includes the premises of a wholesale merchant.
- 5.158 **"SIDE LOT LINE" - "LOT LINE"**
- 5.159 (a) **"SIGN"** means a name, identification, description, device, display or illustration which is affixed to or represented directly or indirectly upon a building, structure or lot and which directs attention to an object, product, place, activity, person, institute, organization or business.
- (b) **"LEGAL SIGN"** means a sign conforming to any by-laws of the Corporation regulating signs.
- 5.160 **"SINGLE DWELLING" - See "DWELLING"**
- 5.161 **"STOOP" or "SUNDECK"** means a roofless, unenclosed structure with or without steps, consisting of a platform and connecting to an exterior door on the ground floor of a dwelling.
- 5.162 **"STORAGE, OPEN"** means storage of goods or materials outside of a building as defined herein, except the temporary parking of motor vehicles.

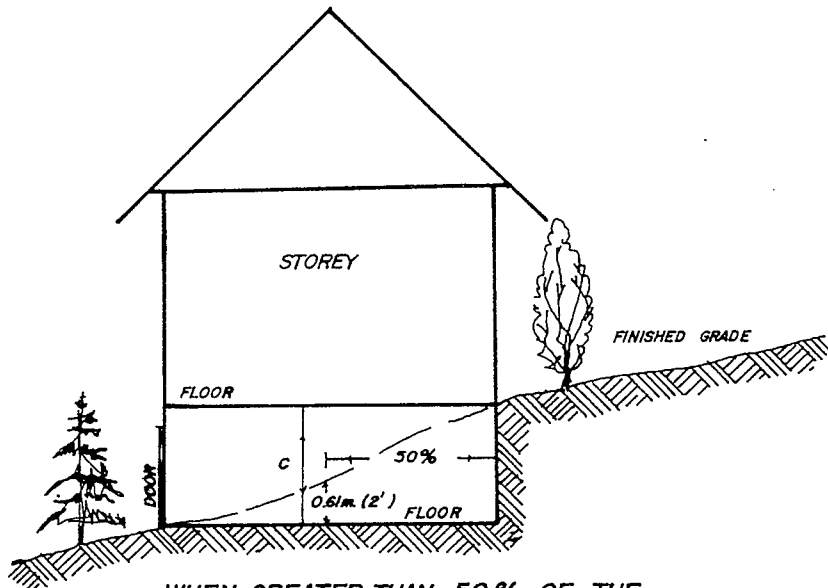
- 5.163 (a) **"STOREY"** means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (b) **"FIRST STOREY" OR "GROUND FLOOR"** means the storey having its floor level closest to finished grade and its ceiling at least 2m above finished grade.
- (c) **"SECOND STOREY" OR "SECOND FLOOR"** means the storey directly above the first storey.
- (d) **"HALF STOREY" OR "ATTIC"** means that portion of a building, situated wholly or partially within a roof, where at least 50 percent of such half storey or attic is less than 2.5m in height.
- (e) **"BASEMENT"** means any storey below the first storey.
- (f) **"BASEMENT", "WALKOUT"** means that portion of a building which is partly underground, but which has more than 50 percent of the floor area not greater than 0.61m below grade, and which has an entrance/exit at grade level. This definition shall only apply in an area where natural terrain permits construction of a walk-out basement. (See illustration)
- (g) **"CELLAR"** means a basement which is more than one-half below finished grade, measured from finished floor to finished ceiling.
- 5.164 (a) **"STREET"** means a public highway or public road under the jurisdiction of either the Corporation, the Region, or the Province of Ontario, and includes any highway as defined by **The Municipal Act, R.S.O. 1980**, but does not include a lane or private right-of-way.
- (b) **"STREET ALLOWANCE"** means land held under public ownership for the purpose of providing a street.
- (c) **"IMPROVED STREET"** means any street that is designated on Schedule "B" hereto or owned and maintained by the Corporation hereafter.
- 5.165 **"STREET LINE"** means a lot line dividing a lot from a street and is the limit of the street allowance.
- 5.166 **"STREET WIDTH"** means the horizontal distance between the street lines of a street, measured along a line perpendicular to the said street lines.

ILLUSTRATION OF STOREY, CELLAR AND BASEMENT DEFINITIONS



WHEN 'A' IS LESS THAN 'B' THEN
'C' IS A CELLAR

WHEN 'A' IS GREATER THAN 'B' THEN
'C' IS A BASEMENT



WHEN GREATER THAN 50% OF THE FLOOR AREA IS NOT LESS THAN 0.61 m (2') BELOW GRADE, AND WHEN THERE IS AN ENTRANCE/EXIT AT GRADE LEVEL THEN 'C' IS A WALKOUT BASEMENT

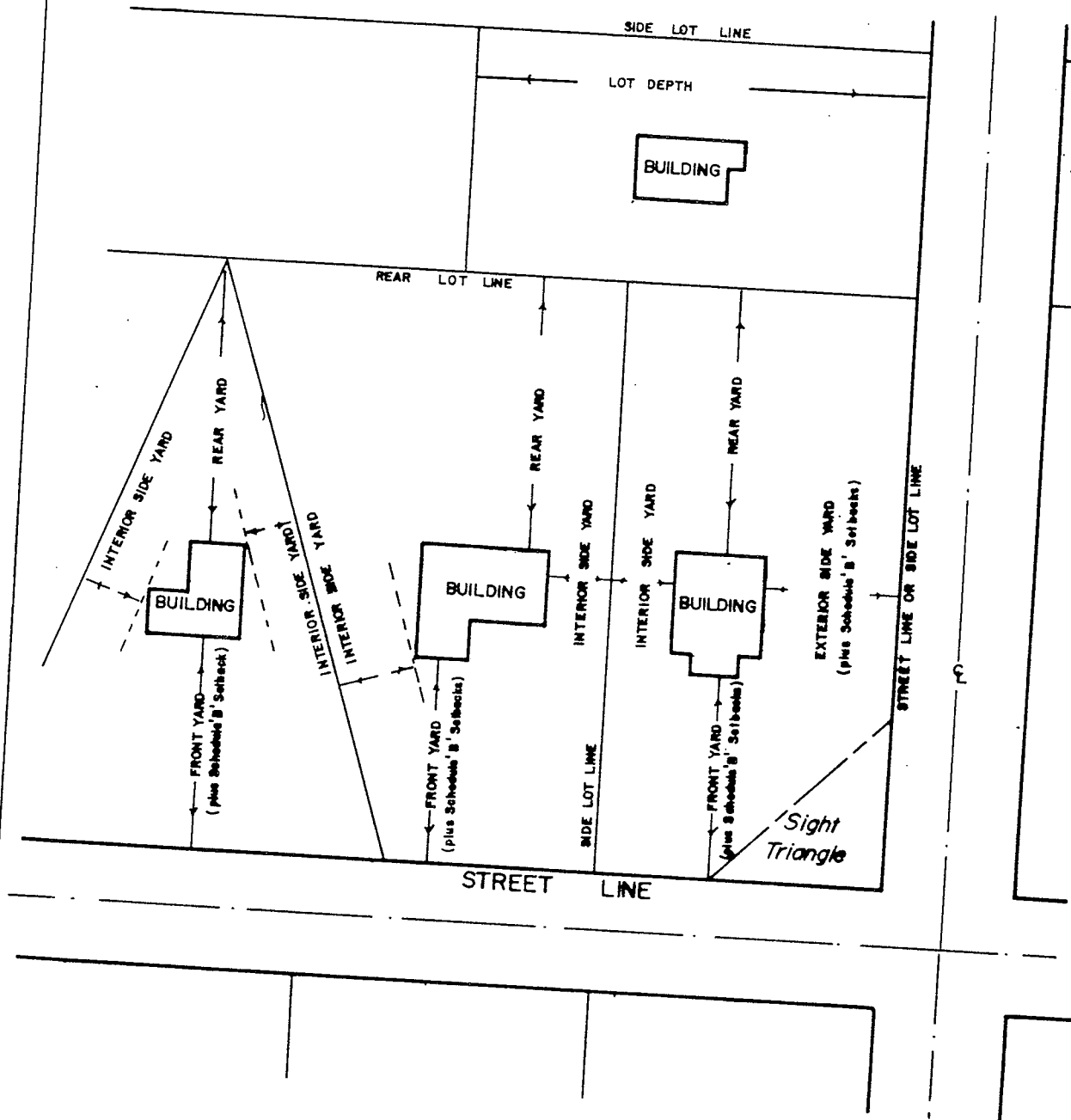
NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE
AND DO NOT FORM PART OF THIS BY-LAW

