

TOWN OF PELHAM  
ZONING BY ~ LAW

OF THE  
PELHAM URBAN AREA

*By LAW 279 (1974)*



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TOWN OF PELHAM

BY-LAW NO. 279 (1974)

THE ZONING BY-LAW

I N D E X

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TOWN OF PELHAM

BY-LAW NO. 279 (1974)

THE ZONING BY-LAW

A By-law to prohibit the use of land and the erection or use of buildings or structures except for certain purposes; to regulate the height, bulk, location, size, floor area, spacing, character and use of buildings or structures; to require loading and parking facilities for buildings or structures erected or used for certain purposes; to prohibit the making or establishment of pits and quarries within defined areas and to regulate the making or establishment of pits and quarries within defined areas of the Town of Pelham.

THE COUNCIL OF THE CORPORATION OF THE TOWN OF PELHAM ENACTS  
AS FOLLOWS:-

SECTION 1: TITLE

This By-law may be cited as "The Zoning By-law of the Pelham Urban Area".

SECTION 2: DEFINED AREA

This By-law applies to all land included within the urban service boundary as shown on Schedule "A".

SECTION 3: DEFINITIONS

For the purposes of this By-law, the definitions and interpretation given in this section shall govern:-

3.1 Accessory

When used to describe a use, building or structure, means a use, or a building or structure, that is naturally and normally incidental, subordinate and exclusively devoted to a principle use, building or structure and located on the same lot therewith.

3.2 Agricultural Use

means general farming and without limiting the generality of the foregoing, shall include the raising and harvesting of field, bush, tree or vine crops, truck gardening, nurseries, greenhouses, dairying, animal husbandry, raising of poultry, and the sale of produce grown on the farm from which the sale is made.

3.3 Alter

means any alteration in a bearing wall or partition column, beam, girder, or other supporting member of a building or structure, or any increase in the area or cubic contents of a building or structure.

3.4 Animal Hospital

means the premises of a veterinary surgeon where animals, birds or other livestock are treated or kept.

3.5 Automobile Sales Area

means a building or place where new and used motor vehicles, as defined by The Highway Traffic Act, are kept for display or sale by an agent or dealer authorized by a motor vehicle manufacturer to sell such new motor vehicles and shall include a lot used solely in connection therewith provided that such lot is not used exclusively for the sale and display of used motor vehicles.

3.6 Automobile Service Station

means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased or washed, or have their ignition adjusted, tires inflated or batteries charged or where only minor or running repairs essential to the actual operation of motor vehicles are executed or performed but shall not include an automobile washing establishment.

3.7 Automobile Washing Establishment

means a building or part thereof used for the operation of automobile washing equipment with a capacity to wash more than ten (10) cars per hour.

3.8 Bachelor Unit

(i) means a dwelling unit in which only one room or part thereof contains sleeping accommodation, and which room is used as a living or dining room, or both, as well as for sleeping purposes, but

(ii) does not mean or include a dwelling unit containing one or more rooms designed exclusively for sleeping accommodation.

3.9 Basement

means that portion of a building between two floor levels which is partly underground but which has at least half of its height, from finished floor to underside of floor joists of the next above storey, above the adjacent average finished grade level adjacent to the exterior walls of the building and in which the height from finished grade to underside of the floor joists of the next above storey is less than six feet (6').

3.10 Boarding or Rooming House

(i) means a dwelling in which lodging with or without meals is supplied for gain to three (3) or more persons other than the lessee, tenant or owner of said dwelling, or any member of his family, but

(ii) does not mean or include a motel, hotel, hospital or similar commercial or institutional use, or apartment house.

3.11 Building

includes any structure whether temporary or permanent, used or built for any purpose other than a lawful boundary, wall or fence, any tent, awning, bin, bunk or platform, vessel or vehicle used upon any land.

3.12 Building Inspector

means the officer or employees of the Town for the time being charged with the duty of enforcing the provisions of the Building By-law which shall mean any by-law of the Town from time to time in force regulating the erection, alteration or repair of buildings.

3.13 Business Office

(i) means any building or part of a building in which one or more persons are employed in the management, direction or conducting of an agency, business brokerage, labour or fraternal organization, but

(ii) excludes such uses as retail sale, manufacture, assembly or storage of goods, or places of assembly and amusement.

3.14 Camp

means a place where people are temporarily accommodated in tents, whether or not washing and toilet facilities are provided in permanent buildings, and shall include a day camp, but shall not include a trailer court or trailer camp.

3.15 Carpport

means a parking space that is enclosed or partially enclosed and has a roof, and is for the purpose of storing one or more private vehicles.

3.16 Cellar

means that portion of a building between two floor levels,

(i) which is partly or wholly underground, and

(ii) which has more than one-half of its height, from finished floor to finished ceiling, below average finished grade level adjacent to the exterior walls of the building.

3.17 Cemetery

means a cemetery or columbarium within the meaning of the Cemetery Act.

3.18 Church

means a building set aside by any religious organization for public worship.

3.19 Clinic

means a building or part thereof used by qualified medical practitioners, dentists, osteopaths, or other drugless practitioners, numbering more than two, for public or private medical, surgical, physiotherapeutic or other human health purpose except when included within or accessory to a private or public hospital.

3.20 Club

(i) means a building or part of a building used as a meeting place for members of an organization, and

(ii) includes a lodge, a fraternity or sorority house and a labour union hall.

3.21 Commercial

means the use of land, building or structure for the purpose of buying and selling commodities, and supplying of services as distinguished from such uses as manufacturing or assembling of goods, warehousing, transport terminals, construction and other similar uses.

3.22 Commercial Club

means any club other than a private club.

3.23 Council

means the Council of the Corporation of the Municipality.

3.24 Custom Workshop

(i) means a building or part of a building used by a trade, craft or guild for the manufacture in small quantities of made-to-measure clothes or articles, and

(ii) includes upholstering but does not include metal spinning, wood-working or furniture manufacture, or any factory production or any shop or factory otherwise classified or defined in this By-law.

3.25 Daylighting Triangle

means an area free of buildings or structures and which area is to be determined by measuring, from the point of intersection of street lines on a corner lot, the distance required by this By-law along each such street line and joining such points with a straight line, and the triangular-shaped land between the intersecting street lines and the straight line joining the points the required distance along the street lines is the "daylighting triangle".

3.26 Commercial Motor Vehicle

means any motor vehicle having permanently attached thereto a truck or delivery body and without limiting the generality of the foregoing includes: ambulances, hearses, motor buses and tractors.

3.27 Coverage

means in relation to all buildings or structures on a lot, the sum of the areas of that storey in each building or structure having the greatest area. In measuring such area all air-wells and all other open spaces within a building shall be included.

3.28 Dangerous Trades

means a use which is likely to create danger to health or danger from fire or explosion.

3.29 Dwelling

means a separate building containing one or more dwelling units.

3.30 Dwelling, converted

means a dwelling altered to contain a greater number of dwelling units.

3.31 Dwelling, duplex

means a separate building of two (2) or more storeys divided horizontally into not more than two (2) dwelling units, each of which is completely on a separate storey, and which building is used by not more than two (2) families.

3.32 Dwelling, fourplex

means a separate building containing only four (4) dwelling units and used by not more than four (4) families.

3.33 Dwelling, one-family detached

means a separate building containing not more than one dwelling unit and used by not more than one family.

3.34 Dwelling, semi-detached

means a separate building divided vertically into not more than two (2) dwelling units, and which dwelling units may be held in separate ownership and which building is used by not more than two (2) families.

3.35 Dwelling, split level

means a dwelling containing three (3) or more sections at different levels where the difference in elevation is not less than three feet (3') nor more than six feet (6') between any such section and the next horizontally adjoining section, and two (2) or more of such sections are to contain one or more habitable rooms.

3.36 Dwelling, triplex

means a separate building containing only three (3) dwelling units and used by not more than three (3) families.

3.37 Dwelling, row house

means a separate building divided vertically into more than three (3) but fewer than sixteen (16) dwelling units.

3.38 Dwelling Unit

(i) means one room or a group of rooms in a building used or designed or intended to be used by only one family as a single, independent and separate housekeeping establishment,

(1) in which food preparation and sanitary facilities are provided for the exclusive use of such family, and

(2) which has a private entrance from outside the building or from a common hallway or stairway inside the building, but

(ii) does not mean or include a tent, cabin, trailer, mobile home, or a room or suite of rooms in a boarding or rooming house, in a hotel, motel, motor hotel, or tourist home.

3.39 Erect

includes, build, construct, or reconstruct, alter, enlarge and relocate and without limiting the generality of the foregoing shall be taken to include any associated physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

3.40 Existing

means existing as of the date of the final passing of this By-law.

3.41 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 six (6) foster children shall be considered to be so related, or a group of not more than five (5) unrelated persons exclusive of servants occupying a dwelling unit, and not more than two (2) persons who receive their lodging and/or board for compensation.

3.42 Floor Area

means the sum of the areas of all floors of a building measured between the external faces of exterior walls but excluding basements, cellars, attics, garages, verandahs, porches or other similar appurtenant structures and excluding any floor area with a ceiling height less than 7'-0".

3.43 Floor Area, Gross

means the aggregate of the floor areas of all the storeys of all buildings on a lot expressed as a percentage of the lot area, and including the floor area of any basement but not of any cellar or subcellar, which floor areas are measured between exterior faces of the exterior walls of the building at each floor level, but excluding car parking areas within the building and, for the purpose of this paragraph, the walls of an inner court are and shall be deemed to be exterior walls, and the gross floor area in each Zone applies only to that portion of such lot that is located within said Zone.

3.44 Forestry Use

means the general raising and harvesting of wood and without limiting the generality of the foregoing, shall include the raising and cutting of fuel wood, pulpwood, lumber, Christmas trees and other forest products.

3.45 Garage, Private

means an accessory building or portion of a main building which is designed or used for the sheltering of private motor vehicles and the storage of household equipment incidental to residential occupancy and in which there are no facilities for repairing or servicing such vehicles.

3.46 Garage, Public

means a building other than a private garage which is used for the care, repair or equipping of motor vehicles, or where such vehicles are parked or stored for remuneration, hire, or sale.

