

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

**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:

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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and is completed within six months after the erection thereof is commenced, and provided such building permit has not been revoked under Section 6 of **The Building Code Act**.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.

- (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:

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.

- (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.

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 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.

- 5.15 **"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.

5.34 "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.

- 5.53 **"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.

- (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.

5.66 **"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.

- (b) **"NON-HABITABLE ROOM"** means any room in a dwelling other than a habitable room including, but not so as to limit the generality of the foregoing, a laundry room, a pantry, a lobby, a communicating corridor, a stairway, a closet, a sunroom, a verandah, a porch, a balcony, a private garage, an unfinished attic, a cellar, a boiler room and any space used for the service and maintenance of such dwelling or for vertical travel between storeys.
- 5.80 **"HEIGHT"**, when used in reference to a structure, means the vertical dimension between the finished grade of such structure and the top or topmost part of such structure.
- 5.81 **"HEIGHT OF BUILDING"** means the vertical height from the finished grade around the exterior of the building to the highest point of the roof joists in the case of a flat roof, or to a point halfway up the roof in the case of a pitched roof.
- 5.82
 - (a) **"HEREAFTER"** means "after the date of the passing of this by-law."
 - (b) **"HEREIN"** means "anywhere in this By-law."
 - (c) **"HEREOF"** and **"HERETO"** means "of this By-law" and "to this By-law" respectively.
- 5.83 **"HOME OCCUPATION"** means an occupation conducted for gain or profit as an accessory use to the principal residential use by one or more persons residing therein.
- 5.84 **"HOME PROFESSION"** means a professional service conducted entirely within a dwelling or dwelling unit by one or more persons residing therein. This includes without limiting the generality of the foregoing an office for an accountant, architect, auditor, planner, dentist, drugless practitioner, engineer, insurance agent, land surveyor, lawyer, medical practitioner, notary or real estate agent.
- 5.85 **"HOTEL"** means any establishment so defined in **The Hotel Registration of Guests Act**, as amended from time to time, or any successors thereto, and includes a motel or motor hotel.
- 5.86 **"IMPROVED STREET"** - see "STREET"
- 5.87 **"INSTITUTIONAL"** means the use of land, buildings or structures for religious, charitable, educational, health or welfare purposes, and includes churches, places of worship, public or private schools, day nursery, public or private hospital, childrens home, nursing home, home for the aged or infirm, monastery, convent, or training school.

- 5.98 **"LOADING SPACE"** means an off-street space or berth located on the same lot as a permitted use and used for the parking of a commercial vehicle loading or unloading merchandise or materials pertinent to such permitted use.
- 5.99 (a) **"LOT"** means the minimum area of land under one ownership, other than a street, which is used or intended to be used as the site of or appurtenant to one or more main buildings, structures or uses, together with any accessory buildings, structures or uses, regardless of whether or not such area of land constitutes a registered lot.
- (b) **"CORNER LOT"** means a lot having two or more street lines intersection at an angle of not more than 135° curved, provided that where the street lines of a lot are curved, the angle of intersection of such street lines shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the interior lot lines, and the corner of the lot shall be deemed to be that point of intersection of the said tangents.
- (c) **"INTERIOR LOT"** means any lot, other than a corner lot, which abuts and is accessible from an improved street.
- (d) **"THROUGH LOT"** means any interior lot having two or more street lines or any corner lot having more than two street lines.
- 5.100 **"LOT AREA"** means the total horizontal area within the lot lines of a lot, but shall not include any area below the high water mark.
- 5.101 **"LOT COVERAGE"** means:
- (i) that percentage of the lot area covered by all buildings above ground level; but
- (ii) does not include that portion of the lot area which is occupied by a building or portion thereof and which is completely below ground level, and for the purpose of this paragraph, the lot coverage in each zone applies and shall be deemed to apply only to that portion of such lot that is located within said zone.
- 5.102 **"LOT DEPTH"** means:
- (a) the shortest horizontal distance between the rear lot line and the front lot line of a lot, where such lot lines are parallel;

- (b) the horizontal distance between the mid-point of the rear lot line and the mid-point of the front lot line of a lot, where such lot lines are not parallel; or
- (c) the horizontal distance between the mid-point of the front lot line and the point of intersection of the side lot lines of a lot where there is no rear lot line.