- 5.167 **"STRUCTURE"** means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway, or any paved surface located directly on the ground.
- 5.168 **"STUDIO"** means the workshop or atelier of an artist; a place for instruction and experimentation in one of the performing arts including but not so as to limit the generality of the foregoing, acting, singing, dancing, playing musical instruments.
- 5.169 **"SUITE"** means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal service occupancies.
- 5.170 **"SUN ROOM"** means a porch or verandah, or part thereof, which is fully enclosed by walls containing windows, the glazed area of each wall being not less than one third of the area of such wall between the platform and roof of the said porch or verandah.
- 5.171 **"SWIMMING POOL"** means any body of water permanently located outdoors, contained by artificial means and used and maintained for the purpose of swimming, wading, diving or bathing.
- 5.172 (a) **"TRAILER"** means any vehicle designed to be towed by another vehicle.
- (b) **"TOURIST TRAILER"** 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.
- 5.173 **"TRAILER CAMP"** means a lot used for the parking of tourist trailers.
- 5.174 **"UNDERTAKING ESTABLISHMENT"** means a building or part thereof wherein dead human bodies are preserved or otherwise prepared for interment.

- 5.175 **"USE"** means:
- (i) when used as a noun, the purpose for which a lot, building or structure, or any combination thereof, is designed, arranged, occupied or maintained; or
 - (ii) when used as a verb, to put to such purpose.
- 5.176 (a) **"VEHICLE"** means a passenger automobile or other motor vehicle, a boat, a farm implement, a mobile home, a motor home, a snowmobile, a trailer, or any other device which is capable of being drawn, propelled or driven by any kind of power, and includes a recreational vehicle and a commercial vehicle as defined herein.
- (b) **"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.
- (c) **"VEHICLE, COMMERCIAL"** - see **"COMMERCIAL VEHICLE"**
- 5.177 **"VEHICLE BODY SHOP"** means an establishment engaged primarily in the repairing and/or painting of vehicle bodies.
- 5.178 **"VEHICLE REPAIR SHOP"** means an establishment or part thereof which contains facilities for the repair and maintenance of vehicles and/or recreational vehicles on the premises, and in which vehicle accessories are sold and vehicle maintenance and repair operations are performed in return for remuneration, but does not include a body shop or any establishment engaged in the retail sale of vehicle fuels.
- 5.179 **"VEHICLE SALES OR RENTAL ESTABLISHMENT"** means an establishment having as its main use the sale, rental or leasing of vehicles, with or without an accessory vehicle repair shop or an accessory gasoline retail outlet.
- 5.180 **"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.
- 5.181 **"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.

- 5.182 **"WATERCOURSE"** means the natural channel for a stream of water and for the purposes of this by-law, includes any watercourse as shown on Schedule "A" of this by-law.
- 5.183 **"WATER SYSTEM, PUBLIC"** means a water distribution system consisting of piping, pumping and purification appurtenances and related storage, owned and operated by the Corporation, another municipality or the Ministry of the Environment.
- 5.184 **"WRECKING YARD" - "SALVAGE YARD"**
- 5.185 (a) **"YARD"** means an area of land which;
- (i) is appurtenant to and located on the same lot as a building or structure; and
 - (ii) is open, uncovered and unoccupied from the ground to the sky, except for such accessory buildings, structures or other uses as are specifically permitted thereon elsewhere in this By-law.
- (b) **"FRONT YARD"** means a yard extending across the full width of a lot between the front lot line of such lot and the nearest part of any building or structure on such lot.
- (c) **"FRONT YARD DEPTH"** means the shortest horizontal dimension of a front yard between the front lot line of a lot and the nearest part of any building or structure on such lot.
- (d) **"REAR YARD"** means a yard extending across the full width of a lot between the rear lot line of such lot or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building or structure on such lot.
- (e) **"REAR YARD DEPTH"** means the shortest horizontal dimension of a rear yard between the rear lot line of a lot or, where there is no rear lot line, the junction point of the side lot lines, and the nearest part of any building or structure on such lot.
- (f) **"SIDE YARD"** means a yard extending from the front yard to the rear yard of a lot and from the side lot line of such lot to the nearest part of any building or structure on such lot.
- (g) **"SIDE YARD WIDTH"** means the shortest horizontal dimension of a side yard between the side lot line of a lot and the nearest part of any building or structure on such lot.

ILLUSTRATION OF YARD DEFINITIONS



NOTE: THE ABOVE ILLUSTRATIONS ARE FOR CLARIFICATION AND CONVENIENCE AND DO NOT FORM PART OF THIS BY-LAW.

- (h) **"EXTERIOR SIDE YARD"** means a side yard immediately adjoining a street or abutting a reserve on the opposite side of which is located a street.
- (i) **"INTERIOR SIDE YARD"** means a side yard other than an exterior side yard.
- (j) **"REQUIRED YARD"** means that part of a yard which:
 - (i) is located adjacent to a lot line;
 - (ii) has the minimum rear yard depth or side yard width required hereby or is situated closer to the street line than the setback;
 - (iii) does not contain any buildings, structures or uncovered surface parking areas except where specifically permitted elsewhere in this By-law.

5.186 **"ZONE"** means a designated area of land use shown on Schedule "A" hereto.

SECTION 6 - GENERAL PROVISIONS**6.1 ACCESSORY USES****(a) GENERAL**

Where this By-law provides that a lot may be used or a building or structure may be erected or used for a purpose, that purpose shall include any accessory building or structure or accessory use, but shall not include (1) any occupation for gain or profit conducted within or accessory to a dwelling house or unit except as in this By-law is specifically permitted, or (2) any building used for human habitation except as in this By-law is specifically permitted.

(b) LOCATION

Except as otherwise provided herein, in a Residential zone any accessory building or structure which is not part of the main building shall be erected to the rear of the required front yard and shall not be located closer to any lot line than 1.2m or closer to any street than the required setback therefrom.

(c) MAXIMUM HEIGHT

Except as otherwise provided herein, no accessory Residential building or structure shall exceed 3.7 metres in height.

(d) LOT COVERAGE

The total lot coverage of all accessory buildings on a lot shall not exceed 10% of the lot area.

(e) UNDERGROUND PARKING

The yard requirements of this By-law shall not apply to underground parking structures.

(f) SWIMMING POOLS**(i) Location in Any Zone**

Notwithstanding any other provisions 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:

1. no interior wall surface of any such swimming pool shall be located closer than 1.5 metres to any side lot line or rear lot line, or closer than 3.0 metres to that portion of a rear lot line which abuts a side lot line of any adjoining lot;
2. no water circulating or treatment equipment, such as pumps or filters, shall be located closer than 3.0 metres to any side lot line or rear lot line.

(ii) Notwithstanding the above, a swimming pool may be permitted in any front yard beyond the minimum front yard in any Commercial zone.

(iii) Lot Coverage Exemption

A swimming pool shall not be considered as part of the lot coverage provided no part of the swimming pool or its railing protrudes more than 1.4 metres above the ground level on any side surrounding the swimming pool.

(iv) Indoor Swimming Pools

A separate building or structure containing or enclosing a swimming pool shall not be located in any minimum yard requirement and shall comply with all the accessory building provisions of the zone in which such building or structure is located.

(g) SATELLITE DISH ANTENNA

Satellite dish antenna shall be subject to the accessory building provisions of this By-law except:-

- (i) satellite dish antenna shall only be permitted in the rear yard in any zone or any front or side yard beyond the minimum requirements in a commercial zone.