3.47 Habitable Room

means a room in a dwelling used or intended to be used primarily for human occupancy, but does not include a bathroom, toilet room, serving or storage pantry, laundry and corridor.

3.48 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.

3.49 Hotel

means a hotel, tavern, inn or public house in separate buildings or two or more connected buildings designed and used for the purpose of catering to the needs of the travelling public by the supply of food and/or other refreshments, or for the furnishing of sleeping accommodation consisting of not less than six bedrooms with or without private cooking facilities but not including any building or connected buildings used mainly for the purpose of supplying food and lodging and commonly known as apartment hotels.

3.50 Household Occupation

means an occupation for gain or support conducted entirely within a dwelling or accessory building on the same lot by the occupant of the said dwelling.

3.51 Institutional Use

means, land, building, structure or part thereof used by any organization, group or association for the promotion of some charitable, educational or benevolent object and not for profit or gain.



3.52

Landscaping

means a combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

3.53

Loading Space

means an area of land which is provided and maintained upon the same lot or lots upon which the principal use is located and which area,

- (i) is provided for the temporary parking of one commercial motor vehicle while merchandise or materials are being loaded or unloaded from such vehicle, and such parking is not for the purpose of offering commodities for sale or display, and
- (ii) is adequate for the temporary parking of one commercial motor vehicle, and
- (iii) is not less than twelve feet (12') in width, nor less than thirty feet (30') in length, nor less than fourteen feet (14') in clear and unobstructed height, exclusive of any land used for access, manoeuvring, driveway or a similar purpose, and
- (iv) is not upon or partly upon any street, lane or alley, and
- (v) has adequate access to permit ingress and egress of a commercial motor vehicle from a street by means of driveways, aisles, manoeuvring areas or similar areas, no part of which access is to be used for the temporary parking or storage of any motor vehicle.

3.54

Lot

means a parcel or tract of land,

- (i) which is a whole lot as shown on a Registered Plan of Subdivision, but a Registered Plan of Subdivision for the purposes of this paragraph does not include a Registered Plan of Subdivision which has been deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to Section 29 of The Planning Act, being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time, or
- (ii) which fronts a public highway and is a separate parcel of land without any adjoining lands being owned by the same owner or owners as of the date of passing of this By-law, or
- (iii) the description of which is the same as in a deed which has been given consent pursuant to Section 29 of The Planning Act, being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time, or
- (iv) is the whole remnant remaining to an owner or owners after a conveyance made without consent pursuant to Section 29 of The Planning Act, being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time, but

for the purpose of this paragraph, no parcel or tract of land ceases to be a lot by reason only of the fact that a part or parts of it has or have been conveyed to or acquired by the Municipality, the Regional Municipality of Niagara, Her Majesty in the Right of Ontario, or Her Majesty in the Right of Canada.

3.55 Lot Area

means the total horizontal area within the lot lines of a lot and in the case of a corner lot having street lines rounding at the corner with a radius of twenty feet (20') or less, the lot area of such lot is to be calculated as if the lot lines were projected to this point of intersection.

3.56 Lot, Corner

means,

- (i) a lot situated at the intersection of and abutting on two or more streets, or
- (ii) a lot abutting on one or more parts of the same street or of two or more streets in which an interior angle of less than one hundred and thirty-five (135) degrees is contained by the two straight lines which join the foremost point of the lot with the two points at which the lot lines meet the street or streets.

3.57 Lot Coverage

means,

- (i) means 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.

3.58 Lot Depth

means the horizontal distance between the front and rear lot lines, but where the front and rear lot lines are not parallel, the lot depth is the length of a line joining the mid-points of such lot lines.

3.59 Lot, far-side corner

means a corner lot which abuts a Provincial Highway in which the legal direction of traffic in the lane of such highway nearest such lot is away from the intersection of such highway with the intersecting street that abuts such lot.

3.60 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 twenty-five feet (25') 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 points where the side lot lines intersect the front lot line.

3.61 Lot, Interior

means a lot other than a corner lot.

3.62 Lot Line

means any boundary of a lot.

3.63 Lot Line, Front

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 street lines of equal length, the lot line that abuts the wider street, or abuts a County or Suburban 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 owner of such corner lot may designate either street line as the front lot line.

3.64 Lot Line, Rear

means the lot line opposite the front lot line.

3.65 Lot Line, Side

means a lot line other than a front or rear lot line.

3.66 Lot, near-side corner

means a corner lot which abuts a Provincial Highway in which the legal direction of traffic in the lane of such highway nearest such lot is towards the intersection of such highway with the intersecting street that abuts such lot.

3.67 Lot, Reversed Corner

means a corner lot, the flankage of which is substantially a continuation of the front lot line of the lot to its rear.

3.68 Lot, Through

means a lot other than a corner lot, having separate frontages on two streets.

3.69 Main Building

means the building designed or used for the main use on the lot.

3.70 Motel

means a separate building or two or more connected or detached buildings designed and used for the purpose of catering to the needs of the travelling public by furnishing sleeping accommodation with or without supplying food and/or other refreshments, and without limiting the generality of the foregoing, shall include a motor court, auto court and tourist home, within the meaning of the Tourist Establishment Act.

3.71 Obnoxious Use

means a use with which is associated the emission of odour, smoke, dust, noise, gas, fumes, cinders, refuse matter or waterborne 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.

3.72 Open Space Usable

means open unobstructed space on the site which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, and the roof or other part of a building

or structure open to the air and suitable for landscaping and uses as a recreational area, but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, or motor vehicle parking area.

3.73 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.

3.74 Parking Area

means an open area, other than a street, used for the temporary parking of two or more motor vehicles and available for public use whether free, for compensation or as an accommodation for visitors, clients, or customers or residents.

3.75 Parking Space

means an area enclosed in a main building or in an accessory building or unenclosed, set aside for the purpose of parking a vehicle, having access to a street or lane.

3.76 Person

includes any association, partnership, corporation, municipal corporation, agent or trustee and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

3.77 Pit

means any depression or cavity in the natural level of the ground made other than by natural causes by the removal of soil or rock, or both, for the purpose of removing sand, gravel, stone or similar material, which is to be used for road building, construction or manufacturing.

3.78 Professional Office

means any office where professionally qualified persons, technical assistants and clerical staff are employed and where clients or patients go for advice, consultation or treatment.

3.79 Quarry

means an excavation in the natural level of the ground made other than by natural causes for the purpose of removing stone or similar material which is to be used for building, further processing or as a raw material in a manufacturing process.

3.80 Renovation

means the repair and restoration of a building to good condition but shall not include its replacement.

3.81 Recreational Uses

(i) means the use of land for parks, playgrounds, tennis courts, lawn bowling greens, indoor and outdoor skating rinks, athletic fields, golf courses, picnic areas, swimming pools, day camps, arenas, community centres, snow skiing and all similar uses, together with necessary and accessory buildings and structures, but

(ii) does not include a track for the racing of animals, motor vehicles, ski-doo's or motor cycles, or golf driving ranges or miniature golf courses.

3.82 Residential

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

3.83 Road or Highway (Public)

means a road which has been assumed by the Ministry of Transportation and Communications, the Regional Municipality of Niagara or the Town of Pelham. Street shall mean such public highway or road as affords the main means of access to any lots abutting thereon.

3.84 School

(i) means a school under the jurisdiction of a Public, Separate or High School Board, a college or university or any other school established and maintained either wholly or partially at public expense whether or not the same is also a boarding school, and

(ii) includes any dormitory building accessory to such school.

3.85 Scrap Yard

includes a lot and/or premises for the storage and/or handling of scrap material, which without limiting the generality of the foregoing, shall include waste paper, rags, bones, bottles, bicycles, vehicles, tires, metal and/or other scrap material and salvage.

3.86 Setback

means the distance between the centreline of the original road allowance and the nearest main wall of any building or structure and extending the full width or length of the lot.

3.87 Street

means a highway,

(i) as defined under The Public Transportation and Highway Improvement Act, Chapter 201, R.S.O. 1970, as amended from time to time, and The Municipal Act, being Chapter 284 of the Revised Statutes of Ontario, 1970, as amended from time to time, and

(ii) which has been assumed for public use unless it is within a Registered Plan of Subdivision that has not been deemed not to be a Registered Plan of Subdivision under a by-law passed pursuant to Section 29 of The Planning Act, being Chapter 349 of The Revised Statutes of Ontario, 1970 as amended from time to time.

3.88 Street Line

means any lot line that divides a lot from a street.

3.89 Structure

means anything that is erected, built, or constructed of parts joined together or any such erection fixed to or supported by or incorporated within the soil and/or any other structure, and without limiting the generality of the foregoing a swimming pool either above or below ground is a structure.

3.90 Town

means the Corporation of the Town of Pelham or the lands included within the Town of Pelham as appropriate.

3.91 Trailer

means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the said motor vehicle and capable of being used for living, sleeping or eating accommodation, notwithstanding that such vehicle is jacked up or that its running gear is removed.

- 3.92 Use  
means the purpose for which any land, building, structure or premises, or part thereof,  
(i) is arranged, designed or intended to be used, or  
(ii) is or may be occupied or maintained,  
and the word "used" has a corresponding meaning.
- 3.93 Yard  
means an open area of land, other than a court, on the same lot with a main building or structure, unoccupied and unobstructed except as otherwise provided or required, by this By-law and located between the main building and one of the lot lines of the said lot.
- 3.94 Yard, Front  
means a yard extending across the full width of the lot between the front lot line and the nearest main wall of the main building or structure on the lot.
- 3.95 Yard, Side  
means a yard between the main wall of the main building or structure and the side lot line extending from the front yard (or front lot line if no front yard is required) to the rear yard (or rear lot line if no rear yard is required).
- 3.96 Yard, Rear  
means a yard extending across the full width of the lot between the rear lot line and the nearest main wall of the main building on such lot.
- 3.97 Yard, Exterior Side  
means the side yard of a corner lot which side yard extends from the front yard to the rear yard between the side lot line abutting upon a street and the nearest main wall of any building or structure.
- 3.98 Words used in the present tense include the future tense and the converse.
- 3.99 Words used in the plural number include the singular number and the converse.