5.103 **"LOT FRONTAGE"** means the horizontal distance between the side lot lines measured along the front lot line, but where the front lot line is not a straight line or where the side lot lines are not parallel, the lot frontage is to be measured by a line 7.5m back from and parallel to the chord of the lot frontage, and for the purpose of this paragraph, the chord of the lot frontage is a straight line joining the two (2) points where the side lot lines intersect the front lot line.

5.104 (a) **"LOT LINE"** means any boundary of a lot.

(b) **"FRONT LOT LINE"** means:

- (i) the lot line that divides the lot from the street, but
- (ii) in the case of a corner lot the shorter street line shall be deemed to be the front lot line and the longer street line shall be deemed to be a side lot line, but
- (iii) in the case of a corner lot with two (2) street lines of equal length, the lot line that abuts the wider street, or abuts a Regional Road or Highway shall be deemed to be the front lot line, and in the case of both streets being under the same jurisdiction, or of the same width, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.

(c) **"REAR LOT LINE"** means, in the case of a lot having 4 or more lot lines, the lot line farthest from and opposite to the front lot line, except that where a lot has less than 4 lot lines there shall be deemed to be no rear lot line.

(d) **"SIDE LOT LINE"** means a lot line other than a front or rear lot line.

(e) **"EXTERIOR SIDE LOT LINE"** means a side lot line that is also a street line.

(f) **"INTERIOR SIDE LOT LINE"** means a side lot line other than an exterior side lot line.

- 5.111 **"MUNICIPAL"**, when used in reference to a lot, a building or a structure, means a lot, a building or a structure owned, occupied and used by the Corporation or any department, board, commission or agency thereof.
- 5.112 **"MUNICIPAL DRAIN"** means a watercourse or sewer which carries storm surface water and drainage and includes a municipal drain pursuant to **The Drainage Act, R.S.O. 1980**.
- 5.113 **"NON-CONFORMING"**, when used in reference to a use, a lot, a building or a structure, means a use, a lot, a building or a structure which does not conform to one or more of the provisions of this by-law.
- 5.114 **"NON-COMPLYING"** shall mean a permitted use, building or structure existing at the date of the passing of this By-law which does not comply with a zone requirement of the zone within which they are located.
- 5.115 **"NURSING HOME"** means a building wherein lodging, meals, personal care, nursing services, and medical care and treatment are provided for gain or profit or as a charitable public service.
- 5.116 **"OBNOXIOUS USE"** means a use with which is associated the emission of odour, smoke, dust, noise, gas, fumes, cinders, refuse matter or waterbourne waste or which is associated with fly ash and foundry sand, or which is declared to be a noxious trade under **The Public Health Act, R.S.O. 1980**.
- 5.117 **"OPERATING MACHINERY"** shall mean any apparatus (including air conditioners, electric motor and compressors) used for mechanical power having one or more moving parts which are driven by other than muscular power and meeting the following criteria:
- (i) incidental to the main use or accessory use of the property and connected to the main building by way of brackets, electrical power lines, air ducts or similar connectors, but excluding portable type air conditioning units of 6500 KJ or less.
- 5.118 **"OUTSIDE STORAGE"** means the storage of goods in the open air and in unenclosed portions of buildings which are open to the air on the sides.
- 5.119 (a) **"OWNER"** means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office.
- (b) **"OWNERSHIP"** has a corresponding meaning.