6.2 DWELLING UNITS BELOW GRADE

No dwelling unit shall in its entirety be located in a cellar. If any portion of a dwelling unit is located in a cellar, such portion of the dwelling unit shall be used as a furnace room, laundry room, storage room, recreation room, or for a similar use only and shall not be used for sleeping or eating accommodation.

However, a dwelling unit, in its entirety, may be located in a basement provided the finished floor level of such basement is not below the level of the sanitary or storm sewer serving the building or structure in which such basement is located and provided further that the floor level of such basement is not more than 1.2 metres below the adjacent finished grade.

6.3 EXTERNAL DESIGN

The following building materials shall not be used for the exterior vertical facing on any wall of any building or structure within the Corporation:

- (a) building paper; or
- (b) asphalt roll-type siding.

All plans and specifications for all buildings and structures shall be approved in accordance with Ontario Building Code Section 2, as amended. (Ont. Reg. 419/86).

6.4 FRONTAGE ON PUBLIC STREET

- (a) No person shall erect any building or structure in any zone unless (1) the lot upon which such building or structure is to be erected fronts upon an improved public street.
- (b) For the purposes of this subsection a "public street" shall not include a lane or private right-of-way.
- (c) For the purpose of this subsection an "improved public street" means a street which has been constructed in such a manner so as to permit its use by normal vehicular traffic.

6.5 GROUP HOMES

- (i) A group home shall be permitted within any single detached dwelling, subject to the distance separation features outlined in subsection (iii) and (iv) hereof.
- (ii) Only group homes licensed by the Ministry of Community and Social Services in the following categories shall be permitted:-
 - (a) Approved Homes (psychiatric care)
 - (b) Satellite Residence for Seniors
 - (c) Accommodation Services for the Developmentally Handicapped
 - (d) Children's Residences
 - (e) Homes for Special Care
 - (f) Supportive Housing Programs, Adult Community Mental Health Programs
 - (g) Homes for Physically Disabled Adults provided the province licences, funds, or approves a group home program for physically disabled adults

- (iii) Save as hereinafter provided, a group home in any zone in which single-family residential uses are permitted shall not be within 300m of another group home.
- (iv) A group home in any area zoned Agricultural A or Special Rural SR shall not be within one kilometre of another group home.
- (v) A group home shall have a maximum of six residents excluding staff or receiving family.

6.6 HEIGHT EXCEPTIONS

Subject to Section 30(25) and, except as otherwise provided for in this By-law, nothing in this By-law shall apply to restrict the height of the following structures in any zone.

- (i) an antenna;
- (ii) a barn;
- (iii) a belfry;
- (iv) a chimney;
- (v) a church spire;
- (vi) a clock tower;
- (vii) an elevator or stairway penthouse;
- (viii) a flag pole;
- (ix) a hydro-electric transmission tower;
- (x) an ornamental structure;
- (xi) a radio antenna;
- (xii) a silo;
- (xiii) a steeple;
- (xiv) a structure containing heating, cooling, or other mechanized equipment pertaining to a building;
- (xv) a tower;
- (xvi) a water tower;
- (xvii) a windmill;

provided that no such structure, other than a public use occupies in excess of 5% of the lot area of the lot where such structure is located or, where such structure is located on the roof of a building, shall exceed 10% of the building area. Building area is the greatest horizontal area of a building within the outside surface of exterior walls.

6.7 HOME OCCUPATIONS AND HOME PROFESSIONS

No home occupation or home profession shall be permitted in any zone unless such home occupation or home profession complies with the following provisions:

(a) SIZE

Not more than 25% of the dwelling unit area shall be used for the purpose of home occupation or home profession uses, except this restriction shall not apply to "day nurseries" as defined herein.

(b) ACCESSORY BUILDINGS

No accessory building shall be erected, altered or used for the purposes of a home occupation or home profession.

(c) OCCUPANCY

Any dwelling unit containing a home profession shall be occupied as a residence by the professional user.

(d) ADVERTISING

There shall be no external display or advertising other than a lawful sign, to indicate to persons outside that any part of the dwelling house, dwelling unit or lot is being used for a purpose other than residential.

(e) SALES OR RENTALS

On any lot containing a home occupation, there shall be no goods, wares or merchandise, other than those produced on the premises, offered or exposed for sale or rent on such premises.

(f) OPEN STORAGE AREA

No part of any lot containing a home occupation or home profession shall be used as an open storage area accessory to that home occupation or home profession use.

6.8 LANES AS YARDS

Where the rear lot line of a lot adjoins any portion of a lane, one-half of the width of that portion of such lane may be considered part of the lot for the purpose of computing the area of the lot and for the purpose of computing the depth of any rear yard required under this By-law.

6.9 LOADING SPACE REGULATIONS

(a) LOADING SPACE REQUIREMENTS

The owner or occupant of any lot, building or structure used or erected for any purpose involving the receiving,

shipping, loading or unloading of animals, goods, wares, merchandise or raw materials, other than a farm, shall provide and maintain, on the same lot, facilities comprising one or more loading spaces in accordance with the provisions of this subsection.

(b) LOADING SPACE REQUIREMENTS FOR INDUSTRIAL USES

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

- (i) less than 500m² of total gross floor area
- 0 loading spaces
- (ii) over 500m² up to and including 2500m² of total gross floor area
- 1 loading space
- (iii) over 2500m² up to and including 10,000m² of total gross floor area
- 2 loading spaces
- (iv) over 10,000m² of total gross floor area
- 2 loading spaces, plus one (1) additional loading space for each 10,000m² of total gross floor area or part thereof in excess of 10,000m².

(c) LOADING SPACE REQUIREMENTS FOR COMMERCIAL USES

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

- (i) less than or equal to 185m² of gross floor area
- 0 loading spaces
- (ii) over 185m² up to and including 930m² of gross floor area
- 1 loading space
- (iii) over 930m² of gross floor area
- 2 loading spaces plus one (1) additional loading space for each 1400m² of gross floor area or part thereof in excess of 230m².

(d) CALCULATION OF LOADING SPACE REQUIREMENTS

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

(e) DIMENSIONS OF LOADING SPACES

A loading space required hereby shall have minimum dimensions of 3.5m by 9m and a minimum vertical clearance of 4m.

(f) LOCATION OF LOADING SPACES

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

(g) YARDS WHERE PERMITTED

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

- (i) no part of any loading space shall be located closer than 2.5m to any street line; and
- (ii) no part of any loading space shall be located closer than 1m to any interior side lot line or rear lot line.

(h) ACCESS TO LOADING SPACES

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

(i) ADDITION TO EXISTING USE

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

(j) LOADING SPACE SURFACE

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

6.10 LOT REQUIREMENTS

- (a) Dwellings - only one dwelling shall be permitted on a single lot except in the case of semi-detached dwellings, street townhouse dwellings, block townhouse dwellings and apartment dwellings.
- (b) Other Uses - 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 any 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.

6.11 LOT AREA REDUCTION

(a) PROHIBITION

No person shall reduce the lot area, or make any changes in the dimensions of a lot as required by this By-law by the conveyance or alienation of any portion thereof or otherwise, except at the discretion of the Committee of Adjustment or except by a conveyance in accordance with Clause (b) of this subsection, so that any building or structure on such lot shall have a lot coverage that exceeds, or a front yard depth, side yard depth, rear yard depth, lot frontage, lot area or lot depth that is less than that permitted by this By-law.

(b) LOTS REDUCED BY PUBLIC ACQUISITIONS

Where the area of a lot is reduced by means of an acquisition of part of the lot by a public agency for the purpose of providing a public service, and where such acquisition causes the lot to be reduced, or any building or structure existing lawfully on the lot on the date of such acquisition to have a lot area, lot frontage, lot

depth, lot coverage, front yard depth, side yard depth or rear yard depth that does not conform to the requirements hereof for the zone in which such lot is located, then the lot as reduced shall continue to be used as if no such acquisition had taken place, provided that:

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

6.12 LOTS WITH MORE THAN ONE USE OR ZONE

(a) MORE THAN ONE USE:

- (i) 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.
- (ii) Where standards or provisions pertaining to 2 or more uses on one lot are in conflict, the highest or most restrictive standards or provisions shall prevail.