SECTION 4: ZONES

The following Zones are established within the Town of Pelham and such Zones may be referred to by the appropriate symbols:-

<u>Zone</u>
Residential 1
Residential 2
Residential Multiple 1
Residential Multiple 2
Development
Commercial Local
Commercial General
Commercial Deferred
Industrial Preferred
Industrial General
Industrial Extractive
Institutional
Public
Open Space
Hazard

Symbol

R1  
R2  
RM1  
RM2  
D  
CL  
CG  
CD  
M1  
M2  
M3  
I  
P  
OS  
H

SECTION 5: ZONING MAPS

Schedule "A" attached hereto, which may be cited as the "Zoning Map", together with notations and references shown thereon, is hereby declared to form part of this By-law.

SECTION 6: INTERPRETATION

6.1 General

In their interpretation and application, the provisions of this By-law shall be held to be the minimum requirements adopted for the promotion of the public health, safety, convenience or general welfare. Whenever the requirements of this By-law are at variance with the requirements of any other By-law, the most restrictive, or the By-law imposing the higher standards, shall govern and apply. Nothing in this By-law shall be construed to exempt any person from complying with the requirements of any By-law of the Town or the Regional Municipality of Niagara or from any law of the Province of Ontario or of Canada, or any regulation under the provisions of the Conservation Authorities Act or a conservation authority having jurisdiction.

6.2 Defined Areas

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

6.3

Interpretation of Zone Boundaries

Where uncertainty exists with respect to the boundaries of the various zones as shown on the Zoning Maps, the following rules shall apply:-

(a) Boundaries of Zones

The Zone boundaries are either roads or lanes unless otherwise shown, and where the indicated boundaries on the Zoning Maps are approximately roads or lanes, and said roads or lanes shall be construed to be the Zone boundaries.

(b) Lot Lines

Where the Zone boundaries are not shown to be roads or lanes, and where indicated boundaries on the Zoning Maps are approximately lot lines, the said lot lines shall be construed to be the Zone boundaries, unless the said boundaries are otherwise indicated on the Maps.

(c) Symbol of Zones

Where one symbol is used on the Zoning Maps to indicate the Zone classification of an area divided by a road or lane, the said symbol shall establish the classification of the whole of such area.

(d) Road or Right-of-Way

A road, lane, railroad or railway right-of-way, electrical transmission line right-of-way, or watercourse included on the Zoning Maps shall, unless otherwise indicated, be included within the Zone of the adjoining property on either side thereof; and where such roads, lane, right-of-way or watercourse serve as a boundary between two or more different zones a line midway in such road, lane, right-of-way or watercourse and extending in the general direction of the long division thereof shall be considered the boundary between the Zones unless specifically indicated otherwise.



(e) Closed Road or Lane

In the event a dedicated road, lane or railway shown on the Zoning Maps is closed, the property formerly in 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 the said road, lane or railway was a zone boundary between two or more different zones, the new zone boundary shall be the former centreline of the said closed road, lane or railway.

(f) Boundaries Other Than Roads or Lot Lines

Where a zone boundary is not a road or lane, nor a lot line, and a specific measurement indicating the position of the said boundary is not shown on the Zoning Map, or indicated in the text of the By-law, the position thereof shall be determined by scaling from the Zoning Map.

6.4

Certain Words

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

SECTION 7: GENERAL PROVISIONS

7.1 Application

The provisions of this Section shall apply to all zones except as may otherwise be indicated.

7.2 Lots To Front On Public Road

All lots created after the date of passing of this By-law shall front on and have access to an opened public road or highway.

7.3 Existing Buildings With Less Than Minimum Lot or Yard Requirements

Where a building or structure was erected prior to the date of the passing of this By-law, on a lot having less than the minimum frontage and/or area, or having less than the minimum setback and/or side yard and/or rear yard required by this By-law, the said building or structure may be enlarged, extended, reconstructed, repaired or renovated provided that:-

- (a) The enlargement, extension, reconstruction, repair or renovation does not further reduce such front yard and/or side yard and/or rear yard having less than the minimum required by this By-law, and
- (b) All other applicable provisions of this By-law are complied with.

7.4 Existing Buildings Not Conforming To Permitted Uses

Where a building or structure which was erected prior to the day of the passing of this By-law is sued for a purpose not permitted in the use zone in which it is situated, the said building or structure may be reconstructed, repaired or renovated provided that:-

- (a) The reconstruction, repair or renovation does not involve any alteration of use and the building or structure continues to be used for the same purpose, and
- (b) All other applicable provisions of this By-law are complied with.

7.5 Other By-laws and Requirements

Nothing in this By-law shall operate to relieve any person from the requirements of the Building By-law or any other By-law or requirement of the Municipality in force from time to time, or the obligation to obtain any licence, permit, authority or approval required under any By-law of the Municipality.

7.6 Minimum Lot Areas

Subject to the provisions of Subsection 7.10, the minimum lot area shall be as contained in the appropriate section of this By-law for the Zone in which the lot is located or such larger area as may be required by the Niagara (Regional Area) Health Unit pursuant to the provisions of The Public Health Act.

7.7 Restoration to a Safe Condition

Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any building or structure, provided that such strengthening or restoration will not increase the height, area or volume so as to contravene the provisions of this By-law.

7.8

Permitted Encroachments in Yards

Every part of any yard required by this By-law shall be open and unobstructed by any structure from the ground to the sky provided, however, that fences and hedges in accordance with the provisions of Subsection 7.13 of this By-law shall be permitted and that those structures listed in the following table shall be permitted to project into the minimum yards indicated for the distances specified.

<u>Structure</u>	<u>Yards in which projection is permitted</u>	<u>Maximum projection from main wall permitted</u>
Sills, belt courses, cornices, eaves, gutters, chimneys, or pilasters.	Any yard	30 inches
Fire escapes and exterior staircases	Rear yard only	3 feet over a maximum width of 10 feet
Window bays	Front, rear and exterior side yards only	3 feet over a maximum width of 10 feet
Balconies	Front, rear and exterior side yards only for one-family detached dwellings	5 feet
Open, roofed porches not exceeding one storey in height, uncovered terraces	Front and rear yards only	8 feet including eaves and cornices provided that no porch or terrace shall be less than 2 feet from any lot line or prevents access to any rear yard.

7.9

Exceptions to Height Limitations

The height limitations of this By-law shall not apply to church spires, water tanks, elevator enclosures, flag poles, television or radio antennae, ventilators or sky-lights.

7.10

Exception from Lot Frontage and Lot Area Requirements

Notwithstanding anything contained in this By-law, a parcel which is situated in any Rural Zone, any Residential Zone, or any Development Zone, and which parcel lacks either the required frontage or area, or both the required frontage and area, for a lot in the respective Zone, is and shall be deemed to be a lot provided that:-

- (a) the description of such parcel is the same as in a deed registered on or prior to the date of the passing of this By-law, and
- (b) all relevant provisions of Section 29 of The Planning Act, being Chapter 349 of the Revised Statutes of Ontario, 1970, as amended from time to time, have been complied with on or before the passing of this By-law where such parcel is in an area which is affected by any By-law of the Municipality giving effect to the provisions of Subsections (1), (2) and (3) of Section 29 of The Planning Act, and
- (c) such parcel has a frontage of 50 feet minimum to a public highway, and
- (d) all relevant regulations made under The Public Health Act and all relevant requirements of the authority having jurisdiction are complied with.

7.11 Semi-Detached Dwelling Lots

Nothing in this By-law shall prevent the subdivision of any lot on which is erected a semi-detached dwelling into two parts divided in part by the centre line of the common or party wall separating the two dwelling units in such dwelling.

7.12 Automobile Parking Spaces

There shall be provided for every building or part thereof, erected after the date of enactment of this By-law in any Zone, an area for automobile parking. Adequate provisions for access to a street or public lane from each individual parking space, unobstructed by any other parking space, shall be provided and unless otherwise stated the parking shall be provided within three hundred (300) feet of the building. Such parking space shall be provided as follows:-

<u>Type of Building</u>	<u>Minimum Parking Required</u>
1. For each dwelling unit in any dwelling except an apartment building or row house	One (1) space in a private garage or carport; in either the side yard behind the front yard setback line or in the rear yard between the main wall of the main building and the rear yard setback line for the zone in which the dwelling is situated in the case of a single family detached dwelling; or in the rear yard in the case of a dwelling unit in the same building as a store.
2. For each apartment building or row house development	One (1) space in a garage for each dwelling unit plus visitor parking on the basis of one (1) space for every two (2) dwelling units or part thereof.
3. Any commercial use in a Commercial Zone except those uses specifically listed elsewhere in this Section	One (1) parking space for each four hundred (400) square feet or fraction thereof of commercial floor space within the building.
4. Office	One (1) parking space for each four hundred (400) square feet or fraction thereof of rentable floor space in the building.
5. Auditorium, arena, church, hall, restaurant, theatre, club and other places of assembly	Where there are fixed seats one (1) parking space for every five (5) seats or ten (10) feet of bench space of its maximum seating capacity. Where there are no fixed seats one (1) parking space for each one hundred (100) square feet or fraction thereof of floor area devoted to public use.
6. Hospital, sanatorium, nursing home	One (1) parking space for each two (2) beds.
7. School	One (1) parking space for each staff member or school employee.
8. Library	Minimum ten (10) parking spaces.
9. Government building	One (1) parking space for each four (4) employees plus a parking area for visitors with a minimum capacity of ten (10) parking spaces.

<u>Type of Building</u>	<u>Minimum Parking Required</u>
10. Hotel, motel and tavern	One (1) parking space for each guest room or suite of a motel; one (1) parking space for every three (3) guest rooms of a hotel, plus one (1) parking space for each one hundred (100) square feet or fraction thereof of floor area within the hotel, motel or tavern devoted to public uses.
11. Funeral home	One (1) parking space for each five (5) seats capacity of the funeral home with a minimum of ten (10) parking spaces.
12. Bowling alley and curling rink	One (1) parking space for each two (2) persons in the designed capacity of the establishment; (Designed capacity shall mean six (6) persons per bowling lane and eight (8) persons per curling sheet) in addition to the requirements for the rest of the building.
13. Industrial establishment	One (1) parking space for each one thousand (1,000) square feet or fraction thereof of building on the lot.