- 5.129 **"PLANTING STRIP"** means an area of landscaped open space located immediately adjacent to a lot line or portion thereof and on which is situated one or more of the following screening devices:
- (i) a continuous row of trees;
 - (ii) a continuous hedgerow of evergreens or shrubs;
 - (iii) a berm;
 - (iv) a wall; or
 - (v) an opaque fence
- 5.130 **"PORCH"** or **"VERANDAH"** means a partially enclosed stoop having a roof but lacking any enclosing walls greater than 1.5m in height from the top of the platform of the said stoop.
- 5.131 **"PRIVATE"** means "not public."
- 5.132 **"PRIVATE CLUB"** means an athletic, recreational or social club which is not operated for gain or profit, and includes the premises of a fraternal organization.
- 5.133 **"PRIVATE GARAGE"** - see "GARAGE, PRIVATE"
- 5.134 **"PROFESSIONAL OFFICE"** means a building or part thereof in which a legal, medical or other professional service is performed or consultation given, including, but not so as to limit the generality of the foregoing, the offices of a lawyer, an architect, a surveyor, an engineer or an accountant, but **does not include** a personal service shop, a business office, a veterinarian's clinic, an animal hospital or shelter, a body-rub parlour or any adult entertainment parlour as defined in **The Municipal Act, R.S.O. 1980**, as amended.
- 5.135 **"PUBLIC"**, when used in reference to a building, structure, use or lot, means a building, structure, use or lot used by a public agency to provide a service to the public.
- 5.136 **"PUBLIC AGENCY"** means
- (i) the Government of Canada, the Government of Ontario or any municipal corporation;
 - (ii) any ministry, department, commission, corporation, authority, board or other agency established from time to time by the Government of Canada, the Government of Ontario or any municipal corporation;
 - (iii) any public utility; or
 - (iv) any railway company authorized under **The Railway Act, R.S.C., 1970**, as amended from time to time, or any successors thereto.

- (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.

- 5.163 (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.

- 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.

- 5.182 **"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.

- (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.

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.

- (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:

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.

(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

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 RVI 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".

- (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:

| | |
|--|---|
| 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,

(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.

- (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. |

(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.

- (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

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.

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.

- (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.

- (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.

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 |

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 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 |

(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

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 |

SECTION 12 - RESIDENTIAL MULTIPLE VILLAGE 2 RMV2 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 Multiple Village 2 RMV2 Zone.

12.1 PERMITTED USES

- (a) apartment dwellings and uses, structures and building accessory thereto.

12.2 ZONE REQUIREMENTS

- | | |
|-----------------------------------|---|
| (a) Minimum Lot Area | 175m ² per dwelling unit |
| (b) Minimum Lot Frontage | 40m |
| (c) Maximum Density | 25 dwellings units per hectare |
| (d) Maximum Lot Coverage | 25 percent |
| (e) Minimum Front Yard | One-half the building height or 10.5m, whichever is greater |
| (f) Minimum Rear Yard | One-half the building height or 12m, whichever is greater |
| (g) Minimum Interior Side Yard | One-half the building height or 10.5m, whichever is greater |
| (h) Minimum Exterior Side Yard | One-half the building height or 10.5m, whichever is greater |
| (i) Minimum Landscaped Open Space | 40 percent of lot area |
| (j) Maximum Building Height | 12m |

SECTION 14 - RESIDENTIAL 2 R2 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 2 R2 Zone.

14.1 USES PERMITTED

- (a) One single detached dwelling and uses, buildings and structures accessory thereto.

14.2 ZONE REQUIREMENTS

- (a) Minimum Lot Area 360m²
- (b) Minimum Lot Frontage 12m
15m on a corner lot
- (c) Maximum Lot Coverage 50 percent
- (d) Minimum Front Yard 6.5m
- (e) Minimum Interior Side Yard 1.5m on one side and 3m on the other side where there is no carport or garage attached or 1.5m on both sides where a carport or garage is attached
- (f) Minimum Exterior Side Yard 15m from the centre line of the road or 5m from the side lot line whichever is the greater
- (g) Minimum Rear Yard 7.5m
- (h) Maximum Height for a Dwelling 10.5m
- (i) Minimum Ground Floor for a Dwelling
 - i) one storey 93m²
 - ii) two storeys 55m²

common wall or a direct extension thereof shall be set back not less than 1m from the side lot line separating such lots.

- | | |
|---|---|
| (f) Minimum Exterior Side Yard | 4.5m except where no attached garage or attached carport is provided the minimum exterior side yard shall be 5.5m |
| (g) Minimum Rear Yard | 7.5m |
| (h) Minimum Ground Floor Area for a Dwelling | |
| i) one storey | 88m ² |
| ii) two storeys | 50m ² |
| (i) Maximum Height for a Dwelling | 10.5m |

15.3 ZONE REQUIREMENTS FOR DUPLEX DWELLINGS

- | | |
|-----------------------------------|--|
| (a) Minimum Lot Frontage | 19m |
| (b) Minimum Lot Area | 580m ² |
| (c) Maximum Lot Coverage | 35 percent |
| (d) Minimum Front Yard | 7.7m |
| (e) Minimum Interior Side Yard | 1.5m plus 0.5m for every storey or part thereof above the ground floor except where no attached garage or attached carport is provided the minimum interior side yard on one side shall be 3m |
| (f) Minimum Exterior Side Yard | 4.5m |
| (g) Minimum Rear Yard | 7.5m |
| (h) Minimum Floor Area | 88m ² per dwelling unit |
| (i) Maximum Height for a Dwelling | 10.5m |