(b) MORE THAN ONE ZONE

- (i) Except as otherwise provided in Paragraph (ii) of this Clause, where a lot is divided into two or more zones, each such portion of the said lot shall be considered a separate lot as defined herein and 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.
- (ii) Notwithstanding anything to the contrary in Paragraph (i) of this Clause, where the use or uses of a lot divided into 2 or more zones are permitted in all such zones, the said lot shall be considered to be a single lot as defined herein and the highest or most restrictive zone

requirements pertaining to such use or uses in all the said zones shall apply throughout the said lot.

6.13 MUNICIPAL SERVICES

No person shall, within any Residential Zone, except as provided for in the Residential Village RV1 Zone, erect, alter or use any building or structure unless such lot is serviced by a public water supply and sanitary sewer system.

6.14 NEW DEVELOPMENT IN OR ADJACENT TO AN AGRICULTURAL A ZONE OR SPECIAL RURAL SR ZONE

Notwithstanding anything contained in this By-law, no Residential, Commercial, Industrial, Institutional, or Open Space use shall be established after the date of passing of this By-law adjacent to a building or structure used for the raising of any type of livestock, poultry, mink or any other fur bearing animal and conversely no new buildings or structures or the enlargement of an existing building or structure for the raising of any type of livestock, poultry, cattle, mink or other fur bearing animal shall be established adjacent to one of the foregoing non-farm uses, except in accordance with the following setback requirements:

- (a) no non-farm use including a residential use accessory to a permitted adjacent agricultural use shall be established adjacent to buildings or structures used for the raising of any type of livestock, poultry, mink or other fur bearing animals within a distance determined by the application of Minimum Distance Separation Formula included herein as part of Schedule "B".

Notwithstanding any of the above, no dwelling on any adjacent lot shall be located within 300m of a livestock or poultry operation, except as a dwelling on a lot existing at the date of passing of this By-law shall only comply with the Minimum Distance Separation requirements.

- (b) no building or structure used for the raising of any type of livestock, poultry, mink or other fur bearing animal shall be enlarged, remodelled or established adjacent to an existing non-farm use within a distance determined by the application of Minimum Distance Separation formula included herein as part of Schedule "B".

6.15 NON-CONFORMING USES, BUILDINGS, STRUCTURES AND LOTS**(a) CONTINUATION OF USE**

Any legal non-conforming use which existed at the date of passing of this By-law may continue so long as the use is not abandoned.

(b) REBUILDING OR REPAIR PERMITTED

Nothing in this By-law shall prevent the rebuilding or repair of an existing building or structure, even though such building or structure or the lot on which such building or structure is located does not conform to one or more of the provisions of this By-law, provided that the dimensions of the original building or structure are not increased, the use thereof is not altered and the yards appurtenant thereto are not reduced except in accordance with the provisions of this By-law.

(c) CHANGE OF USE

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 so permissible within such zone.

(d) EXTENSIONS PERMITTED

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 building, structure or lot does not conform to one or more of the provisions of this By-law, provided such extension or addition itself is designed, located, used and otherwise in compliance with the provisions of this By-law, with the exception that no extensions or additions will be permitted in a Hazard Zone.

(e) LOT AREA DEPTH AND/OR FRONTAGE LESS THAN REQUIRED

Where a registered lot having a lesser lot area or lot frontage than that required herein

- (i) is the same as in a deed registered on or prior to the date of passing of this By-law; or

- (ii) was subject to a consent approved prior to the date of passing of this By-law, and was subsequently conveyed or is the remnant part of such a lot after such a conveyance and thereafter continuously held in distinct and separate ownership from abutting registered lot, or
- (iii) is located within a registered plan of subdivision that was either registered not more than 8 years prior to the date of passing hereof, or approved in draft by the Minister of Municipal Affairs or the Regional Municipality of Niagara prior to the date of passing hereof and subsequently registered, and
- (iv) complies with all relevant regulations made under **The Public Health Act, R.S.O. 1980**, and **The Environmental Protection Act, R.S.O. 1980** and all relevant requirements of the Health Unit are complied with,
- (v) such parcel has a frontage of 7.6m minimum to a public highway.

then the said registered lot shall be deemed to conform to the requirements of this By-law with respect to lot area or lot frontage, and the provisions hereof respecting lot area and lot frontage shall not apply to prevent the use of such registered lot, or the erection, alteration or use of a permitted building or structure thereupon, in accordance with all other provisions hereof, provided that the use of the said registered lot remains unchanged from that which existed or was clearly intended on the date of passing hereof.

6.16 **PARKING AREA REGULATIONS**

Every building or structure erected, enlarged or used in accordance with the provisions of this By-law, except for commercial uses within a GC zone, shall either be provided with the required number of parking spaces specified hereunder or shall be exempt from the provision of parking spaces in accordance with an agreement with Council pursuant to Section 39 of **The Planning Act, 1983**.

(a) **PARKING AREA REQUIREMENTS**

The owners of every building or structure erected or used for any of the purposes hereinafter set forth shall provide and maintain for the sole use of the owner, occupant or other persons entering upon or making use of the said premises from time to time, parking spaces and areas as follows:

TYPE OF USE	MINIMUM PARKING REQUIREMENT
Residential (other than listed herein)	1 parking space in a private garage or carport per dwelling unit
Apartment Dwelling	1.0 parking space in a garage per dwelling unit, plus 1.0 parking space for every two dwelling units or part thereof for visitor parking
Senior Citizens Apartment House	1 parking space per dwelling unit
Boarding House Dwelling	1 parking space per dwelling unit plus 1 parking space per 3 guest rooms
Hotel, Motel, Tavern	1 parking space per guest room or suite of a motel; 1 parking space for every 3 guest rooms of a hotel; plus 1 parking space for each 5 persons that can be accommodated at any one time in a restaurant, beverage room or liquor lounge
Hospital, Nursing Home	1 parking space for 2 beds
Church	1 parking space per 5 persons seating capacity
Assembly Hall, Community Centre, Theatre, Auditorium	The greater of: (a) 1 parking space per 5 fixed seats or fraction thereof, or (b) 1 parking space for every 5 persons maximum design capacity.
School, Elementary	1.5 parking spaces per classroom
School, Secondary	The greater of: (a) 1 parking space per 5 classroom seats, or (b) 1 parking space per 15 square metres of floor area in the gymnasium, or (c) 1 parking space per 15 square metres of floor area in the auditorium

Undertaking Establishment	1 parking space per 5 persons seating capacity with a minimum of 10 parking spaces.
Take-out Restaurant or Drive-in Restaurant	1 parking space per 50m ² of net floor area
Eating Establishment	1 parking space per 4 persons seating capacity
Office, Public Building	1 parking space per 30m ² of gross floor area
Bowling Alley	3 parking spaces per bowling lane
Curling Rink	4 parking spaces per curling sheet
Retail Store (other than a furniture store or factory outlet) Shop or Workshop	1 parking space per 30m ² of net floor area
Furniture Store, Factory Outlet, Warehouse Showroom	1 parking space per 100m ² of net floor area
Industrial Establishment	1 parking space per 50m ² of manufacturing floor area
Shopping Centre	1 parking space per 17m ² of total net floor area
Uses permitted in this By-law other than those listed in this Table	1 parking space per 30m ² of gross floor area

(b) CALCULATION OF PARKING REQUIREMENTS

- (i) Where a part of a parking space is required in accordance with this By-law for the use listed in Clause (b) or Clause (c) of this Subsection, such part shall be considered 1 parking space for the purpose of calculating the total parking requirement for the said use.
- (ii) Where a building, structure or lot accommodates more than one type of use as set out in Clause (b) or Clause (c) of this Subsection, the total parking space requirements for such building, structure or lot shall be the sum of the requirements for the separate uses thereof,

except that in the case of a shopping centre, the uses of which have not been clearly determined at the time of construction, the parking space requirement for shopping centre shall apply.