7.13 Loading Spaces

Notwithstanding any yard requirements set out elsewhere in this By-law, no person shall, in any Zone, erect or use any building or structure for manufacturing, storage, warehouse, retail store, wholesale store, market, freight or passenger terminal, hotel, hospital, mortuary or other uses similarly involving the frequent shipping, loading or unloading of persons, animals or goods unless there is maintained on the same premises with every such building, structure or use, one off-street space for standing, loading and unloading for every twenty thousand (20,000) square feet or fraction thereof of building floor area used for any purpose in excess of three thousand (3,000) square feet of such area.

7.14 Parking and Loading Area Design

Parking and loading areas required by this By-law shall conform to the following requirements:-

- (a) Adequate drainage facilities shall be provided.
- (b) All parking and loading areas and their approaches shall be constructed and maintained with a stable surface which is treated to prevent the raising of dust or loose particles and, in the case of Industrial and Commercial Zones, shall have a cement or asphaltic binder or any other permanent type of surfacing.
- (c) All parking and loading areas and their approaches in any Industrial and Commercial Zone shall be defined by a curb of concrete or rolled asphalt or other suitable obstruction designed to provide a neat appearance.
- (d) In any Commercial Zone, no parking or loading area shall be located closer than five (5) feet to any street line nor ten (10) feet to any other side lot line or rear lot line.

- (e) For all off-street loading areas, and any parking area designed to accommodate more than four (4) automobiles, a strip of land not less than ten (10) feet wide lying within the lot in which the space is situated, and along the boundaries of the space, shall be adequately landscaped, but this shall not prevent the provision of entrances and exits to the said area across the strip.
- (f) The lights used for the illumination of the parking or loading area shall be so arranged as to divert the light away from adjacent properties.
- (g) A structure, not more than ten (10) feet in height and not more than fifty (50) square feet in area may be erected in the parking area for the use of attendants in the area.
- (h) No sign other than directional signs and a sign indicating the name of the owner, not exceeding nine (9) square feet in size, shall be erected on any parking area or parking lot.

#### 7.15 Setback and Side Yard Setback on Arterial Roads

Notwithstanding the setback, front yard and side yard setback requirements prescribed in other Sections of this By-law, all structures adjacent to the King's Highway, or to a road under the authority of the Corporation of the Regional Municipality of Niagara, shall be set back in the case of the King's Highway at least 105' from the centreline thereof and in the case of a Regional Road at least 85' from the centreline thereof or in both instances such greater setbacks as shall be required by the Ministry of Transportation and Communications of Ontario or the Corporation of the Regional Municipality of Niagara as the case may be.

#### 7.16 Daylighting Triangles

Notwithstanding any other provisions of this By-law, no building, shrub, foliage, or fence above the grade of the road with a height exceeding two (2) feet shall be erected or planted within the daylighting triangle.

- (a) included between the street lines for a distance of thirty (30) feet from their point of intersection in any Residential Zone, and
- (b) included between a street line and a railway right-of-way where they cross at the same grade, for a distance of one hundred and fifty (150') feet from their point of intersection.

#### 7.17 Signs

No sign, billboard or poster shall be erected in any Residential or Rural Zone other than the following:-

- (a) One nameplate not larger than one and one-half (1½) square feet indicating the name of the occupant.
- (b) Signs not larger than two (2) square feet indicating caution, safety, no trespassing and no hunting.
- (c) One sign not larger than four (4) square feet advertising land or premises for sale, lease or rent.
- (d) One sign not larger than six (6) square feet advertising a nursing home, rooming or boarding house or apartment.
- (e) One sign or bulletin board for a church, school, community hall, or fraternal organization, not exceeding twenty-four (24) square feet in area.
- (f) Signs in connection with a construction project during the course of work on that project.

- (g) Any traffic or direction sign erected by a public authority, a voters' list or other public proclamation.
- (h) One sign for the purpose of advertising the location of premises or the sale of produce, which sign shall not be larger than forty (40) square feet in area and twenty (20) feet in height above the adjoining ground.
- (i) Nothing in this subsection shall prohibit free standing or incised lettering indicating the name of a building or structure which forms part of the architecture of the said building or structure.
- (j) Any sign permitted under this subsection shall be located on the same lot as the premises advertised or identified.

7.18

Public Uses Permitted

The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for the purpose of public service by the Town or by any local Board defined by The Planning Act, The Regional Municipality of Niagara, any department of the Government of Ontario or of Canada, including the Hydro Electric Power Commission of Ontario provided that:-

- (a) The lot coverage, setback and yard requirements prescribed for the Zone in which such land, building or structure is located shall be complied with,
- (b) No goods, material, or equipment shall be stored in the open in a Residential Zone or in a lot adjacent to a Residential Zone,
- (c) Any building erected in a Residential or Rural Zone under the authority of this subsection shall be designed and maintained in general harmony with residential buildings of the type permitted in the Zone, and
- (d) Where a lot is used under the provisions of this subsection in a Residential or Rural Zone, the land not used for buildings shall be treated in a manner that is in general harmony with the surrounding properties.

7.19

Pits and Quarries

As from the date of passing of this By-law, no land within the Town shall be used for a pit or quarry and no pit or quarry shall be established unless the land, pit or quarry is in an Industrial Extractive M3 Zone.

7.20

Prohibited Uses

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

1. Blood boiling,
2. Bone boiling,
3. Refining coal oil or petroleum products;
4. Extracting oil from fish or animal matter;
5. Storing hides;
6. Abattoir or commercial slaughterhouse;
7. A piggery wherein pigs are fed treated garbage or other treated refuse;
8. Tallow melting;
9. Soap boiling;
10. Tripe boiling;
11. Tanning hides or skins;
12. Manufacturing gas;
13. Manufacturing glue;
14. Commercial manufacturing of fertilizers from dead animals or from human or animal waste;

15. A track for the racing of motor vehicles or motor cycles or of go-carts or motorized snow vehicles;
  16. A trailer camp as defined in Subsection 15 of Section 401 of The Municipal Act, being Chapter 283 of The Revised Statutes of Ontario, 1970, as amended from time to time;
  17. The use of any trailer for permanent human habitation;
  18. A junk-yard, salvage yard, automobile wrecking yard, or the collection, storage or sale of junk, salvage, partially or completely dismantled motor vehicles or trailers or parts of motor vehicles or trailers;
  19. Locating or storing on any land for any purpose whatsoever any disused railroad car, street car body, truck body, or trailer without wheels, whether or not the same is situated on a foundation;
  20. Keeping or raising of any bull, ox, cow, sheep, horse, goat, pig or other cattle, or any poultry, or any reptile or any wild animal including any tamed or domesticated wild animal, on any residential lot or in any building or structure on such lot, or on any lot or in any building or structure in a Residential Zone.
- (b) In addition to the uses prohibited in clause (a) of this Subsection, any use is prohibited which from its nature or the materials used therein is declared under The Public Health Act or any regulations adopted thereunder to be a noxious trade, business or manufacture.
- (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 7 hereof.

#### 7.21 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.

#### 7.22 Dangerous Uses

No land, building or structure except automobile service stations shall be used in the Town for commercial or industrial purposes which are likely to create danger to health, or danger from fire or explosion which, without limiting the generality of the foregoing, shall include storage or manufacture of coal oil, water oil, rock oil, fuel oil, burning fluid, gas, naphtha, benzene, gasoline, dynamite, dualine, nitro-glycerine, gunpowder, petroleum and petroleum products.



7.23 Lands Subject to Flooding

In all Zones the erection of buildings or structures for Rural, Residential, Commercial or Industrial purposes shall be prohibited on land that is subject to flooding or on land where by reason of its rocky, low-lying, marshy or unstable character, the cost of construction of satisfactory waterworks, sewage or drainage facilities is prohibitive.

7.24 Provisions Pertaining to Lands in the Vicinity of Certain Streams

The provisions of Section 27 apply to those lands in the Municipality situated between any stream or watercourse shown on Schedule "A" and its high water mark.

7.25 Truck or Coach Bodies

No truck, bus, coach, or streetcar body shall be used for human habitation within the Town, whether or not the same is mounted on wheels.

7.26 Temporary Accommodation for Workmen

Where a shack, shanty, bunk-house or other temporary structure is used for the accommodation of workmen engaged in work of a temporary or seasonal nature, such building or structure,

- (a) shall be so used only for the duration of the work, and
- (b) shall be locked or boarded up and not be used as accommodation when the work in connection with which they were constructed is terminated.

7.27 Occupancy of Incomplete Buildings

No new building shall be occupied before the main side walls and roof have been erected and the external siding and roofing have been completed and, where applicable, kitchen, heating and sanitary conveniences have been installed and are in satisfactory working order.

7.28 Derelict Automobiles

No land shall be used for keeping of derelict motor vehicles that are in a wrecked, discarded, dismantled, inoperative or abandoned condition except as provided for in the Industrial General M2 Zone.

7.29 Swimming Pools

Notwithstanding anything contained in this By-law, a swimming pool is permitted as an accessory use to a permitted residential or agricultural use,

- (a) in the side yard of any lot if,
  - (i) no part of such pool is located closer to any lot line than six (6) feet, and
  - (ii) the maximum height of such pool is four (4) feet above the average finished grade level of the ground adjoining and within fifteen (15) feet of such pool, and
  - (iii) any building or structure, other than a dwelling, required for changing clothing or for pumping or filtering facilities, or other similar accessory uses, complies with the provisions of this By-law respecting accessory buildings on such lot, or
- (b) in the rear yard of any lot if no part of such pool is located closer to any lot line than six (6) feet, and every swimming pool shall be enclosed by a fence of at least four (4) feet in height, but not more than six (6) feet and located at a distance of not less than four (4) feet from such pool.

7.30 Multiple Uses

Notwithstanding anything contained in this By-law, where any land, building or structure is used for more than one purpose, all provisions of this By-law relating to each use shall be complied with, but no dwelling shall be located within ten (10) feet of any other building on the lot except a building accessory to such dwelling.