16.3 ZONE REQUIREMENTS FOR STREET TOWNHOUSE DWELLINGS

| | |
|--|---|
| (a) Minimum Lot Frontage | 6m per dwelling unit, except that in the case of an interior lot containing a dwelling attached on one side only, the minimum lot frontage required shall be 9m |
| (b) Minimum Corner Lot Frontage | 14m |
| (c) Minimum Lot Area | 230m ² per dwelling unit |
| (d) Minimum Front Yard | 7.5m |
| (e) Minimum Exterior Side Yard | 7.5m |
| (f) Minimum Interior Side Yard | 3m |
| (g) Minimum Rear Yard | 7.5m |
| (h) Maximum Building Height | 10.5m |
| (i) Minimum Ground Floor Area for a Dwelling | |
| i) one storey | 88m ² |
| ii) two storeys | 50m ² |
| (j) Planting Strips | a planting strip 1.5m minimum in width shall be provided where the boundary of a (RM1) Zone abuts an (R1) or (R2) Zone |

16.3 ZONE REQUIREMENTS FOR BLOCK TOWNHOUSE DWELLINGS

| | |
|--------------------------|--|
| (a) Minimum Lot Frontage | 30m |
| (b) Minimum Lot Area | 2000m ² |
| (c) Maximum Density | 35 dwellings units per ha |
| (d) Minimum Front Yard | 7.5m on either a street or an internal roadway |

crossing a parking lot and located at least 4.5m from the nearest wall of the building and enclosed with a chain link or equally durable fence.

- (m) A children's play area shall be provided for each project, except for a building containing all bachelor units, of a size that will contain at least 2.5m² of play space for each one-bedroom unit and at least 5m² of play space for each two or more bedroom units in one location at the rear of the building accessible to the building without crossing a parking lot and located at least 4.5m from the nearest wall of the building and enclosed with a chain link or equally durable fence.

SECTION 19 - NEIGHBOURHOOD COMMERCIAL NC 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 Neighbourhood Commercial NC Zone.

19.1 PERMITTED USES

- (a) Banks, barber shops and beauty salons, business and professional offices, convenience retail stores, public and private parking areas, restaurants, studios, agencies and salons.
- (b) Uses, buildings and structures accessory to the foregoing permitted uses.

19.2 REGULATIONS FOR COMMERCIAL USES

- (a) Minimum Lot Frontage 15.5m
- (b) Minimum Lot Area 700m²
- (c) Maximum Lot Coverage 30 percent
- (d) Maximum Gross Floor Area 60 percent of lot area
- (e) Minimum Front Yard 12m
- (f) Minimum Exterior Side Yard 3m
- (g) Minimum Side Yard:
 - Abutting a Commercial or Industrial Use Nil
 - Abutting a Residential or Institutional Use or Zone 4.5m
- (h) Minimum Rear Yard:
 - Abutting a Commercial or Industrial Use 6m
 - Abutting a Residential or Institutional Use or zone 10.5m
- (i) Maximum Building Height 10.5m

19.3 REGULATIONS FOR ACCESSORY RESIDENTIAL USES

- (a) Only one accessory dwelling unit shall be permitted accessory to each commercial use.

SECTION 20 - GENERAL COMMERCIAL GC 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 General Commercial GC Zone.

20.1 PERMITTED USES

- (a) Ambulance service, animal hospitals, automobile service stations, automobile washing establishments, bakeries, banks, barber shops, beauty salons, clinics, commercial clubs, custom workshops, day nursery, hotels, motels and taverns, L.C.B.O. and Brewers' Retail outlets, laundry, laundromat or dry cleaning outlet or dry cleaning establishments, nurseries, greenhouses and open air markets, professional and business offices, public and private parking areas, public halls, restaurants, retail stores, service shops, tourist homes, undertaking establishments, vehicle sales or rental establishment.
- (b) Uses, buildings and structures accessory to the foregoing permitted uses.