- (iii) Parking spaces required in accordance with this By-law shall not include any parking spaces used or intended to be used primarily for the storage or parking of vehicles for hire and gain, display or sale.
- (iv) Where the number of parking spaces required in accordance with Clause (c) of this Subsection is based upon the seating or other capacity of a building or structure, such capacity shall be deemed to be the same as the maximum capacity for such building or structure permitted by the Ontario Building Code, or where applicable, The Liquor Licensing Board of Ontario, whichever capacity is the lesser, except that where seating is provided in the form of fixed benches or pews, 0.6m of each such bench or pew shall be considered as equalling one seat.
- (v) Parking spaces for the exclusive use of the handicapped shall be provided in accordance with the Town of Pelham Handicap Parking By-law as amended from time to time.

(c) PARKING AREA SURFACE

Each parking area and driveway connecting the parking area with a street shall be maintained with a stable surface which is treated so as to prevent the raising of dust or loose particles. They shall, before being used, be constructed of crushed stone, slag, gravel, crushed brick (or tile), cinders, asphalt, concrete, Portland cement binder or like material for a combined depth of at least 0.15 metres and with provisions for drainage facilities, provided that:

- (i) in the case of a dwelling house containing 4 or more dwelling units such parking area and driveway shall be paved with an asphaltic or concrete surface or such other hard surface as may be acceptable to the Town, and be bounded by curbs.
- (ii) in the case of Industrial and Commercial Zones, all parking areas and loading areas and their approaches shall have a cement or asphaltic binder or other permanent type of surfacing.

(d) 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 3.0 metres, where only one-way traffic is permitted, and have a minimum width of 7.5 metres, but not more than 9.0 metres in perpendicular width where two-way traffic is permitted.
- (ii) The maximum width of any joint ingress and egress driveway ramp measured along the street line shall be 9.0 metres.
- (iii) 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 metres.
- (iv) Except in Residential zones the minimum distance between driveways measured along the street line intersected by such driveways shall be 7.5 metres.
- (v) The minimum angle of intersection between a driveway and a street line shall be 60 degrees.
- (vi) Every lot shall be limited to the following number of driveways:
 - 1. up to the first 30.0 metres of frontage - not more than 2 driveways; and
 - 2. for each additional 30.0 metres of frontage - not more than 1 additional driveway
- (vii) Notwithstanding the requirements of items (i) through (vi) above, the ingress and egress requirements of the Region shall apply along all Regional Roads.
- (viii) Nothing in this By-law shall prevent the obstruction of a driveway by a gate, a temporary barrier or similar obstruction used solely to restrict access to the said driveway and designed to be easily raised, swung aside or otherwise opened or removed when necessary to permit passage of a vehicle. On Regional Roads all such gates and barriers should be set back from the property line to allow the temporary stopping of a vehicle so that the vehicle while stopped is entirely contained within the property limits and does not overhang the public road allowance.

- (ix) 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 said right-of-way has been legally established for such purpose.

(e) 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 lots.

(f) MORE THAN ONE USE ON A LOT

When a building or structure accommodates more than one type of use as set out in paragraph (a) of this subsection 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 types of use.

(g) ADDITIONS TO BUILDINGS

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

(h) OTHER PARKING REGULATIONS

- (i) 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 sight triangle, provided such shelter is not more than 4.5m in height and has a floor area of not more than 5m².

- (ii) No gasoline retail outlet or automobile service station shall be located or maintained on any parking area except where specifically permitted by this By-law.
- (iii) No commercial vehicle as defined in the Highway Traffic Act, of greater than one 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.

(i) PARKING AREA LOCATION ON LOT

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

ZONE	YARD IN WHICH REQUIRED PARKING AREA PERMITTED
Residential-except Apartment Dwelling House and Group Housing	All yards provided that no part of any area, other than a driveway, is located closer than 0.9 metres to any street line and provided further that a parking area, other than a driveway, for a residential use containing 3 or more dwelling units is located in the rear yard only.
Residential - Apartment Dwelling and Boarding House Dwelling	All yards provided that no part of any parking area, other than a driveway, is located closer than 7.5 metres to any street line and no closer than 3.0 metres to any side lot line.
Institutional, Commercial, Open Space	All yards provided that no part of any parking area, other than a driveway, is located closer than 0.9 metres 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 a driveway, is located closer than 4.5 metres to any street line.
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(j) DIMENSIONS OF PARKING SPACES

A parking space required hereby shall be in accordance with Schedule "C" except:

- (i) where the side of a parking space abuts a wall, a column, a pillar, a tree, a fence, a pole or other obstruction or part thereof which is 0.5m or more in height above the level of such parking space, the minimum width of the said parking space shall be 3m; and
- (ii) as otherwise provided in this Clause, where a parking space abuts an area of landscaped open space or a pedestrian walkway greater than 1m in width, the minimum width of such parking space shall be 2.4m.

(k) LOCATION OF PARKING AREA

All required parking spaces shall be provided:

- (i) on the same lot occupied by the building, structure or use for which the parking spaces are required;
- (ii) on any lot that is not a street or lane and is presently zoned to permit parking and is located within 46 metres of the lot occupied by the building or structure or use for which the parking spaces are required.

(l) PARKING STRUCTURES

- (i) 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 such lot is located.
- (ii) 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 (i) of this Section.

(m) UNDERGROUND PARKING AREAS

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

- (i) no part of any underground parking area shall be situated above finished grade in any required yard; and
- (ii) no part of any underground parking area shall be located within the limits of a street.

6.17 PLANTING STRIPS

(a) REQUIREMENTS FOR NON-RESIDENTIAL USES

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 or an RD zone, then a strip of land adjoining such abutting lot line, or portion thereof, shall be used for no other purpose than a planting strip in accordance with the provisions of this subsection.

(b) WIDTH

Where land is required to be used for no other purpose than a planting strip, it shall have a minimum width of 3.0 metres measured perpendicular to the lot line it adjoins.

(c) DRIVEWAYS OR WALKS

In all cases where ingress and egress driveways or walks extend through a planting strip, it shall be permissible to interrupt the strip within 3.0 metres of the edge of such driveway or within 1.5 metres of the edge of such walk.

(d) LANDSCAPED OPEN SPACE

A planting strip referred to in this subsection may form part of any landscaped open space required by this By-law.

(e) PLANTING

Planting strips shall be planted with trees to form a visual screen at least 3.0 metres in height.

6.18 PROHIBITED USES

(a) Except as otherwise specifically permitted in this By-law, the following uses are prohibited in any zone:

- i) blood boiling
- ii) bone boiling
- iii) refining coal oil
- iv) extracting oil from fish or animal matter
- v) storing hides
- vi) abattoir or commercial slaughterhouse
- vii) a piggery wherein pigs are fed treated garbage or other treated refuse
- viii) tallow melting
- ix) soap boiling
- x) tripe boiling
- xi) tanning hides or skins
- xii) manufacturing gas, acids or chemicals
- xiii) manufacturing glue
- xiv) commercial manufacturing of fertilizers from dead animals or from human or animal waste
- xv) a track for the racing of motor vehicles or motorcycles or go-carts or motorized snow vehicles
- xvi) a trailer camp
- xvii) the use of any trailer for permanent human habitation.
- xviii) keeping, storing, manufacturing, refining or transporting dangerous inflammable or explosive substances including, but not so as to limit the generality of the foregoing, dynamite, dualin or naphtha, but not including gasoline, diesel fuel, heating and lubricating oil, propane, acetylene and lime.
- xix) a junk yard, salvage yard, automobile wrecking yard, or the collection, storage or sale of junk, salvage, partially or completely dismantled motor vehicle or trailers or parts of motor vehicles or trailers.
- xx) locating or storing on any land for any purpose whatsoever any disused railroad car, streetcar body, truck body, or trailer without wheels, whether or not the same is situated on a foundation
- xxi) keeping or raising of any bull, ox, cow, sheep, horse, goat, pig or other cattle, or any poultry, or any reptile or any wild animal including any tamed or domesticated wild animal, on any residential lot or in any building or structure on such lot, or on any lot or in any building or structure in a Residential or Residential Development zone.
- xxii) Arcades and billiard parlours
- xxiii) Adult entertainment parlours

- (b) In addition to the uses prohibited in clause (a) of this subsection, any use which from its nature or the materials used therein or emissions issuing therefrom is declared under **The Public Health Act**, R.S.O. 1980 as amended from time to time, or any regulations adopted thereunder to be a noxious trade, business or manufacture is prohibited.
- (c) In addition to the uses prohibited in clause (a) of this subsection, all uses of land and the erection or use of any building or structure for a purpose not permitted under the "Permitted Use" subsection of one or more zones established by this By-law are and shall be deemed to be prohibited in each such zone, except for those uses of land and the erection or use of any building or structure for a purpose expressly permitted under the applicable provisions of Section 6 hereof.