7.31 Residential Uses

- (a) Except as otherwise specifically permitted in this By-law, no person shall erect or use any building as a dwelling upon any lot whereon there then exists, or is in the course of construction, or for which a building permit has been issued, a building erected or used or intended to be used as a dwelling.
- (b) Notwithstanding anything contained in this By-law, no person shall use or occupy any building for residential purposes,
  - (i) Unless such building has been substantially completed and finished in accordance with the plans and specifications filed upon application for the building permit, and
  - (ii) Unless such building is serviced with a municipal water supply or by a pressure water supply system, where hydro is available on the frontage or flankage and with a municipal sanitary sewer system or a septic tank disposal system.

7.32 Basement or Cellar

Notwithstanding anything contained in this By-law, no basement or cellar or part of a basement or cellar of any building shall be used as a whole dwelling unit, and the whole or any part of a basement or cellar shall not be used for calculating the required minimum floor area of any dwelling or dwelling unit.

7.33 Special Provisions Regarding Setbacks on Certain Streets

For the purpose of establishing building line setbacks, or the application of any other regulations as required in this By-law, the following streets shall be deemed to have the width shown opposite them:-

<u>Street</u>	<u>From</u>	<u>To</u>	<u>Deemed Street Width</u>
Hwy. 20 (Church St.)	400' W. of W. Limit of Lookout St.	South Pelham Street	100 ft.
Hwy. 20 (Canboro Rd.)	South Pelham St.	East Town Limits	100 ft.
Canboro Rd.	E. Limit Lot 4, Con. 8.	Church St.	86 ft.
South Pelham St.	Canboro Rd.	200' south of S. Limit of Quaker Rd.	86 ft.
Port Robinson	S. Pelham St.	East Town Limits	86 ft.

7.34

Development Control

(a) The Corporation of the Town of Pelham hereby prohibits or requires the provision, maintenance and use of the following facilities and matters, or any of them as a condition of the development or re-development of land or buildings in the areas regulated by this By-law, as from time to time amended:

- (i) Widenings of highways that abut on the land that is being developed or redeveloped.
- (ii) Subject to The Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbs including the number, location and size of such facilities and the direction of traffic thereon.
- (iii) Off-street vehicular parking and loading areas and access driveways including the surfacing of such areas and driveways.
- (iv) Walkways and all other means of pedestrian access.
- (v) Removal of snow from access ramps, driveways, parking areas and walkways.
- (vi) Grading or change in elevation or contour of the land and the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- (vii) Conveyance to The Corporation of the Town of Pelham without cost of easements required for the construction, maintenance or improvement of any existing or newly required watercourses, ditches, land drainage works and sanitary sewerage facilities on the land.
- (viii) Floodlighting of the land or of any buildings or structures thereon.
- (ix) Walls, fences, hedges, trees, shrubs or other suitable ground-cover to provide adequate landscaping of the land or protection to adjoining lands.
- (x) Vaults, central storage and collection areas and other facilities and enclosures as may be required for storage of garbage and other waste material.
- (xi) Plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required pursuant to this By-law.
- (xii) Perspective drawings and plans showing building elevations and cross-sections of industrial and commercial buildings and residential buildings containing twenty-five or more dwelling units.
- (b) The facilities and matters required under Clause (a) hereof, shall be provided and maintained by the Owner of the land at his sole risk and expense and to the satisfaction of the Town and in default thereof the provisions of Section 469 of The Municipal Act, R.S.O. 1970, Chapter 284 apply.
- (c) The owner of the land and any mortgagees thereof or persons with other interests therein shall enter into one or more agreements with the Town dealing with the facilities and matters referred to in Clause (a) hereof.

- (d) No building permit shall be issued in respect of the land until the plans referred to in paragraphs (xi) and (xii) of Clause (a) hereof have been approved by The Corporation of the Town of Pelham and until the agreement or agreements referred to in Clause (c) hereof have been entered into and have been registered against the land.
- (e) For the purpose of this Section,
  - (i) "Development" means the construction of buildings or structures.
  - (ii) "Redevelopment" means the removal of buildings or structures from land and the construction of other buildings or structures thereon.
  - (iii) "Structure" includes a parking lot or parking area.

SECTION 8: RURAL A1 ZONE

No land is presently zoned in a Rural A1 Zone.

SECTION 9: RURAL A2 ZONE

No land is presently zoned in a Rural A2 Zone.

SECTION 10: GENERAL PROVISIONS FOR RESIDENTIAL ZONES

10.1 Residential Zones

The following Zones are hereby classified as Residential Zones to which the provisions of this Section apply:-

<u>Zone</u>	<u>Symbol</u>
Residential 1	R1
Residential 2	R2
Residential Multiple 1	RM1
Residential Multiple 2	RM2

10.2 Offices and Household Occupations in a Dwelling

Nothing in this By-law shall prevent, in a Residential Zone, the use of part of a dwelling except an apartment dwelling for an office or household occupation provided:-

- (a) That only one person resident in such dwelling, plus one assistant who may or may not reside in such dwelling, may operate in and from such office,
- (b) That not more than twenty-five per cent (25%) of the total floor area of such dwelling, or a maximum of two hundred (200) sq. ft. whichever is the lesser shall be devoted to such uses,
- (c) That there shall be no advertising other than a plate or sign which is not flashing and is not larger than one (1) sq. ft. indicating only the name, occupation and practicing hours of the occupant,
- (d) That any plate or sign referred to in clause (c) hereof shall be attached and parallel to a main wall of the building,
- (e) That there shall be at least two off-street parking spaces for every office in such dwelling in addition to any residential requirements,
- (f) That the residential character of such dwelling and lot shall not be changed, and
- (g) That no machinery or instrument shall be used in such office that is not normally used in a residence or is compatible with a residential area.

10.3 Accessory Buildings

- (a) No accessory building shall be erected prior to the erection of the permitted dwelling on the same lot except where it is necessary for the storage of tools and materials for use in connection with the construction of such dwelling, and no accessory building shall be used prior to the erection of such dwelling for any purpose other than such storage.
- (b) The regulations governing the location of any accessory building in relation to a lot line shall not apply to prevent the erection or use of a jointly-owned double garage which services two dwellings whose common lot line shall be the dividing line of such garage.
- (c) No accessory building shall be located,
  - (i) in any front yard, or
  - (ii) within four (4) feet of any side or rear lot line in a Residential RI Zone or within three (3) feet of any side or rear lot line in a Residential Zone other than a Residential RI Zone.

(d) In no case shall any overhang, eaves or gutter project more than 12 inches into any required minimum yard.

(e) Minimum Distance from Main Building - 5 feet 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.

(f) Maximum Height 15 feet

(g) The total ground floor area of all accessory buildings including car parking areas within such buildings shall not exceed 7% of the lot area provided that lot coverage of all buildings on such lot does not exceed the maximum lot coverage as specified in the particular Residential Zone.



SECTION 11: RESIDENTIAL R1 ZONE

No person shall within any Residential R1 Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

11.1 Permitted Uses

- (a) One-family detached dwellings.
- (b) Uses, buildings and structures accessory to the foregoing permitted use.

11.2 Regulations for Dwellings

- (a) Minimum Lot Area 7,500 sq. ft.
- (b) Minimum Lot Frontage 60 ft.
- (c) Maximum Lot Coverage 33%
- (d) Minimum Setback 58 ft. from the centreline of the road
- (e) Minimum Exterior Side Yard 50 ft. from the centreline of the road or 17 ft. from the side lot line whichever is the greater
- (f) Minimum Side Yard 6 ft. on one side and 10 ft. on the other side where there is no carport or garage or 6 ft. on both sides where a carport or garage is attached
- (g) Minimum Rear Yard 25 ft.
- (h) Minimum Building Floor Area 1,200 sq. ft.
- (i) Maximum Building Height 35 ft.

SECTION 12: RESIDENTIAL R2 ZONE

No person shall within any Residential R2 Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

12.1 Permitted Uses

- (a) One-family detached dwellings.
- (b) Uses, buildings and structures accessory to the foregoing permitted use.

12.2 Regulations for Dwellings

- (a) Minimum Lot Area 5,000 sq. ft.
- (b) Minimum Lot Frontage 50 ft.
- (c) Maximum Lot Coverage 35%
- (d) Minimum Setback 58 ft. from the centreline of the road
- (e) Minimum Exterior Side Yard 50 feet from the centreline of the road or 17 ft. from the side lot line whichever is the greater.
- (f) Minimum Side Yard 5 ft. on one side and 10 ft. on the other side where there is no carport or garage or 5 ft. on both sides where a carport or garage is attached.
- (g) Minimum Rear Yard 25 ft.
- (h) Minimum building floor area 1,000 sq. ft.
- (i) Maximum building height 35 ft.

SECTION 13: RESIDENTIAL MULTIPLE RMI ZONE

No person shall within any Residential Multiple RMI Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

13.1 Permitted Uses

- (a) All uses permitted in the Residential R2 Zone subject to the provisions therefor.
- (b) Semi-detached and duplex dwellings, converted dwellings and row houses.
- (c) Uses, buildings and structures accessory to the foregoing permitted uses.

13.2 Regulations for Certain Dwellings

	(1)	(2)
	<u>Semi-detached and Duplex Dwellings</u>	<u>Row Houses</u>
(a) Minimum Lot Area	3,000 sq. ft. per dwelling unit ✓	4,350 sq. ft. per dwelling unit
(b) Minimum Lot Frontage	60 ft. ✓	80 ft. plus 20 ft. for each unit over three
(c) Maximum Lot Coverage	35%	35%
(d) Minimum Setback	58 ft. ✓ <i>or distance equal to height of building's front facade</i>	58 ft.
(e) Minimum Side Yard	6 ft. ✓ <i>the front property line whichever is greater</i>	10 ft.
(f) Minimum Exterior Side Yard	25 ft. ✓	25 ft.
(g) Minimum Rear Yard	25 ft.	35 ft.
(h) Minimum Floor Area Per Dwelling Unit	950 sq. ft.	950 sq. ft.
(i) Maximum Building Height	35 ft.	35 ft.

13.3 Row House Play Space

No person shall use or erect on a lot a row house containing other than all bachelor apartments unless there is provided on such lot a play space for children and such play space shall be:-

- (a) Enclosed with a chain link or equally durable fence,
- (b) Located at least fifteen (15) feet from the nearest wall of the building,
- (c) Accessible to the building without the necessity of crossing a parking lot,
- (d) In one location at the rear of the building, and
- (e) Of a size that will contain at least twenty-five (25) square feet of play space for each one bedroom unit and at least fifty (50) square feet of play space for each two or more bedroom units.