20.2 REGULATIONS FOR PERMITTED USES IN CLAUSE (a) OF SUBSECTION 20.1

- (a) Minimum Lot Frontage 15.5m
- (b) Minimum Lot Area 465m²
- (c) Maximum Lot Coverage 40 percent
- (d) Maximum Gross Floor Area 50 percent of lot area
- (e) Minimum Front Yard 6.0m
- (f) Minimum Side Yard
 - (i) where the yard abuts a Commercial Zone and access is available to the rear yard by a public or private lane, minimum nil.
 - (ii) where the yard abuts a Commercial Zone and no access is available to the rear yard except by means of the said yard, one yard shall have a minimum width of 0.4m, the other yard shall have a minimum width of nil.
 - (iii) where the yard abuts a street, minimum 3.0m
 - (iv) where the yard abuts any Residential Zone, minimum 4.5m

SECTION 21 - COMMERCIAL RURAL CR 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 Commercial Rural CR Zone.

21.1 PERMITTED USES

- (a) Automobile service stations, building supply sales, farm implement sales and service establishments, feed and fertilizer dealers, farm produce markets, retail farm supply stores, convenience retail stores, restaurants, service shops, public and private halls, vehicle repair shops, vehicle sales and rental establishments, and water loading stations.
- (b) Uses, buildings and structures accessory to the foregoing uses.

21.2 REGULATIONS FOR COMMERCIAL USES

- (a) Minimum Lot Frontage 30m
- (b) Minimum Lot Area .4 hectares
- (c) Maximum Lot Coverage 30 percent
- (d) Maximum Gross Floor Area 50 percent of lot area
- (e) Minimum Front Yard 20m from the centre line of the road
- (f) Minimum Side Yard 6m, except the minimum side yard abutting a residential zone shall be 10.5m
- (g) Minimum Exterior Side Yard 20m from the centre line of the road
- (h) Minimum Rear Yard 7.5m, except the minimum rear yard abutting a residential zone shall be 10.5m
- (i) Maximum Building Height 10.5m

21.3 REGULATIONS FOR ACCESSORY RESIDENTIAL USES

- (i) The provisions of Subsection 19.3 shall apply to accessory residential uses permitted in the Commercial Rural CR Zone except as provided in Clause (ii) hereof.

SECTION 22 - LIGHT INDUSTRIAL M1 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 Light Industrial M1 Zone.

22.1 PERMITTED USES

- (a) Automobile service stations, body shops, building supply yards, convenience retail stores, dry cleaning plant, gas bars, light manufacturing and warehousing within a wholly enclosed building, offices, public and private clubs, public transportation depots, restaurants, service shops, show rooms, vehicles sales or rental establishments.
- (b) Uses, buildings and structures accessory to the foregoing permitted uses.

22.2 REGULATIONS FOR PERMITTED USES

- (a) Minimum Lot Frontage 30m
- (b) Minimum Lot Area 2000m²
- (c) Maximum Lot Coverage 60 percent
- (d) Minimum Front Yard and Minimum Exterior Side yard 14m
- (e) Minimum Side Yard 6m, except the minimum side yard adjacent to a residential zone shall be 9m
- (f) Minimum Rear Yard 7.5m, except the minimum rear yard adjacent to a residential zone shall be 15m
- (g) Yards Adjacent to a railway spur:
Notwithstanding Clauses (e) and (f) hereof, no minimum side yard or minimum rear yard shall be required adjacent to a railway spur.
- (h) Outside Storage - outside storage shall only be permitted within a rear yard which is screened from public view.

SECTION 23 - GENERAL INDUSTRIAL M2 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 General Industrial M2 Zone.

23.1 PERMITTED USES

- (a) All manufacturing, industrial and warehousing uses, but not including obnoxious or dangerous uses.
- (b) Automobile service stations, and construction trades establishments.
- (c) Uses, buildings and structures accessory to the foregoing permitted uses excluding accessory residential uses.

23.2 REGULATIONS FOR PERMITTED USES

The provisions of Subsection 22.2 shall apply all permitted uses within the General Industrial M2 Zone.