6.19 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 these things described in clauses (a), (b) and (c) of this subsection.

6.20 PUBLIC SERVICES

- a) Except as otherwise provided in paragraph (c) of this subsection, the provisions of this By-law shall not apply to the use of any lot or the erection or use of any building or structure for purposes of:

the public services by the Corporation or the Region or by any local board of either the Corporation or the Region as defined by **The Municipal Act**, any telephone or telegraph corporation, any natural gas distribution system operated by the Corporation or on its behalf by a company distributing gas to the residents of the

Corporation and possessing all the necessary powers, rights, licenses and franchise, any Conservation Authority established by the Government of Ontario, any department of the Government of Ontario or Canada, including Ontario Hydro and Pelham Hydro, any use permitted under The Railway Act or any other statute of Ontario or Canada governing railway operations, including tracks, spurs and other railway facilities:

provided that

- (i) no goods, materials or equipment shall be stored in the open, except as permitted in such zones;
- (ii) any above-ground non-recreational use carried on under the authority of this paragraph in any Residential zone shall be enclosed in a building designed, located and maintained in general harmony with residential buildings of the type permitted in such zone; and

(b) **STREETS AND INSTALLATIONS**

Nothing in this By-law shall prevent land to be used as a street or prevent the installation of a watermain, sanitary sewer main, storm sewer main, gas main, pipe line, Cable T.V. cable, street sign or overhead or underground hydro or telephone line, provided that the location of such main or line has been approved by the Corporation.

(c) **EXCEPTIONS**

Where in this By-law, under the heading of "USES PERMITTED", a use is specifically permitted in a zone, which use without such reference thereto would be permitted in any zone pursuant to the provisions of paragraph (a) of this subsection, then such use shall be permitted only within the zone or zones making reference thereto and the said paragraph (a) shall not apply to such use.

6.21 RAILWAY RIGHT OF WAY

Notwithstanding other provisions within this By-law to the contrary, no residential dwelling shall be constructed any closer than 23m to any functioning railway right-of-way.

6.22 REDUCTION OF REQUIREMENTS

No person shall change the purpose for which any lot, building or structure is used or erect any new building or structure or addition to any existing building or structure or sever any lands from any existing lot if the effect of such action is to cause the original, adjoining, remaining or new building, structure or lot to be in contravention of this By-law.

6.23 REMOVAL OF GRAVEL

Nothing in this By-law shall prevent an owner from removing gravel from his land for his own use on the property from which the gravel is removed.

6.24 REPLACEMENT OF BUILDINGS OTHER THAN RESIDENTIAL BUILDINGS

Any building, other than a building used exclusively for residential purposes may, in the case of its complete destruction, be replaced with a new building where the complete destruction is caused by fire, lightning, explosion, tempest, flood or Act of God, or where its demolition is by order of the Corporation, the Regional Niagara Health Services Department or other authority, for safety, health or sanitation requirements, provided that:-

- (a) such destroyed or demolished building was in conformance with this By-law at the date of its complete destruction or its demolition, or
- (b) for buildings not in conformance with this By-law, the ground floor area and gross floor area of such building as replaced does not exceed that existing at the date of its complete destruction or its demolition.

6.25 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, tempest, flood or Act of God, or where its demolition is by order of the Corporation, the Regional Niagara Health Services Department or other authority, for safety, health or sanitation requirements, provided that:-

- (a) such destroyed or demolished building was lawfully used at the date of its partial or complete destruction or its demolition,
- (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 or demolition.

- (c) where the ground floor area of the destroyed or demolished 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 or demolition 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.
- (f) Notwithstanding subsections (a), (b), (c), (d) and (e) above, where the building is destroyed by flood, the Niagara Peninsula Conservation Authority regulations shall apply.

6.26 RECONSTRUCTION OF AGRICULTURAL BUILDINGS AND STRUCTURES

Nothing in this By-law shall apply to prevent the reconstruction of any legal non-conforming or conforming agricultural building or structure situated in the Agricultural or Special Rural Zones in the case of partial or complete destruction caused by fire, lightning, explosion, tempest, flood or Act of God, or demolition by order of the Corporation, the Regional Niagara Health Services Department or other authority for safety, health or sanitation requirements, provided that:

- (a) 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
- (b) 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 in the Agricultural Zone, such yard shall not be reduced in size by reason of such reconstruction of such building or structure; or
- (c) if such building or structure is to be replaced or reconstructed so that it provides 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, such

building or structure shall not be replaced or reconstructed except in accordance with the provisions of the Agricultural A Zone and Special Rural SR Zone.

- (d) For the purpose of this subsection, "livestock housing capacity" means the number of animal units per year in accordance with Schedule "B" hereof.

6.27 **SIGHT TRIANGLES**

On a corner lot within the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, each such point being 12.0 metres measured along the street line from the point of intersection of the street lines, no sign, fence, landscaping, building or structure shall be greater than .5m in height above the elevation of the ground at the street line, regardless of whether or not any such landscaping materials form part of a required planting strip. Such triangular space may hereinafter be called a "sight triangle".

Where the 2 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.

Notwithstanding these requirements, the sight triangle provisions of the Region shall apply along all Regional Roads.

6.28 **SIGNS**

The provisions of this By-law shall not apply to prevent the erection, alteration or use of any sign provided such sign complies with the by-laws of the Corporation regulating signs.

6.29 **SPECIAL EXCEPTIONS**

The special exceptions noted in Section 30 shall have effect in respect of the subject use and the provisions of the respective zone 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.

6.30 **SPECIAL USES PERMITTED**

- (a) The following uses are permitted in all zones within the Corporation:

A tool shed, scaffold or other building or structure incidental to construction on the lot where it is situated and only for so long as it is necessary for the work in progress and which shall be removed within 6 weeks of the work being completed or abandoned.

- (b) "Abandoned" in this subsection shall mean the failure to proceed expeditiously with the construction of a work.

6.31 TEMPORARY USES

- (a) Nothing in this By-law shall prevent the use of any land, or the erection or use of any temporary building or structure for a construction camp, work camp, tool shed, scaffold or other temporary building or structure incidental to 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.
- (b) Nothing shall prevent the use of a mobile home, motor home or tourist trailer for the temporary accommodation of the farm family in the case of complete or partial destruction of the farm dwelling by fire, lightning, explosion, tempest, flood or Act of God, or where its demolition is by order of the Corporation of the Town of Pelham, the Regional Niagara Health Services Department or other authority, for safety, health or sanitation requirement in an Agricultural A zone or Special Rural SR 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 the placement of a mobile home to be used as a real estate sales pavilion 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.

6.32 THROUGH LOTS

Where a lot which is not a corner lot has frontage on more than one street, such lot shall have a front yard on each street in accordance with the provisions of the zone or zones in which each front yard is located.