13.4 Regulations for Converted Dwellings

No one-family detached dwelling may be converted to a converted dwelling unless:

- (a) It was in existence prior to the date of the passing of this By-law,

- (b) Each unit after conversion contains a minimum floor area of 700 sq. ft.,
- (c) It is certified by the Building Inspector to be structurally suitable for the proposed conversion,
- (d) The only external stairway is an open fire escape, and
- (e) The external appearance of the building as a one-family detached dwelling is preserved.

SECTION 14: RESIDENTIAL MULTIPLE RM2 ZONE

No person shall within any Residential Multiple RM2 Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

14.1 Permitted Uses

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

14.2 Regulations for Apartment Dwellings

- (a) Minimum Lot Area  
10,000 sq. ft. for the first 4 dwelling units plus 2,400 sq. ft. for each additional unit. *(20/acre)*
- (b) Minimum Lot Frontage  
100 ft.
- (c) Maximum Lot Coverage  
25%
- (d) Minimum Setback  
65 ft.
- (e) Minimum Side Yard  
one-half the height of the main building.
- (f) Minimum Exterior Side Yard  
40 ft.
- (g) Minimum Rear Yard  
35 ft. or one-half the height of the main building whichever is the greater.  
Bachelor - 450 square feet  
1 bedroom - 600 square feet plus 100 square feet for each additional bedroom.
- (h) Minimum Floor Area Per Dwelling Unit  
45 feet

(i) Maximum Building Height

14.3 Apartment Play Space

No person shall use or erect on a lot an apartment dwelling containing other than all bachelor apartments unless there is provided on such lot a play space for children and such play space shall be:-

- (a) Enclosed with a chain link or equally durable fence,
- (b) Located at least fifteen (15) feet from the nearest wall of the building,
- (c) Accessible to the building without the necessity of crossing a parking lot,
- (d) In one location at the rear of the building, and
- (e) Of a size that will contain at least twenty-five (25) square feet of play space for each one-bedroom unit and at least fifty (50) square feet of play space for each two or more bedroom units.

14.4

Regulations for Converted Dwellings

No one-family detached dwelling may be converted to a converted dwelling unless:

- (a) It was in existence prior to the date of the passing of this By-law,
- (b) Each unit after conversion contains a minimum floor area of 700 sq. ft.,
- (c) It is certified by the Building Inspector to be structurally suitable for the proposed conversion,
- (d) The only external stairway is an open fire escape, and
- (e) The external appearance of the building as a one-family detached dwelling is preserved.

SECTION 15: DEVELOPMENT D ZONE

No person shall within any Development D Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

15.1 Permitted Uses

- (a) Agricultural uses including one one-family detached dwelling on one lot, but excluding poultry farms, mushroom farms, fur farms, hatcheries, greenhouses, commercial dog kennels, and piggeries or the raising of hogs.
- (b) One-family detached dwellings existing at the date of the passing of this By-law and enlargement thereof, and uses, buildings and structures accessory thereto.
- (c) Converted dwellings.
- (d) Household occupations subject to the provisions of Subsection 10.2.

15.2 Regulations for Agricultural Uses Permitted in Clause (a) of Subsection 15.1

- (a) Minimum Lot Frontage 400 feet
- (b) Minimum Lot Area 10 acres
- (c) Maximum Lot Coverage 20 per cent
- (d) Minimum Front Yard:
  - (i) For dwellings and buildings accessory thereto, 30 feet.
  - (ii) For buildings and structures not included in paragraph (i) of this clause, 100 feet.
- (e) Minimum Exterior Side Yard 30 feet
- (f) Minimum Side Yard:
  - (i) 10 feet for dwellings and buildings accessory thereto,
  - (ii) For buildings and structures not included in paragraph (i) of this clause, 50 feet.
- (g) Minimum Rear Yard:
  - (i) 50 feet for dwellings and buildings accessory thereto.
  - (ii) For buildings and structures not included in paragraph (i) of this clause, 50 feet.
- (h) Maximum Dwelling Floor Area 1,200 square feet
- (i) Maximum Height 25 feet

15.3 Regulations for Enlargement of Existing Dwellings Permitted in Clause (b) of Subsection 15.1

- (a) Maximum Lot Coverage 20 per cent
- (b) Minimum Front Yard 30 feet
- (c) Minimum Exterior Side Yard 30 feet
- (d) Minimum Side Yard 10 feet except as provided for in paragraph (i) of this clause:-

- (d) On an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 15 feet.

- (e) Minimum Rear Yard                    35 feet
- (f) Maximum Height                        25 feet

15.4 Regulations for Converted Dwellings Permitted in clause (c) of Subsection 15.1

No one-family detached dwelling may be converted to a converted dwelling unless:-

- (a) It was in existence prior to the date of the passing of this By-law,
- (b) Each unit after conversion contains a minimum floor area of 700 sq. ft.,
- (c) It is certified by the Building Inspector to be structurally suitable for the proposed conversion,
- (d) The only external stairway is an open fire escape, and
- (e) The external appearance of the building as a one-family detached dwelling is preserved.



SECTION 16: GENERAL PROVISIONS FOR COMMERCIAL ZONES

16.1 Automobile Service Stations and Garages

Where a lot in any Commercial Zone is used for an automobile service station, the following additional regulations shall apply:-

- |     | <u>Interior Lot</u>              | <u>Corner Lot</u> |
|-----|----------------------------------|-------------------|
| (a) |                                  |                   |
|     | Minimum lot frontage<br>160 feet | 160 feet          |
|     | Minimum lot depth<br>100 feet    | 160 feet          |
- (b) No portion of any pump island on a service station lot shall be located closer than twenty (20) feet from the street line of any street.
- (c) The minimum distance from the intersection of two street lines to the nearest ingress or egress ramp shall be not less than fifty (50) feet.
- (d) The maximum width of a curb ramp at the street line shall be not more than thirty (30) feet and the minimum width not less than twenty-five (25) feet.
- (e) The minimum distance between ramps shall be not less than forty (40) feet.
- (f) The minimum interior angle of a ramp to a street line shall be forty-five (45) degrees and the maximum interior angle of a ramp to the street line shall be ninety (90) degrees.
- (g) The distance between the property line of the lot at the street line and the nearest ramp shall be at least ten (10) feet.
- (h) The area included between ramps or between ramps and a street line or property line as required by this By-law shall not be used for any purpose other than landscaping.

16.2 Where any garage or automobile dealer has one or more pump islands on its lot for the retail sale of gasoline, it shall conform to the provisions of Subsection 16.1 hereof.

16.3 Dwelling Units in Commercial Buildings

A dwelling unit shall be permitted within any commercial establishment in any Commercial Zone, other than an automobile service station, provided that the following requirements are complied with:-

- (a) Minimum dwelling unit floor area 700 square feet
- (b) Minimum open area to be provided for the exclusive use of each dwelling unit either at ground level or on the roof of the first storey. Such open area shall not be used for the parking of vehicles as required under Subsection 7.12 nor for the provision of loading space as required under 7.13. 200 square feet

- (c) Pedestrian access to such dwelling unit from the adjacent street or lane shall be provided for the exclusive use of the dwelling unit.

16.4 Requirements for Amenity Opposite Certain Zones

Where any Commercial zone fronts on a street opposite to, or directly abuts any Residential or Rural Zone:

- (a) No parking shall be permitted in the yard adjacent to the Residential Zone.
- (b) No loading space shall be located in, nor open onto, a yard adjacent to the Residential Zone.
- (c) A strip of land not less than ten (10) feet in width along the lot line within the Commercial Zone and adjacent to the Residential Zone shall be adequately landscaped.
- (d) Exterior lighting and illuminated signs shall be so arranged as to deflect light away from the adjacent Residential or Rural Zone.
- (e) Outside storage shall be prohibited in the yard adjacent to the Residential or Rural Zone.
- (f) A minimum side yard of twenty (20) feet shall be provided adjacent to the Residential or Rural Zone.

16.5 Requirements for Amenity Fronting Certain Roads

Where any Commercial zone fronts on a Provincial Highway or a Regional Road:

- (a) No front yard may be used for employee parking and any front yard that is not used for driveways and visitors' parking spaces shall be adequately landscaped.
- (b) No loading space shall be located in, nor open onto the front yard.
- (c) A strip of land not less than ten (10) feet in width along the front lot line shall be adequately landscaped.
- (d) No outside storage shall be permitted in the front yard.

16.6 Regulations for Accessory Buildings Permitted in any Commercial Zone

- (a) Location - in rear yard only.
- (b) Minimum Distance from any other Building on the Lot - 10 feet 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 per cent provided that the lot coverage of all buildings on the lot shall not exceed the maximum lot coverage for the zone.
- (d) Minimum Yard Requirements:-
  - (i) The minimum yard abutting a public street shall be 20 feet.
  - (ii) No accessory building shall be located within 2 feet of a side or rear lot line that does not abut a public street, or within 10 feet of the boundary of any Residential Zone.
  - (iii) In no case shall any overhang, eaves or gutter project more than 12 inches into any required minimum yard.
- (e) Maximum Height 15 feet

SECTION 17: COMMERCIAL LOCAL CL ZONE

No person shall, within any Commercial Local CL Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

17.1 Permitted Uses

- (a) Automobile service stations but not public garages, banks, barber shops and beauty salons, business and professional offices, public and private parking areas, restaurants, retail stores, studios, agencies and salons.
- (b) Uses, buildings and structures accessory to the foregoing permitted uses.