23.3 REGULATIONS FOR EXISTING SCRAP YARDS AND AUTOMOBILE WRECKING YARDS

Existing scrap yards and existing automobile wrecking yards within the General Industrial M2 Zone shall be subject to the following provisions:

- (a) The minimum distance between the boundary of the lot and the boundary of a residential zone shall be 152m.
- (b) The lot shall be surrounded on all sides by a fence or wall having a minimum height of 2.5m, such fence or wall shall be constructed of permanent materials and provide a complete visual barrier and shall be maintained in a neat and visually attractive manner.
- (c) Notwithstanding the minimum yard requirements of this zone, the fence or wall required shall be a minimum distance of 9m from the street on which the said lot fronts and where the said lot is a corner lot, a minimum exterior side yard of 4.5m shall be maintained between the street and the fence. The space between the said streets and fences shall not be used for any purpose other than landscaping, except that a parking area for visitors may be established in the front yard in accordance with the parking provisions of this By-law.
- (d) No material used or stored in the open on the said lot shall be piled higher than the elevation of the fence on the front, side or rear yard nearest to the said pile.

SECTION 25 - INSTITUTIONAL I 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 Institutional I Zone.

25.1 PERMITTED USES

Churches, cemeteries, day nurseries, public or private clubs, any public use, nursing homes, senior citizens homes, and schools.

25.2 REGULATIONS

| | | |
|-----|-------------------------------|--|
| (a) | Minimum Lot Area | .15 ha or as existing |
| (b) | Minimum Lot Frontage | 30m or as existing |
| (c) | Maximum Lot Coverage | 40 percent |
| (d) | Minimum Front Yard | 8m |
| (e) | Minimum Exterior Side Yard | 7.5m |
| (f) | Minimum Side Yard | The greater of one-half the height of the building or 4.5m |
| (g) | Maximum Building Heights | 10.5m |
| (h) | Minimum Landscaped Open Space | 25 percent |

SECTION 27 - PUBLIC P 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 Public P Zone.

27.1 PERMITTED USES

- (a) Any municipal, government or public use such as, but not limited to, an auditorium, an arena, a community hall, a fire hall, a hospital, a police station and a library.
- (b) Uses, building and structures accessory to the foregoing permitted uses, but excluding accessory dwellings.

27.2 REGULATIONS

- (a) Maximum Lot Coverage 50 percent
- (b) Minimum Yard Requirements No buildings or structures shall be used or erected within 7.5m of any lot line, or within 15m of any street line, or within 15m of the boundary of any residential zone.
- (c) Minimum Parking Requirements:-
- (i) Parking spaces shall be provided on the same lot on which the principal use is located, sufficient in number to accommodate the employees of, and the visitors to, the public use or uses on such lot.
- (ii) No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle within 1.5m of any lot line which does not abut a public street or within 3m of any street line or boundary of any residential zone.
- (d) Minimum Landscaping Requirements - A landscaping area in the form of a planting strip having a minimum of 1.5m shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts the boundary of any residential zone.

SECTION 29 - AIRPORT AR 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 Airport AR Zone.

29.1 PERMITTED USES

- (a) An airport, including uses, buildings and structures accessory thereto
- (b) Ancillary Commercial and Industrial uses unrelated to airport functions or aerial navigation

29.2 ZONE REQUIREMENTS

The provisions of Subsection 22.2 shall apply to all permitted uses referred to in clause (b) of subsection 29.1.

10. Nothing in this by-law shall prevent the continued use of lands indicated as A-10 on Schedule A3 for the manufacturing and sale of lumber and wood products, a construction trades establishment, uses, buildings and structures accessory thereto, subject to regulations of the M-2 General Industrial zone as indicated in Section 23.2. In addition, two single dwelling units and one apartment unit, as they existed on the date of passing of the by-law, shall be permitted.
11. Nothing shall prevent the continued use of lands indicated as A-11 on Schedule A3 for a vehicle body shop.
12. Nothing shall prevent the continued use of lands indicated as A-12 on Schedule A3 for the production and sale of canoes and uses, buildings and structures accessory thereto.
13. Nothing shall prevent the continued use of lands indicated as A-13 on any Schedule of this by-law for agricultural use, saving and excepting the erection of buildings for human habitation.
14. Nothing shall prevent the continued use of lands indicated as A-14 on Schedule A4 for a vehicle repair shop, machine shop, vehicle sales or rental establishment, and uses, buildings and structures accessory thereto.
15. Nothing shall prevent the continued use of the lands indicated as A-15 on Schedule A4 for a machine shop and uses, buildings and structures accessory thereto.
16. Nothing shall prevent the continued use of the lands indicated as A-16 on Schedule A4 for communication towers and uses, buildings and structures accessory thereto.
17. Nothing shall prevent the continued use of the lands indicated as A-17 on Schedule A4 for a Bell Canada switching building.
18. Nothing shall prevent the continued use of lands indicated as A-18 on Schedule A4 for a motor-hotel.
19. Nothing shall prevent the continued use of lands indicated as A-19 on Schedule A4 for a farmers market and produce store.
20. Nothing in this by-law shall prevent the use of lands designated as A-20 on Schedule A4 for a vehicle sales or rental establishment, a service shop, a retail store, a farm supply and service establishment, the storage of all vehicles except commercial vehicles, and uses, buildings and structures accessory thereto, subject to the regulations of Sections 21.2 and 21.3 and Section 6.
21. Nothing shall prevent the continued use of lands indicated as GC-21 on Schedule A4 for single-family residential uses.
22. Nothing shall prevent the continued use of lands indicated as R2-22 on Schedule A4 as it existed on the date of passing of this by-law.