6.33 TOURIST TRAILERS, MOBILE HOMES & MOTOR HOMES

- (a) ALL ZONES

No person shall in any zone, locate or use any tourist trailer, mobile home or motor home on any lot for living, sleeping or eating accommodation.
- (b) EXCEPTIONS

Notwithstanding the provision of paragraph (a) hereof, a lot may be used for a tourist trailer or motor home for living, sleeping or eating accommodation:

- (i) where the lot is used as a camping area in a public park, but which tourist trailer or motor home shall not be occupied for any period of time beyond 8 months.
- (ii) where the lot is in an Industrial zone and the tourist trailer or motor home is used by a caretaker or watchman employed on the lot and provided not more than one such tourist trailer or motor home is located on a lot; or
- (iii) where such use is specifically permitted elsewhere in this By-law.

6.34 STORAGE OF RECREATIONAL VEHICLES, TRAILERS AND BOATS

In any Residential zone, except "Residential Village 1 - RV1" and Residential Village 2 - RV2", no person shall store a recreational vehicle, mobile home, house trailer, motor home, tourist trailer, camper trailer, boat and trailer, or haulage trailer, except in accordance with the following provisions:

- (a) where the lot is used for an apartment dwelling or boarding house, the storage of such vehicles shall be enclosed and shall only be permitted in spaces or areas that are in addition to the number of parking spaces required by section 6.16.
- (b) where the lot is used for any other residential use, the storage of such vehicles shall be permitted in any yard provided that where storage occurs in a front yard or exterior side yard, a minimum setback of 1.5 metres from the front lot line or exterior side lot line shall be required for sight clearance purposes.

6.35 YARD ENCROACHMENTS PERMITTED

(a) ORNAMENTAL STRUCTURES

Notwithstanding the yard provisions of this By-law to the contrary, sills, belt courses, chimneys, cornices, eaves, gutters, parapets, pilasters or other ornamental structures may project into any required yard a maximum distance of 0.75 metres.

(b) ACCESSORY STRUCTURES

Notwithstanding the yard provisions of this By-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, fences, retaining walls, signs, or similar accessory uses shall be permitted in any required yard.

(c) UNENCLOSED PORCHES, BALCONIES, STEPS AND PATIOS

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 1.5 metres provided that in the case of porches, steps or patios such uses are not more than 1.3 metres above ground. Patios may project into any required rear yard provided they are not more than 0.7 metres above grade.

(d) FIRE ESCAPES

Notwithstanding the yard provisions of this By-law to the contrary, unenclosed fire escapes, in which the stair steps and floors are latticed in such a manner that the proportions of voids to solids is not less than 2 to 1 and in which guards consist only of hand rails and the structural members necessary to their support, may project into any required yard a maximum distance of 1.5 metres.

(e) RAILWAY SPUR

Notwithstanding the yard provisions of this By-law to the contrary, a railway spur shall be permitted within any required yard.

(f) GATE HOUSE

Notwithstanding the yard provisions of this By-law to the contrary, in a Commercial or Industrial zone, a gate house shall be permitted in any yard.

(g) CANOPIES OVER ENTRANCES

Notwithstanding the yard provisions of this By-law to the contrary, canopies over front and rear entrances may project into a front or rear yard a maximum distance of 3.0 metres.

h) Notwithstanding the yard provisions of this by-law to the contrary, operating machinery shall:

- (i) be permitted to encroach into any side yard adjacent to a street or rear yard of any lot used for residential purposes.
- (ii) not be permitted in any other side yard or front yard of a lot used for residential purposes except that an air conditioning unit may encroach into a front yard to the maximum permitted distance of 2 metres from the main wall of the main building.

- (iii) where permitted on any lot under (i) or (ii) above, the exhaust or intake shall not be directed towards any side yard if such side yard abuts another parcel of land used for residential purposes.
- (iv) where permitted under (i) or (ii) above, shall not be located less than 5 metres from an existing residential use under separate ownership.
- (v) be permitted to encroach into any side yard, provided that the said operating equipment shall not be located less than 5 metres from any lot line.

6.36 NIAGARA ESCARPMENT COMMISSION JURISDICTION

This by-law shall have no effect within the Niagara Escarpment Commission Development Control Area as defined by provincial regulation.

6.37 WAYSIDE PITS AND QUARRIES

Wayside pits and quarries shall be permitted in the following zones: Agricultural-A, Special Rural-SR, Extractive Industrial-M3, and Open Space-OS.

SECTION 7 - AGRICULTURAL A ZONE

Subject to the General Provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Agricultural A Zone.

7.1 PERMITTED USES

- (a) Agricultural Uses Including Greenhouses
- (b) Seasonal or permanent farm help houses on farms larger than 10 hectares.

Explanatory Note - Applications to permit farm help houses on farms less than 10 hectares will be considered by Council. This note is for information only and does not form a part of this By-law.

- (c) One single detached dwelling on one lot;
- (d) Home occupations;
- (e) Kennels;
- (f) Uses, buildings and structures accessory to the foregoing permitted uses;
- (g) Forestry and conservation uses.

7.2 REGULATIONS FOR AGRICULTURAL USES PERMITTED IN CLAUSE (a) OF SUBSECTION 7.1

- | | | |
|-----|----------------------------|-------------|
| (a) | Minimum Lot Frontage | 180m |
| (b) | Minimum Lot Area | 10 hectares |
| (c) | Maximum Lot Coverage | 10 percent |
| (d) | Minimum Front Yard | 20m |
| (e) | Minimum Side Yard | 46m |
| (f) | Minimum Exterior Side Yard | 20m |
| (g) | Minimum Rear Yard | 46m |

7.3 REGULATIONS FOR GREENHOUSES AS PERMITTED IN CLAUSE (a) OF SUBSECTION 7.1

- | | | |
|-----|---|---|
| (a) | Minimum Lot Frontage | 100m |
| (b) | Minimum Lot Area | 2 hectares |
| (c) | Maximum Lot Coverage | 60 percent |
| (d) | Minimum Front Yard | 20m |
| (e) | Minimum Side Yard or
Minimum Rear Yard | 15m, except where ventilating fans exhaust into the respective side or rear yard, the minimum yards shall be 25m |
| (f) | Minimum Exterior Side Yard | 30m from the centre line of the road, or 20.5m from the lot line whichever is greater |
| (g) | Supplementary Setback Distances | |
| | (i) | all greenhouses shall be located a minimum distance of 45m from any residential use on an adjacent lot |
| | (ii) | no manure, compost or equipment storage area shall be permitted within 30 metres of a street or residential use on an adjacent lot. |

7.4 REGULATIONS FOR DWELLINGS PERMITTED IN CLAUSES (b) or (c) OF SUBSECTION 7.1

- | | | |
|-----|----------------------------|-------------|
| (a) | Minimum Lot Frontage | 46m |
| (b) | Minimum Lot Area | .4 hectares |
| (c) | Maximum Lot Coverage | 10 percent |
| (d) | Minimum Front Yard | 13m |
| (e) | Minimum Exterior Side Yard | 8m |
| (f) | Minimum Side Yard | 9m |
| (g) | Minimum Rear Yard | 15m |

- (h) Minimum Floor Area for a Dwelling 93m²
- (i) Maximum Dwelling Height 10.5m
- (j) Supplementary Regulations for a Farm Help House
 - (i) a farm help house shall be located in accordance with a site plan agreement with the Town of Pelham;
 - (ii) no seasonal farm help house shall be used as a permanent dwelling;
 - (iii) minimum floor area for a seasonal farm help house - 37m²
 minimum floor area for a permanent farm help house - 93m²
 - (iv) 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.

7.5 REGULATIONS FOR KENNELS PERMITTED IN CLAUSE (e) OF SUBSECTION 7.1

- (a) Minimum Lot Frontage 100m
- (b) Minimum Lot Area 2 hectares
- (c) Maximum Lot Coverage 10 percent
- (d) Minimum Front Yard 20m
- (e) Minimum Side Yard 15m
- (f) Minimum Exterior Side Yard 30m from the centre line of the road, or 20.5m from the lot line whichever is greater
- (g) Minimum Rear Yard 25m
- (h) Supplementary Setback Distances
 - (i) No kennel shall be permitted within 150m of any existing dwelling on any adjacent lot.