17.2 Regulations for Permitted Uses in Clause (a) of Subsection 17.1

- (a) Minimum Lot Frontage 50 feet
- (b) Minimum Lot Area 7,500 square feet
- (c) Maximum Lot Coverage 30 per cent
- (d) Maximum Gross Floor Area 45 per cent of lot area except that the total floor area of each commercial use shall not exceed 1,200 square feet.
- (e) Minimum Front Yard 40 feet
- (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 twelve feet (12 ft.); the other yard shall have a minimum width of nil.
  - (iii) Where the yard abuts a street, minimum ten feet (10 ft.).
  - (iv) Where the yard abuts any Residential Zone, minimum fifteen feet (15 ft.).
- (g) Minimum Rear Yard
  - (i) Where the yard abuts any Commercial or Industrial Zone and access is available to the rear of the building on the said lot by means of a public or private lane, minimum nil.
  - (ii) Where the yard abuts any Commercial or Industrial Zone and no access is available to the rear of the said building except by means of a yard, minimum twenty feet (20 ft.)
  - (iii) Where the building contains residential accommodation of one or more storeys in height, minimum thirty-five feet (35 ft.).
  - (iv) Where the yard abuts any Residential Zone, minimum thirty-five feet (35 ft.).

Maximum Building Height 35 ft.

SECTION 18: COMMERCIAL GENERAL CG ZONE

No person shall, within any Commercial General CG Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

18.1 Permitted Uses

- (a) Ambulance service, animal hospitals, automobile service stations, automobile sales areas and equipment dealers, automobile washing establishments, banks, barber shops, beauty salons, clinics, commercial clubs, custom workshops, hotels, motels and taverns, L.C.B.O. and Brewers' Retail outlets, laundry or dry cleaning establishments, nurseries, greenhouses and open air markets, professional and business offices, public garages, public and private parking areas, public halls, restaurants, retail stores, tourist homes, undertaking establishments.

- (b) Uses, buildings and structures accessory to the foregoing permitted uses.

18.2 Regulations for Permitted Uses in Clause (a) of Subsection 18.1

- (a) Minimum Lot Frontage 50 feet
- (b) Minimum Lot Area 5,000 square feet
- (c) Maximum Lot Coverage 40 per cent
- (d) Maximum Gross Floor Area 50 per cent of lot area
- (e) Minimum Front Yard 20 feet
- (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 twelve feet (12 ft.) the other yard shall have a minimum width of nil.
  - (iii) Where the yard abuts a street, minimum ten feet (10 ft.).
  - (iv) Where the yard abuts any Residential Zone, minimum fifteen feet (15 ft.).
- (g) Minimum Rear Yard
  - (i) Where the yard abuts a Commercial or Industrial Zone and access is available to the rear of the building on the said lot by means of a public or private lane, minimum nil.
  - (ii) Where the yard abuts a Commercial or Industrial Zone and no access is available to the rear of the said building except by means of a yard, minimum twenty feet (20 ft.).
  - (iii) Where the building contains residential accommodation of one or more storeys in height, minimum thirty-five feet (35 ft.).
  - (iv) Where the yard abuts any Residential Zone, minimum thirty-five feet (35 ft.).
- (h) Maximum Building Height 35 ft.

18.3

Central Business Area Regulations

Notwithstanding the provisions of clauses (d) and (e) of Subsection 7.14, clause (c) of Subsection 16.5, and clauses (a), (b), (e), (f) and (g) of Subsection 18.2, on any lot abutting Pelham Street from a point 200 feet south of Church Street to a point 200 feet south of Elm Avenue, on any lot abutting the north side of Church Street from Pelham Street to a point 500 feet west of Pelham Street, and on any lot abutting Canboro Street from 600 feet west of Pelham Street to a point 450 feet east of Pelham Street:-

- (a) the minimum frontage shall be the lesser of 30 feet or as existing at the date of passing of this By-law,
- (b) the minimum lot area shall be the lesser of 3,000 square feet or as existing at the date of passing of this By-law,
- (c) no front yard or side yard shall be required, and
- (d) the minimum rear yard depth shall be 12 feet.

SECTION 19: COMMERCIAL DEFERRED CD ZONE

No person shall within any Commercial Deferred CD Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

19.1 Permitted Uses

Dwellings existing at the date of the passing of this By-law and enlargement but not conversion thereof and uses, buildings and structures accessory thereto.

19.2 Regulations for Uses, Buildings and Structures Permitted in Subsection 19.1

- |                          |  |
|--------------------------|--|
| (a) Maximum Lot Coverage | 20 per cent  |
| (b) Minimum Front Yard   | 30 feet  |
| (c) Minimum Side Yard    | 10 feet except as provided for in paragraphs (i) and (ii) of this clause:-   |
| (i)                      | The minimum side yard abutting a public street shall be 30 feet.   |
| (ii)                     | On an interior lot where no attached garage or attached carport is provided, the minimum side yard on one side shall be 15 feet. |
| (d) Minimum Rear Yard    | 35 feet  |
| (e) Maximum Height       | 2½ storeys   |

SECTION 20: GENERAL PROVISIONS FOR ALL INDUSTRIAL ZONES

20.1 Requirements for Amenity Opposite Certain Zones

Where any Industrial Zone fronts on a street opposite a Residential or a Rural Zone, or directly abuts a Residential or Rural Zone:-

- (a) Setback and side yard provisions of the respective Industrial Zone shall be increased by thirty (30) feet adjacent to the Residential or Rural Zone.
- (b) A strip of land not less than twenty-five (25) feet in width along the lot line within the Industrial Zone and adjacent to the Residential or Rural Zone, shall be adequately landscaped.
- (c) No employee or visitor parking spaces shall be permitted in the yard adjacent to the Residential or Rural Zone.
- (d) No loading space shall be located in, nor open onto the yard adjacent to the Residential or Rural Zone.
- (e) No outside storage shall be permitted in the yard adjacent to the Residential or Rural Zone.
- (f) Exterior lighting and illuminated signs shall be so arranged as to deflect light away from the adjacent Residential or Rural Zone.

20.2 Requirements for Amenity Fronting Certain Roads

Where any Industrial Zone fronts on a Provincial Highway or a Regional Road:-

- (a) A strip of land not less than ten (10) feet in width along the front lot line adjacent to the road shall be adequately landscaped.
- (b) A maximum of six (6) visitor parking spaces shall be permitted in the front yard and any front yard that is not used for driveways or visitors' parking spaces shall be adequately landscaped.
- (c) No loading space shall be located in, nor open onto the front yard.
- (d) No outside storage shall be permitted in the front yard.

SECTION 21: INDUSTRIAL PREFERRED (M1) ZONE

No person shall within any Industrial Preferred M1 Zone, use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

21.1 Permitted Uses

- (a) Building supply yard, retail lumber or fuel yard, public parking lot, railway, express or bus depot, light manufacturing wholly enclosed in a building.
- (b) Uses, buildings and structures accessory to the foregoing permitted uses, saving and excepting human habitation.

21.2 Open Air Operations, Storage and Display

Open air operations, storage, and display of goods or materials are prohibited in any front yard.

21.3 Regulations for Permitted Uses

- (a) Minimum Lot Frontage 100 feet
- (b) Minimum Lot Area 15,000 square feet
- (c) Minimum setback and side yard setback on a corner lot 80 feet from the centreline of the road
- (d) Minimum Side Yard 20 feet except as provided in clause 20.1 (a)
- (e) Minimum Rear Yard Depth 25 feet except where the rear lot line abuts a railway spur, in which case, no rear yard shall be required, and except where the rear lot line abuts a Residential Zone or Rural Zone in which case the rear yard depth shall be not less than 50 feet.
- (f) Maximum Lot Coverage 60%



SECTION 22: INDUSTRIAL GENERAL M2 ZONE

No person shall within any Industrial General M2 Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

22.1 Permitted Uses

- (a) Manufacturing, industrial, bulk storage, wholesaling and warehousing uses but not including obnoxious or dangerous uses.
- (b) Uses, buildings and structures accessory to the foregoing permitted uses, saving and excepting human habitation.

22.2 Open Air Operations, Storage and Display

Open air operations, storage and display of goods or materials are prohibited in any front yard.

22.3 Regulations for Permitted Uses

- (a) Minimum Lot Frontage 100 feet
- (b) Minimum Lot Area 20,000 square feet
- (c) Minimum setback and side yard setback on a corner lot 70 feet from the centreline of the road
- (d) Minimum side yard 15 feet except as provided in clause 20.1 (a)
- (e) Minimum rear yard depth 25 feet except where the rear lot line abuts a railway spur in which case no rear yard shall be required, and except where the rear lot line abuts a Residential Zone or Rural Zone in which case the rear yard depth shall be not less than 50 feet.

- (f) Maximum lot coverage 70%

22.4 Junk Yards

Where a scrap yard or automobile wrecking yard or shop or similar use establishes in an Industrial General M2 Zone, the following regulations shall apply to such uses:-

- (a) The minimum distance between the boundary of the lot and the boundary of a Residential Zone shall be five hundred (500) feet.
- (b) The lot shall be surrounded on all sides by a fence or wall having a minimum height of eight (8) feet, 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 Subsection 22.3 (b), the fence or wall required shall be set back a minimum of thirty (30) feet from the street on which the said lot fronts and where the said lot is a corner lot the setback of the fence on the flanking street shall be a minimum of fifteen (15) feet. The space between the said street (s) and fence (s) 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 regulations for parking areas set out in Subsection 7.12 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 23: INDUSTRIAL EXTRACTIVE M3 ZONE

No land is presently zoned in an Industrial Extractive M3 Zone.

SECTION 24: INSTITUTIONAL I ZONE

No person shall within any Institutional I Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

24.1 Permitted Uses

- (a) Institutional uses.
- (b) Uses, buildings and structures accessory to the foregoing permitted uses.

24.2 Regulations for Schools

- (a) Minimum Lot Frontage 300 feet
- (b) Minimum Lot Area 4 acres
- (c) Minimum Front Yard 50 feet
- (d) Minimum Side Yard 25 feet
- (e) Minimum Rear Yard 25 feet except that the minimum rear yard abutting a public street shall be 50 feet

(f) Minimum Parking Requirements: 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 5 feet of any lot line, or within 25 feet of any street line, or within 10 feet of the boundary of any Residential Zone.

(g) Minimum Landscaping Requirements: A landscaping area in the form of a planting strip having a minimum width of 5 feet shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts any Residential Zone.