31. Nothing shall prevent the continued use of the lands indicated as R-31 on Schedule A5 for the manufacture and sale of monuments, and uses, buildings and structures accessory thereto.
32. Nothing shall prevent the continued use of the lands indicated as R2-32 on Schedule A5 for a contractor's yard as used at the date of the passing of this by-law, and uses, buildings and structures accessory thereto.
33. Nothing shall prevent the use of lands indicated as I-33 on Schedule A5 for the following:

(a) **Permitted Uses**

- (i) senior citizens apartments
- (ii) municipal, provincial and federal offices
- (iii) post office
- (iv) libraries

(b) **Regulations for Uses Permitted in Clause (i) (Senior Citizens Apartments) of Section 2(a):**

- (a) Minimum Lot Frontage 23m
- (b) Minimum Lot Coverage 35 percent
- (c) Minimum Setback 7.5m from lot line
- (d) Minimum Side Yard 5m or half the height of the main building whichever is greater
- (e) Minimum Rear Yard 10.5m
- (f) Minimum Floor Area 1 bedroom 43m² plus 9m² for each additional bedroom
- (g) Maximum Building Height 11m
- (h) Minimum Parking 0.4 spaces per unit

(c) **Regulations for Uses Permitted in Clauses (ii), (iii) and (iv) of Section 2(a) (Government Office, Post Office, Libraries respectively)**

- (a) Maximum Lot Coverage 50 percent
- (b) Minimum Setback 7.5m from lot line

36. Nothing shall prevent the use of lands indicated as RM2-36 on Schedule A4 of this by-law, for a fifteen (15) unit apartment building provided that parking shall be on the basis of one (1) space for each dwelling unit plus visitor parking on the basis of one (1) space for every one (1) dwelling unit. Also, a strip of land not less than 1.0m in width lying within the said lands and along the easterly boundary of the lands shall be adequately landscaped.
37. Nothing in this by-law shall prevent the use of lands indicated as A-37 on Schedule A of this by-law for a farm implement dealership.
38. Nothing in this by-law shall prevent the use of lands indicated as A-38 on Schedule A of this by-law for a wrecking yard and uses, buildings and structures accessory thereto.
39. Nothing in this by-law shall prevent the continued use of lands indicated as A-39 on Schedule A of this by-law for a vehicle body shop, a vehicle repair shop, a vehicle sales and rental establishment, light manufacturing and warehousing within wholly enclosed buildings, and uses, buildings and structures accessory thereto, subject to the regulations of Section 22.2.
40. Nothing in this by-law shall prevent the use of lands indicated as A-40 on Schedule A of this by-law for a wrecking yard and uses, buildings and structures accessory thereto.
41. Nothing in this by-law shall prevent the use of lands indicated as A-41 on Schedule A of this by-law for the existing operation for the processing of slate and brick products as it existed at the date of passing of the by-law.
42. Nothing in this by-law shall prevent the use of lands indicated as I-42 on Schedule A of this by-law for a nursery school and residence.
43. Nothing in this by-law shall prevent the use of lands indicated as A43 on Schedule A for an automobile service station, convenience retail store, restaurant, refreshment room, farm produce market, and uses, buildings and structures accessory thereto, subject to Section 21.2 and Section 6.
44. No person shall within any A-44 Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

Permitted Uses

- (i) Commercial greenhouses
- (ii) Uses, buildings and structures accessory to the foregoing permitted use including, but not limited to, a single family dwelling and a farm help house. No accessory building shall be erected prior to the erection of the permitted commercial greenhouses on the same lot.