7.6 SUPPLEMENTARY SEPARATION DISTANCES FOR USES PERMITTED IN THE AGRICULTURAL A ZONE

Notwithstanding the various setback distances and minimum yard requirements of the Agricultural A Zone, the provisions of subsection 6.14, MDS Tables and Schedule "B" shall apply to the establishment or expansion of any livestock or poultry operation or conversely, to the establishment or expansion of any non-farm use in the vicinity of a livestock or poultry operation.

7.7 REQUIREMENTS FOR BUILDINGS AND STRUCTURES ACCESSORY TO DWELLINGS

- | | |
|--|---|
| (a) Maximum Lot Coverage | One percent provided the maximum lot coverage of all buildings does not exceed 10 percent |
| (b) Minimum Side Yard & Rear Yard | 3m, except the minimum side yard abutting a street shall be 7.5m |
| (c) Minimum Distance from the Dwelling | 3m |
| (d) Maximum Building Height | 3.7m |
| (e) Accessory buildings and structures shall not be permitted in the required front yard | |

SECTION 8 - SPECIAL RURAL SR ZONE

Subject to the general provisions of Section 6 and all other applicable requirements of the By-law, the provisions of this section shall apply throughout the Special Rural SR Zone.

8.1 PERMITTED USES

- (a) Agricultural uses;
- (b) One single detached dwelling on one lot;
- (c) Home occupations;
- (d) Uses, building and structures accessory thereto;
- (e) Forestry and conservation uses excluding buildings and structures;

8.2 REGULATIONS FOR AGRICULTURAL USES PERMITTED IN CLAUSE (a) OF SUBSECTION 8.1

- (a) The provisions of subsection 7.2 shall apply to agricultural uses permitted in the Special Rural SR Zone.

8.3 REGULATIONS FOR DWELLINGS PERMITTED IN CLAUSE (b) OF SUBSECTION 8.1

The provisions of Subsection 7.4 shall apply to dwellings permitted in the Special Rural SR Zone, except that the minimum lot frontage shall be 30m.

SECTION 9 - RESIDENTIAL VILLAGE RV1 ZONE

Subject to the general provisions of Section 6 and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Residential Village RV1 Zone.

9.1 PERMITTED USES

- (a) One single detached dwelling on one lot and uses, buildings and structures accessory thereto.
- (b) The office of a professional located within the single detached dwelling in which the professional resides and used for consultations and accessory uses only.

9.2 ZONE REQUIREMENTS

	With Sanitary Sewers & Water	With Municipal Water or No Municipal Services
(a) Minimum Lot Area	836m ²	3700m ²
(b) Minimum Lot Frontage	18m 20m on corner lot	36m 38m on a corner lot
(c) Maximum Lot Coverage	35 percent	20 percent
(d) Minimum Front Yard	8m	10m
(e) Minimum Interior Side Yard	1.5m	3m
(f) Minimum Exterior Side Yard	5m	6m
(g) Minimum Rear Yard	7.5m	7.5m
(h) Maximum Height for a Dwelling	10.5m	10.5m
(i) Minimum Ground Floor Area for a Dwelling		
i) one storey	93m ²	93m ²
ii) two storey	56m ²	56m ²

SECTION 10 - RESIDENTIAL VILLAGE RV2 ZONE

Subject to the general provisions of Section 6, and all other applicable requirements of this By-law, the provisions of this section shall apply throughout the Residential Village RV2 Zone.

10.1 PERMITTED USES

- (a) Semi-detached dwellings and uses, buildings and structures accessory thereto.
- (b) Duplex dwellings and uses, buildings and structures accessory thereto.

10.2 ZONE REQUIREMENTS FOR SEMI-DETACHED DWELLINGS

- (a) Minimum Lot Area 400m² per dwelling unit
- (b) Minimum Lot Frontage 12m
- (c) Maximum Lot Coverage 30 percent
- (d) Minimum Front Yard 8m
- (e) Minimum Interior Side Yard 1.5m plus an additional .5m for every storey or part thereof above the ground floor; where no private garage or carport is provided, a side yard of not less than 3.0m on one side of such semi-detached dwelling; **except** that no interior side yard shall be required where a pair of semi-detached dwellings on adjacent lots are attached together by a common wall extending along the side lot line separating such lots provided that any wall which does not constitute part of such common wall or a direct extension thereof shall be set back not less than 1m from the side lot line separation such lots.
- (f) Minimum Exterior Side Yard 6m
- (g) Minimum Rear Yard 7.5m

(h) Maximum Height for
for a Building 10.5m

(i) Minimum Ground Floor Area:

i) one storey 93m²
ii) two storey 56m²

10.3 ZONE REQUIREMENTS FOR DUPLEX DWELLINGS

(a) Minimum Lot Area 836m²

(b) Minimum Lot Frontage 20m

(c) Maximum Lot Coverage 25 percent

(d) Minimum Front Yard 9m

(e) Minimum Interior Side Yard 3.6m on one side, 1.8m on other side plus .6m on the side for each additional or partial storey above the second, provided that where 2 garages and/or carports are attached to and/or are within the main building or the lot is a corner lot, the minimum width of the yard shall be 1.8m plus .6m for each additional or partial storey above the second.

(f) Minimum Exterior Side Yard 6.0m

(g) Minimum Rear Yard 7.5m

(h) Maximum Height
for a Dwelling 10.5m

(i) Minimum Ground Floor Area
for a Dwelling 75m²

SECTION 11 - RESIDENTIAL MULTIPLE VILLAGE 1 RMV1 ZONE

Subject to the general provisions of Section 6, and all other applicable requirements of this By-law, the provisions of this section shall apply through the Multiple Village 1 RMV1 Zone.

11.1 PERMITTED USES

- (a) Triplex dwelling, semi-detached duplex dwelling, a fourplex, a boarding house, converted dwelling, street townhouse dwelling, block townhouse dwelling, and uses, buildings and structures accessory thereto.

11.2 ZONE REQUIREMENTS FOR TRIPLEX DWELLINGS, CONVERTED DWELLINGS, SEMI-DETACHED DUPLEX DWELLINGS, FOURPLEX DWELLINGS

- | | |
|--------------------------------|---|
| (a) Minimum Lot Frontage | 25m |
| (b) Minimum Lot Area | 140m ² per dwelling unit |
| (c) Maximum Lot Coverage | 35 percent |
| (d) Minimum Front Yard | 9m |
| (e) Minimum Interior Side Yard | One-half of the building height or 3m, whichever is greater |
| (f) Minimum Exterior Side Yard | One-half the building height or 7m, whichever is greater |
| (g) Minimum Rear Yard | 25 percent of lot depth |
| (h) Maximum Building Height | 10.5m |
| (i) Minimum Floor Area | 55m ² /unit |

11.3 ZONE REQUIREMENTS FOR STREET TOWNHOUSE DWELLINGS

(a) Minimum Lot Frontage	8m per unit, except that in the case of a dwelling unit attached on one side only, the minimum lot frontage required shall be 10m
(b) Minimum Corner Frontage	16m
(c) Minimum Lot Area	250m ²
(d) Minimum Front Yard	9m
(e) Minimum Exterior Side Yard	8m
(f) Minimum Interior Side Yard	4m
(g) Minimum Rear Yard	9m
(h) Maximum Building Height	10.5m
(i) Minimum Ground Floor Area for a Dwelling	
i) one storey	75m ²
ii) two storeys	45m ²
(j) Minimum Landscaped Open Space	30 percent
(k) Planting Strip	A planting strip of 1.5m in width shall be provided where the RMV1 Zone abuts and RV1 or RV2 Zone

11.4 ZONE REQUIREMENTS FOR BLOCK TOWNHOUSE DWELLINGS

(a) Minimum Lot Frontage	35m
(b) Minimum Lot Area	2500m ²
(c) Maximum Density	35 dwellings units per ha
(d) Minimum Front Yard	9m on either a street or an internal roadway