- (h) Maximum Height 35 feet

24.3 Regulations for Permitted Uses Other Than Schools

- (a) Minimum Lot Frontage 100 feet
- (b) Minimum Lot Area 20,000 square feet
- (c) Maximum Lot Coverage 50 per cent
- (d) Minimum Front Yard 50 feet
- (e) Minimum Side Yard 15 feet except that the minimum side yard abutting a public street shall be 25 feet
- (f) Minimum Rear Yard 25 feet except that the minimum rear yard abutting a public street shall be 50 feet
- (g) Maximum Height 35 feet

(h) Minimum Parking Requirements

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 5 feet of any lot line, or within 25 feet of any street line, or within 10 feet of the boundary of any Residential Zone.

(i) Minimum Landscaping Requirements

A landscaping area in the form of a planting strip having a minimum width of 5 feet shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts any Residential Zone.

SECTION 25: PUBLIC P ZONE

No person shall within any Public P Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

25.1 Permitted Uses

- (a) Public uses and operations carried on by, or on behalf of, a Municipal, Provincial or Federal Government or agency thereof, and without limiting the generality of this clause, including municipal offices, libraries, post offices, police stations, public hospitals, arenas, fire halls, weigh-scales and fruit and vegetable inspection stations.
- (b) Uses, buildings and structures accessory to the foregoing uses.

25.2 Regulations

- (a) Maximum Lot Coverage 50 per cent
- (b) Minimum Yard Requirements  
No building or structure shall be used or erected within 25 feet of any lot line, or within 50 feet of any street line, which does not abut a public street, or within 50 feet 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 5 feet of any lot line which does not abut a public street, or within 10 feet 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 width of 5 feet shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts the boundary of any Residential Zone.

SECTION 26: OPEN SPACE OS ZONE

No person shall within any Open Space OS Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

26.1 Permitted Uses

- (a) Agricultural uses, and buildings and structures accessory thereto, saving and excepting human habitation.
- (b) Recreational uses and centres, conservation uses, game farms and ranges, clubs and uses, buildings and structures accessory thereto, saving and excepting human habitation.
- (c) Cemeteries, mausoleums, crematoriums and columbariums and uses, buildings and structures accessory thereto.

26.2 Regulations for Permitted Uses in Clauses (a) and (b) of Subsection 26.1

- (a) Minimum Lot Frontage 50 feet
- (b) Maximum Lot Coverage 10 per cent
- (c) Minimum Yard Requirements: No building shall be used or erected within 30 feet of any lot line which does not abut a public street, or within 50 feet of any street line or boundary of any Residential Zone.
- (d) Minimum Parking Requirements: No parking space or part thereof shall be located and no land shall be used for the parking or storage of any motor vehicle within 10 feet of any lot line which does not abut a public street, or within 30 feet of any street line or boundary of any Residential Zone.

26.3 Regulations for Permitted Uses in Clause (c) of Subsection 26.1

- (a) Minimum Lot Area 2 acres
- (b) Minimum Front Yard 50 feet
- (c) Minimum Side and Rear Yard 50 feet for a building and 30 feet for a monument.

SECTION 27: HAZARD H ZONE

No person shall within any Hazard H Zone use any land, or erect, alter or use any building or structure except in accordance with the following provisions:-

27.1 Permitted Uses

- (a) Agricultural uses, and buildings and structures accessory thereto, saving and excepting human habitation.
- (b) Dwellings existing at the date of the passing of this By-law and enlargement but not conversion thereof, and uses, buildings and structures accessory thereto.
- (c) Parks, playgrounds, tennis courts, lawn bowling greens, outdoor natural rinks, athletic fields, golf courses, picnic areas and boat launching ramps, shelters and docking facilities, together with necessary accessory structures, saving and excepting human habitation.

27.2 Regulations for Uses Permitted in Clause (a) of Subsection 27.1

- (a) Minimum Lot Frontage 400 feet
- (b) Minimum Lot Area 25 acres
- (c) Maximum Lot Coverage 20 per cent
- (d) Minimum Front Yard 100 feet
- (e) Minimum Side Yard 50 feet except that the minimum side yard abutting a public street shall be 50 feet
- (f) Minimum Rear Yard 50 feet except that the minimum rear yard abutting a public street shall be 100 feet.

27.3 Regulations for Enlargement of Existing Dwellings Permitted in Clause (b) of Subsection 27.1

- (a) Maximum Lot Coverage 20 per cent
- (b) Minimum Front Yard 40 feet



SECTION 28: EXCEPTIONS AND SPECIAL USES

The following provisions shall have effect notwithstanding anything else in this By-law and the other provisions of this By-law shall be deemed to be amended insofar as is necessary to give effect thereto.

Exception Numbers  
(used with various  
zoning classifications  
as shown on Schedule "A")

Provisions

101

Nothing shall prevent the continued use for the purposes of the manufacture, processing and storage of liquid fruit juices, together with dwelling units on the second floor, of the land, as used at the date of the passing of this By-law, situated on the south side of Emmett Street, comprising Lot 48 of Registered Plan No. 25, as indicated by the number 101 on Schedule "A", provided that all operations are conducted within enclosed structures. Nothing shall prevent the erection of additional buildings or structures on the subject lands provided that the total ground floor area shall not exceed 2,000 square feet.

102

Where a greenhouse existed on the lands indicated by the number 102 on Schedule "A" at the date of the passing of this By-law, such greenhouse may continue in use and may be enlarged provided that the lot coverage, yard and height requirements for the zone in which such greenhouse is located are complied with.

103

Nothing shall prevent the continued use of the lands indicated by the number 103 on Schedule "A" for the manufacture and sale of monuments as used at the date of the passing of this By-law, and uses, buildings and structures accessory thereto.

SECTION 29: ADMINISTRATION

29.1 Administration

This By-law is to be administered by a person designated, from time to time, by the Council as the Zoning Administrator and in his absence by such other employee of the Municipality as the Council designates from time to time.

29.2 Certificate of Occupancy

- (a) No land is to be used or occupied, and no building or structure which has been erected or altered is to be used or changed in use, in whole or in part, until a Certificate of Occupancy has been issued by the Zoning Administrator stating that the proposed use and occupancy of such land, building or structure complies with the provisions of this By-law.
- (b) No permit for the use of any land, no building permit or other permit for the use or erection of any building or structure, no Certificate of Occupancy, and no approval of an application for any municipal license is to be issued or given where the proposed use, building or structure, including a sign, is contrary to the provisions of this By-law.

29.3 Application for Certificate of Occupancy

(a) A Certificate of Occupancy is to be applied for coincident with every application for a Building Permit.

(b) Every application for a Certificate of Occupancy,

(i) is to be accompanied by plans, in duplicate, drawn to a scale of either ten feet (10') to the inch or twenty feet (20') to the inch, or as required by the Zoning Administrator, based upon an actual survey by an Ontario Land Surveyor and showing,

- (1) the true shape and dimensions of the lot or any part thereof to be used, or upon which it is proposed to erect or alter any building or structure,
- (2) the proposed location, height and dimensions of the building, structure or work in respect of which the permit is applied for,
- (3) the location of every building or structure already erected on or erected partly on such lot,
- (4) the proposed location of parking spaces, loading spaces, driveways and landscaping areas, and

such other information as the Zoning Administrator considers necessary to determine whether every such building, structure or work conforms with the requirements of this By-law,

(ii) is to be signed by the registered owner of the lot, or by the registered owner's agent duly authorized in writing and filed with the Zoning Administrator, and

(iii) is to set forth in detail,

- (1) the current and proposed use of the lot and each building or structure or part of each building or structure, and
- (2) all such information as the Zoning Administrator may require to determine whether every such proposed use of land, building or structure conforms with the requirements of this By-law.

- (c) The lot and the location of every building or structure to be erected thereon is to be staked out on the ground before construction is commenced.
- (d) No excavation for any building or structure is to be commenced until both a Certificate of Occupancy and a Building Permit have been issued by the Zoning Administrator and Building Inspector respectively.
- (e) The lack of a survey, or a mistake or an error or omission by any person required to comply with the provisions of this By-law does not relieve that person from liability for failure to comply with the provisions of this By-law.

29.4 Inspection of Premises

The Zoning Administrator, or any official or employee of the Municipality acting under his direction, is hereby authorized to enter, at all reasonable hours, upon any property or premises in or about which there is reason to believe that provisions of this By-law are not being complied with, and for the purpose of carrying out his duties under this By-law.

SECTION 30: ENFORCEMENT

Any person convicted of a breach of any provision of this By-law shall forfeit and pay, in the discretion of the convicting Magistrate, a penalty not exceeding (exclusive of costs) the sum of One Thousand Dollars (\$1,000.00) for each offence, recoverable under The Summary Convictions Act.

SECTION 31: REPEAL OF PRECEDING BY-LAWS

The following By-laws and all amendments thereto are hereby repealed from and after the coming into force of this By-law.

- (a) No. 442 (1958) of the former Township of Thorold as it applies to lands now in the Town of Pelham, which are within the defined area shown on Schedule "A" attached hereto.
- (b) No. 674 of the former Village of Fonthill.
- (c) No. 1705 (1965) of the former Township of Pelham as it applies to lands which are within the defined area shown on Schedule "A" attached hereto.
- (d) No. 113 (1971) of the Town of Pelham as it applies to lands which are within the defined area shown on Schedule "A" attached hereto.

SECTION 32: VALIDITY AND EFFECTIVE DATE

32.1 Validity

Every provision of this By-law is declared to be severable from the remainder of the By-law, and if any provision of this By-law shall be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder thereof.

32.2 Effective Date

This By-law shall come into force and take effect upon being passed by Council subject to the approval of the Ontario Municipal Board.

Read a FIRST Time this 4<sup>th</sup> day of November, 1974.  
Read a SECOND Time this 4<sup>th</sup> day of November, 1974.  
Read a THIRD Time and finally passed this 11<sup>th</sup> day of November, 1974.

H. E. BLACK  
Mayor

L. C. HUNT  
Clerk

I hereby certify that the foregoing is a true copy of By-law No. \_\_\_\_\_ as enacted by the Council of the Town of Pelham on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 19\_\_.

DATED at Fonthill, \_\_\_\_\_ )  
this \_\_\_\_\_ day of \_\_\_\_\_ )  
\_\_\_\_\_ )  
19 \_\_. \_\_\_\_\_ )  
Clerk