Permitted Uses

- (a) welding shop, farm equipment repairs
- (b) residential uses accessory to the permitted uses in clause (a) of this subsection
- (c) uses, buildings and structures accessory to any permitted uses in clause (a) of this subsection.

Regulations for Permitted Uses in Clause (a) - Permitted Uses

- (a) Minimum Lot Frontage 30m
- (b) Maximum Lot Area 0.4ha
- (c) Maximum Lot Coverage 30%
- (d) Maximum Gross Floor Area 50% of lot area
- (e) Minimum Setback 30m from the centre line of the road
- (f) Minimum Side Yard 6m
- (g) Minimum Rear Yard 7.6m
- (h) Maximum Building Height 13.7m

Regulations for Accessory Buildings Permitted in Clause (c) - Permitted Uses

- (a) Location - in rear yard only
- (b) Minimum distance from any other building on the lot - 3m provided that in no case shall any overhang, eaves or gutter project into this required minimum area which shall be clear of any obstruction from the ground to the sky
- (c) Maximum Lot Coverage - 5% provided that the lot coverage of all buildings on the lot shall not exceed 30%
- (d) Minimum Yard Requirements - 3m provided that in no case shall any overhang, eaves or gutter project more than 30 cm into any required minimum yard
- (e) Maximum Height - 4.5m

48. Nothing in this by-law shall prevent the use of lands indicated as A-48 on Schedule A of this by-law for an automobile wrecking yard and uses, buildings and structures accessory thereto.

58. Nothing shall prevent the use of lands indicated as A-58 on Schedule A-2 for a sales and service shop for small motorized lawn and garden equipment including lawn mowers, lawn tractors, garden tractors, snow blowers and garden tillers.
59. Nothing shall prevent the use of lands indicated as RV1-59 on Schedule A-2 as a vehicle body shop.
60. Nothing shall prevent the continued use of the lands indicated as A-60 on Schedule A for automotive glass sales and services and uses, buildings and structures accessory thereto.
61. Nothing shall prevent the continued use of lands indicated as A-61 on Schedule A for a sawmill and uses, buildings and structures accessory thereto.
62. Notwithstanding anything contained in this by-law, the lands designated as RMV2-62 on Schedule A-2 shall be used for a maximum of three (3) apartment units.
63. Nothing shall prevent the continued use of lands indicated as A-63 on Schedule A for a commercial trucking operation including ancillary vehicle repairs, vehicle sales, fuel storage and uses, buildings accessory thereto.
64. In addition to the permitted uses of the "Commercial Rural-CR" zone, the lands indicated as CR-64 on Schedule A1 may continue to be used for a warehouse including the manufacture and warehousing of petroleum products, and uses, buildings and structures accessory thereto.
65. In addition to the permitted uses of the "Residential Village 1 - RV1" zone, nothing shall prevent the continued use of the lands indicated as RV1-65 on Schedule A1 for agricultural uses.
66. In addition to the permitted uses of the "General Commercial - CG" zone, nothing shall prevent the continued use of the lands designated as "GC-66" on Schedule A2 for the manufacture, storage, warehousing and distribution of petroleum products and uses, buildings and structures accessory thereto."
67. Nothing in this by-law shall prevent the use of lands identified as A-67 on Schedule A for a vehicle repair shop and uses, buildings and structures accessory thereto.
68. Nothing in this by-law shall prevent the use of lands identified as I-68 on Schedule A for a private club.
69. Nothing in this by-law shall prevent the use of lands identified as I-69 on Schedule A for a private or public club.
70. Nothing in this by-law shall prevent the use of lands identified as I-70 on Schedule A2 for a church.

APPROVAL

SECTION 31 - APROVAL

31.1 EFFECTIVE DATE

That this by-law will come into force and take effect pursuant to Sections 34(19) and 34(31) of The Planning Act 1983.

Read a first time this 23 day of June, 1987.



Mayor



Clerk

Read a second time and final passed this 23rd day of June, 1987.



Mayor



Clerk